



# **The Nagoya Protocol: Open for Business?**

**Timothy Hodges  
Co-Chair, ABS Negotiations, 2006-2010**

**Third Meeting of the Global Partnership for  
Business and Biodiversity  
02 October 2013, Montreal**



**CBD and ABS**

**Nagoya Protocol**

**Key provisions**

**Opportunities and  
Risks for Industry**



**Biodiversity  
conservation**

**Sustainable use**

**Fair and equitable  
benefit-sharing**

**The Grand Bargain**

**193 CBD Parties**

but not enough  
action to prevent

**BIOPIRACY!**



# ABS Negotiations 2002-2010

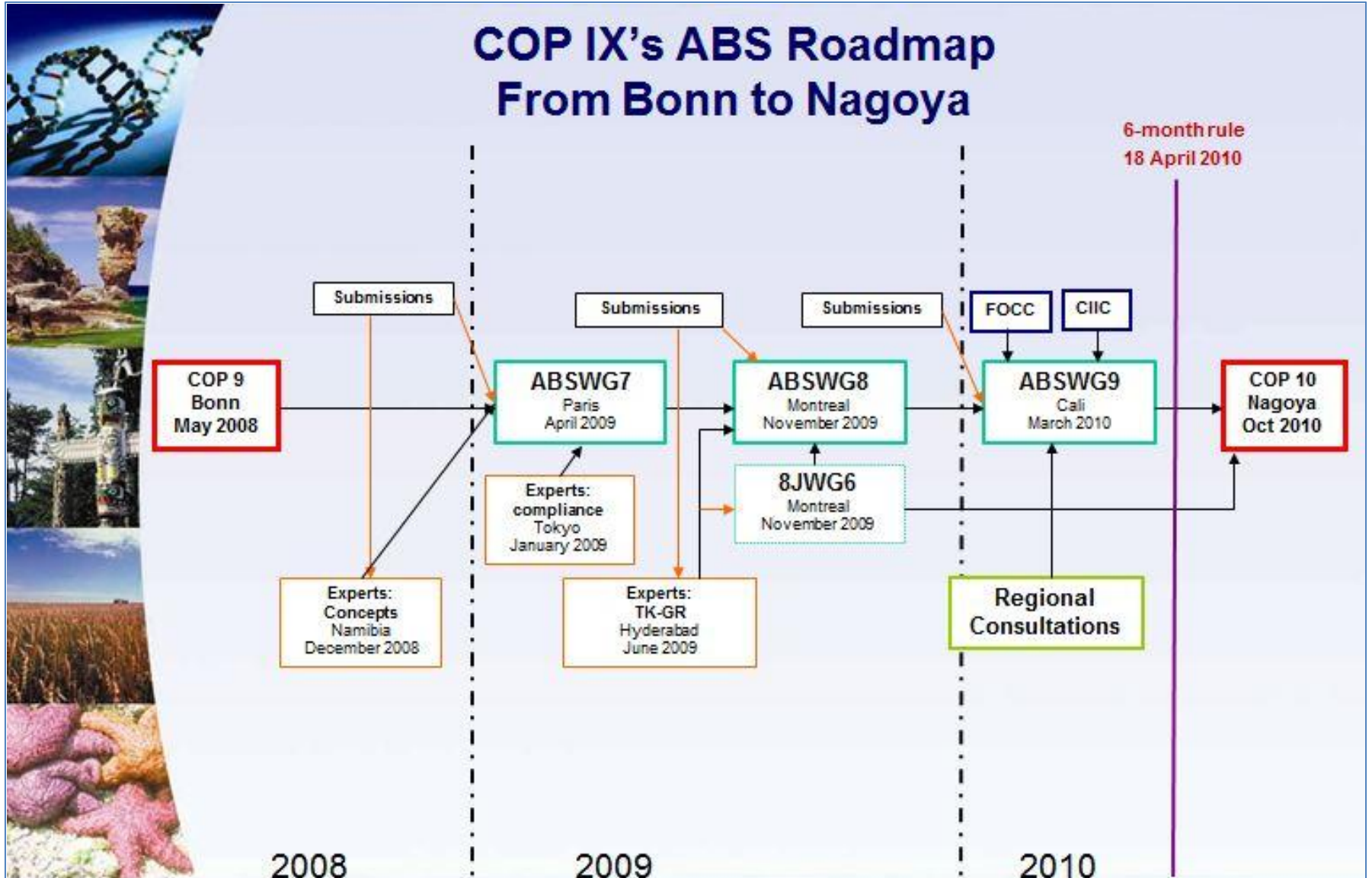
- Legally binding?
- Pre-CBD material?
- Traditional knowledge?
- Derivatives?
- Intellectual property?
- Certificates of origin?





