



**Convention on
Biological Diversity**

Distr.
GENERAL

UNEP/CBD/ICNP/2/INF/7
15 May 2012

ORIGINAL: ENGLISH

**OPEN-ENDED AD HOC INTERGOVERNMENTAL
COMMITTEE FOR THE NAGOYA PROTOCOL ON
ACCESS TO GENETIC RESOURCES AND THE
FAIR AND EQUITABLE SHARING OF BENEFITS
ARISING FROM THEIR UTILIZATION**

Second meeting

New Delhi, India, 2-6 July 2012

Item 4.2 of the provisional agenda*

**VIEWS AND INFORMATION ON DOMESTIC NEEDS AND PRIORITIES AND ON THE
PROPOSED ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING
AND DEVELOPMENT IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA
PROTOCOL ON ACCESS AND BENEFIT-SHARING**

Note by the Executive Secretary

I. INTRODUCTION

1. The Intergovernmental Committee for the Nagoya Protocol (the Intergovernmental Committee) at its first meeting held in Montreal from 5 to 10 June 2011 considered “measures to assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition, taking into account the needs identified by the Parties concerned for the implementation of the Protocol (Article 22).”

2. The Intergovernmental Committee in its recommendation 1/2, paragraph 1,¹ proposed the development of a strategic framework for capacity-building and development under the Nagoya Protocol on the basis of domestic needs and priorities identified by Parties, including those identified by indigenous and local communities and the proposed elements contained in the annex of the recommendation, in accordance with Article 22 of the Protocol.

* UNEP/CBD/ICNP/2/1/ADD1/REV1

¹ UNEP/CBD/ICNP/1/8 “Report of the first meeting of the Open-ended Ad-hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization”, Montreal, 5-10 June 2011.

/...

3. In paragraph 2 of recommendation 1/2, Parties, Governments, international organisations, indigenous and local communities and relevant stakeholders were invited to submit to the Executive Secretary views and information on their domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol on the basis of a questionnaire prepared by the Executive Secretary, in consultation with Parties (paragraph 3).

4. Accordingly, the Executive Secretary developed two draft questionnaires, one on domestic needs and priorities and another on the proposed elements of the strategic framework. The two questionnaires were circulated to Parties for comments through notification 2011-143 dated 1 August 2011. As of 28 September 2011 comments were received from the following countries: Australia, Canada, Colombia, the European Union and its Member States, India and Mozambique.

5. The questionnaires were then revised in light of the comments received and subsequently circulated through notification 2011-193 of 6 October 2011. Parties, Governments, international organisations, indigenous and local communities and relevant stakeholders were invited to complete and return the questionnaires to the Secretariat by 15 November 2011.

6. As of 24 January 2012, the following countries filled out the questionnaires and submitted them to the Secretariat: Bahrain, Belgium, Brazil, Burkina Faso, Cambodia, Cameroon, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Guinea, India, Japan, Madagascar, Maldives, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Nigeria, Pakistan, Saint Lucia, Sudan, Tanzania, Trinidad, Vietnam and Yemen. The questionnaires were also filled-out by the following organizations: Berne Declaration, Consejo Regional Otomí del Alto Lerma, Foundation Batwa, Kanuri Development Association, Metis National Council, Organización Indígena del Ecuador Andes Chinchansuyo and Waikiki Hawaiian Civic Club. All the responses to the questionnaires are available at: <http://www.cbd.int/icnp2/submissions/>.

7. As requested in paragraph 4 of recommendation 1/2 of the Intergovernmental Committee, the Executive Secretary has prepared a synthesis of the views and information received on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol. The synthesis is made available as document UNEP/CBD/ICNP/2/10.

8. Additionally, the Executive Secretary has prepared the present note which contains the results obtained from the questionnaires that served as a basis for the synthesis of views and information provided in document UNEP/CBD/ICNP/2/10. Section II of this note provides further details and additional information on the views and information received on the questionnaire on domestic needs and priorities for capacity-building and development (Annex I of the questionnaire) and Section III gives additional information on information submitted on the questionnaire on the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol on Access and Benefit-sharing (Annex II of the questionnaire). Both questionnaires are also made available in the annex to this document.

II. VIEWS AND INFORMATION ON DOMESTIC NEEDS AND PRIORITIES FOR CAPACITY-BUILDING AND DEVELOPMENT IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

9. This section provides views and information received from Parties, Governments, international organisations, indigenous and local communities and relevant stakeholders on domestic needs and priorities for capacity-building and development in support of the implementation of the Nagoya Protocol on Access and Benefit-sharing (responses to Annex I of the questionnaire).

1. KEY AREAS FOR CAPACITY-BUILDING AND DEVELOPMENT

10. Article 22, paragraph 4, of the Nagoya Protocol provides the following indicative list of key areas for capacity-building and development in support of the effective implementation of the Protocol:

/...

- (a) Capacity to implement, and to comply with the obligations of the Protocol;
- (b) Capacity to negotiate mutually agreed terms;
- (c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing; and
- (d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

11. Section I of the questionnaire on domestic needs and priorities for capacity-building and development invited respondents to provide any other key area for capacity-building and development in relation to domestic needs and priorities in addition to the key areas listed in paragraph 4 of article 22.

12. A large number of possible additional key areas were suggested by the respondents although no clear trend was observed for the addition of another key area which is not already covered by the key areas listed in the Protocol. In most submissions, the key areas suggested were already included or closely related to the list provided in paragraph 4 of Article 22 or to the list of measures to address the capacity needs listed in paragraph 5 of the same article.

13. All responses received on section I of the questionnaire are listed in the box below. The results have been clustered according to the key areas for capacity-building of Article 22, paragraph 4, and those related to the particular capacity needs of indigenous and local communities and relevant stakeholders as per paragraph 3 of Article 22.

14. A few respondents suggested adding key areas that were not closely related to the list of key areas and measures contained in Article 22; however these were contained within individual submissions and did not appear to be supported by others.

Box 1: Suggested additional key areas for capacity-building and development identified in support of the effective implementation of the Protocol²

(a) Capacity to implement and to comply with the obligations of this Protocol

- Capacity to monitor and track the utilization of genetic resources and associated traditional knowledge in the exploitation chain, including capacity to develop and apply monitoring tools;
- Capacity to survey intellectual property rights related records to address cases of bio-piracy of material of national origin;
- Capacity to analyze and understand the text of the Protocol and to negotiate in relevant meetings;
- Capacity to transmit the content of the Nagoya Protocol to competent national authorities and indigenous and local communities, including women and young leaders; and
- Capacity to engage in transboundary cooperation.
- Capacity to raise awareness of the importance of genetic resources and associated traditional knowledge.
 - Measure: Developing communication material addressed to users and providers, regarding the implications of access to genetic resources, the sharing of benefits and of the provisions of the Nagoya Protocol; and
 - Measure: Creating awareness within the general public regarding the importance of genetic resources and associated traditional knowledge, namely in relation to benefit sharing.

(b) Capacity to negotiate mutually agreed terms

- Capacity of local stakeholders to understand obligations and to negotiate access and benefit-sharing agreements.

(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing

- Capacity to develop, implement and enforce domestic, legislative, administrative policy measures on access and benefit-sharing, including measures on compliance and monitoring;

² Results from section 1 of the questionnaire on domestic needs and priorities.

- Capacity to take into account customary law in all national policies on access and benefit-sharing; and
- Capacity of stakeholders and parliamentarians for ratification and legislation development.

(d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

- Capacity to develop a baseline on the value of genetic resources;
- Capacity to add value to genetic resources;
- Capacity for economic valuation of biodiversity;
- Capacity for technology transfer;
- Capacity to identify the species in marine and terrestrial environments that can lead to product development; and
- Capacity to exchange information and to network.

