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EVALUATION OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL

Note by the Executive Secretary

I. INTRODUCTION

1. In its decision [NP-3/5](#), the meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol requested that the Executive Secretary prepare an evaluation of the strategic framework for capacity-building and development in accordance with decision [NP-1/8](#), paragraph 9(f), and submit the evaluation report for the consideration of the Subsidiary Body on Implementation at its third meeting, with a view to ensuring an effective approach to capacity-building under the Nagoya Protocol that is consistent with the post-2020 global biodiversity framework (section A, para. 7(b)).
2. The Subsidiary Body on Implementation is requested to review the evaluation report and submit its recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fourth meeting.
3. Section II below consists of the key findings and recommendations of the evaluation prepared by the Secretariat and includes the additional input received by the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol at its fourth meeting.¹ Committee members were invited to review the preliminary findings and to provide additional information and recommendations as requested by the Parties (NP-3/5 section A, para. 5). Section III consists of elements of a draft recommendation to the Conference of the Parties for the consideration of the Subsidiary Body on Implementation.

II. EXECUTIVE SUMMARY OF THE EVALUATION OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL

4. This section provides an executive summary of the evaluation of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol. The full evaluation report on the framework is available as information document CBD/SBI/3/INF/1.

* CBD/SBI/3/1.

¹ For the full report of the Informal Advisory Committee on Capacity-Building on its fourth meeting, see [CBD/NP/CB-IAC/2019/1/4](#). The documentation for the fourth meeting of the Committee is available on the website of the Convention at the following link: <https://www.cbd.int/meetings/NP-CB-IAC-2019-01>.

A. Objective of the evaluation

5. The overall objective of the evaluation was to assess the contribution of the framework in helping to foster a strategic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Nagoya Protocol. Specific objectives included to review progress in the implementation of the Framework, review its relevance and effectiveness, and propose options and recommendations for further improvement of capacity-building to support the implementation of the Nagoya Protocol.

B. Methodology and limitations

6. The evaluation was guided by a set of general questions and sub-questions that were adopted as part of decision NP-3/5 (see CBD/SBI/3/INF/1, annex II). The methodology consisted of a literature review and semi-structured interviews with Parties (12), representatives of key organizations working on capacity-building (8) and with representatives of indigenous peoples and local communities (2).

7. The interviews focused on the use, relevance and effectiveness of the framework, the role of the Secretariat of the Convention on Biological Diversity in its promotion and coordination and recommendations to help improve the framework and capacity-building to implement the Nagoya Protocol beyond 2020.

8. In terms of limitations for the evaluation, the framework did not include measurable targets or outcomes, nor did it set any baseline against which to measure progress made by its use in supporting capacity-building for the implementation of the Protocol. Hence, the section in the evaluation that reviews progress in the implementation of the framework consists of a general overview of what has been done in terms of capacity-building and development since the adoption of the framework in 2014.

C. Key findings of the evaluation

1. Progress in the implementation of the framework

9. Significant progress has been made in the implementation of the Nagoya Protocol since its adoption in 2010 and entry into force in 2014. This success is intrinsically linked to the capacity-building and development efforts undertaken through various national, regional and global access and benefit-sharing initiatives and projects. The Global Environment Facility (GEF) and other donors have invested significant financial resources and supported numerous projects and initiatives benefiting more than 100 countries.

10. Advances in the implementation of the Protocol are, to a large extent, a reflection of the efforts of countries to develop the capacities to ratify the Nagoya Protocol and implement access and benefit-sharing frameworks. Important progress has been made by Parties to designate competent national authorities, establish checkpoints, adopt relevant access and benefit-sharing measures and publish records in the Access and Benefit-sharing Clearing-House.

11. As of 1 May 2019, there are 99 projects² providing countries with direct support to enable them to ratify and/or implement the Nagoya Protocol. Of these, 81 per cent are national projects, 16 per cent are regional and 3 per cent are global. The majority of projects (86 per cent) focus on Key Area 2 (capacity to develop, implement and enforce access and benefit-sharing measures) followed by 78 per cent Key Area 4 (capacity of indigenous peoples and local communities and relevant stakeholders to implement the Protocol) and 73 per cent on Key Area 1 (capacity to implement and to comply with the Protocol). Approximately 56 per cent of the projects have focused on Key Area 3 (capacity to negotiate mutually agreed terms (MAT)) and 57 per cent on Key Area 5 (capacity to develop endogenous research

² Since the last update presented at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, there has been one new access and benefit-sharing project (approved under GEF 7), while two projects related to genetic resources and biotrade and the development of small enterprises that were not included in previous reports have been added as they fall under Key Area 4 and aim to work on developing value chains with indigenous peoples and local communities.

capabilities). In terms of geographic coverage, challenges remain for certain regions, such as Central and Eastern Europe, where few projects have been implemented.

