

# POLICY BRIEF

## ACCESS AND BENEFIT-SHARING ISSUE 6 • JUNE 2014

### SERIES

## Good Practices in Developing National ABS Frameworks

The Nagoya Protocol on Access and Benefit Sharing (ABS) was adopted by the Tenth Meeting of the Parties to the Convention on Biological Diversity (CBD) held in Nagoya, Japan in 2010. The Nagoya Protocol aims to put in place an international legal instrument to achieve the fair and equitable sharing of benefits arising from the utilization of genetic resources. This is very much relevant since about 60 percent of pharmaceutical products are derived from plants<sup>1</sup> and there is a huge market value for biotechnology products based from the utilization of these resources.<sup>2</sup> The potential share from this market from the fair and equitable sharing of benefits may serve as an incentive for biodiversity conservation and sustainable livelihood in the region.

### ABS implementation in ASEAN

Prior to the adoption of the Nagoya Protocol, only four ASEAN Member States - Malaysia, the Philippines, Thailand, and Viet Nam - have ABS-relevant policies in place. In spite of the existence of these policies, only few are closely aligned to the provisions of the Nagoya Protocol.

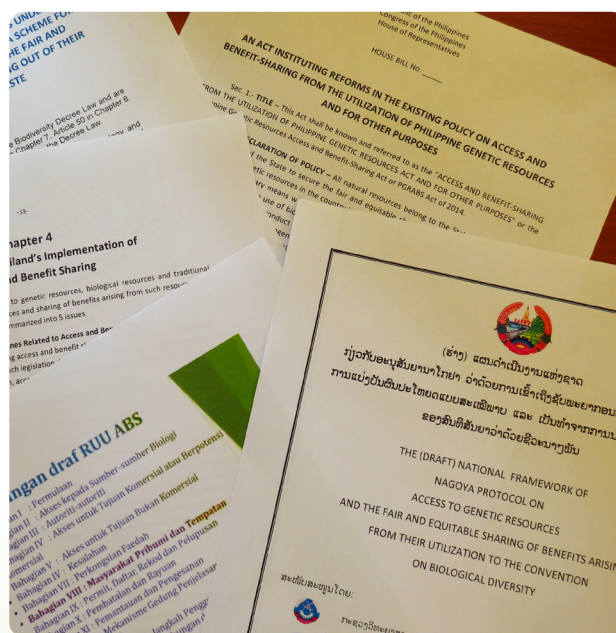
To support the ASEAN Member States in promoting ABS, the ASEAN Centre for Biodiversity (ACB) in partnership with the United Nations Environment Programme-Global Environment Facility (UNEP-GEF),

the United Nations University – Institute of Advanced Studies and the ASEAN Secretariat, implemented a Regional Project on ABS aimed at building the capacity of countries in Southeast Asia to implement ABS. The Regional Project on *Building Capacity for Regionally Harmonized National Processes for Implementing*

*CBD Provisions on Access to Genetic Resources and Sharing of Benefits* provided the ASEAN Member States and Timor-Leste with financial and technical resources to develop or enhance draft national ABS frameworks. At the end of the project, participating countries developed or enhanced their draft national ABS frameworks.<sup>3</sup> These countries will then finalize their national ABS measures and eventually approve them for implementation. The development or enhancement of draft ABS frameworks and policies are key outputs of the project and serve as good practices for ABS implementation.

### Good practices in developing frameworks on ABS

The draft legal frameworks developed by participating countries contain the key elements of ABS on Prior Informed Consent, Mutually Agreed Terms, Traditional Knowledge, and Compliance. These countries have employed processes that facilitated the effective development and enhancement of ABS legal frameworks. These processes may be considered



<sup>1</sup>Chiarolla, C. and R. Lapeyre, 2013. 'Biodiversity and Traditional Knowledge: How can they be protected?' in IDDRI Policy Brief 13/13, November, p3.

<sup>2</sup>Newman, D. and G. Cragg, 2007. Natural Products as Sources of New Drugs over the Last 25 Years. *Journal of Natural Products*, 70 (3), pp461-477.

<sup>3</sup>ASEAN Centre for Biodiversity, 2014. UNEP-GEF Project Completion Report, Unpublished.





by countries if found appropriate to their national contexts.

### Identification of stakeholders in the development of national ABS frameworks

The project employed the stakeholders mapping method during one of the regional workshops on ABS. The tool helped identify primary stakeholders (those that have direct responsibility in developing national ABS frameworks), secondary stakeholders (those that will be affected in the implementation of national ABS frameworks), and other relevant stakeholders (those that have interest in the development and implementation of national ABS frameworks). This process makes it easy to identify stakeholders that need to be involved, consulted and approached in the development of the ABS framework.

### Meeting the capacity needs of stakeholders

Stakeholders need the necessary capacities to develop and implement ABS frameworks. As such, the capacity needs of primary, secondary and other relevant stakeholders need to be identified. In the implementation of the project, most participants indicated the need to improve the stakeholders understanding of ABS issues and concerns. Through the project, public awareness strategies were developed and outreach programmes were implemented at the national and regional levels for selected stakeholders, primarily for the policy makers.

### Understanding concepts and key elements of ABS

With the need to understand ABS concepts, the project conducted a series of regional workshops which provided stakeholders with information, tools and methodologies on ABS. Available information

on the Nagoya Protocol, the ABS Management Tool, explanatory guidelines, and various brochures and videos were promoted during regional workshops and used as references during national consultations. All project participating countries have developed new information materials or have translated available ABS documents for selected stakeholders.

### Assessing relevant policies and institutional arrangements on ABS

The project participating countries identified and assessed national ABS-relevant policies under the framework of the Nagoya Protocol to determine if such policies need to be amended to support ABS implementation.

A study on the available draft ABS frameworks shows that countries have clearly been guided by the text of the Nagoya Protocol on ABS.<sup>4</sup> Such drafts can be further improved to strengthen provisions on the scope of resources, compliance measures, and definite obligations for fair and equitable benefit sharing. Furthermore, these countries have included provisions that are unique to their national interests.

### Identifying champions to facilitate development and implementation of national ABS frameworks

Champions are influential leaders in developing and implementing national ABS frameworks. They are persons involved in crafting the frameworks (government officials), who are willing to endorse the approval of the frameworks into an adopted policy (policy makers), and who are affected by the implementation of the ABS frameworks (community leaders, academic and industry players). All of the countries with draft national ABS frameworks have identified champions to facilitate its development.

### Call for Action

Based on experiences during the implementation of the project, the following may be considered by policy makers in establishing national ABS frameworks:

- Identify relevant people who will assist in crafting or enhancing ABS frameworks
- Determine the capacity needs of stakeholders
- Strengthen the understanding of stakeholders on ABS concepts, issues and concerns, including the Nagoya Protocol on ABS
- Conduct policy reviews of ABS-relevant measures
- Develop and engage champions on ABS

<sup>4</sup>Peria, E. 2014. Analysis of Selected Draft ABS Measures in the Southeast Asia Region (Unpublished).