

*Annex I***RECOMMENDATIONS**

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3/1. ***Consideration of rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (Article 26, paragraph 5)***

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization *recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopt, at its first meeting, a decision along the following lines:

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

Noting that, according to Article 26, paragraph 5, of the Protocol, the rules of procedure for meetings of the Conference of the Parties to the Convention shall be applied, *mutatis mutandis*, under the Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of Parties to this Protocol,

Decides by consensus that:

(a) When rule 21 of the rules of procedure for meetings of the Conference of the Parties to the Convention is applied to meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, this rule shall be supplemented, in accordance with Article 26, paragraph 3 of the Protocol, by the following paragraph:

“Where a member of the Bureau of the Conference of the Parties to the Convention representing a Party to the Convention but, at that time, not a Party to the Protocol, is substituted by a member elected by and from among the Parties to the Protocol, the term of office of the substitute member shall expire at the same time as the term of office of the member of the Bureau he or she substitutes.”

(b) When the rules of procedure for meetings of the Conference of the Parties to the Convention are amended by the Conference of the Parties to the Convention, those amendments shall apply *mutatis mutandis* to meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

3/2. *Draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol*

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 paragraph 2 of decision XI/10 and paragraph 24 of decision XI/31 of the Conference of the Parties,

Noting the ongoing process of improving the efficiency of the structures and processes under the Convention and its Protocols,

Stressing the importance for the concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to be organized in such a way as to allow the full participation of all Parties in an efficient and effective manner,

1. *Requests* the Executive Secretary, based on the views of Parties and in consultation with the Bureau of the Intergovernmental Committee for the Nagoya Protocol and the Bureau of the eleventh meeting of the Conference of Parties, to develop a proposal for the organization of the concurrent meetings of the Conference of Parties and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, for consideration by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention at its fifth meeting;

2. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Protocol adopt the draft provisional agenda annexed hereto as the agenda for its first meeting.

Annex

DRAFT PROVISIONAL AGENDA FOR THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL

1. Opening of the meeting.
2. Adoption of the agenda.
3. Adoption of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.
4. Organizational matters:
 - 4.1. Election of officers;
 - 4.2. Organization of work.
5. Report on the credentials of representatives to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.
6. Report of the 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.
7. Exchange of information and views on the status of the ratification and implementation of the Nagoya Protocol.
8. The Access and Benefit-sharing Clearing-House and information-sharing (Article 14).
9. Monitoring and reporting (Article 29).
10. Cooperative procedures and institutional mechanisms to promote compliance with the Nagoya Protocol and address cases of non-compliance (Article 30).

11. Model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards (Article 19 and 20).
12. Guidance to the financial mechanism (Article 25).
13. Guidance on resource mobilization for the implementation of the Nagoya Protocol.
14. Cooperation with other international organizations, conventions and initiatives.
15. Programme budget for the biennium following the entry into force of the Nagoya Protocol.
16. Measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing country Parties and Parties with economies in transition (Article 22).
17. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 21).
18. The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10).
19. Date and venue of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.
20. Other matters.
21. Adoption of the report.
22. Closure of the meeting.

3/3. *The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)*

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. *Welcomes* the report of the Expert Meeting on Article 10 of the Nagoya Protocol on Access and Benefit-sharing (UNEP/CBD/ICNP/3/5) and the revised synthesis of the online discussions on Article 10 (UNEP/CBD/ICNP/3/INF/4); and

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

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

Noting the importance of having further discussions to reach a common understanding on the need for and modalities of a global multilateral benefit-sharing mechanism,

1. *Invites* Parties, other Governments, international organizations, indigenous and local communities, and relevant stakeholders to submit to the Executive Secretary views on: (i) situations which may support the need for a global multilateral benefit-sharing mechanism that are not covered under the bilateral approach; (ii) possible modalities for a global multilateral benefit-sharing mechanism as well as information regarding the implications of different scenarios on these modalities; and (iii) the areas requiring further consideration, as identified in paragraph 23 of the report of the Expert Meeting on Article 10 of the Nagoya Protocol (UNEP/CBD/ICNP/3/5). Such views may include, where available, reflections on any experiences gained working towards the implementation of the Nagoya Protocol.

2. *Requests* the Executive Secretary to:

(a) Prepare a synthesis of the views submitted in accordance with paragraph 1 above;

(b) Commission a study [, subject to the availability of funds,] on: (i) the experiences gained with the development and implementation of the Nagoya Protocol and other multilateral mechanisms; and (ii) the potential relevance of ongoing work undertaken by other processes, including case studies in relation to *ex situ* and *in situ* genetic resources [as defined by Article 2 of the Convention on Biological Diversity], traditional knowledge associated with genetic resources, and transboundary situations;

(c) Convene[, subject to the availability of funds,] a meeting of a regionally balanced expert group to review the synthesis of views and the study referred to in subparagraphs (a) and (b) above, with a view to reaching a common understanding on the areas requiring further examination, as identified in paragraph 23 of the report of the Expert Meeting, as referred to in paragraph 1 above, and submit the outcomes of its work for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

3/4. Modalities of operation of the access and benefit-sharing clearing-house (Article 14, paragraph 4)

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 the Access and Benefit-sharing Clearing-House is critical for the successful implementation of the Nagoya Protocol,

Recalling that the Access and Benefit-sharing Clearing-House is an integral part of the clearing-house mechanism of the Convention,

1. *Notes* the progress made in the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House and the capacity-building workshops held prior to the third meeting of the Intergovernmental Committee;

2. *Requests* the Executive Secretary to continue implementing the pilot phase of the Access and Benefit-sharing Clearing-House, in accordance with the guidance provided in recommendations 1/1 and 2/4, as well as the indicative work plan and timeline for activities endorsed by the Conference of the Parties in paragraph 2 of decision XI/1 C, and to make all necessary efforts to ensure that the Access and Benefit-sharing Clearing-House is fully functional by the time of entry into force of the Nagoya Protocol;

3. *Invites* Parties to designate a publishing authority and/or one or more national authorized users with a view to having a fully functional Access and Benefit-sharing Clearing-House by the time of entry into force of the Nagoya Protocol;

4. *Encourages* all Parties, in particular those that have ratified the Nagoya Protocol, to participate in the pilot phase of the Access and Benefit-sharing Clearing-House by publishing national records, including permits or equivalents constituting an internationally recognized certificate of compliance, and to provide feedback to the Executive Secretary;

5. *Requests* the Executive Secretary to make the information on access and benefit-sharing measures, competent national authorities, and national focal points currently hosted on the website of the Convention on Biological Diversity available in the Access and Benefit-sharing Clearing-House as draft records; and *invites* Parties to validate and publish the draft records in order to ensure that all national records in the Access and Benefit-sharing Clearing-House are up-to-date and have been validated by the publishing authority by the time of entry into force of the Nagoya Protocol;

6. *Invites* international organizations, indigenous and local communities, and relevant stakeholders to participate in the pilot phase of the Access and Benefit-sharing Clearing-House by registering reference records and providing feedback to the Executive Secretary;

7. *Also invites* the informal advisory committee to continue providing technical guidance to the Executive Secretary, fully taking into account the feedback received from Parties and other stakeholders during the pilot phase, with respect to the resolution of technical issues arising from the ongoing development of the pilot phase of the Access and Benefit-sharing Clearing-House;

8. *Requests* the Executive Secretary to report on the progress made and feedback received during the implementation of the pilot phase to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

9. *Also requests* the Executive Secretary to further refine the modalities of operation of the Access and Benefit-sharing Clearing-House, especially with regards to the identification of mandatory and non-mandatory information according to the provisions of the Nagoya Protocol, as well as the functionality and user-friendliness of the Access and Benefit-sharing Clearing-House, as further progress is made on the implementation of the pilot phase, taking into account the views expressed at the third meeting of the Intergovernmental Committee, as well as further feedback received from Parties and other stakeholders, for consideration and adoption by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

10. *Invites* Parties, other Governments, international organizations, indigenous and local communities, and relevant stakeholders to submit to the Executive Secretary views on: (i) the possible functions of a competent authority of indigenous and local communities and of a contact point for the indigenous and local communities for the Access and Benefit-sharing Clearing-House in relation to the implementation of the Nagoya Protocol; (ii) their possible role and responsibilities with respect to the Access and Benefit-sharing Clearing-House; and (iii) who should be responsible for submitting the information on these authorities to the Access and Benefit-sharing Clearing-House; and

11. *Requests* the Executive Secretary to prepare a synthesis of views submitted in accordance with paragraph 10 above for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

