CBD/NP/CC/5/4/Add.1-CBD/NP/CB-IAC/2026/1/3-CBD/SBI/7/7/Add.1

Distr.: General
4 May 2026

Original: English

Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing
Fifth meeting
Montreal, Canada, 27–29 May 2026
Item 5 of the provisional agenda*
Input to the second assessment and review of the effectiveness of the Nagoya Protocol

Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol
Sixth meeting
Montreal, Canada, 1–4 June 2026
Item 3 of the provisional agenda**
Input to 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

Subsidiary Body on Implementation
Seventh meeting
Nairobi, 4–12 August 2026
Item 7 of the provisional agenda***
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

Analysis of information for the second assessment and review of the effectiveness of the Nagoya Protocol

Note by the Secretariat

* CBD/NP/CC/5/1.
** CBD/NP/CB-IAC/2026/1/1.
*** CBD/SBI/7/1.

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I. Introduction

1. In its decision NP-3/1, 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 decided to conduct the second assessment and review of the effectiveness of the Protocol at its sixth meeting. In decision NP-5/5, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol agreed on a methodology for conducting the second assessment and review on the basis of the elements and sources of information listed in the annex to that decision. The elements addressed various aspects of the implementation of the Protocol.

2. Also in decision NP-5/5, the Executive Secretary was requested to analyse and synthesize information on the implementation of the Nagoya Protocol using the sources of information listed in the annex to that decision, measure the indicators in the framework of indicators contained in annex II to decision NP-3/1 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 on Access and Benefit-sharing and the Subsidiary Body on Implementation.

3. The Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol and the Compliance Committee under the Nagoya Protocol were requested to work in a complementary and non-duplicative manner, to contribute to the second assessment and review and submit their conclusions for consideration by the Subsidiary Body on Implementation.

4. In subparagraph 18 (a) of decision NP-3/1, the Executive Secretary was requested to carry out targeted surveys 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 in order to provide an additional source of information in future processes for the assessment and review of the effectiveness of the Protocol.

5. As requested in subparagraph 7 (b) of decision NP-5/5, the Executive Secretary commissioned a scoping study on the possible reasons and underlying root causes for the challenges to effective implementation of and compliance with the Nagoya Protocol and on possible ways to enhance its implementation, taking into account the specific challenges faced by developing country Parties, including those related to means of implementation. The main conclusions of the study are to be included within the context of the elements under review, as a complementary source of information, as relevant. The targeted surveys referred to in paragraph 4 above were conducted and analysed within the context of the scoping study.

6. The present document includes the following information for elements (a) to (i) presented in the annex to decision NP-5/5:

(a) Progress made in implementation and updated indicator data (framework of indicators contained in annex II to decision NP-3/1);

(b) Challenges, root causes and possible means of enhancing implementation of the Nagoya Protocol.

7. This document draws from various sources of information as presented and analysed in the different complementary information documents listed directly below:

(a) Analysis of information from national reports and other sources for the second assessment and review of the effectiveness of the Nagoya Protocol;[1]

(b) Scoping study on the possible reasons and underlying root causes for the challenges to effective implementation and compliance and on possible ways to enhance implementation;[2]

[1] CBD/SBI/7/INF/2.
[2] CBD/SBI/7/INF/3

(c) Analysis of information published in the Access and Benefit-sharing Clearing-House;[3]

(d) Analysis of responses to the Access and Benefit-sharing Clearing-House targeted survey;[4]

(e) Analysis of capacity-building support available for the implementation of the Nagoya Protocol;[5]

(f) Analysis of financial resources and resource mobilization supporting the implementation of the Nagoya Protocol.[6]

8. Information and conclusions derived from the above-mentioned documents are included in the section below under the relevant elements. Further details on sources of information used, methodologies and the analysis conducted for each element can be found in the relevant documents and the sources of information are identified for each of the elements and sub-elements.

II. Updated indicator data

9. Annex II to decision NP-3/1 contains a framework of indicators and reference points to measure progress. The indicators in the framework were based largely on questions following the format for the interim national report.

10. Reference points were included for most of the indicators and expressed mostly in numbers and percentages calculated on the basis of the total number of Parties (105) at the time of the 2018 analysis. Those reference points determined a baseline against which progress could be measured in the future for each indicator. However, as there were instances where no conclusive information could be drawn from the responses to the interim national report, a new text, which was incorporated in the format for the first national report on the implementation of the Protocol, was therefore suggested for those indicators. They included as reference point the following phrase: “Not conclusive data”.

11. The updated data for the indicators as at 9 March 2026 are based on the information available from the identified sources. The information is presented in the form of numbers and percentages which were calculated based on the number of Parties (142).

12. The framework was adopted as a flexible tool that could be adapted as further progress was made in implementation. Some suggestions have therefore been made for changes to indicators in the light of changes to questions in the reporting format or changes in methodologies or in order to provide more clarity in relation to indicators. Footnotes have been provided as necessary to enable further explanation of the suggested changes to the framework of indicators.

III. Analysis of information

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

1. Ratification of the Protocol

13. Since February 2018, 37 countries have ratified the Nagoya Protocol; 6 countries have indicated that they were taking concrete steps towards ratification of the Protocol; and 12 countries have stated that they were planning to ratify the Protocol.

[3] CBD/SBI/7/INF/4.
[4] CBD/SBI/7/INF/5.
[5] CBD/SBI/7/INF/6.
[6] CBD/SBI/7/INF/7.

Table 1
Indicators to measure progress in ratifying the Nagoya Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number of Parties to the Convention on Biological Diversity that have ratified the Nagoya Protocol	105 (54 per cent)	142 (72 per cent)

2. Institutional structures and access and benefit-sharing measures for the implementation of the Protocol[7]

(a) Progress made in implementation and updated indicator data

14. The Nagoya Protocol establishes obligations for Parties as both providers and users of genetic resources. While Parties may decide not to regulate access to their genetic resources, all countries have the obligation to adopt measures to ensure that users within their jurisdiction respect the national access and benefit-sharing requirements of provider countries.

15. As can be seen in table 2 below, there has been significant progress since February 2018 in the designation of authorities, such as competent national authorities and checkpoints, to implement the Protocol, as well as moderate progress in putting in place the necessary legislative, administrative and policy measures for access and benefit sharing. Almost all Parties have designated national focal points.

16. It is clear that many Parties still need to adopt some type of access and benefit-sharing measure for rendering the Nagoya Protocol fully operational and translate access and benefit-sharing measures and principles into practice. Often, the designation of competent national authorities and checkpoints must await the adoption of legislative, administrative or policy measures related to access and benefit sharing..

17. In particular, only 46 per cent of Parties have designated one or more checkpoints. With respect to progress by region, most progress in designating checkpoints has been made in the Western European and other States regional group, while 74 per cent of Parties in Asia-Pacific and 65 per cent of Parties in Africa have not yet designated a checkpoint.

18. A variety of approaches have been adopted by Parties for establishing access and benefit-sharing BS measures and institutional structures to implement the Protocol, according to their national circumstances and priorities.[8]

19. Although progress has been made in publishing available national information on the Access and Benefit-sharing Clearing-House, further efforts need to be directed towards ensuring that all information related to access and benefit sharing is available, reliable and up to date.

Table 2
Indicators to measure progress in establishing structures and access and benefit-sharing measures for the implementation of the Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties with access and benefit-sharing national focal points	103 (98 per cent)	138 (97per cent)
Number and percentage of Parties with one or more competent national authorities	57 (54 per cent)	105 (74 per cent)

[7] For further information, see CBD/SBI/7/INF/2, sect. III.A.2; CBD/SBI/7/INF/3; and CBD/SBI/7/INF/4.
[8] Document CBD/SBI/7/INF/2 includes summaries and examples of some of those approaches. Document CBD/SBI/7/INF/4 contains an analysis of the information available on the Access and Benefit-sharing Clearing-House on the types of national focal points, competent national authorities, checkpoints and access and benefit-sharing measures established.

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties with one or more checkpoints	29 (27 per cent)	65 (46 per cent)
Number and percentage of Parties with legislative, administrative and policy measures on access and benefit sharing	75 (71 per cent)	110 (78 per cent)
Number and percentage of Parties that have made information available to the Access and Benefit-sharing Clearing-House on competent national authorities, checkpoints, access and benefit-sharing measures and internationally recognized certificate of compliance	54 (51 per cent)	93 (66 per cent)
Number and percentage of Parties that have information on competent national authorities, checkpoints, access and benefit-sharing measures and permits that has not yet been made available to the Access and Benefit-sharing Clearing-House	46 (44 per cent)	68 (48 per cent)

(b) Challenges in implementation and root causes

20. Many Parties still need to adopt some type of access and benefit-sharing measure for making the Nagoya Protocol fully operational. For some of them, that step is a challenge for various reasons, including political instability and government changes. Moreover, for many of those Parties that have adopted such measures, translating those measures and access and benefit-sharing principles into practice is not a straightforward process.

21. There are a number of challenges encountered by Governments that have delayed national implementation. Those challenges include limited financial resources or budgetary constraints; limited human resources and technical expertise at the government level; limited understanding of the value of genetic resources and/or associated traditional knowledge; and limited awareness on the part of indigenous peoples and local communities and stakeholders such as the business and scientific communities of the concept of access and benefit sharing, as well as lack of political will and political instability.[9] Staff turnover is considered an important challenge as well, in particular in a general context of lack of human resources.

22. According to the users surveyed,[10] the main challenges identified related to accessing genetic resources and/or associated traditional knowledge. Users found that access and benefit-sharing national focal points or competent national authorities were often not responsive or difficult to reach and that information on national access and benefit-sharing authorities and/or national access and benefit-sharing requirements was not always available or was unclear on the Access and Benefit-sharing Clearing-House.[11]

23. Many Parties have designated a person working in the ministry of the environment or a related institution as the national focal point. In some Parties, however, the national focal point is associated with the ministry for foreign relations or the ministry for foreign affairs. Data show that, in certain countries, the national focal point does not engage only in work related to access and benefit sharing.

[9] For further information, see document CBD/SBI/7/INF/3, sect. 2.1. Some of the root causes of the challenges listed in para. 21 above are addressed below under element B on effectiveness.

[10] For further information, see CBD/SBI/7/INF/2, sect. III.A.2.

[11] In their responses to the targeted survey, a number of users from the business community indicated that planned projects were often cancelled owing to a lack of response, delayed responses or inconsistent responses from access and benefit-sharing national focal points regarding the scope of activities covered, inasmuch as companies could not be expected to initiate research if there was no legal certainty and they might be infringing the law. A number of universities and other research institutions in user countries indicated that they had rejected postdoc enquiries or discontinued international collaborations with foreign researchers from provider countries who wished to study organisms from their home country owing to challenges in obtaining access permits. This has an impact on their research interests as well as opportunities for scientists in developing countries, with both users and providers losing potential scientific and societal benefits. For further information, see CBD/SBI/7/INF/3, sect. 2.1.1.

Indeed, in handling cases the focal point may be presented with the challenge of serving as the sole liaison with the Secretariat of the Convention on Biological Diversity and following international negotiations, while remaining responsible for national implementation of the Nagoya Protocol and access and benefit-sharing agreements. As a consequence of their fulfilment of some of these functions, national focal points in certain Parties enjoy a high level of seniority.[12] Such an overlapping of roles may have implications for capacity, including the ability to maintain up-to-date information and publish records on the Access and Benefit-sharing Clearing-House.

24. In certain countries, national focal points perform an administrative role and may therefore lack the authority to make decisions or answer questions about the scope of access and benefit-sharing legal requirements. That lack of authority and limited skills may prevent them from interpreting national access and benefit-sharing requirements and taking decisions on their applicability.[13]

25. The designation and operationalization of checkpoints remain an important challenge for many Parties.[14]

26. Often Parties report experiencing challenges with respect to internal coordination among different authorities or ministries or among competent national authorities and checkpoints. The difficulty of assigning mandates to institutions not under the ministry of environment and resource constraints affecting cross-agency coordination were identified as one of the main obstacles for establishing one or more checkpoints.

(c) Possible ways to enhance the establishment of institutional structures and access and benefit-sharing measures to implement the Protocol

27. Integrating and mainstreaming of access and benefit sharing into broader policy approaches (for example, national development plans, poverty reduction strategies or innovation policies) can make access and benefit sharing more politically relevant and help to secure funding and integrate access and benefit sharing into broader governance frameworks.

28. Establishing a clear policy vision prior to drafting legislation was found to support the development of a stronger and more coherent legal framework. A solid framework that is also flexible enough for adapting to different circumstances can help access and benefit-sharing systems evolve, as more experience with implementation is gained. Interim measures can help Parties acquire that experience.

29. While implementation of access and benefit sharing is generally under the responsibility of the ministry of environment, it may also involve other relevant ministries, for examples, the ministries of agriculture, forestry and trade. Although the involvement of other ministries is important, establishing the clear leadership of one national authority in the process of development and implementation of national access and benefit-sharing measures facilitates such implementation.

30. National coordination among relevant ministries and agencies through, for example, an access and benefit-sharing committee can be supportive. Early engagement with relevant agencies, ensuring clarity of roles and responsibilities and development of internal protocols and procedures were identified as possible means of addressing the aforementioned challenges.

31. Access and benefit-sharing national focal points and competent national authorities play a key role in implementation of access and benefit-sharing. The selection of national focal points and competent national authorities should be carefully carried out to ensure that they have the necessary competencies and decision-making authority and benefit from adequate training in responding to the

[12] The national focal points outside the region of Western European and other States are more likely to hold an additional focal point designations. When examining the level of seniority of the national focal points based on information provided on official function, it was observed that approximately 13 per cent were at the ministerial/director general level and about 40 per cent were at the director/head level. For further information on national focal points, see document CBD/SBI/7/INF/4, sect. II.A.1.
[13] For further information, see document CBD/SBI/7/INF/3, sect. 2.1.1.
[14] This is further illustrated in section III.A.5 below on implementation of Articles 15 and 17 of the Nagoya Protocol.

queries of users and providing adequate guidance. Moreover, other government departments with expertise in commercial business practices could become involved and provide their support, for example, in the area of negotiation of mutually agreed terms.

32. A clear understanding of how the utilization of genetic resources and associated traditional knowledge can be monitored is essential for the designation by Parties of checkpoints that are effective and have functions relevant to implementation of Article 17 of the Nagoya Protocol.[15]

33. The presence of dedicated personnel engaged in work on access and benefit sharing, the establishment of effective coordination and communication channels among relevant authorities (such as committees or digital systems) and the availability of sustained institutional capacities and financial resources were identified as key factors for the effective implementation of the Protocol at the national level.

3. Measures on access to genetic resources (Article 6)[16]

(a) Progress made in implementation and updated indicator data

34. Seventy-four Parties (52 per cent) reported that they required prior informed consent for access to genetic resources. Parties at different stages of progress in putting access and benefit-sharing measures in place, including those that had developed draft measures or adopted general provisions on access and benefit sharing, were among the 74 Parties.

35. As demonstrated by the indicators in table 3 below and the corresponding analysis, there has been significant progress in implementing some of the requirements set out in Article 6, paragraph 3, of the Nagoya Protocol, the aim being to provide clear procedures and rules for access and legal certainty for users of genetic resources. Of the Parties requiring prior informed consent, the proportion that provided permits at the time of access and had clear procedures for developing mutually agreed terms was already high and moderate additional progress had been shown since 2018. Those observations are linked to the progress made in adopting the necessary access and benefit-sharing measures and show a wider implementation of such measures since the reference point of February 2018.

36. Sixty-four Parties reported that they had issued permits or their equivalent during the reporting period. According to the information provided, the data included permits (e.g. export permits) that might not necessarily be linked to the application of an access and benefit-sharing framework. While most of the permits reported were for non-commercial purposes, at least 17 Parties reported having issued permits for both commercial and non-commercial purposes.

