

The Nagoya Protocol on Access to Genetic Resources and Benefit Sharing

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Presentation Overview

- Indigenous Knowledge Systems
- The Convention on Biological Diversity (CBD)
- Nagoya Protocol
- The global Biodiversity Framework
- Goal C
- Target 13
- Conclusions

Different world views –value perspective

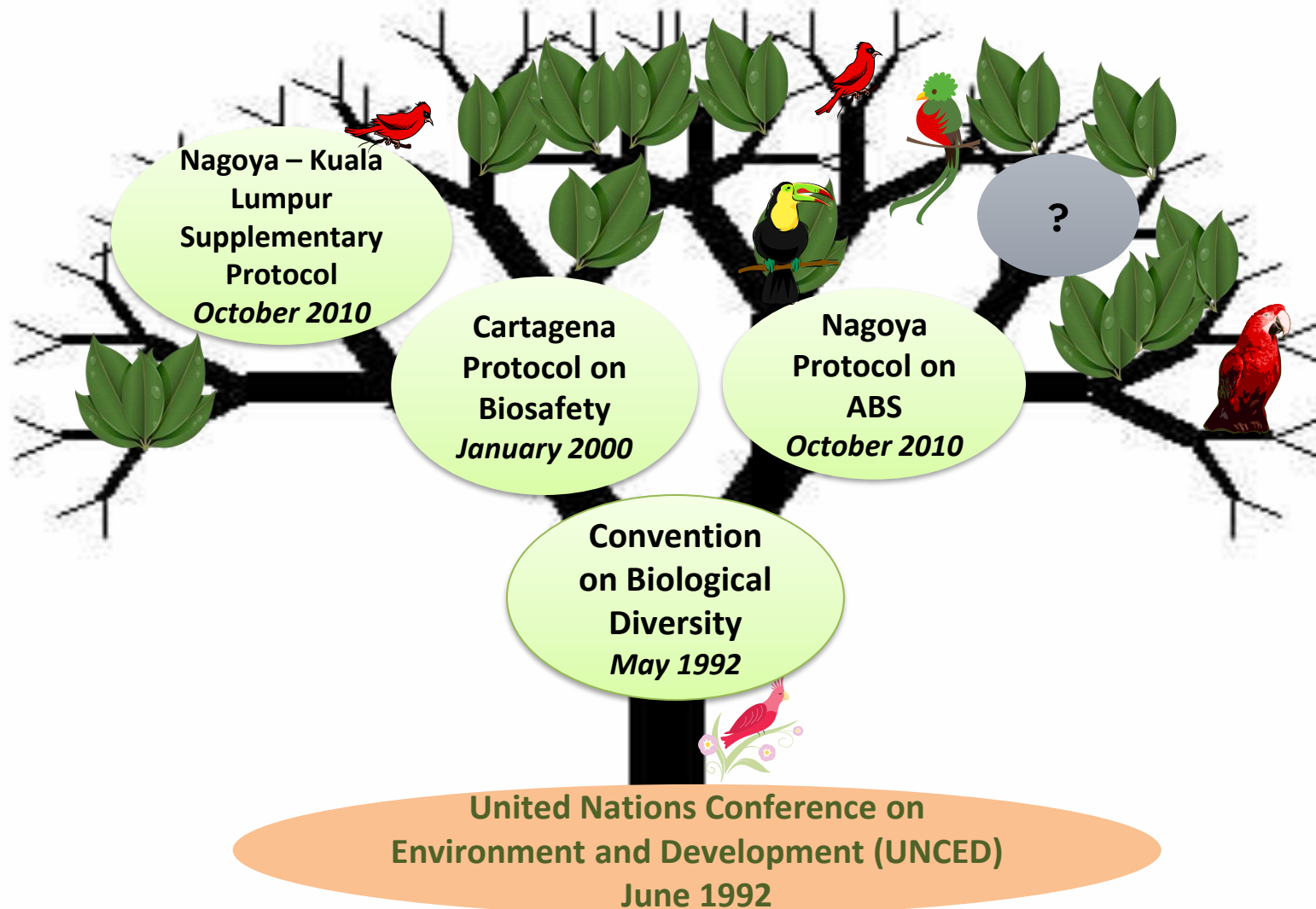
Living of nature – anthropocentric- prosperity- lack