3/5. *Measures to assist in capacity-building and development and the strengthening of human resources and institutional capacities in developing country Parties 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 *recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting, adopt a decision along the following lines:

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

Recalling Article 22 of the Nagoya Protocol, which requires Parties to cooperate in the capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement the Nagoya Protocol in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition,

Underscoring the critical importance of capacity-building and development to the effective implementation of the Nagoya Protocol,

Taking note of the views and domestic needs and priorities of Parties and indigenous and local communities contained in documents UNEP/CBD/ICNP/2/10 and UNEP/CBD/ICNP/2/INF/7,

Recognizing the wealth of experiences and lessons learned as well as the instruments and methodologies that have been developed under various access and benefit-sharing capacity development initiatives, such as those led by the Secretariat and those carried out by numerous partners and organizations with support of the Global Environment Facility and other donors, including, *inter-alia*, the ABS Capacity Development Initiative that has expanded from Africa to other regions,

Noting the need for sufficient financial resources for capacity-building and development activities to support the implementation of the Nagoya Protocol,

Welcoming the financial support provided so far by various donors for capacity-building and development activities in support of the ratification and implementation of the Nagoya Protocol,

Recognizing the need for a strategic and coordinated approach to capacity-building and development to support the effective implementation of the Nagoya Protocol,

Underlining the importance of broad stakeholder involvement, country ownership and political commitment to ensure the sustainability of capacity-building and development initiatives,

Recalling Article 14, paragraph 1, of the Nagoya Protocol that the Access and Benefit-sharing (ABS) Clearing-House is part of the clearing-house mechanism,

1. *Adopts* the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol, contained in annex I to this decision;

2. *Decides* to establish an informal advisory committee to provide advice to the Executive Secretary, until the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, on matters related to the assessment of the effectiveness of the strategic framework in accordance with the terms of reference contained in annex II, in view of the evaluation foreseen in 2020;

3. *Invites* Parties, other Governments, indigenous and local communities and relevant organizations to develop and implement capacity-building and development activities consistent with the strategic framework;

4. *Also invites* Parties, other Governments, the Global Environment Facility, international organizations, regional development banks, other financial institutions and the private sector, as appropriate, to provide financial resources to support the implementation of the strategic framework;

5. *Further invites* Parties, other Governments, indigenous and local communities, relevant organizations, and the private sector, as appropriate, to provide to the Access and Benefit-sharing Clearing-House information on their capacity-building and development initiatives, including emerging best practices and lessons learned, and opportunities relevant to the implementation of the strategic framework;

6. *Encourages* developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, as well as indigenous and local communities to make available through the ABS Clearing-House information regarding their capacity-building and development needs and priorities identified through national capacity self-assessments; and to incorporate them in their national strategies and action plans with respect to the implementation of the Convention;

7. *Encourages* relevant organizations to assist 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 strategic framework and contribute to the implementation of the Strategic Plan for Biodiversity 2011-2020, in particular the achievement of Aichi Biodiversity Target 16;

8. *Requests* the Executive Secretary to:

(a) Promote and facilitate, in collaboration with relevant organizations, coordination and cooperation in the implementation of the strategic framework by, *inter alia*, providing relevant tools and information through the ABS Clearing-House;

(b) Ensure that information on capacity-building and development needs, opportunities and activities can be submitted to and accessed from all platforms under the Convention so that access and benefit-sharing capacity development activities are integrated into the global capacity development activities under the Convention;

(c) Compile information on existing tools that assist Parties and indigenous and local communities to assess their capacity-building and development needs and priorities and to make the resulting information available through the ABS Clearing-House, and to report to the second meeting of the Parties to the Nagoya Protocol on the need for the development of new tools;

(d) Compile information on the capacity-building and development needs and priorities identified by Parties and indigenous and local communities and make it available to relevant organizations;

(e) Prepare updates on the status of implementation of the strategic framework and its contribution to the Strategic Plan for Biodiversity 2011-2020 for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its regular meetings, with the first update made available at the second meeting, taking into account the information submitted to the ABS Clearing-House by Parties, other Governments, indigenous and local communities and relevant organizations;

(f) Prepare an evaluation of the strategic framework in 2019 and submit the evaluation report for consideration by the meeting of the Parties to the Nagoya Protocol in 2020 to facilitate the review and possible revision of the strategic framework in conjunction with the review of the Strategic Plan for Biodiversity 2011-2020.

Annex I

**DRAFT STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT TO
SUPPORT EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS
AND BENEFIT-SHARING**

EXECUTIVE SUMMARY

This strategic framework seeks to foster a strategic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Nagoya Protocol. It provides guidance on the key areas and measures requiring capacity-building and development and includes a set of practical activities to build and develop the capacities of Parties, indigenous and local communities and relevant stakeholders to enable them to undertake strategic measures in the short, medium and long-term to contribute to the effective implementation of the Protocol.

The strategic framework is designed to serve as reference document to guide the policies and actions of Parties, relevant organizations and donors in relation to capacity-building and development for implementation of the Protocol and includes practical capacity-building and development activities.

The strategic framework covers five key areas for capacity-building and development:

1. Capacity to implement and to comply with the obligations of the Protocol;
2. Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing;
3. Capacity to negotiate mutually agreed terms;
4. Capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol;
5. Capacity of countries to develop endogenous research capabilities to add value to their own genetic resources.

The strategic framework focuses on capacity-building and development for strategic measures that Parties may need to undertake in the short and medium-term (i.e., within the first six years until 2020), and in the long-term (beyond 2020) to build the foundation for effective implementation of the Protocol. The measures, summarized in a table contained in Appendix I, provide an indicative sequence of actions (roadmap) organized under three indicative timeframes.

The strategic framework is intended to assist and guide Parties, regional and international organizations, research and academic institutions, indigenous and local communities and other relevant stakeholders to build and develop capacity through projects and programmes to be implemented at national, subregional, regional and international levels, taking into account specific needs and priorities of countries.

The framework includes mechanisms to facilitate coordination and cooperation between and among Parties and relevant organizations on capacity-building and development for the effective implementation of the Protocol with a view to fostering synergies, mutual supportiveness, experience-sharing and lesson-learning and efficient utilization of available resources and expertise.

A comprehensive evaluation of the strategic framework will be carried out in 2020. The evaluation report will be used by the Conference of the Parties serving as the meeting of the Parties to the Protocol to review and revise, as appropriate, the strategic framework in conjunction with the review of the Strategic Plan for Biodiversity 2011-2020.

1. INTRODUCTION

1.1 Background

1. Article 22 of the Protocol requires Parties to cooperate in capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement the Protocol in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations. Parties are also required to facilitate the involvement of indigenous and local communities and relevant stakeholders, including non-governmental organizations and the private sector.

2. Currently, most developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition lack the necessary capacities to effectively implement the Protocol. For example, many do not yet have in place functional domestic legislative, administrative or policy measures on access and benefit-sharing and have not yet set up the institutional arrangements to support implementation of the Protocol at the national level. Many of them also lack experts in the area of access and benefit-sharing and related issues. As well, key stakeholders – including government officials, indigenous and local communities, the private sector and the public – are not fully aware of the provisions of the Protocol.

3. This strategic framework has been developed to facilitate cooperation among Parties, donors and other actors on capacity-building and development for the effective implementation of the Protocol and foster a strategic, coherent and coordinated approach to capacity-building and development. It delineates the general focus and strategic direction for building and developing core capacities at the individual, institutional and systemic levels that would underpin the implementation of the Protocol over the next decade.

4. This document is a result of a broad consultative process, which was initiated after the first meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol (the Intergovernmental Committee) held in June 2011 in Montreal. In its recommendation 1/2, the Intergovernmental Committee called for the development of a strategic framework for capacity-building and development on the basis of the domestic needs and priorities and the elements identified by Parties and indigenous and local communities. Subsequently the Executive Secretary prepared a synthesis of the views and information received. The synthesis was considered by the second meeting of the Intergovernmental Committee, which was held in July 2012 in New Delhi.¹

5. On the basis of the recommendation by the second meeting of the Intergovernmental Committee, the Conference of the Parties requested the Executive Secretary to organize an expert meeting to develop a draft strategic framework, taking into account the above-mentioned synthesis of views and information received, 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 views expressed at the second meeting of the Intergovernmental Committee.²

6. The expert meeting, held from 3 to 5 June 2013 in Montreal, developed the draft strategic framework on the basis of the above information. The expert meeting also took into account outcomes from the workshops on capacity-building on access and benefit-sharing, which were organized by the Secretariat of the Convention on Biological Diversity and the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture in 2011 and 2012.³ The draft strategic framework was considered by the Intergovernmental Committee at its third meeting in February 2014 in the Republic of

¹ The synthesis was made available in document UNEP/CBD/ICNP/2/10.

