

# Nagoya Protocol - UPSC Environment and Ecology Notes

The Nagoya Protocol is a supplementary to the United Nations Convention on Biological Diversity (UNCBD). It is an important international treaty with India being a party to it. Environmental treaties and protocols are very important for the [UPSC exam](#).

## Nagoya Protocol - Introduction

The **Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS)** to the Convention on Biological Diversity (CBD) is a supplementary agreement to the [UN Convention on Biological Diversity](#).

- This protocol is a legal framework for the implementation of one of the objectives of the Convention on Biological Diversity, which is **the fair & equitable sharing of benefits arising out of the utilisation of genetic resources**.
- The protocol was adopted in 2010 in Nagoya, Japan.
- It entered into force in October 2014.
- The objective of the protocol is the fair and equitable sharing of benefits coming from the utilisation of genetic resources, and helping in the conservation & sustainable usage of biodiversity.
- The protocol creates obligations for members to incorporate measures in respect of access to genetic resources, sharing of benefits and compliance.

## Nagoya Protocol Importance

The Nagoya Protocol is significant in terms of conservation of biodiversity, and for having an equitable sharing of benefits of the genetic resources. This is also intended to help indigenous peoples everywhere to avoid being exploited for their **traditional knowledge** and expertise.

- This protocol will help both the users and the owners of genetic resources through creating a better legal certainty and transparency in the following ways:
  - It sets more predictable conditions for access to genetic resources.
  - It helps in having a better benefit-sharing experience when the genetic resources travel outside the country of origin.
- The protocol aids in ensuring benefit-sharing and thus leads to better conservation and sustainable use of genetic resources. This in turn, leads to better conservation of biodiversity.
- The protocol's adoption marks an important step towards the CBD's implementation.
- Genetic resources from animals, plants and microorganisms are progressively valuable in the development of specialty enzymes, small molecules or enhanced genes. These can be used in many areas, including drug development, crop protection, specialized chemicals production and also in industrial processing.
- The protocol gives researchers a framework in which to access these genetic resources for biotechnology research in return for a fair share in the benefits arising from the usage.
- Indigenous and local communities may receive benefits through a legal framework that respects the value of traditional knowledge associated with genetic resources.

## Obligations under Nagoya Protocol for Parties

The parties to the protocol are obliged to take actions with respect to access to genetic resources, benefit-sharing and compliance.

## Access to Genetic Resources

- Access measures should have legal certainty, transparency and clarity.
- The rules and procedures thereof should be fair and non-arbitrary.
- There should be clear rules for prior informed consent and mutually agreed terms.
- The rules should have provisions for the issuance of a permit (or its equivalent) when granted access.
- Encourage research that will contribute to the conservation of biodiversity and its sustainable use.
- Cases of imminent emergencies that threaten plant, animal or human health should be considered.
- Take into consideration the importance of genetic resources for food and agriculture, in order to have food security.

## Benefit-sharing

- Benefit-sharing measures should have provisions for the fair & equitable sharing of benefits that arise from the utilisation of genetic resources with the contracting party that provides the genetic resources.
- Utilisation implies R&D on the biochemical or genetic composition of genetic resources, and also resultant applications & commercialisation.
- Sharing should be subject to mutually-agreed terms.
- Benefits could be non-monetary or monetary. Benefits could be in the form of royalties and/or sharing of the results of the research.

## Compliance

- This includes having legal provisions for the implementation of the protocol.
- This also includes having dispute resolution mechanisms in place for resolving any disputes.

## Nagoya Protocol and India

India signed the Nagoya Protocol in 2011 itself and ratified it in October 2012. The ratification by India was done at the 11th Conference of Parties (COP) to the CBD, which was conducted in Hyderabad.

The domestic legislation in India for the implementation of the CBD is the Biological Diversity Act, 2002.

## UPSC Questions related to Nagoya Protocol

### Is Nagoya Protocol legally binding?

Yes, it is legally binding.

### Is India signatory to Nagoya Protocol?

Yes, India is a signatory to the Protocol.

### What is Aichi target?

The 10th COP of the CBD was held in the precinct of Aichi, at Nagoya. It is here that the Nagoya Protocol and the Aichi Targets were adopted. The Aichi targets refer to five strategic goals that are concerned with biodiversity.