The Convention on Biological Diversity, its Nagoya Protocol, and Access to Genetic Resources and Benefit-Sharing

Braulio Ferreira de Souza Dias
Executive Secretary
Convention on Biological Diversity
Convention on Biological Diversity (CBD) has three objectives:

- Conservation of biological diversity
- Sustainable use of its components
- Fair and equitable sharing of benefits arising from the use of genetic resources
CBD thus provides for an equity relationship:

- **Access to genetic resources**
- **Fair & equitable sharing of benefits derived from their utilization**

These are contributed to **Conservation & sustainable use of biodiversity**

The Nagoya Protocol aims at providing a legal framework that creates clarity, transparency and legal certainty for the equity relationship of the CBD.
Background: ABS & sustainable development

- ABS can help:
  - Increase knowledge of value of natural resources
  - Create incentives for conserving biodiversity
  - Provide conditions for research & development on genetic resources and for conservation & sustainable use of biodiversity
  - Respect, preserve and maintain traditional knowledge associated with genetic resources

- World Summit on Sustainable Development (September 2002)
  - Mandate for negotiation of Nagoya Protocol (para. 44(o))

- “The Future We Want” (Rio+20 outcome document)
  - Reiterates commitment to three objectives of CBD (para. 198)
  - Acknowledges role of ABS in contributing to conservation and sustainable use of biodiversity, poverty eradication and environmental sustainability (para. 199)

- Letter from Secretary General to Heads of State/Government (April 2013)
  - Highlighted valuable contribution Protocol can make to sustainable development & urged early ratification of Protocol
The ABC’s of ABS

- **Access** - users seeking access to genetic resources must:
  - Get **permission** from the provider country (known as prior informed consent PIC)

- **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 or MAT)

- **Compliance** – Nagoya Protocol creates obligations to:
  - Comply with national ABS legislation and mutually agreed terms
  - Monitor the utilization of genetic resources
    - Checkpoints
    - Internationally recognized certificate of compliance

- Protocol also address access to traditional knowledge associated with genetic resources, benefit-sharing from the use of such knowledge, and compliance with ABS legislation on such knowledge
Nagoya Protocol – Status of signature, and ratification, acceptance, approval or accession

As of October 28th, 2013

CBD Parties that have ratified or acceded to the Protocol: 26

Parties that signed Protocol by closing date for signature (1 Feb 2012)

Parties that did not sign and have not yet acceded to the Protocol

Countries that are not Parties to the CBD

* DISCLAIMER: The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the Convention on Biological Diversity concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.
Progress towards entry into force: Key national actions

- **Countries need to:**
  - Deposit the *instrument of ratification*, acceptance, approval or accession with Secretary General in New York
  - Develop or update their *domestic ABS legal framework* in order to implement the Protocol
  - Put in place the required *institutional structures*:  
    - ABS National Focal Point
    - One or more competent national authority/ies
    - One or more checkpoints
  - Develop *capacity* and *raise awareness* about the Protocol
Progress towards entry into force: Support to countries

- GEF Medium-sized project to support early entry into force of NP
- GEF Regional projects in Latin America and the Caribbean, Africa and ASEAN in support of the Nagoya Protocol
- Nagoya Protocol Implementation Fund
  - Includes project on ‘Global Support for the Entry into Force of the Nagoya Protocol on Access and Benefit Sharing’ being implemented by UNEP
- CBD Secretariat activities
  - CBD Secretariat carrying out a series of workshops in 2013-2014 beginning with Pacific (November 2013) and Asia (December 2013).
  - Other regions will be covered in first half of 2014
  - E-learning modules under development
Progress towards entry into force: ABS Clearing-House

- Pilot phase of the ABS Clearing-House
  - [http://absch.cbd.int](http://absch.cbd.int)
- Will contribute to clarity, transparency and legal certainty
Progress towards entry into force: Awareness-raising materials

Materials developed by the SCBD:

• Booklets of the Nagoya Protocol
  • In 6 UN languages + courtesy translations available on website
• Factsheets and information kits on ABS and the Nagoya Protocol
• ‘Bioscience at a crossroads: ABS in a Time of Scientific, Technological and Industry Change’
  • Policy briefs and factsheets covering the agricultural, botanicals, cosmetics, food & beverage, industrial biotechnology and pharmaceutical sectors
Next steps

- Third meeting of the Intergovernmental Committee for the Nagoya Protocol
  - Preparing for first meeting of the Parties to the Protocol
  - 24-28 February 2014, Pyeongchang, Republic of Korea

- First meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol
  - Will be held concurrently with the Conference of the Parties to the Convention
  - COP-12: 6-17 October 2014, Pyeongchang, Republic of Korea

- Strategic Plan for Biodiversity 2011-2020
  - Aichi Target 16 addresses Nagoya Protocol
  - Will be first target to be achieved when Protocol enters into force
Thank you

Secretariat of the Convention on Biological Diversity
413 Saint Jacques Street, Suite 800
Montreal, QC, H2Y 1N9, Canada
Tel: +1 514 288 2220
Fax: + 1 514 288 6588
Email: secretariat@cbd.int
www.cbd.int

FOR MORE INFORMATION ON ABS:
www.cbd.int/abs