



# **THE NAGOYA PROTOCOL**

**Advancing Implementation  
and Further Policy  
Developments on Access  
and Benefit Sharing**

**Decisions Adopted by the Conference  
of the Parties to the Convention  
on Biological Diversity serving as  
the meeting of the Parties to the  
Nagoya Protocol on Access to Genetic  
Resources and the Fair and Equitable  
Sharing of Benefits Arising from their  
Utilization at its Second Meeting**

**Cancun, Mexico,  
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## FOREWORD

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity was adopted in 2010. The same year, Parties to the Convention adopted a revised and updated Strategic Plan for Biodiversity 2011-2020, including the Aichi Biodiversity Targets. Aichi Biodiversity Target 16 addresses the Nagoya Protocol and provides that, by 2015, the Protocol is in force and operational, consistent with national legislation.

The entry into force of the Nagoya Protocol in October 2014 marked not only the achievement of the first part of Aichi Biodiversity Target 16 but also a key development in international biodiversity law. Now with over 100 Parties, the Nagoya Protocol has demonstrated the commitment of countries to one of the three objectives of the Convention: the fair and equitable sharing of benefits arising from the utilization of genetic resources. Since the entry into force of the Protocol, this objective has also been taken into account in the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

The second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol was held as part of the United Nations Biodiversity Conference in Cancun, Mexico, from 4 to 17 December 2016. This booklet contains the fourteen decisions adopted at that meeting.

Building on the progress made at the first meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopted, at its second meeting, decisions that reflect efforts to advance the implementation of the Protocol at all levels. Those decisions address the following key areas: support for ratification and implementation, assessment of progress in implementation and policy developments of relevance to access and benefit-sharing.

### *Support to ratification and implementation*

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopted decisions on capacity-building (NP-2/8), awareness-raising (NP-2/9), the Access and Benefit-sharing Clearing-House (NP-2/2), and resource mobilization and guidance to the financial mechanism (NP-2/6), all of which are aimed at promoting further ratification of the Protocol and supporting countries in their efforts to make the Protocol operational at the national level, in line with Aichi Biodiversity Target 16. Capacity-building activities supporting the implementation of the Protocol were also reflected in the Short-term Action Plan (2017-2020) to enhance and support capacity-building for the implementation of the Convention and its Protocols.

### *Assessment of progress in implementation*

Furthermore, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopted decisions on progress towards Aichi Biodiversity Target

16 (NP-2/1), compliance with the Protocol (NP-2/3) and assessment and review of the effectiveness of the Protocol (NP-2/4), which provide the necessary framework and methodology to assess progress in implementation and promote compliance with the Protocol. This will help to establish a reference point for assessing progress in the implementation of the Protocol in the future and provide the opportunity to take stock of challenges to implementation.

### ***Policy developments of relevance to access and benefit-sharing***

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol also adopted decisions regarding some outstanding policy issues that were not fully resolved during the negotiation of the Protocol as well as emerging new issues of relevance to access and benefit-sharing. For example, decision NP-2/10 provided for further discussions on the need for a global multilateral benefit-sharing mechanism. These will take place at the second meeting of the Subsidiary Body on Implementation on the basis of submissions from Parties, and subsequently at the third meeting of the Parties to the Protocol, in 2018.

An important policy development at the United Nations Biodiversity Conference in Cancun, Mexico, relates to “digital sequence information on genetic resources”. Decisions under both the Convention (decision XIII/16) and Protocol (NP-2/14) establish a process to allow decisions to be taken at the fourteenth meeting of the Conference of the Parties and the third meeting of the Parties to the Protocol on the potential implications of the use of digital sequence information on genetic resources for the three objectives of the Convention and the objective of the Nagoya Protocol. This process involves the submission of views and information, a fact-finding and scoping study, a meeting of an ad hoc technical expert group and consideration of this issue by the Subsidiary Body on Scientific, Technical and Technological Advice.

In relation to Article 4, paragraph 4, of the Protocol on the relationship between the Protocol and other international agreements and instruments, the decision on cooperation with other international organizations, conventions and initiatives (NP-2/5) includes a request to the Executive Secretary to conduct a study into criteria that could be used to identify an international specialized access and benefit-sharing instrument and a possible process to recognize such an instrument.

Finally, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopted decision NP-2/7 on the use of the terminology “indigenous peoples and local communities” in the context of the Nagoya Protocol; such terminology will henceforth be used in decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol as well as relevant documentation prepared by the Secretariat.

In summary, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at this meeting advanced on key issues related to the effective implementation of the Nagoya Protocol and explored policy areas of relevance to the current and future implementation of the Protocol. While Aichi Biodiversity Target

16 is well on track, it is essential, in order to move forward, for countries to continue their efforts to fully implement the Protocol in the context of the 2030 Agenda and other relevant international processes.



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

**2/1.      *Review of progress towards Aichi Biodiversity  
Target 16 on the Nagoya Protocol***

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

1.      *Urges* Parties to the Nagoya Protocol to take further steps towards the effective implementation of the Protocol, including by establishing institutional structures as appropriate and legislative, administrative or policy measures for implementing the Protocol and, without prejudice to the protection of confidential information, to make all relevant information available to the Access and Benefit-sharing Clearing-House, in accordance with the Protocol;

2.      *Reiterates* the need for capacity-building and development activities, including technical training and support, as provided, for example, by the ABS Capacity Development Initiative, as well as financial resources to support the implementation of the Nagoya Protocol in accordance with decision NP-1/8 on measures to assist in capacity-building and capacity development (Article 22), which contains the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol;

3.      *Invites* Parties and other Governments to implement the International Treaty on Plant Genetic Resources for Food and Agriculture<sup>1</sup> and the Nagoya Protocol in a mutually supportive manner, as appropriate.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2400, No. 43345.

## **2/2. The Access and Benefit-sharing Clearing-House and information-sharing (Article 14)**

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

1. *Welcomes* the progress made by the Executive Secretary in the implementation of the Access and Benefit-sharing Clearing-House and capacity-building activities for the Access and Benefit-sharing Clearing-House;
2. *Takes note* of the indicative goals and priorities for future implementation and administration of the Access and Benefit-sharing Clearing-House for the next biennium,<sup>2</sup> and *stresses* the importance of increasing the relevant content and use of the Access and Benefit-sharing Clearing-House, as well as making it operational in the six official languages of the United Nations;
3. *Requests* the Executive Secretary to follow the goals and priorities referred to in paragraph 2 above when implementing the Access and Benefit-sharing Clearing-House, subject to the availability of resources, and in accordance with the modalities of operation and feedback received, in particular that of Parties, and of the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House;
4. *Takes note* of the progress made on issues related to the internationally recognized certificate of compliance and the checkpoint communiqué, and *recognizes* the need for additional experience regarding how the internationally recognized certificate of compliance and the checkpoint communiqué work in a variety of circumstances, including transboundary or shared genetic resources, traditional knowledge associated with genetic resources, and other issues related to the monitoring of the utilization of genetic resources;
5. *Urges* Parties to make permits or their equivalents available to the Access and Benefit-sharing Clearing-House so that they can constitute internationally recognized certificates of compliance, which serve as evidence that the genetic resource and associated traditional knowledge which they cover have been accessed in accordance with prior informed consent and that mutually agreed terms have been established, thus increasing the use of internationally recognized certificates of compliance in order to facilitate monitoring and compliance and contribute to legal certainty;
6. *Expresses* appreciation for the technical guidance provided by the Informal Advisory Committee with respect to the resolution of technical and practical issues, including those related to the internationally recognized certificate of compliance and checkpoint communiqué, arising from the ongoing development of the Access and Benefit-sharing Clearing-House;

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2 See UNEP/CBD/NP/COP-MOP/2/3, annex II.

