



Nagoya Protocol: Traditional Knowledge Associated with Genetic Resources and Indigenous and Local Communities (ILCs)

Secretariat of the Convention on Biological Diversity



Traditional knowledge and ILCs: Context



References to TK and ILCs in the preamble:

- Relevance of Article 8(j)
- Interrelationship between GRs and TK and their inseparable nature for ILCs
- Importance of TK for the conservation and sustainable use of biodiversity, and for the sustainable livelihoods of ILCs
- Diversity of circumstances in which TK is owned or held



Traditional knowledge and ILCs: Context



References to TK and ILCs in the preamble:

- Right of ILCs to identify the rightful holders of TK , within their communities
- Unique circumstances where TK is held in countries (oral, documented or in other forms), reflecting a rich cultural heritage
- UN declaration on the Rights of Indigenous Peoples
- Nothing in Protocol should be construed to diminish or extinguish existing rights



Access to Genetic Resources Granted by ILCs (Article 6)



Access to Genetic Resources:

Obligation to take measures in accordance with domestic law:

- For obtaining PIC or prior approval and involvement of indigenous and local communities (ILCs) for access to genetic resources where they have the established rights to grant access to those resources
- Setting out criteria and/or processes for obtaining PIC or approval and involvement of ILCs

Access to TK associated with Genetic Resources:

Obligation to take measures in
accordance with domestic law:

- With the aim of ensuring that TK held by indigenous and local communities is accessed with PIC or approval and involvement of ILCs and MAT established





Fair and Equitable Benefit-Sharing with ILCs (Article 5)



Obligation to take measures for the sharing of benefits with indigenous and local communities:

- With respect to genetic resources held by ILCs in accordance with domestic legislation regarding established rights of these ILCs over these genetic resources
- With respect to TK associated with genetic resources held by ILCs



Traditional Knowledge Associated with Genetic Resources (Article 12)



Obligation to take into consideration customary laws, community protocols and procedures

Obligation of Parties to:

- Establish mechanisms to inform potential users of TK associated with genetic resources about their obligations
- Support the development by ILCs of community protocols; minimum requirements for MATs; model contractual clauses for benefit-sharing arising from the utilization of TK associated with genetic resources

Obligation to not restrict the customary use and exchange of genetic resources and associated TK within and amongst ILCs



Compliance: Traditional knowledge Associated with Genetic Resources (Article 16)



Compliance with national legislation on TK

Obligation to take measures:

- To provide that TK associated with genetic resources is accessed with PIC or approval and involvement of indigenous and local communities and MAT, as required by domestic ABS legislation
- To address situations of non-compliance

Obligation to cooperate in cases of alleged violation of national law on TK



Eighth Meeting of the Working Group on Article 8j:

- Adopted a plan of action on **customary sustainable use** of biodiversity
- Agreed to advance work on several tasks (7,10,12) to support the development of voluntary guidelines for prior **informed consent** and **equitable sharing** of the benefits arising from the use of traditional knowledge

WIPO IGC

- Ongoing negotiations to agree on a text (or texts) of an international legal instrument (or instruments) to ensure the effective protection of **Traditional Knowledge, Traditional cultural expressions** and **Genetic Resources**

Thank you for your attention!

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