



**CBD**



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/NP/COP-MOP/1/1/Add.2  
19 August 2014

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE CONVENTION  
ON BIOLOGICAL DIVERSITY SERVING AS THE  
MEETING OF THE PARTIES TO THE NAGOYA  
PROTOCOL ON ACCESS TO GENETIC RESOURCES  
AND THE FAIR AND EQUITABLE SHARING OF  
BENEFITS ARISING FROM THEIR UTILIZATION

First meeting

Pyeongchang, Republic of Korea, 13-17 October 2014

### **DRAFT DECISIONS FOR THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION**

#### **INTRODUCTION**

1. The present note compiles the draft decisions for the consideration of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization at its first meeting (COP/MOP 1). These draft decisions are organized according to the provisional agenda for the meeting and the annotations thereto (UNEP/CBD/NP/COP-MOP/1/1 and UNEP/CBD/NP/COP-MOP/1/1/Add.1). It includes the draft decisions contained in the various recommendations that have been made by the three meetings of the 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 (ICNP), the fifth meeting of the Ad Hoc Open-ended Working Group on the Review of Implementation of the Convention, and, where appropriate, additional elements developed by the Executive Secretary in the light of requests from ICNP, highlighted in light grey throughout the document. The basis for these additional elements is provided in the documentation prepared for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

Introduction .....	1
Item 3. Adoption of the rules of procedure for meetings of the Conference of the Parties Serving as the meeting of the Parties to the Nagoya Protocol .....	3
Item 8. The Access and Benefit-sharing Clearing-House and Information-Sharing (Article 14).....	4
Item 9. Monitoring and reporting (Article 29) .....	8
Item 10. Cooperative procedures and institutional mechanisms to promote compliance with the Nagoya Protocol and address cases of non-compliance (Article 30).....	26
Item 11. Model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards (Article 19 And 20).....	31
Item 12. Guidance to the Financial Mechanism (Article 25) .....	31
Item 13. Guidance on resource mobilization for the implementation of the Nagoya Protocol.....	34
Item 15. Programme budget for the biennium following the entry into force of the Nagoya Protocol.....	36
Item 16. Improving the efficiency of structures and processes under the Convention and its Protocols .....	37
Item 17. Measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing country Parties and Parties with economies in transition (Article 22) .....	38
Item 18. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 21).....	57
Item 19. The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10).....	66

## ELEMENTS OF DRAFT DECISIONS BY ITEMS OF THE AGENDA

### ITEM 3. ADOPTION OF THE RULES OF PROCEDURE FOR MEETINGS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL

---

*The following comprises the draft decision contained in recommendation 3/1 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Noting* that, according to Article 26, paragraph 5, of the Protocol, the rules of procedure for meetings of the Conference of the Parties to the Convention shall be applied, *mutatis mutandis*, under the Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of Parties to this Protocol,

*Decides* by consensus that:

(a) When rule 21 of the rules of procedure for meetings of the Conference of the Parties to the Convention is applied to meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, this rule shall be supplemented, in accordance with Article 26, paragraph 3 of the Protocol, by the following paragraph:

“Where a member of the Bureau of the Conference of the Parties to the Convention representing a Party to the Convention but, at that time, not a Party to the Protocol, is substituted by a member elected by and from among the Parties to the Protocol, the term of office of the substitute member shall expire at the same time as the term of office of the member of the Bureau he or she substitutes.”

When the rules of procedure for meetings of the Conference of the Parties to the Convention are amended by the Conference of the Parties to the Convention, those amendments shall apply *mutatis mutandis* to meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

## **ITEM 8. THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE AND INFORMATION-SHARING (ARTICLE 14)**

*The Executive Secretary has prepared the following draft decision on the basis of document UNEP/CBD/NP/COP-MOP/1/2; the annex has been prepared on the basis of document UNEP/CBD/NP/COP-MOP/1/2/Add.1*

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

(a) *Welcomes* the progress made by the Executive Secretary and experience gained during the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House and capacity-building activities for the Access and Benefit-sharing Clearing-House;

(b) *Adopts* the modalities of operation of the Access and Benefit-sharing Clearing-House annexed to the present decision;

(c) *Establishes* an informal advisory committee in order to assist the Executive Secretary with the implementation of the Access and Benefit-sharing Clearing-House and to provide technical guidance with respect to the resolution of technical issues arising from the ongoing development of the Access and Benefit-sharing Clearing-House;

(d) *Decides* that the informal advisory committee will hold at least one meeting, and informal online discussions as needed, and report on the outcomes of its work to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(f) *Calls* upon Parties and other Governments that have not yet done so to designate a publishing authority and/or one or more national authorized users for the Access and Benefit-sharing Clearing-House;

(g) *Urges* Parties, other Governments, international organizations, indigenous and local communities, and relevant stakeholders to provide relevant information to the Access and Benefit-sharing Clearing-House as soon as possible and to provide feedback to the Executive Secretary;

(h) *Invites* Parties, other Governments, international organizations, the Global Environmental Facility, regional development banks and other financial institutions to provide financial resources for enabling Parties to actively participate in the Access and Benefit-sharing Clearing-House;

(i) *Requests* the Executive Secretary to continue developing the Access and Benefit-sharing Clearing-House, subject to the availability of resources, and in accordance with the modalities of operation and feedback received, and to report on progress to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

*In addition, as proposed in document UNEP/CBD/NP/COP-MOP/1/2, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol may wish to suggest a way forward to reach a common understanding on:*

- (i) *Modalities of involvement of indigenous and local communities in the Access and Benefit-sharing Clearing-House in relation to the implementation of the Nagoya Protocol, including: (i) the possible functions of a competent authority of indigenous and local communities and of a contact point for the indigenous and local communities for the Access and Benefit-sharing Clearing-House in relation to the implementation of the Nagoya Protocol; (ii) their possible role and responsibilities with respect to the Access and Benefit-sharing Clearing-House; and (iii) who should be responsible for submitting the information on these authorities to the Access and Benefit-sharing Clearing-House;*
- (ii) *Issues related to permit or its equivalent constituting an internationally recognized certificate of compliance and the checkpoint communiqué.*

*Annex*

**MODALITIES OF OPERATION OF THE ABS CLEARING-HOUSE**

**A. *Role of the ABS Clearing-House***

1. The Nagoya Protocol on Access and Benefit-sharing provides that the Access and Benefit-sharing Clearing-House (ABS Clearing-House) should facilitate, at a minimum, the exchange of the following information relevant to the implementation of the Protocol:

(a) Legislative, administrative and policy measures on access and benefit-sharing with respect to genetic resources and traditional knowledge associated with genetic resources (Article 14, paragraph 2 (a));

(b) The national focal point and competent national authority or authorities (Article 14, paragraph 2 (b));

(c) Permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms (Article 14, paragraph 2 (c)).

2. Additional information that could be made available through the ABS Clearing-House may include:

(a) Relevant competent authorities of indigenous and local communities, and information as so decided (Article 14, paragraph 3 (a));

(b) Model contractual clauses (Article 14, paragraph 3 (b));

(c) Methods and tools developed to monitor genetic resources (Article 14, paragraph 3 (c));

(d) Codes of conduct and best practices (Article 14, paragraph 3 (d));

(e) Checkpoints established under Article 17, paragraph 1 (a);

(f) Information collected or received by the designated checkpoints, including from internationally recognized certificates of compliance, to monitor the utilization of genetic resources (Article 17, paragraph 1 (a) (i) and (iii));

(g) Capacity-building and development initiatives at national, regional and international levels (Article 22, paragraph 6).

3. The ABS Clearing-House should facilitate the exchange of other information pursuant to the decisions taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

**B. *Characteristics of the ABS Clearing-House***

4. The development of the ABS Clearing-House shall be guided by the principles of inclusiveness, transparency and equity and undertaken in a manner consistent with the following characteristics:

(a) Making use of an internet-based central portal to provide access to information;

(b) Providing access to information in a simple, user-friendly, efficient, secure, flexible and functional manner;

(c) Offering a mechanism for offline submissions and access to information for Parties that indicate to the Secretariat a need to access such information;

(d) Making use of common formats to submit information;

(e) Making use of mandatory fields in the common formats, without prejudice to the protection of confidential information, in order to ensure that the minimum information required to provide for legal certainty, clarity and transparency is available to the ABS Clearing-House;

(f) Designed to operate in the six official languages of the United Nations;

(g) Making use, where appropriate, of controlled vocabularies within the framework of the Nagoya Protocol, which can be translated into the official United Nations languages, to facilitate registration and retrieval of information, and to facilitate the ability to search for records in all languages;

(h) Making use of metadata about each record (i.e., descriptive identifiers such as name, date, author, etc.) to facilitate the registration and retrieval of information;

(i) Requiring that the metadata which describes the primary data (e.g. the elements describing the content of a legislative measure chosen from a controlled vocabulary) be provided to the ABS Clearing-House in an official language of the United Nations, while recognizing that the primary data, being the substantive content of the ABS Clearing-House (e.g. a legislative measure), may be submitted to the ABS Clearing-House in the original language;

(j) Encouraging Parties and other Governments to also provide courtesy translations of the primary data submitted to the ABS Clearing-House in one of the official United Nations languages;

(k) Allowing for a mechanism to amend or update information while preserving legal certainty, clarity and transparency in accordance with the Nagoya Protocol, particularly in the case of a permit or its equivalent that constitutes an internationally recognized certificate of compliance. In such instances, the original permit or its equivalent constituting an internationally recognized certificate of compliance is to be retained in archived form and its status will be reflected in the record;

(l) Making use of unique identifiers generated through the ABS Clearing-House to search and retrieve information on internationally recognized certificates of compliance;

(m) Not including confidential data, as all information published in the ABS Clearing-House is publicly available and that through the act of publishing it, the publishing authority and the other users of the ABS Clearing-House confirm that the information published is not confidential;

(n) Designed to be interoperable and to exchange information with other databases and systems;

(o) Enabling the active participation of indigenous and local communities for the exchange of information related to traditional knowledge associated with genetic resources;

(p) Supporting the exchange of information to assist Parties in building and developing capacity to facilitate implementation of the Nagoya Protocol;

(q) Providing an opportunity for users to provide feedback on its development;

(r) Building up its functions and activities in response to clear and identified demand, and based on further experience and available resources.

### *C. Administration of the ABS Clearing-House*

5. The Secretariat shall administer the central portal of the ABS Clearing-House and, inter alia, have the following functions:

(a) Developing and maintaining the central portal and central databases to ensure that the ABS Clearing-House is accessible, user-friendly, searchable, and understandable;

(b) Identifying, reviewing and developing, as necessary, common formats for making information available to the ABS Clearing-House;

(c) Providing technical assistance to Parties, other Governments, indigenous and local communities and other stakeholders for registering and retrieving information;

(d) Cooperating with relevant international, regional, subregional and national organizations and entities, as appropriate;

(e) Enabling information exchange, as appropriate, with other data providers to support the implementation of the Nagoya Protocol;

(f) Registering offline submissions of information in the ABS Clearing-House on behalf of Parties, upon request;

(g) Providing portable data storage devices containing information available through the ABS Clearing-House, when requested by Parties;

(h) Performing other administrative functions as requested by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

***D. Role and responsibilities of national authorities with respect to the ABS Clearing-House***

6. The national focal point on access and benefit-sharing shall communicate to the Secretariat the designation of the publishing authority for the ABS Clearing-House. The functions of the publishing authority shall include the following:

- (a) Authorizing the publication of all national records registered on the ABS Clearing-House;
- (b) Actively participating in making information available on the ABS Clearing-House;
- (c) Ensuring that the information made available on the ABS Clearing-House is complete, non-confidential, relevant and up-to-date;
- (d) Liaising with the Secretariat regarding the development and implementation of the ABS Clearing-House;
- (e) Facilitating networking and building capacity of national authorized users as well as other users of the ABS Clearing-House, including indigenous and local communities and other stakeholders.

7. The publishing authority can designate one or more national authorized users to assist in the preparation of draft national records.

***E. Technical oversight and advice***

8. The Secretariat may seek assistance from an informal advisory committee, constituted and coordinated by the Executive Secretary in a transparent manner, with a particular focus on providing technical guidance with respect to the resolution of technical issues arising from the ongoing development of the ABS Clearing-House.

***F. Reports on activities***

9. The Secretariat shall provide information on the operation of the ABS Clearing-House at each meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol. This information may include:

- (a) The number, regional distribution and type of records made available through the ABS Clearing-House;
- (b) The number of permits or their equivalent constituting internationally recognized certificates of compliance;
- (c) The availability of information in the six official United Nations languages;
- (d) Reports on collaborations between the ABS Clearing-House and relevant organizations for the exchange of relevant data;
- (e) Feedback on the operation of the ABS Clearing-House provided by users;
- (f) Measurement and analytics based on the external use of the ABS Clearing-House, including the number of visitors, to help understand website performance and effectiveness;
- (g) Information on operational costs, including funding and additional resource requirements.

***G. Periodic review***

10. The implementation and operation of the ABS Clearing-House shall be subject to periodic review, which should aim to include consultation with a wide variety of Parties and users of the ABS Clearing-House. Periodic reviews should then take place in accordance with Article 31 of the Nagoya Protocol.

## ITEM 9. MONITORING AND REPORTING (ARTICLE 29)

---

*The following comprises the draft decision contained in paragraph 2 of recommendation 3/7 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

1. *Requests* the Executive Secretary to make the format for the interim national report annexed hereto available through the Access and Benefit-sharing Clearing-House, including the option to submit information offline;
  2. *Invites* Parties and other Governments to submit an interim national report on the implementation of their obligations under the Nagoya Protocol:
    - (a) In an official language of the United Nations;
    - (b) Through the Access and Benefit-sharing Clearing-House;
    - (c) Twelve months prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.
  3. *Requests* the Executive Secretary to consolidate information contained in the interim national reports received and information published in the Access and Benefit-sharing Clearing-House for the consideration of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as a contribution to the assessment and review of the effectiveness of the Protocol by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, pursuant to Article 31;
  4. *Invites* the Global Environment Facility to make financial resources available, with a view to assisting eligible Parties to prepare their national reports;
  5. *Decides* to consider the intervals for reporting at its third meeting;
  6. *Also decides* to keep the format of the national report under review, based on feedback received from Parties and the experience gained.
- 

*The following additional elements of the draft decision, and the annex, have been prepared by the Executive Secretary on the basis of document UNEP/CBD/NP/COP-MOP/1/3.*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

- (a) *Requests* the Executive Secretary, in the light of the outcomes of the Conference of the Parties serving as the meeting of the Parties to the Protocol and developments on the Access and Benefit-sharing Clearing-House, to review the format for the interim national report annexed hereto and to make it available as soon as possible through the Access and Benefit-sharing Clearing-House, taking into account the need to avoid duplication in relation to the submission of information already made available through the ABS Clearing-House and the clearing-house mechanism;
- (b) *Encourages* Parties and other Governments to submit the interim national report as soon as the format is made available through the Access and Benefit-sharing Clearing-House in order to establish a baseline, and to update it at regular intervals until twelve months prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;
- (c) *Requests* the Executive Secretary and invite Parties, other Governments and relevant organizations to make use of and to take into account the interim national reports when carrying out capacity-building and development activities to support the implementation of the Nagoya Protocol.

*Annex***GUIDELINES FOR THE INTERIM NATIONAL REPORT ON THE IMPLEMENTATION OF THE NAGOYA PROTOCOL**

The following format for the preparation of the interim national report on implementation of the Nagoya Protocol on Access and Benefit-sharing called for under Article 29 of the Protocol is a series of questions based on those provisions of the Protocol that establish obligations for the Parties to the Protocol. These questions are identified as mandatory and are marked with an asterisk.

In addition some questions are not strictly based on the provisions of the Protocol and are identified as voluntary. They are included in the reporting format to contribute to the assessment and review of the effectiveness of the Protocol in the context of Article 31 and to identify challenges and difficulties in implementing the Protocol, and of decisions adopted by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP).

The interim national report can be a useful tool for both Parties and non-Parties to the Nagoya Protocol to assess the level of implementation of the Nagoya Protocol, as well as gaps and needs in terms of capacity, and will assist the COP-MOP in reviewing, on a regular basis, the implementation of the Nagoya Protocol and to make, within its mandate, the decisions necessary to promote its effective implementation in accordance with Article 26, paragraph 4.

Information submitted through the interim national report could also serve to share experiences, challenges and solutions among countries in relation to the implementation of the Nagoya Protocol. In this regard, the interim national report can be a valuable tool for building and developing capacity to implement the Protocol and for designing capacity-building activities more effectively. Countries are encouraged to update the interim report at regular intervals and each subsequent report submitted, will be, in fact, a new report, which would allow for the monitoring progress made in implementation over time.

The format is intended to minimize the reporting burden on countries and therefore questions are simple in nature (yes or no questions). Generally, these questions are followed by text entries where countries are invited to report on difficulties and challenges to implement particular provisions of the Protocol and to provide further information on the issue by linking to existing Access and Benefit-sharing Clearing-House (ABS Clearing-House) records, websites or uploading documents. This is an opportunity to identify good practices and constraints in implementation of the Nagoya Protocol.

In order to avoid duplication in the submission of information and to make the best use of the information already made available through the ABS Clearing-House, countries would be given the possibility of linking existing national and reference ABS Clearing-House records published by the publishing authority to the different sections of the interim national report if they wish to do so, or else the Secretariat when consolidating information for consideration of the COP/MOP, in addition to the information contained in the interim national report will also include relevant information already published in the ABS Clearing-House.

Although there is no set limit on length of text, in order to assist with the review and synthesis of the information in the reports, respondents are invited to ensure that answers are as relevant and as succinct as possible.

Parties are invited to submit any other information in the section provided at the end of the reporting format. The Executive Secretary welcomes any comments on the adequacy of the questions and difficulties in completing the questions, and any further recommendations on how these reporting guidelines could be improved.

It is recommended that Parties involve all relevant stakeholders in the preparation of the report in order to ensure a participatory and transparent approach to its development.