37. A variety of approaches, in terms of scope and application of national access and benefit-sharing requirements, for establishing access measures have been adopted by Parties according to their national circumstances and priorities. Requirements and procedures to be followed for the establishment of mutually agreed terms, including benefit sharing, are generally set out in national access and benefit-sharing measures and may vary considerably from one country to another. Parties seem to use different approaches and terminologies to explain what "issuance at the time of access of a permit or its equivalent" means in their national context. Sometimes the different terminologies reflect differences related to processes and who can grant prior informed consent and negotiate mutually agreed terms.[17]

38. The Access and Benefit-sharing Clearing-House plays a central role in providing users with key information about access, including national information on access and benefit-sharing measures and institutions. Moreover, a common format for access and benefit-sharing procedures was

[15] Further to Article 17, subparagraph 1 (a) (iv), of the Nagoya Protocol, checkpoints should be relevant to the utilization of genetic resources or the collection of relevant information at, inter alia, any stage of research, development, innovation, pre-commercialization or commercialization.

[16] For further information, see documents CBD/SBI/7/INF/2, sect. III.A.3; CBD/SBI/7/INF/3, sects. 2.1.1 and 2.2; and CBD/SBI/7/INF/4.

[17] Sect. III.A.3 of document CBD/SBI/7/INF/2 includes summaries and examples of some of those approaches.

introduced on the Clearing-House. That record type is intended to offer practical information and clear step-by-step guidance to users on applicable rules and requirements and support compliance with access and benefit-sharing measures.[18]

39. Parties can provide information on the Clearing-House on national model contractual clauses[19] and national websites and database records that contain national information relevant to access and benefit-sharing.[20]

Table 3
Indicators to measure progress in establishing measures related to access

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties requiring prior informed consent for access to genetic resources[a]	New	74 (52 per cent)
Number and percentage of Parties requiring prior informed consent for access to genetic resources that provide information on how to apply for prior informed consent as provided in Article 6 (3) (c)	27 (73 per cent)	68 (91 per cent)
Number and percentage of Parties requiring prior informed consent providing for the issuance at the time of access of a permit or its equivalent as provided in Article 6 (3) (e)	32 (86 per cent)	69 (93 per cent)
Number and percentage of Parties requiring prior informed consent for access to genetic resources that have rules and procedures for requiring and establishing mutually agreed terms as provided in Article 6 (3) (g)	28 (76 per cent)	64 (86 per cent)
Number and percentage[b] of Parties that have issued permits or their equivalents	19 (18 per cent)	64 (45 per cent)

[a] A new indicator has been added to provide context for the other indicators, as some percentages are calculated based on the total number of Parties that require prior informed consent for access to genetic resources (74). The indicator is based on responses to question 8 of the first national report format. It should be noted, however, that under Article 6, paragraph 1, of the Protocol, prior informed consent for access to genetic resources is required unless otherwise determined by a Party.

[b] Percentages for this indicator have been calculated based on the total number of Parties to the Protocol at the time of reference.

(b) Challenges in implementation and root causes

40. With the growing number of Parties to the Nagoya Protocol, the diversity of national approaches to access and benefit-sharing requirements and procedures has become a key challenge for users. In particular, the scope of application of national access and benefit-sharing requirements can vary significantly from one country to another and the steps to be followed for obtaining access to genetic resources, acquiring prior informed consent or a permit, negotiating mutually agreed terms and sharing benefits covered in national access and benefit-sharing measures are not always easy to understand. This has resulted in operational complexity and increased transaction costs for users from both the scientific and the business communities.[21]

[18] Thirty Parties (21 per cent) have published at least one procedure for a total of 39 records. Additional information on the analysis of published access and benefit-sharing procedures and background information can be found in sect. II.A.5 of document CBD/SBI/7/INF/4.

[19] Only 12 Parties (8 per cent) have published information on national model contractual clauses through that specific record format. In some cases, national model contractual clauses have been included as part of the access and benefit-sharing measure records. Additional information in that regard can be found in document CBD/SBI/7/INF/4, sect. II.A.4.

[20] Forty-six Parties have published 66 records. Additional information is available in sect. II.A.10 of document CBD/SBI/7/INF/4,.

[21] In the responses to the targeted survey, a number of users from both the scientific and business communities have emphasized the challenge of dealing with the extensive impact of government bureaucracies and the considerable delays in obtaining prior

41. The following challenges encountered by users in establishing access and benefit-sharing agreements were identified in the scoping study: absence of a clear process and timelines for negotiating and finalizing those agreements; involvement of multiple parties, including government representatives, indigenous peoples and local communities and user institutions, which complicated coordination; differences in expectations between users and providers regarding benefit-sharing terms; and limited availability of standardized tools such as model clauses and sector-specific templates.[22]

42. Parties highlighted the difficulty of securing the different types of expertise required for dealing appropriately with the specificity and technicality of access requests in the relevant national institutions. The absence of a clear decision-making authority on access and benefit-sharing issues sometimes became a challenge and a cause of delays in the granting of prior informed consent and mutually agreed terms.

43. The lack of capacity to negotiate mutually agreed terms, as well as the difficulties associated with procuring the specialized technical expertise needed to determine the monetary value of a genetic resource at the time of access or during the early stages of research, was often highlighted as a challenge for Governments. A limited understanding by Governments and holders of traditional knowledge of the commercial environment, material flows and the complexities of supply chains, value chains and innovation, could complicate negotiations. Such a situation might lead to dissatisfaction and delays in the context of negotiation of fair and equitable monetary benefits.

44. The divide in culture and mindset between government and business representatives could pose significant challenges when mutually agreed terms were being negotiated and lead to differences in expectations. In addition, information asymmetries, together with disparities in legal, technical and negotiation capacity, could create power imbalances, undermine mutual trust and slow the negotiation process. It was pointed out that users perceived benefit sharing as a cost which they sought to avoid or minimize.

(c) Possible ways to enhance implementation measures related to access

45. The following actions and solutions which could facilitate the access and benefit-sharing process and result in enhanced benefit sharing were identified in the first national reports and the scoping study:

(a) Early engagement with users and indigenous peoples and local communities which could help ensure acceptance and the applicability of access requirements;

(b) Provision of transparent national access and benefit-sharing requirements, including clear definitions of what fell within or outside the scope of national ABS measures, which would further facilitate compliance with access requirements. This would help users determine at an early stage whether access and benefit-sharing obligations applied. The aim would be to prevent long preliminary exchanges, save time and reduce the administrative burdens borne by providers and users;

(c) Country guides, step-by-step procedures, simplified templates for applications for access, standardized documentation including application forms, checklists summarizing information needed, template forms for mutually agreed terms, defined parameters for benefit

informed consent, which may take months or even years. Many examples of lengthy processes were provided to illustrate such challenges. The complexity of access and benefit-sharing processes and unpredictable timelines have affected the ability of some institutions to initiate and complete research activities, as the time required to establish mutually agreed terms may be incompatible with project deadlines or funding constraints. Further information in this regard can be found in document CBD/SBI/7/INF/3, sect. 2.1.1. The issue is also addressed below under element B on effectiveness.

[22] Companies require legal certainty and predictability and many of them, according to the results of the targeted survey, stressed that benefit-sharing obligations could not be determined only after commercialization or product development. Companies are generally not willing to invest in research and development without assurance or legal certainty that acceptable terms can be negotiated within a reasonable time frame. Further information in that regard can be found in document CBD/SBI/7/INF/3, sect. 2.2.

sharing, a list of possible monetary and non-monetary benefits and predictable timelines, which would greatly facilitate the process;

(d) User support systems, including online systems for submitting and tracking access and benefit-sharing applications, could help enhance legal certainty for users and contribute to a more predictable environment for investments;

(e) Availability of supportive and responsive national focal points and competent national authorities when access requests were being received and during the negotiation of benefit sharing;

(f) Simplified procedures for non-commercial use, which would facilitate access and enable countries to maintain oversight while avoiding barriers to mutually beneficial scientific activities;

(g) Keeping information on the Access and Benefit-sharing Clearing-House up to date and reliable, which would strengthen credibility at both the national and international levels, enhance trust in the system and make access and benefit-sharing requirements easier for foreign researchers and companies to understand and follow.

46. The Clearing-House can play an important role in facilitating access to standardized information relevant for access to genetic resources and associated traditional knowledge and as the main repository for the sharing of information on implementation of the Protocol and best practices.[23]

47. A number of mechanisms have been suggested in the scoping study for supporting access and benefit-sharing partnerships, including:

(a) Technical or legal advisory services available to users and providers;

(b) A central organized mediator, including for knowledge-sharing between users and providers;

(c) Embedding of access and benefit sharing within broader institutional cooperation frameworks (for example, memorandums of understanding between research organizations, long-term research programmes and regional networks) could transform access and benefit sharing from a transactional process into a foundation for sustained collaboration, trust and mutually beneficial outcomes;

(d) Establishment of matchmaking platforms or hubs that could support public-private partnerships and connect users and providers and could also be used for sharing best practices and supporting research partnerships and joint activities;

(e) Knowledge exchange forum to enable users and providers to share experience, clarify expectations and promote good practices.

4. Measures on fair and equitable benefit-sharing (Article 5)[24]

(a) Progress made in implementation and updated indicator data

48. Indicators on progress in implementing Article 5 of the Protocol reflected positive progress similar to the progress reflected by indicators for access and institutions, which was to be expected inasmuch as all of those areas were closely tied to progress made by Parties in putting the necessary access and benefit-sharing measures in place.

49. Parties reported on their implementation of the obligations set out in Article 5 from different perspectives or in terms of their particular understanding. Some Parties reported on progress made on ensuring benefit sharing from utilization of genetic resources and associated traditional knowledge accessed within their jurisdiction. Other Parties addressed the obligation to ensure benefit-sharing

[23] This aspect is addressed further under element G below on the review of implementation and operation of the Access and Benefit-sharing Clearing-House.

[24] For further information, see document CBD/SBI/7/INF/2, sect. III.A.4.

from the utilization of resources and knowledge accessed outside their country and some reported ensuring benefit-sharing from both their domestic and foreign resources and knowledge.[25]

Table 4
Indicators to measure progress in establishing measures on fair and equitable benefit-sharing

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties with legislative, administrative or policy measures to implement Article 5 (1) (genetic resources)	46 (44 per cent)	81 (57 per cent
Number and percentage of Parties with legislative, administrative or policy measures to implement Article 5 (2) (genetic resources held by indigenous peoples and local communities)	42 (40 per cent)	74 (52 per cent)
Number and percentage of Parties with legislative, administrative or policy measures to implement Article 5 (5) (traditional knowledge associated with genetic resources)	41 (39 per cent)	73 (51 per cent)

(b) Challenges and root causes and possible ways to enhance measures to implement Article 5[26]

50. Parties emphasized that early engagement and consultation with all of the parties involved and the building of capacity for contract negotiation contributed to the fair and equitable sharing of benefits. Inventories and documentation of genetic resources and associated traditional knowledge and studies valorizing those resources and that knowledge were seen as helpful tools in that regard.

5. Measures on compliance with domestic legislation or regulatory requirements on access and benefit sharing (Article 15) and monitoring the utilization of genetic resources (Article 17)[27]

(a) Progress made in implementation and updated indicator data

51. The data for the indicators in table 5 below show significant progress on measures taken by Parties to implement Article 15 and moderate progress on measures to implement Article 17 of the Protocol. While the analysis of the information provided in the report demonstrated an enhanced understanding by Parties of compliance obligations under the Protocol since the first assessment and review process, the progress on providing information collected at checkpoints as checkpoint communiqués has been slight.

52. Despite the progress made, Parties continued to experience challenges in implementing those articles in practice and many still needed to adopt new access and benefit-sharing measures or undertake further work to fully operationalize the compliance provisions.

53. The levels of identified non-compliance with domestic access and benefit-sharing requirements relating to genetic resources remained very low. Only 19 Parties reported having encountered and addressed such cases, 11 Parties responded that they had cooperated with other Parties in specific cases of alleged violation of access and benefit-sharing measures and most Parties reported that there had been no need or occasion to do so. Much of the cooperation reported was initiated pursuant to a checkpoint communiqué issued or received.

54. The number and percentage of Parties that required users of genetic resources to provide the information identified in Article 17 (1) (a) (i), as appropriate, at a designated checkpoint (66 Parties representing 46 per cent of the total number of Parties) had increased. Those data are consistent with the increase in the number of Parties that had designated checkpoints.

[25] Document CBD/SBI/7/INF/2 includes summaries and examples of some of those approaches.
[26] Information related to negotiation of mutually agreed terms is included under section III.A.3 above on measures related to access.
[27] For further information, see documents CBD/SBI/7/INF/2, sect. III.A.5; CBD/SBI/7/INF/3, sect. 2.1.2; and CBD/SBI/7/INF/4.

55. The checkpoints of only 33 Parties (23 per cent), however, had collected or received information from users during the reporting period. Moreover, only 15 Parties (45 per cent) had provided that information to national authorities and to the Party providing prior informed consent through the Access and Benefit-sharing Clearing-House using the checkpoint communiqué. Eleven Parties reported that they had provided information collected or received by checkpoints through other means than the Clearing-House. The reasons for their having done so included issues of confidentiality and the fact that the information received had not been adapted to the format of the checkpoint communiqué.

56. The analysis of information published on the Clearing-House revealed that only five Parties (4 per cent) accounted for approximately 90 per cent of all communiqués published and approximately one third of those communiqués issued were "internal", that is to say, they concerned the utilization of their own genetic resources.

57. Given the current lack of clarity in the checkpoint records on the Clearing-House, it can be difficult to identify where the information for checkpoint communiqués was gathered along the value chain and determine whether the utilization type related to commercial or non-commercial use. However, an examination of the certificates referenced in the communiqués indicated the usage type in 95 per cent of cases as non-commercial, while in the remaining 5 per cent of cases the usage type was either commercial or kept confidential.[28]

58. Parties had adopted a variety of compliance measures and approaches to support user compliance, including through the development of communication tools and systems to monitor utilization.[29] Moreover, users from the business and scientific communities had developed internal processes and adopted a number of procedures and tools to ensure access and benefit sharing compliance.[30]

Table 5
Indicators to measure progress in establishing measures related to Articles 15 and 17 of the Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that have taken appropriate, effective and proportionate legislative, administrative or policy measures to implement Article 15 (1) (genetic resources)	36 (34 per cent)	78 (54 per cent)
Number and percentage of Parties that require users of genetic resources to provide the information identified in Article 17 (1) (a) (i), as appropriate, at a designated checkpoint	41 (39 per cent)	66 (46 per cent)
Number and percentage of Parties that provide the information collected or received at a designated checkpoint to relevant national authorities, to the Party providing prior informed consent and to the Access and Benefit-sharing Clearing-House	9 (9 per cent)	15 (10 per cent)

(b) Challenges, root causes and possible ways to enhance measures related to implementation of Articles 15 and 17 of the Protocol

59. The status of implementation of compliance measures and elements of the monitoring system established by the Nagoya Protocol (certificates, checkpoints and checkpoint communiqués) remains

[28] Analysis of the information contained in the communiqués indicated that 31 per cent referenced a specific certificate and another 55 per cent% provided some evidence of prior informed consent or an access and benefit-sharing permit. About 14 per cent of communiqué records do not refer to any evidence of prior informed consent. For further information and further analysis of the content of the checkpoint communiqués published on the Clearing-House, see document CBD/SBI/7/INF/4, sect. II.A.9.
[29] See documents CBD/SBI/7/INF/2, sect. III.A.5, and CBD/SBI/7/INF/3, sect. 2.1.2, for more information on approaches taken by Parties.
[30] These are further developed under element F below as related to Articles 19 and 20 of the Protocol.

uneven. While a number of developed countries traditionally considered to be "user countries" have adopted compliance measures, others have not and many developing countries perceive themselves primarily as providers and have focused on regulating access to their genetic resource without yet having adopted compliance measures.

60. Some Parties have established checkpoints to monitor the utilization of their own genetic resource but have not adopted measures to ensure that users within their jurisdiction comply with access and benefit-sharing requirements of other countries, in line with their obligations under the Protocol. While other Parties have adopted compliance measures, they have reported challenges with regard to the implementation and enforcement of these measures.

61. The data provided in the previous section demonstrate that 90 per cent of all checkpoint communiqué records were published by five Parties and that approximately one third of all communiqués were internal and therefore did not contribute to the monitoring of the utilization of genetic resources across borders or at the international level. This points to a major gap in the system for monitoring the utilization of genetic resources at the international level and indicates that for different reasons the checkpoints designated by 65 Parties may not be fulfilling the role assigned them under Article 17 of the Protocol.

