

Response from the Berne Declaration

ANNEX I

QUESTIONNAIRE ON DOMESTIC NEEDS AND PRIORITIES FOR CAPACITY-BUILDING AND DEVELOPMENT IN SUPPORT OF THE IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

1. KEY AREAS FOR CAPACITY-BUILDING AND DEVELOPMENT

Article 22, paragraph 4, of the Nagoya Protocol provides the following indicative list of key areas for capacity-building and development in support of the effective implementation of the Protocol:

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

In addition to the key areas listed above, please indicate any other key area for capacity-building and development in relation to your domestic needs and priorities in support of the implementation of the Protocol, taking into account the capacity needs and priorities of indigenous and local communities and relevant stakeholders.

-<text entry>

2. MEASURES TO BUILD OR DEVELOP CAPACITY UNDER EACH OF THE KEY AREAS AND PREFERRED MECHANISMS FOR THEIR IMPLEMENTATION.

A. Measures to build or develop capacity under each of the key areas for capacity-building and development

Article 22, paragraph 5, of the Nagoya Protocol provides an indicative list of measures on which to build or develop capacity. In addition to that list, other possible measures have been identified by Parties, international organizations, indigenous and local communities and relevant stakeholders in the submissions of views and information in relation to capacity-building and development (UNEP/CBD/ICNP/1/INF/3) and during the capacity-building workshop on access and benefit-sharing held in Montreal 4-5 June 2011 (UNEP/CBD/ICNP/1/INF/6).

The following table takes into account the list of measures included in Article 22, paragraph 5, as well as the measures identified in the above mentioned documents to build or develop capacity under each of the key areas included in section 1 above.

On the basis of the tables provided below:

1. Please **rank as high, medium or low priority** your domestic capacity building and development needs for each of the measures listed.

2. Please **indicate the time frame** within which you wish your domestic capacity-building and development needs to be addressed: short, medium or long term.¹
3. Please **indicate any additional measures** you wish to include under each of the key areas.
4. For each measure, please **indicate your preferred mechanism** which could assist in addressing the capacity needs related to that measure.

(a) Capacity to implement, and to comply with the obligations of the Protocol	Priority level	Time frame	Mechanism to address the capacity needs	
Legal and institutional development (Art. 22.5)	<Medium>	Short term	<Click here to select an option>	Other <please specify>
Establishing mechanisms for interagency coordination	<Medium>	Short term	<Click here to select an option>	Other <please specify>
Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol	<Low>	Medium term	<Click here to select an option>	Other <please specify>
Employment of best available communication tools and Internet-based systems for access and benefit-sharing activities (Art. 22.5)	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Providing information to the Access and Benefit-sharing Clearing-House	<Medium>	Short term	<Click here to select an option>	Other <please specify>
Monitoring the utilization of genetic resources, including the designation of one or more checkpoints	<High>	Short term	<Click here to select an option>	Other <please specify>
The monitoring and enforcement of compliance (Art.22.5)	<High>	Short term	<Click here to select an option>	Other <please specify>
Developing measures regarding access to justice	<High>	Medium term	<Click here to select an option>	Other <please specify>
Raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Enhancement of the contribution of access and benefit-sharing activities to the conservation of biological diversity and the sustainable use of its components (Art. 22.5)	<Medium>	Long term	<Click here to select an option>	Other <please specify>
Establishing mechanisms to address transboundary situations	<High>	Medium term	<Click here to select an option>	Other <please specify>
Mobilising new and innovative financial resources to implement the Nagoya Protocol	<Low>	Medium term	<Click here to select an option>	Other <please specify>
Special measures to increase the capacity of relevant stakeholders in relation to ABS (Art. 22.5)	<High>	Short term	<Click here to select an option>	Other <please specify>
Special measures to increase the capacity of indigenous and local communities with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or traditional knowledge associated with genetic resources (Art. 22.5)	<High>	Short term	<Click here to select an option>	Other <please specify>
Other <please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

¹ These time frames are to be understood as follows: (a) short term: within 2 years; (b) medium term: within 2 to 5 years; and (c) long term: more than 5 years.

