



Convention on Biological Diversity

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**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
Fifth meeting**

Cali, Colombia, 21 October–1 November 2024

Items 5, 7–10, 12, 13, 15 and 16 of the provisional agenda*

Report of the Compliance Committee

Financial mechanism and resources

**Capacity-building and development and
awareness-raising**

**Access and Benefit-sharing Clearing-House and
information-sharing**

**Assessment and review of the effectiveness of the
Protocol**

**Review of effectiveness of processes under the
Convention and its Protocols**

**Enhancing the implementation of the Nagoya
Protocol in the context of the Kunming-Montreal
Global Biodiversity Framework**

**Specialized international access and benefit-
sharing instruments in the context of Article 4,
paragraph 4, of the Nagoya Protocol**

Global multilateral benefit-sharing mechanism

Compilation of draft decisions for 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

The present note contains a compilation of draft decisions for the consideration of the Conference of the Parties 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 fifth meeting. The draft decisions are organized according to the provisional agenda for the meeting. The compilation comprises the draft decisions contained in the various recommendations from the fourth meeting of the Subsidiary Body on Implementation, as well as additional elements developed by the Secretariat in the light of, inter alia, previous decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol and recommendations of its subsidiary bodies. The mandates for such additional elements are indicated in the documents prepared under each relevant agenda item of the present meeting. Items for which no draft decision is envisaged or has been prepared (i.e. items 1–4, 11, 14 and 17–19) or for which a decision is provided separately (item 6) are also indicated in the compilation, with an explanatory note, for the sake of providing an exhaustive list of items.

* CBD/NP/MOP/5/1/Add.1.

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Items 1 to 4

No draft decisions are envisaged under agenda items 1 to 4, owing to the nature of those items. The actions required on the part of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol under those items are reflected in the annotated provisional agenda.

Item 5

Report of the Compliance Committee

The following elements of a draft decision have been reproduced from the report of the Compliance Committee on the work of its fourth meeting (CBD/NP/MOP/5/3, annex).

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

1. *Urges* Parties to comply with their obligations under the Protocol;
2. *Encourages* Parties to include access and benefit-sharing in the revision or updating of their national biodiversity strategies and action plans as a means of raising awareness and building support for the implementation of the Protocol;
3. *Requests* Parties that have not yet completely put in place the legislative, administrative or policy measures necessary to implement the Protocol to expedite the adoption of such measures and include the designation of one or more competent national authorities and one or more checkpoints;
4. *Urges* Parties to make the necessary information available on the Access and Benefit-sharing Clearing-House, as required under Article 14, paragraph 2, of the Protocol;
5. *Requests* that Parties collaborate fully when contacted by the Secretariat to provide information in relation to their compliance with obligations under the Protocol;
6. *Welcomes* the high rate of submission of interim national reports on the implementation of the Protocol;
7. *Reminds* Parties of the deadline of 28 February 2026 for submitting their first national reports on the implementation of the Protocol and encourage Parties to complete the reporting process early and submit their report well before the deadline, with a view to ensuring an accurate and representative analysis for the second assessment and review of the effectiveness of the Protocol;
8. *Urges* eligible Parties to submit their letters of commitment to the implementing agency in a timely manner in order to ensure that projects to support the preparation of their first national reports are submitted to the Global Environment Facility for approval well before the submission deadline for those reports;
9. *Takes note* of decisions [15/4](#) and [15/6](#) of 19 December 2022 of the Conference of the Parties to the Convention, and encourages Parties to the Nagoya Protocol to contribute to national processes for the preparation of the seventh national reports under the Convention, including by providing information related to access and benefit-sharing;
10. *Encourages* Parties to include the priorities of indigenous peoples and local communities in their proposals for funding from the Global Environment Facility, including the Global Biodiversity Framework Fund, to enable support for capacity-building to reach indigenous peoples and local communities.

Item 6

Administration of the Protocol and budget for the trust funds

The draft decision under item 6 will be provided in document CBD/NP/MOP/5/5.

Item 7

Financial mechanism and resources

The following elements of a draft decision have been reproduced from document CBD/NP/MOP/5/6.

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

Taking note of the report of the Council of the Global Environment Facility for the sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity^{1,2} and the report on the sixth review of the effectiveness of the financial mechanism for the Convention and its Protocols,³

Welcoming the establishment and operationalization of the Global Biodiversity Framework Fund and its programming directions, which include action areas to support the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,⁴

Noting with appreciation the projects in support of the implementation of the Nagoya Protocol already approved during the eighth replenishment period of the Global Environment Facility Trust Fund and under the Global Biodiversity Framework Fund,

Noting with concern, however, the low number of projects approved in support of the implementation of the Nagoya Protocol during the eighth replenishment period of the Global Environment Facility Trust Fund,

1. *Welcomes* the strategy for resource mobilization for the Kunming-Montreal Global Biodiversity Framework,⁵ as revised in annex I to decision 16/-- for the period 2025–2030, and notes its relevance to the mobilization of resources to support the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization;

2. *Encourages* Parties to ensure that their national funding needs and priorities for implementing the Nagoya Protocol and achieving Goal C and Target 13 of the Framework are adequately reflected in their national biodiversity finance plans;

3. *Recommends* that the Conference of the Parties to the Convention, in adopting its guidance to the Global Environment Facility with regard to support for the implementation of the Nagoya Protocol, include the following requests to the Global Environment Facility:

(a) To make funds available in a timely manner to support eligible Parties in preparing and submitting their first national reports under the Nagoya Protocol;

(b) To strengthen its funding programme dedicated to supporting eligible Parties in implementing the Nagoya Protocol;

(c) To support the implementation of the capacity-building and development action plan for the Nagoya Protocol;⁶

(d) To continue to provide support to eligible Parties for undertaking activities in the following areas:

¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

² CBD/COP/16/8.

³ CBD/COP/16/INF/25.

⁴ United Nations, *Treaty Series*, vol. 3008, No. 30619.

⁵ Decision 15/4, annex.

⁶ Decision NP-5/--, annex.

- (i) Specific priorities for continued capacity-building and development to support the implementation of the Nagoya Protocol;⁷
 - (ii) Integration and mainstreaming of access and benefit-sharing on genetic resources and traditional knowledge associated with genetic resources in policies and activities related to biodiversity and sustainable development;
 - (iii) Development and maintenance of long-term institutional capacities for managing, monitoring and evaluating national access and benefit-sharing frameworks;
 - (e) To examine options, such as the set-aside of resources and the use of regional projects, to support the implementation of the Protocol, in order to enable the Global Environment Facility to fulfil its responsibilities in operating the financial mechanism for the Protocol most effectively, and to report on those matters to the Conference of the Parties at its seventeenth meeting;
4. *Also recommends* that the Conference of the Parties include the elements listed in subparagraphs 3 (c) and (d) above in the four-year outcome-oriented framework of biodiversity programme priorities for the ninth replenishment period of the Global Environment Facility Trust Fund (2026–2030);⁸
5. *Encourages* eligible Parties to give due priority to access and benefit-sharing projects in the programming of their eighth replenishment country allocations under the System for Transparent Allocation of Resources, making use of the notional allocation for the implementation of the Nagoya Protocol available in the programming directions of the eighth replenishment of the Global Environment Facility Trust Fund and taking into consideration the results of the sixth review of the effectiveness of the financial mechanism.

⁷ Decision NP-4/7, annex.

⁸ To be included in enclosure I of the annex to the draft decision contained in recommendation 4/4 of the Subsidiary Body on Implementation, pending adoption.

Item 8

Capacity-building and development and awareness-raising

The following draft decision is taken from recommendation 4/7 of the Subsidiary Body on Implementation.

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

Recalling [Articles 21](#) and [22](#) of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity,⁹

Recalling also the provisions of decision [NP-4/7](#) A of 10 December 2022 of the Conference of the Parties serving as the meeting of the Parties to the Protocol concerning the revision of the strategic framework for capacity-building and development to support the effective implementation of the Protocol,¹⁰

Recalling further decision [15/4](#) of 19 December 2022 of the Conference of the Parties to the Convention on Biological Diversity,¹¹ by which the Conference of the Parties adopted the Kunming-Montreal Global Biodiversity Framework, and specifically Goal C and Target 13 of the Framework, as well as its decision [15/8 of 19 December 2022](#), in particular the long-term strategic framework for capacity-building and development,¹²

Recalling decision [15/11](#) of 19 December 2022 of the Conference of the Parties to the Convention, in which the Conference of the Parties invited Parties to contribute to developing, testing and promoting relevant methodologies to mainstream gender perspectives in access and benefit-sharing instruments, as appropriate,

Underscoring the importance of capacity-building and development, technical and scientific cooperation and technology transfer, and financial support for the effective implementation of the Protocol,

Recognizing that many Parties, in particular developing country Parties, may not yet have the capacities necessary to implement the Protocol effectively and depend on the provision of timely, adequate and predictable means of implementation, including financial resources,

Noting the limited number of project proposals from eligible countries for support in the implementation of the Protocol and encouraging those countries that are eligible to submit proposals in line with national circumstances and priorities,

1. *Takes note of the report of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol on its fifth meeting;¹³*

2. *[Welcomes decisions 16/-- [on capacity-building and development], 16/-- [on mechanisms for planning, monitoring, reporting and review], 16/-- [on the knowledge management strategy to support the implementation of the Kunming-Montreal Global Biodiversity Framework] and 16/-- [on the financial mechanism] of the Conference of the Parties to the Convention on Biological Diversity;]¹⁴*

⁹ United Nations, *Treaty Series*, vol. 3008, No. 30619.

¹⁰ Decision NP-1/8, annex I.

¹¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹² Decision 15/8, annex I.

¹³ [CBD/NP/CB-IAC/2023/1/3](#).

¹⁴ Operative paragraph 2 of the present draft decision, to be adopted by the Conference of the Parties at its sixteenth meeting, will be updated with the numbers and exact titles of the decisions cited therein.

