



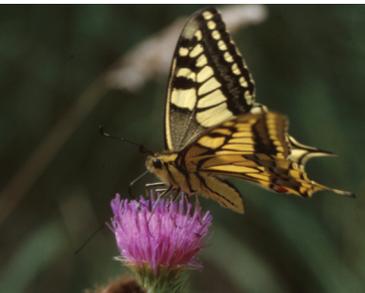
# **ACCESS AND BENEFIT-SHARING**



Office of Natural Resources and  
Environmental Policy and Planning



## **ACCESS AND BENEFIT-SHARING**

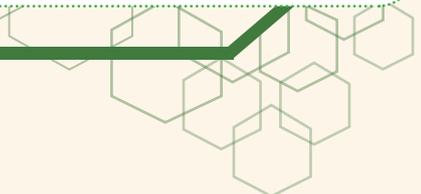


Office of Natural Resources and  
Environmental Policy and Planning

# ACCESS AND BENEFIT-SHARING



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- Editor by:** Dr. Sirikul Bunpaopong  
Mr. Thitiphan Pookapukdi  
Ms. Pairanee Suksumek
- Compiled by:** Ms. Somawan Sukprasert  
Mr. Buddhabongse Seesa-ard  
Mr. Kittipong Chaiboonchu
- Coordinator by:** Ms. Pathidta Onchawna
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Fax : (662) 879-1526, (662) 879-0713

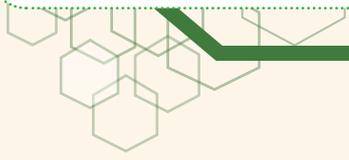




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# Introduction

Thailand is located in tropic zone above the equator, At the center of SouthEast Asia, which areas connected between Indo-Burma, Indo-China and Malaya Region, this makes the country become one of the world's most abundant sources of species and genetic diversity. Related studies and inventories by taxonomists, experts and researchers had indicated that Thailand harbors 10% of all known species on Earth, which many of them are endemic to Malaya Peninsular and Indochina Region, and excluding a large number of unidentified species. These biodiversity provides basic needs for human livelihoods, and supports studies, researches, innovations and market production.

Recognizing immense value and benefits of biodiversity, the global community have seek to develop standardized and comprehensive principles of the access to genetic resources and fair and equitable sharing of benefits derived from their

utilization, which focus on bringing the benefits back to the sources/holders of such resources, and raising the awareness of all relevant stakeholders regarding the important and value of biodiversity and its conservation and sustainable use. However, since principles of access and benefits of genetic resources are the new ones involves multiple and wide range of stakeholders, common standard consideration, harmonized and integrated implementation are urgently needed in order to mobilize and facilitate the implementation of the principles. In this regards, the Office of Natural Resources and Environmental Policy and Planning had published the book on Access and Benefit-Sharing with the objective to enhance better understanding of principles of access to genetic resources and fair and equitable sharing of their benefits, and to be implemented in accordance with national and international level.

# the International Concept of the Access to Genetic Resources and Sharing of Benefits Arising from their Utilization

## Convention on Biological Diversity

*“The Earth’ biological resources are vital to humanity’s economic and social development. As a result, there is a growing recognition that biological diversity is a global asset of tremendous value to present and future generations.”*

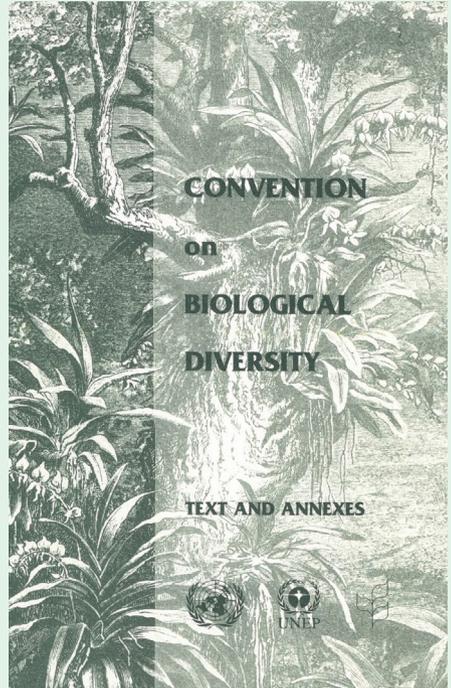
*“The conservation and sustainable use of the biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential”*

**The objective of the Convention on Biological Diversity are:**

🍄 the conservation of biological diversity,

🍄 the sustainable use of its components and

🍄 the fair and equitable sharing of the benefits arising out of the utilization



of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

“**Biological diversity**” means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

“**Biological resources**” includes genetic resources, organism or parts thereof, populations, or any other biotec component of ecosystems with actual or potential use or value for humanity.

“**Genetic material**” means any material of plant, animal, microbial or other origin containing functional units of heredity.

“**Genetic resources**” means genetic material of actual or potential value.

