

# Access and Benefit Sharing in Maldives

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## 1.0 General

Maldives ratified the CBD on 9 November 1992, just a few months after it became a signatory, demonstrating that Maldives recognised early that protecting and conserving biological resources was important. Maldives became the fourth country in the world and one of the first countries in South Asia to ratify the CBD.

A major reason Maldives ratified the Convention on Biological Diversity (CBD) was to protect, conserve and sustainably use its biological wealth and to slow its deterioration. Maldives is a small country with limited natural resources. A large proportion of these natural resources are located in marine and coastal environments. Two of the most important industries in Maldives, namely tourism and fishing, depend on these resources directly and indirectly. Additionally, our survival and shelter, traditional lifestyle as well as export earnings solely depend on this wealth.

Another reason Maldives ratified the CBD is globally significant: protecting Maldives' biodiversity also contributes to protecting biological resources globally. However, for a small country with least developed status and with scarce manpower, technical know-how and limited financial resources, international aid and co-operation is required to protect and conserve local biological resources for the greater good of humanity.

Implementing the CBD provisions in Maldives has been slow. This may be due to fundamental barriers, in particular, inadequate financial, technical and manpower capabilities and other resources within the country.

The government's authoritative body responsible for all environment-related issues and the focal point for major international environmental conventions is the Ministry of Planning, Human Resources and Environment (MPHERE). It was instrumental in moving other concerned ministries and agencies towards implementing and incorporating biodiversity issues into their planning and development processes.

Initial consultations on the CBD took place between concerned government ministries and agencies and within the National Commission for Protection of the

Environment (NCPE). The representatives of NCPE are senior government officials from different ministries and departments. NCPE provides the Environment Minister with technical advice for the decision-making process. NCPE is housed administratively with the Environment Division of MPHERE.

The government has already secured funds from the Global Environment Facility (GEF) to prepare Maldives' national biodiversity strategy, action plan and its first report to the CBD Conference of the Parties (COP). It is planned to initiate this early in 1998, before the Fourth Meeting of the COP in Bratislava, Slovakia in May 1998.

## **2.0 Genetic Resources and Benefit Sharing**

The natural resources found within Maldives' territorial waters (measured twelve miles from the baseline) and its exclusive economic zone (measured two hundred miles from the baseline) are accessible for both public and private uses unless specified by the government. But their actual use for commercial or medicinal purposes is minimal when compared to the vastness of the country's marine living resources. Since using genetic resources for commercial and non-commercial purposes is at its very early stages, addressing issues relating to access are subjective. However, having a large resource base with the potential for greater use raises issues that are important to consider. For example, to what extent can this resource be exploited? Is resource use on a sustainable basis? What are the benefits and can they be equally distributed? Issues of cost effectiveness, the requirements of patent rights (if any) and legal support are some additional concerns that need to be examined.

The government has primarily focused attention on the commercial feasibility of developing viable uses for biological resources. If the feasibility of a resource use is demonstrated, the product is then given a commercial status. Involving local communities and designing mechanisms for equitable benefit sharing are important considerations. Currently only three projects relating to genetic resources have been undertaken: (1) seaweed culturing using *Euchemia kottii*; (2) pearl culturing from pearl oyster; and (3) sea cucumber culturing using *Holothuria capra*. Out of these three, only the seaweed culturing with *Euchemia kottii* has been identified as commercially viable. The feasibility of the others is still being demonstrated.

The government is currently formalising Law 6/96 relating to maritime boundaries by incorporating its new EEZ. This will give Maldives sovereign rights over its jurisdictional areas while endowing the natural resources found within these areas

with a legal status. Trusteeship over the nation's biological resources found within the EEZ will be created.

Currently there is no specific law relating to genetic resources in Maldives. There is a general law relating to environment protection and preservation. This was approved in April 1993. The Environmental Protection and Preservation Act of Maldives provides the Ministry of Planning, Human Resources and Environment with wide statutory powers of environmental regulation and enforcement. The Ministry is empowered by the Act to draft guidelines to protect the environment and the Act makes the Ministry responsible for identifying and designating protected areas and natural reserves. Furthermore, the Act designates the Ministry as the responsible body for formulating policies, rules and regulations under the Act.

