

Business and the Nagoya Protocol on ABS: linking profits and sustainability

Nepal Biotrade and Green Economy Week

**Day 2: Biotrade and Green Economy:
A Business Perspective**

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ABS in the CBD

- Objectives of the CBD:
 - Conservation of biological diversity
 - Sustainable use of its components, and
 - *“fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding .”*

The logic of ABS

- Order of the objectives is an historical legacy, but not implementable as is
- Benefit-sharing provides custodians of biodiversity with incentive for sustainable use, which leads to conservation
- Comprehensive global ABS regime provides legal certainty and avoids loopholes
- Compliance after resources taken away – role of checkpoints, disclosure

The Nagoya Protocol

- Utilisation approach – '*R&D on genetic or biochemical composition of GR*' – needs PIC from country of origin or "*Party that acquired the GR in accordance with CBD*"
- Access to GR and TK (e.g. colonial ex situ collections or commodities) does not mean automatically having obtained PIC
- Derivatives – "naturally occurring biochemical compounds" – are included
- Benefit-sharing based on MAT, including for "products"

User obligations

- User country obligation to ensure utilisation is in compliance with national PIC requirements of provider
- Compliance and access to justice measures – ensure adherence to MAT
- User measures crucial for building trust
- Technology transfer and capacity building aimed at developing new forms of “green economy” (e.g. biotrade)

Useful perspectives

- GR and TK recognised as key assets for socio-economic development
- Opportunities to move up value chain
- Facilitation of equitable partnerships: sound ABS measures reduce risks = more R&D investment = better chance of success = more benefits to share
- Closing the ethical biotrade loop: use benefit-sharing as incentive for sustainable use, leading to conservation

A win-win-win outcome?