UNEP

CBD

Convention on Biological Diversity

Distr.
GENERAL

CBD/NP/MOP/DEC/3/1
30 November 2018

ORIGINAL: ENGLISH

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
Third meeting
Sharm El-Sheikh, Egypt, 17-29 November 2018
Agenda item 7

DECISION ADOPTED BY THE PARTIES TO THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

3/1. Assessment and review of the effectiveness of the Protocol (Article 31)

A. First assessment and review of the effectiveness of the Protocol

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing

1. *Takes note* of the key findings of the first assessment and review of the Protocol contained in annex I, which includes the input provided by the Compliance Committee;

2. *Welcomes* the framework of indicators in annex II, and *agrees* to use the reference points contained therein as a baseline against which progress can be measured in the future;

3. *Decides* to revisit and adapt the framework, as may be deemed appropriate in the light of further progress made with implementation;

4. *Welcomes* the progress made by Parties in making the Protocol operational;

5. *Recognizes* that further work is needed, as a priority:

(a) To develop access and benefit-sharing legislation or regulatory requirements, which provide for legal certainty, clarity and transparency, taking into account special considerations in accordance with Article 8 of the Protocol and the need to ensure that the Nagoya Protocol and other relevant international instruments are implemented in a mutually supportive manner;

(b) To enhance implementation by Parties of the provisions on compliance with domestic legislation and regulatory requirements on access and benefit-sharing (Articles 15 and 16), monitoring the utilization of genetic resources (Article 17), including the designation of checkpoints, as well as the provisions related to indigenous peoples and local communities (Article 5, 6, 7 and 12);

(c) To support the full and effective participation of indigenous peoples and local communities in the implementation of the Protocol, including by raising their awareness and capacity about access and benefit-sharing, and supporting the development by indigenous peoples and local communities of community protocols and procedures, minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources, taking into consideration their customary laws;

(d) Raise awareness among relevant stakeholders and encourage their participation in the implementation of the Protocol;

6. *Urges* Parties that have not yet done so:

(a) To establish institutional structures and legislative, administrative or policy measures on access and benefit-sharing, taking into account paragraphs 5 (a) and (b) above;

(b) To take steps to address the priority areas identified in paragraphs 5 (c) and (d) above;

(c) To publish in the Access and Benefit-Sharing Clearing-House all mandatory information available at the national level in accordance with the obligations enshrined in Article 14, paragraph 2, of the Protocol, including information on the permits or their equivalents to constitute internationally recognized certificates of compliance, as soon as possible, with a view to facilitating the monitoring of the utilization of genetic resources and cooperation among Parties;

7. *Encourages* Parties, non-Parties and relevant organizations in a position to do so:

(a) To expand their efforts to build the capacity of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition to implement the Nagoya Protocol, taking into account the priority areas identified in paragraph 5 above, the need to strengthen institutional capacities, and the key findings in annex I, as well as the needs and priorities of indigenous peoples and local communities and relevant stakeholders;

(b) To support capacity-building initiatives to implement the Protocol, such as the capacity-building programme of the Secretariat and the International Development Law Organization for the establishment of national legal frameworks, including by providing financial resources;

(c) To make available information on capacity-building initiatives and capacity-building resources on the Access and Benefit-Sharing Clearing-House;

(d) To consider regional approaches to support harmonized implementation of the Protocol through, among other things, capacity-building activities among countries that share the same genetic resources or traditional knowledge associated with genetic resources;

(e) To facilitate the sharing of information and experiences in relation to transboundary cooperation in accordance with Article 11 of the Protocol;

(f) To support strategic communication to enhance awareness about the Protocol;

(g) To build the capacity of Parties and indigenous peoples and local communities for the negotiation of mutually agreed terms and to promote partnerships and technology transfer between users and providers of genetic resources and/or associated traditional knowledge;

8. *Invites* Parties, non-Parties, international organizations, regional development banks, other financial institutions and the private sector, as appropriate, to expand their efforts to provide financial resources to support the implementation of the Protocol;

9. *Recommends* that the Conference of the Parties, in adopting its guidance to the financial mechanism with respect to support for the implementation of the Nagoya Protocol, invite the Global Environment Facility to continue to assist eligible Parties in implementing the Nagoya Protocol, including the establishment of legislative, administrative and policy measures on access and benefit-sharing and related institutional arrangements, and to make funds available to this end;