<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

(b) Capacity to negotiate mutually agreed terms	Priority level	Time frame	Mechanism to address the capacity needs	
Promotion of equity and fairness in negotiations, such as training to negotiate mutually agreed terms (Art.22.5)	<High>	Short term	Education and training	Other <please specify>
Supporting the development of model contractual clauses	<Medium>	Medium term	Exchange programmes	Other <please specify>
Developing and implementing pilot access and benefit-sharing agreements	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Development and use of valuation methods (Art.22.5)	<Medium>	Long term	<Click here to select an option>	Other <please specify>
Other <please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing	Priority level	Time frame	Mechanism to address the capacity needs	
Taking stock of domestic measures relevant to access and benefit-sharing in light of the obligations of the Nagoya Protocol	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Developing a policy framework on access and benefit-sharing	<Low>	Long term	<Click here to select an option>	Other <please specify>
Setting-up new or amended access and benefit-sharing legislative, administrative or policy measures with a view to implementing the Nagoya Protocol	<Medium>	Short term	<Click here to select an option>	Other <please specify>
Other <please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

(d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Priority level	Time frame	Mechanism to address the capacity needs	
Bioprospecting, associated research and taxonomic studies (Art. 22.5)	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Development and use of valuation methods (Art. 22.5)	<Low>	Long term	<Click here to select an option>	Other <please specify>
Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable (Art. 22.5)	<High>	Short term	<Click here to select an option>	Other <please specify>
Other <please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

Please **indicate any additional key area(s)** for capacity-building and development you have identified and please **specify measures** to build or develop capacity under any new key area identified.

Other key area <please insert additional key area identified in section 1 above>	Priority level	Time frame	Mechanism to address the capacity needs	
Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on compliance and monitoring (implementing Art, 15,16,17 of the Protocol).	<High>	Short term	Funding support	Other <please specify>
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

Other key area <please insert additional key area identified in section 1 above>	Priority level	Time frame	Mechanism to address the capacity needs	
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify related measures>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

B. Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders

In accordance with Article 22, paragraph 3, indigenous and local communities and relevant stakeholders are invited to provide views and information on measures, in addition to those listed above, needed to address their particular capacity needs and priorities to support implementation of the Nagoya Protocol.

On the basis of the table provided below:

1. Please **rank as high, medium or low priority** your domestic capacity needs for each of the measures listed.
2. Please **indicate the time frame** within which you wish your domestic capacity-building and development needs to be addressed: **short, medium or long term²**.
3. Please **indicate any additional measures** you wish to include.
4. For each measure, please **indicate your preferred mechanism** which could assist in addressing the capacity needs related to that measure.

² These time frames are to be understood as follows: (a) short term: within 2 years; (b) medium term: within 2 to 5 years; and (c) long term: more than 5 years.

Particular measures to build or develop capacity of indigenous and local communities and relevant stakeholders	Priority level	Time frame	Mechanism to address the capacity needs	
			<Click here to select an option>	Other <please specify>
Participating in legal, policy and decision-making processes	<High>	Short term	<Click here to select an option>	Other <please specify>
Managing traditional knowledge associated with genetic resources	<High>	Medium term	<Click here to select an option>	Other <please specify>
Understanding the obligations under the Nagoya Protocol	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Developing capacity to negotiate mutually agreed terms	<High>	Short term	<Click here to select an option>	Other <please specify>
Developing community protocols in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of that knowledge	<High>	Medium term	<Click here to select an option>	Other <please specify>
Developing minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources	<High>	Medium term	<Click here to select an option>	Other <please specify>
Developing model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources	<Medium>	Medium term	<Click here to select an option>	Other <please specify>
Other <please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>
<please specify>	<Click here>	<Click here>	<Click here to select an option>	Other <please specify>

C. Preferred mechanisms to address capacity needs

With a view to identifying the most appropriate capacity-building and development mechanisms to address the needs identified above:

1. Please **rank as high, medium or low priority** your preferred broad categories of mechanisms to address your capacity needs for the implementation of capacity-building and development measures.
2. For each of the broad categories **select up to three mechanisms**, as proposed below, which in your opinion are the most appropriate to address your capacity needs and priorities.
3. Please **indicate any additional mechanisms** you may wish to include.
4. For each of the mechanisms selected, please **indicate whether these are to be implemented at multiple levels, at the international level,, at regional and subregional levels or at national level**

