An abstract graphic consisting of several thin, black, overlapping lines that form various geometric shapes, including triangles and polygons, scattered across the upper left portion of the page. The lines are thin and black, creating a complex, layered pattern.

ANTIGUA AND BARBUDA AND THE NAGOYA PROTOCOL

Nneka Nicholas

TABLE OF CONTENTS

History

Legislation and Agreement

Experience on the ground

Lessons Learned

HISTORY



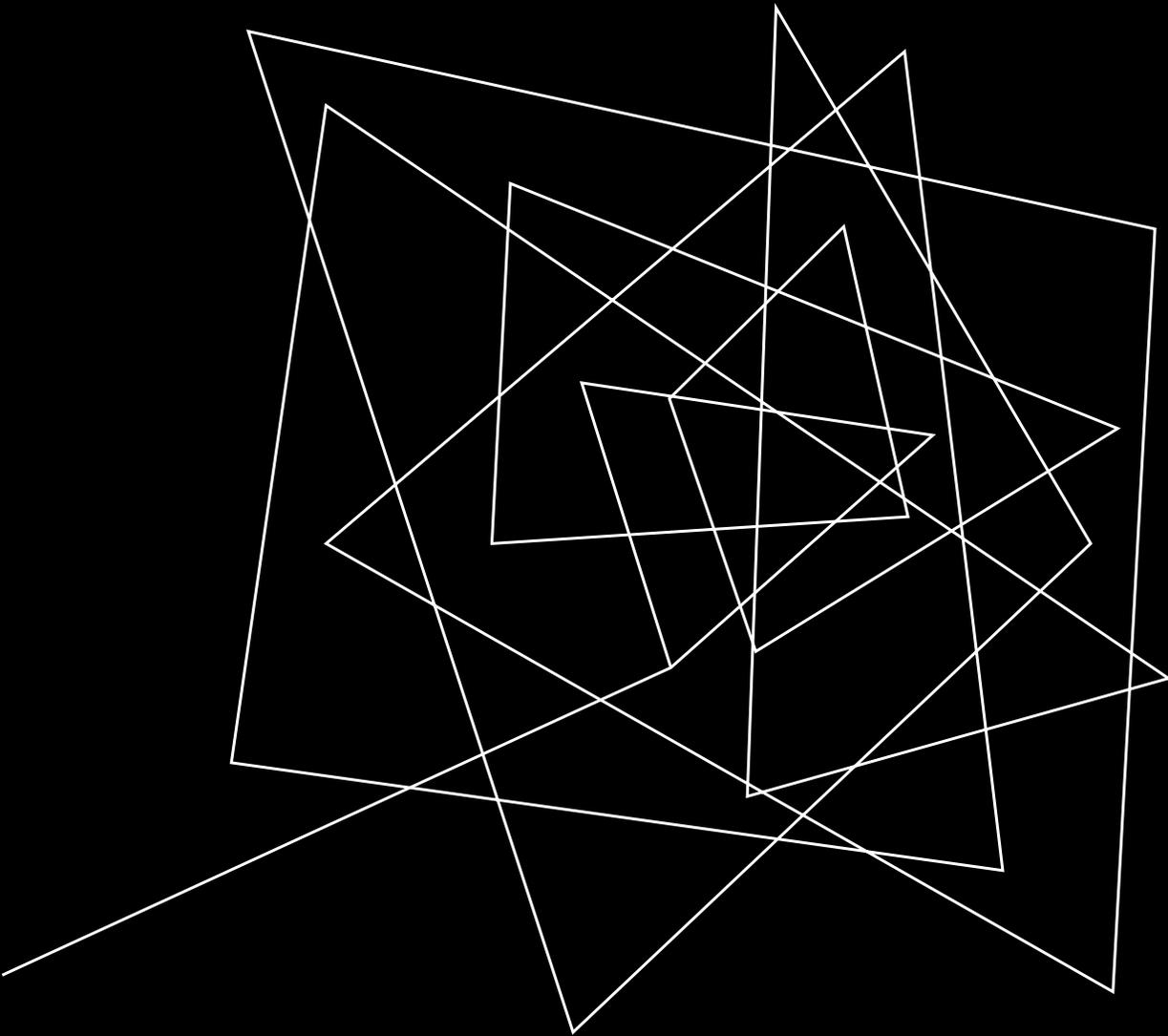
Antigua and Barbuda became signatories to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity in December 2016.

