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ACCESS TO GENETIC RESOURCES AND THE
FAIR AND EQUITABLE SHARING OF BENEFITS
ARISING FROM THEIR UTILIZATION

Second meeting

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Item 4.2 of the provisional agenda*

**SYNTHESIS OF 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, Canada (5 - 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.

3. In paragraph 2 of recommendation 1/2, Parties, Governments, international organizations, 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 on 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 as per paragraph 3 of recommendation 1/2.

* UNEP/CBD/ICNP/2/1/Rev.1.

¹ See the 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, (UNEP/CBD/ICNP/1/8), annex.

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 had been received from 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, Viet Nam 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 responses to the questionnaires are available at: <http://www.cbd.int/icnp2/submissions/>.

7. In addition, the International Treaty on Plant Genetic Resources for Food and Agriculture and the World Trade Organization submitted information on their capacity-building activities. The information is made available as information documents UNEP/CBD/ICNP/2/INF/3 and UNEP/CBD/ICNP/2/INF/4, respectively.

8. As requested in paragraph 4 of recommendation 1/2 of the Intergovernmental Committee, the present document provides a synthesis of views and information received on domestic needs and priorities (section II) and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol (section III). In addition, section IV outlines some issues for consideration by the Intergovernmental Committee and section V provides suggested recommendations for consideration by the Intergovernmental Committee.

9. In addition, the Executive Secretary has prepared an information document (UNEP/CBD/ICNP/2/INF/7), containing the detailed results obtained from the questionnaires that served as the basis for the present analysis and synthesis. The questionnaires are provided in annex I to the information document.

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

10. One of the objectives of the questionnaire was to have a better understanding of the domestic needs and priorities of Parties for capacity-building and development to effectively implement the Nagoya Protocol, including the needs and priorities identified by indigenous and local communities.

11. In accordance with recommendation 1/2 of the Intergovernmental Committee, the conclusions drawn from the questionnaire on the domestic needs and priorities were also designed to contribute to the development of two of the proposed elements of the strategic framework: (a) key areas for capacity-building and development, and measures to build or develop capacity under the key areas, and (b) mechanisms for the implementation of capacity-building and development measures.

12. The following sections synthesize the views and information received on the basis of the questionnaire on the domestic needs and priorities for capacity-building and development to effectively implement the Nagoya Protocol (Annex I of the questionnaire). Further details on the results obtained from this questionnaire can be found in the information document referred to above (UNEP/CBD/ICNP/2/INF/7).

A. Key areas for capacity-building and development

13. 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.

14. Section I of the questionnaire on the domestic needs and priorities for capacity-building and development invited respondents to suggest additional key areas 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.

15. In most responses, 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.

16. A few respondents suggested additional key areas which are not related to the list of key areas and measures contained in Article 22, however these did not appear to be supported by others.

17. All responses received on section I of the questionnaire on domestic needs and priorities are listed in Box 1 contained in UNEP/CBD/ICNP/2/INF/7.

Conclusion

18. Based on the responses received in section I of this questionnaire, given that no clear trend was observed for the addition of another key area, the list of key areas for capacity-building and development in support of the effective implementation of the Protocol listed under Article 22, paragraph 4, seems to capture the broad range of capacity needs identified by respondents. The Intergovernmental Committee may therefore wish to consider the key areas contained in Article 22, paragraph 4, as the basis for further discussions on the key areas for capacity-building and development in support of the implementation of the Nagoya Protocol as well as for the development of the strategic framework.

B. Measures to build or develop capacity under each of the key areas and preferred mechanisms for their implementation

19. 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 contained 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 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).

20. Section 2 of the questionnaire on the 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.

21. The following sub-sections of this note provide a summary of the main results. An overview of the methodology used, as well as further details on the views and information submitted can be found in UNEP/CBD/ICNP/2/INF/7.

C. *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*

22. 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 and sub-section B addressed the particular capacity needs and priorities of indigenous and local communities, as well as relevant stakeholders. Table 1 and box 2 of UNEP/CBD/ICNP/2/INF/7 presents the results obtained for these sections of the questionnaire.

23. Regarding the level of priority (high, medium or low) for domestic capacity-building and development needs for each of the measures listed, the respondents overwhelmingly selected “high” for the measures under all key areas. High was also selected as the preferred choice for all measures in relation to the particular capacity needs and priorities of indigenous and local communities, as well as relevant stakeholders.

24. With respect to ranking the timeframe for each measure (short, medium and long-term), the majority of respondents selected short-term as the preferred option. Short term was also selected as the preferred option for all measures in relation to the particular capacity needs and priorities of indigenous and local communities and relevant stakeholders.

25. Short-term was selected over the other options for 24 out of the 31 measures, suggesting that the respondents considered that the majority of the capacity needs to implement the measures should be addressed in the short-term. Medium-term was the preferred choice for 7 out of the 31 measures. Long-term was not the preferred choice for any of the measures, although some respondents did select long-term for a small number of measures.

26. When examining these results in light of the timeframe provided in the questionnaire², it is clear that the respondents considered that the capacity needs under the majority of the measures should be addressed within 2 years to five years.

27. Regarding the preferred mechanism to address the capacity needs, the responses provided a relatively wide range of answers under many of the measures. However, the results do demonstrate that some mechanisms were found to be more appropriate for addressing capacity needs in comparison to others. Overall, funding support was chosen as the best or second best mechanism to address capacity needs for 24 out of the 31 measures listed. Education and training, legal or technical assistance, and conferences and workshops also received broad support, notably for addressing the particular capacity needs of indigenous and local communities and relevant stakeholders.

