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Agenda item 7

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

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

Draft recommendation submitted by the Chair

A. Assessment and review of the effectiveness of the Nagoya Protocol¹

The Subsidiary Body on Implementation

Recommends that, at its sixth meeting, 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 Utilization² adopt a decision along the following lines:

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

1. *Welcomes* the 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 provided by the Compliance Committee under the Nagoya Protocol and the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, in the form of key findings and messages and indicative actions that could be taken at the national, regional and global levels to enhance the implementation of the Protocol;³

2. *Also welcomes* the 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;⁴

¹ Item 8 of the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

² United Nations, *Treaty Series*, vol. 3008, No. 30619.

³ See [CBD/NP/MOP/6/3](#) and [CBD/NP/CB-IAC/2026/1/4](#), respectively.

⁴ [CBD/SBI/7/INF/3/Rev.1](#).

3. *Further welcomes* the updated indicator data produced further to the framework of indicators provided in annex II to decision [NP-3/1 A](#) of 25 November 2018;⁵

4. *Takes note* of the outcomes of the second assessment and review, in the form of key findings and messages and indicative actions that could be taken at the national level to enhance the implementation of the Nagoya Protocol,⁶ and of related decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol;⁷

5. *Welcomes* the progress made by Parties in the implementation of the Nagoya Protocol, and recognizes that further work is needed to support the effective implementation of the Protocol, as identified in the key findings and messages and indicative actions, and to make access and benefit-sharing systems fully operational and effective to achieve the objective of the Protocol;

6. *Invites* Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including, as appropriate, the regional and subregional technical and scientific cooperation support centres, to take into account the outcomes of the second assessment and review in their efforts to support the effective implementation of the Nagoya Protocol;

7. *Underlines* that all Parties need to fulfil their obligations under the Nagoya Protocol;

8. *Urges* Parties that have not yet done so to take the steps necessary to ensure the full and effective implementation of the Nagoya Protocol and achieve its objectives;

9. *Invites* Parties to take into account the indicative actions referred to in paragraph 4 above in their efforts to implement the Nagoya Protocol, as appropriate and in accordance with national circumstances and priorities;

10. *Encourages* Parties that have not yet done so:

(a) To develop and publish through the Access and Benefit-sharing Clearing-House clear and streamlined step-by-step access and benefit-sharing procedures, as appropriate and in accordance with national legislation and circumstances, that include: clear information on their scope of application, responsible authorities, the documentation required thereunder, procedural steps and any existing exemptions; and standardized templates, forms and checklists for commercial and non-commercial users;

(b) [To develop user measures, including guidelines, as appropriate and in accordance with national measures, and to publish them through the Access and Benefit-sharing Clearing-House;]

(c) To create conditions to promote and encourage research that contributes to the conservation and sustainable use of biological diversity, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research, in accordance with Article 8 (a) of the Nagoya Protocol;

(d) To establish and progressively implement, with a view to fully operationalizing, their checkpoints and to publish information collected or received by the checkpoints through the Access and Benefit-sharing Clearing-House, without prejudice to the protection of confidential information and in accordance with Articles 15 to 18 of the Nagoya Protocol;

⁵ See [CBD/SBI/7/7/Add.1](#).

⁶ [CBD/SBI/7/7](#), annexes I and II, respectively.

⁷ See decisions NP-6/-- on enhancing the implementation of the Nagoya Protocol and NP-6/-- on the financial mechanism and resources.

11. *Invites* Parties, as applicable, and in accordance with domestic law:

(a) To ensure the full and effective participation of indigenous peoples and local communities, including women and youth among them, in access and benefit-sharing processes, including by facilitating the development by indigenous peoples and local communities of community protocols and procedures for access and benefit-sharing, in accordance with Article 12 of the Nagoya Protocol;

(b) To make such protocols and procedures available through the Access and Benefit-sharing Clearing-House as part of the national records, [if the indigenous peoples and local communities concerned so agree and] without prejudice to the protection of confidential information;

12. *Invites* relevant organizations to support indigenous peoples and local communities, including women and youth among them, through their national focal points, in developing community protocols and procedures, in accordance with domestic law and in line with the programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2030 adopted by the Conference of the Parties to the Convention in decision [16/4](#) of 30 October 2024;

[13. *Urges* Parties to use existing tools developed in accordance with Articles 19 and 20 of the Nagoya Protocol and made available through the Access and Benefit-sharing Clearing-House;]

14. *Invites* Parties to continue to engage indigenous peoples and local communities, user organizations and relevant stakeholders in access and benefit-sharing processes, in accordance with national circumstances, and encourages user organizations and networks to continue to facilitate user compliance with access and benefit-sharing requirements, including by developing such tools as those provided in Articles 19 and 20 of the Nagoya Protocol, and to make the tools available through the Access and Benefit-sharing Clearing-House;

