

**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 THE
BENEFITS ARISING FROM THEIR UTILIZATION

Second meeting

Cancun, Mexico, 4–17 December 2016

Item 8 of the provisional agenda*

**COOPERATION WITH OTHER CONVENTIONS, INTERNATIONAL
ORGANIZATIONS AND INITIATIVES**

Note by the Executive Secretary

I. INTRODUCTION

1. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol recognized the importance of cooperative activities to support the ratification and implementation of the Protocol through, in particular, the adoption of the strategic framework for capacity-building and development (decision NP-1/8) and the awareness-raising strategy (decision NP-1/9).
2. The present document provides an overview of activities undertaken by the Executive Secretary since the first meeting of the Parties to the Protocol, to develop and enhance cooperation with other conventions, international organizations and initiatives. It highlights some of the key collaborative arrangements and initiatives but is not an exhaustive account of the cooperative actions. More information on cooperative activities undertaken in the context of the Convention on Biological Diversity may be found in document UNEP/CBD/COP/13/16.
3. Section II of the document addresses cooperative activities undertaken with other international organization working on issues related to access and benefit-sharing (ABS). Section III summarizes cooperation with other organizations to support ratification and implementation as well as awareness-raising and capacity-building for the Nagoya Protocol. Section IV contains an overview of cooperative activities with different stakeholder organizations carried out with a view to raising awareness of the Protocol and support its implementation.

* UNEP/CBD/NP/COP-MOP/2/1.

II. COOPERATIVE ACTIVITIES WITH INTERGOVERNMENTAL ORGANIZATIONS ADDRESSING ISSUES RELATED TO ACCESS AND BENEFIT-SHARING

4. ABS related issues are addressed in a number of other international forums besides the Convention on Biological Diversity and the Nagoya Protocol. The Secretariat collaborates with intergovernmental organizations working in this area with a view to following developments in other international forums and providing information on developments related to the Nagoya Protocol, as described below. Many of these organizations also participate in processes under the Nagoya Protocol.

A. International Treaty on Plant Genetic Resources for Food and Agriculture

5. The Secretariat has a long-standing relationship with the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), including a Memorandum of Cooperation and a joint initiative for the harmonious implementation of ITPGRFA and the Convention on Biological Diversity and its Nagoya Protocol. The joint initiative seeks to further promote the complementary implementation of ITPGRFA, the Convention and its Nagoya Protocol.

6. The focus of cooperative activities in the 2015-2016 intersessional period has been on projects for mutually supportive implementation of ITPGRFA and the Nagoya Protocol. These projects are described in more detail below although it may be noted here that, at its first meeting, the Subsidiary Body on Implementation adopted recommendation 1/2, in which it recommended that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopt a decision to, inter alia, invite Parties and other Governments to implement ITPGRFA and the Nagoya Protocol in a mutually supportive manner, as appropriate.¹

7. The Secretariat of the Convention on Biological Diversity is in regular communication with the Secretariat of ITPGRFA and is actively involved in aspects of ITPGRFA related to the Nagoya Protocol. In the last intersessional period, this included participation in a number of ongoing processes under the Treaty, such as the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing, the Ad Hoc Technical Committee on Sustainable Use of Plant Genetic Resources for Food and Agriculture, and the Consultation on the Global Information System on Plant Genetic Resources for Food and Agriculture. The Secretariat of the Convention also hosted a staff member of the ITPGRFA Secretariat, which facilitated dialogue between the two secretariats.

8. The Secretariat of the Convention on Biological Diversity also took part in the sixth session of the Governing Body of the Treaty, which was held from 5 to 9 October 2015. The Executive Secretary made remarks to the meeting via a video statement, and the Secretariat submitted a report on cooperation with the Treaty.² The Secretariat also participated in the special event on challenges and opportunities for the global information system on plant genetic resources for food and agriculture that was convened during the meeting. A number of resolutions relevant to the Convention on Biological Diversity and the Nagoya Protocol were adopted during the sixth session of the Governing Body of the Treaty and the Secretariat of the Convention circulated a notification summarizing these outcomes.³

9. The ITPGRFA Secretariat organized an event under the theme “I have a seed” to mark the 2016 International Day for Biological Diversity. The Executive Secretary of the Convention made a statement on the contribution of ITPGRFA to mainstreaming plant biodiversity.

