

## MANUAL ()

### STEP 1, 2 AND 3:

Keep all communication or documents in relation to answering the question if your research material is a genetic resource or traditional knowledge associated with genetic resources (1), if your research constitutes utilization (2) or if your material is accessed after 12/10/2014. Not only will you have to prove exercising due diligence in case your research is in scope of ABS Regulation. It's possible checks will also look at if and why you're out of scope of ABS Regulation. This can be e.g. internal mailing with the promotor, research description from the grant proposal, mail with provider of the country, etc.

### STEP 4 AND 5:

**CHECK WHETHER THE PROVIDER COUNTRY IS A PARTY TO THE NAGOYA PROTOCOL**  
at <https://www.cbd.int/abs/nagoya-protocol/signatories/> : see date right column in overview  
'Party'

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Convention on  
Biological Diversity



[The Convention](#)

[Cartagena Protocol](#)

[Nagoya Protocol](#)

[Programmes](#)

[Information](#)

[Secretariat](#)

Access and Benefit-sharing

**Nagoya Protocol**

- About the Nagoya Protocol
- Nagoya Protocol Text
- History
- Parties**
  - Becoming a Party
  - List of Parties**
  - National information - country profiles
  - Key Steps towards implementation
  - Key Protocol issues**
    - ABS Clearing-House
    - Assessment and review
    - Awareness-raising

[Access and Benefit-sharing](#) > [Parties](#) > Signatories

### Parties to the Nagoya Protocol

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization was adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting on 29 October 2010 in Nagoya, Japan. In accordance with its Article 32, the Protocol was opened for signature from 2 February 2011 to 1 February 2012 at the United Nations Headquarters in New York by Parties to the Convention. The Protocol entered into force on 12 October 2014.

The list below provides information on date of signature and the status of ratification, acceptance, approval or accession. Visit also the country profiles and national information available in the [ABS-Clearing-House](#)

**Nagoya Protocol on Access and Benefit-sharing : 100 Parties (104 Ratifications ) (92 Signatures )**  
\* Note : **rtf** = Ratification, **acs** = Accession, **acp** = Acceptance, **apv** = Approval, **scs** = Succession  
Please click on a column heading to select a sorting order

No.	Country Name	Signed	Ratification	Party
1.	<a href="#">Albania</a>		2013-01-29	<a href="#">acs</a> 2014-10-12
2.	<a href="#">Angola</a>		2017-02-06	<a href="#">acs</a> 2017-05-07
3.	<a href="#">Antigua and Barbuda</a>	2011-07-28	2016-12-12	<a href="#">rtf</a> 2017-03-12
4.	<a href="#">Argentina</a>	2011-11-15	2016-12-09	<a href="#">rtf</a> 2017-03-09
5.	<a href="#">Belarus</a>		2014-06-26	<a href="#">acs</a> 2014-10-12
6.	<a href="#">Belgium</a>	2011-09-20	2016-08-09	<a href="#">rtf</a> 2016-11-07

**Note: Independent if the provider country is a party to the NP according to this list (or not), please continue the following steps. There is a real chance the web-information is not up-to-date!**

### SEARCH FOR CONTACT DETAILS OF THE NATIONAL AUTHORITIES (NFP & CNA) OF THE PROVIDER COUNTRY:

Click country of your choice (e.g. Kenya)

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44.	<a href="#">Japan</a>	2011-05-11	2017-05-22	<a href="#">acp</a>	2017-08-20
45.	<a href="#">Jordan</a>	2012-01-10	2012-01-10	<a href="#">rtf</a>	2014-10-12
46.	<a href="#">Kazakhstan</a>		2015-06-17	<a href="#">acs</a>	2015-09-15
47.	<a href="#">Kenya</a>	2012-02-01	2014-04-07	<a href="#">rtf</a>	2014-10-12
48.	<a href="#">Kuwait</a>		2017-06-01	<a href="#">acs</a>	2017-08-30
49.	<a href="#">Kyrgyzstan</a>		2015-06-15	<a href="#">acs</a>	2015-09-13

Click full details national contacts (short info - Nagoya Protocol (end of page)).

