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ABS IN PANAMA

Access and benefit sharing
derived from the use of genetic
and biological resources (ABS)
of Panama



Simaba cedron collection in the Punta Patiño Private Natural Reserve, Darién.

Biological Diversity

Panama is a biodiversity rich country. The uniqueness of its biodiversity is recognized to be associated with the territory's particular geographical location: between two of the 35 "biodiversity hotspots in the world, favored a continuous history of connectivity, a

biological corridor between North and South America. Biodiversity assessment studies list 14,507 species of plants and vertebrates, that represents 3.5% (9,520) of all species of flowering plants in the world and 7.3% of all species of ferns.

The nation has 17 ecoregions; three marine, five freshwater and nine terrestrial, thirteen bioclimatic life zones, and 33 kinds of vegetation cover. However, as in the rest of the world, our biodiversity is at threat by the constant uncontrolled anthropic activities that are destroying ecosystems and threatening species. The exact impact of such human activities cannot still be determined with accuracy.

Regulatory framework related to the use of genetic and biological resources.

Panama has been a part of the Convention on Biological Diversity (CBD) since 1995 and in October 2014 it ratified the Nagoya Protocol. The country has established a legal framework regarding ABS. The Political Constitution of the Republic of Panama establishes that "the State shall regulate, supervise and timely apply the necessary measures to ensure that the use and exploitation of terrestrial, fluvial and marine fauna, as well as forests, lands and waters, is carried out rationally, so as to prevent its degradation and to ensure its preservation, renewal and permanence".

The Section of Access to Genetic and Biological Resources (SARGEBA for its acronym

in Spanish) of the Ministry of Environment is the national competent authority to regulate, control and administer the access and use of biological, genetic and derivative resources in general, except for the human species, while respecting intellectual property rights.

Key contacts related to ABS in Panama:

National Competent Authority
Section of Access to Genetic and Biological Resources (SARGEB), <http://miambiente.gob.pa>

Institute of Scientific Research and High Technology Services (INDICASAT AIP)
<http://indicat.org.pa>

National Association for the Conservation of Nature (ANCON), <http://ancon.org>

Regulatory framework on ABS in Panama include:

- Decree N° 25 of 2009 regulates under what premises "Access and use of biological and genetic resources in the Republic of Panama "occurs.
- Law 41 of 1998, General Law of the Environment, provides general rules/regulations and guidance regarding ABS.
- Law 17 of 2016, protect traditional knowledge used in the indigenous medicine system.
- Law 35 of 1996, on Industrial Property.
- Law 23 of 1997 on the UPOV Convention on the protection of Plant Varieties.

- Decree N°43 of 2004 the regulation for Law 24 of 1995 regarding Wildlife.
- National Strategy on Biodiversity o 2018.



Oenocarpus mapora (maquenque)

Traditional knowledge and Ownership

If you are a foreign user:

You will need to submit all documents in Spanish and attach the access request form that describes the research project, the CLIP (if applicable), the benefit distribution draft (if applicable), a letter of commitment of non-commercialization intention (if applicable), notarized identity documents and a supporting note from a national counterpart.

According to the national legal system, the provider of the genetic or biological resource is understood as a natural person, legal entity, local community or indigenous territory that owns the property where the biological resources can be found. Therefore, in such cases, the resource

provider participates directly in the decision making process of granting access to use a certain resource, by granting Prior Informed Consent (PIC), and negotiating Mutually Agreed Terms (MAT).

Similarly, the provider of "traditional knowledge" is understood to be a community or group that possesses such knowledge, innovation or traditional practice associated with the genetic resource, and therefore may grant Prior Informed Consent (PIC) in accordance with the current legislation and customary law, as well as negotiate under what mutually agreed terms (MAT) associated traditional knowledge can be used.

Commercial and non-commercial process

Decree N°25 regulates access and exercises control over the genetic and biological resources of Panama that will be used for commercial and non-commercial purposes, ensuring that in case of commercial use there will be a fair and equitable distribution of the benefits derived from the use of the resources in question.

In case of access to biological or genetic resources with no commercial use intention, a Letter of Commitment subscribed by the applicant will be included, where the conditions agreed are described. In both commercial and non-commercial cases, an authorization request must be submitted to the Ministry of the Environment for approval. This process take up to 45 business days for final decision to be publicly communicated. Panama receives about 500 access requests each year.

Access to a biological (non-genetic) resource for commercial purposes, is regulated by Decree No. 43 of 2004 on Wildlife.



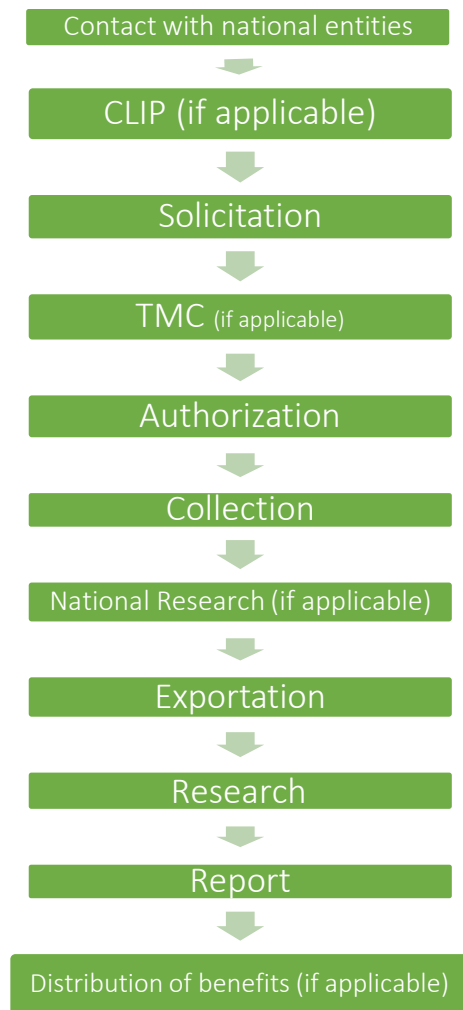
(CLIP) consultations with communities of the Punta Patiño Private Natural Reserve, Darién Panama.

For more information on what steps to follow under the current framework on access to genetic resources in Panama, visit the following link: <http://ancon.org/abs>.

Research and Development

Research and development processes for non-commercial technologies are covered by Decree No. 25. Those interested on a non-commercial project, such as universities, students, private companies, NGOs, etc., are exempt the commercial requirements, however these activities are also regulated. If research is foreseen to result in commercial product, an additional agreement called Mutually Agreed Terms (MAT) will be requested. MAT are expected to ensure for the fair and equitable distribution of monetary and non-monetary benefits and other commitments.

Steps to file a request for access



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ABS/CCAD program - GIZ

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