

**Convention on  
Biological Diversity**

Distr.  
GENERAL

UNEP/CBD/ICNP/1/INF/5  
11 May 2011

ORIGINAL: ENGLISH

OPEN-ENDED AD HOC INTERGOVERNMENTAL  
COMMITTEE FOR THE NAGOYA PROTOCOL ON  
ACCESS TO GENETIC RESOURCES AND THE FAIR  
AND EQUITABLE SHARING OF BENEFITS ARISING  
FROM THEIR UTILIZATION

First meeting

Montreal, 6-10 June 2011

Item 4 of the provisional agenda\*

**CAPACITY (ARTICLE 22)****ACTION PLAN ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND  
BENEFIT-SHARING (2004)**

*Note by the Executive Secretary*

The Executive Secretary is circulating herewith, for ease of reference, the Action Plan on Capacity-building for Access and Benefit-sharing, adopted by the Conference of the Parties at its seventh meeting, in decision VII/19 F, with a view to assist the first meeting of the Intergovernmental Committee for the Nagoya Protocol in the consideration of agenda item 4 “measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition”. It is reproduced as adopted by the seventh meeting of the Conference of the Parties in February 2004 in decision VII/19 F.

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## **ACTION PLAN ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING**

### **A. *Objective of the Action Plan***

1. The objective of the Action Plan is to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and benefit-sharing, and in particular the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising Out of their Utilization, taking into account their voluntary nature. The implementation of the Action Plan at the local, national, subregional, regional and international levels should involve indigenous and local communities and all relevant stakeholders.
2. Capacity-building for access and benefit-sharing constitutes an integral part of efforts to build the capacities of Parties to manage and develop their genetic resources and should contribute to the conservation and sustainable use of biological diversity.
3. To achieve the objective, the Action Plan will provide a framework for identifying country, indigenous and local community and all relevant stakeholder needs, priorities, mechanisms of implementation and sources of funding.

### **B. *Key areas requiring capacity-building***

4. Key areas that require capacity-building initiatives should be considered in a flexible and transparent manner, based on a country-driven approach. This approach will take into account the different situations, needs, capabilities and stages of development of each country, as well as the different types of genetic resources and their respective characteristics, and will promote synergies between different initiatives related to capacity-building.
5. Capacities should be strengthened at the systemic, institutional and individual levels in the following key areas:
  - (a) Institutional capacity-building:
    - (i) Policy, legislative and regulatory frameworks;
    - (ii) Administrative framework;
    - (iii) Funding and resource management;
    - (iv) Mechanisms for follow-up, monitoring and assessment.
  - (b) Assessment, inventory and monitoring of genetic resources, and traditional knowledge including taxonomic capacity, *inter alia*, within the context of the Global Taxonomy Initiative, and of *in situ* and *ex situ* conservation activities;
  - (c) The capacity of indigenous and local communities to assess, inventory and monitor genetic resources and related traditional knowledge, with their approval and consent, using the Global Taxonomy Initiative and other relevant initiatives;
  - (d) Bioprospecting, screening, DNA sequencing, characterization, product development and marketing;

(e) Environmental, cultural, social and economic valuation of genetic resources, and associated traditional knowledge, innovations and practices, and market information, including sector-relevant production and marketing strategies;

(f) Development by Contracting Parties with users of genetic resources under their jurisdiction of appropriate legal, administrative, or policy measures, as appropriate, to support compliance with prior informed consent of the Contracting Party providing such genetic resources and mutually agreed terms on which access was granted;

(g) Inventory and case-studies of existing policy and legislative measures, and the development of appropriate policies and legislation;

(h) Development of legislative, administrative and policy mechanisms for the protection of genetic resources and related traditional knowledge including, *inter alia*, the development of *sui generis* systems, the promotion of existing forms of protection of intellectual property rights and the support for community-based approaches of indigenous and local communities;

(i) Development of national, regional, subregional and international information systems, and national, regional, subregional and international information management and exchange, linked with the clearing-house mechanism of the Convention;

(j) Development and strengthening of the capacities of indigenous and local communities for participation in decision-making, policy formulation and implementation and for conservation, management and product development with regard to genetic resources and to enable them to benefit from the use of their traditional knowledge and practices related to genetic resources;