(e) Particular needs of indigenous and local communities:

- Capacity in all the priority areas of the Protocol;
- Capacity on traditional knowledge and benefits to the local communities;
- Capacity to understand the commercial, cultural and ancestral value of genetic resources and associated ancestral knowledge;
- Capacity to survey and develop traditional knowledge, innovations and practices that are phasing out;
- Capacity to ensure protection of indigenous and local communities from exploitation of traditional knowledge associated with genetic resources;
- Capacity for building capacity of indigenous and local community's leaders in the negotiation of mutually agreed terms;
- Capacity to identify traditional knowledge practices that can lead to product development;
- Capacity to develop standard or *sui generis* dispute mechanisms;
- Capacity to involve indigenous and local communities from developing and developed countries;
- Capacity to carry out an intercultural process of information, consultation and obtainment of the free prior informed consent (including right to veto); and
- Capacity to translate and make accessible relevant documents into indigenous languages for the wider understanding of the Protocol by indigenous and local communities.

Others:

(f) Capacity to identify and establish synergies with other relevant international instrument.

- Measure: Developing a methodology to establish synergies.

(g) Capacity to create measures to conserve and sustainably use genetic resources:

- Measure: Promoting restoration and recuperation programmes or projects on genetic resources; and
- Measure: Promoting good sustainable productive practices to conservation and traditional practices sustainable with the conservation of genetic resources.

2. MEASURES TO BUILD OR DEVELOP CAPACITY UNDER EACH OF THE KEY AREAS AND PREFERRED MECHANISMS FOR THEIR IMPLEMENTATION

15. Article 22, paragraph 5, of the Nagoya Protocol provides an indicative list of measures to build or develop capacity under each of the key areas included in Article 22, paragraph 4. In addition to that list, other possible measures have been identified by Parties, international organizations, indigenous and local communities and relevant stakeholders in the submissions of views and information in relation to capacity-building and development provided for the first meeting of the Intergovernmental Committee (UNEP/CBD/ICNP/1/INF/3) and during the capacity-building workshop on access and benefit-sharing held prior to that meeting (UNEP/CBD/ICNP/1/INF/6).

16. Section 2 of the questionnaire on domestic needs and priorities was meant to identify measures to build or develop capacity under each of the key areas, and the preferred mechanisms for their implementation.

17. Section 2, sub-section A of the questionnaire addressed measures to build or develop capacity under each of the key areas for capacity-building and development, sub-section B addressed the particular

capacity needs and priorities of indigenous and local communities, as well as relevant stakeholders, and finally sub-section C addressed the preferred mechanisms to address the capacity needs.

A. *Measures to build or develop capacity under each of the key areas for capacity-building and development, including the particular capacity needs and priorities of indigenous and local communities and relevant stakeholders*

18. For sub-sections A and B, measures to build or develop capacity were listed in the questionnaire taking into account the list of measures included in Article 22, paragraph 5, the comments on the questionnaire provided by Parties, as well as the measures identified during the first meeting of the Intergovernmental Committee and the capacity-building workshop as mentioned above.

19. For sub-section A, the measures were categorised based on the main key areas contained in paragraph 4 of article 22 of the Protocol. In order to address the particular capacity needs of indigenous and local communities, and relevant stakeholders, a specific list of measures was provided in sub-section B.

20. The respondents were then invited to identify the level of priority (high, medium and low) for each measure, the timeframe (short, medium and long term), as well as to suggest a mechanism to address the capacity needs. A list of ten broad categories of mechanisms was provided in the questionnaire. The following timeframes were suggested: (a) short: within 2 years; (b) medium term: within 2 to 5 years; and (c) long term: more than 5 years.

21. In order to synthesise the results for sub-sections A and B, percentages for each option selected for the priority levels and timeframes under each measure were calculated. Table 1 presents the results of this part of the questionnaire. For the preferred mechanisms to address the capacity needs in relation to a given measure, the table provides the two responses which received the highest percentage. Three mechanisms are presented whenever the percentages received for two mechanisms were equal.

22. In addition to the above, for each key area, respondents were invited to identify any additional measure, not indicated in the questionnaire, to build or develop capacity, including any additional measures related to the particular capacity needs and priorities of indigenous and local communities and relevant stakeholders. All additional measures suggested are presented in box 2 below.

23. With a view to establishing an order of priority for addressing the capacity needs related to a measure, a table was developed on the basis of the results obtained from the questionnaire and according to the following criteria.

24. First, the measures were ranked according to the percentages received for the three options selected under timeframe (short-term vs medium-term vs long-term). However, the respondents considered that the capacity needs under the majority of the measures should be addressed within 2 years (short-term) and in less than five years (medium-term); therefore the measures were classified based on the percentages received for “short-term” and “medium-term”.

25. The following three categories were created: : (1) **Phase-1**: the measures that had short-term as a preferred option and less than 30% support for medium-term; (2) **Phase-2**: the measures that had short-term as a preferred option and over 30% support for medium-term; and (3) **Phase-3**: the measures that had most support for medium-term.

26. Secondly, in each of the categories, the measures were ranked according to the percentages received for each option under the priority level (high vs medium vs low). Since the results demonstrated that the preferred option for each measure was “high”, the ranking was done according to the percentage given to the option “high” for each measure.

27. The results are presented in table 1 of document UNEP/CBD/ICNP/2/10 and the main conclusions drawn in section II, subsection 2.A of document UNEP/CBD/ICNP/2/10. Information

regarding preferred mechanism to address the capacity needs in relation to the listed measures is provided in tables 2 to 4 of document of document UNEP/CBD/ICNP/2/10.

Table 1: Level of priority, and preferred timeframe and mechanisms attributed for measures to build or develop capacity in support of the implementation of the Protocol.³

Measures to build or develop capacity	Priority level	Time frame	Mechanism to address the capacity needs
(a) Capacity to implement, and to comply with the obligations of the Protocol			
Legal and institutional development (Art. 22.5)	High (88%) Medium (12%) Low (0%)	Short term (62%) Medium term (32%) Long term (6%)	-Legal/technical assistance (37%) -Funding support (33%)
Establishing mechanisms for interagency coordination	High (56%) Medium (32%) Low (6%) Blank (6%)	Short term (65%) Medium term (21%) Long term (9%) Blank (6%)	-Networks/ Professional associations/information exchange fora (23%) -Funding support (18%)
Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol	High (74%) Medium (12%) Low (9%) Blank (6%)	Short term (74%) Medium term (12%) Long term (9%) Blank (6%)	-Funding support (21%) -Networks/ Professional associations/information exchange fora (18%) -Tools and reference materials (18%)
Employment of best available communication tools and Internet-based systems for access and benefit-sharing activities (Art. 22.5)	High (56%) Medium (32%) Low (12%)	Short term (44%) Medium term (32%) Long term (21%) Blank (3%)	-Funding support (28%) -Tools and reference materials (21%)
Providing information to the Access and Benefit-sharing Clearing-House	High (47%) Medium (44%) Low (6%) Blank (3%)	Short term (35%) Medium term (44%) Long term (18%) Blank (3%)	-Networks/ Professional associations/information exchange fora (24%) -Funding support (20%)
Monitoring the utilization of genetic resources, including the designation of one or more checkpoints	High (79%) Medium (18%) Low (0%) Blank (3%)	Short term (47%) Medium term (32%) Long term (15%) Blank (6%)	-Funding support (26%) -Scientific and technical cooperation (24%)
The monitoring and enforcement of compliance (Art.22.5)	High (85%) Medium (9%) Low (3%) Blank (3%)	Short term (32%) Medium term (38%) Long term (28%) Blank (3%)	-Legal/technical assistance (29%) -Funding support (22%)
Developing measures regarding access to justice	High (56%) Medium (38%) Low (3%) Blank (3%)	Short term (21%) Medium term (53%) Long term (26%)	-Legal/technical assistance (49%) -On-the-job training (13%)
Raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues	High (82%) Medium (15%) Low (0%) Blank (3%)	Short term (47%) Medium term (32%) Long term (18%) Blank (3%)	-Education and training (36%) -Funding support (22%)
Enhancement of the contribution of access and benefit-sharing activities to the conservation of biological diversity and the sustainable use of its components (Art. 22.5)	High (62%) Medium (29%) Low (6%) Blank (3%)	Short term (26%) Medium term (38%) Long term (21%) Blank (6%)	-Funding support (23%) -Conferences and workshops (18%)
Establishing mechanisms to address transboundary situations	High (44%) Medium (38%) Low (12%) Blank (6%)	Short term (26%) Medium term (47%) Long term (21%) Blank (6%)	-Legal/technical assistance (24%) -Scientific and technical cooperation (17%)
Mobilising new and innovative financial resources to implement the Nagoya Protocol	High (74%) Medium (21%) Low (6%)	Short term (50%) Medium term (18%) Long term (29%) Blank (3%)	-Funding support (46%) -Networks/ Professional associations/information exchange fora (17%)
Special measures to increase the capacity of relevant stakeholders in relation to ABS (Art. 22.5)	High (76%) Medium (12%) Low (6%) Blank (6%)	Short term (44%) Medium term (41%) Long term (9%) Blank (6%)	-Education and training (28%) -Funding support (25%)

³ Results from section 2, sub-sections A and B of the questionnaire on domestic needs and priorities.

