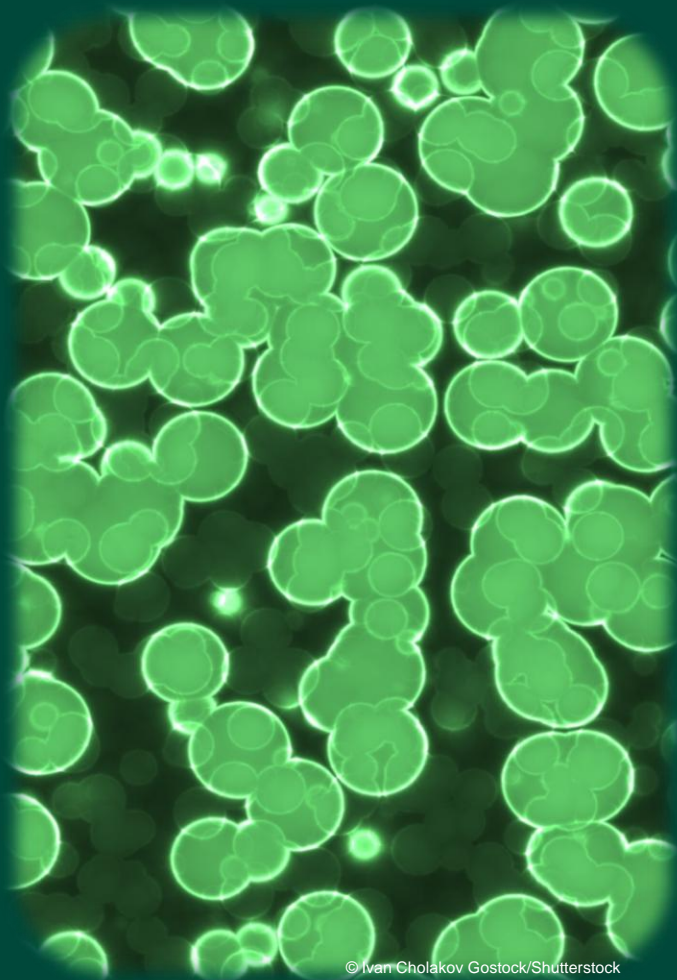
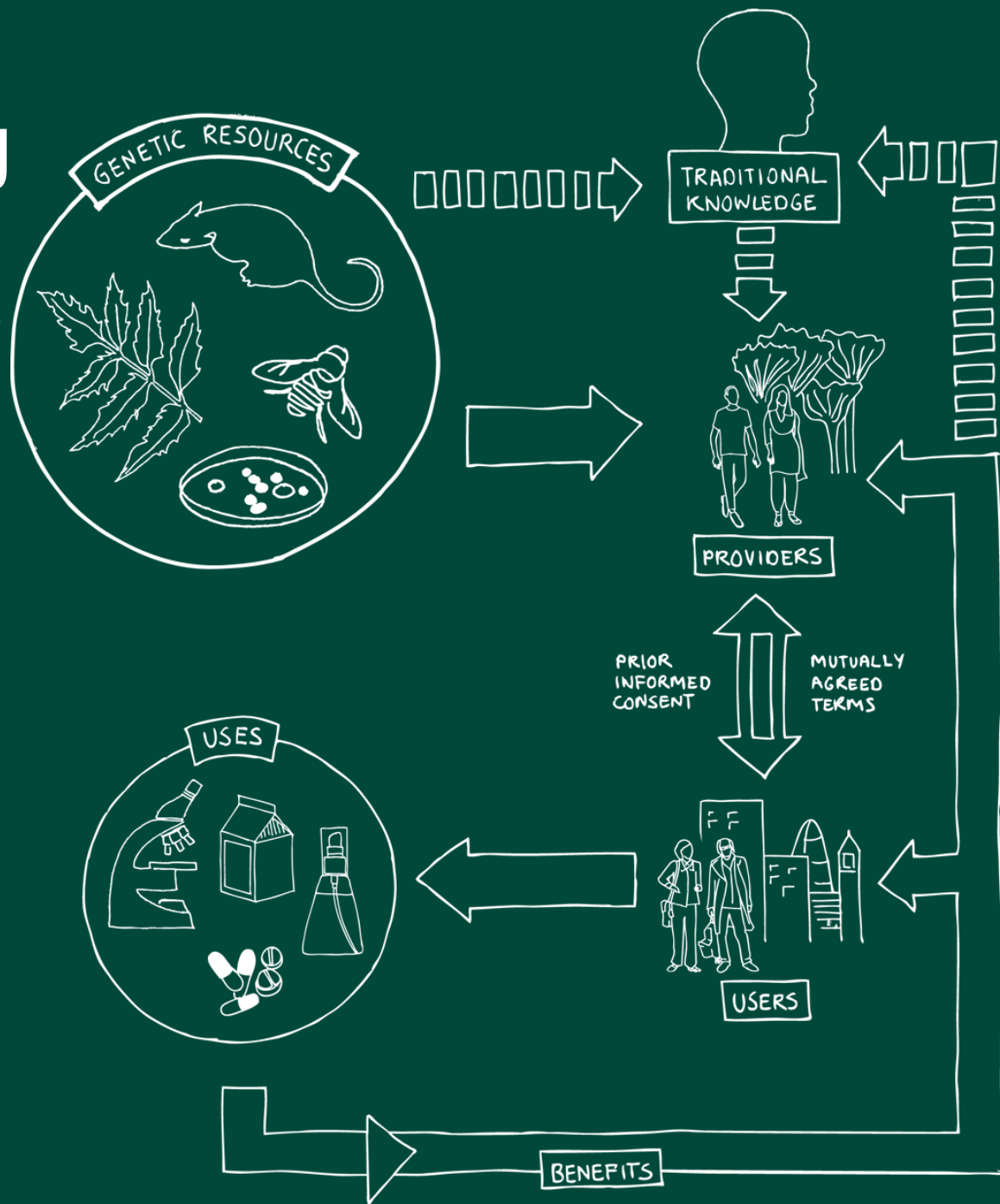


