



VIETNAM ENVIRONMENT ADMINISTRATION
BIODIVERSITY CONSERVATION AGENCY

IMPLEMENTATION OF ABS REGULATIONS IN VIETNAM

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OUTLINE

Part I: VIETNAM CONTEXT

Part II. ASSESSMENT of PIC AND
MAT PROVISIONS

Part III. NEXT STEPS



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Part III. ABC PRACTICES AND LESION PREVENTION

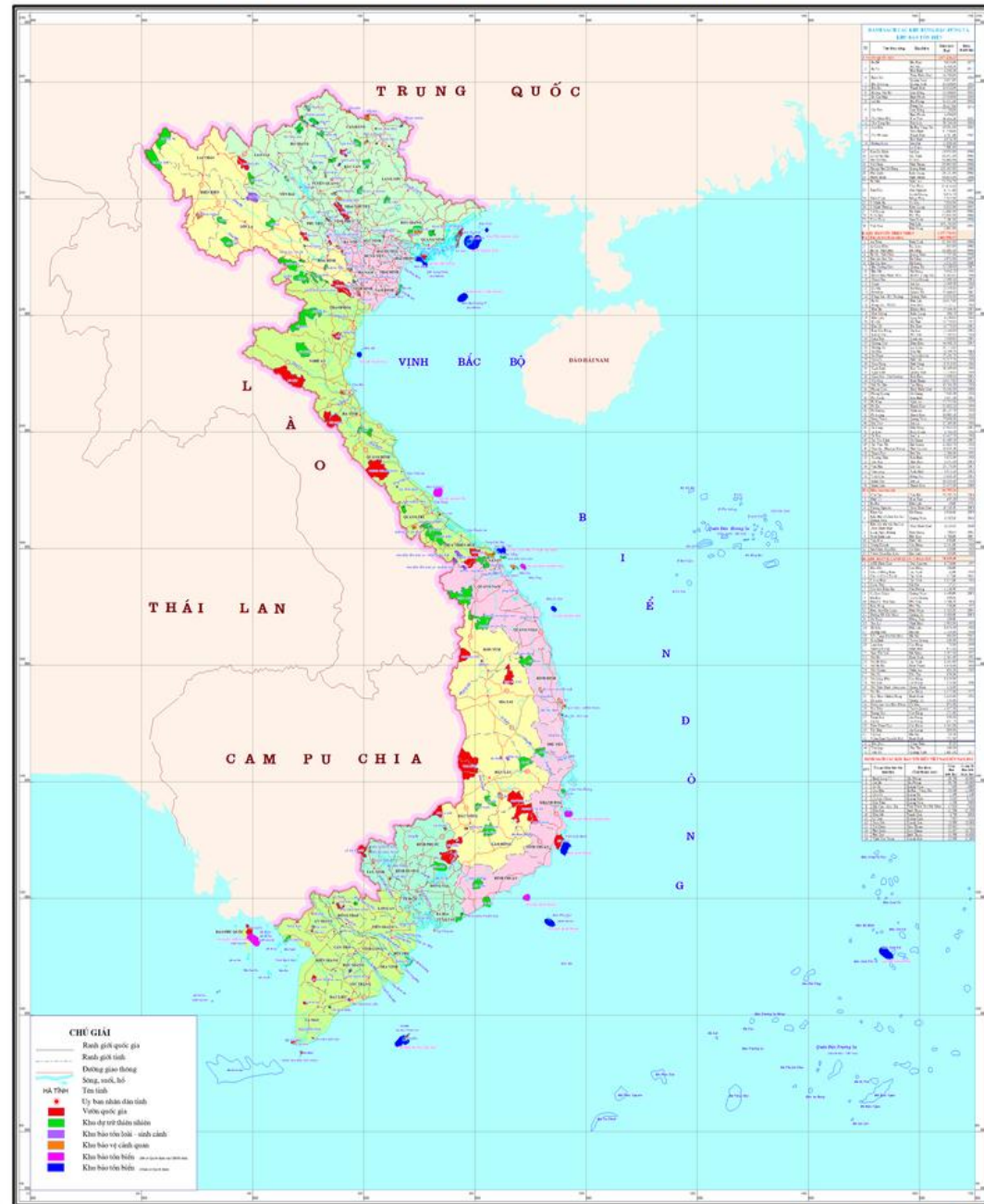


VIET NAM

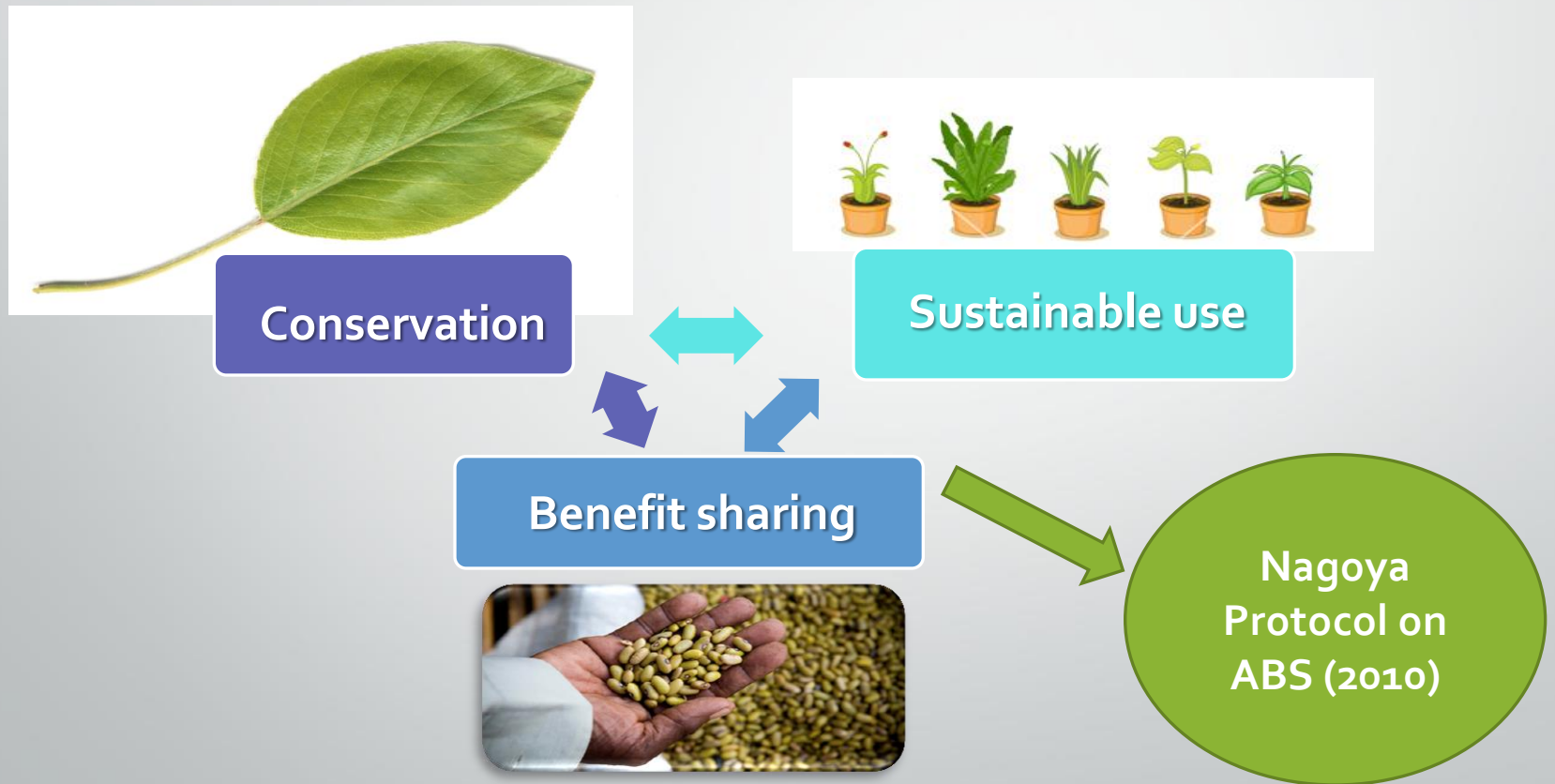
➤ Vietnam has coastline of more than 3,260 km, and its exclusive economic zone and continental shelf of more than 1 million square km, which triples the mainland area. Vietnam's sea has rich resources of minerals, fisheries and bio-diversity;

