A Framework for Access and Benefit Sharing towards Conservation of Biodiversity and Protection of Traditional Knowledge: A Case Study based Exploration

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usage have not only maintained and conserved biodiversity, but also developed and preserved an associated traditional knowledge base. However, in most cases, benefits arising from commercial utilization of such resources are not shared with the provider community. Though there is recognition of the need to protect the rights of such indigenous communities, there is also the realization that this cannot be done through conventional IPR systems which are based on concepts of individual ownership. Therefore there is a need to achieve the objectives of the CBD and establish strong access and benefit sharing (ABS) regimes which can regulate access to biodiversity of developing countries and the TK of their traditional communities. There is also the need to ensure mandatory sharing of the resulting benefits with indigenous communities. This would not only be a strong tool to check biopiracy, it would also provide incentives for conservation and sustainable use of biodiversity.

This study attempts to gather lessons from the experiences of different countries in this regard by analyzing eleven cases of bio-prospecting from different parts of the world that resulted in sharing of benefits with indigenous communities that provided either bio-resources or traditional knowledge, or both. Based on the study of the process of negotiation of the agreements and their implementation a SWOT analysis was conducted with the objective of identifying certain common factors that either helped in successful implementation of a project or hindered it.

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