Access and benefit-sharing information kit



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Introduction on access and benefit-sharing



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An information kit was developed to build awareness on ABS. The key themes addressed in the information kit are:

- Access and benefit-sharing
- Uses of genetic resources
- Traditional knowledge
- The Bonn Guidelines
- National Implementation
- The Nagoya Protocol on ABS

A brochure, factsheets and PowerPoint slides can be downloaded at:

www.cbd.int/abs



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The Nagoya Protocol on ABS



www.cbd.int/abs

Background

- World Summit on Sustainable Development, 2002: Political mandate for international regime on ABS
- 7th Conference of the Parties, 2004: *Ad Hoc* Open-ended Working Group on ABS mandated to negotiate an international regime on ABS
- 10th Conference of the Parties, 2010: Adoption of the Nagoya Protocol on ABS



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The Nagoya Protocol on ABS

What is the Nagoya Protocol?

- A new international treaty on ABS to support the implementation of the third objective of the Convention on Biological Diversity: **the fair and equitable sharing of benefits arising from the utilization of genetic resources**
- A landmark agreement in the international governance of biodiversity relevant for commercial and non-commercial sectors dealing with genetic resources



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The Nagoya Protocol on ABS



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What is the Nagoya Protocol?

- Based on the fundamental principles of **prior informed consent (PIC)** and **mutually agreed terms (MAT)** enshrined in the Convention on Biological Diversity



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The Nagoya Protocol on ABS

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Why is the Nagoya Protocol important?

- It will create greater **legal certainty** for users and providers of genetic resources
- It will help to ensure **benefit-sharing**, in particular when genetic resources leave the country providing the resource
- It establishes more predictable conditions for **access**



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The Nagoya Protocol on ABS

Advantages of the Nagoya Protocol

- It encourages the **advancement of research** on genetic resources which could lead to new discoveries
- It creates **incentives to conserve** and **sustainably use** genetic resources
- Enhances the contribution of biodiversity to **development** and human **well-being**



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The Nagoya Protocol on ABS



What does the Nagoya Protocol cover?

- **Genetic resources** and **traditional knowledge** associated with genetic resources, as well as benefits arising out of their utilization



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The Nagoya Protocol on ABS

What are the core elements of the Nagoya Protocol?

