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The Nagoya Protocol, Poverty Alleviation and Climate Change: Conceptual Linkages

Team Workshop: Embedding mutually supportive implementation of the Plant Treaty and the Nagoya Protocol in the context of broader national policy goals

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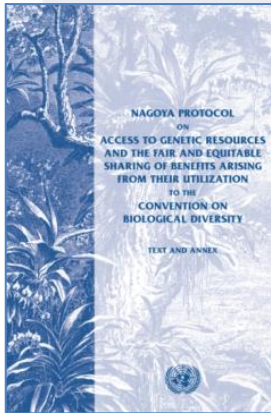


implemented by



2010:

Nagoya Protocol on ABS



- Entered into force in **October 2014**
- Currently **68 Ratifications**
(29 from Africa)

Legal certainty and transparency

- For **providers**: ensuring **benefit-sharing** once GR leave the provider country
- **Preventing misappropriation** of GR and associated traditional knowledge (aTK)
- For **users**: providing for **clear and transparent procedures for access** to GR and aTK



Nagoya Protocol on ABS

Objective:

“... 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”

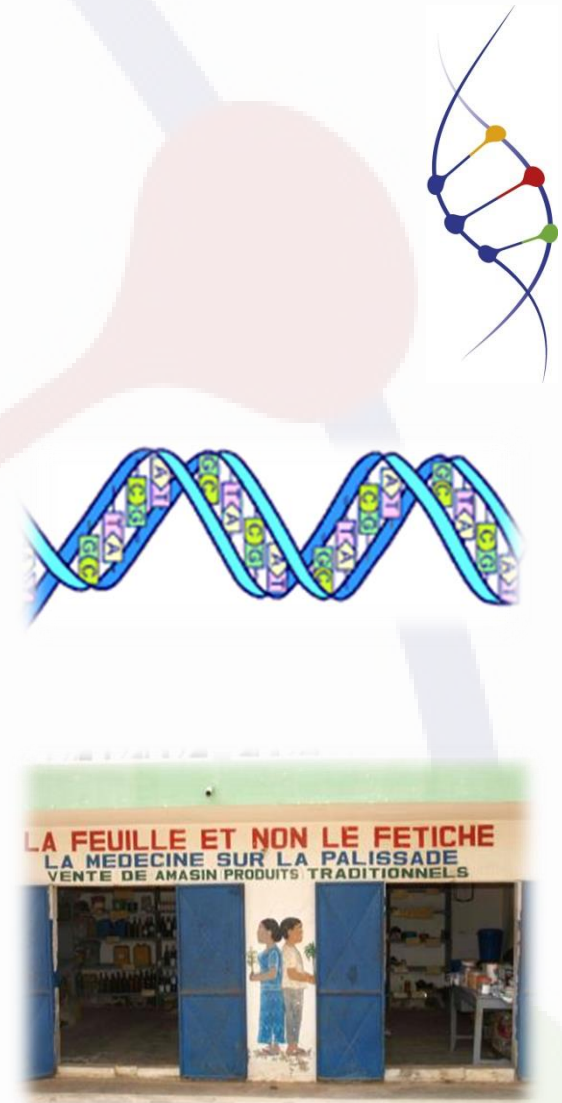
→ **Biodiversity conservation + livelihood support**



