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EVALUATION OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL

Note by the Executive Secretary

1. In its decision [NP-3/5](#), the meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol requested that the Executive Secretary prepare an evaluation of the strategic framework for capacity-building and development in accordance with decision [NP-1/8](#), paragraph 9(f), and submit the evaluation report for the consideration of the Subsidiary Body on Implementation at its third meeting, with a view to ensuring an effective approach to capacity-building under the Nagoya Protocol that is consistent with the post-2020 global biodiversity framework (section A, para. 7(b)).
2. The present document consists of the findings of the evaluation prepared by the Secretariat and includes input provided by the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol at its fourth meeting.

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ACRONYMS

ABS	access and benefit-sharing
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on Migratory Species
DSI	digital sequence information
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
IAC	Informal Advisory Committee
IDLO	International Development Law Organization
IEO	Independent Evaluation Office
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
MAT	mutually agreed terms
NPIF	Nagoya Protocol Implementation Fund
PIF	Project Identification Form
SCBD	Secretariat of the Convention on Biological Diversity
UNESCO	United Nations Educational, Scientific and Cultural Organization
WIPO	World Intellectual Property Organization

I. EXECUTIVE SUMMARY

1. The following is an executive summary of the evaluation of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, which will hereafter be referred to as “the Framework”.

Objective of the evaluation

2. The overall objective of the evaluation was to assess the Framework’s contribution in helping foster a strategic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Nagoya Protocol. Specific objectives included to review progress in the implementation of the Framework, review its relevance and effectiveness, and propose options and recommendations for further improvement of capacity-building to support the implementation of the Nagoya Protocol.

Methodology and limitations

3. The evaluation was guided by a set of general questions and sub-questions that were adopted as part of decision NP-3/5 (see annex II). The methodology consisted of a literature review and semi-structured interviews with Parties (12), representatives of key organizations working on capacity-building (8) and with representatives of indigenous peoples and local communities (2).

4. The interviews focused on the use, relevance and effectiveness of the Framework, the role of the Secretariat of the Convention on Biological Diversity in its promotion and coordination and recommendations to help improve the Framework and capacity-building to implement the Nagoya Protocol beyond 2020.

5. In terms of limitations for the evaluation, the Framework did not include measurable targets or outcomes, nor did it set any baseline against which to measure progress made by its use in supporting capacity-building for the implementation of the Protocol. Hence, the section in the evaluation that reviews progress in the implementation of the Framework consists of a general overview of what has been done in terms of capacity-building and development since the Framework’s adoption in 2014.

A. Key findings of the evaluation

Progress in the implementation of the Framework

6. Significant progress has been made in the implementation of the Nagoya Protocol since its adoption in 2010 and entry into force in 2014. This success is intrinsically linked to the capacity-building and development efforts undertaken through various national, regional and global access and benefit-sharing initiatives and projects. The Global Environmental Facility (GEF) and other donors have invested important financial resources and supported numerous projects and initiatives benefiting more than 100 countries.

7. Advances in the implementation of the Protocol are, to a large extent, a reflection of countries’ efforts to develop the capacities to ratify the Nagoya Protocol and implement access and benefit-sharing frameworks. Important progress has been made by Parties to designate competent national authorities, establish checkpoints, adopt relevant access and benefit-sharing measures and publish records on the Access and Benefit-sharing Clearing-House.

8. As of 1 May 2019, there are 99 projects¹ providing direct support to countries to enable them to ratify and/or implement the Nagoya Protocol. Of these, 81 per cent are national projects, 16 per cent are regional and 3 per cent are global projects. The majority of projects (86 per cent) focus on Key Area 2 (capacity to develop, implement and enforce access and benefit-sharing measures) followed by 78 per cent Key Area 4 (capacity of indigenous peoples and local communities and relevant stakeholders to implement the Protocol) and 73 per cent on Key Area 1 (capacity to implement and to comply with the Protocol).

¹ Since the last update presented at the third Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, there has been one new access and benefit-sharing project (approved under GEF 7), while two projects related to genetic resources and biotrade and the development of small enterprises that were not included in previous reports have been added as they fall under Key Area 4 and aim to work on developing value chains with indigenous peoples and local communities.

Approximately 56 per cent of the projects have focused on Key Area 3 (capacity to negotiate mutually agreed terms (MAT)) and 57 per cent on Key Area 5 (capacity to develop endogenous research capabilities). In terms of geographic coverage, challenges remain for certain regions such as Central and Eastern Europe where few projects have been implemented.

9. These 99 capacity-building initiatives represent the amount of known resources and efforts invested in building-capacities to ratify and implement the Nagoya Protocol. The goals of these projects align with the objectives of the Framework and therefore contribute to its implementation.

10. According to the interim national reports, 55 Parties reported taking measures to implement the Framework.² In this regard, most Parties provided brief descriptions of the workshops or trainings they carried out. However, in most of the cases they did not explicitly specify which key areas of the Framework these activities addressed.

11. The assessment and review of the effectiveness of the Nagoya Protocol carried out in 2018³ found that although several capacity-building and development initiatives were supporting ratification and implementation of the Nagoya Protocol, many Parties still lacked the necessary capacity and financial resources to make the Protocol operational. Capacity-building and development support, therefore, continues to be essential to make progress in the implementation of the Protocol, especially for developing country Parties and small island developing States among them, and Parties with economies in transition.

12. Related to this, is Parties' reliance on projects to implement the Nagoya Protocol, and the reality that achievement of project outputs is sometimes prioritized over capacity-building aspects. For instance, if an access and benefit-sharing framework was developed as part of the project, adequate capacities may not have been built to enable national actors to implement the framework once the project ended. The sustainability of capacity-building and development initiatives is an essential element for successfully implementing the Nagoya Protocol around the world, however, this continues to be a challenge.

Uses, effectiveness and relevance of the Framework

13. The evaluation found that the Framework has been used primarily as a reference document to guide capacity-building and development programming and project design by countries and organizations. The indicative measures and activities in the appendices were identified as the Framework's main strength. Elements of the appendices were used in the design of capacity-building projects, national access and benefit-sharing strategies, interim measures and communication strategies. The comprehensiveness and detail of the appendices was most valued as it provided guidance on the steps that are needed to make the Protocol operational.

14. In the context of the evaluation, "effectiveness" was considered as the extent to which the Framework has obtained its stated purpose of fostering a systematic, coherent and coordinated approach to capacity-building and development. Although reviews were mixed on whether the Framework has been effective, the evaluation found that the Framework had succeeded by providing a common language and roadmap for building the necessary capacities to make the Nagoya Protocol operational. Moreover, through its coordination mechanisms, such as the meetings of the Informal Advisory Committee on Capacity-building, the Framework promoted collaboration among countries, international organizations and donors, and enabled stakeholders to work together towards common goals.

15. The evaluation found that the main elements of the Framework – the objectives, key areas and proposed measures/activities in the appendices – continue to be relevant. Key areas for which further capacity-building is needed are identified in the following sections along with emerging needs.

Coordinating mechanisms and role of the Secretariat

16. The evaluation examined the effectiveness of the coordinating mechanisms and the role of the Secretariat. The most useful coordination mechanism was found to be the Informal Advisory Committee

² Based on the interim-national reports by 89 Parties submitted by 10 July 2019.

³ Decision NP-3/1.

on Capacity-building for the Implementation of the Nagoya Protocol. The committee brings together Parties, representatives of indigenous peoples and local communities, and international organizations to provide guidance to the Executive Secretary of the Convention on matters of relevance to the assessment of the effectiveness of the Framework. In addition, the Secretariat was considered effective in its role to promote and coordinate the implementation of the Framework by collecting and providing information through the Access and Benefit-sharing Clearing-House and facilitating activities at the regional and international levels. Nevertheless, several recommendations were made on how the Secretariat could improve its role in promoting and coordinating the Framework. They are presented in section III on recommendation.

Priority areas for continued support, emerging needs and preferred capacity-building approaches

17. The capacity to negotiate MAT (Key Area 3); the capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol (Key Area 4); and the capacity of countries to develop endogenous research capabilities to add value to their own genetic resources (Key Area 5) were identified as priorities for continued support. The Informal Advisory Committee suggested that the capacity-building measures for indigenous peoples and local communities be separate from other stakeholder groups such as the business and scientific communities given their distinct characteristics and needs. Moreover, specific priorities for continued capacity-building identified during the assessment and review of the Nagoya Protocol include:

(a) Developing access and benefit-sharing legislation or regulatory requirements considering Article 8 of the Protocol and the need to ensure that the Nagoya Protocol and other relevant international instruments are implemented in a mutually supportive manner;

(b) Enhancing the implementation of the provisions on compliance with domestic legislation and regulatory requirements on access and benefit-sharing, monitoring the utilization of genetic resources, including the designation of checkpoints, as well as the provisions related to indigenous peoples and local communities;

(c) Supporting the participation of indigenous peoples and local communities in the implementation of the Protocol, including by supporting the development by indigenous peoples and local communities of community protocols and procedures, minimum requirements for MAT and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources, taking into consideration their customary laws;

(d) Raising awareness among relevant stakeholders and encourage their participation in the implementation of the Protocol.

