



## Convention on Biological Diversity

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**Conference of the Parties to the Convention on  
Biological Diversity serving as the meeting of the  
Parties to the Nagoya Protocol on Access to Genetic  
Resources and the Fair and Equitable Sharing of  
Benefits Arising from Their Utilization  
Sixth meeting  
Yerevan, 19–30 October 2026  
Item 12 of the provisional agenda\*\*  
Global multilateral benefit-sharing mechanism**

### **Global multilateral benefit-sharing mechanism**

**Note by the Secretariat**

#### **I. Introduction**

1. Article 10 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization provides that Parties are to consider the need for and modalities of a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. Article 10 further provides that the benefits shared by users of genetic resources and traditional knowledge associated with genetic resources through that mechanism are to be used to support the conservation of biological diversity and the sustainable use of its components globally.

2. In decision [NP-5/7](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol decided to revisit at its sixth meeting the issue of the need for and modalities of a global multilateral benefit-sharing mechanism, as provided in Article 10 of the Protocol, taking into consideration the analysis and synthesis of information for the second assessment and review of the Protocol. The present document has been prepared to facilitate discussions on that matter.

#### **II. Previous consideration of Article 10 and relevant mandates**

3. Article 10 of the Nagoya Protocol has been under consideration since shortly after the adoption of the Protocol in 2010. Over the years, extensive work has been undertaken on the matter of the need for and modalities of a global multilateral benefit-sharing mechanism, including the submission of views, online discussions, expert group meetings and the commissioning of studies, as summarized in the table below.

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\* Reissued for technical reasons on 29 September 2026.

\*\* [CBD/NP/MOP/6/1](#).

### Summary of work undertaken on Article 10 of the Nagoya Protocol

| <i>Year</i>   | <i>Activity</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 2011          | Submission of views on Article 10 (see <a href="http://www.cbd.int/icnp2/submissions">www.cbd.int/icnp2/submissions</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| July 2012     | A synthesis of the views submitted <sup>a</sup> was considered by the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol at its second meeting and a draft decision was recommended for adoption by the Conference of the Parties at its eleventh meeting (see recommendation <a href="#">2/3</a> of the Intergovernmental Committee).                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| October 2012  | At its eleventh meeting, the Conference of the Parties adopted decision <a href="#">XI/1 B</a> in which it: <ul style="list-style-type: none"> <li>- Requested the Executive Secretary to conduct a broad consultation on Article 10 and invited Parties and stakeholders to contribute to the consultation by submitting their views on the issue, bearing in mind a list of questions set out in part A of annex I to the decision, as well as other perspectives on the matter, in particular the questions contained in part B of the annex;</li> <li>- Also requested the Executive Secretary to synthesize the views received for the consideration of an expert group which was to submit the outcomes of its work for consideration by the third meeting of the Intergovernmental Committee.</li> </ul> |
| 2013          | The broad consultation was conducted through online discussions structured around the questions set out in annex I to decision XI/1 (see <a href="https://absch.cbd.int/en/portals/forums/article-10-forum">https://absch.cbd.int/en/portals/forums/article-10-forum</a> ).<br><br>A synthesis of the views provided in the broad consultation was prepared and an expert group meeting was held to review the synthesis, identify potential areas of common understanding with respect to Article 10 and identify areas that could be further examined (see UNEP/CBD/ABSEM-A10/1/2 and UNEP/CBD/ABSEM-A10/1/3, respectively).                                                                                                                                                                                  |
| February 2014 | At its third meeting, the Intergovernmental Committee considered the report of the expert group meeting <sup>b</sup> and recommended a draft decision for adoption by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting (see recommendation <a href="#">ICNP-3/3</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| October 2014  | At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision <a href="#">NP-1/10</a> , in which it invited the submission of views on a number of topics relevant to Article 10 of the Protocol and requested the Executive Secretary to commission a study. The Conference of the Parties serving as the meeting of the Parties to the Protocol also requested the Executive Secretary to convene an expert group meeting to review the synthesis of the views submitted and the commissioned study, with a view to reaching a common understanding on the areas requiring further examination, as identified in the report of the expert group meeting held in September 2013.                                                                  |
| February 2016 | The expert group met and considered a study on experiences gained with the development and implementation of the Nagoya Protocol and other multilateral mechanisms and processes <sup>c</sup> as well as the synthesis of views submitted pursuant to decision <a href="#">NP-1/10</a> . <sup>d</sup> Through its discussions, the expert group reached a number of conclusions and developed possible next steps for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its second meeting.                                                                                                                                                                                                                                                               |

