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Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization
Sixth meeting
Yerevan, 19–30 October 2026
Agenda item 11
Specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol

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

Draft decision submitted by the Chair of Working Group I

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

[Recalling paragraph 4 of Article 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,[1]]

[Recalling also that, pursuant to paragraph 4 of Article 4 of the Nagoya Protocol, where a specialized international access and benefit-sharing instrument applies that is consistent with, and does not run counter to, the objectives of the Convention and the Protocol, [the non-application of the Protocol is limited to the Party or Parties to that specialized instrument in respect of the specific genetic resource][the Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resource] covered by and for the purpose of the specialized instrument, respecting sovereign rights,]

[Recognizing that the application of paragraph 4 of Article 4 of the Nagoya Protocol is subject to the conditions of that paragraph, including consistency with and non-opposition to the objectives of the Convention and the Protocol, and that cooperation among instruments shall not undermine fair and equitable benefit-sharing or the rights of provider countries and indigenous peoples and local communities,]

Recognizing also the need to enhance legal clarity, equity and coherence in the implementation of paragraph 4 of Article 4 of the Nagoya Protocol and to avoid duplication and fragmentation across access and benefit-sharing regimes,

Affirming the importance of maintaining mutual supportiveness among international instruments, in accordance with paragraph 3 of Article 4 of the Nagoya Protocol, and of respecting the sovereign rights of Parties,

[*Recalling* Article 10 of the Nagoya Protocol,]

[1] United Nations, *Treaty Series*, vol. 3008, No. 30619.

1. *Takes note* of the synthesis of submissions received pursuant to decision NP-5/8 of 25 October 2024, as contained in documents CBD/SBI/6/8 and CBD/NP/MOP/6/9, which provide a basis for further work on paragraph 4 of Article 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization, including on the options contained in annex I to the present decision;

2. *Invites* Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and international organizations and processes to submit views on the options and indicative criteria, including additional proposals, for specialized international access and benefit-sharing instruments, as set out in sections I and II of annex I to the present decision, respectively;

3. *Decides* to establish [an [open-ended informal advisory group][open-ended working group][2] to advance work on paragraph 4 of Article 4[, taking into consideration, while working on the subject, in a strictly advisory manner, the entirety of Article 4,] through a fully inclusive process open to all Parties, other Governments, indigenous peoples and local communities, relevant international organizations and stakeholders, to inform the Subsidiary Body on Implementation at its eighth meeting and to facilitate consideration and decision-making on the matter by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol [at its seventh meeting]];

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

(a) To compile a synthesis of the views referred to in paragraph 2 above, for consideration by the [Open-ended Informal Advisory Group][Open-ended Working Group];

(b) To assist the Co-Chairs of the [Open-ended Informal Advisory Group][Open-ended Working Group] in organizing and conducting the [online] meetings of the Group and in preparing the report on its work.

Annex I

[Proposed options for determining the status of or recognizing specialized international access and benefit sharing instruments

I. Options for recognizing specialized international access and benefit-sharing instruments

Option A
Recognition by 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

1. The objective of option A is to establish a formal, Party-led mechanism for recognizing specialized international access and benefit-sharing instruments through the Conference of the Parties serving as the meeting of the Parties of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization[3] on the basis of the indicative criteria set forth in section II. The option may include the following elements:

(a) Indicative criteria agreed by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (see sect. II);

(b) The submission of dossiers by Parties;

(c) Inclusive consultations with stakeholders;

[2] The term “informal group” is a placeholder until the Parties decide what to name the group. Options suggested at the sixth meeting of the Subsidiary Body on Implementation include “open-ended informal advisory group” and “discussion forum”.
[3] United Nations, *Treaty Series*, vol. 3008, No. 30619.

(d) A time-limited recognition subject to periodic review;

(e) A dispute-resolution mechanism;

(f) A registry in the Access and Benefit-sharing Clearing-House.

