

Access and Benefit Sharing from Genetic Resources and Associated Traditional Knowledge

FOR MOUNTAINS AND PEOPLE



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The International Centre for Integrated Mountain Development, ICIMOD, is a regional knowledge development and learning centre serving the eight regional member countries of the Hindu Kush-Himalayas – Afghanistan , Bangladesh , Bhutan , China , India , Myanmar , Nepal , and Pakistan  – and based in Kathmandu, Nepal. Globalisation and climate change have an increasing influence on the stability of fragile mountain ecosystems and the livelihoods of mountain people. ICIMOD aims to assist mountain people to understand these changes, adapt to them, and make the most of new opportunities, while addressing upstream-downstream issues. We support regional transboundary programmes through partnership with regional partner institutions, facilitate the exchange of experience, and serve as a regional knowledge hub. We strengthen networking among regional and global centres of excellence. Overall, we are working to develop an economically and environmentally sound mountain ecosystem to improve the living standards of mountain populations and to sustain vital ecosystem services for the billions of people living downstream – now, and for the future.

Training of Trainers and Resource Manual

Access and Benefit Sharing from Genetic Resources and Associated Traditional Knowledge

Krishna Prasad Oli
Tara Devi Dhakal

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Production team

A. Beatrice Murray (Senior Editor)

Dharma R. Maharjan (Layout and Design)

Asha Kaji Thaku (Art and Editorial Assistance)

Photos

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Foreword

Before the adoption of the Convention on Biological Diversity, access to genetic resources and associated traditional knowledge was considered free for all mankind. Genetic resources and knowledge were often taken from communities and countries by organisations and individuals who monopolised the benefits. Benefits did not reach the actual owners of the genetic resources and associated traditional knowledge. The local communities and countries of origin of such resources were often not informed about the use of their genetic resources and associated traditional knowledge, which limited their bargaining power and prevented them from sharing the benefits of their own resources.

The growing concern of the provider countries about the monopolisation of benefits generated from the use of genetic resources and associated traditional knowledge led to the negotiation, and adoption in 1992, of the Convention on Biological Diversity. This Convention integrates the objectives of conservation, sustainable use, and benefit sharing. It recognises the importance of the knowledge, practices, and innovations of indigenous and local communities, and makes provision for the prior informed consent of the holders to be obtained by any public or private enterprise seeking access to genetic resources. The provision of access and benefit sharing in the CBD is also supported by the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), which was adopted in 2003 and came into force in 2004 and covers plant genetic resources used for food and agriculture (and then only the listed crops). As of 2009, one hundred and ninety-four countries are party to the CBD, including all the Himalayan countries, and 118 countries are party to the ITPGRFA. The Hindu Kush-Himalayan countries are now engaged in formulating and implementing national policies and laws to implement the CBD and ITPGRFA.

The Hindu Kush-Himalayan (HKH) region includes all or part of four of the 34 global biodiversity hotspots and is a treasure house of genetic resources and traditional knowledge. In recent years, awareness has grown about the value of these genetic resources and associated traditional knowledge. The challenge now is to convert these resources into meaningful economic wealth in an ecologically sustainable and socially equitable way, and to channel the benefits to the communities that are the conservers and custodians of these genetic resources. The CBD, with its provisions for 'access and benefit sharing' (ABS) provides a framework for this.

Although the concept of access and benefit sharing has received considerable attention during the past 15 years, it is still a technically challenging and legally complex issue. In 2004/5, ICIMOD launched a regional programme on Access and Benefit Sharing (ABS) from Genetic Resources and Associated Traditional Knowledge in the Eastern Himalayas (Bhutan, Bangladesh, India, and Nepal) to raise awareness about ABS. The goal is to enhance and strengthen the ecological and livelihood security of marginalised mountain communities (including women and indigenous people) by facilitating fair access to and equitable sharing of benefits arising out of the use of their biodiversity resources and associated traditional knowledge.

The programme has been working to raise the awareness of policy makers, civil society groups, and marginalised local communities, so that they are in a position to contribute to developing equitable ABS agreements with bioprospectors that take account of the mutual concerns of the different stakeholders. In the Himalayan region, many different institutions are involved in supporting ABS policies and the ABS

legal process. However, knowledge about ABS among the majority of the stakeholders and the broader community is limited. Supported by German Technical Cooperation (GTZ), ICIMOD has prepared this manual in order to help build the awareness and capacity of those directly or indirectly involved in the ABS process so that the objective of fair and equitable sharing of benefits is not undermined. The manual is intended to be used for training trainers, who can then multiply the learning across the region. Extensive resource materials are provided as an integral part of the manual, and can also be used by stakeholders in general. Following development and testing in the Eastern Himalayas, the manual is now being made available to a wider audience. We hope that this document will help raise awareness about the ABS regime among the policy makers, development workers, community organisations, and individuals involved in the ABS process in the Hindu Kush-Himalayan region and beyond.

Andreas Schild
Director General, ICIMOD

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Acronyms and Abbreviations

ABS	access and benefit sharing
BMC	Biodiversity Management Committee
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of the Parties
FAO	Food and Agriculture Organization
GEF	Global Environment Facility
GTZ	German Agency for Technical Cooperation
HKH	Hindu Kush-Himalayas/n
ICIMOD	International Centre for Integrated Mountain Development
IIED	International Institute for Environment and Development
IPRs	intellectual property rights
IR	international regime
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
MAT	mutually agreed terms
MOP	Meeting of Parties
MTA	material transfer agreement
NBA	national biodiversity authority
NCI	National Cancer Institute
NGO	non-government organisation
PGRFA	Plant Genetic Resources for Food and Agriculture
PIC	prior informed consent
RGOB	Royal Government of Bhutan
TRIPS	Trade Related Aspect of Intellectual Property Rights
UPOV	International Union for the Protection of New Varieties of Plants
WIPO	World Intellectual Property Organization
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization