An Explanatory Guide to the Nagoya Protocol on Access and Benefit-sharing

Thomas Greiber, Sonia Peña Moreno, Mattias Åhrén, Jimena Nieto Carrasco, Evanson Chege Kamau, Jorge Cabrera Medaglia, Maria Julia Oliva and Frederic Perron-Welch in cooperation with Natasha Ali and China Williams

Table of Contents

Foreword		ix
List of Cor	ntributors	хi
Acknowled	dgments	xiii
List of Acr	onyms	χV
Structure a	and Purpose of this Guide	xvii
Introduction	on	1
A. Overvie	ew	3
B. Challer	ges to Implementation of ABS	12
C. The Ro	ad to Nagoya and Beyond	18
D. The Na	goya Protocol: An Overview	25
E. Relatio	nship with Other International Instruments and Processes	33
Explanation	n	43
Preamble		45
Article 1	Objective	57
Article 2	Use of Terms	61
Article 3	Scope	69
Article 4	Relationship with International Agreements and Instruments	75
Article 5	Fair and Equitable Benefit-sharing	83
Article 6	Access to Genetic Resources	93
Article 7	Access to Traditional Knowledge Associated with Genetic Resources	109
Article 8	Special Considerations	117
Article 9	Contribution to Conservation and Sustainable Use	125
Article 10	Global Multilateral Benefit-sharing Mechanism	127
Article 11	Transboundary Cooperation	133
Article 12	Traditional Knowledge Associated with Genetic Resources	137
Article 13	National Focal Points and Competent National Authorities	143
Article 14	The Access and Benefit-sharing Clearing-House and Information-sharing	149
Article 15	Compliance with Domestic Legislation or Regulatory Requirements on Access	159

Article 16	Comliance with Domestic Legislation or Regulatory Requirements on Access and Benefit-sharing for Traditional Knowledge Associated with	
	Genetic Resources	167
Article 17	Monitoring the Utilization of Genetic Resources	173
Article 18	Compliance with Mutually Agreed Terms	183
Article 19	Model Constractual Clauses	193
Article 20	Codes of Conduct, Guidlines, and Best Practices and/or Standards	195
Article 21	Awareness-raising	199
Article 22	Capacity	205
Article 23	Technology Transfer, Collaboration and Cooperation	215
Article 24	Non-Parties	219
Article 25	Financial Mechanism and Resources	221
Article 26	Conference of the Parties Serving as the Meeting of the Parties to this Protocol	227
Article 27	Subsidiary Bodies	235
Article 28	Secretariat	239
Article 29	Monitoring and Reporting	241
Article 30	Procedures and Mechanisms to Promote Compliance with this Protocol	243
Article 31	Assessment and Review	251
Article 32	Signature	253
Article 33	Entry into Force	255
Article 34	Reservations	259
Article 35	Withdrawal	261
Article 36	Authentic Texts	263
Annex	Monetary and Non-monetary Benefits	265

Ро	Possible Ways Forward		
Bił	pliography	295	
Su	pplementary Materials	303	
A.	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity	305	
B.	Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising from their Utilization	323	
C.	Convention on Biological Diversity	339	
D.	Conference of the Parties to the Convention on Biological Diversity: Decision X/1	361	
F.	Conference of the Parties to the Convention on Biological Diversity: Decision VII/19	367	