Countries are encouraged to use the online version of the format and to submit the report through the ABS Clearing-House and to use the opportunity to update and review the accuracy of existing national information on the ABS Clearing-House.

For offline submissions to the ABS Clearing-House, please use the protected form in MS Word format. It is recommended that countries send the report via email to the Secretariat [secretariat@cbd.int](mailto:secretariat@cbd.int), together with a scanned copy of the last page signed by the ABS Clearing-House publishing authority.

<b>Interim national report on the implementation of the Nagoya Protocol</b>	
<b>Country</b>	
1. *Country:	<Country name>
<b>General information</b>	
2. *Is this a new record or a modification to an existing record: <sup>1</sup>	<input type="checkbox"/> New record OR <input type="checkbox"/> Update of an existing record <clearing-house record number>
3. *Contact person:	<clearing-house record number>  <i>Please enter the CBD clearing-house record number containing this information or, if not registered, attach a "Contact details" common format.<sup>2</sup></i>
<b>Parties to the Nagoya Protocol on Access and Benefit-sharing</b>	
4. Is your country a Party to the Nagoya Protocol?	<input type="checkbox"/> Yes OR <input type="checkbox"/> No  <i>↳ If selected, please indicate if there is any national process in place towards becoming a Party?</i> <input type="checkbox"/> Yes <i>↳ Please provide a summary of the status of the process: &lt;Text entry&gt;</i> OR <input type="checkbox"/> No  <i>↳ Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol: &lt;Text entry&gt;</i>
<b>Institutional structures for the implementation of the Protocol</b>	
5. *Has your country designated a national focal point as provided in Article 13?	<input type="checkbox"/> Yes OR

<sup>1</sup> Clearing-House record numbers can be found here: <http://absch.cbd.int>.

<sup>2</sup> All ABS Clearing-House common formats are available at <http://absch.cbd.int>.

	<input type="checkbox"/> No <i>↳ Please provide a summary of the main difficulties and challenges encountered for designating a national focal point:</i> <Text entry>
6. *Has your country designated one or more competent national authorities as provided in Article 13?	<input type="checkbox"/> Yes OR <input type="checkbox"/> No <i>↳ Please provide a summary of the main difficulties and challenges encountered for designating one or more competent national authorities:</i> <Text entry>
7. *Has your country designated one or more checkpoints as provided in Article 17?	<input type="checkbox"/> Yes OR <input type="checkbox"/> No <i>↳ Please provide a summary of the main difficulties and challenges encountered for designating one or more checkpoints:</i> <Text entry>
8. Has your country established a mechanism for budgetary allocations of funds for the implementation of the Nagoya Protocol? <sup>3</sup>	<input type="checkbox"/> Yes <i>↳ Please provide further information:</i> <Text entry> OR <input type="checkbox"/> No <i>↳ Please provide a summary of the main difficulties and challenges encountered:</i> <Text entry>
9. Does your country have specific staff to administer functions directly related to the implementation of the Nagoya Protocol? <sup>4</sup>	<input type="checkbox"/> Yes <i>If selected, please indicate how many:</i> <input type="checkbox"/> One <input type="checkbox"/> Less than 5 <input type="checkbox"/> Less than 10 <input type="checkbox"/> 10 or more OR <input type="checkbox"/> No <i>↳ Please provide a summary of the main difficulties and challenges encountered:</i> <Text entry>

<sup>3</sup> The collection of this information would be useful for the evaluation of the effectiveness of the Protocol under Article 31 on assessment and review as well as for measuring progress and identifying difficulties and challenges in implementing the Protocol.

<sup>4</sup> The collection of this information could be useful for the evaluation of the effectiveness of the Protocol under Article 31 on assessment and review as well as for measuring progress and identifying difficulties and challenges in implementing the Protocol.

<b>Legislative, administrative or policy measures on access and benefit-sharing (ABS measures)<sup>5</sup></b>	
<p>10. * Has your country put ABS measures in place to implement the Nagoya Protocol?</p>	<p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Full domestic framework to implement the Protocol is in place</p> <p style="margin-left: 20px;"><input type="checkbox"/> Some measures to implement the Protocol are in place</p> <p style="margin-left: 40px;"><i>↳ Please provide further information: &lt;Text entry&gt;</i></p> <p>OR</p> <p><input type="checkbox"/> No</p> <p style="margin-left: 20px;"><i>↳ Please provide a summary of the main difficulties and challenges encountered for putting the measures in place : &lt;Text entry&gt;</i></p>
<b>Access to genetic resources (Article 6)</b>	
<p>11. * Is access to genetic resources subject to prior informed consent (PIC) as provided in Article 6.1?</p>	<p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><i>↳ If selected, please fill sections 12 to 16 below.</i></p> <p>OR</p> <p><input type="checkbox"/> No</p> <p style="margin-left: 20px;"><i>↳ If selected, please indicate if there is any other system in place in relation to access to genetic resources &lt;Text entry&gt;</i></p>
<p>12. * Does your country have fair and non-arbitrary rules and procedures on accessing genetic resources as provided in Article 6.3 (b)?</p>	<p><input type="checkbox"/> Yes</p> <p>OR</p> <p><input type="checkbox"/> Yes, to some extent</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p style="margin-left: 20px;"><i>↳ If selected, please provide further information: &lt;Text entry&gt;</i></p>
<p>13. * Does your country provide information on how to apply for PIC as provided in Article. 6.3 (c)?</p>	<p><input type="checkbox"/> Yes</p> <p>OR</p> <p><input type="checkbox"/> Yes, to some extent</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>14. * Does your country provide for a clear and transparent written decision by a competent national authority as provided in Article 6.3 (d)?</p>	<p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><i>↳ If selected, is the written decision provided in a cost effective manner?</i></p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p style="margin-left: 20px;"><i>↳ Is the written decision provided within a reasonable time</i></p>

<sup>5</sup> This section of the format takes account of the provisions of the Protocol which require Parties to take “legislative, administrative or policy measures”.

	<p>period?  <input type="checkbox"/> Yes OR <input type="checkbox"/> No  <i>↳Please provide further information on average timeframes for providing a written decision: &lt;Text entry&gt;</i></p> <p>OR  <input type="checkbox"/> No</p>
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)?	<p><input type="checkbox"/> Yes  OR  <input type="checkbox"/> No</p>
16. *Does your country have rules and procedures for requiring and establishing mutually agreed terms (MAT) as provided in Article 6.3 (g)?	<p><input type="checkbox"/> Yes  OR  <input type="checkbox"/> Yes, to some extent  OR  <input type="checkbox"/> No</p>
17. Additional information:	<p><i>Please provide a summary of the main difficulties and challenges</i>  &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information</i> &lt;clearing-house record number&gt;</p> <p><i>and/or</i> &lt;URL and website name&gt;</p> <p><i>and/or</i> &lt;Attachment&gt;</p>
<b>Fair and equitable benefit-sharing (Article 5)</b>	
18. *Has your country taken ABS measures to share benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization as provided in Article 5.1?	<p><input type="checkbox"/> Yes  OR  <input type="checkbox"/> Yes, to some extent  OR  <input type="checkbox"/> No</p>
19. *Has your country taken ABS measures to ensure that benefits arising from the utilization of traditional knowledge associated with genetic resources with indigenous and local communities holding such knowledge are shared as provided in Article 5.5?	<p><input type="checkbox"/> Yes  OR  <input type="checkbox"/> Yes, to some extent  OR  <input type="checkbox"/> No</p>
20. Additional information:	<p><i>Please provide a summary of the main difficulties and challenges for putting measures in place:</i> &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information</i> &lt;clearing-house record number&gt;</p> <p><i>and/or</i> &lt;URL and website name&gt;</p>

	<i>and/or</i> <Attachment>
<b>Access to and benefit-sharing from genetic resources of indigenous and local communities</b>	
21. *Do indigenous and local communities have the established right to grant access to genetic resources according to your domestic law? (Article 6.2)	<p><input type="checkbox"/> Not applicable</p> <p style="padding-left: 40px;"><i>↳ Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>OR</p> <p><input type="checkbox"/> Yes</p> <p style="padding-left: 40px;"><i>↳ If selected,</i> has your country set out criteria and/or processes for obtaining PIC or approval and involvement of indigenous and local communities for access to genetic resources as provided in Article 6.3 (f)?</p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><i>↳ 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?</i></p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><i>↳ Does your country have measures with the aim of ensuring that benefits from the utilization of genetic resources held by indigenous and local communities are shared with the communities concerned in as provided in Article 5.2?</i></p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p>
22. Additional information:	<p><i>Please provide a summary of the main difficulties and challenges for putting measures in place:</i> &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information</i> &lt;clearing-house record number&gt;</p> <p><i>and/or</i> &lt;URL and website name&gt;</p> <p><i>and/or</i> &lt;Attachment&gt;</p>

<b>Special considerations (Article 8)</b>	
<p>23. *In the development and implementation of ABS measures has your country:</p>	<p>Created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity as provided in Article 8(a)?</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent OR <input type="checkbox"/> No</p> <p>↳Please provide further information: &lt;Text entry&gt;</p> <p>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)?</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent OR <input type="checkbox"/> No</p> <p>↳Please provide further information: &lt;Text entry&gt;</p> <p>Considered the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8 (c)?</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent OR <input type="checkbox"/> No</p> <p>↳Please provide further information: &lt;Text entry&gt;</p>
<p>24. Additional information:</p>	<p>Please provide a summary of the main difficulties and challenges for putting measures in place: &lt;Text entry&gt;</p> <p>Please enter the clearing-house record number containing relevant information &lt;clearing-house record number&gt;</p> <p>and/or &lt;URL and website name&gt;</p> <p>and/or &lt;Attachment&gt;</p>
<b>Compliance with domestic legislation or regulatory requirements on ABS (Article 15)</b>	
<p>25. *Has your country taken ABS measures to provide that genetic resources utilized within its jurisdiction have been accessed in accordance with PIC and that MAT have been established as required by the ABS measures of the other Party as provided in Article 15.1?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent</p> <p>↳ If selected, please indicate whether your country has taken measures to address situations of non-compliance with those measures as provided in Article 15.2?</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ Has your country cooperated with other Parties in cases of alleged violation of ABS measures as provided in Article 15.3?</p> <p><input type="checkbox"/> Yes</p> <p>↳Please provide further information: &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>OR</p> <p><input type="checkbox"/> No</p>

<p>26. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges for putting measures in place: &lt;Text entry&gt;</i></p> <p><i>Please enter the clearing-house record number containing relevant information &lt;clearing-house record number&gt;</i></p> <p><i>and/or &lt;URL and website name&gt;</i></p> <p><i>and/or &lt;Attachment&gt;</i></p>
------------------------------------	---

**Compliance with domestic legislation or regulatory requirements on ABS for traditional knowledge associated with genetic resources (Article 16)**

<p>27. *Has your country taken ABS 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 ABS measures of the other Party where such indigenous and local communities are located as provided in Article 16.1?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent</p> <p>↳ <i>If selected, please indicate whether your country has taken measures to address situations of non-compliance with those measures as provided in Article 16.2?</i></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ <i>Has your country cooperated in cases of alleged violation of ABS measures as provided in Article 16.3?</i></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>OR</p> <p><input type="checkbox"/> No</p>
---	---

<p>28. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges for putting measures in place: &lt;Text entry&gt;</i></p> <p><i>Please enter the clearing-house record number containing relevant information &lt;clearing-house record number&gt;</i></p> <p><i>and/or &lt;URL and website name&gt;</i></p> <p><i>and/or &lt;Attachment&gt;</i></p>
------------------------------------	---

**Traditional knowledge associated with genetic resources (Article 7 and 12)**

<p>29. *Has your country taken measures to ensure 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?</p>	<p><input type="checkbox"/> Not applicable</p> <p>↳ <i>Please provide further information: &lt;Text entry&gt;</i></p> <p>OR</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent</p> <p>↳ <i>Please provide further information: &lt;Text entry&gt;</i></p> <p>OR</p> <p><input type="checkbox"/> No</p>
---	---

<p>30. *In implementing the Protocol, 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?</p>	<p><input type="checkbox"/> Not applicable</p> <p>OR</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent</p> <p>↳ <i>Please provide further information: &lt;Text entry&gt;</i></p> <p>OR</p> <p><input type="checkbox"/> No</p>
---	--

<p>31. *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?</p>	<p><input type="checkbox"/> Not applicable OR <input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent <i>↳Please provide further information: &lt;Text entry&gt;</i> OR <input type="checkbox"/> No</p>
<p>32. *Is your country supporting the development by indigenous and local communities of the following tools as provided in Article 12.3?</p>	<p><input type="checkbox"/> Not applicable OR <input type="checkbox"/> Community protocols <i>↳ Please provide further information: &lt;Text entry&gt;</i> AND <input type="checkbox"/> Minimum requirements for mutually agreed terms <i>↳Please provide further information: &lt;Text entry&gt;</i> AND <input type="checkbox"/> Model contractual clauses <i>↳Please provide further information: &lt;Text entry&gt;</i></p>
<p>33. *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?</p>	<p><input type="checkbox"/> Not applicable OR <input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent <i>↳Please provide a summary of the measures taken: &lt;Text entry&gt;</i> OR <input type="checkbox"/> No</p>
<p>34. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges for putting measures in place in relation to traditional knowledge associated with genetic resources: &lt;Text entry&gt;</i> <i>Please enter the clearing-house record number containing relevant information &lt;clearing-house record number&gt;</i> <i>and/or &lt;URL and website name&gt;</i> <i>and/or &lt;Attachment&gt;</i></p>

<b>Access and Benefit-sharing Clearing-House (Article 14)</b>	
<p>35. *Has your country made the following information available to the ABS Clearing-House as provided in Article 14.2?:</p>	<p>Legislative, administrative and policy measures on ABS  <input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>Information on the national focal point  <input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>Information on competent national authority/ies  <input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>Permits or their equivalent issued at the time of access as evidence of the decision to grant PIC and of the establishment of MAT  <input type="checkbox"/> Yes OR <input type="checkbox"/> No</p>
<p>36. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges for making information available to the ABS Clearing-House:</i> &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information</i> &lt;clearing-house record number&gt;</p> <p><i>and/or</i> &lt;URL and website name&gt;</p> <p><i>and/or</i> &lt;Attachment&gt;</p>

<b>Contribution to conservation and sustainable use (Article 9)</b>	
<p>37. *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?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent                  ↳ <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>38. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges:</i> &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information</i> &lt;clearing-house record number&gt;</p> <p><i>and/or</i> &lt;URL and website name&gt;</p> <p><i>and/or</i> &lt;Attachment&gt;</p>

<b>Transboundary cooperation (Article 11)</b>	
<p>39. * Is your country cooperating with a view to implementing the Protocol in instances where the same genetic resources are found <i>in situ</i> within the territory of more than one Party as provided in Article 11.1?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent                  ↳ <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p>

<p>40. * Is your country cooperating 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?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent  <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>41. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges:</i>          &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information</i> &lt;clearing-house record number&gt;</p> <p><i>and/or</i> &lt;URL and website name&gt;</p> <p><i>and/or</i> &lt;Attachment&gt;</p>

<p><b>Monitoring the utilization of genetic resources (Article 17)</b></p>	
<p>42. *Does your country requires 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)?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent  <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p><i>If selected, has your country taken measures to address situations of non-compliance?</i></p> <p><input type="checkbox"/> Yes  <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>43. *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)?</p>	<p><input type="checkbox"/> Yes          OR  <input type="checkbox"/> Yes, to some extent          OR  <input type="checkbox"/> No</p>
<p>44. *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)?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent  <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p>

<p>45. *Is your country encouraging the use of cost-effective communication tools and systems as provided in Article 17.1 (c)?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent  <i>↳Please provide further information: &lt;Text entry&gt;</i>  OR  <input type="checkbox"/> No</p>
<p>46. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges: &lt;Text entry&gt;</i>  <i>Please enter the clearing-house record number containing relevant information &lt;clearing-house record number&gt;</i>  <i>and/or &lt;URL and website name&gt;</i>  <i>and/or &lt;Attachment&gt;</i></p>

<p><b>Compliance with mutually agreed terms (MAT) (Article 18)</b></p>	
<p>47. *Is your country encouraging the inclusion of provisions in MAT to cover dispute resolution as provided in Article 18.1 (a) (b) and (c)?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent  <i>↳Please provide further information: &lt;Text entry&gt;</i>  OR  <input type="checkbox"/> No</p>
<p>48. *Is your country ensuring that opportunity to seek recourse is available under your legal systems in disputes arising from MAT as provided in Article 18.2?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent  <i>↳Please provide further information: &lt;Text entry&gt;</i>  OR  <input type="checkbox"/> No</p>
<p>49. *Has your country taken measures regarding the following points as provided in Article 18.3?</p>	<p>Access to justice?  <input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent OR <input type="checkbox"/> No  <i>↳Please provide further information: &lt;Text entry&gt;</i>  AND  Utilization of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards?  <input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent OR <input type="checkbox"/> No  <i>↳Please provide further information: &lt;Text entry&gt;</i></p>
<p>50. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges: &lt;Text entry&gt;</i>  <i>Please enter the clearing-house record number containing relevant information &lt;clearing-house record number&gt;</i>  <i>and/or &lt;URL and website name&gt;</i>  <i>and/or &lt;Attachment&gt;</i></p>

<b>Model contractual clauses, codes of conduct, guidelines and best practices and/or standards (Article 19 and 20)</b>	
51. *Is your country encouraging the development, update and use of model contractual clauses for MAT as provided in Article 19?	<input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent <i>↳Please provide a summary of the measures taken:</i> <Text entry>  OR <input type="checkbox"/> No
52. *Is your country encouraging the development, update and use of codes of conduct, guidelines and best practices or standards as provided in Article 20?	<input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent <i>↳Please provide a summary of the measures taken:</i> <Text entry>  OR <input type="checkbox"/> No
53. Additional information:	<i>Please provide a summary of the main difficulties and challenges:</i> <Text entry>  <i>Please enter the clearing-house record number containing relevant information:</i> <clearing-house record number>  and/or <URL and website name>  and/or <Attachment>

<b>Awareness-raising and capacity (Article 21 and 22)</b>	
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?	<input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent <i>↳If selected, has your country taken measures to implement the awareness-raising strategy for the Nagoya Protocol on ABS?<sup>6</sup></i> <input type="checkbox"/> Yes <i>↳Please provide a summary of the measures taken:</i> <Text entry>  <i>↳Please enter the clearing-house record number containing relevant information:</i> <clearing-house record number>  OR <input type="checkbox"/> No  OR <input type="checkbox"/> No

<sup>6</sup> The awareness-raising strategy was recommended for adoption by the first COP-MOP by the Intergovernmental Committee in recommendation 2/6.