² Decision XI/1 D, paragraph 4 and annex III.

³ The reports of these workshops (UNEP/CBD/ICNP/2/INF/1 and UNEP/CBD/ICNP/2/INF/9) are available at <http://www.cbd.int/icnp2/documents>.

Korea and recommended to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol for adoption.

7. The strategic framework is a flexible and living document. It is intended to be used and adapted by Parties according to the different situations and contexts and will be updated on the basis of emerging experiences and lessons learned.

1.2 Current situation, previous experiences and lessons learned

8. There is a wide variation among countries with regard to the current status of implementation of access and benefit-sharing measures, the existing human resources and institutional capacities and the capacity needs and priorities. In response to the questionnaire sent out by the Secretariat in October 2011, a number of Parties expressed the need for capacity to develop national access and benefit-sharing measures and institutional arrangements, participate in the Access and Benefit-Sharing (ABS) Clearing-House, conduct valuation of genetic resources and associated traditional knowledge, address transboundary situations and national capacity for bioprospecting. The representatives of indigenous and local communities expressed the need to develop their capacity to participate in decision-making and policy development processes, to understand the provisions of the Protocol, to negotiate favourable access and benefit-sharing agreements and to develop inventories and monitor their genetic resources and traditional knowledge associated with genetic resources.

9. Many countries also lack clear and harmonized institutional arrangements and rules governing access and benefit-sharing, including procedures for obtaining prior informed consent and establishing mutually agreed terms. They also lack expertise to effectively carry out access and benefit-sharing regulatory functions and the capacity to collect, manage and share information on access and benefit-sharing. Moreover, the level of awareness of the Protocol and its provisions is very low in most countries. Key stakeholders, including government officials, indigenous and local communities, the private sector and the public are not aware of the requirements under the Protocol. There is also a need for capacity-building and development in all Parties for monitoring the utilization of genetic resources, including through checkpoints.

10. Prior to the adoption of the Protocol, a number of tools and initiatives were developed to assist Parties to implement Article 15 of the Convention on Biological Diversity. For example, an Action Plan on Capacity-building for Access and Benefit-sharing was adopted by the Conference of the Parties in 2004 to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and benefit-sharing. The Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from their Utilization adopted in 2002 also assisted Parties, *inter alia*, to develop national regimes and contractual arrangements for access and benefit-sharing.⁴

11. Furthermore, various capacity-building and development initiatives have been implemented over the last few years.⁵ Many of those initiatives have provided training to individuals through face-to-face training seminars and workshops. Few have provided technical support for institutional capacity development and strengthening of capacity at the systemic level. Some initiatives have also developed virtual learning tools, including e-learning modules on access and benefit-sharing and some are supporting on-the-job training and exchange programmes. To date, however, there are very few academic institutions offering formal degree or diploma programmes in access and benefit-sharing.

12. Some of the lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives include the following:

- (a) Addressing access and benefit-sharing capacity needs requires a programmatic approach;

⁴ The Action Plan and the Bonn Guidelines are available at <http://www.cbd.int/abs/action-plan-capacity> and <http://www.cbd.int/abs/bonn/default.shtml>.

⁵ Examples of past and ongoing initiatives can be accessed at <http://www.cbd.int/abs/capacity-building.shtml>.

(b) Capacity-building and development on access and benefit-sharing should target and involve a wide range of stakeholder groups;

(c) It is important that all parties involved in capacity-building and development have a clear understanding of the content and the implications of the Protocol;

(d) Regional and subregional initiatives have been effective in building and developing capacities of countries that have similar needs and situations.⁶ They allow countries to pool resources and share expertise available in the region; and

(e) Capacity-building and development requires adequate and consistent support over a relatively long period of time in order to secure effective and lasting results.

13. The development of this strategic framework has taken into account the current situation, the identified needs and priorities and the experiences and lessons learned from previous capacity-building initiatives.

1.3 Guiding principles and approaches

14. Implementation of capacity-building and development policies, activities, projects and other initiatives in support of the implementation of the Protocol should be guided by principles and approaches based on experiences and lessons learned from previous and current initiatives. In general, capacity-building and development initiatives should:

(a) Be demand-driven, based on the needs and priorities identified through national self-assessments;

(b) Ensure national ownership and leadership;

(c) Build on experiences and lessons learned from past and ongoing access and benefit-sharing capacity-building initiatives;

(d) Emphasize the role of bilateral and multilateral cooperation;

(e) Ensure full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives;

(f) Recognize the usefulness and cost-effectiveness of subregional and regional approaches to capacity-building and development, particularly where countries have common capacity needs;

(g) Integrate capacity-building into wider sustainable development efforts;

(h) Adopt a learning-by-doing approach;

(i) Foster development of sustainable capacities to enable Parties to comply with the requirements of the Protocol; and

(j) Consider the views and experiences of different stakeholders involved in access and benefit-sharing.

15. The above guiding principles will help to inform the Parties' capacity-building efforts to ensure that they are developed in accordance with the strategic framework and foster a more streamlined and consistent approach.

⁶ Examples the ABS Capacity-Building Initiative and the ABS initiatives by the Association of Southeast Asian Nations (ASEAN), International Centre for Integrated Mountain Development (ICIMOD), Secretariat of the Pacific Regional Environment Programme (SPREP) and the Caribbean Community (CARICOM).

2. PURPOSE AND OBJECTIVES

16. The purpose of this strategic framework is to foster a systematic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Protocol in accordance with Article 22. It also seeks to catalyse and guide the development, implementation, monitoring and evaluation of capacity-building and development initiatives on access and benefit-sharing. It provides a framework that Parties, indigenous and local communities and other relevant stakeholders can use to, *inter alia*, identify their capacity needs and priorities through national self-assessment; design and implement national capacity-building and development strategies, projects and programmes; and monitor and evaluate their capacity-building and development initiatives.

17. Furthermore, the strategic framework provides a mechanism that could enable Parties, relevant organizations, donors and partners involved in capacity development to cooperate and leverage opportunities and resources through strategic partnerships and synchronized initiatives. It would also foster coordination and dialogue among countries and relevant stakeholders and promote sustainability of capacity-building and development initiatives.

18. The strategic framework is to serve as reference document to guide the policies and actions of Parties, relevant organizations and donors in relation to capacity-building and development for implementation of the Protocol and includes specific practical activities to assist developing country Parties and Parties with economies in transition to build and develop their capacities to undertake measures to facilitate the effective implementation of the Protocol.

19. The strategic framework covers the following key areas:

- (a) Capacity to implement and to comply with the obligations of the Protocol;
- (b) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing;
- (c) Capacity to negotiate mutually agreed terms; and
- (d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

20. In addition, the capacity needs and priorities of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol are addressed by the strategic framework.

21. Accordingly, the objectives of strategic framework are:

- (a) To build and develop the capacity for enabling the ratification of, or accession to, the Protocol;
- (b) To build and strengthen the capacity of Parties to develop, implement and enforce domestic legislative, administrative or policy measures to support implementation of the Protocol;
- (c) To support Parties in raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues;
- (d) To enhance the capacity of Parties to negotiate mutually agreed terms, including through training and through development of model contractual clauses;
- (e) To assist Parties in promoting compliance with domestic access and benefit-sharing legislation and regulatory requirements and mutually agreed terms;
- (f) To increase the capacity of Parties to monitor the utilization of genetic resources, including the establishment of checkpoints;
- (g) To enable Parties to develop the endogenous research capabilities to add value to their own genetic resources;

(h) To build and develop the capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, to effectively participate in the implementation of the Protocol;

(i) To enable Parties to effectively participate in the ABS Clearing-House and use the best available communication tools and Internet-based systems for access and benefit-sharing activities; and

(j) To promote coordination and mutual supportiveness of capacity-building and development initiatives for implementation of the Protocol and other international instruments on access and benefit-sharing.

3. STRATEGIC MEASURES REQUIRING CAPACITY-BUILDING AND DEVELOPMENT

22. The strategic framework focuses on capacity-building and development for strategic measures that Parties may need to undertake in the short and medium-term (i.e. within the first six years until 2020), and in the long-term (beyond 2020) in order to lay a strong foundation for the effective implementation of the Protocol and provide leverage for future capacity-building and development efforts. The proposed measures under each of the key areas are summarized in a table contained in Appendix I.

