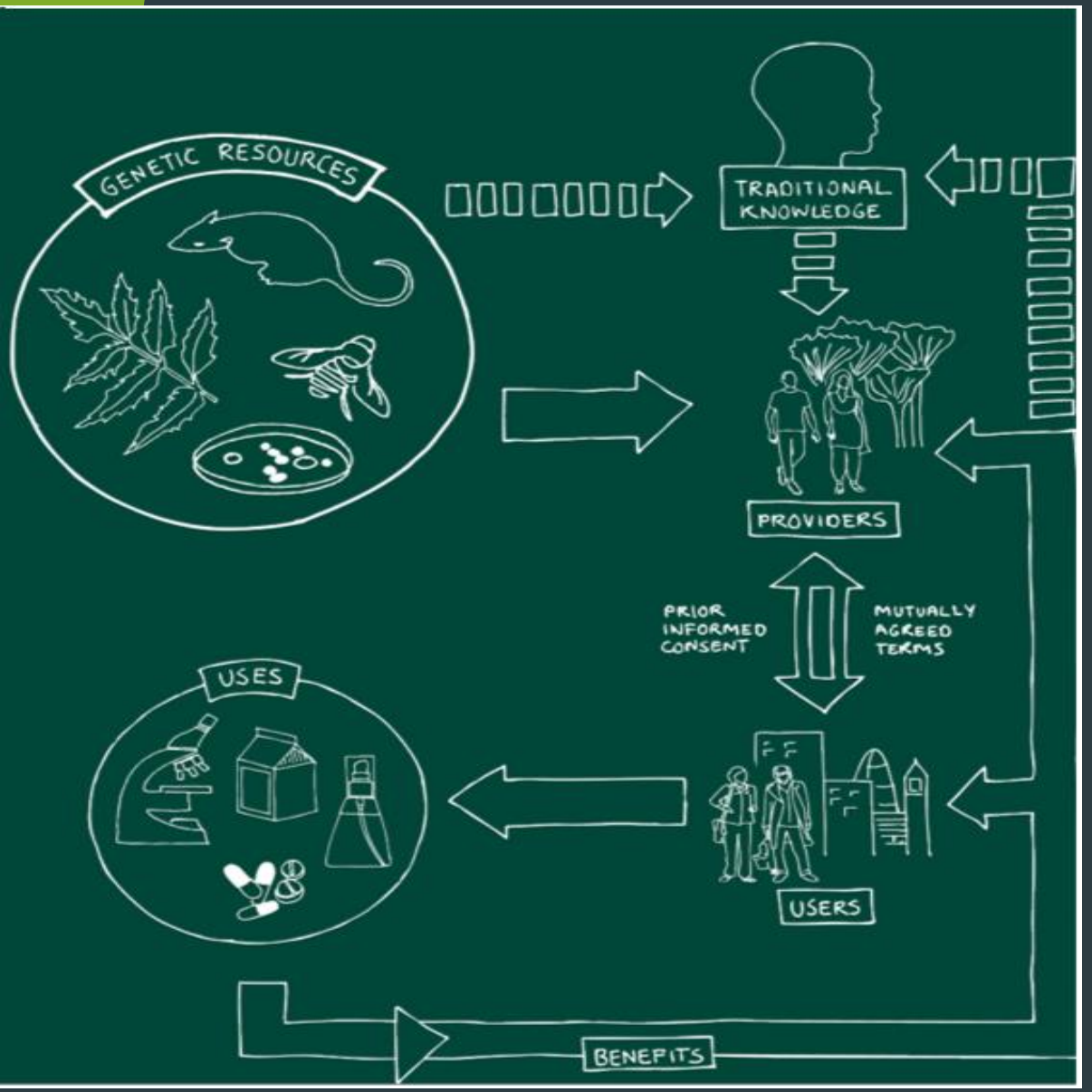


Nagoya is the city in Japan where the all the officials got together in 2010 to adopt the Protocol and to make it a legal agreement in all their countries

