

Dealing with traditional knowledge under the Access and Benefit Sharing Protocol?

Presentation for FELA Members
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Outline

1. Conceptual Features;
2. ABS as a tool for environmental management;
3. ABS and Economic Development;
4. ABS and Social Development;
5. State of Play of ABS Arrangements in the Pacific;
6. Conclusion.

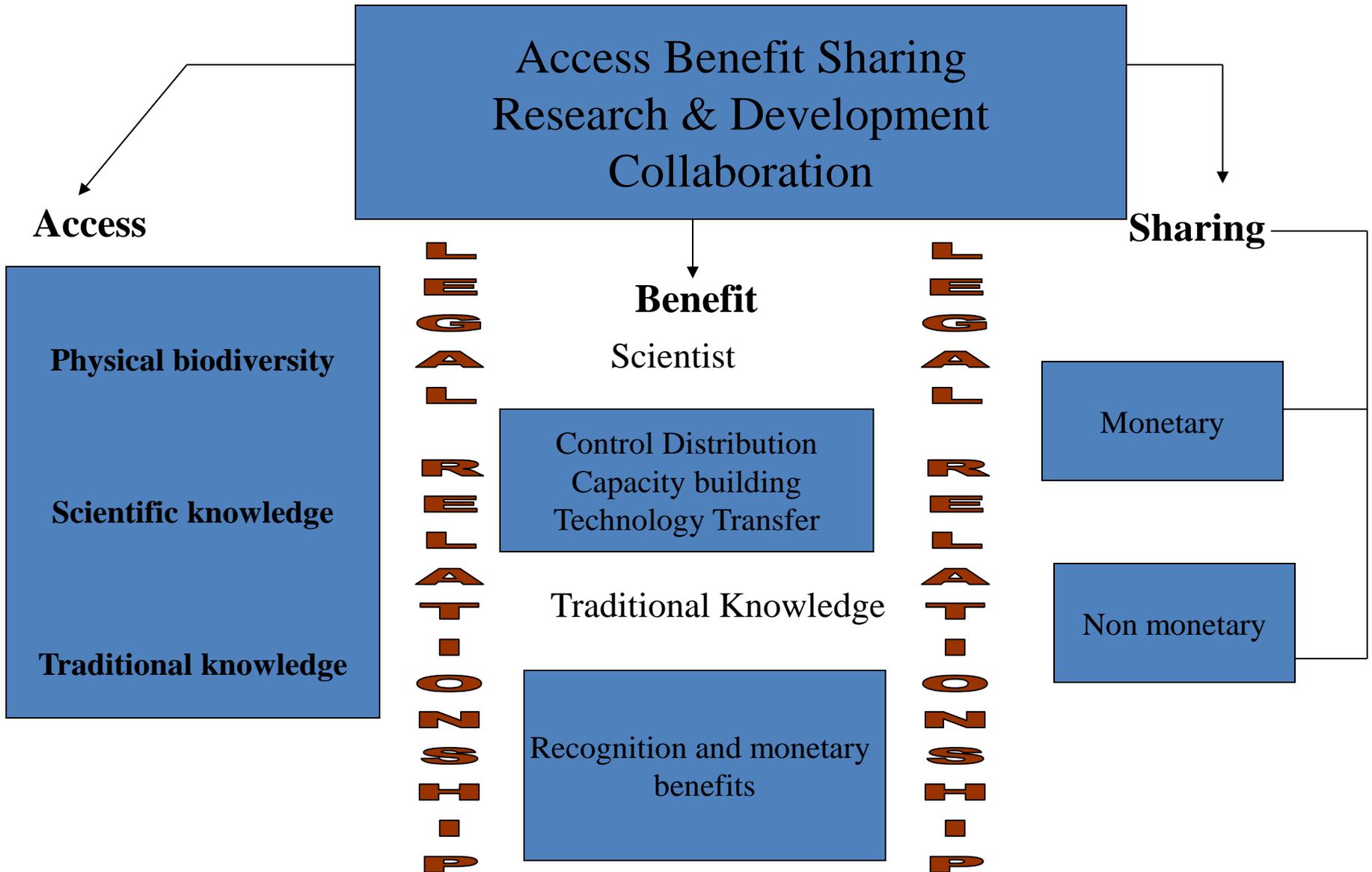
1. Conceptual Features

- What is Access Benefit Sharing of genetic resources, traditional knowledge and scientific knowledge;
- ABS Chart;
- Key Features Under International Law;

a). What is Access Benefit Sharing of genetic resources, traditional knowledge and scientific knowledge

- It is the utilization of genetic resources, traditional and scientific knowledge by parties to create a legal relationship so that parties benefit equitably from benefits (monetary and non monetary) for the utilization of these resources.

ABS Chart



b). Key Features of ABS Under International Law

- Law Of the Sea Convention:
 - Marine Scientific Research must continue;
 - Consent regimes in the territorial waters;
- Convention on Biological Diversity:
 - Access:
 - Genetic resources;
 - Traditional knowledge;
 - Scientific Knowledge;
 - Benefit Sharing:
 - Monetary and non monetary.

Cont...

- International Treaty Plant Genetic Resources for Food and Agriculture:
 - Multilateral Access to PGRFA's in Annex1 as 80% of the world uses this;
 - Benefit sharing provisions identified in the Standard Material Transfer Agreement.