3. [Adopts] the capacity-building and development action plan for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization contained in the annex to the present decision;

4. *Invites* Parties and other Governments to use the action plan to assess capacity-building and development needs and priorities, [including[, where appropriate,] those of indigenous peoples and local communities, women, youth and relevant stakeholders,] in the development of capacity-building and development plans on access and benefit-sharing[, considering the broadest protection of human rights and respect for the rights of indigenous peoples] as part of their national biodiversity strategies and action plans, as well as national finance plans, to implement the Framework;

5. *Invites* Parties, other Governments, in line with national circumstances and priorities, and, as appropriate, indigenous peoples and local communities, women and youth representatives, relevant stakeholders and organizations[, including, as appropriate, the regional and/or subregional technical and scientific cooperation support centres]:

(a) To develop and implement capacity-building and development activities in a manner supportive of the action plan and in line with the provisions of the Convention and the Nagoya Protocol and publish relevant information and resources on the Access and Benefit-sharing Clearing-House;

(b) To continue to use and promote the *CEPA Toolkit, Including Considerations for Access and Benefit-sharing*¹⁵ as part of their awareness-raising and capacity-building and development activities;

6. *Urges* Parties, in accordance with Articles 22 and 25 of the Protocol, international organizations, financial institutions and the private sector, as appropriate, to provide timely, adequate and predictable financial resources to support the implementation of the action plan, taking into account the needs, circumstances and priorities of developing country Parties, in particular least developed countries and small island developing States, and Parties with economies in transition, [[and considering, as appropriate,][as well as] the capacity needs and priorities of indigenous peoples and local communities, women and youth];

7. *Recommends* that the Conference of the Parties, in adopting its guidance for the financial mechanism with respect to support for the implementation of the Nagoya Protocol, invite the Global Environment Facility to provide adequate financial resources for the implementation of the action plan;

8. *Decides* to assess the implementation of the action plan as part of the third assessment and review of the effectiveness of the Nagoya Protocol, while taking into account relevant information contained in the eighth national reports under the Convention regarding Goal C and Targets 13 and 20 of the Framework, and to consider at its eighth meeting the need for review or revision of the action plan;

9. *Also decides*, subject to the availability of resources:

(a) To extend the mandate of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol until the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(b) To expand the mandate of the Informal Advisory Committee to include the provision of advice on issues more generally related to the implementation of the Protocol, including, as necessary, advice on issues related to awareness-raising and assessment and review under the Protocol, with flexibility to adapt its tasks as needed;

¹⁵ The [CEPA Toolkit](#) is available online in the six official languages of the United Nations.

(c) To keep an expanded membership of the Informal Advisory Committee, with relevant expertise, to include representatives of indigenous peoples and local communities, women, youth, the business sector, the research community and relevant organizations;

10. *Requests* the Executive Secretary, subject to the availability of resources:

(a) To disseminate and promote the action plan to the target audiences identified in the action plan;

(b) To continue to facilitate capacity-building and development activities, as well as coordination and cooperation among Parties, indigenous peoples and local communities, women, youth, relevant stakeholders and organizations, with a view to supporting the effective implementation of the Nagoya Protocol;

(c) To support opportunities for compiling, sharing and disseminating experiences, lessons learned and good practices among Parties, indigenous peoples and local communities, women, youth and relevant stakeholders and organizations at the global level and make them available through the Access and Benefit-sharing Clearing-House;

(d) To make available supporting guidance materials relevant to the action plan,¹⁶ including an overview of available international sources of funding to support capacity-building and development for the implementation of the Nagoya Protocol, an overview of examples of roles and contributions of different stakeholders and a results chain for the action plan, and to review and update that material as necessary;

(e) To prepare a report on progress made towards the implementation of the action plan, as part of the third assessment and review of the effectiveness of the Protocol, further to paragraph 8 above.

Annex

Draft capacity-building and development action plan for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization

I. Introduction

A. Purpose

1. In its decision [15/8](#), the Conference of the Parties to the Convention on Biological Diversity¹⁷ adopted a long-term strategic framework for capacity-building and development to support nationally determined priorities for the implementation of the Kunming-Montreal Global Biodiversity Framework.¹⁸ The capacity-building and development action plan for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization is a thematic action plan aimed at supporting the effective implementation of the Nagoya Protocol in the context of its [Article 22](#). As such, it contributes to the implementation of Targets 13 and 20 of the Framework,¹⁹ the attainment of Goal C of the Framework and the vision presented in the Framework of living in harmony with nature by 2050. Furthermore, the action plan supports the implementation of [Article 21](#) of the Protocol on awareness-raising.

2. The action plan is aimed at supporting Parties in meeting the Sustainable Development Goals and contributes to the achievement of target 15.6 under the Goals.²⁰

¹⁶ Such as the guidance material included in information document CBD/SBI/4/INF/3.

¹⁷ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹⁸ Decision 15/4, annex.

¹⁹ Other targets with direct links to the action plan are Targets 15 and 19 to 23.

²⁰ Target 15.6 of the 2030 Agenda for Sustainable Development is: “Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed”.

3. The foundations for the present action plan are the key areas and measures for capacity-building and development for the implementation of the Protocol included in its Article 22 and the key concepts presented in the long-term strategic framework, including the definition of capacity-building and development, [considerations][guiding principles] and relevant approaches and strategies. The action plan:

(a) Emphasizes the importance of integrating access and benefit-sharing as part of broader biodiversity capacity-building and development efforts, such as those that have been incorporated in national biodiversity strategies and action plans;

(b) Promotes a set of concepts and [considerations][principles] that foster strategic and longer-term capacity-building and development [based on a theory of change] (sect. II);

(c) Fosters cooperation, synergies and coordination at the international, regional, subregional and national levels, as well as the sharing among stakeholders of good practices and lessons learned (sect. III);

(d) Identifies key outcome areas for capacity-building and development and the main target group along with indicative priority outputs and activities (see enclosure below).

B. Target audience of the action plan

4. The target audience of the present action plan encompasses all actors involved in designing, developing, funding, implementing or reviewing capacity-building and development initiatives that support the implementation of the Protocol, including Parties and other Governments, at all levels of government, including ministries, subnational governments and agencies of relevant sectors, as appropriate; indigenous peoples and local communities; women and youth; relevant stakeholders, including the business sector; the research community; relevant international, regional and national organizations[, [including, as appropriate], regional and/or subregional technical and scientific cooperation support centres]; and donors and funding agencies, including regional development banks.²¹

5. In each country, the target group will vary depending on domestic circumstances, capacity needs and priorities. In accordance with Article 22 of the Protocol, the needs of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition shall be taken fully into account. Actors should promote the full and effective participation of indigenous peoples and local communities and the involvement of relevant stakeholders, including non-governmental organizations, the business sector, the research community and women and youth, in capacity-building and development initiatives.²²

C. How to use the capacity-building and development action plan

6. The action plan can be used for various purposes, including:

(a) To support the assessment of capacity-building and development needs and priorities;

(b) To inform the design of capacity-building and development initiatives at the global, regional, subregional and national levels to support the effective implementation of the Protocol, including the development of capacity-building and development plans on access and benefit-sharing as part of national biodiversity strategies and action plans;

(c) As a reference for guiding the capacity-building and development programmatic directions of the financial mechanism for the Convention and its Protocols, the Global Environmental Facility, the Global Biodiversity Framework Fund and other donors;

²¹ An overview of general examples of some of the contributions that various actors can make is available in information document CBD/SBI/4/INF/3.

²² Including activities, projects, programmes or plans and other types of events, such as workshops.

(d) As a tool for ensuring the participation of indigenous peoples and local communities and relevant stakeholders, such as the business sector, the research community and organizations representing women and youth.

7. The action plan is structured around six key outcome areas for capacity-building and development.²³ For each outcome area, an explanation of scope and target group is provided. A list of indicative outputs and activities to be considered in the design of capacity-building and development initiatives has been developed based on results-based management principles. As the relevance of those outputs and activities will depend on national circumstances, current capacities and needs, they should be approached in a flexible and adaptive manner.

II. Key concepts, [considerations][and guiding principles] [and theory of change]

A. Key concepts

8. In line with decision 15/8, capacity-building and development are understood as constituting the process whereby people, organizations and society as a whole encourage, create, strengthen, adapt, support and maintain capacity over time to achieve positive biodiversity results. Capacity-building and development are considered at three levels: the enabling environment level, the organizational level and the individual level.²⁴

9. It is important to consider the various types of capacities, specifically technical/technological and functional capacities, that individuals and organizations must possess in order to function effectively and efficiently²⁵ and in order for enabling conditions to be in place.

10. Capacity-building and development constitute an ongoing iterative process that requires consistency and continuous feedback loops and flexibility for revising, updating and adapting strategies. The process encompasses interventions not only for capacity analysis (analysing existing capacity and identifying needs, gaps and priorities) and development (enhancing capacities or creating new ones) but also for capacity utilization (mobilizing, deploying and using existing capacities) and retention (nurturing, maintaining and sustaining the capacity created over time).²⁶

B. [Guiding principles][Considerations]

11. To ensure that interventions are relevant and effective, the design and implementation of capacity-building and development initiatives in support of the implementation of the Protocol should be guided, as appropriate, by the following [general principles][considerations]:²⁷

(a) Design and implementation should be based on an inclusive analysis and assessment of the national context, actors, existing capacities and needs;

(b) Design and implementation of initiatives should take the [government system and domestic frameworks][national circumstances and priorities] into account;

(c) Means of implementation, including financial resources, for developing country Parties should be provided in a timely, adequate and predictable manner;

²³ The outcome areas are based on the key areas identified for capacity-building and development in Article 22, paragraph 4, of the Nagoya Protocol; however, outcome area 6 has been added to cover various cross-cutting issues that are important for the implementation of the Protocol but have so far not been addressed in any of the key areas. Such cross-cutting capacities underpin success in the other outcome areas and contribute to the implementation of, for example, Article 21 of the Protocol and the Gender Plan of Action (2023–2030) (decision [15/11](#), annex, of the Conference of the Parties to the Convention).

²⁴ Decision 15/8, annex I, para. 3.

²⁵ Technical capacities include specialized knowledge, know-how, skills and organizational structures and systems that are tangible or visible. Functional capacities are intangible characteristics, values, behaviours, skills and competencies at all levels that allow functioning, adaptation and development within societies and systems. See document CBD/SBI/3/7/Add.1 for additional information.

²⁶ A results chain based on this theory of change, which displays the causal linkages among inputs, activities, outputs, outcomes and impact, is available in information document CBD/SBI/4/INF/3.

²⁷ Adapted from the long-term strategic framework for capacity-building and development (decision 15/8, annex I).

