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STOCK-TAKING OF MODEL CONTRACTUAL CLAUSES, CODES OF CONDUCT, GUIDELINES, BEST PRACTICES AND STANDARDS AS WELL AS INDIGENOUS PEOPLES AND LOCAL COMMUNITIES' CUSTOMARY LAWS, COMMUNITY PROTOCOLS AND PROCEDURES

I. INTRODUCTION

1. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) adopted decision [NP-1/5](#) on model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards (Articles 19 and 20). In paragraph 3 of the decision, Parties decided to take stock of the use of tools developed under Articles 19 and 20 as well as indigenous and local communities' customary laws, community protocols and procedures four years after the entry into force of the Protocol and in conjunction with the first assessment and review of the Protocol.

2. At the second meeting of COP-MOP, Parties included stock-taking of the use of model contractual clauses, codes of conduct, guidelines, best practices and standards as well as indigenous peoples and local communities' customary laws, community protocols and procedures as part of the first assessment and review of the Protocol in accordance with Article 31 of the Nagoya Protocol (decision NP-2/4, annex).

A. Sources of information and methodology

3. Decision NP-2/4 provided guidance on the sources of information that may form the basis of the stocktaking.

4. Decision NP-2/4, paragraph 3, requested the Executive Secretary to, among other things, assess any needs for additional information, including consideration of a targeted survey of access and benefit-sharing national focal points and/or users. In this regard, a notification 2017-104 dated 16 October 2017 was sent to ABS National Focal Points, CBD National Focal Points, indigenous peoples and local communities and relevant stakeholders to collect information, among other things, on the use of model contractual clauses, codes of conduct, guidelines, best practices and/or standards as well as indigenous peoples and local communities' customary laws, community protocols and procedures. As of 22 February 2018, 12 submissions were received, 2 from Parties,¹ one from a regional country group², and 9 from

¹ Finland, Mexico

² Association of Southeast Asian Nations (ASEAN)

relevant stakeholders and organizations.³ All submissions are available at: <https://www.cbd.int/abs/assessment-contribution/default.shtml>

5. With respect to the ABS Clearing-House, as of 22 February 2018, 30 reference records were published in the ABS Clearing-House: 10 model contractual clauses, 22 codes of conduct, guidelines, best practices and/or standards and 3 community protocols and procedures and customary laws. Some codes of conduct, guidelines, best practices and standards also include model contractual clauses.

6. In addition to the reference records, this analysis also considers Article 19 or 20 tools contained in national records in the ABS Clearing-House.⁴ The following table summarizes the information available in the ABS Clearing-House.

Table 1: Tools available in the ABS Clearing-House as of 22 February 2018

	National Records	Reference Records
Model Contractual Clauses (Article 19)	6	11
Codes of Conduct, Guidelines, Best Practices and Standards (Article 20)	3	22
Community protocols and procedures and customary laws (Article 12)	0	3

7. As of 22 February 2018, 69 interim national reports were received from Parties and 6 from non-Parties. Questions 42, 51, 52 and 53 of the interim national reports address the obligations by Parties under Articles 19 and 20 as well as Article 12, paragraph 3. Some also provided information on tools developed or under development in their country. Information on the extent of implementation by Parties of their obligations is provided in document CBD/SBI/2/INF/3 which analyses information contained in the interim national reports and information published in the ABS Clearing-House.

8. In section II, this document takes stock of the development and use of model contractual clauses based on the sources of information listed above. Section III equally looks at codes of conduct, guidelines, best practices and/or standards, and section IV takes stock of indigenous peoples and local communities' customary laws, community protocol and procedures. Section V of the document briefly summarizes the challenges and lessons learned identified by Parties and organizations; and finally section VI draws conclusions as an input for the first assessment and review of the Protocol (document CBD/SBI/2/3).

II. STOCK-TAKING OF THE DEVELOPMENT AND USE OF MODEL CONTRACTUAL CLAUSES

9. This section provides an overview of information provided on the development and use of model contractual clauses. However, it should be noted that more countries and organizations reported on the development of model contractual clauses than specifically on their use. Subsection A below looks more

³ Centre for Agriculture and Biosciences International (CABI), European Seed Association (ESA), Japan Bioindustry Association (JBA), International Chamber of Commerce, the World Business Organization (ICCWBO), Lactic Acid Bacteria Industrial Platform (LABIP), Natural History Museum, Natural Justice and the ABS Capacity Development Initiative (they included contributions from the Cercle de Sauvegarde des Ressources Naturelles (ONG CESAREN)), the Swiss Academy of Sciences, the Union for Ethical BioTrade (UEBT).

⁴ National records have been considered when Parties have provided a link to a national record in response to the relevant questions of the interim national report or when Parties have published "national or domestic guidelines" or "community protocols and procedures" under the national record "Legislative, Administrative or Policy Measures on Access and Benefit-Sharing measures".

closely at the model contractual clauses developed and under development, including their intended use, and subsection B provides information on their use.

A. Development of model contractual clauses

10. According to information available, as of 22 February 2018, a total of 29 model contractual clauses have been developed in the context of Article 19 of the Protocol.

11. Out of the 29 model clauses, 14 were developed by Parties,⁵ one by a non-Party⁶, 2 by regional groups⁷ and 12 by organizations⁸. Therefore, most of the model contractual clauses (59%) have been developed by governments.

12. Of all the model contractual clauses reported, more than half (59%) are available in the ABS Clearing-House, either as a reference record⁹ or as part of a national record.¹⁰ A list of these model clauses, including links to the resource when available, is found in Annex to this document. It is worth noting that some codes of conduct, guidelines, best practices and standards contain model contractual clauses.

13. In addition, the following 6 Parties and one organization reported work underway to develop model contractual clauses:

(a) Côte d'Ivoire indicated that model contractual clauses for animal genetic resources will be developed in the context of an ABS project;

(b) In response to the notification, Finland indicated that Finland's Natural Resources Institute (LUKE) is working on material transfer agreements to enable accessibility to the accessions of nationally conserved, vegetatively propagated plant genetic resources held in the LUKE field collections;

(c) Japan stated that the National Institute of Genetics under the Ministry of Education, Culture, Sports, Science and Technology is preparing model contracts for universities and other research institutes;

(d) Peru indicated that there is work underway to develop model contractual clauses for biotrade activities with the support of the United Nations Conference on Trade and Development (UNCTAD). They are also developing model clauses in the context of work underway on draft guidelines for procedures on access to genetic resources;

(e) China is developing a specialized regulation on access to genetic resources and benefit-sharing from their utilization, which will provide model contracts for ABS;

(f) South Africa reported that they are currently amending the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and its BABS Regulations to be in line with ABS. These amendments include updating the model contractual clauses for mutually agreed terms (MAT);

