



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/ICNP/REC/2/5  
26 July 2012

ORIGINAL: ENGLISH

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

Second meeting

New Delhi, 2-6 July 2012

Item 4.2 of the provisional agenda\*

### RECOMMENDATION ADOPTED BY THE INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL AT ITS SECOND MEETING

2/5. *Measures to assist in capacity-building, capacity development and 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,*

1. *Invites* Parties, other Governments and relevant organizations to take into account the domestic needs and priorities of Parties and indigenous and local communities contained in annex I when designing and/or providing support for capacity-building and development activities to effectively implement the Protocol;

2. *Agrees* that a strategic framework should guide the capacity-building and development policies and actions of Parties, donors and other actors and include a set of practical capacity-building and development activities in support of the effective implementation of the Protocol;

3. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

*The Conference of the Parties,*

1. *Requests* the Executive Secretary, in collaboration with relevant organizations, as appropriate, and subject to the availability of financial resources, to continue supporting capacity-building and development activities to support ratification, early entry into force and implementation of the Protocol;

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

2. *Invites* Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide financial resources to support capacity-building and development initiatives to support ratification, early entry into force and implementation of the Protocol;

3. *Invites* Parties, other Governments, and relevant organizations to undertake and provide support for capacity-building and development initiatives to support ratification, early entry into force and implementation of the Protocol, taking into account the domestic needs and priorities of Parties and indigenous and local communities contained in annex I.

4. *Requests* the Executive Secretary, subject to the availability of funds, to organize an expert meeting to develop a draft strategic framework, taking into account the synthesis of views and information on domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol contained in the synthesis of views and information received on domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol (UNEP/CBD/ICNP/2/10), the wealth of experiences and lessons learned from existing access and benefit-sharing related capacity-building and development initiatives and access and benefit-sharing related bilateral cooperation, as well as the summary of views expressed at the second meeting of the Intergovernmental Committee as contained in annex II below, in accordance with the following terms of reference:

(a) *Composition:* A maximum of up to three experts per region and five observers will be selected, taking into account their expertise, the need to ensure equitable geographical distribution, and with due regard to gender balance;

(b) *Duration:* The expert meeting will take place over a period of three days; and

(c) *Reporting:* The draft strategic framework developed by the expert meeting will be submitted for the consideration of a future meeting of the Intergovernmental Committee or the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

5. *Invites* Parties, other Governments and relevant organizations to provide financial support for the organization of the expert meeting;

4. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting adopts a decision along the following lines:

*The Conference of the Parties serving as the meeting of the Parties to the Protocol,*

*Recognizing* the wealth of experiences and lessons learned as well as instruments and methodologies that have been developed under various ABS capacity development initiatives, such as the ABS Capacity Development Initiative that has expanded from Africa to other regions,

(a) *Adopts* the strategic framework for capacity-building and development in support of the effective implementation of the Protocol;

(b) *Invites* Parties, other Governments and relevant organizations to carry out capacity-building and development activities consistent with the strategic framework;

(c) *Invites* 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 I

**OVERVIEW OF MEASURES TO BUILD OR DEVELOP CAPACITY TO EFFECTIVELY IMPLEMENT THE PROTOCOL BASED ON THE NEEDS AND PRIORITIES OF PARTIES AND INDIGENOUS AND LOCAL COMMUNITIES**