18. The most commonly identified emerging capacity-building needs relate to digital sequence information on genetic resources and its link to access and benefit-sharing and measuring and reporting both monetary and non-monetary benefits that arise from the utilization of genetic resources. Finally, strategic communication on access and benefit-sharing was identified as an area for future capacity-building.

19. The evaluation identified regional and national capacity-building approaches, training of trainers and the sharing of country experiences and lessons as the most successful capacity-building approaches that should be pursued and included in capacity-building and development beyond 2020. Additional elements identified to support the implementation of the Framework include strategic communication on access and benefit-sharing, better linking the Convention and its Protocols with other biodiversity-related conventions, and mainstreaming gender considerations into capacity-building interventions.

B. Key recommendations

20. The following section summarizes key recommendations that emerged from the evaluation. The recommendations relate to improving the Framework and its coordination mechanisms, enhancing the role of the Secretariat of the Convention and suggest general improvements for capacity-building and

development on access and benefit-sharing beyond 2020. The recommendations made by the Informal Advisory Committee on Capacity-building at its fourth meeting have been incorporated into the text.

21. The main recommendation emerging from the evaluation is that the Framework be revised in line with the post-2020 global biodiversity framework, the long-term strategic framework for capacity-building beyond 2020 and the findings of this review.

22. For improving the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, the following recommendations were made:

(a) *Use simple direct language and avoid redundancies.* The Framework and relevant biodiversity target should be presented in plain language and the objectives need to be clearer and more succinct, reducing overlap and redundancies. Key Areas 1 and 2 should be merged;

(b) *Take greater advantage of assessment and review exercises to assess the Framework.* Additional questions on capacity-building could be incorporated into the assessment and review to get more in-depth feedback on challenges and lessons and be used to identify ongoing capacity-building gaps and needs;

(c) *Link the Framework to the Sustainable Development Goals and adopt gender considerations as a cross-cutting theme.* The Framework should make explicit links to the sustainable development goals and in line with the decision of the Conference of the Parties at its fourteenth meeting to integrate a gender perspective into the post-2020 global biodiversity agenda, gender considerations should be incorporated.

23. For enhancing coordination mechanisms, the following recommendations were made:

(a) *Expand the membership of the Informal Advisory Committee on Capacity-building and enhance engagement.* Expand membership to include representatives of the business sector, the research community and youth while ensuring a balanced representation and use virtual meetings and consultations to foster greater coordination;

(b) *Increase the publication of capacity-building information to the Access and Benefit-sharing Clearing-House and improve the presentation and dissemination of the information;*

(c) *Encourage greater synergies with other relevant international instruments.* The Framework should promote partnerships and the implementation of joint capacity-building activities with other relevant biodiversity-related conventions;

(d) *Foster high level coordination* between the donors, funding agencies and other key stakeholders.

24. In terms of enhancing the role of the Secretariat the following recommendations were made:

(a) *Enhance communication efforts to promote the Framework.* Translating it into a less technical document and making it easy to understand and more visually appealing may go a long way in helping with its dissemination and uptake;

(b) *Play an active role in showcasing access and benefit-sharing experiences and capacity-building lessons.* The Secretariat, in collaboration with capacity-building providers, is well placed to identify successful access and benefit-sharing cases, including examples in which access and benefit-sharing-compliant products have been developed that could be packaged and shared with Parties and relevant stakeholders;

(c) *Continue to facilitate the uploading and use of relevant capacity-building information to the Access and Benefit-sharing Clearing-House.* Continuing to offer training and technical assistance on how to use the Access and Benefit-sharing Clearing-House and fostering interoperability with the platforms of Parties and organizations is key.

25. The following general recommendations were made for improving capacity-building and development on access and benefit-sharing beyond 2020:⁴

(a) *Address practical sustainability questions in project designs so that the work may continue beyond the life of the project.* It is important for national governments to recognize the reliance on projects and need for national budget allocations to institutionalize the implementation of the Nagoya Protocol;

(b) *Build access and benefit-sharing into broader biodiversity-related capacity-building and development projects.* Broader projects on biodiversity mainstreaming, conservation and sustainable use should consider incorporating access and benefit-sharing components to help advance the implementation of the Nagoya Protocol;

(c) *Give due consideration to the establishment of interim measures in less advanced countries.* Given that establishing national legal access and benefit-sharing frameworks is a lengthy process, the development of interim measures, such as ministerial decrees, to facilitate access and benefit-sharing should be considered in project design;

(d) *Enhance South-South cooperation.* International organizations and Parties recognize the value of peer-to-peer learning and the sharing of experiences and lessons. Project designs should build in opportunities for South-South cooperation as much as possible including triangular cooperation and twinning.

26. Finally, the findings and recommendations from the evaluation of the Framework and the report of the Informal Advisory Committee should be taken into account in the development of the long-term strategic framework on capacity-building beyond 2020.

II. INTRODUCTION

A. Background

27. Article 22 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization provides that Parties shall cooperate in the strengthening of human and institutional capacities to effectively implement the Protocol in developing country Parties and Parties with economies in transition. In doing so, Parties are required to fully consider the needs of developing country Parties and Parties with economies in transition and facilitate the involvement of indigenous and local communities and relevant stakeholders.

28. In 2014, at its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopted a strategic framework for capacity-building and development to support the effective implementation of the Protocol (NP-1/8, annex I). The objective of the Strategic Framework, (which will hereafter be referred to as “the Framework”), is to foster a systematic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Protocol in accordance with Article 22 of the Protocol. The Parties to the Nagoya Protocol had also decided to establish an informal advisory committee to provide advice to the Executive Secretary, until their third meeting, on matters related to the assessment of the effectiveness of the Framework.

29. At their third meeting, the Parties to the Nagoya Protocol decided, in decision NP-3/5, to evaluate the Framework based on elements in the annex of the decision. The Executive Secretary was requested⁵ to prepare the evaluation for the consideration of the Subsidiary Body on Implementation at its third meeting, with a view to ensuring an effective approach to capacity-building under the Nagoya Protocol that is consistent with the post-2020 global biodiversity framework. Moreover, the Informal Advisory Committee

⁴ The recommendations in this section stem from the literature review including the report from the IAC in 2018, the biodiversity focal area study carried out by the GEF Independent Evaluation Office and the interviews carried out as part of the evaluation.

⁵ See decision NP-3/5, para. 7.

was requested to provide inputs to the evaluation through a review of preliminary findings and by providing additional input and recommendations.⁶

B. Purpose of the evaluation

30. The overall objective of the evaluation is to assess the Framework's contribution in helping foster a strategic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Nagoya Protocol. Based on the elements agreed upon in the annex of NP-3/5, the specific objectives of the evaluation are:⁷

(a) To take stock and review progress made in the implementation of the Framework, including its main achievements, limitations and lessons learned since its adoption in 2014;

(b) To review the relevance and effectiveness of the Framework in guiding and facilitating capacity-building efforts while fostering coordination and cooperation in the short and medium term;

(c) To propose options and recommendations for further improvement of capacity-building to support the implementation of the Nagoya Protocol that could be taken into consideration in the preparation of the long-term strategic framework for capacity-building beyond 2020 pursuant to decision XIII/23 of the Conference of the Parties.

III. METHODOLOGY AND LIMITATIONS

31. The Framework was designed to serve as a reference document to guide the policies and actions of Parties, relevant organizations and donors in relation to capacity-building and development for the implementation of the Nagoya Protocol, thus, the evaluation focuses on whether and how it has served this purpose.

32. Being a reference document, the framework did not include measurable targets or outcomes, nor did it set any baseline against which to measure progress made by its use in supporting capacity-building for the implementation of the Protocol. Hence, the review of progress consists of a general overview of what has been done in terms of capacity-building and development since the framework's adoption in 2014.

33. The evaluation was guided by a set of general questions and sub-questions that were adopted as part of decision NP-3/5 (see annex II). The main evaluation questions consist of the following:

(a) What progress has been made in the implementation of the Framework?

(b) To what extent has the Framework been effective in fostering a systematic, coherent and coordinated approach to capacity-building and development?

(c) In what way has the Framework been effective in guiding and facilitating capacity-building activities?

(d) Are the elements of the Framework (i.e. key areas, objectives, proposed activities) still relevant?

(e) What are the recommendations for the preparation of the long-term strategic framework for capacity-building and development beyond 2020?

34. Note that questions (d) and (e) were also addressed by the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol at its fourth meeting, that was held in Montreal, Canada from 29 to 31 October 2019.

⁶ See decision NP-3/5, para. 5.

⁷ See decision NP-1/8, annex I, para. 21.

35. The methodology consisted of two main data collection methods: (a) a documentation review; and (b) interviews with Parties and representatives of key organizations working on capacity-building and development related to access and benefit-sharing (ABS).⁸

36. In terms of the documentation review, a full list of references reviewed is available in annex I. Of these, the main resources, that directly refer to the Framework or work carried out in relation to capacity-building, were the documents from the third meeting of the Parties to the Nagoya Protocol on the assessment and review of the effectiveness of the Nagoya Protocol, the interim national reports submitted by Parties, capacity-building information made available on the Access and Benefit-sharing Clearing-House (ABS-CH), progress reports on measures to assist in capacity-building (Article 22), relevant Global Environment Facility (GEF) documents including an evaluation of the biodiversity focal area, and reports of the Informal Advisory Committee on capacity-building.

