

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

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

PUBLISHED: 07 DEC 2017

#### General information

##### Country

[Lao People's Democratic Republic](#)

##### 1. Title of this national report

**Interim national report on the implementation of the Nagoya Protocol**

##### 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

##### 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

There are several difficulties and challenges in setting up the ABS legislation including diverse stakeholders which some of them have their systems already in place; limited of awareness and knowledge; and the official legislative procedures. First, there is a number of stakeholders/sectors involving in the NP implementation such as agriculture, forestry, environment, health, academic and biotechnology that take times to receive consensus. Second, many stakeholders are unaware that access and benefit sharing system is existing and they are not sure how could be implanted to meet the needs of the Nagoya Protocol. For example, Memorandum of Understanding/Memorandum of Agreement or project agreements commonly apply for biological resource cooperation projects between providers and users with provisions of sharing benefit from genetic resources. Basically, the existing procedures for collecting biological resources is to have official permission from providers or the host institutes that indicate purposes, activities, benefits, users, range of collecting duration and other concerned information.

Third, establishing a specific ABS regulation is considered to be a better choice for the country to avoid complicated issue of diverse interests and lack of harmonization with existed related legislations. In terms of supporting the specific ABS legislation establishment, Traditional Knowledge and Access to and Benefit Sharing of Genetic Resources has addressed in Article 22 and Article 24 of Biotechnology Safety Law (2014). These two articles are extended to draft the ABS Decree recently together with the ABS framework (2013) implementation. However, the legislative process in the country includes several consultations/public hearings with concerned stakeholders. The involved stakeholders for adopting and supporting the decree is to increase legal certainty and applicable measure to meet the needs of relevant sectors.

Moreover, the implementable instrument is another concern to meet demands of research and development and benefit sharing of genetic resource utilization. Compliance mechanism is also considered as a major challenge for tracking and monitoring perspectives.

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

Yes

Please provide a summary of the main difficulties and challenges encountered for designating a national focal point

Ministry of Science and Technology has appointed by the Lao government to be the national focal point after the NP ratification in 2012. Overall, it seems there was no problem to identify who should be the NP-NFP, but the official nomination might be a challenge due to a long nomination procedure. The NFP assistants is currently in the process of endorsement by the NFP to SCBD for assisting in the NP implementation and coordination.

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◦ [ABSCH-NFP-LA-1291](#)

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

Effective coordination mechanism might be a challenge dealing with more than one national competent authorities.

Use the text entry to provide further information

Chapter III: ABS administrative system is a key content which is addressed in the Lao ABS Framework (2013). Ministry of Science and Technology with duties and functions is designated to play the role of ABS National Competent Authority in the national framework on ABS that were approved by concerned stakeholders. However, the country is in the process of drafting the ABS Decree that the National Competent Authority should be clearly identified and adopted for referring officially. The official NCA will then submit to the ABS Clearing House after entering into force of the ABS legislation.

The ABS Clearing-House unique ID containing relevant information

◦ [ABSCH-MSR-LA-238428-1](#)

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)?

No

Please provide a summary of the main difficulties and challenges encountered for making this information available

There is a major challenge dealing with prior informed consent for NP implementation. While the country is currently developing the specific ABS decree, there are access requirements from individuals and organizations internationally to NFP. This is an urgent task that should be created in order to facilitate the requests. National registration and ABS permit are applied temporarily based on existing system and regulations.

Use the text entry to provide further information.

Contracts and/or agreements, for example, MOA, MTA, and MOU are applying into the utilization of genetic resources and traditional knowledge associated with genetic resources that lay down the terms and conditions for the research activities. Based on the NP provision, the agreements might be seen as prior informed consent equivalents and use for permission as well mutually agreed terms.

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?

No

Use the text entry to provide further information

Please see the answer in question 7 above

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

No

Use the text entry to provide further information

Administrative system on ABS has been addressed in the Lao ABS framework under Chapter III. Identify checkpoints will also include in the ABS decree for monitoring and enhancing transparency about the utilization of genetic resource. Additionally to custom, Lao PDR has border physical checkpoints under Ministry of Agriculture and Forestry that plays a significant role on control and prevention including the requirements of users of genetic resources to provide related information and transfer material permission from concerned authorities.