23. The measures in the table are organized in an indicative order of priority/sequence according to their temporal importance in supporting the implementation of the Protocol and are based on the information that was submitted to the Secretariat by Parties, indigenous and local communities and relevant stakeholders in 2011. It is recognized that the specific priorities vary from Party to Party depending on the situation of each Party, including its national development priorities and budgetary limitations and level of advancement with respect to access and benefit-sharing.

4. IMPLEMENTATION OF THE STRATEGIC FRAMEWORK

4.1 Practical activities to implement the strategic framework

24. The strategic framework may be implemented through practical capacity-building and development activities carried out at national, subregional, regional and international levels. An indicative list of activities is presented in Appendix II. The proposed activities are intended to contribute to building and developing the capacity to implement the strategic measures outlined in Appendix I.

25. The mechanisms for implementing this strategic framework would vary from country to country and from region to region depending on the measures requiring capacity-building and development. In accordance with the information received from Parties in response to the questionnaire sent out in 2011, the main delivery mechanisms include targeted education and training programmes, conferences and workshops, legal and technical assistance, development of guidance and reference materials, online discussion forums, scientific and technical cooperation, and funding support (including research grants). Other mechanisms include train-the-trainers and learning-by-doing approaches, on-the-job training, multi-stakeholder policy dialogue, study tours and exchange visits and institutional support.

26. The implementation of the strategic framework promotes various approaches to capacity-building, including participatory bottom-up and national, subregional and regional approaches and opportunities.

4.2 Roles and responsibilities

27. The strategic framework is intended to assist and guide Parties, regional and international organizations research and academic institutions, indigenous and local communities and other relevant stakeholders to build and develop capacity through national, subregional and, regional projects and programmes, taking into account the specific needs and priorities of the respective Parties or regions for the implementation of the Protocol. The Secretariat of the Convention on Biological Diversity is to promote and coordinate the implementation of the strategic framework by, *inter alia*, collecting and providing

information through the ABS Clearing-House. It would facilitate activities at the regional and international levels, including the following:

- (a) Informing capacity-building providers about existing capacity-building initiatives and about areas where there are capacity-building gaps;
- (b) Organizing train-the-trainers courses and workshops;
- (c) Identifying and mapping institutions and expertise available at various levels that could assist in the implementation of the strategic framework;
- (d) Developing training materials and disseminating them through the ABS Clearing-House;
- (e) Setting up online expert networks on access and benefit-sharing capacity-building and development; and
- (f) Facilitating communication and exchange of experiences among Parties and relevant organizations, including through the ABS Clearing-House.

28. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be responsible for monitoring the progress made in the implementation of the strategic framework and providing further guidance, if necessary.

4.3 Resources for implementation

29. The main sources of funding for the capacity-building and development activities proposed in this strategic framework include, but are not limited to, the following:

(a) The Global Environment Facility (GEF) is an important source of funding for implementing this strategic framework.⁷ Parties are encouraged to give priority to access and benefit-sharing projects when distributing their country allocation for biodiversity under the System for Transparent Allocation of Resources (STAR);

(b) Bilateral and multilateral development assistance is another potential source of funding for access and benefit-sharing capacity-building and development activities. Parties are encouraged to develop project proposals in line with this framework and submit them to potential donors. Partners are invited to assist Parties to formulate good project proposals. Parties are encouraged to integrate access and benefit-sharing capacity-building and development activities in their national development plans which often guide the discussions with development cooperation agencies;

(c) Technical cooperation with regional and international partners: Parties are encouraged to establish strategic partnerships with various organizations, regional bodies or centres of excellence and, as appropriate, with the private sector with a view to pooling human and technical resources and widening opportunities for mobilizing financial resources from various sources;

(d) New and additional funding: Parties are encouraged to pursue innovative ways of mobilizing resources at the national level to support access and benefit-sharing capacity-building and development activities. These might include resource recovery mechanisms, access application fees, fundraising through voluntary contributions, support from foundations, and, as appropriate, public-private partnerships. Parties are also encouraged to direct some of the resources generated from the implementation of the Protocol towards capacity-building and development;

(e) National budgets: Parties are encouraged to include in their national budgets adequate provisions to support access and benefit-sharing capacity-building and development activities.

⁷ The measures and activities outlined in this strategic framework are covered in the programme priorities contained in the guidance that the Conference of the Parties provided to the GEF in its decision XI/5, paragraphs 21-23 and Appendix I.

30. The effective implementation of the strategic framework requires availability of adequate financial resources disbursed in a predictable and timely manner. Parties are encouraged to diversify domestic and external funding sources and/or employ different means of mobilizing new and additional resources.

4.4 Sustainability of capacity-building and development initiatives

31. Parties and relevant organizations are encouraged to establish measures to secure long-term sustainability of the capacity-building and development initiatives undertaken in line with this strategic framework. For examples, Parties and relevant organizations are encouraged to involve key stakeholders, including high-level policy and decision makers, politicians, relevant authorities, indigenous and local communities and relevant stakeholders, including the business sector and the research community, in the design and implementation of those initiatives in order to build ownership and political commitment.

32. Parties are also encouraged to integrate access and benefit-sharing considerations in their national development plans, strategies and sectoral policies and plans. Furthermore, activities implemented as part of individual projects (such as training workshops or courses) should be, as much as possible, incorporated into the regular programmes of relevant existing institutions such as local universities or research institution to ensure their sustainability at the end of the projects.

33. Moreover, capacity-building and development projects should include components to develop sufficient levels of institutional capacity that would help sustain the project activities and results after the projects are completed. In addition, Parties are encouraged to devise strategies to diversify the training of staff and to minimize the rate of turnover of personnel trained, in order not to compromise future implementation of the Protocol.

5. COORDINATION AND COOPERATION

5.1 Mechanisms for coordination

34. The Protocol requires Parties to provide information on national, regional and international capacity-building and development initiatives to the ABS Clearing-House, with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing.⁸ In addition, coordination would be facilitated through the following mechanisms:

(a) Coordination meetings of government agencies, donors and relevant organizations involved in access and benefit-sharing capacity-building; and

(b) Online discussion forums and networks.

35. The objectives of these coordination mechanisms are to:

(a) Promote cooperation and synergies in the implementation of the strategic framework;

(b) Enhance efficiency in access and benefit-sharing capacity-building and development activities by avoiding duplication at different levels and across different sectors;

(c) Facilitate the sharing of experiences and best practices on access and benefit-sharing capacity-building and development; and

(d) Promote mutual supportiveness of capacity-building and development initiatives for implementation of the Protocol and of other international instruments on access and benefit-sharing.

36. Coordination should take place at international, regional, subregional and national levels. Regional and subregional meetings and existing institutional structures may be used to coordinate access and benefit-sharing capacity initiatives. The national focal points are encouraged to oversee coordination at the national level.

⁸ Article 22, paragraph 6, of the Protocol.

5.2 Cooperation among Parties and relevant organizations

37. Parties are encouraged to establish or use existing mechanisms to facilitate cooperation between and among Parties and relevant organizations on capacity-building and development for the implementation of the Protocol. Cooperation will help Parties and stakeholders complement each other's efforts and provide opportunities for pooling and maximizing available resources and expertise.

38. Initially, it is recommended that the main focus be placed on promoting or strengthening cooperation among Parties at subregional and regional levels, building upon existing initiatives and using existing bodies⁹ and mechanisms/programmes such as the South-South cooperation programme under the Convention on Biological Diversity and the South-South Cooperation Exchange Mechanism under the United Nations Environment Programme.

39. The Secretariat will also initiate cooperation with key partners to ensure mutual supportiveness in their capacity development efforts.

40. Areas of cooperation may include the following:

- (a) Development of joint capacity-building and development initiatives;
- (b) Establishment of exchange programmes between countries;
- (c) Organization of joint meetings, conferences, workshops and trainings to promote dialogue and mutual understanding of access and benefit-sharing issues;
- (d) Joint educational programmes on access and benefit-sharing, including internships or short-term courses;
- (e) Scientific and technical cooperation, including technology transfer, information and experience exchange, and funding support of local programmes and projects; and
- (f) Establishment of regional databases and websites to facilitate information exchange.

41. The Secretariat will conduct periodic assessments and mapping of institutions and organizations (both governmental and non-governmental) involved in capacity-building and development in access and benefit-sharing. Relevant institutions are invited and encouraged to establish a regional or subregional networks or learning communities on capacity-building and development for implementation of the Protocol in the respective regions or subregions.

