



Ref.: SCBD/ABS/VN/SG/77098

02 August 2011

NOTIFICATION

Request for comments on the draft questionnaires on capacity-building and development for the implementation of the Nagoya Protocol on Access and Benefit-sharing

Dear Madam/Sir,

At the first meeting of the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol (Intergovernmental Committee), in recommendation 1/2, paragraph 1, Parties called for “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, in accordance with Article 22 of the Protocol”.

In paragraph 2 of the same recommendation, Parties and other Governments, were requested “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”.

To facilitate the submission of views and information referred to in the above paragraph; the Executive Secretary was requested to prepare, in consultation with Parties, a questionnaire “taking into account the deliberations in the first meeting of the Intergovernmental Committee and the outcomes of the capacity-building workshop organized prior to that meeting”.

In accordance with the recommendation set out above, the Executive Secretary prepared draft questionnaires to collect information and views on:

- domestic needs and priorities for capacity-building and development in support of the implementation of the Nagoya Protocol on ABS; and
- proposed elements of a strategic framework for capacity-building and development under the Nagoya Protocol

To: CBD Focal Points and ICNP Focal Points

In light of the above, Parties are invited to provide **comments on the draft questionnaires** as contained in Annex I and II of the document attached. Comments should be sent **as soon as possible, but no later than 15 September 2011. Please note that Parties are not requested to fill out the questionnaires at this stage.** All comments should be sent through an official letter addressed to the Executive Secretary by e-mail to secretariat@cbd.int. The final version of the questionnaire will be made available in all UN languages.

Please accept, Madam/Sir, the assurances of my highest consideration.

Ahmed Djoghlaif
Executive Secretary

Attachment

**QUESTIONNAIRE ON DOMESTIC NEEDS AND PRIORITIES AND THE PROPOSED
ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND
DEVELOPMENT UNDER THE NAGOYA PROTOCOL ON ACCESS TO GENETIC
RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM
THEIR UTILIZATION**

I. INTRODUCTION

1. Article 22 of the Nagoya Protocol on Access and Benefit-sharing provides that Parties “shall cooperate in the capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement this Protocol...”
2. In decision X/1, paragraph 17, the Conference of the Parties invited developing country Parties as well as Parties with economies in transition to submit information to the Secretariat regarding their needs in relation to capacity-building, capacity development and strengthening of human resources and institutional capacities in order to effectively implement the Nagoya Protocol.
3. In accordance decision X/1, annex II, the first meeting of the Intergovernmental Committee for the Nagoya Protocol (ICNP) held in Montreal, Canada, 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)”.
4. To assist the Intergovernmental Committee in its consideration of this issue, the Secretariat prepared document UNEP/CBD/ICNP/1/4 which introduces possible elements of a strategic approach for capacity-building and development under the Nagoya Protocol. The Secretariat also prepared a synthesis of the views and information submitted by Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders, which was made available as document UNEP/CBD/ICNP/1/INF/3.
5. Furthermore, the capacity-building workshop on access and benefit-sharing held prior to the meeting of the Intergovernmental Committee, in Montreal, Canada, from 4 to 5 June 2011, identified capacity-building needs and priorities for the effective implementation of the Nagoya Protocol. These were annexed to the report of the workshop, which was made available to the Intergovernmental Committee as document UNEP/CBD/ICNP/1/INF/6.
6. 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.
7. In paragraph 3 of the same recommendation, the Intergovernmental Committee requested the Executive Secretary to prepare, in consultation with Parties, a questionnaire to facilitate the submission of views and information on domestic needs and priorities and the proposed elements of the strategic framework, taking into account the deliberations of the first meeting of the Intergovernmental Committee and the outcomes of the workshop organized prior to that meeting.

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.

8. In response to this request by the Intergovernmental Committee two draft questionnaires were prepared with a view to assist Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit views and information on:

(a) 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),

(b) Proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol (Annex II).

9. Parties are invited to provide their comments to the draft versions of both questionnaires, as soon as possible and no later than 15 September 2011, with a view to circulating the final versions of the questionnaires as soon as possible thereafter.

10. As requested in recommendation 1/2, paragraph 4, of the Intergovernmental Committee, the Executive Secretary will prepare a synthesis of the views and information received for consideration by the second meeting of the Intergovernmental Committee.

DRAFT FOR COMMENTS

ANNEX I

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

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 any additional measures** you wish to include under each of the key areas.

3. For each measure, please **indicate up to three mechanisms**, 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 (high, medium, low)	Mechanisms to address the capacity needs (max. 3)
<i>E.g Legal and institutional development</i>	<i>High</i>	<i>2 (funding support), 8 (legal/technical assistance)</i>
Legal and institutional development (Art. 22.5)		
Establishing mechanisms for interagency coordination		
Mapping of relevant actors for the implementation of the Nagoya Protocol		
Putting in place mechanisms for public participation and involvement		
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		
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		
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 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)	Mechanisms to address the capacity needs (max. 3)
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)	Mechanisms to address the capacity needs (max. 3)
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)	Mechanisms to address the capacity needs (max. 3)
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.

(f) Other key area(s) for capacity-building and development (please indicate any additional key area identified in section 1 above)	Priority level (high, medium, low)	Mechanisms to address the capacity needs (max. 3)
(please specify related measures)		

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 any additional measures you wish to include under each of the key areas.
3. For each measure, please indicate up to three mechanisms, 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)

Particular measures to build or develop capacity of indigenous and local communities and relevant stakeholders	Priority level (high, medium, low)	Mechanisms to address the capacity needs (max. 3)
<i>E.g Participating in legal, policy and decision-making processes</i>	<i>High</i>	<i>1 (education and training) 4 (conferences and workshops)</i>
Participating in legal, policy and decision-making processes		
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 (please specify)		

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:

4. 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..
5. 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.
6. Please **indicate any additional mechanisms** you may wish to include.

Broad categories of mechanisms	Priority level (high, medium, low)	Mechanisms to address the capacity needs	Select by placing a cross (X) (max 3)
1. Education and training		Academic (degree) programmes	
		Professional training (customised short-courses)	
		E-learning modules	
		Other (please specify)	
2. Funding support		Project/programme support	
		Scholarships/fellowships	
		Research grants	
		Other (please specify)	
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.)	
4. Conferences and workshops		Other (please specify)	
		Awareness-raising seminars	
		Discussion forums	
		Fairs/exhibitions/poster sessions	
		National/regional/international conferences	
		Training workshops	
		Symposia/scientific meetings	
		Policy dialogues	
5. Networks/associations/information exchange fora		Other (please specify)	
		Online discussion fora	
		Professional associations (Membership subscriptions)	
		Expert (peer-to-peer) networks	
		Policy networks	
		Journal subscriptions	
6. Exchange programmes		Other (please specify)	
		Staff exchange/attachment/secondments	
		Study tours/exchange visits	
		Twinning programmes	
		Fellowships	
7. On-the-job training		Other (please specify)	
		Apprenticeships, internships	
		Coaching/mentoring	
		Structured staff training programmes	

8. Legal/technical assistance		Advisory/consultancy (expatriate) services	
		Information services	
		Institutional support (Infrastructure development)	
		Policy/legal support	
		Project/programme development	
		Other (<i>please specify</i>)	
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 (<i>please specify</i>)	
10. Other (<i>please specify</i>)		(<i>please specify</i>)	

DRAFT

DRAFT FOR COMMENTS

ANNEX II

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

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.²

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	
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

² 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.

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.