28. There also seemed to be wide support for certain mechanisms under individual key areas, in addition to funding support. For example, legal and technical assistance was one of the preferred mechanisms to address the needs for capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing. Scientific and technical cooperation was identified as an important mechanism to build or develop the capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

Conclusion

29. 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.

30. 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, as explained above, the respondents considered that the capacity needs under the measures should be addressed within two years

² 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.

(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” only.

31. Against this background, 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.

32. 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.

33. Table 1 of the annex presents the list of measures, first listed by the selected timeframe (phase 1, phase 2 and phase 3), and then, for each of the attributed timeframes, by the level of priority assigned by the respondents.

34. Information regarding preferred mechanism to address the capacity needs in relation to the listed measures is provided in tables 2 to 4 of the annex to the present document.

35. While considering the domestic needs and priorities for capacity-building and development to effectively implement the Nagoya Protocol, the Intergovernmental Committee may wish to take into account the results contained in table 1 in the annex to the present document as guidance to assist Parties in the implementation of Article 22 of the Protocol.

D. Preferred mechanisms to address capacity needs

36. Section 2, sub-section C of the questionnaire on domestic needs and priorities invited the respondents to provide further information regarding the most appropriate capacity-building and development mechanism to address capacity needs related to the Protocol. Table 2 and box 3 of UNEP/CBD/ICNP/2/INF/7 provides the results for this section of the questionnaire.

37. The preferred mechanisms to address capacity needs identified by the respondents under sub-section C were very similar to the results obtained for sub-sections A and B (table 1 of UNEP/CBD/ICNP/2/INF/7). Funding support was again considered as the most important mechanism. Education and training, legal or technical assistance, and conferences and workshops also received wide support.

38. The mechanisms which were considered as the most effective in addressing the capacity needs are the following, they are listed in descending order of priority of the mechanism:

- (a) Funding through project or programme support;
- (b) Education and training through professional training (customised short courses);
- (c) On-the-job training through structured staff training programmes;
- (d) Legal and technical assistance through policy and legal support;
- (e) Tools and reference materials based on best practices, lessons learned and case studies;
- (f) Funding support through research grants;
- (g) Multi-stakeholder workshops;
- (h) Exchange programmes through study tours and exchange visits;
- (i) Awareness-raising materials (e.g audiovisuals and films, posters, bulletins); and
- (j) Scientific and technical cooperation through technology transfer.

39. With respect to the level of implementation, the majority of respondents selected multiple-level implementation as the preferred option. However, implementation at the national level was preferred for:

- (a) Awareness-raising seminars and materials (e.g audiovisuals and films, posters, bulletins);
 - (b) Policy dialogues;
 - (c) Multi-stakeholder workshops; and
 - (d) Institutional support (infrastructure development).
40. Implementation at the international level was preferred in the majority of responses for:
- (a) Developing technical guidelines, toolkits and “how-to-manuals”;
 - (b) Discussion forums; and
 - (c) Fairs, exhibitions and poster sessions.
41. Regional and subregional approaches were preferred for technical studies and policy networks.

Conclusion

42. Due to the similarities with respect to the results obtained for the preferred mechanisms to address capacity needs throughout the questionnaire, it can be inferred with some certainty that the following mechanisms could be considered as the most effective in addressing the capacity needs for implementing the Protocol: funding support, education and training, legal or technical assistance, and conferences and workshops.

43. The results contained in tables 2 to 4 provide some indication of which mechanisms could be most appropriate to address the capacity needs in relation to specific measures for effectively implementing the Protocol. In addition, the results presented in paragraphs 39 to 41 could assist Parties in determining the best level of implementation (e.g. national, regional and/or international) for each mechanism.

44. The Intergovernmental Committee may wish to consider the results contained in paragraph 38 and tables 2 to 4 on the preferred mechanisms to address the capacity needs and paragraphs 39 to 41 on the preferred level of implementation of the mechanisms for the development of the strategic framework.

III. SYNTHESIS OF 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

45. The questionnaire on the proposed elements of the strategic framework was designed to collect information on each of the proposed elements with a view to assist in the development of the strategic framework as provided in the annex of recommendation 1/2 of the Intergovernmental Committee.

46. The following section synthesizes the views and information received on the basis of this questionnaire (annex II of the questionnaire).

47. In accordance with recommendation 1/2, paragraph 1, the results obtained from the questionnaire on the domestic needs and priorities for capacity-building and development, presented in the previous section of this document, were used as a basis for the following elements:

- (a) Key areas for capacity-building and development and measures to build or develop capacity under the key areas; and
- (b) Mechanisms for the implementation of capacity-building and development measures.

48. The following also points to some issues that would require consideration by the Intergovernmental Committee and that are key for making further progress in the development of the strategic framework and therefore for building and developing capacity to effectively implement the Protocol in accordance with Article 22.

49. Further details on the views and information submitted on the proposed elements of the strategic framework can be found in document UNEP/CBD/ICNP/2/INF/7.

A. Objectives

50. In section 1 of the questionnaire, it was proposed that the objective of the strategic framework could be to assist Parties in the capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement this Protocol in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations, in accordance with Article 22, paragraph 1.

51. Many of the respondents supported using the text of Article 22, paragraph 1, of the Protocol as a basis to define the objective of the strategic framework; however, several respondents proposed other possible objectives for the strategic framework.