62. Taken together, these points demonstrate that the international monitoring system as envisaged by the Nagoya Protocol is not yet applied generally. As a result, concerns continue about the misappropriation and misuse of genetic resources once they leave the country and Parties are still adopting defensive measures to regulate access to their genetic resources and wish to take measures to monitor the use of those genetic resources.

63. As was consistently highlighted in the first national reports, responses to the targeted surveys and documents relevant for the Access and Benefit-sharing Clearing-House, Parties needed support in relation to the implementation of Article 17 of the Protocol. This would include support related to the designation and operationalization of checkpoints and an understanding of the system of the Protocol for monitoring utilization and in particular an understanding of the role and function of the checkpoint and the checkpoint communiqués within that system.

64. Challenges to Parties mentioned with regard to implementation of Article 15 of the Protocol included: identifying users of genetic resources within their jurisdiction; monitoring compliance of users within their jurisdiction accessing genetic resources or associated traditional knowledge from other countries; limited awareness of users of access and benefit-sharing issues; and the diversity of national access and benefit-sharing legal requirements in provider countries. Moreover, competing national priorities, the limited visibility of benefits and high staff turnover are common challenges for countries implementing compliance measures.

65. Digital systems, tools and databases can contribute to improving communication, reducing administrative burdens and enhancing transparency and efficiencies. Online systems collecting information from checkpoints that are connected to the Clearing-House, so that checkpoint communiqués can be published automatically, could facilitate the monitoring process and operationalization of checkpoints. It was noted, however, that financing of digital tools often relies on short-term projects and that such tools require continuous maintenance and further development, which poses a significant challenge for countries with limited financial and human resources or with less developed technical capacities. For those types of initiatives, projects should include plans for their long-term sustainability.

66. To ensure compliance with access and benefit-sharing measures, further efforts are needed to raise awareness among users in the scientific and business community, including across the access and benefit-sharing value chain.

67. Suggested actions that should be encouraged with respect to supporting users' access and benefit-sharing compliance included: institutional support and capacity-building; improved international coordination and interoperability between national systems, including clearer links

between checkpoints in the user country and competent authorities in provider countries; exchange of knowledge and experiences, promoting best practices and facilitating communication with competent national authorities through new mechanisms or additional tools, such as a knowledge-sharing platform; and a more structured collaboration between national focal points and/or competent national authorities from provider and user countries.[31]

68. Lessons learned by those countries that were most advanced in implementing compliance measures would be useful in the context of supporting developments in other countries.

6. Measures addressing special considerations (Article 8)[32]

(a) Progress made in implementation and updated indicator data

69. Because of the overall progress made in adopting and implementing access and benefit-sharing measures, there has been significant progress in implementing the provisions of Article 8 of the Protocol, as shown by the indicators in table 6 below. Parties have adopted different approaches in that regard.[33] Most progress was made with respect to considerations related to research on and non-commercial access to genetic resources for food and agriculture and moderate progress with respect to considerations related to imminent emergencies that threatened human, animal or plant health.

70. Measures addressing special considerations are also related to mutually supportive implementation of the Protocol with other international instruments relevant to the Protocol in accordance with its Article 4, which requires coordination among different administrations and instruments.[34]

Table 6
Indicators to measure progress in establishing measures addressing Article 8 considerations

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity as provided in Article 8 (a)	48 (46 per cent)	81 (57 per cent)
Number and percentage of Parties that paid due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health as provided in Article 8 (b)	39 (37 per cent)	81 (57 per cent)
Number and percentage of Parties that have taken into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources as provided in Article 8 (b)	26 (25 per cent)	42 (30 per cent)
Number and percentage of Parties that have taken into consideration the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8 (c)	48 (46 per cent)	85 (60 per cent)

(b) Challenges, root causes and possible ways to enhance measures related to special considerations under Article 8 of the Protocol

71. Some of the challenges mentioned in section III.A.3 above on measures on access to genetic resources are also relevant to implementing special considerations under Article 8 of the Protocol.

[31] For further information, see document CBD/SBI/7/INF/3, sect. 2.1.2.
[32] For further information, see document CBD/SBI/7/INF/2, sect. III.A.5; and CBD/SBI/7/INF/3, sect. 2.1.1. Special considerations are also addressed below under element B on effectiveness.
[33] Examples of those approaches can be found in document CBD/SBI/7/INF/2, sect. III.A.5.
[34] That issue is addressed below under section III.A.10 on Article 4 of the Protocol.

72. The scoping study included information on concerns of users on that matter.[35] Users from the scientific community expressed concern regarding the limited application of simplified measures on access for non-commercial research purposes in accordance with Article 8 (a) of the Protocol.

73. Such reluctance could be explained by providers' continued concern that material accessed for non-commercial research purposes might eventually be used by third parties for commercial purposes. Providers may not trust that the user will return when there is a change of intent or that terms regarding transfer to third parties will be respected

74. As indicated in the targeted surveys, the pharmaceutical industry had expressed concern over failures to implement Article 8 (b) of the Protocol.

75. Mutually supportive implementation of relevant international access and benefit-sharing instruments was identified as an area where Parties could receive further support, including through the establishment of mechanisms for intersectoral coordination and enhancement of clarity on the scope and relationship of different access and benefit-sharing regimes.

76. Given that most of the permits reported and certificates issued were provided for non-commercial purposes, further work could be carried out to address that matter in the context of Article 8 (a) of the Protocol.

77. Development of templates, guidance and standard contractual clauses and enabling exchanges of experiences and approaches could assist Parties in implementing Article 8. Such assistance could include best practices for addressing situations where there was a change of intent in the utilization of the genetic resource accessed.

7. Measures related to indigenous peoples and local communities (Article 6, 7 and 12)[36]

(a) Progress made in implementation and updated indicator data

78. A total of 69 Parties reported that they had indigenous peoples and local communities residing in their country. As the indicators below demonstrate, highly significant progress had been made by those 69 Parties in requiring the prior informed consent of indigenous peoples and local communities regarding access to their genetic resources when they had established rights over those resources and associated traditional knowledge.

79. This indicator has shown very significant progress since 2018. However, while, generally, the requirement for the prior informed consent of indigenous peoples and local communities was included in access and benefit-sharing measures, many Parties had not fully operationalized the implementation of the prior informed consent requirement.

80. With respect to indigenous peoples and local communities, Parties had adopted different measures and approaches.[37] While some Parties were at preliminary stages of implementation and focused on raising awareness of the value of genetic resources and associated traditional knowledge and the importance of access and benefit sharing , other Parties that were more advanced with respect to implementation had included indigenous peoples and local communities in the development and implementation of national access and benefit-sharing measures.

81. According to the information, there seems to be a general lack of practical experience in implementation with respect to Articles 6, 7 and 12 of the Protocol and some Parties pointed out that they had not received any requests for access to resources or knowledge of indigenous peoples and local communities. For instance, only 13 certificates out of the 6,269 certificates on the Access and Benefit-sharing Clearing-House had been issued for access to traditional knowledge. In some

[35] For further information, see document CBD/SBI/7/INF/3, sect. 2.1.1.
[36] For further information, see documents CBD/SBI/7/INF/2, sect. III.A.7; and CBD/SBI/7/INF/3, sect. 2.4.
[37] Examples of those approaches can be found in document CBD/SBI/7/INF/2, sect. III.A.7.

countries, however, indigenous peoples and local communities had been involved in the negotiation and establishment of mutually agreed terms and the receiving of benefits.[38]

Table 7
Indicators to measure progress in establishing measures related to indigenous peoples and local communities

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties with indigenous peoples and local communities in their country[a]	New	69 (48 per cent)
Number and percentage of Parties where indigenous peoples and local communities have the established rights to grant access to genetic resources[b] with measures in place with the aim of ensuring the prior informed consent or approval and involvement of indigenous peoples and local communities as provided in Article 6 (2)	23 (47 per cent)	47 (87 per cent)
Number and percentage of Parties[c] with indigenous peoples and local communities in their country that have taken measures with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous peoples and local communities have been accessed with the prior informed consent or approval and involvement of these indigenous peoples and local communities and that mutually agreed terms have been established as provided in Article 7	21 (43 per cent)	56 (81 per cent)

[a] A new indicator, which is based on responses to question 34 of the first national report format, has been added to provide context for the other indicators.
[b] Percentage for this indicator have been calculated based on the number of Parties where indigenous peoples and local communities have the established right to grant access to genetic resources.
[c] Percentages are calculated based on the number of Parties that have indigenous peoples and local communities in their country.

(b) Challenges in implementation and root causes

82. Challenges identified by Governments in relation to the involvement of indigenous peoples and local communities in national access and benefit-sharing implementation include:

(a) Clarifying what the term “indigenous peoples and local communities” meant in the national context, including provision of clarity on the ownership of indigenous peoples and local communities over genetic resources and/or traditional knowledge associated with genetic resources;

(b) Lack of awareness of the concept of access and benefit-sharing by indigenous peoples and local communities and the relevance of that concept to them;

(c) Lack of mechanisms for appropriate coordination with regard to implementing the provisions of the Protocol related to indigenous peoples and local communities;

(d) Identifying the different groups of indigenous peoples and local communities, understanding how they are organized and developing the ability to link traditional knowledge with the holder/s of such knowledge;

(e) Insufficiency of financial resources for building capacity, raising awareness and ensuring effective participation of indigenous peoples and local communities in access and benefit

[38] Ten Parties, representing 14 per cent of Parties with indigenous peoples and local communities in their country reported that they had received monetary benefits from granting access to traditional knowledge associated with genetic resources since the entry into force of the Protocol. Twenty-seven Parties (39 per cent) reported receiving non-monetary benefits from granting access to traditional knowledge associated with genetic resources.

sharing processes, particularly in the context of tailoring implementation to the cultural and linguistic realities of the communities concerned;

(f) Fear of biopiracy or misappropriation, lack of trust or historic conflicts, which can be among the root causes of the lack of the participation of indigenous peoples and local communities in access and benefit-sharing processes.

83. According to the results of the targeted survey, many users had not attained access to traditional knowledge owing to potential challenges. Specific challenges encountered by users included a limited understanding of commercial operations, including how markets and value chains functioned, by many indigenous peoples and local communities, combined with information asymmetries and unrealistic expectations regarding potential benefits which could create misunderstandings and hinder the development of mutually agreed terms; and communication barriers due to language-related and/or cultural issues.

84. From the perspective of indigenous peoples and local communities, challenges related to national implementation of access and benefit-sharing included: lack of national authorities' political will to address issues related to access to associated traditional knowledge and genetic resources found on their territories, as they often related to broader unresolved issues associated with land rights; limited technical and financial capacity which impacted their engagement as well as the development and use of community protocols; and limited recognition of customary governance systems by national Governments.

(c) Possible ways to enhance measures related to indigenous peoples and local communities

85. The development of community protocols,[39] including their official recognition by national authorities, as well as awareness-raising and capacity-building activities, was recognized as having a key role to play in further supporting the involvement of indigenous peoples and local communities in implementation of access and benefit sharing.

86. Much of the work undertaken to support the development and implementation of community protocols seemed to have been carried out through capacity-building projects and initiatives, as that work required additional financial and technical capacities. Without those additional resources, advancement on that issue was very difficult for many Parties.

87. Awareness-raising and capacity-building activities contributed to the involvement of indigenous peoples and local communities in the development and implementation of access and benefit sharing, including by enhancing communities' understanding of their rights, empowering communities to actively participate in access and benefit-sharing negotiations and building trust among government authorities, local authorities and other stakeholders.

88. In the targeted surveys conducted in the context of the scoping study, possible ways to enhance measures related to indigenous peoples and local communities were identified. In particular:

(a) From a government perspective, the establishment of a national access and benefit-sharing committee including government ministries and indigenous peoples and local communities, as well as representatives of the scientific and business communities, was described as one of the most significant approaches to the involvement of indigenous peoples and local communities;

(b) From the perspective of some users, competent national authorities could play a useful role in identifying which indigenous peoples and local communities should be involved in specific research projects and facilitating communication between users and representatives of indigenous peoples and local communities. In some countries, the competent national authorities had effectively acted as intermediaries in that regard;

[39] Community protocols and procedures of indigenous peoples and local communities are addressed below in section III.F.1 under element F.

(c) A number of suggestions were made related to increasing the recognition of the value of genetic resources and associated traditional knowledge held by indigenous peoples and local communities when they were used as part of a value chain;

(d) From the perspective of representatives of indigenous peoples and local communities, it was key to facilitate the inclusive participation of indigenous peoples and local communities in decision-making related to access and benefit-sharing, the establishment of community-controlled funds and the sharing of success stories illustrating positive case studies of access and benefit-sharing implementation to motivate emulation of others.

8. Transboundary cooperation (Article 11)[40]

(a) Progress made in implementation

89. Ninety-six Parties (68 per cent) responded that they had endeavoured to cooperate, with the involvement of the indigenous peoples and local communities concerned, where applicable, in instances where the same genetic resources were found in situ within the territory of more than one and where the same traditional knowledge associated with genetic resources was shared by one or more indigenous peoples and local communities in several Parties.

90. Transboundary cooperation under Article 11 of the Nagoya Protocol remained limited in practice despite broad recognition of its relevance, willingness to cooperate among Parties and the existence of enabling legal and policy frameworks.

91. Where cooperation did occur, it tended to rely on informal, regional or ecosystem-based arrangements, with existing conservation and community frameworks serving as the primary vehicles in the absence of concrete cases specific to access and benefit sharing-.

(b) Challenges, root causes and possible ways to enhance measures related to transboundary cooperation

92. Limited implementation was driven largely by contextual and structural factors, including the absence of triggering cases, geographical and ecological realities and, in some jurisdictions, the absence or non-recognition of indigenous peoples and local communities in the context of issues related to associated traditional knowledge or genetic resources held by indigenous peoples and local communities, when applicable.

93. Regional or subregional capacity-building projects and enhancement of regional or subregional relevant institutions could assist in fostering more coordinated approaches to implementation and addressing transboundary issues.

9. Awareness-raising (Article 21)[41]

(a) Progress made in implementation

94. The information provided demonstrated that most of the Parties (94) had taken measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues.[42] Those efforts were largely activity-based, with 40 of those Parties reported having adopted some form of awareness-raising strategy for access and benefit-sharing. The extent and consistency of implementation of awareness-raising activities and strategies were uncertain and uneven among Parties, as implementation was closely linked to available resources and capacities.

[40] For further information, see document CBD/SBI/7/INF/2, section III.A.8.
[41] For further information, see documents CBD/SBI/7/INF/2, sect. III.A.9; and CBD/SBI/7/INF/3.
[42] Examples of activities carried out and approaches taken by Parties to awareness-raising can be found in document CBD/SBI/7/INF/2, sect. III.A.9.

(b) Challenges, root causes and possible ways to enhance measures related to awareness-raising

95. Some Parties stressed that activities were sporadic, insufficiently systematic or concentrated around specific moments such as the ratification of the Protocol or the preparation of national reports. Other Parties cited inadequate financial and technical resources as a constraint.

96. Conclusions and recommendations derived from the scoping study included the need to change the narrative and mainstream access and benefit sharing.[43] The topic of access and benefit sharing was still often considered a stand-alone issue. There was a need to change the narrative so that it was perceived no longer as a regulatory burden but rather as a strategic mechanism for valorizing biodiversity, supporting its conservation and sustainable use and generating opportunities for sustainable development.

97. As suggested by the scoping study, various approaches could be developed for that purpose, including: showcasing success stories of countries that had mainstreamed access and benefit sharing into broader policy goals, promoted the development of research capacity and demonstrated the economic potential of fair and transparent benefit sharing; access and benefit-sharing communication campaigns targeted towards users; and presentation of awards underlining achievements by countries, communities or stakeholders.

98. Many Parties emphasized that raising awareness of the Nagoya Protocol and access and benefit sharing across different stakeholder groups, including indigenous peoples and local communities and users of genetic resources, and governance levels was a necessary precondition for effective implementation of the Protocol. Further progress in implementing the Protocol might require a renewed emphasis on more systematic, sustained and strategically anchored awareness-raising efforts, extending beyond one-off activities.

