



Convention on Biological Diversity

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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE NAGOYA
PROTOCOL ON ACCESS TO GENETIC RESOURCES
AND THE FAIR AND EQUITABLE SHARING OF
BENEFITS ARISING FROM THEIR UTILIZATION

Second meeting

Cancun, Mexico, 4-17 December 2016

Agenda item 12

DECISION ADOPTED BY THE PARTIES TO THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

**2/10. The need for and modalities of a global multilateral benefit-sharing
mechanism (Article 10)**

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

Recalling Article 10 of the Nagoya Protocol,

Also recalling the sovereign right of States over their genetic resources,

Recognizing the default bilateral approach to access and benefit-sharing set out in the Nagoya Protocol whereby access to genetic resources and associated traditional knowledge for their utilization is subject to prior informed consent and benefits are shared according to mutually agreed terms unless otherwise determined by the providing Party, and *recognizing also* that there may be situations as referred to in Article 10 of the Nagoya Protocol wherein this bilateral approach is not realized,

Recalling that Parties agreed to consider the need for and modalities of a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent,

Taking note of developments under other international processes and organizations, such as the United Nations General Assembly, the International Treaty on Plant Genetic Resources for Food and Agriculture,¹ the Commission on Genetic Resources for Food and Agriculture, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, the World Health Organization and the Antarctic Treaty System,

¹ <ftp://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf>.

1. *Notes* that further information and experience is needed with the implementation of the Nagoya Protocol, including that which is necessary in order to inform deliberations under Article 10;

2. *Reminds* Parties of their obligation to make available to the Access and Benefit-sharing Clearing-House all mandatory information in accordance with the Nagoya Protocol;

3. *Recognizes* that there is limited information available on the implementation of the provisions of the Protocol related to traditional knowledge associated with genetic resources held by indigenous peoples and local communities, *invites* Parties, with the full and effective participation of indigenous peoples and local communities, to pay particular attention to providing such information when preparing and submitting their interim national reports, *invites* indigenous peoples and local communities to submit such information to the Executive Secretary, and *requests* the Executive Secretary to compile this information for consideration by the Subsidiary Body on Implementation and by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

4. *Invites* Parties, other Governments, indigenous peoples and local communities and stakeholders, including ex situ collections, to submit information, including practical experiences, if any, on situations in which it is not possible to grant or obtain prior informed consent in relation to in situ or ex situ genetic resources and associated traditional knowledge, and *requests* the Executive Secretary to compile this information for consideration by the Subsidiary Body on Implementation and by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

5. *Also invites* Parties, other Governments, indigenous peoples and local communities and stakeholders to submit views on the way forward in relation to Article 10, and *requests* the Executive Secretary to compile this information for consideration; by the Subsidiary Body on Implementation and by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

6. *Requests* the Executive Secretary:

(a) To synthesize information provided through the interim national reports and the Access and Benefit-sharing Clearing-House of relevance to Article 10;

(b) To compile the information available on developments in relevant international processes and organizations with a view to informing future discussions on Article 10;

(c) To submit this information for consideration by the Subsidiary Body on Implementation and by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

7. *Requests* the Subsidiary Body on Implementation to explore the need for a global multilateral benefit-sharing mechanism and make recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting.
