Access and Benefit Sharing (ABS) in Ethiopia: National and International Perspective

For More Information
Geneic Resources Transfer and Regulation Directorate
Institute of Biodiversity Conservation
Tel. (+251) 11 661 2244 Ext 251
www.ibc.et/geneic_resources/gm/P.O.Box: 30726
E-mail: info@ibc.et.org
Addis Ababa, Ethiopia

Background
The Convention on Biological Diversity (CBD), has three objectives: (1) the conservation of biological diversity, (2) the sustainable use of its components; and (3) the fair and equitable sharing of benefits arising out of the utilization of genetic resources (known as “access to genetic resources and benefit sharing” or “ABS”). Parties to the CBD have formalized ABS through certain articles of the Convention, and through the Bios Guidelines on Access and Benefit Sharing (ABS). The availability of ABS is fundamental to the conservation of genetic resources and appropriate sharing of benefits among those utilizing them.

All living organisms; plants, animals and microbes, carry within them genetic material that could be potentially useful to humans. These resources can be taken from the wild, domesticated or cultivated. There are three institutional benefits to be gained by accessing genetic resources and making use of them. They provide a crucial source of information to better understand the natural world and can be used to develop a wide range of products and services for human benefit. These include or are used in a medicinal context, in agriculture as well as agricultural and environmental practices and techniques.

However, like many key resources in the world, genetic resources are not yet equally distributed. Moreover, the plants, animals and microbes in which they are found often make up complex and delicately-balanced ecosystems which can be threatened or endangered. The way in which genetic resources are accessed, and how the benefits of their use are shared, can create incentives for their conservation and sustainable use, and can contribute to the creation of a fair and equitable economy to support sustainable development.

Our current understanding of genetic resources uses a great deal to the traditional knowledge of indigenous and local communities. This valuable knowledge has been built up and handed down over generations. It is essential that the value of traditional knowledge understood and valued appropriately by those who use it, and the rights of indigenous and local communities are considered during negotiations over access and use of genetic resources. Failing to do so can put the knowledge, the resources and the communities at risk.

ABS in the Framework of the CBD
Access and Benefit Sharing (ABS). Article 15 of the Convention on Biological Diversity (CBD) outlines a way in which genetic resources may be accessed, how the benefits that result from their use are shared, and how the people or countries that provided the resources (users) and the people or countries that provide them (producers). ABS is based on prior informed consent (PIC) being granted by a provider to a user and negotiations between both parties to mutually develop terms (MAT) to ensure the fair and equitable sharing of genetic resources and associated benefits.

Prior informed consent (PIC): ABS is based on prior informed consent (PIC) being granted by a provider to a user. It is the permission given by the competent national authority of a provider country to a user prior to accessing genetic resources, in line with an appropriate national and institutional framework.

Mutually agreed terms (MAT): ABS is based on negotiations between producer and user to develop mutually agreed terms (MAT) to ensure the fair and equitable sharing of benefits. It is an agreement reached between the provisions of genetic resources and users on conditions of access and use of the resources, and the benefits to be shared between both parties.

After ratifying the Convention on Biological Diversity (CBD) and International Treaty on Plant Genetic Resources for Food and Agriculture (IT-PGRFA), Ethiopia has adopted international model laws and guidelines. Ethiopia has issued Access to Genetic Resources and Community Knowledge, and the Rights Proclamation (No. 84/2006) and Regulation (100/2005). The legislations focus on PIC, MAT, Multilateral System of Access and惠分享 agreements. "Multilateral System of Access" means the system established in accordance with article 10 of the IT-PGRFA is in order to access to, and a fair and equitable sharing of the benefits arising from the utilisation of, plant genetic resources for food and agriculture.

Parties involved in ABS
Producers of genetic resources: states have sovereign rights over natural resources under their jurisdiction. They are obliged to put in place conditions that facilitate access to these resources for research and development purposes. Parties consider terms, which include PIC and MAT, for granting access to genetic resources and benefits arising from the use of genetic resources. In the provision of ABS, the producer country may entitle others, such as indigenous and local communities (ICs), to also receive access to the genetic resources and benefits arising from the use of these resources.