12. These 99 capacity-building initiatives represent the amount of known resources and efforts invested in building-capacities to ratify and implement the Nagoya Protocol. The goals of these projects align with the objectives of the framework and therefore contribute to its implementation.

13. According to the interim national reports, 55 Parties reported taking measures to implement the Framework.³ In this regard, most Parties provided brief descriptions of the workshops or trainings they had carried out. However, in most of the cases, they did not explicitly specify which key areas of the framework these activities addressed.

14. The assessment and review of the effectiveness of the Nagoya Protocol carried out in 2018⁴ found that, although several capacity-building and development initiatives were supporting ratification and implementation of the Nagoya Protocol, many Parties still lacked the necessary capacity and financial resources to make the Protocol operational. Capacity-building and development support, therefore, continues to be essential to make progress in the implementation of the Protocol, especially for developing country Parties, the small island developing States among them, and Parties with economies in transition.

15. Related to this is the reliance of Parties on projects to implement the Nagoya Protocol, and the reality that achievement of project outputs is sometimes prioritized over capacity-building aspects. For instance, if an access and benefit-sharing framework was developed as part of the project, adequate capacities may not have been built to enable national actors to implement the framework once the project ended. The sustainability of capacity-building and development initiatives is an essential element for successfully implementing the Nagoya Protocol around the world; however, this continues to be a challenge.

2. Uses, effectiveness and relevance of the framework

16. The evaluation found that the framework has been used primarily as a reference document to guide capacity-building and development programming and project design by countries and organizations. The indicative measures and activities in the appendices were identified as the framework's main strength. Elements of the appendices were used in the design of capacity-building projects, national access and benefit-sharing strategies, interim measures and communication strategies. The comprehensiveness and detail of the appendices was most valued as it provided guidance on the steps that are needed to make the Protocol operational.

17. In the context of the evaluation, "effectiveness" was considered as the extent to which the framework has achieved its stated purpose of fostering a systematic, coherent and coordinated approach to capacity-building and development. Although reviews were mixed on whether the framework has been effective, the evaluation found that the framework had succeeded by providing a common language and road map for building the necessary capacities to make the Nagoya Protocol operational. Moreover, through its coordination mechanisms, such as the meetings of the Informal Advisory Committee on Capacity-building, the framework promoted collaboration among countries, international organizations and donors, and enabled stakeholders to work together towards common goals.

18. The evaluation found that the main elements of the framework – the objectives, key areas and proposed measures/activities in the appendices – continue to be relevant. Key areas for which further capacity-building is needed are identified in the following sections along with emerging needs.

3. Coordinating mechanisms and role of the Secretariat

19. The evaluation examined the effectiveness of the coordinating mechanisms and the role of the Secretariat. The most useful coordination mechanism was found to be the Informal Advisory Committee

³ Based on the interim-national reports by 89 Parties submitted by 10 July 2019.

⁴ See decision NP-3/1.

on Capacity-building for the Implementation of the Nagoya Protocol. The Committee brings together Parties, representatives of indigenous peoples and local communities, and international organizations to provide the Executive Secretary of the Convention with guidance on matters of relevance to the assessment of the effectiveness of the framework. In addition, the Secretariat was considered effective in its role of promoting and coordinating the implementation of the framework by collecting and providing information through the Access and Benefit-sharing Clearing-House and facilitating activities at the regional and international levels. Nevertheless, several recommendations were made on how the Secretariat could improve its role in promoting and coordinating the framework; they are presented in section III below.