Option B
Approach based on initial coordination without formal recognition

2. The objective of option B is to promote structured coordination and mutual supportiveness without formal recognition. The option is defined by the following elements:

(a) Structured cooperation with other international organizations;

(b) Information exchange and transparency;

(c) National reporting on practices related to specialized international access and benefit-sharing instruments;

(d) Assessments based on the Nagoya Protocol;

(e) Review processes;

(f) No formal recognition or accreditation step.

Option C
Hybrid "deference and docket" model[4]

3. The objective of option C is to combine self-declarations by the governing bodies and secretariats of specialized international access and benefit-sharing instruments that would be recorded by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with a minimal review. The option is defined by the following elements:

(a) Primary self-declarations by the governing bodies or secretariats of specialized international access and benefit-sharing instruments;

(b) The recording or noting of self-declarations by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(c) Use of voluntary criteria by the governing bodies or secretariats of specialized international access and benefit-sharing instruments to determine the status of those instruments in relation to paragraph 4 of Article 4 of the Protocol;

(d) Rolling intersessional listings;

(e) The creation of a registry in the Access and Benefit-sharing Clearing-House;

(f) A cross-regime help desk for Parties and stakeholders.

II. Proposed indicative criteria for determining the status of or recognizing specialized international access and benefit-sharing instruments (applicable to options I.A and I.C)

4. Indicative criteria for recognition include:

(a) A legal basis provided through intergovernmental adoption or endorsement;

(b) A specialization in scope and purpose;

[4] A hybrid "deference and docket" model refers to a strategic governance approach that blends Party-led discretion (deference) with a structured, transparent process (docket) that can be used for reviewing and recognizing specialized international access and benefit-sharing instruments under paragraph 4 of Article 4 of the Nagoya Protocol.

(c) The alignment with the objectives of the Convention on Biological Diversity[5] and the Nagoya Protocol;

(d) Fair and equitable benefit-sharing mechanisms;

(e) The effective participation of indigenous peoples and local communities;

(f) Transparency, monitoring and accountability provisions;

(g) The promotion of mutual supportiveness and the avoidance of duplication.]

Annex II

Terms of reference of the [Open-ended Informal Advisory Group]|Open-ended Working Group] to Advance Work on Paragraph 4 of Article 4 of the Nagoya Protocol

1. The [Open-ended Informal Advisory Group][Open-ended Working Group] to Advance Work on Paragraph 4 of Article 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization[6] shall consider:

(a) The synthesis of views referred to in paragraph 4 (a) of the present decision, with a view to identifying areas of divergence and convergence;

(b) The information described in the first national reports on the implementation of the Nagoya Protocol and the second assessment and review of the Protocol.

2. The [Open-ended Informal Advisory Group][Open-ended Working Group] shall meet up to three times over the intersessional period, [online and] in a manner that will accommodate different time zones. Each meeting is expected to last approximately three hours. The working language will be English.

[3. The [Open-ended Informal Advisory Group][Open-ended Working Group] shall meet at least once in person in the intersessional period, with additional online meetings convened as necessary, in a manner that accommodates different time zones, as appropriate, subject to the availability of resources.]

[3.Alt. The [Open-ended Informal Advisory Group][Open-ended Working Group] shall meet, subject to the availability of resources, once in person in the intersessional period, with two online meetings convened as necessary, in a manner that accommodates different time zones, as appropriate, with possible interpretation.]

4. The [Open-ended Informal Advisory Group][Open ended Working Group] shall be guided by two co-chairs. One co-chair shall be from a developed country Party and one from a developing country Party, selected by the Parties taking into account relevant expertise and geographical balance. The Co-Chairs are XXX and XXX.[7]

5. The Co-Chairs will prepare a report on the following elements, among others:

(a) Legal and institutional implications of options for implementing paragraph 4 of Article 4 of the Protocol;

(b) Draft indicative criteria for specialized international access and benefit-sharing instruments.

[5] United Nations, *Treaty Series*, vol. 1760, No. 30619.
[6] Ibid., vol. 3008, No. 30619.
[7] It is expected that the co-chairs will be selected at the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

6. Other Governments, observers and experts from Parties and relevant organizations may be invited to participate in meetings of the [Open-ended Informal Advisory Group][Open-ended Working Group], or parts thereof, at the discretion of the Co-Chairs.

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