



Ref.: SCBD/NPU/DC/VN/RKi/87800

5 February 2019

NOTIFICATION

Follow up to decisions of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-Sharing: Overview of requests for action and planned meetings for the biennium 2019-2020

Madam/Sir,

The purpose of this notification is to bring to your attention the decisions adopted at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP 3) that request action by Parties, other Governments, international organizations, indigenous peoples and local communities and relevant stakeholders, as well as relevant decisions of the fourteenth meeting of the Conference of the Parties (COP 14) related to access and benefit-sharing and the Nagoya Protocol. A list of these requests and decisions is included in the annex for your consideration. The notification also provides information on planned meetings for the biennium 2019-2020.

Inter-sessional meetings for the biennium 2019-2020

The following intersessional meetings related to the Nagoya Protocol or access and benefit-sharing will take place in line with the decisions by COP-MOP 3 and COP 14:

- A meeting of the Informal Advisory Committee to the Access and Benefit-Sharing (ABS) Clearing-House (tentatively last quarter of 2019) as well as online discussions as needed;
- A meeting of the Informal Advisory Committee on Capacity-building for the implementation of the Nagoya Protocol (tentatively last quarter of 2019) as well as online consultations as needed;
- A meeting of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources (tentatively first quarter of 2020);
- A meeting of the Compliance Committee (tentatively second quarter of 2020);
- The Subsidiary Body on Implementation at its third meeting (tentatively second quarter of 2020) will consider the following issues related to the Nagoya Protocol:
 - Global multilateral benefit-sharing mechanism (Article 10) of the Nagoya Protocol
 - Specialized international access and benefit sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol
 - Measures to assist in capacity-building and capacity development (Article 22) of the Nagoya Protocol

To: ABS National Focal Points and CBD National Focal Points (where ABS focal points have not yet been designated), international organizations, indigenous peoples and local communities and relevant stakeholders

- Review of experience in holding concurrently meetings of the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol
- The open-ended inter-sessional working group established under COP decision 14/34 will meet at least twice. A meeting in 2020 (tentatively July 2020) will consider the outcomes of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources and make recommendations on how to address digital sequence information on genetic resources in the context of the post-2020 global biodiversity framework.

The Secretariat will follow-up in due course to invite submissions, as appropriate, in preparation for intersessional meetings.

Seventh replenishment of the Global Environment Facility Trust Fund (GEF-7)

As you may be aware, under GEF-7, the implementation of the Nagoya Protocol continues to be one of the programming elements of the Biodiversity Focal Area, with \$ 37 million allocated for this purpose.

I would like to take this opportunity and emphasize decision NP-3/8 which encourages eligible Parties to prioritize access and benefit-sharing projects during the programming of their seventh-replenishment national allocations under the System for Transparent Allocation of Resources (STAR).

Furthermore, the decision also encourages Parties to incorporate access and benefit-sharing activities in projects developed under other programmes of the Global Environment Facility, as appropriate.

In this regard, you may wish to contact the GEF national focal point of your country.¹

I thank you for your continued cooperation and support for the implementation of the Nagoya Protocol.

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

Cristiana Paşca Palmer, PhD
Executive Secretary

Enclosure

¹ Contact information for GEF operational focal points may be found through the website of the GEF: https://www.thegef.org/focal_points_list.

Annex

Summary of requests for action as derived from the decisions adopted at COP-MOP 3 of the Nagoya Protocol and COP 14 of the Convention on Biological Diversity¹