Prior to its ratification and before environmental legislation was passed in 2015, we were still receiving requests for access to our genetic resources.

This was facilitated by a biomaterial transfer agreement.

gettyimages[®]

Rosemary Calvert



THE
ENVIRONMENTAL
PROTECTION AND
MANAGEMENT
ACT, 2019

LEGISLATION

A black goat with curved horns stands on the edge of a rocky cliff. The cliff face is rugged and covered in patches of green moss or lichen. The sky is a clear, bright blue. The goat is facing right, looking down towards the edge of the cliff.

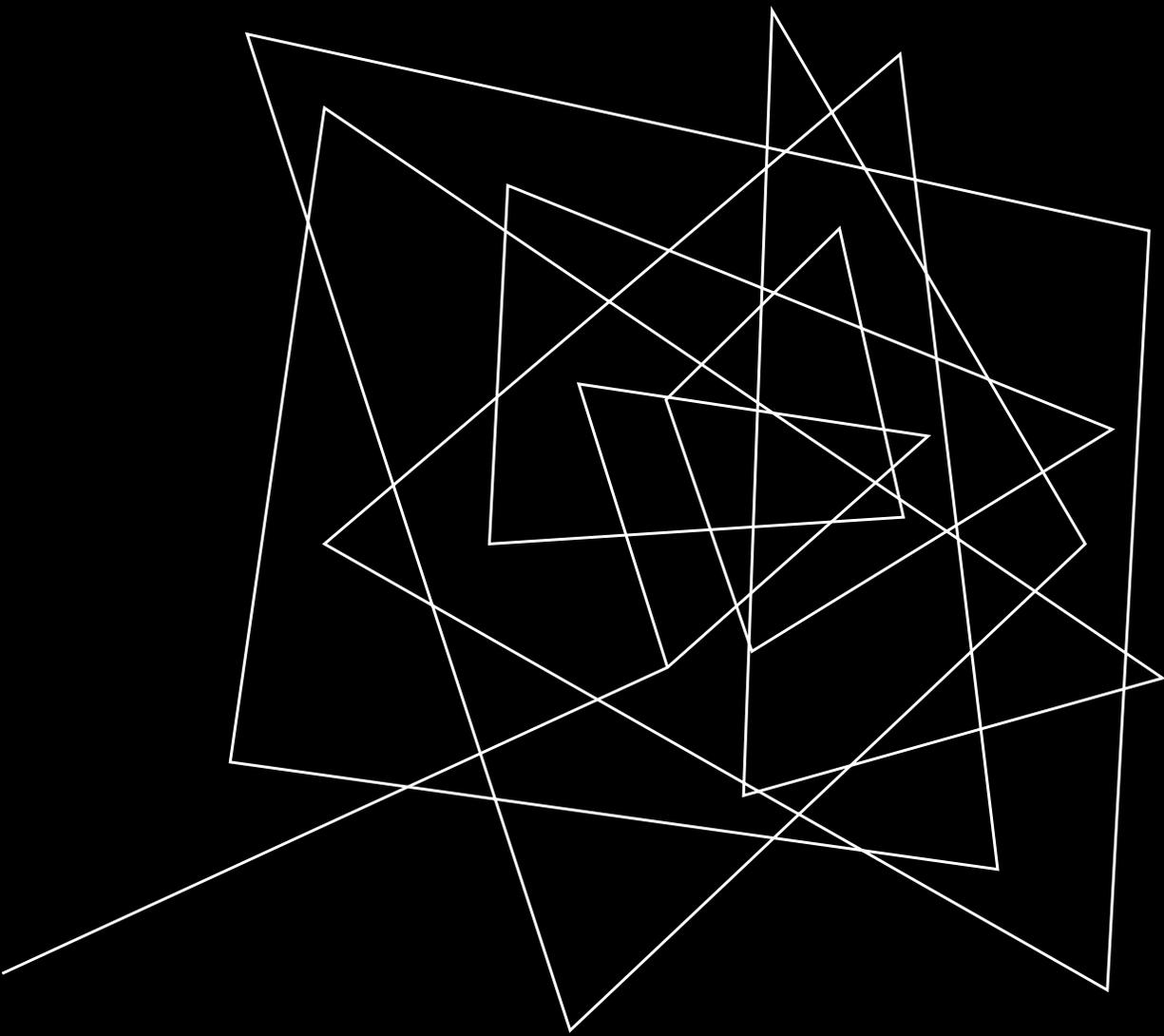
In 2015, Antigua and Barbuda passed the EPMA, 2015.