NAGOYA PROTOCOL

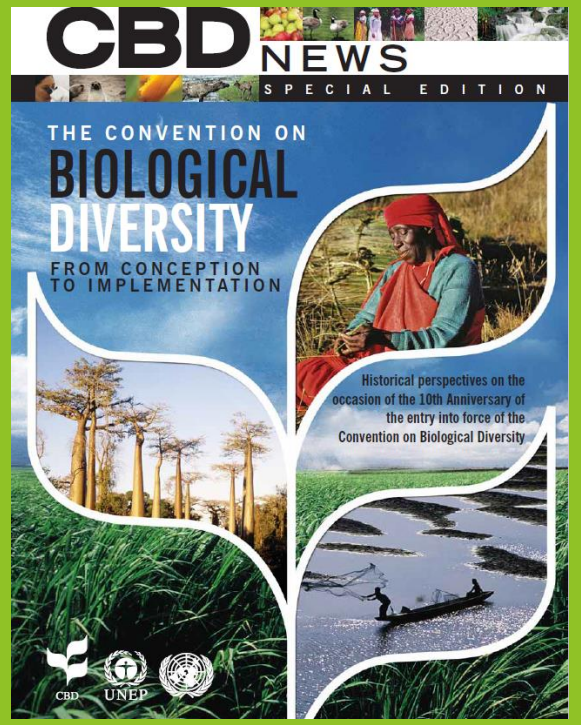
Access and Benefit Sharing

A protocol is an agreement that is part of a treaty signed by a meeting or conference of governments and other officials

How did the Nagoya Protocol come about?

The **Convention of Biological Diversity** came into force in 1993 and has three main objectives:

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



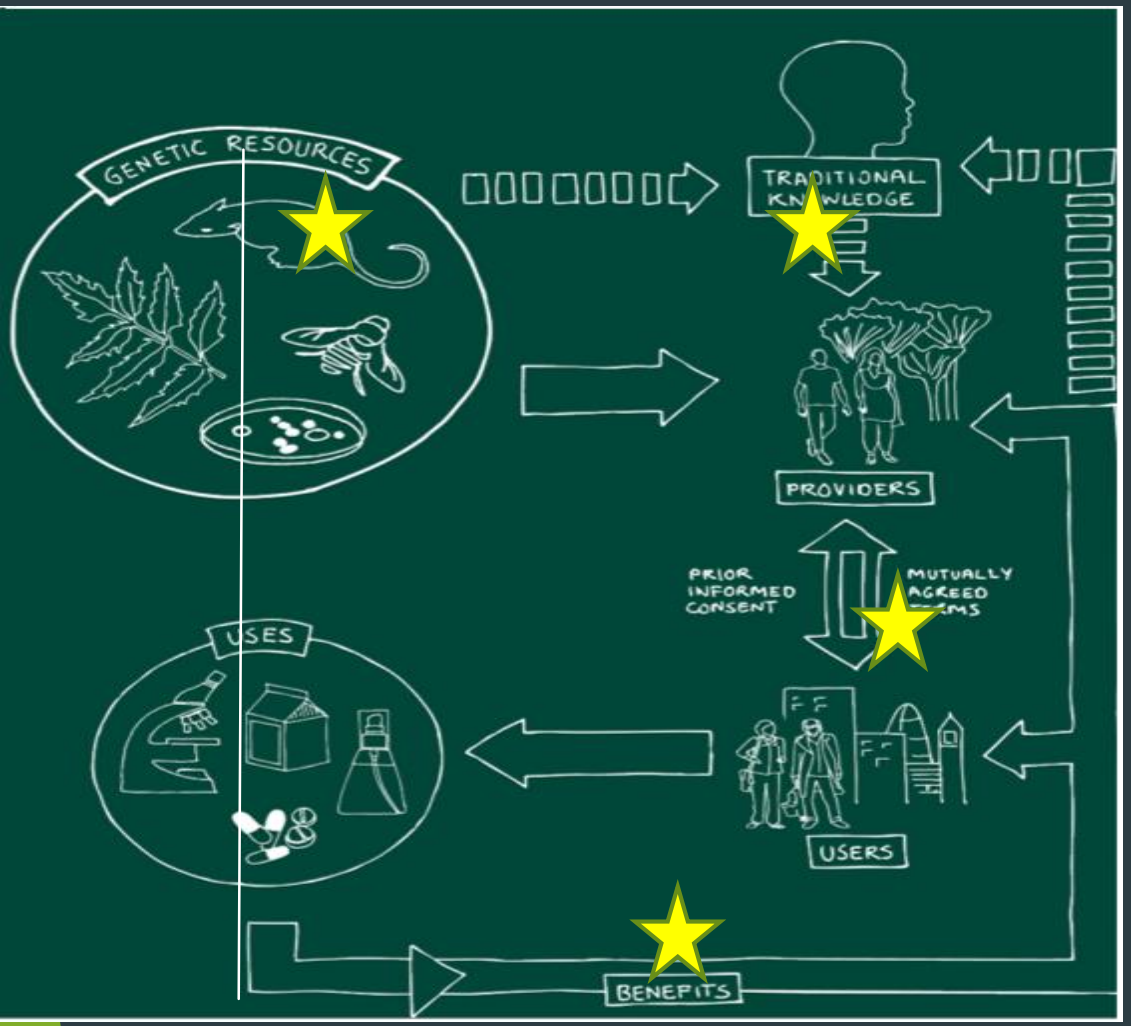
The Nagoya Protocol was developed to protect the rights of the owners of their genetic resources and of traditional knowledge.

