

South Africa ratifies the Nagoya Protocol

The Department of Environmental Affairs has announced that South Africa is the first country in 2013 and the 12th country overall to ratify 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, popularly referred to as the Nagoya Protocol on ABS. South Africa became Party to the Convention on Biological Diversity in 1995.

The Nagoya Protocol is a legally binding agreement outlining a set of terms prescribing how one country will gain access to another country's genetic resources and how the benefits derived, will be shared. The Nagoya Protocol provides for measures to regulate and facilitate access to, and the utilisation of, the indigenous fauna and flora of a country as well as their associated traditional knowledge.

"It is indeed a pleasure for South Africa to be counted amongst the first 50 countries that will contribute to the early entry into force of the protocol. South Africa ranks amongst the top three world's most biologically diverse countries and possesses a wealth of associated traditional knowledge," said the Minister of Water and Environmental Affairs, Edna Molewa.

South Africa ratified the Nagoya Protocol on 10 January, 2013, joining Ethiopia, Fiji, Gabon, India, Jordan, Lao People's Democratic Republic, Mauritius, Mexico, Panama, Rwanda and The Seychelles as countries that have ratified the ground-breaking treaty.

"I am pleased to congratulate South Africa, the first mega-diverse country in Africa to ratify the Nagoya Protocol," said Dr Bráulio Ferreira de Souza Dias, executive secretary of the Convention on Biological Diversity.

One of the first to regulate

South Africa is one of the first countries to regulate the protection and use of indigenous biological resources and associated traditional knowledge. In April 2008, regulations for bio-prospecting, access and benefit sharing came into effect to manage access to South Africa's bio-resources. Through the National Environmental Management Biodiversity Act, 2004 it is illegal for bio-prospectors to obtain and utilise any extracts from indigenous fauna or flora for commercial use without a permit. Thus far, the department has issued nine bio-prospecting permits.

In leading regulations regarding the protection and utilisation of indigenous biological resources, Minister Molewa last year launched a document setting out guidelines for providers, users and regulators of bio-prospecting. These guidelines aim to assist the different role players in understanding the legal requirements of the bio-prospecting regulations, their rights and responsibilities under the law.

"South Africa will be greatly assisted by the provisions of the protocol as it strongly encourages user countries to respect

and also ensure compliance with the national legislation, policies and procedures of the provider countries.

"The Nagoya Protocol will enter into force on the 90th day after the date of deposit of the 50th instrument of ratification, acceptance, approval or accession.

"As both a user and provider country, South Africa considers the early into force of the Nagoya Protocol on ABS to be an important milestone in global efforts towards the balanced and effective implementation of the three objectives of the Convention on Biological Diversity," said Minister Molewa.

Workshop to be hosted

After hosting the first Pan-African Access and Benefit Sharing (ABS) workshop organised by the ABS Capacity Development Initiative under the Deutsche Gesellschaft Fur Internationale Zusammenarbeit (GIZ) in 2005, South Africa will once again host the workshop between 25 February and 1 March, 2013 in Phalaborwa, Limpopo.

The workshop will be attended by 140 participants from all over the African continent, including the ABS National Focal Points, representatives of indigenous and local communities, research institutions, the private sector, participating donor countries and their diplomatic representatives. The workshop will provide a forum to exchange experiences and lessons learned in different countries.

The multi-donor ABS Capacity Development Initiative was established in 2005 under the GIZ to support partners in Africa, the Caribbean and the Pacific in their efforts to make ABS a reality. South Africa, through the National Environmental Biodiversity Act, 10 of 2004, developed the Bio-prospecting, Access and Benefit Sharing Regulations in April 2008, making South Africa the first country to regulate the utilisation of indigenous biological resources.

As such, South Africa, as one of the pioneer countries in the world to develop legislation on bio-prospecting, access and benefit sharing, will use this opportunity to show the delegates how it is being implemented.

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