Decision	Requested action / information
<u>Decision NP-3/1</u>. Assessment and review of the effectiveness of the Protocol (Article 31)	
A. First assessment and review of the effectiveness of the Protocol	
NP-3/1	<p>6. <i>Urges</i> Parties that have not yet done so:</p> <p>(a) To establish institutional structures and legislative, administrative or policy measures on access and benefit-sharing, taking into account paragraphs 5 (a) and (b) above;</p> <p>(b) To take steps to address the priority areas identified in paragraphs 5 (c) and (d) above;</p> <p>(c) To publish in the Access and Benefit-Sharing Clearing-House all mandatory information available at the national level in accordance with the obligations enshrined in Article 14, paragraph 2, of the Protocol, including information on the permits or their equivalents to constitute internationally recognized certificates of compliance, as soon as possible, with a view to facilitating the monitoring of the utilization of genetic resources and cooperation among Parties;</p>
NP-3/1	<p>7. <i>Encourages</i> Parties, non-Parties and relevant organizations in a position to do so:</p> <p>(a) To expand their efforts to build the capacity of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition to implement the Nagoya Protocol, taking into account the priority areas identified in paragraph 5 above, the need to strengthen institutional capacities, and the key findings in annex I, as well as the needs and priorities of indigenous peoples and local communities and relevant stakeholders;</p> <p>(b) To support capacity-building initiatives to implement the Protocol, such as the capacity building programme of the Secretariat and the International Development Law Organization for the establishment of national legal frameworks, including by providing financial resources;</p>

¹ COP-MOP 3 decisions are available at <https://www.cbd.int/conferences/2018/np-mop-03/documents> and COP 14 decisions at <https://www.cbd.int/conferences/2018/cop-14/documents>.

	<p>(c) To make available information on capacity-building initiatives and capacity-building resources on the Access and Benefit-Sharing Clearing-House;</p> <p>(d) To consider regional approaches to support harmonized implementation of the Protocol through, among other things, capacity-building activities among countries that share the same genetic resources or traditional knowledge associated with genetic resources;</p> <p>(e) To facilitate the sharing of information and experiences in relation to transboundary cooperation in accordance with Article 11 of the Protocol;</p> <p>(f) To support strategic communication to enhance awareness about the Protocol;</p> <p>(g) To build the capacity of Parties and indigenous peoples and local communities for the negotiation of mutually agreed terms and to promote partnerships and technology transfer between users and providers of genetic resources and/or associated traditional knowledge;</p>
NP-3/1	8. <i>Invites</i> Parties, non-Parties, international organizations, regional development banks, other financial institutions and the private sector, as appropriate, to expand their efforts to provide financial resources to support the implementation of the Protocol;
NP-3/1	10. <i>Encourages</i> Parties, non-Parties, indigenous peoples and local communities and relevant organizations to make use of the wealth of information and experiences available in the interim national reports and the Access and Benefit-sharing Clearing-House, as well as existing tools and resources (such as guidelines and capacity-building materials) to support implementation and to promote the exchange of experiences;
NP-3/1	11. <i>Invites</i> Parties, in view of the cross-cutting nature of the Protocol, to establish appropriate mechanisms to facilitate: <p>(a) National coordination among different institutions, including national focal points, competent national authorities and ministries of relevance to access and benefit-sharing;</p> <p>(b) The full and effective participation of indigenous peoples and local communities in the implementation of the provisions of the Protocol related to indigenous peoples and local communities with a view to taking into account their needs as well as national circumstances;</p> <p>(c) The participation of relevant stakeholders from different sectors with a view to taking into account their needs when developing legislative, administrative and policy measures on access and benefit-sharing;</p>
NP-3/1	12. <i>Also invites</i> Parties:

	<p>(a) To consider implementing interim measures in order to gain experience that can inform the development of legislative, administrative or policy measures on access and benefit-sharing;</p> <p>(b) To take into account, in the implementation of Article 8 of the Protocol, relevant work undertaken by the Food and Agriculture Organization of the United Nations, the World Health Organization and other relevant organizations, as appropriate and in accordance with national circumstances;</p> <p>(c) To take note, in the implementation of Article 16 of the Protocol, of relevant work undertaken by the World Intellectual Property Organization, as appropriate, provided that it does not run counter to the objectives of the Convention and the Protocol;</p>
NP-3/1	<p>13. <i>Invites</i> indigenous peoples and local communities to engage in access and benefit-sharing processes in accordance with their customary practices, including by developing community protocols² and procedures for access and benefit-sharing, and to make them available through the Access and Benefit-sharing Clearing-House, and <i>invites</i> relevant organizations to provide guidance to support indigenous peoples and local communities in developing these community protocols and procedures;</p>
NP-3/1	<p>14. <i>Invites</i> relevant stakeholders and user organizations and networks to engage in access and benefit-sharing processes, including by developing tools, such as model contractual clauses, codes of conduct, guidelines, best practices and/or standards that address the needs of their constituency and facilitate compliance with access and benefit-sharing requirements, and to make these tools available through the Access and Benefit-sharing Clearing-House;</p>
<u>Decision NP-3/3. The Access and Benefit-sharing Clearing-House and information sharing (Article 14)</u>	
NP-3/3	<p>3. <i>Urges</i> Parties that have not yet done so to publish all mandatory information available at the national level on the Access and Benefit-sharing Clearing-House in accordance with the obligations in Article 14, paragraph 2, of the Protocol, as soon as possible, considering that the publication of mandatory information in the Access and Benefit-sharing Clearing-House is essential for the implementation of the Nagoya Protocol;</p>
NP-3/3	<p>4. <i>Urges</i> Parties to provide information on their national access and benefit-sharing procedures through the voluntary common format on procedures, as available in the Access and Benefit-sharing Clearing-House;</p>
NP-3/3	<p>9. <i>Invites</i> Parties, non-Parties, and relevant organizations to make use of the interoperability mechanisms of the Access and Benefit-sharing Clearing-House to facilitate information exchange with their relevant databases, websites and information technology systems;</p>

² These may include community biocultural protocols.

NP-3/3	10. <i>Invites</i> Parties, non-Parties, and relevant organizations, as appropriate, to include capacity-building activities related to the Access and Benefit-sharing Clearing-House in their relevant capacity-building activities, plans and projects in coordination with the Executive Secretary;
NP-3/3	11. <i>Invites</i> Parties, non-Parties, relevant international organizations, regional development banks and other financial institutions, as appropriate, to support capacity-building activities related to the Access and Benefit-sharing Clearing-House, including the Protocol's system for monitoring the utilization of genetic resources;
<u>Decision NP-3/4. Monitoring and reporting (Article 29)</u>	
NP-3/4	4. <i>Urges</i> Parties that have not yet submitted their interim national report to do so as soon as possible;
<u>Decision NP-3/5. Measures to assist in capacity-building and capacity development (Article 22)</u>	
A. Strategic framework for capacity-building and development for the implementation of the Nagoya Protocol	
NP-3/5	2. <i>Invites</i> Parties, other Governments and relevant organizations to expand their efforts to implement the strategic framework and further share information about their capacity-building initiatives, including emerging experiences, best practices and lessons learned, and capacity-building resources through the Access and Benefit-sharing Clearing-House, using the relevant common formats;
NP-3/5	3. <i>Invites</i> Parties, other Governments and relevant organizations to consider developing regional and subregional projects as a way forward to support regional cooperation and address the capacity-building gaps in certain regions;
A. Long-term strategic framework for capacity-building beyond 2020	
NP-3/5	3. <i>Invites</i> Parties, indigenous peoples and local communities and relevant organizations to provide the Executive Secretary with views and suggestions on the possible elements of the long-term strategic framework for capacity-building beyond 2020;
NP-3/5	4. <i>Also invites</i> Parties as well as indigenous peoples and local communities and relevant organizations to participate in the consultative workshops and online discussion forums on the draft long-term strategic framework for capacity-building beyond 2020, in conjunction with the preparatory process for the post-2020 global biodiversity framework;
<u>Decision NP-3/6. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 21)</u>	

