

Annex

**RECOMMENDATIONS ADOPTED BY THE INTERGOVERNMENTAL COMMITTEE FOR
THE NAGOYA PROTOCOL AT ITS FIRST MEETING**

Montreal, 5-10 June 2011

1/1. Modalities of operation of the Access and Benefit-sharing Clearing-house

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization,

Noting the valuable experience of the Biosafety Clearing-house established under the Cartagena Protocol on Biosafety as well as of information exchange mechanisms under other multilateral environmental agreements,

Taking into account the priorities for a pilot phase of the ABS Clearing-house identified by the expert meeting on the modalities of operation of the ABS Clearing-house,

1. *Recommends* that the ABS Clearing-house be implemented in a phased manner, building up its functions and activities in response to clear and identified demand, taking into account ongoing feedback from users, in line with available resources, recognizing the importance of reaching common understanding on unresolved issues in the Intergovernmental Committee for the Nagoya Protocol;

2. *Recommends* that the first phase of the ABS Clearing-house be a pilot phase and *requests* the Executive Secretary to implement the pilot phase in accordance with the guidance set out in the annex, as soon as possible after the first meeting of the Intergovernmental Committee for the Nagoya Protocol and subject to the availability of resources;

3. *Invites* Parties, Governments and other donors to provide additional financial support to the Executive Secretary to enable the pilot phase to be implemented as soon as possible;

4. *Requests* the Executive Secretary to:

(a) Report on progress in the implementation of the pilot phase of the ABS Clearing-house to the second meeting of the Intergovernmental Committee, including on the operational costs and maintenance of the pilot phase;

(b) Develop draft modalities of operation of the ABS Clearing-house, to be adapted to take into account experience acquired during the pilot phase, for consideration by the Intergovernmental Committee at its second meeting; and

(c) Explore opportunities for collaboration with partners and other data providers in the development of the ABS Clearing-house.

Annex

**GUIDANCE FOR THE PILOT PHASE OF THE ACCESS AND BENEFIT-SHARING
CLEARING-HOUSE**

Objectives

1. The objectives of the pilot phase of the ABS Clearing-house are to:
 - (a) Establish an information-sharing mechanism pursuant to Article 14 that is simple, user-friendly, efficient, secure, flexible and functional;
 - (b) Provide an opportunity to elicit feedback on the development of the ABS Clearing-house; and
 - (c) Prepare for the later inclusion of additional information that will be relevant to implementation of the Protocol.

Information to be incorporated in the pilot phase of the ABS Clearing-house

2. The following mandatory information should be incorporated on a priority basis in accordance with Article 14, paragraph 2:
 - (a) Legislative, administrative and policy measures on access and benefit-sharing;
 - (b) Information on the national focal point and competent national authority or authorities; and
 - (c) Permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms.
3. The following additional information could also be incorporated, in accordance with Article 14, paragraph 3 while also noting Article 12, paragraph 1:
 - (a) Relevant competent authorities of indigenous and local communities, and information as so decided;
 - (b) Model contractual clauses;
 - (c) Methods and tools developed to monitor genetic resources; and
 - (d) Codes of conduct and best practices.
4. Other information that has been identified as particularly valuable to provide where available during the pilot phase through the ABS Clearing-house includes:
 - (a) Explanatory information about the legislative measures, such as explanatory memoranda, or flow charts that describe the national access and benefit-sharing processes;
 - (b) Information about any checkpoints established under Article 17 of the Protocol;
 - (c) Capacity-building measures and activities;
 - (d) Information currently available in the Convention on Biological Diversity's Access and Benefit-sharing measures database;
 - (e) Provision for information on the contribution made by access and benefit-sharing measures to sustainable use and conservation of biodiversity, poverty alleviation, and the Millennium Development Goals;

(f) Information on third party transfer arrangements where it is available to be incorporated into the internationally recognized certificate of compliance;

(g) Affiliation of Parties to other agreements with regard to genetic resources at the sectoral, regional or subregional level.