Environmental monitoring has not progressed well making it difficult to adequately provide accurate information on the status of biodiversity in... [More »](#)

### National Contacts

[Full details of national contacts »](#)

#### Convention on Biological Diversity

<b>Mr. Charles T. Sunkuli</b>	CBD Primary NFP
<b>Mr. Parkinson M. Ndonge</b>	CBD Secondary NFP
<b>Dr. Timothy U.K. M'mella</b>	SBSTTA NFP
<b>Prof. Geoffrey Wahungu</b>	CHM NFP
<b>Mr. Samuel Mutuku Kasiki</b>	Protected Areas NFP
<b>Dr. Beatrice Nangami Khayota</b>	GTI NFP

#### Cartagena Protocol on Biosafety

<b>Willy K. Tonui</b>	Cartagena Protocol Primary NFP
<b>Mr. Dorington Ogoyi</b>	BCH NFP

#### Nagoya Protocol on Access and Benefit-sharing

<b>Mr. Charles T. Sunkuli</b>	<b>ABS National Focal Point</b>
<b>National Environment Management Authority (NEMA)</b>	<b>ABS Competent National Authorities</b>

Contact details (end of page)

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### Nagoya Protocol on Access and Benefit-sharing

#### Mr. Charles T. Sunkuli

Principal Secretary  
State Department of Environment and Regional Development Authorities  
Ministry of Environment and Natural Resources  
P.O. Box 30126 - 00100  
Nairobi  
Kenya

#### ABS National Focal Point

+254 20 273 0808, 9, +254 20 271 3654  
+254 20 273 4722  
[psoffice@environment.go.ke](mailto:psoffice@environment.go.ke)

#### National Environment Management Authority (NEMA)

Popo Road, South C, off Mombasa Road P.O.BOX 67839-00200, Nairobi.  
Nairobi  
00200  
Kenya

#### ABS Competent National Authorities

+254-020-2101370, 020-2183718,  
020-2307281, 020-2103696  
[dgnema@nema.go.ke](mailto:dgnema@nema.go.ke)

### ALTERNATIVE SEARCH 1

<https://absch.cbd.int/search> - 'Kenya' - click country



THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

[Home](#) | [About the ABSCH](#) | [Search](#) | [Submit](#) | [Country Profiles](#) | [National Reports](#)

CBD > ABSCH > SEARCH

Kenya

SEARCH FILTERS ▾ Record types ▾ Keywords ▾ Country ▾ Regions ▾ Date

Free text search: "Kenya"

Countries All Parties Non-Parties Ratified, not yet Party

Kenya

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Click NFP – CNA

National records

28

Reference records

3

SCBD records

12

Kenya

PARTY TO THE NAGOYA PROTOCOL

SIGNATORY

ENTRY INTO FORCE: 12 OCT 2014

ABS NATIONAL FOCAL POINTS (NFP)

**Mr. Charles T. Sunkuli** Principal Secretary State Department of Environment and Regional Development Author  
ABS NATIONAL FOCAL POINT | KENYA | 07 SEP 2017

COMPETENT NATIONAL AUTHORITIES (CNA)

**National Environment Management Authority (NEMA)** Only designated competent national authority for the co  
COMPETENT NATIONAL AUTHORITY | KENYA | ABSCH-CNA-KE-208058-1 | SINGLE CNA FOR THE COUNTRY | 21 SEP 2016

