

The Access and Benefit-Sharing Clearing-House (ABSCH)

Interim National Report on the Implementation of the Nagoya Protocol (NR)

PUBLISHED: 01 NOV 2017

General information

Country

[Honduras](#)

1. Title of this national report

Informe Provisional 2017: Primeros pasos en la Implementación del Protocolo de Nagoya en Honduras

2. Contact person

PERSON

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Institutional structures for the implementation of the Protocol

3. Has your country made the information available to the ABS Clearing-House as provided in Article 14.2?

Yes

Please provide a summary of the main difficulties and challenges encountered and answer all the following questions.

- No se han designados demás organizaciones que proporcionaran informacion pertinente nacional al Centro de Intercambio de Información sobre APB
- Centro de Intercambio de Información sobre APB no esta socializada
- No se ha generado informacion relevante sobre la implementacion del PN

Please provide further information

En el reciente curso realizado en el marco del Proyecto global ABS PNUD-GEF, se ha socializado el uso del Centro de Intercambio de Información sobre APB.

4. Has your country taken legislative, administrative and policy measures on ABS?

Yes

Please provide a summary of the main difficulties and challenges encountered in setting up these measures

- La responsabilidad de procedimientos administrativos en el otorgamiento de permisos de acceso a los recursos naturales y biodiversidad en diferentes instituciones gubernamentales, es una dificultad al momento de establecer procedimientos claros en base a las directrices del Protocolo de Nagoya.
- La población en general, representantes de gobierno y o gubernamentales y demás, carecen de capacitación y entendimiento de las directrices que establece el Protocolo
- Se carece de un diagnóstico situacional nacional sobre APB en el País para establecer
- Un desafío importante es la oficialización de los borradores de política, estrategia y ley de biodiversidad los cuales incluyen elementos esenciales para la implementación de las directrices del Protocolo de Nagoya.

Please provide further information

- Se ha establecido Como Autoridad competente en APB a la Secretaría de Energía, Recursos Naturales Ambiente y Minas (MIAMBIENTE).
- Hasta septiembre 2017, Honduras posee un borrador final de una política Nacional de Biodiversidad, una estrategia Nacional de Biodiversidad, y un borrador no oficial de la Ley de Biodiversidad

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-MSR-HN-238272-1](#)
- [ABSCH-MSR-HN-238592-1](#)
- [ABSCH-MSR-HN-238273-2](#)
- [ABSCH-MSR-HN-238738-1](#)
- [ABSCH-MSR-HN-238602-1](#)

- [ABSCH-MSR-HN-238601-2](#)
- [ABSCH-MSR-HN-238595-1](#)
- [ABSCH-MSR-HN-238641-1](#)
- [ABSCH-MSR-HN-238603-1](#)

5. Has your country designated a national focal point as provided in Article 13?

Yes

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-NFP-HN-6523](#)

6. Has your country designated one or more competent national authorities as provided in Article 13?

Yes

Please provide a summary of the main difficulties and challenges encountered for designating one or more competent national authority

Se carece de un diagnóstico situacional nacional sobre APB en el País para establecer lineamientos y responsabilidades claras para determinar más de una autoridad competente, por lo que no se ha designado quienes darán el acceso y sobre que se dará el acceso.

Use the text entry to provide further information

Se designó como ANC a la Secretaría de Energía, Recursos Naturales, Ambiente y Minas (MIAMBIENTE) bajo Acuerdo #0695-2016

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-MSR-HN-238273-2](#)

7. Has your country made available to the ABS Clearing-House permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent (PIC) and of the establishment of mutually agreed terms (MAT)?

Not applicable, since no access requirements are in place

8. Has your country made available to the ABS Clearing-House permits or their equivalent for the constitution of an internationally recognized certificate of compliance in accordance with Article 17.2?

Not applicable, since no access requirements are in place

9. Has your country designated one or more checkpoints as provided in Article 17?

No

Please provide a summary of the main difficulties and challenges encountered for designating one or more checkpoints

Se carece de un diagnóstico situacional nacional sobre APB en el País para establecer lineamientos y responsabilidades claras para determinar más de una autoridad competente, por lo que no se ha designado quienes darán el acceso y sobre que se dará el acceso.