Special measures to increase the capacity of indigenous and local communities with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or traditional knowledge associated with genetic resources (Art. 22.5)	High (82%) Medium (12%) Low (3%) Blank (3%)	Short term (50%) Medium term (26%) Long term (21%) Blank (3%)	-Funding support (29%) -Education and training (40%)
(b) Capacity to negotiate mutually agreed terms			
Promotion of equity and fairness in negotiations, such as training to negotiate mutually agreed terms (Art.22.5)	High (85%) Medium (15%) Low (0%)	Short term (62%) Medium term (32%) Long term (6%) Blank (3%)	-Education and training (28%) -Funding support (22%)
Supporting the development of model contractual clauses	High (71%) Medium (24%) Low (6%)	Short term (56%) Medium term (38%) Long term (3%)	-Legal/technical assistance (38%) -Education and training (19%)
Developing and implementing pilot access and benefit-sharing agreements	High (71%) Medium (24%) Low (6%)	Short term (59%) Medium term (26%) Long term (12%) Blank (3%)	-Legal/technical assistance (27%) -Funding support (20%)
Development and use of valuation methods (Art.22.5)	High (68%) Medium (21%) Low (9%)	Short term (38%) Medium term (41%) Long term (15%) Blank (6%)	-Scientific and technical cooperation (25%) -Funding support (18%)
(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing			
Taking stock of domestic measures relevant to access and benefit-sharing in light of the obligations of the Nagoya Protocol	High (82%) Medium (12%) Low (3%) Blank (3%)	Short term (68%) Medium term (18%) Long term (12%) Blank (3%)	Funding support (51%) Legal/technical assistance (13%)
Developing a policy framework on access and benefit-sharing	High (88%) Medium (6%) Low (6%)	Short term (65%) Medium term (21%) Long term (15%)	Legal/technical assistance (37%) Funding support (34%)
Setting-up new or amended access and benefit-sharing legislative, administrative or policy measures with a view to implementing the Nagoya Protocol	High (76%) Medium (15%) Low (6%) Blank (3%)	Short term (59%) Medium term (32%) Long term (6%) Blank (3%)	Legal/technical assistance (40%) Funding support (38%)
(d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources			
Bioprospecting, associated research and taxonomic studies (Art. 22.5)	High (64%) Medium (24%) Low (0%) Blank (12%)	Short term (24%) Medium (42%) Long term (21%) Blank (12%)	-Scientific and technical cooperation (41%) -Funding support (35%)
Development and use of valuation methods (Art. 22.5)	High (67%) Medium (18%) Low (9%) Blank (6%)	Short term (45%) Medium term (30%) Long term (15%) Blank (9%)	-Scientific and technical cooperation (32%) -Funding support (16%)
Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable (Art. 22.5)	High (76%) Medium (12%) Low (3%) Blank (9%)	Short term (33%) Medium term (30%) Long term (27%) Blank (9%)	-Scientific and technical cooperation (59%) -Funding support (18%)
(e) Measures to build or develop capacity of indigenous and local communities and relevant stakeholders			
Participating in legal, policy and decision-making processes	High (79%) Medium (9%) Low (9%)	Short term (58%) Medium term (15%) Long term (21%)	Education and training (30%) Conferences and workshops (24%)
Understanding the obligations under the Nagoya Protocol	High (78%) Medium (16%) Low (6%) Blank (3%)	Short term (47%) Medium term (31%) Long term (19%) (6%)	Education and training (28%) Funding support (23%)
Developing capacity to negotiate mutually agreed terms	High (88%) Medium (13%) Low (3%)	Short term (47%) Medium term (44%) Long (9%) Blank (3%)	Education and training (43%) Legal/technical assistance (15%)
Managing traditional knowledge associated	High (78%)	Medium term (41%)	Education and training (29%)

with genetic resources	Medium (16%) Low (9%)	Short term (31%) Long term (25%) Blank (6%)	Legal/technical assistance (22%)
Developing community protocols in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of that knowledge	High (69%) Medium (25%) Low (3%) Blank (6%)	Short term (41%) Medium term (25%) Long term (25%) Blank (13%)	Education and training (35%) Legal/technical assistance (18%)
Developing minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources	High (75%) Medium (16%) Low (9%) Blank (3%)	Short term (56%) Medium term (28%) Long term (13%) Blank (6%)	Legal and technical assistance (35%) Funding support (19%)
Developing model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources	High (66%) Medium (25%) Low (6%) Blank (6%)	Short term (47%) Medium term (28%) Long term (19%) Blank (9%)	Legal and technical assistance (44%) Funding support (14%) Conferences and workshops (14%)

Box 2: Suggested additional measures to build or develop capacity related to the Protocol, including measures to build or develop in relation to the particular capacity needs and priorities of indigenous and local communities and relevant stakeholders.⁴

(a) Capacity to implement, and to comply with the obligations of the Protocol.

- Tracking biological resources, their derivatives and related traditional knowledge of national origin in the exploitation chain.
- Surveying intellectual property rights records for cases of biopiracy of material of national origin.
- Surveying, recording and maintaining national genetic resources and related endogenous knowledge.
- Carrying out taxonomic identification of genetic resources.
- Identifying species in marine and terrestrial environments that can lead to product development.
- Adding value to genetic resources.
- Identifying and managing threats to biodiversity.
- Identifying traditional knowledge practices that can lead to product development.
- Including customary law in national access and benefit-sharing policies.
- Complying with prior informed consent, mutually agreed terms and customary laws of indigenous and local communities.
- Using languages and methodologies culturally appropriate in the implementation of the Protocol.
- Acquiring vehicles to access communities in remote locations.

(b) Capacity to negotiate mutually agreed terms

- Developing a legal process to be followed in cases of non-compliance.
- Building strong inter-organizational links.
- Improving dialogue and coordination among providers and users.
- Developing the concept of fair and equitable sharing of benefits arising from the commercial use of genetic resources;
- Monitoring the social impact of the sharing of benefits on indigenous and local communities, as well as the impact on the conservation and sustainable use of biological diversity.
- Complying with prior informed consent, mutually agreed terms and customary laws of indigenous and local communities.

(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing

- Awareness-raising.
- Advocacy.
- Developing an implementation strategy.

⁴Results from section 2, sub-sections A and B of the questionnaire on domestic needs and priorities.

- Formulating access and benefit-sharing agreements that are flexible and in mutual support of other instruments that promote the objectives of the Protocol.
- Including customary law in national access and benefit-sharing policies.

(d) Capacity to develop their endogenous research capabilities to add value to their own genetic resources

- Developing a good understanding of the value of genetic resources through training of local scientists and sharing of benefits which contribute to human well-being.
- Establishing or strengthening existing research institutions and scientific community societies working on genetic resources.
- Developing systems to provide chemicals, reagents, equipment and other research supplies within the country.
- Including indigenous women in research and incorporating culturally appropriate research methodologies and protocols.