52. At least three of the proposed objectives and some of the views received on the proposed elements appeared to suggest two different approaches on the role and nature of the strategic framework. One approach seemed to suggest that the strategic framework could serve as a reference document to guide policy and actions of Parties and other actors on capacity-building and development, while the other approach seemingly suggested that the strategic framework could be designed as a plan of action or programme providing services in capacity-building and development to developing countries.

53. The following reflects the objectives proposed related to the role and nature of the strategic framework:

- (a) To guide national policy in relation to capacity-building and development;
- (b) To establish a special support plan for developing countries which includes fundamental aspects such as funding, training, scientific and technical assistance, awareness-raising etc;
- (c) To provide services to Parties in order to support them: (a) in the assessment of domestic needs for implementing the Nagoya Protocol; and (b) in the development and implementation of measures to build or develop capacity to meet the needs identified through national self-assessment.

54. The following additional objectives proposed seem to be directly related to some of the key areas and measures to build or develop capacity, and therefore, could be more appropriately addressed under other proposed elements of the strategic framework:

- (a) To provide assistance and capacity-building to achieve a fair and equitable sharing of the benefits arising from the utilization of genetic resources;
- (b) To strengthen the policy, legislative and institutional framework of Parties to facilitate implementation of the Protocol;
- (c) To provide countries with the technical knowledge in developing contracts on access and benefit-sharing;
- (d) To assist countries in developing compliance measures for access and benefit-sharing;
- (e) To increase the capacity to monitor and track the utilization of genetic resources and associated traditional knowledge;
- (f) To provide countries with expertise in access to justice;
- (g) To assist countries in developing their endogenous research capabilities on access and benefit-sharing by promoting technology transfer between user and provider;
- (h) To bridge the technology and legal expertise gap between provider and user Parties;
- (i) To provide technical and financial assistance to basic and high level infrastructures including information and knowledge about genetic resources; and

(j) To assure that developing countries with a high biocultural heritage participate in the institutional arrangements regarding the Nagoya Protocol, including representatives of indigenous and local communities.

55. *Conclusion.* In light of the broad support received for using the text of Article 22, paragraph 1, as an objective for the strategic framework, the Intergovernmental Committee may wish to consider this text as a basis for developing the objective of the framework. In addition, in light of the different approaches suggested in the responses regarding the role and nature of the strategic framework, the Intergovernmental Committee may wish to consider what role the strategic framework could play in supporting Parties to implement Article 22 of the Protocol, namely whether the strategic framework should:

(a) Serve as a reference document to guide policy and actions of Parties and other actors on capacity-building and development; or

(b) Be designed as plan of action or programme providing services in capacity-building and development to developing countries.

56. Once a common understanding has been reached on the role and nature, further progress could be made on the other elements of the strategic framework.

B. Experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives

57. Section 2 of the questionnaire invited respondents to provide a short description of their experiences 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.

58. A number of respondents provided information on experiences gained from past and on-going access and benefit-sharing capacity-building and development initiatives. This information is provided in box 4 of document UNEP/CBD/ICNP/2/INF/7. Overall, the experiences acquired appeared to be mainly related to:

(a) Workshops dealing with various themes and sectors both at the national and regional levels; and

(b) Regional initiatives geared toward reinforcing or developing the general capacity on access and benefit-sharing related issues.

59. In addition, the following information on lessons learned from past and ongoing ABS capacity-building and development initiatives was provided:

(a) Capacity-building processes need to be continuous and ensure the sustainability of the results after the end of the project;

(b) A more programmatic approach is needed to address capacity on access and benefit-sharing;

(c) The experience in carrying out consultations within the framework of the Cartagena Protocol on Biosafety can be useful;

(d) There is lack of legal and business knowledge among scientists;

(e) There is occasional undeclared collaboration between scientists and business interests;

(f) Scientists from provider countries are often tempted with travel grants and publication potential by scientists from user countries;

(g) It is important that all parties involved in capacity have a clear understanding of the process, the content and the future implications of the Nagoya Protocol;

- (h) The cross-cutting nature of access and benefit-sharing needs to be recognised and brought onboard;
- (i) Capacity-building and development should target and involve all stakeholders with programmes for each target audience;
- (j) Curriculum and syllabus in basic level education should include appropriate and selective matters on genetic resources and related themes;
- (k) Capacity-building and development should be complemented by awareness-raising programmes;
- (l) Knowledge and information about genetic resources and access and benefit-sharing should be widely disseminated through public media;
- (m) Awareness-raising campaigns should be conducted in each administrative unit;
- (n) The importance of funding support, scientific and technical cooperation, and technology transfer;
- (o) Access and benefit-sharing can be used as incentive mechanisms to proactively mobilize communities;
- (p) Cultural ways of decision-making have to be respected and acknowledged; and
- (q) Local languages should be used when dealing with indigenous and local communities (ILCs).

Conclusion

60. Some of the lessons learned mentioned above could inform the process of developing the strategic framework. The Intergovernmental Committee may therefore wish to consider how to make best use of the experiences and lessons learned from past and on-going access and benefit-sharing capacity-building and development initiatives for the development of the strategic framework.

C. Guiding principles and approaches to capacity-building and development

61. 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. In addition to those, section 3 of the questionnaire invited the respondents to select additional principles and approaches that could be included in the framework. The results are presented in table 3 of document UNEP/CBD/ICNP/2/INF/7.

