

General Legal Process for Access and Benefit Sharing from Genetic Resources

Associated traditional knowledge in the context of climate change

ICIMOD is facilitating the implementation of the Convention on Biological Diversity (CBD) in the Hindu Kush Himalayan region; all eight countries that share this mountain area are parties to the CBD. Access to genetic resources and associated traditional knowledge and benefit sharing (ABS) is a major challenge in the region. ICIMOD in collaboration with its regional member countries is engaged in supporting the implementation of CBD's third objective (fair and equitable sharing of benefits arising out of utilisation of genetic resources) in the Eastern Himalayas supported by German Technical Cooperation (GTZ).

The regional countries are at different stages of implementation

- Most countries have a National Biodiversity Action Plan.
- A few countries have biodiversity laws.
- Most of the laws subscribe to the key components of ABS directly or indirectly (prior informed consent, mutually agreed terms, sharing of benefits, traditional knowledge).

Regulation of biodiversity and associated traditional knowledge

Mechanisms for regulation of biodiversity and traditional knowledge have been established at different levels.

- National biodiversity authorities
- Provincial/district biodiversity authorities
- Biodiversity management committees at the local level

Trust funds to support conservation

- National biodiversity trust fund
- State/district biodiversity trust fund
- Local level biodiversity trust fund



Mountain women's traditional knowledge on medicinal herbs

Protection of traditional knowledge

- Prior informed consent from indigenous/local/tribal communities
- Biodiversity registrations
- Traditional knowledge digital library
- Legal protection

ABS regimes in Himalayan countries: Issues and challenges

- Trade of genetic resources and traditional knowledge as a commodity is new to the region
- Ensuring rights of the local indigenous communities
- Poor surveillance and enforcement of laws
- Defining ownership over genetic resources and associated traditional knowledge
- Unclear legal arrangements
- No laws in some countries
- Poor scientific data on genetic resources and associated traditional knowledge
- Reluctance to disclose source and origin while bioprospecting
- Lack of coordination among countries in bioprospecting and/or issuing permits to access



Traditional knowledge holder performing rituals



Culturally important biological resources (far left)

Endangered flora in the Himalayas (left)