37. Between May and June 2019, 22 interviews were carried out (of the 32 invited) with people working on capacity-building and development related to ABS. Of these, 12 interviews were carried out with Parties to the Protocol, 8 with relevant organizations and 2 with representatives of indigenous peoples and local communities. A full list of interviewees and the selection criteria can be found in annex III.

38. The semi-structured interviews focused on the use, relevance and effectiveness of the Framework, the role of the Secretariat of the Convention on Biological Diversity (Secretariat) in its promotion and coordination, and recommendations to help improve the Framework and capacity-building to implement the Nagoya Protocol beyond 2020. The interview guide is available in annex IV.

39. In terms of possible limitations, it is worth noting that interviews were conducted by Secretariat staff members and even though interviewees were encouraged to be critical, it is possible responses may have been different had the evaluation been carried out by independent evaluators.

40. More generally, another possible limitation is that for many countries ABS is still a recent area of work and most of the capacity-building initiatives are still ongoing, hence there is limited information available on achievements and lessons learned. Moreover, ABS is a highly complex issue with varying perspectives from different stakeholders including policy and decision makers, politicians, authorities, indigenous peoples and local communities, the business sector and the research community among others. The views captured in this evaluation may not be sufficiently representatives of all relevant viewpoints.

IV. PROGRESS IN THE IMPLEMENTATION OF THE FRAMEWORK

A. Key advances in capacity-building on ABS

41. This section presents key advances in the implementation of the Nagoya Protocol and the associated capacity-building and development undertaken since the adoption of the Framework. The section is based on information compiled by the Secretariat including its progress reports on measures to assist in capacity-building.⁹ Advancements in the implementation of the Protocol are to a large extent a reflection of countries that have developed the capacity to ratify the Nagoya Protocol and to implement ABS measures.

42. As of 29 August 2019, there have been 120 ratifications to the Nagoya Protocol representing 61 per cent of Parties to the Convention. As of February 2018, 57 Parties had designated one or more competent

⁸ The original decision also called for an online survey as an input; however, given that questions relating to capacity-building and the Framework were already addressed as part of the interim national reports on the Nagoya Protocol, it was decided that the survey was not necessary. As of July 10, 2019, 89 Parties to the Protocol had submitted interim national reports and 68 Parties had taken measures to build and develop capacity and strengthen human resources and institutional capacities to effectively implement the Protocol as provided in Article 22.

⁹ The SCBD elaborates progress reports on measures to assist in capacity-building based on information available on capacity-building and development initiatives implemented or proposed for implementation since the adoption of the Nagoya Protocol in 2010. Although the evaluation is focusing on what has happened since the adoption of the Framework in 2014, for practical reasons the information on capacity-building initiatives dates to 2010. The latest version was presented at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (CBD/NP/MOP/3/4).

national authorities (CNA), 29 Parties had established checkpoints and 48 Parties had adopted relevant ABS measures since 2010 while another 54 Parties had measures under development.

43. Significant progress has also been made with the publication of records on the ABS Clearing-House. From zero records in 2014, the ABS Clearing-House now counts more than 1300 records including over 500 internationally recognized certificates of compliance published by 16 Parties, as of July 2019, and 12 checkpoint communiqués. This demonstrates that ABS legislation is being implemented in several countries and the utilization of genetic resources is being monitored.

44. Numerous countries indicated in their interim national reports that they had made significant advances with regard to:

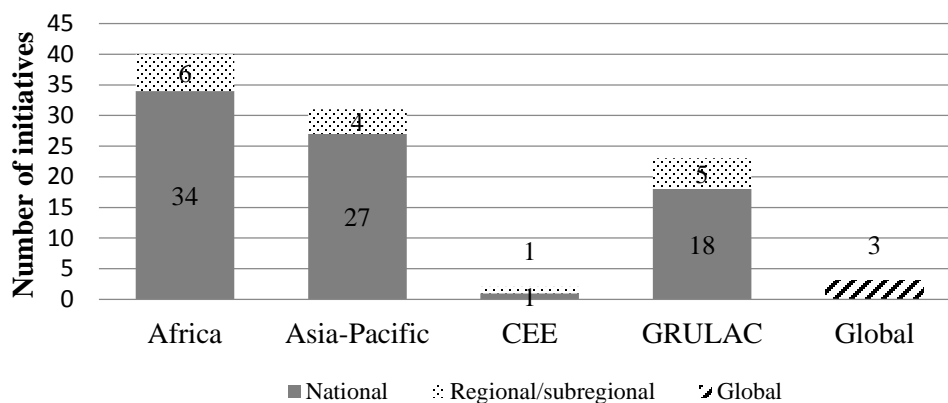
- (a) Raising awareness of the value of conservation and sustainable use of biodiversity;
- (b) Improving the knowledge about species, including through the development of databases or inventories, and supported the valorization of genetic resources;
- (c) Increasing the involvement of communities in the conservation and sustainable use of biodiversity;
- (d) Fostering the recognition of research and development as key to countries' valorization of genetic resources;
- (e) Factoring elements of biodiversity conservation and use in government priorities including the 2030 development agenda.

45. In terms of capacity-building initiatives, as of 1 May 2019 there were 99 projects¹⁰ providing direct support to countries to enable them to ratify and/or implement the Nagoya Protocol. Of these, 80 (81 per cent) are national projects, 16 (16 per cent) are regional or subregional projects and 3 (3 per cent) are global projects. It is important to note that to a large extent the capacity-building related to the implementation of the Nagoya Protocol is taking place through the implementation of national, regional and Global projects. Hence, the Secretariat has been monitoring the implementation of capacity-building initiatives and providing regular updates during meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

46. With regard to geographic coverage, the African region has the largest number of initiatives, with 34 national and 6 regional/subregional projects. This is followed by Asia and the Pacific, with 27 national and 4 subregional projects. In Latin America and the Caribbean, there are 18 national and 5 regional/-subregional projects. In Central and Eastern Europe, there is one national project and one regional. Furthermore, there are three global initiatives that are also providing support to a number of countries from these regions (see figure 1).

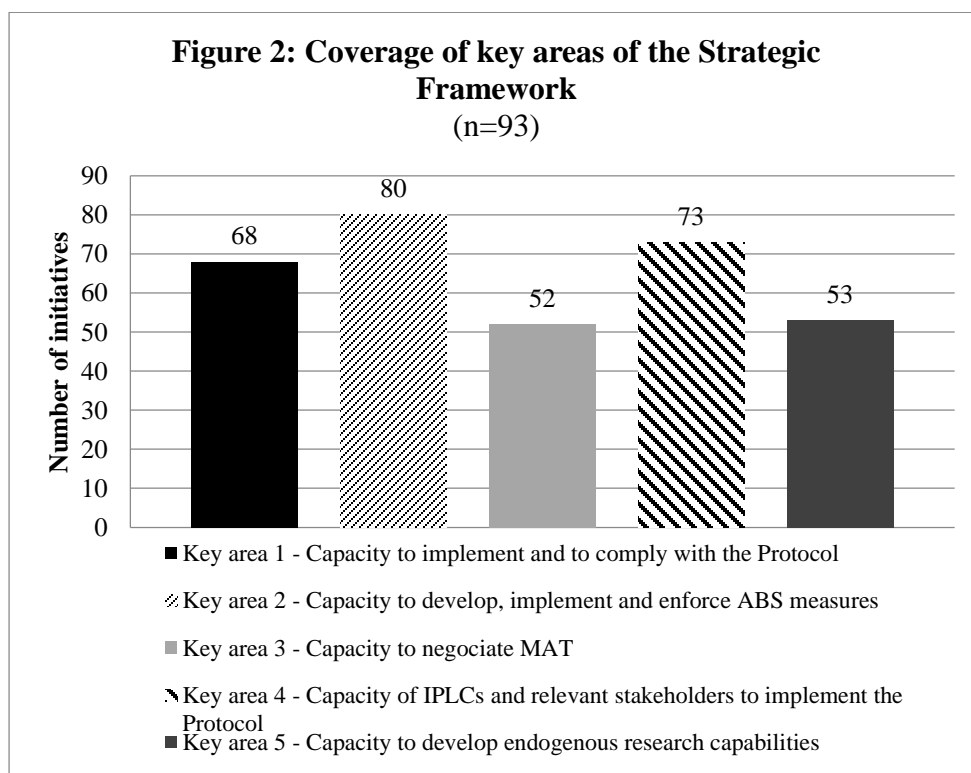
¹⁰ Since the last update presented at the third Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, there has been one new ABS project (approved under GEF 7), while two projects related to genetic resources and biotrade and the development of small enterprises that were not included in previous reports have been added as they fall under Key Area 4 and aim to work on developing value chains with indigenous peoples and local communities.

