



Press Brief

Access and Benefit Sharing (ABS)

Why is this important?

The third objective of the Convention provides for “the fair and equitable sharing of the benefits arising out of the utilization of genetic resources...” The Convention, in its article 15, sets out principles and obligations of Parties related to this objective, on the basis of prior informed consent and mutually agreed terms.

The Convention establishes that a person or institution seeking access to the genetic material of a biological resource 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 relevant authorities in the provider country, in order to obtain permission to access the genetic resource and to use it.

Conversely, countries, when acting as providers of genetic resources, should try to create conditions to facilitate access to their genetic resources for environmentally sound uses and not to impose restrictions that run counter to the objectives of the Convention. 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 may include research institutes, universities and private companies operating in various sectors such as pharmaceuticals, agriculture, horticulture, cosmetics and biotechnology.

Benefits derived from genetic resources may include the results of research and development carried out on genetic resources, the transfer of technologies which makes use of those resources, participation in biotechnological research activities, or monetary benefits arising from the commercialisation of products based on genetic resources.



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What news to expect in Nagoya?

The negotiation of a new International Regime on Access and Benefit-Sharing (ABS) — which will take the form of a Protocol to the Convention — is entering its final stage and will be submitted for adoption at COP10.

The Protocol aims to provide a legal framework to ensure that biodiversity-rich developing countries get a fair and equitable share of benefits arising out of the use of genetic resources from their territories — and that biodiversity-poor developed nations can readily access those resources with the agreement of the host country.

The successful adoption and subsequent entry into force of the Protocol will therefore benefit both users and providers of genetic resources.

Indeed, fair and equitable benefit-sharing with providers will take various forms, ranging from royalties to joint ventures, technology transfer, capacity-building, etc. It will thus contribute to poverty reduction and sustainable development in developing countries.

In return for these benefits, the providers of biodiversity will enable access to their genetic resources for research or other purposes. This can contribute to the advancement of science and to human well-being through the use of genetic resources in pharmaceuticals, cosmetics, agriculture and other sectors.

The International Regime will also include measures to ensure that the utilization of traditional knowledge associated with genetic resources is subject to the prior informed consent of, and the fair and equitable sharing of benefits with, the indigenous and local communities which are the holders of such knowledge

The International Regime will thus effectively prevent the unauthorized use of genetic resources and associated traditional knowledge, often referred to as “biopiracy”.

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