

General Legal Process for Access and Benefit Sharing

from genetic resources and associated traditional knowledge

ICIMOD

giz

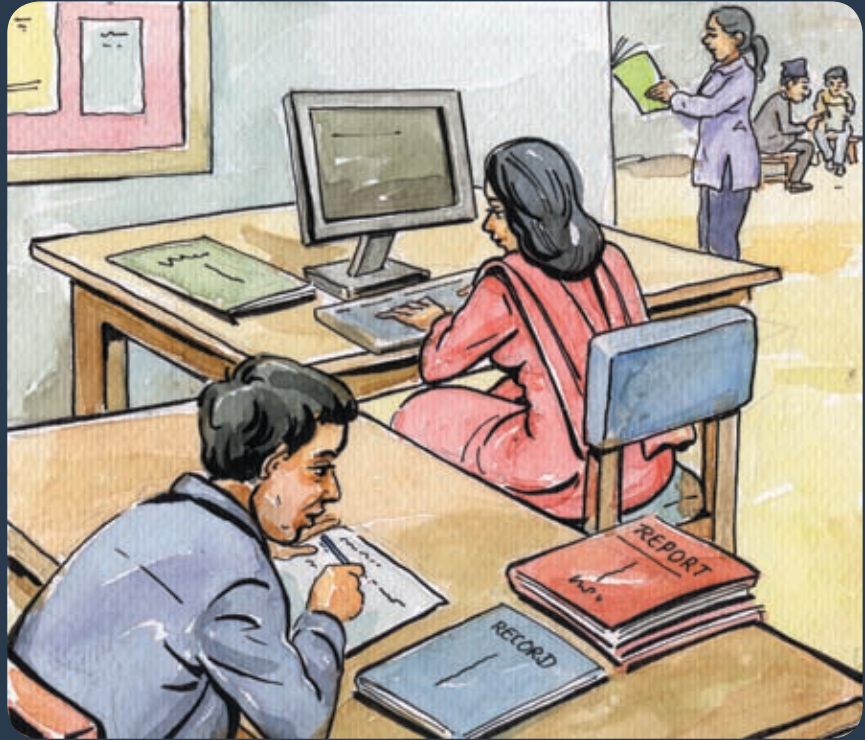
FOR MOUNTAINS AND PEOPLE



The area is rich in trees, bushes, herbs, and wildlife (genetic resources)



This company is looking to see if there may be useful resources



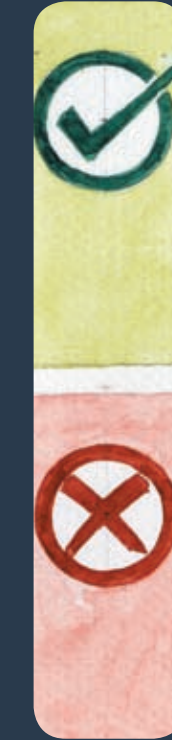
The company decides to apply to the government for a licence to use the biological resources (bioprospecting)



They go to the ministry responsible for these decisions (competent authority)



They submit the application to the government (competent authority) and discuss it with them



Yes/No



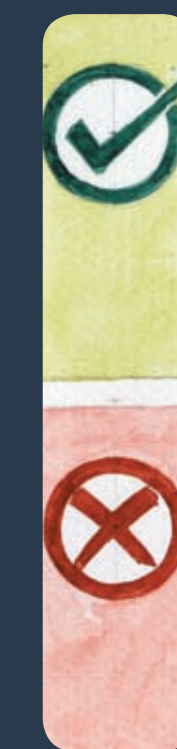
If access is denied they want to know why; they can seek assistance from the court



The application is approved, but there is still work to do



The company informs the community, and asks for their permission (prior informed consent, PIC); the community decides if it is good for them



Yes/No



The company studies the plants and wildlife (genetic resources) in detail and asks the community what they know about them (traditional knowledge)



They may look at the likely impact of the proposal on the area (environmental impact assessment)



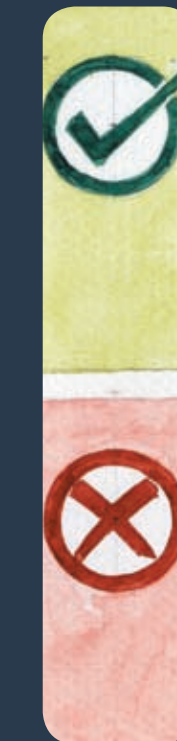
They prepare a detailed proposal with a research and resource use plan



The proposal is complete, now the company goes to the designated authority ...



... and submits the detailed proposal



Yes/No



The proposal is accepted with mutually agreed terms (MAT)



They collect samples of plants and animals and document everything including traditional knowledge



They send the samples and information to a laboratory ...



... where they are studied in different ways, and plans drawn up for products that can be made from them



The company describes the new products, what they will cost and how much profit there may be



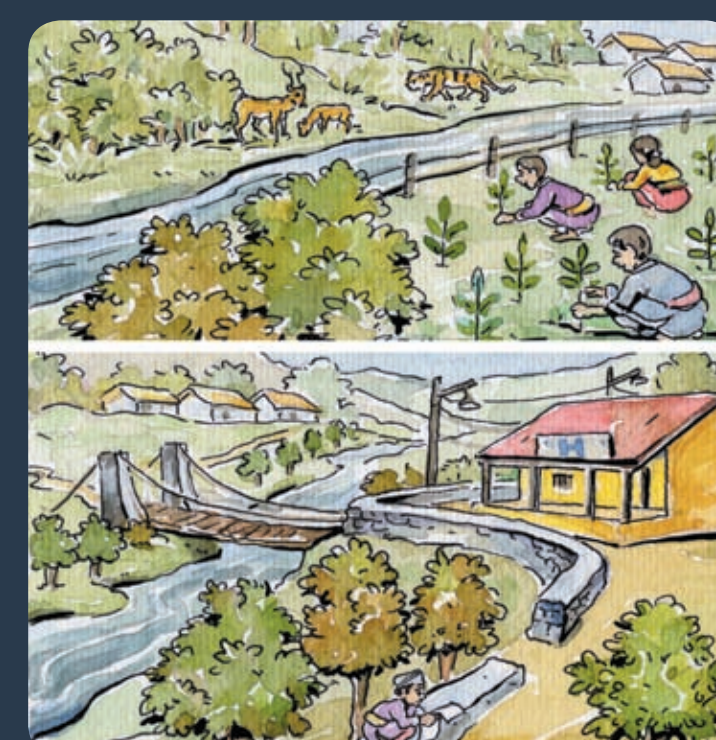
The product is made and sold, the company makes money



A part of the profit goes to the government (competent authority), which shares it with the local community



The community discusses the best way to use the benefits. The money should be used to help conserve the biological resources for the future, as well as to give the community options for development



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