

Current Status of ABS Legislation and Key Stakeholders' involvement for the implementation of ABS System in Myanmar

NI NI THIN
Assistant Director
Environmental Conservation Department
Myanmar

Contents

- Introduction
- International Convention and Protocols on Biodiversity
- Current Status of ABS
- Stakeholder and Its Important participation
- ABS relevant legislations in Myanmar
- Previous ABS related Projects in Myanmar
- Myanmar ABS Institutional and policy Framework (draft)
- Important of Stakeholders' participation
- Multi-Stakeholder Involvement in Global ABS project
- Conclusion

International Convention and Protocols on Biodiversity

- Myanmar ratified CBD on 25th Nov 1994
 - 5th report to CBD has submitted in March 2014
- Myanmar ratified Cartagena Protocol on Biosafety in 2008
 - National Biosafety Framework (draft)
 - Law on Biosafety (draft)
- Party to the Nagoya Protocol on Access and Benefit-sharing
 - Signed: 30th Dec 2013
 - Entered into force on: 12 Oct 2014
 - Accession on (become member): 08 Jan 2014
 - ABS National Focal Point: Director General , Environmental Conservation Department

Current Status of ABS

- Only a couple of awareness workshops: key stakeholders – government agencies & a few NGOs
- No legal provisions for ABS in direct way
- Some legal regulations for genetic resources in some sectors, e.g. forestry , fishery, agriculture
- Weak legislations for ABS purposes

ABS relevant legislations in Myanmar

- **Environment& Forestry**

- ✓ National Environmental Policy (1994)
- ✓ Myanmar Agenda 21 (1997)
- ✓ NSDS (2009)
- ✓ Environmental Conservation Law (2012)
- ✓ Environmental Conservation Rules (2014)
- ✓ National Environmental Policy (draft)
- ✓ National Environmental Strategy and Action Plan(draft)

ABS relevant legislations in Myanmar (Contd:)

- **Environment & Forestry**

- ✓ Forest Policy (1995)
- ✓ Forest Law (1992)
- ✓ CFI (1995)
- ✓ Protection of Wildlife, Wild Plants and Conservation of Natural Areas Law (1994)
- ✓ CFI (2016)

- **Agriculture and Irrigation Sector**

- ✓ The Pesticide Law, 1990
- ✓ The Plant Pest Quarantine Law (1993)
- ✓ The Fertilizer Law (2002)

ABS relevant legislations in Myanmar (Contd:)

- **Cultural Sector**

- ✓ The Protection and Preservation of Cultural Heritage Region Law (1998)

- **Industrial Sector**

- ✓ The Private Industrial Enterprise Law (1990)

- **Livestock and Fisheries Sector**

- ✓ The Law Relating to the Fishing Rights of Foreign fishing vessels ,1989
- ✓ The Law Relating to Aquaculture,1989
- ✓ The Myanmar Marine Fisheries Law,1990
- ✓ The Freshwater Fisheries Law, 1992
- ✓ The Animal Health and Development Law, 1993

ABS relevant legislations in Myanmar(Contd:)

- **Science and Technology Sector**
 - ✓ The Science and Technology Development Law, 1994
 - ✓ The Atomic Energy Law, 1998
- **National Planning and Economic Development Sector**
 - ✓ The Myanmar Special Economic Zone Law, 2011

Previous ABS related Projects in Myanmar

- **Project Title:** Building Capacity for Regionally Harmonized National process for Implementation CBD provisions on Access to Genetic Resources and Sharing of Benefits in Myanmar
- **Executing Agency:** ECD
- **Coordinating Agency:** UNEP (Funding Agency: GEF)
- **Project Period:** 26 Feb 2013 to 30 March 2014
- **Outputs:**
 - ✓ Reports of the NP on ABS to be references to Myanmar Government/National Road Map
 - ✓ National BS Framework (draft)
 - ✓ Publication of national consultation workshop reports
 - ✓ Publication of CBD and NP provisions on ABS in Myanmar
 - ✓ National ABS policy assessment report (draft)
 - ✓ Legislative and institutional capacity assessment report (draft)

Previous ABS related Projects in Myanmar (Contd:)

Project title : Building Capacity of Countries in support of the development and implementation of National ABS Framework: Myanmar

Project Period: 31 January 2016 – 31 August 2016

Executing Agency: ECD

Implementation Agencies: UNEP,ACB,China-ASEAN (Funding Agency:UNEP, China-ASEAN)

Objective:

- ✓ to fulfill the country's commitments under CBD , Nagoya Protocol and support of the development and implementation of National ABS Framework

Output:

- ✓ ABS Institutional and policy Framework for Myanmar

Previous ABS related Projects in Myanmar (Contd:)

Piloting of ABS Measures: Implementation of Nagoya Protocol – ABS in Biotechnology Research Department (BRD) as Piloting of ABS Measures in MoU

Period: 13 June 2016 to 20 July 2016

Outputs:

- ✓ Effective awareness raising to research departments and students who are studying life science and people who are dealing with private sectors and market places
- ✓ Solutions to some biomaterial exchange issues faced by young researchers and staffs who had conducted international collaboration projects and joint researches
- ✓ Organize a new and specific format of MoU for biotechnological research collaborations by applying annexes of NP-ABS
- ✓ Active participation of faculty members to conserve and prevent the biodiversity of microorganisms, commercially important crops and traditional knowledge of our people (by planning different researches in biodiversity and TK conservation)
- ✓ Planning to reach out the farmers and local people in different regions where the valuable TK and biological resources needed to maintain and repair by biotechnological means

Myanmar ABS Institutional and policy Framework (draft)

- **Scope:** The collection, research, utilization and commercialization of Myanmar's genetic resources and traditional knowledge associated with genetic resources.
- **Objective:** The Policy Framework shall ensure the fair and equitable sharing of benefits from the utilization of Myanmar's genetic resources and traditional knowledge associated with genetic resources

“Strengthening human resources, legal frameworks, and institutional capacities to implement the Nagoya Protocol”

- UNDP has formulated a global ABS project to be funded by the Global Environment Facility (GEF).
- specifically aims at assisting countries in the development and strengthening of their national ABS frameworks, human resources, and administrative capacities to implement the Nagoya Protocol.
- The implementation of the project was starting from 2017 to 2019 about 3 year’s duration.

