

Key Themes On Access And Benefit Sharing

IN-SITU

- Found within ecosystems and natural habitats

EX-SITU

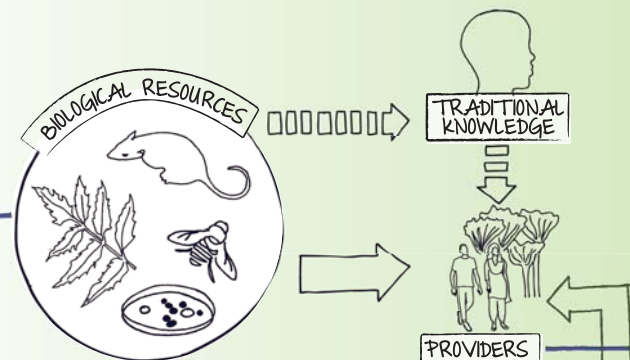
- Found in botanical gardens, commercial or university collections

NON COMMERCIAL

- Taxonomy
- Conservation

COMMERCIAL/ POTENTIAL COMMERCIAL

- Biotechnology
- Horticulture
- Pharmaceuticals



PRIOR
INFORMED
CONSENT
(PIC)

MUTUALLY
AGREED
TERMS
(MAT)

USERS

BENEFITS

Provider can be:

- Competent Authority
- Private landowner
- Indigenous and local communities

- Researchers
- Universities
- Industries

MONETARY

- Royalty Payments
- Joint ownership of intellectual property rights

NON-MONETARY

- Research and Development
- Training and Education
- Transfer of Technology

An Introduction to

ABS

Access to biological resources and the sharing of benefits arising from their utilisation



For further information, please visit :

www.nre.gov.my

www.chm.frim.gov.my

www.cbd.int

Or email us :

Ministry of Natural Resources and
Environment, Malaysia

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United Nations Decade on Biodiversity

Convention on Biological Diversity (CBD)

CBD is a United Nations treaty which was formally adopted in 1992. It recognises biological resources as sovereign rights of nations. To date, 193 countries including Malaysia are Parties to CBD.

Biological Resources (BR)

What are biological resources?

Biological resources include genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity and derivatives therefrom.

Uses of biological resources

- Commercial Purposes and Potential Commercial Purposes.
- Non-Commercial Purposes - access to biological resources for any pure academic and non-profit oriented research.

Biological Resources linked to traditional knowledge:

Our understanding of biological resources often comes from traditional knowledge of indigenous and local communities (ILCs). Therefore, it is essential that the rights of ILCs are considered during ABS negotiations.

What is ABS?

Access to biological resources means the taking of biological resources from their natural habitat or place where they are found or grown for research **and** development on any genetic **resources**, derivatives, or **biochemical** compounds, **comprising or** contained in the biological resources.

Why is ABS important?

Access to biological resources can lead to benefits for both users and providers.

Access and benefit-sharing ensures that the **way in which** biological resources **are** accessed and used **will** maximise the **benefits for users**, providers, and the **ecology and** communities where **they are found**. Hence ABS is important **to Malaysia to realise** new wealth creation from **our rich biodiversity**.

ABS was made important by the CBD where one of the three overall objective of this convention is on ABS along with the conservation of **biodiversity** and the sustainable use of its components. The **CBD made** it clear that biological resources is the sovereign right of **nations**.

New Developments in Regulating ABS

The Nagoya Protocol on Access and Benefit-Sharing is a new international treaty adopted under the auspices of the Convention on Biological Diversity (CBD) in Nagoya, Japan on 29 October 2010. Its objective is the fair and equitable sharing of benefits arising from the utilisation of genetic resources, thereby contributing to the conservation and sustainable use of biodiversity and implementing the third objectives of the CBD. The Nagoya Protocol will enter into force when 50 countries ratify it.



National Law on ABS

A national law is important to be in place for the effective implementation of ABS and will ensure:

- that a **transparent** framework exists to **facilitate access** to biological resources, and **to make sure** that benefits are shared **equitably** and in a fair manner.
- that **users negotiate** mutually agreed **terms with the providers** prior to accessing **biological resources**.

These **measures create** legal certainty and a fair **relationship between providers** and users. Providers **are confident** that **users will** respect the procedures for **access** and that **they will receive** a fair share of any **potential benefits**. **Users feel** informed about which **authorities** they must **contact** and the measures they **must follow** to ensure **access**.

A legal framework on ABS will also curb biopiracy.

KNOW MORE...

Genetic Resources

Any material of plant, animal, microbial or other origin that contains functional units of heredity and that has actual or potential value for humanity.

Derivatives

Includes a naturally occurring chemical compound derived, developed or synthesized, from a biological resource or resulting from the genetic expression or metabolism of the biological or genetic resource, or part, tissue or extract, whether it contains functional units of heredity or otherwise, and information in relation to the chemical compound.

Traditional Knowledge

The knowledge, innovations and practices of indigenous and local communities (ILCs) relevant to conservation and sustainable use of biological diversity.

Prior Informed Consent (PIC)

PIC is the permission given by the competent national authority/competent authority of a provider country to a user, prior to a accessing biological resources or traditional knowledge associated with biological resources, in line with an appropriate national legal and institutional framework.

Mutually Agreed Terms (MAT)

MAT is an agreement reached between the provider and user of biological resources on the conditions of access and use of the resources, and the benefits to be shared between both parties.

Biopiracy

The appropriation of biological resources and traditional knowledge as the case maybe without prior informed consent of the provider.