The ABS Clearing-House unique ID containing relevant information

◦ [ABSCH-MSR-LA-238428-1](#)

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

Use the text entry to provide further information

Refer to what Nagoya Protocol has defined the requirements of prior informed consent before accessing to genetic resources, national registration and ABS permit are currently applied temporarily based on existing system and regulations for implementing the protocol as a party (see also answer question 7 above). Or the users can follow existing permission which is highlighted in the following paragraphs.

The country is in the process of making a specific ABS regulation for having a single window in the aspect of access to genetic resources. It might call entering permission or informing letter which is commonly used nationwide by concerned sectors such as government agencies, research institutes, and universities as the prior informed consent system. In terms of scientific research

projects, the government agencies have used official permission to facilitate and refer to when having exchange of genetic materials such as agricultural crops. Transfer material agreement has applied within several sectors such as research institutes and academic projects depending on the agreements, needs and obligations.

In relation to medicinal resources, there is a list of Medical Natural Resources controlled by Research Institute of Traditional Medicinal, Ministry of Health that the requirements of permission need to be done before access to the pharmaceutical resources under Pharmaceutical Natural Resource No. 155/PM, dated 30th September 2003 and the Instruction on the Implementation of Decree on Medical Natural Resources No. 252/MoH, 2007. For genetic resources are under agriculture sector, there is the Minister Declaration on Management and Agricultural Plant Utilization, ref 3919/DA, dated 12 December 2012 which is indicated the exchange crops for R&D, production and commercialization need to ask permission from Ministry of Agriculture and Forestry. For example: for exchange crops activities should apply for (1) Phyto Sanitary Certificate; (2) Material Transfer Agreement (MTA); and (3) Import or Export Permission. In addition, Lao PDR is a party of IGPRFA, so STMA is applied for the resource exchanges.

In Wildlife and Aquatic Law (2007), Article 35: Permission to operate Business from Wildlife and Aquatic. Individuals and organizations intend to operate businesses from wildlife and aquatic are required an approval from the agriculture and forestry sector and are required to register such enterprise as prescribed in the enterprise law and other related laws and are required to practice as following: (1) Use of wildlife and aquatic in the prohibition category list require the permission from the government; (2) Use of wildlife and aquatic in the management category list require the permission from MAF; (3) Use of wildlife and aquatic from the common or general category list requires the permission from provincial and capital city agriculture and forestry divisions.

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:  
Genetic resources

Yes

Non-monetary benefits

Yes

Training, scientific and information exchange, equipment and publications

Traditional knowledge associated with genetic resources

Yes

Non-monetary benefits

Yes

Training, scientific and information exchange and publications

Use the text entry to provide further information

A number of individuals and organizations in both domestically and internationally have increased to seek ABS information after entering into force of the protocol (can also see the answer in question 7 above). This can be seen by seeking the ABS consultation on material transfer agreements especially in fauna and flora from related projects within the country. Legal instruments, procedures (PIC&MAT) and how to receive access permit are common questions asking from foreign individuals and organizations. The utilization of genetic resource allows local livelihood benefits (income and jobs) for rural population and traditional users by ethical Bio-trade principles and ABS schemes.

19. Additional information:

Please provide a summary of the main difficulties and challenges

Functional ABS system is a complex aspect of obtaining access to genetic resource. A challenge is identified while in the process of establishing a functional system on ABS on the basic of clear obligations on GR users especially private sectors for confidential information and tracking mechanism. Another difficulty is to understand terms of GR due to relevant to several government agencies and communities including fauna, flora and microorganism. One example might be foreseen with regard to the interaction between communities protocols and culture practice in the one hand, and legal instruments on the other hand.

Additionally, special consideration is also concerned that should be required in both legal and institutional arrangements in relation to access and utilization of GR for food and agriculture.

#### 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

Government policy and administrative system are determined in the National Framework on the Access to Genetic Resources and the Fair and Equitable Sharing Benefit Arising from their Utilization. Benefit sharing mechanism is highlighted with monetary and non-monetary benefits are also included as examples in the framework.

The country now is in the process of drafting the ABS Decree which are extended from Article 22 and Article 24 on Traditional Knowledge and Access to and Benefit sharing of GR respectively under Biotechnology Safety Law (2014). In the Article 22 provision is highlighted the use of resources consistent with environmental conditions, conservation, and the sustainable use of genetic resource, and shall share benefits equally and legitimately, as well as being able to access the transfer of relevant biotechnology appropriately.