7. *Decides* that the Informal Advisory Committee will hold at least one meeting, and informal online discussions as needed, and report on the outcomes of its work to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

8. *Requests* the Executive Secretary:

(a) To further refine the modalities of operation of the Access and Benefit-sharing Clearing-House taking into account progress made, the advice given by the Informal Advisory Committee, and feedback received on the implementation and operation of the Access and Benefit-sharing Clearing-House, in particular that of Parties, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

(b) To develop, as part of the exercise for refining the modalities referred to in paragraph (a) above, joint modalities of operation for the clearing-house mechanism of the Convention, the Biosafety Clearing-House and the Access and Benefit-sharing Clearing-House, taking into consideration the web strategy,<sup>3</sup> for consideration by the Conference of the Parties at its fourteenth meeting, the Parties to the Cartagena Protocol on Biosafety at their ninth meeting and the Parties to the Nagoya Protocol at their third meeting with a view to enhancing coherence in the implementation and operation of the common elements of the central clearing-house mechanism, while preserving the specific functionalities of the mechanisms under the Protocols and the Convention;

9. *Decides* to review the implementation and operation of the Access and Benefit-sharing Clearing-House as part of the assessment and review process to evaluate the effectiveness of the Protocol established by Article 31 of the Protocol;

10. *Welcomes* the efforts by Parties, non-Parties, and indigenous peoples and local communities to make information available in the Access and Benefit-sharing Clearing-House;

11. *Urges* Parties that have not yet done so to publish all mandatory information available at the national level on the Access and Benefit-sharing Clearing-House, in accordance with the obligations in Article 14, paragraph 2, of the Protocol as soon as possible, and to ensure that the information published is complete and relevant and kept up-to-date, with a view to having all existing information available in the Access and Benefit-sharing Clearing-House by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

12. *Encourages* non-Parties, international organizations, indigenous peoples and local communities, and relevant stakeholders to provide the Access and Benefit-sharing Clearing-House with relevant information as soon as possible;

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<sup>3</sup> Conference of the Parties decision XIII/22, annex.

13. *Requests* the Executive Secretary, subject to the availability of resources, to encourage the publication of information and the use of the Access and Benefit-sharing Clearing-House by providing technical support for Parties and non-Parties, as well as indigenous peoples and local communities and relevant stakeholders, as appropriate;

14. *Invites* Parties, non-Parties, international organizations, regional development banks and other financial institutions to provide financial resources for enabling Parties to actively participate in the Access and Benefit-sharing Clearing-House.

### **2/3. Report of the Compliance Committee (Article 30)**

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

*Recalling* decision NP-1/4,

*Recalling also* section B, paragraph 8, of the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Nagoya Protocol and to address cases of non-compliance,<sup>4</sup> which requires the Compliance Committee to submit its rules of procedure to the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration and approval,

*Welcoming* the work undertaken by the Compliance Committee at its first meeting and noting its recommendations as contained in the annex to its report,<sup>5</sup> including on the Access and Benefit-sharing Clearing-House and information sharing, and the financial mechanism and resources,

1. *Approves* the rules of procedure for the meetings of the Compliance Committee under the Nagoya Protocol as annexed to the present decision;

2. *Notes* that implementation of the Protocol is still in its early stages, wherein it is important to focus on enabling Parties to implement the Protocol, and therefore the need for and modalities of support to address challenges related to compliance with the provisions of the Protocol with a view to making effective use of the compliance mechanism cannot yet be fully assessed;

3. *Decides* that the Compliance Committee shall reassess the need for and modalities of support as provided for in paragraph 2(b) of decision NP-1/4 at a future meeting in the light of the experience gained by the Committee in carrying out its functions and further developments in implementation of the Protocol, and with a view to contributing to the assessment and review of the Protocol's effectiveness as required;

4. *Urges* Parties to submit in a timely manner the interim national reports in line with paragraph 4(c) of decision NP-1/3 and *encourages* Parties to include information in their interim national reports on difficulties and challenges related to implementation of the Protocol.

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<sup>4</sup> Decision NP-1/4, annex.

<sup>5</sup> UNEP/CBD/NP/COP-MOP/2/4.

*Annex*  
**RULES OF PROCEDURE FOR THE MEETINGS OF THE  
COMPLIANCE COMMITTEE UNDER THE NAGOYA PROTOCOL**

The following rules of procedure were developed in accordance with section B, paragraph 8, of the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting and set out in the annex to decision NP-1/4.

***A. Purposes***

**Rule 1**

These rules of procedure shall apply to any meeting of the Compliance Committee under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and shall be read together with and in furtherance of the procedures and mechanisms set out in decision NP-1/4 of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

**Rule 2**

The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity as applied, *mutatis mutandis*, to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization shall apply, *mutatis mutandis*, to any meeting of the Compliance Committee under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, except as otherwise provided in the rules set out herein and in decision NP-1/4, and provided that rules 16 to 20 on representation and credentials of the rules of procedure for the meetings of the Conference of the Parties shall not apply.

***B. Definitions***

**Rule 3**

For the purposes of these rules:

(a) “Protocol” means the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity;

(b) “Party” means a Party to the Protocol;

(c) “Conference of the Parties serving as the meeting of the Parties to the Protocol” means the Conference of the Parties serving as the meeting of the Parties to the Protocol as provided for under Article 26 of the Protocol;

(d) “Committee” means the Compliance Committee established by decision NP-1/4 of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(e) “Chair” and “Vice-Chair” mean, respectively, the chairperson and vice-chairperson elected in accordance with paragraph 9 of section B of the annex to decision NP-1/4 and rule 12 of these rules of procedure;

(f) “Member” means a member of the Committee elected in accordance with paragraph 2 of section B of the annex to decision NP-1/4 or their replacement elected in accordance with paragraph 3 of section B of the annex to decision NP-1/4;

(g) “Indigenous peoples and local community observer” means a representative of indigenous peoples and local communities elected in accordance with paragraph 2 of section B of the annex to decision NP-1/4 or their replacement elected in accordance with paragraph 3 of section B of the annex to decision NP-1/4;

(h) “Secretariat” means the Secretariat referred to in Article 28 of the Protocol;

(i) “Compliance Procedures and Mechanisms” means the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting and set out in the annex to decision NP-1/4.

### *C. Dates and notice of meetings*

#### **Rule 4**

The Committee shall decide on the dates and duration of its meetings, bearing in mind section B, paragraph 7, of the Compliance Procedures and Mechanisms.

#### **Rule 5**

The Secretariat shall notify all members of the Committee and the indigenous peoples and local community observers of the dates and venue of a meeting, at its earliest convenience and in any case no later than six weeks before the meeting is due to commence.

### *D. Agenda*

#### **Rule 6**

The agenda of the Committee shall include items arising from its functions and the procedures as specified in sections C and D, respectively, of the Compliance Procedures and Mechanisms and other matters related thereto.

#### **Rule 7**

To the extent possible, the provisional agenda, together with supporting documents, shall be made available by the Secretariat to all members of the Committee and the indigenous peoples and local community observers at least four weeks before the opening of the meeting.

### *E. Distribution and consideration of information*

#### **Rule 8**

1. The Committee shall be informed immediately by the Secretariat when a submission has been received under section D, paragraph 1, of the Compliance Procedures and Mechanisms or when information has been provided by a directly affected indigenous people or local community under section D, paragraph 9(b), of the Compliance Procedures and Mechanisms.

2. Submissions and information received in accordance with section D of the Compliance Procedures and Mechanisms shall be transmitted by the Secretariat to the Committee according to the procedures set out in section D of the Compliance Procedures and Mechanisms.