Due to some corrections that needed to be made, it was repealed and replaced in 2019.

Part 9 contains the provisions on access to genetic resources and the fair and equitable sharing of benefits.

KEY PROVISIONS

Section 76	Section 77	Section 78	Section 80	Section 82
Sovereignty over genetic resources and makes direct reference to the CBD	Applicable to in situ and ex situ accessions	Applicable to genetic resources found <i>in situ</i> and <i>ex situ</i> , traditional knowledge, related technologies and derivatives	Application procedure for access to genetic resource	Provisions of access and benefit sharing agreement



PROCEDURE FOR APPLICATION

STEP 1

Researcher makes application to Department of Environment as the CNA for access to genetic resources. Researcher is informed about the entire procedure including acquiring relevant additional permits.

STEP 2

Application is shared with review committee which is comprised of Government agencies. Agencies often send questions seeking clarification.

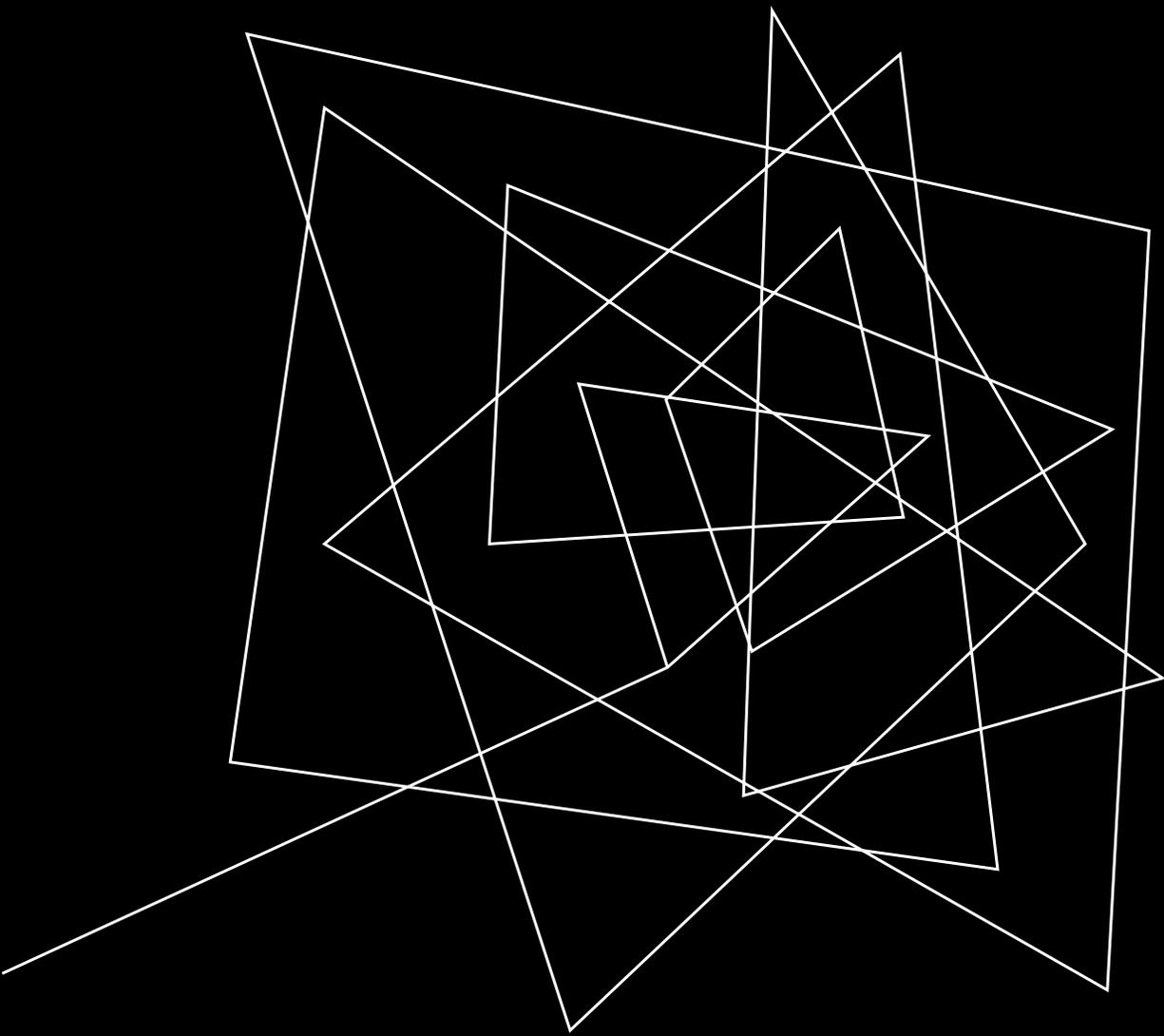
STEP 3

Decision on application is communicated. If approved, a draft agreement is sent to the researcher. The researcher is advised to seek the counsel of attorneys employed at institution prior to signing.

STEP 4

The agreement is signed prior to the researcher being permitted to undertake any studies. The researcher is responsible for acquiring necessary export permits.