99. Strengthening awareness-raising efforts at international, regional and national levels could help address some of the root causes of the challenges to effective implementation that had been identified. In that regard, the awareness-raising strategy for the Nagoya Protocol (decision NP-1/9, annex); 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 (decision NP-5/3); and the communication, education and public awareness tool kit, including considerations for access and benefit-sharing,[44] could assist Parties and relevant actors and organizations in advancing their efforts.

10. Measures related to other international instruments (Article 4)[45]

(a) Progress made in implementation

100. A total of 71 Parties (54 per cent) responded that they were a Party to a specialized international access and benefit-sharing instrument and 66 responded that they had adopted measures to implement the specialized international instrument. Those instruments included the International Treaty on Plant Genetic Resources for Food and Agriculture, the World Health Organization (WHO) Pandemic Influenza Preparedness Framework for the sharing of influenza viruses and access to vaccines and other benefits and the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction.

101. Parties reported on ongoing work related to the pathogen access and benefit-sharing system under the WHO Pandemic Agreement.

[43] For further information, see document CBD/SBI/7/INF/3, sect. 4.2.

[44] The communication, education and public awareness tool kit, including considerations for access and benefit- sharing (Montreal, Canada, Secretariat of the Convention on Biological Diversity, 2018), is available at www.cbd.int/abs/doc/cepa-toolkit-en.pdf.

[45] For further information. see document CBD/SBI/7/INF/2, sect. III.A.10.

102. The analysis indicated that Parties generally understood the relationship between the Nagoya Protocol and specialized international instruments as one based on a division of scope and complementarity rather than overlap or substitution. Specialized instruments were typically viewed as governing clearly defined categories of genetic resources or specific contexts, while the Nagoya Protocol continued to provide the overarching framework for access and benefit sharing in all other cases within national jurisdiction. That functional understanding supported implementation in many Parties, particularly where the scope of instruments was clearly articulated in national legal and institutional arrangements.

(b) Challenges, root causes and possible ways to enhance measures related to other international instruments

103. The analysis highlighted that effective and mutually supportive implementation depended not only on formal participation in specialized instruments but also on the existence of strong enabling conditions at the national, regional and international levels. Mutually supportive implementation among access and benefit-sharing instruments could be further reinforced, as insufficient institutional coordination and fragmented mandates or lack of awareness and legal clarity were still important constraints for some Parties.

104. Where coordination mechanisms, clearly designated focal points, harmonized policies and sustained capacity-building efforts were in place, Parties were better able to operationalize coherence between specialized instruments and the Nagoya Protocol.

B. Assessment of effectiveness[46]

1. Progress made and updated indicator data

105. As demonstrated by indicators in table 8, good progress had been made since the reference point that established baselines in 2018 in establishing measures and creating some of the conditions for access necessary to operationalize the Protocol. That included progress in providing for the issuance of permits or their equivalent, issuing internationally recognized certificates of compliance and implementing the special considerations included in Article 8 of the Protocol.

106. Despite that progress, a number of conditions must be met before Parties and indigenous peoples and local communities can receive benefits. First, access and benefit-sharing measures and the associated institutional structures need to be established and fully operational. Users must apply for access and obtain prior informed consent, mutually agreed terms must be concluded and permits or their equivalent must be issued.

107. Depending on the benefit-sharing terms agreed, completion of the process extending from access to genetic resources to their utilization and potential benefit-sharing may take many years or even decades, particularly with respect to commercial use. Compliance provisions and systems to monitor the utilization of genetic resources and related benefit sharing would help ensure that benefits were shared once the genetic resource left the provider country.

108. While the impact of the Nagoya Protocol depends in part on the stage of implementation reached by Parties, effective fair and equitable benefit sharing requires all Parties, indigenous peoples and local communities, and business and scientific communities to fully engage in access and benefit-sharing processes.

109. While many Parties have made progress in taking some of those initial steps, there are Parties whose progress has not yet been translated into benefit-sharing outcomes.

110. Permits or their equivalent and certificates issued could serve as an indication of or proxy for impact in terms of benefit-sharing under the Nagoya Protocol, as it might be understood that issuance of all permits and certificates could eventually result in the sharing of monetary or non-monetary benefits. Sixty-four Parties (45 per cent) reported having issued permits or their equivalents. About

[46] For further information, see documents CBD/SBI/7/INF/2, sect. III.B; and CBD/SBI/7/INF/3, in particular sects. 3 and 4.

half of those Parties had published information on those permits on the Access and Benefit-sharing Clearing-House and 34 Parties had published a total of 6,269 certificates. Most of the certificates (83 per cent) were published by five Parties.[47]

111. The indicator data provided in table 8 show that monetary benefits arising from access to genetic resources for their utilization are reported as accruing in substantial amounts to a relatively limited number of Parties. Benefits generated from access to traditional knowledge constitute a comparatively small share of the total benefits, in terms of both the amounts reported and the number of Parties receiving them.

112. It is estimated that approximately $53 million had been received as benefits from access to genetic resources and associated traditional knowledge since the entry into force of the Protocol.[48] It can be inferred that benefits from access to traditional knowledge accounted for a small percentage of the total amount.[49]

113. Of the reported benefits received ($53 million), 82 per cent went to three Parties reporting the highest values, namely, India ($34,600,000), Costa Rica ($5,322,750) and South Africa ($4,621,072), while 10 Parties reported comparatively small amounts received, with each amount below $100,000. This illustrates that access and benefit sharing has potential when fully operationalized and experience has been gained in implementation. As Parties advance in implementation, benefit sharing will be more widespread and contribute to the conservation and sustainable use of biological diversity.

114. Based on examination of the certificates published on the Clearing-House, it can be noted that, while 23 Parties had published certificates for commercial purposes, most of the certificates had been published by a small number of countries.[50] Analysis of the information provided on the commercial certificates involving a foreign user showed that 75 per cent of users came from the Western European and other States regional group.[51]

115. Given that most of the access and benefit-sharing permits are granted for non-commercial research, non-monetary benefits are more commonly reported by Parties.[52] Non-monetary benefits are valued based on their contribution to local capacities and conservation and sustainable use.

116. Africa was the leading region respect to the number of countries reporting the receipt of benefits (either monetary or non-monetary), followed by the Asia-Pacific States regional group. Access fees and upfront payments were the most common forms of monetary benefits shared, while the sharing of information and research results was the most common type of non-monetary benefit sharing.

117. Further analysis of the information indicated that approximately 58 per cent of all published certificates had been granted to domestic users[53] by two Parties (internal certificates). In about 28 per cent of cases, the entity granted prior informed consent was from a country that differed from the

[47] Five Parties accounted for 8 per cent of all certificates published, with one Party alone accounting for 57 per cent of the total.
[48] Twenty-three Parties provided numerical information on benefits generated from access to genetic resources and associated traditional knowledge and often presented aggregated figures covering both categories.
[49] For example, taking into account the certificates issued showed that only 13 out of 6,269 certificates (0,2 per cent) had been granted for access to associated traditional knowledge.
[50] One Party accounted for 85 per cent of the commercial certificates and four other Parties accounted for a combined 6 per cent of the commercial certificates.
[51] The following information was based on the contact details for the entity or entities granted prior informed consent on the certificates when not confidential: fifteen per cent of users came from Asia-Pacific States, 4 per cent came from Eastern European States, 4 per cent came from Latin American and Caribbean States and 2 per cent came from African States. Further information in that regard can be found in document CBD/SBI/7/INF/4.
[52] Eighty per cent of Parties (59) requiring prior informed consent for access to genetic resources reported having received non-monetary benefits arising from the granting of access to genetic resources for their utilization. In addition, 39 per cent of Parties (27) with indigenous peoples and local communities in their territory reported having received non-monetary benefits from granting access to traditional knowledge associated with genetic resources.
[53] Those had been published by the two Parties.

country issuing the permit or the equivalent (external certificates). That provided an indication of the types of users sharing those benefits.[54]

118. Parties provided specific examples of how benefit sharing and implementation of the Protocol had contributed to local economies and conservation and sustainable use of biodiversity. Some of those benefits were reported by Parties that were still in the process of developing measures operationalizing their legal and institutional frameworks. Parties indicated that implementation of the Protocol had led, for example, to:

(a) Raising awareness of the value of genetic resources and associated traditional knowledge;

(b) Sustainable management of resources relevant for access and benefit-sharing value chains and development of products, including through the development of nurseries, sustainable harvesting and post-harvest processing;

(c) Local employment;

(d) More systematic documentation of genetic diversity and best practices in collection and utilization of genetic resources;

(e) Greater openness and cooperativeness of researchers in sharing the results of their studies and a greater degree of encouragement with respect to aligning their activities with conservation-related objectives;

(f) Enhanced capacity-building, information exchange, technology transfer and co-authorship arrangements, which significantly enhanced national research capacity;

(g) Enhanced participation of indigenous peoples and local communities in biodiversity governance and strengthened ownership and sustainability of efforts;

(h) Enjoyment of non-monetary benefits by local universities, research centres, gene banks, public institutions, students and local laboratories.

Table 8
Indicators to measures progress on effectiveness of implementation of the Nagoya Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage[a] of Parties requiring prior informed consent for access to genetic resources that provide information on how to apply for prior informed consent as provided in Article 6 (3) (c)	27 (7 per cent)	68 (91 per cent)
Number and percentage[a] of Parties requiring prior informed consent providing for the issuance at the time of access of a permit or its equivalent as provided in Article 6 (3) (e)	32 (86 per cent)	69 (93 per cent)
Number and percentage of Parties that have published internationally recognized certificates of compliance in the Access and Benefit-sharing Clearing-House	12 (11 per cent)	34 (24 per cent)
Number and percentage of Parties that created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity as provided in Article 8 (a)	48 (46 per cent)	81 (57 per cent\)
Number and percentage of Parties that paid due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health as provided in Article 8 (b)	39 (37 per cent)	81 (57 per cent)

[54] In the remaining 14 per cent of cases, the identity of the entity granted prior informed consent was kept confidential and therefore could not be classified as either internal or external. Further information on the results of the analysis of the certificates can be found in document CBD/SBI/7/INF/4.

Number and percentage of Parties that have taken into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources as provided in Article 8 (b)	26 (25 per cent)	42 (30 per cent)
Number and percentage of Parties that have taken into consideration the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8 (c)	48 (46 per cent)	85 (60 per cent)
Number and percentage[a] of Parties requiring prior informed consent for access to genetic resources for their utilization which received monetary benefits from granting access to genetic resources since entry into force of the Protocol	Not conclusive data	28 (37 per cent)
Amount of monetary benefits (in United States dollars) received from granting access to genetic resources for their utilization since entry into force of the Protocol	Not conclusive data	$53 million[b]
Number and percentagea of Parties requiring prior informed consent for access to genetic resources that received non-monetary benefits from granting access to genetic resources since entry into force of the Protocol	Not conclusive data	59 (80 per cent)
Number and percentage[c] of Parties with indigenous peoples and local communities in their country that received monetary benefits from granting access to traditional knowledge associated with genetic resources since entry into force of the Protocol	Not conclusive data	10 (14 per cent)
Amount of monetary benefits (in United States dollars) received from granting access to traditional knowledge associated with genetic resources for its utilization since entry into force of the Protocol	Not conclusive data	$53 million[b]
Number and percentage[c] of Parties with indigenous peoples and local communities in their country that received non-monetary benefits from granting access to traditional knowledge associated with genetic resources	Not conclusive data	27 (39 per cent)
Number and percentage of Parties that reported that implementation of the Nagoya Protocol has contributed to conservation and sustainable use of biodiversity in their country	Not conclusive data	73 (51 per cent)

[a] Percentage in this indicator has been calculated based on the total number of Parties requiring prior informed consent for access to genetic resources (74).

[b] This amount includes benefits shared from access to both genetic resources and associated traditional knowledge. As the information on monetary benefits received reported by Parties in their first national reports on the Nagoya Protocol and their seventh national reports on the Convention could be interpreted in different ways, this figure is based on the average of the minimum and maximum values that resulted from applying different interpretations. Percentage is calculated based on the total number of Parties requiring prior informed consent for access to genetic resources (74).

[c] Percentage is calculated from the total number of Parties with indigenous peoples and local communities in their country (69).

2. Challenges in implementation

119. Benefits from the utilization of genetic resources and associated traditional knowledge can be realized only when all Parties fulfil their access, benefit-sharing and compliance obligations under the Protocol and indigenous peoples and local communities and users of genetic resources and associated traditional knowledge are fully engaged. Nonetheless, all of these actors have different limitations and different levels of capacity to engage in access and benefit-sharing processes.

120. The recognition of access and benefit-sharing principles and valorization of genetic resources and associated traditional knowledge require fundamental changes in mindset and practices by both providers and users. Those changes can occur only incrementally over time and once the enabling conditions are in place, including sustained political commitment and implementation and appropriate incentives, accompanied by long-term structural support.

121. Although there has been much progress in implementation thanks to capacity-building efforts and financial resources, much work is still needed to achieve a fully functional international system of access and benefit sharing, with an expanded number of Parties and indigenous peoples and local communities receiving benefits and greater contributions to conservation and sustainable use of biodiversity.[55]

122. Some mandatory national information has not been made available on the Clearing-House, requirements for legal clarity and certainty of national access and benefit-sharing measures have not been met by many Parties and users often report on the difficulties that they experienced when trying to understand access and benefit-sharing national requirements and comply with them.

123. With the growing number of Parties to the Nagoya Protocol, the diversity of national approaches to access and benefit-sharing requirements and procedures has become a key challenge for users. In particular, the scope of application of national access and benefit-sharing requirements can vary significantly from country to country and the steps to be followed to obtain access to genetic resources, acquire prior informed consent or a permit, negotiate mutually agreed terms and share benefits obtained in accordance with national access and benefit-sharing measures are not always easy to understand. This has created operational complexity and increased transaction costs for users from both the scientific and the business communities.

124. Moreover, implementation of compliance measures and elements of the monitoring system established under the Nagoya Protocol (for example, certificates, checkpoints and checkpoint communiqués) remains uneven and limited in practice. As a result, the international monitoring system as envisaged by the Nagoya Protocol has not yet been universally applied and a number of Parties continue to be concerned about the misappropriation and misuse of their genetic resources once the resources leave their country.[56]

125. Challenges encountered by Governments have delayed national implementation and may in turn have contributed to the challenges faced by users. The challenges encountered by Governments include: limited financial resources or budgetary constraints; limited human resources and technical expertise at the government level; limited understanding of the value of genetic resources and/or associated traditional knowledge; and limited awareness of the concept of access and benefit sharing by indigenous peoples and local communities and stakeholders, such as the business and scientific communities, as well as lack of political will and political instability.

126. The absence of basic enabling conditions (related, for example, to equipment, electricity, information technology infrastructure) in many developing countries remains a significant obstacle to implementation.

127. Political will at the national level determines what issues are prioritized in the context of competing demands for limited resources, and access and benefit-sharing is still often perceived as a regulatory burden and a cost to be avoided or minimized rather than as offering an opportunity for sustainable development.

128. The considerable investment in resources required to set up access and benefit-sharing legal and institutional frameworks which will generate benefits only over time, owing to the long time interval between access and benefit-sharing, is another root cause of challenges to implementation. The contribution of the implementation of access and benefit-sharing i to the enhanced governance of genetic resources, including the empowerment of indigenous peoples and local communities, has been given little consideration.

129. Many Parties indicated that they had not been able to report on benefits received, citing the absence of systems to account for or track such benefits. That challenge was widely recognized as significant, as it also pointed to limitations in the ability to monitor benefit-sharing outcomes and the

[55] See element C below on assessment of support available for implementation.

[56] See section III.A.5 above for more information on progress, challenges and possibles ways to support implementation of Articles 15 and 17 of the Protocol.

implementation of mutually agreed terms and access and benefit-sharing agreements. In some cases, other Parties reported that, while they had the required information, it was considered confidential and therefore was not shared.