**What about industry?**

# Power of Process



# The Nagoya Protocol

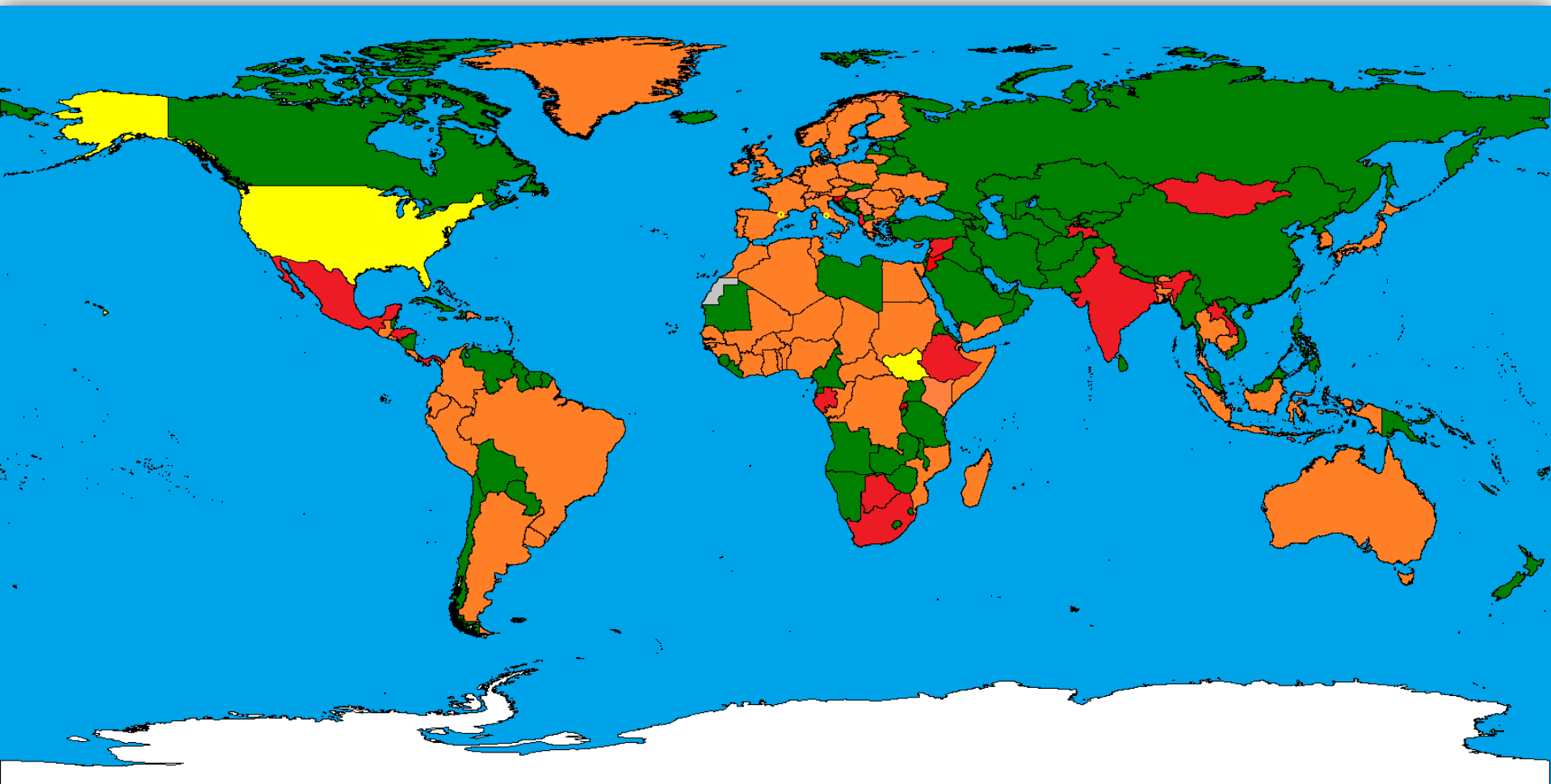
on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization



1:28 am, Oct. 30 2010

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■ CBD Non-parties

■ CBD Parties

■ NP signature

■ NP ratification

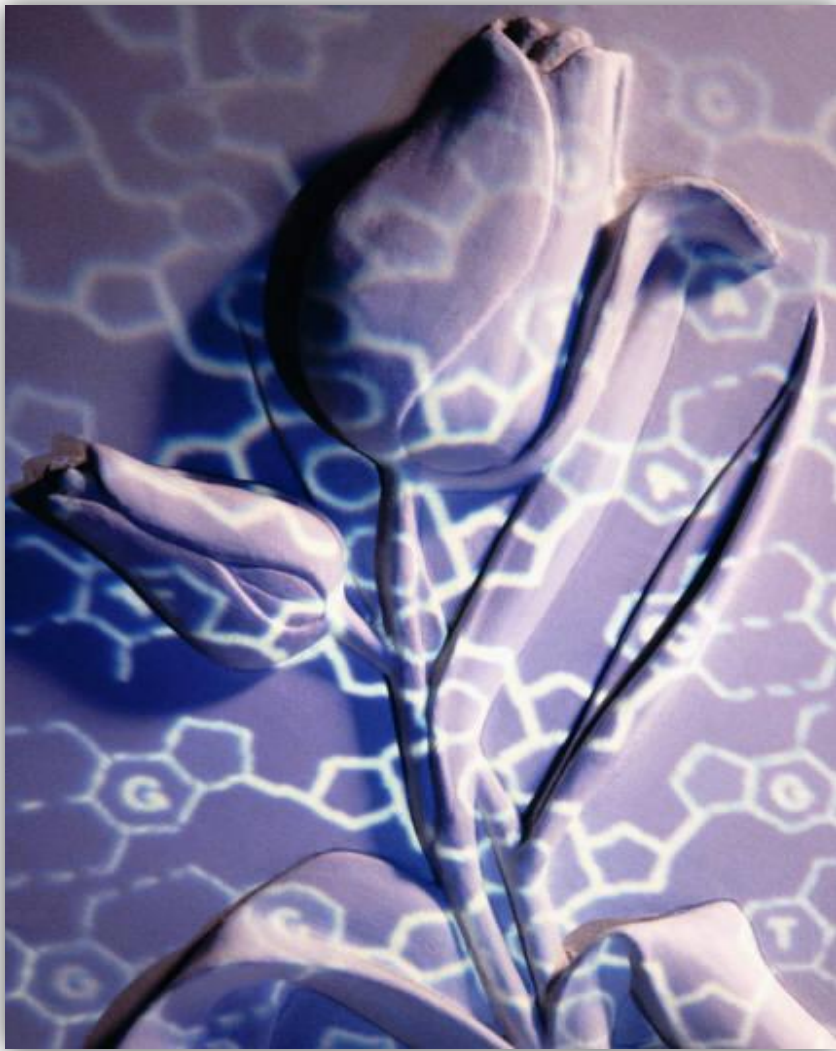
# Objective

**Fair and equitable sharing of the benefits arising from the utilization of genetic resources,**

including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies,

and by appropriate funding,

**thereby contributing to the conservation of biological diversity and the sustainable use of its components**



**Scope**



# Benefit-sharing



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# Access





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# Special considerations

# **Global Multilateral Benefit-Sharing Mechanism**



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# Information

Netherlands CBD Focal Point for Access and Benefit Sharing

Convention on Biological Diversity

Search

Netherlands CBD focal point for access and benefit sharing

### Netherlands CBD Focal Point for Access and Benefit Sharing

- Frequently Asked Questions
- SMITA Guideline
- Access to PGRFA
- Genetic Resources
- Policies
- Links

**Convention on Biological Diversity**

Welcome to the Netherlands CBD Focal Point for Access and Benefit Sharing related to Genetic Resources

The Convention on Biological Diversity adopted in 1992, offers a framework for regulating the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The government of the Netherlands ratified the Convention in 1994.