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◦ [ABSCH-MSR-LA-238954-1](#)

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

The National ABS Framework (2013) provides comprehensive guidelines on traditional knowledge associated with genetic resources held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of them.

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◦ [ABSCH-MSR-LA-238428-1](#)

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

Generally, there is an existing procedure of permitting system that are concerned with traditional knowledge or traditional medicine. Local communities are included and invited to participate in related activities; e.g. medicinal process that we include them in the survey; head of village usually tasked to call other members of communities to join the activities. Moreover, licensing/permitting system for the use of natural resources at the level of provinces/prefectures are also existing. In addition, Drug and Medical Product Law (2011) covers traditional medicine that registrations for both imported products and local traditional medicine are requested for applying the permission from Department of Food and Drug, Ministry of Health.

Under the National ABS Framework (2013) the benefits sharing from the utilization of traditional knowledge associated with genetic resources are also shared in a fair and equitable way with indigenous and local communities holding such knowledge and that such sharing should be upon mutually agreed terms. Specific provision on Traditional Knowledge is highlighted in Chapter I of Government ABS policy under 1.2.6.

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23. Additional information:

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

A difficulty identified is to deal with sharing benefit arising from the use of the traditional knowledge. It should be a great support provided by the SCBD secretariat to build the capacity for the parties and share more on this topic and experience. Establish traditional knowledge data base should be done in the written form to use as the reference and should get along well with IP aspect.

#### 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

Use the text entry to provide further information

Laos is in the process of developing the ABS Decree which will cover the provisions.

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

Use the text entry to provide further information

Laos is in the process of developing the ABS Decree which will cover the provisions. See the answer of question 22 above for how local indigenous and local communities are included in the genetic resource activities.

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 selection made

Use the text entry to provide further information

The ABS Decree will include the national designated checkpoints for receiving relevant information for prior informed agreement before or during the mutually agreed terms with domestic partners under the Nagoya Protocol. Relevant information is requested by providers from users of genetic resources prior to the Nagoya Protocol. While we are waiting for the official procedure based on the specific ABS regulation, the National Contact Point plays therefore this role today to request related information from users to facilitate as a domestic registration of access to genetic resources. See also answer in question 7 for more detail on the national access registration and ABS permit.

Transfer Material Agreement is applied for research and development in the area of biological resource in case of exchange materials are agreed among the parties together with certificates of the origin. There's an existing checkpoints of Ministry of Agriculture and Forestry for physical checkpoints under Law on Plant Protection and Quarantine (Amended) No 15/NA, dated 15 November 2017.

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

Please provide a summary of the main difficulties and challenges

There is only R&D projects ongoing cooperation so far, this information therefore does not available.

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)?

Yes

Use the text entry to provide further information

Although the specific ABS regulation is not yet officially adopted in the country, users and providers are already covered in existing MOA; e.g. when we have cooperation agreement; we have steering committee; there is a reporting system in place, usually at six-month intervals.

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

Yes

Please provide further information on how your country is encouraging the use of cost-effective communication tools and systems

Cost effective and implementable regulation is our aim to work on the ABS Decree which will also include communication gateways. Basic communication is based on electronically.

30. Additional information:

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

Monitoring and tracking tools for the genetic resource used seems to be a complicated system especially international context.

#### 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)?

Yes

Use the text entry to provide further information

Dispute resolution is a mandatory clause which must be indicated in all access agreements (e.g. MOU/MOA/project agreements). Mutual consultation and negotiations are encourage between the parties as primary approach.

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?

Yes

Use the text entry to provide further information

If disputes cannot be resolved by negotiations between the parties, then Contract Law (2008) will be applied through reconciliation, mediation, arbitration to judicial legal action. The ABSCH should be used also to seek resource in case of disputes arising.

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

Access to justice?

Yes

Please provide further information

This is mentioned in above question 32 and the specific provision will be included in the ABS Decree.

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)?

Yes

Please provide further information

Research and development promotion is prioritized in the 8th Five Year National Socio-economic Development Plan 2016-2025. There are at least specific policy instruments are extended in accordance with relevant provisions of conservation and sustainable use of biological diversity including National Biodiversity Strategy and Action Plan 2016-2025; and National Argo-biodiversity Programme and Action Plan II 2015-2025. The special consideration is covered under the Framework on Access to Genetic Resources and the Fair and Equitable Sharing of Benefit Arising from their Utilization (2013) where create conditions to promote and encourage research which contributes to the conservation and sustainable use of genetic resources through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research.

