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Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization
Sixth meeting
Yerevan, 19–30 October 2026
Agenda item 8
Assessment and review of the effectiveness of the Nagoya Protocol

Assessment and review of the effectiveness of the Nagoya Protocol

Draft decision submitted by the Chair of Working Group I

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

1. *Welcomes* the input to the second assessment and review of the effectiveness of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization[1] provided by the Compliance Committee under the Nagoya Protocol and the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, in the form of key findings and messages and indicative actions that could be taken at the national, regional and global levels to enhance the implementation of the Protocol;[2]

2. *Also welcomes* the 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;[3]

3. *Further welcomes* the updated indicator data produced further to the framework of indicators provided in annex II to decision NP-3/1 A of 25 November 2018;[4]

4. *Takes note* of the outcomes of the second assessment and review, in the form of key findings and messages and indicative actions that could be taken at the national level to enhance the implementation of the Nagoya Protocol,[5] and of related decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol;[6]

5. *Welcomes* the progress made by Parties in the implementation of the Nagoya Protocol, and recognizes that further work is needed to support the effective implementation of the Protocol,

[1] United Nations, *Treaty Series*, vol. 3008, No. 30619.
[2] See CBD/NP/MOP/6/3 and CBD/NP/CB-IAC/2026/1/4, respectively.
[3] CBD/SBI/7/INF/3/Rev.1.
[4] See CBD/SBI/7/7/Add.1.
[5] CBD/SBI/7/7, annexes I and II, respectively.
[6] See decisions NP-6/-- on enhancing the implementation of the Nagoya Protocol and NP-6/-- on the financial mechanism and resources.

as identified in the key findings and messages and indicative actions, and to make access and benefit-sharing systems fully operational and effective to achieve the objective of the Protocol;

6. *Invites* Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including, as appropriate, the regional and subregional technical and scientific cooperation support centres, to take into account the outcomes of the second assessment and review in their efforts to support the effective implementation of the Nagoya Protocol;

7. *Underlines* that all Parties need to fulfil their obligations under the Nagoya Protocol;

8. *Urges* Parties that have not yet done so to take the steps necessary to ensure the full and effective implementation of the Nagoya Protocol and achieve its objective;

9. *Invites* Parties to take into account the indicative actions referred to in paragraph 4 above in their efforts to implement the Nagoya Protocol, as appropriate and in accordance with national circumstances and priorities;

10. *Encourages* Parties that have not yet done so:

(a) To develop and publish through the Access and Benefit-sharing Clearing-House clear and streamlined step-by-step access and benefit-sharing procedures, as appropriate and in accordance with national legislation and circumstances, that include: clear information on their scope of application, responsible authorities, the documentation required thereunder, procedural steps and any existing exemptions; and standardized templates, forms and checklists for commercial and non-commercial users;

(b) To develop guidelines for users, as appropriate and in accordance with national measures, and to publish them through the Access and Benefit-sharing Clearing-House;

(c) To create conditions to promote and encourage research that contributes to the conservation and sustainable use of biological diversity, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research, in accordance with Article 8 (a) of the Nagoya Protocol;

(d) To establish and progressively implement, with a view to fully operationalizing, their checkpoints and to publish information collected or received by the checkpoints through the Access and Benefit-sharing Clearing-House, without prejudice to the protection of confidential information and in accordance with Articles 15 to 18 of the Nagoya Protocol;

11. *Invites* Parties, as applicable, and in accordance with domestic law:

(a) To ensure the full and effective participation of indigenous peoples and local communities, including women and youth among them, in access and benefit-sharing processes, including by facilitating the development by indigenous peoples and local communities of community protocols and procedures for access and benefit-sharing, in accordance with Article 12 of the Nagoya Protocol;

(b) To make such protocols and procedures available through the Access and Benefit-sharing Clearing-House as part of the national records, when applicable, subject to domestic legislation, with the prior and informed consent of the indigenous peoples and local communities concerned and without prejudice to the protection of confidential information;

12. *Invites* relevant organizations to support indigenous peoples and local communities, including women and youth among them, through their national focal points, in developing community protocols and procedures, in accordance with domestic law and in line with the programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity[7]

[7] United Nations, *Treaty Series*, vol. 1760, No. 30619.

related to indigenous peoples and local communities to 2030 adopted by the Conference of the Parties to the Convention in decision 16/4 of 30 October 2024;

13. *Urges* Parties, as appropriate and in accordance with national circumstances and measures, to use existing tools developed in accordance with Articles 19 and 20 of the Nagoya Protocol and made available through the Access and Benefit-sharing Clearing-House;