Living with nature – bio-ecocentric – stewardship- abundance

Living in nature – anthropocentric - belonging

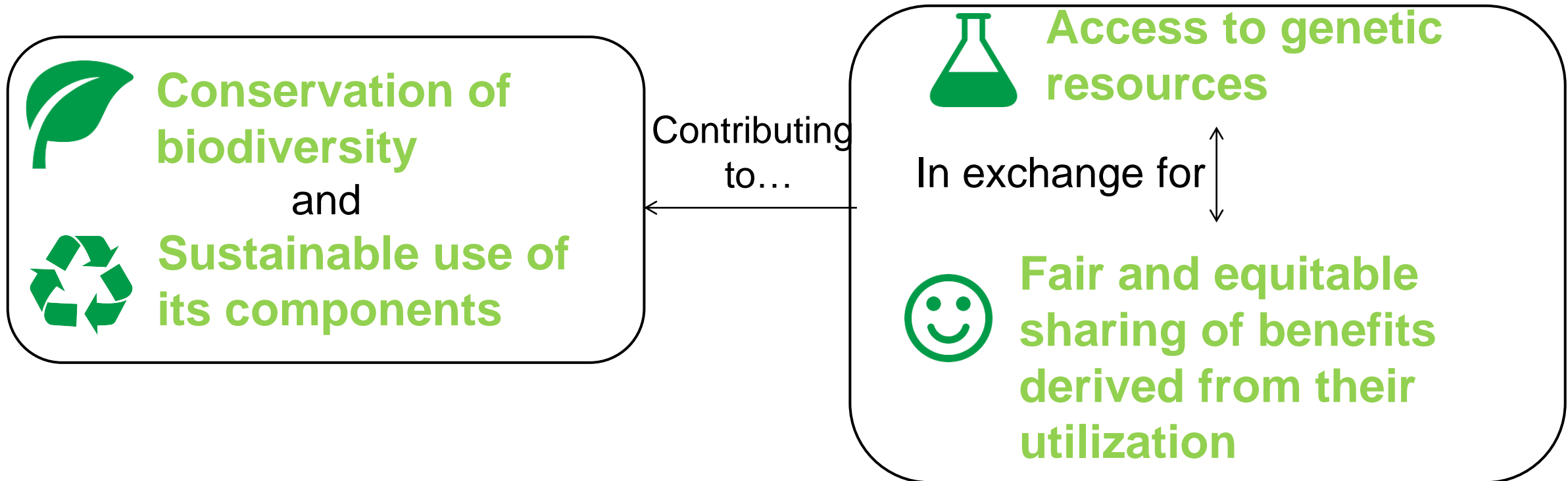
Living as nature – plurocentric – cosmocentric – living in harmony

The CBD tree



Access to genetic resources & benefit-sharing in the Convention

The three objectives of the Convention create an equity relationship:



WHY rules on access and benefit-sharing?