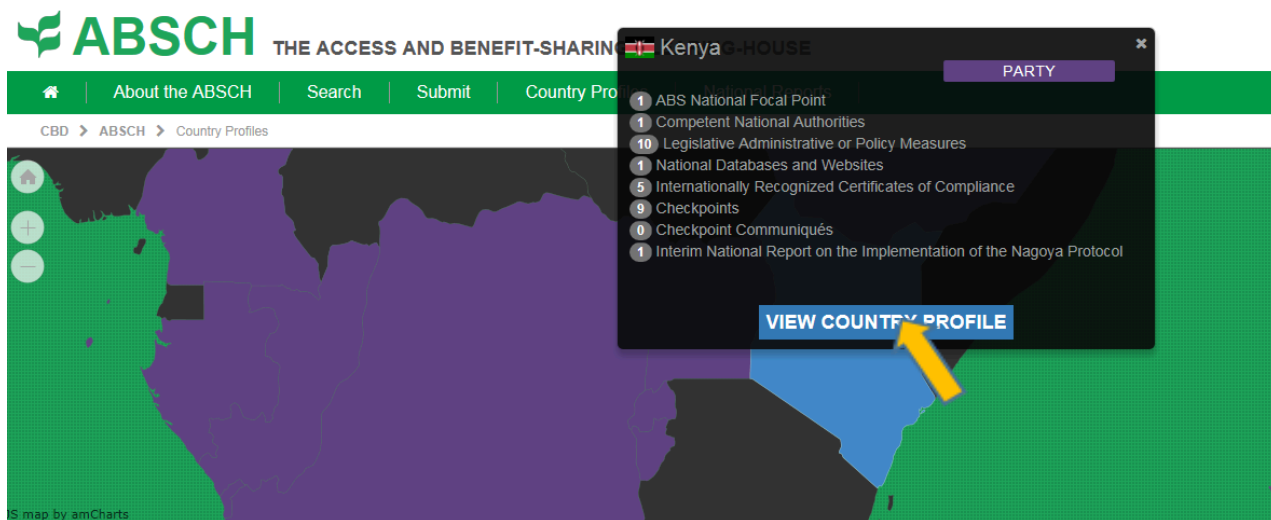
LEGISLATIVE, ADMINISTRATIVE OR POLICY MEASURES (MSR)

**Seeds and Plant Varieties Act**  
Act of Parliament to confer power to regulate transactions in seeds, including provision for the testing and  
LAW (MSR) | KENYA | ABSCH-MSR-KE-238629-1 | NATIONAL / FEDERAL | LAW | LEGALLY BINDING | 30 OCT 2017

## ALTERNATIVE SEARCH 2

<https://absch.cbd.int/countries> - select country in map – click

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Click 'view country profile'

**Kenya**

**Party Status:** Party to the Nagoya Protocol

**Entered into force on:** 12 Oct 2014

**Ratification on:** 07 Apr 2014

**Signatory:** Signed on 01 Feb 2012

**CBD Country Profile:** [www.cbd.int/countries/?country=ke](http://www.cbd.int/countries/?country=ke)

- + ABS National Focal Point (NFP)
- + Competent National Authorities (CNA)
- + Legislative, administrative or policy measures on access and benefit-sharing (MSR)
- + National Databases and Websites (NDB)
- + Checkpoints (CP)
- + Internationally Recognized Certificates of Compliance (IRCC)
- + Checkpoint Communiqués (CPC)
- + Interim National Report on the Implementation of the Nagoya Protocol (NR)

## MANUAL ()

Click NFP - CNA

– ABS National Focal Point (NFP)

**Mr. Charles T. Sunkuli** Principal Secretary State Department of Environment and Regional Development Authorities Ministry of Environment and Natural Resources P.O. Box 30126 - 00100 Nairobi  
ABS NATIONAL FOCAL POINT | KENYA | 07 SEP 2017

Kenya **PARTY TO THE NAGOYA PROTOCOL** SIGNATORY ENTRY INTO FORCE: 12 OCT 2014

ABS NATIONAL FOCAL POINTS (NFP)

**ABS NATIONAL FOCAL POINT**

Country  
Kenya

Name  
Mr. Charles T. Sunkuli

Description  
Principal Secretary  
State Department of Environment and Regional Development Authorities  
Ministry of Environment and Natural Resources  
P.O. Box 30126 - 00100  
Nairobi

Function  
Principal Secretary

Department  
State Department of Environment and Regional Development Authorities