The Conference of the Parties to the Convention on Biological Diversity agreed at its fifth session in 2000 that members would assess systematically their policies and legislation regarding access to genetic resources and benefit sharing arrangements, and to provide an overview of collections of genetic resources maintained in their country. It was also agreed to establish international guidelines concerning access to genetic resources, international exchange and the promotion of equitable benefit sharing arising out of the utilization of genetic resources.

This website is part of the Dutch contribution to the Convention on Biological Diversity. It aims to contribute to the implementation of these decisions, and to promote trust-building and transparency in order to facilitate the exchange of genetic resources. (For a complete overview of the implementation of the CBD in the Netherlands see also the [Netherlands Clearing-House Mechanism for Biodiversity](#).)

This site is hosted by the Centre for Genetic Resources, the Netherlands (CGN), and is supervised by the Ministry of Agriculture, Nature and Food Quality.

The site offers a database containing key elements on all activities regarding the conservation and use of genetic resources in the public, private and civil sectors in the Netherlands. It also offers some documents relevant to existing strategies, measures and initiatives in the Netherlands regarding access and benefit sharing arising out of the use of genetic resources.

If you have any questions, suggestions or contributions regarding this website and the database on genetic resources collections in the Netherlands, please contact the website contact person, [Frank Menting](#), or the director of CGN and National Focal Point for Access and Benefit Sharing, [Bert Visser](#).

**Genetic Resources**

Search the database with information on Dutch collections of plants, animals, micro-

## ABS-CH

### ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

- About ABS-CH
- Search
- Register
- Resources
- Nagoya Protocol
- CBD
- Select a country profile
- Language

**Search clearing-house records**

**Register Information**

**Resources**

- National Focal Points
- National ABS Websites and Databases
- ABS Measures
- ABS Competent National Authorities

**Sign In** to register information with the ASB-CH

**Sign In** to add new resources.

- Online discussion forum
- Factsheets on the Nagoya Protocol
- ABS Information Kit

### WHAT'S NEW

5 months ago  
Statement by Mr. Braulio F. de Souza Dias, CBD Executive Secretary, on the occasion of the Inception Workshop for the Project to Support the Ratification and Entry into Force of the Nagoya Protocol on Access and Benefit Sharing, Addis Ababa, Ethiopia, 7 - 10 May 2013

6 months ago  
Statement by CBD Executive Secretary, Mr. Braulio F. de Souza

### UPCOMING MEETINGS

Oct 2, 2013 - Oct 4, 2013, Montreal, Canada  
Informal Advisory Committee to the pilot phase of the Access and Benefit-sharing Clearing-house

Oct 7, 2013 - Oct 11, 2013, Montreal, Canada  
Eighth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity





**Compliance**



<http://la.indymedia.org>

# Monitoring



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# Model contract clauses



## Agreement on Access and Benefit Sharing for Non-Commercial Research

Sector specific approach containing Model Clauses

sc | nat

Swiss Academy of Sciences  
Akademie der Naturwissenschaften  
Accademia di scienze naturali  
Académie des sciences naturelles



# Codes of conduct, guidelines, best practices and/or standards

**A FAIR DEAL FOR  
PEOPLE AND WILD  
COLLECTED PLANTS  
INVOLVES US ALL!**



# **Industry's fate under the Protocol**

## **Risks**

Blockages

Inaction

Legal uncertainty

Discrimination

Heavy regulation

Suffering reputation

## **Opportunities**

Access

In action

Legal certainty

Level playing field

Light regulation

Enhanced reputation



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