“**Biotechnology**” means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

The third objective of the convention leads to Article 15 Access to Genetic Resources and relevant article included Article 8(j), Article 16, Article 17, Article 18, Article 19 (paragraphs 1 and 2), Article 20 and Article 21. The highlighted are as follow:

**Article 15 Access to Genetic Resources**

 The sovereign rights of States over their natural resources and each Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to

impose restrictions that run counter to the objective of the Convention.

 Access to genetic resources shall be subject to prior informed consent (PIC)

 Access, where granted, shall be on mutually agreed terms (MAT)

 For the purpose of this Convention, the genetic resources being provided by a Contracting Party, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.

🍄 Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

### **Article 8 In-Situ Conservation (j)**

encourages the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

### **Article 16 Access to and Transfer of Technology**

🍄 Each Contracting Party undertakes subject to the provisions of this Article to provide and/or facilitate access for and



transfers to other Contracting Parties of technologies that are relevant to:

🌿 the conservation and sustainable use of biological diversity or

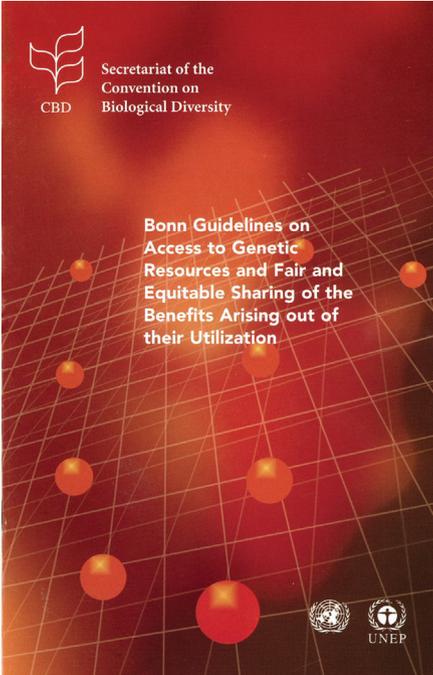
🌿 the making use of genetic resources and not causing significant damage to the environment

🍄 Access to and transfer of technology to developing countries shall be provided and/or facilitated under fair and most favourable terms, in accordance with the financial mechanism established by Article 20 and 21

🍄 In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.

The Convention on Biological Diversity has 194 Parties. Only three states have not been parties of the convention. There are Andorra, Holy See, and United States of America.

# Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization



*“Although Bonn Guidelines are not legally binding, the fact that the Guidelines were adopted unanimously by some 180 countries give them a clear and indisputable authority and provider welcome evidence of an international will to tackle difficult issue that require*

*a balance and compromise on all sides for common good.”*

Although the Convention on Biological Diversity was adopted in 1992 and entered into force at the end of 1993, it was not until 1999 that work began in earnest to operationalize these provisions. The result is the Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising out of their Utilization, so named because of the location of the intergovernmental meeting in October 2001 that prepared the first draft, which was eventually adopted with some changes, by Conference of the Parties to the Convention at its sixth meeting, held in The Hague in April 2002.

The Guidelines are expected to assist Parties, Governments and other stakeholders in developing overall

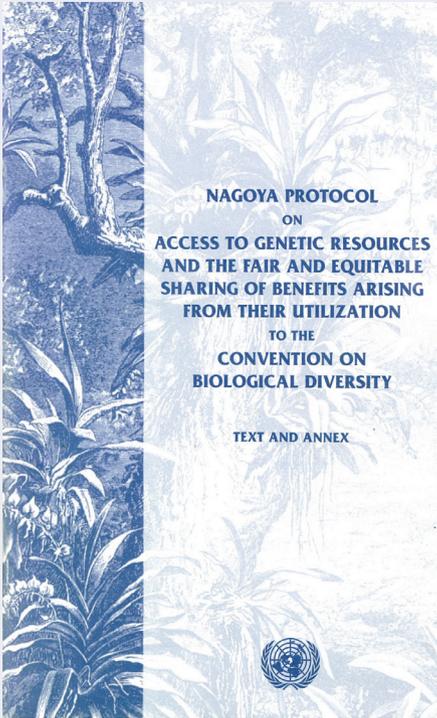
access and benefit-sharing strategies, and in identifying the steps involved in the process of obtaining access to genetic resources and benefit-sharing. More specially, the guidelines are intended to help when establishing legislative, administrative, and policy measures on access and benefit-sharing and/or when negotiating contractual arrangements for access and benefit-sharing. A programme for capacity-building is already under way to ensure that developing countries are in a position to effectively implement the Guidelines and the corresponding provisions of the Convention.

This will be reinforced by the call of the World Summit on Sustainable Development, held in Johannesburg in August/September 2002, for countries to negotiate, within the framework of the Convention on Biological Diversity, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources. It is expected that

the Bonn Guidelines will form part of the broader framework and will serve as a vital tool for the full implementation of the Convention and the safeguarding of the national wealth on which all human societies depend.



# Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity



The World Summit on Sustainable Development (Johannesburg, September 2002) called for the negotiation of an international regime, within the framework of the Convention on Biological diversity, to promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources. The Convention's Conference of the Parties responded at its seventh meeting, in 2004 by mandating its Ad Hoc Open-ended Working Group on Access and Benefit-sharing to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing in order to effectively implement Article 15 (Access to Genetic Resources) and 8(j) (Traditional Knowledge) of the Convention and its three objectives.

*“The compliance provisions of the Nagoya Protocol as well as provisions establishing more predictable conditions for access to genetic resources will contribute to ensuring the sharing of benefits when genetic resources leave a Party providing genetic resources.”*

After six years of negotiation, the Nagoya Protocol on Access to

Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity was adopted at the tenth meeting of the Conference of the Parties on 29 October 2010, in Nagoya, Japan.

The Protocol significantly advances the Convention's third objective by providing a strong basis for greater legal certainty and transparency for both providers and users of genetic resources. Specific obligations to support compliance with domestic legislation or regulatory requirements of the Party providing genetic resources and contractual obligations reflected in mutually agreed terms are a significant innovation of the Protocol. 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.

The objective of this Protocol, compliance with the third objective of the Convention, is the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, thereby contributing to the conservation of biological diversity and the sustainable use of its components.



The Party providing genetic resources that is the country of origin of such resources or Party that has acquired the genetic resources in accordance with the Convention on biological diversity

## Scope

 The Protocol shall apply to genetic resources within the scope of Article 15 of the Convention and to the benefits arising from the utilization of such resources.

 The Protocol shall also apply to traditional knowledge associated with genetic resources within the scope of the Convention and to the benefits arising from the utilization of such knowledge.



**“Utilization of genetic resources”** means to conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology as defined in Article 2 of the Convention.

**“Biotechnology”** as defined in Article 2 of the Convention means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

**“Derivative”** means a naturally occurring biochemical compound resulting from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity.

The Protocol received the Access and Benefit sharing concepts of the Convention on Biological Diversity and the administration of Bonn Guideline. The highlighted are as follow:

 Each Party shall take appropriate, effective and proportionate legislative, administrative or policy measures to provide the genetic resources and traditional knowledge associated with such resources utilized within jurisdiction. (Article 5, 6, 7, 15, 16, and 18)

 These measures have been composed of granting the prior informed consent (PIC) and developing the mutually agreed terms (MAT), as required by the domestic access and benefit-sharing legislation or regulatory. (Article 5, 6, 7, 15, 16, and 18)

 The benefits arising from the utilization of genetic resources and traditional knowledge associated with such resources as well as subsequent applications and commercialization shall be shared in fair and equitable way with the Party providing such resources and knowledge. Such sharing shall be upon mutually agreed terms. (Article 5, 6, 7, 15, 16, and 18)

 To support compliance, each Party shall take measures, as appropriate, to monitor and to enhance transparency about the utilization of genetic resources. (Article 17) The highlighted of these measures include:

 Establishment

 Access and Benefit-Sharing Clearing-House (ABS-CH) (Article 14 paragraph 2 (c))

 Internationally recognized certificate of compliance (IRCC) (Article 17, paragraph 2, 3 and 4)

 Designation

 One or more Checkpoints to collect of relevant information at any stage of research, development, innovation, pre-commercialization or commercialization (Article 17, paragraph 1)

 Each Party shall designate (Article 13):

 the national focal point (NFP) which be responsible for liaison with the Secretariat to the Protocol.

 one or more competent national authorities (CNA), in accordance with applicable national legislative, administrative or policy measures, which be responsible for granting access or, as applicable, issuing written evidence the access requirements.

