

# Benefit Sharing with Indigenous People

Internationally, benefit sharing is emerging as one of the key legal requirements for the protection of the rights of Indigenous people over their resources and traditional knowledge. This fact sheet provides an overview of the concept of benefit sharing, the types of benefit sharing arrangements that could be made in consultation with Indigenous people, and the information that is required to constitute a benefit sharing agreement with Indigenous people.

## What is the concept of benefit sharing?

Benefit sharing means that Indigenous people receive a fair and equitable share of the benefits that users of their biological resources and traditional knowledge derive through research and development, including biodiscovery.

There are a number of ways to achieve the goal of fair and equitable sharing of benefits. For example, obtaining free, prior and informed consent of Indigenous people and consulting with them about the possible types of benefit sharing arrangements would help in meeting the goals of fair and equitable benefit sharing.

## Types of benefit sharing

Benefit sharing with Indigenous people can take a number of different forms, including monetary, non-monetary, or both.

### 1. Examples of monetary benefit sharing

- Upfront payments for the access and use of biological resources and traditional knowledge;
- Access fees, such as fees paid for the collection of per sample of biological resources or for the obtaining of traditional knowledge;
- Special fees that would be paid to a community trust or collective benefit sharing fund;
- Salaries or payments made for the recruitment of Indigenous people;
- Funding provided for research and development activities by Indigenous people;
- Joint ventures; and

- Joint ownership of relevant intellectual property rights, such as patents.

### 2. Examples of non-monetary benefits

- Sharing of research and development results;
- Collaboration, cooperation, and contribution in scientific research and development programmes, and in education and training;
- Participation in product development;
- Transfer of technology;
- Access to scientific information, including biological inventories and taxonomic studies;
- Research directed towards health, food, and livelihood security; and
- Social recognition for contributions made to the research.

## Information required in a benefit sharing agreement

A standard benefit sharing agreement with Indigenous people requires a range of information, including:

- full details of the parties to the agreement;
- details regarding the time and frequency of entry to the area where the biological resource is located;
- details of the resources to be collected, including the quantity to be collected;
- the purpose for collection;
- the agreed ownership of the samples and potential inventions to be made from the collected samples, including details of any proposed transmission of the collected samples to third parties;

- a statement disclosing any use of Indigenous knowledge, including details of the source of the knowledge, such as whether the knowledge was obtained from the resource access provider or from other Indigenous persons;
- a statement regarding benefits to be provided or any agreed commitments given in return for the use of the Indigenous knowledge;
- details of the benefits that the resource access provider will receive in return for the taking of the resources.

This fact sheet is only for information purposes, and to assist you in understanding your legal rights and obligations in a general sense. It is not tailored to any particular fact, situation or specific requirements, and must not be relied on as legal advice.

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