

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

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

PUBLISHED: 02 NOV 2017

General information

Country

[Viet Nam](#)

1. Title of this national report

Interim national report of Vietnam 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

Vietnam has issued some documents on ABS management:

*) Legal documents:

- Law on Biological Diversity No. 20/2008/QH12 dated November 13, 2008 of the National Assembly of the Socialist Republic of Vietnam (hereinafter referred to as the Law on Biodiversity);
- Decree No. 65/2010/ND-CP dated on June 11, 2010 of the Government detailing and guiding the implementation of a number of articles of the Biodiversity Law; (Provisions 18,19,20 on ABS no longer in effect)
- Decree No. 59/2017/ND-CP dated May 12, 2017 of the Government on the Management of Access to Genetic Resources and the Sharing of Benefits Arising from Their Utilization (taking effect on July 1, 2017 and substituting provisions in Articles 18, 19 and 20 of the Decree No. 65/2010/ND-CP);
- Decree No. 155/2016/ND-CP of the Government dated on November 18, 2016 on sanctioning of administrative violations in the field of environmental protection.

*) Policy documents:

- Decision No. 1250/QĐ-TTg dated July 31, 2013 of Prime Minister approving the National Biodiversity Strategy to 2020, vision to 2030.
- Decision No. 1141/QĐ-TTg dated June 27, 2016 of Prime Minister approving the master scheme "Capacity building on the management of access to genetic resources and fair and equitable sharing of benefits arising from their utilization for 2016-2025.

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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

As provided at Article 5 of Decree No. 59/2017/ND-CP, the Government of Vietnam assigns the Ministry of Natural Resources and Environment as the National Focal Point for the implementation of the Nagoya Protocol.
The Ministry of Natural Resources and Environment is the state agency mainly responsible to the Government for the implementation of state management of biodiversity (Article 2, Article 6 of the Law on Biodiversity) and also the National Focal Point for the Convention Biodiversity. Therefore, that the Ministry is assigned by the Government as the national focal point for the implementation of the Nagoya

Protocol is appropriate and there is no difficulty in such an appointment. However, the main challenge for the national focal point is the national database on biodiversity used for its management is still dispersed in many agencies and organizations. The information system and reporting regime on genetic resources in general and on ABS have not been established and operated effectively.

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

As provided at Article 6 of Decree No. 59/2017/ND-CP, the Government of Vietnam appointed two National Competent Authorities to grant, extend and withdraw licenses for access to genetic resources:

- The Ministry of Agriculture and Rural Development is to grant, extend and withdraw licenses for access to genetic resources of plant varieties, livestock breeds, aquatic breeds and forest tree varieties;
- The Ministry of Natural Resources and Environment is to grant, extend and withdraw licenses for remaining cases.
- The appointment is in line with the two ministries' functions and responsibilities.

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

Vietnam is currently developing ABS clearing house planned to be operation by the end of 2017.

Since Vietnam just adopted ABS regulations recently, plus the topic is quite new, there are a number of challenges to implement the regulations. It is crucially important to promulgate ABS principles and its major contents to all levels, there is a need for guidance and capacity building and awareness raising activities for communities and related stakeholders.

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

Provisions on the internationally recognized certificate of compliance on ABS is included in Article 24 of Decree No. 59/2017/ND-CP. Vietnam is currently developing ABS clearing house planned to be operation by the end of 2017.

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

Yes

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

In Vietnam, the appointment of check points as provided for in Article 17 is difficult due to limited expertise in the field of biodiversity (for example, some agencies in charge of intellectual property rights and customs... do not have in-depth understanding about biodiversity and are not assigned to perform management of biological diversity relevant tasks, they are not either authorized to monitor access activities to genetic resources and the sharing of benefits their-of.

Use the text entry to provide further information

Given the above mentioned difficulties, Decree 59/2017/ND-CP has not yet possible to assign the customs, IP offices... as checkpoints. Currently, three main checkpoints being defined include: designated competent state agencies (Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development) and Local People's Committees.

