

Aichi Target 16

and

Key Fields of Action for Implementation of the Nagoya Protocol



**Secretariat of the Convention on
Biological diversity**

October 2010: Nagoya Biodiversity Summit



Life in harmony, into the future
いのちの共生を、未来へ
COP10 / MOP 5



Aichi Target 16

- 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**.



Aichi Target 16

First part:

- Nagoya Protocol to enter into force 90 days after the date of deposit of the 50th instrument of ratification. As such for this target to be met 50 countries must ratify the Protocol by October 2015 at the latest.

What is needed for Part 1:

- Deposit the instrument of ratification, acceptance, approval or accession as soon as possible to ensure that the Protocol enters into force by 2015
- Most likely to be achieved 😊 😊



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Second part:

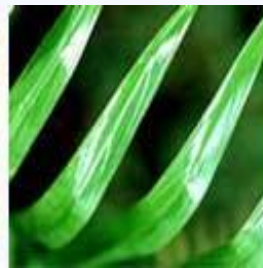
- **Broader or more restrictive** interpretation, depending on the level of ambition.
- **Restrictive interpretation:**
At the minimum, Parties that have ratified the Protocol to have domestic legislative, administrative or policy measures and institutional structures in place in order to be in compliance with the Protocol.
- **Broader interpretation:**
To reach the full implementation, in addition to the above two requirements Parties would also need to have the capacity and means to effectively implement it.



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What is needed for Part 2:

- In accordance with their national circumstances, Parties to the Protocol would need to:
 - Revise existing legislative, administrative or policy measures or develop new measures to meet the obligations set out under the Protocol.
 - Put in place the institutional structures required for implementing the Protocol, including:
 - A national focal point,
 - One or more competent national authorities,
 - One or more check points, and
 - Enabling conditions to actively participate in the ABS Clearing-House.



Key Fields of Action for Implementation of the Nagoya Protocol

1. Awareness-raising and capacity-building to promote ratification of the Protocol:

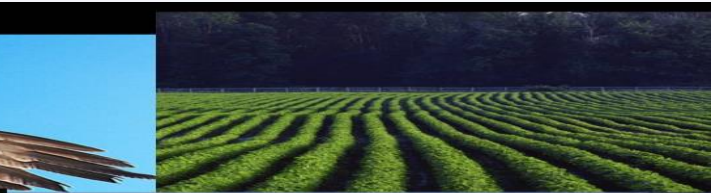
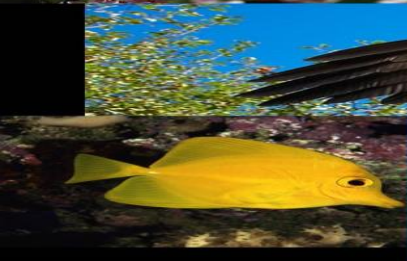
- *Creating awareness at policy and decision-making levels (e.g. through:*
 - *Briefings on ABS for Cabinet, parliament, local authorities)*
- *Creating awareness at stakeholder and local levels (e.g.*
 - *Public awareness and perception campaigns*
 - *Seminars for community institutions*
 - *Dissemination of awareness and outreach materials*
- *Stakeholder consultation and outreach activities*



Key Fields of Action

2. Development of a national ABS policy:

- *Taking stock of existing domestic policies relevant to ABS and analyse gaps in light of the Nagoya Protocol*
- *Analyzing different policy options regarding the overall national approach for implementing ABS and their intended (and possible unintended) effects, e.g.*
 - *Nature of the regulatory system: stand-alone legislation vs integration of ABS clauses in relevant existing legislation or regulatory requirements*
 - *Structure of the system for handling access applications, decision-making and issuance of permits: centralised vs. decentralized*
- *Identification of relevant actors and expertise for the NP implementation*
- *Mainstreaming ABS into NBSAPs, National Development Plans and PRSPs*



Key Fields of Action

3. Development, implementation and enforcement of domestic legislative, administrative or policy measures on ABS:

Why:

- Create legal certainty, clarity and transparency

Actions

- *Taking stock of, and analysing gaps in, existing domestic legislative, administrative or policy measures in light of the NP obligations*
- *Identification of relevant existing legal and institutional expertise for the implementation of the NP*
- *Development and/or amendment of ABS legislative, administrative or policy measures for implementing the obligations under the NP*
- *Adopting, where necessary, the required implementing regulations*
- *Notifying the ABS Clearing-House about the domestic ABS legislation or regulatory requirements*



Key Fields of action (contd.)

4. Establishment of institutional arrangements and administrative systems:

Why

- Definition of clear institutional responsibilities
- Promote clarity, certainty and transparency

Actions

a) Establishment of a National Focal Point in country with an office and budget to provide relevant information to applicants seeking access to GR and ATK, including information on:

- *Procedures for obtaining PIC and establishing MAT;*
- *Procedures for obtaining PIC or approval and involvement of ILCs for access to ATK and establishing MAT*
- *CNAs, ILCs and relevant stakeholders*



Key Fields of action (contd.)

