

## NEPAL BIODIVERSITY STRATEGY, NAGOYA PROTOCOL AND NATIONAL ABS REGIME



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### 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

 **Background** 

**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

  
**Convention on Biological Diversity**

  
United Nations Decade on Biodiversity



 **Strategic Plan Biodiversity 2011- 2020** 

**"Living in harmony with nature"** 

**"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

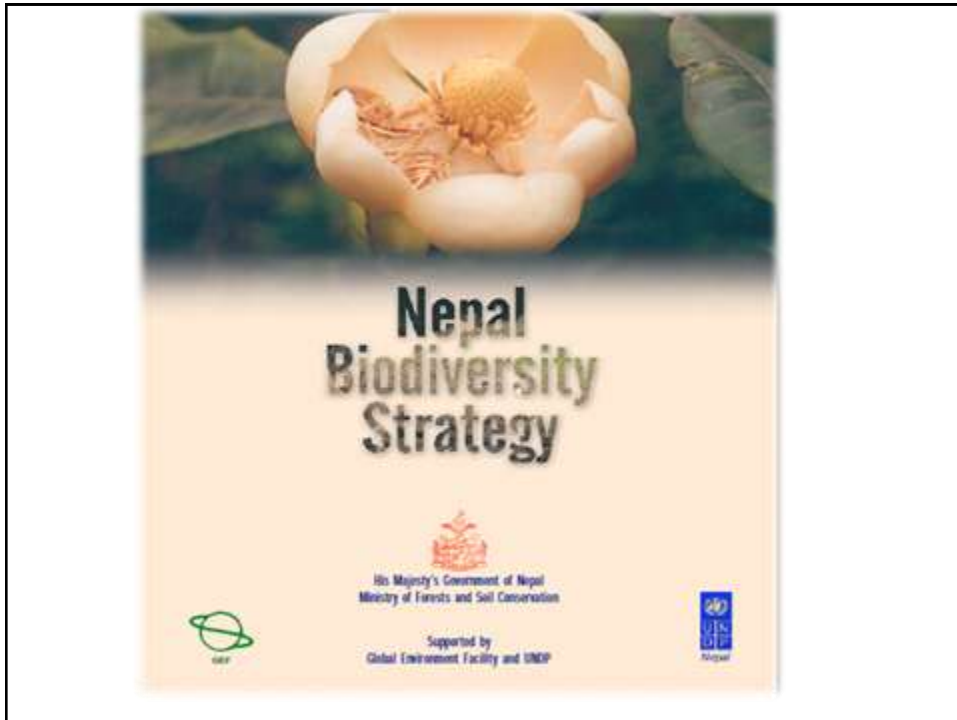
- Address the underlying causes of biodiversity loss by **mainstreaming biodiversity** across government and society
- Reduce the direct pressures** on biodiversity and promote sustainable use
- Improve the status of biodiversity by **safeguarding ecosystems, species and genetic diversity**
- Enhance **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	11 – Protected areas
2 - Biodiversity values integrated	12 – Extinction prevented
3 – Incentives reformed	13 – Genetic diversity maintained
4 – Sustainable consumption and production	14 – Ecosystems and essential services safeguarded
5 – Habitat loss halved or reduced	15 – Ecosystems restored and enhanced
6 – Sustainable management	<b>16 – Nagoya Protocol</b>
7 – Sustainable agriculture, aquaculture and forestry	17 – NBSAPs adopted
8 – Pollution reduced	18 – Traditional knowledge respected
9 – Invasive alien species	19 – Knowledge improved, shared and applied
10 – Pressures on vulnerable ecosystems reduced	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



### NBS-Cross Sectoral Strategy



- |   |   |
|---|---|
| 1. Landscape Planning                                 | 8. Intellectual Property Rights           |
| 2. Institutional Strengthening                        | 9. Bio Prospecting                        |
| 3. In-situ and Ex-situ<br>Conservation                | 10. EIA                                   |
| 4. Biodiversity Research and<br>Conservation          | 11. Women in Biodiversity<br>Conservation |
| 6. Indigenous Knowledge<br>Practices and Innovations  | 12. Eco-tourism                           |
| 7. Cross-Sectoral Co-ordination<br>and Implementation | 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