6. MONITORING AND REVIEW

42. The Conference of the Parties serving as the meeting of the Parties to the Protocol will monitor the implementation of this strategic framework. Parties, indigenous and local communities and relevant organizations are invited to provide to the ABS Clearing-House information on capacity-building and development initiatives, including the results of those initiatives, using a common format developed by the Secretariat.

43. The Secretariat will prepare reports on the status of implementation of the strategic framework for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its regular meetings. The reports will highlight the main activities accomplished, the key results achieved and the challenges encountered. The report will provide a general sense of the overall progress made at different levels and identify the gaps and areas that might require additional intervention. The meeting of

⁹ Existing regional bodies and institutions that may be used include: the African Union Commission (AUC), Central African Forest Commission (COMIFAC); South Asian Association for Regional Cooperation (SAARC); Economic Cooperation Organization (ECO); Association of Southeast Asian Nations (ASEAN); International Centre for Integrated Mountain Development (ICIMOD); Gulf Cooperation Council; Arab League; Secretariat of the Pacific Regional Environment Programme (SPREP) and the Caribbean Community (CARICOM).

the Parties to the Protocol will review the progress made and provide guidance on measures for improvement.

44. An evaluation of the strategic framework will be carried out in 2020. The evaluation report will be used by the Conference of the Parties serving as the meeting of the Parties to the Protocol to review, and revise as appropriate, the strategic framework in conjunction with the review of the Strategic Plan for Biodiversity 2011-2020.

Appendix I

Overview of measures requiring capacity-building and development in order to effectively implement the Protocol based on the needs and priorities expressed by Parties and indigenous and local communities

Indicative timeframe ¹⁰	Key Area 1: Capacity to implement, and to comply with the obligations of the Protocol	Key Area 2: Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing (ABS)	Key Area 3: Capacity to negotiate mutually agreed terms (MAT)	Key Area 4: Capacity needs and priorities of indigenous and local communities (ILCs) and relevant stakeholders, including the business sector and the research community	Key Area 5: Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources (GR)
Short-term	<ul style="list-style-type: none"> - Enabling ratification of, or accession to, the Protocol - Raising-awareness of the importance of genetic resources (GR) and traditional knowledge associated with genetic resources (TK), and related ABS issues - Mapping of relevant actors, including other relevant international instruments on ABS, and existing expertise for the implementation of the Protocol. - Mobilizing new and innovative financial resources to implement the Protocol - Establishing mechanisms for domestic interagency coordination - Employing the best available communication tools and Internet-based systems for ABS activities including providing information to the ABS Clearing-House - Developing mechanisms to implement and comply with the obligations of the Protocol 	<ul style="list-style-type: none"> - Developing a policy framework on ABS. - Taking stock of existing domestic ABS measures to identify gaps in light of the obligations of the Protocol. - Setting-up new or amending existing ABS legislative, administrative or policy measures with a view to implementing the Protocol - Developing regional model legislation - Establishing institutional arrangements and administrative systems for ABS - Developing procedures for granting or refusing to grant prior informed consent (PIC) 	<ul style="list-style-type: none"> - Promoting equity and fairness in negotiation of MAT, including through training in relevant legal, scientific and technical skills. - Developing model sectoral and cross-sectoral contractual clauses (to provide guidance in the negotiation of MAT) - Developing and implementing pilot ABS agreements - Promoting better understanding of business models in relation to the utilization of genetic resources - Developing capacity to enhance transparency about the utilization of GR and TK in accordance 	<ul style="list-style-type: none"> - Participating in legal, policy and decision-making processes - Developing minimum requirements, as appropriate, for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK - Developing community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge - Developing model contractual clauses for benefit-sharing arising from the utilization of TK - Enhancing the capacity of ILCs, in particular women within those communities, in relation to access to genetic resources and/or TK 	<ul style="list-style-type: none"> - Developing and using methods for valuation of GRs and associated TK

¹⁰ The indicative timeframe relates to the period within which implementation of the identified measures may be initiated. Short-term covers the period 2014-2017; medium-term covers 2018-2020; and long-term covers the period beyond 2020.

Indicative timeframe ¹⁰	Key Area 1: Capacity to implement, and to comply with the obligations of the Protocol	Key Area 2: Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing (ABS)	Key Area 3: Capacity to negotiate mutually agreed terms (MAT)	Key Area 4: Capacity needs and priorities of indigenous and local communities (ILCs) and relevant stakeholders, including the business sector and the research community	Key Area 5: Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources (GR)
			with the Nagoya Protocol after they have left the provider country, as appropriate		
Medium-term	<ul style="list-style-type: none"> - Developing mechanisms to monitor the utilization of genetic resources, including through designation of checkpoints. - Reporting on measures taken to implement the Protocol - Developing mechanisms for promoting mutual supportiveness with other relevant international instruments 	<ul style="list-style-type: none"> - Promoting compliance with domestic legislation or regulatory requirements on ABS 		<ul style="list-style-type: none"> - Developing capacity to negotiate MAT - Increasing understanding of the obligations of the Parties under the Protocol - Enhancing the capacity of relevant stakeholders in relation to ABS 	<ul style="list-style-type: none"> - Facilitating transfer of technology and developing infrastructure for research, and building technical capacity to make such technology transfer sustainable
Long-term	<ul style="list-style-type: none"> - Promoting compliance with mutually agreed terms - Enhancing the contribution of ABS activities to the conservation of biological diversity and the sustainable use of its components - Developing measures regarding access to justice in relation to ABS cases - Addressing transboundary issues 			<ul style="list-style-type: none"> - Managing TK associated with genetic resources 	<ul style="list-style-type: none"> - Undertaking research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting, - Developing genetic resources databases

Appendix II

PRACTICAL CAPACITY-BUILDING AND DEVELOPMENT ACTIVITIES TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

Key Area 1: Capacity to implement and comply with the obligations of the Protocol

Strategic measure	Indicative capacity-building and development activities
1.1 Enabling ratification of, or accession to, the Protocol	<ul style="list-style-type: none"> • Development of a manual on the ratification of, or accession to, the Protocol including templates for briefing documents for high government officials based on experiences of countries that have already ratified the Protocol. • Organization of workshops for government officials on the provisions of the Protocol. • Provision of funding support and technical assistance/resource persons for organization of stakeholder consultation workshops on the provisions of the Protocol. • Organization of training for ABS National Focal Points on the management of multi-stakeholder processes in the ABS issues.
1.2 Raising awareness of the importance of GR and TK, and related ABS issues	<ul style="list-style-type: none"> • Development of toolkits to guide Parties and other stakeholders on how to design and conduct awareness-raising activities on the Protocol. • Organization of workshops for government officials and other stakeholders relevant for ABS implementation on how to communicate ABS issues. • Organization of workshops for journalists and other media and communication experts on the importance of GR and TK, and related ABS issues. • Development of guidelines on how to integrate ABS issues into post-secondary school curricula and informal education programmes. • Design and organization of short courses on ABS in universities.
1.3 Mapping of relevant actors, including other relevant international instruments on ABS, and existing expertise for the implementation of the Protocol	<ul style="list-style-type: none"> • Development of explanatory material on ABS stakeholder mapping and analysis. • Development of templates to assist Parties in taking stock of existing expertise on ABS. • Organization of training in stakeholder identification and analysis skills for government officials in charge of ABS. • Provision of technical assistance for establishment of mechanisms to facilitate networking among various actors.
1.4 Mobilizing new and innovative financial resources to implement the Protocol	<ul style="list-style-type: none"> • Organization of training of government officials in resource mobilization skills (e.g. project development, fundraising and resource recovery). • Provision of technical assistance for the development of national resource mobilization strategies.
1.5 Establishing mechanisms for domestic interagency coordination	<ul style="list-style-type: none"> • Documentation of case studies on best practices and lessons learned on interagency coordination from existing bodies involved in ABS issues. • Provision of technical assistance for the establishment of mechanisms to facilitate domestic interaction among agencies, including for assessment of options and sustainability.
1.6 Employing the best available communication tools and Internet-based systems for ABS activities including providing information to the ABS Clearing-House	<ul style="list-style-type: none"> • Provision of technical assistance and training in the use of the best available communication tools and Internet-based systems for ABS activities. • Development or adaptation of communication tools, such as webinars, social media and e-learning, for dissemination of existing information material on ABS. • Development of suitable information -sharing platforms linked to the ABS Clearing-House.

Strategic measure	Indicative capacity-building and development activities
	<ul style="list-style-type: none"> • Development of e-learning modules and hands-on training on the use of the ABS Clearing-House and the clearing-house mechanism.
1.7 Developing mechanisms to monitor the utilization of genetic resources, including the designation of checkpoints	<ul style="list-style-type: none"> • Development of guidelines for the establishment of checkpoints in-country, including roles and functioning of checkpoints. • Organization of trainings of government officials responsible for managing checkpoints.
1.8 Reporting on measures taken to implement the Protocol	<ul style="list-style-type: none"> • Provision of technical and financial assistance to prepare national reports.