Figure 1: Capacity-building initiatives by type and region
(n=99)



47. The geographic coverage of existing capacity-building projects is uneven, with CEE being the least covered region. Only five countries (22 per cent) — Albania, Armenia, Belarus, Bosnia and Herzegovina, and Georgia — have received direct support from an ABS capacity-building project. However, during the interviews for this evaluation it was indicated that at least one project was currently being developed for submission to GEF.

48. In terms of the key thematic areas being covered by the capacity-building initiatives, information is available for 93 of the 99 projects (see figure 2).



49. The majority of projects (86 per cent) focus on Key Area 2 (capacity to develop, implement and enforce ABS measures) followed by 78 per cent Key Area 4 (capacity of indigenous peoples and local

communities and relevant stakeholders to implement the Protocol) and 73 per cent on Key Area 1 (capacity to implement and to comply with the Protocol). Approximately 56 per cent of the projects have focused on Key Area 3 (capacity to negotiate mutually agreed terms (MAT)) and 57 per cent on Key Area 5 (capacity to develop endogenous research capabilities).

50. It is important to note that to determine which key areas projects focused on, the Secretariat reviewed project documents and decided which key areas were covered based on the information provided. For future projects it would be preferable that the project proponents in the documents explicitly indicate what key area of the Framework they are addressing.

51. GEF has played an important role in funding capacity-building through various projects at the national, regional and global levels. Of the 99 documented capacity-building initiatives, 60 (61 per cent) have been or are being funded by GEF. According to the information provided in the financial mechanism documents issued for the fourteenth meeting of the Conference of the Parties,¹¹ GEF has allocated more than US\$ 127 million in core funding for capacity-building initiatives on ABS and leveraged over \$295 million in co-financing in over 100 countries.¹² This funding has been disbursed through the GEF Trust Fund, the Small Grants Programme and the Nagoya Protocol Implementation Fund (NPIF) created to support ratification and implementation of the Nagoya Protocol, Key Areas 1 and 2 of the Framework, in 54 countries.

52. Other important donors have also contributed to ABS capacity-building projects. The German Ministry of Economic Cooperation and Development – BMZ – has been the single most significant donor, contributing nearly \$150 million to the 15 national and subregional projects for which it has been the main donor. In addition to funding ABS projects the BMZ hosts the ABS Capacity Development Initiative which is funded by several governments and international organizations and managed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The ABS Capacity Development Initiative has also contributed over \$11 million to two subregional projects and 15 smaller-scale national projects.

B. Assessment of progress towards the implementation of the Framework

53. As mentioned above, the Framework did not include a baseline or targets, making it difficult to determine in measurable terms the extent to which the Framework has been implemented. Moreover, since many ABS capacity-building initiatives are ongoing and limited information is available on results, it has not been possible to ascertain key achievements and lessons learned. However, findings from the literature review provide a general view of progress made in building capacities to ratify and implement the Nagoya Protocol while highlighting challenges and areas where additional work is needed.

54. This section presents an assessment of the progress made towards the implementation of the Framework. It draws on information from the interim national reports, the assessment and review, and key findings of the Biodiversity Focal Area Study carried out by the GEF Independent Evaluation Office (IEO).

55. The 99 capacity-building initiatives that the Secretariat has documented, as described in the previous section, represent the amount of known resources and efforts invested in building-capacities to ratify and implement the Nagoya Protocol. The goals of these projects align with the objectives of the Framework and therefore contribute to the implementation of the Framework.

56. According to the interim national reports,¹³ of the 68 Parties that responded as having taken measures to implement Article 22 of the Protocol, 55 specifically reported taking measures to implement

¹¹ CBD/COP/14/7 and CBD/COP/14/8.

¹² More detail on capacity-building initiatives can be found in document CBD/NP/MOP/3/4, 22 September 2018 (Progress report on measures to assist in capacity-building and capacity development (Article 22)) and a list of initiatives can be found in document CBD/NP/MOP/3/INF/1, 1 October 2018 (Overview of capacity-building and development initiatives providing direct support to countries for the implementation of the Nagoya Protocol).

¹³ 55.1 Has your country taken measures to build and develop capacity and strengthening of human resources and institutional capacities to effectively implement the Protocol as provided in Article 22?

the Framework.¹⁴ In this regard, most Parties provided a brief description of the workshops or trainings they carried out. However, in most of the cases they did not explicitly specify which key areas of the Framework these activities addressed.

57. Some countries¹⁵ indicated that the Framework was considered for the development of their national ABS frameworks while others indicated they had developed a capacity-building strategy on ABS or were planning to do so.¹⁶ These initiatives are largely supported through GEF or the ABS Capacity Development Initiative,¹⁷ as mentioned by several countries.

58. The assessment and review of the effectiveness of the Nagoya Protocol carried out in 2018¹⁸ found that although several capacity-building and development initiatives are currently supporting ratification and implementation of the Nagoya Protocol, many Parties still lack the necessary capacity and financial resources to make the Protocol operational. Capacity-building and development support, therefore, continue to be essential to make progress in the implementation of the Protocol, especially for developing country Parties and Parties with economies in transition. This finding is supported by a biodiversity focal area study¹⁹ carried out by the GEF IEO that assessed the project design and relevance of 39 ABS projects. The study highlighted how the GEF ABS strategy identifies the development of “actual durable domestic ABS framework implementation capacity” in provider countries as the most important need for the ABS regime to function.

59. Despite the above recognition, the GEF IEO study identifies several challenges that reduce the effectiveness of capacity-building within existing ABS projects. It found that achievement of project outputs is sometimes prioritized over capacity-building aspects. For instance, if an ABS framework was developed as part of the project, adequate capacities were not built to enable national actors to implement the framework once the project ended. Although the external evaluations conclude that capacity-building objectives of many projects were not met, self-assessments of the projects indicated that capacities and awareness related to ABS have nevertheless improved.

60. Moreover, as part of the GEF IEO study a statistical analysis of all the ABS projects funded by GEF 4 and GEF 5 was carried out and found moderate success regarding the engagement of indigenous peoples and local communities. All projects recorded some level of engagement while 71 per cent achieved a moderate or higher level of engagement.

61. The sustainability of capacity-building and development initiatives is an essential element for successfully implementing the Nagoya Protocol around the world, as recognized in the Framework. However, this continues to be a challenge. Likewise, the Framework states that the involvement of various key stakeholders in the design and implementation of ABS measures is essential to their sustainability.

62. In addition to the recognition that many Parties still lack the necessary capacity and financial resources to make the Protocol operational, in decision NP-3/1 on the assessment and review of the effectiveness of the Nagoya, Parties, non-Parties and relevant organizations were encouraged to expand their efforts to build the capacity of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition to implement the Nagoya Protocol.

55.2 Has your country taken measures to implement the strategic framework for capacity-building and development to support effective implementation of the Nagoya Protocol on ABS?

¹⁴ Based on the interim-national reports by 89 Parties submitted by 10 July 2019.

¹⁵ Bhutan, Burkina Faso, Burundi, India, Lao People’s Democratic Republic, Republic of Moldova and Togo.

¹⁶ China and Peru.

¹⁷ Egypt, Gabon, Kenya, Mexico, Mongolia and Uganda.

¹⁸ Decision NP-3/1.

¹⁹ Biodiversity Focal Area Study, Evaluation Report No. 132. December 2018.

V. EFFECTIVENESS OF THE FRAMEWORK

63. This section focuses on the effectiveness and relevance of the Framework, the role of the Secretariat of the Convention on Biological Diversity in its promotion and coordination and is based primarily on the semi-structured interviews and supported by the literature review. “Effectiveness” is considered as the extent to which the Framework has obtained its stated objective of fostering a systematic, coherent and coordinated approach to capacity-building and development, and a look at how useful the mechanisms to achieve this have been.

64. With regard to the effectiveness of the Framework in meeting objectives to foster a systematic, coherent and coordinated approach to capacity-building and development on ABS, 50 per cent of the interviewees considered that its objective had been met, while 27 per cent indicated that the objective had been partially met, and 14 per cent did not feel it had been met. Approximately 9 per cent of the interviewees did not consider the Framework’s objective realistic in the first place. The interviewees stated that the Framework had succeeded by providing a common language and roadmap for building the necessary capacities to make the Protocol operational. Moreover, through its coordination mechanisms, such as the meetings of the Informal Advisory Committee, the Framework promoted collaboration between countries, international organizations and donors, and enabled them to work together towards common goals.

65. Interviewees indicated that, for some countries, the Framework was also effective in fostering a coordinated approach at the national level.

66. Despite this generally positive feedback and examples of systematic and coherent implementation of the Nagoya Protocol, about 25 per cent of interviewees questioned whether the Framework was being implemented in a coordinated manner. While there are some examples of coordination, such as through the Global United Nations Development Programme ABS project and the ABS Capacity Development Initiative, outside of these instances limited coordination is taking place. Also, even if countries are coordinating through projects, it is more related to the projects as such and not as a result of implementing the Framework.

67. Virtually all interviewees stated that the main elements of the Framework – the objectives, key areas and proposed measures/activities in the appendices – continue to be relevant and that the Framework should be revised and/or updated in line with the outcomes of the development of a post 2020 biodiversity framework. Interviewees provided several general and specific suggestions for improvement of this guidance document which are presented in section VII.