⁵ Antigua and Barbuda, Benin, Bhutan, Burundi, Cameroon, Cuba, Ethiopia, France, India, Kenya, Malta, Mexico, Qatar, Viet Nam

⁶ Morocco

⁷ African Union, Andean Community

⁸ Belgian Science Policy Office (Belspo), Biotechnology Innovation Organization (BIO), Bioversity International (BI), Centre for Agriculture and Biosciences International (CABI), Consortium of European Taxonomic Facilities (CETAF), Deutsche Forschungsgemeinschaft (DFG), European Culture Collections' Organisation (ECCO), Global Genome Biodiversity Network (GGBN), Nordic Genetic Resource Center (NordGen), Swiss Academies of Arts and Sciences (A+), Swiss Academy of Sciences, World Intellectual Property Organization (WIPO)

⁹ African Union Commission, Belgian Science Policy Office (Belspo), Biotechnology Innovation Organization (BIO), Bioversity International (BI), Consortium of European Taxonomic Facilities (CETAF), Global Genome Biodiversity Network (GGBN), Kenya, Morocco (GIZ Morocco), Swiss Academies of Arts and Sciences (A+), Swiss Academy of Sciences, World Intellectual Property Organization (WIPO)

¹⁰ Andean Community, Antigua and Barbuda, Ethiopia, Malta, Mexico, Viet Nam

(g) The Centre for Agriculture and Biosciences International (CABI) reported that they are in process of developing MAT and prior informed consent (PIC) models for the countries in which they work.

A. Intended use of model contractual clauses

14. The intended use for these documents is varied. Of the 29 model contractual clauses developed, 16 were created as part of the ABS national or regional framework; the rest (13) of the documents were developed for a specific sector or can be used across sectors¹¹. Examples of model contractual clauses and a description of their intended use are provided below.

15. 13 Parties,¹² a non-Party¹³ and two regional organizations¹⁴ reported having developed model contractual clauses as part of a broader national/regional framework on access and benefit-sharing. For example:

(a) Bhutan indicated that they have four different model contract agreements: scoping agreements, ABS agreements, material transfer agreements and standard material transfer agreements;

(b) India reported having four different types of model contractual agreements. These relate to: research or commercial utilization or bio-survey and bio-utilization, transferring the results of research, seeking intellectual property rights, and third party transfer of resources. In addition, there are other clauses which are case specific and depend on the purpose for which access is sought;

(c) Following the provisions of Decision 391, the governing body of the Andean Community¹⁵ approved resolution 415 which provides a model contract for access;

(d) The “African Union Guidelines for Coordinated implementation of the Nagoya Protocol on ABS: the Practical Guidelines” also include model contractual clauses;

(e) Kenya has developed an ABS toolkit, with the aim of stimulating the development, and support of a national research agenda as well as strengthening adherence to genetic resources access and benefit-sharing regulations. This toolkit contains model contracts;

(f) Model contractual clauses were developed by Morocco, under an ABS project with the support of GIZ. These models were developed on an experimental basis to test standard contractual clauses, and to collect evidence for their maintenance or readjustment, based on practical experience.

16. Some organizations have developed model contractual clauses for their members or those using their services, for example:

(a) Biotechnology Innovation Organization (BIO), a trade association representing mainly biotechnology companies and research centres involved in the research and development in healthcare, agricultural, industrial and environmental biotechnology products, has developed “Guidelines for BIO Members Engaging in Bioprospecting and Suggested Model Material Transfer Agreement” for its members;

(b) The Swiss Academy of Sciences developed a manual entitled “Agreement on Access and Benefit-sharing for Academic Research – A toolbox for drafting Mutually Agreed Terms for access to Genetic Resources and to Associated Traditional Knowledge and Benefit-sharing”. This manual contains a set of model clauses to enable users and providers of genetic resources and/or traditional knowledge to set up an agreement that is adapted to the individual academic research situation;

¹¹ Belgian Science Policy Office (Belspo), Biotechnology Innovation Organization (BIO), Bioversity International (BI), Centre for Agriculture and Biosciences International (CABI), Consortium of European Taxonomic Facilities (CETAF), Deutsche Forschungsgemeinschaft (DFG), European Culture Collections’ Organisation (ECCO), Global Genome Biodiversity Network (GGBN), Qatar, Nordic Genetic Resource Center (NordGen), Swiss Academies of Arts and Sciences (A+), Swiss Academy of Sciences, World Intellectual Property Organization (WIPO)

¹² Antigua and Barbuda, Benin, Bhutan, Burundi, Cameroon, Cuba, Ethiopia, France, India, Kenya, Malta, Mexico, Viet Nam

¹³ Morocco

¹⁴ African Union, Andean Community

¹⁵ A regional group consisting in Bolivia, Colombia, Ecuador and Peru,

(c) The European Culture Collections' Organisation (ECCO) has produced “The ECCO core Material Transfer Agreement for the supply of samples of biological material from the public collection” for their members, holders of biological cultures, and for users of these cultures;

(d) Likewise, the Global Genome Biodiversity Network (GGBN) is an international network of gene banks and they have developed model contractual clauses for their members and for users of genes entitled “Global Genome Biodiversity Network Guidance: Material Transfer Agreements”;

(e) Germany reported that the German Research Foundation (Deutsche Forschungsgemeinschaft - DFG) has developed model contractual clauses for researchers applying for funding.

17. Sometimes, model contractual clauses are developed by governments for a particular group of actors or sectors. For example, Qatar indicated that material transfer agreements for genetic resources have been prepared as a model for the Qatar Gene Bank.

18. Other organizations have developed model contractual clauses to facilitate access to the genetic resources they hold or to deposit material in their collection, for example:

(a) The Nordic Genetic Resource Center (Nordgen) has three model transfer agreements: (i) a transfer agreement when the receiver will use the material for research, breeding and training for food and agriculture (in these cases the receiver must accept the terms and conditions of the Standard Material Transfer Agreement of ITPGRFA Multilateral System); (ii) a transfer agreement when the request is made for other scientific purposes (in these cases the NordGen Material Transfer Agreement (MTA) is used); (iii) a transfer agreement for private orders;

(b) HAMBI (University of Helsinki, Faculty of Agriculture and Forestry, Division of Microbiology and Biotechnology) Culture Collection is a resource of living microorganisms for teaching, research and application. HAMBI uses a material deposit form for including material in the collection (which inquires information on access date, authorization and possible PIC of the material) and uses a Material Transfer Agreement for accessions to the material they hold;

(c) The Natural History Museum uses a standard form for acceptance of material into the museum collection and a Material Transfer Form for sending material to others.