Key Area 2: Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing

Strategic measure	Indicative capacity-building and development activities
2.1 Developing a domestic policy framework on ABS	<ul style="list-style-type: none"> • Provision of technical assistance for analysis of existing ABS-related policies for the identification of gaps. • Provision of technical assistance for developing policy frameworks on ABS. • Development of tools (for example guidelines, and case studies,) to facilitate integration of ABS considerations into sectoral and cross-sectoral policies and plans.
2.2 Taking stock of existing domestic measures to identify gaps in light of the obligations of the Protocol	<ul style="list-style-type: none"> • Provision of technical assistance for taking stock of existing measures relevant to the implementation of the Protocol. • Development of guidelines on how to coordinate relevant national ABS policies, laws and regulations to ensure consistency and legal clarity.
2.3 Setting-up new or amending existing ABS legislative, administrative or policy measures with a view to implementing the Protocol	<ul style="list-style-type: none"> • Provision of technical and legal assistance for reviewing, updating and/or developing domestic ABS legislative, administrative or policy measures, including, as appropriate, provisions on customary use and exchange of genetic resources and TK. • Development of guidelines on drafting or, revising ABS legislative, administrative or policy measures. • Organization of trainings (for example workshops, courses and e-learning modules) in drafting of ABS legislative, administrative or policy measures. • Provision of technical assistance for the establishment of mechanisms for conducting stakeholder consultations on the development of ABS legislative, administrative or policy measures.
2.4 Developing regional model legislation	<ul style="list-style-type: none"> • Provision of technical and legal assistance to existing regional institutions, where appropriate, to draft model regional legislation and regulations that can be adapted to the national situations. • Provision of technical assistance to regional organizations for the development of guidelines to support coherent implementation of the Protocol at the national level.
2.5 Establishing institutional arrangements and administrative systems for ABS	<ul style="list-style-type: none"> • Facilitating the establishment of institutional arrangements and coordination mechanisms for implementing ABS legislative, administrative or policy measures, through working with national institutions to enhance synergies. • Organization of trainings for government officials in the implementation of ABS legislative, administrative or policy measures. • Facilitating sharing of knowledge and expertise on ABS measures through on-job-training and peer-to-peer exchange programmes, regional and subregional learning communities and networks. • Provision of technical assistance for the development of administrative procedures for implementing the ABS measures. • Development of guidelines for differentiating requests for access to genetic resources for commercial and non-commercial use. • Development of guidelines for establishment of simplified measures on access to genetic resources for non-commercial research purposes.

Strategic measure	Indicative capacity-building and development activities
2.6 Developing procedures for granting or refusing to grant prior informed consent (PIC)	<ul style="list-style-type: none"> • Development of explanatory notes on the different components of PIC • Development of guidelines on granting PIC, including formats • Organization of trainings and orientation programmes on granting PIC
2.7 Promoting compliance with domestic legislation or regulatory requirements on ABS	<ul style="list-style-type: none"> • Provision of technical assistance to raise awareness of national ABS legislative, policy and administrative measures. • Documentation and dissemination of case studies on good practices in enforcing and promoting compliance with ABS measures. • Organization of trainings for border control personnel on biodiversity and ABS issues.

Key Area 3: Capacity to negotiate mutually agreed terms

Strategic measure	Indicative capacity-building and development activities
3.1 Promoting equity and fairness in negotiation of MAT, including through training in relevant legal, scientific and technical skills	<ul style="list-style-type: none"> • Development of explanatory notes on the different components of MAT and relevant actors. • Organization of trainings and orientation programmes on negotiation of MAT, including modules on technical and legal aspects. • Orientation programme on IPR-related issues of MATs. • Development of an operational manual on MAT, covering, <i>inter alia</i>, how to negotiate MAT and the roles and responsibilities of relevant actors. • Development of a review paper on legal frameworks linked to MAT process. • Development of toolkit on MAT and organization of trainings and orientation programmes using the toolkit. • Development of guidance on including provisions in MAT to share information on the implementation of MAT, including through reporting requirements. • Development of a manual on dispute settlement and organization of orientation programmes for legal experts and others on this regard. • Organization of training programmes for national focal points and stakeholders on issues related monitoring and compliance with MAT.
3.2 Developing model sectoral and cross-sectoral contractual clauses	<ul style="list-style-type: none"> • Development of legal training on contract law for non-lawyers • Development of model contractual clauses and contracts, including for different sectors. • Organization of trainings on how to use the model contracts.
3.3 Developing and implementing pilot ABS agreements	<ul style="list-style-type: none"> • Documentation of case studies on ABS agreements, including examples of beneficiaries, monetary and non-monetary benefits, modalities of benefit-sharing and the use of benefits.
3.4 Promoting better understanding of business models in relation to the utilization of genetic resources	<ul style="list-style-type: none"> • Development of a manual on business models in relation to the utilization of genetic resources for various sectors. • Organization of trainings in business models in relation to the utilization of genetic resources for various sectors. • Development of modules on bioprospecting and bioresource-based enterprise development.

Key Area 4: Capacity of indigenous and local communities and relevant stakeholders, including business sector and the research community, in relation to the implementation of the Protocol

Strategic measure	Indicative capacity-building and development activities
4.1 Participating in legal, policy and decision-making processes	<ul style="list-style-type: none"> • Organization of training of ILCs, including women within those communities, on the provisions of the Protocol and how it will work, including the understanding of legal, policy and decision-making processes on ABS issues, acknowledging the value of their TK. • Provision of technical assistance and trainings to enable indigenous and local communities and relevant stakeholders to participate in the development of ABS measures. • Organization of trainings for other relevant stakeholders, including the business sector and the research community, on the implementation of the Protocol.
4.2 Developing minimum requirements, as appropriate for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK	<ul style="list-style-type: none"> • Development of minimum requirements, as appropriate, for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of TK. • Development of ‘train the trainer’ workshops for ILCs and other relevant stakeholders including the business sector and the research community, on how to use minimum requirements, as appropriate, for MAT in order to secure the fair and equitable sharing of benefits arising from the utilization of TK.
4.3 Developing community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge	<ul style="list-style-type: none"> • Development of ‘train the trainer’ workshops, including the production of materials for ILCs on how to develop community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge. • Development of e-learning modules and other tools on how to develop community protocols in relation to access to TK and the fair and equitable sharing of benefits arising from the utilization of that knowledge.
4.4 Developing model contractual clauses for benefit-sharing arising from the utilization of TK	<ul style="list-style-type: none"> • Development of ‘train the trainer’ modules for developing and using contractual clauses and ABS agreements for benefit-sharing arising from the utilization of TK. • Development of practical guidance tools on model contractual clauses on TK.
4.5 Enhancing the capacity of ILCs, in particular women within those communities, in relation to access to genetic resources and/or TK	<ul style="list-style-type: none"> • Translation of relevant materials into local languages. • Provision of technical assistance for establishment of help desks for indigenous and local communities and relevant stakeholders. • Provision of technical assistance for establishment and implementation of peer-to-peer learning programmes, including mentorship and on-the-job training programmes. • Orientation and training programmes to enable ILCs to realize the potential of TK through its documentation, protection and use.
4.6 Negotiating favourable MAT	<ul style="list-style-type: none"> • Development of templates and guidelines to facilitate capacity needs self-assessments for MAT. • Organization of training workshops/ courses for ILCs and other relevant stakeholders, including the business sector and the research community, on negotiation of mutually agreed terms. • Development of tailored e-learning modules for ILCs and other relevant stakeholders, including the business sector and the research community, on negotiation of MAT/ ABS agreements.
4.7 Increasing understanding of the obligations of Parties under the Protocol with regard to TK and ILCs	<ul style="list-style-type: none"> • Organization of seminars and workshops on the obligations of Parties under the Protocol with regard to TK and ILCs. • Development of guidelines on how to establish mechanisms to facilitate coordination across government departments/agencies and local authorities governing ABS with regard to TK and ILCs. • Documentation and dissemination of case studies on good practices with regard to TK and ILCs relating to ABS in order to enable practitioners to learn and build on the experience of others. • Supporting the establishment of online learning platforms to facilitate self-directed learning on ABS provisions.