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| December 2016 | At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered the report of the expert group meeting <sup>e</sup> and adopted decision <a href="#">NP-2/10</a> . In that decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol invited the submission of information on different aspects related to Article 10 as well as views on the way forward in relation to Article 10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2017          | Submission of views and information pursuant to decision <a href="#">NP-2/10</a> (see <a href="http://www.cbd.int/abs/art10.shtml#tab=4">www.cbd.int/abs/art10.shtml#tab=4</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| July 2018     | At its second meeting, the Subsidiary Body on Implementation considered a note by the Executive Secretary summarizing information on Article 10 of the Nagoya Protocol, including the views submitted as well as information from the interim national reports. <sup>f</sup> The Subsidiary Body recommended a draft decision for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its third meeting (see recommendation <a href="#">2/4</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| November 2018 | At its third meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision <a href="#">NP-3/13</a> , in which it considered that more information would assist in the consideration of Article 10. In the same decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Executive Secretary to commission a peer-reviewed study to identify specific cases of genetic resources and traditional knowledge associated with genetic resources that occurred in transboundary situations or for which it was not possible to grant or obtain prior informed consent. Also in decision NP-3/13, the Conference of the Parties serving as the meeting of the Parties to the Protocol invited the submission of: <ul style="list-style-type: none"> <li>- Information on specific cases which might support the need for a global multilateral benefit-sharing mechanism that were not covered under the bilateral approach, accompanied by an explanation as to why such cases could not be covered under the bilateral approach set out in the Nagoya Protocol; and</li> <li>- Options for possible modalities for addressing those cases, including through a global multilateral benefit-sharing mechanism.</li> </ul> |
| 2019          | Submission of views pursuant to decision <a href="#">NP-3/13</a> (see <a href="http://www.cbd.int/abs/art10/2019-2020/submissions.shtml">www.cbd.int/abs/art10/2019-2020/submissions.shtml</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2020          | Commissioning of a study to identify specific cases of genetic resources and traditional knowledge associated with genetic resources that occurred in transboundary situations or for which it was not possible to grant or obtain prior informed consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| March 2022    | At its third meeting, the Subsidiary Body on Implementation considered a note by the Executive Secretary containing a synthesis of views and information on Article 10 of the Nagoya Protocol submitted pursuant to decision <a href="#">NP-3/13</a> <sup>g</sup> and also considered a peer-reviewed study on specific cases of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. <sup>h</sup> The Subsidiary Body recommended a draft decision for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fourth meeting (see recommendation <a href="#">3/17</a> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| December 2022 | At its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol decided to revisit the issue of the need for and modalities of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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|              | a global multilateral benefit-sharing mechanism as provided in Article 10 of the Nagoya Protocol at its fifth meeting (see <a href="#">decision NP-4/10</a> ).                                                                                                                                                                                                                                                  |
| October 2024 | At its fifth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol decided to revisit the issue of the need for and modalities of a global multilateral benefit-sharing mechanism at its sixth meeting, taking into consideration the analysis and synthesis of information for the second assessment and review of the Protocol (see <a href="#">decision NP-5/7</a> ). |

<sup>a</sup> [UNEP/CBD/ICNP/2/7](#) and [Corr.1](#).

<sup>b</sup> [UNEP/CBD/ICNP/3/5](#).

<sup>c</sup> [UNEP/CBD/ABS/A10/EM/2016/1/2](#).

<sup>d</sup> [UNEP/CBD/ABS/A10/EM/2016/1/3](#).

<sup>e</sup> [UNEP/CBD/NP/COP-MOP/2/10](#).

<sup>f</sup> [CBD/SBI/2/5](#).

<sup>g</sup> [CBD/SBI/3/15](#).

<sup>h</sup> [CBD/SBI/3/15/Add.1](#).

### III. Information from the second assessment and review of the effectiveness of the Nagoya Protocol, including outcomes from the seventh meeting of the Subsidiary Body on Implementation

4. In its decision [NP-5/5](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol decided to conduct the second assessment and review of the effectiveness of the Protocol on the basis of the elements and sources of information contained in the annex to that decision. The elements address various aspects, including the extent of implementation of provisions of the Protocol, an assessment of the effectiveness of the Protocol, an assessment of support available for implementation and progress on the implementation of Article 10.

5. At its seventh meeting, the Subsidiary Body on Implementation considered a document<sup>1</sup> on the second assessment and review of the effectiveness of the Nagoya Protocol. The document contained, among other things, key findings and messages on the different elements set out in the annex to decision [NP-5/5](#). Those key findings and messages were developed by the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol and the Compliance Committee under the Nagoya Protocol. In addition, the Subsidiary Body had before it an analysis of information for the second assessment and review of the effectiveness of the Nagoya Protocol.<sup>2</sup>

6. Further information on the process for the second assessment and review of the Protocol as well as excerpts from the key findings and messages are contained in the annex below.