- Access
- Benefit-sharing
- Compliance
- Traditional knowledge



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Access obligations

Domestic-level access measures should:

- Create **legal certainty**, clarity and transparency
- Provide **fair** and **non-arbitrary** rules and procedures
- Establish clear rules and procedures for **prior informed consent** and **mutually agreed terms**
- Provide for issuance of a **permit or its equivalent** when access is granted



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Access obligations (cont'd)

Domestic-level access measures should:

- Create conditions to **promote** and **encourage research** contributing to biodiversity conservation and sustainable use
- **Pay due regard to** cases of present or imminent **emergencies** that threaten human, animal or plant health
- Consider the **importance** of genetic resources for **food** and **agriculture** and their special role for food security



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Benefit-sharing obligations

Domestic-level benefit-sharing measures should:

- Provide for the **fair and equitable sharing of benefits arising from the utilization of genetic resources, as well as subsequent applications and commercialization**, with the contracting party providing the genetic resources



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Benefit-sharing obligations (cont'd)

Domestic-level benefit-sharing measures should:

- Ensure that sharing of benefits is subject to **mutually agreed terms**. Benefits may be monetary (such as royalties) or non-monetary (such as sharing research results or technology transfer)



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Global multilateral benefit-sharing mechanism

- To address benefit-sharing with respect to genetic resources occurring in:
 - Transboundary areas
 - Situations where prior informed consent cannot be obtained
- The need for and modalities of this mechanism are to be considered
- Benefits shared through this mechanism are to be used **to support the conservation and sustainable use** of biodiversity globally



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Compliance obligations

Innovation of the Nagoya Protocol:

- Obligation to comply with national ABS legislation and mutually agreed terms



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Compliance with ABS legislation

Parties to the Protocol should:

- Take measures to provide that **genetic resources utilized within their jurisdiction** have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established
- Take measures to address situations of non-compliance
- **Cooperate** in cases of alleged violation of another Party's requirements



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Compliance with mutually agreed terms

Parties to the Protocol should:

- Encourage contractual provisions on **dispute resolution** in mutually agreed terms
- Ensure an opportunity is available to seek **recourse** under their legal systems
- Take measures regarding **access to justice and the mutual recognition and enforcement** of foreign judgments and arbitral awards



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Monitoring the utilization of genetic resources

Parties to the Protocol should:

- Designate one or more effective **checkpoint(s)** for collection of information at any stage of research, development, innovation, pre-commercialization or commercialization
- Encourage **reporting requirements** in mutually agreed terms
- Encourage cost-effective **communication tools**

The Protocol establishes an **internationally recognized certificate of compliance** as evidence that prior informed consent was obtained and mutually agreed terms established



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The Protocol encourages the development, update and use of:

- Model contractual clauses for mutually agreed terms
- Codes of conduct, guidelines and best practices and/or standards

For an overview of such instruments:

www.cbd.int/abs/instruments



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The Nagoya Protocol on ABS

How does the Nagoya Protocol address traditional knowledge associated with genetic resources?

- With provisions on access, benefit-sharing and compliance
- It aims to ensure that indigenous and local communities obtain a **fair share of the benefits** from the use of their:
 - Traditional knowledge associated with genetic resources
 - Genetic resources, in cases where they have established rights to grant access to them, in accordance with national legislation



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The Nagoya Protocol on ABS

By setting out clear provisions on **access to traditional knowledge** associated with genetic resources, the Protocol will:

- Strengthen the ability of indigenous and local communities to benefit from the use of their knowledge, innovations and practices
- Provide incentives for the promotion and protection of traditional knowledge
- Encourage the development of:
 - Community protocols, minimum requirements for mutually agreed terms and model contractual clauses



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Supporting mechanisms to assist with implementation

- **National focal points and competent national authorities:** provide information, grant access and facilitate cooperation
- **Access and Benefit-sharing Clearing-House:** a web-based information exchange mechanism



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Supporting mechanisms to assist with implementation (cont'd)

- **Capacity-building** based on a country's self assessment of national needs and priorities
- **Awareness-raising** with and among key stakeholders
- **Technology transfer**, including biotechnological research
- Targeted **financial support** for capacity-building and development initiatives through the Protocol's financial mechanism, the Global Environment Facility (GEF)



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The Nagoya Protocol on ABS

When will the Nagoya Protocol enter into force?

- Open for **signature** at the UN Headquarters in New York from 2 February 2011 until 1 February 2012.
- Will **enter into force** 90 days after the date of deposit of the 50th instrument of ratification by a Party to the CBD



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