In accordance to the relevant genetic resources within the territorial jurisdiction of Lao PDR and more specifically the access of these resources for the following activities: Survey, harvesting and processing of forest products (Forestry Law 2007); Scientific researches in products of wildlife (Wildlife and Aquatic Animal Conservation Law 2007); Processing of agricultural products, scientific and technical processing of seeds, animal species (Agriculture Law 2011); Scientific-research on fisheries (Fisheries Law 2009); Scientific study and research on the development of livestock production (Law on Livestock Production and Veterinary Matters (Amended) No.08/NA dated 11 November 2016; Control plants and plant products in both import and export (Law on Plant Protection and Quarantine (Amended) No. 31/NA dated 15 November 2016. Pharmaceutical genetic resources and exploration of medicinal natural resources (Decree on Natural Resources for Medicines 2007; Law on Drugs and Medical Products 2012); Collection of plant varieties that exists generally and from there is derived certain improvements where they become new plant varieties (IP law 2011); Plant varieties discovered in nature and further developed to become a new plant variety (IP law 2011). The country is in the process of IP Law amendment that traditional knowledge and geography identification will be covered for promoting and conserving specific genetic resources.

There is no fees for non-commercial research purposes that apply to scientific study based genetic resource utilization currently. Material Transfer Agreement is required when exchange genetic materials are conducted with agreement among the parties. Lao PDR is in the process of developing the ABS Decree that should be compatible with the existing laws and regulations; and simplified procedures will be highlighted to promote and encourage research.

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)?

Yes

Please provide further information

According to WHO mission report (2017) from the Joint External Evaluation of International Health Regulation (IHR) Core Capacity, Laos has made a strong progress in improving national public health in the area of IHR communication, coordination and advocacy; surveillance, National Laboratory Capacity; and multi-sectoral outbreak response. The country has established a surveillance system to detect acute public health events and has trained rapid response teams that can be quickly deployed to respond to outbreaks.

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)?

Yes

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

Laos is a party for ITPGRFA that genetic resources for food and agriculture has applied SMTA.

36. Additional information:

No additional information provided

#### 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

Laos does not have indigenous people. There are 49 officially recognized ethnic groups in Laos representing four ethno-linguistic families: Tai-Kadai, Mon-Khmer, Hmong-Mien and Tibeto that can call local communities. They have very different customs, religions and lifestyles which are also diverse of traditional knowledge.

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

Use the text entry to provide further information

The local communities are considered as an important aspect to deal with conservation and sustainable use of genetic resources and associated TK. Targeted communities are informed based on local procedures to deal with permitting system of using natural resources.

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

Use the text entry to provide further information

See also answers in question 22 and question 38

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

Use the text entry to provide further information

Structure management authorities in the country are divided into two levels as central or national and local authorities (the local authorities are a range from provincial, district to village levels). Community permission and involvement therefore are implemented as an official procedure through the heads of villages in order to respect the local communities especially in access to genetic resource and traditional knowledge.

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

Use the text entry to provide further information

If the ABS Decree is adopted by the government, it should be posted in the ABSCH and the potential users can also access relevant information on traditional knowledge associated with genetic resources.

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

Community protocols

Yes

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

Community participation in development projects is one of the Lao government priority in order to support the government policy of poverty reduction. Many government departments and related development agencies are undertaking conservation and sustainable use of biodiversity projects. Local communities play a very significant role in the decision making process, community managed conservation and understand community needs as well as legal aspects. As a result, community protocols are developed and endorsed by the local communities.

Minimum requirements for mutually agreed terms

Yes

Please provide further information on how your country is supporting the development of minimum requirements mutually agreed terms

Minimum requirements for manually agreed terms to secure benefit sharing from the utilization of traditional knowledge associated with genetic resources will be included in the ABS Decree. While we are waiting for the specific ABS legislation, information relevant to traditional knowledge for genetic resource utilization is required to be provided in the request application form for the national ABS registration and permit.

Model contractual clauses

Yes

Please provide further information on how your country is supporting the development of model contractual clauses

Model contractual clauses for benefit sharing arising from the utilization of TK associated with GR will be established including the ABS contract. Transfer Material Agreement have been developed and used among stakeholders dealing with genetic resource projects.