¹ See UNEP/CBD/COP/13/6, sect. 1. The recommended draft decision to the Parties to the Nagoya Protocol will be considered under agenda item 5.1.

² Document IT/GB-6/15/Inf.15, <http://www.fao.org/3/a-bb365e.pdf>.

³ <https://www.cbd.int/doc/notifications/2016/ntf-2016-014-abs-en.pdf>

10. The Secretariat of the Convention on Biological Diversity also provided inputs to the Global Consultation on Farmers' Rights being co-organized by the Governments of Indonesia and Norway with support from the Treaty Secretariat and held from 27 to 30 September 2016.

11. The Secretariat of ITPGRFA was invited to take part in relevant intersessional activities under the Nagoya Protocol, including meetings of the Informal Advisory Committee on Capacity-Building and the expert group meeting on Article 10. The two secretariats also exchanged information in the context of the development of the ABS Clearing-House.

B. Commission on Genetic Resources for Food and Agriculture

12. The Secretariats of the Convention on Biological Diversity and the Commission on Genetic Resources for Food and Agriculture (CGRFA) have a joint work plan for 2011–2020, focusing on the United Nations Decade on Biodiversity, the Strategic Plan for Biodiversity and its Aichi Biodiversity Targets. ABS is one of the agreed joint areas of work.

13. In this context, the Secretariat of the Convention on Biological Diversity has participated in a number of meetings and processes of the Commission. The Executive Secretary participated in the Special Event on Food Security and Genetic Diversity and addressed the opening session of the Fifteenth Regular Session of the Commission, in January 2015. The Secretariat is currently represented as an observer to the meetings of the Commission's Team of Technical and Legal Experts on Access and Benefit-sharing (TTLE-ABS). The TTLE-ABS developed "Elements to facilitate domestic implementation of access and benefit-sharing for different subsectors of genetic resources for food and agriculture". The Elements were welcomed by the Commission at its Fifteenth Regular Session and the FAO Conference. In recommendation 1/2, the Subsidiary Body on Implementation recommended that the Conference of the Parties to the Convention at its thirteenth meeting adopt a decision to, inter alia, invite Parties and other Governments to take note of and apply, as appropriate, the Elements.⁴

14. The Secretariat of the Convention on Biological Diversity also provided inputs to *The State of the World's Biodiversity for Food and Agriculture*, a first draft of which will be presented to CGRFA at its sixteenth regular session, to be held in January-February 2017.

15. The Secretariat of CGRFA has also participated in meetings related to the Nagoya Protocol, in particular the informal advisory committee on capacity-building for the implementation of the Nagoya Protocol.

16. The Secretariat of the Convention on Biological Diversity also worked with FAO, in particular the Secretariats of CGRFA and ITPGRFA, to provide inputs to the process to develop indicators for the Sustainable Development Goals and their targets including target 15.6 related to access to genetic resources and benefit-sharing.

C. United Nations Convention on the Law of the Sea

17. The Secretariat of the Convention on Biological Diversity is following developments in the Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The Secretariat also regularly exchanges information concerning the Nagoya Protocol and access to genetic resources and benefit-sharing with the United Nations Division for Ocean Affairs and the Law of the Sea.

⁴ See UNEP/CBD/COP/13/6, sect. I. The recommended draft decision to the Conference of the Parties will be considered under agenda item 9 of the agenda of the thirteenth meeting of the Conference of the Parties.

18. A representative of the Division for Ocean Affairs and the Law of the Sea also participated in and provided information to the expert group meeting on Article 10 of the Nagoya Protocol.