UNDP Project Cont.

- Specific country-level activities shall be conducted with three objectives;
 - I. To strengthen the legal, policy, and institutional capacity to develop national ABS frameworks;
 - II. To build trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts:
 - III. To strengthen the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol.

Myanmar ABS Institutional and policy Framework (draft)

National Focal Point

- Environmental Conservation Department-ECD
- Responsible for liaison with the Secretariat of the Convention on Biological Diversity

Competent National Authorities

- Ministry of Natural Resources and Environmental Conservation through the Environmental Conservation Department and the Forest Department
- Ministry of Agriculture, Livestock and Irrigation through the Department of Agricultural Research
- Ministry of Health, through the Department of Traditional Medicine, and Food and Drug Authority
- Ministry of Ministry of Agriculture, Livestock and Irrigation through the Fisheries Department.
- Ministry of Commerce, for export / import licenses
- Ministry of Ethnic Affairs, to comment on the rights of ethnic peoples

Role of Region and State Governments

- Shall likewise exercise their power over genetic resources concurrently or in a shared manner with the Ministries hereby designated as competent national authorities, in accord with the relevant laws enacted by the Union

Appeals Committee

- Will deal with the appeals that may be made by the applicant for access from any decision that may be made by the relevant competent national authorities

Other Agencies and Entities

- Research and Development – the Ministry of Education, through the Biotechnology Department
- Checkpoints: Research Committee ,Intellectual Property Office ,Food and Drugs Authority

Myanmar ABS Institutional and policy Framework (draft)

INSTITUTIONAL MECHANISMS FOR COORDINATION

Union Government Committee on ABS

- Composed of the National Focal Point, the various designated Competent National Authorities and the suitable citizens

Parliamentary (Hluttaw) Liaison

- Union Government Committee on ABS should establish a liaison unit that will work with the Parliament on ABS issues and to respond to Parliament's concerns on ABS

Involvement with the Communities and Other Stakeholders

- Union Government Committee on ABS shall establish coordination mechanisms to ensure the involvement of the ethnic peoples, communities and other stakeholders

IMPLEMENTING ACTIONS

- Established a technical working group led by the Environmental Conservation Department of MONREC that will review the initial roadmap developed for identifying the actions and resources, including international support, necessary to establish and enhance Myanmar's institutional and policy framework for ABS

Important of Stakeholders' participation

- Gives people some say over how activities or policies may affect their lives
- Essential for sustainability
- Generates a sense of ownership if initiated early in the development process
- Provides opportunities for learning
- Build capacity and enhances responsibility

Multi-Stakeholder Involvement : Government Departments/Research Institute/ Universities

- Environmental Conservation Department
- Forest Department
- Department of Agriculture,
- Livestock Breeding and Veterinary Department
- Department of Fishery
- Forest Research Institute
- University of Forestry
- Zoology Department, Yangon University, Mandalay University
- Education
- Botany Department, Yangon University, Mandalay University
- Marine Science Department, Mawlamyaing University
- Department of Health
- General Administration Department
- Border Areas and National Races Development Department
- Department of Archaeology and the National Museum
- Department of Agricultural Research
- Planning Department
- Department of Rural Development
- University of Agriculture
- University of Veterinary Science
- Department of Mines
- Immigration and National Registration Department
- Department of Trade
- Department of Consumer Affairs
- Department of Research and Innovation
- University of Traditional Medicine, Ministry of Education
- Biotechnology Research Department, Ministry of Education
- Food and Drug Administration, Ministry of Health and Sports
- Department of Trade Promotion and Consumer Affairs, Ministry of Commerce
- Department of Trade, Ministry of Commerce
- Border Areas and National Races Department,
- Ministry of Ethnic Affairs

Multi-Stakeholder Involvement: Local NGOs/ INGOs/ UN Organizations

- FREDA
- MERN
- WCS
- WWF
- IUCN
- FFI
- BANCA
- FREDA
- OIKOS
- MFA
- ECCDI
- FAO
- UNEP
- GIZ
- JICA
- Promotion of Indigenous and Nature Together (POINT)
- Myanmar Centre for Responsible Business (MCRB)
- Rural Indigenous Sustainable Education (RISE)
- Karen Environmental and Social Network (KESAN)
- Kalyana Mitta Development Foundation (KMF)
- Metta Development Foundation
- ALARM

Multi-Stakeholder Involvement: Private Sector

- Fame Pharmaceuticals Industry Co.,Ltd.
- Herbal Green Biostimulant Industry
- Shwe PannTaing Trading Co., Ltd
- Kalyana Mitta Development Foundation (KMF)
- Shwe Pyi Nan

Conclusion

- Need to improve the drafted ABS institutional and policy framework
- Necessary legislative, administrative and policy measures at the regional, national and/or local levels need to be developed for the implementation of ABS on the ground
- Awareness on ABS needs to be strengthened at the national and local level
- Capacity building programs at various levels are needed
- Law Enforcement plays a great role
- Taking prompt actions are essential at every stage

Thank You!