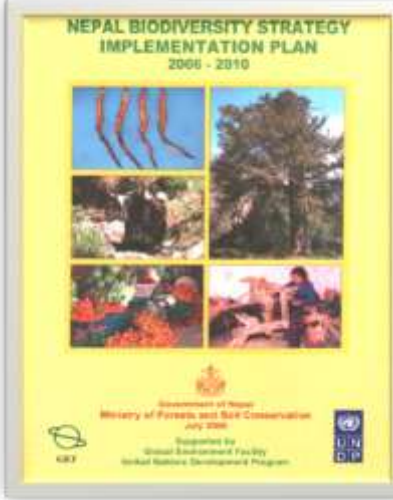
1. Participatory Plant Breeding
2. Participatory Variety Selection
3. Gene Bank




## Overview of NBSIP




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






## 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 Ccomponents-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



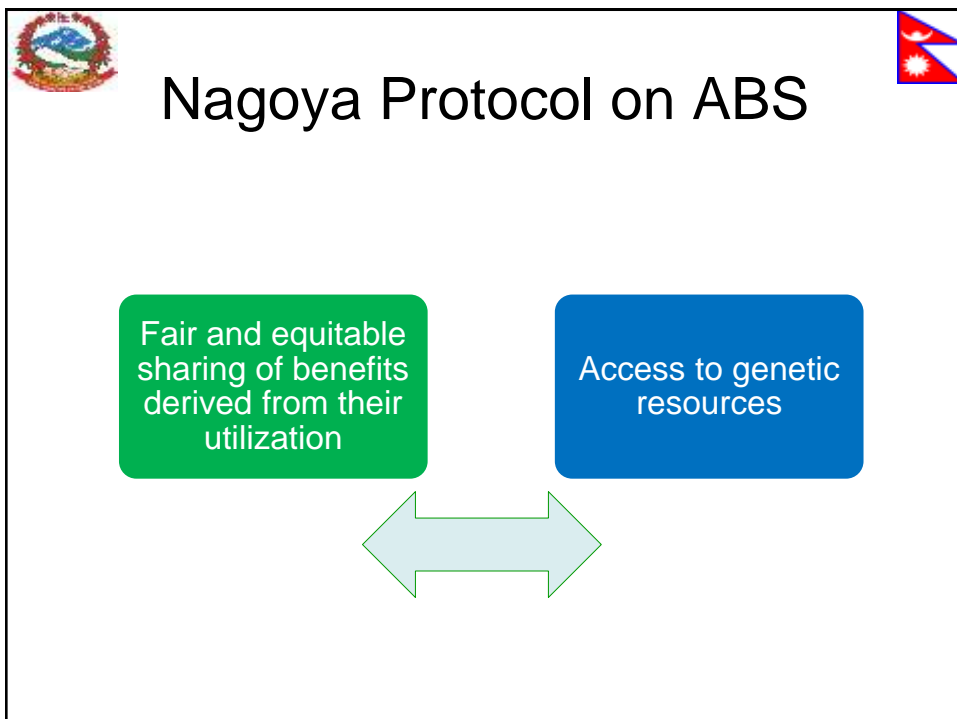
- Adopted by the CoP to the CBD at its tenth meeting on 29 October 2010 in Nagoya, Japan
- Will enter into force 90 days after the date of deposit of the fiftieth instrument of ratification
- So far 92 signatories, 18 ratifications