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

Individuals and organizations who are Lao citizens are exempted for non-commercial purposes of the customary use and exchange of genetic resources and associated traditional knowledge within the country in order to promote research and knowledge exchange.

44. Additional information:

Please provide a summary of the main difficulties and challenges for putting measures in place in relation to traditional knowledge associated with genetic resources

Traditional knowledge is passed by generations to generations, so gathering the knowledge in the database form is a crucial part to work on traditional knowledge associated with genetic resources. Moreover, TK and IP are very close relation which is a challenge for putting measures in place. This issue should be provided more building capacity from SCBD and other concerned development agencies such as UNCTAC.

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?

Yes

Use the text entry to provide further information

It has been a growing recognition on the importance of biodiversity conservation and sustainable utilization of genetic resources. The ABS National Policy recognizes the abundance of forest and water resources which cover the entire length of the country. Although is still rich in natural resources, its biodiversity has been negatively impacted by developments including agricultural expansion forest extraction, mining as well as infrastructure and dam construction. Considering this circumstance, we can say that it is time to put more efforts than raise awareness on biodiversity conservation, benefit sharing from the utilization of genetic resources should be in place to provide incentive for both users and providers to conserve the genetic resources.

The Nagoya Protocol Ratification is an effort done by the Lao government for meeting demands of conservation and sustainable use of biodiversity. The country has established the National Framework that include relevant stakeholders in order to use as a guidance on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the CBD. ABS has then introduced into the country strategies such as biodiversity and agro-biodiversity.

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

This has been addressed in question 45 above.

The NP implementation has allowed an integration opportunity to concerned organizations and people working in the area of conservation. It has also facilitated the country in developing relevant implementing instruments. This can be seen in the process of establishment of the national ABS framework, biodiversity strategy and the national agro-biodiversity programmes.

The NP implementation has illustrated fully respect for genetic resource owners. Communities particularly can participate in the conservation and research project activities which has led to enhance their livelihoods with sustainable use of genetic resources.

The ABS Clearing-House unique ID containing relevant information

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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

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:

Please provide a summary of the main difficulties and challenges

There is no experience or cases on the matter. However, if there is a case Lao PDR is willing to cooperate with a view to implementing the protocol. It would be great idea if SCBD can build capacity for parties on this particular issue for being a case study eg. internationally, regionally or domestically.

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?

Yes

Use the text entry to provide further information

This has been already addressed under question 42 above

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?

Yes

Use the text entry to provide further information



The ABS framework is using as the ABS guidance while we are waiting for the ABS Decree. Technical guidelines will be developed for supporting the decree.

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53. Additional information:

Please provide a summary of the main difficulties and challenges

Best practices and lesson learn should be shared among the parties by SCBD

#### 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?

Yes

Please provide a summary of the measures taken

Mechanisms for Public Education Awareness and Participation has established under Chapter IV of the National ABS Framework (2013). The purpose is to make people aware of biodiversity and has knowledge of fair and equitable sharing benefits from genetic resource utilization, including by appropriate access to GR, and by appropriate transfer of relevant technologies, taking into account rights over the resources and technologies, and by appropriate funding, thereby contributing to conservation and sustainable use of biological resources.

Some activities have been conducted on awareness raising. They are (1) reports on the ABS project activities; a set of published awareness raising materials in local language such as ABS Simply Explained video, ABS framework, lessons learned and good practice on ABS implementation, newspaper and magazine. These materials are distributed to concerned stakeholders and universities.

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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?

Yes

Please provide a summary of the measures taken

The Lao government ratified the Nagoya Protocol in September 2012 and designated the national contact point from Ministry of Science and Technology (MOST). The ABS framework was established in 2013 with stakeholder consultations. Building capacity is a key principle that is highlighted in the National ABS Framework 2013. Technical Service and Genetic Resource Divisions were then created in 2015 at Biotechnology and Ecology Institute, MOST to assist the national focal point of Nagoya Protocol based on technical and coordination supports domestically and internationally.

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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

Lao PDR participated in the regional project of Building Capacity for Regionally Harmonized National Processes for Implementing CBD Provisions on Access to genetic Resources and Sharing Benefits from April 2012 to February 2013. The main objective was to help the Lao government to ratify the Nagoya Protocol. The project budget is 33,000 US\$ supported by the ACB-UNEP-GEF is 24,000 US\$ and the rest is from the government contribution. This project was extended from August to October 2013 with extra funds of 10,000 US\$ for develop and publish appropriate awareness materials and conduct awareness raising activities; publish manuscript of national ABS framework; and document and publish lessons learned of good practices on ABS implementation.