➤ One of the world's sixteen most biologically diverse countries; being suppliers of genetic resources;

MAP OF NATURE RESERVES IN VIETNAM 2013

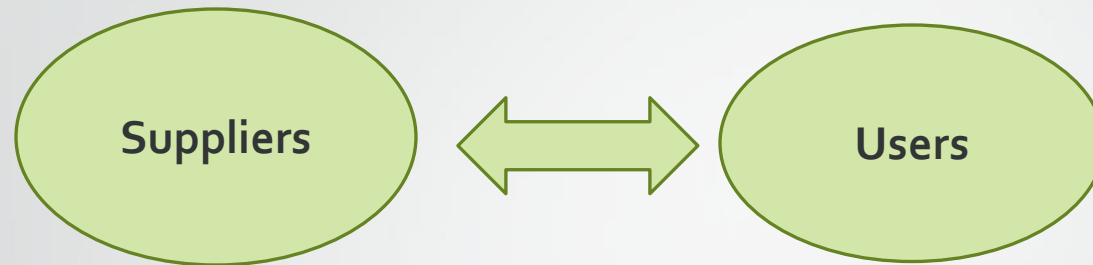


- Became a member to Convention on Biodiversity: 1992
- CBD targets: 3 targets



- Nagoya Protocol adopted 2010, Vietnam became a member in 2014.

Key contents about ABS in Nagoya Protocol:



- ❖ Equitable and fair sharing of benefits with mutual agreement;
- ❖ Respect national supreme sovereignty;
- ❖ Establish Prior Informed Consent mechanism (PIC);
- ❖ Strengthen transparency in the monitoring and use of genetic resources;
- ❖ Other contents include: information sharing mechanism, traditional knowledge relating to genetic resources, non-compliance cases...

National context

- Loss and degradation of GR becomes more severe; alarming condition for a number of species in the Redbook;
- Overexploitation and socio-economic development activities causing impacts on biological resources;
- Awareness: accessor/user vs. Communities/GR owners
- ABS recognized in 2000s , yet no effective management tool
- 2008: ABS included in the Law on Biodiversity;
- 2015: Develop a master plan for capacity building on ABS (submitted to the Government)



OUTLINE

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Part III. BEST PRACTICES AND
LESSON LEARNT



Legal and policy framework

- Law on Fisheries;
- Law on Forest Protection and Development;
- Ordinance on Plant varieties;
- Ordinance on Livestock Breeds;
- Law on Environment Protection;
- Law on Biodiversity;
- Law on Natural resources and environment of sea and islands;
- And other under-law guidance documents (Decree, Circular).



Legal and policy framework

- Biodiversity Law (2008) – Decree 65/2010 that include basic principles on ABS:
 - Scope: activities involved with GRs;
 - Institutional arrangement: for granting access (prioritized for protection species and non-priority species) and management of resources (conservation units, protected areas, owned facilities, commune-level authorities);
 - Procedure for PIC, MAT: basically set out, include 4 major steps;
 - Benefit sharing: to be negotiated in the contract (monetary and non-monetary);

