



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

Third meeting

Sharm El-Sheikh, Egypt, 17-29 November 2018

Agenda item 19

GLOBAL MULTILATERAL BENEFIT-SHARING MECHANISM (ARTICLE 10)

Draft decision submitted by the Chair of Working Group I

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

Mindful of the objective of the Nagoya Protocol,

Recalling the sovereign rights of States over their genetic resources,

Recalling also Article 10 of the Nagoya Protocol,

Recalling further Articles 9, 11 and 22 of the Nagoya Protocol,

Recalling decisions XI/1B, NP-1/10 and NP-2/10 and building on the work undertaken pursuant to these decisions,

Recognizing the experience gained with implementation of the Nagoya Protocol since its entry into force while acknowledging that many Parties are still in the process of establishing access and benefit-sharing legislative, administrative and policy measures and institutional arrangements,

Recognizing also the ongoing need for capacity-building to support Parties and indigenous peoples and local communities in developing and implementing legislative, administrative and policy measures on access and benefit-sharing,

1. *Welcomes* the information synthesized by the Executive Secretary through the interim national reports and the Access and Benefit-Sharing Clearing-House of relevance to Article 10;

2. *Takes note* of the information on developments in relevant international processes and organizations;¹

3. *Considers* that more information 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, accompanied by an explanation as to why such cases cannot be covered under the bilateral approach of the Nagoya Protocol as well as options for addressing those cases, including through a global multilateral benefit-sharing mechanism would assist in the consideration of Article 10;

¹ CBD/SBI/2/5, section III.

4. *Invites* Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and organizations to submit to the Executive Secretary:

(a) Information on specific cases which may support the need for a global multilateral benefit-sharing mechanism that are not covered under the bilateral approach, accompanied by an explanation as to why such cases cannot be covered under the bilateral approach set out in the Nagoya Protocol;

(b) Options for possible modalities for addressing those cases, including through a global multilateral benefit-sharing mechanism;

5. *Requests* the Executive Secretary:

(a) To commission, subject to availability of resources, a peer-reviewed study to identify specific cases of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent;

(b) To compile and synthesize the information submitted pursuant to paragraph 4 (a) and (b);

(c) To submit the study and the synthesis for consideration by the Subsidiary Body on Implementation;

6. *Requests* the Subsidiary Body on Implementation to consider the study and synthesis with a view to identifying: (a) specific cases, if any, that cannot be addressed through the bilateral approach; and (b) if identified, options for addressing these cases, including a possible global multilateral benefit-sharing mechanism, and make a recommendation to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.