(k) Public education and awareness focusing on indigenous and local communities and all relevant stakeholders at local, national and regional levels;

(l) Human-resources development at all levels, including: legal drafting skills for development of access to genetic resources and benefit-sharing measures; contract-negotiation skills for indigenous and local communities and other relevant stakeholders; modalities for benefit-sharing; dispute resolution mechanisms;

(m) Development of awareness with respect to conventions, norms and policies relating to intellectual property rights and trade and their interrelationship with genetic resources and traditional knowledge;

(n) Strengthening inter-institutional linkages and processes with a view to ensuring more effective coordination;

(o) Evaluation of how the access activity may impact on conservation and sustainable use of biodiversity, to determine the relative costs and benefits of granting access;

(p) Clarification and/or recognition, as appropriate, of established rights and claims of indigenous and local communities over genetic resources and related traditional knowledge, innovations and practices, subject to collecting for scientific or potential commercial purposes and subject to national legal and policy frameworks;

(q) Mechanisms to provide information to potential users, regulators and the public, international and national, on their obligations regarding access to genetic resources.

*C. Mechanisms for the implementation of capacity-building in key areas*

6. The following processes, measures and mechanisms could be used for the implementation of capacity-building activities for access to genetic resources and benefit-sharing; noting that measures directed towards the capacity-building needs of users and of providers should be mutually supportive.

7. *Actions at multiple levels:*

(a) Awareness-raising for the issues at stake and identification of capacity needs at the local, national, subregional, and regional levels, taking into account, as appropriate, the work of the Global Environment Facility on national capacity self-assessment;

(b) Prioritization at the local, national, and regional levels of the key areas, drawing upon a range of existing expertise in academic, industrial and government sectors and indigenous and local communities;

(c) Identification of existing and planned capacity-building initiatives, including capacity-building gaps, at the local, national, subregional, regional and international levels, both public and private, and their coverage, including by:

- (i) National sources;
- (ii) Bilateral sources;
- (iii) Regional sources;
- (iv) Multilateral agencies;
- (v) Other international sources;
- (vi) Indigenous and local communities;
- (vii) Private sector, non-governmental organizations and other stakeholders.

(d) Developing and enhancing synergies and coordination of capacity-building initiatives;

(e) Establishment of indicators for monitoring capacity-building implementation;

(f) Funding through the Global Environment Facility and other donors;

(g) The participation of the private sector, academic institutions, relevant institutions and organizations of indigenous and local communities, and non-governmental organizations, as providers of capacity-building in specific areas, for example through collaborative research, transfer of technology and funding;

(h) Training workshops, train the trainers, exchange programmes and study trips;

(i) Full and effective involvement and participation of relevant stakeholders and indigenous and local communities, taking into account the tasks defined within the programme of work on the implementation of Article 8(j) and related provisions of the Convention;

(j) Development of audiovisual, multi-media and educational material.

8. *Actions at the national level:*

- (a) Designation of national focal points and establishment of competent national authorities;
- (b) Development of appropriate national access and benefit-sharing strategies, policies, legislation and regulatory frameworks;
- (c) Integration of capacity-building for access to genetic resources and benefit-sharing within the framework of national biodiversity strategies and other related initiatives and strategies;
- (d) Approaches for action, including timelines for the operation of capacity-building for access to genetic resources and benefit-sharing, as provided for in the appendix to this Action Plan;
- (e) Scientific and technical areas, including research production and technology transfer relevant to access to and use of genetic resources and benefit-sharing;
- (f) Development of instruments and tools, including indicators to monitor and assess the implementation of capacity-building for access to genetic resources and benefit-sharing at all stages, and the effectiveness of policy and legislative measures.

9. *Actions at the regional and subregional levels and at the international levels:*

- (a) Regional and subregional collaborative arrangements;
- (b) Assessment of resource requirements and development of a funding strategy;
- (c) Scientific and technical cooperation and partnerships among Parties, and between Parties and relevant multilateral agencies and other organizations through, *inter alia*, the clearing-house mechanism of the Convention, and other relevant networks, including those of relevant indigenous and local communities and relevant stakeholders;
- (d) Information exchange, through the clearing-house mechanism of the Convention, the use of the Internet, databases, CD-ROMs, hard copies and workshops;
- (e) Identification and dissemination of case-studies and best practices;
- (f) Coordination between multilateral and bilateral donors and other organizations;
- (g) Development of model agreements and codes of conduct for specific uses, users and sectors, where possible making use of work done in other forums;
- (h) The Global Taxonomy Initiative;
- (i) The roster of experts on access to genetic resources and benefit-sharing established under the Convention.