19. Some model contractual clauses developed are targeted to both users and providers and that can be used in a variety of sectors. The World Intellectual Property Organization (WIPO) produced “Draft Intellectual Property Guidelines for Access to Genetic Resources and Equitable Sharing of the Benefits arising from their Utilization” for both providers and recipients of genetic resources that negotiate an agreement, contract or license.

B. Use of model contractual clauses

20. More countries and organizations reported on the development of model contractual clauses than specifically on their use. However, some reported using the material transfer agreements developed by an umbrella organization for a specific sector. For example:

(a) The MTA used by HAMBI is constructed to match the European Culture Collections' Organisation (ECCO) core MTA.

(b) The Centre for Agriculture and Biosciences International (CABI) has introduced a generic MTA to ensure recipients of genetic resource from CABI are aware of their responsibilities. They reported that they take into consideration ECCO core MTA and the Consortium of European Taxonomic Facilities (CETAF) code of conduct and best practices (which includes model clauses), among other tools developed by other groups.

(c) The Natural History Museum indicated that they have contributed significantly to the development of the work of two consortia to which the Museum belongs: CETAF and the Global Genome Biodiversity Network (GGBN). The GGBN documents are based on those of CETAF, modified for the particular needs of the GGBN members and operations. The tools that have been developed with them,

namely a ‘use of materials’ statement for informing provider countries and a template MTA, have been adapted by the Museum and are being used and implemented.

III. STOCK-TAKING OF THE DEVELOPMENT AND USE CODES OF CONDUCT, GUIDELINES, BEST PRACTICES, AND/OR STANDARDS

21. This section provides an overview of information provided on the development and use of codes of conduct, guidelines, best practices and/or standards (Article 20 tools). As in the section above, it should be noted that Parties and organizations have reported more on the development of codes of conduct, guidelines, best practices and standards than specifically on their use. Subsection A below looks more closely at Article 20 tools developed and under development, including their intended use, and subsection B provides information on their use.

A. Development of codes of conduct, guidelines, best practices and/or standards

22. According to information available, as of 22 February 2018, a total of 33 codes of conduct, guidelines, best practices, and/or standards have been developed in the context of Article 20 of the Protocol. Some documents contain various tools within them (for instance a document may contain both ABS standards and codes of conduct). A list of these tools is found in the annex to this document, including links to the document when available.

23. Of the 33 ABS tools, seven were developed by Parties,¹⁶ four by regional groups¹⁷ and 22 by organizations.¹⁸

24. Of all codes of conduct, guidelines, best practices, and/or standards reported, most (76%) are available in the ABS Clearing-House, either as a reference record¹⁹ or as part of a national record.²⁰

25. In addition, seven Parties²¹ reported work underway to develop Article 20 tools. For example:

(a) Mexico, under the GEF-PNUD-SEMARNAT Project on ABS, has started work on the development of guidelines for the contents of biocultural and/or community protocols in different regions of the country;

(b) The Peruvian Ministry of Environment (MINAM) has prepared a proposal for guidelines on the procedure to access genetic resources and they are in the process of formalizing these tools and having them adopted by relevant institutions.

¹⁶ Dominican Republic, Ethiopia, Japan, Kenya, Madagascar, Mexico, Uganda

¹⁷ African Union, Andean Community, European Union

¹⁸ Asociación Mexicana de Jardines Botánicos, Belgian Science Policy Office (Belspo), Biotechnology Innovation Organization (BIO), Botanic Gardens Conservation International, Centre for Agriculture and Biosciences International (CABI), Consortium of European Taxonomic Facilities (CETAF), Deutsche Forschungsgemeinschaft (DFG), European Seed Association (ESA), Global Genome Biodiversity Network (GGBN), International Federation of Pharmaceutical Manufacturers and Associations, International Organisation for Biological Control of Noxious Animals and Plants (IOBC), International Society of Ethnobiology (ISE), Microbial Resource Research Infrastructure (MIRRI), Microbiology Society, Natural History Museum, Stratos Inc., Swiss Academy of Sciences, Union for Ethical BioTrade (UEBT)

¹⁹ African Union, Asociación Mexicana de Jardines Botánicos, Belgian Science Policy Office (Belspo), Biotechnology Innovation Organization (BIO), Botanic Gardens Conservation International, Consortium of European Taxonomic Facilities (CETAF), Deutsche Forschungsgemeinschaft (DFG), Global Genome Biodiversity Network (GGBN), International Federation of Pharmaceutical Manufacturers and Associations, International Society of Ethnobiology (ISE), Japan, Kenya, Microbial Resource Research Infrastructure (MIRRI), Microbiology Society, Stratos Inc., Swiss Academy of Sciences, Union for Ethical BioTrade (UEBT).

²⁰ Andean Community, Dominican Republic, European Union

²¹ Bhutan, Dominican Republic, Ethiopia, Mexico, Peru, Swaziland, Viet Nam

Intended use of codes of conduct, guidelines, best practices and/or standards

26. Tools developed have a variety of intended uses. Of the 33 codes of conduct, guidelines, best practices and standards developed, 8 were developed as part of the national or regional ABS frameworks; the other 26 were developed for a specific sector or contain guiding information that can be used across sectors. Examples of ABS tools describing their intended use are provided below.

27. A number of codes of conduct, guidelines, best practices and/or standards reported-on were developed by Parties (4)²² and regions (4)²³ as part of their national or regional framework to implement ABS. These documents are targeted to a general audience of anyone wanting to engage either in accessing genetic resources or providing resources, across all sectors, within a specified country or region. For example:

(a) Ethiopia has developed guidelines for users that set out procedures to follow while accessing genetic resources and/or community knowledge, and a draft code of conduct which outlines the responsibilities and requirements for users to access genetic resources and/or associated community knowledge.

(b) Kenya developed an ABS toolkit which includes their national guidelines on transferring and exchanging genetic resources.

(c) The African Union developed best practices in their document: “African Union Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS: The Strategic Framework” and a compendium of model contractual clauses, national or domestic guidelines, best practices and standards in: “African Union Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS: The Practical Guidelines”.

