

Institutional Arrangements and Administrative Systems for Access and Benefit-Sharing



**Secretariat of the Convention on
Biological diversity**

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

Role and responsibilities

1. 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*

2. To liaise with the Secretariat



Establishment of institutional arrangements and administrative systems

Other responsibilities of NFPs:

- *Receiving and disseminating information related to the NP*
- *Ensuring that Parties are represented at meetings under the Convention;*
- *Identifying experts to participate in ad hoc technical expert groups and other processes under the Convention;*
- *Responding to other requests for input by Parties from the COP-MOP and the Secretariat;*
- *Collaborating with NFPs of other countries to facilitate implementation of the NP;*
- *Monitoring, promoting and/or facilitating national implementation of the NP*



Establishment of one or more National Competent Authorities

Roles

- 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***



CNAs (suggestion from Bonn Guidelines)

Competent national authorities may be responsible for granting access and be responsible for advising on:

- a) The negotiating process;
- b) Requirements for obtaining PIC and entering into MAT;
- c) Monitoring and evaluation of access and benefit-sharing agreements;
- d) Implementation/enforcement of ABS agreements;
- e) Processing of applications and approval of agreements;
- f) The conservation and sustainable use of the genetic resources accessed;
- g) Mechanisms for the effective participation of different stakeholders,
- h) Rent steps in the process of ABS, in particular, ILCs
- i) Mechanisms for the effective participation of ILCs while promoting the objective of having decisions and processes available in a language understandable to relevant ILCs.



CNAs - Examples

In Kenya NEMA) IS the designated CNA. Its powers include:

- 1)Monitoring the status and the components of biodiversity in Kenya and taking measures to prevent & control their depletion (Rule 7);*
- 2)Receiving applications to access genetic resources (GRs) (Rule 9);*
- 3)Notifying the public of applications received (Rule 10);*
- 4)Determining the application for GRs received (Rule 11);*
- 5)Imposing such conditions as it may deem appropriate in the access permit as well as varying the same (Rule 15);*
- 6)Receiving quarterly reports from the holder of an access permit on the status of research, including all discoveries from research involving GRs (Rule15);*
- 7)Suspending, cancelling or revoking any access permit issued where the holder contravenes any of the conditions of the permit (Rule 16);*
- 8)keeping, managing and updating a register of all access permits which it has granted (Rule 17)*



CNAs - Examples

In South Africa there are 2 CNAs:

1. The Minister for Environment- issuing bioprospecting permits and integrated export and bioprospecting permits if the indigenous biological resources exported for bioprospecting; and

2. The MEC - issuing authority for export permits if the biological resources are exported for research purposes other than bioprospecting.

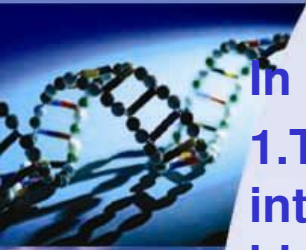
Issuing authorities have powers and duties that include:

1. Processing applications within a reasonable time;

2. Ensuring that the impact of any authorized activity will be negligible, minimised or remedied; and, that the relevant activity will not deplete the GR beyond the level where its integrity is jeopardised (Rule 7).

3. Receive status reports of research undertaken pursuant to permits issued.

• The Bioprospecting Trust Fund (BTF) - receiving and paying all money arising from benefit sharing agreements and MTAs



Designation of Check Points

- Designation of one or more Checkpoints

Roles and responsibilities

- To collect or receive relevant information to facilitate the monitoring of utilization of GRs and ATK, including:
 - Information related to PIC
 - Information related to the source of GR
 - Information related to establishment of MAT and/or
 - Information related to the utilization of GR



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*



Establishment of administrative systems/ procedures & guidelines

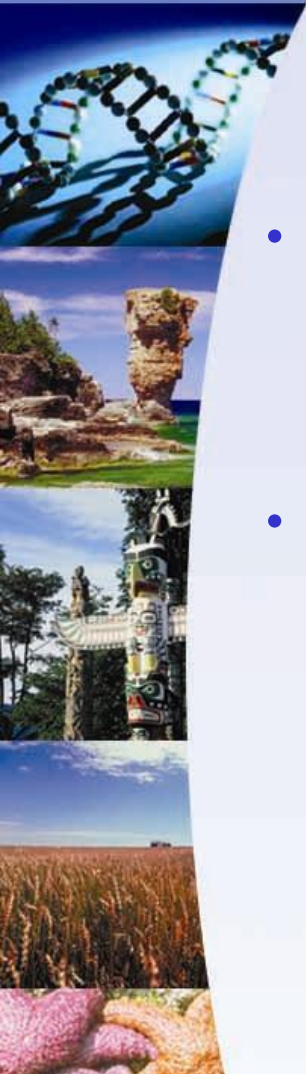
(e) Criteria/requirements, procedures and timelines for obtaining PIC for access GR

- 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*



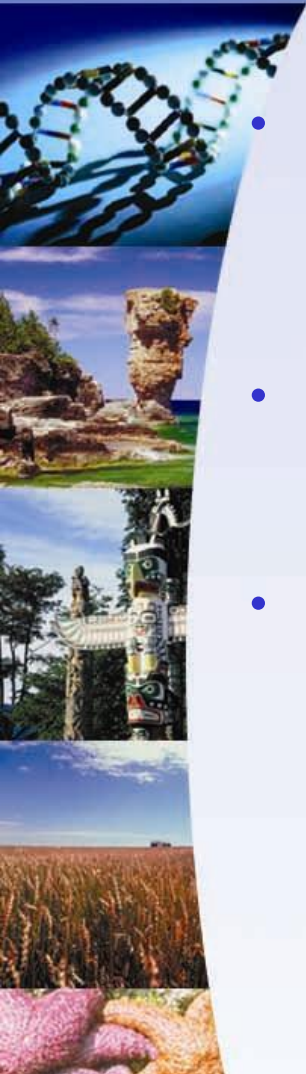
Effective participation in the ABS Clearing-House

- *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*



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*



Mobilization of resources for implementation of the NP

- *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*



National Strategy for Capacity-building and development

- *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)*



Stakeholder mapping, analysis and involvement

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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