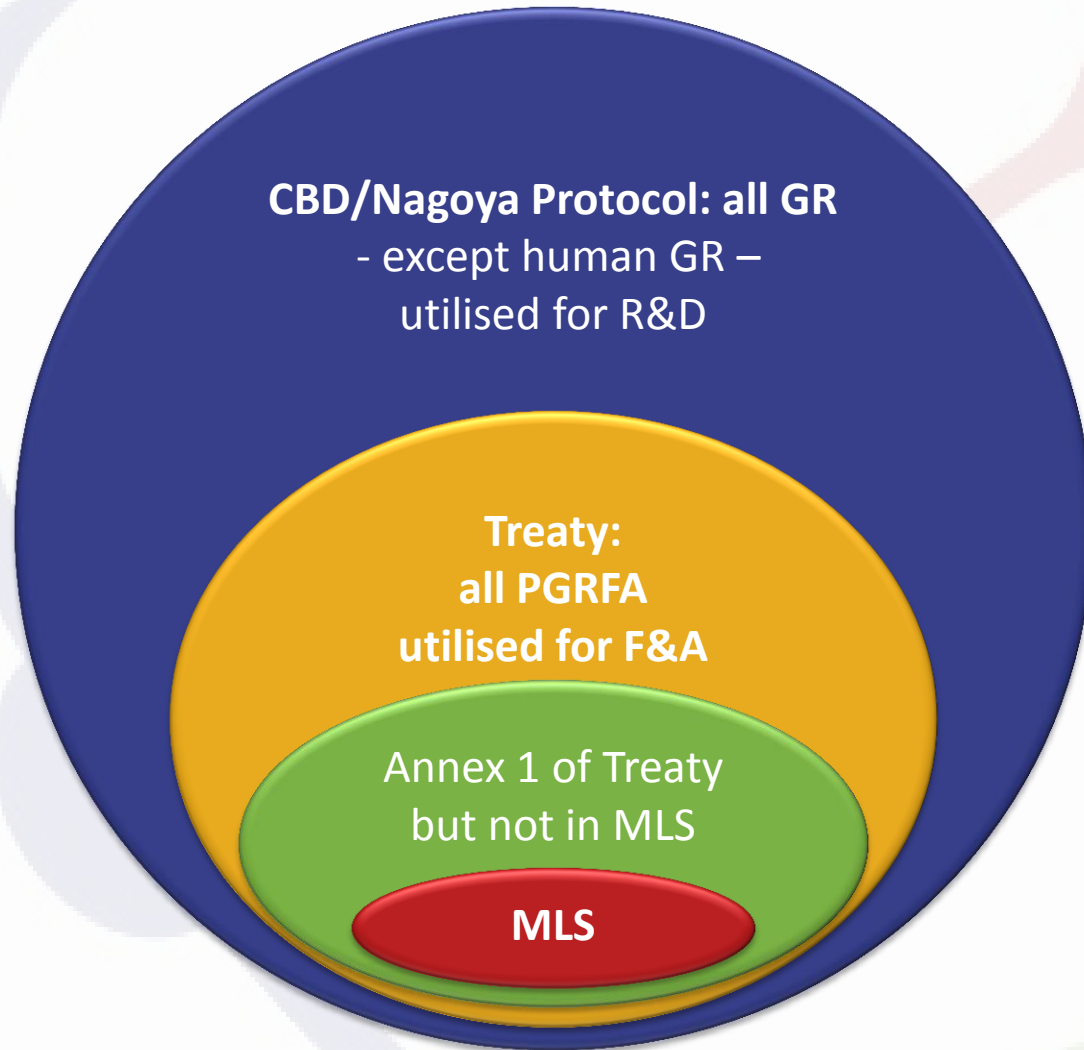
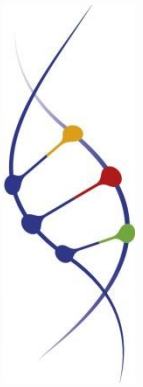
Nagoya Protocol on ABS