The other law relating to biodiversity is the Fisheries Law of Maldives. The Fisheries Law emphasises developing, protecting, managing and conserving fisheries and related activities within the country. The Ministry of Fisheries and Agriculture implements the Fisheries Law.

As there appear to be general gaps within the existing legal framework on specific issues such as genetic resources, the government is currently trying to strengthen the existing environmental legal framework environment with assistance from SACEP. This effort will be influenced by the GEF-assisted process to produce Maldives National Biodiversity Strategy and Action Plan in 1998. Part of the biodiversity planning process will review government policies on issues relevant to the CBD's implementation. They will then be incorporated into the legal and policy framework as appropriate.

The government currently has no terms or conditions on access to genetic resources and benefit sharing regarding CBD Articles 15(4) and 15(7). The existing conditions on access to genetic resources and related benefit sharing schemes need to be carefully reviewed. The results of the review need to be reflected either in the Biodiversity Strategy or Biodiversity Action Plan.

The government encourages both private sector and external agencies to be involved in undertaking research on genetic resources in the country. Government agencies such as the Marine Research Section of the Ministry of Fisheries and Agriculture, the Environment Research Unit of the Ministry of Planning, Human Resources and Environment have been involved in on-going mariculture projects initiated by the private sector with technical and financial assistance from international organisations.

### **3.0 Traditional Knowledge and Benefit Sharing**

The extent of biological diversity in marine and terrestrial environments in Maldives has not been documented thoroughly or researched adequately. The degree of understanding on biodiversity is limited to available information.

Information on local communities' traditional knowledge of biological resources is also limited because it has not been documented properly, at least in the context of biodiversity conservation. However, these communities possess important information and knowledge regarding local biodiversity that can be applied to conservation efforts. Their traditional knowledge includes information on fishing grounds, spawning grounds of certain fish, most fished or over-fished species, seasons when certain fish species aggregate, traditional methods of fishing, traditional customary laws, size restrictions on certain fish, traditional uses of certain plants, medicinal use of plants and traditional cultivation methods.

The traditional knowledge possessed by local individuals and communities can be accessed by any party - whether individual government institutions, the private sector or an external agency. There is no legal obligation to ensure benefit sharing when this knowledge is used. Both the public and private sectors commonly use traditional knowledge and practices related to medicinal plants.

The government ensures that traditional knowledge and practices are sustained. It fully recognises that traditional knowledge is important in medical practices and it encourages individuals who possess it to use it. For example, some of the fisheries research undertaken by the Marine Research Section is based on information provided by local indigenous communities.

Currently there are no mechanisms in the country to ensure that indigenous and local communities receive benefits when others use their traditional knowledge. However, during the initial National Biodiversity Strategy planning process, regional workshops and consultations will be held within the country. Local communities, NGOs and government officials will participate to develop mechanisms and measures to ensure that local communities benefit when their knowledge, innovations and practices are used.

### **4.0 National Access and Benefit Sharing Planning**

The initial planning phase for the Biodiversity Strategy and Action Plan will identify issues concerning access to traditional knowledge and benefit sharing. It will also identify cross-sectoral issues relating to biodiversity in general and

priority issues that require immediate action to implement the CBD. The process will involve a steering group represented by different government agencies, NGOs and other stakeholders. The National Commission for Protection and Preservation of Environment (NCPE) will be consulted.

The government institutions that will be involved during the planning process are the Ministry of Planning, Human Resources and Environment, the Ministry of Fisheries and Agriculture, the Ministry of Atolls Administration, the Marine Research Section and the Environment Research Unit. The Ministry of Planning, Human Resources and Environment will play a key role during the process because it has been identified as the CBD focal point. It also is the co-ordinating body for all environment-related activities in the country.