10. Additional information:

No additional information provided

Legislative, administrative or policy measures on access and benefit-sharing (ABS measures)

Access to genetic resources (Article 6)

11. Is access to genetic resources subject to PIC as provided in Article 6.1?

No

Please provide further information including indicating if there is any other system in place in relation to access to genetic resources

No se han establecido medidas nacionales que determinen el acceso

12. Does your country have fair and non-arbitrary rules and procedures on accessing genetic resources as provided in Article 6.3 (b)?

Not applicable

13. Does your country provide information on how to apply for PIC as provided in Article 6.3(c)?

Not applicable

14. Does your country provide for a clear and transparent written decision by a competent national authority as provided in Article 6.3 (d)?

Not applicable

15. Does your country provide for the issuance at the time of access of a permit or its equivalent as provided in Article 6.3 (e)?

Not applicable

16. Please provide the number of permits or their equivalents made available through the ABS-Clearing-House since the entry into force of the Protocol for your country.

Not applicable

17. Does your country have rules and procedures for requiring and establishing MAT as provided in Article 6.3 (g)?

Not applicable

18. Benefits received since entry into force of the Protocol for your country from the utilization of:

No selection made

Use the text entry to provide further information

No procede, porque se carece de información oficial si se han otorgado permisos de acceso en el marco de implementación del Protocolo de Nagoya

19. Additional information:

Please provide a summary of the main difficulties and challenges

Se carece de un diagnóstico situacional nacional sobre APB en el País
No existe un marco nacional sobre APB.

Fair and equitable benefit-sharing (Article 5)

20. Has your country taken legislative, administrative or policy measures to implement Article 5.1 that provides that benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization are shared with the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention as provided in Article 5.3?

Yes

Use the text entry to provide further information

- La Ley General del Ambiente en su artículo 9 e) "Promover la participación de los ciudadanos en las actividades relacionadas con la protección, conservación, restauración y manejo adecuado del ambiente y de los recursos naturales";
- La Ley Forestal, Áreas Protegidas y Vida Silvestre en su artículo 3 " Lograr perpetuarlos máximos beneficios directos e indirectos que puedan derivarse para la Nación; de la flora, fauna, las aguas y los suelos existentes en las áreas forestales que se definen y, clasifican en la presente Ley"
- El reglamento de la Ley Forestal, Áreas Protegidas y Vida Silvestre en su artículo 37 párrafo 2 " Cuando la investigación involucre o afecte de alguna manera a los pueblos indígenas o afrohondureños, o a comunidades locales se deberán respetar sus prácticas tradicionales y culturales y en todos los casos, se deberá de dar oportunidad para que estos colectivos participen en el diseño, desarrollo y distribución de beneficios de los proyectos de investigación."

The ABS Clearing-House unique ID containing relevant information

- [ABSCH-MSR-HN-238603-1](#)
- [ABSCH-MSR-HN-238602-1](#)
- [ABSCH-MSR-HN-238738-1](#)

21. Has your country taken legislative, administrative or policy measures with the aim of ensuring that the benefits from the utilization of genetic resources held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared with the indigenous and local communities concerned as provided in Article 5.2?

Yes

Use the text entry to provide further information

- La Ley General del Ambiente en su artículo Artículo 70. "El patrimonio antropológico, arqueológico, histórico, artísticos, cultural y étnico, así como su entorno natural, están bajo la protección del Estado; Artículo 71. Las étnicas autóctonas tendrán especial apoyo estatal en relación con sus sistemas tradicionales de uso integral de los recursos naturales renovables, los cuales deberán ser estudiados a fin de establecer su viabilidad como modelo de desarrollo sostenible. El desarrollo futuro de estos grupos deberá incorporar las normas y criterios de desarrollo sostenible ya existente
- La Ley Forestal, Áreas Protegidas y Vida Silvestre en su artículo 3 " Lograr perpetuarlos máximos beneficios directos e indirectos que puedan derivarse para la Nación; de la flora, fauna, las aguas y los suelos existentes en las áreas forestales que se definen y, clasifican en la presente Ley"
- El reglamento de la Ley Forestal, Áreas Protegidas y Vida Silvestre en su artículo 37 párrafo 2 " Cuando la investigación involucre o afecte de alguna manera a los pueblos indígenas o afrohondureños, o a comunidades locales se deberán respetar sus prácticas tradicionales y culturales y en todos los casos, se deberá de dar oportunidad para que estos colectivos participen en el diseño, desarrollo y distribución de beneficios de los proyectos de investigación."