62. The following provides an indicative list of guiding principles and approaches to capacity-building and development drawn from the preambular paragraphs of recommendation 1/2, as well as on the principles that received the support from more than 60 per cent of the respondents:

- (a) Be demand-driven, based on the needs and priorities identified through national self-assessments;
- (b) Ensure national ownership and leadership;
- (c) Take note of experiences and lessons learned from past and on-going ABS capacity-building initiatives;
- (d) Emphasize the role of bilateral and multilateral cooperation;
- (e) Ensure full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives;
- (f) 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;

- (g) Integrate capacity-building in wider sustainable development efforts; and
- (h) Adopt a learning-by-doing approach.

63. *Conclusion.* The Intergovernmental Committee may wish to consider the indicative list of guiding principles and approaches to capacity-building and development included in paragraph 62 above for the development of the strategic framework.

D. Key areas for capacity-building and development and measures to build or develop capacity under the key areas

64. In light of the results of the questionnaire on domestic needs and priorities³ it appears that the key areas listed in Article 22, paragraph 4, are comprehensive. Generally, respondents considered all measures of high priority and that most capacity needs should be addressed in the short-term.

65. Table 1 of the annex was developed to present an overview of the measures to build or develop capacity. Bearing in mind that respondents consider that all capacity needs should be addressed within 5 years, firstly, the measures were clustered into three phases (Phase 1, Phase 2 and Phase 3) according to the timeframe; and secondly, for each phase, the measures were ranked by the level of priority, attributed by the majority of the respondents.

66. Information regarding preferred mechanism to address the capacity needs in relation to the listed measures is provided in tables 2 to 4 in the annex to the present document.

67. *Conclusion:* The Intergovernmental Committee may wish to consider the results contained in table 1 as a suggested order of priority to build or develop capacity with respect to the measures to effectively implement the Protocol.

E. Mechanisms for the implementation of capacity-building and development measures

68. In light of the results of the questionnaire on domestic needs and priorities,⁴ it appears that funding support was identified as the most effective mechanism to address capacity needs. Nevertheless, the following mechanisms also received broad support: education and training, legal or technical assistance, and conferences and workshops. Tables 2 to 4 provide further details on preferred mechanisms to address the capacity needs in relation to each of the listed measures. In addition, the results also provide some indication as to the level at which certain mechanisms could be implemented in order to more efficiently address the capacity needs.

69. *Conclusion.* The Intergovernmental Committee may wish to consider how the preferred mechanisms identified could better inform the development of the strategic framework.

F. Coordination mechanism

70. 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.

71. 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 initiatives to effectively implement the Nagoya Protocol at different levels.

72. 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. The results are presented in table 4 of document UNEP/CBD/ICNP/2/INF/7.

³ Please refer to section II, subsections 1 and 2.A of this document and to document UNEP/CBD/ICNP2/INF/7 for further information.

⁴ Please refer to section II, subsection 2. B of this document, and to document UNEP/CBD/ICNP2/INF/7 for further information.

73. The results demonstrate that the preferred element to promote coordination and synergies was 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, and liaison groups providing advice to the Secretariat of the Convention on Biological Diversity on ways to improve coordination were also selected by a relatively large number of respondents.

74. The questionnaire also invited the respondents to provide views regarding a coordination mechanism. Although a wide-range of views were expressed, one respondent suggested that there was no need to develop a specific coordination mechanism as existing instruments, such as the Access and Benefit-sharing Clearing-House or the national focal point, could be used for this purpose. However, the submission also pointed out that the efficiency of the capacity-building activities could be improved through the exchange of experience between the actors involved in capacity-building activities using digital as well as more traditional tools such as networking, exchange of best practices, provision of methodology and case studies, mainly on a regional basis.

75. A number of respondents proposed a possible objective for a coordination mechanism. It was suggested that the objective could be to facilitate cooperation and synergies in the implementation of the strategic framework, ensuring an efficient utilization of the resources and avoiding duplication, at different levels (national, regional and international), as well as across different sectors.

76. Several submissions referred to levels at which coordination could take place. Some suggested that coordination could take place at different levels: international, regional, subregional and national levels. Others referred to the importance of regional and subregional meetings or structures to coordinate capacity initiatives. It was also suggested that the national focal point could oversee coordination at the national level.

77. *Conclusion.* Against this background, the Intergovernmental Committee may first wish to consider whether, in addition to reporting to the Access and Benefit-sharing Clearing-House, any other means, could be used to promote synergy and coordination on capacity-building and development for access and, benefit-sharing, such as the establishment of a coordination mechanism. If so, it may wish to further consider:

(a) Whether coordination meetings of government agencies, donors and relevant organizations, online forums or a liaison group as referred to in paragraph 73 above could be useful for promoting synergy and coordination; and

(b) At which level would the coordination take place, whether at the international, the regional and subregional or at the national level.

78. Another issue that may need further consideration is how the Access and Benefit-sharing Clearing-House could in practice best contribute to promoting synergy and coordination on capacity-building and development in accordance with Article 22, paragraph 6.

G. Cooperation among Parties and with relevant processes and programmes

79. 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.

Cooperation among Parties

80. Respondents provided information on experience on cooperation among Parties. The information received is provided in Box 5 of document UNEP/CBD/ICNP/2/INF/7. Overall, the information suggested that cooperation among Parties has so far been mainly established at the bilateral and regional levels.

Cooperation among relevant processes and programmes

81. The importance of coordinating and cooperating with other relevant instruments, namely the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), and the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) was noted in some of the responses.

82. Other respondents suggested that cooperation with other relevant programmes of work under the Convention on Biological Diversity, namely Article 8(j) and related provisions, should be continuous and enhanced.

