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.


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.

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Serbia | 20 Sep 2011 | 30 Oct 2018
Seychelles | 15 Apr 2011 | 20 Apr 2012
Sierra Leone | 1 Nov 2016 a | 
Slovakia | | 29 Dec 2015 a
Slovenia | 27 Sep 2011 | 
Solomon Islands | 24 Oct 2019 a | 
Somalia | 9 Jan 2012 | 
South Africa | 11 May 2011 | 10 Jan 2013
Spain | 21 Jul 2011 | 3 Jun 2014
St. Kitts and Nevis | 5 Sep 2018 a | 
Sudan | 21 Apr 2011 | 7 Jul 2014
Sweden | 23 Jun 2011 | 8 Sep 2016
Switzerland | 11 May 2011 | 11 Jul 2014
Syrian Arab Republic | | 5 Apr 2013 a
Tajikistan | 20 Sep 2011 | 12 Sep 2013
Thailand | 31 Jan 2012 | 
Togo | 27 Sep 2011 | 10 Feb 2016

**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 of 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.”

**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.

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**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.