3. Submissions from a Party, the response and the information, as referred to in section D of the Compliance Procedures and Mechanisms, shall be made in one of the six official languages of the United Nations. The Secretariat shall make arrangements to translate them into English if they are submitted in an official language of the United Nations other than English.

### *F. Publication and confidentiality of documents and information*

#### **Rule 9**

1. The provisional agenda, reports of meetings, official documents and any other information documents shall be made publically available. These documents shall not contain confidential information.

2. The Committee, any Party or others involved in its deliberations shall protect confidential information.

### *G. Members and indigenous peoples and local community observers*

#### **Rule 10**

The term of office of a member and an indigenous peoples and local community observer shall commence on 1 January of the calendar year immediately following his or her election and shall end on 31 December four years thereafter.

#### **Rule 11**

1. Each member of the Committee and the indigenous peoples and local community observers shall, with respect to any matter that is under consideration by the Committee, avoid conflicts of interest. Where a member or indigenous peoples and local community observer finds himself or herself faced with a conflict of interest, that member or indigenous peoples and local community observer shall bring the issue to the attention of the Committee before consideration of that particular matter. The member or indigenous peoples and local community observer concerned shall not participate in the deliberations and the taking of decisions by the Committee in relation to that matter.

2. A “conflict of interest” refers to any current interest that could:

(a) Significantly impair the individual’s objectivity as a Committee member or indigenous peoples and local community observer;

(b) Create an unfair advantage for any person or organization.

### *H. Officers*

#### **Rule 12**

1. As provided for in paragraph 9 of section B of the Compliance Procedures and Mechanisms, the Committee shall elect its Chair and a Vice-Chair, who will rotate among the five regional groups of the United Nations. Subject to rule 10 of the present rules of procedure, they shall serve in those capacities until their successors take office.

2. The Chair and Vice-Chair shall be elected for a period of two years. No officer shall serve for more than two consecutive terms.

### *I. Conduct of business*

#### **Rule 13**

The working language of the Committee shall be English. The Committee may accommodate interventions by the Party concerned in any other official language of the United Nations.

**Rule 14**

Electronic means of communication may be used by the Committee for the purpose of conducting informal consultations on issues under consideration as well as for decision-making except for substantive decisions, such as on submissions relating to issues of compliance and non-compliance with the provisions of the Protocol.

*J. Amendments to the rules of procedure***Rule 15**

Any amendment to these rules of procedure shall be developed by the Committee and submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and approval.

*K. Overriding authority of the Protocol and decision NP-1/4***Rule 16**

In the event of a conflict between any provision in these rules and any provision in the Protocol or decision NP-1/4, the provisions of the Protocol or decision NP-1/4 shall prevail.

## **2/4. Assessment and review of the effectiveness of the Protocol (Article 31)**

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

*Recalling* Article 31 of the Nagoya Protocol,

*Recalling also* the monitoring and reporting obligations in Article 29 of the Protocol and decision NP-1/3,

1. *Decides* to conduct the first assessment and review of the Protocol on the basis of the elements in the annex to the present decision;

2. *Urges* Parties and *invites* other Governments to submit interim national reports no later than 12 months before the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Requests* the Executive Secretary to: (a) assess any needs for additional information, including consideration of a targeted survey of access and benefit-sharing national focal points and/or users; (b) prepare an analysis and synthesis of relevant information as the basis for the first assessment and review of the effectiveness of the Protocol; and (c) make available to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting information on experiences from the assessment and review process under the Cartagena Protocol on Biosafety;

4. *Further requests* the Executive Secretary to prepare a framework of indicators as a basis for measuring, in the second assessment and review and thereafter, progress in achieving the objective of the Protocol while taking into account the preparation of elements included in the first assessment;

5. *Requests* the Compliance Committee to provide inputs to the first assessment and review of the Protocol in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol;

6. *Requests* the Subsidiary Body on Implementation at its second meeting to review the analysis and synthesis of information as well as the draft framework of indicators submitted by the Executive Secretary, taking into account the inputs from the Compliance Committee, and submit its finding and recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its third meeting;

7. *Urges* Parties and *encourages* other Governments, relevant organizations and indigenous peoples and local communities to publish information in the Access and Benefit-sharing Clearing-House so that this information is available for the first assessment and review of the Protocol.

*Annex*  
**Elements to be included in the first assessment and review  
of the Protocol and sources of information**

<i>Element</i>	<i>Source of information</i>
(a) Extent of implementation of the provisions of the Protocol and related obligations of Parties, including assessment of progress by Parties in establishing institutional structures and access and benefit-sharing measures to implement the Protocol	Interim national reports Access and Benefit-sharing Clearing-House National reports under the Convention National biodiversity strategies and action plans Possible targeted survey of focal points and/or users
(b) Establishment of a reference point to measure effectiveness	Interim national reports (questions 13, 15, 16, 18, 24, 35, 46 <sup>6</sup> ) Access and Benefit-sharing Clearing-House
(c) Establishment of a reference point on support available for implementation	Interim national reports (questions 56, 57, 61, 62, 63 <sup>7</sup> ) Access and Benefit-sharing Clearing-House Information on capacity-building projects and resources
(d) Assessment of effectiveness of Article 18 (extent of implementation)	Interim national reports (questions 31-34 <sup>8</sup> )
(e) Assessment of implementation of Article 16 in light of developments in other relevant international organizations, including, inter alia, the World Intellectual Property Organization (WIPO)	Interim national reports (question 25 <sup>9</sup> ) Reports of, inter alia, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
(f) Stock-taking of the use of model contractual clauses, codes of conduct, guidelines, best practices and standards as well as indigenous peoples and local communities' customary laws, community protocols and procedures	Interim national reports (questions 42 and 51-53 <sup>10</sup> ) Access and Benefit-sharing Clearing-House Possible targeted survey of focal points and/or users
(g) Review of implementation and operation of the Access and Benefit-sharing Clearing-House, including number of access and benefit-sharing measures made available; number of countries that have published information on their competent national authorities; number of internationally recognized certificates of compliance that have been constituted and number of checkpoint communiqués published	Interim national reports (question 3 <sup>11</sup> ) Access and Benefit-sharing Clearing-House, including information on the use of the help function/dialogue box Reports of meetings of the informal advisory committee on the Access and Benefit-sharing Clearing-House Possible targeted survey of focal points and/or users

6 See Conference of the Parties serving as the meeting of the Parties decision NP-1/3 on monitoring and reporting (Article 29), annex II.

7 Ibid.

8 Ibid.

9 Ibid.

10 Ibid.

11 Ibid.

## **2/5. Cooperation with other international organizations, conventions and initiatives**

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

*Recognizing* the importance of cooperation with other international organizations, conventions and initiatives on matters related to access and benefit-sharing, and *welcoming* the cooperative activities undertaken by the Executive Secretary, in particular ongoing collaboration to support ratification and implementation of the Nagoya Protocol through awareness-raising and capacity-building activities,

*Recalling* Articles 4 and 8 of the Nagoya Protocol,

*Recalling also* the preamble to the Nagoya Protocol, in which the Parties to the Protocol acknowledge ongoing work in other international forums relating to access and benefit-sharing and recognize that international instruments related to access and benefit-sharing should be mutually supportive with a view to achieving the objectives of the Convention,

*Recalling further* the preamble to the Nagoya Protocol, in which the Parties to the Protocol are mindful of the International Health Regulations (2005) of the World Health Organization and the importance of ensuring access to human pathogens for public health preparedness and response purposes,

*Welcoming* the Cancun Declaration on Mainstreaming the Conservation and Sustainable Use of Biodiversity for Well-being,<sup>12</sup>

