

CSAP 4 – Gland, Switzerland

The Nagoya Protocol on Access and Benefit-sharing - Introduction and Overview

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Gland, February 12th 2011.



History



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- An elaboration of existing obligations under the Convention (Article 15), so not “new”
- Response to a perceived need – “biopiracy”
- Mandate for additional “legal regime” arose from WSSD in 2002
- Adoption is the result of 6 years of negotiation by WG

Scope



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- Based on national sovereignty over biological diversity
- Restricted to genetic resources, and
- Traditional knowledge associated with genetic resources covered by the Convention
- Requires “operationalization” at national level

3 clusters of Obligations



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- Access
- Benefit Sharing
- Compliance

Access Obligations



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- Promote access, through legal certainty, transparency, non-arbitrary rules with clear application and permitting processes
- Based on Prior-Informed Consent (PIC) and Mutually Agreed Terms (MAT)
- Should not unnecessarily restrict non-commercial use
- Take into consideration other ABS processes (WHO, ITPGRFA)

Benefit Obligations



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- Should be “fair” and equitable” – i.e. based on MAT, with benefits flowing to custodians of genetic resources
- Can take a variety of monetary and non-monetary – capacity building, collaborations, technology transfer, milestone payments, royalties
- Should promote research contributing to conservation and sustainable use

What next?



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- Existing ABS capacity building – Dutch/GIZ Initiative in Africa, some GEF-4 projects (5)
- New GEF support for awareness-raising and capacity building for rapid entry into force
- ABS is a stand-alone Strategic Objective in GEF-5 biodiversity strategy - ABS projects are “hostage” to national biodiversity priorities (envelope of approx. 40mn USD)

S&T Implications



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Need to ensure that national ABS policy and lawmakers are aware of:

- Full range of existing uses of genetic resources (GR/BR confusion)
- Need to avoid inhibition of non-commercial use
- New and emerging technologies for use (GM, synthetic biology)
- Innovative tools for monitoring (DNA barcoding)