<p>NP-3/6</p>	<p>3. <i>Encourages</i> Parties, non-Parties, relevant organizations and other actors to utilize the access and benefit-sharing awareness raising toolkit developed by the Secretariat as part of their awareness-raising and capacity building activities and to provide feedback on its use to the Secretariat;</p>
<p>NP-3/6</p>	<p>4. <i>Also encourages</i> Parties, non-Parties, relevant organizations and other actors to continue to implement awareness-raising activities and to make available information on awareness-raising strategies and resources through the Access and Benefit-sharing Clearing-House;</p>
<p><u>Decision NP-3/8. Financial mechanism</u></p>	
<p>NP-3/8</p>	<p>3. <i>Encourages</i> eligible Parties to prioritize access and benefit-sharing projects during the programming of their seventh-replenishment national allocations under the System for Transparent Allocation of Resources (STAR);</p>
<p>NP-3/8</p>	<p>4. <i>Encourages</i> Parties to incorporate access and benefit-sharing activities in projects developed under other programmes of the Global Environment Facility, as appropriate;</p>
<p>NP-3/8</p>	<p>5. <i>Also encourages</i> Parties to cooperate at the regional and subregional levels and to request support from the Global Environment Facility for joint projects in order to maximize synergies and opportunities for cost-effective sharing of resources, information, experiences and expertise.</p>
<p><u>Decision NP-3/13. Global multilateral benefit-sharing mechanism (Article 10)</u></p>	
<p>NP-3/13</p>	<p>4. <i>Invites</i> Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and organizations to submit to the Executive Secretary:</p> <p style="padding-left: 40px;">(a) Information on specific cases which may support the need for a global multilateral benefit-sharing mechanism that are not covered under the bilateral approach, accompanied by an explanation as to why such cases cannot be covered under the bilateral approach set out in the Nagoya Protocol;</p> <p style="padding-left: 40px;">(b) Options for possible modalities for addressing those cases, including through a global multilateral benefit-sharing mechanism;</p>
<p><u>Decision NP-3/14. Specialized international access and benefit sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol</u></p>	
<p>NP-3/14</p>	<p>2. <i>Invites</i> Parties and other Governments to submit:</p>

	<p>(a) Information on how specialized international access and benefit-sharing instruments are addressed in their domestic measures;</p> <p>(b) Views on the potential criteria contained in the study, taking into account Article 4, paragraphs 1 to 3, of the Protocol;</p>
NP-3/14	7. <i>Invites</i> Parties and other Governments to coordinate at the national level regarding access and benefit-sharing issues addressed in different international forums, as appropriate, in order to support a coherent international regime on access and benefit-sharing;
NP-3/14	8. <i>Invites</i> Parties and other Governments which are or may become Parties to the Nagoya Protocol and to a specialized international access and benefit-sharing instrument, as appropriate, to take steps to implement both instruments in a mutually supportive manner, including with the participation of indigenous peoples and local communities, where relevant or applicable, according to their national circumstances.
<u>Decision NP-3/15. Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020</u>	
NP-3/15	3. <i>Invites</i> Parties to participate in the process for developing the post-2020 global biodiversity framework;
<u>Decision 14/20. Digital sequence information on genetic resources</u>	
14/20	<p>9. <i>Invites</i> Parties, other Governments, indigenous peoples and local communities, relevant stakeholders and organizations to submit their views and information:</p> <p>(a) To clarify the concept, including relevant terminology and scope, of digital sequence information on genetic resources and if and how domestic measures on access and benefit-sharing consider digital sequence information on genetic resources;</p> <p>(b) On benefit-sharing arrangements from commercial and non-commercial use of digital sequence information on genetic resources;</p>
14/20	10. <i>Invites</i> Parties, other Governments and indigenous peoples and local communities to submit information on their capacity-building needs regarding the access, use, generation and analysis of digital sequence information on genetic resources, in particular for the three objectives of the Convention;
<u>Decision 14/23. Financial mechanism</u>	