14. *Invites* Parties to continue to engage indigenous peoples and local communities, user organizations and relevant stakeholders in access and benefit-sharing processes, in accordance with national circumstances, and encourages user organizations and networks to continue to facilitate user compliance with access and benefit-sharing requirements, including by developing and using such tools as those provided in Articles 19 and 20 of the Nagoya Protocol and by making the tools available through the Access and Benefit-sharing Clearing-House;

15. *Encourages* Parties and relevant regional organizations to engage actively in processes that could support the development of regional approaches to access and benefit-sharing and enhance transboundary cooperation in accordance with Article 11 of the Nagoya Protocol;

16. *Requests* the Executive Secretary to disseminate and promote the outcomes of the second assessment and review among Parties, other Governments, indigenous peoples and local communities, and relevant stakeholders and organizations, including the technical and scientific cooperation support centres;

17. *Decides* that, given the limited practical experience with the compliance procedures and mechanisms[8] and the fact that they are still being explored as a tool for supporting Parties in complying with their obligations under the Nagoya Protocol, it is premature to revise them at the present time, without prejudice to any future review based on sufficient practical experience, and notes that the limited number of cases brought to the attention of the Compliance Committee does not in itself constitute evidence of compliance with the Protocol;

18. *Requests* the Executive Secretary to consult the Compliance Committee and propose criteria for determining the sufficient practical experience to inform the possible review of the compliance procedures and mechanisms at a future meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

19. *Also requests* the Executive Secretary to assess, in consultation with the Compliance Committee, the reasons for the limited practical experience with the compliance procedures and mechanisms under the Nagoya Protocol, including whether Parties and relevant stakeholders are sufficiently aware of and are able to access and use the procedures, and to identify any procedural, institutional or practical barriers and options to address them;

[20. *Decides* to establish a Party-driven intersessional process to advance the development of the modalities of the global multilateral benefit-sharing mechanism under Article 10 of the Nagoya Protocol, building on the work already undertaken pursuant to decision XI/1 B of 19 October 2012 of the Conference of the Parties and decisions NP-1/10 of 17 October 2014, NP-2/10 of 17 December 2016, NP-3/13 of 29 November 2018, NP-4/10 of 19 December 2022 and NP-5/7 of 25 October 2024 of the Conference of the Parties serving as the meeting of the Parties to the Protocol and taking into account the relevant findings of the second assessment and review of the effectiveness of the Protocol;

21. *Requests* the Executive Secretary, subject to the availability of resources, to convene as part of the intersessional process referred to in paragraph 20 above an open-ended intersessional meeting of Parties with the participation of indigenous peoples and local communities and relevant stakeholders, in order to develop specific elements of the modalities of the global multilateral benefit-sharing mechanism under Article 10 of the Nagoya Protocol, building on the work undertaken

[8] Decision NP-1/4, annex.

pursuant to the decisions referred to in paragraph 20 above, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting;]

22. *Also requests* the Executive Secretary to propose a methodology, in consultation with Parties, for conducting the third assessment and review of the effectiveness of the Nagoya Protocol, taking into account:

(a) The outcomes and lessons learned from the second assessment and review;

(b) The need to collect and analyse information that would enable an assessment of the level of operationalization of access and benefit-sharing systems and their effectiveness in achieving the objective of the Nagoya Protocol, while avoiding additional reporting burdens;

(c) Input from the Compliance Committee under the Nagoya Protocol and the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol;

[(d) The need to assess progress towards operationalization of Article 10 of the Nagoya Protocol and the experience of the Multilateral Mechanism for the Fair and Equitable Sharing of Benefits from the Use of Digital Sequence Information on Genetic Resources, including a global fund, now known as the Cali Fund, established under decision 15/9 of 19 December 2022 of the Conference of the Parties;]

(e) The need to review and, as appropriate, revise the framework of indicators contained in annex II to decision NP-3/1 A, taking into account the outcomes of the second assessment and review and submissions from Parties, with a view to incorporating indicators for use in measuring the operationalization of access and benefit-sharing systems and the outcomes achieved in terms of benefits shared, in addition to the existence of domestic legislative, administrative and policy measures;

23. *Requests* the Subsidiary Body on Implementation to consider the proposed methodology referred to in paragraph 22 above at a meeting held before the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and to make recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting;

[24. *Requests* the Executive Secretary to compile, on the basis of the second assessment and review and information available through the Access and Benefit-sharing Clearing-House, information on provisions of the Nagoya Protocol for which limited or no implementation experience has been reported, including with respect to genetic resources occurring in transboundary situations, and to make that information available for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol.]