Means for achieving cooperation

83. The following provides proposed means for achieving cooperation among Parties suggested by some respondents:

- (a) Sharing legislation and other systems developed for access and benefit-sharing with Parties which are similar in nature;
- (b) Exchange programmes between similar countries;
- (c) Compliance and respect for the national access and benefit-sharing legislation of each Party;
- (d) Enhancement of mutual understanding through joint meetings, conferences, workshops and trainings;
- (e) Inclusion of capacity-building, where relevant, in bilateral development cooperation program;
- (f) Programmes of educational and technical cooperation, internships or short courses on access and benefit-sharing in the ASEAN network universities; and
- (g) Scientific and technical cooperation, including technology transfer, information and experience exchange, and funding support of local programmes and projects.

Conclusion

84. The Intergovernmental Committee may wish to consider how the components identified in the views and information received, such as cooperation among Parties, cooperation among relevant processes and programmes, and possible means for achieving cooperation could be addressed in the strategic framework.

H. Monitoring and review

85. Section 8 of the questionnaire invited respondents to provide views on how the strategic framework could be monitored and reviewed. They were also invited to indicate 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. Respondents were also invited to provide examples of possible indicators.

Monitoring and review of the strategic framework by an ad hoc body or the Conference of the Parties serving as the meeting of the Parties to the Protocol

86. Several respondents suggested that the strategic framework could be monitored and reviewed by an ad-hoc body. However, views differed on the proposed composition and nature of this body. The proposals submitted were the following:

- (a) A working group composed of Parties with adequate regional representation;
- (b) An evaluating team or board composed of government agencies, donors, NGOs and independent experts; and
- (c) A multidisciplinary organ established at the national level.

87. Other respondents suggested that the monitoring and review of the strategic framework could be done periodically by the meeting of the Parties.

Monitoring and review of the strategic framework through reporting

88. A number of submissions suggested that in order to monitor and review the strategic framework, Parties could report periodically on its implementation, notably through the Access and Benefit-sharing Clearing-House.

Monitoring and review of capacity-building and development initiatives

89. Other respondents also addressed possible ways to monitor and review capacity-building and development initiatives, such as:

- (a) Evaluation of participants of each capacity-building activity by, for example, filling-out questionnaires;
- (b) Periodical consultations on the effectiveness of the initiatives for all parties involved;
- (c) Work plans, field visits and stakeholder meetings;
- (d) Systematic reporting; and
- (e) Internal or external reviews.

Development of indicators

90. In all the responses received on this element, it was suggested that the development of indicators could be useful to facilitate the monitoring and review of the strategic framework. However, there was no clear convergence of views on whether it would be most appropriate to develop these indicators at the national level, at the international level, or at both.

91. However, some principles for developing indicators were proposed, for instance, it was suggested that indicators should be simple, non-prescriptive and inexpensive, should allow for innovative evaluation, and should be implemented in a participatory manner. The examples of indicators provided in the submissions are available in box 6 of UNEP/CBD/ICNP/2/INF/7.

Conclusion

92. Against this background, the Intergovernmental Committee may wish to consider whether the monitoring and review of the strategic framework could:

- (a) Be carried out by the meeting of the Parties or by an ad hoc body;
- (b) Include reporting on the implementation of the strategic framework through the Access and Benefit-sharing Clearing-House;
- (c) Include the monitoring and review of capacity-building and development initiatives; and
- (d) Include the development of indicators to assess progress on its implementation, and if so, to define whether it would be most appropriate to develop them at the national and/or international level, as well as the possible process to develop them.

I. Possible sequence of actions for the implementation of the strategic framework

93. 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.

94. A wide range of approaches were proposed with respect to the sequence of actions for the implementation of the strategic framework. A number of respondents suggested actions to be carried out at the national level while others suggested actions to be carried-out at the international level. The responses received are listed in box 7 of UNEP/CBD/ICNP/2/INF/7.

95. Establishing a sequence of actions at the national level could guide Parties in determining possible actions they could take nationally, with a view to building or developing capacity to effectively implement the Protocol, whereas a sequence of actions at the international level could provide a step-by-step approach for the implementation of the strategic framework.

96. *Conclusion.* Due to the different views and approaches proposed regarding a possible sequence of actions for the implementation of the strategic framework, the Intergovernmental Committee may wish to consider whether a sequence of actions could assist Parties in implementing Article 22 on building and developing capacity to effectively implement the Protocol, and if so, whether it would be most appropriate to develop a sequence of:

(a) National actions with a view to building or developing capacity to implement the Protocol, or

(b) International actions in order to implement the strategic framework.

J. Financial and other resource requirements

97. In section 10 of the questionnaire, respondents were invited to provide views and/or information regarding financial and resource requirements in relation to the implementation of the strategic framework.

98. A number of respondents highlighted the need for funds to be available, sufficient, disbursed in a timely manner, predictable and measurable, in order to ensure the effective implementation of the strategic framework.

99. In several submissions, reference was made to possible sources of funding for the strategic framework, such as the Japan Biodiversity Fund, the Nagoya Protocol Implementation Fund and GEF-5 STAR (System for a Transparent Allocation of Resources) allocations for ABS. It was also proposed that resources generated from the implementation of the Protocol could be directed towards the implementation of the strategic framework and that funding for the implementation of the strategic framework could come from voluntary contributions.

100. The importance of dedicated funding to implement the strategic framework was also noted in some submissions.

101. *Conclusion.* In light of the proposals put forward, the Intergovernmental Committee may wish to consider how this element could be addressed in the strategic framework.