Users of genetic resources: Firms are responsible for sharing the benefits derived from genetic resources. They seek access to genetic resources for a wide range of purposes, from basic research to the development of new products. They are diverse group, including scientific institutions, industry researchers, pharmaceuticals, agriculture and cosmetic businesses, and research institutes.

National focal points: to facilitate access, users need a clear and transparent process that details whom to contact and what the requirements are in provider country in order to gain access. They are responsible for providing this information.

Competent national authorities (CNAs): CNAs are bodies established by governments and are responsible for granting access to users of genetic resources, and representing providers on a local or national level.

The Nagoya Protocol on ABS
After a series of negotiations, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization was adopted at the fourth session of the Conference of the Parties on 29 October 2010, in Nagoya, Japan. The Protocol significantly advances the Convention’s third objective of providing a strong basis for legal certainty and transparency for both providers and users of genetic resources. The aim of this new international regime is to prevent biopiracy and to ensure the fair and equitable sharing of benefits arising from the utilisation of biological resources and associated traditional knowledge.

Specific obligations to support compliance with domestic legislation or regulatory requirements of the Party providing genetic resources and contractual obligations required in mutually agreed terms are significant innovations of the Protocol. These compliance provisions as well as provisions establishing more predictable conditions for access and benefit sharing are included in the Protocol’s provisions on access to traditional knowledge held by indigenous and local communities. In addition, the Protocol’s provisions on access to traditional knowledge held by indigenous and local communities when it is associated with genetic resources will strengthen the ability of these communities to benefit from the use of their knowledge, innovations and practices.

By promoting the use of genetic resources and associated traditional knowledge, and by strengthening the opportunities for fair and equitable sharing of benefits from their use, the Protocol will create incentives to conserve biological diversity, sustainably use its components, and further enhance the contribution of biological diversity to sustainable development and human well-being.

The ABS Protocol is a multi-party agreement. It is not binding on all countries; however, some countries have agreed to be bound by the Protocol. The ABS Protocol includes provisions on access to genetic resources, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.
Concerns about the loss of traditional knowledge (IK) are growing. IK is the knowledge and skills that communities have developed over generations and are still using today. This knowledge is often transmitted orally, passed down through families, and used in daily life. The importance of IK cannot be overstated, as it is a critical component of cultural identity, biodiversity conservation, and the development of traditional practices.

For example, IK can be used to identify medicinal plants, manage natural resources, and develop new technologies. Scientists can gain valuable insights from IK, which is often referred to as “indigenous knowledge” or “traditional knowledge.”

However, the preservation and use of IK are in danger due to various factors such as modernization, globalization, and commercialization. These factors are leading to the loss of knowledge, as young people are no longer learning from their elders, and there is a decrease in the use of traditional practices.

The loss of IK has severe consequences. It can lead to the loss of biodiversity, cultural identity, and traditional practices. It can also affect the health of communities, as traditional health practices are being lost.

The World Intellectual Property Organization (WIPO) has noted that there are over 1,500 IP systems worldwide, and that only a small percentage of them recognize traditional knowledge. This lack of recognition has led to many cases of misappropriation of knowledge, where communities are not credited for their contributions.

The Nagoya Protocol on Access and Benefit Sharing (ABS) was adopted in 2010 as part of the Convention on Biological Diversity (CBD). It aims to ensure that the benefits of genetic resources are shared fairly and equitably with the countries that hold the knowledge. The protocol requires that users of genetic resources obtain permission to access the knowledge, and that they also share the benefits of their use with the communities that hold the knowledge.

The ABS protocol has been adopted by many countries, but its implementation is still in its early stages. There are many challenges to be overcome, such as the lack of capacity to manage and enforce the protocol, and the lack of political will to implement it.

In conclusion, the loss of traditional knowledge is a serious issue that requires urgent attention. The international community must work together to ensure that the knowledge is protected, and that the communities that hold the knowledge are credited for their contributions. This will help to preserve the knowledge, and ensure that it continues to be used for the benefit of future generations.