<p>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?</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent</p> <p>↳ <i>If selected</i>, 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?<sup>7</sup></p> <p><input type="checkbox"/> Yes</p> <p>↳ <i>Please provide a summary of the measures taken:</i> &lt;Text entry&gt;</p> <p>↳ <i>Please enter the clearing-house record number containing relevant information:</i> &lt;clearing-house record number&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>56. Has your country received external support for building and developing capacity for the implementation of the Nagoya Protocol?<sup>8</sup></p>	<p><input type="checkbox"/> Yes</p> <p>↳ <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>57. Has your country provided external support for building and developing capacity for the implementation of the Nagoya Protocol?<sup>9</sup></p>	<p><input type="checkbox"/> Yes</p> <p>↳ <i>Please provide further information:</i> &lt;Text entry&gt;</p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>58. Additional information:</p>	<p><i>Please provide a summary of the main difficulties and challenges:</i> &lt;Text entry&gt;</p> <p><i>Please enter the clearing-house record number containing relevant information:</i> &lt;clearing-house record number&gt;</p> <p>and/or &lt;URL and website name&gt;</p> <p>and/or &lt;Attachment&gt;</p>

**Technology transfer, collaboration and cooperation (Article 23)**

<p>59. *Is your country collaborating and cooperating in technical and scientific research and development programmes as a means to achieve the objective of</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent</p> <p>↳ <i>Please provide a summary of the measures taken:</i> &lt;Text entry&gt;</p>
--	--

<sup>7</sup> The strategic framework for capacity-building and development to support effective implementation of the Nagoya Protocol on ABS was recommended for adoption by the first COP-MOP by the Intergovernmental Committee in recommendation 3/5.

<sup>8</sup> The collection of this information could be useful for the evaluation of the effectiveness of the Nagoya Protocol under Article 31 on assessment and review, as well as for measuring progress and identifying difficulties and challenges in implementing the Protocol.

<sup>9</sup> The collection of this information could be useful for the evaluation of the effectiveness of the Nagoya Protocol under Article 31 on assessment and review, as well as for measuring progress and identifying difficulties and challenges in implementing the Protocol.

the Protocol as provided in Article 23?	OR <input type="checkbox"/> No
---	-----------------------------------

<b>Financial mechanism and resources (Article 25)</b>	
60. *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?	<input type="checkbox"/> Yes, financial resources have been made available <i>Please provide further information:</i> <Text entry> OR <input type="checkbox"/> Yes, financial resources have been received <input type="checkbox"/> From other Parties <i>Please provide further information:</i> <Text entry> <input type="checkbox"/> From financial institutions <input type="checkbox"/> From the Global Environmental Facility <input type="checkbox"/> From the Nagoya Protocol Implementation Fund <input type="checkbox"/> From other sources <i>Please provide further information:</i> <Text entry> OR <input type="checkbox"/> No
61. Has your country mobilized resources for the Protocol in accordance with strategy of resource mobilization in support of the achievement of the three objectives of the Convention? <sup>10</sup>	<input type="checkbox"/> Yes OR <input type="checkbox"/> Yes, to some extent <i>Please provide further information:</i> <Text entry> OR <input type="checkbox"/> No
62. Additional information:	<i>Please provide a summary of the main difficulties and challenges:</i> <Text entry> <i>Please enter the clearing-house record number containing relevant information:</i> <clearing-house record number> and/or <URL and website name> and/or <Attachment>

<b>Information on impact of the implementation of the Nagoya Protocol<sup>11</sup></b>	
63. Number of permits or their equivalents issued before entry into force of the Protocol for your country:	<Number value>
64. Number of permits or their equivalents issued since entry into force of the	<Number value>

<sup>10</sup> The eleventh meeting of the Conference of the Parties decided by decision XI/4 section II “to include consideration of resource mobilization for the Nagoya Protocol in the implementation of the strategy for resource mobilization in support of the achievement of the three objectives of the Convention for the period 2008-2015”

<sup>11</sup> The collection of this information could be useful for the evaluation of the effectiveness of the Nagoya Protocol under Article 31 on assessment and review, as well as for measuring progress and identifying difficulties and challenges in implementing the Nagoya Protocol.

Protocol for your country:	
65. Number of permits or its equivalents made available to the ABS Clearing-House constituting an internationally recognized certificate of compliance:	<Number value>
66. Number of agreements concluded for access to traditional knowledge associated with genetic resources and benefit-sharing from the utilization since entry into force of the Protocol:	<Number value>
67. Number of checkpoint communiqués issued:	<Number value>
68. Benefits received before entry into force of the Protocol for your country from the utilization of:	-Genetic resources -Monetary benefits: <Text entry> -Non-monetary benefits: <Text entry> -Traditional knowledge: -Monetary benefits: <Text entry> -Non-monetary benefits: <Text entry>
69. Benefits received since entry into force of the Protocol for your country from the utilization of:	-Genetic resources -Monetary benefits: <Text entry> -Non-monetary benefits: <Text entry> -Traditional knowledge: -Monetary benefits: <Text entry> -Non-monetary benefits: <Text entry>
70. Please indicate how the implementation of the Nagoya Protocol has contributed to conservation and sustainable use of biodiversity:	<Text entry>
71. Please provide other information on impacts of the implementation of the Nagoya Protocol in your country:	<Text entry>
<b>Additional information</b>	
72. Any other relevant information: <sup>12</sup>	<Text entry> <i>and/or</i> <URL and website name> <i>and/or</i> <Attachment>
73. Notes: <sup>13</sup>	<Text entry>

<sup>12</sup> Please use this field to provide any other relevant information that may not have been addressed elsewhere in the report.

<sup>13</sup> The field "Notes" is for personal reference and can be seen only when the record is being edited.

<b>Comments in the reporting format</b>	
74. Please provide any comment that you may have regarding the format of this report:	<Text entry>
<b>Record Validation (offline submission only)</b>	
*Country:	<Country name>
*Name of the ABS-CH clearing authority:	<Text entry>
*Date:	<YYYY-MM-DD>
<i>I hereby confirm that the above information is correct and agree for its inclusion in the ABS Clearing-House.</i>	
*Signature of the ABS-CH clearing authority:	
<p><b>Submission addresses:</b></p> <p>This form should be should be completed and sent <b><i>by email</i></b> to <a href="mailto:secretariat@cbd.int">secretariat@cbd.int</a></p> <p><i>or alternatively by</i></p> <ul style="list-style-type: none"> <li>• Fax at +1 514 288-6588; or</li> <li>• Postal mail to:</li> </ul> <p><b>Secretariat of the Convention on Biological Diversity</b>  <b>413 rue Saint-Jacques, suite 800</b>  <b>Montreal, Québec, H2Y 1N9</b>  <b>Canada</b></p>	

**ITEM 10. COOPERATIVE PROCEDURES AND INSTITUTIONAL MECHANISMS TO PROMOTE COMPLIANCE WITH THE NAGOYA PROTOCOL AND ADDRESS CASES OF NON-COMPLIANCE (ARTICLE 30)**

---

*The following comprises the text of the draft cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Nagoya Protocol and to address cases of non-compliance which the 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 agreed, in recommendation 3/6, to forward to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol for its consideration and approval.*

---

*Annex*

**COOPERATIVE PROCEDURES AND INSTITUTIONAL MECHANISMS TO PROMOTE COMPLIANCE WITH THE PROVISIONS OF THE NAGOYA PROTOCOL AND TO ADDRESS CASES OF NON-COMPLIANCE**

The following procedures and mechanisms are developed in accordance with Article 30 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization (the Protocol).

**A. Objectives, nature and underlying principles**

1. The objective of the compliance procedures and mechanisms is to promote compliance with the provisions of the Protocol and to address cases of non-compliance. These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms under Article 27 of the Convention on Biological Diversity (the Convention).
2. The compliance procedures and mechanisms shall be non-adversarial, cooperative, simple, expeditious, advisory, facilitative, flexible and cost-effective in nature.
3. The operation of the compliance procedures and mechanisms shall be guided by the principles of fairness, due process, rule of law, non-discrimination, transparency, accountability, predictability, good faith and effectiveness. It shall pay particular attention to the special needs of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, and take into full consideration the difficulties they face in the implementation of the Protocol.

**B. Institutional mechanisms**

1. A Compliance Committee, hereinafter referred to as “the Committee”, is hereby established pursuant to Article 30 of the Protocol to carry out the functions specified herein.
2. The Committee shall consist of 15 members nominated by Parties, on the basis of three members endorsed by each of the five regional groups of the United Nations. [Nominees could include representatives of indigenous and local communities]. [In addition, [one][two] representative[s] of indigenous and local communities nominated by [Parties][x] shall serve as [observers][non-voting members][members]]. Nominees shall be elected by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP)<sup>14</sup>

---

<sup>14</sup> Depending on the approach adopted in paragraph 2, consequential changes may need to be made.

3. Each regional group of the United Nations should provide one alternate member to be nominated by Parties and elected by the COP-MOP to replace a member who resigns or is unable to complete their term of office.
4. Members of the Committee shall have recognized competence, including technical, legal or scientific expertise in the fields covered by the Protocol, such as genetic resources and traditional knowledge associated with genetic resources, and serve objectively, in the best interests of the Protocol and in their individual expert capacity.
5. Members shall be elected by the COP-MOP for a period of four years, this being a full term. At its first meeting, the COP-MOP shall elect five members, one from each region, for half a term, and ten members, two from each region, for a full term. Each time thereafter, the COP-MOP shall elect, for a full term, new members to replace those whose term has expired. Members shall not serve for more than two consecutive terms.
6. The Committee shall meet at least once in each intersessional period and may, as necessary and subject to the availability of financial resources, hold additional meetings. In determining the dates of the meetings, due consideration should be given to the meetings schedule of the COP-MOP and other relevant bodies under the Protocol, and cost-effective scheduling. Meetings should be held at least three months before the meetings of the COP-MOP.
7. The Committee shall develop and submit its rules of procedure, including those on confidentiality and conflict of interest, to the COP-MOP for its consideration and approval.
8. The Committee shall elect its Chair and a Vice-Chair, who will rotate amongst the five regional groups of the United Nations.
9. Two-thirds of the members of the committee shall constitute a quorum.
- 9 *bis*. The Committee shall [make every effort to] reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a [two-thirds][three-quarters] majority of the members present and voting or by [8][9][10][11] members, whichever is greater. The report of any meeting of the Committee at which consensus is not reached shall reflect the views of all the Committee members.] The report shall be made public once adopted.
10. The meetings of the Committee shall be open, unless the Committee decides otherwise. When the Committee is dealing with individual cases of Parties whose compliance is under consideration, the meetings of the Committee shall be open to Parties and closed to the public, unless the Party concerned agrees otherwise.
- 10 *bis* “The Party concerned” means the Party in respect of which an issue has been raised under section D.
11. The Secretariat shall service the meetings of the Committee and perform any additional functions assigned to it under these procedures.

### *C. Functions of the Committee<sup>15</sup>*

1. The Committee shall, with a view to promoting compliance with the provisions of the Protocol and addressing cases of non-compliance, perform the functions under these procedures and any other functions assigned to it by the COP-MOP.
2. In performing its functions, the Committee may consult with the compliance committees of other agreements in order to share experience on compliance issues and options for their resolution.
3. The Committee shall submit its reports, including recommendations with regard to the discharge of its functions, to the next meeting of the COP-MOP for consideration and appropriate action.
4. [The Committee shall not consider any questions concerning the interpretation of, implementation of, or compliance with mutually agreed terms [and][or compliance with] national law][as such, unless those terms or laws entail cases of non-compliance with the Protocol][or non-compliance arising from failure to put in place national law by developing countries to the Protocol due to lack of capacity and resources].
5. [The Committee shall not consider any questions or complaints related to the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources.]

### *D. Procedures*

1. The Committee shall receive any submissions relating to issues of compliance and non-compliance with the provisions of the Protocol from:
  - (a) Any Party with respect to itself;
  - (b) Any Party with respect to another Party;
  - (c) The COP-MOP;
  - (d) [The Secretariat [, when a Party fails to file a report pursuant to Article 29, provided that the matter has not been resolved within ninety days by consultation with the Party concerned [, or based on information from the national reports or the ABS Clearing-House that shows that the Party concerned is faced with difficulties complying with its obligations under the Protocol][, or related information provided to the Secretariat by an indigenous and local community, related to provisions of the Nagoya Protocol of direct concern to that indigenous and local community, provided that the Secretariat has informed that Party and given that Party the opportunity to respond within [x] days];]
  - (e) [Members of the public; or]
  - (f) [Indigenous and local communities [supported by the Party on whose national territory they are located]][on matters relating to compliance with the provisions of the Nagoya Protocol relating to their customary laws, community protocols and procedures, as applicable, with respect to their traditional knowledge associated with genetic resources][when directly affected in cases concerning traditional knowledge associated with genetic resources].]
2. Any submission is to be addressed in writing to the Committee through the Secretariat and set out:
  - (a) The matter of concern;
  - (b) The relevant provisions of the Protocol; and

---

<sup>15</sup> Depending on the resolution of section D, paragraph 10, the following paragraphs may need to be addressed:

- (d) [Assess the extent of implementation and compliance with the Protocol by Parties by reviewing the monitoring and reporting provided for under Article 29;]
- (e) Identify and review any general issues of compliance by the Parties with the obligations under the Protocol, including on the basis of information provided to the Access and Benefit-sharing Clearing-House;
- (f) [Prepare reports on compliance on the basis of, inter alia, information provided in the national reports provided for in Article 29 of the Protocol;]

- (c) Information substantiating the matter of concern.
3. The Secretariat shall forward any submission under paragraphs 1 (a) above to the Committee within 30 calendar days of receipt.
  4. The Secretariat shall forward any other submission under paragraph 1 to the Party concerned within 30 calendar days of receipt.
  5. When the Party concerned has received a submission it should respond and provide relevant information within 60 calendar days from the date of receipt of the submission, unless the Party requests an extension. Such extension may be granted, by the Chair of the Committee, for a period of up to 90 calendar days.
  6. Once the Secretariat has received a response and any information from the Party concerned or from other sources, the Secretariat shall transmit the submission, the response and such information to the Committee. In the case where the Secretariat has not received any response or information from the Party concerned within the initial or extended period as referred to in paragraph 6 above, the Secretariat shall forward the submission to the Committee forthwith.
  7. The Committee may decide not to consider any submission made pursuant to paragraphs 1 (b) to 1 (...) above that [is *de minimis* [or manifestly ill-founded]][does not meet the requirements set out in paragraph 3 above][is anonymous].
  8. The Party concerned [and the Party [or entity] that made the submission] may participate in the consideration of the submission and present responses or comments to the Committee, but shall not take part in the elaboration and adoption of the recommendations of the Committee. The Committee shall make available the draft recommendations to the [Party concerned][mentioned Parties], which shall be given an opportunity to comment. [Any such comment is to be reflected in [and/or attached to] the report of the Committee.]
  9. [In addition to the procedures under this section, the Committee may decide to examine any question of compliance, including systemic issues of general non-compliance of interests to all Parties to the Protocol that come to its attention. It may consider such questions on the basis of national reports and reporting requirements under Article 29 of the Protocol or of any other relevant information that becomes available to the Committee, particularly by members of the public which have a legitimate specific interest in the question concerned, including indigenous and local communities as well as information generated under Articles 14 and 17 of the Protocol. If a question affects one Party more than others, the procedural rules shall apply *mutatis mutandis*.]

**E. Information for and consultation by the Committee after the triggering of the procedures**

1. The Committee may seek, receive and consider information from relevant sources [, including from affected indigenous and local communities]. The reliability of the information should be ensured.
2. The Committee may seek advice from independent experts.
3. The Committee may undertake, upon invitation of the Party concerned, information gathering in the territory of that Party.

**F. Measures to promote compliance and address cases of non-compliance**

1. In considering the measures specified below the Committee shall take into account:
  - (a) The capacity of the Party concerned to comply;
  - (b) The special needs of developing country Parties, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition; and
  - (c) Such factors as the cause, type, degree and frequency of non-compliance.

2. The Committee with a view to promoting compliance and addressing cases of non-compliance, may:

- (a) Offer advice or facilitate assistance to the Party concerned, as appropriate;
- (b) Request or assist, as appropriate, the Party concerned to develop a compliance action plan to be submitted identifying appropriate steps, an agreed timeframe and indicators to assess satisfactory implementation;
- (c) Invite the Party concerned to submit progress reports on its efforts to comply with its obligations under the Protocol;

2. (*bis*) The COP-MOP upon the recommendations of the Committee may also, with a view to promoting compliance and addressing cases of non-compliance:

- (a) Take any of the measures set out in paragraph 2 (a)-(c) above;
- (b) Facilitate [or provide], as appropriate, access to financial and technical assistance, technology transfer, training and other capacity-building measures;
- (c) Issue a written caution, statement of concern or a declaration of non-compliance to the Party concerned;
- (d) [In cases of grave or repeated non-compliance decide the appropriate measures, according to international law];
- (e) [Suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, specific rights and privileges;]
- (f) Decide on any other measure, as appropriate, in accordance with Article 26, paragraph 4 of the Protocol.