K. Other possible elements

102. 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. The responses received are presented in box 8 of UNEP/CBD/ICNP/2/INF/7. Only a few respondents suggested the addition of new elements for the strategic framework, but it was not clear how these could be included in the framework.

103. *Conclusion.* The Intergovernmental Committee may wish to consider whether any other element needs to be reflected in the strategic framework.

IV. SUGGESTED ISSUES FOR CONSIDERATION

104. In light of the synthesis of views and information on domestic needs and priorities, the Intergovernmental Committee may wish to consider taking into account the capacity needs and priorities identified, as contained in table 1 of the annex, to support the implementation of the Protocol.

105. The domestic needs and priorities identified by Parties and indigenous and local communities, and contained in table 1, could guide Parties and other organizations when designing and/or providing support for capacity-building and development activities to effectively implement the Protocol. In addition table 1 could also serve as a baseline assessment of domestic needs and priorities for capacity-building and development for monitoring progress.

106. Taking into account the synthesis of 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, the Intergovernmental Committee may wish to consider the following issues in making recommendations with respect to the strategic framework to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

107. As a first step, the Intergovernmental Committee may wish to reach a common understanding on the nature of the strategic framework and how it could assist Parties with the implementation of Article 22 of the Protocol. Two main approaches were suggested on how the framework could support Parties. Some suggested that the framework could serve as a reference document to guide policy and actions of Parties and other actors on capacity-building and development, while others proposed that it be designed as a plan of action or programme to provide services in capacity-building and development.

108. These two options can be illustrated by the approaches adopted to support capacity-building under other multilateral environmental agreements.

109. Under the Cartagena Protocol on Biosafety one of the main tools developed with a view to facilitating the capacity-building efforts of Parties is the Action Plan for Building Capacities for the Effective Implementation of the Biosafety Protocol.⁵ ⁶ The Action Plan provides a general strategic framework to guide and facilitate the identification of country needs and priorities, as well as actions and mechanisms for implementation and funding of capacity-building at all levels, and is implemented by Parties and other Governments, relevant international organizations and by the Secretariat. A similar approach was taken for the Action Plan on Capacity-building for Access and Benefit-sharing adopted by the seventh meeting of the Conference of the Parties.⁷

110. A different approach was taken to support capacity-building under ITPGRFA. The “Joint Capacity-Building Programme for Developing Countries”,⁸ which is a joint programme set up and implemented by the Treaty Secretariat, FAO and Biodiversity International, was developed with a view to providing assistance with the implementation of ITPGRFA, by, *inter alia*, conducting regional workshops or providing technical assistance to selected countries.⁹

111. More information on the experience and approaches adopted on capacity-building under the Cartagena Protocol and the ITPGRFA can be found in section V of document UNEP/CBD/ICNP/1/4 prepared for the first meeting of the Intergovernmental Committee.

112. In light of the experience gained under these different approaches developed under other multilateral environmental agreements, the Intergovernmental Committee may wish to consider which approach would be best suited to the implementation of Article 22 of the Nagoya Protocol. Furthermore, bearing in mind that the content and understanding of some of the elements will vary depending on the approach taken, the Intergovernmental Committee may wish to consider the following issues in relation to each of the proposed elements.

113. *Objectives.* The Intergovernmental Committee may wish to consider using Article 22, paragraph 1, as a basis for developing the objective of the strategic framework. The Intergovernmental Committee may also wish to consider the possible addition of other objectives, particularly with a view to clarifying the role and nature of the strategic framework, as referred to in paragraph 106 above.

⁵ Other tools developed under the Cartagena Protocol are: (a) a coordination mechanism, (b) a set of indicators to evaluate the Action Plan’s implementation; and (c) a roster of biosafety experts.

⁶ As updated by decision BS-III/3. See <<http://bch.cbd.int/protocol/decisions/decision.shtml?decisionID=11059>>

⁷ Decision VII/19 F See: <<http://www.cbd.int/abs/action-plan-capacity/>>

⁸ See <http://www.itpgrfa.net/International/sites/default/files/jicbp_10.pdf>.

⁹ Under the ITPGRFA, capacity-building is also a mechanism to share the benefits arising from the use of PGRFA under the Multilateral System of Access and Benefit-sharing (MLS), in accordance with its Article 13.2 (c) of the ITPGRFA. In addition the Governing Body created the Capacity-Building Coordination Mechanism with a view to coordinate capacity-building for the national and regional implementation of the ITPGRFA.

114. *Experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives.* The Intergovernmental Committee may wish to consider how to make best use of the information provided on this element for developing the strategic framework, for instance, by including some of the lessons learned as guiding principles and approaches for the strategic framework, or by incorporating a section on lessons learned as part of the reporting to the Access and Benefit-sharing Clearing-House provided by in Article 22, paragraph 6.

115. *Guiding principles and approaches.* The Intergovernmental Committee may wish to consider using the indicative list of guiding principles and approaches to capacity-building and development included in section III, subsection 3 of this document as a basis for developing this element of the strategic framework.

116. *Key areas for capacity-building and development and measures to build or develop capacity under the key areas.* The Intergovernmental Committee may wish to consider the results contained in table 1 as a basis for addressing the capacity needs with respect to measures to effectively implement the Protocol.

117. *Mechanisms for the implementation of capacity-building and development measures.* The Intergovernmental Committee may wish to consider how the conclusions on the preferred mechanisms, as contained in section II, subsection D of this document could better inform the development of the strategic framework. For instance, depending on the common understanding reached with respect to the nature and role of the strategic framework, the results could serve as guidance to Parties and actors involved in capacity-building and development on mechanisms to address capacity needs or as guidance on possible services or actions that a programme or plan of action could undertake to build or develop capacity.