(e) Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders

- Enhancing the legal understanding of access and benefit-sharing issues by local communities.
- Developing memorandums of understanding.
- Increasing information exchange channels.
- Entering into material transfer agreements to ensure compliance.
- Awareness-raising of the international regime.
- Disseminating information in consultation with indigenous and local communities.
- Enhancing capacity to negotiate at all levels.
- Developing scientific, legal and other technical expertise on genetic resources and traditional knowledge.
- Supporting protection of indigenous and local communities' rights related to genetic resources and traditional knowledge through legal and other technical advice, including the development of community protocols.
- Supporting effective exercise and implementation of free prior informed consent related to access to genetic resources originating from indigenous and local communities' territories, lands and waters and associated traditional knowledge, including, *inter alia*, increasing understanding of:
 - The international regime on access and benefit-sharing;
 - Relevant international law recognizing indigenous rights relevant to access and benefit sharing;
 - Biotechnology; and
 - Intellectual property rights.
- Where national and regional legislation exists, increasing awareness and understanding of national and regional legislation.
- Where national legislation currently does not exist, ensuring the full and effective participation of indigenous and local communities in the development and implementation of domestic access and benefit-sharing legislation.
- Providing information and communication technology relevant for access and benefit-sharing.
- Supporting the utilization of methodologies for the valuation of biological and genetic resources and traditional knowledge.
- Supporting capacity-building to participate as equal partners in taxonomic studies and the preparation of inventories for biological (and genetic) resources and associated traditional knowledge.
- Participating in the benefits arising from access to genetic resources and associated traditional knowledge;
- Undertaking research and development activities related to genetic resources and traditional knowledge at the local level, including through technology transfer of biotechnology.
- Supporting capacity to undertake measures to monitor and enforce compliance with the international regime, customary laws of indigenous peoples and local communities, and contracts based on mutually agreed terms.

B. Preferred mechanisms to address capacity needs

28. Section 2, sub-section C, of the questionnaire invited the respondents to provide further information regarding the most appropriate capacity-building and development mechanism to address capacity needs related to the Protocol.

29. Ten broad categories of mechanisms were provided and the respondents were asked to identify the level of priority (high, medium and low) for each. In addition, for each of the broad categories of

mechanisms proposed, the respondents were invited to select up to three specific mechanisms, from a pre-determined list, to address the capacity needs.

30. Finally, for each mechanism selected, respondents were asked to indicate whether these were to be implemented at multiple levels, at the international level, at regional and sub-regional levels or at the national level.

31. Table 2 below presents the results for sub-section C of the questionnaire. The table provides the percentages for each option selected for the priority levels (high, medium and low) for each broad category of mechanisms. The percentages of responses for the two preferred mechanisms, under each broad category of mechanisms, as well as the percentages for the preferred level of implementation (multiple levels, international level, regional and sub-regional levels or national level) identified by the majority of respondents are also provided.

32. Box 3 below lists any additional mechanisms provided in the responses for sub-section C. The main conclusions drawn from these results are presented in section II, subsection 2.b of document UNEP/CBD/ICNP/2/10.

Table 2: Preferred capacity-building and development mechanisms to address capacity needs and priorities related to the Protocol.⁵

Broad categories of mechanisms	Priority level	Mechanisms to address the capacity needs	Level of implementation
1. Education and training	High (76%) Med (21%) Low (0%) Blank (3%)	Academic (degree) programmes	50% Multiple (47%)
		Professional training (customised short-courses)	85% National (38%) - Multiple (34%)
		E-learning modules	62% Multiple (38%)
2. Funding support	High (91%) Med (3%) Low (0%) Blank (6%)	Project/programme support	97% National (39%) - Multiple (39%)
		Scholarships/fellowships	47% Multiple (44%) - International (31%)
		Research grants	76% Multiple (42%)
3. Tools and reference materials	High (53%) Med (41%) Low (0%) Blank (6%)	Training manuals	68% National (30%) - Multiple (30%)
		Technical guidelines/toolkits/"how-to manuals"	59% International (40%)
		Technical studies	29% Regional and subregional (30%)
		Publications	18% Multiple (50%)
		Best practices/lessons learned/case studies	79% Multiple (41%)
		Awareness-raising materials (e.g. audiovisuals and films, posters, bulletins, etc.)	71% National (38%)
4. Conferences and workshops	High (65%) Med (26%) Low (0%) Blank (9%)	Awareness-raising seminars	65% National (64%)
		Discussion forums	29% International (40%)
		Fairs/exhibitions/poster sessions	12% International (50%)
		National/regional/international conferences	56% Multiple (74%)
		Training workshops	68% Multiple (39%)
		Symposia/scientific meetings	26% Multiple (67%)
		Policy dialogues	32% National (36%)
		Multi-stakeholders workshops	74% National (42%)
5. Networks/ associations/ information exchange fora	High (26%) Med (56%) Low (9%) Blank (9%)	Online discussion fora	65% Multiple (41%)
		Professional associations (Membership subscriptions)	29% International (30%) - National (30%) Regional and subregional (30%)
		Expert (peer-to-peer) networks	68% Multiple (43%) - International (43%)
		Policy networks	65% Regional and subregional (36%)
		Journal subscriptions	29% Multiple (50%) - International (50%)
6. Exchange programmes	High (41%) Med (35%) Low (15%) Blank (9%)	Staff exchange/attachment/secondments	62% Multiple (43%)
		Study tours/exchange visits	74% Multiple (42%)
		Twinning programmes	50% Multiple (35%)
		Fellowships	65% Multiple (41%) - International (41%)
7. On-the-job	High (41%)	Apprenticeships, internships	68% Multiple (43%)

⁵ Results from section 2, sub-section C of the questionnaire on domestic needs and priorities.

training	Med (35%)	Coaching/mentoring	68%	Multiple (35%)- National (30%)
	Low (6%) Blank (18%)	Structured staff training programmes	85%	Multiple (34%) -National (31%)
8. Legal/technical assistance	High (68%) Med (15%) Low (0%) Blank (18%)	Advisory/consultancy (expatriate) services	68%	Multiple (48%)
		Information services	35%	Multiple (42%) - International (42%)
		Institutional support (Infrastructure development)	65%	National (64%)
		Policy/legal support	82%	National (39%) -Multiple (39%)
		Project/programme development	53%	National (42%)- Multiple (42%)
9. Scientific and technical cooperation	High (53%) Med (29%) Low (0%) Blank (18%)	Collaborative research	62%	Multiple (62%)
		Exchange of scientific and technical information	59%	Multiple (50%)
		Joint training programmes	44%	Multiple (60%)
		Joint projects/technical activities	44%	Multiple (60%)
		Technology transfer	71%	Multiple (50%)
		Sharing of infrastructure/equipment	32%	Multiple (45%) - International (45%)

Box 3: Suggested additional mechanisms to address capacity needs and priorities related to the Protocol.⁶

- *Education and training:* Workshops; and intercultural training.
- *Funding support:* Financial support for collaboration and exchange projects; and funding support to indigenous and local communities.
- *Tools and reference materials:* Tribunal awards.
- *Conferences and workshops:* Indigenous and local communities' conferences.
- *Exchange programmes:* Indigenous and local communities programmes.
- *Scientific and technical cooperation:* Building relationships with indigenous peoples.
- *Transboundary cooperation and coordination:* Collaborative work; workshops and seminars; and inventorization.
- *Vehicles and machineries*

III. VIEWS AND INFORMATION ON THE PROPOSED ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

33. This section provides additional views and information received on the proposed elements of the strategic framework (Annex II of the questionnaire), which were not included in document UNEP/CBD/ICNP/2/10.

34. For some of the proposed elements, all the views and information submitted is contained in document UNEP/CBD/ICNP/2/10, and as a result, the information is not repeated in the sub-sections below. For these proposed elements, only the heading of the element is provided.

1. OBJECTIVES

35. Views and information on this element are contained in Section III, sub-section 1 of document UNEP/CBD/ICNP/2/10.

⁶ Results from section 2, sub-section C of the questionnaire on domestic needs and priorities.