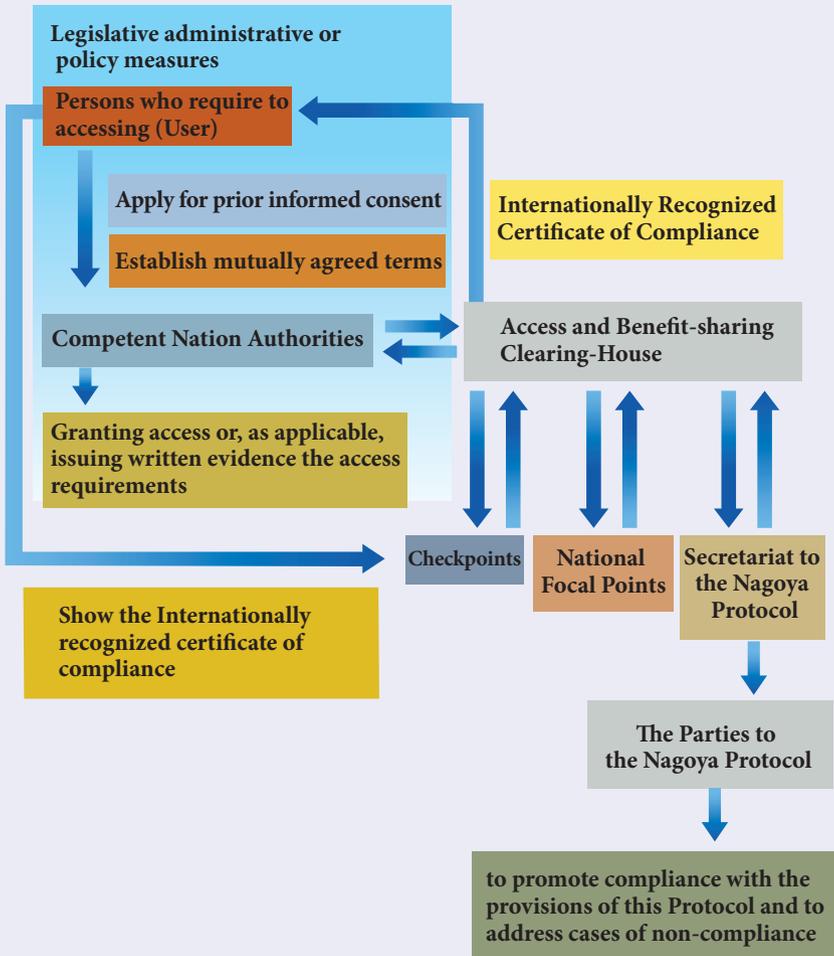
 The Access and Benefit-sharing Clear-House is hereby established as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention (Article 14)

Each Party shall take measures to raise awareness and cooperate in the capacity-building (Article 21 and 22)

The Conference of the Parties serving as the meeting of the Parties to

the Protocol shall consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of this Protocol and to address cases of non-compliance. (Article 30)

## The Nagoya Protocol mechanism



# the Access to Genetic Resources, Biological Resources, and Traditional Knowledge and the Sharing of Benefits Arising from their Utilization in Thailand

## Plant Varieties Protection Act, B.E. 2542 (1999)

provides protection for higher plants include mushroom and seaweed but exclude other micro-organism. The access to the genetic materials of domesticated and wild plant varieties and sharing of the benefits arising from their utilization are specified in the following two sections of this Act:

**Section 52** A person who collects, procures or gathers general domestic plant varieties, wild plant varieties or any part of such plant varieties for the purposes of variety development, education, experiment or research for commercial interest shall obtain permission from the competent official and make a profit-sharing agreement under which the income accruing therefrom shall be remitted to the Plant Varieties Protection Fund in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

**Section 53** A person who conducts a study, an experiment or research of or into a general domestic plant variety or a wild plant variety or any part thereof for

a non-commercial purpose shall comply with the Regulation prescribed by the Commission.



**“Local domestic plant variety”** means a plant variety which exists only in a particular locality within the Kingdom and has never been registered as new plant variety and which is registered as local domestic plant variety under this Act.

**“Wild plant variety”** means a plant variety which currently exists or used to exist in the natural habitat and has not been commonly cultivated.

**“General domestic plant variety”** means a plant variety originating or existing in the country and commonly exploited and shall include a plant variety which is not a new plant variety, a local domestic plant variety, a local domestic plant variety or a wild plant variety.

## Protection and Promotion of Thai Traditional Medical Knowledge Act, B.E. 2542 (1999)

provide protection for knowledge related to Thai traditional medicine as well as plant varieties utilized for traditional treatment and illness prevention purposes. At present, the access to such knowledge and the herbal varieties and sharing of the benefits arising from their utilization are specified in the following section of the law:

**Section 19** Whoever desires to apply a national recipe of Thai traditional medicine for drug recipe registration and for drug production licence under the law on drugs, or to conduct study and research with a view to improve or develop the new recipe of drug for commercial benefit, or to conduct study on national treatise on Thai traditional medicine with a view to improve or develop the new Thai traditional medical knowledge for commercial benefit, shall submit an application for licence thereto and pay fee as well as consideration for utilisation thereof to the licenser.

An application for and the granting of licence, limitation of right, and consideration shall be in accordance with

the rules, procedure and conditions as prescribed by the Ministerial Regulation.



**“Thai traditional medical knowledge”** means fundamental knowledge and capability in Thai traditional medicine.

**“Recipe of Thai traditional medicine”** means a formula that specifies production processes and compounds of medicine whereby Thai traditional medicine, irrespective of its form, is one of the compounds.