Broad categories of mechanisms	Priority level	Mechanisms to address the capacity needs (Max. 3)	Level of implementation
Education and training	<High>	<input type="checkbox"/> Academic (degree) programmes <input checked="" type="checkbox"/> Professional training (customised short courses) <input type="checkbox"/> E-learning modules <input type="checkbox"/> <i>Other</i> <please specify>	<Click here> Regional and subregion <Click here> <Click here>
Funding support	<High>	<input checked="" type="checkbox"/> Project/programme support <input type="checkbox"/> Scholarships/fellowships <input type="checkbox"/> Research grants <input type="checkbox"/> <i>Other</i> <please specify>	Multiple levels <Click here> <Click here> <Click here>
Tools and reference materials	<Medium>	<input checked="" type="checkbox"/> Training manuals <input checked="" type="checkbox"/> Technical guidelines/toolkits/"how to manuals" <input type="checkbox"/> Technical studies <input type="checkbox"/> Publications <input type="checkbox"/> Best practices/lessons learned/case studies <input checked="" type="checkbox"/> Awareness-raising materials (e.g audiovisuals and films, posters, bulletins, etc) <input type="checkbox"/> <i>Other</i> <please specify>	International International <Click here> <Click here> <Click here> Regional and subregion <Click here>
Conferences and workshops	<Medium>	<input checked="" type="checkbox"/> Awareness-raising seminars <input type="checkbox"/> Discussion forums <input type="checkbox"/> Fairs/exhibitions/poster sessions <input checked="" type="checkbox"/> National/regional/international conferences <input type="checkbox"/> Training workshops <input type="checkbox"/> Symposia/scientific meetings <input type="checkbox"/> Policy dialogues <input checked="" type="checkbox"/> Multi-stakeholders workshops <input type="checkbox"/> <i>Other</i> <please specify>	Multiple levels <Click here> <Click here> Multiple levels <Click here> <Click here> <Click here> Regional and subregion <Click here>
Networks/associations information exchange fora	<Medium>	<input checked="" type="checkbox"/> Online discussion fora <input type="checkbox"/> Professional associations (Membership subscriptions) <input type="checkbox"/> Expert (peer-to-peer) networks <input type="checkbox"/> Policy networks <input type="checkbox"/> Journal subscriptions <input type="checkbox"/> <i>Other</i> <please specify>	International <Click here> <Click here> <Click here> <Click here> <Click here>
Exchange programmes	<Low>	<input checked="" type="checkbox"/> Staff exchange/attachment/secondments <input type="checkbox"/> Study tours/exchange visits <input type="checkbox"/> Twinning programmes <input type="checkbox"/> Fellowships <input type="checkbox"/> <i>Other</i> <please specify>	International <Click here> <Click here> <Click here> <Click here>
On-the-job training	<Medium>	<input type="checkbox"/> Apprenticeships, internships <input type="checkbox"/> Coaching/mentoring <input checked="" type="checkbox"/> Structured staff training programmes <input type="checkbox"/> <i>Other</i> <please specify>	<Click here> <Click here> Regional and subregion <Click here>
Legal/technical assistance	<High>	<input type="checkbox"/> Advisory/consultancy (expatriate) services <input type="checkbox"/> Information services <input checked="" type="checkbox"/> Institutional support (Infrastructure development) <input checked="" type="checkbox"/> Policy/legal support <input checked="" type="checkbox"/> Project/programme development <input type="checkbox"/> <i>Other</i> <please specify>	<Click here> <Click here> National National Regional and subregion <Click here>
Scientific and technical cooperation	<Medium>	<input checked="" type="checkbox"/> Collaborative research <input type="checkbox"/> Exchange of scientific and technical information <input type="checkbox"/> Joint training programmes <input checked="" type="checkbox"/> Joint projects/technical activities <input checked="" type="checkbox"/> Technology transfer <input type="checkbox"/> Sharing of infrastructure/equipment <input type="checkbox"/> <i>Other</i> <please specify>	Multiple levels <Click here> <Click here> Multiple levels Multiple levels <Click here> <Click here>
Other <please specify>	<Click here>	<please specify>	<Click here>

ANNEX II

QUESTIONNAIRE ON PROPOSED ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT UNDER THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

Please provide your views and suggestions for each of the proposed elements of the strategic framework.

1. OBJECTIVES

In accordance with Article 22 of the Nagoya Protocol, the objective of the strategic framework is to assist Parties in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition to effectively implement the Protocol.

Please provide any views on the possible objective(s) for the strategic framework.

<Text entry>

2. EXPERIENCE AND LESSONS LEARNED FROM PAST AND ONGOING ACCESS AND BENEFIT-SHARING CAPACITY-BUILDING AND DEVELOPMENT INITIATIVES.

Please provide a short description of your experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives which could contribute to the development and implementation of the strategic framework.

<Text entry>

3. GUIDING PRINCIPLES AND APPROACHES TO CAPACITY-BUILDING AND DEVELOPMENT

The preamble of the recommendation 1/2 of the Intergovernmental Committee provides a preliminary list of principles and approaches to guide capacity-building and development in support of the implementation of the Nagoya Protocol, as follows:

- a) To be demand-driven, based on the needs and priorities identified through national self-assessments;
- b) To take note of experiences and lessons learned from past and on-going ABS capacity-building initiatives;
- c) To emphasize the role of bilateral and multilateral cooperation;
- d) To ensure full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives; and
- e) To recognize the usefulness and cost-effectiveness of subregional and regional approaches to capacity-building and development in particular where countries have similar biological resources and common capacity-building needs.