1. *Takes note of* the World Health Organization's initiative to carry out a study entitled "Implementation of the Nagoya Protocol and pathogen sharing: public health implications",<sup>13</sup> and *requests* the Executive Secretary to liaise with the World Health Organization on its outcomes and to transmit information on the study to the Conference of the Parties serving as the meeting of the Parties at its third meeting for its consideration;

2. *Requests* the Executive Secretary to share with the World Health Organization relevant information provided by Parties in their national reports on national implementation of the Nagoya Protocol, including its Article 8(b);

3. *Also requests* the Executive Secretary, in the context of Article 4, paragraph 4, of the Protocol, subject to the availability of resources, to conduct a study into criteria that could be used to identify what constitutes a specialized international access and benefit-sharing instrument, and what could be a possible process for recognizing such an instrument, and to refer the study for further consideration by the Subsidiary Body

12 UNEP/CBD/COP/13/24.

13 [http://www.who.int/influenza/pip/2016-review/NagoyaStudyAdvanceCopy\\_full.pdf](http://www.who.int/influenza/pip/2016-review/NagoyaStudyAdvanceCopy_full.pdf)

on Implementation before consideration by the Conference of the Parties serving as the meeting of the Parties at its third meeting;

4. *Further requests* the Executive Secretary to continue to engage with relevant ongoing processes and policy debates, including in the World Health Organization, the World Intellectual Property Organization, the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations, the International Treaty on Plant Genetic Resources for Food and Agriculture, the CGIAR Centers and others, as appropriate, to collect information on current discussions on the relationship between the use of digital sequence information on genetic resources<sup>14</sup> and access and benefit-sharing arising out of the utilization of genetic resources, and to include relevant information gathered during these engagements in the compilation of views referred to in decision XIII/16, paragraph 3(a) of the Conference of the Parties;

5. *Encourages* cooperation among Parties and relevant international organizations working on access and benefit-sharing issues related to genetic resources and associated traditional knowledge at the national level, through capacity-building initiatives and experience sharing.

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<sup>14</sup> Terminology is subject to further discussion in the study and the expert group referred to in decision XIII/16.

## 2/6. *Financial mechanism and resources (Article 25)*

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

*Having considered* the information on the implementation of the Nagoya Protocol provided in the report of the Council of the Global Environment Facility,<sup>15</sup>

*Having also considered* the information on access to genetic resources and benefit-sharing in the report of the expert team on a full assessment of the funds needed for the implementation of the Convention and its Protocols for the seventh replenishment of the Global Environment Facility,<sup>16</sup>

1. *Bearing in mind* previous decisions on guidance on programme priorities to support ratification and implementation of the Nagoya Protocol, in particular decision XI/5, annex, appendix I, paragraph 1, and decision XII/30, paragraph 18, *takes note* of the consolidated previous guidance related to the Nagoya Protocol;<sup>17</sup>

2. *Recommends* that the Conference of the Parties at its thirteenth meeting include the following elements in its decision on the financial mechanism:

(a) Elements for inclusion in the four-year (2018-2022) outcome-oriented framework of programme priorities for the seventh replenishment of the Global Environment Facility Trust Fund as follows:

- (i) Number of ratifications of the Nagoya Protocol increased;
- (ii) Number of countries that have adopted legislative, administrative or policy measures on access and benefit-sharing to implement the Nagoya Protocol increased, including, inter alia, and as appropriate, measures for mutual implementation with other relevant international agreements, coordination in transboundary genetic resources and associated traditional knowledge, and/or procedures to issue internationally recognized certificates of compliance;
- (iii) Parties deliver their reporting obligations under the Protocol, through submission of national reports and of relevant information through the Access and Benefit-sharing Clearing-House;

(b) As part of the consolidated previous guidance related to the Nagoya Protocol,<sup>17</sup> the adoption of a new transitional clause in the eligibility criteria for funding under the seventh replenishment of the Global Environment Facility Trust Fund as follows:

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<sup>15</sup> UNEP/CBD/COP/13/12/Add.1.

<sup>16</sup> UNEP/CBD/COP/13/12/Add.2.

<sup>17</sup> UNEP/CBD/COP/13/12, annex I, section B.

“Developing countries, in particular the least developed countries and small island developing States among them, and countries with economies in transition that are Parties to the Convention and provide a clear political commitment towards becoming Parties to the Protocol, shall also be eligible for funding by the Global Environment Facility for the development of national measures and institutional capabilities in order to enable them to become a Party. Evidence of such political commitment, accompanied by indicative activities and expected milestones, shall take the form of an official written assurance by a Minister to the Executive Secretary that the country intends to become a Party to the Nagoya Protocol on completion of the activities to be funded.”

(c) The consideration of the Nagoya Protocol in the terms of reference to be adopted for the fifth review of the effectiveness of the financial mechanism under the Convention, and an invitation to Parties to the Nagoya Protocol to respond proactively to the survey for the fifth review of the effectiveness of the financial mechanism under the Convention.

**2/7. Use of the term “indigenous peoples and local communities”**

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

*Decides to apply, mutatis mutandis, decision XII/12 F of the Conference of the Parties to the Convention on Biological Diversity on the use of the terminology “indigenous peoples and local communities”.*

## **2/8. Measures to assist in capacity-building and capacity development (Article 22)**

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

*Recalling* decision NP-1/8,

*Recognizing* that capacity-building to support the implementation of the Nagoya Protocol should be demand-driven, targeted, hands-on and complementary to other existing efforts,

*Noting* the importance of matching the needs and expectations of countries with existing resources,

*Recognizing* that partnerships among various actors working in support of the Protocol are essential to promoting a holistic approach to the implementation of the Protocol,

*Welcoming* the contribution of various organizations and initiatives, including the ABS Capacity Development Initiative, the International Development Law Organization, the International Union for Conservation of Nature, the United Nations Development Programme, the United Nations Environment Programme and others, to the development of capacity on access and benefit-sharing,

1. *Takes note* of the report on the progress made in the implementation of the strategic framework for capacity-building and development for the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization<sup>18</sup> and *requests* the Executive Secretary to include in future progress reports on the implementation of the strategic framework, capacity development initiatives carried out at the national level using national budget allocations;

2. *Invites* Parties, other Governments and relevant organizations to expand their efforts to implement the strategic framework and further share information about their capacity-building initiatives, including emerging experiences, best practices and lessons learned, and capacity-building resources through the Access and Benefit-sharing Clearing-House, using the relevant common formats;

3. *Takes note* of the reports of the meetings of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol organized during the intersessional period;<sup>19</sup>

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<sup>18</sup> See UNEP/CBD/NP/COP-MOP/2/8.

<sup>19</sup> UNEP/CBD/NP/COP-MOP/2/INF/4 and UNEP/CBD/NP/COP-MOP/2/INF/5.