Procedure for obtaining PIC ^ MAT

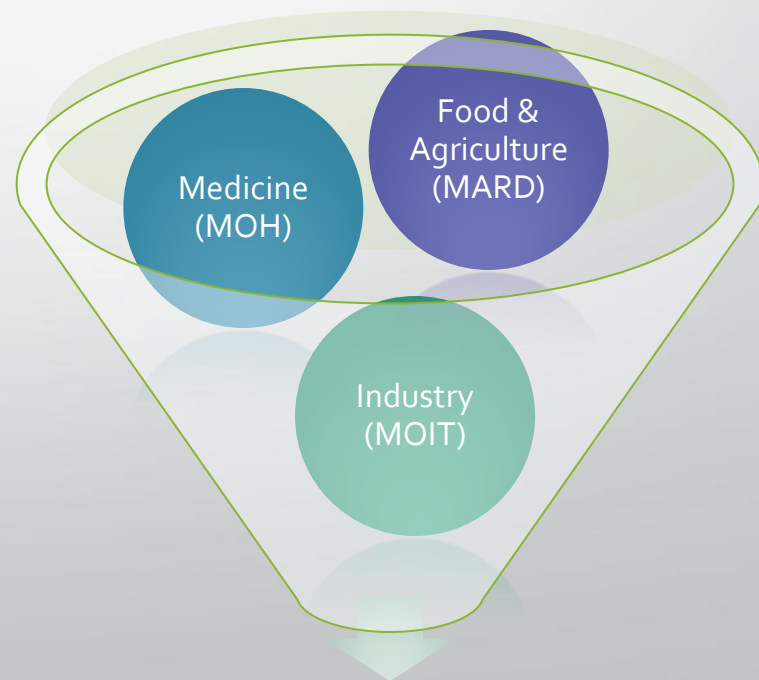
Step	Content	Parties	Duration
Step 1	Written registration	Provincial People's committee (PPC) owns GR	Up to the applicant for access
Step 2	Negotiation of agreement terms	-Organization/individuals assigned to manage Grs; - Commune people's committee at site of access	Not determined
Step 3	Dossier for application of access permit	-MONRE: prioritized specis; -PPC: non-prioritized for protection species	45 days since receipt of valid application
Step 4	Submit permits to local authorities for accession	-Commune people's committee at site of access; -Organization/individuals assigned to manage Grs;	Not determined

Competent authorities

- Ministry of Natural Resources and Environment (MONRE) (with biodiversity Conservation Agency formed in 2008): biodiversity management (including ecosystems, GRs and species)
- Grant permits for prioritized for protection species;
- Provincial People's Committee grant permits for the vast majority;

Decree 21/2013/NĐ-CP at Article 2.8k:

MONRE shall be responsible for providing guidance to the management, monitoring of access to GRs and associated TK, usage of benefits shared back from utilization of GRs; development of national database on GRs, GMO and genetic materials; ...”



GENETIC RESOURCES

Involving government bodies

- ❖ Ministry of Agriculture and Rural Development is in charge of managing the implementation of the conservation of aquatic, agricultural and forestry/forest genetic conservation, plant varieties and livestock breeds.
- ❖ Ministry of Science and Technology manages a national program for ex-situ conservation of GRs and coordinates GRs conservation activities within the country.
- ❖ Ministry of Health and Ministry of Industry and Trade are responsible for the management of GRs in accordance with their functions and tasks to be assigned.
- ❖ Provincial People's Committee: granting access to GRs for other cases not specified as priority species protection.



WHAT WE FIND?

1. Inconsistent legal framework, lack of legal tools and administration support
 - Unclear, overlapped assignment of mandates among ministries, sectors in the management of genetic resources...;
 - Administrative procedures for granting ABS permit, negotiation and implementation of ABS agreements are not fully clarified;
 - Stakeholders are unclear on their roles in promoting ABS;
2. Lack of national database on genetic resources and traditional knowledge;
3. More details needed, particularly on TK, ILCs, IPR, GR derivatives related provisions; Traditional knowledge has not been mentioned in legal document.

In terms of capacity building and awareness raising,

- Limited knowledge in genetic resource management
- Unclear understanding about ABS concerning genetic resource.
- Limited experience and capacity on ABS scientific researches
- Limited experience and capacity on negotiation capacity and implementing ABS agreements
- Difficulties in identifying ownership to genetic resources and relevant traditional knowledge

Comparison:

Before NP (2014):

1. Since after being enacted (2008) to 2014, no case of ABS PIC granted – no MAT signed;
2. An assessment of R&D cooperation with international counterparts in 2014 point out that there have been on-going access to GRs, however not properly registered to and obtain permit from proper management agencies;

After NP (2014):

1. Got contacted by a number of foreign companies and institutions that have needs for accessing GRs in Vietnam;
2. We provide guidance and technical support to help facilitate the process; few cases are under negotiation of the MAT.

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What we will continue to do?

