

COP10 Summary of Results



Life In Harmony,
Into the Future


The Government of Japan





Outline of COP10

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- ◆ 18-29 October 2010 (High level /segment:27-29)
at Nagoya Congress Center
- ◆ More than 13,000 participants
(member countries, international organizations,
indigenous peoples, civil societies etc.)
- ◆ About 350 side events
Interactive Fair for Biodiversity
(more than 118,000 participants)
- ◆ Major outcomes
Nagoya Protocol on ABS
The Strategic Plan, 2011-2020 (Aichi Target)

	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	2
(1) Summary		
Introduction		
<p>The work related to the International Regime on ABS started in 2000. "Nagoya Protocol on ABS" was adopted in October 2010 at COP10 following nine meetings of the Ad-Hoc Open-ended Working Group.</p>		
Content		
<p>The Protocol provides concrete measures to be taken by each Party in order to implement effectively the third objective of the Convention on Biological Diversity and related provisions such as Article 15 of the Convention.</p>		
Schedule		
<ul style="list-style-type: none"> *Open for signature by Parties of the Convention from February 2011. *Entry into force on the 90th day after the date of deposit of the 50th instrument of ratification, acceptance etc by States *Two meetings of the Intergovernmental Committee for the Protocol to be held prior to the first meeting of the Parties to the Protocol (MOP) for consideration of issues such as mechanisms to promote compliance with the Protocol, programme budget following the entry into force and the global multilateral benefit-sharing mechanism. 		

	Nagoya Protocol on ABS Expected Outcomes	3
<u>1 Promoted utilization of genetic resources</u>		
<p>Transparency, clarity and legal certainty of ABS domestic legislation ensured by provider countries will facilitate access to genetic resources by user countries, and thereby promoting the utilization of genetic resources.</p>		
<u>2 Contribution to the conservation of biological diversity</u>		
<p>Fair and equitable benefit sharing of benefits arising from the utilization of genetic resources will be facilitated and the conservation of biodiversity and the sustainable use of its components will be further enhanced.</p>		
<u>3 Compliance with domestic legislation or regulatory requirements on ABS</u>		
<p>Monitoring on the utilization of genetic resources through collection of information related to prior informed consent (PIC) and mutually agreed terms (MAT) at designated checkpoints and compliance with domestic ABS legislation are facilitated, and thereby ensuring the appropriate utilization of genetic resources.</p>		
<u>4 Respect of traditional knowledge</u>		
<p>Benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable manner upon MAT with indigenous and local communities holding such knowledge, and thereby contributing to respect, preservation and maintenance of their knowledge.</p>		



Nagoya Protocol on ABS
Main Provisions

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1 Basic Provisions


(1) Improvement of Access (Article 6: Access to genetic resources)

Article 6 stipulates that each Party requiring prior informed consent shall take measures, as appropriate, to;

- ◆ Provide for transparency and clarity of domestic ABS legislation or regulatory requirements
- ◆ Provide for information on PIC application and written decision on PIC
- ◆ Provide for the issuance of a permit or its equivalent as evidence of the decision to grant PIC

(2) Benefit-sharing (Article 5: Fair and equitable benefit-sharing)

Article 5 confirms the principle of Article 15 of the Convention that the benefits arising from the utilization of genetic resources shall be shared in a fair and equitable way and such sharing shall be upon MAT. Examples of benefits including monetary and non-monetary benefits are listed.



Nagoya Protocol on ABS
Main Provisions


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1 Basic Provisions


(3) Compliance (Article 15 and Article 17)

Article 15 stipulates that user countries shall take appropriate, effective and proportionate measures to provide that genetic resources utilized within its jurisdiction have been accessed in accordance with PIC and that MAT have been established.


Article 17 stipulates the designation of one or more checkpoints to collect information related to PIC and MAT as one of the measures to be taken by Parties to support compliance. It is also stipulated that such information will be provided to the Party providing prior informed consent and to the Access and Benefit-sharing Clearing-House etc. , as appropriate and that check points should be relevant to the collection of relevant information at, inter alia, any stage of research, development, innovation, pre-commercialization or commercialization.

	Nagoya Protocol on ABS Other Rules	6
2 Other Rules		
<p><u>1 Access and benefit sharing regarding traditional knowledge associated with genetic resources</u> (Article 5, 7 and 12)</p> <p>Each Party shall take measures, as appropriate, in order that the benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable manner upon MAT.</p> <p>Each Party shall take measures, with the aim of ensuring that traditional knowledge associated with genetic resources held by indigenous and local communities is accessed with PIC or approval of those communities concerned.</p> <p><u>2 Non-commercial research purpose (Article 8 (a))</u></p> <p>Parties shall create conditions to promote and encourage research which contributes to the conservation and sustainable use of biological diversity including through simplified measures on access for non-commercial research purposes.</p> <p><u>3 Considerations to cases of emergencies (Article 8(b))</u></p> <p>Each Party shall pay due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health. Need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits may be taken into account.</p>		

	Nagoya Protocol on ABS Other Rules	7
2 Other Rules		
<p><u>4 Relationship with international agreements (Article 4)</u></p> <p>Where a specialized international ABS instrument applies, this Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resources covered by the specialized instrument.</p> <p><u>5 Global multilateral benefit-sharing mechanism (Article 10)</u></p> <p>Parties shall consider the need for and modalities of a global multilateral benefit-sharing mechanism to address benefit-sharing from the utilization of genetic resources that occur in transboundary situations or for which it is not possible to obtain PIC.</p> <p><u>6 Assessment and Review (Article 31)</u></p> <p>The Conference of the Parties shall undertake, four years after the entry into force of this Protocol and thereafter at intervals determined by the Conference, an evaluation of the effectiveness of this Protocol.</p>		

 Nagoya Protocol on ABS Some important issues in the negotiation process and agreed texts		8
Negotiation Process	Some countries requested that utilization of derivatives would be also subject to benefit sharing and the access to derivatives would require PIC. This argument was not accepted by other countries.	
Text in the Protocol Between users	How to address the sharing of benefit, arising from the derivatives is subject to respective contracts and providers since Article 5.1 stipulates the principle for confirmation that the benefit sharing shall be upon MAT.	
2 Compliance		
Negotiation Process	Some countries requested the establishment of checkpoints such as intellectual property examination office, authorities providing regulatory or approval of products, and mandatory disclosure requirements at those checkpoints. Those requests did not obtain support from other countries.	
Text in the Protocol	Article 17 stipulates designation of one or more checkpoints which will collect relevant information related to prior informed consent, and to the establishment of mutually agreed terms. The identification of checkpoints is at the discretion of each Party.	
3 Retroactive application		
Negotiation Process	Some countries requested that Protocol would apply to genetic resources acquired before the date of entry into force of this Protocol and the Convention. Other countries did not support this idea.	
Text in the Protocol	All the references to the retroactive application were deleted. Taking into account the request from some countries, this Protocol includes the consideration of the need for and modalities of a global multilateral benefit-sharing mechanism to address the sharing of benefits deriving from the utilization of genetic resources that occur in transboundary situations or for which it is not possible to obtain PIC.	

Thank you!



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