



Quick guide to the Aichi Biodiversity Targets Nagoya Protocol in force and operational

By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.

The fair and equitable sharing of the benefits arising out of the utilization of genetic resources is one of the three objectives of the Convention on Biological Diversity. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity was adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting in Nagoya, Japan.

Explanation of the Target

The Nagoya Protocol provides a transparent legal framework for the effective implementation of one of the three objectives of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources. The Protocol covers genetic resources and traditional knowledge associated with genetic resources, as well as the benefits arising from their utilization by setting out core obligations for its contracting Parties to take measures in relation to access, benefit-sharing and compliance.

This target addresses two issues:

- **Entry into force of the Nagoya Protocol by 2015:** The Nagoya Protocol will enter into force 90 days after the date of deposit of the fiftieth instrument of ratification. As such for Target 16 to be met 50 countries must ratify the Protocol by October 2015 at the latest.
- **The Nagoya Protocol is operational, consistent with national legislation:** The operationalization of the Nagoya Protocol requires that it be implemented effectively at the national level. Countries will need, depending on their specific circumstances, to revise legislative, administrative or policy measures already in place or develop new measures in order to meet the obligations set out under the Protocol. Countries will also need to determine the institutional structure needed for implementing the Protocol.

Implications for setting national targets

The fair and equitable sharing of the benefits arising out of the utilization of genetic resources is one of the three objectives of the Convention on Biological Diversity. The Nagoya Protocol is based on the fundamental principles of access and benefit-sharing enshrined in the CBD. It supports the implementation of the third objective of the Convention by providing greater legal certainty and transparency for both providers and users of genetic resources. It helps to ensure benefit-sharing, in particular when genetic resources leave the providing country, and it establishes more predictable conditions for those wanting to access genetic resources.

By enhancing legal certainty and promoting benefit-sharing, the Nagoya Protocol encourages the advancement of research on genetic resources which could lead to new discoveries for the benefit of all. The Nagoya Protocol also creates incentives to conserve and sustainably use genetic resources, and thereby enhances the contribution of biodiversity to development and human well-being. In addition, by setting-out clear provisions on access to traditional knowledge associated with genetic resources, the Nagoya Protocol will assist in strengthening the ability of indigenous and local communities to benefit from the use of their knowledge, innovations and practices. The Nagoya Protocol will also provide incentives for the promotion and protection of traditional knowledge by encouraging the development of community protocols, minimum requirements for mutually agreed terms and model contractual clauses related to access and benefit-sharing of traditional knowledge associated with genetic resources



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Aichi Biodiversity Target 16

Guiding questions for setting national targets

- **What are the opportunities and constraints in ratifying the Protocol?** Consider potential ecological, economical, social costs and benefits.
- **What is the process within the country for ratifying the Protocol?** Is there a need for an implementing legislation prior to ratification? Who is involved in the ratification process in your country (i.e. Parliament, different ministries, stakeholders etc.)
- **Who are the stakeholders that may be affected by ratifying the Protocol?** How can they be involved and their needs addressed? What are the trade-offs to consider?
- **Are there legislative, administrative or policy measures already in place in your country that need to be revised/updated in order to meet the obligations set out in the Nagoya Protocol?** What type of new/additional legislative, administrative or policy measures need to be developed in your country in order to meet the obligations set out under the Protocol?
- **What administrative and institutional structures need to be established for the implementation of the Protocol?** These will include the designation of a national focal point, of one or more competent national authorities and one or more check points to monitor the utilization of genetic resources.
- **What additional resources (financial, human and technical) will be required to make the Protocol operational?** How can additional funds be raised for this purpose? What are possible funding sources?

Note that, given the particular national circumstances, national targets may be more specific and more precise than the global target. Further national targets should be ambitious but realistic and be supportive of the Strategic Plan by moving beyond business as usual.

Actions and milestones

Actions which can be taken by countries to reach this target are the following:

- To deposit the instrument of ratification, acceptance, approval or accession of the Nagoya Protocol as soon as possible to ensure that the Protocol enters into force by 2015.
- To have legislative, administrative or policy measures and institutional structures in place for implementing the Nagoya Protocol by 2015.

Possible indicators

- Number of Parties to the CBD that have ratified the Protocol
- Number of Parties to the Nagoya Protocol that have legislative, administrative or policy measures and institutional structures in place for implementing the Nagoya Protocol.

Resources

- The Nagoya Protocol website - www.cbd.int/abs/
- The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity - www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf
- Access and Benefit sharing Information Kit - www.cbd.int/abs/information-kit-en/
- The Nagoya Protocol on Access and Benefit Sharing Fact sheets - www.cbd.int/abs/doc/protocol/factsheets/all-factsheets-en.pdf
- Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization. Montreal - www.cbd.int/abs/bonn/
- United Nations Treaty Handbook - www.cbd.int/abs/doc/treatyhandbook_en.pdf
- Database on ABS measures: www.cbd.int/abs/measures/
- List of signatories and ratifications: www.cbd.int/abs/nagoya-protocol/signatories/

