

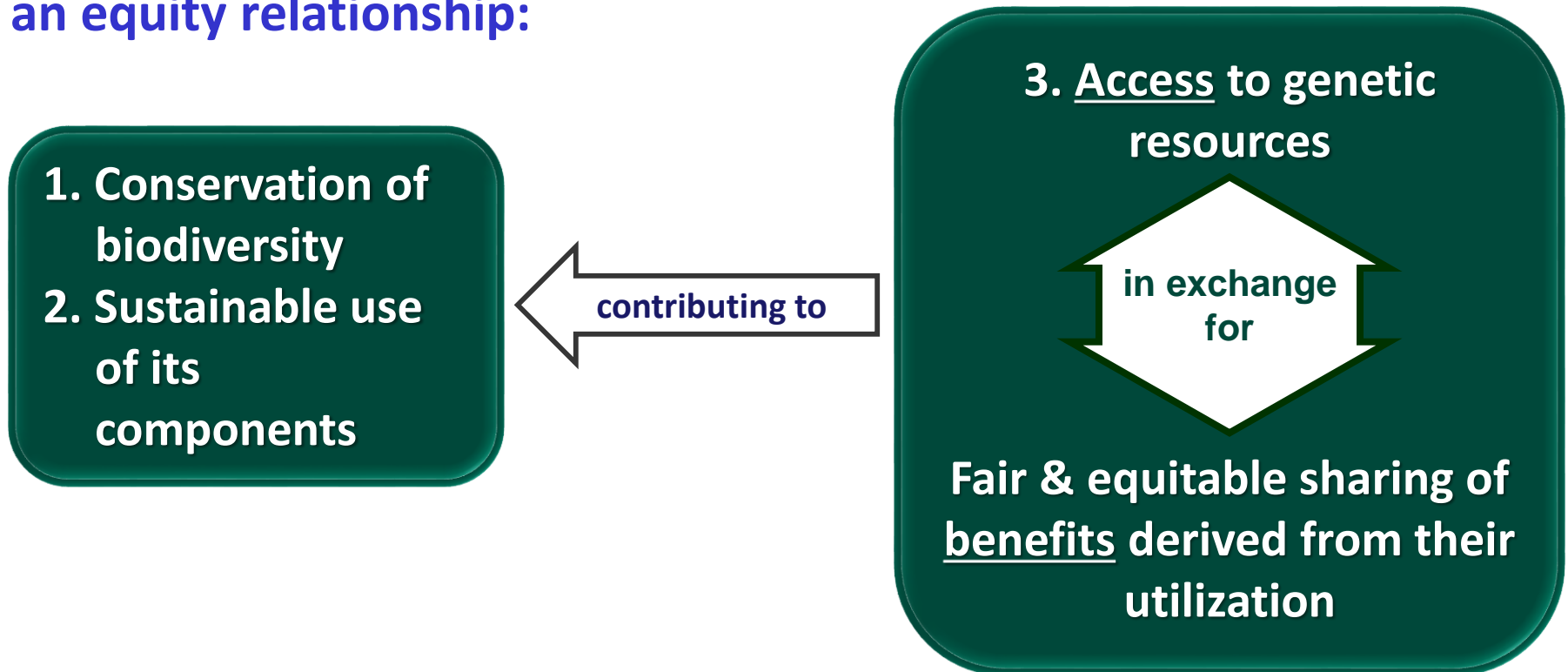
The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

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Background:

Convention on Biological Diversity has 3 objectives that create an equity relationship:

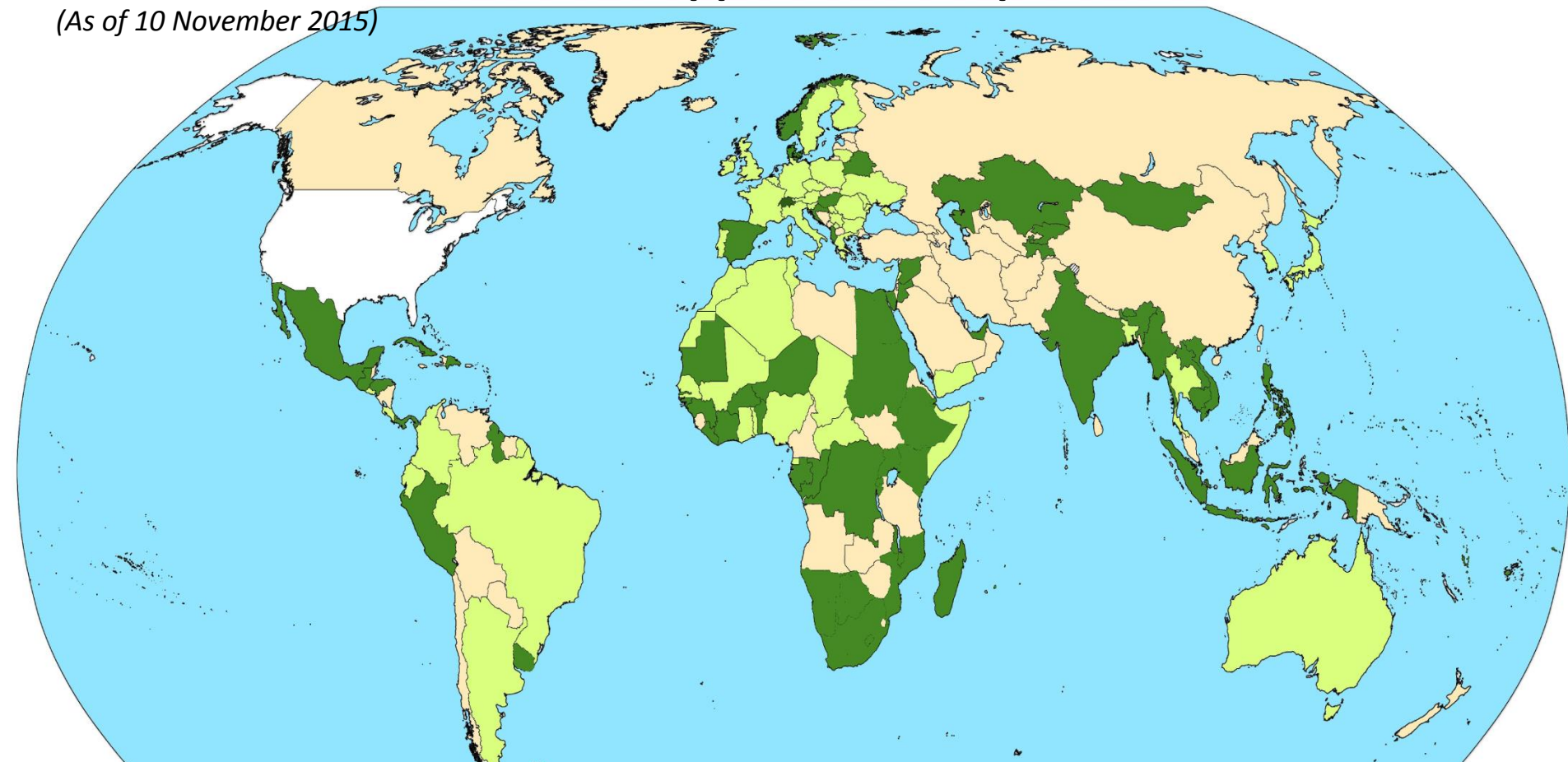


The Nagoya Protocol (2010) aims at providing a legal framework that creates clarity, transparency and legal certainty for the equity relationship of the CBD

Entry into force: 12 October 2014

68 ratifications, accessions, approvals, acceptances

(As of 10 November 2015)



Albania, Belarus, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Comoros, Congo, Côte D'Ivoire, Croatia, Cuba, Denmark, Dominican Republic, DR Congo, Djibouti, Egypt, Ethiopia, European Union, Fiji, Gabon, Gambia, Guatemala, Guinea, Guinea Bissau, Guyana, Honduras, Hungary, India, Indonesia, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao PDR, Lesotho, Liberia, Madagascar, Malawi, Marshall Islands, Mauritania, Mauritius, Mexico, the Federated States of Micronesia, Mongolia, Mozambique, Myanmar, Namibia, Niger, Norway, Panama, Peru, Philippines, Rwanda, Samoa, Seychelles, South Africa, Spain, Sudan, Switzerland, Syrian Arab Republic, Tajikistan, Uganda, United Arab Emirates, Uruguay, Vanuatu and Viet Nam