7. On the basis of the documents mentioned in paragraph 5 above, the Subsidiary Body on Implementation adopted recommendation [7/6](#) which contained draft decisions for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol under items 8, 9 and 10 of the provisional agenda for its sixth meeting.

8. Proposals regarding Article 10 were included in three paragraphs of the draft decision for consideration under item 8 on the assessment and review of the effectiveness of the Nagoya Protocol. Paragraphs 20 and 21 contain a proposal to establish an intersessional process, including an open-ended meeting, to advance the development of the modalities of the global multilateral benefit-sharing mechanism under Article 10. In paragraph 22, it is proposed that the Executive Secretary be requested to propose a methodology for the third assessment and review of the effectiveness of the Protocol, taking into account a number of points including the need to assess progress towards

<sup>1</sup> [CBD/SBI/7/7](#).

<sup>2</sup> [CBD/SBI/7/7/Add.1](#).

operationalization of Article 10 of the Protocol and the experience of the multilateral mechanism established under decision [16/2](#) of the Conference of the Parties.

9. In paragraph 2 of the draft decision for consideration under item 9 on enhancing the implementation of the Nagoya Protocol, it is proposed that Parties, other Governments and relevant stakeholders and organizations be encouraged to undertake a number of actions such as strengthening the capacities of national authorities to implement the Nagoya Protocol and domestic access and benefit-sharing measures, including the capacity for ensuring compliance in accordance with a number of articles of the Protocol. Article 10 was proposed for inclusion in the list of those articles.

10. All the proposals regarding Article 10 in the two draft decisions are in square brackets.

#### **IV. Additional information relevant to Article 10**

11. In decision [NP-5/8](#), the Conference of the Parties serving as the meeting of the Parties to the Protocol invited the submission of views on issues related to the proposed process for recognizing specialized international access and benefit-sharing instruments under the Nagoya Protocol. Some submitters raised issues regarding Article 10 as part of their views. A synthesis of the views received was submitted to the Subsidiary Body on Implementation for consideration at its sixth meeting.<sup>3</sup>

#### **V. Possible way forward**

12. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol may wish to adopt a decision on this matter, taking into account:

(a) The work undertaken on Article 10 of the Protocol since 2011, including submissions of views, consultations, expert group meetings, commissioned studies and previous decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(b) The analysis and synthesis of information prepared for the second assessment and review of the effectiveness of the Protocol, pursuant to decision [NP-5/5](#);

(c) The key findings and messages developed in the context of the second assessment and review of the effectiveness of the Protocol, including those relating to progress in the implementation of Article 10;

(d) Recommendation [7/6](#) of the Subsidiary Body on Implementation and the draft decisions contained therein, including the bracketed text relating to Article 10 of the Protocol;

(e) Information submitted by Parties and relevant stakeholders on matters related to Article 10 in other processes under the Protocol.

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<sup>3</sup> See CBD/SBI/6/8.

## Annex

### **Excerpts from the key findings and messages from the second assessment and review of the effectiveness of the Nagoya Protocol**

1. As described above, the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol and the Compliance Committee under the Nagoya Protocol provided inputs to the second assessment and review of the effectiveness of the Protocol in the form of key findings and messages. The two bodies worked, in particular, on the basis of the analysis of information<sup>1</sup> which drew from the following sources:

(a) Analysis of information from the national reports and other sources for the second assessment and review of the effectiveness of the Nagoya Protocol;<sup>2</sup>

(b) Scoping study on the possible reasons and underlying root causes for the challenges to effective implementation and compliance and on possible ways to enhance implementation;<sup>3</sup>

(c) Analysis of information published on the Access and Benefit-sharing Clearing-House;<sup>4</sup>

(d) Analysis of responses to the Access and Benefit-sharing Clearing-House targeted survey;<sup>5</sup>

(e) Analysis of capacity-building and development support available for the implementation of the Nagoya Protocol;<sup>6</sup>

(f) Analysis of financial resources and resource mobilization supporting the implementation of the Nagoya Protocol.<sup>7</sup>

2. The information provided below draws from the key findings and messages as contained in the annex to document CBD/SBI/7/7. To avoid repeating all of the details of the key findings and messages, the excerpts below focus primarily on overarching points. Further details on the process for the second assessment and review of the effectiveness of the Protocol as well as the complete text of the key findings and messages are available in document CBD/SBI/7/7.

#### **From element (a): extent of implementation of the provisions of the Nagoya Protocol and related obligations of Parties, including assessment of progress by Parties in establishing institutional structures and access and benefit-sharing measures to implement the Protocol**

3. According to the updated indicator data and in comparison with the data for February 2018, there has been significant progress in setting the legislative, administrative and policy foundations for advancing implementation of the Nagoya Protocol, including the designation of national focal points and competent national authorities and the adoption of legislative, administrative and policy measures on access and benefit-sharing, although progress has been uneven among regions.