TIMELINE



**ACCESS AND
BENEFIT SHARING
AGREEMENT**



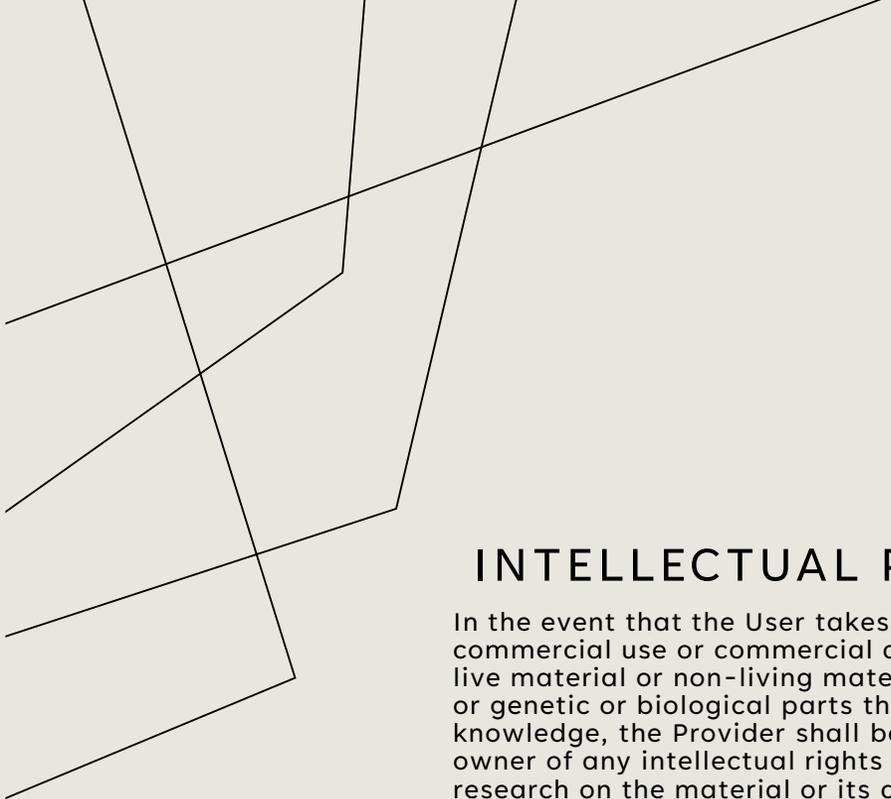
KEY PROVISIONS

DEFINITION OF BIOLOGICAL MATERIALS

*Biological Material in this Agreement means the sample as well as any elements of DNA or any form of RNA, DNA sequences, genetic information, **digital sequence data**, or other types of data or information that is generated from any activity undertaken in respect of any samples covered by this contract.*

RETENTION OF OWNERSHIP

The Government of Antigua and Barbuda retains ownership to any samples of the Biological Materials listed in the Annex. The Government also retains ownership to elements of DNA or any form of RNA, DNA sequences, genetic information, **digital sequence data**, or other types of data or information that is generated from any activity undertaken in respect of any samples covered by this contract.