D. World Health Organization

19. During the intersessional period, the Secretariat of the Convention on Biological Diversity has exchanged information with the World Health Organization (WHO), particularly in the context of the ongoing review of the “Pandemic Influenza Preparedness Framework for the Sharing of Influenza Viruses and Access to Vaccines and Other Benefits” and the study requested by WHO member States to analyse how implementation of the Nagoya Protocol might affect the sharing of pathogens and the potential public health implications. As part of the work on the study and on behalf of WHO, the Secretariat of the Convention on Biological Diversity circulated a notification with information and questions and invited ABS or CBD national focal points, as appropriate, to provide information to contribute to the study.⁵

20. A representative of WHO also participated in and provided information to the expert group meeting on Article 10 of the Nagoya Protocol.

E. World Intellectual Property Organization

21. The Secretariat of the Convention on Biological Diversity regularly exchanges information with the World Intellectual Property Organization (WIPO). In the context of the Nagoya Protocol, the Secretariat is following the ongoing process of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) which currently has a mandate to undertake text-based negotiations with the objective of reaching agreement on the text(s) of an international legal instrument(s), which will ensure the effective protection of traditional knowledge, traditional cultural expressions and genetic resources. The Secretariat participated in meetings and related activities of IGC in order to provide relevant information on the Convention and the Nagoya Protocol to inform the discussions. For example, a side-event on the recent developments under the Nagoya Protocol was carried out by the Secretariat at the 30th session of the WIPO IGC, held in June 2016.

22. The Secretariat also participated by videoconference in the Seminar on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions: Regional and International Dimensions, which was organized by WIPO in June 2015.

III. COOPERATION TO SUPPORT RATIFICATION, RAISE AWARENESS AND BUILD CAPACITY FOR IMPLEMENTATION

23. The Secretariat of the Convention also works with a number of partners to support ratification of the Nagoya Protocol, to raise awareness of the Protocol and to build capacity for its implementation.⁶ In this regard, one of the specific tasks of the informal advisory committee on capacity-building for the implementation of the Nagoya Protocol is to provide advice regarding facilitation of coordination, synergy, coherence and complementarity among capacity-building and development activities. Accordingly, a number of different organizations participated in the meetings of the informal advisory committee during the intersessional period.

24. Some specific cooperative activities are outlined below.

A. United Nations Conference on Trade and Development

25. The Secretariat of the Convention on Biological Diversity continued to cooperate with the United Nations Conference on Trade and Development (UNCTAD) on issues related to the implementation of the

⁵ See notification 2016-087 of 5 July 2016, <https://www.cbd.int/doc/notifications/2016/ntf-2016-087-abs-en.doc>.

⁶ For more information on capacity-building activities, see UNEP/CBD/NP/COP-MOP/2/8.

Nagoya Protocol during the intersessional period. These cooperative activities included the Secretariat providing comments and participating in the peer-review of two publications developed by UNCTAD: “Facilitating BioTrade in a Challenging Access and Benefit Sharing Environment” and “Guide for BioTrade and ABS Policy Makers and Regulators: From Concept to Practice”.

26. The Secretariat of the Convention has also given video presentations on the main features of the Nagoya Protocol and the status of implementation during workshops organized by UNCTAD on the intersection between the Nagoya Protocol, ABS and BioTrade. The workshops were held in Hanoi in June 2016 and Lima in September 2016.

B. United Nations Environment Programme

27. The United Nations Environment Programme (UNEP) is undertaking a number of projects to support the ratification and implementation of the Nagoya Protocol at the global, regional and national levels. The Secretariat of the Convention on Biological Diversity has worked with UNEP on several of these projects including: (a) strengthening the implementation of access to genetic resources and benefit-sharing regimes in Latin America and the Caribbean; (b) global support for the ratification and entry into force of the Nagoya Protocol on Access and Benefit-sharing; (c) ratification and implementation of the Nagoya Protocol on Access and Benefit-sharing for the member countries of the Central African Forests Commission (COMIFAC) and the UNEP-China Trust Fund project supporting the Lao People’s Democratic Republic, Myanmar and Viet Nam to further enhance their national ABS regulatory and institutional frameworks and piloting of ABS measures. UNEP also participated in the informal advisory committee on capacity-building to support the implementation of the Nagoya Protocol.