## National Committee on Conservation and Utilization of Biological Diversity Regulation on the Criteria and Methods of the Access to Biological Resources and Sharing of Benefits Arising from Biological Resources B.E. 2554 (2011)

*“Whereas it is expedient to enact the criteria and methods of the access and benefit-sharing of biological resources may be conducted correspondingly and in accordance with the 1992 Convention on Biological Diversity, **relevant government agencies are obligated to be abide by, bring into practice, and/or issue directives to enable implementation of this Regulation.***

*“By authority of the article 9 (4) of the Regulation of the Office of Prime Minister on the National Conservation and Utilization of Biological Diversity B.E. 2543 (2000), the National Committee on Conservation and Utilization of Biological Diversity with the consent of the Council of Ministers, issue this regulation.”*

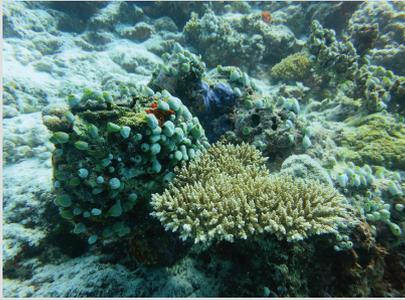
Thailand Working Group on Access and Benefit-Sharing and Mr. Wichar Titiprasert chair-person of this working group state principles for the regulation as follow:

“to adopt provisions of the Convention on Biological Diversity and take into account problems associated with the issue of access and benefit-sharing in Thailand as well as to provide flexible framework for government agencies in developing procedure and measures for this issue;



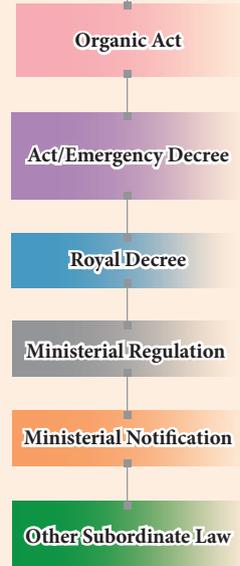
to provide the protection for biological resources that have not been protected by legislation existing, include animal resources, micro-organism resources, and parts of living organism;

to be not contradict or be in conflict with legislation existing.”



authority to further enact the Committee owned regulation on the criteria and methods on the access and benefit sharing of biological resources (2011).

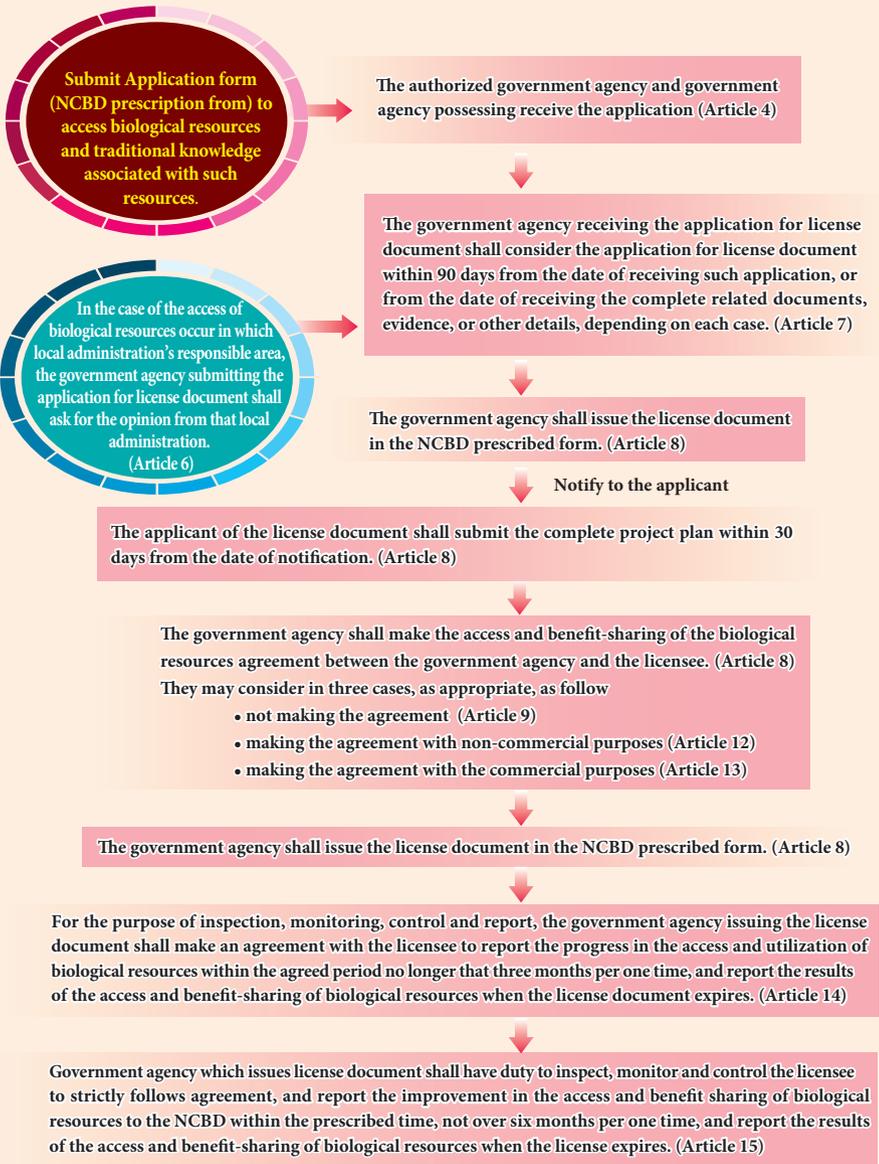
#### Constitution of the Kingdom of Thailand