4. *Decides* that the Informal Advisory Committee will hold at least one meeting, and online consultations as needed, to complete its mandate and report on the outcomes of its work to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

5. *Invites* Parties and other Governments with multiple ongoing capacity-building and development initiatives on access and benefit-sharing to review them, in collaboration with relevant development partners and organizations, in order to ensure their complementarity and avoid unnecessary overlaps among them;

6. *Invites* Parties and relevant organizations to enhance communication, coordination and collaboration among existing capacity-building initiatives on access and benefit-sharing to avoid or minimize duplication, making use of existing tools and mechanisms, such as the Access and Benefit-sharing Clearing House and the Informal Advisory Committee on Capacity-building for the Nagoya Protocol;

7. *Invites* Parties and indigenous peoples and local communities to make use of the tools developed, including under the Bio-Bridge Initiative, to assess their capacity-building and development needs and submit related requests for assistance, for possible matching with existing opportunities for support relating to the implementation of the Nagoya Protocol;

8. *Requests* the Executive Secretary to continue to gather and compile information on experiences and lessons learned from capacity-building and development initiatives and seek the advice of the Informal Advisory Committee on how they could best be packaged and disseminated in order to assist in improving the design and implementation of future capacity-building initiatives;

9. *Also requests* the Executive Secretary, subject to the availability of resources, to further carry out and facilitate capacity-building activities to support the ratification and implementation of the Nagoya Protocol, as contained in the annex hereto and as reflected in the Short-term Action Plan (2017-2020) to Enhance and Support Capacity-Building for the Implementation of the Convention and its Protocols as annexed to decision XIII/23 of the Conference of the Parties;

10. *Further requests* the Executive Secretary, in consultation with the Informal Advisory Committee, to prepare during the inter-sessional period elements for the evaluation of the strategic framework, in accordance with decision NP-1/8, paragraph 10(f), for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

*Annex*

**SHORT-TERM ACTION PLAN (2017-2020) TO ENHANCE AND SUPPORT CAPACITY-BUILDING FOR THE IMPLEMENTATION OF THE CONVENTION AND ITS PROTOCOLS**

**CAPACITY-BUILDING ACTIVITIES FOR THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING (INCLUDING AICHI BIODIVERSITY TARGET 16)<sup>20</sup>**

<i>Activity</i>	<i>COP-MOP decisions</i>	<i>Timeline</i>	<i>Expected output/outcome</i>	<i>Possible set of indicators</i>	<i>Possible partners</i>
1. * Support implementation of the strategic framework for capacity-building for the effective implementation of the Nagoya Protocol	NP-1/8	2017-2020 Ongoing	Capacity for ratifying and implementing the Nagoya Protocol enhanced Organizations assisting Parties and IPLCs to build their capacity to implement the Protocol. Identified and interlinked Collaboration and coordination with organizations in the implementation of the strategic framework enhanced Parties and organizations informed about ABS capacity-building, initiatives, opportunities, needs and gaps, through the ABS Clearing-Houses (ABS-CH) Parties and organizations actively sharing information, experiences and lessons learned from ABS capacity-building activities Capacity <sup>21</sup> of non-commercial research institutions and actors increased	Number of additional ratifications or accessions to the Nagoya Protocol by countries that have engaged in capacity-building under this plan Number of countries that have made national information available on the ABS-CH Number of organizations involved in ABS capacity-building identified and linked up Feedback collected to measure satisfaction of the participants in the activities conducted by relevant organizations and capacity-building providers Number of capacity-building initiatives and capacity-building resources made available through the ABS-CH Number of countries who have submitted their national reports identifying needs and gaps Number of internationally recognized certificates of compliance and checkpoint communiqués made available in the ABS-CH for non-commercial purposes	GEE, UNEP, UNDP, FAO, ITPGREFA, ABS-1, IUCN, Bioversity International, IDLO, SPREP, ACB, CARICOM, COMIFAC, UNCTAD, IPLC organizations and others

<sup>20</sup> The priority activities are marked with shading and an asterisk.

<sup>21</sup> Capacity to comply with the Nagoya Protocol.

<i>Activity</i>	<i>COP-MOP decisions</i>	<i>Timeline</i>	<i>Expected output/outcome</i>	<i>Possible set of indicators</i>	<i>Possible partners</i>
2. * Extend the training workshops organized jointly with IDLO on establishing legal frameworks to implement the Nagoya Protocol to more Parties	NP-1/8	2017-2020	regional and/or subregional training workshops organized Government officials trained in the development/amendment ABS measures to implement the Protocol	Number of participating countries that have in place, or initiated a process to put in place or revise their ABS frameworks and institutional structures Eight regional and/or subregional training workshops organized At least 160 government officials trained in the development/amendment ABS measures to implement the Protocol	IDLO, ABS-I, and others, as appropriate
3. * Continue to support the online Global Network on Biodiversity Law where participants in the trainings on establishing legal frameworks to implement the Nagoya Protocol can access updated resources, latest news and continue peer-to-peer learning	NP-1/8	2017-2020	Follow-up support provided to Parties through the Global Network on Biodiversity Law of ABS legal experts Parties and relevant organizations are sharing information, experiences and lessons learned from ABS implementation	Number of participants making use of the Global Network on Biodiversity Law of ABS legal experts Number of resources regarding lessons learned or experiences shared through the Global Network on Biodiversity Law of ABS legal experts	IDLO, and others, as appropriate
4. * Continue to contribute to capacity-building activities for implementation of the Nagoya Protocol in a mutually supportive manner with the ITPGREA, including through workshops and the development of materials	NP-1/8	2017-2020	Capacity of ABS national focal points and ITPGREA national focal points to coordinate implementation of the two instruments is built	Number of Parties with mutually supportive ABS measures to implement both treaties Number of exchanges (workshops, studies, experiences) enhancing mutually supportive implementation	ITPGREA, Bioersity International, ABS-I and others as appropriate

<i>Activity</i>	<i>COP-MOP decisions</i>	<i>Timeline</i>	<i>Expected output/outcome</i>	<i>Possible set of indicators</i>	<i>Possible partners</i>
5. * Continue to provide on-demand technical support to Parties and organize capacity-building and outreach activities, including through webinars, videos and presentations to increase participation in the ABS-CH	NP-1/2	2017-2020	Parties, in particular, as well as non-Parties, indigenous peoples and local communities and other stakeholders are able to publish information and effectively use the ABS-CH; The level of publication of national information in the ABS-CH is increased	Number and type capacity-building activities conducted; Number of participating countries; Number of individuals participating therein; Number of visitors to the ABS-CH Feedback collected to measure satisfaction of participants in the capacity- building and outreach activities Number and types of records made available on the ABS-CH	Other partners as appropriate
6. * Continue to support capacity-building in the use of the ABS-CH by organizing trainings and side events, facilitating ABS-CH sessions in meetings organized by partners, and translating and updating ABS-CH training materials	NP-1/2	2017-2020	Parties, non-Parties, indigenous peoples and local communities and other stakeholders are able to effectively participate in and use the ABS-CH	Number of training materials on ABS-CH developed and made available; Availability of ABS-CH training materials in the six official languages of the United Nations Number and type of records made available on the ABS-CH	
7. * Train communicators and disseminate the ABS awareness-raising toolkit developed during 2015-2016, including by participating in ABS awareness-raising activities at subregional and regional levels	NP-1/9	2017-2020	ABS communicators trained in using the ABS awareness-raising toolkit Parties and relevant actors are accessing and using toolkit to implement the awareness-raising strategy for the Nagoya Protocol.	Number of copies of the toolkit disseminated Number of communicators trained	ABS-I, and others as appropriate

<i>Activity</i>	<i>COP-MOP decisions</i>	<i>Timeline</i>	<i>Expected output/outcome</i>	<i>Possible set of indicators</i>	<i>Possible partners</i>
8. * Update the eight e-learning modules developed jointly with IDLO to support Parties in establishing legal frameworks to implement the Nagoya Protocol	NP-1/8	2019-2020	The e-learning modules developed during 2015-2016 are up-to-date and reflect the latest developments on ABS measures and country experiences Capacity of Parties to develop/amend ABS measures to implement the Protocol enhanced	Number e-learning modules updated	IDLO, and others as appropriate