C. United Nations Development Programme

28. The United Nations Development Programme (UNDP) is undertaking a number of projects to support the ratification and implementation of the Nagoya Protocol at the global, regional and national levels. The Secretariat of the Convention on Biological Diversity and UNDP regularly exchange information on these projects. UNDP also participated in the Informal Advisory Committee on Capacity-Building to support the implementation of the Nagoya Protocol. In preparation for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, UNDP is taking the lead in the organization of a side-event with a number of partners, including the Secretariat of the Convention, on the contribution of the Nagoya Protocol to the Sustainable Development Goals.

D. Regional and subregional bodies and institutions

29. The Secretariat is also collaborating with various regional and subregional bodies and institutions to facilitate the ratification and implementation of the Nagoya Protocol. In the intersessional period, this has included activities and exchange of information with the African Union Commission, the Amazon Cooperation Treaty Organization (ACTO), the Association of Southeast Asian Nations (ASEAN), the Caribbean Community (CARICOM), the Central African Forest Commission (COMIFAC); and the Secretariat of the Pacific Regional Environment Programme (SPREP).

E. The ABS Capacity Development Initiative

30. The Secretariat of the Convention continues to collaborate with the ABS Capacity Development Initiative, a multi-donor initiative that aims to support Governments and relevant stakeholders in the ACP countries (African, Caribbean and Pacific Group of States) in developing and implementing national ABS frameworks, in particular to ratify and implement the Nagoya Protocol. The Initiative has been a key partner since its launch at the eighth meeting of the Conference of the Parties, in March 2006. The Secretariat is a member of the Initiative’s steering committee and also participates in the meetings of the

Initiative's General Assembly. The ABS Initiative participated in the Informal Advisory Committee on Capacity-Building to support the implementation of the Nagoya Protocol.

31. In the intersessional period, the Secretariat has made presentations during workshops and events organized by the Initiative. Examples include delivering a statement and presentation during the 4th ABS Business Dialogue, held in Copenhagen in January 2015, and jointly organizing, with the Government of Mexico and the support of the ABS Initiative, a Technical Workshop on Monitoring and Compliance held in Mexico City on 3 and 4 November 2016.

32. The Secretariat of the Convention organized a "training of trainers" webinar on the ABS Clearing-House for the Initiative and worked with the Initiative to publish information on its capacity-building projects and resources in the ABS Clearing-House.

F. Bioersivity International

33. The Secretariat of the Convention, the Secretariat of ITPGRFA, the ABS Capacity Development Initiative and Bioersivity International continued to cooperate in the intersessional period on activities on the mutually supportive implementation of the Nagoya Protocol and ITPGRFA. In particular, the partners, in collaboration with the African Union Commission, organized a workshop on embedding mutually supportive implementation of ITPGRFA and the Nagoya Protocol in the context of broader national policy goals. The workshop brought together teams of national actors from 11 African countries. The country teams included the national focal points for the Nagoya Protocol and ITPGRFA, a representative of the department responsible for climate change adaptation planning in the agricultural sector, a representative from the national planning authority and the operational focal point for the Global Environment Facility. The objective of the workshop included identifying areas of common interest in national policy development, with a particular focus on how ABS can support climate change adaptation, national economic development, poverty alleviation and the conservation and sustainable use of biodiversity. The workshop was hosted by the International Livestock Research Institute in Addis Ababa.

34. Bioersivity is also leading a Darwin Initiative-funded project on mutually supportive implementation of the Nagoya Protocol and ITPGRFA. The project is working with Benin and Madagascar to develop mechanisms to implement the two agreements. The mechanisms being developed include community protocols as well as national-level policies and laws. The Secretariat of the Convention participates in the steering committee for the project.

35. Bioersivity also participated in the Informal Advisory Committee on Capacity-Building to support the implementation of the Nagoya Protocol.

G. International Development Law Organization

36. With funding from the Japan Biodiversity Fund, the Secretariat has been working with the International Development Law Organization (IDLO) during the intersessional period to develop the capacity-building course "Establishing Legal Frameworks to Implement the Nagoya Protocol".

