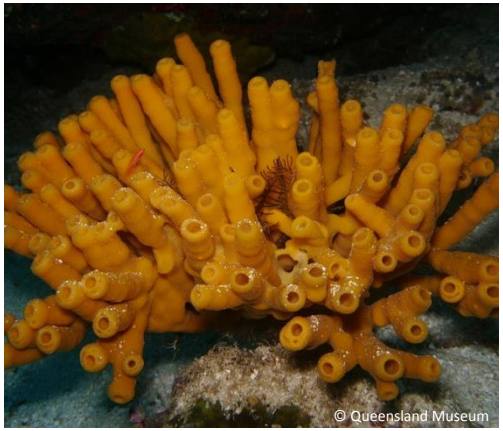
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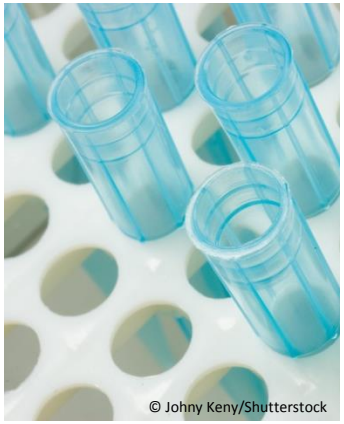
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Key Points to Consider in the Development of ABS Policies/Strategies and their Integration into NBSAPs

Secretariat of the Convention on Biological Diversity

Living in harmony with nature

United Nations Decade on Biod

Life in harmony, into the future
いのちの共生を、未来へ
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ABS Policy Elements

Common elements:

- Overall national vision regarding ABS (vision statement)
- General guiding principles
- Policy goal(s)
- Specific policy objectives regarding ABS
- Strategies to achieve the various ABS policy objectives

ABS Policy Elements

Example of an ABS Policy Statement:

- To contribute to the conservation and sustainable use of biological resources of the country in order to reduce poverty, be supportive to sustainable livelihood and health, and promote cultural integrity.

Examples of specific policy objectives regarding ABS

- Set the conditions to facilitate access to the genetic resources on the basis of PIC and MAT
- Promote fair and equitable sharing of the benefits arising from the use of genetic resources and associated knowledge

ABS Policy Elements

Examples of specific policy objectives regarding ABS

- Define clear roles and responsibilities of national stakeholders and to provide a transparent and secure framework for access to genetic resources and fair and equitable sharing of benefits
- Establish an integrated framework to deal with the overlapping economic, social and environmental aspects of access and benefit-sharing
- Develop endogenous capacity to add value to our genetic resources through research and development

Strategic policy choices

There are various strategic policy choices, e.g.:

- Overall policy orientation: Focus on regulation of access (control misappropriation) vs endogenous R&D to add value to GRs;
- Nature of the regulatory system: Stand-alone ABS policy or legislation vs. Integration of ABS provisions in relevant sectoral/cross-sectoral policies or legislation;
- Structure of the permit system: centralised vs. decentralised;
- The way in which checkpoints will work: Monitoring vs. Crutinising; etc.

Instruments to implement the policy

Instruments to implement the policy could include:

- Legislation or regulatory requirements
- Administrative procedures and guidelines
- Market-based instruments (incentives, taxes, etc)
- Voluntary codes of conduct, guidelines best practices and/or standards in relation to ABS

Regulatory system: Cross-sectoral vs. Stand-alone

- Integrating ABS aspects into relevant sectoral policies and legislations
- Adapting existing sectoral laws and regulations
- Different departments in charge of developing their respective ABS regulations

- Developing a specific legislation on ABS that are binding for all sectors
- Designing a "leading" department/agency for ABS legislation at national level

Permit system: Decentralised vs. Centralised

- GR are managed by the various stakeholders (ministries, provinces, ILCs, private entities,)
- Several agencies authorised receive and process applications and issue permits
- A series of PIC criteria for each sector
- Specific MAT "model clauses" for each sector including research

- Ownership and management of GR assigned to one single central government authority
- One agency in charge of receiving all applications and issuing permits to all applicants
- A series of PIC criteria that is valid for all sectors
- Overall MAT "model clauses" for all sectors

Overall policy orientation:

- Policies designed to prevent misappropriation of GR &TK and to ensure fair and equitable sharing of benefits (e.g. through laws, regulations and standards)
- Emphasis on maximising research and development to add value to the GRs
- Policies designed to attract users to undertake R&D to add value to your GR – by providing incentives ("carrots")
- Less stringent criteria and less elaborate procedures for review and approval of bioprospecting applications
- More strict criteria/ elaborate procedures for review and approval of access applications for bioprospecting