The Protocol allows the owners to share in the benefits of any commercial activity that may result from the use of genetic resources.

The Cook Islands signed the Convention Of Biological Diversity in 2004.

The Cook Islands must put in place an ABS policy and legislation before we can sign the Nagoya Protocol.

What is ACCESS and BENEFIT SHARING (ABS)?



Introduction on access and benefit-sharing

What is ABS?

It refers to the way in which genetic resources may be accessed, and how the benefits that result from their use are shared between the people or countries using the resources (users) and the people or countries that provide them (providers)

What are genetic resources and why are they important?

Introduction on access and benefit-sharing

What are genetic resources?

- All living organisms (plants, animals and microbes) carry genetic material potentially useful to humans
- These resources can be taken from the wild, domesticated or cultivated
- They are sourced from:
  - Natural environments (in situ)
  - Human-made collections (ex situ) (e.g. botanical gardens, genebanks, seed banks and microbial culture collections)

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Introduction on access and benefit-sharing

Why are genetic resources important?

- They provide crucial information to better understand nature
- They can be used to develop a wide range of products and services for human benefit
- The way in which genetic resources are accessed and how the benefits arising from their use is shared can create incentives for:
  - The conservation and sustainable use of biodiversity
  - The creation of a fairer and more equitable economy to support sustainable development

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What are genetic resources used for?

Uses of genetic resources

Genetic resources can be put to **commercial use:**

- Companies develop specialty enzymes, enhanced genes, or small molecules
- They can be used in crop protection, drug development, production of specialized chemicals, or in industrial processing

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Uses of genetic resources

Genetic resources can be put to **non-commercial use:**

- Academic and public research institutes use genetic resources to increase our understanding of the natural world through activities such as taxonomy, and ecosystem analysis

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What is traditional knowledge and why is it important?

Traditional knowledge

What is traditional knowledge

- For centuries, indigenous and local communities (ILCs) have learned, used and passed on knowledge about local biodiversity and how it can be used for a range of purposes
- In ABS, traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities related to genetic resources

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Traditional knowledge

Why is traditional knowledge important?

- Indigenous and local communities rely on genetic resources and have helped preserve, maintain and increase biodiversity over centuries
- Traditional knowledge related to biological resources can be an important source of information for identifying new uses of genetic resources
- The leads provided by traditional knowledge in identifying the properties of genetic resources have enabled industries to develop new products and have helped scientists understand biodiversity

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How did genetic resources and traditional knowledge get to be so important?

Traditional knowledge

Case study: Traditional knowledge of the Hoodia plant

- Hoodia is a succulent plant indigenous to southern Africa
- It has been used for centuries by indigenous San peoples to stave off hunger and thirst

- In 1996, the South African-based Council for Scientific and Industrial Research (CSIR) patented active compounds of Hoodia for potential commercialization of an appetite suppressant

Traditional knowledge

Case study: Traditional knowledge of the Hoodia plant

The agreement included:

- Monetary benefits:
  - Milestone payments during product development
  - Royalty payment in the case of commercialization
- Non-monetary benefits:
  - Funds for development, education and training of the San community
  - Funds to support projects and institutions working to improve research and protection of the San traditional knowledge and heritage

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Who is involved in the ABS contract?

Access and benefit-sharing

Users seek access to genetic resources for:

- Scientific research (e.g. taxonomy)
- Development of commercial products (e.g. pharmaceuticals)

Providers of genetic resources grant access:

- In exchange for a share of the benefits that result from their use

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Access and benefit-sharing

Users seeking access to genetic resources must:

- Get permission from the provider country (known as prior informed consent or PIC)

Both provider and user must:

- Negotiate an agreement to share resulting benefits (known as mutually agreed terms or MAT)

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What is involved in the ABS contract?

The Nagoya Protocol on ABS

How does the Nagoya Protocol address traditional knowledge associated with genetic resources?