Providers

Genetic resources

Open access

Needs

Users

Biotechnology

IPR

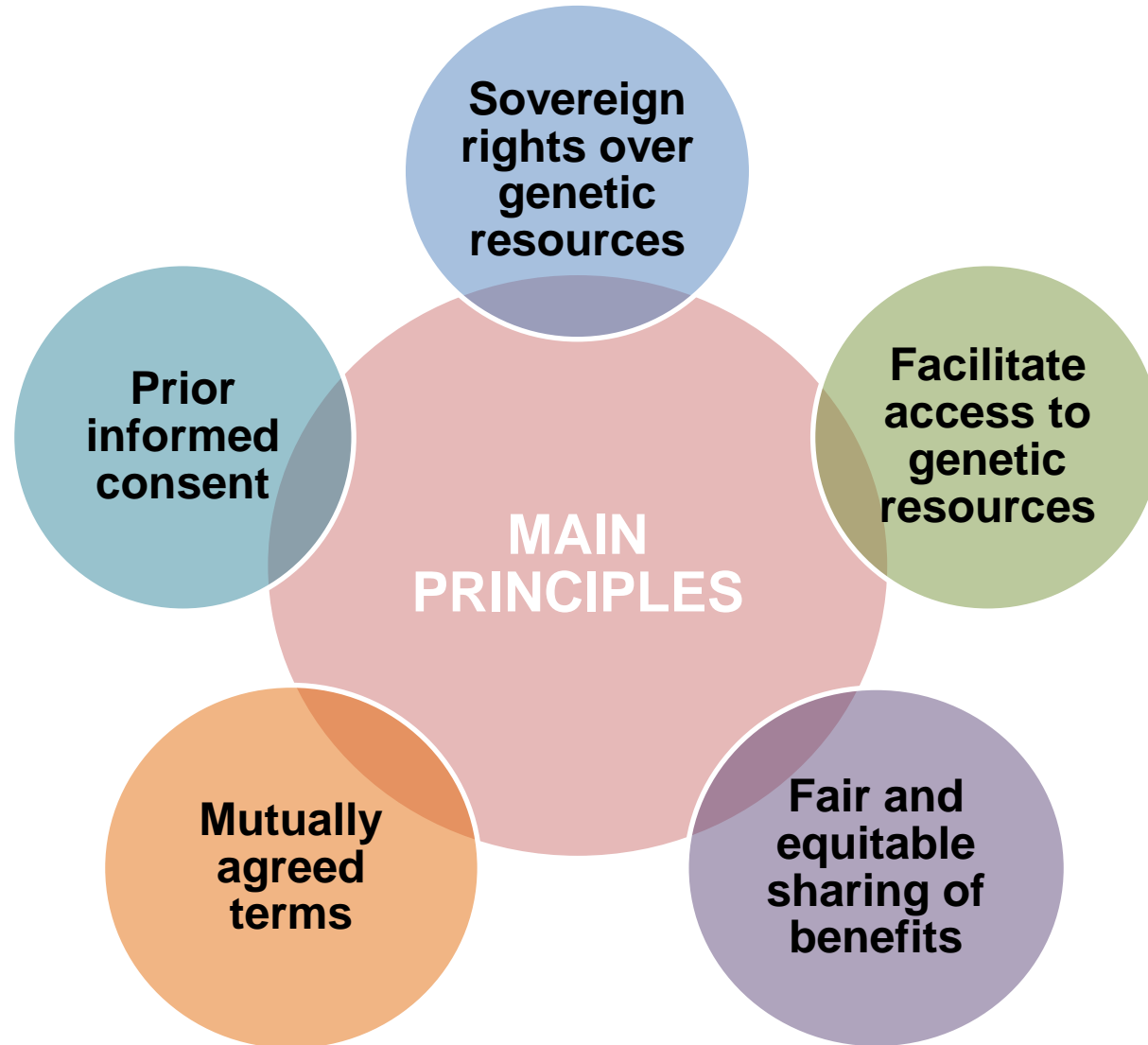
Benefits

Equity

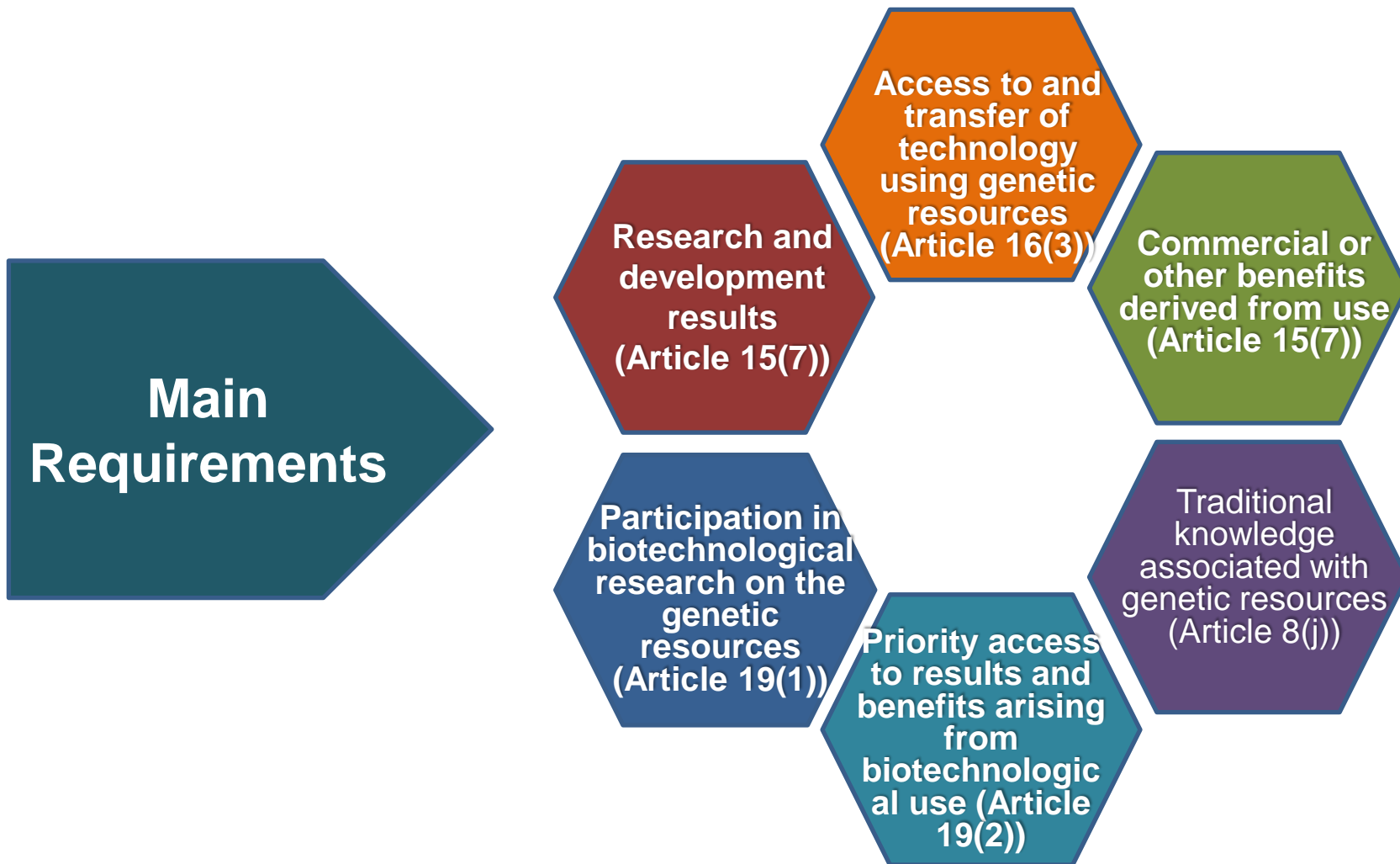


Loss of biological diversity

CBD on access (Article 15)



CBD on benefit-sharing (Arts. 15, 8, 16, 19)



Why a Protocol on ABS?