Information management, including submissions and updates

5. The pilot phase of the ABS Clearing-house should make use of:
 - (a) An Internet-based centralized portal to provide access to information;
 - (b) A mechanism for non-electronic or non-Internet information for those countries that indicate their need to access such a mechanism, similar to the non-Internet mechanism currently used by the Biosafety Clearing-house;
 - (c) Common formats to submit information; and
 - (d) Controlled vocabularies within the framework of the Nagoya Protocol to facilitate entry and retrieval of the information being submitted.
6. Information in the ABS Clearing-house should be managed according to the following language considerations:
 - (a) The pilot phase of the ABS Clearing-house should initially be developed in English;
 - (b) The ABS Clearing-house should be designed to support the six official United Nations languages at a later stage;
 - (c) Primary data, being the substantive content of the ABS Clearing-house (e.g. a legislative measure), may be submitted in the original language;
 - (d) The metadata, which describes the primary data (e.g. the type of legislative measure typically chosen from a controlled vocabulary built into the ABS Clearing-house), should be provided in a language supported by the ABS Clearing-house.
7. In order to manage information in the ABS Clearing-house, a number of roles and responsibilities have been identified, including:
 - (a) Communicating with the Secretariat of the Convention on Biological Diversity on issues related to the ABS Clearing-house;
 - (b) Making information available to the ABS Clearing-house; and
 - (c) Facilitating networking and the building of capacity between competent national authorities, indigenous and local communities and other stakeholders that would make information available to the ABS Clearing-house.
8. Duties of the ABS national focal point designated in accordance with Article 13, paragraph 1, could be expanded to incorporate the roles and responsibilities identified in paragraph 7, or a dedicated ABS Clearing-house contact could be appointed;
9. Duties of the competent national authorities designated in accordance with Article 13, paragraph 2, could be expanded to include making information available on permits or their equivalent issued to the ABS Clearing-house, where appropriate and inform their ABS national focal point.
10. In accordance with Article 12, each Party, as appropriate, could consider establishing indigenous and local community contact points for the ABS Clearing-house to facilitate effective participation of the indigenous and local communities.

11. The ABS Clearing-house should allow Parties to amend or update submitted information in a way that preserves legal certainty, clarity and transparency in accordance with the Protocol, particularly in the case of a permit or its equivalent, if necessary and if mutually agreed, to reflect new circumstances relating to the utilization of the genetic resource. In such instances, the original permit or its equivalent should be retained in archived form.

Networking with existing mechanisms

12. The development of the pilot phase could include investigation of partnership opportunities with other data providers where these opportunities clearly support the objectives of the Protocol. These could include the International Treaty on Plant Genetic Resources for Food and Agriculture, the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC) and taxonomic databases such as the Catalogue of Life and the Global Biodiversity Information Facility. In addition, enhancing collaboration with the World Intellectual Property Organization could be considered.

13. To support implementation of the Nagoya Protocol, the ABS Clearing-house could also provide access to other information resources, such as systems already making use of material transfer agreements to exchange biological resources (e.g., microbial culture collections), gene banks, legal information databases, and other aggregators of relevant information such as the UNU's Bioprospecting Information Resource databases. A list of such websites should be prepared to allow evaluation of their utility during the pilot phase.

Capacity-building

14. Parties should be encouraged to identify capacity-building needs to implement the ABS Clearing-house.

15. Indigenous and local communities should also be encouraged to identify their capacity-building needs 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.

16. Taking into account the overall capacity-building needs to support the implementation of the Protocol, Parties should consider inviting donor agencies to fund capacity-building initiatives to enable Parties, indigenous and local communities and relevant stakeholders to effectively access and use the ABS Clearing-house.

17. Parties should consider identifying resources under national allocations from the GEF, or other funding agencies, for the development and implementation of the ABS Clearing-house with a view to address capacity-building needs of Parties, indigenous and local communities and relevant stakeholders.

18. Information on available capacity-building opportunities and resources (e.g., available funding, training, tools that could make information on the ABS Clearing-house more accessible for users, etc.) should be made available through the ABS Clearing-house in its pilot phase.

19. Information supporting the implementation of the Protocol could also include best practices on the involvement of indigenous and local communities in implementing the Protocol (e.g., South-South models, training, etc.).