## **2/9. Report on progress in the implementation of the awareness-raising strategy**

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

1. *Takes note* of progress made in the implementation of the awareness-raising strategy;<sup>22</sup>
2. *Welcomes* decision XIII/22 on the framework for a communications strategy adopted by the Conference of the Parties at its thirteenth meeting;
3. *Requests* the Executive Secretary to continue supporting the implementation of the awareness-raising strategy by carrying out the priority activities described in the annex to decision NP-1/9 and to make available the resulting tools and resources through the Access and Benefit-sharing Clearing-House;
4. *Requests* the Executive Secretary to carry out activities in a way that ensures coherence between the awareness-raising and communication strategies of the Convention and both Protocols;
5. *Also requests* the Executive Secretary to make efforts to ensure the full and active participation of indigenous peoples and local communities in the implementation of all priority activities of the awareness-raising strategy in a culturally appropriate manner;
6. *Invites* Parties, non-Parties and other relevant actors to take into consideration decision XIII/22 on the framework for a global communications strategy adopted by the Conference of the Parties at its thirteenth meeting in the implementation of their awareness-raising activities;
7. *Invites* Parties, non-Parties and other relevant actors to implement awareness-raising activities in accordance with the priority activities described in the annex to decision NP-1/9 and to make available information on awareness-raising strategies and resources through the Access and Benefit-sharing Clearing-House;
8. *Welcomes* the continued involvement of the ABS Capacity-Development Initiative, the International Treaty on Plant Genetic Resources for Food and Agriculture,<sup>23</sup> the International Development Law Organization and other relevant organizations in raising awareness, and *calls* for coherence and realization of synergy in awareness-raising approaches with these organizations, in particular at the country level;

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<sup>22</sup> See UNEP/CBD/NP/COP-MOP/2/9.

<sup>23</sup> <ftp://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf>.

9. *Requests* the Executive Secretary to provide an update on progress in the implementation of the awareness-raising strategy for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting.

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

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

*Recalling* Article 10 of the Nagoya Protocol,

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

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

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

*Taking note* of developments under other international processes and organizations, such as the United Nations General Assembly, the International Treaty on Plant Genetic Resources for Food and Agriculture,<sup>24</sup> the Commission on Genetic Resources for Food and Agriculture, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, the World Health Organization and the Antarctic Treaty System,

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

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

3. *Recognizes* that there is limited information available on the implementation of the provisions of the Protocol related to traditional knowledge associated with genetic resources held by indigenous peoples and local communities, *invites* Parties, with the full and effective participation of indigenous peoples and local communities, to pay particular attention to providing such information when preparing and submitting their interim national reports, *invites* indigenous peoples and local communities

<sup>24</sup> <http://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf>.

to submit such information to the Executive Secretary, and *requests* the Executive Secretary to compile this information for consideration by the Subsidiary Body on Implementation and by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

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

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

6. *Requests* the Executive Secretary:

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

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

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

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

## **2/11. *Modus operandi of the Subsidiary Body on Implementation***

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

1. *Endorses* the modus operandi of the Subsidiary Body on Implementation adopted by the Conference of the Parties to the Convention in decision XIII/25,
2. *Decides* that the modus operandi of the Subsidiary Body on Implementation should apply, *mutatis mutandis*, when the Subsidiary Body serves the Nagoya Protocol.

## **2/12. Integration among the Convention and its Protocols**

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

1. *Decides* to use the following criteria for reviewing, at its third and fourth meetings, experience with the holding of concurrent meetings:

(a) Full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, in the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(b) Effective development of the outcomes of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(c) Increased integration among the Convention and its Protocols;

(d) Cost-effectiveness;

(e) Number of Parties reporting improved consultations, coordination and synergies among their national focal points for the Convention and the Protocols;

(f) Evaluation by the host Governments of the logistical and technical burdens of the concurrent meetings they hosted;

2. *Calls upon* developed country Parties to increase their contributions to the relevant voluntary trust funds in order to ensure the full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, in the concurrent meetings.

## **2/13. Budget for the integrated programme of work of the Secretariat**

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

*Recalling* its decision I/13, and decision XII/32 of the Conference of the Parties to the Convention on Biological Diversity, as well as decision VII/7 of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

1. *Decides* to adopt an integrated programme of work and budget for the Convention on Biological Diversity, the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit sharing;
2. *Also decides* to share all costs for Secretariat services among the Convention, the Cartagena Protocol and the Nagoya Protocol on a ratio of 76:16:8 for the biennium 2017-2018;
3. *Approves* a core (BB) programme budget for the Nagoya Protocol on Access and Benefit Sharing of 1,468,900 United States dollars for the year 2017 and of 1,503,500 United States dollars for the year 2018, representing 8 per cent of the integrated budget of 18,361,600 United States dollars for the year 2017 and 18,794,200 United States dollars for the year 2018 for the Convention and the Protocols, for the purposes listed in the tables 1a and 1b below;
4. *Adopts* the scale of assessments for the apportionment of expenses for 2017 and 2018 as contained in table 3 below;
5. *Authorizes* the Executive Secretary on an exceptional basis to amend the 2018 scale of assessment to include all Parties for which the Nagoya Protocol enters into force on or before 31 December 2017;
6. *Decides* to endorse the merger of the Trust Funds for additional voluntary contributions in support of approved activities of the Convention and its Protocols (BE, BH, BX) so that resources may be used for projects targeted at more than one instrument and, in this regard, decides that new voluntary contributions for activities should be placed in the BE Trust Fund, and *requests* the Executive Director of the United Nations Environment Programme to seek the approval of the United Nations Environment Assembly to change the name of the merged Trust Fund to "Special Voluntary Trust Fund for Contributions in Support of Additional Approved Activities of the Convention on Biological Diversity and its Protocols";
7. *Acknowledges* the funding estimates for the Special Voluntary Trust Fund for Additional Voluntary Contributions in Support of Approved Activities of the Nagoya Protocol on Access and Benefit Sharing (BX Trust Fund) for the period 2017-2020 included in table 2 below;

8. *Notes* that the Special Voluntary Trust Fund for Additional Voluntary Contributions in Support of Approved Activities of the Nagoya Protocol on Access and Benefit Sharing (BX Trust Fund) should be extended for a period of four years beginning 1 January 2018 and ending 31 December 2021 to allow the Executive Secretary to process the administrative closing of the Trust Fund, and *requests* the Executive Director of the United Nations Environment Programme to seek the approval of the United Nations Environment Assembly for this extension;

9. *Decides* to apply, *mutatis mutandis*, paragraphs 4; 6 to 20 and 24 to 47 of decision XIII/32 of the Conference of the Parties.

**Table 1a. Integrated biennium budget for the Trust Funds of the Convention on Biological Diversity and its Protocols 2017-2018**

<i>Expenditures</i>	<i>2017</i>	<i>2018</i>	<i>Total</i>
	<i>(US\$ thousands)</i>		
<b>I. Programmes</b>			
Office of the Executive Secretary	2,114.2	2,215.1	4,329.3
Scientific and Policy Support	5,156.9	5,252.6	10,409.5
Mainstreaming, Cooperation and Outreach Support	2,057.1	2,098.8	4,155.9
Implementation Support	2,838.2	3,322.7	6,160.9
Administration, Finance and Conference Services	3,974.1	3,742.9	7,716.9
<b>Sub-total (I)</b>	<b>16,140.5</b>	<b>16,632.1</b>	<b>32,772.5</b>
<b>II. Programme support charge 13%</b>	<b>2,098.3</b>	<b>2,162.2</b>	<b>4,260.4</b>
<b>GRAND TOTAL (I + II)</b>	<b>18,238.8</b>	<b>18,794.2</b>	<b>37,033.0</b>
<b>III. Working capital reserve</b>	<b>122.8</b>		<b>122.8</b>
<b>GRAND TOTAL (II + III)</b>	<b>18,361.6</b>	<b>18,794.2</b>	<b>37,155.8</b>
Nagoya Protocol share of Integrated Budget (8%)	1,468.9	1,503.5	2,972.5
Replenishment of working capital from reserve (8%)	(9.8)		(9.8)
Less contribution from the host country (8%)	(98.1)	(98.5)	(196.6)
Set aside delegated to Executive Director of UNEP (8%)	(12.0)	(19.6)	(31.6)
Less savings from previous years (8%)	(47.8)	(47.9)	(95.7)
<b>NET TOTAL (amount to be shared by Parties)</b>	<b>1,301.3</b>	<b>1,337.5</b>	<b>2,638.8</b>

