

**Non-paper**

**Co-Chairs of the contact group on a global multilateral benefit-sharing mechanisms (Article 10)**

**MOP 3 agenda item 19**

*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 right of States over their genetic resources,*

*Recalling also Article 10 of the Nagoya Protocol,*

*Recalling further Articles 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;<sup>1</sup>

3. *Considers* that more information on specific cases of genetic resources and traditional knowledge associated with genetic resources in transboundary situations or for which it is not possible to grant or obtain prior informed consent, accompanied by concrete arguments why such cases cannot be covered under the bilateral approach of the Nagoya Protocol as well as options for possible modalities of a global multilateral benefit-sharing mechanism would assist in the consideration of such a mechanism;

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

(a) 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;

(b) Concrete arguments why such cases cannot be covered under the bilateral approach to access and benefit-sharing set out in the Nagoya Protocol; and

(c) Options for possible modalities for addressing each of these cases;

5. *Requests* the Executive Secretary:

(a) To commission a 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;

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<sup>1</sup> CBD/SBI/2/5, section III.

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- (b) To compile the information submitted further to paragraph 4(a), (b) and (c);
- (c) To submit the study and the compilation for consideration by the Subsidiary Body on Implementation.

6. *Requests* the Subsidiary Body on Implementation to consider the study and compilation with a view to identify: (a) specific cases, if any, that cannot be addressed through the bilateral approach; and (b) possible modalities to address 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.

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