- (d) There should be adequate political and technical will, ownership and support by countries;
- (e) A long-term programmatic and iterative approach should be taken, with an emphasis on sustainability and the retention of capacities;
- (f) Strategic and integrated system-wide approaches to capacity-building and development should be promoted;
- (g) Design and implementation should be based upon recognized good practices and lessons learned and should be culturally appropriate;
- (h) Perspectives and knowledge systems of indigenous peoples and local communities should be integrated into design and implementation;
- (i) [The implementation of capacity-building and development activities should follow human rights-based approaches, respecting, protecting, promoting and fulfilling human rights, including the rights of indigenous peoples;]
- (j) The prior and informed consent of indigenous peoples and local communities should be respected and their full and effective participation should be ensured, where appropriate;
- (k) The perspectives of women and youth should be integrated into design and implementation and the use of the Gender Plan of Action (2023–2030)²⁸ as guidance should be supported;
- (l) Monitoring, review, evaluation and adaptive management and learning should be included as integral parts of design and implementation;
- (m) The mutually supportive implementation of applicable international access and benefit-sharing instruments should be encouraged.

[C. Theory of change

12. The theory of change under the action plan holds that, if adequate human, financial, material and technological resources are invested, then activities encompassing analysis of context and needs, mapping and engagement of stakeholders, design of effective capacity-building and development interventions and strengthening of multi-stakeholder coordination mechanisms at the national level can be carried out. If those activities are carried out, then high-quality long-term plans or programmes and strategic partnerships dedicated to capacity-building and development for the Protocol will be created. If those outputs are produced, then knowledge and capacities will be developed, used and retained at all levels to implement the Protocol effectively. If capacities are built, developed, used and retained at the individual, organizational and enabling environment levels to implement the Protocol effectively, then benefits from the utilization of genetic resources and traditional knowledge associated with genetic resources will be shared fairly and equitably, thereby contributing to the conservation and sustainable use of biodiversity.]

III. Cooperation and coordination

13. Strengthening the cooperation and coordination among actors involved in capacity-building and development initiatives is an important determinant for their success. Specific mechanisms are available at different levels. In particular:

- (a) At the national level, coordination may be fostered, as appropriate, through the inter-institutional and cross-sectoral arrangements set up for the revision and implementation of the national biodiversity strategies and action plans and national targets to assess contributions to the Framework. Other domestic institutional arrangements may be considered for coordination at the national level, depending on national circumstances and legislation. Moreover, the United Nations resident

²⁸ Decision 15/11, annex.

coordinator office could play a role by supporting national institutions in setting up and coordinating the multi-stakeholder processes and strengthening local expertise;

(b) At the regional and subregional levels, organizations, [including[, as appropriate,] regional and/or subregional support centres],²⁹ can play a role in bringing together various actors to identify needs and opportunities for cooperation, synergy and collaboration, as appropriate, and foster the sharing of best practices and lessons learned. For example, the future mechanism for strengthening technical and scientific cooperation in support of the Framework³⁰ could play such a role. Furthermore, collaboration and cooperation at the regional and subregional levels can contribute to the harmonization of access and benefit-sharing approaches and frameworks;

(c) At the global level, coordination can be fostered through the processes under the Convention and the Protocol, including through the meetings of the informal advisory committees established to provide advice to the Executive Secretary on issues related to the implementation of the Protocol and the capacity-building and development forum³¹ to facilitate networking and the sharing of experiences.

IV. Review of implementation of the action plan

14. The Conference of the Parties serving as the meeting of the Parties to the Protocol will undertake a review of the implementation of the action plan as part of the assessment and review process under the Protocol, pursuant to Article 31 and on the basis of information submitted through national reports and on the Access and Benefit-sharing Clearing-House, in 2030 and thereafter at intervals to be determined.

²⁹ In line with the guidance provided in the long-term strategic framework, regional and subregional support networks or centres of excellence can be established to provide, upon request, capacity-building and development support and facilitate technical and scientific cooperation. Such support centres not only foster cooperation, collaboration and synergy but also contribute to building individual and organizational expertise, skill and know-how on access and benefit-sharing at the regional and subregional levels.

³⁰ Decision 15/8, annex II.

³¹ Decision 15/8, para. 16 (g).

Enclosure

Outputs and capacity-building and development activities to support the effective implementation of the Nagoya Protocol

1. The matrix below provides an indicative list of outputs and activities for each key outcome area following results-based management principles,³² which can be included in initiatives aimed at capacity-building and development for the effective implementation of the Nagoya Protocol.
2. The target audience of the present action plan (see sect. I.B of the annex above) may use the matrix below in a flexible and dynamic manner, according to needs, circumstances and priorities. Different outcome areas have different target groups, which are identified in the explanatory text under each outcome area. The outputs and activities listed in the action plan are presented in general terms to enable Parties, indigenous peoples and local communities, women and youth organizations, relevant stakeholders and organizations to adapt them to their specific needs, priorities and circumstances. The presentation also aims towards avoiding repetition or duplication of information.

Outcome area 1: Strengthened capacity to implement, and comply with the obligations under, the Nagoya Protocol <i>Outcome area 1 addresses the enabling environment needed for the implementation of, and compliance with the obligations under, the Protocol by Parties. Expected outputs relate to ratification, multi-stakeholder and inter-agency cooperation, needs assessment, financial resources and reporting requirements.</i>	
Outputs	Indicative capacity-building and development activities
1.1. Ratification of or accession to the Protocol is enabled.	(a) Provide guidance, training or technical assistance to designated human resources to advance the ratification/accession process and facilitate coordination within the government and among relevant ministries; (b) Organize workshops, training sessions and awareness-raising activities on the provisions of the Protocol and the importance of genetic resources, associated traditional knowledge and related access and benefit-sharing issues.
1.2. Mechanisms for multi-stakeholder and inter-agency coordination at the national level are established.	(a) Map relevant actors; (b) Provide guidance, training or technical assistance on facilitating and establishing multi-stakeholder and inter-agency mechanisms on access and benefit-sharing and the mutually supportive implementation of the Protocol and applicable international access and benefit-sharing instruments; (c) Support the development of national mechanisms for the full and effective participation of indigenous peoples and local communities in the implementation of the provisions of the Protocol related to indigenous peoples and local communities and traditional knowledge associated with genetic resources, including voluntary guidelines.
1.3. Capacity needs and priorities for implementing the Protocol are assessed.	(a) Take stock and assess expertise and needs of actors for the implementation of the Protocol; (b) Provide culturally appropriate guidance, training or technical assistance in carrying out assessment of capacity needs and priorities, including those of indigenous peoples and local communities and relevant stakeholders, as identified by them, while emphasizing the capacity needs and priorities of women and youth.
1.4. New and innovative financial resources for implementing the Protocol are mobilized.	(a) Provide guidance and training on resource mobilization skills (for example, project development, fundraising and resource recovery); (b) Provide guidance, training or technical assistance for the development of national resource mobilization strategies.
1.5. Reporting obligations under the Protocol and the Kunming-Montreal	(a) Provide guidance, training or technical assistance on facilitating and establishing mechanisms to support the collection of national information to measure progress on the sharing of monetary and non-monetary benefits, in

³² Results are changes in a state or condition that derive from a cause-and-effect relationship. Outcomes represent changes that can be attributed to the completion of outputs. Outputs are direct products or services stemming from the activities of an organization, programme or initiative. Activities are actions taken or work performed through which inputs are mobilized to produce outputs. See United Nations Development Group, *Results-based Management Handbook: Harmonizing RBM Concepts and Approaches for Improved Development Results at Country Level* (October 2011), available at <https://unsdg.un.org/resources/unsdg-results-based-management-handbook>.

Global Biodiversity Framework are fulfilled.	<p>accordance with internationally agreed methodologies for monitoring and reporting on Target 13 and Goal C of the Framework, including through the development of information systems;</p> <p>(b) Support the preparation of national reports and publish them on the Access and Benefit-sharing Clearing-House;</p> <p>(c) Support the regular collection and analysis of national data on the implementation of the Nagoya Protocol to monitor progress and identify challenges and lessons learned and good practices to advance implementation.</p>
1.6. The mutually supportive implementation of the Protocol and applicable international instruments [is enhanced].	(a) Provide guidance, training and technical assistance for the mutually supportive implementation of the Protocol and applicable international instruments.

Outcome area 2: Strengthened capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing

Outcome area 2 is focused on strengthening the capacities of Parties to operationalize the Nagoya Protocol at the national level through the development, implementation, revision and enforcement of domestic policy frameworks and legislative, administrative or policy measures. Expected outputs relate to measures, institutional arrangements, procedures, permitting systems, checkpoints and the Access and Benefit-sharing Clearing-House.

Outputs	Indicative capacity-building and development activities
2.1. A domestic policy framework on access and benefit-sharing is in place and has been published on the Access and Benefit-sharing Clearing House.	<p>(a) Support the development of national targets and plans to meet Target 13 and Goal C of the Framework, including through the national biodiversity strategy and action plan revision process;</p> <p>(b) Take stock of existing policy frameworks relevant to access and benefit-sharing with a view to ensuring consistency, legal clarity and mutual supportiveness;</p> <p>(c) Provide guidance, training or technical assistance for the development or revision of an access and benefit-sharing policy framework;</p> <p>(d) Develop, disseminate and promote use of tools (for example, guidelines and case studies) to facilitate the integration of access and benefit-sharing considerations into sectoral and cross-sectoral policies and plans, taking applicable international access and benefit-sharing instruments into account.</p>
2.2. Legislative, administrative or policy measures on access and benefit-sharing are in place and published on the Access and Benefit-sharing Clearing-House.	<p>(a) Take stock of and support the evaluation of effectiveness, efficiency and completeness of existing access and benefit-sharing legislative, administrative or policy measures against the provisions of the Protocol, taking into account the mutually supportive implementation of relevant international access and benefit-sharing instruments, in consultation with indigenous peoples and local communities and relevant stakeholders, as appropriate;</p> <p>(b) Provide guidance, training or technical and legal assistance on reviewing, updating or developing domestic measures, taking into account identified gaps, including consideration of establishing interim measures;</p> <p>(c) Provide guidance, training or technical assistance for establishing and implementing measures related to compliance with domestic legislation or regulatory requirements (Articles 15 and 16), monitoring the utilization of genetic resources (Article 17), indigenous peoples and local communities (Articles 5, 6, 7 and 12) and special considerations (Article 8).³³</p>
2.3. Implementation of the obligations of Parties related to indigenous peoples and local communities is enhanced.	(a) Take stock of and analyse how the concept of indigenous peoples and local communities applies at the national and subnational levels, clarifying the rights of indigenous peoples and local communities over genetic resources and/or traditional knowledge associated with genetic resources, identifying the different groups of indigenous peoples and

³³ Decision NP-3/1 A, para. 5.