Key Area 5: Capacity of countries to develop endogenous research capabilities to add value to their own genetic resources

Strategic measure	Indicative capacity-building and development activities
5.1 Developing and using methods for valuation of genetic resources and associated traditional knowledge	<ul style="list-style-type: none"> • Development of methodologies for assessing the potential commercial value of specific genetic resources and TK building on good practices in the context of ABS. • Facilitating the development of inter-linkages with other initiatives/methodologies/instruments for valorizing genetic resources and TK, for example through knowledge exchange. • Documentation and dissemination of case studies on good practices and lessons learned to develop understanding of the value chain through analysing business models. • Supporting multi-stakeholder approaches to integrate the potential value of genetic resources and TK into decision-making processes for example through, the development of guidelines on how to establish mechanisms to facilitate coordination across government departments/agencies and local authorities governing ABS.
5.2 Facilitating transfer of technology and developing infrastructure for research and building technical capacity to make such technology transfer sustainable	<ul style="list-style-type: none"> • Provision of technical assistance for joint research and scientific cooperation (e.g. peer-to-peer learning programmes), including transfer and development of technology. • Provision of support (e.g. train the trainer workshops, mentorships and on the job training) to establish facilities in developing countries in order to train researchers and maintain existing skills, including on TK. • Provision of technical assistance to develop research capabilities of domestic institutions and universities to add value to genetic resources. • Supporting collaborative approaches to technical and scientific research and development programmes.
5.3 Undertaking research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting	<ul style="list-style-type: none"> • Providing technical assistance to support the development or strengthening of genetic resources databases. • Organization of trainings on bioprospecting and value-addition for genetic resources for ILCs, small and medium enterprises and private sector. • Organization of trainings on research and taxonomic studies related to conservation of biological diversity and sustainable use of its components. • Building capacity to undertake research and development of genetic resources to the commercialization stage.

Annex II

TERMS OF REFERENCE OF THE INFORMAL ADVISORY COMMITTEE ON CAPACITY-BUILDING FOR THE IMPLEMENTATION OF THE NAGOYA PROTOCOL

I. MANDATE

1. The mandate of the informal advisory committee on capacity-building (CB-IAC) is to provide advice to the Executive Secretary on matters of relevance to the assessment of the effectiveness of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol. Its specific tasks include providing advice regarding:

(a) Stocktaking of the capacity-building and development initiatives being implemented by various organizations with a view to identifying gaps in the implementation of the strategic framework;

(b) The need for the development of new tools, guidelines and training materials, including e-learning modules, to facilitate capacity-building and development initiatives of Parties, other governments, indigenous and local communities and other stakeholders;

(c) Facilitation of coordination, synergy, coherence and complementarity among capacity-building and development activities, taking into account information on capacity-building and development needs and activities available in the ABS Clearing-House and from other sources;

(d) Facilitation for matching the capacity-building and development needs identified by Parties with potential opportunities and resources to support the implementation of the strategic framework;

II. COMPOSITION

2. The informal advisory committee will comprise fifteen experts selected by Executive Secretary on the basis of nominations by Parties with due regard to equitable geographic representation and gender balance and shall include representatives of indigenous and local communities and relevant organizations.

3. The informal advisory committee may also draw on existing expertise and liaise with relevant international, regional and national organizations, as appropriate, in the execution of its mandate.

III. OPERATIONAL PROCEDURES

4. Subject to the availability of financial resources, the informal advisory committee will meet as needed to ensure timely provision of advice, and will, wherever possible, meet back-to-back with other relevant meetings.

5. Where possible, the Secretariat will use available means of electronic communication to reduce the requirement for face-to-face meetings.

3/6. *Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance, including procedures and mechanisms to offer advice and assistance, where appropriate (Article 30)*

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 30 of the Nagoya Protocol, which requires the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting, to consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance,

Agrees to forward the text of the draft cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Nagoya Protocol and to address cases of non-compliance contained in the annex to the present recommendation to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol for its consideration and approval.

Annex

COOPERATIVE PROCEDURES AND INSTITUTIONAL MECHANISMS TO PROMOTE COMPLIANCE WITH THE PROVISIONS OF THE NAGOYA PROTOCOL AND TO ADDRESS CASES OF NON-COMPLIANCE

The following procedures and mechanisms are developed in accordance with Article 30 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization (the Protocol).

A. *Objectives, nature and underlying principles*

1. The objective of the compliance procedures and mechanisms is to promote compliance with the provisions of the Protocol and to address cases of non-compliance. These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms under Article 27 of the Convention on Biological Diversity (the Convention).
2. The compliance procedures and mechanisms shall be non-adversarial, cooperative, simple, expeditious, advisory, facilitative, flexible and cost-effective in nature.
3. The operation of the compliance procedures and mechanisms shall be guided by the principles of fairness, due process, rule of law, non-discrimination, transparency, accountability, predictability, good faith and effectiveness. It shall pay particular attention to the special needs of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, and take into full consideration the difficulties they face in the implementation of the Protocol.

B. *Institutional mechanisms*

1. A Compliance Committee, hereinafter referred to as “the Committee”, is hereby established pursuant to Article 30 of the Protocol to carry out the functions specified herein.
2. The Committee shall consist of 15 members nominated by Parties, on the basis of three members endorsed by each of the five regional groups of the United Nations. [Nominees could include representatives of indigenous and local communities]. [In addition, [one][two] representative[s] of indigenous and local communities nominated by [Parties][x] shall serve as [observers][non-voting members][members]]. Nominees shall be elected by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP)¹¹
3. Each regional group of the United Nations should provide one alternate member to be nominated by Parties and elected by the COP-MOP to replace a member who resigns or is unable to complete their term of office.
4. Members of the Committee shall have recognized competence, including technical, legal or scientific expertise in the fields covered by the Protocol, such as genetic resources and traditional knowledge associated with genetic resources, and serve objectively, in the best interests of the Protocol and in their individual expert capacity.
5. Members shall be elected by the COP-MOP for a period of four years, this being a full term. At its first meeting, the COP-MOP shall elect five members, one from each region, for half a term, and ten members, two from each region, for a full term. Each time thereafter, the COP-MOP shall elect, for a full term, new members to replace those whose term has expired. Members shall not serve for more than two consecutive terms.

¹¹ Depending on the approach adopted in paragraph 2, consequential changes may need to be made.

6. The Committee shall meet at least once in each intersessional period and may, as necessary and subject to the availability of financial resources, hold additional meetings. In determining the dates of the meetings, due consideration should be given to the meetings schedule of the COP-MOP and other relevant bodies under the Protocol, and cost-effective scheduling. Meetings should be held at least three months before the meetings of the COP-MOP.
7. The Committee shall develop and submit its rules of procedure, including those on confidentiality and conflict of interest, to the COP-MOP for its consideration and approval.
8. The Committee shall elect its Chair and a Vice-Chair, who will rotate amongst the five regional groups of the United Nations.
9. Two-thirds of the members of the committee shall constitute a quorum.
- 9 *bis*. The Committee shall [make every effort to] reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a [two-thirds][three-quarters] majority of the members present and voting or by [8][9][10][11] members, whichever is greater. The report of any meeting of the Committee at which consensus is not reached shall reflect the views of all the Committee members.] The report shall be made public once adopted.
10. The meetings of the Committee shall be open, unless the Committee decides otherwise. When the Committee is dealing with individual cases of Parties whose compliance is under consideration, the meetings of the Committee shall be open to Parties and closed to the public, unless the Party concerned agrees otherwise.
- 10 *bis* “The Party concerned” means the Party in respect of which an issue has been raised under section D.
11. The Secretariat shall service the meetings of the Committee and perform any additional functions assigned to it under these procedures.

*C. Functions of the Committee*¹²

1. The Committee shall, with a view to promoting compliance with the provisions of the Protocol and addressing cases of non-compliance, perform the functions under these procedures and any other functions assigned to it by the COP-MOP.
2. In performing its functions, the Committee may consult with the compliance committees of other agreements in order to share experience on compliance issues and options for their resolution.
3. The Committee shall submit its reports, including recommendations with regard to the discharge of its functions, to the next meeting of the COP-MOP for consideration and appropriate action.
4. [The Committee shall not consider any questions concerning the interpretation of, implementation of, or compliance with mutually agreed terms [and][or compliance with] national law][as such, unless those

¹² Depending on the resolution of section D, paragraph 10, the following paragraphs may need to be addressed:

- (d) [Assess the extent of implementation and compliance with the Protocol by Parties by reviewing the monitoring and reporting provided for under Article 29;]
- (e) Identify and review any general issues of compliance by the Parties with the obligations under the Protocol, including on the basis of information provided to the Access and Benefit-sharing Clearing-House;
- (f) [Prepare reports on compliance on the basis of, inter alia, information provided in the national reports provided for in Article 29 of the Protocol;]

terms or laws entail cases of non-compliance with the Protocol][or non-compliance arising from failure to put in place national law by developing countries to the Protocol due to lack of capacity and resources].