28. Other Article 20 tools are targeted to users and/or providers of genetic resources in a particular sector. 3 of these codes of conduct, guidelines, best practices and/or standards were produced by Parties²⁴ and 20 by organizations²⁵. For example:

(a) The Botanic Gardens Conservation International (BCGI) has produced standards on access to genetic resources and benefit-sharing for participating institutions;

(b) The Microbial Resource Research Infrastructure (MIRRI) developed “MIRRI Best Practice Manual on Access and Benefit Sharing” for users of microbial and genetic resources from a network of research institutes across Europe;

(c) The Microbiology Society has developed “International Code of Nomenclature of Prokaryotes” which is a code of conduct for all users of microbes, in research or industry, which includes procedures to track origin of genetic resources;

(d) The International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) produced “Guidelines for IFPMA Members on Access to Genetic Resources and Equitable Sharing of Benefits Arising out of their Utilization” for their members, which are mainly biopharmaceutical companies around the world;

(e) The Consortium of European Taxonomic Facilities (CETAF) developed a “Code of Conduct and Best Practices on Access and Benefit-Sharing and Material Transfer Agreement Templates”

²² Dominican Republic, Ethiopia, Kenya, Uganda

²³ Andean Community, African Union, European Union

²⁴ Japan, Mexico, Madagascar

²⁵ Asociación Mexicana de Jardines Botánicos, Belgian Science Policy Office (Belspo), Biotechnology Innovation Organization (BIO), Botanic Gardens Conservation International, Centre for Agriculture and Biosciences International (CABI), Consortium of European Taxonomic Facilities (CETAF), Deutsche Forschungsgemeinschaft (DFG), European Seed Association (ESA), Global Genome Biodiversity Network (GGBN), International Federation of Pharmaceutical Manufacturers and Associations, International Organisation for Biological Control of Noxious Animals and Plants (IOBC), International Society of Ethnobiology (ISE), Microbial Resource Research Infrastructure (MIRRI), Microbiology Society, Natural History Museum, Swiss Academy of Sciences, Union for Ethical BioTrade (UEBT)

for their members (a network of natural science and history museums, botanical gardens and biodiversity research centres) as providers of ex-situ genetic resources and others wanting to use these resources;

(f) The European Seed Association (ESA) developed guidelines explaining the obligations of users stemming from the EU ABS Regulation and its implementing regulation and provides practical guidance on how to comply with those obligations for its members.

29. Another portion of guiding documents was developed to be used by a broader variety of users across sectors²⁶. For example:

(a) Union for Ethical BioTrade (UEBT) produced the “Ethical BioTrade Standard” for its members across sectors;

(b) Stratos Inc., a consulting company,²⁷ developed a document on best practices and standards aimed at users and providers of genetic resources across sectors: “ABS Management Tool: Best Practices and Handbook for Implementing Genetic Resource and Benefit-sharing Activities” aimed at companies, researchers, indigenous and local communities, and governments.

B. Use of codes of conduct, guidelines, best practices and/or standards

30. Similarly to model contractual clauses, a few reported on use of codes of conduct, guidelines, best practices and /or standards.

31. Some Parties and organizations reported using Article 20 tools developed by another organization, for example:

(a) CABI (Centre for Agriculture and Biosciences International) and the Natural History Museum in London have reported that they take into consideration the Global Genome Biodiversity Network (GGBCN)’s ABS Guidance and the Consortium of European Taxonomic Facilities (CETAF)’s code of conduct and best practices when dealing with ABS;

(b) CABI also mentioned that they take into consideration guidelines developed by the International Organisation for Biological Control of Noxious Animals and Plants (IOBC), best practices by the Microbial Resource Research Infrastructure (MIRRI);

(c) In their interim national reports, Cameroon, Swaziland, and Togo referred to their use of the Guidelines for a Coordinated Implementation of the Nagoya Protocol of the African Union to develop their own national ABS framework or national tools;

(d) Similarly, the ESA wrote about using the European Union guidelines to develop their own.

32. Some briefly explained how the tools developed are used by their constituents. For example:

(a) CABI prepared a policy with best practices on access and benefit-sharing and works with its partners and various relevant communities to comply with these best practices;

(b) The Mexican association of botanical gardens has developed a code of conduct and best practices, which Mexico reported is being used by all botanical gardens members;

(c) Industry members of the Union for Ethical BioTrade (UEBT) are required to meet the standards and best practices on ABS when sourcing materials.

33. The European Union and Switzerland have set up a process for recognition of best practices. In the European Union Article 8 of Regulation 511/2014 provides that associations of users or other interested parties may submit an application to the European Commission to have a combination of procedures, tools or mechanisms recognized as best practice. The European Commission has so far received three applications for recognition as a best practice. Similarly, in Switzerland, there are ongoing processes for the recognition of best practices and collections according to Articles 6 and 7 of the Nagoya Ordinance.

²⁶ Stratos Inc., Union for Ethical BioTrade (UEBT)

²⁷ In cooperation with Geoff Burton and Jorge Cabrera, and with the support of the Swiss State Secretariat for Economic Affairs.

IV. STOCK-TAKING OF THE DEVELOPMENT AND USE OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES' CUSTOMARY LAWS, COMMUNITY PROTOCOLS AND PROCEDURES

34. This section provides an overview of information provided on the development and use of indigenous peoples and local communities' (IPLCs) customary laws, community protocols and procedures. It should be noted that Parties and organizations have reported on the development of community protocols rather than specifically on their use. In addition, there was no information provided on IPLC's customary laws.

35. In light of this, subsection A below provides information on community protocols developed, including a brief description of their content and the process followed to develop them, while subsection B provides information on how community protocols can be used by indigenous peoples and local communities and governments.

A. Development of indigenous peoples and local communities' customary laws, community protocols and procedures

36. As of 22 February 2018, information was provided regarding 7 community protocols developed²⁸ (three of them are included in the ABS Clearing-House) and 6 Parties had reported that community protocols had been developed in their country, without providing specific details.²⁹ A list of these protocols, including a link to the resource when available, is found in Annex to this document.

37. In addition, 3 community protocols are currently under development³⁰ and 7 Parties have reported that there are community protocols being developed or planned in their countries.³¹

38. Community protocols are being developed and used in a variety of contexts, including but not limited to ABS. Some deal with biotrade or land issues and include some ABS elements as part of a bigger context. Also, community protocols dealing with ABS may deal with genetic resources and associated traditional knowledge or only one of these aspects. The following provides some information on the community protocols developed when details are available.

Overview of community protocols and procedures developed

39. *Brazil, Traditional Healers of the Cerrado*³²: In Brazil, a local NGO (Articulação Pacari (PACARI Network)) worked with local healers to develop a "Biocultural Community Protocol for Cerrado Raizeiras - the customary right of healers in the Cerrado biome of Brazil". With the support and partnership of several organizations,³³ Articulação Pacari brought together community representatives that work as traditional healers, from 10 regions in the Cerrado biome. Healers developed this biocultural community protocol with the aim of developing a political instrument that could be used by organizations and social networks in public policy-making and to inform legislation that guarantees the customary rights of practitioners who traditionally use medicinal plants. The protocol focuses primarily on protecting the traditional knowledge of healers, however, it sets as a goal the preservation of Cerrado biodiversity as a source of many medicinal plants, and the maintenance of their agriculture free of genetically modified organisms.

²⁸ The following communities have developed community protocols: the Khwe community of Namibia, Mariarano community of Madagascar, the Pacari Network of Brazil, the El Piro local community in Panama, the Ogiek Peoples of Kenya and the Antavolobe and Analavory communities of Madagascar.

