

Response from India

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.

- Capacity for local stakeholders to understand obligations, negotiate ABS agreements;
- Capacity for economic valuation of biodiversity.
- Capacity for Technology transfer
- Capacity on Transboundary cooperation,
- Capacity to develop, implement and enforce domestic, legislative, administrative policy measures on ABS.

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.²
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**, taken from the list below, which could assist in addressing the capacity needs related to that measure.

Mechanisms:

- (1) Education and training
- (2) Funding support
- (3) Tools and reference materials
- (4) Conferences and workshops
- (5) On-the-job training
- (6) Networks/ Professional associations/information exchange fora
- (7) Exchange programmes
- (8) Legal/technical assistance
- (9) Scientific and technical cooperation
- (10) Others (please specify)

(a) Capacity to implement, and to comply with the obligations of the Protocol	Priority level (high, medium, low)	Time frame (short, medium long term)	Mechanism to address the capacity needs
<i>E.g Legal and institutional development</i>	<i>High</i>	<i>Short term</i>	<i>2 (funding support)</i>
Legal and institutional development (Art. 22.5)	High	a	8, 9, 6
Establishing mechanisms for interagency coordination	High	b	6, 7, 9
Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol	High	a	2, 4, 7
Employment of best available communication tools and Internet-based systems for access and benefit-sharing activities (Art. 22.5)	High	a	6, 5, 4
Providing information to the Access and Benefit-sharing Clearing-House	High	a	1, 2, 5
Monitoring the utilization of genetic resources, including the designation of one or more checkpoints	Medium	b	9, 8, 5
The monitoring and enforcement of compliance (Art.22.5)	High	a	1, 4, 5
Developing measures regarding access to justice	High	b	8
Raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues	High	a	1, 5, 4
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	b	4, 3, 1
Establishing mechanisms to address transboundary situations	Medium	c	6, 7
Mobilising new and innovative financial resources to implement the Nagoya Protocol			
Special measures to increase the capacity of relevant stakeholders in relation to ABS (Art. 22.5)	High	a	1, 2, 8
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	a	1, 2, 5

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.

Other (please specify)			
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(b) Capacity to negotiate mutually agreed terms	Priority level (high, medium, low)	Time frame (short, medium, long term)	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	a	5, 4
Supporting the development of model contractual clauses	Medium	b	8, 9
Developing and implementing pilot access and benefit-sharing agreements	High	a	2, 3, 8
Development and use of valuation methods (Art.22.5)	High	a	8, 9
Other (please specify)			

(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing	Priority level (high, medium, low)	Time frame (short, medium, long-term)	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	High	a	1, 2, 5
Developing a policy framework on access and benefit-sharing	High	a	8, 9
Setting-up new or amended access and benefit-sharing legislative, administrative or policy measures with a view to implementing the Nagoya Protocol	High	a	8, 5
Other (please specify)			

(d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Priority level (high, medium, low)	Time frame (short, medium, long term)	Mechanism to address the capacity needs
Bioprospecting, associated research and taxonomic studies (Art. 22.5)	High	a	9, 6, 5
Development and use of valuation methods (Art. 22.5)	Medium	a	9
Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable (Art. 22.5)	High	a	9, 8, 6
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(s) for capacity-building and development (please indicate any additional key area identified in section 1 above)	Priority level (high, medium, low)	Time frame (short, medium long term)	Mechanism to address the capacity needs
(please specify related measures)			
Documentation of ABS case studies	high		6, 9
Involvement of private sector participation	high		6, 9

Other key area(s) for capacity-building and development (please indicate any additional key area identified in section 1 above)	Priority level (high, medium, low)	Time frame (short, medium, long term)	Mechanism to address the capacity needs
(please specify related measures)			

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 term**³.
3. Please **indicate any additional measures** you wish to include
4. For each measure, please **indicate your preferred mechanism**, taken from the list below, which could assist in addressing the capacity needs related to that measure.

Mechanisms:

- (1) Education and training
- (2) Funding support
- (3) Tools and reference materials
- (4) Conferences and workshops
- (5) On-the-job training
- (6) Networks/ Professional associations/information exchange fora

³ 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.