37. Focused on a blended learning approach, the course combines e-learning, opportunities for online discussion and networking between participants and experts, and face-to-face workshops. Workshops were held for Anglophone Africa and the Caribbean in The Hague from 11 to 15 July 2016, for Asia and the Pacific in Bali from 18 to 22 July 2016, and for Latin America and the Caribbean from 5 to 9 September 2016. A fourth workshop, for francophone Africa, is to be held in 2017.

38. The e-learning modules cover key elements that need to be considered by countries when designing relevant ABS legislative, policy and administrative measures to implement the Protocol: (a) defining national ABS strategies/policies; (b) indicative steps of ABS legal reform; (c) institutional arrangements for the implementation of the Protocol; (d) access requirements and procedures for obtaining

prior informed consent; (e) the rules for fair and equitable benefit-sharing, and defining mutually agreed terms; (f) traditional knowledge, and associated rules for access and benefit-sharing; (g) monitoring and compliance mechanisms; and (h) complementary measures that can support the successful implementation of ABS legal measures.

39. These modules will be made available on the ABS Clearing-House for use by Governments and relevant organizations involved in carrying out capacity-building activities with a view to supporting the development of national legal frameworks for the implementation of the Nagoya Protocol.

40. Side-events were organized by the Secretariat of the Convention and IDLO at the first meeting of the Subsidiary Body on Implementation and for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to present developments under this capacity-building programme. IDLO also participated in the informal advisory committee on capacity-building to support the implementation of the Nagoya Protocol.

H. International Indigenous Forum on Biodiversity

41. In the intersessional period, the Secretariat of the Convention continued to cooperate with the International Indigenous Forum on Biodiversity (IIFB) and its regional organizations (Indigenous Information Network (IIN); Indigenous Peoples of Africa Coordinating Committee (IPACC); Indigenous Women Network on Biodiversity-LAC (IWNB-LAC); Asia Indigenous Peoples Pact (AIPP), among others) in the implementation of training programmes that include the development of community protocols under the Nagoya Protocol. Further information on these activities is available at: <https://www.cbd.int/tk/cb/trainingprogramme.shtml>.

I. International Union for Conservation of Nature

42. The International Union for Conservation of Nature (IUCN) is involved in the implementation of a number of capacity-building projects related to the Nagoya Protocol and participated in the informal advisory committee on capacity-building to support the implementation of the Nagoya Protocol. The Secretariat of the Convention has collaborated with IUCN on the project “Advancing the Nagoya Protocol in Countries of the Caribbean Region” including by participating in the inception workshop and the Steering Committee meeting for the project held in Port of Spain from 25 to 26 April 2016, and co-organizing a workshop on the ABS Clearing-House for the countries participating in the project held in Kingston from 21 to 22 July 2016.

IV. COOPERATION WITH STAKEHOLDERS

43. The Secretariat of the Convention works with a number of stakeholder groups in order to raise awareness and provide information about the Nagoya Protocol, including the ABS Clearing-House. With a view to reaching out to the business community, the Secretariat published a special ABS edition of its *Business.2020* newsletter, in November 2015 with the collaboration of a number of partners. In addition, activities planned include the organization of an ABS session during the 3rd Science for Biodiversity Forum as well as one during the 2016 Business and Biodiversity Forum, both of which are to be held immediately prior to the meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols, in Cancun, Mexico, in December 2016.

A. Botanic Gardens Conservation International

44. With funding from the Japan Biodiversity Fund, the Secretariat commissioned Botanic Gardens Conservation International (BGCI) to develop a suite of learning modules on ABS, targeted at people working in botanic gardens. The modules are available in English, Spanish, French and Chinese and have been published in the ABS Clearing-House.

45. BGCI is also leading a Darwin Initiative-funded project on “promoting the use of plant resources in research and development”. The project is working in Ethiopia with a focus on building the capacity of plant collection holders to act as trusted intermediaries between the providers and users of plant genetic resources and developing widely applicable recommendations for simplified measures to facilitate research on plant genetic resources. The Secretariat of the Convention participates in the steering committee for the project.

