



Convention on Biological Diversity

Distr.: Limited
19 February 2026
Original: English

Subsidiary Body on Implementation

Sixth meeting

Rome, 16–19 February 2026

Agenda item 8

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

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

Draft recommendation submitted by the Chair

The Subsidiary Body on the Implementation

Recommends that, at its sixth meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization¹ adopt a decision along the following lines:

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

Recalling paragraph 4 of Article 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,²

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

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

Recalling Article 10 of the Nagoya Protocol,]

[1. *Takes note* of the synthesis of submissions received pursuant to decision [NP-5/8](#) of 25 October 2024, as contained in document CBD/SBI/6/8, which provides a basis for further consideration of the process for recognizing specialized international access and benefit-sharing instruments under paragraph 4 of Article 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization;

* The present document is being issued without formal editing.

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

² Ibid.

2. *Takes note* of the options proposed in section I of the annex to the present decision as potential pathways to address the process for recognizing a specialized international access and benefit-sharing instrument under paragraph 4 of Article 4 of the Nagoya Protocol;]

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

4. *Decides* to establish an informal group³ to advance work on [paragraph 4 of Article 4] through an [online] and fully inclusive process open to all Parties, indigenous peoples and local communities, relevant international organizations and stakeholders to inform the Subsidiary Body on Implementation at its eighth meeting [and to conclude the agenda item on specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol at the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol];

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

(a) To compile a synthesis of the views referred to in paragraph 3 above, for consideration by the informal group;

(b) To assist the co-chairs of the informal group in organizing and conducting the [online] meetings of the informal group and the preparation of their report;

[6. *Recommends* the inclusion of “cooperation with other international organizations and the governing bodies and secretariats of international instruments” as a standing item in the agendas for future meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, to monitor developments relevant to paragraph 4 of Article 4 of the Protocol and promote mutual supportiveness.]

Annex I

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

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

Option A

Recognition by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization

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

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

³ The word “informal group” is a placeholder until the Parties decide what to name the group. Options suggested include “Open-ended Informal Advisory Group” or “Discussion Forum”.

- (b) The submission of dossiers by Parties;
- (c) Inclusive consultations with stakeholders;
- (d) A time-limited recognition subject to periodic review;
- (e) A dispute-resolution mechanism;
- (f) A registry in the Access and Benefit-sharing Clearing-House.

Option B

Approach based on initial coordination without formal recognition

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

- (a) Structured cooperation with other international organizations;
- (b) Information exchange and transparency;
- (c) National reporting on practices related to specialized international access and benefit-sharing instruments;
- (d) Assessments based on the Nagoya Protocol;
- (e) Review processes;
- (f) No formal recognition or accreditation step.

Option C

Hybrid “deference and docket” model⁴

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

- (a) Primary self-declarations by the governing bodies or secretariats of specialized international access and benefit-sharing instruments;
- (b) The recording or noting of self-declarations by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;
- (c) Use of voluntary criteria by the governing bodies or secretariats of specialized international access and benefit-sharing instruments to determine the status of those instruments in relation to paragraph 4 of Article 4 of the Protocol;
- (d) Rolling intersessional listings;
- (e) The creation of a registry in the Access and Benefit-sharing Clearing-House;
- (f) A cross-regime help desk for Parties and stakeholders.

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

4. Indicative criteria for recognition include:

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

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

- (b) A specialization in scope and purpose;
- (c) The alignment with the objectives of the Convention on Biological Diversity⁵ and the Nagoya Protocol;
- (d) Fair and equitable benefit-sharing mechanisms;
- (e) The effective participation of indigenous peoples and local communities;
- (f) Transparency, monitoring and accountability provisions;
- (g) The promotion of mutual supportiveness and the avoidance of duplication.]

Annex II

Terms of reference of the informal group

1. The informal group will consider:
 - (a) The synthesis of views referred to in paragraph 5 (a) above, with a view to identifying areas of divergence and convergence;
 - (b) The information described in the first national reports on the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,⁶ and the second assessment and review of the Protocol.
2. The informal group will meet up to three times, [online,] accommodating different time zones. Each meeting is expected to last approximately three hours. The working language will be English.
3. The informal group will be guided by two co-chairs. One Co-Chair will be from a developed country and one from a developing country. The Co-Chairs are XXX and XXX.⁷
4. The Co-Chairs will prepare a report on the following elements, among others:
 - (a) Legal and institutional implications of options for implementing paragraph 4 of Article 4 of the Protocol;
 - (b) Draft indicative criteria for specialized international access and benefit-sharing instruments.
5. Other Governments, observers and experts from Parties or relevant organizations may be invited to participate in meetings of the informal group or parts thereof at the discretion of the Co-Chairs.

⁵ United Nations, *Treaty Series*, vol. 1760, No. 30619.

⁶ *Ibid.*, vol. 3008, No. 30619.

⁷ The co-chairs have not been selected.