²⁹ Antigua and Barbuda, Burkina Faso, Cameroon, Kenya, Malawi and Panama.

³⁰ The following communities are developing community protocols: the Endorois community in Kenya, the National Khoi and San Council Community in South Africa, and the Degbe Aguininnou community in Benin.

³¹ Benin, China, Dominican Republic, Madagascar, Mexico, and Uruguay.

³² Available at: <https://absch.cbd.int/database/PPP/ABSCH-CPP-SCBD-207587>

³³ Fundação Luterana de Diaconia, Heinrich Böll Stiftung Brasil, Equator Initiative, Projeto Generosidade

40. *Panama, El Piro, Indigenous knowledge associated with genetic resources:*³⁴ The community of El Piro, in Panama, with the help of the Nägbe-Bugle Foundation and GIZ funding and technical support, developed a biocultural protocol. It was produced through a series of participatory workshops that included women, leaders, youth and authorities. The protocol contains a diagnosis on the situation of traditional knowledge and genetic resources in the El Piro community, including the decision-making structure and community procedures. The protocol also describes the principles that must be included when developing PIC and MAT with the community. The aim was to establish clear conditions for governments, the private sector, research centres and non-profit institutions on how to engage with the IPLCs in Nägbe-Bugle area.

41. *Kenya, Ogiek people of the Mau forest Complex:*³⁵ The Ogiek people are traditionally forest-dwelling peoples from the Rift Valley in Kenya. Experiencing the changes and challenges of their surrounding forest home, such as increased pressure from deforestation, they developed this protocol to put forward their social and cultural values, their role in forest conservation, highlight and document their traditional knowledge, way of life, customary laws and clearly state the terms and conditions regulating access to Ogiek traditional knowledge and resources. The Protocol was developed through a participatory process that involved community consultations in different parts of the Mau Forest Complex. Twelve data collectors, all members of the Ogiek community, were dispatched to various parts of the Mau Forest Complex to document information on the various aspects of Ogiek culture and practices. This was done to ensure that the Protocol reflects the true position of all members of the Ogiek community in the Mau Forest Complex.

42. It was completed by the Ogiek Peoples' Development Program (OPDP) and with financial support from the American Jewish World Service (AJWS) and technical assistance of Natural Justice and other consultants.

43. *Namibia, the Khwe community inside Bwabwata National Park:* The Khwe community is historically a hunter-gatherer community living inside Bwabwata National Park with a deep and historical connection with the resources and wildlife inside the Park. They became concerned with the intergenerational transfer of traditional knowledge. A community protocol was developed to describe the community, including values, structure and procedures for PIC. In addition, the community protocol also includes a community biodiversity register which identifies the traditional knowledge of the community based on the variety of climate zones and genetic resources found within the forest, as well as the challenges they face.

44. The Khwe community protocol was produced by community members elected to the task during the first participatory meeting, accompanied by a team of supporting organizations including a local community land management NGO, Integrated Rural Development and Nature Conservation, Natural Justice and staff from the Ministry of Environment and Tourism. Content was developed following consultation visits to the Khwe villages and some training sessions on the Nagoya Protocol. In addition, a draft of the protocol was validated through return visits to these villages.

45. *Madagascar: the Mariarano community protocol:* Seven neighbouring local communities in the communes of Mariarano and Betsako in the Boeny region of Madagascar, came together to develop a community protocol. This area is known for its distinctive biodiversity. The various communities were able, through the protocol, to clarify decision-making process between them on access to and use of biological and genetic resources that they share. The protocol also contains their common vision to protect their traditional knowledge and a process for conflict resolution. In addition, the protocol describes the processes they developed together that companies, researchers and others have to follow to access the communities' genetic resources and traditional knowledge and modalities for benefit sharing.

46. The process was facilitated and supported by the GIZ Programme in Madagascar and by Natural Justice. This process included a series of workshops that brought together members of each of the

³⁴ Available at: <https://absch.cbd.int/database/PPP/ABSCH-PPP-SCBD-239000>

³⁵ Available at: <https://absch.cbd.int/database/PPP/ABSCH-PPP-SCBD-207314>

communities, data collection at the local level, training on ABS and methodology and a validation step through consultation with the community and other local stakeholders.

47. *Madagascar: two pilot community protocols implementing the Nagoya Protocol and the ITPGRFA in Analavory and Antavolobe.* Another two community protocols were also developed in Madagascar. They were developed in parallel—in Antavolobe, in North East Madagascar and the second in the community of Analavory, in the central part of Madagascar—as part of a larger project to implement the Nagoya Protocol and the ITPGRFA in a mutually supportive manner. The project is financed by DFID under the Darwin Initiative and jointly implemented by Biodiversity International and the ABS Capacity Development Initiative in collaboration with the Secretariats of the CBD and the ITPGRFA as well as the focal points of the Nagoya Protocol and the ITPGRFA. Natural Justice supported the facilitation of the two community protocols.

48. The goal of these protocols is to inform the development of Madagascar's interim regulations implementing the Nagoya Protocol and the ITPGRFA, specifically looking at access to and exchange of seeds (genetic resources for food and agriculture). In the protocols, the local process to access, exchange and share benefits of in situ managed genetic resources is detailed; including how the communities manage their genetic resources and associated traditional knowledge, the community structure and decision-making process, local values and conflict resolution processes. The protocols were developed through a series of workshops, local consultations and validation meetings.

B. Use of indigenous peoples and local communities' customary laws, community protocol and procedures

49. Most reporting has been on protocols being developed by communities, rather than specifically on their use. There was no information provided specifically on the use of community protocols and procedures by users of genetic resources and associated traditional knowledge. However, some have reported on best practices and lessons learned on how the community protocols can be used by indigenous peoples and local communities and governments.

50. In particular, Natural Justice and the ABS Capacity Development Initiative (with contributions from ONG CESAREN) looked into best practices for community protocols and referred to how they recommend these protocols be used by different actors. The following provides a summary of some of the best practices identified and examples on how the community protocols have been used by the indigenous peoples and local communities.³⁶

51. Communities can use protocols in response to a particular challenge or a specific opportunity that arises regarding a community's genetic resources or associated traditional knowledge. For example, the Endorois community, in Kenya, are currently developing a draft community protocol to guide all interactions with outsiders who seek to access their resources or knowledge. Specifically, there is increased interest in the collection, identification and characterization of micro-organisms from Kenya's national parks, and subsequent commercial use of microbial diversity in the ancestral homeland of the Endorois people. The community was able to articulate their traditional values and practices that ground and guide their ABS decisions.