	<p>local communities, achieving an understanding of how they are organized and linking traditional knowledge with the holder or holders of such knowledge;³⁴</p> <p>(b) Provide culturally appropriate guidance, training or technical assistance for the implementation of the provisions of the Protocol related to indigenous peoples and local communities;</p> <p>(c) Support and provide guidance on how to consider community protocols, procedures and customary laws in national and subnational access and benefit-sharing measures and/or implementation;</p> <p>(d) Provide guidance, training or technical and legal assistance on the rights of indigenous peoples and local communities as they relate to access and benefit-sharing[, taking into account international standards on full and effective participation].</p>
2.4. Institutional arrangements are established and operational and published on the Access and Benefit-sharing Clearing-House.	<p>(a) Provide guidance, training or technical assistance on designating relevant roles and responsibilities with a view to fulfilment of the roles of access and benefit-sharing national focal points, competent national authorities, checkpoints and publishing authorities for the Access and Benefit-sharing Clearing-House;</p> <p>(b) Support the establishment of a unit or units for operating the national access and benefit-sharing system;</p> <p>(c) Provide guidance, training or technical assistance to relevant staff and plan for how to retain and transfer institutional knowledge;</p> <p>(d) Facilitate the establishment and strengthening of institutional arrangements and coordination mechanisms for operating the access and benefit-sharing system.</p>
2.5. Access and benefit-sharing procedures are operational and published on the Access and Benefit-sharing Clearing-House.	<p>(a) Support the development or improvement of procedures (enhance clarity and transparency for users), especially through multi-stakeholder consultations (for example, with the business and research community), and ensure that procedures are mutually supportive with respect to other international agreements, taking the special considerations included in Article 8 into account;</p> <p>(b) Support the development or improvement of access and benefit-sharing information systems, such as permitting systems, including by sharing information on good practices and information technology solutions;</p> <p>(c) Provide training for staff on the application of the procedures and how to respond to requests from users.</p>
2.6. Mechanisms for monitoring the utilization of genetic resources, including through the designation of effective checkpoints, are established.	<p>(a) Support the designation of effective checkpoints, including through the development of guidelines on their roles and functioning;</p> <p>(b) Develop or improve national systems for the collection of information from users at designated checkpoints, making use of checkpoint communiqués;</p> <p>(c) Provide guidance, training or technical assistance for staff responsible for managing checkpoints on the collection of information through the checkpoint communiqué;</p> <p>(d) Support the development of national information systems and databases to monitor the utilization of genetic resources.</p>
2.7. Compliance with domestic legislation and regulatory requirements on access and benefit-sharing is enabled and promoted.	<p>(a) Support awareness-raising and training activities on compliance with domestic legislation for users of genetic resources and associated traditional knowledge;</p> <p>(b) Support the development of procedures and measures to address non-compliance based on good practices;</p> <p>(c) Support the development of mechanisms to enhance cooperation among government authorities of different countries in cases of non-compliance.</p>
2.8. Mandatory and relevant information is made available on the	<p>(a) Provide training to publishing authorities on how to publish mandatory information on the Access and Benefit-sharing Clearing House in accordance with Article 14 of the Protocol;</p>

³⁴ Ibid., annex I, para. 10.

Access and Benefit-sharing Clearing-House.	(b) Foster interoperability of national access and benefit-sharing information systems with the Access and Benefit-sharing Clearing-House in order to improve efficiency in the publication and updating of information related to permits and checkpoint communiqués.
2.9. Regional approaches are promoted to support streamlining, harmonization and transboundary cooperation.	(a) Take stock of successful regional approaches in the implementation of the Nagoya Protocol; (b) Support regional approaches in the implementation of the Protocol, including, for example, through the development of regional model legislation, guidelines and procedures, monitoring and information systems and sharing of lessons learned and good practices; (c) Strengthen and support existing regional organizations in facilitating regional approaches to drafting model regional legislation and regulations which can be adapted to national circumstances.

Outcome area 3: Strengthened capacity to negotiate mutually agreed terms

Outcome area 3 is focused on strengthening the capacities of providers and users of genetic resources and/or traditional knowledge associated with genetic resources to negotiate mutually agreed terms. Expected outputs relate to improved negotiation skills, the development of access and benefit-sharing agreements and enhanced skills in monitoring monetary and non-monetary benefits.

Outputs	Indicative capacity-building and development activities
3.1. Negotiation skills are improved.	(a) Provide guidance, training or technical assistance on research and development processes and potential value chains of access and benefit-sharing-related products in different sectors, as well as possible trigger points for the sharing of benefits; (b) Provide culturally appropriate guidance, training or technical assistance to enhance skills in negotiating access and benefit-sharing agreements.
3.2. Access and benefit-sharing agreements are developed and monitored.	(a) Take stock of successful access and benefit-sharing agreements which lead to increased benefit-sharing and use lessons learned and good practices in the design of future agreements; (b) Revise, as needed, disseminate and promote use of existing training materials on mutually agreed terms based on good practices; (c) Provide culturally appropriate guidance, training or technical assistance on how to develop access and benefit-sharing agreements that lead to increased benefit-sharing; (d) Support the development of the [tools][mechanisms needed to facilitate benefit-sharing information systems] to monitor access and benefit-sharing agreements [and the benefits shared,] including with indigenous peoples and local communities; (e) Provide guidance, training or technical assistance on how to monitor monetary and non-monetary benefits.
3.3. Model sectoral and cross-sectoral contractual clauses are developed and used.	(a) Revise, as needed, disseminate and promote use of existing model contractual clauses (sectoral and cross-sectoral) and publish them on the Access and Benefit-Sharing Clearing-House; (b) Provide guidance, training or technical assistance on how to use and adapt model contractual clauses based on good practices.

Outcome area 4: Strengthened capacity of indigenous peoples and local communities to participate in the implementation of the Nagoya Protocol <i>Outcome area 4 is focused on strengthening the capacities of indigenous peoples and local communities to participate fully and effectively in the implementation of the Nagoya Protocol. Expected outputs relate to, inter alia, developing community protocols, procedures and customary laws; minimum requirements for mutually agreed terms; and model contractual clauses for benefit-sharing.</i>	
Outputs	Indicative capacity-building and development activities
4.1. The full and effective participation of indigenous peoples and local communities, in particular of the women and youth among them, in the implementation of the Protocol at all levels has increased.	<ul style="list-style-type: none"> (a) Support awareness-raising and understanding of access and benefit-sharing issues and the Nagoya Protocol; (b) Provide guidance, training or technical assistance to enhance the understanding of the rights of indigenous peoples and local communities related to genetic resources, associated traditional knowledge and the fair and equitable sharing of benefits; (c) Support training activities to enhance the capacity of women within indigenous peoples and local communities in relation to access to genetic resources and/or traditional knowledge associated with genetic resources; (d) Support the development of approaches for addressing the issue of genetic resources and associated traditional knowledge associated with genetic resources shared by more than one indigenous peoples and local communities, including in the context of transboundary situations; (e) Support coordination mechanisms and institution-building within and among indigenous peoples and local communities in addressing access and benefit-sharing issues; (f) Provide guidance and training on resource mobilization skills (for example, in the context of project development and fundraising); (g) Provide guidance, training or technical assistance on how to engage with Governments and users of genetic resources and associated traditional knowledge; (h) Provide support for the full and effective participation of indigenous peoples and local communities in regional and international forums related to access and benefit-sharing; (i) Develop, disseminate and promote use of culturally appropriate relevant materials in local languages, as appropriate; (j) Support the protection of traditional knowledge associated with genetic resources through agreed mechanisms with the participation of indigenous peoples and local communities; (k) Provide training on how to use the Access and Benefit-sharing Clearing-House.
4.2. Community protocols, procedures and customary laws are developed and published on the Access and Benefit-sharing Clearing-House.	<ul style="list-style-type: none"> (a) Provide guidance, training or technical assistance on mapping and managing traditional knowledge associated with genetic resources, as applicable; (b) Provide guidance, training or technical assistance on creating governance structures for granting access and receiving benefits; (c) Take stock of lessons learned and good practices to inform the design or revision of community protocols and procedures; (d) Develop or revise, as needed, disseminate and promote use of practical, culturally appropriate guidance, tools and methodologies in local languages on community protocols and procedures and customary laws; (e) Support the development of community protocols and procedures and their publication on the Access and Benefit-sharing Clearing-House.
4.3. Minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing	<ul style="list-style-type: none"> (a) Develop, disseminate and promote use of practical guidance and tools on free prior informed³⁵ consent and model contractual clauses;

³⁵ [“Free, prior and informed consent” refers to the tripartite terminology comprising “prior and informed consent”, “free, prior and informed consent” and “approval and involvement”].

are developed and published on the Access and Benefit-sharing Clearing-House.	(b) Support the development of model contractual clauses and minimum requirements for mutually agreed terms with the full and effective participation of indigenous peoples and local communities; (c) Provide guidance, training or technical assistance on free prior informed consent and mutually agreed terms.
4.4. Equitable, fair and mutually agreed terms are negotiated and benefits shared.	(a) Provide guidance, training or technical assistance for assessing and understanding the commercial and cultural value of genetic resources and associated traditional knowledge and different uses by different sectors; (b) Provide guidance, training or technical assistance on how to negotiate access and benefit-sharing agreements that lead to increased benefit-sharing for indigenous peoples and local communities; (c) Provide guidance, training or technical assistance on implementing the terms of the agreement and ensuring the sharing of fair and equitable benefits.

Outcome area 5: Strengthened capacity to undertake endogenous biodiversity-based research and development to add value to genetic resources

Outcome area 5 is focused on strengthening the capacities of countries to utilize and add value to their own genetic resources. Expected outputs relate to increased endogenous biodiversity-based research and education as well as development of products arising from the utilization of genetic resources.

