The Nagoya Protocol

The Nagoya Protocol on access and benefit-sharing (ABS) provides a global framework for implementing the 3 rd objective of the Convention on Biological Diversity (CBD), which the fair and equitable sharing of benefits arising from the utilization of genetic resources is stipulated that prior informed consent (PIC) of the providing country is a prerequisite for granting access to genetic resources. PIC goes hand-in-hand with mutually agreed terms (MAT) between a provider and a user. MAT are contracts establishing the conditions of access and utilization of the resources and the benefits to be shared by both parties. The Protocol encourages countries to involve indigenous peoples and local communities (IPLCs) as co-legislators of genetic resources and holders of traditional knowledge in the PIC/MAT process in combination with the ABS Clearing-house (ABS-CH) as key novel elements of the Nagoya Protocol with two aims:

- to prevent misappropriation of genetic resources including associated traditional knowledge and
- to ensure that benefit sharing agreements are actually enforced.

The compliance provisions of the Nagoya Protocol on ABS

Examples of services within the three core processes

ABS legislative and regulatory frameworks

- Elaboration of stakeholder maps
- Tailored ABS awareness raising
- Setting up of national dialogue and exchange fora with ABS stakeholders
- Analysis of existing regulatory frameworks linked with ABS
- Guidance on developing and implementing national institutional and legislative ABS frameworks, including permitting systems and administrative processes.

Negotiating fair and equitable ABS agreements

- National analysis of existing patents linked to genetic resources
- National analysis of existing research collaborations linked to genetic resources
- Identification of cooperation partners and innovation opportunities leading to ABS agreements
- Match-making with private sector companies interested in genetic resources
- Awareness raising on ABS for involved IFLC academic, private sector, public administration, policy makers etc.
- Facilitation of negotiations

Regional activities concerning the Caribbean and Pacific countries have been added to the portfolio. While the initiative is generally supporting all members of the African, Caribbean and Pacific (ACP) Group of States, the emphasis of the current phase is on selected African partner countries. Lessons learned will inform developments in other countries.

The tri-regional approach of the ABS Capacity Development Initiative

What the ABS Initiative offers

The guiding principle behind all activities of the ABS Initiative is knowledge generation and knowledge management with the goal to make these experiences available for regional up-scaling processes. The ABS Initiative draws on expertise and networks built over a decade of experience with ABS. It has developed tools and approaches that are used by ABS stakeholders globally. The Nagoya Protocol implementation is addressed by supporting three core processes: developing and revising ABS legislative and regulatory frameworks, negotiating fair and equitable ABS agreements and effectively integrating IFLC in respective negotiation processes.

The three core processes of the ABS Initiative

In general, all ABS relevant stakeholders may benefit from the Initiative. Among them are:

- Decision makers and legislators > information about ABS policy options and legal implications/technical requirements when translating the Nagoya Protocol into national context
- National ABS authorities > technical training courses on i.a. processing access applications, issuing permits and facilitating ABS partnerships
- IFLC > back-up in responding to requests for access to their genetic resources and associated traditional knowledge, e.g. through BCPs
- Small and medium-sized enterprises (SMEs), cooperatives, universities and research centers in provider countries > conceptual, technical and legal advice for a adequate participation in ABS compliant research cooperation and value chain development
- Users > familiarization with domestic regulatory contexts, relevant governmental and non-governmental actors and national particularities, including options of Public-Private Partnerships

Benefits and services

The ABS Initiative is a multi-donor initiative which is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. It was established in 2006 to primarily support the African Group in the negotiation of the Nagoya Protocol. After the entry into force of the Protocol in 2014, the focus of the Initiative has shifted towards its implementation on the national level.

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