***[F(bis). Ombudsman***

The Committee shall establish the office of an ABS ombudsman to provide assistance to developing countries and indigenous and local communities to identify instances of non-compliance and make submissions to the Committee.]

***G. Review of procedures and mechanisms***

The COP-MOP shall undertake the review of the effectiveness of these procedures and mechanisms under the assessment and review provided for in Article 31 of the Protocol and take appropriate action.

**ITEM 11. MODEL CONTRACTUAL CLAUSES, VOLUNTARY CODES OF CONDUCT, GUIDELINES AND BEST PRACTICES AND/OR STANDARDS (ARTICLE 19 AND 20)**

---

*The following comprises the draft decision contained in recommendation 3/8 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Taking into account* relevant ongoing work of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, on Tasks 7, 10, 12 and 15, concerning standards and guidelines,

*Also taking into account*, as appropriate, the existing sectoral and cross-sectoral model contractual clauses, voluntary codes of conducts, guidelines and best practices and/or standards related to access and benefit-sharing developed by Parties, relevant international organizations and indigenous and local communities,

*Recognizing* the need for the Executive Secretary to engage, as appropriate, with relevant international processes, relevant to Articles 19 and 20 of the Nagoya Protocol,

1. *Encourages* Parties, other Governments, international organizations, indigenous and local communities as well as relevant stakeholders to submit tools developed under Articles 19 and 20 of the Nagoya Protocol to the ABS Clearing-House;
2. *Also encourages*, as appropriate, the updating of tools relevant to Articles 19 and 20 of the Nagoya Protocol that were developed prior to the Nagoya Protocol;
3. *Decides* to take stock of the use of sectoral and cross-sectoral model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing four years following the entry into force of the Protocol and in conjunction with the first assessment and review of the Nagoya Protocol.

**ITEM 12. GUIDANCE TO THE FINANCIAL MECHANISM (ARTICLE 25)**

---

*The following comprises the draft decision contained in recommendation 2/1 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

*I. Operational arrangements between the Convention and the Council of the Global Environment Facility with respect to the Nagoya Protocol*

1. *Takes note* of the memorandum of understanding between the Conference of the Parties and the Council of the Global Environment Facility (GEF Council) adopted in decision III/8 and *confirms* that the operational arrangements outlined in the memorandum of understanding shall apply, *mutatis mutandis*, to the Protocol;

2. *Recommends* that the Conference of the Parties invites the Council of the Global Environment Facility to submit the chapter on access and benefit-sharing of its report directly to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, in time for its consideration;

3. *Decides* to conduct periodic reviews of the effectiveness of the financial mechanism with respect to the implementation of the Nagoya Protocol in time for their consideration by the Conference of the Parties at its meetings scheduled to review the effectiveness of the financial mechanism;

4. *Also decides* to undertake, in time for scheduled replenishments of the Global Environment Facility Trust Fund, an assessment of the amount of funds that are necessary to assist developing country Parties and Parties with economies in transition in fulfilling their commitments under the Nagoya Protocol, for consideration by the Conference of the Parties in its determination of funding requirements;

5. *Recommends* that the Conference of the Parties invites representatives of the Global Environment Facility to attend, and make official statements to, the ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with a view to reporting on the implementation of the guidance to the GEF with respect to access and benefit-sharing;

6. *Recommends* that the Conference of the Parties encourages the secretariats of the Convention and the Global Environment Facility to exchange information and consult on a regular basis prior to meetings of the Council of the Global Environment Facility and meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with a view to facilitate the effectiveness of the financial mechanism in assisting Parties to implement the Protocol.

## *II. Guidance for the financial mechanism*

### *(a) Policy and strategy*

7. *Takes note* of the consolidated guidance to the financial mechanism related to policy and strategy adopted in decision X/24, and *invites* the Conference of the Parties to review, and as appropriate, revise this guidance to take into account new developments such as the adoption of the Nagoya Protocol;

### *(b) Programme priorities*

8. *Recommends* that the Conference of the Parties considers integrating the following guidance on programme priorities with respect to access and benefit sharing into its overall guidance to the financial mechanism;

*“The Conference of the Parties,*

1. *Requests* the Global Environment Facility to finance projects that will assist in:

(a) Building the capacity of Parties to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing, thereby contributing to the conservation of biological diversity and sustainable use of its components, including through:

- (i) Identification of relevant actors and existing legal and institutional expertise for the implementation of the Nagoya Protocol;
- (ii) Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol;
- (iii) Development and/or amendment of access and benefit-sharing legislative, administrative or policy measures with a view to implementing their obligations under the Nagoya Protocol;
- (iv) Establishment of ways to address transboundary issues; and
- (v) Establishment of institutional arrangements and administrative systems to provide access to genetic resources, ensure benefit-sharing, support compliance with prior informed consent and mutually agreed terms and monitor the utilization of genetic resources and traditional knowledge associated with genetic resources, including support for the establishment of check points.

(b) Building the capacity of Parties to negotiate mutually agreed terms to promote equity and fairness in negotiations in the development and implementation of access and benefit-sharing agreements, including through enhanced understanding of business models and intellectual property rights;

(c) Building the capacity of Parties to develop their endogenous research capabilities to add value to their own genetic resources and traditional knowledge associated with genetic resources through, inter alia, technology transfer; bioprospecting and associated research and taxonomic studies; and the development and use of valuation methods;

(d) Addressing the capacity needs and priorities of indigenous and local communities and relevant stakeholders; in particular, projects that would:

- (i) Encourage their participation in legal, policy and decision-making processes; and
- (ii) Assist in building their capacity related to genetic resources and traditional knowledge associated with genetic resources, such as through the development of community protocols, model contractual clauses and minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits.

(e) Enabling Parties to actively participate in the Access and Benefit-sharing Clearing-House and use the best available communication tools and Internet-based systems such as audio and video tools for access and benefit-sharing activities;

(f) Supporting Parties in raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, notably through the development and implementation of national and regional awareness-raising strategies;

(g) Supporting the implementation of the strategic framework for capacity-building and development in support of the implementation of the Protocol;

2. *[Decides that the above guidance supersedes all previous guidance to the financial mechanism related to access and benefit-sharing;]*

3. *[Recommends the allocation of funds by the Global Environment Facility in a separate window specific to access and benefit-sharing activities under the System for Transparent Allocation of Resources (STAR).]*

(c) *Eligibility criteria:*

4. *Decides that all developing countries, in particular the least developed and small island developing States, as well as countries with economies in transition, which are Parties to the Nagoya Protocol, are eligible to receive funding from the Global Environment Facility;*

5. *Adopts the following transitional clause in the eligibility criteria for funding under the financial mechanism of the Protocol:*

*‘Developing countries, in particular the least developed countries and small island developing States amongst them, and countries with economies in transition that are Parties to the Convention and provide a clear intention towards becoming Parties to the Protocol, shall be eligible for funding by the Global Environment Facility for up to four years after the Protocol has entered into force for the development of national measures and institutional capabilities in order to enable them to become a Party. Evidence of such intention shall take the form of a written assurance to the Executive Secretary that the country intends to become a Party to the Nagoya Protocol on completion of the activities to be funded.’*

---

*The following additional elements of the draft decision on guidance to the financial mechanism have been prepared by the Executive Secretary on the basis of document UNEP/CBD/NP/COP-MOP/1/4*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

1. *Welcomes* the sixth replenishment of the Global Environment Facility Trust Fund and *expresses its appreciation* to the countries that contributed to the sixth replenishment;
2. *Also welcomes* the GEF-6 Biodiversity Focal Area Strategy, which includes Program 8 on Implementing the Nagoya Protocol on Access and Benefit-Sharing, and *takes note* of the indicative programming targets for the various Biodiversity Focal Area objectives and programmes contained in document GEF/C.46/07/Rev.01;
3. *Urges* eligible Parties to prioritize access and benefit-sharing projects during the programming of their GEF-6 national allocations under the System for Transparent Allocation of Resources (STAR);
4. *Encourages* Parties to incorporate access and benefit-sharing activities into multi-focal-area projects, including the proposed “integrated approach pilots”, as well as projects to be developed under the other biodiversity focal area programmes, including Programmes 1, 2, 7 and 9;
5. *Requests* the GEF and its implementing agencies to give due consideration to multi-focal area projects under the “integrated approach pilots” and other biodiversity focal area programmes that include access and benefit-sharing related activities;
6. *Further urges* Parties and *invites* other Governments to integrate and prioritize, as appropriate, access and benefit-sharing within their national biodiversity strategies and action plans and national development plans and programmes;

---

**ITEM 13. GUIDANCE ON RESOURCE MOBILIZATION FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL**

---

*The following comprises the draft decision contained in recommendation 2/2 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Recalling* Article 25, paragraph 1, of the Protocol which requires that the Parties take into account the provisions of Article 20 of the Convention in considering financial resources for the implementation of the Protocol,

*Reaffirming* the commitment of Parties to meet the obligations set out in the provisions of Article 20 of the Convention,

*Recognizing* that the Strategy for Resource Mobilization in support of the achievement of the three objectives of the Convention encompasses resource mobilization for the implementation of the Nagoya Protocol,

*Emphasizing* that any new and innovative financial mechanisms are supplementary to and do not replace the financial mechanism established under the provisions of Article 21 of the Convention and Article 25 of the Protocol,

1. *Requests* the Executive Secretary to include consideration of resource mobilization for the Protocol in its activities in support of the Strategy for Resource Mobilization;

2. *Encourages* Parties to include the consideration of resource mobilization, including funding needs, gaps and priorities, as part of their planning processes towards the implementation of the Protocol, particularly by integrating such considerations into their national biodiversity strategies and action plans;

3. *Encourages also* Parties to direct domestic resources, in accordance with national circumstances, [including those generated through the successful implementation of access and benefit-sharing agreements] as well as through other new and innovative financial mechanisms, towards the implementation of the Protocol;

4. *Further encourages* Parties, other Governments, relevant organizations, the private sector and financial institutions to provide, in accordance with their capabilities, financial resources, including through new and innovative financial mechanisms, for the implementation of the Protocol and to include support to the implementation of the Protocol as a priority area for funding;

5. *Encourages* Parties to take appropriate measures within the governing bodies of relevant multilateral financial institutions and development organizations to ensure that due priority and attention is given to the effective allocation of predictable resources for the implementation of the Protocol;

6. *Further encourages* Parties to mainstream implementation of the Protocol in their development cooperation plans and priorities and in the national biodiversity strategies and action plans;

7. *Encourages* Parties and relevant organizations to raise awareness, particularly of high-level policy and decision makers, the business sector, and the relevant funding agencies, to the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, in accordance with Article 21 of the Protocol, with a view to support the mobilization of resources for the Protocol;

8. *Invites* Parties and relevant organizations to submit information to the Executive Secretary on their experiences related to the mobilization of resources in support of the implementation of the Protocol, as well as on the status of funds mobilized;

9. *Requests* the Executive Secretary to prepare a synthesis of the information received regarding experiences related to the mobilization of resources to support the implementation of the Protocol and to provide an overview of the status and trends in funding for the consideration of the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

10. *Also requests* the Executive Secretary to prepare a document on possible relevant sources of international funding to support the efforts by Parties to mobilize additional international financial resources for the implementation of the Protocol.

---

*The following additional elements of the draft decision have been prepared on the basis of document UNEP/CBD/NP/COP-MOP/1/5.*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

(a) *Welcomes* the decision<sup>16</sup> by the Conference of the Parties to include consideration of resource mobilization for the Nagoya Protocol in the implementation of the strategy for resource mobilization in support of the achievement of the three objectives of the Convention and in the achievement of the targets for resource mobilization;

(b) *Takes note* of the review of the implementation of the strategy for resource mobilization in support of the achievement of the three objectives of the Convention considered by the Ad-Hoc Open-ended Working Group on Review of Implementation of the Convention at its fifth meeting;<sup>17</sup>

---

<sup>16</sup> Decision XI/4, paragraph 12.

<sup>17</sup> UNEP/CBD/WGRI/5/INF/3.

(c) *Takes note* of the preliminary targets for resource mobilization adopted by the Conference of the Parties in paragraph 7 of decision XI/4;<sup>18</sup>

(d) *Also takes note* of the actions for mobilizing adequate and predictable financial resources for the implementation of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets by 2020, proposed by the Executive Secretary for consideration by the Conference of the Parties at its twelfth meeting<sup>19</sup> and *invites* Parties to the Nagoya Protocol to use, as appropriate, the proposed set of actions as a flexible framework for mobilizing resources for the implementation of the Nagoya Protocol;

(e) *Welcomes* the revised financial reporting framework<sup>20</sup> and *invites* Parties to the Nagoya Protocol to ensure that resources mobilized for the implementation of the Nagoya Protocol are reflected in the financial reporting framework;

(f) *Takes note* of the second report of the High-level Panel on Global Assessment of Resources for Implementing the Strategic Plan for Biodiversity 2011-2020<sup>21</sup> and *invites* Parties to the Nagoya Protocol consider implementing its recommendations, as appropriate;

(g) *Welcomes* the capacity-building support on resource mobilization provided by the Executive Secretary in collaboration with relevant international organizations;

(h) *Requests* the Executive Secretary, in collaboration with relevant organizations, to develop guidance tools and training materials to assist Parties in the mobilization of financial, technical and human resources for the implementation of the Nagoya Protocol.

---

*In addition, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol may wish to recommend that the Conference of the Parties, at its twelfth meeting, include consideration of the resource needs for the Nagoya Protocol in its decision on the final targets for resource mobilization.*

---

#### **ITEM 15. PROGRAMME BUDGET FOR THE BIENNIUM FOLLOWING THE ENTRY INTO FORCE OF THE NAGOYA PROTOCOL**

---

*Elements for a draft decision are contained in document UNEP/CBD/COP/12/27 on administrative and budgetary matters prepared by the Executive Secretary for the twelfth meeting of the Conference of the Parties.*

---

---

<sup>18</sup> Pending consideration of the draft decision on resource mobilization by the Conference of the Parties at its twelfth meeting.

<sup>19</sup> Contained in the annex to document UNEP/CBD/COP/12/13.

<sup>20</sup> As adopted by the Conference of the Parties on the basis of the framework prepared by the Executive Secretary (UNEP/CBD/COP/12/13/Add.3)

<sup>21</sup> UNEP/CBD/COP/12/13/Add.2.

**ITEM 16. IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES  
UNDER THE CONVENTION AND ITS PROTOCOLS**

---

*The Executive Secretary has prepared the following elements of a draft decision on the basis of document UNEP/CBD/NP/COP-MOP/1/8, in the light of the recommendation of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, made at its fifth meeting, and the proposed plan for the organization of concurrent meetings and the review of the legal, logistical and financial aspects, including risks underlying the plan contained in document UNEP/CBD/COP/12/25/Add.2.*

---

***Plan for the organization of concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols***

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

1. *Takes note* of the recommendation of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, at its fifth meeting, as regards integrated approaches to the implementation of the Convention and its Protocols with a view to improving efficiencies;
2. *Recalls* Article 26, paragraph 6 of the Nagoya Protocol, and *decides* to hold its future ordinary meetings concurrent with the meetings of the Conference of the Parties to the Convention and the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety in the same two-week period;
3. *Requests* the Executive Secretary to prepare the organization of work for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol in accordance with the plan contained in document UNEP/CBD/COP/12/25/Add.2;<sup>22</sup>
4. *Recognizes* the need for ensuring the availability of financial resources to support participation of representatives from developing country Parties and countries with economies in transition in the three concurrent meetings, in particular the participation of least developed countries and small island developing States, and *calls upon* developed country Parties to increase their contributions to the relevant voluntary trust funds to support the full and effective participation of representatives from eligible Parties.

---

*The Executive Secretary has prepared the following elements of a draft decision reproduced from document UNEP/CBD/NP/COP-MOP/1/9, and the detailed information contained in document UNEP/CBD/COP/12/25/Add.1 (annexed to document UNEP/CBD/NP/COP-MOP/1/9).*

---

***Establishment of a subsidiary body on implementation***

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Recalling* Article 26, paragraph 4, of the Nagoya Protocol which elaborates the measures that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol is expected to undertake for the purpose of keeping under review the implementation of the Protocol;

*Recalling also* Article 27 of the Nagoya Protocol which stipulates that any subsidiary body established by or under the Convention may serve the Protocol, including upon a decision by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, and in which case, the meeting of the Parties to the Protocol is required to specify the tasks the subsidiary body is to undertake;

---

<sup>22</sup> Or as adopted by the Conference of the Parties at its twelfth meeting.

*Having considered* the terms of reference of the Subsidiary Body on Implementation prepared by the Executive Secretary in accordance with the recommendation of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention at its fifth meeting;

*Recognizing* the benefits of integrated approaches to the review and support of the implementation of the Convention and its Protocols;

*Recognizing also* the importance of the full and effective participation of all Parties, especially developing country Parties, in particular least developed countries and small island developing States, and Parties with economies in transition in the meetings of the Subsidiary Body on Implementation;

1. *Decides* to designate the Subsidiary Body on Implementation to also serve the Nagoya Protocol on Access and Benefit-sharing;<sup>23</sup>

2. *Agrees* that the terms of reference of the Subsidiary Body on Implementation proposed in the annex to document UNEP/CBD/COP/12/25/Add.1 should apply *mutatis mutandis* to the functions of the Subsidiary Body under the Nagoya Protocol;<sup>24</sup>

3. *Requests* the Executive Secretary to prepare an indicative list of functions that the Subsidiary Body on Implementation may undertake to review and support implementation under the Nagoya Protocol for consideration by the Subsidiary Body, at its first meeting.