10. Additional information:

Please provide a summary of the main difficulties and challenges

In Vietnam, biodiversity is a cross-sector issue. Some main difficulties are:

- GRs management is being assigned to different functional Governmental bodies, thus usually takes time to coordinate.
- ABS is quite a new issue to Vietnam; the national competent authorities are gaining experiences through the handling of the applications. Therefore, capacity building is one of the focal areas in the implementation strategy of the Protocol.
- There seems to be a strong need for coordination among different Government agencies to work on ABS issue such as the IP offices and the customs for better management of GR and the utilization thereof.
- Database for GR is not yet available; information is scattered in individual collections. Huge investment is needed to have a systematic GR database, while the national financial situation is quite limited.

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?

Yes

Use the text entry to provide further information

Order and procedures for accessing genetic resources and contents related to license to access genetic resources are provided in Articles 8, 9, 12 and 13 of Decree No. 59/2017/ND-CP.

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

Yes

Use the text entry to provide further information

Decree No. 59/2017/ND-CP in Article 10 stipulates Accessor of genetic resources shall negotiate to come to agreement and sign a contract on access to genetic resources and benefit sharing with Provider. In detail:
The contract shall be implemented as a civil contract; its contents shall follow the sample form prescribed in the Annexes to Decree No. 59/2017/ND-CP; when the provider and accessor reach agreement and sign the contract, it should be certified by the Commune People's Committee where genetic resources shall be accessed; the contract is valid only after the competent state agency issues a license for access to genetic resources. In addition, there are provisions on the implementation of the contract when the license for access to genetic resources expires or is withdrawn.
Disputes and claims related to access to genetic resources and benefit sharing from the use of genetic resources shall be settled according to provisions of Vietnamese law and international treaties of which the Socialist Republic of Vietnam is a member.

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

Yes

Use the text entry to provide further information

Decree No. 59/2017/ND-CP specifies procedures for submitting applications: Submit directly at the head office of the competent state agency; send by post or register electronically.

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

Yes

Use the text entry to provide further information.

Decree No. 59/2017/ND-CP specifies time and responsibilities of competent state agencies in granting certifying documents or refusing applications for access to genetic resources; deciding to or not to grant a license to access genetic resources.

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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)?

Yes

Use the text entry to provide further information

Decree No. 59/2017/ND-CP stipulates that competent state agencies are eligible to grant licenses for access to genetic resources for valid application after evaluation and appraisal.

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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.

0

Use the text entry to provide further information

Vietnam has not granted any license for access to genetic resources.

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

Yes

Use the text entry to provide further information

Vietnam has provided detailed regulations on contracts for access to genetic resources and benefit sharing in Article 15 and Sample Form No.3 in Annexes of the Decree No. 59/2017/ND-CP.

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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 exchange, publications

Use the text entry to provide further information

Since the Protocol came into force, domestic and foreign individuals and organizations have been more aware of compliance in accession to and utilization of genetic resources. Specifically, they look for information about the national competent agencies, contact them, discuss about the case in order to understand the responsibilities they need to take. A large number of non-commercial scientific research agreements have been discussed and agreed upon; specific non-monetary benefits have, as a result, been shared among the two parties during the implementation phase.

19. Additional information:

Please provide a summary of the main difficulties and challenges

For Vietnam, even though a contract form is available in the Decree with some conditions made compulsory, the negotiation capacity of GR providers is generally weak. Therefore, it is very important to build capacity of the GRs providers, as well as increase their awareness of biodiversity values, and the rights they have over those GRs.

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

These regulations are detailed in Articles 21, 22 and 23 of Decree No. 59/2017/ND-CP with the following contents: Types of benefits from the use of genetic resources; methods to share monetary and nono-monetary benefits.

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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

Decree No. 59/2017/ND-CP stipulates in:

- Point b, Clause 3, Article 22: Providers who are organizations, households and individuals assigned to manage genetic resources shall be shared 50% of monetary benefits specified in Clauses 1 and 2 of this Article.
- Clause 2, Article 23: Beneficiaries of non-monetary benefits, including: Providers, domestic partners of Accessors who are foreign organizations and other related individuals and organizations.

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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?

No

23. Additional information:

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

Even though there are some provisions within the Decree on benefit sharing requirements. However, Vietnam is encountering some difficulties in sharing benefits arising from the use of traditional knowledge. A more detailed guidance should be developed in the future. It is recommended that CBD secretary should provide more guidance on this topic and compile international experiences for sharing of knowledge among parties.