3. Root causes of challenges to effective implementation[57]

130. The scoping study identified possible reasons for and underlying root causes of challenges to effective implementation. Those factors cut across many of the challenges encountered in the implementation of the Nagoya Protocol and root causes and challenges were often interrelated. Broader contextual issues and issues related to the Nagoya Protocol were involved, specifically:

(a) *Sovereign rights of States over their natural resources*. The recognition of the sovereign rights of States over their natural resources and the principles of access and benefit sharing established in Article 15 of the Convention represented an important paradigm shift and involved a major change in mindsets and practices with respect to how genetic resources and associated traditional knowledge were governed and how research related to those resources or their commercial utilization was undertaken;

(b) *Different world views*. Access and benefit sharing attempts to reconcile different worldviews, cultures and mindsets in bringing together Governments, indigenous peoples and local communities and stakeholders from the business and scientific communities within and across countries;

(c) *Historical inequities*. Challenges with respect to implementation of access and benefit-sharing may be the result of broader unresolved issues linked to historical inequities, such as past experiences of resource exploitation or limited recognition of traditional knowledge;

(d) *Lack of mutual trust*. Historical inequities continue to contribute to mistrust between users from the North and providers traditionally from the global South. The fear of misappropriation and misuse of genetic resources once they leave the provider country continues to encourage the development of restrictive access and benefit-sharing measures in many provider countries, despite the international monitoring system established by the Nagoya Protocol;

(e) *Limited recognition of the value of genetic resources and associated traditional knowledge*. The limited recognition of the value of genetic resources and associated traditional knowledge continues to be a reality in many countries and affects political will;

(f) *Political commitment and will*. Owing to competing demands for financial, technical and human resources at national level, the absence of political will directly affects progress on implementation of access and benefit sharing;

(g) *Complexity of access and benefit sharing*. The inherent complexity of access and benefit sharing, at the intersection of biodiversity conservation, research and commercial use and involving legal, scientific, business and ethical considerations, contributes to implementation challenges;

(h) *Limited integration of access and benefit-sharing as part of broader policy goals*. Access and benefit sharing has generally not been recognized as a vehicle for achieving broader policy goals (for example, development, research and innovation and bioeconomy). It has not been sufficiently integrated or mainstreamed into broader policy issues and continues to be considered a technical issue under the main responsibility of environment ministries;

(i) *The evolution of biotechnology*. Technological and scientific advances over the past 30 years following the adoption of the Convention on Biological Diversity have had a huge impact on the way in which research and development on genetic resources is carried out. In the light of those continued developments and the increasing use of digital sequence information in research and development activities, some have questioned the relevance of the Nagoya Protocol and the ongoing need for physical access to genetic resources. As the focus of international policy discussions has

[57] For further information, see CBD/SBI/7/INF/3, sect. 3.

moved to the multilateral mechanism on digital sequence information on genetic resources and the Cali Fund, there may be less of an appetite of some to devote efforts towards Nagoya Protocol implementation.

131. Important actors involved in the utilization of genetic resources and associated traditional knowledge are not parties to the Protocol, in particular the United States of America, which is not a party to the Convention on Biological Diversity, as well as some Parties to the Convention that have national access and benefit-sharing frameworks in place but have not yet ratified the Nagoya Protocol (for example, Australia and Colombia) and hence are not required to implement the obligations set out in the Protocol.

132. The Nagoya Protocol was adopted as a compromise package in the final hours of the tenth meeting of the Conference of the Parties to the Convention. While the creative ambiguity of some of its provisions provided the flexibility required for the Protocol to be adopted, that ambiguity has also contributed to challenges in implementation.

4. Possible ways to enhance the effectiveness in implementation of the Nagoya Protocol

133. The scoping study identifies a number of means to enhance implementation.[58] Some of them relate to different elements of assessment and review and are further developed under the relevant section of the present document but, in sum, recommendations of the study include work on the following approaches:

(a) Change the narrative;

(b) Mainstream access and benefit sharing;

(c) Exchange of experiences and lessons learned;

(d) Standardization;

(e) Addressing outstanding policy issues;

(f) Intermediaries/matchmaking platforms to connect users and providers;

(g) Access and Benefit-sharing Clearing-House as a central tool for the exchange of information on access and benefit sharing;

(h) Capacity-building, financial resources and resource mobilization.

134. Efforts are needed to further integrate and mainstream access and benefit sharing not only into broader policy goals at the national level (for example, the bioeconomy, research and innovation, and sustainable development) but also into sustainability strategies of users (for example, companies that commercialize products based on genetic resources). While the recognition of the value of genetic resources and associated traditional knowledge through a national policy or strategy or its inclusion as part of broader policies, as demonstrated in a number of countries, can provide impetus to access and benefit-sharing implementation, that effort requires political will.

135. As regards standardization, an important challenge for users that seek access to genetic resources for their utilization is the diversity of national access and benefit-sharing measures adopted by countries to regulate access to their genetic resources and the lack of clarity with respect to procedures to be followed. Although full harmonization of national access and benefit-sharing frameworks is unlikely given the nature of progress with respect to implementation, efforts could focus on greater standardization and regionally coordinated approaches to enhance coherence and improve the overall functionality of the international access and benefit-sharing system.

136. For that purpose, a number of templates and/or models could be developed and adapted by countries to meet their national circumstances. These could include templates for the description of national access and benefit-sharing procedures; standardized approaches for simplified access for

[58] For further information, see CBD/SBI/7/INF/3, sect. 4.

non-commercial research; templates for mutually agreed terms for commercial contracts (for example, for different sectors); and a modular framework for electronic permitting systems.

137. With regard to addressing policy issues, the study recommended that further policy discussions might be warranted to enable a common understanding to be reached and further guidance to eventually be developed regarding key concepts at the heart of access and benefit-sharing implementation including: scope of application of the Nagoya Protocol, monitoring the utilization of genetic resources, and genetic resources accessed as commodities.

138. As a first step, informal multi-stakeholder dialogues could be organized to foster a better understanding of the challenges encountered and experiences of countries in addressing those challenges. Based on the outcomes of those dialogues, the need or appetite to develop further guidance or find other ways to address the issues could be considered with a view to enhancing the implementation of the Nagoya Protocol.

139. Intermediaries/matchmaking platforms to connect users and providers could assist in supporting an increase in benefit sharing. A number of countries, which have national access and benefit-sharing legal and institutional frameworks in place and some level of research capacity, have an interest in attracting foreign companies for the purpose of building partnerships with the objective of commercializing products based on their genetic resources and/or associated traditional knowledge. For that purpose, facilities or matchmaking platforms could be established at national and/or regional levels to connect users and providers.

140. Strengthening the role and functions of the Clearing-House as a central tool for the exchange of information on access and benefit sharing and supporting the implementation of the Nagoya Protocol is an essential feature of enhancing effectiveness of the Protocol.[59]

141. Given the challenges and root causes identified, without additional capacity-building and financial resources,[60] progress in implementation of the Nagoya Protocol will not be possible in many Parties, in particular developing country Parties. As Parties advance in setting up access and benefit-sharing measures and institutional structures, exchanges of experiences and lessons learned to enhance effectiveness in implementation become more important.

142. Parties that reported having received substantial monetary benefits and that have issued a good number of certificates could share their experience and approaches in implementation of the Nagoya Protocol. Those experiences could demonstrate the potential of access and benefit sharing once the Protocol has been fully implemented and operational and enabling conditions (for example, establishment of political will, capacity and resources and engagement of indigenous peoples and local communities and stakeholders) have been met.

143. Goal C and Target 13 of the Kunming-Montreal Global Biodiversity Framework call for an increase in the sharing of benefits. Many Parties still need to put in place mechanisms to keep track of benefits received and the implementation of mutually agreed terms and measure the impact of access and benefit sharing in their country, as applicable. The metadata sheets developed for measuring monetary and non-monetary benefits include some recommendations for gathering that information while bearing in mind that the circumstances, priorities and capacities of countries may be different in that regard.[61]

[59] This is further addressed below under element G on the review of implementation and operation of the Clearing-House, sect. III.G.
[60] Capacity (Article 22), financial resources (Article 25) and resource mobilization are addressed under sect. III.C below.
[61] Further information on measuring monetary and non-monetary benefits received can be found in the metadata sheets for indicators C.1 and C.2, respectively.

C. Assessment of support available for implementation

1. Capacity (Article 22)[62]

(a) Progress made in implementation and updated indicator data

144. As shown in table 9 below, the documented increase of 44 capacity-building and development initiatives between 2018 and 2026 contrasts sharply with the recording of only four additional initiatives on the Clearing-House, This points to a persistent gap between the expansion of implementation activities and systematic documentation and knowledge-sharing related to those activities through the Clearing-House. Nevertheless, there has been a significant increase in the number of virtual library resources (awareness-raising and capacity-building tools) on the Clearing-House since the first assessment and review of the Protocol.[63]

145. The majority of Parties (59 per cent) have taken steps to build human and institutional capacity for Nagoya Protocol implementation, most commonly through training, awareness-raising, and legal and institutional strengthening, often supported by international capacity-building initiatives, notably with support from the Global Environmental Facility (GEF) and implemented through agencies such as United Nations Development Programme and the United Nations Environment Programme, as well as other partners, particularly the German Agency for International Cooperation/Federal Ministry for Economic Cooperation and Development.[64]

146. In the light of progress in implementation in beneficiary countries, the focus of activities has evolved over time. While initially focusing on providing support to ratification and the development of national access and benefit-sharing frameworks, later projects also included support to the development of partnerships between users and providers and the establishment of access and benefit-sharing agreements. Over the years, a number of countries developed their research capacity related to genetic resources and are now seeking opportunities to move from research to commercialization and build access and benefit-sharing partnerships with foreign users.

147. Most capacity-building initiatives in support of Parties since the entry into force of the Nagoya Protocol have been implemented at the national level, with more limited regional and global-level coverage. Initiatives have been most concentrated in Africa and the Asia-Pacific region, followed by Latin America and the Caribbean. Coverage of the initiatives has focused primarily on capacities to develop and implement access and benefit sharing measures and capacities of indigenous peoples and local communities to implement the Protocol, as well as implementation and compliance capacities.

148. Approximately one third of Parties (34 per cent) have supported capacity-building in other countries, mainly through experience-sharing, technical assistance and regional or bilateral cooperation, rather than through direct financial support. This represents a slight increase since the reference point of 2018.

[62] For further information, see documents CBD/SBI/7/INF/2, sect. III.C.1; CBD/SBI/7/INF/5; and CBD/SBI/7/INF/3, sect. 2.6.
[63] For further details, see the analysis of information on capacity-building initiatives published in document CBD/SBI/7/INF/5, sect. II.D.
[64] For the analysis of information provided by Parties on capacity-building and development in the first national reports, see document CBD/SBI/7/INF/2, sect. III.C.1.

Table 9
Indicators to measures progress building and developing capacity for the implementation of the Nagoya Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that received external support for building and developing capacity for the implementation of the Nagoya Protocol since entry into force of the Protocol[a]	45 (43 per cent	No information available for provision of data
Number and percentage of Parties that have taken measures to build and develop their capacity and strengthen their human resources and institutional capacities to effectively implement the Protocol[b]	New	84 (59 per cent)
Number and percentage of Parties that provided external support for building and developing capacity for the implementation of the Nagoya Protocol *since entry into force of the Protocol*[c] *(phrase suggested for deletion)*	27 (26 per cent)	48 (34 per cent)
Number of capacity-building and development initiatives made available, completed or initiated after the adoption of the Nagoya Protocol in 2010 and are providing, or have provided, direct support for country-level activities contributing to the ratification and implementation of the Nagoya Protocol	90	134
Number of capacity-building and development initiatives made available to the Access and Benefit-sharing Clearing-House	57	61
Number of capacity-building and awareness-raising tools (virtual library resources)[d] and resources made available as reference records on the Clearing-House	34	367

[a] The format of the first national report does not allow for the collection of that information. It is suggested that this indicator be deleted.

[b] A new indicator has been added to reflect the question that was added to the format of the first national report.

[c] Question 55 of the first national report format does not specify that the information provided is since entry into force.

[d] Suggested addition to provide clarity that the indicator data are based on the information available as virtual library resource records.

(b) Challenges in implementation and root causes

149. Human resource and institutional capacity constraints are highlighted consistently as a major limitation. Weak capacity in fundraising, project development and financial planning, combined with complex donor requirements, hampers access to external support. Reliance on one-off training, high staff turnover and project-based funding undermines institutional learning, coordination and the sustained development of skills related to access and benefit-sharing -.

150. Capacity-building efforts for access and benefit sharing have focused primarily on government authorities, with more limited and uneven engagement of indigenous peoples and local communities, researchers and policymakers. This has constrained awareness, compliance and effective participation across access and benefit-sharing stakeholders. Insufficiently tailored capacity-building for different groups has limited the practical uptake and application of access and benefit-sharing frameworks, thereby reducing the overall effectiveness of capacity-building investments.

151. Despite progress in establishing legal and policy frameworks, many Parties continue to face operational and technical capacity gaps which limit the effectiveness of access and benefit sharing implementation. In particular, the following capacity-building areas were identified as requiring further support:

(a) Development and implementation of national legal and institutional frameworks, in particular as regards the provisions of the Protocol related to compliance and indigenous peoples and local communities;

(b) Understanding and operationalization of the system established under Article 17 of the Protocol to monitor the utilization of genetic resources, including the effective designation and functioning of checkpoints;

(c) Mechanisms and systems to monitor, account for and disburse benefit sharing, including the tracking of benefits over time;

(d) Legal and technical capacity for the negotiation of access and benefit-sharing agreements, including an improved understanding of value chains related to access and benefit sharing, markets and commercialization pathways of relevance to access and benefit sharing and the establishment of equitable access and benefit-sharing agreements/partnerships between users and providers;

(e) Support to indigenous peoples and local communities for engaging effectively in access and benefit-sharing processes, including for the development, implementation and use of community protocols;

(f) Awareness-raising of access and benefit sharing and sustained engagement of stakeholders, including the business and scientific communities;

(g) Developing, operating and maintaining digital tools related to access and benefit-sharing, online systems and databases to support access, benefit sharing and compliance;

(h) Strengthening institutional coordination and cross-sectoral cooperation among relevant authorities and stakeholders involved in access and benefit-sharing implementation.

152. Knowledge management and experience sharing remain underdeveloped within access and benefit-sharing capacity-building efforts. Lessons learned and good practices are not always systematically documented or disseminated, including through the Access and Benefit-sharing Clearing-House, which constrains cumulative learning through and effectiveness of capacity-building investments.

153. The predominant focus on national-level capacity-building projects has resulted in fewer opportunities for structured peer learning and South–South cooperation which allow the sharing of experiences related to access and benefit-sharing implementation between countries or regions.

154. Capacity-building under the Nagoya Protocol has been characterized by a limited range of financing sources and capacity-building providers. Capacity-building has been delivered largely through internationally funded projects, with approximately 90 per cent of current initiatives supported through GEF and implemented by a small number of large agencies. The closure of the Capacity Development Initiative has further narrowed the landscape of specialized capacity-building providers.

155. These challenges are reinforced by the short-term nature of many capacity-building initiatives. As access and benefit-sharing implementation is inherently long-term and incremental, extended periods are often required to move from legal frameworks and procedures to functioning systems that generate benefit-sharing outcomes. In the absence of sequenced or follow-up support, countries face a recurring risk of losing trained personnel, institutional knowledge and practical experience before national access and benefit-sharing systems become operational.

(c) Possible ways to enhance capacity-building for effective implementation of the Nagoya Protocol

156. Strengthening long-term capacity-building planning: capacity-building under the Nagoya Protocol would benefit from the adoption of a longer-term, phased perspective, extending beyond the typical two-to-five-year project cycles. Such an approach would better reflect the long- term and

incremental nature of access and benefit-sharing implementation and enable capacity to be built, consolidated and sustained over time.

157. In this context, capacity-building could be designed as a sequenced support, progressively engaging key stakeholder groups, as appropriate, including government authorities, indigenous peoples and local communities, researchers and private sector actors. Phased engagement would help consolidate learning, reduce capacity loss associated with staff turnover and support continuity across different stages of access and benefit-sharing implementation.

158. In this regard, the Capacity-building and Development Action Plan for the Nagoya Protocol[65] provides a useful framework to support strategic, coherent and phased capacity-building over time. Grounded in Article 22 of the Nagoya Protocol and the long-term strategic framework for capacity-building and development,[66] the Action Plan can be used to support needs-based planning, integration of access and benefit sharing within broader biodiversity capacity-building efforts, stakeholder participation and cooperation at the national, regional and global levels.