Scope

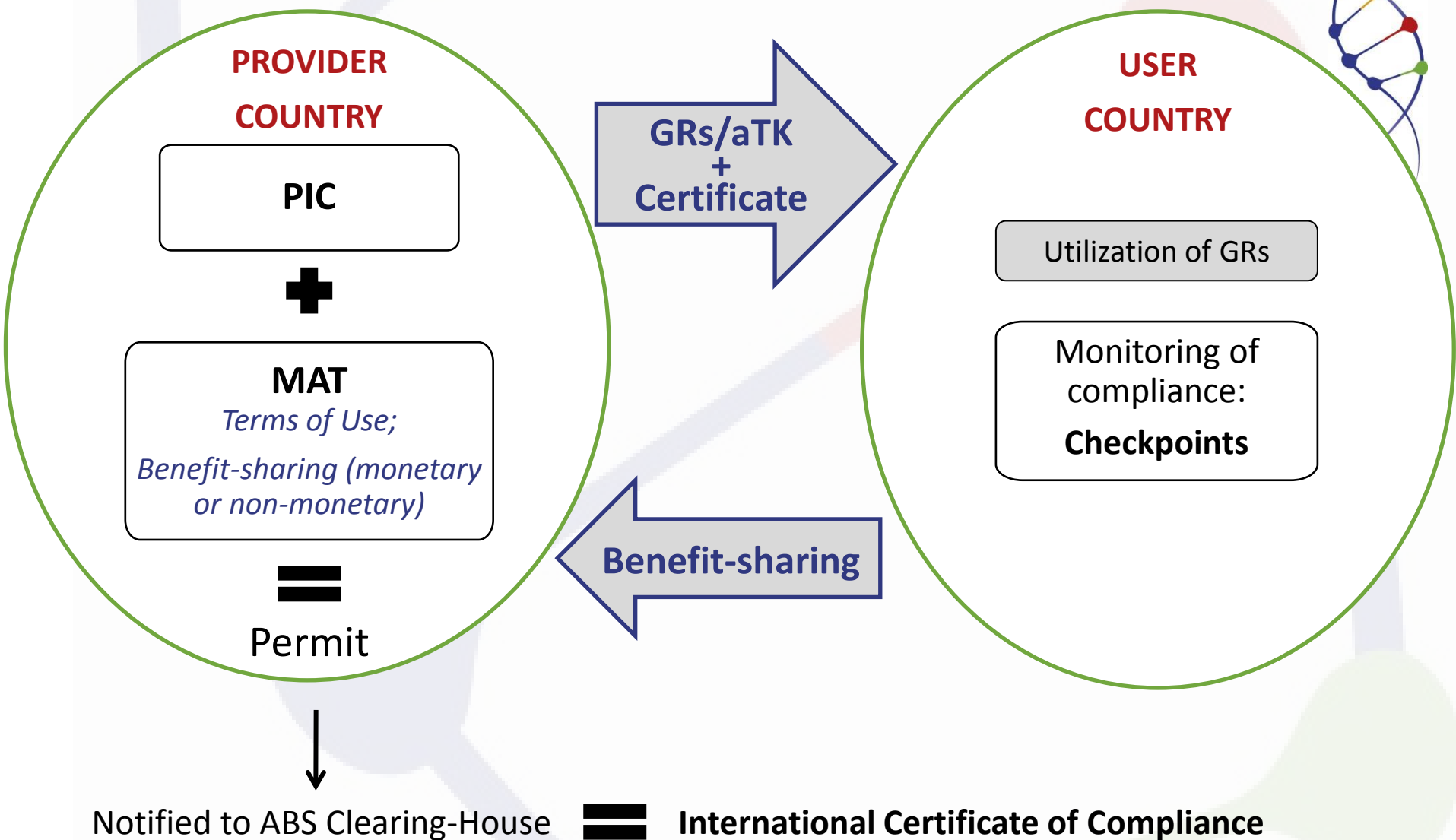
- Genetic resources **within the scope of Article 15 CBD** and the benefits arising from the utilization of such resources
- **Traditional knowledge associated with genetic resources** within the scope of the **CBD** and the benefits arising from the utilization of such knowledge



Scope: Nagoya Protocol and ITPGRFA



Nagoya Protocol: ABS mechanism



Regulatory challenge at the national level

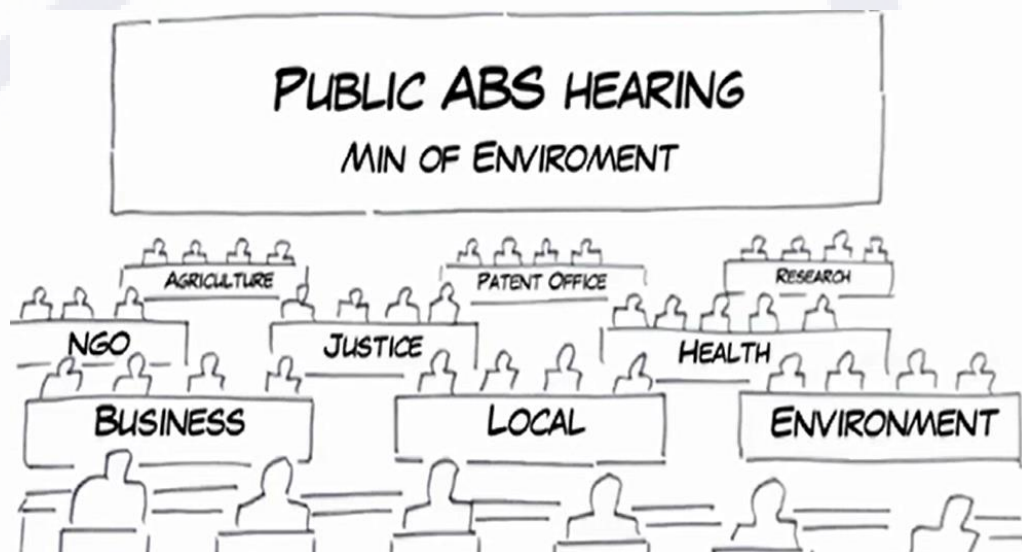


The authority to determine access to

- genetic resources (CBD, Art. 15(1))
- PGRFA (Treaty, Art. 10)

rests with national governments and is subject to national legislation.