CBD provisions
not fully
implemented

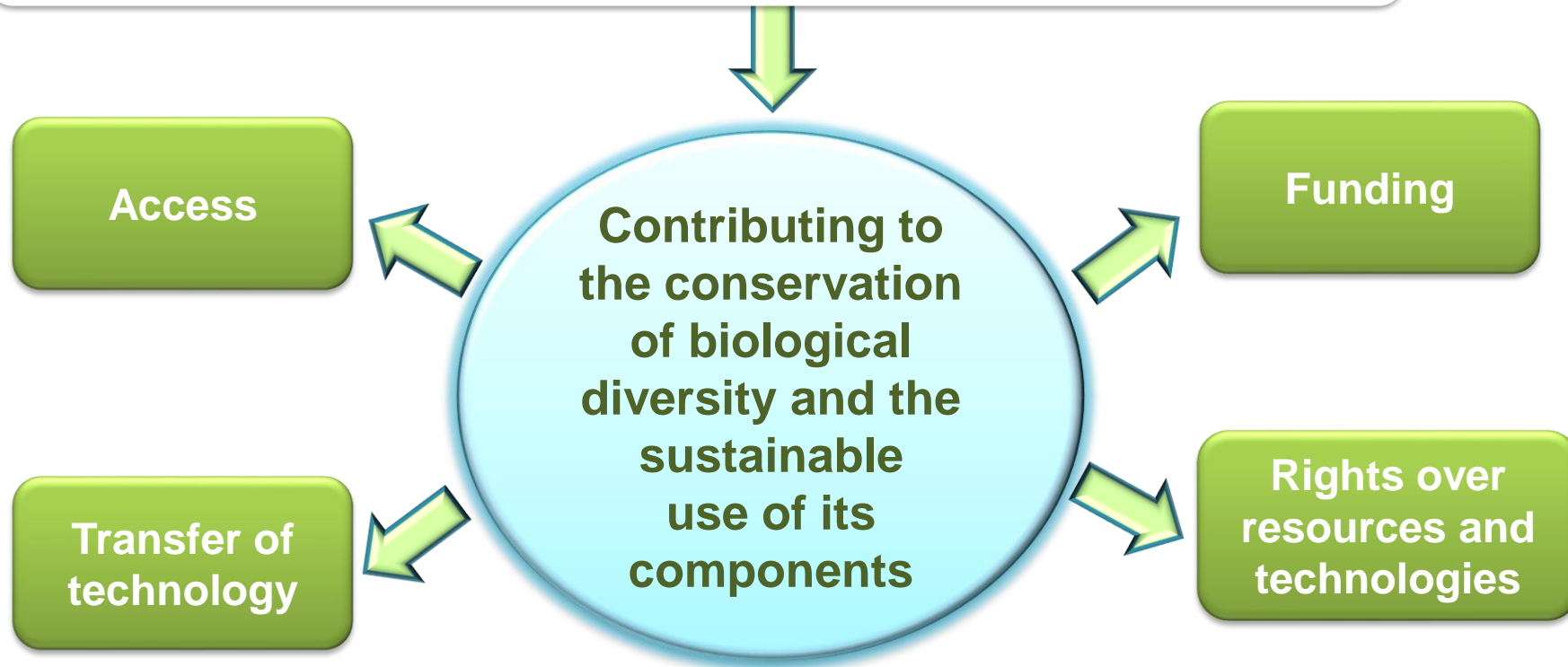
Cases of
misappropriation
of genetic
resources and
associated
traditional
knowledge

Need for legal certainty and
transparency

- ✓ For providers: Concern to ensure benefit-sharing once genetic resources have left the provider countries
- ✓ For users: Need for clear procedures when accessing genetic resources

The Nagoya Protocol - Objective

Fair and equitable sharing of the benefits arising from the utilization of genetic resources



The Nagoya Protocol - Scope

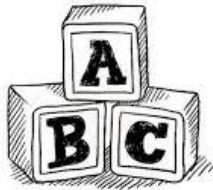
GENETIC
RESOURCES

TRADITIONAL
KNOWLEDGE



Benefits

Three pillars of the Nagoya Protocol

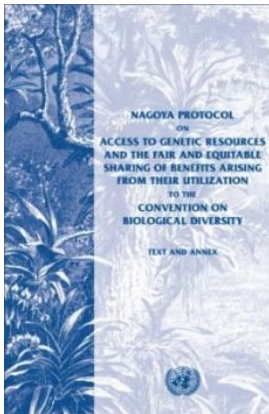


Access – Users seeking access to genetic resources must:

Get **permission** from the provider country (known as prior informed consent, PIC), unless otherwise determined by that Party

Benefit-sharing – provider and user must:

Negotiate an agreement to share benefits resulting from the use of a genetic resource (known as mutually agreed terms, MAT)



Compliance – Protocol creates obligations to:

- Comply with national ABS legislation and mutually agreed terms
- Monitor the utilization of genetic resources