4. Priority areas for continued support, emerging needs and preferred capacity-building approaches

20. The capacity to negotiate MAT (Key Area 3); the 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 (Key Area 4); and the capacity of countries to develop endogenous research capabilities to add value to their own genetic resources (Key Area 5) were identified as priorities for continued support. The Informal Advisory Committee suggested that the capacity-building measures for indigenous peoples and local communities should be separate from those of other stakeholder groups, such as the business and scientific communities, given their distinct characteristics and needs. Moreover, specific priorities for continued capacity-building identified during the assessment and review of the Nagoya Protocol include:

(a) Developing access and benefit-sharing legislation or regulatory requirements considering Article 8 of the Protocol and the need to ensure that the Nagoya Protocol and other relevant international instruments are implemented in a mutually supportive manner;

(b) Enhancing the implementation of the provisions on compliance with domestic legislation and regulatory requirements on access and benefit-sharing, monitoring the utilization of genetic resources, including the designation of checkpoints, as well as the provisions related to indigenous peoples and local communities;

(c) Supporting the participation of indigenous peoples and local communities in the implementation of the Protocol, including by supporting the development by indigenous peoples and local communities of community protocols and procedures, minimum requirements for MAT and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources, taking into consideration their customary laws;

(d) Raising awareness among relevant stakeholders and encourage their participation in the implementation of the Protocol.

21. The most commonly identified emerging capacity-building needs relate to digital sequence information on genetic resources and its link to access and benefit-sharing as well as the measurement and reporting of both monetary and non-monetary benefits that arise from the utilization of genetic resources. Finally, strategic communication on access and benefit-sharing was identified as an area for future capacity-building.

22. The evaluation identified regional and national capacity-building approaches, training of trainers and the sharing of country experiences and lessons as the most successful capacity-building approaches that should be pursued and included in capacity-building and development beyond 2020. Additional elements identified to support the implementation of the framework include strategic communication on access and benefit-sharing, better linking the Convention and its Protocols with other biodiversity-related conventions, and mainstreaming gender considerations into capacity-building interventions.

D. Key recommendations

23. The present section summarizes key recommendations that emerged from the evaluation. The recommendations relate to improving the framework and its coordination mechanisms, enhancing the role of the Secretariat of the Convention and suggesting general improvements for capacity-building and

development on access and benefit-sharing beyond 2020. The recommendations made by the Informal Advisory Committee on Capacity-building at its fourth meeting have been incorporated into the text.

24. The main recommendation emerging from the evaluation is that the framework should be revised in line with the post-2020 global biodiversity framework, the long-term strategic framework for capacity-building beyond 2020 and the findings of this review.

25. For improving the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, the following recommendations were made:

(a) *Use simple direct language and avoid redundancies.* The framework and relevant biodiversity target should be presented in plain language, and the objectives need to be clearer and more succinct, reducing overlap and redundancies. Key Areas 1 and 2 should be merged;

(b) *Take greater advantage of assessment and review exercises to assess the framework.* Additional questions on capacity-building could be incorporated into the assessment and review to obtain more in-depth feedback on challenges and lessons and could be used to identify ongoing capacity-building gaps and needs;

(c) *Link the framework to the Sustainable Development Goals and adopt gender considerations as a cross-cutting theme.* The framework should make explicit links to the Sustainable Development Goals and in line with the decision of the Conference of the Parties at its fourteenth meeting to integrate a gender perspective into the post-2020 global biodiversity agenda, gender considerations should be incorporated.

26. For enhancing coordination mechanisms, the following recommendations were made:

(a) *Expand the membership of the Informal Advisory Committee on Capacity-building and enhance engagement.* Expand membership to include representatives of the business sector, the research community and youth while ensuring a balanced representation and use virtual meetings and consultations to foster greater coordination;

(b) *Increase the publication of capacity-building information in the Access and Benefit-sharing Clearing-House and improve the presentation and dissemination of the information;*

(c) *Encourage greater synergies with other relevant international instruments.* The framework should promote partnerships and the implementation of joint capacity-building activities with other relevant biodiversity-related conventions;

(d) *Foster high-level coordination* between the donors, funding agencies and other key stakeholders.

27. For enhancing the role of the Secretariat, the following recommendations were made:

(a) *Enhance communication efforts to promote the framework.* Translating it into a less technical document and making it easy to understand and more visually appealing may go a long way in helping with its dissemination and uptake;

(b) *Play an active role in showcasing access and benefit-sharing experiences and capacity-building lessons.* The Secretariat, in collaboration with capacity-building providers, is well placed to identify successful access and benefit-sharing cases, including examples in which access and benefit-sharing-compliant products have been developed that could be packaged and shared with Parties and relevant stakeholders;

(c) *Continue to facilitate the uploading of relevant capacity-building information to the Access and Benefit-sharing Clearing-House and the use of that information.* Continuing to offer training and technical assistance on how to use the Access and Benefit-sharing Clearing-House and fostering interoperability with the platforms of Parties and organizations are key.