The Prime Minister, with endorsement of the cabinet and authorization stated under Section 11 (8) of the State at Ministration Act, B.E. 2534 (1999), enacted the Prime Minister Regulation on National Utilization of Biological Diversity, B.E. 2543 (2000). This Prime Minister Regulation provided the National Committee on Conservation and Utilization of Biological Diversity (NCBD), with endorsement of the cabinet, an

To this end, the National Committee on Conservation and Utilization of Biological Diversity Regulation on the Criteria and Methods of the Access to Biological Resources and Sharing of Benefits Arising from Biological Resources B.E. 2554 (2011) would not contradict or be in conflict with other laws with higher hierarchy.

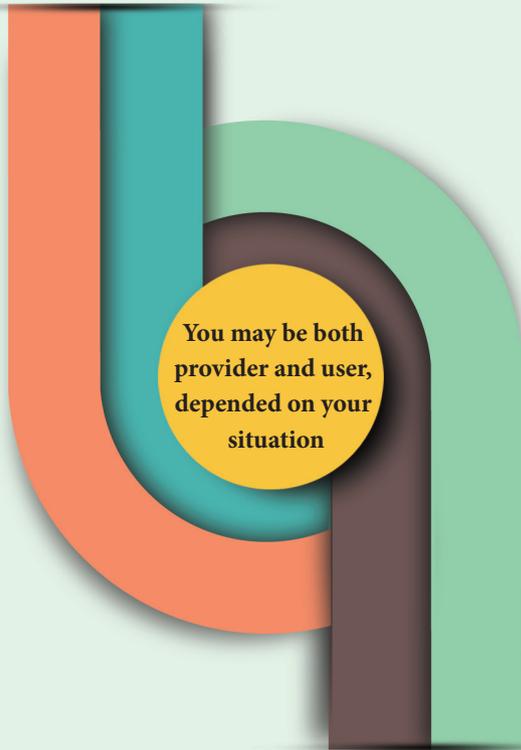
# Mechanism of the National Committee on Conservation and Utilization of Biological Diversity Regulation on the Criteria and Methods of the Access to Biological Resources and Sharing of Benefits Arising from Biological Resources B.E. 2554 (2011)



# Who are you in Access and Benefit-Sharing process?

## Provider

- 🔴 Agencies or persons who have legal authorization related to conservation or management of genetic resources biological resources and traditional knowledge.
- 🔴 Agencies or persons who are recognized by laws to have ownership over genetic resources, biological resources and traditional knowledge.



## User

- 🦋 Agencies or persons who acquire genetic resources, biological resources and/or traditional knowledge to use in any stage of studies, researches, development, inventions, pre-commercialization or commercialization.

## How should providers conduct themselves for access and benefit-sharing of their genetic resources ?

1. It is advisable for providers to reviews whether genetic resources, biological resources or traditional knowledge in their possession are protected by the above-mention legislations. This includes determining whether such resources met the criteria described for “**local domestic plant variety**” “**wild plant variety**” or “**general domestic plant variety**” in accordance with **Plant Varieties Protection Act, B.E. 2542 (1999)** or “**national recipe of Thai traditional medicine**” in accordance with **Protection and Promotion of Thai Traditional Medical Knowledge Act, B.E. 2542 (1999)**.

 **Yes**, such resources and/or knowledge are protected by these laws.

.....Heading 2.

 **No**, such resources and/or knowledge are not protected by these laws.

.....Heading 3.

2. If the resources and knowledges in your possession are qualified either as “**local domestic plant variety**” “**wild plant variety**” “**general domestic plant variety**” or “**national recipe of Thai traditional medicine**”, the legitimate access to the resources shall be granted by the following agencies and organization:

 the **Department of Agriculture** for access to “Wild plant variety” and/or “General domestic plant variety” (section 52 and 53 of Plant Varieties Protection Act, B.E. 2542 (1999))

 the **local government organization, farmers’ group** or **co-operative** with the certificate for registration of the local domestic plant variety for access to “Local domestic plant variety” (section 48 of Plant Varieties Protection Act, B.E. 2542 (1999))

 the **Department for Development of Thai Traditional and Alternative Medicine** or **authorized persons from Ministry of Public Health** for access to “national recipe of Thai traditional medicine” (section 19 of Protection and Promotion of Thai Traditional Medical Knowledge Act, B.E. 2542 (1999))