Access to genetic resources

Sovereign rights over natural resources

Domestic ABS legislation or regulatory requirements

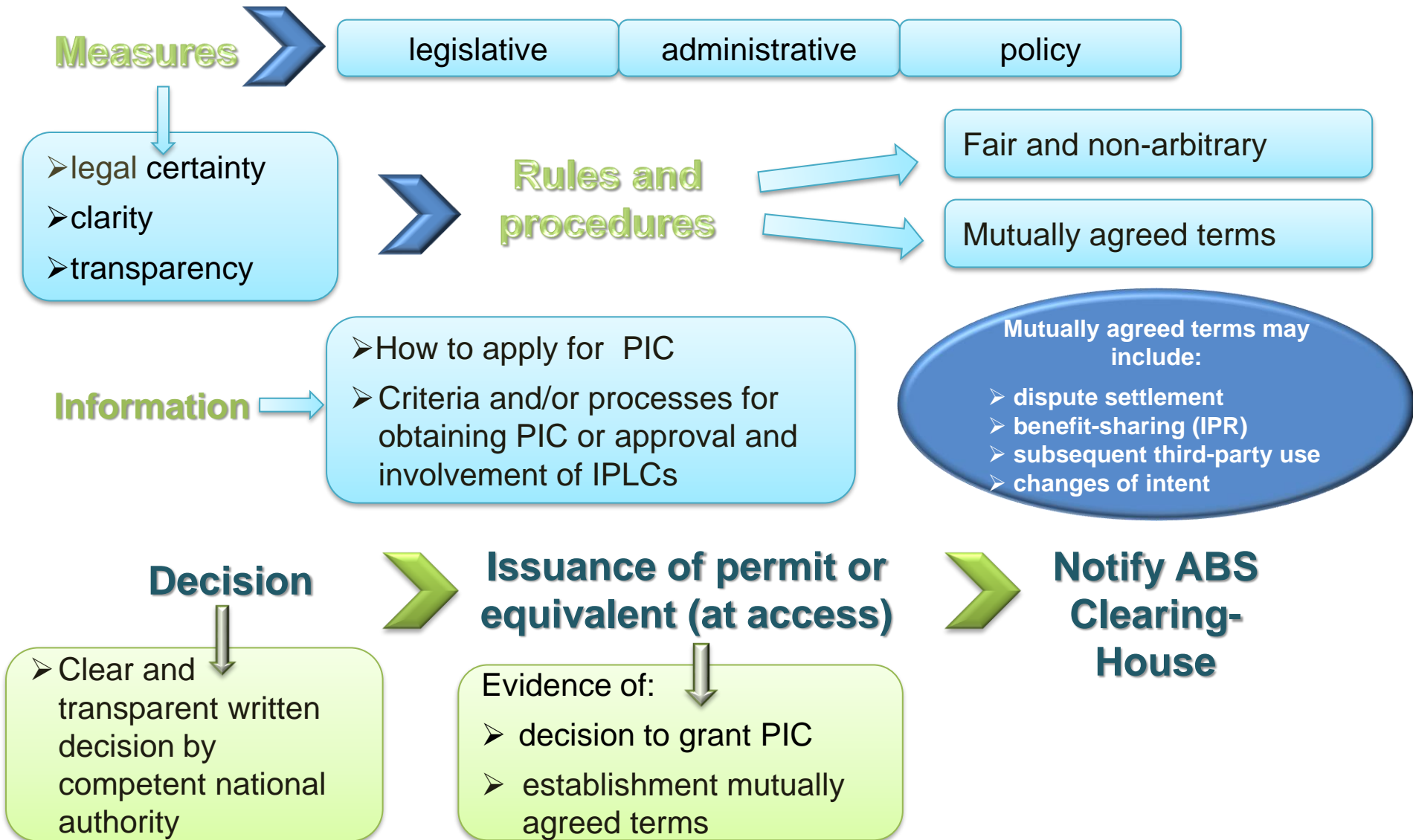
Prior informed consent (PIC) of the providing Party

The country of origin

A Party that has acquired the
resources in accordance with the
CBD

Ensure PIC or approval and
involvement of IPLCs is obtained

Requiring Prior Informed Consent (PIC)?



Benefit-sharing

Sources of benefit

- utilization of genetic resources
- subsequent applications
- commercialization

Types of benefit



Non-monetary

To be shared with the Party providing the resources

The country of origin

A Party that has acquired the resources
in accordance with the CBD

Legislative, administrative or policy
measures

Mutually agreed terms

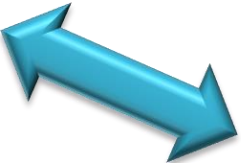
Compliance

With domestic legislation or regulatory requirements on ABS

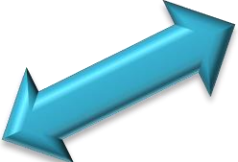


With mutually agreed terms (MAT)

- Encourage inclusion of provisions to cover dispute resolution
- Ensure opportunity to seek recourse
- Take effective measures regarding:
 - access to justice
 - utilization of mechanisms regarding mutual recognition and enforcement of foreign judgments and arbitral awards