Cont..Access

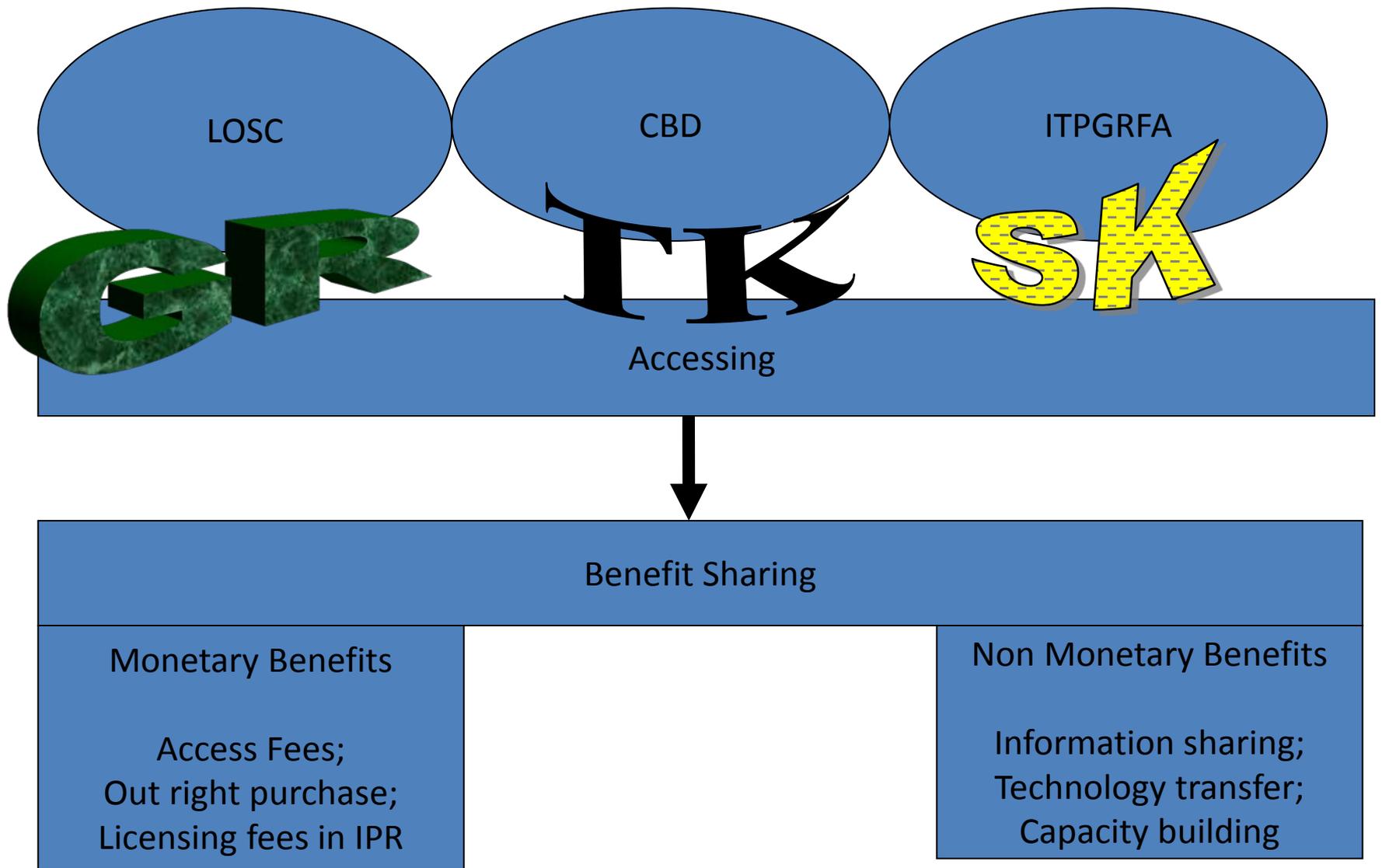
- Genetic resources =
 - coral colonies (would be the dynamic marine community);
 - leatherback turtles (dynamic animal community);
 - plankton and fungus on the reefs (dynamic microorganism community).

Cont...

- Traditional Knowledge;
 - Application of the genetic resources through the use of traditional knowledge;
- Scientific Knowledge:
 - Application of the genetic resource through scientific discoveries;
 - Application of genetic resources through traditional knowledge and further “analyzed” by scientists.

Cont.... Benefit Sharing

- Monetary:
 - Access fees;
 - Out right payment;
 - Licensing fees through IPR or sui generis;
- Non Monetary:
 - Information sharing;
 - Technology transfer;
 - Capacity building



2. ABS as a tool for environmental management

- Development of clean energy;
- Varieties of genetic resources for adaptation and mitigation on climate change;
- Alternative varieties of genetic resources to conserve depleting stocks;
- Alternative industry development from harmful natural resource sectors.

3. ABS and Economic Development

- Development of knowledge based industries such as biotechnology required ABS;
- Use international trade and economic arrangements to promote and protect ABS frameworks;
- Alternative energy to reduce costs in input;
- Economic diversification.

4. ABS and Social Development

- Affordable medication;
- Assist food security issues;
- Adaptation measures in climate change;
- Affordable technology.

5. State of Play of ABS Arrangements in the Pacific

- Most ABS arrangements are developed via contracts;
- TK component has been developed to policy and legislative framework in several FICs: Cook Islands, Fiji, Kiribati, Palau, PNG and Vanuatu;
- Fusion ABS/IP Systems: Samoa.