B. German Research Foundation (Deutsche Forschungsgemeinschaft – DFG)

46. The Secretariat of the Convention participated in the “ABS Bonn Workshop – A Workshop on Access and Benefit-sharing: Benefit-sharing from Academic Research”, organized by the German Research Foundation (DFG), on 2 and 3 July 2015. The purpose of the workshop was to generate a dialogue between the scientific community and policymakers on benefit-sharing for non-commercial research. The Secretariat presented the ABS Clearing-House and contributed to the facilitation of the meeting.

47. The Secretariat of the Convention also provided support to a workshop on the Nagoya Protocol organized by DFG for senior professors, academics and national ABS focal point from the Congo region. The workshop took place in Frankfurt, Germany, on 25 August 2016 and the Secretariat of the Convention remotely presented an introductory session on the ABS Clearing-House and participated virtually in subsequent discussions providing technical advice and answering participant’s questions regarding the ABS Clearing-House and their national implementation of the Protocol.

C. International Chamber of Commerce

48. During the intersessional period, the International Chamber of Commerce (ICC) organized two conferences on “Working out ABS” held in Paris on 24 and 25 November 2015 and on 28 and 29 September 2016. Participants mainly included company representatives from various sectors (e.g. pharmaceuticals, cosmetics, biotech, plant breeders) involved in the utilization of genetic resources as well as some government representatives.

49. The Secretariat of the Convention participated in the conferences, providing information on the Nagoya Protocol with a particular focus on the ABS Clearing-House and its role in monitoring the utilization of genetic resources. As a follow-up to these conferences, the Secretariat of the Convention conducted a webinar for ICC members on the Protocol and the Access and Benefit-sharing Clearing-House.

D. PharmaSea

50. The PharmaSea project was a consortium of academics, industry researchers and specialists focused on marine biodiscovery and the development and commercialization of new substances from marine organisms. Work package 6 of the project focused on the legal and policy environment surrounding marine genetic resources and included an advisory panel of policy and legal experts. In the intersessional period, the Secretariat of the Convention was represented as an observer on the advisory panel in order to provide relevant information on access and benefit-sharing in the context of the Convention and the Nagoya Protocol.

E. Union for Ethical BioTrade

51. The Secretariat of the Convention and the Union for Ethical BioTrade (UEBT) regularly exchange information on relevant activities. In the intersessional period, the Secretariat participated in the annual “Beauty of Sourcing with Respect” conferences organized by UEBT. During the 2016 conference (held on 26 May), the Secretariat provided a status report in the Nagoya Protocol, in particular with respect to ratification and implementation. The Secretariat also participated in a meeting entitled “Making ABS work: A public-private dialogue on the opportunities and challenges of implementing access to genetic resources and fair and equitable benefit-sharing” organized jointly by UEBT, the ABS Capacity-Development

Initiative and Phytotrade Africa, on 27 May 2016, with a view to presenting an overview of the Secretariat's capacity-building activities as well as developments related to the Access and Benefit-sharing Clearing-House.

52. The Secretariat also worked with UEBT to publish information in the ABS Clearing-House on a number of awareness-raising and Articles 19 and 20 materials developed by UEBT on ABS and the Nagoya Protocol.

F. World Federation for Culture Collections

53. The Secretariat of the Convention regularly cooperates and exchanges information with the World Federation for Culture Collections and its member organizations. This has included a video statement by the Executive Secretary for the fiftieth anniversary of the World Data Centre for Microorganisms in September 2016.

54. Information on the Global Catalogue of Microorganisms and the World Federation for Culture Collections was presented during the first meeting of the Informal Advisory Committee on the ABS Clearing-House. The Informal Advisory Committee advised the Secretariat to continue exploring means of enhancing collaboration to facilitate the exchange of information as further experience was acquired in monitoring the utilization of genetic resources through the Access and Benefit-sharing Clearing-House.
