

8. b) 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, 29 October 2010

ENTRY INTO FORCE: 12 October 2014, in accordance with article 33.

REGISTRATION: 12 October 2014, No. 30619.

STATUS: Signatories: 92. Parties: 132.

TEXT: Doc.: [UNEP/CBD/COP/DEC/X/1](#) of 29 October 2010
 C.N.115.2011.TREATIES-7 of 18 March 2011 (Proposal of corrections to the original text of the Protocol (French Version) and to the Certified true copies) and C.N.356.2011.TREATIES-26 of 17 June 2011(Corrections to the original text of the Protocol (French version) and to the certified true copies); C.N.711.2011.TREATIES-70 of 1 November 2011 (Proposal of corrections to the original text of the Protocol (French Version) and to the Certified true copies) and C.N.53.2012.TREATIES-88 of 31 January 2012 (Corrections to the original text of the Protocol (French version) and to the Certified true copies); C.N.825.2011.TREATIES-78 of 18 January 2012 (Proposal of corrections to the original text of the Protocol (Chinese Version) and to the Certified true copies) and C.N.200.2012.TREATIES-XXVII.8.b of 18 April 2012 (Corrections to the original text of the Protocol (Chinese version) and to the Certified true copies); C.N.429.2016.TREATIES-XXVII.8.b of 16 June 2016 (Proposal of corrections to the original text of the Protocol (Chinese Version) and to the Certified true copies) and C.N.625.2016.TREATIES-XXVII.8.b of 15 September 2016 (Corrections to the original text of the Protocol (Chinese version) and to the Certified true copies).

Note: The above Protocol was adopted on 29 October 2010 at Nagoya, Japan, during the tenth meeting of the Parties to the Convention on Biological Diversity. In accordance with its article 32, the Protocol will be opened for signature by Parties to the Convention at the United Nations Headquarters in New York from 2 February 2011 until 1 February 2012.

<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Afghanistan.....		6 Jun 2018 a	Brazil	2 Feb 2011	4 Mar 2021
Albania.....		29 Jan 2013 a	Bulgaria	23 Jun 2011	11 Aug 2016
Algeria	2 Feb 2011		Burkina Faso.....	20 Sep 2011	10 Jan 2014
Angola		6 Feb 2017 a	Burundi		3 Jul 2014 a
Antigua and Barbuda.....	28 Jul 2011	12 Dec 2016	Cabo Verde	26 Sep 2011	
Argentina	15 Nov 2011	9 Dec 2016	Cambodia.....	1 Feb 2012	19 Jan 2015
Australia.....	20 Jan 2012		Cameroon.....		30 Nov 2016 a
Austria	23 Jun 2011	20 Jul 2018	Central African Republic	6 Apr 2011	27 Jul 2018
Bangladesh.....	6 Sep 2011		Chad.....	31 Jan 2012	11 Oct 2017
Belarus		26 Jun 2014 a	China.....		8 Jun 2016 a
Belgium	20 Sep 2011	9 Aug 2016	Colombia	2 Feb 2011	
Benin.....	28 Oct 2011	22 Jan 2014	Comoros.....		28 May 2013 a
Bhutan.....	20 Sep 2011	30 Sep 2013	Congo.....	23 Sep 2011	14 May 2015
Bolivia (Plurinational State of).....		6 Oct 2016 a	Costa Rica.....	6 Jul 2011	
Botswana		21 Feb 2013 a	Côte d'Ivoire	25 Jan 2012	24 Sep 2013

