



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

Secretariat of the Convention on Biological Diversity

The Nagoya Protocol on Access and Benefit-sharing: Background



To further implement one of the CBD's three objectives:

- Conservation of biological diversity
- Sustainable use of its components
- **Fair and equitable sharing of benefits arising from the use of genetic resources**



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Nagoya Protocol: Context

Genetic resources provide a **wide range of products and services** essential to human well-being, notably in the following commercial sectors:

- Pharmaceuticals
- Personal care and cosmetics
- Seed and crop protection
- Botanicals and horticulture

Therefore, **countries have a shared interest** in the advancement of research on genetic resources as it leads to **new discoveries** and **economic benefits**.

The Nagoya Protocol: Context



The important difference between genetic resources and biological resources (commodities) lies in a key attribute – **REPLICATION-ABILITY**.

Example:

- A seedless grape, or a banana, is a biological resource/commodity – it can only be used as a **biological resource** and cannot be replicated (with current technology);
- A seed grape, an avocado, one microbial/fungal cell, or a gene sequence in a databank is a **genetic resource**, can be used to replicate a billion copies of the same – (remember the rubber tree).
- Many (natural) things are both genetic and biological resources at the same time!



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Nagoya Protocol: Context

Genetic resources can also be put to **non-commercial use**:

- Academic and public research institutions use genetic resources to increase our understanding of nature;
- Genetic resources are a key source of information for taxonomy and ecosystem analysis.

