

# Nagoya Protocol

[UPSC Notes]

## What is Nagoya Protocol?

Nagoya Protocol, also known as the Nagoya Protocol on Access and Benefit Sharing (ABS), is a legal framework that is intended to implement the fair & equitable sharing of benefits arising out of the utilization of genetic resources, which is one of the major objectives of CBD (Convention on Biological Diversity).

Nagoya Protocol is one of the important environmental protocols of the world that creates obligations for members to incorporate measures in respect of access to sharing benefits, genetic resources, and compliance.

### Nagoya Protocol Overview

Below is the overview of the Nagoya Protocol:

Highlights	Details
Nagoya Protocol was adopted in	Nagoya, Japan in 2010
Nagoya Protocol enforced in	October 2014

## Goals of Nagoya Protocol

Nagoya Protocol came into being to achieve three inter-linked goals, and these are-

- Ten year strategic plan to be adopted for the guidance of national and international efforts to safeguard biodiversity and meet CBD objectives.
- Strategy to mobilize resources to improve current levels of official development assistance for biodiversity support.
- Access and Benefit Sharing for genetic resources.

## Importance of Nagoya Protocol

Nagoya Protocol holds significance for biodiversity conservation and equal sharing of the benefits from the genetic resources. Along with this aim, it also

holds the vision to protect the indigenous people from exploitation for their expertise and traditional knowledge. The importance of the Nagoya Protocol can be summarised as under-

- As per the Nagoya Protocol, the owner of the genetic resources and the consumers will benefit by creating better legal certainty and transparency in these ways:
  1. When the genetic resources travel outside the country of origin, it helps them have a better benefit-sharing experience.
  2. It sets more predictable conditions for access to genetic resources.
- With the benefit of ensuring benefit-sharing among users and the owner leads to sustainable use and better conservation of genetic resources. Ultimately leading to the conservation of biodiversity in a better way.
- The protocol's adoption marks an important step toward the CBD's implementation.
- In return for the fair share in usage benefits, the protocol allows the researchers to access the genetic resources for biotechnology research.
- With the advancement in technology, genetic resources obtained from the micro-organisms, animals, and plants that are used in the development of the enhanced genes, small molecules, and enzymes that can be used in many areas involving industrial processing, crop protection, drug development, and specialized chemical production.

## Obligations under Nagoya Protocol for Parties

Concerning access the benefit-sharing, genetic resources, and compliance, the parties are obliged to take the following actions:

### Benefit-sharing

As per the Nagoya Protocol, the benefit-sharing measures should have provisions for the fair & equitable sharing of benefits that arise from the utilization of genetic resources with the contracting party that provides genetic resources.

The sharing needs to be subjected to mutually-agreed terms, which could be monetary or non-monetary. The benefits to be enjoyed can be in the state of sharing the results of the research or royalties.

### Access to Genetic Resources

The accessibility to genetic resources should be transparent and have legal certainty and clarity among the users and owners with fair rules and non-arbitrary procedures. As per this Protocol, rules need to be mutually agreed upon and must have the provision for issuance of a permit (or its equivalent) when granted access with proper consideration to the emergency cases of threatening plant, animal, or human health. Along with this, the importance of genetic resources for food and agriculture, to have food security should be considered.

### Compliance

For implementing the Nagoya Protocol, there must be legal provisions. This also includes having dispute resolution mechanisms in place for resolving any disputes.

## Nagoya's Outcome: Aichi Target

Along with adopting the Nagoya Protocol, the ten-year framework was adopted by COP-10 for action by all countries to save biodiversity, known as Strategic Plan for Biodiversity 2011-2020. This results in setting up achievable targets known as Aichi Targets for biodiversity. It includes 20 headline targets. The important agreements, including the Aichi Target, are-

- The rate of loss of natural habitats, including forests to be reduced by at least half and, where feasible bring close to zero. a
- Set a target of 10 percent for marine and coastal areas and 17 percent of terrestrial and inland water areas and
- Governments to try and restore at least 15 percent of degraded areas through conservation and restoration.
- Work towards reducing damage and pressure on coral reefs.
- Parties also agreed to a substantial increase in financial resources to support the implementation of the Convention.

## Nagoya Protocol and India

Nagoya Protocol was adopted in 2010, but India signed the protocol in 2011. However, the protocol was ratified in October 2012 at the 11th Conference of Parties (COP) to the CBD, conducted in Hyderabad. The Biological Diversity Act of 2002 is responsible for implementing the CBD.