3. If the resources and knowledge in your possession are not protected by **Plant Varieties Protection Act, B.E. 2542 (1999)** and **Protection and Promotion of Thai Traditional Medical Knowledge Act, B.E. 2542 (1999)**, the following actions should be taken;

 **If you are a governmental agency**.....Heading 4

 **If you are a private firm or agency**.....Heading 5

 **If you are an individual citizen**.....Heading 6

4. The government agencies are to consider developing a mechanism for access and benefit-sharing of genetic resources, biological resources and traditional knowledge in their possession. The mechanism is required to be consistent with the **Regulation of the National Committee on Conservation and Utilization of Biological Diversity Regulation on the Criteria and Methods of the Access Biological Resources and Sharing of Benefits Arising from Biological Resources B.E. 2554 (2011) (NCBD regulation)** and must not contradict or be in-conflict with other laws. The development of the mechanism for access and benefit-sharing can be carried out based on the following guidance.

 Undertaken thoroughly review of existing legislations related to biological resources and traditional knowledge in order to identify the inconsistency between the laws and the NCBD regulation as well as inadequacy in addressing issues related to the access and benefit-sharing under the NCBD regulation. The review is likely stipulated a number of required actions as a follow:

 If the laws or regulations includes provisions that contradicts NCBD regulation and they supersede NCBD regulation in their authority due to higher hierarchy ,  
.....governmental agencies are obligated to comply by the laws or regulations.

 If the laws or regulations could not address the issues of the access and benefit-sharing in consistent with NCBD regulation,  
.....governmental agencies are obligated to use the NCBD regulation to fill the gaps in these laws or regulations.

Most of the government agencies in this circumstance could be identified as Authorized Government Agency of the NCBD regulation. For example, some older laws might have provisions on only access to biological resources and not on their benefit-sharing. Therefore, the government agencies could use the benefit-sharing section of the NCBD regulation to fill this gap.

 If biological resources and traditional knowledge held by government agencies are not protected by any law or regulation,  
.....governmental agencies are obligated to develop to mechanism to ensure compliance with the NCBD regulation.

Most of the government agencies in this circumstance could also be identified as Government Agency Possessing Biological Resources of the NCBD regulation.

 Governmental agencies responsible for granting access are required to inform the National Committee on Conservation and Utilization of Biological Diversity (NCBD) on the authorized access within a timeframe specified by the NCBD regulation.

**“Government agency”** means the central administration, regional administration, local administration, state enterprise, and other government sectors which are engaged in activities concerning conservation and sustainable use of biodiversity.

**“Authorized government agency”** means government agency which has authority given by the laws on plant species, the protection of the plant species, the forest, the national park, pathogens and animal toxins, the preservation and protection of wildlife, or other laws considered by the NCBD.

**“Government agency possessing biological resources”** means a government agency which has power and duties to study, research, publish, possess, or distribute biological resources under the law.

5. Private firms and agencies with possession of biological resources and traditional knowledge are to ensure compliance with relevant laws or regulations when being involved in the access and benefit-sharing. If the biological resources and traditional knowledge are not protected by any law,

.....The firms and agencies should employ the NCBD regulation as guidance in taking actions.

6. Individual citizens are not authorized to granting access any genetic resources, biological resources and traditional knowledge. They are advised to take the following actions:

 **Those serving in public sector,**

.....are obligated to ensure compliance to legislative, administrative, and policy measures of their respected agencies.

 **Those employed in private sector,**

.....are obligated to ensure compliance to national measures and policies of their respected firms or agencies.

**The example for** the development of access and benefit-sharing measures in government agency

## **Department of National Park, Wildlife and Plant Conservation (DNP)**

### **Application Guideline and Procedures for a Permit to Study or Conduct Research in Protected Areas**

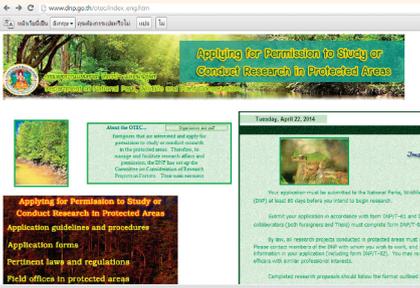


The National Park, Wildlife and Plant Conservation Department (DNP) is responsible for conserving and protecting the protected areas throughout the country. Such areas possess important values of the tropical region as they contain diverse natural resources. The DNP classified the protected areas into different categories such as national parks and wildlife sanctuaries based on their compositions and ecosystems.