---

**ITEM 17. MEASURES TO ASSIST IN CAPACITY-BUILDING, CAPACITY DEVELOPMENT AND STRENGTHENING OF HUMAN RESOURCES AND INSTITUTIONAL CAPACITIES IN DEVELOPING COUNTRY PARTIES AND PARTIES WITH ECONOMIES IN TRANSITION (ARTICLE 22)**

---

*The following comprises the draft decision contained in recommendation 3/5 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Recalling* Article 22 of the Nagoya Protocol, which requires Parties to cooperate in the capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement the Nagoya Protocol in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition,

*Underscoring* the critical importance of capacity-building and development to the effective implementation of the Nagoya Protocol,

*Taking note* of the views and domestic needs and priorities of Parties and indigenous and local communities contained in documents UNEP/CBD/ICNP/2/10 and UNEP/CBD/ICNP/2/INF/7,

*Recognizing* the wealth of experiences and lessons learned as well as the instruments and methodologies that have been developed under various access and benefit-sharing capacity development initiatives, such as those led by the Secretariat and those carried out by numerous partners and organizations with support of the Global Environment Facility and other donors, including, inter alia, the ABS Capacity Development Initiative that has expanded from Africa to other regions,

*Noting* the need for sufficient financial resources for capacity-building and development activities to support the implementation of the Nagoya Protocol,

---

<sup>23</sup> If the Subsidiary Body on Implementation is established by the Conference of the Parties, at its twelfth meeting.

<sup>24</sup> Or as adopted by the Conference of the Parties at its twelfth meeting.

*Welcoming* the financial support provided so far by various donors for capacity-building and development activities in support of the ratification and implementation of the Nagoya Protocol,

*Recognizing* the need for a strategic and coordinated approach to capacity-building and development to support the effective implementation of the Nagoya Protocol,

*Underlining* the importance of broad stakeholder involvement, country ownership and political commitment to ensure the sustainability of capacity-building and development initiatives,

*Recalling* Article 14, paragraph 1, of the Nagoya Protocol that the Access and Benefit-sharing (ABS) Clearing-House is part of the clearing-house mechanism,

1. *Adopts* the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, contained in annex I to this decision;

2. *Decides* to establish an informal advisory committee to provide advice to the Executive Secretary, until the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, on matters related to the assessment of the effectiveness of the strategic framework in accordance with the terms of reference contained in annex II, in view of the evaluation foreseen in 2020;

3. *Invites* Parties, other Governments, indigenous and local communities and relevant organizations to develop and implement capacity-building and development activities consistent with the strategic framework;

4. *Also invites* Parties, other Governments, the Global Environment Facility, international organizations, regional development banks, other financial institutions and the private sector, as appropriate, to provide financial resources to support the implementation of the strategic framework;

5. *Further invites* Parties, other Governments, indigenous and local communities, relevant organizations, and the private sector, as appropriate, to provide to the Access and Benefit-sharing Clearing-House information on their capacity-building and development initiatives, including emerging best practices and lessons learned, and opportunities relevant to the implementation of the strategic framework;

6. *Encourages* developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, as well as indigenous and local communities to make available through the ABS Clearing-House information regarding their capacity-building and development needs and priorities identified through national capacity self-assessments; and to incorporate them in their national strategies and action plans with respect to the implementation of the Convention;

7. *Encourages* relevant organizations to assist developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition to implement the strategic framework and contribute to the implementation of the Strategic Plan for Biodiversity 2011-2020, in particular the achievement of Aichi Biodiversity Target 16;

8. *Requests* the Executive Secretary to:

(a) Promote and facilitate, in collaboration with relevant organizations, coordination and cooperation in the implementation of the strategic framework by, inter alia, providing relevant tools and information through the ABS Clearing-House;

(b) Ensure that information on capacity-building and development needs, opportunities and activities can be submitted to and accessed from all platforms under the Convention so that access and benefit-sharing capacity development activities are integrated into the global capacity development activities under the Convention;

(c) Compile information on existing tools that assist Parties and indigenous and local communities to assess their capacity-building and development needs and priorities and to make the resulting information available through the ABS Clearing-House, and to report to the second meeting of the Parties to the Nagoya Protocol on the need for the development of new tools;

(d) Compile information on the capacity-building and development needs and priorities identified by Parties and indigenous and local communities and make it available to relevant organizations;

(e) Prepare updates on the status of implementation of the strategic framework and its contribution to the Strategic Plan for Biodiversity 2011-2020 for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its regular meetings, with the first update made available at the second meeting, taking into account the information submitted to the ABS Clearing-House by Parties, other Governments, indigenous and local communities and relevant organizations;

(f) Prepare an evaluation of the strategic framework in 2019 and submit the evaluation report for consideration by the meeting of the Parties to the Nagoya Protocol in 2020 to facilitate the review and possible revision of the strategic framework in conjunction with the review of the Strategic Plan for Biodiversity 2011-2020.

### *Annex I*

## **DRAFT STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT TO SUPPORT EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING**

### **EXECUTIVE SUMMARY**

This strategic framework seeks to foster a strategic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Nagoya Protocol. It provides guidance on the key areas and measures requiring capacity-building and development and includes a set of practical activities to build and develop the capacities of Parties, indigenous and local communities and relevant stakeholders to enable them to undertake strategic measures in the short, medium and long-term to contribute to the effective implementation of the Protocol.

The strategic framework is designed to serve as reference document to guide the policies and actions of Parties, relevant organizations and donors in relation to capacity-building and development for implementation of the Protocol and includes practical capacity-building and development activities.

The strategic framework covers five key areas for capacity-building and development:

1. Capacity to implement and to comply with the obligations of the Protocol;
2. Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing;
3. Capacity to negotiate mutually agreed terms;
4. Capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol;
5. Capacity of countries to develop endogenous research capabilities to add value to their own genetic resources.

The strategic framework focuses on capacity-building and development for strategic measures that Parties may need to undertake in the short and medium-term (i.e., within the first six years until 2020), and in the long-term (beyond 2020) to build the foundation for effective implementation of the Protocol. The measures, summarized in a table contained in Appendix I, provide an indicative sequence of actions (roadmap) organized under three indicative timeframes.

The strategic framework is intended to assist and guide Parties, regional and international organizations, research and academic institutions, indigenous and local communities and other relevant stakeholders to build and develop capacity through projects and programmes to be implemented at national, subregional, regional and international levels, taking into account specific needs and priorities of countries.

The framework includes mechanisms to facilitate coordination and cooperation between and among Parties and relevant organizations on capacity-building and development for the effective implementation of the Protocol with a view to fostering synergies, mutual supportiveness, experience-sharing and lesson-learning and efficient utilization of available resources and expertise.

A comprehensive evaluation of the strategic framework will be carried out in 2020. The evaluation report will be used by the Conference of the Parties serving as the meeting of the Parties to the Protocol to review and revise, as appropriate, the strategic framework in conjunction with the review of the Strategic Plan for Biodiversity 2011-2020.

## 1. INTRODUCTION

### 1.1 Background

1. Article 22 of the Protocol requires Parties to cooperate in capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement the Protocol in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations. Parties are also required to facilitate the involvement of indigenous and local communities and relevant stakeholders, including non-governmental organizations and the private sector.

2. Currently, most developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition lack the necessary capacities to effectively implement the Protocol. For example, many do not yet have in place functional domestic legislative, administrative or policy measures on access and benefit-sharing and have not yet set up the institutional arrangements to support implementation of the Protocol at the national level. Many of them also lack experts in the area of access and benefit-sharing and related issues. As well, key stakeholders – including government officials, indigenous and local communities, the private sector and the public – are not fully aware of the provisions of the Protocol.

3. This strategic framework has been developed to facilitate cooperation among Parties, donors and other actors on capacity-building and development for the effective implementation of the Protocol and foster a strategic, coherent and coordinated approach to capacity-building and development. It delineates the general focus and strategic direction for building and developing core capacities at the individual, institutional and systemic levels that would underpin the implementation of the Protocol over the next decade.

4. This document is a result of a broad consultative process, which was initiated after the first meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol (the Intergovernmental Committee) held in June 2011 in Montreal. In its recommendation 1/2, the Intergovernmental Committee called for the development of a strategic framework for capacity-building and development on the basis of the domestic needs and priorities and the elements identified by Parties and indigenous and local communities. Subsequently the Executive Secretary prepared a synthesis of the views and information received. The synthesis was considered by the second meeting of the Intergovernmental Committee, which was held in July 2012 in New Delhi.<sup>25</sup>

5. On the basis of the recommendation by the second meeting of the Intergovernmental Committee, the Conference of the Parties requested the Executive Secretary to organize an expert meeting to develop a draft strategic framework, taking into account the above-mentioned synthesis of views and information received, the wealth of experiences and lessons learned from existing access and benefit-sharing related capacity-building and development initiatives and access and benefit-sharing related bilateral cooperation, as well as the views expressed at the second meeting of the Intergovernmental Committee.<sup>26</sup>

6. The expert meeting, held from 3 to 5 June 2013 in Montreal, developed the draft strategic framework on the basis of the above information. The expert meeting also took into account outcomes from the workshops on capacity-building on access and benefit-sharing, which were organized by the Secretariat of the Convention on Biological Diversity and the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture in 2011 and 2012.<sup>27</sup> The draft strategic framework was considered by the Intergovernmental Committee at its third meeting in February 2014 in the Republic of Korea and recommended to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol for adoption.

7. The strategic framework is a flexible and living document. It is intended to be used and adapted by Parties according to the different situations and contexts and will be updated on the basis of emerging experiences and lessons learned.

---

<sup>25</sup> The synthesis was made available in document UNEP/CBD/ICNP/2/10.

<sup>26</sup> Decision XI/1 D, paragraph 4 and annex III.

<sup>27</sup> The reports of these workshops (UNEP/CBD/ICNP/2/INF/1 and UNEP/CBD/ICNP/2/INF/9) are available at <http://www.cbd.int/icnp2/documents>.

## 1.2 Current situation, previous experiences and lessons learned

8. There is a wide variation among countries with regard to the current status of implementation of access and benefit-sharing measures, the existing human resources and institutional capacities and the capacity needs and priorities. In response to the questionnaire sent out by the Secretariat in October 2011, a number of Parties expressed the need for capacity to develop national access and benefit-sharing measures and institutional arrangements, participate in the Access and Benefit-Sharing (ABS) Clearing-House, conduct valuation of genetic resources and associated traditional knowledge, address transboundary situations and national capacity for bioprospecting. The representatives of indigenous and local communities expressed the need to develop their capacity to participate in decision-making and policy development processes, to understand the provisions of the Protocol, to negotiate favourable access and benefit-sharing agreements and to develop inventories and monitor their genetic resources and traditional knowledge associated with genetic resources.

9. Many countries also lack clear and harmonized institutional arrangements and rules governing access and benefit-sharing, including procedures for obtaining prior informed consent and establishing mutually agreed terms. They also lack expertise to effectively carry out access and benefit-sharing regulatory functions and the capacity to collect, manage and share information on access and benefit-sharing. Moreover, the level of awareness of the Protocol and its provisions is very low in most countries. Key stakeholders, including government officials, indigenous and local communities, the private sector and the public are not aware of the requirements under the Protocol. There is also a need for capacity-building and development in all Parties for monitoring the utilization of genetic resources, including through checkpoints.

10. Prior to the adoption of the Protocol, a number of tools and initiatives were developed to assist Parties to implement Article 15 of the Convention on Biological Diversity. For example, an Action Plan on Capacity-building for Access and Benefit-sharing was adopted by the Conference of the Parties in 2004 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. The Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilization adopted in 2002 also assisted Parties, inter alia, to develop national regimes and contractual arrangements for access and benefit-sharing.<sup>28</sup>

11. Furthermore, various capacity-building and development initiatives have been implemented over the last few years.<sup>29</sup> Many of those initiatives have provided training to individuals through face-to-face training seminars and workshops. Few have provided technical support for institutional capacity development and strengthening of capacity at the systemic level. Some initiatives have also developed virtual learning tools, including e-learning modules on access and benefit-sharing and some are supporting on-the-job training and exchange programmes. To date, however, there are very few academic institutions offering formal degree or diploma programmes in access and benefit-sharing.

12. Some of the lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives include the following:

- (a) Addressing access and benefit-sharing capacity needs requires a programmatic approach;
- (b) Capacity-building and development on access and benefit-sharing should target and involve a wide range of stakeholder groups;
- (c) It is important that all parties involved in capacity-building and development have a clear understanding of the content and the implications of the Protocol;
- (d) Regional and subregional initiatives have been effective in building and developing capacities of countries that have similar needs and situations.<sup>30</sup> They allow countries to pool resources and share expertise available in the region; and

---

<sup>28</sup> The Action Plan and the Bonn Guidelines are available at <http://www.cbd.int/abs/action-plan-capacity> and <http://www.cbd.int/abs/bonn/default.shtml>.

<sup>29</sup> Examples of past and ongoing initiatives can be accessed at <http://www.cbd.int/abs/capacity-building.shtml>.

<sup>30</sup> Examples the ABS Capacity-Building Initiative and the ABS initiatives by the Association of Southeast Asian Nations (ASEAN), International Centre for Integrated Mountain Development (ICIMOD), Secretariat of the Pacific Regional Environment Programme (SPREP) and the Caribbean Community (CARICOM).

(e) Capacity-building and development requires adequate and consistent support over a relatively long period of time in order to secure effective and lasting results.

13. The development of this strategic framework has taken into account the current situation, the identified needs and priorities and the experiences and lessons learned from previous capacity-building initiatives.

### **1.3 Guiding principles and approaches**

14. Implementation of capacity-building and development policies, activities, projects and other initiatives in support of the implementation of the Protocol should be guided by principles and approaches based on experiences and lessons learned from previous and current initiatives. In general, capacity-building and development initiatives should:

- (a) Be demand-driven, based on the needs and priorities identified through national self-assessments;
- (b) Ensure national ownership and leadership;
- (c) Build on experiences and lessons learned from past and ongoing access and benefit-sharing capacity-building initiatives;
- (d) Emphasize the role of bilateral and multilateral cooperation;
- (e) Ensure full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives;
- (f) Recognize the usefulness and cost-effectiveness of subregional and regional approaches to capacity-building and development, particularly where countries have common capacity needs;
- (g) Integrate capacity-building into wider sustainable development efforts;
- (h) Adopt a learning-by-doing approach;
- (i) Foster development of sustainable capacities to enable Parties to comply with the requirements of the Protocol; and
- (j) Consider the views and experiences of different stakeholders involved in access and benefit-sharing.

15. The above guiding principles will help to inform the Parties' capacity-building efforts to ensure that they are developed in accordance with the strategic framework and foster a more streamlined and consistent approach.

## **2. PURPOSE AND OBJECTIVES**

16. The purpose of this strategic framework is to foster a systematic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Protocol in accordance with Article 22. It also seeks to catalyse and guide the development, implementation, monitoring and evaluation of capacity-building and development initiatives on access and benefit-sharing. It provides a framework that Parties, indigenous and local communities and other relevant stakeholders can use to, inter alia, identify their capacity needs and priorities through national self-assessment; design and implement national capacity-building and development strategies, projects and programmes; and monitor and evaluate their capacity-building and development initiatives.

17. Furthermore, the strategic framework provides a mechanism that could enable Parties, relevant organizations, donors and partners involved in capacity development to cooperate and leverage opportunities and resources through strategic partnerships and synchronized initiatives. It would also foster coordination and dialogue among countries and relevant stakeholders and promote sustainability of capacity-building and development initiatives.

18. The strategic framework is to serve as reference document to guide the policies and actions of Parties, relevant organizations and donors in relation to capacity-building and development for implementation of the Protocol and includes specific practical activities to assist developing country Parties and Parties with economies in transition to build and develop their capacities to undertake measures to facilitate the effective implementation of the Protocol.

19. The strategic framework covers the following key areas:

- (a) Capacity to implement and to comply with the obligations of the Protocol;
- (b) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing;
- (c) Capacity to negotiate mutually agreed terms; and
- (d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

20. In addition, the capacity needs and priorities of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol are addressed by the strategic framework.

21. Accordingly, the objectives of strategic framework are:

- (a) To build and develop the capacity for enabling the ratification of, or accession to, the Protocol;
- (b) To build and strengthen the capacity of Parties to develop, implement and enforce domestic legislative, administrative or policy measures to support implementation of the Protocol;
- (c) To support Parties in raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues;
- (d) To enhance the capacity of Parties to negotiate mutually agreed terms, including through training and through development of model contractual clauses;
- (e) To assist Parties in promoting compliance with domestic access and benefit-sharing legislation and regulatory requirements and mutually agreed terms;
- (f) To increase the capacity of Parties to monitor the utilization of genetic resources, including the establishment of checkpoints;
- (g) To enable Parties to develop the endogenous research capabilities to add value to their own genetic resources;
- (h) To build and develop the capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, to effectively participate in the implementation of the Protocol;
- (i) To enable Parties to effectively participate in the ABS Clearing-House and use the best available communication tools and Internet-based systems for access and benefit-sharing activities; and
- (j) To promote coordination and mutual supportiveness of capacity-building and development initiatives for implementation of the Protocol and other international instruments on access and benefit-sharing.

### **3. STRATEGIC MEASURES REQUIRING CAPACITY-BUILDING AND DEVELOPMENT**

22. The strategic framework focuses on capacity-building and development for strategic measures that Parties may need to undertake in the short and medium-term (i.e. within the first six years until 2020), and in the long-term (beyond 2020) in order to lay a strong foundation for the effective implementation of the Protocol and provide leverage for future capacity-building and development efforts. The proposed measures under each of the key areas are summarized in a table contained in Appendix I.

23. The measures in the table are organized in an indicative order of priority/sequence according to their temporal importance in supporting the implementation of the Protocol and are based on the information that was submitted to the Secretariat by Parties, indigenous and local communities and relevant stakeholders in 2011. It is recognized that the specific priorities vary from Party to Party depending on the situation of each Party, including its national development priorities and budgetary limitations and level of advancement with respect to access and benefit-sharing.

## **4. IMPLEMENTATION OF THE STRATEGIC FRAMEWORK**

### **4.1 Practical activities to implement the strategic framework**

24. The strategic framework may be implemented through practical capacity-building and development activities carried out at national, subregional, regional and international levels. An indicative list of activities is presented in Appendix II. The proposed activities are intended to contribute to building and developing the capacity to implement the strategic measures outlined in Appendix I.

