

ACCESS AND BENEFIT SHARING

Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization



The “fair and equitable sharing of the benefits arising out of the utilization of genetic resources” is one of the three overall objectives of the Convention on Biological Diversity (CBD).

Prior Informed Consent and Mutually Agreed Terms

The CBD creates obligations of Parties related to access to genetic resources and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, on the basis of prior informed consent and mutually agreed terms.

The CBD establishes that a person or institution seeking access to genetic resources in a foreign country should seek the prior informed consent of the country in which the resource is located.

Moreover, the person or institution must also negotiate and agree on the terms and conditions of access and use of this resource. This includes the sharing of benefits arising from the use of this resource with the provider as a prerequisite for access to the genetic resource and its use.

What are Genetic Resources and their uses?

Genetic resources, whether from plant, animal or micro-organisms, are used for a variety of purposes ranging from basic research to the development of products. Users of genetic resources include research and academic institutions, and private companies operating in various sectors such as pharmaceuticals, agriculture, horticulture, cosmetics and biotechnology.

Associated Traditional Knowledge

In some cases, traditional knowledge associated with genetic resources that comes from indigenous and local communities (ILCs) provides valuable information to researchers regarding the particular properties and value of these resources and their potential use for the development of, for example, new medicines or cosmetics.

According to article 8j of the CBD: Parties shall respect, preserve and promote the knowledge, innovations and practices of ILCs relevant to biological diversity, with the approval and involvement of the holders of such knowledge and encourage the equitable sharing of benefits arising from its use.

EXAMPLES OF USES:

1. The use of mamala *Homalanthus* plants in Samoa for the treatment of yellow fever and intestinal complaint led to discovery of an anti-viral phorbol (prostratin) in the late 1980s.
2. The use of *marina* (Burm.) Merr., *Cocos nucifera* L., or *Terminalia catappa* L. in Cook Islands for bone and cartilage treatment, wound healing, and skin care treatments by CIMTECH.
3. The development of compounds called Calanolides, derived from the latex of a tree (*Calophyllum* species) found in the Malaysian rainforest, as a potential treatment for HIV (type 1) and certain types of cancer.
4. The use of indigenous plant resources for breeding programmes and cultivation, e.g. the so-called “Mona Lavender”, a hybrid of two *Plectranthus* species indigenous to South Africa, is now commercially available as an ornamental plant throughout Europe, the US and Japan.

EXAMPLES OF BENEFIT-SHARING:

1. Research exchanges: a researcher from a provider country collaborates with research staff from the user country.
2. Collaborative research: a researcher from a user country employs indigenous and local community research assistants from the provider country.
3. Provision of equipment, improvement of infrastructure and sharing of technologies: the user of genetic resources sets up laboratories or a drug manufacturing facility in the provider country.
4. Payment of royalties: royalties generated from the commercialization of a product based on genetic resources are shared between the provider and the user of genetic resources and associated traditional knowledge.
5. Preferential access for the provider country to any medicine derived from genetic resources and associated traditional knowledge: preferential rates to purchase medicine.
6. Joint ownership of intellectual property rights (IPRs): when the user and provider of genetic resources seek joint ownership of IPRs for patented products based on the genetic for patented products based on the genetic resource used.

To learn more about Access and Benefit-Sharing please visit:

www.cbd.int/abs or www.sprep.org/abs,
or email sprep@sprep.org