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The ABC's of ABS


- **A**ccess - users seeking access to genetic resources must:
 - Get **permission** from the provider country (known as prior informed consent PIC), unless otherwise determined by that Party
- **B**enefit-sharing - provider and user must:
 - Negotiate an agreement to share benefits resulting from the use of a genetic resource (known as mutually agreed terms or MAT)
- **C**ompliance – Nagoya Protocol creates obligations to:
 - Comply with national ABS legislation and mutually agreed terms
 - Monitor the utilization of genetic resources
 - Checkpoints
 - Internationally recognized certificate of compliance
- Protocol also addresses access to traditional knowledge associated with genetic resources, benefit-sharing from the use of such knowledge, and compliance with ABS legislation on such knowledge



ABS Clearing-House

- Access and Benefit-sharing Clearing-House: <http://absch.cbd.int>
- Parties must publish in the ABS Clearing-House:
 - Measures for implementing the Protocol, information on national focal points & competent national authorities, permits issued at time of access
- Will contribute to clarity, transparency and legal certainty for both users & providers

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ABSCH THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE 

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The Access and Benefit-sharing Clearing-house (ABSCH) is a platform for exchanging information on ABS and a key tool for facilitating the implementation of the Nagoya Protocol.

ABSCH Record Overview

62 PARTIES TO THE NAGOYA PROTOCOL	170 COUNTRIES ----- HAVE SUBMITTED ----- 180 ABS NATIONAL FOCAL POINTS	17 COUNTRIES ----- HAVE SUBMITTED ----- 27 COMPETENT NATIONAL AUTHORITIES	39 COUNTRIES ----- HAVE SUBMITTED ----- 111 LEGISLATIVE, ADMINISTRATIVE OR POLICY MEASURES	4 COUNTRIES ----- HAVE SUBMITTED ----- 6 CHECKPOINTS	1 COUNTRIES ----- HAVE SUBMITTED ----- 1 INTERNATIONALLY RECOGNIZED CERTIFICATE OF COMPLIANCE	0 COUNTRIES ----- HAVE SUBMITTED ----- 0 CHECKPOINT COMMUNIQUE	9 COUNTRIES ----- HAVE SUBMITTED ----- 11 NATIONAL WEBSITES OR DATABASES	57 VIRTUAL LIBRARY RESOURCES	2 MODEL CONTRACTUAL CLAUSES, CODES OF CONDUCT, GUIDELINES, BEST PRACTICES AND/OR STANDARDS	0 COMMUNITY PROTOCOLS AND PROCEDURES AND CUSTOMARY LAWS
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Broader policy objectives & ABS in the CBD/NP

- ABS in the Convention and the Nagoya Protocol includes a number of linkages to genetic resources for food and agriculture, climate change, poverty alleviation and domestic research & innovation capacity
- CBD, Article 15:
 - Parties are to endeavour to develop and carry out scientific research based on genetic resources provided by other Parties with the full participation of, and where possible in, such Parties (para. 6).
- Preamble to Nagoya Protocol:
 - recognizes the interdependence of all countries with regard to genetic resources for food and agriculture as well as their special nature and importance for achieving **food security** worldwide and for sustainable development of agriculture in the context of **poverty alleviation** and **climate change** and acknowledging the fundamental role of the International Treaty on Plant Genetic Resources for Food and Agriculture and the FAO Commission on Genetic Resources for Food and Agriculture in this regard



Broader policy objectives & ABS in the CBD/NP

- Special considerations, Art. 8:
 - In the development and implementation of its ABS legislation or regulatory requirements, each Party shall consider the importance of genetic resources for food and agriculture and their special role for food security (para. (c)).
- Relationship with int'l agreements and instruments, Art. 4:
 - Where **specialized international ABS instrument** applies, **Protocol does not apply** for Party or Parties to specialised instrument in respect of specific genetic resources covered by and for purpose of specialized instrument.



Thank you

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