2. EXPERIENCE AND LESSONS LEARNED FROM PAST AND ONGOING ACCESS AND BENEFIT-SHARING CAPACITY-BUILDING AND DEVELOPMENT INITIATIVES

36. In section 2 of the questionnaire on the proposed elements of the strategic framework, the respondents were invited to provide a short description of experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives which could contribute to the development and implementation of the strategic framework.

37. A number of respondents provided information on past and on-going experiences as presented in box 4 below. Conclusions drawn from this experience together with information on lessons learned from past and ongoing ABS capacity-building and development initiatives that was submitted are presented in Section III, sub-section 2 of document UNEP/CBD/ICNP/2/10.

Box 4: Experience submitted on past and on-going access and benefit-sharing capacity-building and development initiatives.⁷

- Morocco and Sudan made reference to the ABS Capacity Development Initiative for Africa, which has developed the capacity of the African Group throughout the negotiations of the Protocol.
- Saint Lucia pointed out that a regional training workshop on access and benefit-sharing was held in October 2008 in Dominica and that they would favour an increase of such workshops in collaboration with the Third World Network.
- In 2004 Japan established the Asian Consortium for the Conservation and Sustainable Use of Microbial Resources (ACM) comprised of the representatives of twelve Asian countries (Cambodia, China, Indonesia, Japan, the Republic of Korea, Lao, Malaysia, Mongolia, Myanmar, Philippines, Thailand and Vietnam). Its mission is to promote collaboration among governments or public organizations in enhancing conservation and sustainable use of microbial resources. In 2011, an ACM workshop was held in Thailand to build the capacity of participants as to the proper handling, long-term preservation and quality control of micro-organisms. The next workshop is planned for 2012 in Japan.
- The National Institute of Technology and Evaluation (NITE) from Japan has carried out human resource development and technology transfer in the field of isolation, preservation and identification of microorganisms through joint research programmes for young researchers from Brunei, Indonesia, Mongolia, Myanmar, Thailand and Vietnam. A number of activities have been carried out under the programme including on-site experiments, short-term invitations, presentations and organisation of on-site workshops.
- The Cuban Ministry of Science, Technology and Environment organised several workshops on access and benefit-sharing: one regional workshop organised in 2006 and two national workshops were subsequently held in 2006 and 2009. An international workshop was also organised by the National Union of Jurists of Cuba.
- The Consejo Regional Otomí del Alto Lerma described how Mexico's Secretary of Environment and Natural Resources had carried out national workshops with the participation of indigenous and local community representatives about the importance of genetic resources and associated traditional knowledge.

3. GUIDING PRINCIPLES AND APPROACHES TO CAPACITY-BUILDING AND DEVELOPMENT

38. The preamble of recommendation 1/2 of the Intergovernmental Committee provides a basis for a preliminary list of principles and approaches to guide capacity-building and development in support of the implementation of the Nagoya Protocol, as follows:

- (a) To be demand-driven, based on the needs and priorities identified through national self-assessments;
- (b) To take note of experiences and lessons learned from past and on-going ABS capacity-building initiatives;

⁷ Results from section 2 of the questionnaire on the proposed elements of the strategic framework.

- (c) To emphasize the role of bilateral and multilateral cooperation;
- (d) To ensure full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives; and
- (e) To recognize the usefulness and cost-effectiveness of subregional and regional approaches to capacity-building and development in particular where countries have similar biological resources and common capacity-building needs

39. In addition, section 3 of the questionnaire provided a list of additional possible principles and approaches based on the GEF operational principles for effective capacity-building,⁸ and invited respondents to identify which ones could be reflected in the strategic framework. Table 3 below presents the percentage of support received for each of the possible guiding principles and approaches proposed. It also lists all other principles proposed by the respondents.

Table 3: Possible guiding principles and approaches to capacity-building and development under the Nagoya Protocol.⁹

Guiding principles and approaches	% of responses
Ensure multi-stakeholder consultations and decision-making	86%
Base capacity building efforts in self-needs assessment	80%
Ensure national ownership and leadership	66%
Integrate capacity-building in wider sustainable development efforts	60%
Adopt a learning-by-doing approach	60%
Promote regional approaches	60%
Adopt a holistic approach to capacity-building	54%
Combine programmatic and project-based approaches	54%
Promote partnerships	51%
Accommodate the dynamic nature of capacity-building	49%
Combine process as well as product-based approaches	34%
Other: - Assurance of legal clarity of duties, rights and obligations of participants in capacity-building activities. - Ensure cost-effectiveness. - Concentrate in some critical areas for effective implementation of the Protocol. - Strengthen the legal policy framework for national capacity-building schemes. - Promote and create awareness at the grassroots level. - Build on the traditional knowledge of the custodians' communities. - Guaranteeing appropriate intercultural and/or cultural processes.	20%

4. KEY AREAS FOR CAPACITY-BUILDING AND DEVELOPMENT AND MEASURES TO BUILD OR DEVELOP CAPACITY UNDER THE KEY AREAS

40. Views and information on this element are contained in Section III, sub-section 4 of document UNEP/CBD/ICNP/2/10.

⁸ GEF/C.22/8 "Strategic Approach to Enhancing Capacity Building" (2003). Definitions of the operational principles can be found in the annex to the document.

⁹ Results from section 3 of the questionnaire on the proposed elements of a strategic framework.

5. MECHANISMS FOR THE IMPLEMENTATION OF CAPACITY-BUILDING AND DEVELOPMENT MEASURES

41. Views and information on this element are contained in Section III, sub-section 5 of document UNEP/CBD/ICNP/2/10.

6. COORDINATION MECHANISM

42. Article 22, paragraph 6, of the Protocol provides that information on capacity-building and development initiatives at national, regional and international levels should be provided to the Access and Benefit-sharing Clearing-House with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing.

43. In addition to reporting to the Access and Benefit-sharing Clearing-House, other means could be used to promote synergy and coordination on capacity-building and development to effectively implement the Nagoya Protocol. Section 6 of the questionnaire provided a list of three possible elements for a coordination mechanism and invited respondents to select which one would be most useful to promote synergy and coordination on capacity-building and development. Table 4 provides the percentage of respondents that supported each of the proposed elements, and lists other possible elements for a coordination mechanism suggested by the respondents. Conclusions drawn from these results together with the synthesis of views on a possible coordination mechanism are presented in Section III, sub-section 6 of document UNEP/CBD/ICNP/2/10.

Table 4: Suggested elements for a possible coordination mechanism.¹⁰

Elements for a possible coordination mechanism	% of the responses
Coordination meetings of government agencies, donors and relevant organizations involved with capacity-building	71%
Online forums and networks linking government agencies, donors and relevant organizations involved with capacity-building through internet-based tools	53%
Liaison group providing advice to the SCBD on ways to improve coordination	41%
<i>Other:</i> - Joint publications with the SCBD on studies developed by the academic sector. - Coordination meetings with the ILCs, including women. - Bilateral or multilateral study tour programmes namely "youth exchange programmes".	6%

7. COOPERATION AMONG PARTIES AND WITH RELEVANT PROCESSES AND PROGRAMMES

44. Section 7 of the questionnaire invited respondents to provide views or information on possible or existing cooperation among Parties and with relevant processes and programmes which could support the implementation of the strategic framework. The information contained in the responses related to experience on cooperation among Parties is listed in box 5 below. The conclusions drawn from these experiences together with the views provided on cooperation with relevant processes and programmes, as well as means for achieving such cooperation are presented in Section III, sub-section 7 of document UNEP/CBD/ICNP/2/10.

¹⁰ Results from section 6 of the questionnaire on the proposed elements of a strategic framework.