A. Effectiveness of the coordination mechanisms and role of the Secretariat of the Convention

1. *Coordination mechanisms*

68. During the interviews, participants were asked to provide their opinion and recommendations regarding the three main coordination mechanisms of the Framework, namely the Informal Advisory Committee, the ABS Clearing-House and the updates on existing capacity-building and development initiatives supporting the implementation of the Nagoya Protocol provided by the Secretariat. Of the three, the majority of interviewees (64 per cent) indicated that the Informal Advisory Committee and the ABS Clearing-House as the most useful mechanisms.

69. The Informal Advisory Committee on capacity-building for the implementation of the Nagoya Protocol, which brings together Parties, representatives of indigenous peoples and local communities, and international organizations to provide guidance to the Executive Secretary of the Convention on matters of relevance to the assessment of the effectiveness of the Framework, was considered the most useful mechanism for coordinating capacity-building on ABS. Since the adoption of the Framework, three meetings of the Informal Advisory Committee have been held.²⁰

²⁰ Three meetings of the Informal Advisory Committee on Capacity-building: September 2015, June 2016 and March 2018.

70. In addition to providing advice, the Committee is mandated to facilitate coordination, synergy, coherence and complementarity among capacity-building and development activities.²¹ Interviewees indicated that the Informal Advisory Committee provided the opportunity to bring relevant capacity-building actors together to assess progress, identify gaps and share experiences on ABS capacity-building. One representative of an international organization stated that through participation in the Informal Advisory Committee, a region with limited ABS projects was identified and Parties consulted to better understand the situation and identify options to address capacity-building needs.

71. The ABS Clearing-House was also deemed useful by more than half of the interviewees. Many considered it to be a valuable hub to find and share information on what countries are doing in terms of ABS capacity-building²² and to find contact information, such as the national focal points on ABS. For approximately 60 per cent of the ABS capacity-building initiatives known to the Secretariat, information has been uploaded to the ABS Clearing-House. Moreover, some interviewees visit the ABS Clearing-House's section containing capacity-building resources to find materials to use for their capacity-building activities. In addition, several countries use the national report analyser to learn what other countries by reading the replies to the probing questions on work being done for each article of the Protocol.

72. Interviewees offered several suggestions on how to improve the coordination mechanisms which are presented in section VII of the document.

2. Role of the Secretariat

73. According to the Framework, the Secretariat's role is to promote and coordinate the implementation of the Framework by collecting and providing information through the ABS Clearing-House and facilitating activities at the regional and international levels. A total of 77 per cent of the interviewees stated that they considered the Secretariat to have been effective in its role. As mentioned above, a possible biasing factor was that the interviews were conducted by Secretariat's staff members and responses may have been different had the evaluation been carried out by independent evaluators.

74. In addition to appreciating the coordination mechanisms mentioned above, several participants stated that they valued the Secretariat's training efforts such as the training programme on "establishing measures to implement the Nagoya Protocol", carried out jointly by the International Development Law Organization (IDLO) and the Secretariat, and the development of e-learning modules, factsheets, videos and other materials that have been used in capacity-building.²³ Participants indicated that it would be important for the Secretariat to continue with these efforts. Several recommendations were made on how the Secretariat could improve its role in promoting and coordinating the Framework which are presented in section VII below.

VI. USES AND STRENGTHS OF THE FRAMEWORK

75. This section addresses the use of the Framework and its main strengths, as expressed primarily in the semi-structured interviews and supported by the literature review. It contains details on how the Framework was used and to what extent it was taken into consideration for guiding capacity-building interventions.

76. Nearly all the interviewees (90 per cent) answered that they had used the Framework to guide their capacity-building work. The Framework was used to varying degrees, with about half using it as a broad, reference document. For example, several used it as a checklist for the development of national plans. Moreover, donors indicated they used the Framework to review proposals and ensure alignment with capacity-building priorities.

²¹ The terms of reference of the Informal Advisory Committee (IAC) are detailed in annex II to decision 1/8.

²² The ABS Clearing-House has a section on reference records and one of the categories is capacity-building initiatives see <https://absch.cbd.int/search/scbdRecords?schema=capacityBuildingInitiative>

²³ For more information on the ABS capacity-building activities and resources developed by the SCBD visit <https://www.cbd.int/abs/>

77. About 36 per cent used the Framework more actively as a guide to prepare capacity-building action plans or for reporting purposes. Several interviewees used the Framework as a road map, to identify what needed to be done and set strategic priorities. A smaller number of interviewees (20 per cent) used the Framework to develop their national ABS frameworks. Specifically, they mentioned using the appendices to develop their ABS framework by adapting the measures and activities to their own country context.

78. Most interviewees (68 per cent) used the Framework in developing ABS project proposals especially for submission to GEF. The GEF representative indicated that most of the ABS projects are aligned to the key areas of the Framework which is supported by the analysis carried out by the Secretariat and the study carried out by the GEF Independent Evaluation Office (IEO). Upon review of several GEF ABS project documents, it was not possible to find explicit mention of the Framework in the project identification forms (PIFs).

79. The biodiversity focal area study carried out by the GEF IEO also analysed how the GEF ABS strategy has evolved over the first six replenishment periods and found it to be closely linked to the evolution in the “guidance to the financial mechanism” documents produced by the Secretariat. The guidance documents, especially for the second meeting of the Parties to the Nagoya Protocol, include explicit references to the Framework, however, the IEO study does not explicitly mention the Framework or its role in shaping the GEF ABS strategy.

80. The appendices of the Framework, with measures and practical capacity-building and development activities to support the effective implementation of the Nagoya Protocol, were used by most of the interviewees and were cited as the Framework’s main strength. Elements of the appendices were used in the design of capacity-building projects, national ABS strategies, interim measures and communication strategies. The comprehensiveness and detail of the appendices was most valued as it provided guidance on the steps that are needed to make the Protocol operational.

81. Several interviewees also mentioned the organization of the activities into short, medium and long-term as strengths and appreciated that the Framework promoted activities at the global, regional, and national levels. However, some also suggested that this aspect could be improved. For instance, developing an ABS domestic policy framework for many countries, especially in those where ABS is a recent issue, is more of a medium to long-term endeavour and cannot realistically be accomplished in the short-term. One interviewee suggested that it would be useful for the Framework to consider that different countries are at different stages of development with regard to ABS. In some countries, ABS may be an emerging issue while in others it may be an area where there are decades of experience. For each case, the guidance on capacity-building would differ based on the stage of development (i.e. beginner, intermediate or advanced).

VII. ELEMENTS OF THE STRATEGIC FRAMEWORK

82. This section looks at the content of the Framework, such as the key areas, objectives, themes and activities, which are most relevant for the future of ABS capacity-building. This section also looks at emerging needs that are not reflected in the current Framework.

A. Key areas where further capacity-building is needed

83. Interviewees identified Key Areas 3, 4 and 5 as priorities for continued support in capacity-building and development. This finding supports the conclusions of the assessment and review carried out in 2018.

84. Several interviewees highlighted the importance of including more guidance in the Framework on building capacities to negotiate MAT (Key Area 3). As seen in section III above, this is the key area that the fewest capacity-building initiatives were covering. Interviewees specified that, for capacity-building to be more successful in this area, training material on how to negotiate MAT should consist of actual successful ABS agreements used in different sectors as well as lessons learned.

85. Key Area 4 which addresses the need for capacity-building for relevant stakeholders was identified by various interviewees as a continuing priority for the Framework. From the perspective of indigenous peoples and local communities interviewed, capacity-building needs include improving general awareness of ABS using actual examples and utilizing methods that respect learning and information-sharing methods

of indigenous peoples and local communities (for example, emphasizing appropriate oral and visual tools). Some interviewees expressed the need for more detailed guidance on issues related to genetic resources and associated traditional knowledge, including support for the development of community protocols and procedures, minimum requirements for MAT and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources, taking into consideration customary laws. The importance of training indigenous lawyers was also highlighted, as the Protocol is a legally binding instrument, thus building the institutional capacities of legal institutions in provider and user countries is paramount.

86. Of all the key areas needing additional work, Key Area 5 was mentioned most frequently as a priority for future capacity-building and development moving forward. Several interviewees expressed the need to build stronger scientific and research institutions in developing countries to add value to their own genetic resources and be better placed to collaborate with international research organizations. With regard to research and development, several interviewees also noted the need to build capacities related to the assessment of the economic value of genetic resources and the development of value-chains for products derived from genetic resources. One interviewee stressed that governments needed to recognize genetic resources and ABS as business opportunities and strategies for sustainable development.

87. With regard to Key Area 2, several countries mentioned the need to focus efforts on building the capacities of both user and provider countries to enforce and comply with ABS regulations. One interviewee suggested that issues of compliance and establishing checkpoints should be addressed in the short term and should be examined in relation to other environmental regulations, permit requirements and policies. There may already be compliance systems in place that could be leveraged for ABS.