Reporting requirements

20. To assist in preparing reports on the activities of the ABS Clearing-house for review by the Parties in accordance with Article 14, paragraph 4, the following metrics are suggested:

- (a) The number, regional distribution and type of records made available through the ABS Clearing-house;
- (b) The number of internationally recognized certificates of compliance issued;
- (c) The number of visitors accessing the ABS Clearing-house to access information, the types of information being accessed, and the time spent looking at different types of information;
- (d) The availability of information in six official United Nations languages;
- (e) Reports of arrangements between the ABS Clearing-house and other institutions for the exchange of relevant data;
- (f) User surveys or other feedback on the operation of the ABS Clearing-house;
- (g) Measurement of external use of the ABS Clearing-house, for example links being made to the website, social aggregating analysis tools, etc.;
- (h) Operational costs, including funding and other resource requirements.

1/2. Measures to assist in capacity-building and development and the strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,

Recalling Article 22 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,

Recognizing that capacity-building and development under the Nagoya Protocol should be demand-driven, based on the needs and priorities identified through national self-assessments,

Taking note of the previous and ongoing ABS capacity-building initiatives supported by the Global Environment Facility, the International Treaty on Plant Genetic Resources for Food and Agriculture and other organizations and institutions, including the ABS Capacity Development Initiative that has expanded from Africa to other regions, and of the experiences and lessons learned from those initiatives,

Emphasizing the role of bilateral and multilateral cooperation in the implementation of capacity-building and development activities for the implementation of the Nagoya Protocol,

Taking note of the Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing adopted by the Conference of the Parties at its seventh meeting,

Emphasizing the need for the full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives,

Recognizing 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 and development needs,

Emphasizing the important role of the Global Environment Facility as the institutional structure carrying out the operations of the financial mechanism of the Nagoya Protocol in supporting capacity-building and development for the effective implementation of the Protocol,

1. *Recommends* 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;

2. *Invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders 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;

3. *Requests* the Executive Secretary to prepare, in consultation with Parties, a questionnaire to facilitate the submission of views and information referred to in paragraph 2 above, 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;

4. *Also requests* the Executive Secretary to prepare a synthesis of the views and information received for consideration by the second meeting of the Intergovernmental Committee;

5. *Invites* Parties, especially developed country Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide to Parties financial resources to support capacity-building and development initiatives for the effective implementation of the Protocol.

Annex

**PROPOSED ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING
AND DEVELOPMENT UNDER THE NAGOYA PROTOCOL**

- Objectives
- Experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives
- Guiding principles and approaches to capacity-building and development, including those specified in Article 22
- Key areas for capacity-building and development and measures to build or develop capacity under each of the key areas, taking into account those specified in paragraphs 4 and 5 of Article 22
- Mechanisms for the implementation of capacity-building and development measures
- A coordination mechanism and its possible elements, including the reporting of capacity-building and development initiatives to the ABS Clearing-house as specified in paragraph 6 of Article 22,
- Cooperation among Parties and with relevant processes and programmes
- Monitoring and review, including developing a set of indicators to facilitate the monitoring and review of the implementation of the strategic framework and to assess the impact of access and benefit-sharing capacity-building and development initiatives
- 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
- Financial and other resource requirements
- Other possible elements

1/3. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and access and benefit-sharing related issues

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

1. *Invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit views to the Executive Secretary on the proposed elements of an awareness-raising strategy for the Nagoya Protocol as contained in the annex;

2. Also *invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit information to the Executive Secretary on awareness-raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues, including lessons learned from existing experience in this regard;

3. *Requests* the Executive Secretary to revise the proposed elements of an awareness-raising strategy for the Nagoya Protocol, taking into account views expressed at the first meeting of the Intergovernmental Committee, as well as the submissions referred to in paragraphs 1 and 2 above, for the consideration of the second meeting of the Intergovernmental Committee.

Annex

PROPOSED ELEMENTS OF AN AWARENESS-RAISING STRATEGY FOR THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING (2012 -2016)

