NEPAL BIODIVERSITY STRATEGY, NAGOYA PROTOCOL AND NATIONAL ABS REGIME

Sagar Rimal
Ministry of Forests and Soil Conservation
skrimal@mfsc.gov.np
August 5, 2013

PRESENTATION OUTLINE

- Brief overview of CBD and Nepal Biodiversity Strategy (NBS)
- Nagoya Protocol on ABS
- Key Features of Proposed Legal Framework on ABS
Convention on Biological Diversity (CBD)

- Opened for signature at the Earth Summit in Rio de Janeiro on 5 June 1992
- Entered into force on 29 December 1993
- To date 193 Parties
- Entry into force in Nepal early 1994
  - Two protocols: Cartagena protocol on Biosafety and Nagoya protocol on ABS
- 42 articles and 2 annexes

Guiding Principle - CBD

- States have the sovereign rights over their natural resources
- The principle of prevention: "it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source"
- The precautionary principle: "lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat"
- National governments have the authority to determine access to these resources in accordance with national legislation
Objectives of CBD

• Conservation of biological diversity
• Sustainable use of its components
• Fair and equitable sharing of benefits arising from the utilization of genetic resources

Strategic Plan Biodiversity 2011-2020

"By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people."
Strategic Plan Biodiversity 2011-2020

**Strategic Goals**

- Address the underlying causes of biodiversity loss by **mainstreaming biodiversity** across government and society
- Reduce the direct pressures on biodiversity and promote sustainable use
- Improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
- Enhance the benefits to all from biodiversity and ecosystem services
- Enhance implementation through participatory planning, knowledge management and capacity-building

Strategic Plan Biodiversity 2011-2020

**Aichi Biodiversity Targets**

1. Awareness increased
2. Biodiversity values integrated
3. Incentives reformed
4. Sustainable consumption and production
5. Habitat loss halved or reduced
6. Sustainable management
7. Sustainable agriculture, aquaculture and forestry
8. Pollution reduced
9. Invasive alien species
10. Pressures on vulnerable ecosystems reduced
11. Protected areas
12. Extinction prevented
13. Genetic diversity maintained
14. Ecosystems and essential services safeguarded
15. Ecosystems restored and enhanced
16. **Nagoya Protocol**
17. NBSAPs adopted
18. Traditional knowledge respected
19. Knowledge improved, shared and applied
20. Financial resources increased
Principles of NBS, 2002

- Conservation ecosystem, species and biological resources
- Poverty alleviation and socio-economic development
- Participation for conservation
- Public information and education for participation
- Fare and equitable sharing of benefit
- *In-situ* conservation, ecosystem protection and landscape level planning
- Human Resource development, women empowerment and capacity development
Nepal Biodiversity Strategy, 2002

Adopted 44 Strategies

Cross-sectoral : 17
Protected Area   : 8
Forest           : 9
Rangeland        : 4
Agro-Biodiversity: 3
Wetland Diversity: 1
Mountain Diversity: 2

1. Landscape Planning
2. Institutional Strengthening
3. In-situ and Ex-situ Conservation
4. Biodiversity Research and Conservation
5. Indigenous Knowledge Practices and Innovations
7. Cross-Sectoral Co-ordination and Implementation
8. Intellectual Property Rights
9. Bio Prospecting
10. EIA
11. Women in Biodiversity Conservation
12. Eco-tourism
13. Conservation Awareness
13. Biodiversity Registration
Sectoral Strategy

Forests
1. Inventory of Flora and Fauna
2. Ecosystem Network and Representation
3. Understanding Forest Resilience and Biodiversity
4. Local Participation
5. Strengthening Management Practices
6. Sustainable Harvesting
7. Non-Timber Forest Products

Sectoral Strategy

Rangelands
1. National Rangeland Policy
2. Conservation of Rangeland Biodiversity
3. Pastoral Development and Management in the Himalayas
4. Forage Development through Integrated Management Planning

Agro-biodiversity
1. Participatory Plant Breeding
2. Participatory Variety Selection
3. Gene Bank
Overview of NBSIP

NBSIP is framework to translate the vision of NBS into practical action for biodiversity conservation, sustainable use and poverty reduction.

Overview of NBSIP

Achievements in Biodiversity Conservation

• Conservation of Biological Diversity-3
  • PA system
  • Community based NRM
  • Species conservation (both in-situ and ex-situ)
  • Landscape level conservation/mgt
• Sustainable Use of its Components-2
  • As identified in NBS
• Fair and Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources-Legal provisions for Benefit sharing with Forest users group, BZ communities
• ABS act is yet to be enacted
Key Lesson learned

Integration of biodiversity into national development planning as a cross cutting issue

Incentive Based conservation plays vital role

Sustainable financing is key to success

Enhancing national capacity and empowering conservation community is essential

Nagoya Protocol on ABS

• Adopted by the CoP to the CBD at its tenth meeting on 29 October 2010 in Nagoya, Japan
• Will enter into force 90 days after the date of deposit of the fiftieth instrument of ratification
• So far 92 signatories, 18 ratifications
Objective

“.... the fair and equitable sharing of the benefits arising from 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, thereby contributing to the conservation of biological diversity and the sustainable use of its components”

Nagoya Protocol on ABS

- Fair and equitable sharing of benefits derived from their utilization
- Access to genetic resources
Why are genetic resources important?

- Genetic resources provide a wide range of products and services essential to human well-being
- Seed and crop protection
- Botany and horticulture
- Pharmaceuticals
- Cosmetics

Use of Genetic Resources
Scope of the Protocol

- Genetic resources within the scope of Article 15 of CBD and the benefits arising from the utilization of such resources

- Traditional knowledge associated with genetic resources within the scope of the CBD and the benefits arising from the utilization of such knowledge
Core Elements

1. Access subject to mutually agreed terms and Prior Informed Consent
2. Equitable sharing of benefits arising from the utilization of genetic resources
3. Establishing ABS measures at national level
   1. For legal certainty, clarity, transparency, rules for PIC and MAT permits etc
4. Compliance

Preparation for ABS Implementation

- Ratification of Nagoya protocol on ABS
- Develop and implement access and benefit sharing act and regulations
- Building institutional set up
- Strengthening national capacity
- Harmonization with other instruments
National Legislation on ABS

- First draft on 2003
- Key elements: Preamble
  - Protection and sustainable use of genetic resources, genetic materials and associated traditional knowledge
  - Access to such resources
  - Fair and equitable sharing of benefit arising out of the utilization/export of such resources
  - Protecting the rights of the holders of traditional knowledge, practices and skills

Other sections:
- Sovereign rights over genetic materials and genetic resources
- Documentation of genetic materials, genetic resources and traditional knowledge
- Prior informed consent
- Mutually agreed terms
- Registration and documentation of imported genetic resources
National Legislation on ABS

• Ban on access to genetic materials, genetic resources, its utilization and export without permission
• Application procedure for primary research and sample collection
• Proposal to be submitted for getting permission
• Provision of public hearing
• Environmental assessment
• Benefit sharing and distribution

Preparation for ABS Implementation

Some thoughts for harmonization among different instruments at national level:

• Balance between trade and environment value;
• Needs of the present and future generations (health, food security);
• Limit on the use of natural resources for environmental protection reasons;
• Equity in the allocation of rights and obligations;
• Protection of traditional knowledge;
• Certificate of origin of genetic materials and traditional knowledge;
Thank you