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?

Yes

Please indicate whether your country has taken measures to address situations of non-compliance with those measures as provided in Article 15.2?

Yes

Please provide further information on the measures taken, including when they entered into force

- Decree No. 59/2017/ND-CP stipulates that applications for licenses for access to genetic resources must include contracts on access to genetic resources and benefit sharing signed between Accessors and Providers of genetic resources.
- In cases where the parties fail to comply, provisions on sanctioning of administrative violations shall be applied as prescribed in Decree No. 155/2016/ND-CP (Article 44 on sanctioning violations of regulations on the management, access to genetic resources and sharing of benefits from genetic resources).

Please provide further information on cases of non-compliance

A license for access to genetic resources shall be withdrawn when one of the following cases is detected by the competent state agency:

- Organizations and individuals have provided fake information to have a license for access to genetic resources granted.
- Access to and use of genetic resources have led to harmful impacts to human, the environment, security, defense and interests of Vietnam;
- Genetic resources accessed to and used are not subject of the license.
- Other violations as prescribed by law.

Have there been specific cases in which your country cooperated with other Parties in cases of alleged violation of ABS measures as provided in Article 15.3?

No

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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?

Yes

Please indicate whether your country has taken measures to address situations of non-compliance with those measures as provided in Article 16.2?

Yes

Has your country cooperated in specific cases of alleged violation of ABS measures as provided in Article 16.3?

No

Use the text entry to provide further information

At Point i, Clause 3, Article 58, the Law on Biodiversity, 2008 stipulates: a Contract on access to genetic resources and benefit sharing must include the following contents: "Sharing benefits with the State and other stakeholders. Include also the allocation of intellectual property rights for creative results based on access to genetic resources and traditional knowledge of genetic resources"

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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)?

Yes

Please provide further information

An application for a license for access to genetic resource is required to include a contract on access to genetic resources and benefit sharing certified by the Commune People's Committee. In cases where there is no certification by the Commune People's Committee, such application is considered invalid and not eligible for a license for access to genetic resources.

Has your country taken measures to address situations of non-compliance?

No

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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

As stipulated in the Decree (Article 25) about the information sharing mechanism, there will be an exchange of information between the check points with related parties. However, there is no license granted or ABS contracts signed so far (only some non-monetary benefits to be shared among parties as part of their on-going cooperation), this regulation has not been implemented in practice .

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

Article 25, Decree No. 59/2017/ND-CP provides for the reporting on results of access to genetic resources and benefit sharing.

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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

After the introduction of Decree 59/2017/ND-CP, competent state agencies have been developing online public service activities for related administrative procedures:

- + The Ministry of Natural Resources and Environment is developing online public services for registering and submitting applications for licenses to access genetic resources electronically. In addition, the Ministry is developing a circular on reporting on the use of genetic resources, including report forms and procedures for electronic filing to reduce costs.
- + The Ministry of Agriculture and Rural Development has launched online public services for registering and submitting applications for access to genetic resources on websites of the licensing agencies (OSS)

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30. Additional information:

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

The current regulations under Decree 59/2017/ND-CP assign the monitoring activities to be performed by three major entities: two national competent authorities (NCA), local people's committees (LPC). However, the LPC has a limited number of officials that are responsible for biodiversity and environmental management; in addition, their qualifications are not yet capacitated to perform the job. For that reason, it is needed to involve other sectors such as IP offices and the customs for better management of GR and the utilization thereof. Furthermore, once the GRs have been transferred out of the territory, it is important to have an international system that works to help countries keep track of the GRs (where it has been used, by whom and at which stage the product is)... it could be a recommendation to the CBD to provide more proper tools in order to enhance effectiveness of monitoring compliance and follow/track utilization of GRs.

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

Decree No. 59/2017/ND-CP at Clause 5, Article 15 stipulates that disputes and claims related to access to genetic resources and benefit sharing from the use of genetic resources shall be settled according to provisions of Vietnamese law and international treaties to which Vietnam is a party

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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

Currently, Vietnam is developing a clearing house on ABS. It is expected that the clearing house will be in operation and create a database of related legal regulations for reference of related parties when a dispute arises.