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| Priority Activity 1: |
| <i>Communications Situation Analysis</i> |
| 1.1. Operational objectives |
| <ul style="list-style-type: none"> a) Conduct analysis of communications goals, target groups and existing communication products. b) For target groups, identify desired outcomes of communications efforts. c) Evaluate effectiveness of existing tools, messages and activities. d) Provide indicative costs for implementation of different activities. |
| 1.2. Expected outcomes |
| <ul style="list-style-type: none"> a) List of target groups at global, regional and national levels. b) List of desired communication goals. c) Gap analysis of tools and identification of required products. d) Evaluation of possible costs needed. |
| 1.3. Indicators |
| <ul style="list-style-type: none"> a) List of target groups and behaviour changes. b) List of existing products and their use. |

| 1.4. Suggested activities | 1.5 Actors |
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| <p>1.4.1 Conduct audience analysis, including identification of key target groups and desired outcomes of communication activities. Include a focus on communications with indigenous and local communities.</p> <p>1.4.2 Using online surveys and focus groups, conduct analysis of existing communication tools at global and regional levels.</p> <p>1.4.3 Establish an inter-agency task force for communication on the Nagoya Protocol, and include the participation of relevant agencies</p> | <p>SCBD with input from the department of Public Information of the United Nations as well as other relevant international organizations including UNU, UNEP, CEC of IUCN, representatives of regions, indigenous and local communities and key national actors. Include expertise from media and communication experts.</p> |
| <p>1.4.4. Circulate results of analysis through the ABS Clearing-house, as well as make methodology available through the ABS Clearing-house, for use and adaptation by regions.</p> | <p>SCBD</p> |
| <p>1.4.5 On basis of the established methodology made available through the ABS Clearing-house, Parties will conduct national communication analyses.</p> | <p>Parties and indigenous and local communities</p> |
| <p align="center">1.6. Time frame</p> <p align="center">Begin following COP-MOP 1 and report to COP-MOP 2</p> | |
| <p align="center">1.7. Estimated cost</p> <p align="center">Establishment of position for a communications officer, and consultancy to support situation analysis 35,000 USD</p> | |

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| <p align="center">Priority Activity 2:</p> <p align="center">Create key messages, a suite of communication products and a media strategy</p> |
| <p align="center">2.1. Operational objectives</p> <p>a) Develop core messages for different target groups.</p> <p>b) Develop key principles for the future development of additional messages.</p> <p>c) Create core suite of communication products to deliver messages.</p> <p>d) Create media strategy for delivery of messages.</p> |
| <p align="center">2.2. Expected outcomes</p> <p>a) List of core messages developed for different audiences.</p> <p>b) Information products created including, <i>inter alia</i> brochures, promotional videos, public service announcements, radio scripts, and others.</p> <p>c) Story ideas and messages created for engagement with the media.</p> |
| <p align="center">2.3. Indicators</p> <p>a) Products</p> <p>b) List of messages</p> |

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| 2.4. Suggested activities | 2.5. Actors |
| 2.4.1 On basis of Priority Activity 1 create communications and messaging guide, including: <ul style="list-style-type: none"> a) Core messages; b) Communication products for print, television and radio diffusion including a brochure, a video and public service announcement, and a radio spot in United Nations languages; and c) Media engagement strategy, including story lines for media organizations. | SCBD in collaboration with UNU, UNESCO, CEC of IUCN, Inter Press Services, Biodiversity Media Alliance, and indigenous and local communities |
| 2.4.2 Make products available through the ABS Clearing-house. 2.4.3 Ensure that products are disseminated to United Nations Information Centres (UNICs). | SCBD |
| 2.6. Time Frame Begin following COP-MOP 1 and report to COP-MOP 2 | |
| 2.7. Estimated cost Consultancy to support development of key message, products and media strategy 50,000 USD Development of brochure, video and radio spots 150,000 USD | |

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| Priority Activity 3: Create ABS Communication Toolkit |
| 3.1. Operational objectives |
| <ul style="list-style-type: none"> a) Create resources that allow Parties to hold capacity-development activities to build communication strategies around ABS. b) Build modules for media relations. c) Develop online community to share experiences. d) Parties develop customized communication toolkits. |
| 3.2. Expected outcomes |
| <ul style="list-style-type: none"> a) A toolkit is created that allows Parties to develop custom campaigns and communication tools for desired target audiences. b) Parties have appropriate communication tools and resources. |
| 3.3. Indicators |
| <ul style="list-style-type: none"> a) Downloads of the toolkit from the Clearing-house. b) Use of the toolkit in workshops. |