25. The mechanisms for implementing this strategic framework would vary from country to country and from region to region depending on the measures requiring capacity-building and development. In accordance with the information received from Parties in response to the questionnaire sent out in 2011, the main delivery mechanisms include targeted education and training programmes, conferences and workshops, legal and technical assistance, development of guidance and reference materials, online discussion forums, scientific and technical cooperation, and funding support (including research grants). Other mechanisms include train-the-trainers and learning-by-doing approaches, on-the-job training, multi-stakeholder policy dialogue, study tours and exchange visits and institutional support.

26. The implementation of the strategic framework promotes various approaches to capacity-building, including participatory bottom-up and national, subregional and regional approaches and opportunities.

#### 4.2 Roles and responsibilities

27. The strategic framework is intended to assist and guide Parties, regional and international organizations research and academic institutions, indigenous and local communities and other relevant stakeholders to build and develop capacity through national, subregional and regional projects and programmes, taking into account the specific needs and priorities of the respective Parties or regions for the implementation of the Protocol. The Secretariat of the Convention on Biological Diversity is to promote and coordinate the implementation of the strategic framework by, inter alia, collecting and providing information through the ABS Clearing-House. It would facilitate activities at the regional and international levels, including the following:

- (a) Informing capacity-building providers about existing capacity-building initiatives and about areas where there are capacity-building gaps;
- (b) Organizing train-the-trainers courses and workshops;
- (c) Identifying and mapping institutions and expertise available at various levels that could assist in the implementation of the strategic framework;
- (d) Developing training materials and disseminating them through the ABS Clearing-House;
- (e) Setting up online expert networks on access and benefit-sharing capacity-building and development; and
- (f) Facilitating communication and exchange of experiences among Parties and relevant organizations, including through the ABS Clearing-House.

28. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be responsible for monitoring the progress made in the implementation of the strategic framework and providing further guidance, if necessary.

#### 4.3 Resources for implementation

29. The main sources of funding for the capacity-building and development activities proposed in this strategic framework include, but are not limited to, the following:

- (a) The Global Environment Facility (GEF) is an important source of funding for implementing this strategic framework.<sup>31</sup> Parties are encouraged to give priority to access and benefit-sharing projects when distributing their country allocation for biodiversity under the System for Transparent Allocation of Resources (STAR);
- (b) Bilateral and multilateral development assistance is another potential source of funding for access and benefit-sharing capacity-building and development activities. Parties are encouraged to develop project proposals in line with this framework and submit them to potential donors. Partners are invited to assist Parties to formulate good project proposals. Parties are encouraged to integrate access and benefit-sharing capacity-building and

---

<sup>31</sup> The measures and activities outlined in this strategic framework are covered in the programme priorities contained in the guidance that the Conference of the Parties provided to the GEF in its decision XI/5, paragraphs 21-23 and Appendix I.

development activities in their national development plans which often guide the discussions with development cooperation agencies;

(c) Technical cooperation with regional and international partners: Parties are encouraged to establish strategic partnerships with various organizations, regional bodies or centres of excellence and, as appropriate, with the private sector with a view to pooling human and technical resources and widening opportunities for mobilizing financial resources from various sources;

(d) New and additional funding: Parties are encouraged to pursue innovative ways of mobilizing resources at the national level to support access and benefit-sharing capacity-building and development activities. These might include resource recovery mechanisms, access application fees, fundraising through voluntary contributions, support from foundations, and, as appropriate, public-private partnerships. Parties are also encouraged to direct some of the resources generated from the implementation of the Protocol towards capacity-building and development;

(e) National budgets: Parties are encouraged to include in their national budgets adequate provisions to support access and benefit-sharing capacity-building and development activities.

30. The effective implementation of the strategic framework requires availability of adequate financial resources disbursed in a predictable and timely manner. Parties are encouraged to diversify domestic and external funding sources and/or employ different means of mobilizing new and additional resources.

#### **4.4 Sustainability of capacity-building and development initiatives**

31. Parties and relevant organizations are encouraged to establish measures to secure long-term sustainability of the capacity-building and development initiatives undertaken in line with this strategic framework. For examples, Parties and relevant organizations are encouraged to involve key stakeholders, including high-level policy and decision makers, politicians, relevant authorities, indigenous and local communities and relevant stakeholders, including the business sector and the research community, in the design and implementation of those initiatives in order to build ownership and political commitment.

32. Parties are also encouraged to integrate access and benefit-sharing considerations in their national development plans, strategies and sectoral policies and plans. Furthermore, activities implemented as part of individual projects (such as training workshops or courses) should be, as much as possible, incorporated into the regular programmes of relevant existing institutions such as local universities or research institution to ensure their sustainability at the end of the projects.

33. Moreover, capacity-building and development projects should include components to develop sufficient levels of institutional capacity that would help sustain the project activities and results after the projects are completed. In addition, Parties are encouraged to devise strategies to diversify the training of staff and to minimize the rate of turnover of personnel trained, in order not to compromise future implementation of the Protocol.

## **5. COORDINATION AND COOPERATION**

### **5.1 Mechanisms for coordination**

34. The Protocol requires Parties to provide information on national, regional and international capacity-building and development initiatives to the ABS Clearing-House, with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing.<sup>32</sup> In addition, coordination would be facilitated through the following mechanisms:

(a) Coordination meetings of government agencies, donors and relevant organizations involved in access and benefit-sharing capacity-building; and

(b) Online discussion forums and networks.

35. The objectives of these coordination mechanisms are to:

(a) Promote cooperation and synergies in the implementation of the strategic framework;

---

<sup>32</sup> Article 22, paragraph 6, of the Protocol.

(b) Enhance efficiency in access and benefit-sharing capacity-building and development activities by avoiding duplication at different levels and across different sectors;

(c) Facilitate the sharing of experiences and best practices on access and benefit-sharing capacity-building and development; and

(d) Promote mutual supportiveness of capacity-building and development initiatives for implementation of the Protocol and of other international instruments on access and benefit-sharing.

36. Coordination should take place at international, regional, subregional and national levels. Regional and subregional meetings and existing institutional structures may be used to coordinate access and benefit-sharing capacity initiatives. The national focal points are encouraged to oversee coordination at the national level.

## 5.2 Cooperation among Parties and relevant organizations

37. Parties are encouraged to establish or use existing mechanisms to facilitate cooperation between and among Parties and relevant organizations on capacity-building and development for the implementation of the Protocol. Cooperation will help Parties and stakeholders complement each other's efforts and provide opportunities for pooling and maximizing available resources and expertise.

38. Initially, it is recommended that the main focus be placed on promoting or strengthening cooperation among Parties at subregional and regional levels, building upon existing initiatives and using existing bodies<sup>33</sup> and mechanisms/programmes such as the South-South cooperation programme under the Convention on Biological Diversity and the South-South Cooperation Exchange Mechanism under the United Nations Environment Programme.

39. The Secretariat will also initiate cooperation with key partners to ensure mutual supportiveness in their capacity development efforts.

40. Areas of cooperation may include the following:

- (a) Development of joint capacity-building and development initiatives;
- (b) Establishment of exchange programmes between countries;
- (c) Organization of joint meetings, conferences, workshops and trainings to promote dialogue and mutual understanding of access and benefit-sharing issues;
- (d) Joint educational programmes on access and benefit-sharing, including internships or short-term courses;
- (e) Scientific and technical cooperation, including technology transfer, information and experience exchange, and funding support of local programmes and projects; and
- (f) Establishment of regional databases and websites to facilitate information exchange.

41. The Secretariat will conduct periodic assessments and mapping of institutions and organizations (both governmental and non-governmental) involved in capacity-building and development in access and benefit-sharing. Relevant institutions are invited and encouraged to establish a regional or subregional networks or learning communities on capacity-building and development for implementation of the Protocol in the respective regions or subregions.

## 6. MONITORING AND REVIEW

42. The Conference of the Parties serving as the meeting of the Parties to the Protocol will monitor the implementation of this strategic framework. Parties, indigenous and local communities and relevant organizations are invited to provide to the ABS Clearing-House information on capacity-building and development initiatives, including the results of those initiatives, using a common format developed by the Secretariat.

---

<sup>33</sup> Existing regional bodies and institutions that may be used include: the African Union Commission (AUC), Central African Forest Commission (COMIFAC); South Asian Association for Regional Cooperation (SAARC); Economic Cooperation Organization (ECO); Association of Southeast Asian Nations (ASEAN); International Centre for Integrated Mountain Development (ICIMOD); Gulf Cooperation Council; Arab League; Secretariat of the Pacific Regional Environment Programme (SPREP) and the Caribbean Community (CARICOM).

43. The Secretariat will prepare reports on the status of implementation of the strategic framework for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its regular meetings. The reports will highlight the main activities accomplished, the key results achieved and the challenges encountered. The report will provide a general sense of the overall progress made at different levels and identify the gaps and areas that might require additional intervention. The meeting of the Parties to the Protocol will review the progress made and provide guidance on measures for improvement.

44. An evaluation of the strategic framework will be carried out in 2020. The evaluation report will be used by the Conference of the Parties serving as the meeting of the Parties to the Protocol to review, and revise as appropriate, the strategic framework in conjunction with the review of the Strategic Plan for Biodiversity 2011-2020.

*Appendix I*

**Overview of measures requiring capacity-building and development in order to effectively implement the Protocol based on the needs and priorities expressed by Parties and indigenous and local communities**

Indicative timeframe <sup>34</sup>	Key Area 1: Capacity to implement, and to comply with the obligations of the Protocol	Key Area 2: Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing (ABS)	Key Area 3: Capacity to negotiate mutually agreed terms (MAT)	Key Area 4: Capacity needs and priorities of indigenous and local communities (ILCs) and relevant stakeholders, including the business sector and the research community	Key Area 5: Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources (GR)
<b>Short-term</b>	<ul style="list-style-type: none"> <li>- Enabling ratification of, or accession to, the Protocol</li> <li>- Raising-awareness of the importance of genetic resources (GR) and traditional knowledge associated with genetic resources (TK), and related ABS issues</li> <li>- Mapping of relevant actors, including other relevant international instruments on ABS, and existing expertise for the implementation of the Protocol.</li> <li>- Mobilizing new and innovative financial resources to implement the Protocol</li> <li>- Establishing mechanisms for domestic interagency coordination</li> <li>- Employing the best available communication tools and Internet-based systems for ABS activities including providing information to the ABS Clearing-House</li> <li>- Developing mechanisms to implement and comply with the obligations of the Protocol</li> </ul>	<ul style="list-style-type: none"> <li>- Developing a policy framework on ABS.</li> <li>- Taking stock of existing domestic ABS measures to identify gaps in light of the obligations of the Protocol.</li> <li>- Setting-up new or amending existing ABS legislative, administrative or policy measures with a view to implementing the Protocol</li> <li>- Developing regional model legislation</li> <li>- Establishing institutional arrangements and administrative systems for ABS</li> <li>- Developing procedures for granting or refusing to grant prior informed consent (PIC)</li> </ul>	<ul style="list-style-type: none"> <li>- Promoting equity and fairness in negotiation of MAT, including through training in relevant legal, scientific and technical skills.</li> <li>- Developing model sectoral and cross-sectoral contractual clauses (to provide guidance in the negotiation of MAT)</li> <li>- Developing and implementing pilot ABS agreements</li> <li>- Promoting better understanding of business models in relation to the utilization of genetic resources</li> <li>- Developing capacity to enhance transparency about the utilization of GR and TK in accordance with the Nagoya</li> </ul>	<ul style="list-style-type: none"> <li>- Participating in legal, policy and decision-making processes</li> <li>- Developing minimum requirements, as appropriate, for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK</li> <li>- Developing community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge</li> <li>- Developing model contractual clauses for benefit-sharing arising from the utilization of TK</li> <li>- Enhancing the capacity of ILCs, in particular women within those communities, in relation to access to genetic resources and/or TK</li> </ul>	<ul style="list-style-type: none"> <li>- Developing and using methods for valuation of GRs and associated TK</li> </ul>

<sup>34</sup> The indicative timeframe relates to the period within which implementation of the identified measures may be initiated. Short-term covers the period 2014-2017; medium-term covers 2018-2020; and long-term covers the period beyond 2020.

Indicative timeframe <sup>34</sup>	Key Area 1: Capacity to implement, and to comply with the obligations of the Protocol	Key Area 2: Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing (ABS)	Key Area 3: Capacity to negotiate mutually agreed terms (MAT)	Key Area 4: Capacity needs and priorities of indigenous and local communities (ILCs) and relevant stakeholders, including the business sector and the research community	Key Area 5: Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources (GR)
			Protocol after they have left the provider country, as appropriate		
<b>Medium-term</b>	<ul style="list-style-type: none"> <li>- Developing mechanisms to monitor the utilization of genetic resources, including through designation of checkpoints.</li> <li>- Reporting on measures taken to implement the Protocol</li> <li>- Developing mechanisms for promoting mutual supportiveness with other relevant international instruments</li> </ul>	<ul style="list-style-type: none"> <li>- Promoting compliance with domestic legislation or regulatory requirements on ABS</li> </ul>		<ul style="list-style-type: none"> <li>- Developing capacity to negotiate MAT</li> <li>- Increasing understanding of the obligations of the Parties under the Protocol</li> <li>- Enhancing the capacity of relevant stakeholders in relation to ABS</li> </ul>	<ul style="list-style-type: none"> <li>- Facilitating transfer of technology and developing infrastructure for research, and building technical capacity to make such technology transfer sustainable</li> </ul>
<b>Long-term</b>	<ul style="list-style-type: none"> <li>- Promoting compliance with mutually agreed terms</li> <li>- Enhancing the contribution of ABS activities to the conservation of biological diversity and the sustainable use of its components</li> <li>- Developing measures regarding access to justice in relation to ABS cases</li> <li>- Addressing transboundary issues</li> </ul>			<ul style="list-style-type: none"> <li>- Managing TK associated with genetic resources</li> </ul>	<ul style="list-style-type: none"> <li>- Undertaking research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting,</li> <li>- Developing genetic resources databases</li> </ul>

*Appendix II***PRACTICAL CAPACITY-BUILDING AND DEVELOPMENT ACTIVITIES TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL****Key Area 1: Capacity to implement and comply with the obligations of the Nagoya Protocol**

<b>Strategic measure</b>	<b>Indicative capacity-building and development activities</b>
1.1 Enabling ratification of, or accession to, the Protocol	<ul style="list-style-type: none"> <li>• Development of a manual on the ratification of, or accession to, the Protocol including templates for briefing documents for high government officials based on experiences of countries that have already ratified the Protocol.</li> <li>• Organization of workshops for government officials on the provisions of the Protocol.</li> <li>• Provision of funding support and technical assistance/resource persons for organization of stakeholder consultation workshops on the provisions of the Protocol.</li> <li>• Organization of training for ABS National Focal Points on the management of multi-stakeholder processes in the ABS issues.</li> </ul>
1.2 Raising awareness of the importance of GR and TK, and related ABS issues	<ul style="list-style-type: none"> <li>• Development of toolkits to guide Parties and other stakeholders on how to design and conduct awareness-raising activities on the Protocol.</li> <li>• Organization of workshops for government officials and other stakeholders relevant for ABS implementation on how to communicate ABS issues.</li> <li>• Organization of workshops for journalists and other media and communication experts on the importance of GR and TK, and related ABS issues.</li> <li>• Development of guidelines on how to integrate ABS issues into post-secondary school curricula and informal education programmes.</li> <li>• Design and organization of short courses on ABS in universities.</li> </ul>
1.3 Mapping of relevant actors, including other relevant international instruments on ABS, and existing expertise for the implementation of the Protocol	<ul style="list-style-type: none"> <li>• Development of explanatory material on ABS stakeholder mapping and analysis.</li> <li>• Development of templates to assist Parties in taking stock of existing expertise on ABS.</li> <li>• Organization of training in stakeholder identification and analysis skills for government officials in charge of ABS.</li> <li>• Provision of technical assistance for establishment of mechanisms to facilitate networking among various actors.</li> </ul>
1.4 Mobilizing new and innovative financial resources to implement the Protocol	<ul style="list-style-type: none"> <li>• Organization of training of government officials in resource mobilization skills (e.g. project development, fundraising and resource recovery).</li> <li>• Provision of technical assistance for the development of national resource mobilization strategies.</li> </ul>
1.5 Establishing mechanisms for domestic interagency coordination	<ul style="list-style-type: none"> <li>• Documentation of case studies on best practices and lessons learned on interagency coordination from existing bodies involved in ABS issues.</li> <li>• Provision of technical assistance for the establishment of mechanisms to facilitate domestic interaction among agencies, including for assessment of options and sustainability.</li> </ul>
1.6 Employing the best available communication tools and Internet-based systems for ABS activities including providing information to the ABS Clearing-House	<ul style="list-style-type: none"> <li>• Provision of technical assistance and training in the use of the best available communication tools and Internet-based systems for ABS activities.</li> <li>• Development or adaptation of communication tools, such as webinars, social media and e-learning, for dissemination of existing information material on ABS.</li> <li>• Development of suitable information -sharing platforms linked to the ABS Clearing-House.</li> <li>• Development of e-learning modules and hands-on training on the use of the ABS Clearing-House and the clearing-house</li> </ul>

Strategic measure	Indicative capacity-building and development activities
	mechanism.
1.7 Developing mechanisms to monitor the utilization of genetic resources, including the designation of checkpoints	<ul style="list-style-type: none"> <li>• Development of guidelines for the establishment of checkpoints in-country, including roles and functioning of checkpoints.</li> <li>• Organization of trainings of government officials responsible for managing checkpoints.</li> </ul>
1.8 Reporting on measures taken to implement the Protocol	<ul style="list-style-type: none"> <li>• Provision of technical and financial assistance to prepare national reports.</li> </ul>