**D. Coordination**

10. In view of the multiplicity of actors undertaking capacity-building initiatives for access to genetic resources and benefit-sharing, mutual information-sharing and coordination at all levels should be promoted to encourage synergies and to identify existing gaps in coverage. At the international level, coordination is required with other relevant international regimes, in particular with capacity-building programmes under the International Treaty on Plant Genetic Resources for Food and Agriculture, and with the World Intellectual Property Organization to ensure synergies and complementarities.

11. While recognizing the country-driven nature of the Action Plan, regional and subregional approaches should be encouraged and facilitated to implement the Action Plan, noting in particular the special needs of Small Island developing States (SIDS). Such facilitation could include appropriate advice to the Global Environment Facility (GEF), including promotion of regional coordination among implementing agencies of capacity-building activities supported by GEF, the submission of relevant case-studies and the broader use of the clearing-house mechanism as a means, assisted by the Executive Secretary, of identifying opportunities for regional and subregional collaboration.

12. Parties, Governments and relevant international organizations should be encouraged to provide information to the Secretariat on steps taken, including by donors, towards the implementation of capacity-building measures, to be made available through the clearing-house mechanism of the Convention.

13. Parties may consider including in their national reports, websites and any other form of reporting, information on the implementation of capacity-building measures on access to genetic resources and benefit-sharing.

14. Coordination between the Ad Hoc Open-ended Inter-Sessional Working Group on Access and Benefit sharing and the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity in the continuing development of their programmes of work with respect to capacity-building for indigenous and local communities should be encouraged.

*Appendix***POSSIBLE APPROACHES FOR ACTION**

*Recognizing* that the status of policy development related to access and benefit-sharing differs among countries, the approaches for action necessary to implement the Action Plan on access and benefit-sharing are to be decided by countries according to their national needs and priorities,

*Cognizant* of the urgent need to build capacities in developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition,

*Building on* the identified elements in the Action Plan and without prejudice to the timeframes indicated therein,

As a tool to assist countries to establish national priorities and to facilitate regional and subregional activities the following approaches for action, based on experience and past practice, are proposed for consideration.

*Possible approaches for implementation of activities identified in the Action Plan*

**A. National level**

1. Inventory of genetic resources and traditional knowledge and evaluation of their potential markets, as well as assessment of existing measures and practices relating to access and benefit-sharing.
2. Assessment of the effectiveness and adequacy of existing capacity.
3. Development of national access and benefit-sharing strategy or policy (determination of ownership or rights to provide resources, including rights of indigenous and local communities; traditional knowledge; private sector partnership; prior informed consent; implementation; conflict resolution).
4. Enhancing awareness and participation of indigenous and local communities and all relevant stakeholders.
5. Development of timelines, including short- and long-term requirements for internal and external funding.
6. Development and/or strengthening of institutional, administrative, financial and technical capacities, including designation of national focal points and competent authorities and development of national legislative measures.
7. Mechanism for handling access and benefit-sharing requests, including decision-making, as well as public information and participation.
8. Mechanisms for monitoring and compliance for access and benefit-sharing arrangements.
9. Appropriate information mechanisms.

**B. Subregional and regional levels**

1. Assessment of national, bilateral and multilateral funding.
2. Mechanisms for regional and subregional coordination and harmonization of access and benefit-sharing strategies, policies, and legislative measures, where appropriate. This may also include regional and subregional websites, databases, collaborative arrangements, advisory mechanisms, and centres of excellence and training.

**C. International level**

1. Effective functioning of the clearing-house mechanism, including the establishment of a database on capacity-building activities.
2. Enhancing the effectiveness and adequacy and coordination of financial resources to be provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition.
3. Development and effective use of the roster of experts.
4. Enhancing synergies and coordination with capacity-building initiatives carried out by the Food and Agriculture Organization of the United Nations (FAO), the World Intellectual Property Organization (WIPO) and other relevant organizations.
5. Strengthening South-South cooperation.
6. Regular review and provision of further guidance by the Conference of the Parties to the Convention.

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