| 3.4. Suggested activities | 3.5. Actors |
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| <p>3.4.1 On basis of all previous messaging experience, create a communications toolkit that contains methodologies, worksheets and ready to use materials for communication activities.</p> <p>3.4.2 Ensure that e-learning modules are available.</p> <p>3.4.3 Develop toolkit as an Open Educational Resource (OER) that allows for creation of custom materials.</p> <p>3.4.4 Create online support mechanisms including a “help desk” and support for building of a community of practice, through the CHM, that allows for follow up and customization of the kit.</p> | <p>a) Global level: SCBD, UNU, UNEP, CEC of IUCN, UNESCO and CI.</p> <p>b) Regional level: regional organizations, ILCs.</p> <p>c) National level: governments, academic.</p> |
| <p>3.4.5 Translate toolkit into local languages</p> | <p>National governments.</p> |
| <p>3.4.6 Create communications toolkit specifically directed to issues involving communication of ABS issues with indigenous and local communities.</p> <p>3.4.7 Ensure that kit is created with appropriate delivery mechanisms for a variety of communities.</p> | <p>SCBD in collaboration with ILCS from different regions.</p> |
| <p>3.6. Time Frame</p> <p>Begin following COP-MOP 2 and report to COP-MOP 3</p> | |
| <p>3.7. Estimated cost</p> <p>Development of toolkit in United Nations languages, including e-learning components: 250,000 USD</p> | |

| <p>Priority Activity 4:</p> <p>Holding of workshops</p> |
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| <p>4.1. Operational objectives</p> <p>a) Develop capacity for communication at regional levels using the ABS communication toolkit.</p> <p>b) Develop communications training capacity for Parties using the ABS communication toolkit.</p> <p>c) Provide opportunities for development of custom ABS communication modules and products.</p> <p>d) Provide opportunities to brief regional media on the messages of ABS communication</p> <p>e) Create the basis for a community of practice around ABS communication.</p> |
| <p>4.2. Expected outcomes</p> <p>a) Global communications framework and toolkits are customized for regional experiences.</p> <p>b) ABS communication practitioners share experiences.</p> <p>c) Regional media are briefed on the significance of ABS communication</p> |
| <p>4.3 Indicators</p> <p>a) Participation in workshops.</p> <p>b) Products developed at workshops.</p> <p>c) Personnel trained at workshops.</p> <p>d) Media engagement in ABS issues</p> |

| 4.4 Suggested activities | 4.5 Actors |
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| <p>4.4.1 Using ABS toolkit, and in collaboration with the ABS Clearing-house, hold regional ABS communication workshops, which:</p> <ul style="list-style-type: none"> a) Explain and train communicators in the use of the toolkit; b) Provide opportunities for the creation of custom modules and products for National contexts; c) In collaboration with UNICs, hold media briefing sessions at regional workshops, and involve local communicators; and d) Create the basis for communities of practice on ABS communication. Include the participation of indigenous and local communities. | <ul style="list-style-type: none"> a) Global level: SCBD, UNU, UNEP, CEC of IUCN, UNESCO, CI; UNICs b) Regional level: regional organizations, ILCs c) National level: governments, academic d) Media representatives |
| <p>4.6 Time Frame</p> <p>Begin following COP-MOP 2 and complete one workshop in each region in advance of COP-MOP 3.</p> | |
| <p>4.7 Estimated cost</p> <p>100,000 USD per workshop – 5 regions</p> | |

1/4. *Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

Recognizing that Parties to the Nagoya Protocol must comply with all of their obligations under the Protocol,

1. *Invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to communicate to the Executive Secretary by 1 September 2011 their views on elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance under Article 30 of the Nagoya Protocol, taking into account the experience and lessons learned from other relevant multilateral agreements;

2. *Requests* the Executive Secretary to prepare a synthesis report and develop draft elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance based on the views expressed;

3. *Further requests* the Executive Secretary, in consultation with the Bureau of the Intergovernmental Committee, and subject to the availability of funds, to convene an expert meeting to review the synthesis report and further refine the draft elements and options developed by the Executive Secretary for consideration by the Intergovernmental Committee at its second meeting;

4. *Invites* Parties, the Co-Chairs and the Executive Secretary to exhaust every effort in preparations necessary for the successful conclusion of the discussions on the cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance for the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting;

5. *Invites* Parties, other Governments and relevant international organizations, to provide financial support to convene the expert meeting.