159. Enhancing knowledge exchange and peer-learning activities: capacity-building under the Nagoya Protocol could be enhanced by strengthening delivery modalities that facilitate peer learning, South-South cooperation and the exchange of experiences and lessons learned between countries and regions, while remaining responsive to national and local needs.

160. Consistent with the conclusions of the scoping study, regional and global projects may be the most adapted to respond to the need for further standardization of approaches and the exchanges of experiences and lessons learned at this stage in the implementation of the Nagoya Protocol.

161. Other delivery modalities that enhance knowledge exchange and peer-learning activities include the systematic documentation and sharing of lessons learned and good practices, including through platforms such as the Clearing-House, to strengthen cumulative learning and improve the overall efficiency of capacity-building investments.

162. Strengthening enabling conditions for sustained capacity-building: while GEF remains the primary source of financial support for access and benefit-sharing capacity-building, there is scope to further maximize the impact of that investment through stronger coordination and collective action. Closer collaboration among GEF, implementing agencies, beneficiary Parties and the Secretariat of the Convention on Biological Diversity could help ensure that resources are deployed in a more strategic, complementary and results-oriented manner, better aligned with the long-term and incremental nature of access and benefit-sharing implementation.

163. Moreover, expanding the range of actors engaged in both financing and delivering capacity-building could further strengthen existing capacities. For example, collaboration with technical and scientific cooperation support centres[67] could support the delivery of capacity-building at national, regional and global scales, while supporting and enhancing the capacity of institutions already working on access and benefit sharing may help broaden implementation options, reinforce institutional sustainability and improve the reach and effectiveness of capacity-building support.

164. In order to support the sustainability of capacity-building efforts, greater emphasis could be placed on strengthening national capacities related to fundraising, project development, financial planning and resource mobilization. Enhancing those capacities may help Parties better access, manage and sustain financial support for access and benefit-sharing capacity-building over time, while reducing reliance on short-term and project-specific external assistance.

165. Consistent with the scoping study's call to change the narrative around access and benefit-sharing, capacity-building under the Nagoya Protocol could be increasingly mainstreamed within broader biodiversity and sustainable development agendas. Integrating access and benefit-sharing

[65] See document CBD/NP/MP/DEC/5/3, annex.
[66] See document CBD/COP/DEC/15/8, annex I.
[67] See document CBD/COP/DEC/15/8, annex II.

capacity-building into wider biodiversity planning, financing and implementation processes may help raise its visibility, strengthen political support and enhance its contribution to broader biodiversity objectives.

2. Financial resources (Article 25) and resource mobilization[68]

(a) Progress made in implementation and updated indicator data

166. As table 10 below demonstrates, there has been good progress on the mobilization of financial resources. An increasing proportion of Parties report having accessed financial resources for implementation and a growing number have established mechanisms for allocating national budgetary resources.

167. International public finance, predominantly through GEF, continues to represent the principal source of funding for access and benefit sharing implementation. This has been complemented by a limited number of bilateral donors, notably through development cooperation agencies (the German Agency for International Cooperation/Federal Ministry for Economic Cooperation and Development being the second most common donor). Outside these sources, alternative and innovative financing mechanisms remain limited in scale.

168. Regarding human resources, national reports indicate an average of approximately four staff members dedicated to access and benefit-sharing implementation. In many cases, these functions are undertaken on a part-time basis or combined with responsibilities under other biodiversity-related instruments. High staff turnover, reliance on project-based positions and limited institutional memory continue to undermine continuity and effectiveness, in particular in administrative, monitoring and compliance-related functions.

169. National reports consistently indicate that combining domestic public resources with international project-based financing has been one of the most effective approaches to sustaining access and benefit-sharing implementation. Where Parties have established clear legal and institutional frameworks, they are better positioned to mobilize financial resources and, in some cases, facilitate limited private-sector engagement through benefit-sharing arrangements.

Table 10
Indicators to measure progress by Parties in mobilization financial resources

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that made financial resources available to other Parties	13 (12 per cent)	13 (9 per cent)
Number and percentage of Parties that received financial resources from other Parties or financial institutions for the purposes of implementation of the Protocol as provided in Article 25	35 (33 per cent)	59 (61 per cent)
Number and percentage of Parties that established a mechanism for budgetary allocations of funds for the implementation of the Nagoya Protocol	24 (23 per cent)	44 (31 per cent)
Average number of full-time staff working to administer functions directly related to the implementation of the Nagoya Protocol in each Party	Not conclusive data	4

(b) Challenges in implementation and root causes

170. Adequate, predictable and sustainable financial resources remain a central determinant of effective implementation of the Nagoya Protocol. All available information indicates that, while measurable progress has been made in mobilizing support for access and benefit sharing, persistent

[68] See documents CBD/SBI/7/INF/2, sect. III.C.2; CBD/SBI/7/INF/3, sect. 2.6; and CBD/SBI/7/INF/7.

structural challenges continue to constrain long-term implementation and compliance. Those challenges include:

(a) Low prioritization of access and benefit sharing within national budgetary frameworks and international financing agendas;

(b) Chronic public finance constraints and competition with broader biodiversity, climate and development priorities;

(c) Heavy reliance on short-term, donor-driven projects, resulting in fragmented and time-bound interventions;

(d) Limited technical, scientific, legal and valuation capacity, reducing the ability to develop robust, bankable access and benefit-sharing initiatives or attract private investment;

(e) Complex funding application and reporting requirements, combined with limited national capacity for fundraising, project design and financial management;

(f) Continued dependence on GEF as the primary source of international funding for access and benefit sharing, combined with a relatively small, decreasing and undiversified donor base beyond GEF, which limits the predictability, scale and sustainability of financial support for long-term implementation.

171. Those challenges are underpinned by a range of structural factors, including fragmented institutional mandates, limited awareness of access and benefit sharing among political and financial decision makers and the inherent time lag between access and benefit sharing regulatory processes and the generation of benefits. This temporal mismatch renders access and benefit-sharing implementation poorly aligned with conventional short-term project and funding cycles and is further compounded by the high concentration of international funding within a limited number of sources, notably GEF, resulting in constrained predictability, scale and continuity of financial support.

172. Most capacity-building activities supporting access and benefit-sharing implementation continue to rely on external funding. While such support has delivered tangible outcomes, its temporary nature poses challenges for sustaining skills, institutional arrangements and systems over time. One-off training initiatives are increasingly insufficient in a context where access and benefit-sharing implementation requires continuous adaptation to evolving legal, scientific and technological developments.

173. Global and regional initiatives have proved particularly effective in promoting standardized approaches, peer learning and the exchange of experience. At the same time, the number of projects specific to access and benefit-sharing approved in recent GEF replenishment periods has declined, underscoring the importance of forthcoming funding opportunities, including under the Global Biodiversity Framework Fund and the ninth replenishment of the GEF Trust Fund.

(c) Possible ways to enhance access to financial resources and resource mobilization for implementation of the Protocol

174. The result of the analysis identifies several opportunities to strengthen access to financial resources and enhance resource mobilization in support of effective implementation of the Nagoya Protocol, including:

(a) Improved integration of access and benefit sharing into national biodiversity finance strategies aligned with the Kunming–Montreal Global Biodiversity Framework;

(b) Enhanced use of GEF, as the financial mechanism of the Convention and the Protocol, to support more programmatic, longer-term and catalytic approaches to access and benefit-sharing implementation, including through increased support for regional, subregional and global initiatives, the leveraging of co-financing, integration with broader biodiversity investments and support for systemic capacity-building beyond stand-alone projects;

(c) Increased predictability and institutionalization of domestic funding to support core administrative, monitoring and compliance functions;

(d) Strategic investment in digital permitting systems, information infrastructure and monitoring tools;

(e) Strengthened efforts to access, mobilize and effectively use financial resources in support of access and benefit-sharing implementation, including the development of fundable projects and the sustainability of access and benefit-sharing institutions.

175. While emerging financing approaches, including blended and innovative finance, remain at an exploratory stage for access and benefit-sharing implementation, they may become increasingly relevant for specific activities linked to research, development and commercialization and warrant continued monitoring and learning.

176. Looking ahead, enhanced effectiveness will depend on:

(a) The positioning of access and benefit sharing as a long-term governance priority and public infrastructure investment, rather than as a stand-alone regulatory or project-based activity, in order to anchor financing decisions in sustained institutional needs and long-term outcomes;

(b) Consideration of approaches that frame access and benefit-sharing financing as a collective investment in legal certainty, equitable benefit sharing and global biodiversity governance, while recognizing differentiated roles and capacities among Parties and the complementary contributions of user countries and other relevant actors through financial, bilateral and in-kind forms of support, including for compliance, monitoring and transparency systems;

(c) A gradual shift in financing approaches from episodic, project-based capacity-building activities towards sustained, long-term support for system development, institutional capacity, monitoring and compliance, supported through coordinated and programmatic financing arrangements consistent with a shared-responsibility approach;

(d) The continued responsiveness and adequacy of the financial mechanism, including its capacity to support system-level and long-term investments in access and benefit sharing as a core governance function, in line with evolving implementation needs;

(e) Greater coherence, coordination and transparency across international, bilateral and national funding streams, including improved alignment of funding support with priorities emerging from the assessment and review;

(f) Strengthened domestic resource mobilization and institutionalization of access and benefit-sharing financing, including through integration into national biodiversity finance strategies and development planning frameworks, taking into account national circumstances and capacities;

(g) Enhanced integration of financial support with system enablers, including capacity-building and development and the Access and Benefit-sharing Clearing-House, by aligning investments in institutional capacity, digital tools and information systems with priorities identified through the assessment and review, including through programmatic and, where appropriate, regional or global approaches.

177. These findings underscore the importance of addressing financial resources and resource mobilization not only as an implementation issue, but as a core enabler of legal certainty, compliance and the equitable and effective functioning of the access and benefit-sharing system under the Nagoya Protocol.

D. Assessment of effectiveness of Article 18 (extent of implementation)[69]

1. Progress made in implementation and updated indicator data

178. As the indicators in table 11 below demonstrate, good progress has been made in the implementation of Article 18 since the last reference point in February 2018. The conclusions from the first assessment and review of the Nagoya Protocol are still relevant for that element.[70]

179. The information provided by Parties points out to a lack of experience on cases of dispute resolution in ABS. As regards to Article 18, paragraph 1, Parties reported that provisions on dispute resolution in mutually agreed terms could be included in ABS measures, model contractual clauses or in both. However, there are other provisions in Article 18, paragraph 2 and 3, that are often implemented at the national level through existing contractual law, private international law, and domestic measures related to access to justice laws rather than through the ABS measures. [71] These later aspects have shown moderate progress.

Table 11
Indicators to measures progress on implementation of Article 18 of the Nagoya Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that encourage the inclusion of dispute resolution provisions in mutually agreed terms as provided in Article 18.1	36 (34 per cent	65 (46 per cent)
Number and percentage of Parties with opportunity to seek recourse available under their legal systems in cases of disputes arising from mutually agreed terms as provided in Article 18.2	51 (49 per cent)	83 (58 per cent)
Number and percentage of Parties with measures regarding access to justice	47 (45 per cent)	84 (59 per cent)
Number and percentage of Parties with measures regarding utilization of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards	38 (36 per cent)	65 (45 per cent)

2. Challenges, root causes and possible ways to enhance implementation of Article 18 of the Protocol

180. Those developing access and benefit-sharing measures and/or implementing the Protocol may not be aware of all applicable legislation dealing with contractual law, private international law or domestic measures related to access to justice. Developing model contractual clauses or introducing some specific aspects in access and benefit-sharing measures can strengthen the capacity of institutions implementing access and benefit-sharing through the provision of clear guidance when they are negotiating mutually agreed terms. These efforts could be built on best practices for ensuring compliance with mutually agreed terms coming from other fields of legal expertise.

181. Information contained in the first national report, as well as the exchange of experiences, may be useful to Parties in understanding how the implementation of Article 18 of the Protocol can be supported.

[69] For further information, see document CBD/SBI/7/INF/2, sect. III.D.
[70] For further information, see decision NP-3/1, annex, element (d): Assessment of effectiveness of Article 18 (extent of implementation).
[71] Examples of measures taken, approaches and experience provided by Parties can be found in document CBD/SBI/7/INF/2, sect. III.D.

E. Assessment of implementation of Article 16 in the light of developments in other relevant international organizations, including the World Intellectual Property Organization[72]

1. Progress made in implementation and updated indicator data

182. Significant progress has been made on measures to implement Article 16 as suggested by the indicators in table 12 below. For many Parties, measures taken for implementation of Article 16 (concerning genetic resources) are the same as those taken for implementation of Article 15.

183. Nevertheless, on the basis of the information provided on implementation of Article 16 together with the data derived from implementation of compliance provisions under the Protocol (see sect. III.A.5 above) and the data related to indigenous peoples and local communities (see sect. III.A.7 above), it may be noted that, although many Parties have put measures in place, those measures are often not fully operationalized or there is a general lack of practical experience in implementation.

184. According to the information provided in the reports, experience addressing cases of non-compliance with measures related to access to associated traditional knowledge seems merely anecdotal.

185. Regarding progress made at the World Intellectual Property Organization (WIPO), the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge was adopted on 24 May 2024.[73] Three Parties have ratified the treaty so far.

186. The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore will continue its work on protecting traditional knowledge and traditional cultural expressions. Further, in 2027, the WIPO General Assembly will take stock of progress made and decide whether to convene a diplomatic conference and/or continue negotiations. The decision will be based on the maturity of the text(s), including levels of agreement on objectives, scope and nature of the instrument(s).

Table 12
Indicators to measure progress in implementation of Article 16 of the Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that have taken appropriate, effective and proportionate legislative, administrative or policy measures to implement Article 16 (1) (traditional knowledge associated with genetic resources)	33 (31 per cent)	71 (50 per cent)

2. Challenges, root causes and possible ways to enhance implementation of the Nagoya Protocol in the light of developments in other relevant international organizations

187. The challenges related to implementing access and benefit-sharing measures related to traditional knowledge associated with genetic resources, as laid out in Article 16, are similar to those related to implementing the Protocol to cover genetic resources (see sect. III.A.5 above) and those identified for implementing the provisions of the Protocol related to indigenous peoples and local communities (see sect. III.A.7 above).

188. Both are areas where Parties require additional support to implement the Protocol and ensure that benefits are shared with indigenous peoples and local communities, as applicable. Entry into

[72] For further information, see document CBD/SBI/7/INF/2, sect. III.E.
[73] Developments under the World Intellectual Property Organization Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore are presented in document CBD/SBI/7/INF/2, sect. III.E.

force and implementation of the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge can support these efforts.

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[74]

1. Community protocols and procedures of indigenous peoples and local communities

(a) Progress made in implementation and updated indicator data

189. The indicators included in table 13 below show a significant increase in the number of community protocols (from 3 to 48) published on the Clearing-House since the last assessment and review, in 2018. they were developed, however, in a relatively small number of countries (14) and in the context mostly of cooperation or capacity-building projects.[75]

190. Through the Clearing-House, countries are offered the possibility of publishing community protocols as national records and therefore as part of their national framework and profile. To date, no country has made use of this option.

191. Developing and implementing community protocols constitute a key element in putting the provisions of the Nagoya Protocol related to indigenous peoples and local communities into practice in a participatory and context-specific manner. For indigenous peoples and local communities seeking to engage in access and benefit-sharing processes, the development of community protocols is often a critical first step, as this enables communities to articulate their values, customary practices and aspirations and communicate those values, practices and aspirations effectively to users and government authorities.

192. Community protocols can support Governments in implementing the provisions of the Protocol related to indigenous peoples and local communities and provide greater clarity and legal certainty for potential users regarding the conditions under which access to genetic resources and/or associated traditional knowledge held by indigenous peoples and local communities may be granted.

Table 13
Indicators to measure progress on community protocols

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number of indigenous peoples and local communities' community protocols and procedures developed	Not conclusive data	48
Number of indigenous peoples and local communities' customary laws, community protocols and procedures made available as reference records in the Access and Benefit-sharing Clearing-House[a]	3	44 (92 per cent)

[a] The indicator has been modified to clarify that it considers information submitted as reference records in the record category "community protocols and procedures and customary law".

(b) Challenges, root causes and possible ways to enhance the use of community protocols to support the implementation of the Nagoya Protocol.