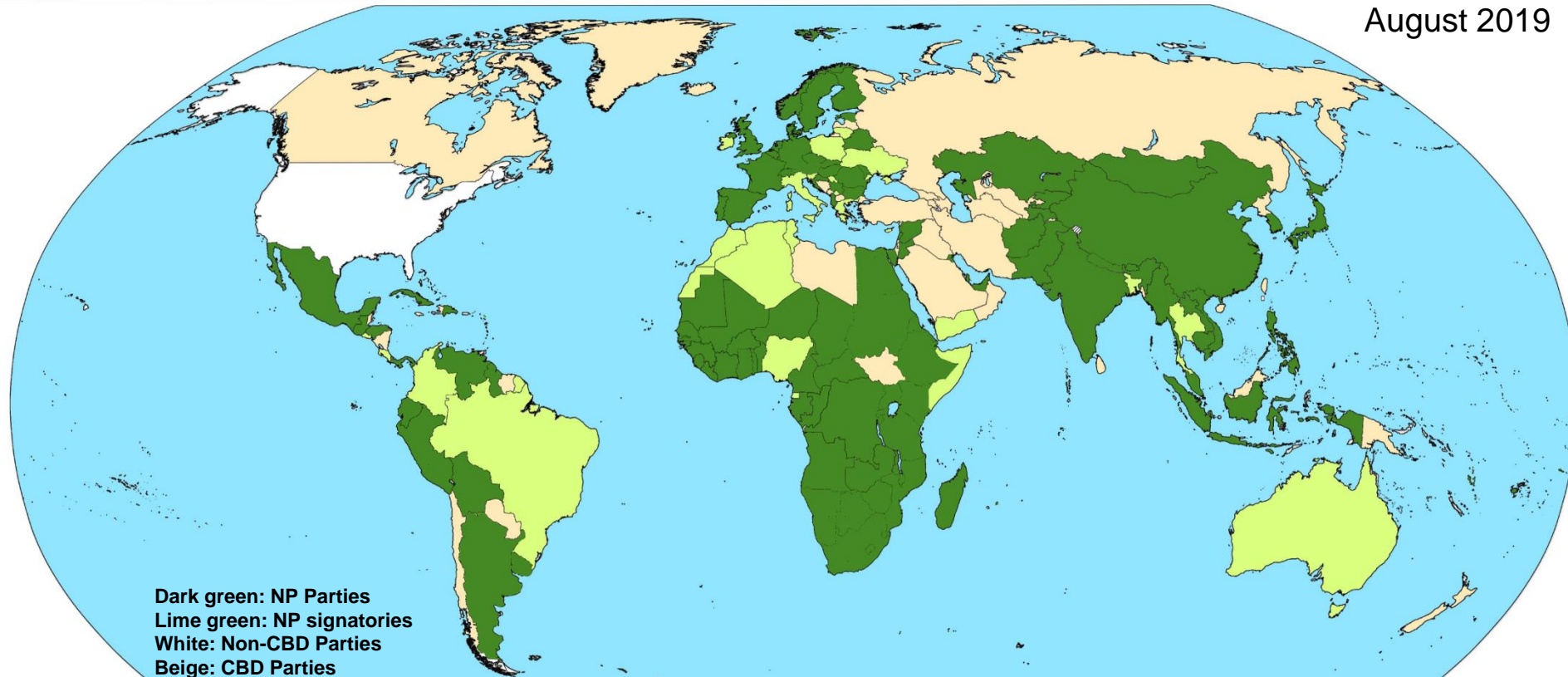


With the provisions of the Protocol



140 Ratifications/Accessions to the Nagoya Protocol

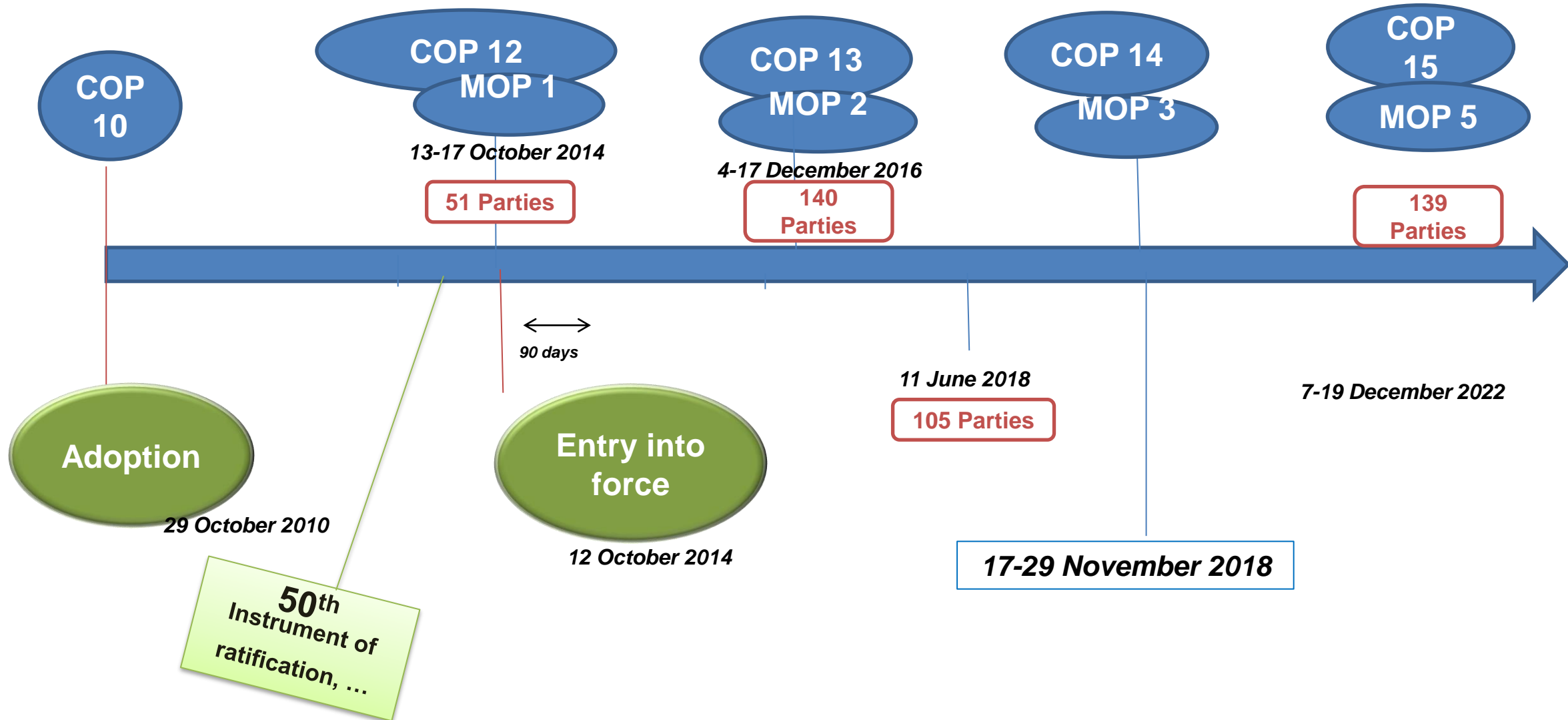
August 2019



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NAGOYA PROTOCOL: PROCESS AND STATUS



COP15 Major Outcomes



Kunming-
Montreal
GBF
(decision
15/4)

GBF
Monitoring
framework
(decision
15/5)

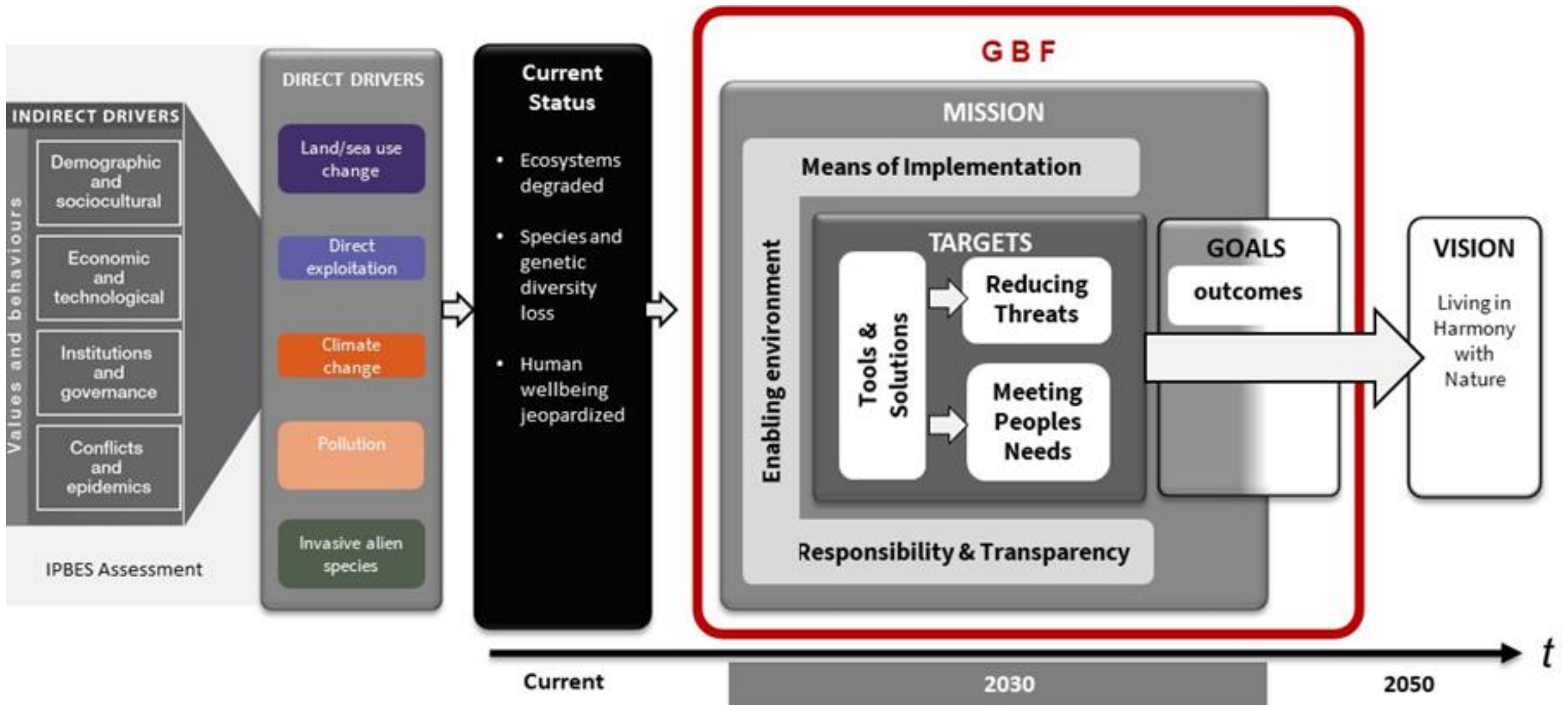
Mechanisms
for planning,
monitoring,
reporting and
review
(decision 15/6)

Resource
mobilization
(decision
15/7)

Capacity-
building and
development
& technical
and scientific
cooperation
(decision 15/8)

Digital
sequence
information
on genetic
resources
(decision
15/9)

The Kunming-Montreal Global Biodiversity Framework



The Kunming-Montreal Global Biodiversity Framework

Goal A

Ecosystems maintained, enhanced, or restored, extinctions are halted, extinction rate reduced tenfold and genetic diversity is maintained

Goal B

Biodiversity is sustainably used and its contributions to people are maintained, enhanced or restored

Goal C

Benefits from the use of genetic resources are shared and sustainably increased

Goal D

The biodiversity funding gap of 700 billion USD is closed by ensuring adequate means of implementation are available.