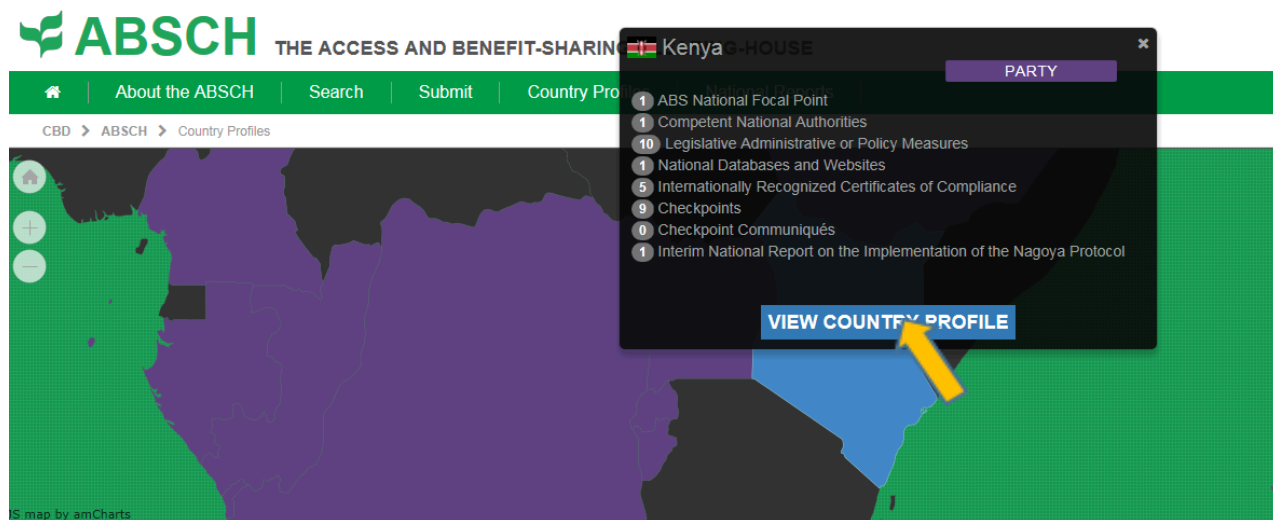
Organization  
Ministry of Environment and Natural Resources

Email  
psoffice@environment.go.ke

**CHECK WHETHER THE PROVIDER COUNTRY HAS NATIONAL ABS REGULATION**

<https://absch.cbd.int/countries> - select country in map – click


## MANUAL ()



Click 'view country profile'



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### Kenya

**Party Status:** **Party to the Nagoya Protocol**

**Entered into force on:** **12 Oct 2014**

**Ratification on:** **07 Apr 2014**

**Signatory:** **Signed on 01 Feb 2012**

**CBD Country Profile:** [www.cbd.int/countries/?country=ke](http://www.cbd.int/countries/?country=ke)

- + ABS National Focal Point (NFP)
- + Competent National Authorities (CNA)
- + Legislative, administrative or policy measures on access and benefit-sharing (MSR)
- + National Databases and Websites (NDB)
- + Checkpoints (CP)
- + Internationally Recognized Certificates of Compliance (IRCC)
- + Checkpoint Communiqués (CPC)
- + Interim National Report on the Implementation of the Nagoya Protocol (NR)

Click MSR for an overview of relevant Regulation – outcome depending of the country!

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Select the ABS Measures to be displayed in the overview

<input checked="" type="checkbox"/>	<b>1. Seeds and Plant Varieties Act</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 30 DEC 2016
<input checked="" type="checkbox"/>	<b>2. KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ACT. NO. 17 OF 2013</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 01 JAN 2013
<input checked="" type="checkbox"/>	<b>3. Science, Technology and Innovation Act, 2013</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 15 JAN 2013
<input checked="" type="checkbox"/>	<b>4. Protection of Traditional Knowledge and Cultural Expressions Act, 2016.</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 07 SEP 2016
<input checked="" type="checkbox"/>	<b>5. CONSTITUTION OF KENYA 2010</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 27 AUG 2010
<input checked="" type="checkbox"/>	<b>6. Environmental Management and Co-ordination Act, 1999 (Cap 387)</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 03 JUN 2015
<input checked="" type="checkbox"/>	<b>7. Wildlife Conservation and Management Act, 2013</b>	NATIONAL / FEDERAL	LAW	LEGALLY BINDING	ENTRY INTO FORCE: 27 DEC 2013
<input checked="" type="checkbox"/>	<b>8. THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONSERVATION OF NATURAL RESOURCES) ACT, 2016</b>	NATIONAL / FEDERAL	REGULATORY OR ADMINISTRATIVE MEASURES	LEGALLY BINDING	A
<input checked="" type="checkbox"/>	<b>9. Access and Benefit Sharing (ABS) Toolkit</b>	NATIONAL / FEDERAL	NATIONAL OR DOMESTIC GUIDELINES		
<input checked="" type="checkbox"/>	<b>10. Biological Authorization Procedures</b>	NATIONAL / FEDERAL	COMMUNITY PROTOCOLS AND PROCEDURES	DRAFT	