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22. Has your country taken legislative, administrative or policy measures in order that benefits arising from the utilization of traditional knowledge associated with genetic resources are shared with indigenous and local communities holding such knowledge as provided in Article 5.5?

Yes

Use the text entry to provide further information

- La Ley General del Ambiente en su artículo Artículo 70. "El patrimonio antropológico, arqueológico, histórico, artísticos, cultural y étnico, así como su entorno natural, están bajo la protección del Estado; Artículo 71. Las étnicas autóctonas tendrán especial apoyo estatal en relación con sus sistemas tradicionales de uso integral de los recursos naturales renovables, los cuales deberán ser estudiados a fin de establecer su viabilidad como modelo de desarrollo sostenible. El desarrollo futuro de estos grupos deberá incorporar las normas y criterios de desarrollo sostenible ya existente
- La Ley Forestal, Áreas Protegidas y Vida Silvestre en su artículo 3 " Lograr perpetuarlos máximos beneficios directos e indirectos que puedan derivarse para la Nación; de la flora, fauna, las aguas y los suelos existentes en las áreas forestales que se definen y, clasifican en la presente Ley"
- El reglamento de la Ley Forestal, Áreas Protegidas y Vida Silvestre en su artículo 37 párrafo 2 " Cuando la investigación involucre o afecte de alguna manera a los pueblos indígenas o afrohondureños, o a comunidades locales se deberán respetar sus prácticas

tradicionales y culturales y en todos los casos, se deberá de dar oportunidad para que estos colectivos participen en el diseño, desarrollo y distribución de beneficios de los proyectos de investigación."

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23. Additional information:

Please provide a summary of the main difficulties and challenges for putting measures in place

Las medidas mencionadas son las establecidas previamente a la ratificación del Protocolo de Nagoya, son medidas generales las cuales no especifican aspectos claros expresados en el Protocolo de Nagoya.

Compliance with domestic legislation or regulatory requirements on ABS (Article 15 and Article 16) and monitoring the utilization of genetic resources (Article 17)

24. Has your country taken appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources utilized within your jurisdiction have been accessed in accordance with PIC and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the other Party as provided in Article 15.1?

No

25. Has your country taken appropriate, effective and proportionate legislative, administrative or policy measures to provide that traditional knowledge associated with genetic resources utilized within your jurisdiction has been accessed in accordance with PIC or approval and involvement of indigenous and local communities and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the other Party where such indigenous and local communities are located as provided in Article 16.1?

No

26. Does your country require users of genetic resources to provide information related to PIC, to the source of the genetic resource, to the establishment of MAT and/or utilization of genetic resources at a designated checkpoint, as appropriate, as provided in Article 17.1 (a)(i) and (ii)?

No

27. Has your country provided the information referred to in Article 17.1 (a)(i) to relevant national authorities, to the Party providing PIC and to the ABS Clearing-House as provided in Article 17.1 (a)(iii)?

No

28. Has your country taken measures to encourage users and providers to include provisions in MAT to share information on the implementation of such terms as provided in Article 17.1(b)?

No

29. Is your country encouraging the use of cost-effective communication tools and systems as provided in Article 17.1 (c)?

No

30. Additional information:

No additional information provided

Compliance with mutually agreed terms (MAT) (Article 18)

31. Is your country encouraging the inclusion of provisions in MAT to cover dispute resolution as provided in Article 18.1 (a) (b) and (c)?

Not applicable, since no access requirements are in place

32. Does your country ensure that opportunity to seek recourse is available under your legal systems in cases of disputes arising from MAT as provided in Article 18.2?

No

33. Has your country taken measures regarding the following points as provided in Article 18.3?

Access to justice?

No

Utilization of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards?

No

34. Additional information:

No additional information provided

Special considerations (Article 8)

35. In the development and implementation of ABS legislation or regulatory requirements has your country:

Created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research as provided in Article 8(a)?