Outputs	Indicative capacity-building and development activities
5.1. Research opportunities, capacities and needs related to genetic resources are identified.	(a) Support assessments of genetic resources and the [development of their value chains] to identify existing and potential non-commercial and commercial value [within value chains]; (b) Support assessments to identify existing research capacities, priorities, needs and gaps; (c) Support the development of strategies and solutions to address the needs and gaps identified in the assessments.
5.2. Policies and/or measures promoting endogenous biodiversity-based research and development are in place.	(a) Take stock of existing research and development policies and measures and their impact on biodiversity-based research and development; (b) Support the updating or development of policies and measures promoting domestic biodiversity-based research and product development, taking into account identified needs, gaps and priorities, for example, by creating financial incentives (tax credits, subsidies and grants).
5.3. Research and education capacities for the utilization of genetic resources are in place.	(a) Develop or strengthen academic programmes related to the utilization of genetic resources, omics (including genomics, proteomics, transcriptomics and metabolomics) and bioinformatics[, including generating sequence information on genetic resources and the establishment of databases]; (b) Provide guidance, training or technical assistance on the basic facilities needed (physical and institutional infrastructure); (c) Promote and encourage[, as appropriate,] access to [and transfer of] technology [by, and [on mutually agreed terms,] the transfer of technology to,] [in particular in] developing country Parties; (d) Support the establishment or improvement of research facilities and networks, in particular in developing countries and countries with economies in transition; (e) Support the establishment of joint research and scientific cooperation [and the joint development and transfer of technology, especially to support developing country Parties]; (f) [Support] multilateral networking among public-private research institutions, academia, indigenous peoples and local communities, business and civil society.
5.4. Research and development related to utilization of genetic resources are promoted.	(a) Establish national and international grant schemes to support domestic research and development of genetic resources; (b) Provide guidance, training or technical assistance for various sectors on research and development models in relation to the utilization of genetic resources; (c) Develop, disseminate and promote use of relevant training material;

	<ul style="list-style-type: none"> (d) Increase effective access to international databases and enable their use by researchers in developing countries and countries with economies in transition; (e) Foster and strengthen research partnerships between user and provider countries; (f) Provide guidance, training or technical assistance on intellectual property rights related to such research.
5.5. Development of commercial products arising from the utilization of genetic resources is supported.	<ul style="list-style-type: none"> (a) Provide guidance, training or technical assistance on issues related to access to markets and commercialization of products arising from the utilization of genetic resources, indicating costs and potential commercial and non-commercial benefits along the value chain and the timelines for the generation of benefits; (b) Provide guidance, training or technical assistance on a sustainable [and circular] bioeconomy [approaches], value chains, value addition, traceability of genetic resources and commercialization of products; (c) Support small and medium-sized enterprises in the development of [sustainable] biodiversity-based products; (d) Support public-private partnerships for research and development and commercialization of products arising from the utilization of genetic resources.

Outcome area 6: Strengthened capacity to foster inclusive whole-of-government and whole-of-society approaches for the implementation of the Protocol

Outcome area 6 covers a range of cross-cutting issues of importance for the implementation of the Protocol and is focused on strengthening capacities, including strategic communication, multi-stakeholder engagement and gender-responsive and youth responsive approaches, as well as the capacity of users to comply with the obligations of the Protocol. Expected outputs relate to, inter alia, increased knowledge on strategic communication and awareness-raising, multi-stakeholder engagement, women's and youth's participation and awareness of users on how to comply with the Nagoya Protocol.

Outputs	Indicative capacity-building and development activities
6.1. Knowledge on how to use strategic communication and raise awareness of the importance of genetic resources, associated traditional knowledge and related access and benefit-sharing issues has increased.	<ul style="list-style-type: none"> (a) Develop or revise, as needed, disseminate and promote the use of strategic and culturally appropriate communication and awareness-raising materials for journalists and other media and communication experts on the importance of genetic resources and associated traditional knowledge and the fair and equitable sharing of benefits arising from the utilization of those resources and the development of awareness-raising strategies adapted to various audiences, including government officials, indigenous peoples and local communities, the research community, the business sector, civil society, women and youth; (b) Develop or revise, as needed, disseminate and promote use of training materials, practical guidance and tools to ensure that the training meets the needs of the relevant target group; (c) Provide training or technical assistance on strategic communication and the development of awareness-raising strategies using existing materials;³⁶ (d) Publish relevant strategic communication and awareness-raising materials and share examples of their use on the Access and Benefit-sharing Clearing-House.
6.2. Knowledge on how to conduct multi-stakeholder engagement processes has increased.	<ul style="list-style-type: none"> (a) Develop or revise, as needed, disseminate and promote the use of practical guidance and tools on the integration of multi-stakeholder engagement processes, as well as practical whole-of-government and whole-of-society approaches in the implementation of the Protocol; (b) Provide guidance, training or technical assistance on how to conduct intercultural dialogues including indigenous peoples and local communities, Parties and Governments, women, youth, the business sector and the research community; (c) Provide guidance, training or technical assistance on whole-of-government and whole-of-society approaches relevant for multi-stakeholder engagement processes that are useful for the implementation of the Protocol.

³⁶ For example, the *CEPA Toolkit, Including Considerations for Access and Benefit-sharing*, developed by the Secretariat.

6.3. Women's and youth's participation in the implementation of the Protocol has increased at all levels.	<ul style="list-style-type: none"> (a) Take stock of the level of participation of women, men and youth in the implementation of the Nagoya Protocol and identify gaps; (b) Support the informed and effective participation of youth and women's organizations, networks and gender experts in the implementation of the Protocol at all levels.
6.4. Knowledge and awareness of users of genetic resources and/or associated traditional knowledge on access and benefit-sharing obligations under the Nagoya Protocol have increased.	<ul style="list-style-type: none"> (a) Develop or revise, as needed, codes of conduct, guidelines and good practices and/or standards in relation to access and benefit-sharing for different types of users and sectors and publish them on the Access and Benefit-sharing Clearing-House; (b) Develop or revise, as needed, and disseminate training materials, practical guidance and tools for different types of users on how to comply with access and benefit-sharing rules and procedures and community protocols, including with the support of business associations and academic institutions; (c) Provide training and awareness-raising to support compliance with the Nagoya Protocol and national legislation and procedures; (d) Provide training and awareness-raising to support compliance with community protocols and customary laws and procedures of indigenous peoples and local communities; (e) Provide training on the use of the Access and Benefit-sharing Clearing-House.
6.5. Lessons learned, experiences and good practices in the implementation of the Protocol or related to capacity-building and development to support its implementation are shared with relevant target groups and published on the Access and Benefit-sharing Clearing-House.	<ul style="list-style-type: none"> (a) Facilitate the sharing of knowledge and expertise, good practices and peer-to-peer learning, as well as relevant guidance and training materials through regional forums, exchange programmes and support networks and learning communities; (b) Support the development or improvement of relevant guidance and tools and their publication on the Access and Benefit-sharing Clearing-House; (c) Share lessons learned, experience and good practices related to capacity-building and development on the Access and Benefit-sharing Clearing-House.
6.6. Access and benefit-sharing capacity-building and development initiatives are gender-responsive and youth responsive.	<ul style="list-style-type: none"> (a) Raise awareness on the Gender Plan of Action, contained in the annex to decision 15/11, as a resource for the design of capacity-building and development activities; (b) Develop or update, as needed, disseminate and promote use of practical guidance and tools for mainstreaming gender-responsive and youth responsive approaches in access and benefit-sharing capacity-building and development initiatives.
6.7. Access and benefit-sharing are integrated into relevant post-secondary school and university curricula.	<ul style="list-style-type: none"> (a) Develop and facilitate access and benefit-sharing programmes and courses or integrate access and benefit-sharing issues into relevant curricula of post-secondary schools, universities and other formal and informal education programmes; (b) [Develop and facilitate the integration of bioethics into relevant curricula of post-secondary schools, universities and other formal and informal education programmes to raise awareness of the rights of indigenous peoples and local communities.]

Item 9

Access and Benefit-sharing Clearing-House and information-sharing

The following draft decision has been reproduced from document CBD/NP/MOP/5/7.

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,

Recalling paragraph 3 of decision [NP-3/3](#) of 29 November 2018, in which Parties that had not yet done so were urged to publish all mandatory information available at the national level on the Access and Benefit-sharing Clearing-House in accordance with the obligations in paragraph 2 of Article 14 of the Protocol, as soon as possible, considering that the publication of mandatory information in the Clearing-House was essential for the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,³⁷

Recalling also paragraph 4 of decision NP-3/3, in which Parties were urged to provide information on their national access and benefit-sharing procedures through the voluntary common format on procedures, as available in the Access and Benefit-sharing Clearing-House,

Recalling further paragraphs 9, 10 and 11 of decision NP-3/3, in which Parties, non-Parties and relevant organizations were invited to make use of the interoperability mechanisms of the Access and Benefit-sharing Clearing-House to facilitate information exchange with their relevant databases, websites and information technology systems; Parties, non-Parties and relevant organizations, as appropriate, were invited to include capacity-building activities related to the Clearing-House in their relevant capacity-building activities, plans and projects in coordination with the Executive Secretary; and Parties, non-Parties, relevant international organizations, regional development banks and other financial institutions, as appropriate, were invited to support capacity-building activities related to the Clearing-House, including the Protocol's system for monitoring the utilization of genetic resources,

1. *Welcomes* the efforts made by Parties, non-Parties, indigenous peoples and local communities and relevant stakeholders to make information available in the Access and Benefit-sharing Clearing-House;
2. *Expresses* appreciation for the technical guidance provided by the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House;
3. *Welcomes* the progress made by the Secretariat in the development and administration of the Access and Benefit-sharing Clearing-House;
4. *Notes with concern* that many Parties have not yet published on the Access and Benefit-sharing Clearing-House all mandatory information available at the national level, as required under paragraph 2 of Article 14 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, and notes in particular the low number of Parties publishing information on internationally recognized certificates of compliance and checkpoint communiqués;
5. *Urges* Parties, and invites other Governments, to publish all available national information on the Access and Benefit-sharing Clearing-House in accordance with the provisions of the Nagoya Protocol and the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
6. *Invites* Parties, other Governments and, as appropriate, relevant organizations, in coordination with the Executive Secretary, to include in relevant capacity-building and development

³⁷ United Nations, *Treaty Series*, vol. 3008, No. 30619.

plans and projects activities that contribute to fulfilling the information-sharing obligations under the Nagoya Protocol and the management and efficient publication of relevant national information on the Access and Benefit-sharing Clearing-House;

7. *Invites* Parties, non-Parties, relevant international organizations, regional development banks and other financial institutions, as appropriate, to support the capacity-building and development plans, projects and activities referred to in paragraph 6 above;

8. *Requests* the Executive Secretary:

(a) To continue to develop and administer the Access and Benefit-sharing Clearing-House, in accordance with its modalities of operation, and taking into account any feedback received, in particular from Parties and the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House, including the goals and priorities for the further development and administration of the Clearing-House by the Secretariat;³⁸

(b) To hold a meeting of the Informal Advisory Committee in the intersessional period before the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and, as needed, informal online discussions and report on the outcomes of the Committee's work at the sixth meeting.

