



# The ASEAN FRAMEWORK AGREEMENT ON ABS

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# BACKGROUND

- 1997 - 8th ASOEN Meeting in Cebu City, Philippines
- 1998 – 1st Workshop organized by SEARICE
- 2000 - 2nd Workshop co-organized by SEARICE and ARCBC
- 2001-2002 – circulated to ASEAN member-states
- 2003-2004 – workshops in KL and Manila
- 2004 – Vientiane Action Plan – ratification aimed in 2010
- 2015 - AWGNCB decision made



# Quick Comparison with Nagoya Protocol (1)

## ABS Framework Agreement

### Art. 1 – Use of Terms

- Art. 2 – Principles
- Art. 3- Objectives
- Art. 4 – Scope and Coverage
- Art. 5- Obligations of the Parties
- Art. 6 – Prior Informed Consent
- Art. 7 – Fair and Equitable Benefit-Sharing
- Art. 11 – Regional CHM
- Art. 12- Common Fund for Biodiversity Conservation
- Art. 16- Relationship with Other Agreements

## Nagoya Protocol

### Art. 1 – Objective

### Art. 2 – Use of Terms

### Art. 3 - Scope

### Art. 4 – Relationship with International Agreements and Instruments

### Art. 5- Fair and Equitable Benefit-Sharing

### Art. 6 – Access to Genetic Resources

### Art. 7 – Access to TK assoc. w/ GR

### Art. 8 – Special Considerations

### Art. 9- Contribution to Conservation and Sustainable Use

### Art. 10- Global Multilateral BS Mechanism

### Art. 11. Transboundary Cooperation

# Quick Comparison with Nagoya Protocol (2)

ABS Framework Agreement

Nagoya Protocol

Art. 12 - TK assoc. w/ GR

Art. 13 – National Focal Points and CNA

Art. 14 – The ABS Clearinghouse and Information Sharing

Art. 15 – Compliance with Domestic Legislation or Regulatory Requirements on ABS

Art. 16 – Compliance with Domestic Legislation on Regulatory Requirements on ABS for TK AGR

Art. 17- Monitoring the Utilization of GR

Art. 18 – Compliance with MAT

Art. 19 – Model Contractual Clauses

Art. 20 – Codes of Conduct, Guidelines, Best Practices, and Other Instruments



# Quick Comparison with Nagoya Protocol (3)

## ABS Framework Agreement

### Article 7 - Fair and Equitable Sharing of Benefits

1. All resource providers shall be actively included in the negotiation of benefits on the basis of a full disclosure of potential benefits and risks arising from the use of the biological and genetic resources.
2. Each Party shall as appropriate, establish processes to ensure the fair and equitable sharing of benefits arising from the use of traditional knowledge and resources.

## Nagoya Protocol

### Article 5 - FAIR AND EQUITABLE BENEFIT-SHARING

1. In accordance with Article 15, paragraphs 3 and 7 of the Convention, benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way with the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention. Such sharing shall be upon mutually agreed terms.
2. Each Party shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from the utilization of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on mutually agreed terms.

# Quick Comparison with Nagoya Protocol (4)

## ABS Framework Agreement

### Article 7 Fair and Equitable Sharing of Benefits

3. The negotiation of any benefit-sharing arrangements that may come in the form of technology transfer, capacity building, monetary and non-monetary benefits arising from the utilization of a Party's biological and genetic resources shall be left to its own initiative and discretion.
4. Whenever biological or genetic resources are indigenous to two or more Parties and such resources are subject to bioprospecting, the Parties where such resources are found may collectively discuss with the entity initiating the bioprospecting activity the terms and conditions of access to and benefit-sharing arising from the utilization of such resources. The Parties concerned may discuss among themselves how to share with other Parties whatever benefits that may be derived from such bioprospecting activity.

## Nagoya Protocol

### Article 5 – FAIR and EQUITABLE BENEFIT-SHARING

3. To implement paragraph 1 above, each Party shall take legislative, administrative or policy measures, as appropriate.
4. Benefits may include monetary and non-monetary benefits, including but not limited to those listed in the Annex.
5. Each Party shall take legislative, administrative or policy measures, as appropriate, in order that the benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable way with indigenous and local communities holding such knowledge. Such sharing shall be upon mutually agreed terms.

# UPDATE FROM THE 25TH AWGNCB Meeting in 2015

- The Meeting recalled that the 15th Informal ASEAN Ministerial Meeting on the Environment on 31 October 2014 in Vientiane, Lao PDR, noted the status of the draft ASEAN Framework Agreement on ABS as follows:
- Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam prefer not to pursue further the signing and ratification of the ASEAN Framework Agreement on ABS.
- Brunei Darussalam is still undergoing national review of the Nagoya Protocol but may opt not to pursue with the signing and ratification of the Agreement.



## UPDATE FROM THE 25TH AWGNCB Meeting in 2015

- Singapore informed the Meeting that it would be ready to support such regional cooperation on ABS, as proposed by Indonesia, provided that such cooperation is not specific to the Nagoya Protocol.

Singapore clarified that this would allow non-parties to the Nagoya Protocol to be engaged in such regional cooperation on ABS measures.

- The Meeting requested ACB to pursue capacity building activities on ABS measures including the Nagoya Protocol.







**THANK YOU!**

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