**Table 1b. Integrated biennium budget for the Trust Funds of the Convention on Biological Diversity and its Protocols 2017-2018 (by object of expenditure)**

<i>Expenditures</i>	<i>2017</i>	<i>2018</i>	<i>Total</i>
	<i>(US\$ thousands)</i>		
A. Staff costs	11,329.4	11,586.0	22,915.4
B. Bureau meetings	150.0	215.0	365.0
C. Travel on official business	450.0	400.0	850.0
D. Consultants/subcontracts	75.0	75.0	150.0
E. Meetings <sup>1/ 2/ 3/</sup>	1,416.8	2,016.8	3,433.6
F. Public awareness materials	50.0	50.0	100.0
G. Temporary assistance/Overtime	100.0	100.0	200.0
H. Rent and associated costs	1,239.7	1,257.6	2,497.3
I. General operating expenses	979.6	726.6	1,706.2
J. Training	5.0	5.0	10.0
K. Expert Meetings	280.0	135.0	415.0
L. Translation of BCH/CHM and ABS CH websites	65.0	65.0	130.0
<b>Sub-total (I)</b>	<b>16,140.5</b>	<b>16,632.1</b>	<b>32,772.5</b>
<b>II. Programme support charge 13%</b>	<b>2,098.3</b>	<b>2,162.2</b>	<b>4,260.4</b>
<b>SUB-TOTAL (I + II)</b>	<b>18,238.8</b>	<b>18,794.2</b>	<b>37,033.0</b>
<b>III. Working capital reserve</b>	<b>122.8</b>		<b>122.8</b>
<b>GRAND TOTAL (II + III)</b>	<b>18,361.6</b>	<b>18,794.2</b>	<b>37,155.8</b>
Nagoya Protocol share of integrated budget (8%)	1,468.9	1,503.5	2,972.5
Replenishment of working capital from reserve (8%)	(9.8)		(9.8)
Less contribution from the host country (8%)	(98.1)	(98.5)	(196.6)
Set-aside delegated to Executive Director of UNEP (8%)	(12.0)	(19.6)	(31.6)
Less use of reserves from previous years (8%)	(47.8)	(47.9)	(95.7)
<b>NET TOTAL (amount to be shared by Parties)</b>	<b>1,301.3</b>	<b>1,337.5</b>	<b>2,638.8</b>

1/ Priority meetings to be funded from the core budget:

Tenth meeting of the Ad Hoc Working Group on Article 8(j).

Twenty-first and twenty-second meetings of the Subsidiary Body on Scientific Technical and Technological Advice.

Second meeting of the Subsidiary Body on Implementation.

Fourteenth meeting of the Conference of the Parties to the Convention/~Ninth meeting of the Parties to the Cartagena Protocol on Biosafety/~Third meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing held concurrently.

2/ SBSTTA-21 (3 days), Art 8(j)-10 (3 days) back-to-back in 2017. SBSTTA-22 (6 days), SBI-2 (5 days) back-to-back in 2018.

3/ Budget for the fourteenth meeting of the Conference of the Parties to the Convention, the ninth meeting of the Parties to the Cartagena Protocol on Biosafety and the third meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing divided equally between both years of the biennium.

**Table 2. Resource requirements from the Special Voluntary Trust Fund (BX) for Additional Voluntary Contributions in Support of Approved Activities of the Nagoya Protocol on Access and Benefit-sharing for the period 2017-2020**

*(Thousands of United States dollars)*

<i>I. Description</i>	2017-2020
<b>1. CAPACITY-BUILDING WORKSHOPS</b>	
<b>Scientific and Policy Support Division</b>	
<b>Access and Benefit Sharing and Traditional Knowledge Unit</b>	
ABS Clearing House	20.0
Legal frameworks to implement the Nagoya Protocol	840.0
Implementing the Nagoya Protocol	150.0
Train communicators and disseminate the ABS awareness-raising toolkit	28.0
<b>2. CONSULTANTS</b>	
<b>Scientific and Policy Support Division</b>	
<b>Access and Benefit Sharing and Traditional Knowledge Unit</b>	
Online Global Network on Biodiversity Law	40.0
Establishing legal frameworks to implement the Nagoya Protocol	100.0
Analysis of information for first assessment and review process of the Nagoya Protocol	20.0
Study on criteria for a specialized international ABS instrument	20.0
<b>3. STAFF TRAVEL</b>	
<b>Scientific and Policy Support Division</b>	
<b>Access and Benefit Sharing and Traditional Knowledge Unit</b>	
ABS Clearing House	60.0
<b>4. PUBLICATIONS</b>	
<b>Scientific and Policy Support Division</b>	
<b>Access and Benefit Sharing and Traditional Knowledge Unit</b>	
ABS Clearing House	20.0
Train communicators and disseminate the ABS awareness-raising toolkit	2.0
<b>Sub-total I</b>	<b>1,300.0</b>
<b>II. Programme support costs (13%)</b>	169.0
<b>TOTAL COST (I + II)</b>	<b>1,469.0</b>

**Table 3. Contributions to the Trust Fund for the Nagoya Protocol on Access and Benefit-sharing for the biennium 2017-2018**

<i>Member Country</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceiling, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2017</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceiling, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2018</i>	<i>Total Contributions 2017-2018 US\$</i>
Albania	0.008	0.020	266	0.008	0.020	266	531
Antigua and Barbuda*	0.002			0.002	0.005	66	66
Argentina*	0.892			0.892	2.217	29,656	29,656
Belarus	0.056	0.143	1,859	0.056	0.139	1,862	3,720
Belgium	0.885	2.257	29,373	0.885	2.200	29,423	58,796
Benin	0.003	0.008	100	0.003	0.007	100	199
Bhutan	0.001	0.003	33	0.001	0.002	33	66
Bolivia (Plurinational State of)*	0.012			0.012	0.030	399	399
Botswana	0.014	0.036	465	0.014	0.035	465	930
Bulgaria	0.045	0.115	1,494	0.045	0.112	1,496	2,990
Burkina Faso	0.004	0.010	133	0.004	0.010	133	266
Burundi	0.001	0.003	33	0.001	0.002	33	66
Cambodia	0.004	0.010	133	0.004	0.010	133	266
Cameroon*	0.010			0.010	0.025	332	332
China	7.921	20.203	262,900	7.921	19.689	263,344	526,244
Comoros	0.001	0.003	33	0.001	0.002	33	66
Congo	0.006	0.015	199	0.006	0.015	199	399
Cote d'Ivoire	0.009	0.023	299	0.009	0.022	299	598
Croatia	0.099	0.253	3,286	0.099	0.246	3,291	6,577
Cuba	0.065	0.166	2,157	0.065	0.162	2,161	4,318
Czech Republic	0.344	0.877	11,417	0.344	0.855	11,437	22,854
Democratic Republic of the Congo	0.008	0.010	130	0.008	0.010	134	264
Denmark	0.584	1.490	19,383	0.584	1.452	19,416	38,799
Djibouti	0.001	0.003	33	0.001	0.002	33	66
Dominican Republic	0.046	0.117	1,527	0.046	0.114	1,529	3,056
Egypt	0.152	0.388	5,045	0.152	0.378	5,053	10,098