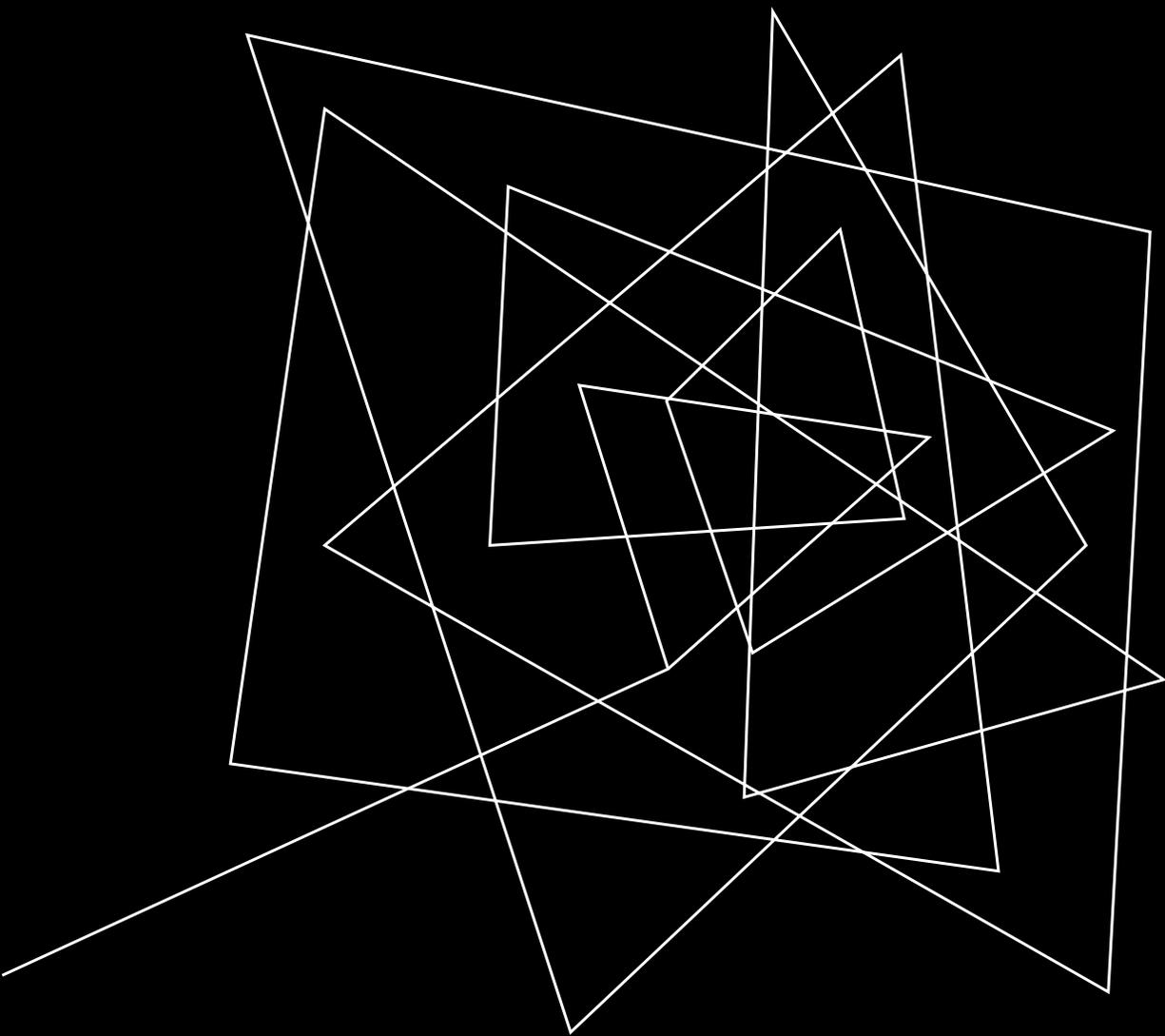
KEY PROVISIONS

INTELLECTUAL PROPERTY

In the event that the User takes any step towards commercial use or commercial activities concerning the live material or non-living material exchanged, progeny or genetic or biological parts thereof, information or knowledge, the Provider shall be entitled to, as co-owner of any intellectual rights deriving from the research on the material or its derivatives, parts of the revenue arising from any commercial use.

LIMIT ON ACTIVITIES

The User shall use the live material or non-living material exchange or progeny thereof for non-commercial, academic research activities. Non-commercial research activities includes, but is not limited to, activities such as taxonomic phenotypic characterisation. DNA screening or genotypic characterisation, and conservation in the method suitable for Biological Material (freezer, cryo or other adequate manner). The right to store the material does not extend to preparing an assay that could be made available to others than the User



