

The Nagoya Protocol on Access and Benefit-Sharing



What is the Nagoya Protocol?

The Nagoya Protocol on Access and Benefit-Sharing is a supplementary treaty adopted under the auspices of the Convention on Biological Diversity (CBD) in Nagoya, Japan on 29 October 2010.

There are seven countries from the Pacific that have become Parties to the Protocol till date. These are Federated States of Micronesia, Fiji, Palau, Republic of the Marshall Islands Samoa, Tuvalu, and Vanuatu.

About the Convention on Biological Diversity

The CBD has three main objectives that are:

1. Conservation of biological diversity;
2. Sustainable use of the components of biological diversity; and
3. Fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

The Nagoya Protocol intends to promote the objectives of this Convention.

Why do we have a Nagoya Protocol?

Its objective is the fair and equitable sharing of benefits arising from the use of genetic resources, thereby contributing to the conservation and sustainable use of biodiversity and implementing the three objectives of the CBD.

Why is the Nagoya Protocol important to us?

The Nagoya Protocol has created greater legal certainty and transparency for both providers and users of genetic resources by:

1. Establishing more predictable conditions for access to genetic resources;
2. Helping to ensure benefit-sharing when genetic resources leave the country providing the genetic resources.

By helping to ensure benefit-sharing, the Nagoya Protocol creates incentives to conserve and sustainably use genetic resources. This helps enhance the contribution of biodiversity to development and human well-being.

The Nagoya Protocol, Traditional Knowledge and Indigenous and Local Communities

The Nagoya Protocol addresses traditional knowledge associated with genetic resources with provisions on access, benefit sharing and compliance.

It also addresses genetic resources where indigenous and local communities have the established right to grant access to them.

Contracting Parties are to take measures to ensure these communities' prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange.

Under the Nagoya Protocol there are obligations to be met by countries

At the national level you must:

1. Create legal certainty, clarity and transparency;
2. Provide fair and non-arbitrary rules and procedures;
3. Establish clear rules and procedures for prior informed consent and mutually agreed terms.
4. Provide for issuance of a permit or equivalent when access is granted.
5. Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use.
6. Pay due regard to cases of present or imminent emergencies that threaten human, animal or plant health.
7. Consider the importance of genetic resources for food and agriculture for food security.

To learn more about the Nagoya Protocol on Access and Benefit-Sharing please visit www.cbd.int/abs/ or www.sprep.org/abs/, or email sprep@sprep.org.

