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

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Secretariat of the Convention on Biological Diversity

# The Nagoya Protocol on Access and Benefit-sharing: Background

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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

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**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**.

# Nagoya Protocol: Context



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## 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



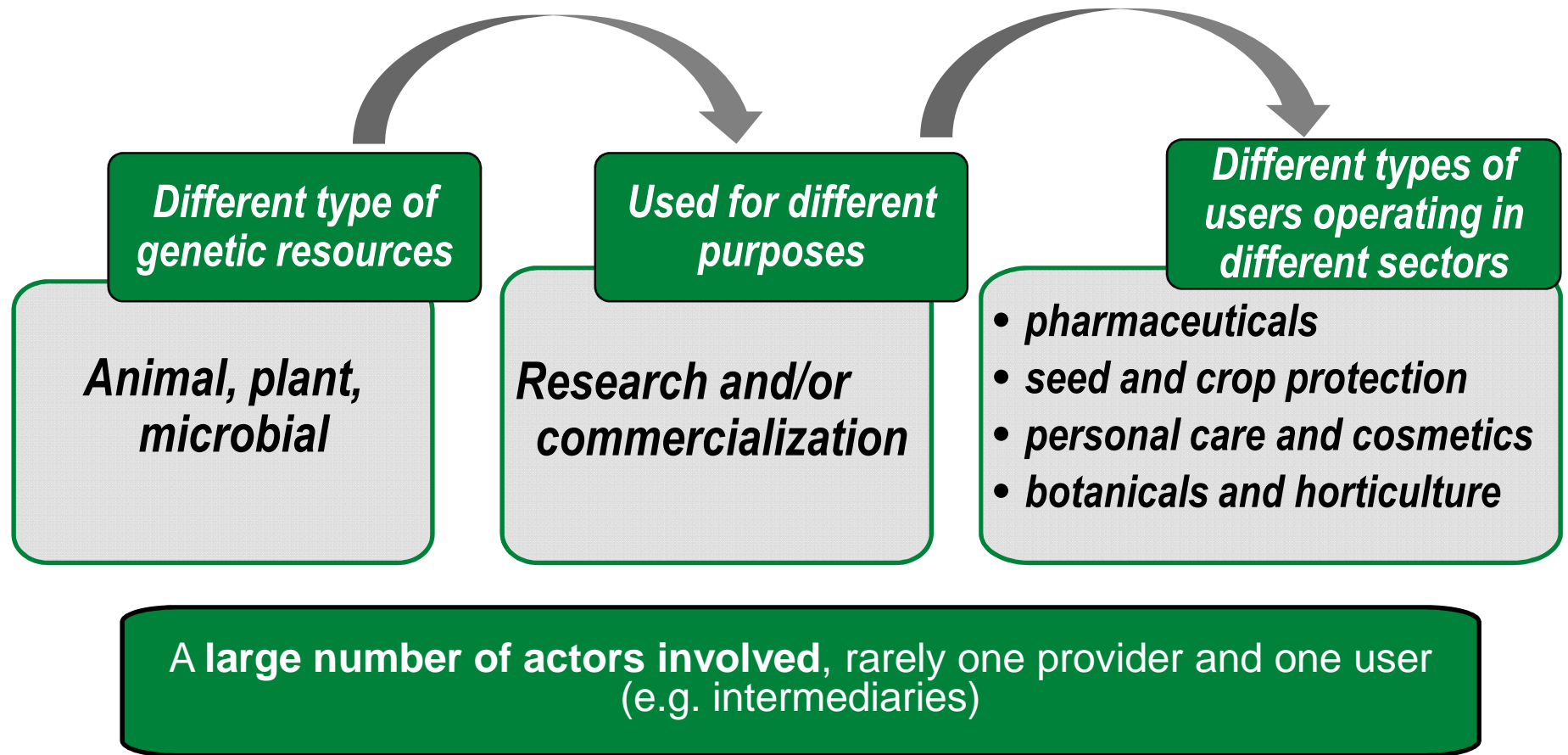
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# Nagoya Protocol: Context



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## Uses of genetic resources



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# Nagoya Protocol: Principles

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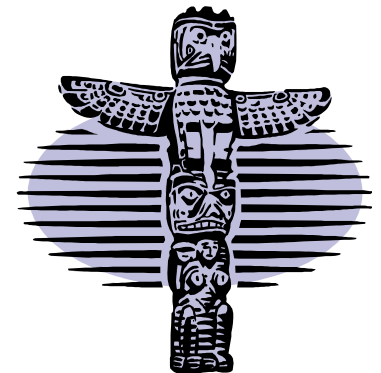
## Fundamental principles of ABS

- **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

# Nagoya Protocol: Advantages for indigenous and local communities



- Indigenous and local communities rely on genetic resources and have helped preserve and maintain biodiversity over centuries
- 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

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## 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

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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



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**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

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- 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

# 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](http://www.cbd.int/abs/becoming-party)



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# Thank you for your attention!

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## FOR MORE INFORMATION ON ABS:

[www.cbd.int/abs](http://www.cbd.int/abs)



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