

LIVESTOCK BIODIVERSITY, INDIGENOUS KNOWLEDGE AND INTELLECTUAL  
PROPERTY RIGHTS:- ETHIOPIA,S ANIMAL BIODIVERSITY AND ABS LAW

**By**

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## Current Situation of Ethiopia's Animal Genetic Resources (AnGR)

- ❖ Ethiopia's Farm Animal Genetic Resources are mostly underutilized biological resources
- ❖ Farm Animal Genetic Resources:
  - 44.32 million cattle---25 types or sub-types
  - 23.62 million sheep---13 “
  - 23.32 million goats---15 “
  - 6.06 million equines---(4 donkey, 2 horse, 2 mule) “
  - 2.31 million camels---4 types or sub-types
  - 42 million chickens---5 “



**Menz Sheep (Central Highlands- Amhara Region): Courtesy- ILRI-DAGRIS**

Farm AnGR are not yet exhaustively identified, described, classified, characterized nor documented

Farm AnGR are faced with a multitude of threats

- indiscriminate use of exotic genetic resources
- absence of a national animal breeding policy
- poverty
- prolonged draught.



**Mixed herd in a highland zone of Oromia Region: Courtesy-ILRI**

## **Priority Issues**

- Develop appropriate breeding policies for the major farm AnGR along with sustainable utilization and conservation strategies,
- Strengthen institutional linkages to promote the sustainable use, development and conservation of farm AnGR,
- Develop human resources in areas of identification, description, classification, characterization and documentation of farm AnGR with emphasis on those under threat of genetic erosion,
- Establish and strengthen national database management system, national, regional, inter-regional, and international information

network and early warning system to exchange information on the use, development and conservation of farm AnGR.



**Somali Goats (Eastern Ethiopia) - Courtesy: Somali R. Pastoral & Agro-Pastoral Research Institute**

## Main Priority Actions

- Enhance the identification, classification and characterization of the country's farm AnGR,
- Encourage and support formation of breed societies and Community based *in-situ* conservation,
- Strengthen institutional arrangements to effectively mobilize all stakeholders including NGO's involved in activities related to the use, development and conservation of farm AnGR
- Raise awareness of farmers, pastoralists, the general public and policy makers on the strategic relevance of farm AnGR to food self-sufficiency and poverty reduction efforts,
- Set up Animal Gene Bank (Cryo-preservation Center or Centers) with the help of relevant national and international institutions



**Mixed Herd-Bale Senate Mountain (over 3500 m.a.s.l.)- Courtesy- Ato Tesfaye Awas (IBC)**



**Horro Bulls (Bako Agric. Research Center- Western Ethiopia-Oromia Region): Courtesy- ILRI-DAGRIS**



**Horro Bulls (Bako Agric. Research Center- Western Ethiopia-Oromia Region): Courtesy- ILRI-DAGRIS**



**Ogaden Zebu- Somali Region ( Alemaya University-Eastern Ethiopia) - Courtesy: ILRI-DAGRIS**

## **Ethiopia's Access and Benefit Sharing Law**

- **Ethiopia is signatory to both the CBD and African Model Law**
- **Accepted the provisions of the African Model Law issued for the protection of the rights of local communities, farmers and breeders, and the regulation of access to biological resources**
- **Believes that it is necessary to protect and encourage the customary use of genetic resources by Ethiopian communities, which is relevant to the conservation and sustainable use of the genetic resources of the country**

## Definitions

- **“access”** means collecting, acquiring, transferring or using genetic resources or community knowledge
- **“biological resource”** means genetic resources, organisms or parts thereof, populations or any other biotic component of ecosystem with actual or potential value for humanity
- **“genetic resource”** means any genetic material of biological resource containing genetic information having actual or potential value for humanity including derivatives
- **“derivative”** means product extracted or developed from biological resource and include products such as plant varieties, oils, resins, gums and proteins
- **“local community”** means a human population living in a distinct geographical area in Ethiopia as a custodian of a given genetic resource or creator of a given community knowledge

- **“community knowledge”** means knowledge, practice, innovations or technologies created or developed over generations by local communities on the conservation and use of genetic resources.

### **Scope of Application**

- **The proclamation shall apply on access to genetic resources found in in-situ or ex situ conditions and community knowledge**
- **Notwithstanding the provision above, the proclamation shall not apply to:**
  - **the customary exchange and use of genetic resources and community knowledge by and among Ethiopian local communities and**
  - **sale of produce of biological resources for specific direct uses such as for food or feed, that do not involve the use of the genetic resources thereof**

## **Ownership**

- ❖ **The ownership of genetic resources shall be vested in the state and the people**
- ❖ **The ownership of community knowledge shall be vested in the concerned local community**

## **PROTECTION OF COMMUNITY RIGHTS**

**Local communities shall have the following rights over their genetic resources and community knowledge:-**

- **The right to regulate the access to their genetic resources and community knowledge**
- **An inalienable right to use their genetic resources and community knowledge**
- **The right to share from the benefit arising out of the utilization of their genetic resources and community knowledge**

## **Right to Regulate Access**

- **The right of local communities to regulate access shall include the following:**
  - **the right to give prior informed consent to have access to their genetic resources and community knowledge**
  - **the right to refuse consent where they believe that the intended access will be detrimental to the integrity of their cultural or natural heritages**
  - **the right to withdraw or place restriction on the prior informed consent they have given where they find out that such prior informed consent is likely to be detrimental to their socio-economic life or their cultural or natural heritage**
- **The conditions and the procedure in accordance with which communities give prior informed consent shall be determined by regulations**

## **Use Right**

- **Local communities shall have an inalienable right to use or exchange among themselves their genetic resources or community knowledge in the course of sustaining their livelihood systems as is enshrined in their customary practices or norms**
- **No legal restriction shall be placed on the traditional system of local communities on the use or exchange of genetic resources and community knowledge**

## **Right to Share Benefit**

- **Local communities shall have the right to obtain a 50% share from the monetary benefits derived from utilization of their genetic resources and community knowledge in accordance with Article 18(1) of this proclamation**
- **The money obtained pursuant to the above shall be put to the common advantage of the local community**
- **The procedures in accordance with which the sharing of benefits by local communities be effected shall be specified by regulations to be issued**

## **Protection of Community Right**

- **The right of local communities over their genetic resources and community knowledge shall be protected as they are enshrined in the customary practices and norms of the concerned communities**
- **An item of community knowledge shall be identified, interpreted and ascertained in accordance with the customary practices and norms of the concerned local community**
- **The non-registration of any community knowledge shall not render it unprotected by community rights**
- **The publication or oral description of a given genetic resource or community knowledge, or the presence of the genetic resources in gene bank or any other conservation center or that it is in use shall not affect its protection as community rights**

## **Benefit Sharing (Article 18)**

- **The kind and the amount of the benefit to be shared by the state and local communities from access to genetic resources or community knowledge shall be determined case by case in each specific access agreements to be signed**
- **The sharing of non-monetary benefits among the state and the concerned local community shall be specified in each specific access agreement as based on the kinds of benefits agreed to be shared with the access permit holder**
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## **The African Model Law**

- **No patents over life forms and biological processes**
- **Calls for a revision of Article 27.3 (b) of TRIPS**
- **Asserts that the knowledge, innovations and practices of indigenous and local communities are essential for the conservation and sustainable use of biodiversity and must be recognized and protected as stated in Article 8(j) of the CBD. However, TRIPS Agreement of the WTO does not recognize the indigenous knowledge, innovations and practices of local communities or any other customary legal system**