193. Much of the work undertaken to support the development and implementation of community protocols seems to have been carried out through capacity-building projects and initiatives. For instance, many of those currently published on the Clearing-House are the outcomes of different projects funded by GEF. Without additional resources, Parties and indigenous peoples and local communities do not generally maintain the capacity to conduct such work. Community protocols are

[74] For further information, see documents CBD/SBI/7/INF/2, sect. III.F; and CBD/SBI/7/INF/3, sect. 2.4.
[75] Examples and approaches taken to develop community protocols can be found in document CBD/SBI/7/INF/2, sect. III.F.1, and on the Clearing-House.

being developed and used in a variety of contexts, including but not limited to access and benefit sharing. Incorporating access and benefit sharing elements in existing community protocols dealing with resource or land management or biotrade may facilitate the process.

194. While community protocols have been developed by communities in a number of countries, their official recognition by access and benefit-sharing national authorities is variable from country to country. Moreover, while they may be officially recognized by government, their application may be inconsistent. In other countries, although no national access and benefit-sharing framework has yet been established, community protocols that cover access to genetic resources and associated traditional knowledge have been established by different communities. The fact that government authorities may not be aware of those protocols can make the search for information about them a challenge for users.

195. Sharing information on community protocols through the Clearing-House helps potential users understand how to access traditional knowledge associated with genetic resources within a community. Further, Parties can publish that information as part of Clearing-House national records as a means of facilitating recognition of these tools as a component of the national access and benefit-sharing framework.

196. 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 those who are planning to do so.

2. Model contractual clauses and codes of conduct, guidelines, best practices and standards (Articles 19 and 20)[76]

(a) Progress made in implementation and updated indicator data

197. User organizations and networks play an important role in addressing the needs of their members by developing tools that offer clarity on how access and benefit sharing can be incorporated in their practice and assisting member organizations in complying with access and benefit-sharing requirements. Model contractual clauses and codes of conduct, guidelines, best practices and standards are some of those tools.[77]

198. As a result of changes made in the methodology applied[78], the results emerging from this stocktaking exercise are not directly comparable with those from the 2018 reference point (see table 14 below). In addition, some documents encompass multiple types of tools (for example, a single document may include both access and benefit-sharing standards and model contractual clauses). There is therefore an overlap of tools reported under Article 19 and those reported under Article 20.

199. In addition to tools under Articles 19 and 20, a number of approaches and resources have been developed by users' organizations and other relevant actors to ensure compliance with national legal access and benefit-sharing requirements of both provider and user countries. These include internal online systems and databases on national access and benefit-sharing measures, checklists, internal access and benefit-sharing due diligence systems and standard operating procedures, including clear workflows and documentation protocols, internal awareness-raising and training sessions and

[76] For further information, see documents CBD/SBI/7/INF/2, sect. III.F.2; and CBD/SBI/7/INF/3, sect. 2.1.2.

[77] Examples and approaches for tools reported under Articles 19 and 20 can be found in document CBD/SBI/7/INF/2, section III.F.2, and on the Clearing-House.

[78] The previous stocktaking exercise for tools developed under Articles 19 and 20 conducted in the context of the first assessment and review process for the Protocol included, as part of the exercise on tools, information on national model clauses and national guidelines that were part of the national or regional framework and tools and resources developed by countries to support compliance with their own systems or with the access and benefit-sharing domestic requirements of other countries, as required under Articles 15 and 16 of the Protocol. t\This information, however, is now analysed separately, as the goals in using those tools are very different. This allows for the assessment of the tools developed by users and relevant organizations independently from those developed by countries. The tools developed by countries as part of their national framework are now analysed and accounted for only in the context of element (a) addressing establishing institutional structures and access and benefit-sharing measures to implement the Protocol.

advisory services. Smaller institutions with more limited resources have benefited from external legal and technical support.[79]

200. In the first national reports, 62 Parties (43 per cent) reported that their country had encouraged other actors to develop, update and use model contractual clauses for mutually agreed terms and 68 Parties (48 per cent) reported that their country encouraged other actors to develop, update and use of codes of conduct, guidelines and best practices or standards.

Table 14
Indicators to measure progress on Articles 19 and 20 of the Protocol

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number of model contractual clauses developed *(change of methodology)*	29	12
Number of codes of conduct, guidelines, best practices and standards developed *(change of methodology)*	33	29
Number and percentage of model contractual clauses made available as reference records in the Access and Benefit-sharing Clearing-House[a] *(change of methodology)*	17 (59 per cent)	12 (100 per cent)
Number and percentage of codes of conduct, guidelines, best practices and standards made available as reference records in the Access and Benefit-sharing Clearing-House[b] *(change of methodology)*	25 (75 per cent)	29 (100 per cent)

[a] The indicator has been modified to clarify that it measures only model contractual clauses submitted as reference records and does not include those that Parties have submitted as national records and constitute part of the national access and benefit-sharing framework.

[b] The indicator has been modified to clarify that it measures only codes of conduct, guidelines, best practices and standards made available as reference records and does not include guidelines or other documents submitted by Parties as national records and that constitute part of the national access and benefit-sharing framework.

(b) Challenges, root causes and possible ways to enhance the use of model contractual clauses and codes of conduct, guidelines, best practices and standards to support the implementation of the Nagoya Protocol

201. With a view to supporting access and benefit-sharing compliance by users, approaches have been taken by Governments to raise awareness of the Nagoya Protocol and build the capacity of users within their jurisdiction, as well as encourage the development of tools related to implementation of Articles 19 and 20.

202. Users from the business and scientific communities have developed internal processes and adopted a number of procedures and tools designed to ensure access and benefit-sharing compliance, including tools for implementation of Articles 19 and 20.

203. Strengthening these efforts, in parallel with other work aimed at supporting Parties in the implementation of the Nagoya Protocol, is key to achieving the objectives of the Protocol. The exchange of information, experiences and best practices in that regard can support the efforts of Governments, users and user organizations.

204. Sharing tools related to implementation of Articles 19 and 20 through the Clearing-House helps other organizations develop similar documents adapted to their circumstances as well as provides guidance to users of genetic resources and associated traditional knowledge who may not be aware of those tools and want to adopt best practices for their own work.

[79] Examples and approaches of these types of initiatives can be found in documents CBD/SBI/7/INF/2, sect. III.F.2; and CBD/SBI/7/INF/3, sect. 2.1.2.

G. Review of implementation and operation of the Access and Benefit-sharing Clearing-House[80]

205. The Access and Benefit-sharing Clearing-House was established under Article 14 of the Nagoya Protocol as the central information-sharing platform for supporting the implementation of the Protocol. The Clearing-House serves three core and interrelated functions: (a) facilitating access to genetic resources and associated traditional knowledge; (b) supporting compliance and monitoring the utilization of genetic resources; and (c) supporting capacity-building for the implementation of the Protocol.

206. Overall, the findings show that the Clearing-House has developed considerably since the first assessment and review conducted in 2018 and has shown incremental but significant increases in both the number of records published across nearly all record types and the number of Parties participating in publishing information, as well as considerable growth in website traffic.

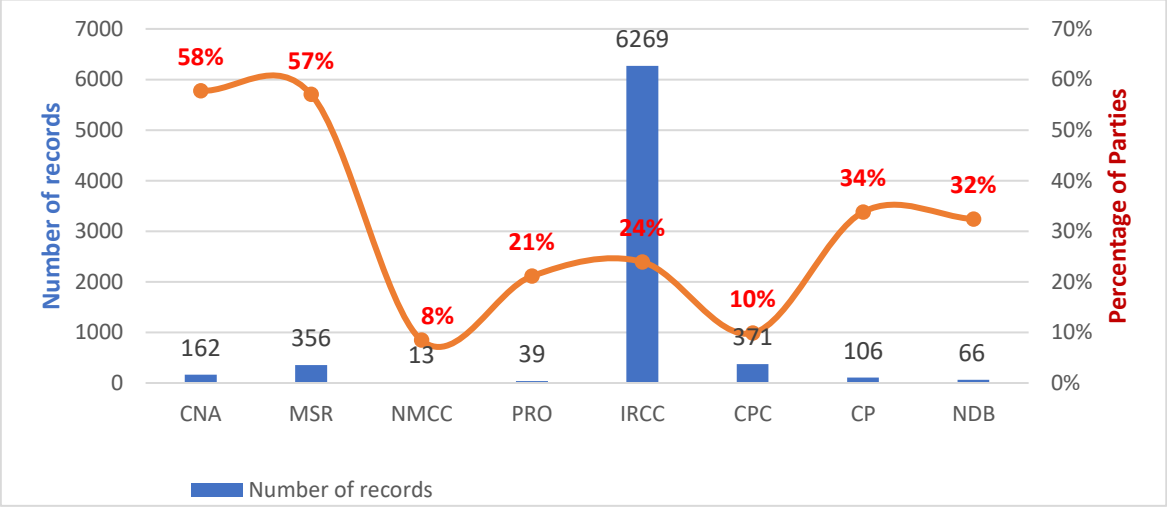
207. The analysis, however. reveals significant and persistent challenges related to each of the three main objectives of the Clearing-House.

1. National records in the Access and Benefit-sharing Clearing-House

(a) Progress made in publication of national records and updated indicator data

208. As indicated in table 15 below, overall trends show a continued increase in both the number of national records published across all record types and the percentage of Parties publishing national information. Participation in the Clearing-House has experienced steady growth, with 93 Parties (66 per cent) having published at least one national record,[81] up from 54 Parties (51 per cent) in 2018.

Figure I
Number of national records and percentage of Parties publishing, as at 9 March 2026



Abbreviations: CNA, competent national authority; CP, checkpoint; CPC, checkpoint communiqué; IRCC, internationally recognized certificate of compliance; MSR, legislative, administrative or policy measure on access and benefit sharing; NDB, national websites and databases; NMCC, national model contractual clause; PRO, access and benefit-sharing procedure.

[80] For further information, see documents CBD/SBI/7/INF/2, sect. III.G; CBD/SBI/7/INF/5; CBD/SBI/7/INF/3, sect. 2.5; and CBD/SBI/7/INF/4.

[81] Records on access and benefit-sharing national focal points are not included in the national records. National focal point designations are made through official letters to the Secretariat and are not published through the Clearing-House directly.

209. Globally, publication of records on competent national authorities and legislative, administrative or policy measures showed the highest levels of participation among Parties, with just under 60 per cent of Parties having published at least one record in each of these categories.

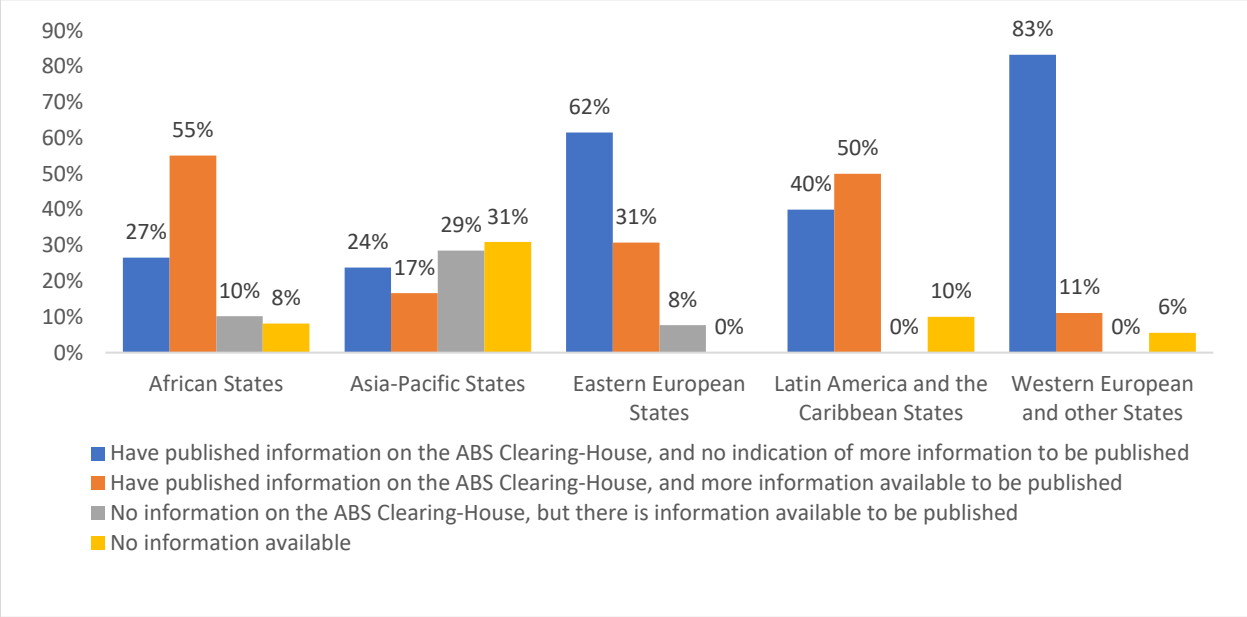
210. Publication of information on checkpoints showed lower participation, with over 30 per cent of Parties having published information, and comparatively fewer records made available overall.

211. Publication of national databases and websites had low participation, with 30 per cent of Parties publishing. National model contractual clauses and access and benefit-sharing procedures displayed both a low number of published records and low participation, with fewer than 20 per cent of Parties contributing information.

212. While certificates (6,269 records) and checkpoint communiqués (371 records) accounted for the largest number of records in the Clearing-House, the findings revealed that relatively few Parties (34 (24 per cent)) were publishing certificates and even fewer Parties (14 (10 per cent)) were publishing checkpoint communiqués.

Figure II

Status of progress by Parties in publishing information on the Access and Benefit-sharing Clearing-house (percentage of Parties by region)



213. It should be noted that many Parties have information available that they have not yet published on the Clearing-House. As shown in figure II, 68 Parties (48 per cent) have published some information on the Clearing-House but according to the information available they have more information available to be published and 46 Parties (32 per cent) have no information on the Clearing-House but have information available to be published. Africa and Latin America and the Caribbean are the regions with the greatest amount of information available but not yet published on the Clearing-House.[82]

[82] More information on progress made with respect to the obligation to publish national information on the Clearing-House by region and by type of record can be found in document CBD/SBI/7/INF/2, sect. III.G.

Table 15
Indicators to measure progress in the publication of national records on the Access and Benefit-sharing Clearing-House

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that have published information on competent national authorities in the Access and Benefit-sharing Clearing-House	45 (43 per cent)	83 (58 per cent)
Number and percentage of Parties that have published information on legislative, administrative or policy measures on the Access and Benefit-sharing Clearing-House	45 (43 per cent)	80 (56 per cent)
Number and percentage of Parties that have published information on access and benefit-sharing procedures[a]	New	30 (21 per cent)
Number and percentage of Parties that have published national model contractual clauses[b]	New	11 (8 per cent)
Number and percentage of Parties that have published information on national websites and databases[c]	New	45 (32 per cent)
Number and percentage of Parties that have published information on checkpoints on the Access and Benefit-sharing Clearing-House	20 (19 per cent)	48 (34 per cent)
Number and percentage of Parties that have published internationally recognized certificates of compliance on the Access and Benefit-sharing Clearing-House	12 (11 per cent)	34 (24 per cent)
Number of internationally recognized certificate of compliance available on the Access and Benefit-sharing Clearing-House	146	6,269
Number and percentage of Parties that provided the information collected or received at a designated checkpoint to relevant national authorities, to the Party providing prior informed consent and to the Access and Benefit-sharing Clearing-House[d]	9 (9 per cent)	15 (10 per cent)
Number of checkpoint communiques published in the Access and Benefit-sharing Clearing-House	0	371
Number and percentage of Parties that have made information (on competent national authorities, checkpoints, access and benefit-sharing measures or internationally recognized certificates of compliance) available to the Access and Benefit-sharing Clearing-House	54 (51 per cent)	93 (66 per cent)
Number and percentage of Parties that have information (on competent national authorities, checkpoints, access and benefit-sharing measures or permits) that has not yet been made available to the Access and Benefit-sharing Clearing-House	46 (44 per cent)	68 (48 per cent)
Number of non-Parties that have published national information (on access and benefit-sharing measures, competent national authorities or checkpoints) on the Access and Benefit-sharing Clearing-House	8	8

[a] A new indicator has been added to measure progress on the publication of access and benefit-sharing procedures, given the importance of publishing that information for potential users of genetic resources and/or associated traditional knowledge.

