



The Nagoya Protocol to the Convention on Biological Diversity: Commitments of the Republic of Belarus and International Experience on its Compliance

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BIOLOGICAL DIVERSITY & GENETIC RESOURCES

All wildlife resources available to countries, as well as the results of activities in the field of breeding and biotechnology realized in the form of economically valuable plant varieties, animal breeds, strains of microorganisms, including GMO, are **genetic resources.**

The past two and a half decades have been characterized by a rapid increase in the use of these genetic resources in various fields of production activity. They have become an object of commercial interest, as well as biopiracy.



BIOLOGICAL DIVERSITY & GENETIC RESOURCES

Accelerated process of the wildlife species extinction within the Planet has necessitated the adoption of the UN Convention on Biological Diversity (June 5, 1992), the purpose of which is the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to them and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies.





BIOLOGICAL DIVERSITY & GENETIC RESOURCES

In the modern world, the problems of the study, conservation and sustainable use of wildlife (bioresources) are directly related to the issues of politics and economy. Therefore, 168 out of 193 UN member countries are Parties to the Convention on Biological Diversity.

In 1992, the Republic of Belarus signed and in June 1993, it ratified the Convention on Biological Diversity and in May 2014, the Republic acceded to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the UN Convention on Biological Diversity.

The Nagoya Protocol in Belarus

Зарегистрировано в Национальном реестре правовых актов
Республики Беларусь 26 мая 2014 г. N 1/15028

УКАЗ ПРЕЗИДЕНТА РЕСПУБЛИКИ БЕЛАРУСЬ 22 мая 2014 г. N 235

О ПРИСОЕДИНЕНИИ РЕСПУБЛИКИ БЕЛАРУСЬ К МЕЖДУНАРОДНОМУ ДОГОВОРУ

1. Присоединиться к Нагойскому протоколу регулирования доступа к генетическим ресурсам и совместного использования на справедливой и равной основе выгод от их применения к Конвенции о биологическом разнообразии, принятому в г. Нагойя 29 октября 2010 года.

Определить Министерство природных ресурсов и охраны окружающей среды органом, ответственным за выполнение обязательств, принятых Республикой Беларусь по указанному международному договору.

2. Совету Министров Республики Беларусь в шестимесячный срок принять необходимые меры по выполнению настоящего Указа.

3. Настоящий Указ вступает в силу со дня его подписания.

Президент Республики Беларусь

А.Лукашенко

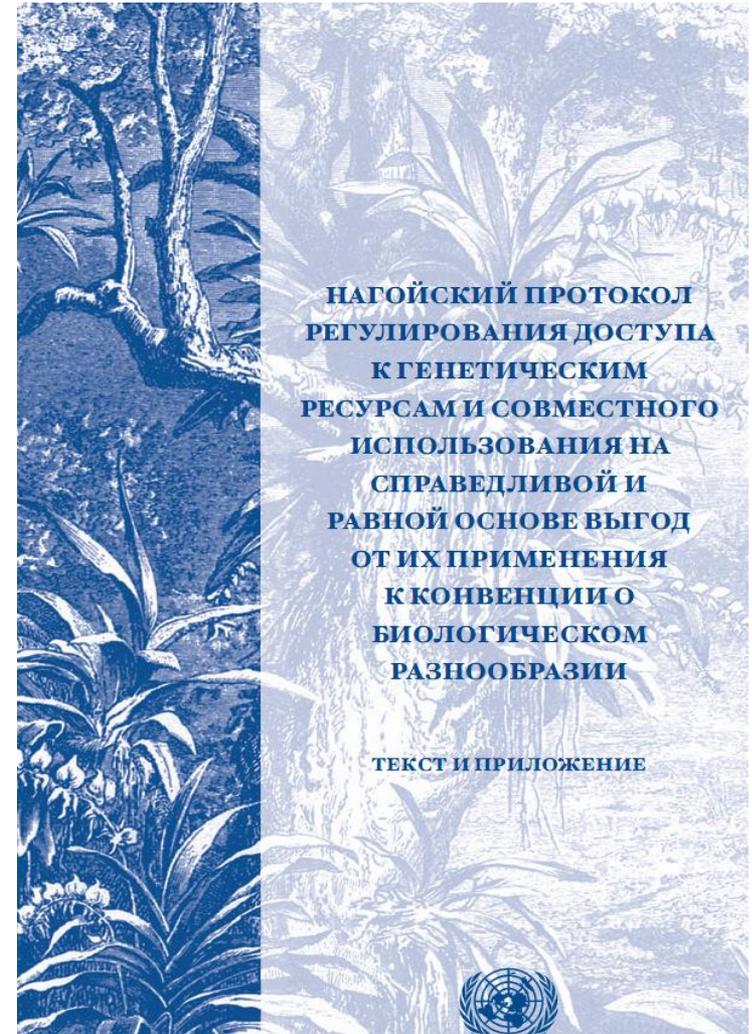
The Nagoya Protocol was developed to achieve the 3rd objective of the Convention related to the ensured access to genetic resources and develop an international regime on the promotion and the fair and equitable sharing of benefits between the providers and users of genetic resources (as opposed to biopiracy) and associated traditional knowledge (intangible cultural heritage).