³⁸ [CBD/NP/ABSCH-IAC/2024/1/4](#), annex I.

Item 10

Assessment and review of the effectiveness of the Protocol

The following is taken from recommendation 4/11 of the Subsidiary Body on Implementation.

Development of the methodology for the second assessment and review of the effectiveness of the Nagoya Protocol

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

Recalling Article 31 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity,³⁹

Recalling also decision NP-2/4 of 17 December 2016, in which the Conference of the Parties serving as the meeting of the Parties to the Protocol decided to conduct the first assessment and review of the Protocol on the basis of the elements in the annex to that decision, and the importance of continuity in approaches in order to ensure comparability of results,

Recalling further decision NP-3/1 A of 25 November 2018, in which the Conference of the Parties serving as the meeting of the Parties to the Protocol identified additional elements to consider for the second assessment and review of the effectiveness of the Protocol and requested the Executive Secretary to carry out a targeted survey on challenges related to the implementation of the Protocol and to seek feedback from all types of users of the Access and Benefit-sharing Clearing-House on its implementation and operation,

Recalling decision NP-4/3 of 10 December 2022, by which the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the guidelines and format for the first national report on the implementation of the Protocol,

Recalling also decisions 15/9 of 19 December 2022 of the Conference of the Parties to the Convention on Biological Diversity and NP-4/6 of 19 December 2022 of the Conference of the Parties serving as the meeting of the Parties to the Protocol on digital sequence information on genetic resources,

Acknowledging ongoing work on synthetic biology, as set out in decision 15/31 of 19 December 2022 of the Conference of the Parties to the Convention,

1. *Decides* to conduct the second assessment and review of the effectiveness of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity on the basis of the elements in the annex to the present decision;

2. *Urges* Parties and encourages other Governments, relevant organizations, indigenous peoples and local communities and women and youth representatives to publish information on the Access and Benefit-sharing Clearing-House so that it is available for the second assessment and review of the effectiveness of the Protocol;

3. *Emphasizes* that Parties should submit their first national reports on the implementation of the Protocol by 28 February 2026 and encourages them, where possible, to submit their reports before that deadline in order to facilitate the analysis for the second assessment and review of the effectiveness of the Protocol;

* The present draft decision was prepared by the Chair of the Subsidiary Body on Implementation with the support of the Secretariat following the first reading of agenda item 9. The text was not reviewed by the Subsidiary Body at its fourth meeting.

³⁹ United Nations, *Treaty Series*, vol. 3008, No. 30619.

4. *Urges* eligible Parties to submit their letters of commitment to the implementing agency in a timely manner to ensure that projects to support the preparation of their first national reports are submitted to the Global Environment Facility for approval well before the deadline for the submission of the reports;

5. *Urges* the Global Environment Facility and the implementing agencies to facilitate the relevant processes in a timely manner in order to ensure that support is provided to Parties that submit their letters of commitment;

6. *Invites* Parties, other Governments, indigenous peoples and local communities, women and youth representatives and relevant stakeholders and other organizations to respond to the targeted surveys to be carried out by the Executive Secretary pursuant to paragraphs 18 (a) and 20 (c) of decision NP-3/1 A and to submit their views in order to inform a preliminary review of the compliance procedures and mechanisms set out in the annex to decision NP-1/4 of 17 October 2014;

7. *Requests* the Executive Secretary:

(a) To analyse and synthesize information on the implementation of the Protocol using the sources of information listed in the annex to the present decision, measure the indicators in the framework of indicators presented in annex II to decision NP-3/1 A and make the information available to the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, the Compliance Committee under the Nagoya Protocol and the Subsidiary Body on Implementation;

(b) To commission a scoping study, subject to the availability of resources, on the possible reasons and underlying root causes for the challenges to effective implementation and compliance and on possible ways to enhance implementation, taking into account the specific challenges faced by developing country Parties, including those related to means of implementation;

(c) To include the main conclusions of the study within the context of the elements for the second assessment and review of the effectiveness of the Protocol as a complementary source of information, as relevant;

8. *Requests* the Informal Advisory Committee on Capacity-building for the Implementation of the Protocol⁴⁰ and the Compliance Committee under the Nagoya Protocol, working in a complementary and non-duplicative manner, to contribute to the second assessment and review of the effectiveness of the Protocol and to submit their conclusions for consideration by the Subsidiary Body on Implementation at its sixth meeting.

Annex

Elements and sources of information for the second assessment and review of the effectiveness of the Nagoya Protocol

<i>Element</i>	<i>Sources of information</i>
(a) Extent of implementation of the provisions of the Nagoya Protocol and related obligations of Parties, including assessment of progress by Parties in establishing institutional structures and access and benefit-sharing measures to implement the Protocol (this includes Articles 4–8, 11–13, 15, 17 and 21) ^b	<ul style="list-style-type: none"> – First national reports^a – Access and Benefit-sharing Clearing-House – National reports submitted under the Convention – National biodiversity strategies and action plans – Targeted survey^c – Relevant documents on cooperation with other conventions, international organizations and initiatives submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol

⁴⁰ See recommendation 4/7 of the Subsidiary Body on Implementation, in which the Subsidiary Body recommended that the mandate of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol be expanded to include the provision of advice on issues more generally related to the implementation of the Protocol.

<i>Element</i>	<i>Sources of information</i>
(b) Assessment of effectiveness (this includes Article 9)	<ul style="list-style-type: none"> – First national reports (questions 10, 12, 19, 30–32 and 43–45 of the format) – Access and Benefit-sharing Clearing-House – Targeted survey – National reports submitted under the Convention as they refer to Goal C and Target 13 of the Kunming-Montreal Global Biodiversity Framework^d
(c) Assessment of support available for implementation (Articles 22 and 25)	<ul style="list-style-type: none"> – First national reports (questions 54, 55 and 59–64) – Access and Benefit-sharing Clearing-House – Information on capacity-building projects and resources – Targeted survey
(d) Assessment of effectiveness of Article 18 (extent of implementation)	<ul style="list-style-type: none"> – First national reports (questions 25–28) – Targeted survey
(e) Assessment of implementation of Article 16 in the light of developments in other relevant international organizations, including the World Intellectual Property Organization	<ul style="list-style-type: none"> – First national reports (question 20) – Reports of, inter alia, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization
(f) Stocktaking of the use of model contractual clauses, codes of conduct, guidelines, best practices and standards, as well as the customary laws, community protocols and procedures of indigenous peoples and local communities (Articles 12, 19 and 20)	<ul style="list-style-type: none"> – First national reports (questions 39, 50 and–51) – Access and Benefit-sharing Clearing-House – Targeted survey
(g) Review of implementation and operation of the Access and Benefit-sharing Clearing-House, including number of access and benefit-sharing measures made available; number of countries that have published information on their competent national authorities; number of internationally recognized certificates of compliance that have been published; and number of checkpoint communiqués published (Article 14)	<ul style="list-style-type: none"> – First national reports (questions 4, 5, 7, 12, 13 and 21) – Access and Benefit-sharing Clearing-House – Reports of meetings relevant to the Access and Benefit-sharing Clearing-House – Targeted survey – Statistics on the Access and Benefit-sharing Clearing-House website traffic^e
(h) Progress on the implementation of Article 10, on a global multilateral benefit-sharing mechanism	<ul style="list-style-type: none"> – Relevant documents prepared for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol
(i) Progress on the implementation of Article 23, on technology transfer, collaboration and cooperation.	<ul style="list-style-type: none"> – First national reports (question 57) – Targeted survey
(j) Preliminary review of the compliance procedures and mechanisms (see decision NP-1/4, annex) (Article 30)	<ul style="list-style-type: none"> – Submission of views – Report of the Compliance Committee

^a The format for the first national report is available at <https://absch.cbd.int/en/kb/tags/abs/First-National-Report-on-the-Implementation-of-the-Nagoya-Protocol/66199bba4defc2994ae886d7>.

^b Element (a) addresses all relevant Articles of the Protocol covered by the first national reports that are not addressed under other elements.

^c In paragraph 18 (a) of its decision NP-3/1 A, the Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Executive Secretary to carry out a targeted survey of access and benefit-sharing national focal points, competent national authorities, and users and providers of genetic resources and/or associated traditional knowledge on

challenges related to the implementation of the Protocol to provide an additional source of information in future processes for the assessment and review of the effectiveness of the Protocol.

^d Decision 15/4, annex.

^e Encompassing number of visitors, country of visitor and average duration on a web page.

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Item 11

Cooperation with international organizations, bodies established under other conventions, and initiatives

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol is expected to take note of the information contained in document CBD/NP/MOP/5/9. No decision is expected under agenda item 11.

