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Press Brief

Access and Benefit Sharing (ABS)

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization adopted on 29 October 2010 in Nagoya, Japan, at the tenth meeting of the Conference of the Parties (COP 10) further advances the implementation of one of the three objectives of the Nagoya Protocol: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

About access and benefit sharing

What are genetic resources? All living organisms; plants, animals and microbes, carry genetic material that could be potentially useful to humans.

What does “using” genetic resources mean? Using or utilizing genetic resources refers to the process of researching their beneficial properties and using them to increase scientific knowledge and understanding, or to develop commercial products. Users of genetic resources may include research institutes, universities and private companies operating in various sectors such as pharmaceuticals, agriculture, horticulture, cosmetics and biotechnology.

What is access and benefit-sharing? ABS refers to the way in which genetic resources may be accessed, and how users and providers reach agreement on the fair and equitable sharing of the benefits that might result from their use.

A person or institution seeking access to a genetic resource (user) should obtain the prior informed consent of the country in which the resource is located. Moreover, the user and country providing the genetic resource need to agree on the terms and conditions of access and use of this resource (mutually agreed terms). This includes the sharing of benefits arising from the use of this resource, with relevant authorities in the provider country.

Benefit-sharing with providers will take various forms, ranging from royalties to joint ventures, technology transfer, capacity-building, etc. It will thus contribute to poverty reduction and sustainable development in developing countries. In return for these benefits, providers of biodiversity will enable access to their genetic resources for research or other purposes. This can contribute to the advancement of science and to human well-being through the use of genetic resources in pharmaceuticals, cosmetics, agriculture and other sectors.

About the Nagoya Protocol

What is the Nagoya Protocol? Adopted on 29 October 2010 as a supplementary agreement to the CBD, the Protocol provides a transparent legal framework for the effective implementation of one of the three objectives of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

When will enter into force? The Protocol will enter into force 90 days after the fiftieth instrument of ratification.



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Why is the Nagoya Protocol important? The Protocol will create greater legal certainty and transparency for both providers and users of genetic resources by establishing more predictable conditions for access to genetic resources and by helping to ensure benefit-sharing when genetic resources leave the contracting Party providing the genetic resources. By helping to ensure benefit-sharing, the Protocol creates incentives to conserve and sustainably use genetic resources, thus enhancing the contribution of biodiversity to development and human well-being.

What does the Nagoya Protocol cover? The Protocol applies to genetic resources and traditional knowledge associated with genetic resources that are covered by the CBD, and to the benefits arising from their utilization.

What are the core elements of the Nagoya Protocol? The Protocol sets out core obligations for its contracting Parties to take measures in relation to access to genetic resources, benefit-sharing and compliance.

How does the Nagoya Protocol address traditional knowledge associated with genetic resources and genetic resources held by indigenous and local communities? In some cases, traditional knowledge associated with genetic resources that comes from indigenous and local communities (ILCs) provides valuable information to researchers regarding the particular properties and value of these resources and their potential use for the development of, for example, new medicines or cosmetics. The Protocol addresses traditional knowledge associated with genetic resources with provisions on access, benefit-sharing and compliance. Contracting Parties are to take measures to ensure these communities' prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange.

What happens until the Protocol enters into force? COP 10 decided to establish an Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol (the Intergovernmental Committee) with a view to undertaking the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP). The Intergovernmental Committee met twice: in Montreal, Canada, 6-10 June 2011, and, in New Delhi, India, 2-6 July 2012.

What news to expect in Hyderabad?

COP 11 will have before it the reports of the first two meetings of the Intergovernmental Committee and a progress report on the Protocol. In light of the recommendations of the Intergovernmental Committee, the COP will need to consider if a third Intergovernmental Committee meeting is warranted prior to COP 12 and the first meeting of the COP-MOP.

COP11 will also consider:

- Capacity-building and development initiatives as well as awareness-raising activities to support ratification, early entry into force and implementation of the Nagoya Protocol
- Possible inter-sessional activities in relation to the need for and modalities of a global multilateral benefit-sharing mechanism, as well as activities related to measures to assist in capacity-building and development
- Guidance to the financial mechanism (to be considered under item 4.3)
- Resource mobilization for the implementation of the Nagoya Protocol (to be considered under agenda item 4.1)
- Report on progress in the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House, as well as the establishment of an informal advisory committee to assist in its development
- Possible additional issues that may need to be addressed in preparation for the first COP-MOP.

Secretariat of the Convention on Biological Diversity

413, Saint Jacques Street, suite 800
Montreal, Quebec, H2Y 1N9
Canada

Tel.: +1 514 288 2220
Fax: +1 514 288 6588
secretariat@cbd.int

www.cbd.int/abs