Measures that provide legal access to genetic resources and traditional knowledge and monitor their use in compliance with the transparency principle identified.



Nagoya Protocol to the Convention on Biological Diversity

**The Protocol objective —
support national legislation to
protect the rights of the providers
of genetic resources and traditional
knowledge associated with those
resources to the benefits that a
consumer (user) derives as a result
of commercial activities using the
provided resources and knowledge.**



Nagoya Protocol to the Convention on Biological Diversity



Scope of the Protocol is defined in Article 3:

The Protocol shall apply to genetic resources within the scope of Article 15 of the Convention and to the benefits arising from the utilization of such resources. The Protocol shall also apply to traditional knowledge associated with genetic resources within the scope of the Convention and to the benefits arising from the utilization of such knowledge.

Nagoya Protocol to the Convention on Biological Diversity



Users need access to genetic resources and traditional knowledge associated with them for different purposes:

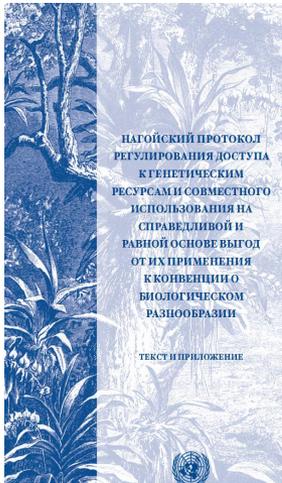
To conduct fundamental research

To develop new products

The Protocol specifies the rights of the Parties paragraph by paragraph, as well as the measures that should be taken by them to preserve their sovereign rights over the benefits derived from the utilization of genetic resources and traditional knowledge provided.



Access to genetic resources and associated traditional knowledge is realized:



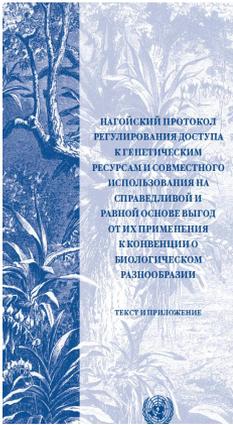
► Based on the **Prior Informed Consent** of a Party providing those resources (native or acquired) and with the involvement of indigenous or local communities (where they exist).

and

► Based on the integrated clear rules on and procedures for establishing **Mutually Agreed Terms** of benefit-sharing between the provider and user of genetic resources and/or traditional knowledge associated with them.



Mechanism to obtain Prior Informed Consent shall provide for:



- a) **Legal certainty, clarity and transparency** of its domestic legislation or regulatory requirements for access to genetic resources and benefit-sharing
- b) Established **fair** and **non-arbitrary rules** and **procedures** for access to genetic resources
- c) Information on how to apply for **Prior Informed Consent**

- d) A clear and transparent **written decision** issued to the applicant by the competent national authority (*in Belarus – the Ministry of Natural Resources and Environmental Protection*)
- e) The issuance of a **permit** or its **equivalent document** as evidence of the decision **to grant prior informed consent** and of the **establishment of mutually agreed terms** and **notify the Convention Clearing-House accordingly** (*implemented through National Coordination Centers*).

Clear rules on and procedures for establishing mutually agreed terms on benefit-sharing should be integrated into all agreements. Agreements should also include:

- **A dispute settlement clause**

- **Terms on benefit-sharing, including in relation to intellectual property rights**
- **Terms on subsequent third-party use, if any**
- **Provision on the change of intent (terms) specified in the agreement**
- **Use of *simplified measures* to provide access to genetic resources for *non-commercial research purposes*, while taking into account that the purpose of such research can change and *become commercial***

Pursuant to Article 2 of the Nagoya Protocol,
“utilization of genetic resources”

means

to conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology.

**Therefore, the objects falling
under the scope of the Nagoya Protocol primarily
include:**

**Natural flora and fauna;
collections of living objects (entire organisms, tissues,
cells) or DNA Banks; genetically valuable living
organisms used in the production process, as well as
genetic resources used for food production and in
agriculture, taking into account their special role in
providing food security (security).**

National Parks & Reserves	Genetic Resources under Conservation
1. National Park “Belovezhskaya Pushcha”	Wild species of flora and fauna. Of particular interest are the restored European bison populations.
2. National Park “Narochansky”	Wild species of flora and fauna. Of particular interest are rare and endangered species.
3. National Park “Braslav Lakes”	Wild species of flora and fauna. Of particular interest are rare and endangered species.
4. National Park “Pripyatsky”	Wild species of flora and fauna. Of particular interest are rare and endangered species.
5. Polesie State Radioecological Reserve	Wild species of flora and fauna inhabiting the territory exposed to radioactive contamination during the Chernobyl disaster.
6. Berezinsky Biosphere Reserve	Wild species of flora and fauna inhabiting the territory not polluted as a result of human production and economic activities.