88. Although addressed in Key Area 1, several participants mentioned that one of the key challenges to the Protocol's implementation was the limited awareness and understanding of ABS and how it related to other environmental and economic goals. Interviewees stressed the need to continue raising awareness on ABS and on the Framework, specifically with decision makers and relevant stakeholders. Several mentioned that the general public was not aware of the value of genetic resources and how the equitable sharing of benefits derived from their utilisation could lead to increased conservation. Capacity-building in this area may need to be expanded in the medium and long-term.

89. Additional priorities identified during the assessment and review include the following:

(a) Access and benefit-sharing legislation or regulatory requirements considering Article 8 of the Nagoya Protocol²⁴ and the need to ensure that the Protocol and other relevant international instruments are implemented in a mutually supportive manner;

(b) Enhancing implementation of the provisions on compliance with domestic legislation and regulatory requirements on ABS, monitoring the utilization of genetic resources, including the designation of checkpoints, as well as the provisions related to indigenous peoples and local communities;

(c) Supporting the participation of indigenous peoples and local communities in the implementation of the Protocol, including by supporting the development by indigenous peoples and local communities of community protocols and procedures, minimum requirements for MAT and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources, taking into consideration their customary laws;

(d) Awareness-raising among relevant stakeholders including the scientific and business communities.

²⁴ Article 8 refers to special considerations to be taken into account in the development and implementation of ABS measures nationally, including promoting research, considering emergencies and the importance of food and agriculture.

B. Emerging areas for capacity-building

90. During the interviews, participants were asked to identify emerging areas for capacity-building that should be addressed in the context of the post 2020 agenda. About 40 per cent of interviewees indicated that such an emerging area relates to digital sequence information on genetic resources (DSI). This view is supported by decision [14/20](#), which recognizes the need for capacity-building and technology transfer, as appropriate, to assist in the access, use, generation and analysis of DSI on genetic resources for the conservation and sustainable use of biodiversity and benefit-sharing. This assessment was also echoed in the submissions of 18 countries on views and information on DSI on genetic resources.²⁵

91. Moreover, 45 per cent of interviewees stressed the importance of measuring the benefits that arise through the implementation of the Nagoya Protocol. To accomplish this, capacities need to be built not only on monitoring the use of genetic resources but also for measuring and reporting on both monetary and non-monetary benefits that arise from the utilization of genetic resources. Closely related to this issue is the need for countries to strengthen their national environmental information systems including indicators that can be used for decision-making and for monitoring obligations under international agreements such as the Sustainable Development Goals.

C. Capacity-building approaches

92. During the interviews, participants were asked what capacity-building approaches should be prioritized and included in the long-term strategic framework on capacity-building and development beyond 2020. The lack of greater information on approaches for ABS capacity-building was considered a weakness of the Framework by some. A compilation of the most preferred approaches is summarized below.

93. Several approaches were identified that could be prioritized and can be organized in terms of the geographical scale at which the capacity-building takes place and types of capacity-building with different delivery methods. It is important to keep a range of options and ensure an iterative process, as one interviewee described it, since there are different levels of understanding and development on ABS which requires regular needs assessments to determine the most appropriate approaches.

1. Scale

94. The approach most mentioned was the regional approach to capacity-building. More than half of the interviewees mentioned that regional projects, forums and capacity-building activities worked well. One interviewee cautioned that, for a regional approach to succeed, countries should be prepared and committed to negotiating and implementing regional guidelines. For example, the African Union's ABS Guidelines had undergone two or three rounds of review before they were adopted.

95. Others suggested that the best approach was to focus on national capacity-building emphasizing that projects must be anchored into national priorities and policies. For the national approach to succeed, participatory methods and a multi-stakeholder process are key.

2. Types of activities

96. The "training of trainers" approach was mentioned by several participants as a promising option especially as there are a limited number of ABS experts around the world and a need to build a critical mass of trainers that can assist countries in their ongoing efforts.

97. Using actual ABS cases, both successful and not so successful, were mentioned as important in developing capacity-building material. There is a wealth of experience, but the cases have not been systematised and made available to the public or for training purposes.

98. The sharing of experiences and lessons among countries was mentioned several times as a successful capacity-building approach that needs to be better exploited.

²⁵ <https://www.cbd.int/abs/dsi-gr/2019-2020/submissions.shtml>

99. Engaging with academia and traditional training institutions in the design and delivery of capacity-building on ABS was mentioned as an under-exploited strategy. For example, environmental law programmes could incorporate relevant ABS training materials thus preparing future generations of environmental lawyers.

D. Additional elements to support implementation of the Framework

100. This section highlights other elements that interviewees considered important for the successful implementation of the Framework. Interviewees also mentioned several elements as areas that require more work or precision. These included cross-cutting elements related to the coordination of capacity-building and raising awareness on ABS.

101. A number of interviewees felt that coordination and cooperation were not adequately addressed at all levels, even though they are among the main elements of the Framework. They also underlined the need to improve strategic communication on ABS whereby the issue is clearly linked to countries' national development priorities and promoted as a viable sustainable development strategy. One way of achieving this is to demonstrate how ABS contributes to meeting several of the Sustainable Development Goals. Most interviewees (77 per cent) also stressed the importance of integrating ABS into the other two objectives of the Convention and not address it in a silo.

102. Furthermore, several interviewees highlighted the need to better link the Convention, its Protocols and other biodiversity-related conventions. Synergies and cooperation could be strengthened with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Migratory Species (CMS), United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO) (specifically regarding the protection of traditional knowledge). An updated version of the Framework could provide recommendations on how this could be achieved.

103. Lastly, interviewees mentioned the need for mainstreaming gender considerations into the capacity-building for the implementation of the Nagoya Protocol. Currently, the Framework does not address issues related to gender mainstreaming and ABS.

E. Conclusions

104. Significant progress has been made in the implementation of the Nagoya Protocol since its adoption in 2010. This success is intrinsically linked to the capacity-building and development efforts undertaken through various national, regional and global ABS initiatives and projects. GEF and other donors have invested important financial resources and supported numerous projects and initiatives benefiting more than 100 countries. Despite the progress made, many Parties still lack the necessary capacity and financial resources to make the Protocol operational. Further capacity-building and development support is therefore still required to advance the implementation of the Protocol, especially for developing country Parties and Parties with economies in transition.

105. Important progress has been made with regards to the implementation of the Framework, albeit this cannot be measured against any specific expected outcomes. Key Areas 3, 4 and 5 of the Framework, have been identified as priorities for continued support while DSI and its link to ABS has emerged as a new priority area requiring capacity-building. In terms of geographic coverage, challenges remain for certain regions such as Central and Eastern Europe where few projects have been implemented.

106. The Framework has mostly been used as a reference document to guide capacity-building and development programming and project design by countries and organizations, and many of them found the indicative measures and activities in the appendices the most useful. The Informal Advisory Committee as well is considered to have been the most effective coordination mechanism.

107. It is important to note that, despite being elaborated primarily as a reference document, the Framework does include operational aspects as reflected in the Framework's ten specific objectives and the

expectation that its implementation would be monitored and reported on. This hybrid nature between a reference document and an action plan has made it difficult to monitor since there are no measurable outcomes or concrete means for its implementation. For the future, a decision will have to be made on what type of document i.e. guidance document or action plan would best suit the needs of the Parties especially developing country Parties and Parties with economies in transition.

108. The results are mixed with regard to whether the Framework has succeeded in fostering a systematic, coherent and coordinated approach to capacity-building and development on ABS with half of the interviewees stating that the Framework had succeeded and the other half saying it had partially succeeded or not succeeded at all.

109. According to the interviews, the efforts of the Secretariat of the Convention in promoting and coordinating the Framework have been successful but could be improved.

110. The main elements of the Framework – the objectives, key areas and proposed measures/activities in the appendices – continue to be relevant. It is suggested that the Framework be revised in line with the upcoming decisions of the fifteenth meeting of the Conference of the Parties related to the post-2020 global biodiversity framework, the long-term strategic framework on capacity-building beyond 2020 and take into consideration the recommendations stemming from this evaluation.

111. Finally, interviewees identified regional and national capacity-building approaches, training of trainers and the sharing of country experiences and lessons as the most successful capacity-building approaches that should be pursued and included in the long-term strategic framework on capacity-building and development beyond 2020.

VIII. RECOMMENDATIONS

112. The following section presents a series of recommendations on enhancing capacity-building and development on ABS beyond 2020, based on interviews and the literature review. The recommendations relate to improving the Framework and its coordination mechanisms, enhancing the role of the Secretariat of the Convention on Biological Diversity and general improvements for capacity-building and development on ABS beyond 2020. For the preparation of the recommendations on improving the Framework, an important assumption is that it would remain a guidance or reference document for future work on capacity-building and development for the implementation of the Nagoya Protocol.

A. Improving the Framework

113. *Use simple direct language and avoid redundancies.* The Framework and relevant Aichi Biodiversity Targets should be presented in plain language in a way that will resonate with key actors, such as decision-makers, sustainable development practitioners, and indigenous peoples and local communities that may not be familiar with ABS. A concrete suggestion is to communicate the objectives of the Framework more succinctly and more clearly, reducing overlap and redundancies. Similarly, overlap in Key Areas 1 and 2 should be addressed.