52. Communities can also use community protocols to help define their values and status and support communication with potential users and national governments. This is the case for the Degbe Aguininnou community in Benin. They define themselves as custodians of the sacred Gbevozoun forest. This biodiversity-rich region sharpened their cultural heritage. They are developing a community protocol with the goal of recognizing the Degbe Aguininnou's culture and traditional knowledge as related to the forest, and their role as protectors. The development of their community protocol happened in parallel to the development of Benin's national guidelines. As part of their protocol, the community developed a biodiversity registry and community model PIC documents. With the development of tools and experiences

³⁶ See the full submissions at: <https://www.cbd.int/abs/assessment-contribution/default.shtml>

found in their community protocol, the Degbe Aguininnou contributed to the development of Benin's ABS framework.

53. Community protocols can also be used as an opportunity to define community goals and identify the steps in order to achieve these goals. This may lead to parallel developments and value being added to genetic resources. This was the case, for example, in Madagascar, regarding the example described above for the community protocols developed in Analavory and Antavolobe. As these local communities were developing a community protocol, they also established community seed banks, as well as an investment plan in which they are defining activities to collaborate proactively with users, research institutions and breeders. This is also the case for the Degbe Aguininnou community in Benin mentioned above. As part of the process they also documented use of traditional knowledge and identified traditional medicine recipes made of genetic resources from the sacred forest, 40 of which were selected by a national research institute for further utilisation.

V. CHALLENGES AND LESSONS LEARNED

A. Model contractual clauses, codes of conduct, guidelines, best practices and/or standards

54. In providing information on the use of Article 19 and 20 tools, some organisations reported on challenges related to implementation of the Protocol or about accessing genetic resources.

55. Several organizations stated they are looking for clear, accurate, complete and easily accessible procedures for complying with national ABS requirements. Also, an organization called for realistic requirements that would not provide a burden for activities that do not necessarily lead to benefits, such as activities carried out at the initial stages of research and development.

56. An organization observed that even if there are model clauses or codes of conduct available, those represent stakeholders interpretations of what is needed and not necessarily what is required by the provider country.

57. Among other tools, the European Seeds Organisation (ESA) has developed an interactive tool for users from the plant breeding sector to understand whether or not their genetic resource and activities fall under the scope of the EU ABS regulation, and if yes, what obligations they have to comply with.

B. Indigenous peoples and local communities' customary laws, community protocols and procedures

58. Several challenges and lessons learned were identified by Parties and organizations.

59. A number of countries indicated that there was a need to raise the awareness and capacity of traditional knowledge holders, and it was noted that the lack of appropriate tools and the limited access to information was an added challenge.

60. Some countries and organizations reported difficulties when identifying the different groups of indigenous peoples and local communities, understanding the way they are organized, and being able to link traditional knowledge with the holder/s of such knowledge. This is particularly true for resources found on a territory where various communities are found. In these cases, these communities have to find a way to work together in order to establish a protocol. Others identified the importance of clarifying who and what comprises a 'community'. The important lesson is that a community must be self-identified and will often vary depending on the circumstance. For instance, a protocol may be developed by a community of healers, or it may be developed by several communities confronted by a common threat.

61. In terms of lessons learned, Natural Justice and the ABS Capacity Development Initiative (with contributions from ONG CESAREN), in their submission provided a wealth of information on experiences and lessons learned from the development and implementation of community protocols and procedures on the following: (a) entry point and focus; (b) process; (d) outside support and community empowerment; (e) role of government; (f) links to national ABS frameworks and legal recognition of community protocol; (g)

timeframe of the community process; (i) shared resources and/or traditional knowledge; and (j) need for outside support and funding.

VI. CONCLUSIONS

62. A wide range of model contractual clauses, codes of conduct, guidelines, best practices and standards have been developed both by governments and organizations.

63. Around half of the model contractual clauses and 20% of the Article 20 tools have been developed by governments and regional organizations to support implementation of national or regional ABS frameworks. Tools developed to support the implementation of ABS national frameworks should be made available as part of the country profiles in the ABS Clearing-House. In this regard, work is underway to develop a separate common format to submit model contractual clauses developed by Parties as part of their framework as a national record in the ABS Clearing-House.

64. User organizations and networks play an important role in addressing the needs of their members by developing tools that can bring clarity on how ABS can be incorporated in their practice and assisting their member organizations to comply with ABS requirements. Many organizations have developed material transfer agreements (MTA) incorporating ABS requirements to transfer and exchange genetic resources.

65. Sharing Article 19 and 20 tools through the ABS Clearing-House helps other organizations to develop similar documents adapted to their circumstances as well as providing guidance to users of genetic resources and associated traditional knowledge that may not be aware of those tools and that want to adopt best practices for their own work.

66. Community protocols can help the IPLCs that develop them to articulate their values, practices and aspirations. They can also help governments to implement the IPLC-related provisions of the Protocol, and they provide clarity and certainty to users on how to have access to genetic resources and/or associated traditional knowledge held by IPLCs.

67. Community protocols are being developed and used in a variety of contexts, including but not limited to ABS. Some deal with biotrade or land issues and include some ABS elements as part of a broader context. Incorporating ABS elements in existing community protocols dealing with resource or land management or biotrade may facilitate the process.

68. Supporting IPLCs to develop community protocols is essential, as well as doing so in a way that ensures that the outcomes represent community values, practices and aspirations.

69. Sharing information on community protocols through the ABS Clearing-House helps potential users to understand how to access traditional knowledge associated with genetic resources within a community. It can also help other IPLCs to develop their own community protocol. Sharing existing experiences and lessons learned from the development and implementation of community protocols and procedures could be useful for those working on the development of protocols or that are planning to do so.³⁷

³⁷ Such as the experiences and lesson learned shared by Natural Justice and the ABS Capacity Development Initiative with contributions of the ONG CESAREN. (<https://www.cbd.int/abs/submissions/assessment/naturaljustice-abs-initiative-en.pdf>)