Item 12

Review of effectiveness of processes under the Convention and its Protocols

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will consider this item jointly with the Conference of the Parties to the Convention on Biological Diversity and the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, on the basis of recommendation 4/12 of the Subsidiary Body on Implementation

I. Review of the effectiveness of the processes under the Convention and its Protocols

A

Options to further improve the effectiveness of processes under the Convention and its Protocols

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,

[Recalling decision NP-4/9 of 10 December 2022,

Recognizing the need to further improve the effectiveness of meetings under the Convention on Biological Diversity⁴¹ and its Protocols,

1. *Takes note* of the recent experience and further suggestions for improving the effectiveness of processes under the Convention and its Protocols summarized in document CBD/SBI/4/11;

[2. *Requests* the Executive Secretary and the Bureaux to draw upon that experience when preparing the organization of work and scenario notes for future meetings and to make those notes available to all Parties in advance of the meetings;]

[3. *Requests* the Executive Secretary, together with the Bureaux, to continue to explore and make use of, as appropriate, relevant ways and means to facilitate early preparations for meetings, such as options for streamlining agendas and the peer-review of documents in advance;]

[4. *Decides* that, during the meetings of the open-ended subsidiary bodies, the number of sessions of contact groups and friends of the Chair held in parallel shall be limited to the number of delegates per developing country whose participation has been supported by the Secretariat;]

[5. *Requests* the Executive Secretary to facilitate the identification of additional financial support to increase participation of all focal points of the Convention and its Protocols, especially those from developing countries, and in particular least developed countries and small island developing States, as well as countries with economies in transition;]

[6. *Decides* that, in the case of back-to-back intergovernmental meetings, a mandatory free day shall be scheduled every five days, during which no formal or informal activities shall take place, without prejudice to the support provided to delegates from developing country Parties;]

[7. *Recognizes* the need to limit evening negotiating sessions to reasonable hours to preserve the health of delegates attending intergovernmental meetings, in particular delegates of small delegations, and, unless otherwise agreed, decides that no session shall be scheduled beyond 13 hours from the start of the first open-ended meeting of the day;]

8. *Requests* the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and the Bureau of the Subsidiary Body on Technical and Technological Advise to identify a pool of representatives to serve as chairs of working and contact groups or facilitators of friends of the Chair groups on the basis of their skills in building trust and

⁴¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

consensus among those with differing views and their demonstrated knowledge of the issues to be addressed by the group, well in advance of intergovernmental meetings held under the Convention;

9. *Requests* that the Executive Secretary, subject to the availability of resources, facilitate an orientation or training session for the representatives identified in paragraph 8 above ahead of the meetings in order to familiarize them with the rules of procedure and established practices, techniques and skills in the area of managing multilateral negotiations and facilitating consensus, with a view to ensuring ethical approaches and impartiality, in accordance with United Nations standards and principles, including through United Nations-based training modules;

[10. *Also requests* that the Executive Secretary [mobilize resources], [subject to the availability of resources,] [and] facilitate the attendance of the representatives from developing countries identified in paragraph 8 above to intergovernmental meetings held under the Nagoya Protocol, [without prejudice to the support provided for the participation of their delegations, where feasible];]

[11. *Decides* that the organization of meetings should include more regular and earlier use of strategic pauses to enable discussions by small groups and friends of the Chair groups to find possible solutions, in order to avoid protracted and unfruitful discussions in plenary session;]

[12. *Encourages* Parties and other Governments to engage with indigenous peoples, local communities, women, youth and other national observer organizations and to solicit views from a wide range of relevant sectors in the process of preparations at the national level for meetings of the governing and subsidiary bodies, to inform the development of their national positions, as appropriate, and taking into account national circumstances;]

[13. *Requests* the Executive Secretary, under the guidance of the Bureau:

(a) To ensure that working documents are made available for meetings of the open-ended subsidiary bodies of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol in all official languages of the United Nations in accordance with their respective rules of procedure or *modus operandi* and at least six weeks before the opening of the respective meeting, and to ensure that the dates of issuance, included those of any updated versions, are clearly indicated on the web page for the meeting;]

[(b) To follow rule 35 of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol for the preparation of conference room papers and “L” documents;]

[(c) To develop a clear schedule for the preparations for each meeting in a timely manner;]

[(d) To provide national focal points at the end of each year with a calendar of activities and actions expected in the course of the following year, so as to rationalize intersessional activities and facilitate workflow management;]

[(e) To provide time limits for plenary discussions and clear indications for moving to a smaller setting for more focused discussions;]

[(f) To formalize rules around not presenting new text, introducing new issues and making deletions unless flagged in initial interventions or written submissions;]

[(g) To make efforts to limit the size of draft recommendations by subsidiary bodies or draft decisions by governing bodies, and to avoid duplication and redundancy with existing decisions, without prejudice to the ability of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to revisit previous decisions, in order to facilitate the subsequent implementation of decisions;]

[(h) To limit the number of items that directly result in conference room papers to those on which there is little disagreement, noting that it is more efficient to assign items on which there are

major differences of opinion to a contact group, even though this would likely mean more contact groups and, therefore, fewer sessions per contact group;]

[(i) To review the structure of the website of the Convention to make it more user-friendly;]

14. *Requests* the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice to consider the recommendations contained in annex I to the present decision when preparing meetings under the Protocol;

15. *Requests* the Executive Secretary to enable consultations with Parties, Bureau members, partners and stakeholders, with the support of qualified external experts in the field, as appropriate, to continue to develop options for further improving the effectiveness of meetings under the Nagoya Protocol, and to submit such proposals for consideration by the Subsidiary Body on Implementation at its sixth meeting, with a view to developing a draft decision for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its sixth meeting, taking into account the compilation of submissions contained in annex II to the present decision.

Annex I⁴²

Recommendations to the Bureau in the preparation for meetings

- [1. Commissioning of any studies requested by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to inform discussions and negotiations.
2. Making studies available for peer review.
3. Publication of a scenario note for the meeting in question.
4. The timing of Bureau meetings at strategic points to guide the process.
5. Streamlining of the issuance of notifications relating to the meeting.
6. No first readings at meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol when item has already been addressed by the Subsidiary Body on Implementation or by the Subsidiary Body on Scientific, Technical and Technological Advice.]

Annex II⁴²

Compilation of submissions received during the fourth meeting of the Subsidiary Body on Implementation for further consideration

- [1. Early submission of statements, and first reading of meeting documents in virtual plenary settings, to achieve the most efficient use of time during meetings.
2. To invite each of the major stakeholder groups and observer organizations to consider sharing their views and proposals on relevant agenda items, including by early uploading, and encourages Parties to review the views and proposals of observers, in advance of the meeting concerned and, if necessary, to engage with the relevant observer to develop a better understanding of the views and proposals.
3. To organize, subject to the availability of resources, informational webinars with major groups, including interpretation into UN languages, and improved internet connection through access via government or other offices when needed, to facilitate exchange of views and to reach a common understanding about relevant agenda items, particularly for indigenous peoples and local communities.
4. To develop, in collaboration with the Bureaux, guidelines for the operation of plenary sessions, contact groups and friends of the Chair meetings to ensure consistency of approach, including:

⁴² Given their early drafting stage, annexes I and II have not been formally edited.

- (i) Terms of engagement;
 - (ii) How to deal with new text proposals at different stages of the process;
 - (iii) How to ensure operation of huddles in line with relevant the United Nations code of conduct and practice.
5. To continue to explore the availability and reliability of any methods or technology that may be used to expedite decision-making; and to report on any findings to the Subsidiary Body on Implementation, for its consideration and submission of a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its sixth meeting.
 6. Keep the website as well as the app, updated to improve access to the tools and guidance available and enhance knowledge management by integrating the latest developments on tools and technology that are being implemented or explored.
 7. First readings only online ahead of the meeting, so that meetings are started with a draft conference room paper or non-paper for contact group.
 8. Online system for quick text suggestions instead of reading out text.
 9. Use of online text collaboration (i.e. google docs or other alternatives) to work collectively in plenary on resolving text problems and solutions. May require some initial training for delegates.
 10. Experiment with not having draft proposed decisions from the Secretariat, but allowing Parties to generate decision text.
 11. Consider how to improve the management of the agenda, including through combining agenda items where there are crossovers.
 12. Use of screens for text-based negotiations.
 13. Use of apps or other mechanisms to informally poll Parties on possible options to resolve issues. May require some initial training for delegates.
 14. Consider other new ICT techniques.]⁴³]]

[B

Procedures for convening virtual and hybrid meetings

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,

Recalling decision NP-4/9 of 10 December 2022,

Reaffirming that all meetings of the Conference of the Parties to the Convention on Biological Diversity,⁴⁴ the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety⁴⁵ and the Conference of the Parties 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 to the Convention on Biological Diversity,⁴⁶ as well as the meetings of the intergovernmental subsidiary bodies of the Nagoya Protocol, must follow their respective rules of procedure,

1. *Affirms* that the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as well as the meetings of its intergovernmental subsidiary bodies,

⁴³ Proposal 14 made as a placeholder.

⁴⁴ United Nations, *Treaty Series*, vol. 1760, No. 30619.

⁴⁵ United Nations, *Treaty Series*, vol. 2226, No. 30619.

⁴⁶ United Nations, *Treaty Series*, vol. 3008, No. 30619.

shall be held in person, unless extraordinary circumstances, as indicated in paragraph 2 below, render the holding of in-person meetings impossible for an extended period of time;

2. *Reaffirms* that, in the event of extraordinary circumstances that render the holding of in-person meetings impossible, sessions of the meetings referred to in paragraph 1 above shall be held virtually through modalities that allow for online interactive participation, following consultations among Parties and a decision of the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as long as no substantive decisions are taken online, with the exception of decisions on budgetary and procedural matters to allow the Secretariat to function;

3. *Notes* that, in the event of extraordinary circumstances that render the holding of in-person meetings impossible, urgent decisions, such as those on budgetary matters, may be taken by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol through a silence procedure in line with United Nations practice and a decision of the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol, following proper consultations by the Bureau members with their respective regions, and applying the procedures set out in the rules of procedure for the convening of an extraordinary meeting;

4. *Requests* the Executive Secretary to ensure that arrangements for meetings referred to in paragraph 1 above always include a provision for streaming the proceedings online to allow all duly registered delegates to follow the proceedings in real time;

5. *Notes* that expert groups, advisory groups and other groups with limited membership may meet in person, virtually or in a hybrid format, in line with their respective mandates and, as applicable, their respective rules of procedure[, noting that at least one of their meetings should be in person];

6. *Also notes* that, during the intersessional period, the Bureaux can meet virtually to provide continued guidance to the Secretariat with regard to the preparation of the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and relevant subsidiary bodies;

7. *Decides* that:

(a) The operational modalities of any meeting held virtually should be clearly set out in a scenario note prepared by the Secretariat in consultation with the relevant Bureau and made available to all Parties in advance of the meeting;

(b) When scheduling virtual sessions of meetings, the Secretariat shall take into consideration the significant health and well-being burden for Parties arising from time differences across time zones and aim to enable equitable participation of Parties across all regions, including by rotating time zones;

(c) The duration of virtual sessions should be limited to two consecutive hours per day;

(d) The Secretariat should implement measures to facilitate effective online participation by all participants in virtual and hybrid sessions of meetings, and in particular to support Parties in overcoming network and connectivity difficulties, including by providing opportunities for prior training and testing convenient for all time zones, facilitating the use of meeting facilities at the relevant United Nations country office, where possible and by prior arrangement following a request from the Party concerned, and providing all reasonable measures to assist Parties that encounter difficulties with connectivity and the use of the interactive platform.]