## 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”


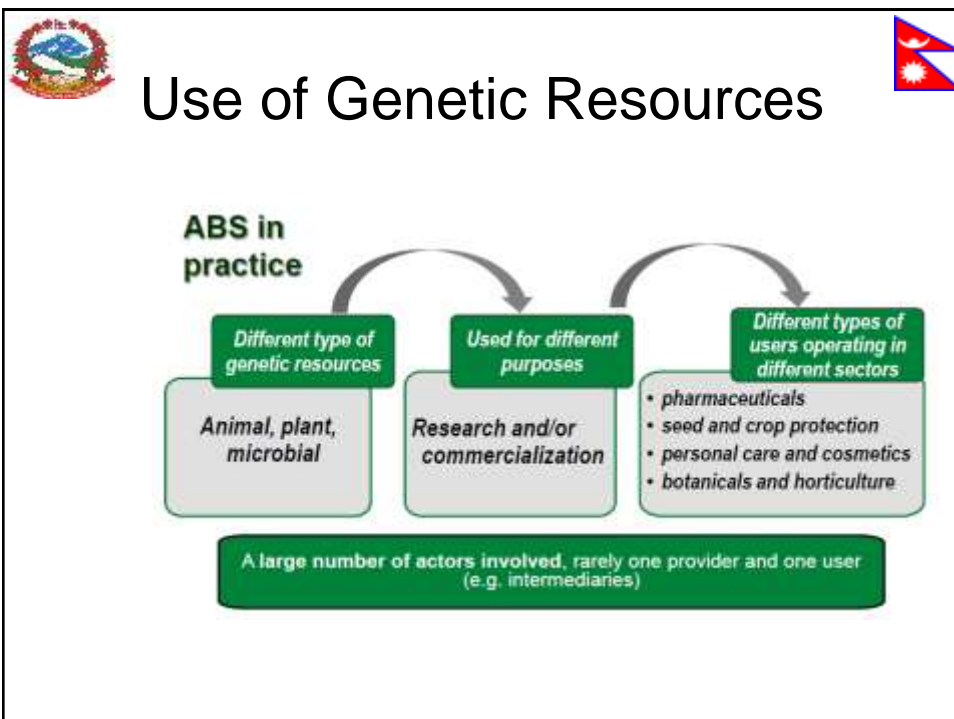





## Why are genetic resources important?




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







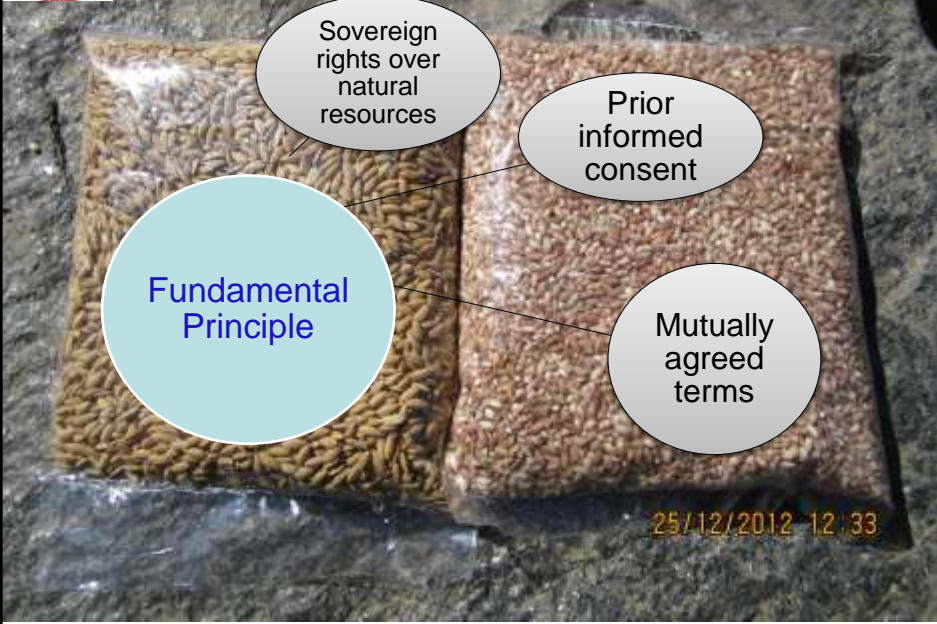

## Scope of the Protocol



- 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



## Nagoya Protocol on ABS





Sovereign rights over natural resources

Prior informed consent

Fundamental Principle




Mutually agreed terms

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## 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



## National Legislation on ABS

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