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Croatia		2 Sep 2015 a	Kyrgyzstan		15 Jun 2015 a
Cuba		17 Sep 2015 a	Lao People's Democratic Republic		26 Sep 2012 a
Cyprus.....	29 Dec 2011		Lebanon	1 Feb 2012	13 Oct 2017
Czech Republic.....	23 Jun 2011	6 May 2016	Lesotho		12 Nov 2014 a
Democratic People's Republic of Korea....		1 Oct 2019 a	Liberia.....		17 Aug 2015 a
Democratic Republic of the Congo.....	21 Sep 2011	4 Feb 2015	Lithuania.....	29 Dec 2011	
Denmark ¹	23 Jun 2011	1 May 2014 AA	Luxembourg.....	23 Jun 2011	25 Oct 2016
Djibouti	19 Oct 2011	1 Oct 2015	Madagascar.....	22 Sep 2011	3 Jul 2014
Dominican Republic	20 Sep 2011	13 Nov 2014	Malawi		26 Aug 2014 a
Ecuador	1 Apr 2011	20 Sep 2017	Malaysia.....		5 Nov 2018 a
Egypt.....	25 Jan 2012	28 Oct 2013	Maldives		1 Jul 2019 a
El Salvador	1 Feb 2012		Mali.....	19 Apr 2011	31 Aug 2016
Eritrea		13 Mar 2019 a	Malta.....		1 Dec 2016 a
Estonia		19 Dec 2018 a	Marshall Islands.....		10 Oct 2014 a
Eswatini		21 Sep 2016 a	Mauritania.....	18 May 2011	18 Aug 2015
Ethiopia.....		16 Nov 2012 a	Mauritius.....		17 Dec 2012 a
European Union.....	23 Jun 2011	16 May 2014 AA	Mexico	24 Feb 2011	16 May 2012
Fiji		24 Oct 2012 a	Micronesia (Federated States of)	11 Jan 2012	30 Jan 2013
Finland.....	23 Jun 2011	3 Jun 2016 A	Mongolia.....	26 Jan 2012	21 May 2013
France	20 Sep 2011	31 Aug 2016	Montenegro.....		14 Aug 2020 a
Gabon.....	13 May 2011	11 Nov 2011 A	Morocco.....	9 Dec 2011	
Gambia.....		3 Jul 2014 a	Mozambique	26 Sep 2011	7 Jul 2014
Germany	23 Jun 2011	21 Apr 2016	Myanmar.....		8 Jan 2014 a
Ghana.....	20 May 2011	8 Aug 2019	Namibia		15 May 2014 a
Greece.....	20 Sep 2011	14 Feb 2020	Nepal.....		28 Dec 2018 a
Grenada.....	22 Sep 2011		Netherlands ²	23 Jun 2011	19 Aug 2016 A
Guatemala.....	11 May 2011	18 Jun 2014	Nicaragua.....		12 Jun 2020 a
Guinea.....	9 Dec 2011	7 Oct 2014	Niger	26 Sep 2011	2 Jul 2014
Guinea-Bissau.....	1 Feb 2012	24 Sep 2013 A	Nigeria	1 Feb 2012	
Guyana.....		22 Apr 2014 a	Norway	11 May 2011	1 Oct 2013
Honduras.....	1 Feb 2012	12 Aug 2013	Oman		23 Jun 2020 a
Hungary	23 Jun 2011	29 Apr 2014	Pakistan.....		23 Nov 2015 a
India	11 May 2011	9 Oct 2012	Palau	20 Sep 2011	13 Jun 2018
Indonesia.....	11 May 2011	24 Sep 2013	Panama.....	3 May 2011	12 Dec 2012
Ireland.....	1 Feb 2012		Peru.....	4 May 2011	8 Jul 2014
Italy	23 Jun 2011		Philippines		29 Sep 2015 a
Japan	11 May 2011	22 May 2017 A	Poland	20 Sep 2011	
Jordan.....	10 Jan 2012	10 Jan 2012	Portugal.....	20 Sep 2011	11 Apr 2017 AA
Kazakhstan.....		17 Jun 2015 a	Qatar		25 Jan 2017 a
Kenya.....	1 Feb 2012	7 Apr 2014	Republic of Korea.....	20 Sep 2011	19 May 2017
Kiribati.....		4 Jun 2021 a	Republic of Moldova.....	25 Jan 2012	23 Aug 2016
Kuwait		1 Jun 2017 a			

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Romania.....	20 Sep 2011	22 May 2019	Thailand.....	31 Jan 2012	
Rwanda.....	28 Feb 2011	20 Mar 2012	Togo.....	27 Sep 2011	10 Feb 2016
Samoa.....		20 May 2014 a	Tonga.....		3 Oct 2019 a
Sao Tome and Principe..		10 Jan 2017 a	Tunisia.....	11 May 2011	27 Aug 2021
Saudi Arabia.....		10 Jul 2020 a	Turkmenistan.....		4 Nov 2020 a
Senegal.....	26 Jan 2012	3 Mar 2016	Tuvalu.....		28 Aug 2018 a
Serbia.....	20 Sep 2011	30 Oct 2018	Uganda.....		25 Jun 2014 a
Seychelles.....	15 Apr 2011	20 Apr 2012	Ukraine.....	30 Jan 2012	
Sierra Leone.....		1 Nov 2016 a	United Arab Emirates....		12 Sep 2014 a
Slovakia.....		29 Dec 2015 a	United Kingdom of Great Britain and Northern Ireland.....	23 Jun 2011	22 Feb 2016
Slovenia.....	27 Sep 2011		United Republic of Tanzania.....		19 Jan 2018 a
Solomon Islands.....		24 Oct 2019 a	Uruguay.....	19 Jul 2011	14 Jul 2014
Somalia.....	9 Jan 2012		Vanuatu.....	18 Nov 2011	1 Jul 2014
South Africa.....	11 May 2011	10 Jan 2013	Venezuela (Bolivarian Republic of).....		10 Oct 2018 a
Spain.....	21 Jul 2011	3 Jun 2014	Viet Nam.....		23 Apr 2014 a
St. Kitts and Nevis.....		5 Sep 2018 a	Yemen.....	2 Feb 2011	
Sudan.....	21 Apr 2011	7 Jul 2014	Zambia.....		20 May 2016 a
Sweden.....	23 Jun 2011	8 Sep 2016	Zimbabwe.....		1 Sep 2017 a
Switzerland.....	11 May 2011	11 Jul 2014			
Syrian Arab Republic....		5 Apr 2013 a			
Tajikistan.....	20 Sep 2011	12 Sep 2013			

Declarations

(Unless otherwise indicated, the declarations were made upon ratification, accession, acceptance, approval or succession.)