118. *Coordination mechanism.* The Intergovernmental Committee may first wish to consider whether, in addition to reporting to the Access and Benefit-sharing Clearing-House, any other means, could be used to promote synergy and coordination on capacity-building and development for access and benefit-sharing, such as the establishment of a coordination mechanism. If so, it may wish to further consider:

(a) Whether coordination meetings of government agencies, donors and relevant organizations, online forums or a liaison group as referred to in paragraph 73 above could be useful for promoting synergy and coordination; and

(b) At which level would the coordination take place, whether at the international, the regional and subregional or at the national level.

119. *Cooperation among Parties and with relevant processes and programmes.* The Intergovernmental Committee may wish to consider whether this element could be retained, and if so, how the components identified in the views and information received, such as cooperation among Parties, cooperation among relevant processes and programmes, and possible means for achieving cooperation could be addressed in the strategic framework.

120. *Monitoring and review.* The Intergovernmental Committee may wish to consider, as a first step in the elaboration of this element, whether it would be most appropriate for the monitoring and review of the strategic framework to be carried out by the meeting of the Parties or by an ad hoc body.

121. The best means to monitor and review progress in the implementation of the strategic framework will depend on the nature of the framework. If the strategic framework is defined as a reference document for Parties and actors involved in capacity-building and development, the Intergovernmental Committee may wish to consider whether reporting by Parties and actors on the implementation of the strategic framework through the Access and Benefit-sharing Clearing-House could be established, and whether indicators could be developed. If indicators are considered to be an important tool for the monitoring and review of the framework, the Intergovernmental Committee may also wish to define whether these indicators could be developed at the national and/or international level.

122. However, if the strategic framework is to serve as a plan of action or programme providing services on capacity-building and development, the Intergovernmental Committee may wish to consider

how best to monitor capacity-building and development initiatives and whether indicators would be useful.

123. *Possible sequence of actions for the implementation of the strategic framework.* The Intergovernmental Committee may wish to consider whether the development of a sequence of actions could assist Parties in implementing Article 22 on building and developing capacity to effectively implement the Protocol, and if so, whether it would be most appropriate to develop a sequence of:

(a) National actions with a view to building or developing capacity to implement the Protocol, or

(b) International actions in order to implement the strategic framework.

124. *Financial and other resource requirements.* The Intergovernmental Committee may wish to consider how best to address this element in developing the strategic framework, for instance, by taking stock of possible sources of funding, or by considering the establishment of a dedicated fund to implement the strategic framework.

125. *Other possible elements.* The Intergovernmental Committee may wish to consider whether there is a need to include any other element in the strategic framework.

126. Given the number of issues for consideration in the development of the strategic framework and the importance of early action in capacity-building and development to effectively implement the Nagoya Protocol, the Intergovernmental Committee may wish to consider the need to organize an expert meeting to further advance the development of the framework, with a view to submitting draft elements and options to the first meeting of the Parties to the Nagoya Protocol for its consideration.

V. RECOMMENDATIONS

127. The Intergovernmental Committee may wish to:

(a) Invite Parties, other Governments and relevant organizations to take into account the domestic needs and priorities of Parties and indigenous and local communities contained in table 1 of the Annex when designing and/or providing support for capacity-building and development activities to effectively implement the Protocol;

(b) Request the Executive Secretary, subject to the availability of funds, to organize an expert meeting to further develop the elements of the strategic framework, based on the synthesis of views and information and taking into account the deliberations in the second meeting of the Intergovernmental Committee with a view to submitting a draft strategic framework for its consideration by the first Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol; and

(c) Invite Parties, other Governments and relevant organizations to provide financial support for the organization of the expert meeting.

128. The Intergovernmental Committee may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting,

(a) Consider the draft strategic framework for capacity-building and development in support of the implementation of the Protocol developed by the expert meeting with a view to its further refinement and/or adoption, as appropriate;

(b) Invite Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide financial resources to support the implementation of the strategic framework.

Annex

Table 1: Overview of measures to build or develop capacity to effectively implement the Protocol¹⁰

	Key area: (a) capacity to implement, and to comply with the obligations of the Protocol	Key area: (b) capacity to negotiate mutually agreed terms	Key area: (c) capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing	Key area: (d) capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders
Phase 1	<ul style="list-style-type: none"> - Legal and institutional development. - Raising-awareness of the importance of genetic resources and TK associated with genetic resources, and related ABS issues. - Special measures to increase the capacity of ILCs with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or TK associated with genetic resources. - Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol. - Mobilising new and innovative financial resources to implement the Nagoya Protocol. - Establishing mechanisms for interagency coordination. 	<ul style="list-style-type: none"> - Promotion of equity and fairness in negotiations, such as training to negotiate MAT - Supporting the development of model contractual clauses. - Developing and implementing pilot ABS agreements. 	<ul style="list-style-type: none"> - Developing a policy framework on ABS. - Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol. - Setting-up new or amended ABS legislative, administrative or policy measures with a view to implementing the Nagoya Protocol. 		<ul style="list-style-type: none"> -Participating in legal, policy and decision-making processes. - Developing minimum requirements for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK associated with genetic resources. - Developing community protocols in relation to access to TK associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of that knowledge. - Developing model contractual clauses for benefit-sharing arising from the utilization of TK associated with genetic resources.
Phase 2	<ul style="list-style-type: none"> - Monitoring the utilization of genetic resources, including the designation of one or more checkpoints. - Special measures to increase the capacity of relevant stakeholders in relation to ABS. - Employment of best available communication tools and Internet-based systems for ABS activities. 			<ul style="list-style-type: none"> -Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable. - Development and use of valuation methods. 	<ul style="list-style-type: none"> - Capacity to negotiate MATs. - Understanding the obligations under the Nagoya Protocol
Phase 3	<ul style="list-style-type: none"> - The monitoring and enforcement of compliance. - Enhancement of the contribution of ABS activities to the conservation of biological diversity and the sustainable use of its components. - Developing measures regarding access to justice - Establishing mechanisms to address transboundary situations. - Providing information to the ABS Clearing-House. 	<ul style="list-style-type: none"> - Development and use of valuation methods. 		<ul style="list-style-type: none"> -Bioprospecting, associated research and taxonomic studies 	<ul style="list-style-type: none"> - Managing TK associated with genetic resources.