14/23	15. <i>Invites</i> relevant Parties to submit to the Executive Secretary their estimated funding and investment needs under the financial mechanism for the third determination of funding and investment requirements by the Conference of the Parties at its fifteenth meeting in connection with the eighth replenishment of the Trust Fund of the Global Environment Facility;
<u>Decision 14/27. Process for aligning national reporting, assessment and review</u>	
14/27	2. <i>Encourages</i> Parties to explore possible synergies at the national level, involving all relevant biodiversity-related reporting processes, in order to enhance the alignment and consistency of information and data in national reports;
<u>Decision 14/31. Enhancing integration under the Convention and its Protocols with respect to provisions related to access and benefit-sharing</u>	
B. Provisions related to access and benefit-sharing	
14/31	8. <i>Urges</i> Parties to the Convention on Biological Diversity that have not yet done so to deposit their instrument of ratification, acceptance or approval or their instrument of accession to the Nagoya Protocol as soon as possible, and to take steps towards its implementation, including by establishing institutional structures and legislative, administrative and policy measures on access and benefit-sharing, including measures to ensure that the benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable way with indigenous peoples and local communities holding such knowledge, and to make relevant information available to the Access and Benefit-sharing Clearing-House;
14/31	10. <i>Urges</i> Parties to the Convention that are not yet Parties to the Nagoya Protocol to report on access and benefit-sharing implementation in their sixth national reports;
14/31	11. <i>Reiterates</i> the need for capacity-building and development activities as well as financial resources to support ratification and effective implementation of the Nagoya Protocol, and <i>invites</i> Governments and relevant organizations, where possible, to provide technical and financial support;
14/31	12. <i>Encourages</i> Parties to consider further integration of access and benefit-sharing into other areas of work under the Convention as part of discussions on the post-2020 global biodiversity framework;
14/31	14. <i>Also requests</i> the Executive Secretary, and <i>encourages</i> Parties and relevant organizations in a position to do so, to support Parties in efforts to integrate access and benefit-sharing across various sectors at the national level.

<u>Decision 14/37. Budget for the integrated programme of work of the Secretariat</u>	
14/37	24. <i>Invites</i> all Parties to the Convention to note that contributions to the core programme budgets (BY, BG and BB) are due on 1 January of the year for which those contributions have been budgeted, and to pay them promptly and <i>requests</i> that Parties be notified of the amount of their contributions as early as possible in the year preceding the year in which the contributions are due;
14/37	26. <i>Urges</i> Parties that have still not paid their contributions to the core budgets (BY, BG, BB Trust Funds) for 2017 and prior years to do so without delay or conditionalities, and <i>requests</i> the Executive Secretary to publish and keep up to date the information on the status of contributions to the Convention's Trust Funds (BY, BG, BB, BE, BH, BX, BZ and VB) and to keep the members of the Bureaux of the Convention and its Protocols updated so that they can provide information on unpaid contributions and their consequences at regional meetings;
14/37	38. <i>Strongly encourages</i> developed country Parties and other Parties in a position to do so, including in the context of the South-South cooperation, to provide the necessary financial resources to the BZ Trust Fund in order to enable the full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States, as well as countries with economies in transition, at meetings of the Conference of the Parties, Conference of the Parties serving as the meetings of the Parties to the Protocols, Subsidiary Body on Scientific, Technical and Technological Advice, Ad Hoc Open-ended Working Group on Article 8(j) and Subsidiary Body on Implementation;
14/37	39. <i>Also strongly encourages</i> donors to provide additional finance to allow for the participation of a second delegate from least developed countries and small island developing States at the fifteenth meeting of the Conference of the Parties, tenth meeting of the Parties serving as the meeting of the Parties to the Cartagena Protocol, fourth meeting of the Parties serving as the meeting of the Parties to the Nagoya Protocol and <i>requests</i> the Executive Secretary to report to the fifteenth meeting of the Conference of the Parties on this arrangement;
14/37	42. <i>Further encourages</i> developed country Parties and other Parties in a position to do so, to facilitate engagement by the Secretariat with potential alternative donors to the BZ Trust Fund, including private bodies, to assist in funding the participation of eligible developing countries in meetings of the Convention and its Protocols;