

## WHAT IS THE NAGOYA PROTOCOL?

The Nagoya Protocol is an international treaty that follows and supports the CBD, in particular one of its three objectives: the fair and equitable sharing of benefits arising from the utilization of genetic resources.

The Nagoya Protocol entered into force in 2014, Morocco signed the Protocol in December 2011 and is currently in the final stages of ratification by Morocco.



## WHY IS THE NAGOYA PROTOCOL IMPORTANT ?

The Nagoya Protocol provides greater legal certainty and transparency for both providers and users of genetic resources. It helps to ensure benefit-sharing, especially when genetic resources leave the provider country, and creates more predictable conditions for access to genetic resources.



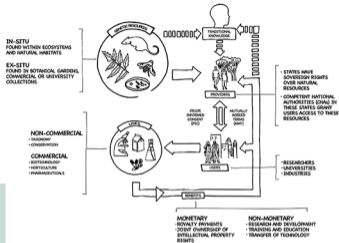
## WHY ARE GENETIC RESOURCES IMPORTANT?

Access to genetic resources and their use has considerable potential benefits. They are a crucial source of information for understanding the natural world, and can be used to develop a wide range of products and services for human use. These may include products such as drugs and cosmetics, as well as agricultural and environmental practices and techniques.

## WHY IS NATIONAL IMPLEMENTATION ESSENTIAL?

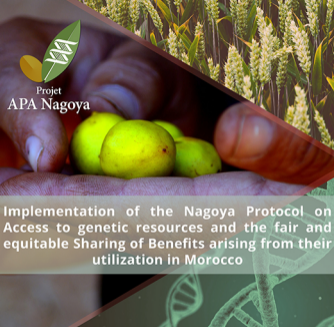
National implementation of access and benefit-sharing measures is essential for equitable sharing of benefits arising from their use. To achieve this, it is essential that states consider measures for both providers and users:

- by putting in place a transparent framework to facilitate access to their genetic resources and to ensure that benefits are shared equitably;
- to ensure that users under their authority negotiate mutually agreed terms with the provider country, before any access to genetic resources.
- to provide legal certainty and ensure fair relations between suppliers and users.



## HOW DOES ABS WORK?

Access and benefit-sharing are based on the prior informed consent of a supplier to a user and negotiations between the parties for the development of mutually agreed terms, with the aim of ensuring fair and equitable sharing of genetic resources and associated benefits.



Implementation of the Nagoya Protocol on Access to genetic resources and the fair and equitable Sharing of Benefits arising from their utilization in Morocco

## WHAT ARE GENETIC RESOURCES?

All living organisms; plants, animals and microbes carry genetic material that may be useful to humans. These resources can come from wildlife, domesticated fauna and cultivated plants.

## THE APA NAGOYA PROJECT



APA Nagoya project aims to strengthen the protection and sustainable use of genetic resources and associated traditional knowledge in Morocco through the establishment of a legal framework on access and benefit-sharing (ABS) from the use of genetic resources, consistent with the CBD and its Nagoya Protocol.



This framework thus considerably reinforces the objectives and measures of conservation and biodiversity and its sustainable use in Morocco, by allowing the provision of new flows of capital and additional resources, while guaranteeing a fair and equitable sharing of the benefits derived from them among stakeholders.

In order to achieve its objectives, the project is working on two complementary components: 1) the development of an ABS legal framework and, 2) capacity building for the implementation of the ABS framework and the Nagoya Protocol in Morocco.

## ESTABLISHMENT OF A NATIONAL LEGAL FRAMEWORK ON ABS

The APA Nagoya project aims to establish a fully operational national ABS legal framework in Morocco. Work on this component involves the preparation of a national ABS law aligned with the Convention on Biological Diversity and its Nagoya Protocol. This framework will be adapted to national circumstances after a series of consultations for an inclusive participation of all stakeholders concerned by ABS issues in Morocco, which includes:

- ✦ A legal text establishing a Competent National Authority;
- ✦ The development of procedures for access and sharing of benefits for the use of genetic resources, through contractual model clauses of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT);
- ✦ A legal text on the status of traditional knowledge related to the use of genetic resources, and procedures for accessing traditional knowledge.



In parallel to the development of the ABS legal framework, the project also contributed to building the capacity of administrators of key stakeholders, and also carried out capacity building activities on governance in the field of biodiversity.

## BENEFIT-SHARING OBLIGATIONS

National measures on benefit-sharing should provide for the fair and equitable sharing of benefits arising from the utilization of genetic resources. The term "use" covers research and development activities on the genetic and/or biochemical composition of genetic resources. Benefit-sharing is subject to mutually agreed terms. Benefits may be monetary, such as royalties, or non-monetary, such as sharing research results or technology transfer.

## WHAT IS TRADITIONAL KNOWLEDGE?

Our current understanding of genetic resources owes a great deal to the traditional knowledge of indigenous and local communities. This valuable knowledge has been accumulated and passed on from generation to generation.



The APA Nagoya Project includes a capacity building program designed to address weak institutional and technical capacity in key government agencies and other stakeholder groups involved as providers or users of genetic resources.

The project has carried out several capacity building activities at the national and regional level, including:

- ✦ The organization of an "ABS Caravan" which made it possible to sensitize regional administrators, researchers and the local communities to the Nagoya Protocol and the APA in several different regions of Morocco, with presentations of case studies and simulations of ABS contract negotiations involving different stakeholders;
- ✦ Awareness-raising workshops for specific groups such as lawyers, researchers and policymakers, on issues related to the draft ABS law, ABS mechanisms as well as the finalization of the ratification of the Nagoya Protocol by Morocco;
- ✦ The development of a communication strategy on ABS in the medium and long term, as well as the creation of guides, fact sheets and other communication products involving teaching modules, public awareness campaigns, and information to researchers, local communities and industry.
- ✦ Guidance and training products that address issues such as ABS procedures for users and providers of genetic resources, PIC protocols, ABS agreement negotiation strategies and intellectual Property issues related to ABS.

## CAPACITY-BUILDING ON ABS IN MOROCCO