<i>Member Country</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceilings, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2017</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceilings, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2018</i>	<i>Total Contributions 2017-2018 US\$</i>
Ethiopia	0.010	0.010	130	0.010	0.010	134	264
European Union		2.500	32,532	0.000	2.500	33,437	65,969
Fiji	0.003	0.008	100	0.003	0.007	100	199
Finland	0.456	1.163	15,135	0.456	1.133	15,160	30,295
France	4.859	12.393	161,271	4.859	12.078	161,544	322,815
Gabon	0.017	0.043	564	0.017	0.042	565	1,129
Gambia	0.001	0.003	33	0.001	0.002	33	66
Germany	6.389	16.296	212,052	6.389	15.881	212,411	424,463
Guatemala	0.028	0.071	929	0.028	0.070	931	1,860
Guinea	0.002	0.005	66	0.002	0.005	66	133
Guinea-Bissau	0.001	0.003	33	0.001	0.002	33	66
Guyana	0.002	0.005	66	0.002	0.005	66	133
Honduras	0.008	0.020	266	0.008	0.020	266	531
Hungary	0.161	0.411	5,344	0.161	0.400	5,353	10,696
India	0.737	1.880	24,461	0.737	1.832	24,503	48,964
Indonesia	0.504	1.285	16,728	0.504	1.253	16,756	33,484
Jordan	0.020	0.051	664	0.020	0.050	665	1,329
Kazakhstan	0.191	0.487	6,339	0.191	0.475	6,350	12,689
Kenya	0.018	0.046	597	0.018	0.045	598	1,196
Kyrgyzstan	0.002	0.005	66	0.002	0.005	66	133
Lao People's Democratic Republic	0.003	0.008	100	0.003	0.007	100	199
Lesotho	0.001	0.003	33	0.001	0.002	33	66
Liberia	0.001	0.003	33	0.001	0.002	33	66
Luxembourg*	0.064			0.064	0.159	2,128	2,128
Madagascar	0.003	0.008	100	0.003	0.007	100	199
Malawi	0.002	0.005	66	0.002	0.005	66	133
Mali	0.003	0.008	100	0.003	0.007	100	199
Malta*	0.016			0.016	0.040	532	532
Marshall Islands	0.001	0.003	33	0.001	0.002	33	66
Mauritania	0.002	0.005	66	0.002	0.005	66	133
Mauritius	0.012	0.031	398	0.012	0.030	399	797

<i>Member Country</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceilings, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2017</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceilings, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2018</i>	<i>Total Contributions 2017-2018 US\$</i>
Mexico	1.435	3.660	47,628	1.435	3.567	47,708	95,336
Micronesia (Federated States of )	0.001	0.003	33	0.001	0.002	33	66
Mongolia	0.005	0.013	166	0.005	0.012	166	332
Mozambique	0.004	0.010	133	0.004	0.010	133	266
Myanmar	0.010	0.010	130	0.010	0.010	134	264
Namibia	0.010	0.026	332	0.010	0.025	332	664
Netherlands	1.482	3.780	49,188	1.482	3.684	49,271	98,459
Niger	0.002	0.005	66	0.002	0.005	66	133
Norway	0.849	2.165	28,179	0.849	2.110	28,226	56,405
Pakistan	0.093	0.237	3,087	0.093	0.231	3,092	6,179
Panama	0.034	0.087	1,128	0.034	0.085	1,130	2,259
Peru	0.136	0.347	4,514	0.136	0.338	4,521	9,035
Philippines	0.165	0.421	5,476	0.165	0.410	5,486	10,962
Republic of Moldova	0.004	0.010	133	0.004	0.010	133	266
Rwanda	0.002	0.005	66	0.002	0.005	66	133
Samoa	0.001	0.003	33	0.001	0.002	33	66
Senegal	0.005	0.010	130	0.005	0.010	134	264
Seychelles	0.001	0.003	33	0.001	0.002	33	66
Sierra Leone*	0.001			0.001	0.002	33	33
Slovakia	0.160	0.408	5,310	0.160	0.398	5,319	10,630
South Africa	0.364	0.928	12,081	0.364	0.905	12,102	24,183
Spain	2.443	6.231	81,084	2.443	6.073	81,221	162,304
Sudan	0.010	0.010	130	0.010	0.010	134	264
Swaziland	0.002	0.005	66	0.002	0.005	66	133
Sweden	0.956	2.438	31,730	0.956	2.376	31,783	63,513
Switzerland	1.140	2.908	37,837	1.140	2.834	37,901	75,738
Syrian Arab Republic	0.024	0.061	797	0.024	0.060	798	1,594
Tajikistan	0.004	0.010	133	0.004	0.010	133	266
Togo	0.001	0.003	33	0.001	0.002	33	66
Uganda	0.009	0.010	130	0.009	0.010	134	264

<i>Member Country</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceiling, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2017</i>	<i>UN scale of assessments 2017 (percentage)</i>	<i>Scale with 22% ceiling, no LDC paying more than 0.01 % (percentage)</i>	<i>Contributions per 1 Jan. 2018</i>	<i>Total Contributions 2017-2018 US\$</i>
United Arab Emirates	0.604	1.541	20,047	0.604	1.501	20,081	40,128
United Kingdom of Great Britain and Northern Ireland	4.463	11.383	148,128	4.463	11.094	148,378	296,506
Uruguay	0.079	0.201	2,622	0.079	0.196	2,626	5,248
Vanuatu	0.001	0.003	33	0.001	0.002	33	66
Viet Nam	0.058	0.148	1,925	0.058	0.144	1,928	3,853
Zambia	0.007	0.010	130	0.007	0.010	134	264
<b>TOTAL</b>	<b>39.255</b>	<b>100.000</b>	<b>1,301,277</b>	<b>39.255</b>	<b>100.000</b>	<b>1,337,495</b>	<b>2,638,773</b>

\* Will be invoiced in 2017 on a pro-rata basis.

## 2/14. *Digital sequence information on genetic resources*

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

*Noting* that digital sequence information<sup>25</sup> on genetic resources is a cross-cutting issue that may concern the objective of the Nagoya Protocol,

*Also noting* rapid advances arising from research and development in biotechnology regarding the use of digital sequence information on genetic resources and therefore *recognizing* the importance of addressing this matter within the framework of the Nagoya Protocol in a timely manner,

*Recognizing* the need for a coordinated and non-duplicative approach on this matter under the Convention and the Nagoya Protocol and *acknowledging* decision XIII/16,

1. *Decides* to consider at its third meeting any potential implications of the use of digital sequence information on genetic resources for the objective of the Nagoya Protocol;

2. *Invites* Parties, other Governments, indigenous peoples and local communities, and relevant organizations and stakeholders to include in their views and relevant information submitted in accordance with paragraph 2 of decision XIII/16 information relevant to the Nagoya Protocol;

3. *Notes* that, in decision XIII/16, the Executive Secretary is requested to compile and synthesize the views and information submitted and to commission a study, which are to be considered by an ad hoc technical expert group;

4. *Welcomes* the invitation by the Conference of the Parties at its thirteenth meeting, as provided in paragraph 6 of decision XIII/16;

5. *Decides* that the ad hoc technical expert group referred to in that paragraph will also serve the Nagoya Protocol by considering the information relevant to the Nagoya Protocol in the compilation, synthesis and study prepared in accordance with paragraph 3 of decision XIII/16;

6. *Requests* the ad hoc technical expert group to submit its outcomes for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice;

7. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to consider the outcomes of the ad hoc technical expert group and to make a recommendation on the potential implications of the use of digital sequence information on genetic resources for the objective of the Nagoya Protocol for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting.

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<sup>25</sup> Terminology is subject to further discussion in the study and the expert group.