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

Access to justice?

Yes

Please provide further information

Specific provisions are provided in clause 5, Article 5 of Decree 59/2017/ND-CP.

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

No

34. Additional information:

Please provide a summary of the main difficulties and challenges

A contract form is issued in the current legislation, however Vietnam is quite inexperienced in this aspect. Therefore, model template and even examples (if possible) to be shared will be of great use for countries.

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

Decree No. 59/2017/ND-CP provides for the facilitation of promoting and encouraging non-commercial research:

- Time to evaluate an application for a license to access genetic resources for non-commercial research is 30 days compared to 90 days for applications for access to genetic resources for commercial production. (Article 13)

- There are provisions for shortened procedures of licensing applied for the transfer of genetic resources abroad for study and research purposes, not for commercial purposes submitted by Vietnamese pupils, students, doctoral students and scientific and technological organizations (Article 20).

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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

Specified in Clause 5, Article 59, the Law on Biodiversity, 2008

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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)?

No

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

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

Yes

Please provide further information and reference to the domestic law establishing rights of indigenous and local communities to grant access to genetic resources

As stipulated in Article 55 of the Biodiversity Law, the management of genetic resources is assigned to different targeted groups who shall act as providers of genetic resources in ABS agreements. Accordingly, a Commune People's Committee (4th targeted group) is considered as representative of indigenous and local communities in such commune.

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Does your country have measures in place with the aim of ensuring that the prior informed consent or approval and involvement of indigenous and local communities is obtained as provided in Article 6.2?

Yes

Please provide further information

As specified in Articles 10 and 11 of Decree 59/2017/ND-CP, a Contract on access to genetic resources need to be certified by the Commune People's Committee for any genetic resources related transactions/access activities taking place in such commune.

Has your country set out criteria and/or process for obtaining prior informed consent or approval and involvement of indigenous and local communities for access to genetic resources in Article 6.3(f)?

No

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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

Yes

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

Some information related to associated TK for the utilization of GRs are required to be provided in the request from for Access Licence (Form 2), Model contract (Form 3) under the Decree 59.

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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

A separate legal document on ABS to TK is being developed, that will for sure contain requirements for mutually agreed terms between the users and the community and/or the local, indigenous people.

Model contractual clauses

Yes

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

Same as above, model contractual clauses are now available for ordinary access to GRs, and will be developed for cases of accession to associated TK.

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

In Vietnam provisions on registering and applying for a license to access genetic resources are not applied to Vietnamese organizations, individuals wishing to access, exchange and use genetic resources for non-commercial purposes within the Vietnamese territory. The exception is to promote the exchange, research, conservation and promotion of precious knowledge that is being handed down. (Article 4, 6 of the Decree 59)

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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

As provided above, there are still some inconsistency between the Law on Biodiversity (ABS regulations) and the Law on Intellectual Property Rights (IP regulations) in Vietnam. Therefore, it is sometimes difficult to define the IP rights over traditional knowledge associated with GRs. There has been a report by the UNCTAD on the IP and CBD Protocol on GRs made available recently, but hands-on training as well as more detailed guidance documents are crucially needed by the SCBD.

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

Decree No. 59/2017/ND-CP stipulates in:

- Clause 4, Article 4: The sharing of benefits from the use of genetic resources must be fair and equitable among related parties and the sharing shall contribute to effective management of biological resources, promotion of scientific research and commercialization of genetic resources, focusing on the role of local communities in conservation and sustainable use of genetic resources.
- Clause 3, Article 20: 50% to 70% of monetary benefits from the use of genetic resources shall be remitted to the State budget for use in conservation and sustainable use of biodiversity.

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

The implementation of the Nagoya Protocol on ABS has facilitated Vietnam in developing a solid legal basis for the protection of rights and equitable benefits of providers of genetic resources and traditional knowledge of genetic resources. Meanwhile, public awareness on genetic resource has been improved the application of genetic resources and traditional knowledge on genetic resources has been promoted contributing to improved life quality of communities and to conservation and sustainable use of national biodiversity resources.

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?