ARGENTINA

The Argentine Republic declares that the provisions on benefit-sharing in this Protocol are applicable to genetic resources and their derivatives.

Likewise, the provisions of this Protocol are applicable to the benefits arising from the utilization of genetic resources and their derivatives originating in the Argentine Republic and acquired after the entry into force of the Convention on Biological Diversity.

The Argentine Republic declares that, under article 4, paragraph 4, of the 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, this does not apply in respect of the genetic resources covered by the International Treaty on Plant Genetic Resources for Food and Agriculture or in respect of the specific genetic resources covered by any other international access and benefit-sharing instrument that does not run counter to the objectives of the Convention on Biological Diversity and the Protocols thereto, which are in effect on the date of its entry into force.

BELGIUM

“This signature engages also the French Community, the Flemish Community, the German-speaking

Community, the Walloon Region, the Flemish Region and the Brussels-Capital Region.”⁵⁷

BRAZIL

I - In accordance with the terms of article 28 of the Vienna Convention on the Law of Treaties, regarding the application of paragraph 2 of article 33 of the Protocol, the provisions of the Nagoya Protocol, for the purpose of its implementation, shall not have retroactive effects;

II - in accordance with the terms of article 8(c) of the Protocol, the economic exploitation for agricultural activities, in accordance with the definition provided for in Act N. 13.123, of 20 May 2015, resulting from reproductive material from species introduced in the country by human action before the entry into force of the Protocol shall not be subject to the sharing of benefits foreseen in the Protocol;

III - in accordance with the provision on article 2 read in conjunction with paragraph 3 of article 15 of the Convention on Biological Diversity, and considering the application of the provisions in articles 5 and 6 of the Protocol, Brazil considers as found in “in situ” condition the species and varieties that form spontaneous populations that have acquired distinctive characteristics in the country and the traditional local variety or breed locally adapted, as per the definition in domestic

legislation, in particular article 2 of Act N. 13.123, of 20 May 2015, with a framing of this country under the concept of “country of origin” of these genetic resources;

IV - Act N. 13.123, of 20 May of 2015, is considered the domestic law for the implementation of the Nagoya Protocol.

CHINA

Unless otherwise notified by the Government of the People’s Republic of China, the Protocol shall not apply to the Hong Kong Special Administrative Region of the People’s Republic of China and the Macao Special Administrative Region of the People’s Republic of China.

EUROPEAN UNION

“The European Union declares that, in accordance with the Treaty on the Functioning of the European Union, and in particular Article 191 thereof, it is competent for entering into international agreements, and for implementing the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combatting climate change.

Moreover, the European Union adopts measures at Union level for establishing a European Research Area and for the proper functioning of its internal market.

The exercise of Union competence is by its nature subject to continuous development. In order to comply with its obligations under Article 14 (2) (a) of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention of Biological Diversity, the Union will keep up-to-date the list of legal instruments to be transmitted to the Access and Benefit-Sharing Clearing-House.

The European Union is responsible for the performance of those obligations resulting from this Protocol which are covered by Union law in force.”

FRANCE

1. The French Republic reiterates the declaration that it made upon the ratification of the Convention on Biological Diversity concerning article 16 on the transfer of technology, with regard to the implementation of articles 1 and 23 of the Protocol.

2. The French Republic recalls the terms of decision UNEP/CBD/COP/DEC/ XII/12 of 25 June 2014 in connection with the use of the term 'indigenous peoples and local communities' instead of the term 'indigenous and local communities' found in various provisions of the Protocol:

- The use of the term 'indigenous peoples and local communities' in future decisions and all secondary documents under the Protocol shall have no effect on the legal meaning of the articles of the Protocol that use the term 'indigenous and local communities';

- The use of the term 'indigenous peoples and local communities' cannot be interpreted as implying for any Party the amendment of rights or obligations under the Protocol;

- The use of the term 'indigenous peoples and local communities' in future decisions and all secondary documents shall not serve as a context for the interpretation of the Protocol, or a subsequent agreement nor subsequent practice, among the Parties to the Protocol, within the

meaning of article 31 of the Vienna Convention on the law of treaties of 23 May 1969, which codifies customary international law in this area.

With reference to the declaration that it made during the adoption of the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007, France would recall that, in accordance with the constitutional principles of the indivisibility of the Republic and the unity of the French people, the French people is composed of all French citizens without distinction based on origin, race or religion. Under those principles and the principle of the equality of citizens before the law, only the French people as a whole can be granted rights.

SYRIAN ARAB REPUBLIC

The accession of the Syrian Arab Republic to this Protocol shall in no way imply its recognition of Israel or entail its entry into any dealings with Israel in the matters governed by the provisions thereof.

Notes:

¹ Upon its Approval of the Protocol, the Government of Denmark notified the Secretary-General that the Protocol shall not apply in respect of Greenland and the Faroe Islands.

² For the European part and the Caribbean part (the Islands of Bonaire, Sint Eustatius and Saba) of the Netherlands.