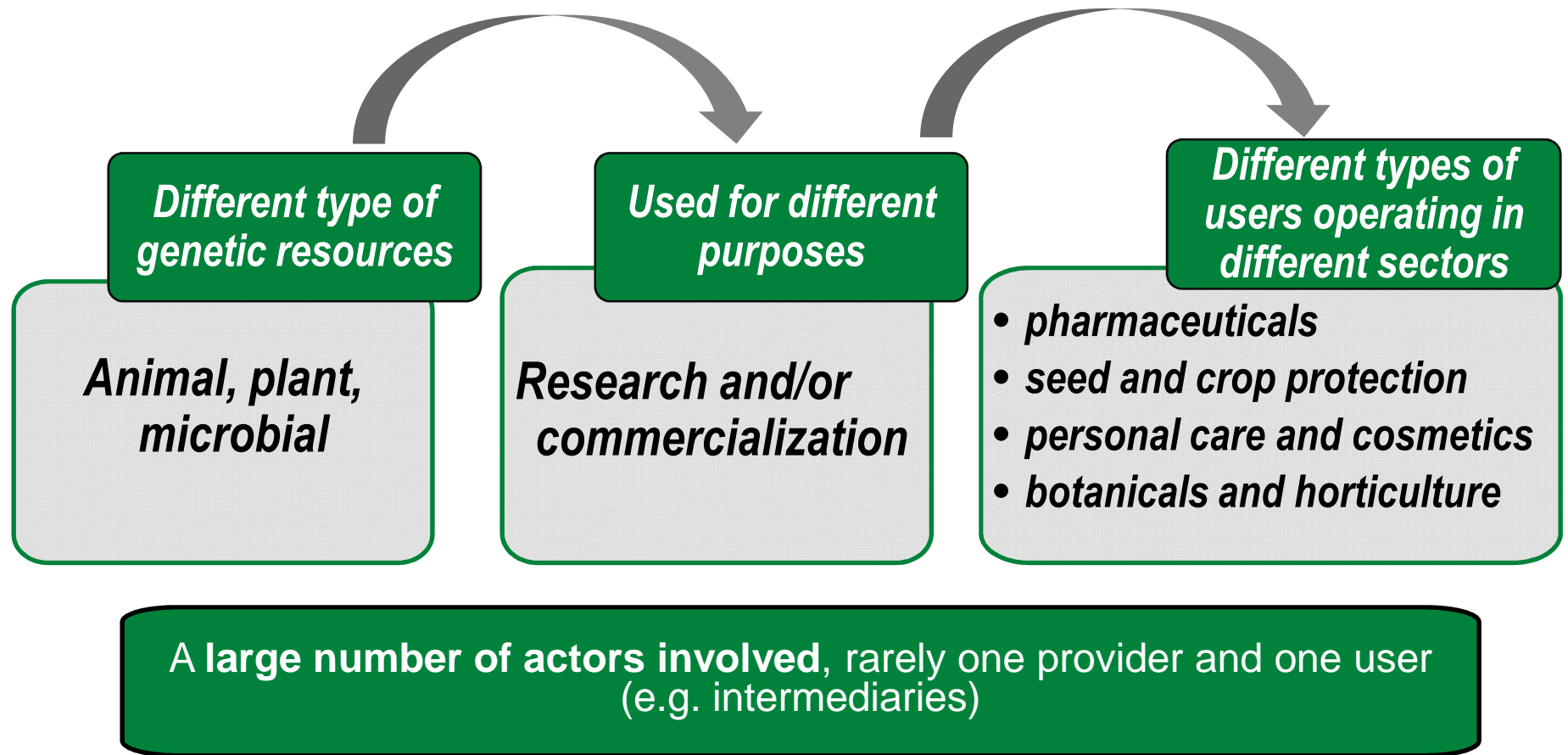


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Nagoya Protocol: Context



Uses of genetic resources





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Nagoya Protocol: Principles

Fundamental principles of ABS

- **Sovereign rights** of States over their natural resources;
- **Access** to genetic resources is subject to the **prior informed consent** (PIC) of the provider country;
- Users and providers must reach an **agreement** (mutually agreed terms) on the **sharing of benefits** that may result from their use



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Nagoya Protocol: Advantages for indigenous and local communities



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- Indigenous and local communities rely on genetic resources and have helped preserve and maintain biodiversity over centuries;
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- Traditional knowledge related to biological resources can be an important source of **information for identifying new uses of genetic resources**;
- The Protocol will provide incentives for the **protection and promotion of traditional knowledge**



Nagoya Protocol: Advantages for indigenous and local communities



The Protocol aims to ensure that:

Indigenous and local communities obtain a **fair share of benefits** from the use of their:

- Traditional knowledge associated to genetic resources
- Genetic resources, in cases where they have established rights to grant access to them, in accordance with national legislation

Access will be subject to their **prior informed consent**, taking into account their customary laws and procedures

Nagoya Protocol: Conservation and sustainable use of biodiversity



The Protocol creates **incentives** to conserve biological diversity and to sustainably use its components

Global Multilateral Benefit-sharing Mechanism

- for benefits derived from the use of genetic resources and traditional knowledge that occur in transboundary situations or for which prior informed consent cannot be granted
- benefits from the mechanism are to be used to support the conservation and sustainable use of biodiversity
- to be further considered by MoP after entry into force.

Support for the early entry into force of the Protocol



GEF has approved a 1 million USD project to support the early ratification and implementation, including:

- **Briefing sessions** for decision-makers including parliamentarians, high level officials and UN bodies
- Inclusion of ABS component in **NBSAP workshops**
- **Capacity-building workshops** for national focal points and indigenous and local communities



Signature and ratification



- Protocol opened for signature at UN Headquarters in New York from 2 February 2011 until 1 February 2012
- Entry into force 90 days after the date of deposit of the 50th instrument of ratification
- COP 11, 8 to 19 October 2012, India
 - Target for convening the Nagoya Protocol's first meeting of the Parties
 - Fiftieth instrument of ratification to be deposited no later than **10 July 2012** to meet this objective

Signature and ratification



- Number of signatories as of October 2011 is 64;
- Syria was 1st country to deposit ratification notice, but still some paperwork problems;
- Rwanda parliament has also almost approved the ratification process.

Steps for signature and ratification



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Signature:

- A Head of State, Head of Government or Minister of Foreign Affairs may sign the Nagoya Protocol without an instrument of full powers. All other representatives must present to the Depositary a valid instrument of full powers authorising them to sign

Ratification, acceptance, approval and accession:

- Parties that sign can then take steps at the domestic level to deposit their instrument(s) of ratification, acceptance or approval

For further information on the [process](http://www.cbd.int/abs/becoming-party) for signature and ratification, please visit: www.cbd.int/abs/becoming-party



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Thank you for your attention!

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