5. [The Committee shall not consider any questions or complaints related to the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources.]

D. Procedures

1. The Committee shall receive any submissions relating to issues of compliance and non-compliance with the provisions of the Protocol from:

- (a) Any Party with respect to itself;
- (b) Any Party with respect to another Party;
- (c) The COP-MOP;

(d) [The Secretariat [, when a Party fails to file a report pursuant to Article 29, provided that the matter has not been resolved within ninety days by consultation with the Party concerned [, or based on information from the national reports or the ABS Clearing-House that shows that the Party concerned is faced with difficulties complying with its obligations under the Protocol][, or related information provided to the Secretariat by an indigenous and local community, related to provisions of the Nagoya Protocol of direct concern to that indigenous and local community, provided that the Secretariat has informed that Party and given that Party the opportunity to respond within [x] days]]:]

(e) [Members of the public; or]

(f) [Indigenous and local communities [supported by the Party on whose national territory they are located][on matters relating to compliance with the provisions of the Nagoya Protocol relating to their customary laws, community protocols and procedures, as applicable, with respect to their traditional knowledge associated with genetic resources][when directly affected in cases concerning traditional knowledge associated with genetic resources].]

2. Any submission is to be addressed in writing to the Committee through the Secretariat and set out:

- (a) The matter of concern;
- (b) The relevant provisions of the Protocol; and
- (c) Information substantiating the matter of concern.

3. The Secretariat shall forward any submission under paragraphs 1 (a) above to the Committee within 30 calendar days of receipt.

4. The Secretariat shall forward any other submission under paragraph 1 to the Party concerned within 30 calendar days of receipt.

5. When the Party concerned has received a submission it should respond and provide relevant information within 60 calendar days from the date of receipt of the submission, unless the Party requests an extension. Such extension may be granted, by the Chair of the Committee, for a period of up to 90 calendar days.

6. Once the Secretariat has received a response and any information from the Party concerned or from other sources, the Secretariat shall transmit the submission, the response and such information to the Committee. In the case where the Secretariat has not received any response or information from the Party concerned within the initial or extended period as referred to in paragraph 6 above, the Secretariat shall forward the submission to the Committee forthwith.

7. The Committee may decide not to consider any submission made pursuant to paragraphs 1 (b) to 1 (...) above that [is *de minimis* [or manifestly ill-founded]][does not meet the requirements set out in paragraph 3 above][is anonymous].

8. The Party concerned [and the Party [or entity] that made the submission] may participate in the consideration of the submission and present responses or comments to the Committee, but shall not take part in the elaboration and adoption of the recommendations of the Committee. The Committee shall make available the draft recommendations to the [Party concerned][mentioned Parties], which shall be given an opportunity to comment. [Any such comment is to be reflected in [and/or attached to] the report of the Committee.]

9. [In addition to the procedures under this section, the Committee may decide to examine any question of compliance, including systemic issues of general non-compliance of interests to all Parties to the Protocol that come to its attention. It may consider such questions on the basis of national reports and reporting requirements under Article 29 of the Protocol or of any other relevant information that becomes available to the Committee, particularly by members of the public which have a legitimate specific interest in the question concerned, including indigenous and local communities as well as information generated under Articles 14 and 17 of the Protocol. If a question affects one Party more than others, the procedural rules shall apply *mutatis mutandis*.]

E. Information for and consultation by the Committee after the triggering of the procedures

1. The Committee may seek, receive and consider information from relevant sources [, including from affected indigenous and local communities]. The reliability of the information should be ensured.
2. The Committee may seek advice from independent experts.
3. The Committee may undertake, upon invitation of the Party concerned, information gathering in the territory of that Party.

F. Measures to promote compliance and address cases of non-compliance

1. In considering the measures specified below the Committee shall take into account:
 - (a) The capacity of the Party concerned to comply;
 - (b) The special needs of developing country Parties, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition; and
 - (c) Such factors as the cause, type, degree and frequency of non-compliance.
2. The Committee with a view to promoting compliance and addressing cases of non-compliance, may:
 - (a) Offer advice or facilitate assistance to the Party concerned, as appropriate;
 - (b) Request or assist, as appropriate, the Party concerned to develop a compliance action plan to be submitted identifying appropriate steps, an agreed timeframe and indicators to assess satisfactory implementation;
 - (c) Invite the Party concerned to submit progress reports on its efforts to comply with its obligations under the Protocol;
2. (*bis*) The COP-MOP upon the recommendations of the Committee may also, with a view to promoting compliance and addressing cases of non-compliance:
 - (a) Take any of the measures set out in paragraph 2 (a)-(c) above;
 - (b) Facilitate [or provide], as appropriate, access to financial and technical assistance, technology transfer, training and other capacity-building measures;
 - (c) Issue a written caution, statement of concern or a declaration of non-compliance to the Party concerned;
 - (d) [In cases of grave or repeated non-compliance decide the appropriate measures, according to international law];

(e) [Suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, specific rights and privileges;]

(f) Decide on any other measure, as appropriate, in accordance with Article 26, paragraph 4 of the Protocol.

[F(bis). Ombudsman

The Committee shall establish the office of an ABS ombudsman to provide assistance to developing countries and indigenous and local communities to identify instances of non-compliance and make submissions to the Committee.]

G. Review of procedures and mechanisms

The COP-MOP shall undertake the review of the effectiveness of these procedures and mechanisms under the assessment and review provided for in Article 31 of the Protocol and take appropriate action.

3/7. Monitoring and reporting (Article 29)

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. *Requests* the Executive Secretary, taking into account the need for clear and simple reporting requirements, to prepare a draft format for an interim national report for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Nagoya Parties to the Protocol. The draft format should:

(a) Avoid duplication in relation to the submission of information already made available through the Access and Benefit-sharing Clearing-House and national reports under the Convention on Biological Diversity;

(b) Consist of simple structured questions allowing for flexibility to respond to checkboxes, as well as to provide narrative information, in particular on difficulties encountered in implementing the Nagoya Protocol; and

(c) Allow for submission of information through the Access and Benefit-sharing Clearing-House, including the option to submit information offline.

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

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

1. *Requests* the Executive Secretary to make the format for the interim national report annexed hereto available through the Access and Benefit-sharing Clearing-House, including the option to submit information offline;

2. *Invites* Parties and other Governments to submit an interim national report on the implementation of their obligations under the Nagoya Protocol:

(a) In an official language of the United Nations;

(b) Through the ABS Clearing-House; and

(c) Twelve months prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

3. *Requests* the Executive Secretary to consolidate information contained in the interim national reports received and information published in the Access and Benefit-sharing Clearing-House for the consideration of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, as a contribution to the assessment and review of the effectiveness of the Protocol by the Conference of the Parties serving as the meeting of the Parties to the Protocol, pursuant to Article 31;

4. *Invites* the Global Environment Facility to make financial resources available, with a view to assist eligible Parties to prepare their national reports;

5. *Decides* to consider the intervals for reporting at its third meeting; and

6. *Further decides* to keep the format of the national report under review, based on feedback received from Parties and the experience gained.

3/8. ***Information and views on the development, updating and use of sectoral and cross-sectoral model contractual clauses, voluntary codes of conduct, guidelines, best practices and standards***

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization *recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting, adopt a decision along the following lines:

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

Taking into account relevant ongoing work of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, on Tasks 7, 10, 12 and 15, concerning standards and guidelines,

Also taking into account, as appropriate, the existing sectoral and cross-sectoral model contractual clauses, voluntary codes of conducts, guidelines and best practices and/or standards related to access and benefit-sharing developed by Parties, relevant international organizations and indigenous and local communities,

Recognizing the need for the Executive Secretary to engage, as appropriate, with relevant international processes, relevant to Articles 19 and 20,

1. *Encourages* Parties, other Governments, international organizations, indigenous and local communities as well as relevant stakeholders to submit tools developed under Articles 19 and 20 to the ABS Clearing-House;
2. *Also encourages*, as appropriate, the updating of tools relevant to Articles 19 and 20 that were developed prior to the Nagoya Protocol;
3. *Decides* to take stock of the use of sectoral and cross-sectoral model contractual clauses, voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing four years following the entry into force of the Protocol and in conjunction with the first assessment and review of the Nagoya Protocol.