4. Establishment of institutional arrangements and administrative systems:

b) Establishment of one or more National Competent Authorities with an office, budget and a strategic plan of action to:

- Grant access to GRs and ATK and ensure benefit-sharing*
- Issue written evidence (e.g. a permit or its equivalent and make it available to the ABS-CH (in order to become an internationally recognised certificate of compliance),*
- Advice on applicable procedures and requirements for obtaining PIC and entering into MAT*

c) Designation of one or more Checkpoints to collect or receive relevant information to facilitate the monitoring of utilization of GRs and ATK (including information related to PIC, to the source of GR, to establishment of MAT and/or to the utilization of GR)

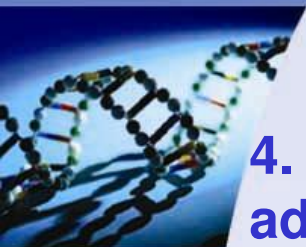


Key Fields of action (contd.)

4. Establishment of institutional arrangements and administrative systems:

d) Others institutional mechanisms

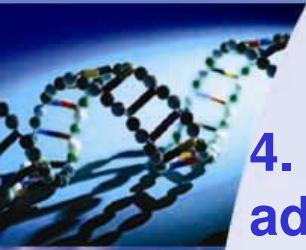
- *National Inter-agency Coordination Mechanisms/ mechanisms for multi-stakeholder coordination and cooperation*
- *Mechanism to promote compliance with domestic ABS legislation or regulatory requirements and address situations of non-compliance*
- *Mechanism to facilitate cooperation with other Parties in cases of non-compliance (alleged violation of domestic ABS legislation or regulatory requirements)*
- *Mechanism to facilitate the participation of ILCs in ABS processes*
- *Mechanism for monitoring and reporting to COP-MOP the measures taken to implement the country's obligations under the Protocol*



Key Fields of action (contd.)

4. Establishment of institutional arrangements and administrative systems:

- (e) Establishment of administrative systems/procedures & guidelines
- *Criteria/requirements, procedures and timelines for obtaining PIC for access GR*
 - *Criteria/requirements and procedures for entering into MAT or requiring and establishing MAT*
 - *Criteria and/or procedures for obtaining PIC or approval and involvement of ILCs for access to their GR and ATK (Art. 6.3f &*
 - *Mechanism for informing potential users of ATK about their obligations (Art. 12.2)*
 - *Explanatory notes/guidelines on different components of PIC*
 - *Tools and guidelines on granting PIC, including model formats*



Key Fields of action (contd.)

5. Effective participation in the ABS Clearing-House:

- *Designation of a National ABS-CH Publishing Authority with an equipped office and a budget to register and publish national records in the ABS-CH (and/or (or validate records drafted by National Authorized Users)*
- *Establishment of a national mechanism/ system for documentation, management and sharing of information on ABS;*
 - *Designation of National Authorised Users in all relevant national institutions to collect and register draft records in the ABS-CH*
 - *Establishment of a national node of the ABS-CH*



Key Fields of action (contd.)

6. Measures for dealing with traditional knowledge associated with genetic resources:

- *Ensuring that domestic ABS legislation establishes rules for access to ATK*
- *Establishing criteria and/or procedures for obtaining PIC or approval and involvement of ILCs for access to their GR and ATK*
- *Establishing mechanisms for informing potential users of ATK about their obligations (Art. 12.2)*
- *Supporting ILCs in the development of community protocols for better respect of traditional governance and decision-making processes*
- *Raising awareness of ILCs and other stakeholders of the NP*
- *Developing the capacities of ILCs in negotiation and other skills*



Key Fields of action (contd.)

7. Establishment of Mechanisms for Transboundary Cooperation:

- *Establishing/strengthening arrangements for cooperation between Parties in instances where the same genetic resources are found in-situ within the territory of more than one Party*
- *Establishing/strengthening arrangements for cooperation between Parties and ILCs in instances where the same TK is shared by one or more ILCs in several Parties*
- *Establishing/strengthening arrangements for cooperation between Parties on other issues of mutual interest, e.g.*
 - *In cases of non-compliance (alleged violation of domestic ABS legislation or regulatory requirements) – Art. 15.3 and 16.3*
 - *In capacity-building and strengthening of human resources and institutional capacities to implement the Protocol -Art. 22.1*
 - *In technical and scientific research and development programmes - Art. 23*



Key Fields of action (contd.)

8. Mobilization of resources for implementation of the NP (cross-cutting):

- *Including resource mobilization for the NP in the National Strategy for Resource Mobilization in support of the achievement of the three objectives of the Convention*
- *Directing domestic resources (including those generated through new and innovative financial mechanisms), towards the implementation of the Protocol*
- *Mainstreaming implementation of the Protocol in the development cooperation plans and NBSAPs*
- *Engaging bilateral & multilateral financial institutions and development agencies to ensure that due priority is given to allocation of predictable resources for NP implementation*



Key Fields of action (contd.)

9. Capacity-building and development (cross-cutting):

- *Identification of national capacity needs and priorities through national capacity self-assessments (Art. 22.3)*
- *Development and implementation of capacity-building and development activities consistent with the strategic framework for capacity-building and development to support the effective implementation of the NP, contained in annex I to ICNP recommendation to MOP-1*
- *Provision to the ABS Clearing-House of information on capacity-building and development initiatives with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing (Art. 22.6)*



Key Fields of action (contd.)

10. Stakeholder mapping, analysis and involvement:

Why

- Ensure the awareness, support, involvement and compliance of different stakeholders

Actions

- *Identifying relevant stakeholders*
- *Creating awareness about ABS and the NP among identified stakeholders*
- *Clarifying roles and responsibilities for different stakeholders*
- *Developing mechanisms for communication, coordination & networking between the different stakeholders*
- *Developing mechanisms for identification and effective involvement of relevant stakeholders*





Thanks
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