

Global multilateral benefit-sharing mechanism

Non-paper

Recalling the sovereign right of States over their genetic resources,

Recalling decisions XI/1 B, NP-1/10, NP-2/10, NP-3/13, and recognizing that there have been new developments since the work was undertaken pursuant to these decisions,

Recalling also NP-4/10 and NP-5/7,

1. *Acknowledges* that Article 10 is an integral part of the Nagoya Protocol;
2. *Emphasizes* that any global multilateral benefit-sharing mechanism under Article 10 should not replace existing obligations under national access and benefit-sharing requirements for circumstances in which prior informed consent can be granted or obtained;
3. *Recognizes* the importance of ensuring complementarity and mutual supportiveness among relevant international access and benefit-sharing instruments and mechanisms, while respecting their respective mandates and legal frameworks, and avoiding duplication of benefit-sharing obligations;
4. *Recalls* the provisions of the Nagoya Protocol that relate to indigenous peoples and local communities and recognizes the importance of the full and effective participation of indigenous peoples and local communities in the consideration of a global multilateral benefit-sharing mechanism;
5. *Takes note* of the key findings and messages developed in the context of the second assessment and review of the effectiveness of the Protocol;
6. *Invites* Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and organizations to submit to the Executive Secretary:
 - (a) Information on specific cases which may support the need for a global multilateral benefit-sharing mechanism, accompanied by an explanation as to why such cases cannot be covered under the bilateral approach set out in the Nagoya Protocol and implementation of its Article 11 on transboundary cooperation;
 - (b) Possible modalities for a global multilateral benefit-sharing mechanism, including options for governance arrangements and benefit-sharing arrangements;
7. *Requests* the Executive Secretary, subject to the availability of resources:
 - (a) To synthesize the information submitted pursuant to paragraph 6;
 - (b) To update the information provided in the previous study¹ commissioned by the Executive Secretary on experiences gained with the development and implementation of the Nagoya Protocol and other multilateral mechanisms and the potential relevance of ongoing work undertaken by other processes to include:
 - (i) New developments and ongoing work in relevant international fora;
 - (ii) Modalities established under other multilateral mechanisms and lessons learned from their experience that may be relevant to the consideration of the need for and modalities of a mechanism under Article 10, including from the development and operationalization of the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources;

¹ [UNEP/CBD/ABS/A10/EM/2016/1/2](http://www.unep.org/cbd/ABS/A10/EM/2016/1/2)

8. *Decides* to establish an ad hoc technical expert group², including the participation of indigenous peoples and local communities, and requests the Executive Secretary, subject to the availability of financial resources, to convene a meeting of the group to consider the information referred to in paragraph 7 above to:

(a) Review the specific cases that could inform the need for a global multilateral benefit-sharing mechanisms and potential triggers for benefit-sharing through the mechanism;

(b) Identify lessons learned from other multilateral mechanisms, including with regard to their modalities, that could inform the development of a global multilateral benefit-sharing mechanism;

(c) Consider how a global multilateral benefit-sharing mechanism could complement national access and benefit-sharing measures and be complementary to and mutually supportive of relevant access and benefit-sharing instruments and mechanisms and avoid duplication of benefit-sharing obligations;

(d) Consider possible modalities, including options for governance arrangements, contributions and the sharing of benefits;

9. *Notes* that, in its deliberations, the Ad Hoc Technical Expert Group should take into account the study to identify specific cases 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 consent³, other past work on Article 10 and the outcomes of the second assessment and review of the effectiveness of the Protocol;

10. *Requests* the Subsidiary Body of Implementation, at a meeting held before the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, to consider the outcomes of the Ad Hoc Technical Expert Group and to make recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting on the need for a global multilateral benefit-sharing mechanism and options for possible modalities of such a mechanism for consideration at its seventh meeting;

11. *Encourages* Parties, other governments, indigenous peoples and local communities, stakeholders and relevant organizations to convene informal dialogues to exchange information and views on the need for and modalities of a global multilateral benefit-sharing mechanisms to assist Parties in the consideration of this issue at the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

² The Ad Hoc Technical Expert Group will be convened in accordance with the modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice, except that there will be five experts nominated by each of the five regions.

³ [CBD/SBI/3/15/ADD1](#).