



## COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

### *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol)*

**SUBJECT CATEGORY:**

Biodiversity / Ecosystems

**TYPE OF AGREEMENT / INSTRUMENT:**

Multilateral

**FORM:**

Legally-binding treaty

**STATUS:**

- Canada has not ratified this agreement and therefore it is not legally binding on Canada.
- Signed by Canada: N/A
- In force internationally: October 12, 2014

**LEAD & PARTNER DEPARTMENTS:**

**Lead:** Environment and Climate Change Canada

**FOR FURTHER INFORMATION:****Web Links:**

- The [Nagoya Protocol](#)
- [Text of the Nagoya Protocol](#)
- [Canada's Country Profile](#)
- [Environment and Climate Canada – Access and Benefit Sharing](#)
- [ABS Clearing House](#)

**Contacts:**

[ECCC Inquiry Centre](#)

**COMPENDIUM EDITION:**

October 2018

**PLAIN LANGUAGE SUMMARY**

We have heard stories of important inventions that have resulted from studying the genes (the units of DNA by which information is passed from parent to offspring) of plants, animals and microbes. The Convention on Biological Diversity recognizes the importance of conserving genetic diversity and requires countries to have systems in place so that there is maximum benefit to the users and the providers of genetic resources, and the places where these organisms are found. The Nagoya Protocol was developed to help countries achieve the Convention's benefit-sharing goal. It aims to protect nature and ensure people can equally benefit from those important innovations that result from the study of genes.

**OBJECTIVE**

The [Nagoya Protocol](#) is an international agreement under the [Convention on Biological Diversity \(CBD\)](#). The objective of the *Nagoya Protocol* is:

*the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, thereby contributing to the conservation of biological diversity and the sustainable use of its components.*

Article 1. Objective

**KEY ELEMENTS**

The *Protocol* includes provisions to establish predictable conditions for access to genetic resources as well as specific obligations to support compliance with the domestic legislative or regulatory requirements of the Party providing the genetic resources. The Protocol establishes a framework to monitor utilization of genetic resources, including an [ABS clearing house and national checkpoints](#). The *Protocol* also contains provisions in order to share the benefits arising from the utilization of traditional knowledge associated with genetic resources with the indigenous and local communities holding such knowledge.

## EXPECTED RESULTS

The *Nagoya Protocol* aims to provide legal certainty and transparency for both providers and users of genetic resources by establishing predictable conditions for access to genetic resources and through measures to support compliance with the regulatory or legislative requirements of the Party providing the genetic resources. It also aims to help indigenous and local communities to benefit from the use of the knowledge, innovations and practices, which they hold.

By supporting benefit-sharing, the *Nagoya Protocol* creates incentives to conserve and sustainably use genetic resources, and therefore enhances the contribution of biodiversity to development and human well-being.

## CANADA'S INVOLVEMENT

Although Canada is a Party to the CBD and hosts the Secretariat of the Convention on Biological Diversity based in Montreal, Canada is not a Party to the *Nagoya Protocol*. However, Canada may become a Party to the *Nagoya Protocol* at any time, through [accession](#).

There is currently no single, comprehensive access and benefit-sharing (ABS) system in place in Canada to govern access to genetic resources and associated traditional knowledge or to facilitate the sharing of benefits arising from their use.

Currently, some laws and regulations at the federal, provincial and territorial levels cover some of the

elements of ABS for various genetic resources in Canada.

At the federal level, an interdepartmental committee on ABS has been looking at this issue. At the provincial and territorial levels, representatives from the different Canadian jurisdictions take part in the work of the Federal/Provincial/Territorial Working Group on ABS.

## RESULTS / PROGRESS

### Activities

The *Nagoya Protocol* entered into force on October 12, 2014. The [Third Meeting of the Parties \(MOP3\)](#) was held in November 2018 in conjunction with the [Fourteenth Conference of the Parties of the Convention on Biological Diversity \(COP14\)](#) in Sharm el Sheikh, Egypt.

### Reports

N/A

### Progress

Canada has been engaging with provinces, territories, Aboriginal communities and governments as well as interested stakeholders on federal ABS policy, and will continue to examine the implications for Canada of acceding to the *Nagoya Protocol*.