

SCALING UP BIODIVERSITY FINANCE USING THE NAGOYA PROTOCOL

BY: JONATHAN W. DAVIES
NATIONAL BIODIVERSITY PROGRAMME
COORDINATOR/NFP/CBD
ENVIRONMENTAL PROTECTION AGENCY

WHAT IS THE NAGOYA PROTOCOL AND WHY IS IT IMPORTANT?

- A LEGAL, TRANSPARENT FRAMEWORK FOR THE EFFECTIVE IMPLEMENTATION OF THE THIRD OBJECTIVE OF THE CONVENTION;
- ESTABLISH PREDICTABLE CONDITIONS FOR ACCESS TO GENETIC RESOURCES;
- FOLLOW THROUGH ON GENETIC RESOURCES WHICH IS ACCESSED BY CONTRACTING PARTIES;
- CREATES INCENTIVES FOR CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY.

MECHANISMS

- PRIOR INFORMED CONSENT;
- MUTUALLY AGREED TERMS;(ART. 18, 30)
- MATERIAL TRANSFER AGREEMENT;
- COMPLIANCE REGIME; (ART. 15 & 16)
- ACCESS REGIME; ART. 6 & 7)
- BENEFIT SHARING MECHANISM (ART. 10);
- ACCESS TO TK AND GR (ART. 12);
- MONITORING REGIME (ART. 17);
- TECHNOLOGY TRANSFER (ART. 23)
- FINANCIAL MECHANISM (ART. 25);
- CODES OF CONDUCT (ART. 20)

SOURCES OF FUNDING IDENTIFIED

MONETARY AND NON-MONETARY BENEFITS

- 1. Monetary benefits may include, but not be limited to:
- (a) Access fees/fee per sample collected or otherwise acquired;
- (b) Up-front payments;
- (c) Milestone payments;
- (d) Payment of royalties;
- (e) License fees in case of commercialization;
- (f) Special fees to be paid to trust funds supporting conservation and sustainable use of biodiversity;
- (g) Salaries and preferential terms where mutually agreed;
- (h) Research funding;
- (i) Joint ventures;
- (j) Joint ownership of relevant intellectual property rights.

SOURCES OF FUNDING IDENTIFIED

- 2. Non-monetary benefits may include, but not be limited to:
- (a) Sharing of research and development results;
- (b) Collaboration, cooperation and contribution in scientific research and development programmes, particularly biotechnological research activities, where possible in the Party providing genetic resources
- (c) Participation in product development;
- (d) Collaboration, cooperation and contribution in education and training;
- (e) Admittance to *ex situ facilities of genetic resources and to databases*;

SOURCES OF FUNDING IDENTIFIED

- (f) Transfer to the provider of the genetic resources of knowledge and technology under fair and most favorable terms, including on concessional and preferential terms where agreed, in particular, knowledge and technology that make use of genetic resources, including biotechnology, or that are relevant to the conservation and sustainable utilization of biological diversity;
- (g) Strengthening capacities for technology transfer;
- (h) Institutional capacity-building;
- (i) Human and material resources to strengthen the capacities for the administration and enforcement of access regulations;

SOURCES OF FUNDING IDENTIFIED

- (j) Training related to genetic resources with the full participation of countries providing genetic resources, and where possible, in such countries;
- (k) Access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies;
- (l) Contributions to the local economy;
- (m) Research directed towards priority needs, such as health and food security, taking into account domestic uses of genetic resources in the Party providing genetic resources:

SOURCES

- (n) Institutional and professional relationships that can arise from an access and benefit-sharing agreement and subsequent collaborative activities;
- (o) Food and livelihood security benefits;
- (p) Social recognition;
- (q) Joint ownership of relevant intellectual property rights

LIBERIA'S EXPERIENCE

- COMPLETED A DRAFT LAW IN 2011 PENDING APPROVAL BY PARLIAMENT;
- WORKING WITH NATIONAL LEGISLATURE TO RATIFY PROTOCOL

CONCLUSION

- IT HAS ADEQUATE SAFEGUARDS TO PROTECT ALL STAKEHOLDERS;
- IT IDENTIFIES CLEAR SOURCES OF SUPPORT FOR THE IMPLEMENTATION OF THE CONVENTION;
- THE COMPENSATION MECHANISM HIGHLIGHTS INCENTIVES TO ENHANCE CONSERVATION AND SUSTAINABLE USE; AND,
- IT GIVES OPPORTUNITIES TO ALL (PROVIDERS, USERS, AND LOCAL & INDIENOUS COMMUNITIES).