- With provisions on access, benefit-sharing and compliance
- It aims to ensure that indigenous and local communities obtain a **fair share of the benefits** from the use of their:
  - Traditional knowledge associated with genetic resources
  - Genetic resources, in cases where they have established rights to grant access to them, in accordance with national legislation

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The Nagoya Protocol on ABS

By setting out clear provisions on **access to traditional knowledge** associated with genetic resources, the Protocol will:

- Strengthen the ability of indigenous and local communities to benefit from the use of their knowledge, innovations and practices
- Provide incentives for the promotion and protection of traditional knowledge
- Encourage the development of:
  - Community protocols, minimum requirements for mutually agreed terms and model contractual clauses

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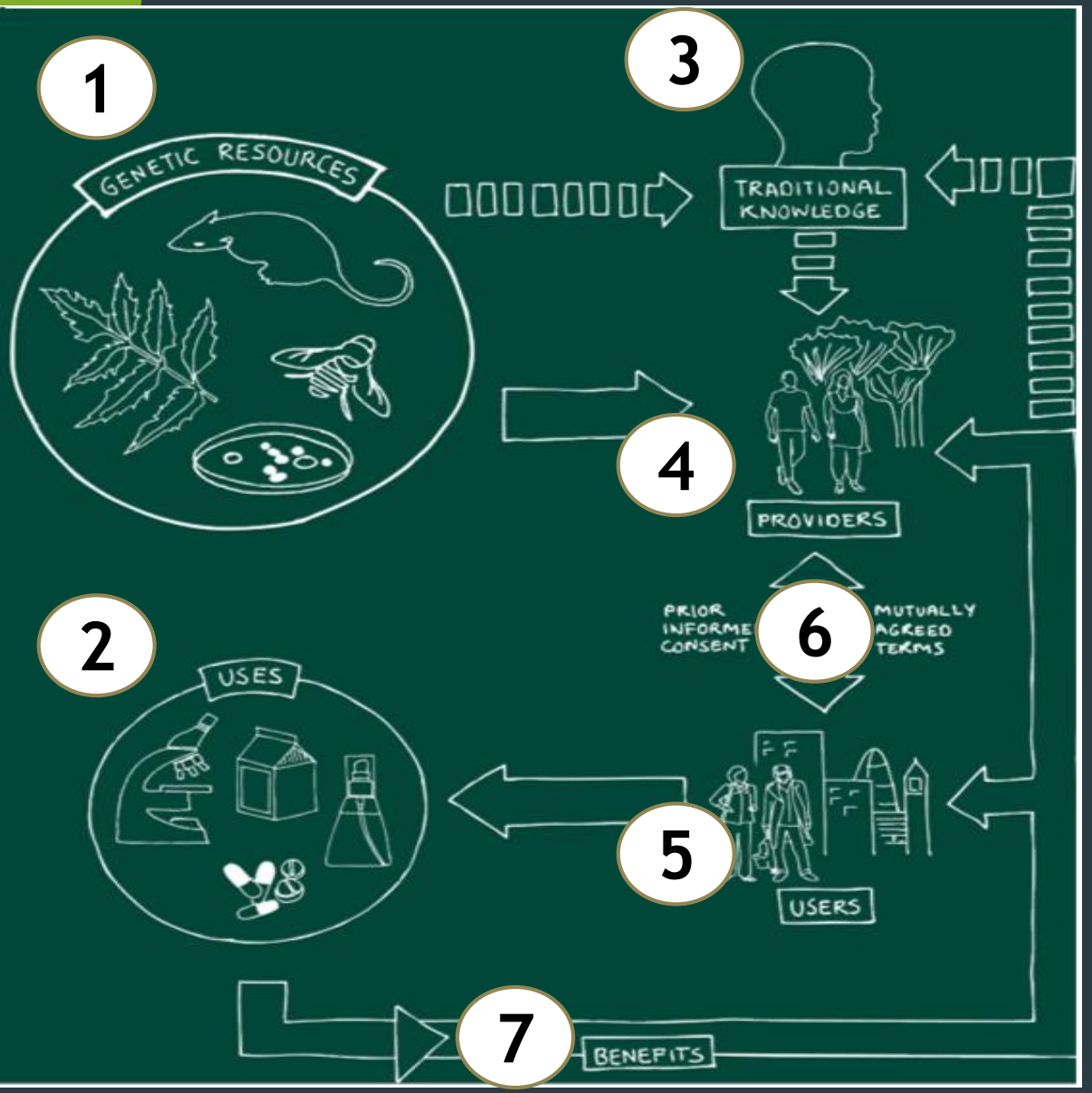

NAGOYA PROTOCOL

Access and Benefit Sharing