114. *Take greater advantage of assessment and review exercises to assess the Framework.* Every four years the effectiveness of the Protocol is to be evaluated through an assessment and review process. Although some questions regarding the Framework were included in the first assessment and review, additional questions could be incorporated to get more in-depth feedback on challenges and lessons with regards to capacity-building and could also be used to gauge the usefulness of the Framework and identify ongoing capacity-building gaps and needs.

115. *Address the need for more in-depth guidance on strategies and approaches.* The Framework should encourage activities and resources that provide more guidance on the different types of capacity-building approaches and how they can contribute to the implementation of the Nagoya Protocol.

116. *Adopt gender considerations as a cross-cutting theme.* In line with the decision of the Conference of the Parties at its fourteenth meeting to integrate gender perspective into the post-2020 global biodiversity agenda, gender considerations should be reflected in the Framework.

B. Improving the coordination mechanisms

117. *Enhance engagement with the Informal Advisory Committee.* In addition to the face-to-face meetings that take place during the intersessional periods, virtual meetings and online consultations could be used to foster coordination and advance the work on capacity-building and development for the Nagoya Protocol.

118. *Continue to encourage the publication of capacity-building information to the Access and Benefit-sharing Clearing-House.* Parties and international organizations should continue to be encouraged to upload information related to capacity-building on the ABS Clearing-House, especially those experiences and materials that could be useful for designing future interventions.

119. *Increase the presentation and dissemination of capacity-building content through the ABS Clearing-House.* The sharing of information on capacity-building initiatives and resources on the Clearing-House can be enhanced by making the information more easily accessible and visually interesting. Including a map of the world with the main capacity-building initiatives would be a step in that direction.

120. *Encourage greater synergies with other relevant international instruments.* The Framework should encourage partnerships and the implementation of joint capacity-building activities with other relevant biodiversity-related conventions.

C. Enhancing the role of the Secretariat of the Convention on Biological Diversity

121. *Enhance communication efforts to promote the Framework.* The Secretariat of the Convention has an important role in promoting the Framework and needs to enhance its communication and dissemination. Translating it into a less technical document and making it easy to understand and more visually appealing may go a long way in helping with its dissemination and uptake. Countries that have newly ratified the Protocol could receive a welcome package that would include the Framework.

122. *Play an active role in showcasing ABS experiences and capacity-building lessons.* The Secretariat, in collaboration with capacity-building providers, is well placed to identify successful ABS cases, including examples in which ABS-compliant products have been developed that could be packaged and shared with Parties and other stakeholders.

123. *Continue to facilitate the uploading and use of relevant capacity-building information to the ABS Clearing-House.* Continuing to offer training and technical assistance on how to use the ABS Clearing-House and fostering interoperability with the platforms of Parties and organizations is key.

D. General recommendations for improving capacity-building and development on ABS beyond 2020²⁶

124. The following recommendations have been compiled from the literature review and interviews and should be considered in the context of designing future ABS projects:

(a) *Address practical sustainability questions in project designs so that the work may continue beyond the life of the project.* For example, it is important for national governments to recognize the reliance on projects and need for national budget allocations to institutionalise the implementation of the Nagoya Protocol;

(b) *Continue to adopt a tailored country-specific approach* consistent with national priorities, and existing ABS capacities and avoid overpacking the projects with too many interventions that are implemented simultaneously instead of progressively;

²⁶ The recommendations in this section stem from the literature review including the report from the IAC in 2018, the biodiversity focal area study carried out by the GEF Independent Evaluation Office and the interviews carried out as part of the evaluation.

(c) *Build ABS into broader biodiversity-related capacity-building and development projects.* Broader projects on biodiversity mainstreaming, conservation and sustainable use should consider incorporating ABS components to help advance implementation of the Nagoya Protocol;

(d) *Give due consideration to the establishment of interim measures in less advanced countries.* Given that establishing national legal ABS frameworks is a lengthy process, the development of interim measures, such as ministerial decrees, to facilitate ABS should be considered in project design;

(e) *Enhance South-South cooperation.* International organizations and Parties recognize the value of peer-to-peer learning and the sharing of experiences and lessons. Project designs should build in opportunities for South-South cooperation as much as possible.

E. Inputs and recommendations of the Informal Advisory Committee on Capacity-Building for the Implementation of the Nagoya Protocol

125. The informal Advisory Committee provided input and recommendations after reviewing the preliminary findings of the evaluation during the Informal Advisory Committee meeting in October 2019. In addition to providing overall feedback and recommendations, the Informal Advisory Committee was requested to provide specific input on the following questions:

(a) Are the elements of the Framework (i.e. key areas, objectives, proposed activities) still relevant?

(b) What are the recommendations for the preparation of the long-term strategic framework for capacity-building and development beyond 2020?

126. In providing feedback on the preliminary findings of the evaluation of the Framework, the Committee was generally of the opinion that the Framework was useful as a reference document and that the most useful aspect was the appendices. Likewise, the Committee was of the view that it had been useful in providing advice regarding the facilitation of coordination; however, its role could be strengthened in the future. The Committee expressed appreciation of the role of the Secretariat in supporting the implementation of the Framework as well as the role of the Access and Benefit-sharing Clearing-House in facilitating the exchange of information on capacity-building.

127. The Committee agreed that the key areas of the Framework were still relevant. They also suggested merging Key Areas 1 and 2 with a view to reducing overlaps. It was also suggested that the capacity-building measures for indigenous peoples and local communities be separate from other stakeholder groups such as the business and scientific communities.

128. The Committee suggested that the Framework be revised in line with the post-2020 global biodiversity framework, the long-term strategic framework for capacity-building beyond 2020 and the evaluation of the Framework for consideration by the Parties to the Nagoya Protocol at their fifth meeting.

129. The Committee made the following recommendations for consideration in the revision of the Framework and its implementation:

(a) *Expand the membership of the Informal Advisory Committee* to include representatives of the business sector, the research community and youth while ensuring a balanced representation;

(b) *Increase engagement* with the business sector and the research community and youth in capacity-building and the implementation of the Framework;

(c) *Take into consideration the importance of intergenerational equity;*

(d) *Ensure the alignment of future GEF programmatic priorities with the Framework and better link the Framework to the Sustainable Development Goals*

(e) *Add strategic communication* on ABS as an area for future capacity-building;

(f) *Enhance the promotion and the dissemination of the Framework* among Governments, indigenous peoples and local communities, relevant stakeholders, capacity-building providers, donors and other relevant organizations;

(g) *Add the concepts of triangular cooperation, twinning, and South-South cooperation* to the Framework to enhance peer-to-peer learning;

(h) *Foster high level coordination* between the donors, funding agencies and other key stakeholders.

130. With regard to recommendations for the preparation of the long-term strategic framework for capacity-building and development beyond 2020 the Committee suggested the following:

(a) Acknowledging that the post-2020 global biodiversity framework and the long-term strategic framework on capacity-building were still under development, and noting that capacity-building was key for the implementation of the Nagoya Protocol, the Committee recommended that a separate non-duplicative and complementary document be developed to highlight the specificities of capacity-building for the implementation of the Nagoya Protocol in the context of post-2020 global biodiversity framework;

(b) The long-term strategic framework should contain principles and general approaches to capacity-building;

(c) Relevant programming directions of GEF-8 should be aligned with the post-2020 global biodiversity framework, the long-term strategic framework on capacity-building beyond 2020 and the revised Framework developed for the Nagoya Protocol:

(d) Finally, the findings and recommendations from the evaluation of the Framework and the report of the Informal Advisory Committee should be taken into account in the development of the long-term strategic framework.

*Annex I***LIST OF DOCUMENTS REVIEWED**

The ABS Capacity Development Initiative, Yearly Progress Reports: 2015-2018

The ABS Capacity Development Initiative Flier: Mutually supportive implementation of the Nagoya Protocol and the Plant Treaty

CARICOM (Caribbean Community) [DRAFT] Caribbean Community Framework for Capacity-Building and Development to Support Effective Action on Access and Benefit-Sharing

Convention on Biological Diversity, Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity at its Eleventh Meeting, XI/5. The Financial Mechanism. UNEP/CBD/COP/DEC/XI/5 (5 December 2012)

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*Annex II***EVALUATION QUESTIONS GUIDING THE REVIEW**

Evaluation questions and sub-questions	Data collection methods
(a) What progress has been made in the implementation of the strategic framework?	
(i) What have been the main achievements relating to the implementation of the strategic framework?	Document review and interviews with key informants
(ii) What progress has been made in strengthening capacities in the five key areas ²⁷ identified by the strategic framework?	Document review
(iii) Are there any gaps (thematic and/or geographic) in the implementation of the strategic framework?	Document review
(iv) Have the measures and capacity-building activities proposed in appendix II of the strategic framework been used in capacity-building initiatives?	Document review and online survey
(v) What have been the main challenges/obstacles to implementation?	Document review
(vi) What have been the most successful approaches and lessons arising from the capacity-building initiatives?	Document review
(b) To what extent has the strategic framework been effective in fostering a systematic, coherent and coordinated approach to capacity-building and development?	
(i) To what extent is the framework being used as a reference to guide the policies and actions of Parties, organizations and donors in relation to capacity-building for access and benefit-sharing (ABS)? If so, how? If it has not been used as a reference, please explain why.	Online Survey Semi-structured interviews
(ii) What have been the most useful mechanisms to facilitate coordination of the implementation of the strategic framework and how?	Online survey Semi-structured interviews
(iii) To what extent are Parties and relevant organizations cooperating on capacity-development?	Document review (joint projects and activities) Semi-structured interviews

²⁷ See [decision NP-1/8](#), annex I, paras. 19 and 20.