The list below contains the GEF operational principles for effective capacity-building.³

*Please indicate from this list which of these principles and approaches could be reflected in the strategic framework to guide capacity-building and development initiatives under the Nagoya Protocol by **placing a cross (X)**.*

- Ensure national ownership and leadership
- Ensure multi-stakeholder consultations and decision-making
- Base capacity building efforts in self-needs assessment
- Adopt a holistic approach to capacity-building
- Integrate capacity-building in wider sustainable development efforts
- Promote partnerships
- Accommodate the dynamic nature of capacity-building
- Adopt a learning-by-doing approach
- Combine programmatic and project-based approaches
- Combine process as well as product-based approaches
- Promote regional approaches

Other <please specify>

4. KEY AREAS FOR CAPACITY-BUILDING AND DEVELOPMENT AND MEASURES TO BUILD OR DEVELOP CAPACITY UNDER THE KEY AREAS

This element of the strategic framework will be based on the responses to the questionnaire on domestic needs and priorities (Annex I).

5. MECHANISMS FOR THE IMPLEMENTATION OF CAPACITY-BUILDING AND DEVELOPMENT MEASURES

This element of the strategic framework will be based on the responses to the questionnaire on domestic needs and priorities (Annex I).

6. COORDINATION MECHANISM

Article 22, paragraph 6, of the Protocol provides that information on capacity-building and development initiatives at national, regional and international levels should be provided to the Access and Benefit-sharing Clearing-house with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing.

*In addition to reporting to the Access and Benefit-sharing Clearing-House, other possible elements for a coordination mechanism are listed below. Please indicate which of these, in your opinion, could be useful element(s) for a coordination mechanism to promote synergy and coordination on capacity-building and development under the Nagoya Protocol by **placing a cross (X)**.*

³ GEF/C.22/8 “Strategic Approach to Enhancing Capacity Building” (2003). Definitions of the operational principles can be found in the annex to the document.

- Liaison group providing advice to the SCBD on ways to improve coordination
- Coordination meetings of government agencies, donors and relevant organizations involved with capacity-building
- Online forums and networks linking government agencies, donors and relevant organizations involved with capacity-building through internet-based tools

Other <please specify>

Please provide views regarding a coordination mechanism for capacity-building and development under the Nagoya Protocol.

A coordination mechanism for the NP needs to be linked to the process under the Paris Declaration and the Accra Agenda for Action. To be effective and representative, a Coordination Mechanism must be equipped with a budget line that allows participation of developing countries and specifically ILC and NGOs from developing countries.

7. COOPERATION AMONG PARTIES AND WITH RELEVANT PROCESSES AND PROGRAMMES

Please provide views or information on possible or existing cooperation among Parties and with relevant processes and programmes which could support the implementation of the strategic framework.

<Text entry>

8. MONITORING AND REVIEW

Please provide views on how the strategic framework could be monitored and reviewed.

By the COP of the Nagoya Protocol - every 4 years

Please indicate whether, in your opinion, the development of a set of indicators to facilitate the monitoring and review of the strategic framework would be useful.

Yes, these indicators need to be discussed and drafted by an expert group in project planning and execution in the context of the coordination mechanism.

If you think the development of indicators could support the monitoring and review of the strategic framework, please indicate whether, in your opinion, it would be most appropriate to develop the indicators at the national and/or international level. If possible, please also provide examples of such indicators (e.g existence of a legislative framework to implement the Protocol).

There should be international indicators

- existence of legislative framework to implement the protocol
- number of Community Protocols
- number of biopiracy cases discovered/prevented/corrected
- number of permits / international certificates in the ABS CHM
- completeness of information in the international certificate with reference to Art. 17.4
- number of domestic legislation granting rights to ILC over their GR in order to negotiate PIC and MAT

9. POSSIBLE SEQUENCE OF ACTIONS FOR THE IMPLEMENTATION OF THE STRATEGIC FRAMEWORK

Please provide your views and/or information regarding possible sequence of actions for the implementation of the strategic framework, including a possible roadmap of activities to assist countries in defining their priorities and corresponding timelines. This could include actions at the international, regional and national levels.

<Text entry>

10. FINANCIAL AND OTHER RESOURCE REQUIREMENTS

Please provide your views and/or information regarding financial and resource requirements in relation to the implementation of the strategic framework.

<Text entry>

11. OTHER POSSIBLE ELEMENTS

Please provide a short description of any other element that you wish to see reflected in the strategic framework.

<Text entry>