15. *Encourages* Parties and relevant regional organizations to engage actively in processes that could support the development of regional approaches to access and benefit-sharing and enhance transboundary cooperation in accordance with Article 11 of the Nagoya Protocol;

16. *Requests* the Executive Secretary to disseminate and promote the outcomes of the second assessment and review among Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including the technical and scientific cooperation support centres;

17. *Decides* that, given the limited practical experience with the compliance procedures and mechanisms⁸ and the fact that they are still being explored as a tool for supporting Parties in complying with their obligations under the Nagoya Protocol, it is premature to revise them at the present time, without prejudice to any future review based on sufficient practical experience, and notes that the limited number of cases brought to the attention of the Compliance Committee does not in itself constitute evidence of compliance with the Protocol;

[18. *Requests* the Executive Secretary to propose indicators of sufficient practical experience that would trigger reconsideration of the compliance procedures and mechanisms at a future meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol];

[19. *Also requests* the Executive Secretary to assess, in coordination with the Compliance Committee, the reasons for which the compliance procedures and mechanisms

⁸ Decision [NP-1/4](#), annex.

under the Nagoya Protocol have not been triggered through submissions, including whether Parties and relevant stakeholders are sufficiently aware of and are able to access and use the procedures, and to identify any procedural, institutional or practical barriers and options to address them;]

[20. *Decides* to establish a Party-driven intersessional process to advance the development of the modalities of the global multilateral benefit-sharing mechanism under Article 10 of the Nagoya Protocol, building on the work already undertaken pursuant to decision [XI/1 B](#) of 19 October 2012 of the Conference of the Parties and decisions [NP-1/10](#) of 17 October 2014, [NP-2/10](#) of 17 December 2016, [NP-3/13](#) of 29 November 2018, [NP-4/10](#) of 19 December 2022 and [NP-5/7](#) of 25 October 2024 of the Conference of the Parties serving as the meeting of the Parties to the Protocol and taking into account the relevant findings of the second assessment and review of the effectiveness of the Protocol;

21. *Requests* the Executive Secretary, subject to the availability of resources, to convene as part of the intersessional process referred to in paragraph 20 above an open-ended intersessional meeting of Parties with the participation of indigenous peoples and local communities and relevant stakeholders, in order to develop specific elements of the modalities of the global multilateral benefit-sharing mechanism under Article 10 of the Nagoya Protocol, building on the work undertaken pursuant to the decisions referred to in paragraph 20 above, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting;]

22. *Also requests* the Executive Secretary to propose a methodology, in consultation with Parties, for conducting the third assessment and review of the effectiveness of the Nagoya Protocol, taking into account:

- (a) The outcomes and lessons learned from the second assessment and review;
- (b) The need to collect and analyse information that would enable an assessment of the level of operationalization of access and benefit-sharing systems and their effectiveness in achieving the objective of the Nagoya Protocol, while avoiding additional reporting burdens;
- (c) Input from the Compliance Committee and the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol;
- [(d) The need to assess progress towards operationalization of Article 10 of the Nagoya Protocol and the experience of the multilateral mechanism established under decision [16/2](#) of 1 November 2024 of the Conference of the Parties;]
- [(e) The need to review and, as appropriate, revise the framework of indicators contained in annex II to decision [NP-3/1 A](#), with a view to incorporating indicators for use in measuring the operationalization of access and benefit-sharing systems and the outcomes achieved in terms of benefits shared, in addition to the existence of legislative, administrative and policy measures;]

23. *Requests* the Subsidiary Body on Implementation to consider the proposed methodology referred to in paragraph 22 above 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 and to make recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting;

[24. *Requests* the Executive Secretary to compile, on the basis of the second assessment and review and information available through the Access and Benefit-sharing Clearing-House, information on provisions of the Nagoya Protocol for which limited or no implementation experience has been reported, including with respect to genetic resources occurring in transboundary situations, and to make that information available for the

consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol at its sixth meeting.]

B. Enhancing the implementation of the Nagoya Protocol⁹

The Subsidiary Body on Implementation

Recommends that, at its sixth meeting, 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 Utilization¹⁰ adopt elements of a decision¹¹ along the following lines:

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

I

Capacity-building and development and awareness-raising

1. *Recalls* its decision [NP-5/3](#) of 1 November 2024, by which it adopted 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, and its decision [NP-1/9](#) of 17 October 2014, by which it adopted the awareness-raising strategy for the Protocol;

2. *Encourages* Parties, other Governments and relevant stakeholders and organizations, including the regional and subregional technical and scientific cooperation support centres, in a position to do so, taking into account national circumstances, priorities, capabilities and legislation:

(a) To enhance their efforts to build long-term capacity for implementing the Nagoya Protocol, in accordance with its Article 22 and the capacity-building and development action plan for the Protocol;

(b) To take into account the key findings and messages of the second assessment and review of the effectiveness of the Nagoya Protocol, which include areas where Parties require further support, and the indicative actions that could be taken at the national level to enhance the implementation of the Protocol;¹²

(c) To strengthen the capacities of national authorities to implement the Nagoya Protocol and domestic access and benefit-sharing measures, including the capacity for undertaking the following in an efficient and effective manner: managing processes for granting access, providing timely responses to requests for information by users of genetic resources, negotiating mutually agreed terms and ensuring compliance in accordance with Articles [10,] 15, 16, 17 and 18 of the Protocol;

(d) To promote the exchange of experiences, best practices, success stories and lessons learned in the implementation of the Nagoya Protocol among a wide range of actors involved in access and benefit-sharing processes, and develop guidance, in particular on the areas identified in the key findings and messages;

(e) To promote the development of regional and global initiatives to facilitate the exchange of experiences and lessons learned among different actors, including indigenous peoples and local communities;

⁹ Item 9 of the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

¹⁰ United Nations, *Treaty Series*, vol. 3008, No. 30619.

¹¹ Additional elements are expected to be included in document CBD/NP/MOP/6/7.

¹² See [CBD/SBI/7/7](#), annexes I and II.

(f) To establish or strengthen mechanisms that facilitate partnerships between users and providers of genetic resources and holders of associated traditional knowledge;

(g) To document and share through the Access and Benefit-sharing Clearing-House lessons learned and best practices and capacity-building and development resources for the implementation of the Nagoya Protocol;

(h) To support work on information systems that facilitate access and benefit-sharing and compliance with the Nagoya Protocol, and to make those systems interoperable with the Access and Benefit-sharing Clearing-House, as appropriate;

(i) To support the publication and use of information in the Access and Benefit-sharing Clearing-House by indigenous peoples and local communities, for example, by incorporating training on the Clearing-House into relevant capacity-building and development activities, as appropriate;

3. *Invites* Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including, as appropriate, the technical and scientific cooperation support centres, to strengthen communication efforts, subject to the availability of resources and national priorities, including through campaigns targeted at different access and benefit-sharing actors, and to consider:

(a) Promoting the third objective of the Convention on Biological Diversity,¹³ that is, the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, so that it is recognized and perceived as a strategy for valorizing biodiversity, supporting its conservation and sustainable use and creating opportunities for sustainable development, in line with the key findings and messages;

(b) Continuing the implementation of the awareness-raising strategy for the Nagoya Protocol;

(c) Using existing tools, such as the communication, education and public awareness toolkit,¹⁴ including considerations for access and benefit-sharing;

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

(a) To contribute to and promote the communication efforts of the actors referred to in paragraph 3 above by producing targeted communication materials that highlight success stories and best practices and disseminating such information, including through the Access and Benefit-sharing Clearing-House;

(b) To facilitate and promote the exchanges referred to in subparagraphs 2 (d) and (e) above on the areas identified in the key findings and messages, including through the holding of regional workshops;

(c) To promote the integration of access and benefit-sharing in regional or subregional capacity-building and development initiatives, existing cooperation frameworks and the work of relevant regional and subregional institutions, including the technical and scientific cooperation support centres, and to support, through those centres, the establishment and operationalization of checkpoints under Article 17 of the Nagoya Protocol;

[(d) To promote cooperation, collaboration and synergy among the secretariats of relevant multilateral environmental agreements addressing access and benefit-sharing, such as 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;]

¹³ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹⁴ www.cbd.int/abs/doc/cepa-toolkit-en.pdf.

II

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

5. *Emphasizes* the key role of the Access and Benefit-sharing Clearing-House in supporting the effective implementation of the Nagoya Protocol;

6. *Underscores* the importance for Parties to publish all available mandatory information through the Access and Benefit-sharing Clearing-House and to ensure that such information is kept up to date in order to enhance the effectiveness of the Nagoya Protocol;

7. *Requests* Parties to provide up-to-date, accurate and practical information on access and benefit-sharing procedures and national model contractual clauses in the Access and Benefit-sharing Clearing-House, in line with Article 14 of the Nagoya Protocol;

8. *Notes with concern* that many Parties have not yet published all available mandatory information through the Access and Benefit-sharing Clearing-House, and urges those Parties to publish such information, as required under Article 14 of the Nagoya Protocol, as soon as possible, and to keep it up to date;

9. *Encourages* Parties to make use of the interoperability of the Access and Benefit-sharing Clearing-House with relevant national information systems to facilitate the publication of information related to internationally recognized certificates of compliance and checkpoint communiqués;