2050

Kunming-Montreal Global Biodiversity Framework

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2030 Targets

Reducing Threats to Biodiversity

Meeting people's need through sustainable use and benefit sharing

Tools and solutions for implementation and mainstreaming

Target 1	All areas spatially planned or managed	Target 9	Management and use of wild species are sustainable	Target 14	Multiple values of biodiversity are integrated into decision making processes
Target 2	30% of degraded areas under effective restoration	Target 10	Areas under agriculture, aquaculture, fisheries and forestry are managed sustainably	Target 15	Businesses disclose biodiversity dependencies, impacts and risks, and reduce negative impacts
Target 3	30% of areas effectively conserved	Target 11	Nature's contributions to people are restored maintained and enhanced	Target 16	Sustainable consumption choices are enabled and overconsumption and waste are reduced
Target 4	Extinction halted, species recovered, genetic diversity maintained	Target 12	Area of green and blue spaces is increased and enhanced	Target 17	Biosafety measures are strengthened, and the benefits of biotechnology are distributed
Target 5	Use, harvesting, and trade of wild species is sustainable	Target 13	Effective measures are in place for the fair and equitable sharing of benefits that arise from the utilization of genetic resources and DSI	Target 18	Harmful incentives are eliminated, phased out or reformed and positive incentives are scaled up
Target 6	Invasive alien species introduction and establishment halved			Target 19	\$200 billion USD mobilized annually to implement NBSAPs
Target 7	Pollution reduced, i.e. halving nutrient loss and pesticide risk			Target 20	Capacity building, technology transfer and cooperation for implementation is strengthened
Target 8	Impacts of climate change minimized and resiliency increased			Target 21	Data, information and knowledge, including traditional knowledge, for decision making is available
				Target 22	Decision making is participatory, inclusive, representative and gender responsive and rights are respected
				Target 23	Implementation follows a gender-responsive approach

Goal 13 Unpacked

- **1 Monetary and Non-Monetary benefits arising from**
 - Utilization of Gr
 - Utilization of DSI
 - Utilization of TK associated with GR
- **2. Are shared**
 - Fairly and equitable between providers and users with a special focus on IPLC
- **3. To ensure that**
 - Benefits are **substantially** increased by 2050
 - Ensuring that TK is appropriately protected
 - Benefits contributes to conservation and use of biodiversity
- **4. Above to be achieved by means of regulation through internationally agreed benefit-sharing instruments**

Target

- **Take effective:**
 - legal, policy, administrative and capacity-building measures at all levels, as appropriate,
 - to ensure the **fair and equitable sharing of benefits** that:
 - arise from the utilization of genetic resources and
 - from digital sequence information on genetic resources,
 - as well as traditional knowledge associated with genetic resources,
 - and
 - **facilitating appropriate access** to genetic resources, and
 - **by 2030 facilitating a significant increase of the benefits shared,**

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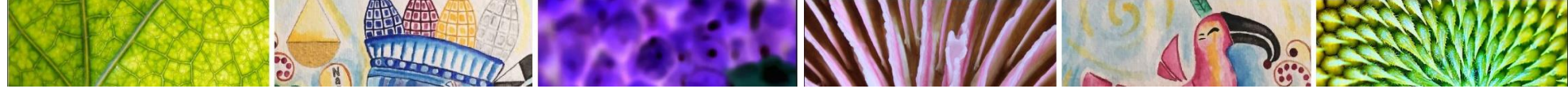
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Thank You

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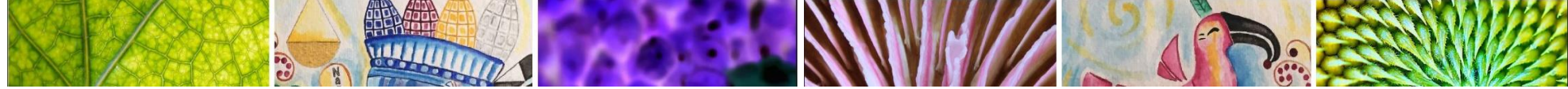




Assessment and review of the Protocol

Priorities for further work (NP-3/1)

- Develop ABS legislation and regulatory requirements
- Enhance implementation by Parties
 - Of the provisions on compliance with domestic ABS legislation
 - Monitoring the utilization of genetic resources, including the designation of checkpoints
 - Of provisions related to IPLCs (Article 5, 6, 7 and 12)
- Support the full and effective participation of IPLCs by raising their awareness and capacity on ABS and supporting the development of community protocols, MAT and model contractual clauses
- Raise awareness among relevant stakeholders and encourage



Assessment and review of the Protocol

Support from relevant organizations (NP-3/1)

- Expand efforts to build the capacity of developing country Parties to implement the Nagoya Protocol taking into account
 - Priority areas and key findings of the assessment and review
 - Need to strengthen institutional capacities
 - Needs and priorities of IPLCs
- Publish information on CB initiatives and resources on the ABS-CH
- Consider regional approaches to support harmonized implementation
- Facilitate sharing of information and experiences related to transboundary cooperation
- Support strategic communication to enhance awareness about the Protocol
- Build capacity of Parties and IPLCs for the negotiation of MAT and to promote partnerships and technology transfer between users and providers