

## **WCC-2012-Res-116-EN**

### **Support for the implementation of the Nagoya Protocol on Access and Benefit Sharing**

RECOGNIZING the central role played by IUCN in promoting the conservation of biological diversity by urging the development of a Convention on the Conservation of Biological Diversity;

RECALLING Resolution 18.28 *Convention on the Conservation of Biological Diversity* adopted by the 18<sup>th</sup> IUCN General Assembly (Perth, 1990), which called upon all parties, international agencies and other bodies involved in the negotiating process, to devise an effective and comprehensive international legal instrument for the conservation of the world's biological diversity and urged negotiating parties to ensure that the Convention's primary focus be wild genetic resources and the conservation of biodiversity *in situ*;

REMINDED that Resolution 18.28 further urged negotiating parties to develop sound and adequate funding mechanisms for the successful implementation of the Convention, "especially to favour less developed nations where the bulk of the world's biological diversity exists, and to whom resources must be primarily and equitably directed";

ACKNOWLEDGING Resolution 15.10 *Genetic Resources* adopted by the 15<sup>th</sup> IUCN General Assembly (Christchurch, 1981), which recognized that genetic material is part of mankind's natural heritage and should therefore remain available to all nations, considered the conservation of genetic material essential for the maintenance and development of animal and plant resources for a large number of beneficial uses, and considered that States have a duty of stewardship towards the conservation of genetic resources;

NOTING that IUCN was instructed through Resolution 15.10 to undertake an analysis of the technical, legal, economic and financial matters relating to the conservation, accessibility and use of these resources "with the view to providing the basis for an international arrangement and for rules to implement it";

MINDFUL of the important role of indigenous and local communities and their traditional knowledge in safeguarding and sustainably using biological resources and the genetic resources within them;

ALARMED at the continuously increasing loss of biodiversity in all its components, including species, ecosystems and genes;

ACKNOWLEDGING that the World Summit on Sustainable Development in Johannesburg, 2002, called for the negotiation of an international regime, within the framework of the Convention on Biological Diversity (CBD), to promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources;

ACKNOWLEDGING AS WELL that the 7th Meeting of the Conference of the Parties to the CBD (CBD COP7) in 2004 mandated an Ad Hoc Open-ended Working Group on Access and Benefit-sharing to elaborate and negotiate an international regime in order to effectively implement Articles 15 *Access to Genetic Resources* and 8(j) (concerning traditional knowledge) as well as the three objectives of the Convention;

WELCOMING the adoption at the 10<sup>th</sup> Meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP10) in Nagoya, Japan, 2010, of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits*

*Arising from their Utilization* (Nagoya Protocol on Access and Benefit Sharing – ABS) after six years of complicated negotiations;

WELCOMING AS WELL the adoption at COP10 of the *Strategic Plan for Biodiversity 2011–2020* and the Aichi Targets;

NOTING that the Nagoya Protocol on ABS creates an international legal framework which provides for concrete measures, rules and procedures to implement the CBD's third objective and is intended to provide benefits (monetary and/or non-monetary) to a Party providing genetic resources (that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the CBD) from Parties utilizing the genetic resources;

ALSO NOTING that by promoting the use of genetic resources and associated traditional knowledge and strengthening the opportunities for fair and equitable sharing of benefits from the use of these resources, the Nagoya Protocol on ABS creates incentives to conserve and sustainably use biodiversity and further contribute to sustainable development, human well-being and poverty alleviation;

RECOGNIZING that the *Strategic Plan for Biodiversity 2011–2020* represents a comprehensive and flexible global framework aiming at halting biodiversity loss and NOTING that Aichi Target 16 calls for the Nagoya Protocol on ABS to be in force and operational, consistent with national legislation, by 2015;

RECALLING IUCN's continuous support to the implementation of the Convention on Biological Diversity and the advancement of its three objectives;

NOTING in particular the work carried out by IUCN's Environmental Law Centre in the development of numerous studies providing technical guidance related to the legal aspects of access and benefit sharing; and

NOTING AS WELL the development of an IUCN *Explanatory Guide to the Nagoya Protocol on Access and Benefit Sharing*, to be launched at CBD COP11 (Hyderabad, India, 2012) that provides legal and policy guidance on the provisions of this complex instrument, thus furthering its understanding and ultimately its implementation at the national level;

***The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:***

1. WELCOMES the adoption of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization* to the Convention on Biological Diversity as a major step forward in the implementation of the Convention in general and its third objective in particular;
2. CALLS ON Parties to the CBD to ratify the Nagoya Protocol on ABS in order to provide for its entry into force at the earliest opportunity;
3. ENCOURAGES Parties as appropriate to take measures to ensure that prior informed consent, or approval and involvement, is obtained from indigenous and local communities who have an established right to grant access to these resources, if necessary through amendments to national ABS laws and regulations;
4. CALLS ON Parties to take measures to ensure that benefits arising from the utilization of genetic resources held by indigenous and local communities are shared in a fair and equitable way with the communities concerned based on mutually agreed terms;

5. REQUESTS the Director General, through the IUCN Environmental Law Programme and the Global Policy Unit, and in close collaboration with IUCN Members and the six expert Commissions, in particular the IUCN World Commission on Environmental Law (WCEL) and the IUCN Commission on Environmental, Economic and Social Policy (CEESP), to provide the necessary technical assistance to Parties and other stakeholders as appropriate, for the development of ABS laws, regulations and policies as a vital part of national ratification processes;
6. REQUESTS the Director General, in collaboration with IUCN Members and the six expert Commissions, to further support national ratification processes and the operationalization of the Nagoya Protocol on ABS by promoting awareness raising and capacity development initiatives directed at government officials, National Focal Points, Competent National Authorities, relevant stakeholders, including non-governmental organizations, indigenous and local communities, scientific and research organizations, and the private sector, among others, and including women; and
7. REQUESTS the Director General to encourage IUCN Thematic and Regional Programmes as well as Commissions to incorporate, as appropriate, within the results and activities planned in the framework of the *IUCN Programme 2013–2016*, actions that support the implementation of the Nagoya Protocol on ABS.

State and agency Members of the United States abstained during the vote on this Motion for reasons given in the US General Statement on the IUCN Resolutions Process.