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### Overview of Key ABS Measure Elements

#### SCOPE OF THE MEASURE

##### Genetic Resources

- THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONSEF 2006
- All types of genetic resources *found in* In-situ (**Part 1**)
- All types of genetic resources *found in* Ex-situ (**Part 1**)

##### Traditional knowledge associated with genetic resources

- THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONSEF 2006 ( **Part 1 intangible components** )

##### Reference to any other relevant articles and sections

- THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONSEF 2006 : **Does not apply to exchange within communities ( Part 1 )**

#### ACCESS

##### Access to genetic resources

- For commercial use  
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CC REGULATIONS, 2006 ( **Part III** )
- For non-commercial use  
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CC REGULATIONS, 2006 ( **Part III** )

##### Access to traditional knowledge associated with genetic resources, inclu

- For commercial use

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### CONTACT NFP AND CNA – KEEP ALL COMMUNICATION AND DOCUMENTS!

Your email needs to contain:

1. A short introduction to the research (project) and the role of the partners (if present)
2. A short explanation of the activity/research to be undertaken for which the access permit is required, in layman's terms
3. The nature of genetic resources to be accessed, the location and method of collection
4. Specific reference to the willingness of you as a researcher to be informed about:
  - any permission to access and use the genetic material and
  - any conditions related to the use of the genetic materials and
  - any national ABS Regulation in place in the country
5. Express your engagement to follow relevant regulation.
6. Contact details

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7. Direct your email to the NFP, put in cc: CNA, your research partners in the provider country. Send your email demanding a Delivery and Read Receipt.

### EXAMPLE 1

Dear Ms. Nhan Thi Thanh Hoang,

My name is [REDACTED] I'm a PhD student at Ghent University (Belgium), working on cocoa in Vietnam. In the framework of my PhD, I will come to Vietnam (Ho Chi Minh City and Can Tho) from the 26<sup>th</sup> of January 2017 until the 11<sup>th</sup> of March 2017 (via Lotus Unlimited (Erasmus Mundus)). Attached you can find the acceptance letter from Can Tho University, my local promotor there is [REDACTED]. During this exchange period, I would like to collect cocoa samples on field in Southern Vietnam, namely fermented and dried cocoa beans, cocoa pulp, cocoa leaves and DNA.

According to the Nagoya protocol on access of genetic resources and the fair and equitable sharing of benefits arising from their utilization we would like to be informed about the procedure, the required documents and the specific information we have to submit to obtain a permission for access to the cocoa samples and to establish mutually agreed terms, including benefit sharing. In this way we would like to ensure that the sampling, transport to Belgium and following research can be done in a correct and legalized way.

We are prepared to take all necessary measures to ensure compliance with the applicable laws, rules, guidelines and regulations of your country.

Thanks in advance.

### EXAMPLE 2

Dear,

In relation to the Nagoya protocol, we contact you to ask for more information regarding the use of Mango samples from Ecuador in the frame of a research project entitled "xxx". This project is supported by the Belgian Federal Ministry of Development Cooperation (DGD), and started this year as a collaboration between both Belgian and Ecuadorian researchers.

**1) Nature of genetic resources to be accessed, the location and method of collection**

Mangos will be collected as follows: a batch of at least 100 mangos (*Mangifera indica* L. var. Haden, Kent, Tommy, Atkins and Nacional) will be collected at organoleptic maturity in areas around Quito and Cuenca. The stones will be separated by hand. Pulp and fibre fraction will be separated by a pulp-finisher, and then freeze-dried and stored at -20°C until processing and analysis.