Overall orientation

- Facilitative: Supporting national research and private sector investment in bioprospecting and negotiating benefits after successful biodiscovery
- Relatively high investment in establishing the national regulatory system (staff, infrastructure, etc.)
- Restricted access: determining utilisation and negotiating benefit-sharing at the moment of application
- Relatively high investment in establishing the national regulatory system (staff, infrastructure, etc)

Developing ABS Policies

Key points to consider in developing ABS policies:

- How much demand for access to genetic resources is there or likely to be there in the short, medium and long-term?
- Which genetic resources will underpin the country's long-term competitiveness?
- How elaborate should the ABS system be?
- How much should be invested in the administration enforcement of ABS?
- What competences already exist in the country and how much should be invested in training of personnel to negotiate and participate in ABS undertakings?

Developing ABS Policies

Key points to consider:

- What opportunities for cooperation with other countries are there and what are potential advantages (e.g.
  - shared training/capacity-building,
  - shared technologies and infrastructure for addition of value to genetic resources,
  - shared costs for market research, prevention of undercutting of the potential benefits from shared genetic resources)
- SWOT analysis of the country's distinctive competitiveness (e.g. high biodiversity richness, good systems for in-situ and ex-situ conservation, scientific excellence, technological and institutional capacity for R&D, etc.)

Mainstreaming ABS in NBSAPs

Why is this important?

ABS is a cross-sectoral issue:

- Relevant to various sectors (agriculture, forestry, fisheries, marine, health, industry, science and technology, etc.
- Hence need to integrate ABS into relevant sectoral and cross sectoral policies, plans and programmes, in particular NBSAPs

Mainstreaming ABS in NBSAPs

Integrating ABS policies and strategies into NBSAPs can:

- **Promote efficiency** through a more holistic and coherent approach to biodiversity policy at the national level
- **Optimise the cost and efforts** of conducting consultation processes and broad stakeholder mapping and engagement
- **Leverage available outreach opportunities** among other sectors and stakeholders
- **Facilitate integrated ABS implementation at national level** in different biodiversity-related sectors to foster effective implementation of the Nagoya Protocol on the ground

Mainstreaming ABS in NBSAPs in practice

Integration of ABS in different biodiversity-related areas

- Possible **establishment of different CNAs** for different types of genetic resources (forest, marine, protected areas, etc)
- Taking into account the Nagoya Protocol when dealing with issues related to:
    - Technology transfer
    - Taxonomy
    - Sustainable use of agriculture, forest, marine and coastal biodiversity, etc

Mainstreaming ABS in NBSAPs in practice

Contribution of ABS to poverty alleviation and development opportunities, as can provide for capacity-building and transfer of technology leading to:

- Enhanced national endogenous research capabilities
- Capacity to add value to own genetic resources

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Mainstreaming ABS in NBSAPs in practice

A number of NBSAPs include general references to ABS or the Nagoya Protocol

•Australia, Belarus, Dominican Republic, Finland, France, Guatemala, Ireland, Italy, Japan, Malta, Spain, Venezuala, Timor Leste

Some NBSAPs contains reference to other sectors and or specific issues

•Myanmar, Serbia, (agriculture / plant genetic resources for food and agriculture)

•Switzerland (Traditional knowledge associated with genetic resources)

Mainstreaming ABS in NBSAPs in practice

What could be done to further integrate ABS into NBSAPs..

- Setting clear goals, objectives and targets to be achieved through mainstreaming
- Taking stock of and analysing what is in place
- Identifying target "entry points", i.e. priority sectoral policies, plans and programs to be targeted for mainstreaming ABS
- Promoting awareness of ABS among other stakeholders in others sectors

Conclusion

Key points to consider:

- Which genetic resources will underpin the country's long-term competitiveness?
- How elaborate should the ABS system be?
- How much should be invested in the administration enforcement of ABS?
- What competences already exist in the country and how much should be invested in training of personnel to negotiate and participate in ABS undertakings?
- What opportunities for cooperation with other countries exist and what are potential advantages

Conclusion

Actions to integrate ABS into NBSAPs:

- Set clear goals, objectives and targets to be achieved through mainstreaming
- Take stock of and analysing what is in place
- Identify target "entry points“, i.e. priority sectoral policies, plans and programs to be targeted for mainstreaming ABS
- Promote awareness of ABS among other stakeholders in others sectors