[b] A new indicator has been added to measure progress on the publication of national model contractual clauses, given the importance of publishing that information for potential users of genetic resources and/or associated traditional knowledge.

[c] A new indicator has been added to measure progress on the publication of national websites and databases, given the importance of publishing that information for potential users of genetic resources and/or associated traditional knowledge.

[d] The indicator measures the number and percentage of Parties that have published checkpoint communiqués pursuant to information provided in the national report and on the Clearing-House. It is proposed that this indicator be used to assist in measuring progress on the implementation and operation of the Clearing-House.

(b) Challenges and root causes that impact the effectiveness of the Access and Benefit-sharing Clearing-House in facilitating access to genetic resources and associated traditional knowledge

214. The scoping study and the analysis of the responses to the Access and Benefit-sharing Clearing-House targeted survey reaffirmed the central role of the Clearing-House in the implementation of the Nagoya Protocol and the facilitation of access to genetic resources and associated traditional knowledge. That can be seen in the real-life examples provided by many respondents to the survey, which illustrated that when information was complete, accurate and up to date, the Clearing-House effectively and meaningfully contributed to achieving the fair and equitable sharing of benefits arising from the use of genetic resources.[83]

215. At the same time, the survey results and the scoping study indicated that the Clearing-House was not yet fully meeting the intended objectives. While its overall usability and functionality are perceived generally as positive, its effectiveness has been significantly constrained by issues related to the quality, completeness and reliability of the information made available. Outdated, incomplete, inconsistent or unreliable information, especially regarding access measures, procedures and scope, was identified as a major barrier to the effective use of the Clearing-House.[84]

216. For users of genetic resources and associated traditional knowledge, the effectiveness and added value of the Clearing-House are closely linked to the practicality of the information that is provided, such as, clear legal requirements and rules, accurate procedural guidance, and current contact details, rather than to the specific technical functionalities of the platform itself. The results of the Clearing-House targeted survey illustrate the nature of the concerns expressed by many respondents, who observe, for example, that "[f]unctionality is not the main issue: it is the lack of up-to-date useful information or incomplete information on individual countries which means that the website does not allow the user to establish their compliance obligations. Inevitably this means you are required to contact the NFP of the applicable country".

217. Based on survey results presented in the scoping study, which are consistent with the overall findings, the reasons and root causes put forward by countries that had not published mandatory information were lack of resources and capacity, high staff turnover and lack of prioritization. Moreover, the survey found that the level of institutionalization of Access and Benefit-sharing Clearing-House training was quite low and only about one third of respondents had taken steps to include Clearing-House training in internal capacity-building or onboarding activities. These finding highlight the need to continue to strengthen and better target capacity-building efforts and promote best practices related to the ABS Clearing-House.

218. In their national report many Parties cited their efforts to establish or revise national frameworks as constituting a reason for not publishing information, suggesting that Clearing-House publication gaps could reflect broader national implementation gaps rather than only technical barriers or challenges associated with using the platform.

(c) Challenges and root causes that impact the effectiveness of the Access and Benefit-sharing Clearing-House in supporting compliance and monitoring utilization of genetic resources

219. In accordance with Article 17 of the Protocol, supporting compliance and effectively monitoring utilization of genetic resources depends on the operationalization of national systems that

[83] See document CBD/SBI/7/INF/5, sect. II.G, for examples and testimonials from users of the Clearing-House.

[84] For example, using an automated link checking programme, it was found that about 42 per cent of national website and database records contained inaccessible broken links.

generate certificates, gather relevant information at effective checkpoints and transmit that information back to provider countries and through the Clearing-House when appropriate as checkpoint communiques.[85]

220. Key information sources published by Parties on the Clearing-House to support monitoring utilization are the certificates, checkpoints and checkpoint communiqués. Again, there is significant room for improvement in terms of increasing wider Party participation and the number of records published.

221. According to information available from national reports, although 64 Parties (45 per cent) have issued access permits, approximately only half have published them as certificates. It can also be seen that approximately four times as many access and benefit-sharing permits (24,253) have been issued as certificates published. Some Parties acknowledged, however, that the permits that they had issued, referred to as authorizations, approvals or recommendations, did not meet the requirements for publication as certificates, citing factors such as the absence of mutually agreed terms or an insufficient legal basis. Moreover, a few Parties responded that they had uploaded permits to national access and benefit-sharing clearing houses, which suggests that there may have been a misunderstanding regarding Parties' obligation to publish information through the Access and Benefit-sharing Clearing-House.

222. On the other hand, the number of checkpoint records published have steadily increased, with 40 new checkpoint records having been added within the last two years, bringing the total to 106 records published by 34 per cent of Parties (48).

223. The findings highlight a widespread and persistent lack of understanding among many Parties of the system for monitoring utilization through the Clearing-House and a lack of clarity on the responsibilities and functions of checkpoints. That lack of understanding may help explain in part the absence of Parties that have published checkpoint communiqués, particularly in regions with lower capacity and fewer users utilizing genetic resources.

(d) Ways to enhance effectiveness of the Access and Benefit-sharing Clearing-House

224. Strengthening the role and core functions of the Clearing-House as the central mechanism for information exchange on access and benefit sharing and support for the implementation of the Nagoya Protocol is essential for enhancing the effectiveness of the Protocol.

225. According to the Clearing-House targeted survey, the efforts of the Secretariat related to building capacity for the Clearing-House were considered worthwhile and valuable. Those efforts included workshops and webinars, outreach, on-demand training and technical support, as well as the resources found in the Clearing-House knowledge base.[86]

226. The analysis highlights several means of enhancing the effectiveness of the Clearing-House, including through:

(a) Enhancing the clarity and usability of national information on access and compliance requirements, in particular by enhancing the format for access and benefit-sharing procedures to better address the needs of users of genetic resources;

(b) Enhancing Clearing-House functionality to better assist Parties in updating and maintaining the accuracy and reliability of their national information, for example, through automated reminders and streamlined record management processes;

(c) Providing regular, consistent and targeted outreach to Parties, which would include offers of training and assistance and guidance, in particular to those Parties with available national information not yet published on the Clearing-House, and promoting the effective use of the

[85] Further information on challenges in implementing Article 17 can be found in section III.A.5 above.
[86] See https://absch.cbd.int/en/kb.

Clearing-House, including for the publication and maintenance of accurate, reliable and up-to-date national information;

(d) Supporting the institutionalization of Clearing-House training in Parties' capacity-building and onboarding activities;

(e) Promoting the development of national access and benefit-sharing information systems and the efficient publication of national information through interoperability, in particular with respect to internationally recognized certificates of compliance and checkpoint communiqués;

(f) Creating opportunities, incentives and recognition for Parties' participation and providing best practices that highlight and promote the value of the Clearing-House as a tool for supporting implementation;

(g) Ensuring that the publication of relevant information on the Clearing-House and appropriate training are included in projects and capacity-building related to the implementation of the Protocol;

(h) Ensuring dedicated and sustained capacity-building support focused specifically on the Protocol's system for monitoring utilization through the Clearing-House and the operationalization of checkpoints, the issuance of certificates, and the publication of checkpoint communiques, including by strengthening communication, cooperation and trust between provider and user country authorities.

2. Reference records in the Access and Benefit-sharing Clearing-House

(a) Progress made in publication of reference records and updated indicator data

227. As demonstrated in table 16 below. virtual library resources and community protocols and procedures as well as customary law records have increased incrementally over the past few years. Website traffic has also increased significantly from approximately 19,000 to 85,000 visitors per year.[87]

228. Information on model contractual clauses, tools related to Articles 19 and 20, codes of conduct, guidelines, best practices and standards and indigenous peoples and local communities' customary laws, community protocols and procedures published on the Clearing-House can be found in section III.F above.

229. The results of the analysis of the information on capacity-building initiatives and resources showed that, despite the extensive capacity-building activity under the Nagoya Protocol, its visibility on the ABS Clearing-House remained partial, with only 61 of the 134 identified initiatives recorded as of March 2026. The increase in records observed in earlier periods reflected the targeted stocktaking and publication efforts led by the Secretariat, rather than sustained routine updating by Parties and capacity-building providers themselves. [88]

230. The analysis of reference records indicated that the number of new records being published per year had generally declined across all reference record types; only 29 reference records ha been published within the last 12 months; and about 65 per cent of those records were directly related to digital sequence information.[89] The analysis highlighted several potential issues and inconsistencies with respect to reference records, which may require further review, updating and reorganization to enable a more effective contribute to the implementation of the Protocol.

[87] Most visitors had Internet Protocol addresses originating from one of the following 10 countries (listed in order of decreasing number of visitors): China, Singapore, United States of America, Germany, France, United Kingdom of Great Britain and Northern Ireland, Japan, India, Kingdom of the Netherlands and Brazil. For further information on website traffic, see sect. II.C of document CBD/SBI/7/INF/4 (analysis of the information published on the Clearing-House).
[88] For further information, see CBD/SBI/7/INF/5.
[89] For further information, see CBD/SBI/7/INF/4, sect. II.B.

231. The categorization of reference records, including virtual library records, model contractual clauses, codes of conduct, guidelines, best practices and/or standards derived from Articles 19 and 20 of the Protocol, and community protocols and procedures and customary laws revealed some inconsistencies, including overlapping terminology, potential duplication across record types and instances where records may be more appropriately classified as national record.

Table 16
Indicators to measure progress in the publication of reference records on the Access and Benefit-sharing Clearing-House

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number of indigenous peoples and local communities' customary laws, community protocols and procedures made available as reference records on the Access and Benefit-sharing Clearing-House[a]	3	44 (92 per cent)
Number and percentage of model contractual clauses made available as reference records on the Access and Benefit-sharing Clearing-House *(change of methodology)*[b]	17 (59 per cent)	12 (100 per cent)
Number and percentage of codes of conduct, guidelines, best practices and standards made available as reference records on the Access and Benefit-sharing Clearing-House *(change of methodology)*[c]	25 (75 per cent)	29 (100 per cent)
Number of capacity-building and development initiatives made available as reference records to the Access and Benefit-sharing Clearing-House	57	104
Number of capacity-building and awareness-raising tools (virtual library resources) and resources made available as reference records on the Access and Benefit-sharing Clearing-House	34	367
Number of visitors to the Access and Benefit-sharing Clearing-House per year[d]	18,709	85,000

[a] The indicator has been modified to clarify that it considers information submitted as reference records in the record category "community protocols and procedures and customary law".

[b] The indicator has been modified to clarify that it measures only model contractual clauses submitted as reference records and does not include those that Parties have submitted as national records and that constitute part of the national access and benefit-sharing ABS framework.

[c] The indicator has been modified to clarify that it measures only codes of conduct, guidelines, best practices and standards made available as reference records and does not include guidelines or other documents submitted by Parties as national records and that constitute part of the national access and benefit-sharing framework.

[d] This indicator is calculated based on the total of visits during the year before the date of reference (that is, from 9 March 2025 to 9 March 2026, for this reporting period). Approximated data are provided for this indicator.

(b) Challenges and root causes that impact the effectiveness of the Access and Benefit-sharing Clearing-House in supporting capacity-building for the implementation of the Protocol

232. The Access and Benefit-sharing Clearing-House plays a key role as the central platform for information exchange under the Protocol and as such it functions to promote and support capacity-building for its implementation

233. Users of the platform must be able to easily find current, relevant and practical guidance and resources on the Clearing-House in order for it to be perceived as being effective. The Clearing-House must also respond to actual capacity-building needs and add sufficient value to render the collection and sharing of information worthwhile, thereby incentivizing its continuous submission.

234. The decline in number publications in virtual library resources and capacity-building initiatives, reflects largely the less active role that the Secretariat has played in the collection and

publication of that content and suggests that the capacity component of the Clearing-House has not yet become a central or consistently valued channel for the regular sharing and updating of information by Parties and capacity-building providers.

(c) Ways to enhance effectiveness of the Clearing-House with respect to reference records

235. As concluded in a different analysis, further consideration could be given to the value of maintaining and effectively using up-to-date capacity-building initiatives on the Clearing-House, including in relation to the role of the Secretariat in coordinating and facilitating capacity-building, work on capacity-building and development and technical and scientific cooperation in support of nationally determined priorities for the implementation of the Kunming-Montreal Global Biodiversity Framework.

236. Further review and refinement of reference records including virtual library records, capacity-building resources, model contractual clauses, codes of conduct, guidelines, best practices and/or standards, and community protocols and procedures and customary laws, in terms of both content and presentation (including organization, accessibility, and visibility), should be carried out to enhance their effectiveness in supporting the implementation of the Nagoya Protocol.

H. Progress on the implementation of Article 10, on a global multilateral benefit-sharing mechanism

237. Article 10 of the Nagoya Protocol[90] has been under consideration since shortly after the adoption of the Protocol in 2010. Work over the years has included the submission of views, online discussions, expert meetings and the commission of studies.[91]

238. Most recently, at its fifth meeting in October 2024, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol considered a document on Article 10[92] and decided 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 Protocol, taking into consideration the analysis and synthesis of information for the second assessment and review of the Protocol (see decision NP-5/7).

I. Progress on the implementation of Article 23, on technology transfer, collaboration and cooperation[93]

1. Progress made in implementation and updated indicator data

239. As evidenced by the indicator included in table 17 below, there has been moderate progress with regard to the percentage of Parties that collaborated and cooperated in technical and scientific research and development programmes as means to achieve the objective of the Protocol as provided in Article 23 of the Protocol.

240. Parties reported a variety of cooperation and technology transfer modalities.[94] Technology transfer occurred both within and outside the access and benefit-sharing context, often through broader research cooperation, capacity-building initiatives and technical partnerships. Where

[90] Article 10 provides that "Parties shall consider the need for and modalities of a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. The benefits shared by users of genetic resources and traditional knowledge associated with genetic resources through this mechanism shall be used to support the conservation of biological diversity and the sustainable use of its components globally".

[91] See www.cbd.int/abs/art10.shtml for a summary of work carried out on this matter since the adoption of the Protocol.

[92] CBD/NP/MOP/5/10.

[93] For further information, see CBD/SBI/7/INF/2, sect. III.I.

[94] Those modalities included laboratory upgrades and establishment of conservation/gene bank facilities, provision of equipment, joint research projects, scientific exchanges, knowledge and skills transfer, co-authored publications, technology transfer through mutually agreed terms or permits and structured partnerships and digital biodiversity platforms. Further information in that regard can be found in document CBD/SBI/7/INF/2, sect. III.I.

technology transfer was linked specifically to access to genetic resources or associated traditional knowledge under the Nagoya Protocol, it constituted mostly a non-monetary benefit negotiated through mutually agreed terms. In such cases, technology transfer arrangements formed part of the benefit-sharing conditions associated with access, alongside other non-monetary benefits such as training, joint research and access to scientific information.

Table 17.
Indicators to measure progress on technology transfer

Framework of indicators	*Reference point (as at 22 February 2018)*	*Progress as at 9 March 2026*
Number and percentage of Parties that have collaborated and cooperated in technical and scientific research and development programmes as a means to achieve the objective of the Protocol as provided in Article 23	46 (44 per cent)	66 (47 per cent)

2. Challenges, root causes and possible ways to enhance technology transfer, collaboration and cooperation to support the implementation of the Protocol

241. Challenges mentioned included the fact that some Parties had limited capacity to receive or absorb advanced technologies, the need to better articulate the connection between national research activities and access and benefit-sharing, short-term approaches to funding for research and lack of capacity to negotiate and monitor mutually agreed terms.

242. Establishing a clear policy vision prior to drafting legislation was found to support the development of a stronger and more coherent legal framework. Policy instruments could help articulate countries' priorities for access and benefit-sharing. Strengthened capacity to undertake endogenous biodiversity-based research and development to add value to genetic resources,[95] including technology transfer as a priority, could be among the policy's objectives.

243. The inclusion of technology transfer elements in negotiated access and benefit-sharing agreements could contribute to longer-term capacity development and more balanced benefit-sharing outcomes, in particular when aligned with national priorities and implementation capacities. Access and benefit-sharing measures, templates or model contractual clauses could support the inclusion of technology transfer provisions in access and benefit-sharing agreements, reflecting national priorities and implementation needs.

[95] As considered under outcome area 5 of 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 adopted in decision NP-5/3.