ANNEX

A. Tools available on the ABS Clearing-House as reference records

Type of Document	Title	Author	Link (ABS Clearing-House, other website)
• Model contractual clauses	Guidelines: Access and benefit sharing in research projects	Bioversity International (BI)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238047 https://www.bioversityinternational.org/index.php?id=244&tx_news_pi1%5Bnews%5D=1379&cHash=bd6432ff877aaf021522edfe57a7af90
• Model contractual clauses	Modèle de convention relatif aux conditions convenues d'un commun accord (CCCA / MAT)	Morocco (GIZ Morocco) and DEUTSCHE GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT (GIZ) GMBH -	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207205
• Model contractual clauses	Global Genome Biodiversity Network Guidance: Material Transfer Agreements	Global Genome Biodiversity Network (GGBN)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208665 https://library.ggbn.org/share/s/BW3F3qiiT8W9S3qeTwMMww
• Model contractual clauses	Agreement on Access and Benefit-sharing for Academic Research – A toolbox for drafting Mutually Agreed Terms for access to Genetic Resources and to Associated Traditional Knowledge and Benefit-sharing	Swiss Academies of Arts and Sciences (A+)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238867 https://naturwissenschaften.ch/organisations/biodiversity/abs/toolbox
• Model contractual clauses	Draft Intellectual Property Guidelines for Access to Genetic Resources and Equitable Sharing of the Benefits arising from their Utilization	World Intellectual Property Organization (WIPO)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238061 https://www.wipo.int/tk/en/databases/contracts/
• Model contractual clauses • National or domestic guidelines • Best practices • Standards	African Union Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS: The Practical Guidelines	African Union Commission Department of Human Resources Science and Technology	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207246
• Model contractual clauses • Standards (Guidelines)	Guidelines for BIO Members Engaging in Bioprospecting and Suggested Model Material Transfer Agreement	Biotechnology Innovation Organization (BIO)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238058 https://www.bio.org/articles/bio-bioprospecting-guidelines
• Model contractual clauses • Codes of conduct • Best practices	Code of Conduct and Best Practices on Access and Benefit-Sharing and Material Transfer Agreement Templates	Consortium of European Taxonomic Facilities (CETAF)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238048 http://cetaf.org/
• Model contractual clauses • Best practices • Codes of conduct • Standards	Utilization of genetic resources and associated traditional knowledge in academic research - A good practice guide for access and benefit-sharing	Swiss Academy of Sciences	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238868 https://naturwissenschaften.ch/organisations/biodiversity/abs

Type of Document	Title	Author	Link (ABS Clearing-House, other website)
• Codes of conduct	Global Genome Biodiversity Network Guidance: Code of Conduct	Global Genome Biodiversity Network (GGBN)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208662 https://library.ggbn.org/share/s/UM5JietQR9aevtYDymHbjw
• Codes of conduct	International Code of Nomenclature of Prokaryotes	Microbiology Society	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-237638
• Codes of conduct • Best practices	Código de Conducta para el Acceso y Uso de la Biodiversidad Vegetal en los que participen los jardines botánicos de México y Compendio de Buenas Prácticas de Acceso y Uso de la Biodiversidad Vegetal	Asociación Mexicana de Jardines Botánicos	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238348
• Codes of conduct • Model documents	MOSAICC - Micro-Organisms Sustainable use and Access regulation International Code of Conduct	Belgian Science Policy Office (Belspo)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207283 http://bcm.belspo.be/projects/mosaicc
• Codes of conduct • Standards	International Society of Ethnobiology Code of Ethics	International Society of Ethnobiology (ISE)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238060 http://www.ethnobiology.net/what-we-do/core-programs/ise-ethics-program/code-of-ethics/
• Codes of conduct • National or domestic guidelines	Fair and equitable benefit sharing: Manual for the assessment of policies and practices along natural ingredient supply chains	Union for Ethical BioTrade (UEBT)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207320 http://ethicalbiotrade.org/dl/benefit-sharing/ABS_manual_ENG.pdf
• National or domestic guidelines • Model contractual clauses	Access and Benefit Sharing Toolkit	Kenya- National Environment Management Authority	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208068
• National or domestic guidelines	Guidelines on Access to Genetic Resources for Users in Japan (Second Edition)	Ministry of Economy, Trade and Industry, Japan (METI) Japan Bioindustry Association (JBA)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207597 http://www.mabs.jp/archives/pdf/iden_tebiki_e_v2.pdf
• National or domestic guidelines • Best practices	Guidelines for IFPMA (International Federation of Pharmaceutical Manufacturers and Associations) Members on Access to Genetic Resources and Equitable Sharing of Benefits Arising out of their Utilization	International Federation of Pharmaceutical Manufacturers and Associations	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-204326
• Best practices	MIRRI Best Practice Manual on Access and Benefit Sharing	Microbial Resource Research Infrastructure (MIRRI)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208213 https://www.mirri.org/fileadmin/mirri/media/Dokumente/generalDocs/MIRRI_ABS_Manual_web.pdf
• Best practices	African Union Guidelines for the Coordinated Implementation of the Nagoya Protocol on ABS: The Strategic Framework	African Union Commission Department of Human Resources Science and Technology	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207247

Type of Document	Title	Author	Link (ABS Clearing-House, other website)
• Best practices	Global Genome Biodiversity Network Guidance: Best Practice	Global Genome Biodiversity Network (GGBN)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208660 https://library.ggbn.org/share/s/AyZENG2hSMmXH0KFPz5yfg
• Best practices	TRUST - TRansparent Users-friendly System of Transfer	Belgian Science Policy Office (Belspo)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208170 http://bccm.belspo.be/projects/trust
• Best practices	UEBT Principles on Patents and Biodiversity	Union for Ethical BioTrade (UEBT)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208169 http://ethicalbiotrade.org/resources/ http://ethicalbiotrade.org/dl/public-and-outreach/UEBT_principles_on_patents_biodiversity_EN.pdf
• Best practices • Standards	ABS Management Tool: Best Practices and Handbook for Implementing Genetic Resource and Benefit-sharing Activities	Stratos Inc. in cooperation with Geoff Burton and Jorge Cabrera (env management consultants)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-237975
• Standards	Botanic gardens: Principles on Access to Genetic Resources and Benefit-sharing for Participating Institutions	Botanic Gardens Conservation International	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-238056 http://www.bgci.org/policy/abs_principles/
• Standards	Ethical BioTrade Standard	Union for Ethical BioTrade (UEBT)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-207310 http://ethicalbiotrade.org/dl/public-and-outreach/Ethical-BioTrade-Standard_2012.pdf
• Standards - guidelines	Supplementary Instructions for Funding Proposals Concerning Research Projects within the Scope of the Convention on Biological Diversity (CBD)	Deutsche Forschungsgemeinschaft (DFG)	https://absch.cbd.int/database/A19A20/ABSCH-A19A20-SCBD-208078 http://www.dfg.de/formulare/1_021e/1_021e.pdf
• Community protocols and procedures	Biocultural Community Protocol for Cerrado Raizeiras	Articulação Pacari (PACARI Network)	https://absch.cbd.int/database/CPP/ABSCH-CPP-SCBD-207587
• Community protocols and procedures	Protocolo Biocultural "Protección de los conocimientos indígenas asociados a los recursos genéticos" Comunidad El Piro, Comarca Ngäbe-Bugle, Panamá	Comunidad El Piro, Comarca Ngäbe-Bugle, Panamá Financiamiento y calidad técnica por GIZ, a través del Programa ABS CCAD GIZ Promoción del potencial económico de la biodiversidad de manera justa y sostenible para poner en práctica el Protocolo de Nagoya en Centroamérica y República Dominicana.	https://absch.cbd.int/database/CPP/ABSCH-CPP-SCBD-239000
• Community protocols and procedures	Ogiek Bio Cultural Community Protocols (BCP)	Ogiek Peoples' development Programme	https://absch.cbd.int/database/CPP/ABSCH-CPP-SCBD-207314