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

(a) To further develop the Access and Benefit-sharing Clearing-House, and to encourage the publication and use of information through the Clearing-House, in accordance with its modalities of operation, and taking into account:

(i) Feedback received, in particular from Parties and the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House, including on goals and priorities for the administration and further development of the Clearing-House by the Secretariat;¹⁵

(ii) Relevant information from the second assessment and review;

(b) To hold a meeting of the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House before the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and, as needed, informal online discussions, and to report on the outcomes of the Committee's work at the seventh meeting;

III

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

11. *Recalls* its decision [NP-5/6](#) of 25 October 2024;

12. *Encourages* Parties to provide in their second national reports on the implementation of the Nagoya Protocol complete and disaggregated information on benefits received, including, as appropriate, the details of monetary and non-monetary benefits received from the utilization of genetic resources and associated traditional knowledge, the recipients of the benefits, including indigenous peoples and local communities, and the proportion of benefits directed towards the conservation and sustainable use of biodiversity, in accordance with national legislation and without prejudice to the protection of confidential information;

¹⁵ See [CBD/NP/ABSCH-IAC/6/3](#).

13. *Notes* that the outcomes of the second assessment and review are complemented by decision 17/-- of the Conference of the Parties to the Convention on the global review of collective progress in the implementation of the Kunming-Montreal Global Biodiversity Framework,¹⁶ in particular with regard to its Goal C and Target 13.

C. Financial mechanism and resources¹⁷

The Subsidiary Body on Implementation

Recommends that, at its sixth meeting, 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 Utilization¹⁸ adopt elements of a decision¹⁹ of along the following lines:

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

1. *Recalls* its decisions [NP-4/8](#) of 10 December 2022 and [NP-5/2](#) of 1 November 2024;

[2. *Urges* developed country Parties and other Parties that voluntarily assume the obligations of developed country Parties to provide new and additional, adequate, predictable and timely financial resources to developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition for the implementation of the Nagoya Protocol, in accordance with Article 25 of the Protocol and Article 20 of the Convention on Biological Diversity;]

3. *Invites* Parties, international organizations, regional development banks, other programmes and initiatives, and the private sector:

(a) To provide additional financial resources, as appropriate and, where relevant, in line with their respective mandates, to support the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization;

(b) To take into account the key findings and messages of the second assessment and review of the effectiveness of the Nagoya Protocol, which include areas where Parties require further support, and the indicative actions that could be taken at the national level to enhance the implementation of the Protocol;²⁰

4. *Recommends* that, in adopting its guidance to the Global Environment Facility, the Conference of the Parties to the Convention request the Facility:

(a) To continue to assist developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition in implementing the Nagoya Protocol, taking into account the outcomes of the second assessment and review, including the support for the establishment and operationalization of checkpoints and the publication of checkpoint information through the Access and Benefit-sharing Clearing-House, and to encourage the use of global and regional projects and make funds available to that end;

¹⁶ Decision [15/4](#), annex.

¹⁷ Item 10 of the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

¹⁸ United Nations, *Treaty Series*, vol. 3008, No. 30619.

¹⁹ Additional elements are expected to be included in document CBD/NP/MOP/6/8.

²⁰ [CBD/SBI/7/7](#), annexes I and II.

(b) To make funds available in a timely manner to support eligible Parties in the preparation and submission of their second national reports on the implementation of the Nagoya Protocol, with a view to ensuring that resources are made available well in advance of the expected reporting deadline, without creating additional reporting requirements;

[(c) To consider establishing, within its biodiversity focal area, a dedicated funding window on access and benefit-sharing, including for the implementation of the Nagoya Protocol, with adequate and predictable resources, taking into account the national priorities and needs of eligible Parties and without reducing the availability of resources for other national biodiversity priorities;]

5. *Underlines* the importance for eligible Parties to submit their letters of endorsement for the project to support the preparation of the second national reports in a timely manner, and recommends that implementing agencies involved in the project take steps to minimize administrative, procedural and operational delays in order to facilitate the expeditious disbursement of funding;

6. *Requests* the Executive Secretary:

(a) To disseminate information on existing financial resources and funding opportunities to Parties and indigenous peoples and local communities, women and youth for the implementation of the Nagoya Protocol;

(b) To take into account the outcomes of the second assessment and review, including the needs of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, when preparing the documentation related to the four-year outcome-oriented framework of programme priorities for the tenth replenishment period of the Global Environment Facility Trust Fund that will be submitted for consideration at the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

[7. *Invites* the Conference of the Parties to the Convention to ensure that, when it adopts the integrated programme of work and budget for the biennium 2027–2028, the core functions of the Secretariat related to the Nagoya Protocol, including the Access and Benefit-sharing Clearing-House and the compliance mechanism, are provided for in the core programme budget.]