- **Who has the authority to regulate access**, i.e. issues access permits upon which conditions – incl. the SMTA under the MLS of the Treaty?
- **ONE policy/law/regulation or DIFFERENT policies/laws/regulations?**



Fair and Equitable Benefit-Sharing under the NP



- Sharing of benefits upon **Mutually Agreed Terms (MAT)** with the country providing GR
- **Indigenous peoples and local communities** holding rights over GR and/or providing aTK are to be included in PIC/MAT negotiation and benefit-sharing
- **Monetary** and **non-monetary** benefits (specified in the Annex):
 - **E.g.** access fees, upfront and milestone payments, royalties, research funding
 - **E.g.** research collaboration, education and training, knowledge and technology transfer, access to research findings, joint ownership of intellectual property rights



Explicit reference to ABS:

2 ZERO HUNGER



SDG 2, Target 2.5: maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species ... and promote access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed.

15 LIFE ON LAND



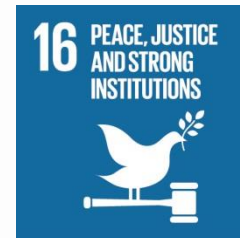
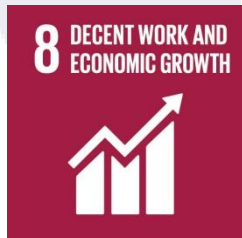
SDG 15, Target 15.6: Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed.

Sustainable Development Goals



Relevance to other SDGs

- **Poverty reduction (SDG 1)**
- **Health and well-being (SDG 3)**
- **Sustainable economic growth and employment (SDG 8)**
- **Fostering research and innovation (SDG 9)**
- **Sustainable use of marine resources (SDG 14)**
- **Good governance and justice for all (SDG 16)**
- **Strengthening the global partnership for sustainable development – mobilising additional financial resources (SDG 17)**



Contributing to poverty alleviation

(Local) Livelihoods

- **Benefit-sharing** with local communities
- Incentive for **local valorisation**
- **Knowledge and technology transfer**

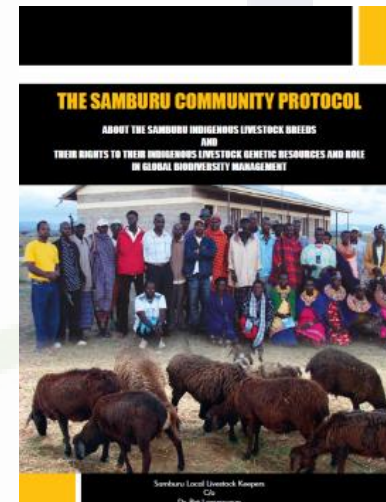


Food security

- Conservation and sustainable use of **PGRFA** within and outside the scope of the Treaty
- Conservation and sustainable use of **animal GR**
- Promotion of **traditional knowledge and practices**

Local ownership and empowerment

- Recognition of the **rights of indigenous peoples and local communities**
- Recognition of the value of **TK, customary rules and community protocols**
- IPLC rights to **PIC and MAT**

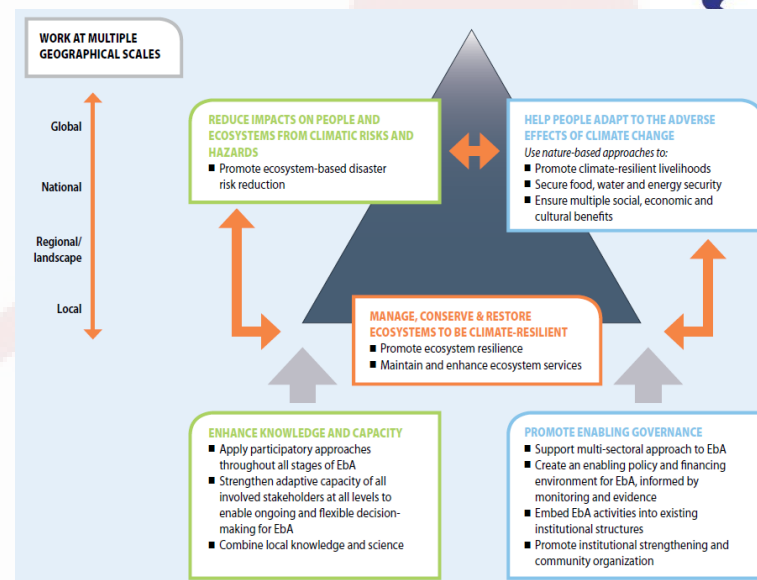


Contributing to climate change resilience



Climate change adaptation

- Incentive for conservation and sustainable use of biological diversity
 - resilient ecosystems
 - ecosystem-based adaptation to climate change



- Incentive for conserving the **diversity of plant and animal genetic resources for food and agriculture** → landraces adapted to certain climatic conditions
- Ensuring benefit-sharing for the custodians of these GRFA

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Thank you!

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