

Mutually supportive implementation of the Nagoya Protocol and the Plant Treaty

The objectives of the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) are basically identical: the conservation and sustainable use of genetic resources, and the equitable sharing of benefits derived from their use. But the access and benefit sharing (ABS) systems that they require member states to implement are very different in orientation. The ITPGRFA creates a multilateral system (MLS) whereby countries agree to virtually pool and share the plant genetic resources of 64 crops and forages for food and agriculture-related purposes. The CBD and its Nagoya Protocol (NP) tend to favour the negotiation of bilateral access and benefit-sharing agreements between providers and users of genetic resources and traditional knowledge.

Although the CBD/NP and the ITPGRFA/MLS are meant to be implemented in mutually supportive ways, many actors involved in national policy development and implementation are uncertain about how to do this in practice. In most countries, different lead agencies have responsibility for implementing the respective agreements and they have not had sufficient opportunities to coordinate their activities. Many perceive 'grey areas' where it is unclear which regulatory system should apply, and they often do not have mechanisms that allow them to work together to address these uncertainties in the day-to-day implementation of both agreements.

Seeking clarity through collaboration

Biodiversity International, the ABS Capacity Development Initiative and the Secretariats of the CBD/NP and ITPGRFA are working together to increase national policy actors' ability to implement both agreements in supportive



ways. They are organizing a series of capacity-building workshops and developing research papers, along with awareness-raising and decision-making tools to help demystify perceived grey areas and arrive at clear, operable approaches to addressing them.

Most recently, in June 2014, the partners co-organized a workshop that brought together national focal points for both the CBD/NP and the ITPGRFA from 20 countries, as well as independent experts and representatives of stakeholder groups whose daily activities include conserving, providing, accessing, using, and in some cases commercializing genetic resources. The stakeholders highlighted the importance of the role of national lead agencies in managing the implementation of the two agreements in ways that do not create unnecessary challenges. The focal points, in turn, had an opportunity to inform each other about their respective activities, priorities and uncertainties, and to develop plans for increased coordination.

A new tool to help navigate grey areas in implementation

In early 2015, Bioversity and the ABS Capacity Development Initiative, in collaboration with the CBD and ITPGRFA Secretariats, will publish a decision-making tool. The aim is to help national policy actors develop ways to address cases where there is uncertainty about which laws apply to seekers or providers of different genetic resources and traditional knowledge. The tool will include a range of scenarios that exemplify these uncertainties, along with guidance on how to resolve issues in proactive, cooperative and time-sensitive ways. A third workshop in 2015 will expand in scope to include more teams of national focal points from the CBD/NP, the ITPGRFA and the UNFCCC, along with representatives of ministries of finance and planning, and non-governmental stakeholders. Activities in 2015 will also focus on strengthening ties with regional organizations, which are increasingly taking responsibility for promoting the implementation of these agreements.



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The ABS Capacity Development Initiative has supported national implementation of the ABS provisions of the CBD since 2006. Bioversity has supported national implementation of the ITPGRFA multilateral system for the last six years. The two organizations have joined together, in close collaboration with the Secretariats of the CBD and the ITPGRFA, to support countries in identifying mechanisms for the mutually supportive national implementation of both agreements.

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