II. Procedure for avoiding or managing conflicts of interest in expert groups

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,

Recalling decision NP-3/11 of 29 November 2018,

Having reviewed the report of the Secretariat of the Convention on Biological Diversity⁴⁷ on the implementation of the procedure for avoiding or managing conflicts of interest in expert groups,⁴⁸

Taking into account the effective use of the procedure for avoiding or managing conflicts of interest⁴⁹ in the selection of experts to serve in technical expert groups convened in processes under the Convention and its Protocols,

1. *Approves* the following amendments to the interest disclosure form contained in the appendix to the procedure:

(a) In the declaration sentence, at the end of the form, the following text is inserted: “If selected as a member of the expert group, I undertake to carry out my duties and responsibilities with all objectivity and, in the event that a potential conflict of interest is established, I undertake to recuse myself from relevant discussions or decision-making, as appropriate”;

(b) A “Name or description of the expert group” field is added at the beginning of the interest disclosure form, above the “Name” field, and a “Job title” field is added after the “Current employer” field;

2. *Requests* the Executive Secretary to integrate the amendments referred to in paragraph 1 above into the interest disclosure form contained in the appendix to the annex to decision 14/33 and replace the original form contained in that decision with the amended version;

3. *Also requests* the Executive Secretary to take measures, as appropriate, to enhance the application of the procedure, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice or the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, including by:

[(a) Reviewing, for accuracy, the information provided in the interest disclosure forms submitted by nominated experts;]

(b) Without prejudice to item (b) of paragraph 4.4 of the procedure, disclosing to other members of the expert group and at the beginning of any meeting of an expert group significant interests that have been declared by a particular member[or revealed by other reliable sources];

(c) Publishing a summary of all declarations made and actions taken to manage any actual or potential conflicts of interest in the report on a meeting and any other outcome of work or product of an expert group;

[4. *Decides* to review periodically the procedure and requests the Executive Secretary to prepare a report on the implementation of the procedure and, if necessary, to propose updates and amendments to the procedure for consideration by the Subsidiary Body on Implementation at a meeting held before the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;]

[5. *Requests* the Subsidiary Body on Implementation to consider the report and any proposed amendments referred to in paragraph 4 above and to submit a recommendation for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its eighth meeting.]

⁴⁷ United Nations, *Treaty Series*, vol. 1760, No. 30619.

⁴⁸ CBD/SBI/4/11/Add.1.

⁴⁹ Decision 14/33, annex.

Item 13

Enhancing the implementation of the Nagoya Protocol in the context of the Kunming-Montreal Global Biodiversity Framework

The following draft decision has been reproduced from document CBD/NP/MOP/5/9.

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,
Recalling its decisions NP-4/3 of 10 December 2022 and NP-4/5 of 19 December 2022,*

Also recalling that the goals and targets of the Kunming-Montreal Global Biodiversity Framework⁵⁰ are integrated and intended to contribute in a balanced manner to the three objectives of the Convention on Biological Diversity,⁵¹

1. *Takes note of decision 16/-- of the Conference of the Parties to the Convention on progress on the revision or updating by Parties of national biodiversity strategies and action plans, including national targets, in alignment with the Kunming-Montreal Global Biodiversity Framework, and welcomes progress made by Parties and other Governments on submitting national targets towards achieving Target 13 and Goal C of the Framework;*

2. *Also takes note of decision 16/-- of the Conference of the Parties to the Convention on the enhanced multidimensional approach to planning, monitoring, reporting and review, decision 16/-- on the monitoring framework for the Kunming-Montreal Global Biodiversity Framework, which includes indicators for Goal C and Target 13 of the Framework, and the relevant proposed methodologies contained in document CBD/COP/16/INF/3;*

3. *Invites Parties, and encourages other Governments, to:*

(a) *Address all elements of Goal C and of Target 13 of the Framework when developing national targets and revising or updating national biodiversity strategies and action plans;⁵²*

(b) *Put in place, in accordance with national circumstances and priorities, the mechanisms and tools necessary for the collection of national information on monetary and non-monetary benefits received to be able to report on progress in achieving Goal C of the Framework;*

(c) *Include the capacity and financial needs for collecting national information on monetary and non-monetary benefits received and implementing the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,⁵³ as appropriate, in the updating or revision of national biodiversity strategies and action plans and of associated national finance, capacity-building and development plans;*

4. *Invites Parties, and encourages other Governments and relevant organizations, to:*

(a) *Enhance the integration of the Nagoya Protocol into and the participation of the relevant national authorities in the mechanisms for planning, monitoring, reporting and review referred to in decisions 16/-- and 16/--;⁵⁴*

(b) *Support the development of the mechanisms and tools referred to in paragraph 3 (b) above and the continuation and enhancement of the methodology to collect global information on certain types of non-monetary benefit-sharing for national disaggregation.*

⁵⁰ Decision 15/4, annex.

⁵¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

⁵² See www.cbd.int/gbf/targets/13 for guidance notes prepared by the Secretariat for Target 13.

⁵³ United Nations, *Treaty Series*, vol. 3008, No. 30619.

⁵⁴ The decisions are the same as those mentioned in operative paragraph 2. The numbers will be added once they are adopted.

Item 14

Digital sequence information on genetic resources

Agenda item 14 is expected to be considered in conjunction with item 9 of the sixteenth meeting of the Conference of the Parties to the Convention (see document CBD/COP/16/2, item 9).

Item 15

Specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol

At its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol took note of recommendation 3/16 of the Subsidiary Body on Implementation and decided to further review the item at its fifth meeting, on the basis of recommendation 3/16. The following draft decision is taken from recommendation 3/16 of the Subsidiary Body on Implementation.

[The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,

Recalling Article 4 of the Nagoya Protocol and decision NP-3/14,

[1. Takes note of the indicative criteria for specialized international access and benefit-sharing instruments in the context of Article 4[, paragraph 4,] of the Nagoya Protocol, contained in the annex to the present decision, noting that they are intended to contribute to strengthening coordination and mutual supportiveness between the Nagoya Protocol and other international access and benefit-sharing instruments, without creating a hierarchy among them;]

2. Invites Parties, and other Governments to take into account, consistent with Article 4[, paragraph 4,] of the Nagoya Protocol, each of the indicative criteria in developing and/or applying access and benefit-sharing measures and/or in endorsing international instruments that include provisions on access and benefit-sharing;

3. Invites relevant international organizations and intergovernmental processes to take into account the indicative criteria in their efforts to develop or [when agreeing on] [implement] specialized international access and benefit-sharing instruments;

4. Requests Parties to include information in their national reports and, as appropriate, through the Access and Benefit-sharing Clearing House, and invites other Governments and relevant international organizations to share information on any steps that they have taken towards the development and/or implementation of specialized international access and benefit-sharing instruments that are [consistent with] [mutually supportive of] the objectives of the Convention and the Protocol, including information on the specific genetic resource[s and/or specific uses] [including traditional knowledge associated with genetic resources] covered by and for the purpose of the specialized instrument;

[5. Decides that the meeting of the Parties to the Nagoya Protocol shall act as the authority to assess, determine, review or terminate the status of instruments as specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol based on the criteria provided in the annex to the present draft decision and that the Parties to Nagoya Protocol can approach the meeting of the Parties for determination or termination of the status of instruments;]

[6. Requests the Executive Secretary to receive and submit instruments from Parties to the Nagoya Protocol for such consideration by the meeting of the Parties as mentioned in paragraph 5, four months before the meeting of the Parties, starting from the fifth meeting;]

7. Decides to review the present decision in the context of the assessment and review process as provided for in Article 31 of the Protocol, taking into account relevant developments and with a view to taking any steps necessary to promote coherence in the international regime on access and benefit-sharing.

Annex

Indicative criteria for specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization

1. These indicative criteria are reference points or elements to consider as guidance when developing or implementing specialized international access and benefit-sharing instruments. They are intended to contribute to strengthening coordination and mutual supportiveness between the Nagoya Protocol and other international access and benefit-sharing instruments, without creating a hierarchy among them.
2. *Intergovernmentally or internationally agreed* — The instrument is agreed [or adopted] through an intergovernmental process and/or is [explicitly] endorsed by States [and/or Governments][through a decision of a governing body of an international organization]. [The instrument may be binding or non-binding.]
3. *Specialized* — The instrument:
 - (a) Applies to a specific set of genetic resources and/or traditional knowledge associated with genetic resources which would otherwise fall under the scope of the Nagoya Protocol;
 - (b) Applies to specific uses of genetic resources and/or traditional knowledge associated with genetic resources, or to specific purposes, which require a differentiated and hence specialized approach.
4. *Mutually supportive* — The instrument is consistent with and supportive of, and does not run counter to, the objectives of the Convention on Biological Diversity and the Nagoya Protocol, including with respect to:
 - (a) Consistency with biodiversity conservation and sustainable use objectives;
 - (b) Fairness and equity in the sharing of benefits;
 - (c) Legal certainty with respect to access to genetic resources or traditional knowledge associated with genetic resources, including[, as appropriate,] the application of prior informed consent, and to [the fair and equitable sharing of benefits][benefit-sharing];
 - (d) Full and effective participation of indigenous peoples and local communities concerned;
 - (e) Contribution to sustainable development, as reflected in internationally agreed goals;
 - (f) Other general principles of law, including good faith, effectiveness and legitimate expectations.]

Item 16

Global multilateral benefit-sharing mechanism

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol is invited to take note of the information contained in the related note prepared by the Executive Secretary (CBD/NP/MOP/5/10) and to defer further consideration of Article 10 to its sixth meeting. The Secretariat has prepared the following draft decision in this regard.

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

Recognizing that the Conference of the Parties 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 Utilization⁵⁵ will address progress on the implementation of Article 10 of the Protocol in the second assessment and review to be undertaken at its sixth meeting,

Decides to revisit at its sixth meeting the issue of the need for and modalities of a global multilateral benefit-sharing mechanism, as provided in Article 10 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, taking into consideration the analysis and synthesis of information for the second assessment and review of the Protocol.

⁵⁵ United Nations, *Treaty Series*, vol. 3008, No. 30619.

Items 17 to 19

No draft decisions are envisaged under agenda items 17 to 19, owing to the nature of those items. The actions required on the part of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol under those items are reflected in the annotated provisional agenda.