28. The following general recommendations were made for improving capacity-building and development on access and benefit-sharing beyond 2020:⁵

(a) *Address practical sustainability questions in project designs so that the work may continue beyond the life of the project.* It is important for national Governments to recognize the reliance on projects and need for national budget allocations to institutionalize the implementation of the Nagoya Protocol;

(b) *Build access and benefit-sharing into broader biodiversity-related capacity-building and development projects.* Broader projects on biodiversity mainstreaming, conservation and sustainable use should consider incorporating access and benefit-sharing components to help advance the implementation of the Nagoya Protocol;

(c) *Give due consideration to the establishment of interim measures in less advanced countries.* Given that establishing national legal access and benefit-sharing frameworks is a lengthy process, the development of interim measures, such as ministerial decrees, to facilitate access and benefit-sharing should be considered in project design;

(d) *Enhance South-South cooperation.* International organizations and Parties recognize the value of peer-to-peer learning and the sharing of experiences and lessons. Project designs should build in opportunities for South-South cooperation as much as possible, including triangular cooperation and twinning.

29. Finally, the findings and recommendations from the evaluation of the framework and the report of the Informal Advisory Committee should be taken into account in the development of the long-term strategic framework on capacity-building beyond 2020.

III. ELEMENTS OF A DRAFT DECISION FOR CONSIDERATION BY THE SUBSIDIARY BODY ON IMPLEMENTATION

30. The Subsidiary Body on Implementation may wish to consider recommending to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol that it adopt a decision along the following lines:

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

1. *Takes note* of the findings and recommendations of the evaluation of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, which includes the input provided by the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol at its fourth meeting;

2. *Welcomes* the recommendations for the improvement of the strategic framework, and *agrees* to revise it in line with the post-2020 global biodiversity framework, the long-term strategic framework for capacity-building beyond 2020 and the findings of the evaluation;⁶

3. *Takes note* of the report of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol on its fourth meeting, held during the intersessional period,⁷ and *decides* to update the terms of reference of the Informal Advisory Committee and to extend its mandate until the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, so that it can support the revision and updating of the strategic framework for capacity-building and development;

⁵ The recommendations in this section stem from the literature review, including the report of the Informal Advisory Committee in 2018, the biodiversity focal area study carried out by the GEF Independent Evaluation Office and the interviews carried out as part of the evaluation.

⁶ See CBD/SBI/3/INF/1.

⁷ CBD/NP/CB-IAC/2019/1/4.

4. *Decides* to expand the membership of the Informal Advisory Committee to include representatives of the business sector, the research community and youth;

5. *Also decides* that the Informal Advisory Committee will hold one meeting, and online consultations as needed, and *requests* the Informal Advisory Committee to support the revision and updating of the strategic framework for capacity-building and development in line with this decision;

6. *Encourages* Parties, non-Parties and relevant organizations in a position to do so:

(a) To expand their efforts to build the capacity of 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 Nagoya Protocol, taking into account the priority areas identified in the annex to the present decision;

(b) To continue to make available information on capacity-building initiatives and capacity-building resources on the Access and Benefit-sharing Clearing-House;

7. *Requests* the Executive Secretary to prepare a revised strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, in line with the post-2020 global biodiversity framework, the long-term strategic framework for capacity-building beyond 2020 and the findings of the evaluation for the consideration of the Subsidiary Body on Implementation at its fourth meeting.

Annex

SPECIFIC PRIORITIES FOR CONTINUED CAPACITY-BUILDING TO SUPPORT THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

Specific priorities for continued capacity-building identified during the assessment and review of the Nagoya Protocol include:

- (a) Developing access and benefit-sharing legislation or regulatory requirements, considering Article 8 of the Protocol and the need to ensure that the Protocol and other relevant international instruments are implemented in a mutually supportive manner;
 - (b) Enhancing the implementation of the provisions on compliance with domestic legislation and regulatory requirements on access and benefit-sharing, monitoring the utilization of genetic resources, including the designation of checkpoints, as well as the provisions related to indigenous peoples and local communities;
 - (c) Supporting the participation of indigenous peoples and local communities in the implementation of the Protocol, including by supporting the development by indigenous peoples and local communities of community protocols and procedures, minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources, taking into consideration their customary laws;
 - (d) Raising awareness among relevant stakeholders and encouraging their participation in the implementation of the Protocol;
 - (e) Capacity-building needs related to digital sequence information on genetic resources and its link to access and benefit-sharing and the measuring and reporting of both monetary and non-monetary benefits that arise from the utilization of genetic resources;
 - (f) Strategic communication on access and benefit-sharing as an area for future capacity-building.
-