**2) The activity/research to be undertaken for which the access permit is required**

This project runs from January, 1st, 2017 until December, 31st, 2020, and aims to contribute to the mitigation of vitamin A deficiency (VAD) in Ecuador by using industrial mango by-products as a source of carotenoids through the optimization of green extraction processes. Encapsulation techniques to stabilize the extracted carotenoids giving an additional prebiotic functionality will be developed. A child-friendly food formulation will be developed and the efficiency of the release and absorption of carotenoids will be evaluated through *in-vitro* assays. The behavior of the intestinal microbiota in the digestion process of this

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food formulation will also be analyzed. Other bioactive compounds with potential commercial value from mango by-products (e.g. polyphenols, protein) will also be explored. This interdisciplinary research project involves a consortium of 2 Flemish institutions and 2 Ecuadorian institutions. All partners will contribute with their expertise to the implementation of the proposed work packages: (i) Harmonization of carotenoid analysis methods and mango collection; (ii) Valorization of mango by-products using green chemical technologies, (iii) Optimization of the encapsulation process of the extracted carotenoids, (iv) Evaluation of the bioaccessibility of the encapsulated extracts of carotenoids and food formulations, (v) Evaluation of the bioavailability of the encapsulated extracts of carotenoids. The results of the project can be used as a case study for adding value of by-products of other tropical fruits to establish a new type of biorefinery in tropical countries such as Ecuador.

### 3) Contact details

In Ecuador the following persons can be contacted in relation to this project:

xxx (leading local partner)

xxx (supporting partner)

According to the Nagoya protocol on access of genetic resources and the fair and equitable sharing of benefits arising from their utilization we would like to be informed about the procedure and the specific information we have to submit to obtain a permission for access to mango samples (*Mangifera indica* L. var. Haden, Kent, Tommy, Atkins and Nacional) and to establish mutually agreed terms, including benefit sharing.

We are prepared to take all necessary measures to ensure compliance with the applicable laws, rules, guidelines and regulations of your country.

In name of the consortium:

xxx

## RECONTACT NFP AND CNA

Respect reasonable time to respond. If necessary, send reminders. If there is still no answer after two to three attempts, put the representative of the Belgian NFP in cc: [Salima.Kempnaer@environnement.belgique.be](mailto:Salima.Kempnaer@environnement.belgique.be). **We advise you to take at least three serious attempts to contact NFP/CNA.**

Ask your partners in the provider country for help. If possible, try to establish contact by phone or (physical) meeting. Make sure you get a written report of all agreements made.

## FORMALIZE AGREEMENTS OR GET HELP

**Contact your local Tech Transfer Office** ([bea.serraes@ugent.be](mailto:bea.serraes@ugent.be)) to further negotiate the Mutually Agreed Terms (MAT) and, if applicable, to make a Material Transfer Agreement (MTA).

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Contact your Research Integrity & Ethics Advisor ([stefanie.vanderburght@ugent.be](mailto:stefanie.vanderburght@ugent.be)) for help or to ask questions.

Once all arrangements are final and approved of, ask the NFP/CNA to **lodge an Internationally-Recognised Certificate of Compliance (IRCC) with the ABS-Clearing House (ABS-CH)**. You will receive a courtesy copy from the ABS-CH once the form is approved of added to their website. In the absence of lodging an IRCC by the NFP/CNA, collect and keep the following information (European Regulation 511/2014, Article 4):

*Users shall seek, keep and transfer to subsequent users:*

*(a) the internationally-recognised certificate of compliance, as well as information on the content of the mutually agreed terms relevant for subsequent users; or*

*(b) where no internationally-recognised certificate of compliance is available, information and relevant documents on:*

*(i) the date and place of access of genetic resources or of traditional knowledge associated with genetic resources;*

*(ii) the description of the genetic resources or of traditional knowledge associated with genetic resources utilised; EN 20.5.2014 Official Journal of the European Union L 150/65*

*(iii) the source from which the genetic resources or traditional knowledge associated with genetic resources were directly obtained, as well as subsequent users of genetic resources or traditional knowledge associated with genetic resources;*

*(iv) the presence or absence of rights and obligations relating to access and benefit-sharing including rights and obligations regarding subsequent applications and commercialisation;*

*(v) access permits, where applicable;*

*(vi) mutually agreed terms, including benefit-sharing arrangements, where applicable.*