### Key Area 2: Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing

Strategic measure	Indicative capacity-building and development activities
2.1 Developing a domestic policy framework on ABS	<ul style="list-style-type: none"> <li>• Provision of technical assistance for analysis of existing ABS-related policies for the identification of gaps.</li> <li>• Provision of technical assistance for developing policy frameworks on ABS.</li> <li>• Development of tools (for example guidelines, and case studies,) to facilitate integration of ABS considerations into sectoral and cross-sectoral policies and plans.</li> </ul>
2.2 Taking stock of existing domestic measures to identify gaps in light of the obligations of the Protocol	<ul style="list-style-type: none"> <li>• Provision of technical assistance for taking stock of existing measures relevant to the implementation of the Protocol.</li> <li>• Development of guidelines on how to coordinate relevant national ABS policies, laws and regulations to ensure consistency and legal clarity.</li> </ul>
2.3 Setting-up new or amending existing ABS legislative, administrative or policy measures with a view to implementing the Protocol	<ul style="list-style-type: none"> <li>• Provision of technical and legal assistance for reviewing, updating and/or developing domestic ABS legislative, administrative or policy measures, including, as appropriate, provisions on customary use and exchange of genetic resources and TK.</li> <li>• Development of guidelines on drafting or, revising ABS legislative, administrative or policy measures.</li> <li>• Organization of trainings (for example workshops, courses and e-learning modules) in drafting of ABS legislative, administrative or policy measures.</li> <li>• Provision of technical assistance for the establishment of mechanisms for conducting stakeholder consultations on the development of ABS legislative, administrative or policy measures.</li> </ul>
2.4 Developing regional model legislation	<ul style="list-style-type: none"> <li>• Provision of technical and legal assistance to existing regional institutions, where appropriate, to draft model regional legislation and regulations that can be adapted to the national situations.</li> <li>• Provision of technical assistance to regional organizations for the development of guidelines to support coherent implementation of the Protocol at the national level.</li> </ul>
2.5 Establishing institutional arrangements and administrative systems for ABS	<ul style="list-style-type: none"> <li>• Facilitating the establishment of institutional arrangements and coordination mechanisms for implementing ABS legislative, administrative or policy measures, through working with national institutions to enhance synergies.</li> <li>• Organization of trainings for government officials in the implementation of ABS legislative, administrative or policy measures.</li> <li>• Facilitating sharing of knowledge and expertise on ABS measures through on-job-training and peer-to-peer exchange programmes, regional and subregional learning communities and networks.</li> <li>• Provision of technical assistance for the development of administrative procedures for implementing the ABS measures.</li> <li>• Development of guidelines for differentiating requests for access to genetic resources for commercial and non-commercial use.</li> <li>• Development of guidelines for establishment of simplified measures on access to genetic resources for non-commercial research purposes.</li> </ul>
2.6 Developing procedures for	<ul style="list-style-type: none"> <li>• Development of explanatory notes on the different components of PIC</li> </ul>

Strategic measure	Indicative capacity-building and development activities
granting or refusing to grant prior informed consent (PIC)	<ul style="list-style-type: none"> <li>• Development of guidelines on granting PIC, including formats</li> <li>• Organization of trainings and orientation programmes on granting PIC</li> </ul>
2.7 Promoting compliance with domestic legislation or regulatory requirements on ABS	<ul style="list-style-type: none"> <li>• Provision of technical assistance to raise awareness of national ABS legislative, policy and administrative measures.</li> <li>• Documentation and dissemination of case studies on good practices in enforcing and promoting compliance with ABS measures.</li> <li>• Organization of trainings for border control personnel on biodiversity and ABS issues.</li> </ul>

### Key Area 3: Capacity to negotiate mutually agreed terms

Strategic measure	Indicative capacity-building and development activities
3.1 Promoting equity and fairness in negotiation of MAT, including through training in relevant legal, scientific and technical skills	<ul style="list-style-type: none"> <li>• Development of explanatory notes on the different components of MAT and relevant actors.</li> <li>• Organization of trainings and orientation programmes on negotiation of MAT, including modules on technical and legal aspects.</li> <li>• Orientation programme on IPR-related issues of MATs.</li> <li>• Development of an operational manual on MAT, covering, inter alia, how to negotiate MAT and the roles and responsibilities of relevant actors.</li> <li>• Development of a review paper on legal frameworks linked to MAT process.</li> <li>• Development of toolkit on MAT and organization of trainings and orientation programmes using the toolkit.</li> <li>• Development of guidance on including provisions in MAT to share information on the implementation of MAT, including through reporting requirements.</li> <li>• Development of a manual on dispute settlement and organization of orientation programmes for legal experts and others on this regard.</li> <li>• Organization of training programmes for national focal points and stakeholders on issues related monitoring and compliance with MAT.</li> </ul>
3.2 Developing model sectoral and cross-sectoral contractual clauses	<ul style="list-style-type: none"> <li>• Development of legal training on contract law for non-lawyers</li> <li>• Development of model contractual clauses and contracts, including for different sectors.</li> <li>• Organization of trainings on how to use the model contracts.</li> </ul>
3.3 Developing and implementing pilot ABS agreements	<ul style="list-style-type: none"> <li>• Documentation of case studies on ABS agreements, including examples of beneficiaries, monetary and non-monetary benefits, modalities of benefit-sharing and the use of benefits.</li> </ul>
3.4 Promoting better understanding of business models in relation to the utilization of genetic resources	<ul style="list-style-type: none"> <li>• Development of a manual on business models in relation to the utilization of genetic resources for various sectors.</li> <li>• Organization of trainings in business models in relation to the utilization of genetic resources for various sectors.</li> <li>• Development of modules on bioprospecting and bioresource-based enterprise development.</li> </ul>

**Key Area 4: Capacity of indigenous and local communities and relevant stakeholders, including business sector and the research community, in relation to the implementation of the Nagoya Protocol**

Strategic measure	Indicative capacity-building and development activities
4.1 Participating in legal, policy and decision-making processes	<ul style="list-style-type: none"> <li>• Organization of training of ILCs, including women within those communities, on the provisions of the Protocol and how it will work, including the understanding of legal, policy and decision-making processes on ABS issues, acknowledging the value of their TK.</li> <li>• Provision of technical assistance and trainings to enable indigenous and local communities and relevant stakeholders to participate in the development of ABS measures.</li> <li>• Organization of trainings for other relevant stakeholders, including the business sector and the research community, on the implementation of the Protocol.</li> </ul>
4.2 Developing minimum requirements, as appropriate for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK	<ul style="list-style-type: none"> <li>• Development of minimum requirements, as appropriate, for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of TK.</li> <li>• Development of ‘train the trainer’ workshops for ILCs and other relevant stakeholders including the business sector and the research community, on how to use minimum requirements, as appropriate, for MAT in order to secure the fair and equitable sharing of benefits arising from the utilization of TK.</li> </ul>
4.3 Developing community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge	<ul style="list-style-type: none"> <li>• Development of ‘train the trainer’ workshops, including the production of materials for ILCs on how to develop community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge.</li> <li>• Development of e-learning modules and other tools on how to develop community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge.</li> </ul>
4.4 Developing model contractual clauses for benefit-sharing arising from the utilization of TK	<ul style="list-style-type: none"> <li>• Development of ‘train the trainer’ modules for developing and using contractual clauses and ABS agreements for benefit-sharing arising from the utilization of TK.</li> <li>• Development of practical guidance tools on model contractual clauses on TK.</li> </ul>
4.5 Enhancing the capacity of ILCs, in particular women within those communities, in relation to access to genetic resources and/or TK	<ul style="list-style-type: none"> <li>• Translation of relevant materials into local languages.</li> <li>• Provision of technical assistance for establishment of help desks for indigenous and local communities and relevant stakeholders.</li> <li>• Provision of technical assistance for establishment and implementation of peer-to-peer learning programmes, including mentorship and on-the-job training programmes.</li> <li>• Orientation and training programmes to enable ILCs to realize the potential of TK through its documentation, protection and use.</li> </ul>
4.6 Negotiating favourable MAT	<ul style="list-style-type: none"> <li>• Development of templates and guidelines to facilitate capacity needs self-assessments for MAT.</li> <li>• Organization of training workshops/ courses for ILCs and other relevant stakeholders, including the business sector and the research community, on negotiation of mutually agreed terms.</li> <li>• Development of tailored e-learning modules for ILCs and other relevant stakeholders, including the business sector and the research community, on negotiation of MAT/ ABS agreements.</li> </ul>
4.7 Increasing understanding of the obligations of Parties under the Protocol with regard to TK and ILCs	<ul style="list-style-type: none"> <li>• Organization of seminars and workshops on the obligations of Parties under the Protocol with regard to TK and ILCs.</li> <li>• Development of guidelines on how to establish mechanisms to facilitate coordination across government departments/agencies and local authorities governing ABS with regard to TK and ILCs.</li> <li>• Documentation and dissemination of case studies on good practices with regard to TK and ILCs relating to ABS in order to enable practitioners to learn and build on the experience of others.</li> <li>• Supporting the establishment of online learning platforms to facilitate self-directed learning on ABS provisions.</li> </ul>

**Key Area 5: Capacity of countries to develop endogenous research capabilities to add value to their own genetic resources**

<b>Strategic measure</b>	<b>Indicative capacity-building and development activities</b>
5.1 Developing and using methods for valuation of genetic resources and associated traditional knowledge	<ul style="list-style-type: none"> <li>• Development of methodologies for assessing the potential commercial value of specific genetic resources and TK building on good practices in the context of ABS.</li> <li>• Facilitating the development of inter-linkages with other initiatives/methodologies/instruments for valorizing genetic resources and TK, for example through knowledge exchange.</li> <li>• Documentation and dissemination of case studies on good practices and lessons learned to develop understanding of the value chain through analysing business models.</li> <li>• Supporting multi-stakeholder approaches to integrate the potential value of genetic resources and TK into decision-making processes for example through, the development of guidelines on how to establish mechanisms to facilitate coordination across government departments/agencies and local authorities governing ABS.</li> </ul>
5.2 Facilitating transfer of technology and developing infrastructure for research and building technical capacity to make such technology transfer sustainable	<ul style="list-style-type: none"> <li>• Provision of technical assistance for joint research and scientific cooperation (e.g. peer-to-peer learning programmes), including transfer and development of technology.</li> <li>• Provision of support (e.g. train the trainer workshops, mentorships and on the job training) to establish facilities in developing countries in order to train researchers and maintain existing skills, including on TK.</li> <li>• Provision of technical assistance to develop research capabilities of domestic institutions and universities to add value to genetic resources.</li> <li>• Supporting collaborative approaches to technical and scientific research and development programmes.</li> </ul>
5.3 Undertaking research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting	<ul style="list-style-type: none"> <li>• Providing technical assistance to support the development or strengthening of genetic resources databases.</li> <li>• Organization of trainings on bioprospecting and value-addition for genetic resources for ILCs, small and medium enterprises and private sector.</li> <li>• Organization of trainings on research and taxonomic studies related to conservation of biological diversity and sustainable use of its components.</li> <li>• Building capacity to undertake research and development of genetic resources to the commercialization stage.</li> </ul>

*Annex II*

**TERMS OF REFERENCE OF THE INFORMAL ADVISORY COMMITTEE ON CAPACITY-BUILDING  
FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL**

**I. MANDATE**

1. The mandate of the informal advisory committee on capacity-building (CB-IAC) is to provide advice to the Executive Secretary on matters of relevance to the assessment of the effectiveness of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol. Its specific tasks include providing advice regarding:

(a) Stocktaking of the capacity-building and development initiatives being implemented by various organizations with a view to identifying gaps in the implementation of the strategic framework;

(b) The need for the development of new tools, guidelines and training materials, including e-learning modules, to facilitate capacity-building and development initiatives of Parties, other governments, indigenous and local communities and other stakeholders;

(c) Facilitation of coordination, synergy, coherence and complementarity among capacity-building and development activities, taking into account information on capacity-building and development needs and activities available in the ABS Clearing-House and from other sources;

(d) Facilitation for matching the capacity-building and development needs identified by Parties with potential opportunities and resources to support the implementation of the strategic framework;

**II. COMPOSITION**

2. The informal advisory committee will comprise fifteen experts selected by Executive Secretary on the basis of nominations by Parties with due regard to equitable geographic representation and gender balance and shall include representatives of indigenous and local communities and relevant organizations.

3. The informal advisory committee may also draw on existing expertise and liaise with relevant international, regional and national organizations, as appropriate, in the execution of its mandate.

**III. OPERATIONAL PROCEDURES**

4. Subject to the availability of financial resources, the informal advisory committee will meet as needed to ensure timely provision of advice, and will, wherever possible, meet back-to-back with other relevant meetings.

5. Where possible, the Secretariat will use available means of electronic communication to reduce the requirement for face-to-face meetings.

**ITEM 18. MEASURES TO RAISE AWARENESS OF THE IMPORTANCE OF GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE (ARTICLE 21)**

---

*The following comprises the draft decision contained in recommendation 2/6 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

1. *Adopts* the awareness-raising strategy for the Nagoya Protocol as set out in the annex to the present decision;
2. *Recommends* that the Conference of the Parties to the Convention on Biological Diversity, as part of its guidance to the financial mechanism, invite the Global Environment Facility to provide financial resources to Parties for early action on Article 21 of the Protocol.

***Annex***

**AWARENESS-RAISING STRATEGY FOR THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING**

***Introduction***

1. Communication, education and public awareness are central to an effective implementation of the Nagoya Protocol. Therefore, effective implementation of Article 21 of the Nagoya Protocol plays a critical role for the overall success of the Protocol.
2. The wide range of activities, initiatives and tools for awareness-raising with respect to access and benefit-sharing (ABS) that have been developed to date, were created in the absence of an overall communications framework and a lack of predictable and long-term funding for communications activities. This has contributed to a general lack of awareness on ABS.
3. The awareness-raising strategy aims at providing a systematic and coherent approach to assist Parties in the implementation of Article 21. It recognizes the need to link activities related to Article 21 to other capacity-development activities under the Nagoya Protocol, under the programme of work for Communication, Education and Public Awareness (CEPA), and other outreach initiatives of the CBD, such as the United Nations Decade on Biodiversity.
4. It is important that awareness-raising activities respond to the specific needs and contexts of each Party; therefore, the awareness-raising strategy should be country-driven. However, in order to assist Parties in the implementation of the strategy, the Secretariat would carry-out a series of supporting actions such as the creation of a toolkit containing methodologies, templates and descriptive materials to support the development of national awareness-raising strategies and associated materials and tools. All products developed under the strategy, by the Secretariat and Parties, should be disseminated through the clearing-house mechanism under the Convention on Biological Diversity, which includes the ABS Clearing-House (Clearing-House).
5. While target groups may vary depending on the country, raising awareness amongst users of genetic resources is a priority for the effective implementation of the Protocol. It is also important that the full and effective participation of indigenous and local communities be facilitated in national and regional awareness-raising activities.
6. A number of awareness-raising tools on ABS have already been developed by Parties and other organizations. In the interest of cost effectiveness, in implementing the strategy, Parties are encouraged, where appropriate, to make use of these tools in the elaboration of their national awareness raising strategies and development of awareness-raising materials.
7. The Clearing-House will be an important mechanism to support the implementation of Article 21, ensuring not only that the awareness-raising strategy, products and tools are available to all stakeholders, but also facilitating the sharing of lessons learned among Parties facing similar situations and the sharing of experiences in communicating ABS issues. Finally, it would be needed to fulfil the suggested activities in Article 21, notably activities in paragraphs (d), (e), and (f).

8. The following paragraphs elaborate a strategy for awareness-raising to support Parties in the development of national, regional and subregional awareness-raising strategies. The strategy is also outlined in tables at the end of the document. The strategy is structured around four priority activities, which build upon each other. The final activity, the evaluation and assessment step, is assumed to set the conditions and priorities for subsequent iterations of the strategy. Parties are encouraged to implement one iteration of the strategy during the biennium after entry into force. Parties would then be invited to report on progress in the implementation of the strategy to the Clearing-House and the COP/MOP, as appropriate.

***Priority activity 1. Communications situation analysis and the development of needs-based awareness-raising strategies at national, regional and subregional levels***

9. Article 21 indicates that Parties are to increase awareness of the importance of genetic resources and the traditional knowledge associated with genetic resources and related access and benefit-sharing issues. Awareness raising measures are further important and necessary for the effective implementation of and compliance with the Protocol and all three objectives of the Convention. Operationalizing these overall principles into an awareness-raising strategy would require the elaboration by Parties of the more specific communications goals to be accomplished, taking into account the specific guidelines outlined in the article.

10. The development of effective awareness-raising strategies by Parties should be based upon an analysis of the state of communication on access and benefit-sharing issues. Such an analysis should include the following elements:

(a) Evaluating the communication goals required to support implementation of the Protocol and in particular for Parties to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, in accordance with Article 21;

(b) Conducting awareness surveys which identify the target groups, their level of awareness, and actions required by these groups, with a view to support the implementation of the Protocol;

(c) Carrying out an audit of existing information and training materials which lists and reviews the effectiveness of existing communication products; and

(d) Creating a roster of technical and communication experts, who could be called upon for assistance in implementing the national, regional or subregional strategies.

11. Under this priority activity, the Secretariat will propose a structure to assist Parties in creating their national, regional or subregional awareness-raising strategies, including carrying out a communications situation analysis that address the above elements. The analysis should seek to provide guidance on the kind of messages and awareness-raising materials to be developed. Guidelines and recommendations on each of the above steps will be elaborated by the Secretariat using wherever appropriate existing programs, tools, structures and materials either within the Secretariat, (particularly CEPA) or other relevant international organizations, in order to strengthen coherence, enhance efficiency and limit costs. These will be posted on the Clearing-House. Parties would then be invited to replicate, or adapt this methodology, as appropriate.