	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, including the business sector and the research community
Phase 1	<ul style="list-style-type: none"> <li>-Ratification of the Protocol</li> <li>- Legal and institutional development</li> <li>- Raising-awareness of the importance of genetic resources and TK associated with genetic resources, and related ABS issues</li> <li>- 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.</li> <li>- Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol.</li> <li>- Mobilising new and innovative financial resources to implement the Nagoya Protocol</li> <li>- Establishing mechanisms for interagency coordination.</li> </ul>	<ul style="list-style-type: none"> <li>- Promotion of equity and fairness in negotiations, such as training to negotiate MAT</li> <li>- Supporting the development of model contractual clauses.</li> <li>- Developing and implementing pilot ABS agreements</li> </ul>	<ul style="list-style-type: none"> <li>- Developing a policy framework on ABS.</li> <li>- Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol.</li> <li>- Setting-up new or amended ABS legislative, administrative or policy measures with a view to implementing the Nagoya Protocol</li> <li>-Development of regional model legislation</li> </ul>		<ul style="list-style-type: none"> <li>-Participating in legal, policy and decision-making processes</li> <li>- Developing minimum requirements for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK associated with genetic resources</li> <li>- 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</li> <li>- Developing model contractual clauses for benefit-sharing arising from the utilization of TK associated with genetic resources</li> </ul>
Phase 2	<ul style="list-style-type: none"> <li>- Monitoring the utilization of genetic resources, including the designation of one or more checkpoints.</li> <li>- Special measures to increase the capacity of relevant stakeholders in relation to ABS</li> <li>- Employment of best available communication tools and Internet-based systems for ABS activities</li> <li>-Enforcement of ABS legislation</li> </ul>			<ul style="list-style-type: none"> <li>-Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable.</li> <li>- Development and use of valuation methods</li> </ul>	<ul style="list-style-type: none"> <li>- Capacity to negotiate MATs.</li> <li>- Understanding the obligations of the Parties under the Nagoya Protocol</li> </ul>
Phase 3	<ul style="list-style-type: none"> <li>- The monitoring and enforcement of compliance.</li> <li>- Enhancement of the contribution of ABS activities to the conservation of biological diversity and the sustainable use of its components</li> <li>- Developing measures regarding access to justice</li> <li>- Addressing transboundary issues .</li> <li>- Providing information to the ABS Clearing-House.</li> </ul>	<ul style="list-style-type: none"> <li>- Development and use of valuation methods</li> <li>- Promoting better understanding of business models in relation to the utilisation of genetic resources</li> </ul>		<ul style="list-style-type: none"> <li>-Research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting,</li> <li>-Development of genetic resources databases</li> </ul>	<ul style="list-style-type: none"> <li>- Managing TK associated with genetic resources</li> </ul>

*Annex II*

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

1. The following summarizes the views expressed at the second meeting of the Intergovernmental Committee on the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol.

**A. Objectives**

2. It was suggested that Article 22, paragraph 1, of the Protocol could serve as basis for the objective of the strategic framework.

3. With regard to the role and nature of the strategic framework, a number of delegations were of the view that it should be designed as plan of action or programme providing services on capacity-building and development to developing countries. Some delegations were of the view that the strategic framework should be designed both as reference document to guide policies and actions of Parties for capacity-building and development in support of the effective implementation of the Protocol and a plan of action.

4. One Party was of the view that the strategic framework should serve as a reference document and not as a plan of action but that it should establish priorities identified by recipients to facilitate implementation of the Nagoya Protocol.

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

5. The following was suggested in relation to this element:

(a) Incorporation of some of the lessons learned outlined in section III B of the note by the Executive Secretary on 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, prepared for the second meeting of the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (UNEP/CBD/ICNP/2/10) as guiding principles of the strategic framework, including those in relation to ensuring sustainability; and

(b) Publication of lessons learned on capacity-building and development in the ABS Clearing-house.

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

6. The following guiding principles and approaches were suggested :

(a) The strategic framework should promote the development of sustainable capacities for Parties to comply with the requirements of the Nagoya Protocol; and

(b) The strategic framework should enable the identification of gaps in past and existing ABS capacity development initiatives and areas where capacity-building assistance is further needed.

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

7. Capacity-building and development for promoting the ratification of the Protocol was identified as a priority.

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

***F. Coordination mechanism***

8. The following was suggested in relation to this element:

(a) Linking the coordination mechanism to the ABS Clearing-house as a way of promoting coordination and exchange of experiences among Parties; and

(b) Coordination of donors and users on the basis of factual reports of activities and outcomes in recipient countries as a means to identify sustainability, priority actions and gaps.

***G. Cooperation among Parties and with relevant processes and programmes***

9. The following was suggested in relation to this element:

(a) Promotion of cooperation at the bilateral, regional and international levels; and

(b) Establishment cooperation between and among Parties, relevant processes and programmes within their mandates on a voluntary basis.

***H. Monitoring and review***

10. It was suggested that the Conference of the Parties serving as the meeting of the Parties to the Protocol should monitor and review the strategic framework.

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

11. It was suggested that given that capacity-building will be country-specific, the sequence of actions for the implementation of the strategic framework will depend upon the stage of development of ABS processes within each country.

***J. Financial and other resource requirements***

12. It was suggested that capacity-building and development be financed through established multilateral and bilateral channels, including the Global Environment Facility.

***K. Other possible elements***

13. Sustainability of capacity-building and development activities was identified as a possible additional element of the strategic framework.

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