- Development legal documents and policies on ABS;
- Improvement of capacity and identified stakeholders;
- Raising the awareness at all levels and groups;
- Developing database and sharing information on GRs and ABS;
- Enhancing financial and technical resources;
- Strengthening international cooperation and public–private partnership in ABS.

1st task: Revising ABS regulations

1. Scope: shall include GR utilization; derivations; associated TK
2. Activities: non-commercial R&D;
3. Simplified and more cost effective procedure for obtaining access permit;
4. Role of National Competent Authorities;
5. Benefit sharing: revised;
6. Compliance: user measures, checkpoints.

BIOTRADE

GRs,
biochem
icals

Collectio
n

R&D

Production and
Commercialization

PRODUCTS
(derrivative
s)

Non-monetary
benefits

Monetary
benefits

*To be shared to GR providers (communities, ILCs),
Researchers, State and provincial level departments...*

ABS Roadmap

No.	Content	Timeframe	Indicators	Leading agency and collaborating agency
1	Accession to the Nagoya Protocol on ABS and approval of the ASEAN ABS Framework Agreement	2013-2014	Vietnamese Government signs the accession documents	MONRE, Government Office, Ministry of Foreign Affairs
2	Developing the legal system on ABS	2013-2017	<ul style="list-style-type: none"> - A Government's Decree on management of ABS is issued - Guiding circulars on ABS are issued 	MONRE, MARD, MOST
3	Developing policies on ABS	2014-2015	- A program on enhancing the management of ABS and TK on GRs is approved by the Prime Minister	MONRE, Government Office, MOST, MARD

ABS Roadmap

No.	Content	Timeframe	Indicators	Leading agency and collaborating agency
4	Building capacity for ABS management and research	2014-2018	<ul style="list-style-type: none"> - NFPs and CNAs on ABS are determined with their capacity being built - The system for licensing ABS is in place and operational -MAT and PIC is implemented - The number of studies on ABS and TK, researchers and doctors specializing in ABS 	MONRE, Government Office, MOST, MARD
5	Implementing pilot ABS models	2014-2018	ABS models are in place and MAT is implemented in accordance with national regulations and laws	MONRE, research institutes

ABS Roadmap

No.	Content	Timeframe	Indicators	Leading agency and collaborating agency
6	Developing the database system on ABS	2014-2020	<ul style="list-style-type: none"> - Data on GRs and ABS is established and integrated into the national database on biodiversity - CHM for ABS is in place and integrated into the national and international CHMs for biodiversity - The mechanism for sharing and exchanging information on ABS is in place 	MONRE, Government Office, MOST, MARD
7	Implementing communication and awareness raising for ABS	2014-2020	<ul style="list-style-type: none"> - Communication campaigns for ABS - Number of communities accessible to information on ABS - Number of workshops, training on ABS 	MONRE, MIC



Thank you for your attention!

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A Case study

Sapa Napro Company was originated from a foreign funded project in 2006 with an initial capital of VND60 million and with support from the Hanoi University of Pharmacy and the Centre for Medicinal Plants and Traditional Medicine.

The company's main products are bathing medicines of Dao people with shareholders consisting of **52 households** who are also materials suppliers. Each household has four to five hectares of forest to provide materials, in addition to their own small gardens growing medicinal plants. The Company applied for zoning these areas for conservation together with the protection of forests and precious medicinal plants, guiding farmers to harvest medicinal plants sustainably.



ABS Good Practices and Cases (cont.)

The company's profits paid annually to shareholders in the form of dividend. The employees were paid from **VND 3-4 million/month/person.**

A proportion of company profits was allocated to the communal development fund on the basis of the initial dividend (VND60 million in charter capital is divided into 1,500 shares for the local community). In addition, there are three to four local women who keep the best prescriptions for bathing medicine and the company supports them **with VND 600-700,000/month/person for their advice.**



This is a good case of sustainable use and share of benefits in which the interests of all parties are guaranteed.

The providers who access the medicinal plants are also the users according to the sustainable community model.

However, the model of this company has not yet been popularized.

The company has not received any preferential policies from provincial and district governments.

Is it ABS or Biotrade story?