There are presently a number of both Thai and foreign researchers who apply for permission to study or conduct research in the protected areas. In managing and facilitating these researches including grant the permission, the DNP established the Committee on Consideration of Research Projects in Forests. The committee review and grant permit for research projects, include provide

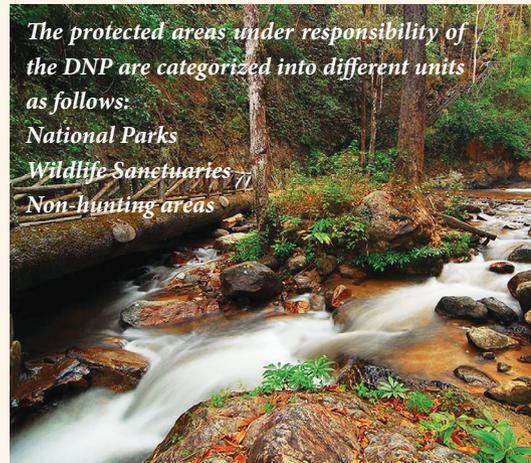
relevant guidelines and procedures for conducting research in Protected Areas. This guideline and procedures composes application for access, provisions on study or conducting research in protected areas, and the benefit-sharing arrangement.

Although the guideline and procedures is not the legislative measures, it was developed in consistent with every nature protected law including: the National Park Act, B.E. 2504 (1961), the Wildlife Protection and Preservation Act, B.E. 2535 (1992), Royal Forest Department Regulation for Entering National Park Areas, B.E. 2533 (1990), Royal Forest Department Regulation for Government Officials Working in Wildlife Sanctuaries, B.E. 2535 (1992) and Version 2, B.E. 2537 (1994), National Parks, Wildlife and Plant Conservation Department Regulation for Wildlife



Hunting, Collections or Harmfulness to Wildlife Nests in Wildlife Sanctuaries, B.E. 2546 (2003), and Royal Forest Department Regulation for Government Officials Working in National Park Areas (Version 5), B.E. 2549 (1993). In addition, the Plant Varieties Protection Act, B.E. 2542 (1999), the Protection and Promotion of Thai Traditional Medical Knowledge Act, B.E. 2542 (1999), the Petent Act B.E. 2522 (1972), the National Committee on Conservation and Utilization of Biological Diversity Regulation on the Criteria and Methods of the Access to Biological Resorces and Sharing of Benefits Arising from Biological Resources B.E. 2554 (2011), the National Research Council of Thailand Regulation on the permission of Foreign Researchers to Conduct Research in Thailand B.E. 2550 (1982) was also considered in development of this the guideline and procedure.

The Technical Cooperation Section (Formerly, Office of Technical Consultation/OTEC) of the Office of Forest and Plant Conservation Research was assigned to facilitate application for research permission and to closely collaborate with other relevant competent authorities and the CBD national focal point (the office of natural resources and environmental policy and planning: ONEP).



## What should the Users know before access?



### Note:

✿ Foreigners who wish to conduct researches, collect specimens and other genetic materials and /or access to traditional knowledge in Thailand are obligate to comply to National Research Council of Thailand Regulation on the permission of Foreign Researchers to Conduct Research in Thailand B.E. 2550 (1982).

✿ Biological Diversity Division, the Office of Natural Resources and Environmental Policy and Planning: ONEP serving as the national focal point for Convention on Biological Diversity and Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

1. What are purposes of the access?
2. What resources and/or knowledge to be accessed?
3. Where the access is to take place?

The user must provide answers for these questions in details and with adequate transparency to competent authorities for consideration.

4. Who are competent authorities in granting the access?



**The preliminary information should be known for access application to genetic resources, biological resources, and traditional knowledge associated with such the resources in the sovereign rights of Thailand.**

Kind of resources and knowledge	Purposes	Competent Authorities	Legislative, administrative, or policy measures
<p>general domestic plant varieties, wild plant varieties or any part of such plant varieties</p>	<p>variety development, education, experiment or research for commercial interest</p>	<p>Department of Agriculture</p> 	<p>Section 52 of Plant Varieties Protection Act, B.E. 2542 (1999)</p>
	<p>a study, an experiment or research of or into a general for a non-commercial</p>		<p>Section 53 of Plant Varieties Protection Act, B.E. 2542 (1999)</p>
<p>national recipe of Thai traditional medicine</p>	<p>for drug recipe registration and for drug production licence under the law on drugs</p>	<p>Department for Development of Thai Traditional and Alternative Medicine</p> 	<p>Section 19 of Protection and Promotion of Thai Traditional Medical Knowledge Act, B.E. 2542 (1999)</p> 
	<p>to conduct study and research with a view to improve or develop the new recipe of drug for commercial benefit</p>		
	<p>to conduct study with a view to improve or develop the new Thai traditional medical knowledge for commercial benefit</p>		

Kind of resources and knowledge	Purposes	Competent Authorities	Legislative, administrative, or policy measures
genetic resources, biological resources and traditional knowledge in protected areas	to study and conduct research in protected areas	Department of National Park, Wildlife and Plant Conservation 	Application Guideline and Procedures for a Permit to Study or Conduct Research in Protected Areas 
biological materials in BIOTEC culture collection	to research and development	National Center for Genetic Engineering and Biotechnology (BIOTEC) 	Guideline for the Movement of Biological Materials 





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