Box 5: Experience submitted in relation to cooperation among Parties¹¹

- The Organización Indígena del Ecuador Andes Chinchansuyo made reference to the Women's Biodiversity Network for the Latin American and Caribbean Region who has created capacity in the region thanks to the agreement between the network, the CBD and the Spanish Government.
- Sudan referred to the ABS capacity-building initiative for Africa as a relevant example of cooperation between donors.
- Mexico explained that they are establishing a bilateral relationship with Germany through the German Technical Cooperation (GIZ). The objective of the project is to create the conditions and mechanisms for implementing the Protocol.
- Cuba referred to the regional project "Strengthening the Implementation of Access to Genetic Resources and Benefit-Sharing Regimes in Latin America and the Caribbean" executed by UNEP and IUCN under GEF 5.
- The following regional fora were also mentioned in the submissions: The African group; the Central African Forest Commission (COMIFAC) landscape; the South Asian Association for Regional Cooperation (SAARC); the Economic Cooperation Organization (ECO); the Association of Southeast Asian Nations (ASEAN); the International Centre for Integrated Mountain Development (ICIMOD); the Gulf Cooperation Council; the Arab League; the United Nations Environment Programme- Regional Office for West Asia (UNEP-ROWA); and the Asia-Pacific regional group

8. MONITORING AND REVIEW

45. Section 8 of the questionnaire invited respondents to provide views on how the strategic framework could be monitored and reviewed, and namely whether the development of indicators to facilitate such monitoring and review could be useful, and if so, whether it would be most appropriate to develop the indicators at the national and/or international level. The synthesis of the views provided on these issues is provided in Section III, sub-section 8 of document UNEP/CBD/ICNP/2/10. In addition, the respondents were also invited to provide examples of possible indicators. The following box lists the examples of indicators provided in the submissions.

Box 6: Proposed indicators to monitor and review the strategic framework¹²

- Existence of legislative framework to implement the Protocol.
- Number of Parties with ABS systems which are functional and in accordance with the Protocol.
- Existence of a legal framework to implement the Protocol including customary laws of indigenous and local communities.
- Number of domestic legislation granting rights to ILC over their genetic resources in order to negotiate PIC and MAT.
- Establishment of an inter-ministerial committee for the implementation of the Protocol.
- Duration of the procedure for accessing genetic resources.
- Number of community protocols.
- Number of transactions implemented on the basis of the Protocol.
- Number of PIC and MAT granted.
- Projects authorised for the utilization of genetic resources and creating benefits at the national level.
- Case studies of successful implementation of access permits with benefit-sharing clauses.
- Number of joint marketing of intellectual property rights by both provider and user Parties.
- Number of permits or internationally recognized certificates of compliance granted.
- Completeness of information in the internationally recognized certificate of compliance.
- State of application of disclosure of origin in intellectual property rights legislation.
- Number of biopiracy cases discovered, prevented and/or corrected.
- Number of biopiracy cases discovered at check points.

¹¹ Results from section 7 of the questionnaire on the proposed elements of the strategic framework

¹² Results from section 8 of the questionnaire on the proposed elements of a strategic framework.

- Number of relevant decisions by courts of judgement.
- Level of use of the services provided at global, regional and national level.
- Level of capacity-building efforts at national level.
- State of implementation and compliance with the Protocol.
- Correlation between the level of use of services provided, the level of capacity building effort at national level and the state of implementation and compliance with the Protocol.
- Existence of human resource development and institutional strengthening.
- Number of conferences, workshops and trainings held.
- Number of trained personnel from government sector.
- Number of persons trained on MAT negotiation.
- Financial resources availability.
- Quantity and quality of participation.
- National capacity need for implementation of the Nagoya Protocol.

9. POSSIBLE SEQUENCE OF ACTIONS FOR THE IMPLEMENTATION OF THE STRATEGIC FRAMEWORK

46. Section 9 of the questionnaire invited respondents to provide views and/or information regarding possible sequences of actions for the implementation of the strategic framework, including a possible roadmap of activities to assist countries in defining their priorities and corresponding timelines. The different sequences identified are listed in box 6 below.

Box 7: Proposed possible sequence of actions to implement the strategic framework.¹³

(a) At the national level:

Submission by Ethiopia:

- Carry out a situation analysis;
- Identify their priorities;
- Decide on their strategic directions;
- Acquire capacity building initiatives;
- Allocate budget for activities;
- Plan the time frame of activities; and
- Start implementation.

Submission by Congo:

- Baseline evaluation;
- Validation of the evaluation at the national level; and
- A monitoring organism for the monitoring of the implementation.
-

Submission by Vietnam:

- Identify involving stakeholders;
- Conduct need-assessment survey;
- Conferences and workshops at central and provincial level; and
- Field survey to indigenous areas.
- Conduct study on current status of genetic resources and traditional knowledge;
- Organize consultation workshops;
- Recommendations from above studies, survey and workshops to be compiled and proposed to higher level for consideration;

¹³ Results from section 9 of the questionnaire on the proposed elements of a strategic framework.

- Policy development and legal framework enhancement;
- Raising awareness; and
- Enhancing partnership and country leadership.

Submission by Nigeria:

- Financial support for awareness creation, training and education for better understanding the Protocol;
- Conferences and workshops for information exchange and experience; and
- Technical assistance for the developing countries in the implementation of access and benefit-sharing legislative, administrative and policy guidelines.

Submission by Tanzania:

- National capacity needs assessments;
- Awareness-raising;
- Conducting situational analysis on ABS;
- National access and benefit-sharing institutional set up; and
- Capacity-building.

Submission by Sudan:

- Baseline information;
- Actions related to gap filling;
- Systems establishment; and
- Running of a functioning ABS system.

Submission by Myanmar

- Adoption of legal and policy framework;
- Issuance of respective notifications and communication to the public through media;
- Organisation of an advisory or administrative board; and
- Designation of check points or inspection stations.

Submission by Cameroon

- By February 2012: Signature of Protocol
- By June 2012: Development of CEPA strategy; wide sensitisation of decision makers; development of ABS Strategy; and Protocol ratified.
- Post June 2012 Implementation of CEPA Strategy; capacity-building; and development of relevant legislation.

(b) At the international level

Submission by Saint Lucia

- Identify and examine experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives at the regional and international levels that can guide the national programme;
- Identify and implement key areas for capacity-building and development and measures to build or develop capacity under each of the key areas, taking into account those specified in paragraphs 1 and 5 of Article 22;
- Establish mechanisms for the implementation of capacity-building and development measures;
- Formulate a coordination mechanisms and its possible elements, including the reporting of capacity-building and development initiatives to the Access and Benefit-sharing Clearing-House as specified in paragraph 6 of Article 22;
- Develop a monitoring and review process, including developing a set of indicators to facilitate the monitoring and review of the implementation of the strategic framework and to assess the impact of access and benefit-sharing capacity-building and development initiatives at the national and international levels;
- Develop and devise possible financial resource requirements at the national and international levels.

Submission by Belgium:

- Based on the answers provided regarding domestic needs and priorities for capacity-building and development to define the themes for capacity-building;
- For each theme defined, the following actions are proposed:
 - Identification of case studies (regional when possible),
 - Presentation and analysis of the cases by participants in thematic regional seminars

- Use of the resulting “good practices” and methodology for publication for example in e-learning modules or in technical series

Submission by Bahrain:

- Establishment of a working group for the monitoring and review of the implementation of the strategic framework; and
- International, regional and subregional organizations and other stakeholders to develop an implementation plan dedicated to capacity-building on access and benefit-sharing.

Submission by Brazil:

- Training for operating the Access and Benefit-sharing Clearing-House;
- Regional workshops for sharing experience on the implementation of national ABS legislation; and
- Workshop on specific topics

10. FINANCIAL AND OTHER RESOURCE REQUIREMENTS

47. Views and information on this element are contained in Section III, sub-section 10 of document UNEP/CBD/ICNP/2/10.

11. OTHER POSSIBLE ELEMENTS

48. Lastly, in section 11 of the questionnaire, respondents were invited to provide a short description of any other element they wished to see reflected in the strategic framework. Several proposals were made as reflected in box 7 below.

Box 8: Other possible elements of the strategic framework identified.¹⁴

- Multidisciplinary and intergenerational working groups.
- The strategic framework should take into consideration all crises currently evolving in the world, such as climate change, economic crisis and related issues.
- The strategic framework should take into consideration the implementation of the three objectives of CBD, not only ABS.
- The need for improved access to funds to support capacity building.
- Transboundary genetic resources as well as genetic resources movement due to climate change.
- The strategic framework should include food security programmes and promoting their livelihood options.
- Specific arrangements for an effective cooperation and involvement of the private sector in the implementation of the strategic framework.