No

Paid due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health as provided in Article 8(b)?

No

Taken into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources, including access to affordable treatments by those in need, especially, in developing countries as provided in Article 8(b)?

No

Considered the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8 (c)?

Yes

Please provide further information

Honduras es parte del Tratado Internacional sobre los Recursos Fitogenéticos para la Alimentación y la Agricultura desde 2004, a través de la Secretaría de Agricultura y Ganadería.

36. Additional information:

Please provide a summary of the main difficulties and challenges for putting measures in place

No se cuenta con un marco nacional sobre APB para incluir los elementos antes mencionados

Provisions related to indigenous and local communities (Articles 6, 7 and 12)

37. Does your country have indigenous and local communities?

Yes

Use the text entry to provide further information

Honduras país multiétnico y multicultural, posee 7 comunidades o pueblos indígenas: Pech, Maya-Chortí, Lenca, Miskitus, Nahua, Tolupanes y Tawahka y 2 comunidades o pueblos afrohondureños: Garífunas y negros de habla inglesa

38. Do indigenous and local communities have the established right to grant access to genetic resources according to your domestic law? (Article 6.2)

No

39. In accordance with domestic law has your country taken measures with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities within your country is accessed with the PIC or approval and involvement of these indigenous and local communities and that MAT have been established as provided in Article 7?

No

40. In implementing the Protocol and in accordance with your domestic law, is your country taking into consideration indigenous and local communities' customary laws, community protocols and procedures with respect to traditional knowledge associated with genetic resources as provided in Article 12.1?

No

41. Has your country established mechanisms to inform potential users of traditional knowledge associated with genetic resources about their obligations as provided in Article 12.2?

No

42. Is your country supporting the development by indigenous and local communities of the following tools as provided in Article 12.3?

Community protocols

No selection made

Please provide further information on how your country is supporting the development of community protocols

Protocolo biocultural Miskito

Minimum requirements for mutually agreed terms

No selection made

Model contractual clauses

No selection made

43. Has your country endeavoured not to restrict the customary use and exchange of genetic resources and associated traditional knowledge within and among indigenous and local communities as provided in Article 12.4?

Yes

Use the text entry to provide further information

Honduras es parte del Convenio #169 de la Organización Internacional del Trabajo sobre pueblos indígenas y tribales . Ley Forestal Áreas, protegidas y vida silvestre en su artículos #108 y 133, y su reglamento artículo #37

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◦ [ABSCH-MSR-HN-238602-1](#)

44. Additional information:

No additional information provided.

Contribution to conservation and sustainable use (Article 9)

45. Is your country encouraging users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and sustainable use of its components as provided in Article 9?

No

Use the text entry to provide further information

No se ha establecido una norma nacional referente

46. Please indicate how the implementation of the Nagoya Protocol has contributed to conservation and sustainable use of biodiversity in your country:

Se desconoce aún el alcance que se ha tenido

47. Additional information:

No additional information provided.

Transboundary cooperation (Article 11)

48. Is your country endeavouring to cooperate, with the involvement of indigenous and local communities concerned, with a view to implementing the Protocol in instances where the same genetic resources are found in situ within the territory of more than one Party as provided in Article 11.1?

No

If your country has indigenous and local communities, please provide further detail of their involvement

No se ha establecido una norma nacional referente.

49. Is your country endeavouring to cooperate with a view to implementing the Protocol in instances where the same traditional knowledge associated with genetic resources is shared by one or more indigenous and local communities in several Parties as provided in Article 11.2?

No

50. Additional information:

No additional information provided

Model contractual clauses, codes of conduct, guidelines and best practices and/or standards (Article 19 and 20)

51. Is your country encouraging the development, update and use of model contractual clauses for MAT as provided in Article 19?

No

52. Is your country encouraging the development, update and use of codes of conduct, guidelines and best practices or standards as provided in Article 20?

No

53. Additional information:

No additional information provided

Awareness-raising and capacity (Article 21 and 22)

54. Has your country taken measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues as provided in Article 21?

Yes

Has your country taken measures to implement the awareness-raising strategy for the Nagoya Protocol on ABS?