Institute	Genetic Resources
1. Institute of Genetics and Cytology	Republican DNA Bank of a Human, Plants, Animals and Microorganisms.
2. V.F. Kuprevich Institute of Experimental Botany	Herbarium – the largest collection of plants (about 300 thousand samples). Plant collections listed in the Red Book of the Republic of Belarus.
3. Central Botanical Garden	Collections of live plants representing the world flora, growing in the open ground and greenhouse.
4. Institute of Forest	Tree species collections of plants and fungi growing in Belarus (live samples, seeds, and cell culture collections).

Holders of Genetic Resources – Institutes of the National Academy of Sciences of Belarus



Institute	Genetic Resources
5. Scientific and Practical Centre for Arable Farming	Belarusian Genetic Bank of Agricultural and Technical Plants
6. Scientific and Practical Centre for Potato and Vegetable Growing	Collections of seeds and cell cultures of valuable potato varieties, its wild species and interspecies hybrid forms; collections of cell cultures of fruit, berry, nut and wine varieties; collections of vegetable crops, as well as collections of medicinal and aromatic plants
7. Flax Institute	Fiber and Oil Flax Cell Culture Collections
8. Scientific and Practical Centre for Animal Breeding	Breeding and pedigree farms of pigs and other agricultural animals



GENETIC RESOURCES
FOR SUSTAINABLE DEVELOPMENT

Universities & Academies in the System of Education



INSTITUTION

GENETIC RESOURCES

Belarusian State University

Collections of genetic and economically valuable microorganisms and plants.

Belarusian State Agricultural Academy (including the Botanical Garden of the Academy)

Collections of seeds and cell cultures of genetically and economically valuable varieties of tomatoes, peppers and other crops; collections of medicinal and spicy-aromatic plants; rare and endangered plants grown and preserved under strictly controlled conditions.

Botanical Garden of Vitebsk State University

Collections of medicinal, spicy-aromatic, rare and endangered plants.

Nagoya Protocol to the Convention on Biological Diversity



With regard to traditional knowledge, indigenous peoples and local communities are the objects falling under the scope of the Nagoya Protocol.

However, the countries of Central and Eastern Europe have raised the need to develop measures to preserve traditional knowledge and protect the sovereign rights over traditional knowledge of the countries with no indigenous peoples and their local communities preserved and in which this knowledge is retained by individuals and associations for the safeguarding of traditional knowledge related to the use of living natural objects for human and animal health, in the traditional cuisine and folk crafts.



The Nagoya Protocol **obliges** its Parties to analyze international cooperation agreements as to their **conformity with the objectives of the Convention and this Protocol** and to the absence of contradictions between the Protocol and other International Conventions (Article 4).





In addition, Article 22 makes particular reference to the following:

As a basis for appropriate measures in relation to the implementation of this Protocol, developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition should identify their national capacity needs and priorities through national capacity self-assessments. In doing so, such Parties should support the capacity needs and priorities of indigenous and local communities and relevant stakeholders, as identified by them, emphasizing the capacity needs and priorities of women.



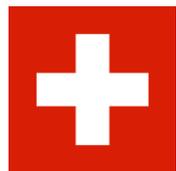
B Established institutional capacities of Belarus to implement the Nagoya Protocol are as follows:



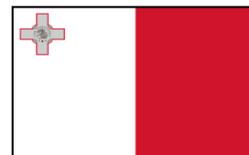
- The Ministry of Natural Resources and Environmental Protection is the designated State Body responsible for its implementation (Decree of the President of the Republic of Belarus of May 22, 2014 No. 235)
 - The National Coordination Centre on Access to Genetic Resources and Benefit-Sharing (ABS NCC) was established to carry out and coordinate the activities related to the Nagoya Protocol implementation (Decree of the Council of Ministers of the Republic of Belarus of October 1, 2014 No. 933)
 - The Check Point was established to monitor the use of genetic resources and ABS NCC was vested with its functions.

(Resolution of the Council of Ministers of the Republic of Belarus of October 1, 2014 No. 933)

INTERNATIONAL EXPERIENCE RELATED TO THE NAGOYA PROTOCOL IMPLEMENTATION



Switzerland introduced changes to the Law for Protecting Natural and Cultural Heritage.



Germany, Finland, and Malta: institutional competencies outlined, enforcement powers established and possible **sanctions** for violations related to the Nagoya Protocol identified in corresponding laws.

INTERNATIONAL EXPERIENCE RELATED TO THE NAGOYA PROTOCOL IMPLEMENTATION



- ▶ **Uganda, Costa Rica, Philippines, etc.:** applications to obtain prior informed consent, a permit for accessing genetic resources, statutory instruments for accessing information and other documents that streamline a record, control and monitoring system for transactions (agreements) developed.

THANK YOU FOR ATTENTION!

