

Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss

Target 15.6: Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed

Indicator 15.6.1: Number of countries that have adopted legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits

## Institutional information

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### Organization(s):

Secretariat of the Convention on Biological Diversity (CBD)

## Concepts and definitions

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### Definition:

The indicator is defined as the number of countries that have adopted legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits. It refers to the efforts by countries to implement 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 (2010) and the International Treaty on Plant Genetic Resources for Food and Agriculture (2001).

The Nagoya Protocol covers genetic resources and traditional knowledge associated with genetic resources, as well as the benefits arising from their utilization by setting out core obligations for its contracting Parties to take measures in relation to access, benefit-sharing and compliance. The objectives of the International Treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity.

The Protocol provides greater legal certainty and transparency for both providers and users of genetic resources and associated traditional knowledge, and therefore, encourages the advancement of research on genetic resources which could lead to new discoveries for the benefit of all.

The Nagoya Protocol also creates incentives to conserve and sustainably use genetic resources, and thereby enhances the contribution of biodiversity to development and human well-being. In addition, Parties to the Protocol are to encourage users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and the sustainable use of its components.

The International Treaty has established the Multilateral System of Access and Benefit-sharing, which facilitates exchanges of plant genetic resources for purposes of agricultural research and breeding, by providing a transparent and reliable framework for the exchange of crop genetic resources. The Multilateral System is instrumental to achieving the conservation and sustainable use of plant genetic resources as well as the fair and equitable sharing of benefits arising from their use.

## Rationale and interpretation:

The Nagoya Protocol, to be operational, requires that certain enabling conditions are met at the national level for its effective implementation. In particular, countries will need, depending on their specific circumstances, to revise legislative, administrative or policy measures already in place or develop new measures in order to meet the obligations set out under the Protocol.

In particular, the Nagoya Protocol provides that Parties are to take legislative, administrative or policy measures, as appropriate, to ensure the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including for genetic resources that are held by indigenous communities, and benefits arising from the utilization of traditional knowledge associated with genetic resources.

The ABS Clearing-House is a platform for exchanging information on access and benefit-sharing established by Article 14 of the Protocol. The ABS Clearing-House is a key tool for facilitating the implementation of the Nagoya Protocol, by enhancing legal certainty and transparency on procedures for access, and for monitoring the utilization of genetic resources along the value chain. The Protocol requires Parties to make information on legislative, administrative and policy measures available to the ABS Clearing-House. Non-Parties are also encouraged to make this information available in the same manner. The goal is to allow users of genetic resources and associated traditional knowledge to easily find information on the ABS Clearing-House on how to access these resources and knowledge in an organized manner, and all in one convenient location.

The International Treaty stipulates that Contracting Parties ensure the conformity of its laws, regulations and procedures with their obligations under the International Treaty (Article 4). Under the Multilateral System of Access and Benefit-sharing (Articles 10-13), countries grant each other facilitated access to their plant genetic resources, while users of plant genetic material from the Multilateral System are encouraged to share their benefits with the Multilateral System. Such benefits should primarily flow to farmers in developing countries who promote the conservation and sustainable use of plant genetic resources.

Pursuant to Article 21, the Governing Body adopted the Procedures and operational mechanism to promote compliance and address issues of non-compliance. Under the monitoring and reporting in the Procedures, each Contracting Party is requested to submit a report on the measures it has taken to implement its obligations under the International Treaty, including the access and benefit-sharing measures. Contracting Parties report using an agreed standard format and through the Online Reporting System on Compliance. Additionally, information on the number of Standard Material Transfer Agreements is gathered from the Data Store of the International Treaty through Easy-SMTA. SMTA is a mandatory contract that Contracting Parties of the International Treaty have agreed to use whenever plant genetic resources falling under the Multilateral System are made available.

Indicator 15.6.1 directly measures progress made by countries in establishing legislative, administrative or policy frameworks on access and benefit-sharing (ABS). By developing their ABS frameworks, countries are contributing to the achievement of SDG Target 15.6 and to the conservation and sustainable use of biological and genetic diversity. Progress in this indicator is assessed through measuring the increase in the number of countries that have adopted ABS legislative, administrative and policy measures and that have made available this information in the ABS Clearing-House and through the Online Reporting System on Compliance of the International Treaty in relation to plant genetic resources for food and agriculture.