Lao PDR was included in the regional project of Building Capacity of Countries in Support of the Development and Implementation of National ABS Frameworks. The project was implemented from June 2015 to March 2016 with 22,400 US\$ supported by ACB-UNEP China. The project aims to provide technical support for developing ABS framework and regulation. The draft ABS Decree has developed with the support of Division of Environmental Law and Conventions under the UNEP program 4.22.1 Strengthening Institutional Capability of Countries in Environmental Law through Training, Technical Assistance, Sharing Expertise and Legal Guidance Materials. The amount of budget is 10,000 US\$ from UNEP and from the government.

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

Share information, experiences in national ABS framework and awareness raising with other parties.

The ABS Clearing-House unique ID containing relevant information

◦ [ABSCH-MSR-LA-238428-1](#)

58. Additional information:

Please provide a summary of the main difficulties and challenges

The country would like to seek support from GEF in order to build capability for implementing the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing. An urgent task now for Lao PDR is to adopt the ABS Decree with approval from all concerned stakeholders and the Prime Minister and other related instrument to implement the NP. Building capacity for relevant bodies is also necessary to operate the system with awareness raising from top management to local communities.

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?

Yes

Please provide a summary of the measures taken

Benefit sharing of the GR utilization is a key principle for Lao policy on conservation and sustainable use. There are cooperating programmes with domestic and internal partners. Land and forest land allocation is currently one of the priority government programs, which is linked to the promotion of sustainable forest management leading by Ministry of Agriculture and Forestry and concerned government agencies. As a result, local communities or villagers have become the forest managers when they can have direct benefit from the management.

Lao PDR has accessed to the Regional Bio Trade Project Southeast Asia (UNCTAD, HELVETAS-Laos) that main objective is to promote sustainable trade of natural ingredients to conserve biodiversity and develop livelihoods of rural populations. The output of the project will use as a business model in terms of fair and sustainable trade of biological resources. This project will also develop the access and benefit sharing pilot schemes to implement in several farmers/collectors groups, in collaboration with other UNDP support to ABS implementation. Furthermore, JICA-Laos has implemented a pilot project for using technology in adding value to medicinal plants in the country.

Optional additional information

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

Becoming a party to the protocol is not an issue for Lao PDR. This is because of the government commitment in conserving and sustaining its biological resource. There are many difficulties and challenges after becoming the party to implement the protocol including limited finance, resources, experiences and understanding. Although the country has national framework on ABS, it has still not gone to practice. Moreover, there is an urgent need to the country to establish operational mechanism on the ABS due to many contacts from individuals and organizations to our national focal point in accessing country GR.

In addition, there is a challenge for domestic coordination and integration that the Convention on Biological Diversity and GEP NFPs are under Ministry of Natural Resource and Environment in Lao PDR while Nagoya Protocol on ABS is under Ministry of Science and Technology. It would be more effective and implementable if funding allocation from SCBD or related donors provides specific for the Nagoya Protocol implementation.

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

No

Please provide a summary of the main difficulties and challenges encountered

Generally, there is the state budget allocation for all government agencies annually to work on relevant activities. If additional budget needed should be proposed to Ministry of Planning and Investment for approval. In particular to the Nagoya Protocol, the government so far can only co-finance staff, equipment, building and some domestic transportation. The establishment of ABS fund is necessary and it will allow better implementation of the protocol.

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

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

Lao PDR has proposed to the GEF 6 allocation fund, but the budget is finished recently and was spent for other projects. There have been also limited calls for funding received by our NFP to implement the NP. One experience might be some development partners within the country such as FAO, IUCN, WWF, UNDP and others do not clearly understand on ABS aspects that can link to their development activities.

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

UNEP Project on Support to Preparation of the Interim National Report on the Implementation of the Nagoya Protocol in Lao PDR: 40,000 US\$ (UNEP 20,000 US\$ and the Lao Government 20,000 US\$)- this project is from June 2017 to November 2018.

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 5

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:

The questions in the format covers all provision under the NP. It seems there is no issue regarding the format except for some repetitions in the provided questions and limited space to add information in some pages or questions such as question 11.

 [ABSCH-NR-LA-238955-1](#)

## 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.

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