

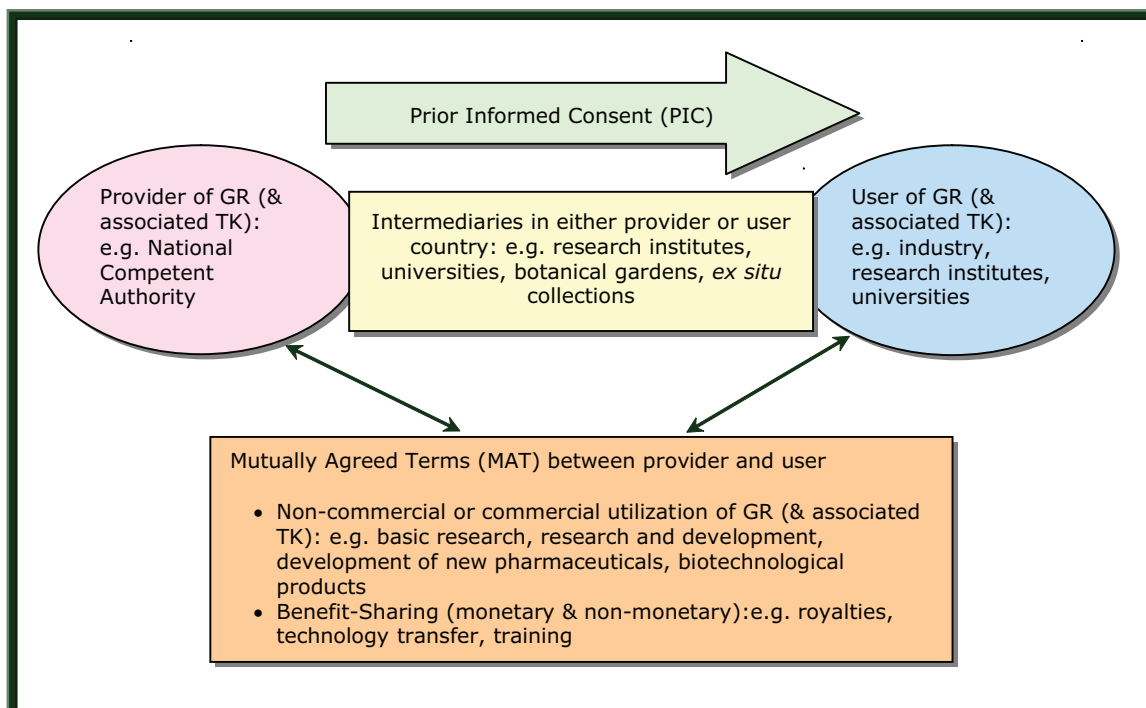
Frequently Asked Questions on Access and Benefit-Sharing (ABS)



What is “access to genetic resources and fair and equitable benefit-sharing”(ABS)?

The third objective of the Convention calls for the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 15 of the CBD recognizes the sovereign rights of States over their natural resources and establishes that, as a result, States have the authority to grant access to their genetic resources. It also provides that each Party shall endeavor to create conditions to facilitate access to genetic resources for environmentally sound purposes, and that access shall be based on mutually agreed terms (MAT) between the user and the provider and be subject to the prior informed consent (PIC) of the Contracting Party providing such resources. Mutually agreed terms are to provide for the sharing of benefits arising from the commercial or other utilization of these genetic resources with the Contracting Party providing such resources.

Access and Benefit-Sharing: An overview



What are mutually agreed terms (MAT)?

Mutually agreed terms is an agreement reached between the provider of genetic resources and a user with respect to the conditions of access to genetic resources in the provider country and the benefits to be shared between both parties, which may arise from the commercial or other uses of these resources.

What is prior informed consent (PIC)?

Prior informed consent means that permission from the competent national authority or authorities of the provider country is to be obtained prior to accessing genetic resources, in accordance with national legislation.

What benefits are covered by the Convention?

Benefit-sharing means that providers of genetic resources receive a fair and equitable share of the benefits resulting from the use of their resources. The benefits generated can be monetary and/or non-monetary. The Bonn Guidelines specify in detail what types of benefit-sharing can be envisaged. They may include, for example, monetary benefits such as royalty payments, access fees or joint ownership of relevant intellectual property rights, and non-monetary benefits such as capacity-building, training and education, sharing of research and development results or the transfer of technology. For more information see appendix II of the Bonn Guidelines on Access and Benefit-sharing (Decision VI/24).

What are the Bonn Guidelines?

These voluntary guidelines, adopted by the Parties to the CBD in 2002, are meant to assist Parties and stakeholders with the implementation of the access and benefit-sharing provisions of the Convention. They assist provider countries with the development of national administrative, legislative or policy measures for access to genetic resources under their jurisdiction and assist Governments and stakeholders, as users and providers, in the negotiation of mutually agreed terms.

What is the role of the ABS “National Focal Point”?

The national focal point for access and benefit-sharing provides information on the competent national authorities for ABS and the procedures in place in a country to obtain access to genetic resources and the requirements or conditions to be met, including benefit-sharing.

What is the role of the Competent National Authority?

The competent national authority or authorities may be responsible for granting access to genetic resources and for advising on, among other things, the negotiating process, requirements for obtaining PIC, and entering into MATs and mechanisms for the effective participation of indigenous and local communities (ILCs).

How does ABS relate to Indigenous and Local Communities (ILCs) and their traditional knowledge related to genetic resources?

Traditional knowledge (TK) related to genetic resources provided by ILCs may provide valuable information to researchers regarding the particular properties and value of these resources and their potential use for the development of new medicines or cosmetics etc. According to Article 8(j) of the CBD, Parties shall 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 the use of such knowledge, innovations and practices.



Plectranthus "Mona-lavender", Adam Harrower, SANBI

Are there any relevant terms defined by the CBD itself?

The following terms are defined in Article 2 of the Convention:

- “Biological diversity” means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.
- “Biological resources” includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.
- “Biotechnology” means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.
- “Country of origin of genetic resources” means the country which possesses those genetic resources in in-situ conditions.
- “Country providing genetic resources” means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country.
- “Ex-situ conservation” means the conservation of components of biological diversity outside their natural habitats.
- “Genetic material” means any material of plant, animal, microbial or other origin containing functional units of heredity.
- “Genetic resources” means genetic material of actual or potential value.
- “In-situ conditions” means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.
- “In-situ conservation” means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

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