## Comments and limitations:

This indicator can be used to measure progress in adopting ABS legislative, administrative and policy frameworks over time.

This indicator does not assess the scope or effectiveness of ABS legislative, administrative and policy frameworks.

The notion of framework suggests that there is a complete set of rules established on access and benefit-sharing. However, it is difficult to have a predefined idea of what constitutes an ABS framework. In the context of this indicator, the publication by a country of one or more ABS legislative, administrative and policy measure in the ABS Clearing-House would be considered progress by that country on having an ABS legislative, administrative and policy framework, and through the Online Reporting System on Compliance of the International Treaty in relation to plant genetic resources for food and agriculture.

## Methodology

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### Computation method:

Summation of information made available by each Party to the Convention on Biological Diversity and to the International Treaty related to:

- ABS legislative, administrative or policy measures made available to the ABS Clearing-House and to the Online Reporting System on Compliance of the International Treaty in relation to plant genetic resources for food and agriculture (y/n);

### Sources of discrepancies:

Reliability of the indicator is dependent on countries making information available to the ABS Clearing-House of the Nagoya Protocol and to the Online Reporting System on Compliance of the International Treaty on ABS legislative, administrative or policy measures.

In addition to the information made available by countries to the ABS Clearing-House, the CBD Secretariat collects information from other sources: national biodiversity strategies and actions plans, national reports submitted under the CBD, the interim national reports on the implementation of the Nagoya Protocol (due in 2017) and official communications to the SCBD (responses to notifications, email communications, etc.). The information collected from these sources inform the Secretariat's inputs to other processes under the Protocol, in particular the consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) of national reports (Article 29) and assessment and review (Article 31). The resulting information on the number of countries with ABS legislative, administrative or and policy measures may differ from the number of countries that have made available this information in the ABS Clearing-House.

In addition to the information made available by countries to the Online Reporting System on Compliance of the International Treaty, FAO collects information from countries, submitted through their national reports, on conservation and use of PGRFA and their efforts in this regard for the preparation of the *State of the World's Plant Genetic Resources for Food and Agriculture*.

## Data sources

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The Access and Benefit-sharing Clearing-House home page: <http://absch.cbd.int>

The Online Reporting System on Compliance of the International Treaty on PGRFA, <http://faoitpgrfa.ort-production.linode.unep-wcmc.org>

Easy-SMTA, <https://mls.planttreaty.org>

## Data availability

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For 196 Parties to the Convention on Biological Diversity.

Availability of data is dependent on countries making the information on ABS legislative, administrative or and policy measures available to the ABS Clearing-

For 144 countries that have ratified, accepted, approved or acceded to the International Treaty on Plant Genetic Resources for Food and Agriculture (as of 1 February 2018)

### Disaggregation:

Data are provided by countries (or regional integration entities), and can be displayed by country, regional group, membership to a specific regional organization, and/or by their status as Parties or non-Parties to the Protocol and to the International Treaty.

## Calendar

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### Data collection:

Ongoing.

### Data release:

First data set can be made available by the SCBD in 2016.

For the data related to the International Treaty, the updated data was provided as of 1 February 2018.

## Data providers

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Publishing authorities for the ABS Clearing-House as designated by the CBD national focal points or the ABS focal points. Publishing authorities for the Online Reporting System on compliance of the International Treaty on PGRFA are the officially nominated national focal points or nominated reporting authorities.

## Data compilers

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CBD and International Treaty Secretariats.

## References

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Text 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:

<https://www.cbd.int/abs/text/default.shtml>

The Access and Benefit-sharing Clearing-House: <http://absch.cbd.int>

International Treaty on Plant Genetic Resources for Food and Agriculture, <http://www.fao.org/3/i0510e.pdf>

Data Store of the International Treaty on PGRFA, Easy-SMTA, <https://mls.planttreaty.org>

## Related indicators as of February 2020

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N/A

An indicator on numbers of permits and numbers of Material Transfer Agreements issued would provide complementary information.

In relation to the International Treaty, the total number of Standard Material Transfer Agreements (SMTAs) transferring plant genetic resources for food and agriculture to the country is as of 1 February 2018. (Cumulative figures).