Yes

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

There is no experience of a real case. But Vietnam is willing to join/cooperate with other Parties in view to implementing the Protocol.

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?

Yes

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?

Yes

Use the text entry to provide further information

Decree No.59/2017/ND-CP provides a sample form for contract on access to genetic resources and benefit sharing in Form 3, Annexes of the Decree.

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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

Vietnam is developing a Guideline for Access to Genetic Resources and Benefit Sharing and a set of questions and answers on access to genetic resources and benefit sharing.

53. Additional information:

Please provide a summary of the main difficulties and challenges

There is a need for sharing model template of succeeded cases among the countries.

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

- Vietnam is developing a clearing house on ABS.
- Workshops to raise awareness about the importance of genetic resources and traditional knowledge related to genetic resources and issues related to access and benefit sharing have been organized in collaboration of related parties.
- Materials to raise awareness about the importance of genetic resources and traditional knowledge related to genetic resources and issues related to access and benefit sharing have been published and distributed.

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

- Decision No. 1141/QĐ-TTg dated June 27, 2016 of Prime Minister is to approve the project "Capacity building on the management of access to genetic resources and fair and equitable sharing of benefits arising from their utilization for 2016-2025.
- Decision No. 1671/QĐ-TTg dated September 28, 2015 the Prime Minister is to approve the Program for Conservation and Sustainable Utilization of Genetic Resources by 2025, vision to 2030.
- Workshops to introduce Vietnam's joining to the Nagoya Protocol and guidance for the implementation of access to genetic resources and benefit sharing in Vietnam have been organized in collaboration of related parties.

- Meetings with local authorities on access to genetic resources and benefit sharing in localities have been carried out.
- Materials related to capacity building on access to genetic resources and benefit sharing have been published and distributed.

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

Vietnam is implementing the project "Capacity Building for the Approval and Implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Vietnam". The project is funded by the Global Environment Facility (GEF) through the United Nations Development Program (UNDP) and to be implemented from 2016 to 2019. The objective of the project is to contribute to conservation and sustainable use of globally significant biodiversity in Vietnam by strengthening national capacity in the implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing to guarantee a fair and equitable sharing of benefits from genetic resources.

In addition, Vietnam has been receiving technical technical assistance from international organizations such as the Asean Center for Biodiversit (ACB), the United Nations Conference on Trade and Development (UNCTAD), etc. to effectively implement the Nagoya Protocol.

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, experience in policy formulation and enforcement with other countries

58. Additional information:

Please provide a summary of the main difficulties and challenges

After becoming a member to the Nagoya Protocol on ABS, Vietnam has cooperated with different national and international organizations to conduct workshops on ABS contents. However, there have not been a structured program for capacity building and awareness raising developed for different target groups (business, communities, and researchers).

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

After joining the Nagoya Protocol, the National Focal Point has also cooperated with organizations such as UNCTAD and Traffic to study interactions between ABS with Biotrade and Fair wild forward contributions to conservation and sustainable use of genetic resources.

Optional additional information

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

Vietnam has set up a fundamental legislative system for ABS management in order to customize and integrate provisions of the Nagoya Protocol into Vietnam context and regulations. However, the main challenge is those regulations are new introduced and have not gone deeply into practice. Viet Nam is actively providing guidance for the implementation, strengthening management capacity, raising awareness of communities and stakeholders.

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

Yes

Please provide further information

Every year, Vietnam allocates funds from environment budget to perform the task of coordinating the implementation of biodiversity related international agreements of which Vietnam is a member.

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 financial institutions

Yes

From the Global Environmental Facility

Yes

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.

Along with the state budget, Viet Nam has called for support from international organizations such as the Global Environment Facility, the Asean Center for Biodiversity, and others (IDLO, UNEP, UNDP, etc.) in order to implement provisions of the Nagoya Protocol. Vietnam

is currently implementing the project "National Capacity Building for the Implementation of ABS" (funded by GEF through UNDP)

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 format of this report is designed logical and scientific covering all contents and provisions of the Nagoya Protocol. This interim report should provide necessary information to the Secretariat and used for synthesis, analysis and evaluation of the implementation of the Nagoya Protocol by member countries.

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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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