EXPERIENCE ON
THE GROUND

ENFORCEMENT

NEGATIVE

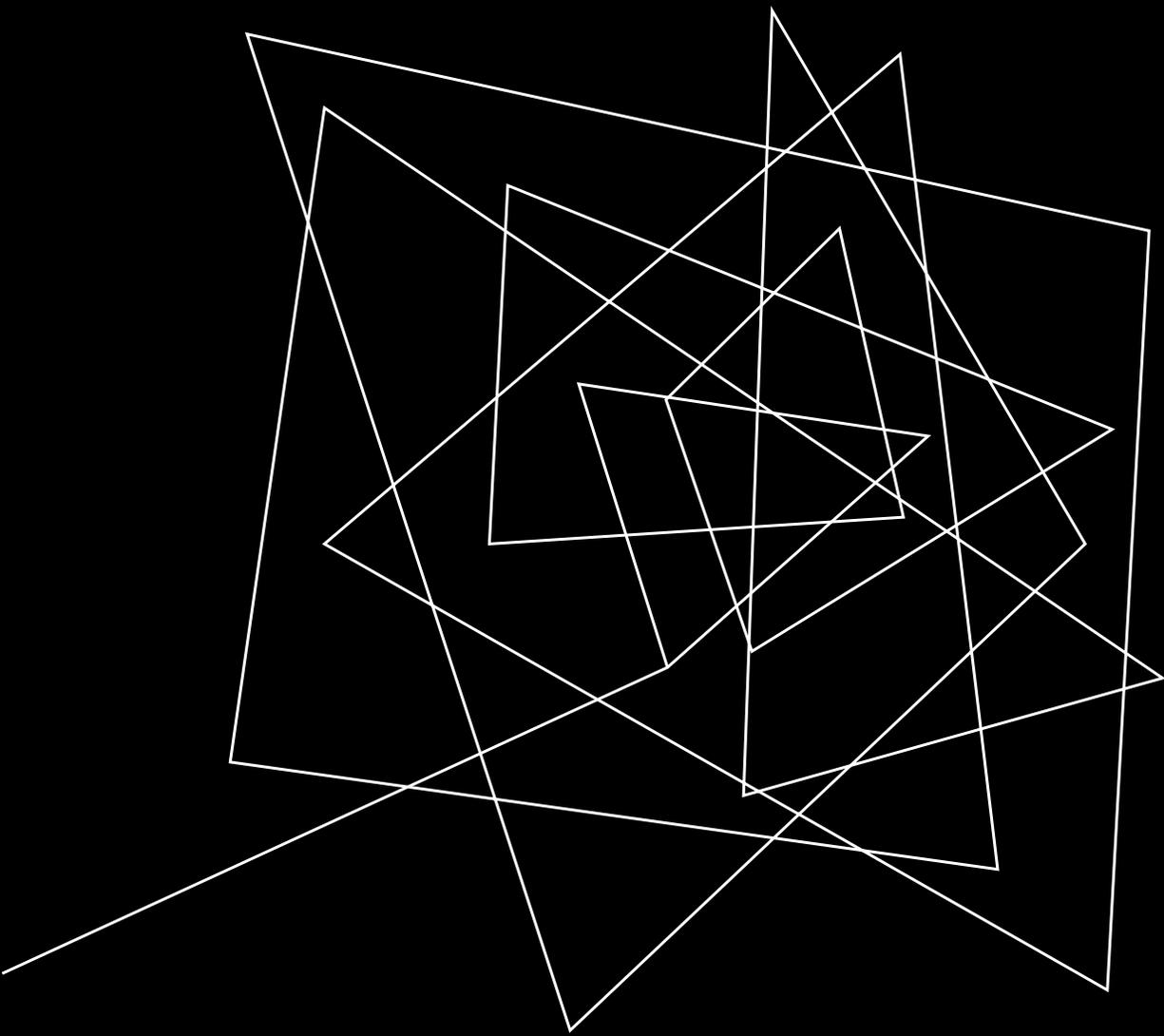
- Biopiracy
- Researchers not sharing data
- Race to the bottom/
jurisdiction shopping
- Larger “user” countries not
being in agreement with the
definition of biological
resources

NEUTRAL

- Adherence to provisions of
agreement
- Knowledge of Nagoya
Protocol

POSITIVE

- Data on A&B’s biological
resources that assists with
DOE’s projects
- Redonda Ecosystem Reserve
- Positive experiences to share
with Caribbean counterparts
to encourage them to ratify
the NP



LESSONS LEARNT

LESSON 1

ABS processes contribute to the conservation and sustainable use of natural resources as well as knowledge about our biological resources – e.g Redonda, Frigate Birds in Barbuda, sea turtles

LESSON 2

Non-monetary benefits can contribute to capacity building for a new generation of researchers particularly university students, NGO's and technicians, research and educational infrastructure.

LESSON 3

Direct monetary benefits from sample collection are not likely to be significant can help manage expectations between user and provider.

LESSON 4

Clear procedures and responsibilities are enabling factors for implementation. It is widely recognised that the implementation of clear, simple and transparent national ABS procedures and requirements make access attractive and contribute to legal certainty and successful ABS implementation.



THANK YOU

Nneka Nicholas

Nneka.Nicholas@ab.gov.ag

www.environment.gov.ag