

Glossary

Access and benefit-sharing (ABS)

Prior to 1992, access to **genetic resources** and associated **traditional knowledge** was free to all. Genetic resources and knowledge were often taken from communities and countries by food, pharmaceutical, perfume and other industries, which monopolised the benefits. During the latter part of the twentieth century, a few countries developed legal provisions for ABS. However, benefits were usually narrowly defined as tangible benefits (such as royalties) and benefit-sharing was largely carried out at the government level. Benefits did not reach the traditional owners of genetic resources and associated traditional knowledge. Local communities and countries of origin were often not informed about the use of their genetic resources and associated traditional knowledge, limiting their bargaining power and preventing them from sharing in the benefits of their own resources. Growing concern over the monopolisation of benefits led genetic-resources-providing countries to restrict access to genetic resources and

associated traditional knowledge. This led to the negotiation of an international regime to regulate access and benefit-sharing known as the **Convention on Biological Diversity (CBD)**.

Source: www.icimod.org/abs

Biodiversity

According to the Convention on Biological Diversity, biodiversity is the diversity of genes, species and ecosystems and their variability (i.e. ability to change).

Biocultural community protocols (BCPs)

Charters of rules and responsibilities in which communities set out their customary rights, values and worldviews relating to biocultural resources, natural resources and land, as recognised in customary, national and international laws.

Biocultural heritage is the knowledge, biodiversity, landscapes, cultural values and customary laws of indigenous peoples and local communities. Its components are inter-dependent and together sustain local

economies. For more information see: www.bioculturalheritage.org

Biopiracy

Used to describe a situation where communities have received few benefits, if any, when their traditional knowledge and genetic resources have been used to develop new products which are then patented by commercial companies or governments.

Customary laws are locally recognised principles, norms and rules, which are orally held and transmitted and are applied by community institutions (e.g. councils of elders) to govern internally or guide all aspects of life. They include rules and norms to control access to natural resources and ensure sustainable and equitable use, and codes of ethics for proper use and transmission of traditional knowledge (Swiderska, 2006).

Customary rights are acquired by custom, and belong to all the inhabitants of a particular place. Indigenous peoples' customary rights often emphasise collective rather than individual rights, and stewardship rather than outright ownership. Rights are wedded to a responsibility to sustain resources for current and future generations.

Community protocols

Charters of rules and responsibilities in which communities set out their customary rights to natural resources and land, as recognised in customary, national and international laws.

Convention on Biodiversity (CBD)

The CBD is an international agreement, ratified in 1993, which aims to conserve biological diversity, promote sustainable use of biodiversity and ensure the fair and equitable sharing of the benefits arising out of the utilisation of **genetic resources**. It requires countries which use genetic resources (industrialised countries) to

share the benefits they derive fairly and equitably with countries that provide access to genetic resources. This is referred to as access and benefit-sharing (ABS). The CBD requires the prior informed consent of Parties to be obtained by any public or private enterprise seeking access to genetic resources (Article 15); and recognises the importance of the knowledge, innovations and practices of indigenous and local communities (Article 8j). However, in practise there are many contentious issues in ABS, one of which is the lack of implementation in industrialised countries.

The Nagoya Protocol on access and benefit-sharing was developed to address this. One hundred and ninety-three countries are party to the CBD. The CBD is also supported by the **International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)**.

Endogenous development

Development driven by communities, building on their culture, knowledge, resources and institutions.

Free, prior informed consent (FPIC) processes

Processes in which communities decide whether or not to allow projects affecting their land or resources to go ahead, and on what terms. The requirement for prior informed consent (PIC) to be 'free' responds to experiences where indigenous peoples have been coerced into giving their consent, rather than being allowed to give it freely or deny consent.

Genetic resources

Genetic resources are the genetic material of plants, animals or micro-organisms which may be of value as a resource for future generations of humanity (OECD, 2001). Genetic resources are used commercially in a range of sectors: biotechnology, plant breeding, pharmaceuticals, herbal medicines, cosmetics and industrial processes.

Intellectual property rights (IPRs)

The term ‘intellectual property’ refers broadly to the creations of the human mind, for example, inventions, designs, trademarks or artistic works, such as music, books, films, dances, sculpture or photography. Intellectual property rights protect the interests of creators by giving them property rights over their creations for a certain period in time, provided that the creators meet a certain criteria, for example, originality, defined by the relevant laws.

Source: www.wipo.int

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), 2001

Treaty that aims to promote the conservation and sustainable use of plant genetic resources for food and agriculture, and fair and equitable sharing of benefits derived from their use, in harmony with the CBD. One hundred and sixteen countries are party to the ITPGRF.

For details see: www.planttreaty.org

Landrace

A landrace is a local variety of a domesticated animal or plant species which has developed largely through natural processes, by adaptation to the natural and cultural environment in which it lives. It differs from a formal breed which has been selectively bred deliberately. Landraces are usually more genetically and physically diverse than formal breeds.

Source: Wikipedia

The Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing (2010)

This protocol was developed to implement the Convention on Biodiversity’s third objective on access to genetic resources and benefit-sharing. Its objective is:

...the fair and equitable sharing of benefits arising from the utilisation of genetic resources, including by appropriate access to genetic resources ... thereby contribut-

ing to the conservation of biological diversity and the sustainable use of its components.

The protocol will enter into force after 50 ratifications. It requires the prior informed consent, or approval and involvement, of indigenous and local communities for access to traditional knowledge and genetic resources held by them. It also requires countries to support the development by indigenous and local communities of community protocols for access and benefit-sharing. For further information, see overview for this issue and see: www.cbd.int/abs). For a critique of the Nagoya Protocol in the Indian context, see: Ramdas (this issue).

Participatory plant breeding (PPB)

An approach to seed development and improvement that involves farmers and breeders in systematic procedures for jointly identifying desirable traits, selecting promising lines, and evaluating the resulting varieties. See: Jingsong *et al.* (this issue).

Prior informed consent (PIC)

See: Free, prior informed consent (FPIC)

Seed patents

A **patent** is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. In order to be patentable, the invention must fulfill certain conditions. Patents can be taken out on seeds that have been modified or bio-engineered. There is no obligation for the patent holder to seek the consent of, or share benefits with, the local custodians of the seed used to develop the product or process considered an invention.

Traditional knowledge

Contrary to a common perception, traditional knowledge is not necessarily

ancient. It is evolving all the time, a process of periodic, even daily creation as individuals and communities take up the challenges presented by their social and physical environment. In many ways therefore, traditional knowledge is actually contemporary knowledge. Traditional knowledge is embedded in traditional knowledge systems, which each community has developed and maintained in its local context. 'Traditional knowledge' itself has a number of different subsets, e.g. 'indigenous knowledge,' 'folklore,' 'traditional medicinal knowledge'.

Source: www.wipo.int