¹⁴ Results from section 11 of the questionnaire on the proposed elements of a strategic framework.

Annex

QUESTIONNAIRE ON DOMESTIC NEEDS AND PRIORITIES FOR CAPACITY-BUILDING AND DEVELOPMENT IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING (ANNEX I)

1. KEY AREAS FOR CAPACITY-BUILDING AND DEVELOPMENT

Article 22, paragraph 4, of the Nagoya Protocol provides the following indicative list of key areas for capacity-building and development in support of the effective implementation of the Protocol:

- (a) Capacity to implement, and to comply with the obligations of the Protocol;
- (b) Capacity to negotiate mutually agreed terms;
- (c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing; and
- (d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

In addition to the key areas listed above, please indicate any other key area for capacity-building and development in relation to your domestic needs and priorities in support of the implementation of the Protocol, taking into account the capacity needs and priorities of indigenous and local communities and relevant stakeholders.

--

2. MEASURES TO BUILD OR DEVELOP CAPACITY UNDER EACH OF THE KEY AREAS AND PREFERRED MECHANISMS FOR THEIR IMPLEMENTATION

A. Measures to build or develop capacity under each of the key areas for capacity-building and development

Article 22, paragraph 5, of the Nagoya Protocol provides an indicative list of measures on which to build or develop capacity. In addition to that list, other possible measures have been identified by Parties, international organizations, indigenous and local communities and relevant stakeholders in the submissions of views and information in relation to capacity-building and development (UNEP/CBD/ICNP/1/INF/3) and during the capacity-building workshop on access and benefit-sharing held in Montreal 4-5 June 2011 (UNEP/CBD/ICNP/1/INF/6).

The following table takes into account the list of measures included in Article 22, paragraph 5, as well as the measures identified in the above mentioned documents to build or develop capacity under each of the key areas included in section 1 above.

On the basis of the tables provided below:

1. *Please rank as high, medium or low priority your domestic capacity- building and development needs for each of the measures listed.*

2. Please **indicate the time frame** within which you wish your domestic capacity-building and development needs to be addressed: short, medium or long term.¹⁵
3. Please **indicate any additional measures** you wish to include under each of the key areas.
4. For each measure, please **indicate your preferred mechanism**, taken from the list below, which could assist in addressing the capacity needs related to that measure.

Mechanisms:

- (1) Education and training
- (2) Funding support
- (3) Tools and reference materials
- (4) Conferences and workshops
- (5) On-the-job training
- (6) Networks/ Professional associations/information exchange fora
- (7) Exchange programmes
- (8) Legal/technical assistance
- (9) Scientific and technical cooperation
- (10) Others (please specify)

(a) Capacity to implement, and to comply with the obligations of the Protocol	Priority level <i>(high, medium, low)</i>	Time frame <i>(short, medium long term)</i>	Mechanism to address the capacity needs
<i>E.g Legal and institutional development</i>	<i>High</i>	<i>Short term</i>	<i>2 (funding support)</i>
Legal and institutional development (Art. 22.5)			
Establishing mechanisms for interagency coordination			
Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol			
Employment of best available communication tools and Internet-based systems for access and benefit-sharing activities (Art. 22.5)			
Providing information to the Access and Benefit-sharing Clearing-House			
Monitoring the utilization of genetic resources, including the designation of one or more checkpoints			
The monitoring and enforcement of compliance (Art.22.5)			
Developing measures regarding access to justice			
Raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues			
Enhancement of the contribution of access and benefit-sharing activities to the conservation of biological diversity and the sustainable use of its components (Art. 22.5)			
Establishing mechanisms to address transboundary situations			
Mobilising new and innovative financial resources to implement the Nagoya Protocol			
Special measures to increase the capacity of relevant stakeholders in relation to ABS (Art. 22.5)			
Special measures to increase the capacity of indigenous and local communities with emphasis on enhancing the capacity of women within those communities in relation to access to genetic			

¹⁵ These time frames are to be understood as follows: (a) short term: within 2 years; (b) medium term: within 2 to 5 years; and (c) long term: more than 5 years.

resources and/or traditional knowledge associated with genetic resources (Art. 22.5)			
Other (please specify)			

(b) Capacity to negotiate mutually agreed terms	Priority level (high, medium, low)	Time frame (short, medium, long term)	Mechanism to address the capacity needs
Promotion of equity and fairness in negotiations, such as training to negotiate mutually agreed terms (Art.22.5)			
Supporting the development of model contractual clauses			
Developing and implementing pilot access and benefit-sharing agreements			
Development and use of valuation methods (Art.22.5)			
Other (please specify)			

(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing	Priority level (high, medium, low)	Time frame (short, medium, long-term)	Mechanism to address the capacity needs
Taking stock of domestic measures relevant to access and benefit-sharing in light of the obligations of the Nagoya Protocol			
Developing a policy framework on access and benefit-sharing			
Setting-up new or amended access and benefit-sharing legislative, administrative or policy measures with a view to implementing the Nagoya Protocol			
Other (please specify)			

(d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Priority level (high, medium, low)	Time frame (short, medium, long term)	Mechanism to address the capacity needs
Bioprospecting, associated research and taxonomic studies (Art. 22.5)			
Development and use of valuation methods (Art. 22.5)			
Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable (Art. 22.5)			
Other (please specify)			

Please **indicate any additional key area(s)** for capacity-building and development you have identified and please **specify measures** to build or develop capacity under any new key area identified.

Other key area(s) for capacity-building and development <i>(please indicate any additional key area identified in section 1 above)</i>	Priority level <i>(high, medium, low)</i>	Time frame <i>(short, medium long term)</i>	Mechanism to address the capacity needs
<i>(please specify related measures)</i>			

Other key area(s) for capacity-building and development <i>(please indicate any additional key area identified in section 1 above)</i>	Priority level <i>(high, medium, low)</i>	Time frame <i>(short, medium, long term)</i>	Mechanism to address the capacity needs
<i>(please specify related measures)</i>			

B. Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders

In accordance with Article 22, paragraph 3, indigenous and local communities and relevant stakeholders are invited to provide views and information on measures, in addition to those listed above, needed to address their particular capacity needs and priorities to support implementation of the Nagoya Protocol.

On the basis of the table provided below:

1. Please **rank as high, medium or low priority** your domestic capacity needs for each of the measures listed.
2. Please **indicate the time frame** within which you wish your domestic capacity-building and development needs to be addressed: **short, medium or long term**¹⁶.
3. Please **indicate any additional measures** you wish to include
4. For each measure, please **indicate your preferred mechanism**, taken from the list below, which could assist in addressing the capacity needs related to that measure.

Mechanisms:

- (1) Education and training
- (2) Funding support
- (3) Tools and reference materials
- (4) Conferences and workshops
- (5) On-the-job training
- (6) Networks/ Professional associations/information exchange fora
- (7) Exchange programmes

¹⁶ These time frames are to be understood as follows: (a) short term: within 2 years; (b) medium term: within 2 to 5 years; and (c) long term: more than 5 years.

- (8) *Legal/technical assistance*
 (9) *Scientific and technical cooperation*
 (10) *Others (please specify)*

Particular measures to build or develop capacity of indigenous and local communities and relevant stakeholders	Priority level <i>(high, medium, low)</i>	Time frame <i>(short, medium long-term)</i>	Mechanism to address the capacity needs
<i>E.g Participating in legal, policy and decision-making processes</i>	<i>High</i>	<i>Short term</i>	<i>1 (education and training)</i>
Participating in legal, policy and decision-making processes			
Understanding the obligations under the Nagoya Protocol			
Developing capacity to negotiate mutually agreed terms			
Managing traditional knowledge associated with genetic resources			
Developing community protocols in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of that knowledge			
Developing minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources			
Developing model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources			
Other <i>(please specify)</i>			

C. Preferred mechanisms to address capacity needs

With a view to identifying the most appropriate capacity-building and development mechanisms to address the needs identified above:

1. Please **rank as high, medium or low priority** your preferred broad categories of mechanisms to address your capacity needs for the implementation of capacity-building and development measures.