B. Tools available on the ABS Clearing-House as national records

Type of Document	Title	Author	Link (ABS Clearing-House, other website)
• Model contractual clauses	(Included in national ABS measures, as reported in interim national report)	Antigua and Barbuda	https://absch.cbd.int/database/MSR/ABSCH-MSR-AG-238537/1
• Model contractual clauses	Access to Genetic Resources and Community Knowledge, and Community Rights Proclamation (No. 482/2006), (Article 16 and 27(3))	Ethiopia	https://absch.cbd.int/database/record/ABSCH-MSR-ET-208211
• Model contractual clauses	(Included in national ABS measures, as reported in interim national report)	Malta	https://absch.cbd.int/database/MSR/ABSCH-MSR-SCBD-204508
• Model contractual clauses	Temporary measures for requests to access Genetic Resources (Proceso transitorio para la atención de solicitudes de acceso a recursos fitogenéticos para la alimentación y la agricultura conforme al Protocolo de Nagoya)	Mexico - Servicio Nacional de Inspección y Certificación de Semillas (SNICS) y la Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA)	https://absch.cbd.int/database/record/ABSCH-MSR-MX-238707
• Model contractual clauses • Regional guidelines	Regional Andean Community ABS Framework: Resolution 415 of the “Junta del Acuerdo de Cartagena”	Andean Community	https://absch.cbd.int/database/MSR/ABSCH-MSR-PE-237906/1 https://absch.cbd.int/database/MSR/ABSCH-MSR-PE-238242/1
• Model contractual clauses	(Included in national ABS measures, as reported in interim national report)	Viet Nam	https://absch.cbd.int/database/MSR/ABSCH-MSR-SCBD-237595
• Regional guidelines	Commission notice — Guidance document on the scope of application and core obligations of Regulation (EU) No 511/2014 of the European Parliament and of the Council on the compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union	European Union	https://absch.cbd.int/database/MSR/ABSCH-MSR-EU-208044
• National or domestic guidelines	La Biodiversidad, En la República Dominicana, Visión para el año 2025	Dominican Republic	https://absch.cbd.int/database/MSR/ABSCH-MSR-DO-238357

C. Tools available on other websites

Type of Document	Title	Author	Link (ABS Clearing-House, other website)
<ul style="list-style-type: none"> Model contractual clauses 	The ECCO core Material Transfer Agreement for the supply of samples of biological material from the public collection	European Culture Collections' Organisation (ECCO)	https://www.eccosite.org/wp-content/uploads/2014/07/ECCO_core-MTA_VI_Febr09.pdf
<ul style="list-style-type: none"> Guidelines Best practices 	Commission on Biological Control and ABS	International Organisation for Biological Control of Noxious Animals and Plants (IOBC)	http://www.iobc-global.org/global_comm_bc_access_benefit_sharing.html
<ul style="list-style-type: none"> Model contractual clauses 	Material Transfer Agreement	Nordic Genetic Resource Center (NordGen)	https://www.nordgen.org/en/plants/seed-potato-request/material-transfer-agreements/
<ul style="list-style-type: none"> Manual on including IPLCs Best Practices 	“Manual de planeación participativa con enfoque de equidad en comunidades de Áreas Naturales Protegidas”	Mexico	https://www.gob.mx/cms/uploads/attachment/file/196775/MANUAL_PLA_N_PARTICIPATIVA_DIGITAL_2017ok_baja_res.pdf
<ul style="list-style-type: none"> Codes of conduct 	Use of Material Statement	Natural History Museum, UK	http://nagoyaprotocol.myspecies.info/node/5
<ul style="list-style-type: none"> Best practices 	Lessons learned and best practices on developing community protocols, advantages and challenges	Natural Justice and the ABS Capacity Development Initiative, contributions from ONG CESAREN (Cercle de Sauvegarde des Ressources Naturelles, Benin)	https://www.cbd.int/abs/submissions/assessment/naturaljustice-abs-initiative-en.pdf

D. Other tools

Type of Document	Title	Author	Link (ABS Clearing-House, other website)
<ul style="list-style-type: none"> Model contractual clauses 	No title provided, referred to in the interim national report	Benin Bhutan Burundi Cameroon Cuba France India Qatar	Not available
<ul style="list-style-type: none"> Model contractual clauses 	No title provided, referred to in the interim national report (Germany)	Deutsche Forschungsgemeinschaft (DFG)	
<ul style="list-style-type: none"> Guidelines Code of conduct 	No title provided, referred to in the interim national report	Ethiopia	Not available

• Guidelines	No title provided, referred to in the interim national report	Germany Swaziland Uganda	Not available
• Codes of conduct	No title provided, referred to in the interim national report	Madagascar	Not available
• Community protocols and procedures	No title provided, referred to in the interim national report	Antigua and Barbuda Burkina Faso Cameroon Kenya Malawi Panama	Not available
• Best Practices	Policy on Access and Benefit Sharing (ABS)	CABI (Centre for Agriculture and Biosciences International)	Not available
• Model contractual clauses	Material Transfer Agreement	CABI (Centre for Agriculture and Biosciences International)	Not available
• Guidelines	Guidelines on user obligations	ESA (European Seed Association)	Not available
• Community protocols and procedures	Namibia: the Khwe community inside Bwabwata National Park	Natural Justice and the ABS Capacity Development Initiative	Not available, information about the Protocol at: https://www.cbd.int/abs/submissions/assessment/naturaljustice-abs-initiative-en.pdf and http://naturaljustice.org/community-protocols/
• Community protocols and procedures	Madagascar: the Mariarano community protocol	Natural Justice and the ABS Capacity Development Initiative	Not available, information about the Protocol: https://www.cbd.int/abs/submissions/assessment/naturaljustice-abs-initiative-en.pdf and http://naturaljustice.org/community-protocols/
• Community protocols and procedures	Madagascar: Antavolobe pilot community protocol implementing the Nagoya Protocol and the ITPGRFA	Natural Justice and the ABS Capacity Development Initiative	Not available, information about the Protocol: https://www.cbd.int/abs/submissions/assessment/naturaljustice-abs-initiative-en.pdf and http://naturaljustice.org/community-protocols/
• Community protocols and procedures	Madagascar: Analavory pilot community protocol implementing the Nagoya Protocol and the ITPGRFA	Natural Justice and the ABS Capacity Development Initiative	Not available, information about the Protocol: https://www.cbd.int/abs/submissions/assessment/naturaljustice-abs-initiative-en.pdf and http://naturaljustice.org/community-protocols/