- (7) Exchange programmes
- (8) Legal/technical assistance
- (9) Scientific and technical cooperation
- (10) Others (please specify)

Particular measures to build or develop capacity of indigenous and local communities and relevant stakeholders	Priority level (high, medium, low)	Time frame (short, medium long-term)	Mechanism to address the capacity needs
<i>E.g Participating in legal, policy and decision-making processes</i>	High	Short term	1 (education and training)
Participating in legal, policy and decision-making processes	High		1, 5, 8
Understanding the obligations under the Nagoya Protocol	High		1, 2, 8
Developing capacity to negotiate mutually agreed terms	High		1, 3, 9
Managing traditional knowledge associated with genetic resources	High		4, 5, 9
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	Medium		1, 3, 5
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		2, 5, 6
Developing model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources	High		8, 6, 3
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 (high, medium, low)	Mechanisms to address the capacity needs	Select by placing a cross (X) (max 3)	Level of implementation (multiple, international, regional and sub-regional, national)
1. Education and training		Academic (degree) programmes		
		Professional training (customised short-courses)	<input checked="" type="checkbox"/>	National
		E-learning modules	<input checked="" type="checkbox"/>	International
		Other (please specify)		
2. Funding support		Project/programme support	<input checked="" type="checkbox"/>	International
		Scholarships/fellowships		
		Research grants		
		Other (please specify)		
3. Tools and reference materials		Training manuals		
		Technical guidelines/toolkits/"how-to manuals"	<input checked="" type="checkbox"/>	International
		Technical studies		
		Publications		
		Best practices/lessons learned/case studies	<input checked="" type="checkbox"/>	International
		Awareness-raising materials (e.g. audiovisuals and films, posters, bulletins, etc.)		
		Other (please specify)		
4. Conferences and workshops		Awareness-raising seminars		
		Discussion forums		
		Fairs/exhibitions/poster sessions		
		National/regional/international conferences		
		Training workshops	<input checked="" type="checkbox"/>	National
		Symposia/scientific meetings		
		Policy dialogues	<input checked="" type="checkbox"/>	National
		Multi-stakeholders workshops		
Other (please specify)				
5. Networks/ associations/ information exchange fora		Online discussion fora		
		Professional associations (Membership subscriptions)		
		Expert (peer-to-peer) networks	<input checked="" type="checkbox"/>	International
		Policy networks	<input checked="" type="checkbox"/>	International
		Journal subscriptions		
		Other (please specify)		
6. Exchange programmes		Staff exchange/attachment/secondments	<input checked="" type="checkbox"/>	International
		Study tours/exchange visits		
		Twinning programmes	<input checked="" type="checkbox"/>	National
		Fellowships	<input checked="" type="checkbox"/>	National
		Other (please specify)		
7. On-the-job training		Apprenticeships, internships	<input checked="" type="checkbox"/>	National
		Coaching/mentoring	<input checked="" type="checkbox"/>	National
		Structured staff training programmes		

		Other (<i>please specify</i>)		
8. Legal/technical assistance		Advisory/consultancy (expatriate) services	<input checked="" type="checkbox"/>	National
		Information services		
		Institutional support (Infrastructure development)	<input checked="" type="checkbox"/>	National
		Policy/legal support	<input checked="" type="checkbox"/>	National
		Project/programme development		
		Other (<i>please specify</i>)		
9. Scientific and technical cooperation		Collaborative research	<input checked="" type="checkbox"/>	International
		Exchange of scientific and technical information		
		Joint training programmes	<input checked="" type="checkbox"/>	International
		Joint projects/technical activities		
		Technology transfer	<input checked="" type="checkbox"/>	National
		Sharing of infrastructure/equipment		
		Other (<i>please specify</i>)		
10. Other (<i>please specify</i>)		(<i>please specify</i>)		

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.

Capacities of contracting parties enhanced to implement provisions of the Nagoya Protocol on Access and Benefit sharing.

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.

Implementation of Biological Diversity Act, 2002 in India provides significant experience to operationalise several provision of the Protocol.

The Access to bio-resources and / or associated Traditional knowledge from India is considered and approved by the NBA in accordance with Section 3, 4, 6 of Biological Diversity Act, 2002 and 14-19 of Biological Diversity Rules, 2004. The applications received from Public/private sectors and foreign nationals for approval of access to bio-resources and associated Traditional Knowledge are processed, so far, NBA has signed 91 applications under the following categories:

- 1. Access of Bio-resources / commercial purposes-16**
- 2. Transfer of Research Results – 10**
- 3. Intellectual Property Right – 49**
- 4. Third Party Transfer - 16**

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 table below contains the GEF operational principles for effective capacity-building. ⁴

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)** in the right column.

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

⁴ 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.

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) in the right column.

Possible elements for a coordination mechanism	Select by placing a cross (X)
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	X
Other (please specify)	

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

The **Mechanism should be need based, inclusive, participatory and responsive.**

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.

The contracting parties should collaborate and cooperate in technical and scientific research and development programmes including biotech research activities and also should develop regional networks & theme based networks.

8. MONITORING AND REVIEW

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

Periodical reporting; through CHM and each contracting parties should take measures to monitor and transparent about the utilization of genetic resources.

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

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).

Both Levels

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.

Capacity needs assessment; identification and mapping of expertise; establishing networks; implementation; monitoring; evaluation; impact assessment.

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.

Financial & technical resource requirements are essential. There should be a coordinated approach to deal with this.

11. OTHER POSSIBLE ELEMENTS

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