¹⁰ The measures are categorized based on the results from the questionnaire on domestic needs and priorities. Bearing in mind that respondents considered that all capacity needs should be addressed within 5 years, measures are first clustered into three phases based on the timeframe selected by the majority of respondents, and then, for each phase, measures are presented ranked according to the level of priority attributed by respondents.

Table 2: Measures to build or develop capacity to be addressed in **Phase 1** and preferred mechanisms to address these capacity needs ¹¹

	Measures to build or develop capacity ranked by level of priority	Preferred mechanisms to address the capacity needs
Key area: (a) capacity to implement, and to comply with the obligations of the Protocol	Legal and institutional development.	Legal/technical assistance Funding support
	Raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues.	Education and training Funding support
	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.	Education and training Funding support
	Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol.	Funding support Networks/ Professional associations/ information exchange fora Tools and reference materials
	Mobilising new and innovative financial resources to implement the Nagoya Protocol	Funding support Networks/ Professional associations/ information exchange fora
	Establishing mechanisms for interagency coordination	Networks/ Professional associations/ information exchange fora Funding support
Key area: (b) capacity to negotiate mutually agreed terms	Promotion of equity and fairness in negotiations, such as training to negotiate mutually agreed terms supporting the development of model contractual clauses.	Education and training Funding support
	Developing and implementing pilot access and benefit-sharing agreements.	Legal/technical assistance Funding support
Key area: (c) capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing	Developing a policy framework on access and benefit-sharing.	Legal/technical assistance Funding support
	Taking stock of domestic measures relevant to access and benefit-sharing in light of the obligations of the Nagoya Protocol.	Funding support Legal/technical assistance
	Setting-up new or amended access and benefit-sharing legislative, administrative or policy measures with a view to implementing the Nagoya Protocol	Legal/technical assistance Funding support
Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders	Participating in legal, policy and decision-making processes.	Education and training Conferences and workshops
	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.	Legal and technical assistance Funding support
	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.	Education and training Legal/technical assistance
	Developing model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources.	Legal and technical assistance Funding support Conferences and workshops

¹¹ The measures are categorized based on the level of priority selected by the majority of the respondents to the questionnaire on domestic needs and priorities. For each measure, the two mechanisms which received the highest percentage are provided. Three mechanisms are provided whenever the percentages received for two mechanisms were equal.

Table 3: Measures to build or develop capacity to be addressed in **Phase 2** and preferred mechanisms to address these capacity needs¹²

	Measures to build or develop capacity ranked by level of priority	Preferred mechanisms to address the capacity needs
Key area: (a) capacity to implement, and to comply with the obligations of the Protocol	Monitoring the utilization of genetic resources, including the designation of one or more checkpoints.	Funding support Scientific and technical cooperation
	Special measures to increase the capacity of relevant stakeholders in relation to ABS.	Education and training Funding support
	Employment of best available communication tools and Internet-based systems for access and benefit-sharing activities.	Funding support Tools and reference materials
Key area: (d) capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable.	Scientific and technical cooperation Funding support
	Development and use of valuation methods.	Scientific and technical cooperation Funding support
Particular capacity needs and priorities of ILCs and relevant stakeholders	Developing capacity to negotiate mutually agreed terms.	Education and training Legal/technical assistance
	Understanding the obligations under the Nagoya Protocol	Education and training Funding support

Table 4: Measures to build or develop capacity to be addressed in **Phase 3** and preferred mechanisms to address these capacity needs¹²

	Measures to build or develop capacity ranked by level of priority	Preferred mechanisms to address the capacity needs
Key area: (a) capacity to implement, and to comply with the obligations of the Protocol	The monitoring and enforcement of compliance.	Legal/technical assistance Funding support
	Enhancement of the contribution of access and benefit-sharing activities to the conservation of biological diversity and the sustainable use of its components	Funding support Conferences and workshops
	Developing measures regarding access to justice	Legal/technical assistance On-the-job training
	Establishing mechanisms to address transboundary situations	Legal/technical assistance Scientific and technical cooperation
	Providing information to the Access and Benefit-sharing Clearing-House.	Networks/ Professional associations/information exchange fora Funding support
Key area: (b) capacity to negotiate mutually agreed terms	Development and use of valuation methods.	Scientific and technical cooperation Funding support
Key area: (d) capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Bioprospecting, associated research and taxonomic studies	Scientific and technical cooperation Funding support
Particular capacity needs and priorities of ILCs and relevant stakeholders	Managing traditional knowledge associated with genetic resources	Education and training Legal/technical assistance

¹² *Ibid.*