For each of the broad categories **select up to three mechanisms**, as proposed below, which in your opinion are the most appropriate to address your capacity needs and priorities.

Please **indicate any additional mechanisms** you may wish to include.

4. For each of the mechanisms selected, please **indicate whether these are to be implemented at multiple levels, at the international level, at regional and subregional levels or at national level.**

Broad categories of mechanisms	Priority level (<i>high, medium, low</i>)	Mechanisms to address the capacity needs	Select by placing a cross (X) (<i>max 3</i>)	Level of implementation (<i>multiple, international, regional and sub-regional, national</i>)
1. Education and training		Academic (degree) programmes		
		Professional training (customised short-courses)		
		E-learning modules		
		Other (<i>please specify</i>)		
2. Funding support		Project/programme support		
		Scholarships/fellowships		
		Research grants		
		Other (<i>please specify</i>)		
3. Tools and reference materials		Training manuals		
		Technical guidelines/toolkits/"how-to manuals"		
		Technical studies		
		Publications		
		Best practices/lessons learned/case studies		
		Awareness-raising materials (e.g. audiovisuals and films, posters, bulletins, etc.)		
		Other (<i>please specify</i>)		
4. Conferences and workshops		Awareness-raising seminars		
		Discussion forums		
		Fairs/exhibitions/poster sessions		
		National/regional/international conferences		
		Training workshops		
		Symposia/scientific meetings		
		Policy dialogues		
		Multi-stakeholders workshops		
		Other (<i>please specify</i>)		
5. Networks/ associations/ information exchange fora		Online discussion fora		
		Professional associations (Membership subscriptions)		
		Expert (peer-to-peer) networks		
		Policy networks		
		Journal subscriptions		
		Other (<i>please specify</i>)		
6. Exchange programmes		Staff exchange/attachment/secondments		
		Study tours/exchange visits		
		Twinning programmes		
		Fellowships		
		Other (<i>please specify</i>)		
7. On-the-job		Apprenticeships, internships		

training		Coaching/mentoring		
		Structured staff training programmes		
		Other (please specify)		
8. Legal/technical assistance		Advisory/consultancy (expatriate) services		
		Information services		
		Institutional support (Infrastructure development)		
		Policy/legal support		
		Project/programme development		
		Other (please specify)		
9. Scientific and technical cooperation		Collaborative research		
		Exchange of scientific and technical information		
		Joint training programmes		
		Joint projects/technical activities		
		Technology transfer		
		Sharing of infrastructure/equipment		
		Other (please specify)		
10. Other (please specify)		(please specify)		

QUESTIONNAIRE ON PROPOSED ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT UNDER THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING (ANNEX II)

Please provide your views and suggestions for each of the proposed elements of the strategic framework.

1. OBJECTIVES

In accordance with Article 22 of the Nagoya Protocol, the objective of the strategic framework is to assist Parties in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition to effectively implement the Protocol.

Please provide any views on the possible objective(s) for the strategic framework.

2. EXPERIENCE AND LESSONS LEARNED FROM PAST AND ONGOING ACCESS AND BENEFIT-SHARING CAPACITY-BUILDING AND DEVELOPMENT INITIATIVES.

Please provide a short description of your experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives which could contribute to the development and implementation of the strategic framework.

3. GUIDING PRINCIPLES AND APPROACHES TO CAPACITY-BUILDING AND DEVELOPMENT

The preamble of the recommendation 1/2 of the Intergovernmental Committee provides a preliminary list of principles and approaches to guide capacity-building and development in support of the implementation of the Nagoya Protocol, as follows:

- a) To be demand-driven, based on the needs and priorities identified through national self-assessments;
- b) To take note of experiences and lessons learned from past and on-going ABS capacity-building initiatives;
- c) To emphasize the role of bilateral and multilateral cooperation;
- d) To ensure full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives; and
- e) To recognize the usefulness and cost-effectiveness of subregional and regional approaches to capacity-building and development in particular where countries have similar biological resources and common capacity-building needs.

The table below contains the GEF operational principles for effective capacity-building.¹⁷

*Please indicate from this list which of these principles and approaches could be reflected in the strategic framework to guide capacity-building and development initiatives under the Nagoya Protocol by **placing a cross (X)** in the right column.*

Possible guiding principles and approaches	Select by placing a cross (X)
Ensure national ownership and leadership	
Ensure multi-stakeholder consultations and decision-making	

¹⁷ GEF/C.22/8 “Strategic Approach to Enhancing Capacity Building” (2003). Definitions of the operational principles can be found in the annex to the document.

Base capacity building efforts in self-needs assessment	
Adopt a holistic approach to capacity-building	
Integrate capacity-building in wider sustainable development efforts	
Promote partnerships	
Accommodate the dynamic nature of capacity-building	
Adopt a learning-by-doing approach	
Combine programmatic and project-based approaches	
Combine process as well as product-based approaches	
Promote regional approaches	
Other (please specify)	

4. KEY AREAS FOR CAPACITY-BUILDING AND DEVELOPMENT AND MEASURES TO BUILD OR DEVELOP CAPACITY UNDER THE KEY AREAS

This element of the strategic framework will be based on the responses to the questionnaire on domestic needs and priorities (Annex I).

5. MECHANISMS FOR THE IMPLEMENTATION OF CAPACITY-BUILDING AND DEVELOPMENT MEASURES

This element of the strategic framework will be based on the responses to the questionnaire on domestic needs and priorities (Annex I).

6. COORDINATION MECHANISM

Article 22, paragraph 6, of the Protocol provides that information on capacity-building and development initiatives at national, regional and international levels should be provided to the Access and Benefit-sharing Clearing-house with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing.

In addition to reporting to the Access and Benefit-sharing Clearing-House, other possible elements for a coordination mechanism are listed below. Please indicate which of these, in your opinion, could be useful element(s) for a coordination mechanism to promote synergy and coordination on capacity-building and development under the Nagoya Protocol by placing a cross (X) in the right column.

Possible elements for a coordination mechanism	Select by placing a cross (X)
Liaison group providing advice to the SCBD on ways to improve coordination	
Coordination meetings of government agencies, donors and relevant organizations involved with capacity-building	
Online forums and networks linking government agencies, donors and relevant organizations involved with capacity-building through internet-based tools	
Other (please specify)	

Please provide views regarding a coordination mechanism for capacity-building and development under the Nagoya Protocol.

7. COOPERATION AMONG PARTIES AND WITH RELEVANT PROCESSES AND PROGRAMMES

Please provide views or information on possible or existing cooperation among Parties and with relevant processes and programmes which could support the implementation of the strategic framework.

8. MONITORING AND REVIEW

Please provide views on how the strategic framework could be monitored and reviewed.

Please indicate whether, in your opinion, the development of a set of indicators to facilitate the monitoring and review of the strategic framework would be useful.

If you think the development of indicators could support the monitoring and review of the strategic framework, please indicate whether, in your opinion, it would be most appropriate to develop the indicators at the national and/or international level. If possible, please also provide examples of such indicators (e.g existence of a legislative framework to implement the Protocol).

9. POSSIBLE SEQUENCE OF ACTIONS FOR THE IMPLEMENTATION OF THE STRATEGIC FRAMEWORK

Please provide your views and/or information regarding possible sequence of actions for the implementation of the strategic framework, including a possible roadmap of activities to assist countries in defining their priorities and corresponding timelines. This could include actions at the international, regional and national levels.

10. FINANCIAL AND OTHER RESOURCE REQUIREMENTS

Please provide your views and/or information regarding financial and resource requirements in relation to the implementation of the strategic framework.

11. OTHER POSSIBLE ELEMENTS

Please provide a short description of any other element that you wish to see reflected in the strategic framework.