12. A variety of actors representing different interests, each with different priorities will be involved with the implementation of the Nagoya Protocol, including, inter alia, Governments, research institutions, industry, the education and training sector, representatives of the media, as well as indigenous and local communities. Therefore, Parties should identify and prioritize key target groups and carry out an awareness survey that establishes their current level of awareness. From this survey, Parties can then determine the actions by these groups that would facilitate full and effective implementation of the Protocol, as well as the communication channels and messages that can help to encourage these actions. This communications situation analysis will assist in the creation of their awareness-raising strategies. As noted earlier, particular efforts should be made to ensure awareness-raising for users of genetic resources. Further, any evaluation of the role of indigenous and local communities in this process should be done as an integrated approach to overall communication goals.

13. In addition to the awareness survey, Parties would be invited to carry out an audit of appropriate existing awareness raising products and initiatives and evaluate the extent to which these tools can contribute to achieving communication goals. The audit should take into account the tools and initiatives of partners in different government ministries, non-governmental organizations, business and research communities, as well as indigenous and local communities.

14. Finally, Parties are encouraged to create rosters of experts that include communication professionals with expertise in ABS, and technical and legal experts that can act as subject matter experts for the creation of awareness-raising materials.

15. The different components outlined above, such as the communication goals, the survey of attitudes and awareness, the audit of existing materials and the roster of experts, should be used to create national, regional or subregional awareness-raising strategies. The resulting strategies will be particular to each Party/Parties, but it is suggested that each will include:

- (a) A situation analysis and report on key target groups;
- (b) Key messages for awareness-raising activities;
- (c) Awareness-raising activities;
- (d) Timelines;
- (e) Resource requirements; and
- (f) An evaluation framework.

16. Further, it is suggested that any strategy at the national, regional or subregional level includes provisions for communication activities, capacity-development or training, whether this is within target groups, or within a group of communications professionals or trainers. Parties would be invited to disseminate the final result of all these activities to the Clearing-House.

***Priority activity 2. Creation of toolkit and awareness-raising materials***

17. This priority activity focuses on the creation of awareness-raising and training materials which could be used as a means to transmit key messages to different target groups during outreach activities. These materials would be the primary tools for Parties to launch their awareness-raising campaigns and to develop capacity on access and benefit-sharing issues in accordance with the principles outlined in Article 21. Furthermore, training and direction, including training of trainers, on ways to use the materials and how to deliver the key messages to target groups may be required to ensure that the capacities of the target audiences are improved.

18. To assist in the implementation of this activity, the Secretariat will create a toolkit that contains methodologies, templates and other descriptive materials on how Parties and stakeholders can develop awareness-raising and training materials. The development of the toolkit will, where appropriate, take into account relevant existing tools within the Convention on Biological Diversity, such as the CEPA toolkit (<http://www.cbd.int/cepa/toolkit/2008/doc/CBD-Toolkit-Complete.pdf>) and materials from other relevant international organizations, but will be specifically tailored for the needs of ABS communication. The toolkit will be produced in print and multimedia form, compatible with its deployment as an eLearning resource. The toolkit will be created as an Open Educational Resource (OER).<sup>35</sup>

19. Parties will be invited to use the toolkit to develop different awareness-raising materials, adapted to their particular needs, and in support of the strategy created under priority activity 1 to raise awareness and transmit messages to target groups. In creating the materials, the input of key stakeholders, such as those identified under priority activity 1 and indigenous and local communities should be taken into account to ensure that it would be effective in raising their awareness.

20. The selection of the best mix of information products for communicating with a specific target group will be largely determined according to the research and assessments conducted in the first priority activity. Print materials, such as brochures and fact sheets, may be suitable in some contexts, while other multimedia materials and approaches such as radio, short films, and others may be more effective in others.

21. In the context of this priority activity Parties may also wish to develop materials for use within formal education.

22. Parties will be invited to provide copies of the materials developed to the Clearing-House, for further dissemination and sharing amongst other Parties and stakeholders.

***Priority activity 3. Train communicators and engage target groups***

---

<sup>35</sup> Open Educational Resources (OER) are teaching and learning materials that are freely available online for everyone to use, whether you are an instructor, student or self-learner. Examples of OER include: full courses, course modules, syllabi, lectures, homework assignments, quizzes, lab and classroom activities, pedagogical materials, games, simulations, and many more resources contained in digital media collections from around the world.  
<http://openeducationalresources.pbworks.com/w/page/24836860/What%20are%20Open%20Educational%20Resources>

23. This priority activity has two primary objectives: to train a group of ABS communication experts to implement the national awareness-raising strategy and then to carry out activities to engage with target groups in order to raise awareness.

24. In support of this activity, the Secretariat will provide guidelines on the way to conduct a training workshop for ABS communicators. In the ABS toolkit mentioned above, the Secretariat will provide guidelines on the ways that awareness-raising and training materials may be disseminated and used in support of an awareness-raising strategy.

25. As a first step in this priority activity, it is suggested that a series of workshops be held to train communications experts using the training materials developed in priority activity 2. This would prepare the group of communications experts to in turn effectively reach out to key target groups and deliver the key messages contained within the awareness-raising materials created. These trained communicators could then organize workshops and other events for the key target groups identified in the strategy.

26. The awareness-raising materials created under priority activity 2 will be disseminated to target groups in a variety of ways, but an important part of any awareness-raising strategy will be the convening of events, workshops and other forums, where communication activities can take place. The kind of activities which could be organised should be determined by the target groups to be communicated with. Examples of such activities are: information breakfast session, a roundtable for representatives of a particular user group, a training session for representatives of media, or an academic conference on ABS measures for the research community.

27. The events would be an opportunity to involve a variety of stakeholders to discuss national circumstances related to the implementation of the Nagoya Protocol. For example, as outlined in Article 21 (i), the events could include specific communication activities related to awareness-raising of community protocols and procedures of indigenous and local communities. The events could also be an opportunity to brief representatives of the media on ABS-related issues.

28. It is expected that workshops would be organized primarily at the national level. In certain cases, subregional or regional workshops may also add-value to the implementation of the awareness-raising strategies and therefore their organization would be a suitable contribution to this activity. To achieve the most effective and efficient use of resources, the organization of such workshops will take place on the basis of capacity needs assessments by the Parties. In analysing those needs, existing global, regional or subregional mechanisms, processes and tools should be fully taken into account. The Secretariat may be involved in these workshops, subject to the availability of resources.

29. For all activities, evaluation and feedback mechanisms similar to the assessments carried out in priority activity 1 should be included to provide data for priority activity 4 below.

30. Parties and stakeholders will be invited to post the results of the events on the Clearing-House, including photos of the proceedings, presentations and summaries of the findings.

#### ***Priority activity 4. Evaluation and feedback***

31. It is important to note that as Parties design their strategies, for each priority activity, data and information should be collected for use in an evaluation exercise. Priority activity 1 represents the assembly of baseline data on awareness, against which changes in awareness and behaviour need to be measured. The effectiveness and reception of the awareness-raising materials developed under priority activity 2 should also be measured. Finally, the suitability and learning that has taken place during the workshops and other events under priority activity 3 should also be assessed.

32. Using this data, Parties are invited to assess the effectiveness of their activities, workshops and awareness-raising materials. Parties will then be invited to repeat the survey instruments used to establish their national strategies and analyse the feedback received from participants to the awareness-raising activities with a view to changing and fine-tuning their strategies as needed. Parties should collect the same data that was assembled under priority activity 1, and compare them with the baseline results.

33. The results of the evaluation and analyses should then be disseminated through the Clearing-House.

#### ***Resource requirements***

34. As Party needs will be varied, so too will the resource requirements for the implementation of national awareness-raising strategies. Sustainable funding plans should be established to ensure that sufficient resources are available for the strategies in the long-run. Developing country Parties may require external support, including through the GEF in order to implement their national awareness raising strategies.

35. In order to assist Parties in the development and implementation of national, regional and subregional awareness-raising strategies, as recommended under the priority activities, the Secretariat will also require financial and human resources. Secretariat support to priority activities 1, 3 and 4 will be limited to staff time. The Secretariat's contribution to priority activity 2 will require financial support for the development of the toolkit.

*Table: Outline of an Awareness-raising strategy for the Nagoya Protocol on Access and Benefit-sharing*

<p><b>Priority activity 1. Communications situation analysis and the development of needs-based awareness-raising strategies at national, regional and subregional levels.</b></p>	
<p><b>1.1. Operational objectives</b></p> <ul style="list-style-type: none"> <li>- Conduct analysis of communications goals, target groups and existing awareness-raising materials.</li> <li>- For target groups, identify desired outcomes of communications efforts.</li> <li>- Evaluate effectiveness of existing tools, messages and activities.</li> <li>- Provide indicative costs for implementation of different activities.</li> </ul>	
<p><b>1.2. Expected Outcomes</b></p> <ul style="list-style-type: none"> <li>- List of target groups and level of awareness.</li> <li>- List of desired communication goals.</li> <li>- Gap analysis of tools and identification of required products.</li> <li>- Evaluation of possible costs needed.</li> </ul>	
<p><b>1.3. Indicators</b></p> <ul style="list-style-type: none"> <li>- Level of awareness amongst key target groups.</li> <li>- List of existing awareness-raising materials and their use.</li> <li>- List of communication and technical experts.</li> </ul>	
<p><b>1.4 Role of Secretariat</b></p> <ul style="list-style-type: none"> <li>- Provide template for the development of national awareness-raising strategies.</li> <li>- Provide guidelines on survey methodologies.</li> <li>- Make available existing awareness-raising materials on ABS.</li> <li>- Make available awareness-raising strategies on the Clearing-House and report developments to the COP-MOP, as appropriate</li> </ul>	
<p style="text-align: center;"><b>1.5. Activities</b></p> <ul style="list-style-type: none"> <li>- Create national, regional and subregional awareness-raising strategies, including timetables, activities, evaluation tools and identification of target groups. Include all resource requirements.</li> <li>- Determine key target groups and desired behavior changes.</li> <li>- Carry-out surveys to determine level of awareness of key target groups.</li> <li>- Conduct audit of awareness-raising products and materials, including evaluation of the effectiveness of each.</li> <li>- Create a list of communication, and legal and technical experts on ABS.</li> <li>- Submit national awareness-raising strategy to the Clearing-House.</li> </ul>	<p style="text-align: center;"><b>1.6. Actors</b></p> <ul style="list-style-type: none"> <li>- Parties, including relevant government ministries.</li> <li>- Public opinion research organizations.</li> <li>- Representatives of the media.</li> </ul>

<b>Priority activity 2. Creation of toolkit and awareness-raising materials</b>	
<b>2.1. Operational objectives</b>	
<ul style="list-style-type: none"> <li>- Create awareness-raising and training materials to support national, regional and subregional ABS awareness-raising strategies.</li> <li>- Create toolkit for use in training of ABS communicators.</li> </ul>	
<b>2.2. Expected outcomes</b>	
<ul style="list-style-type: none"> <li>- Awareness-raising and training materials and other information products that support national, regional and subregional awareness-raising strategies are created including, inter alia, brochures, booklets, fact sheets, materials for use in formal education, videos, radio spots, audio recordings, websites, flash and PowerPoint presentations.</li> </ul>	
<b>2.3. Indicators</b>	
<ul style="list-style-type: none"> <li>- Catalogue of awareness-raising materials created.</li> <li>- Usage levels of awareness-raising materials.</li> </ul>	
<b>2.4 Role of the Secretariat</b>	
<ul style="list-style-type: none"> <li>- Create ABS awareness-raising toolkit with templates, guidelines and example methodologies for training and communication activities. Translate into United Nations languages and disseminate in print and online.</li> <li>- Make available ABS communications materials developed by Parties and other stakeholders on the Clearing-House.</li> </ul>	
<b>2.5. Activities</b>	<b>2.6. Actors</b>
<ul style="list-style-type: none"> <li>- Create ABS awareness-raising and training materials using toolkit and its resources.</li> <li>- Distribute materials at national and regional levels through established communication channels.</li> <li>- Submit materials to Clearing-House.</li> </ul>	<ul style="list-style-type: none"> <li>- Parties through relevant government ministries and, as appropriate, relevant stakeholders such as indigenous and local communities.</li> <li>- Experts in communication, including representatives of the media.</li> <li>- Training agencies.</li> <li>- Educators.</li> </ul>

<b>Priority activity 3. Train communicators and engage target groups</b>	
<b>3.1. Operational objectives</b>	
<ul style="list-style-type: none"> <li>- Train a group of ABS communication experts to deliver key messages to target groups</li> <li>- Engage with target groups in order to raise awareness.</li> </ul>	
<b>3.2. Expected outcomes</b>	
<ul style="list-style-type: none"> <li>- A group of trainers and communicators on ABS issues is established, to participate in awareness-raising activities.</li> <li>- Activities are held to implement the strategy.</li> <li>- The level of awareness of target groups is increased.</li> </ul>	
<b>3.3. Indicators</b>	
<ul style="list-style-type: none"> <li>- Number of communicators trained.</li> <li>- Feedback from trainees.</li> <li>- Number of activities held.</li> <li>- Number of participants in activities.</li> <li>- Feedback from participants on the effectiveness of the events and awareness-raising materials.</li> <li>- Increases in awareness amongst target groups.</li> <li>- Level of usage of awareness-raising materials.</li> </ul>	
<b>3.4 Role of the Secretariat</b>	
<ul style="list-style-type: none"> <li>- Provide guidelines on workshop structure and forms.</li> <li>- Provide indicative list of outreach activities.</li> <li>- When requested, participate in ABS awareness-raising activities at subregional and regional levels, subject to the availability of resources.</li> </ul>	
<p style="text-align: center;"><b>3.5. Activities</b></p> <ul style="list-style-type: none"> <li>- Hold ABS communication training workshops with the participation of ABS communicators and others who will deliver communication activities to target groups.</li> <li>- Hold awareness-raising activities for target groups.</li> <li>- Distribute and disseminate awareness-raising and training materials.</li> <li>- For all activities, conduct feedback and evaluation exercises and record this data for priority activity 4.</li> <li>- Submit reports of activities to the Clearing-House.</li> </ul>	<p style="text-align: center;"><b>3.6. Actors</b></p> <ul style="list-style-type: none"> <li>- Parties, and, as appropriate, relevant stakeholders such as indigenous and local communities.</li> <li>- Communications professionals, including representatives of the media.</li> <li>- Target groups identified in the awareness-raising strategy such as users of genetic resources.</li> </ul>

<b>Priority activity 4. Evaluation and feedback</b>	
<b>4.1. Operational objectives</b>	
<ul style="list-style-type: none"> <li>- Evaluate effectiveness of awareness-raising activities against baseline data collected in priority activity 1.</li> <li>- Adjust national awareness-raising strategy as appropriate based on feedback.</li> </ul>	
<b>4.2. Expected outcomes</b>	
<ul style="list-style-type: none"> <li>- Parties will understand the results of their activities and the effectiveness of their strategies.</li> <li>- Parties will have the information required to adjust and alter their strategies as needed.</li> </ul>	
<b>4.3. Indicators</b>	
<ul style="list-style-type: none"> <li>- Level and type of participation in awareness-raising activities from priority activity 3.</li> <li>- Change in level of awareness amongst key target groups.</li> <li>- List of new awareness-raising materials and their use.</li> <li>- Detailed feedback from participants in activities.</li> </ul>	
<b>4.4 Role of Secretariat</b>	
<ul style="list-style-type: none"> <li>- Make available information provided by Parties on evaluations and feedback to the Clearing-House.</li> </ul>	
<p style="text-align: center;"><b>4.5. Activities</b></p> <ul style="list-style-type: none"> <li>- Resurvey target groups to determine any changes in level of awareness.</li> <li>- Re-audit awareness-raising materials to determine effectiveness of new and existing materials under the new strategy.</li> <li>- Review list of communication and legal and technical experts on ABS issues.</li> <li>- Evaluate effectiveness of ABS awareness-raising activities using data collected under each Priority Activities.</li> <li>- Revise and adjust the national awareness-raising strategy according to this analysis.</li> <li>- Submit results of all analyses to the Clearing-House.</li> </ul>	<p style="text-align: center;"><b>4.6. Actors</b></p> <ul style="list-style-type: none"> <li>- Parties.</li> <li>- Public opinion research organizations.</li> </ul>

**ITEM 19. THE NEED FOR AND MODALITIES OF A GLOBAL MULTILATERAL BENEFIT-SHARING MECHANISM (ARTICLE 10)**

---

*The following comprises the draft decision contained in recommendation 3/3 of the 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 (ICNP).*

---

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Noting* the importance of having further discussions to reach a common understanding on the need for and modalities of a global multilateral benefit-sharing mechanism,

1. *Invites* Parties, other Governments, international organizations, indigenous and local communities, and relevant stakeholders to submit to the Executive Secretary views on: (i) situations which may support the need for a global multilateral benefit-sharing mechanism that are not covered under the bilateral approach; (ii) possible modalities for a global multilateral benefit-sharing mechanism as well as information regarding the implications of different scenarios on these modalities; and (iii) the areas requiring further consideration, as identified in paragraph 23 of the report of the Expert Meeting on Article 10 of the Nagoya Protocol (UNEP/CBD/ICNP/3/5). Such views may include, where available, reflections on any experiences gained working towards the implementation of the Nagoya Protocol.

2. *Requests* the Executive Secretary to:

(a) Prepare a synthesis of the views submitted in accordance with paragraph 1 above;

(b) Commission a study [, subject to the availability of funds,] on: (i) the experiences gained with the development and implementation of the Nagoya Protocol and other multilateral mechanisms; and (ii) the potential relevance of ongoing work undertaken by other processes, including case studies in relation to *ex situ* and *in situ* genetic resources [as defined by Article 2 of the Convention on Biological Diversity], traditional knowledge associated with genetic resources, and transboundary situations;

(c) Convene[, subject to the availability of funds,] a meeting of a regionally balanced expert group to review the synthesis of views and the study referred to in subparagraphs (a) and (b) above, with a view to reaching a common understanding on the areas requiring further examination, as identified in paragraph 23 of the report of the Expert Meeting, as referred to in paragraph 1 above, and submit the outcomes of its work for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

---