4. While indicator data highlight progress made by Parties in establishing institutional structures and putting access and benefit-sharing measures in place, the data do not elucidate whether those institutions and measures are operational or effective in accomplishing the objective of the Protocol.

5. Indicators related to the implementation of Articles 6, 7 and 12 show uneven progress. Among Parties that reported having indigenous peoples and local communities in their country, most included the requirement for prior informed consent in access and benefit-sharing measures and, in

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<sup>1</sup> CBD/SBI/7/7/Add.1.

<sup>2</sup> [CBD/SBI/7/INF/2](#).

<sup>3</sup> [CBD/SBI/7/INF/3/Rev.1](#).

<sup>4</sup> [CBD/SBI/7/INF/4](#).

<sup>5</sup> [CBD/SBI/7/INF/5](#).

<sup>6</sup> [CBD/SBI/7/INF/6](#).

<sup>7</sup> [CBD/SBI/7/INF/7](#).

that regard, indicators related to the provisions of the Protocol related to indigenous peoples and local communities showed moderate progress. However, many Parties have not yet fully operationalized those provisions and a limited number of examples have been reported.

6. Mutually supportive implementation of the Nagoya Protocol with other relevant international access and benefit-sharing instruments, in line with Article 4, paragraph 3, could also be further strengthened. Promoting institutional coordination and legal certainty in the national implementation of international access and benefit-sharing instruments and increasing awareness of the different access and benefit-sharing regimes could support efforts in that regard. Those efforts will also contribute to the implementation of special considerations included in Article 8.

7. Parties generally endeavour to cooperate further to Article 11 of the Protocol. Where such cooperation does occur, it tends to be based on informal arrangements or regional and ecosystem-based initiatives operating within existing conservation and community frameworks. However, transboundary cooperation in the context of Article 11 remains limited in practice.

#### **From element (b): assessment of effectiveness**

8. The data for the indicators related to access show that good progress has been made in establishing measures and creating some of the necessary conditions for access. However, the indicators do not provide information on whether those measures are fully operational. Moreover, effectiveness should be assessed across the full access and benefit-sharing value chain from access request to benefit delivery.

9. With regard to benefit-sharing, the information provided shows that approximately one third of the Parties requiring prior informed consent reported having received benefits from access to genetic resources; however, monetary benefits accrued to a relatively limited number of Parties. Non-monetary benefits from genetic resources are more common and have been reported by two thirds of the Parties requiring prior informed consent. Their quality, value and delivery should be documented and monitored.

10. While the impact of access and benefit-sharing and the Nagoya Protocol depends in part on the stage of implementation reached by Parties, the monetary and non-monetary benefits reported illustrate that access and benefit-sharing hold significant potential when fully operationalized and supported by the experience gained in implementation. As Parties advance in implementation, benefit-sharing is likely to become more widespread and further contribute to the conservation and sustainable use of biological diversity.

11. The recognition of access and benefit-sharing principles requires fundamental changes in mindset and practices, including clear information on access measures, efficient access and benefit-sharing processes and best practices building on experience and lessons learned by both providers and users. That can be supported by capacity-building and development initiatives.

12. These changes can occur only incrementally over time and when accompanied by the necessary enabling conditions and long-term structural support, including sustained political commitment and implementation, appropriate incentives and integration of access and benefit-sharing into broader policy goals.

#### **From element (c): assessment of support available for implementation**

13. Despite indicators measuring support for implementation showing good progress, many Parties continue to face operational and technical capacity gaps, in particular in negotiations of mutually agreed terms, monitoring, enforcement and tracking of benefits, which limit the effectiveness of access and benefit-sharing implementation.

14. Human resource and institutional capacity constraints are highlighted consistently as a major limitation to implementation. One-off training, high staff turnover and short-term project-based funding undermine institutional learning and continuity of access and benefit-sharing systems.

15. Without the adequate allocation of human resources and the necessary institutional capacities, the full and effective participation of indigenous peoples and local communities, and awareness and engagement of users of genetic resources and key stakeholders, benefit-sharing cannot be realized in practice.

16. Long-term capacity-building planning; adequate, predictable, accessible and flexible financial resources; and strong institutional capacities are essential to ensure that all Parties fulfil their obligations under the Protocol and create the necessary enabling conditions that would lead to an increase in the benefits shared from the utilization of genetic resources and associated traditional knowledge.

**Element (h): progress on the implementation of Article 10, on a global multilateral benefit-sharing mechanism**

17. At its fifth meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol did not request further work to be conducted on Article 10 in the intersessional period and, in decision [NP-5/7](#), decided that at its sixth meeting it would revisit the issue of the need for and modalities of a global multilateral benefit-sharing mechanism as provided in Article 10 of the Protocol, taking into consideration the analysis and synthesis of information for the second assessment and review of the Protocol.

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