



Living in harmony with nature

The Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing

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. At the tenth Conference of the Parties, held in Nagoya, Japan, in October 2010, the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* was adopted. It is a new international agreement which aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way, thereby contributing to the conservation and sustainable use of biodiversity. The Nagoya Protocol further builds on the access and benefit-sharing provisions of the CBD by creating greater legal certainty and transparency for both providers and users of genetic resources. It does this by establishing more predictable conditions for access to genetic resources and helping to ensure benefit-sharing when genetic resources leave the contracting Party providing the genetic resources.

Genetic resources, whether from plant, animal or micro-organisms, are used for a variety of purposes ranging from basic research to the development of products. In some cases, traditional knowledge associated with genetic resources that comes from indigenous and local communities (ILCs), provides valuable information to researchers regarding the particular properties and value of these resources and their potential use for the development of, for example, new medicines or cosmetics. Users of genetic resources include research and academic institutions, and private companies operating in various sectors such as pharmaceuticals, agriculture, horticulture, cosmetics and biotechnology.

When a person or institution seeks access to genetic resources in a foreign country, it should obtain the prior informed consent of the country in which the resource is located; this is one of the fundamental principles of access and benefit-sharing. Moreover, the person or institution must also negotiate and agree on the terms and conditions of access and use of this resource. This includes the sharing of benefits arising from the use of this resource with the provider as a prerequisite for access to the genetic resource and its use. Conversely, countries, when acting as providers of genetic resources, should provide fair and non-arbitrary rules and procedures for access to their genetic resources.



Convention on
Biological Diversity

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The Nagoya Protocol will enter into force 90 days after the deposit of the 50th instrument of ratification. The list of signatories of the Nagoya Protocol is available at: www.cbd.int/abs/nagoya-protocol/signatories/

In order to become Parties to the Nagoya Protocol, Parties to the Convention that have signed the Nagoya Protocol may then proceed to take steps at the domestic level that would lead to depositing their instruments of ratification, acceptance or approval with the Depositary. Parties to the Convention that were not be able to sign the Nagoya Protocol by 1 February 2012, but still wish to become Parties, may accede to the Protocol by depositing an instrument of accession with the Depositary. Ratification, acceptance, approval and accession have the same legal effect. Further information on how to become a Party to the Protocol can be found at:

www.cbd.int/abs/becoming-party.

Fast Facts

Example of uses:

- ▶ The development of compounds called Calanolides, derived from the latex of a tree (*Calophyllum* species) found in the Malaysian rainforest, as a potential treatment for HIV (type 1) and certain types of cancer
- ▶ The use of indigenous plant resources for breeding programmes and cultivation, e.g. the so-called “Mona Lavender”, a hybrid of two *Plectranthus* species indigenous to South Africa, is now commercially available as an ornamental plant throughout Europe, the US and Japan.

Examples of benefit-sharing:

- ▶ Research exchanges: a researcher from a provider country collaborates with research staff from the user country
- ▶ Provision of equipment, improvement of infrastructure and sharing of technologies:

the user of genetic resources sets up laboratories or a drug manufacturing facility in the provider country

- ▶ Payment of royalties: royalties generated from the commercialization of a product based on genetic resources are shared between the provider and the user of genetic resources and associated traditional knowledge
- ▶ Preferential access for the provider country to any medicine derived from genetic resources and associated traditional knowledge: preferential rates to purchase medicine
- ▶ Joint ownership of intellectual property rights (IPRs): when the user and provider of genetic resources seek joint ownership of IPRs for patented products based on the genetic resource used

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