Evaluation questions and sub-questions	Data collection methods
(c) In what way has the strategic framework been effective in guiding and facilitating capacity-building activities?	
(i) How has the strategic framework been used to guide capacity-building activities at the national, regional and international levels?	Survey Semi-structured interviews
(ii) Was the strategic framework used to guide resource mobilization by Parties and has it influenced donor financing?	Document review Semi-structured interviews
(iii) To what extent was the strategic framework taken into account by eligible countries in the design of their ABS capacity-building projects submitted to the Global Environment Facility?	Document review Semi-structured interviews
(d) Are the elements of the strategic framework (i.e. key areas, objectives, proposed activities) still relevant?	
(i) Are the objectives of the strategic framework still valid? To what extent?	Semi-structured interviews Input from IAC members
(ii) Are the key areas and indicative activities for capacity-building still consistent with the overall strategic goals, objectives and desired changes in capacity-building and development to support the implementation of the Nagoya Protocol?	Semi-structured interviews Input from IAC members
Recommendations for the preparation of the long-term strategic framework for capacity-building and development beyond 2020	
(i) Which are the priority capacity-building actions related to ABS that should be included in the long-term strategic framework for capacity-building and development beyond 2020?	Semi-structured interviews Input by IAC members
(ii) What key recommendations can you make for enhancing capacity-building and development on ABS beyond 2020, taking into account the challenges/obstacles identified under paragraph 4(a)?	Semi-structured interviews Input by IAC members

Annex III

LIST OF INTERVIEWEES

To obtain the most informed feedback, interviewees were selected based on the following criteria:

- Parties that mentioned in their interim national reports that they used the Framework;
- Individuals who may have participated in previous meetings of the Informal Advisory Committee on Capacity-Building for the Nagoya Protocol;
- Parties that participated in ABS initiatives at the global and regional levels;
- Parties known for having developed an ABS national project that includes capacity-building;
- Regional balance;
- Representation of different types of countries e.g. small island developing States, Like-Minded Megadiverse Countries, developing countries, etc.).

Parties, by regional group

Africa

Comoros – Hayria Mohamed – *Spécialiste en Gestion et Conservation de la Biodiversité* and *Chef de Service chargé de la Réglementation* and ABS National Focal Point, *Direction Générale de l'Environnement et des Forêts, Ministère de l'Agriculture, de la Pêche, de l'Environnement, de l'Aménagement du territoire et de l'Urbanisme*

Rwanda – Beatriz Cyiza – Environmental Audit and Monitoring Officer and ABS National Focal Point, at the Rwanda Environment Management Authority

South Africa – Lactitia Tshitwamulomoni – Biodiversity Officer Control and ABS National Focal Point, BABS Policy Development and Implementation, Department of Environmental Affairs Deputy Director

Asia and the Pacific

Palau – King Sam – Special Assistant to Minister/Programme Manager and ABS National Focal Point, Protected Areas Network, Ministry of Natural Resources, Environment and Tourism

Tajikistan – Neymatullo Safarov – Head, National Biodiversity and Biosafety Center and ABS National Focal Point

Viet Nam – Nhan Thi Thanh Hoang (sent written answers) – Deputy Director and ABS National Focal Point, Biodiversity Conservation Agency, Vietnam Environment Administration

Eastern Europe

Belarus – Elena Makeyeva – Head of National Coordination Centre for Access to Genetic Resources and Benefit-Sharing (ABS NCC) and ABS National Focal Point, Institute of Genetics and Cytology, National Academy of Sciences of Belarus

Republic of Moldova – Angela Lozan – Manager, Biosafety Office, Ministry of Agriculture, Regional Development and Environment

Latin America and the Caribbean

Antigua and Barbuda – Nneka Nicholas – Legal consultant, Department of Environment and Helena Jeffery Brown – Biodiversity Officer, Department of Environment

Argentina – Julieta Sarno – Coordinator of the Programme on Governance and Planification of Biodiversity, National Directorate of Biodiversity, *Secretaría de Ambiente de la Nación* and Micaela Bonafina – Project Manager, UNDP-GEF national ABS Project

Western Europe and Others

European Union Commission – Merry Ciacci – Policy Officer and EU focal point for the Nagoya Protocol

Japan – Rie Funabiki-Seita – Biological Resource Center (NBRC), National Institute of Technology and Evaluation (NITE) and also some feedback from the Ministry of the Environment

Regional organizations

ASEAN (Association of Southeast Asian Countries Centre for Biodiversity) – Elpidio Peria – ABS Program Specialist

COMIFAC (Commission des Forêts d’Afrique Centrale) – Chouaibou Nchoutpouen – Biodiversity and ABS Coordinator

SPREP (Secretariat of the Pacific Regional Environment Programme) – Ofa Kaisamy – ABS Legal Adviser and Rahul Chand – ABS Capacity-Building Officer

Organizations representing indigenous peoples and local communities

Andes Chinchasyu – Maria Yolanda Teran Maigua – Education and culture coordinator

Tebtebba Foundation – Jennifer Tauli Corpuz – Program Coordinator

Other organizations involved in capacity-building

ABS Capacity Development Initiative – Andreas Drews – Founder, Management and Pacific General Management

GEF (Global Environment Facility) – Jaime Cavelier – Senior Biodiversity Specialist, Point Person for the Nagoya Protocol

IUCN (International Union for Conservation of Nature) – Sonia Peña — Coordination of Global Biodiversity Policy

UNDP (United Nations Development Programme) – Santiago Carrizosa – Global Coordinator

UNEP (United Nations Environment Programme) – Emmanuel Adonsou – ABS Programme Officer

Annex IV

INTERVIEW GUIDE

Purpose:

- Review the relevance and effectiveness of the strategic framework in guiding and facilitating capacity-building efforts while fostering coordination and cooperation in the short and medium term.
- Identify recommendations for improving the Framework that can also be used for the preparation of the long-term strategic framework for capacity-building and development beyond 2020.

A. Use of the strategic framework in guiding ABS capacity-building

Objective: to understand how the strategic framework has been used in guiding capacity-building initiatives and projects at the international, regional and national levels

- 1.1. How have you used the strategic framework in your organization/country to guide capacity-building on access and benefit-sharing?
- 1.2. Have you used appendix I or II that outline measures and practical activities in the design of capacity-building projects or programmes?
- 1.3. In your opinion what are the strengths of the strategic framework?
- 1.4. What are the weaknesses of the strategic framework?

B. Relevance of the elements of the strategic framework

Objective: to determine whether the elements of the strategic framework (i.e. key areas, objectives, proposed activities) are still relevant

- 2.1. Are the objectives of the strategic framework still valid?
- 2.2. Are the key areas for capacity-building still relevant to the needs and priorities of Parties and Governments?
- 2.3. Is appendix I with the overview of measures requiring capacity-building still relevant?
- 2.4. Are there any new emerging capacity-building needs that should be addressed in the context of the post-2020 agenda?

C. Effectiveness

Objective: to determine the extent to which the strategic framework has been effective in fostering a systematic, coherent and coordinated approach to capacity-building and development

- 3.1. Has the strategic framework been effective in fostering a systematic, coherent and coordinated approach to capacity-building and development?
- 3.2. Have you used the strategic framework in leveraging support for capacity-building activities in relation to the Nagoya Protocol?
- 3.3. What have been the most useful mechanisms to facilitate coordination of the implementation of the strategic framework and how have they been useful?
- 3.4. To what extent was the strategic framework taken into account by eligible countries in the design of their ABS capacity-building projects submitted to the Global Environment Facility?

D. Role of the Secretariat of the Convention on Biological Diversity

Objective: to determine the extent to which SCBD has been effective in its role of promoting and coordinating the implementation of the strategic framework.

According to the strategic framework, the role of SCBD is to promote and coordinate the implementation of the strategic framework by, inter-alia, collecting and providing information through the ABS Clearing-House and facilitating activities at the regional and international levels (see section 4.2 on Roles and responsibilities).

3.1. In your opinion has SCBD been effective in promoting and coordinating the implementation of the Strategic Framework?

3.2. What can be done to improve the main coordinating mechanisms?

3.3. What recommendations would you make to improve SCBD's role in promoting and coordinating capacity-building to support the implementation of the Nagoya Protocol?

E. Recommendations/what would you do differently

Objective: to identify recommendations for improving the Framework and that can be used for the preparation of the long-term strategic framework for capacity-building and development beyond 2020

4.1. What key recommendations would you make to enhance capacity-building and development on ABS beyond 2020?

4.2. Should the Framework be revised/updated/replaced?

4.3. Which approaches related to ABS capacity-building should be prioritized and included in the long-term strategic framework for capacity-building and development beyond 2020?

4.4. Any other relevant information that you would like to share?