No

Use the text entry to provide further information

Se han establecidos mesa de trabajo sobre APB y Patrimonio biocultural del país
Bajo el marco del Proyecto global ABS PNUD-GEF, se desarrollarán mecanismos para el aumento a la concienciación y capacidades nacionales sobre APB

55. Has your country taken measures to build and develop capacity and strengthening of human resources and institutional capacities to effectively implement the Protocol as provided in Article 22?

Yes

Has your country taken measures to implement the strategic framework for capacity-building and development to support effective implementation of the Nagoya Protocol on ABS?

No

Use the text entry to provide further information

-Transversalización de APB durante el Primer Congreso Nacional sobre Diversidad Biológica: Honduras Biodiversa
- Jornadas de capacitaciones nacionales para la Mesa de Patrimonio Biocultural
- Curso: retos para el diseño y ejecución de Marcos Nacionales para la implementación del Protocolo de Nagoya, para bajo el marco de ejecución del Proyecto Global de ABS PNUD-GEF

56. Has your country received external support for building and developing capacity for the implementation of the Nagoya Protocol?

Yes

Use the text entry to provide further information

- 1). GEF a través del Proyecto Global "Fortaleciendo los recursos humanos, los marcos legales y Capacidades institucionales para implementar el Protocolo de Nagoya" Proyecto Global ABS PNUD-GEF
- 2). Del Gobierno Alemán a través de:
 - a). Proyecto Binacional Honduras/Nicaragua: Proyecto Conservación de la Diversidad Biológica y Desarrollo Local en el Corredor Biológico Mesoamericano
 - b). Programa "Promoción del Potencial Económico de la Biodiversidad de Manera Justa y Sostenible para poner en Práctica el Protocolo de Nagoya en Centroamérica y República Dominicana" Programa ABS/CCAD-GIZ
- 3). IDLO-SCDB
- 4). OMPI

57. Has your country provided external support for building and developing capacity for the implementation of the Nagoya Protocol?

Yes

Use the text entry to provide further information

Programa "Promoción del Potencial Económico de la Biodiversidad de Manera Justa y Sostenible para poner en Práctica el Protocolo de Nagoya en Centroamérica y República Dominicana" Programa ABS/CCAD-GIZ

58. Additional information:

No additional information provided

Technology transfer, collaboration and cooperation (Article 23)

59. Is your country collaborating and cooperating in technical and scientific research and development programmes as a means to achieve the objective of the Protocol as provided in Article 23?

No

Optional additional information

60. Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol.

No additional information provided

61. Has your country established a mechanism for budgetary allocations of funds for the implementation of the Nagoya Protocol?

No

62. a) Has your country made financial resources available to other Parties or received financial resources from other Parties or financial institutions for the purposes of implementation of the Protocol as provided in Article 25?

Financial resources have been received

Yes

From other Parties

Yes

Please provide further information

GEF a través del Proyecto Global ABS PNUD-GEF

62. b) Please provide information on experiences related to the mobilization of resources in support of the implementation of the Protocol.

No information provided

62. c) Please provide information on the status of funds mobilized in support of the implementation of the Protocol.

No information provided

63. Does your country have specific staff to administer functions directly related to the implementation of the Nagoya Protocol?

Yes

Please indicate how many

Less than 10

Please provide a summary of the main difficulties and challenges encountered

- Falta de coordinacion y comunicacion entre instituciones que generan la información
- Desconocimiento de la aplicacion del PN, ya que no ha sido transversalizado en sus planificaciones
- Acciones aisladas
- No hay una plataforma unica para consolidacion y sistematizacion de la informacion nacional sobre APB
-

64. Any other relevant information:

No information provided

Comments in the reporting format

66. Please provide any comment that you may have regarding the format of this report:

- Falta de capacitación sobre como llenar el informe.
- Deben de estar disponibles los "registros de referencia" y las "organizaciones no nacionales" de la base del ABSCH, para agregar enlaces correspondientes en el llenado del informe.
- Da la impresión que se duplica ciertas preguntas.

 [ABSCH-NR-HN-238742-1](#)

Further Information

Questions about the Nagoya Protocol on Access and Benefit-sharing or the operation of the Access and Benefit-sharing Clearing-House may be directed to the Secretariat of the Convention on Biological Diversity.

Secretariat of the Convention on Biological Diversity

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