10. *Encourages* Parties, non-Parties, indigenous peoples and local communities and relevant organizations to make use of the wealth of information and experiences available in the interim national reports and the Access and Benefit-sharing Clearing-House, as well as existing tools and resources (such as guidelines and capacity-building materials) to support implementation and to promote the exchange of experiences;

11. *Invites* Parties, in view of the cross-cutting nature of the Protocol, to establish appropriate mechanisms to facilitate:

(a) National coordination among different institutions, including national focal points, competent national authorities and ministries of relevance to access and benefit-sharing;

(b) The full and effective participation of indigenous peoples and local communities in the implementation of the provisions of the Protocol related to indigenous peoples and local communities with a view to taking into account their needs as well as national circumstances;

(c) The participation of relevant stakeholders from different sectors with a view to taking into account their needs when developing legislative, administrative and policy measures on access and benefit-sharing;

12. *Also invites* Parties:

(a) To consider implementing interim measures in order to gain experience that can inform the development of legislative, administrative or policy measures on access and benefit-sharing;

(b) To take into account, in the implementation of Article 8 of the Protocol, relevant work undertaken by the Food and Agriculture Organization of the United Nations, the World Health Organization and other relevant organizations, as appropriate and in accordance with national circumstances;

(c) To take note, in the implementation of Article 16 of the Protocol, of relevant work undertaken by the World Intellectual Property Organization, as appropriate, provided that it does not run counter to the objectives of the Convention and the Protocol;

13. *Invites* indigenous peoples and local communities to engage in access and benefit-sharing processes in accordance with their customary practices, including by developing community protocols[1] and procedures for access and benefit-sharing, and to make them available through the Access and Benefit-sharing Clearing-House, and *invites* relevant organizations to provide guidance to support indigenous peoples and local communities in developing these community protocols and procedures;

14. *Invites* relevant stakeholders and user organizations and networks to engage in access and benefit-sharing processes, including by developing tools, such as model contractual clauses, codes of conduct, guidelines, best practices and/or standards that address the needs of their constituency and facilitate compliance with access and benefit-sharing requirements, and to make these tools available through the Access and Benefit-sharing Clearing-House;

15. *Notes* that the work on one or more international legal instruments relating to intellectual property with a view to ensuring the balanced and effective protection of genetic resources, traditional knowledge and traditional cultural expressions under the World Intellectual Property Organization is ongoing, and that, therefore, it would be premature to assess how the outcomes of this process could contribute to the implementation of the Protocol;

16. *Also notes* that there is insufficient information to measure the effectiveness of Article 18 in accordance with Article 18, paragraph 4, of the Protocol;

17. *Decides* to assess all elements relevant to the implementation of the Protocol, including that identified in paragraph 16, as well as progress on Article 10 on a global multilateral benefit-sharing mechanism, and Article 23 on technology transfer, collaboration and cooperation, at the second assessment and review of the Protocol;

18. *Requests* the Executive Secretary:

(a) To carry out a targeted survey of access and benefit-sharing national focal points, competent national authorities, and users and providers of genetic resources and/or associated traditional knowledge on

[1] These may include community biocultural protocols.

challenges related to the implementation of the Protocol to provide an additional source of information in future processes for the assessment and review of the effectiveness of the Protocol;

(b) To take into account the indicators contained in annex II when preparing the proposed format for the next national report on the implementation of the Nagoya Protocol;

19. *Welcomes* progress made by the Secretariat in the implementation and operation of the Access and Benefit-sharing Clearing-House, and *emphasizes* the importance of making information available on the procedures to follow in order to access genetic resources and associated traditional knowledge in a country;

20. *Requests* the Executive Secretary:

(a) To prioritize the translation of the Access and Benefit-sharing Clearing-House into the six official languages of the United Nations;

(b) To continue to improve the performance of the Access and Benefit-sharing Clearing-House;

(c) To seek feedback from all types of users of the Access and Benefit-sharing Clearing-House on its implementation and operation;

21. *Also requests* the Executive Secretary to continue providing technical assistance for the submission of information on the Access and Benefit-sharing Clearing-House, including:

(a) Encouraging the publication by Parties, as well as non-Parties, of all mandatory and other relevant information available at the national level in the Access and Benefit-Sharing Clearing-House and to provide training in the use of the Access and Benefit-Sharing Clearing-House;

(b) Encouraging the publication of reference records, as appropriate, by relevant stakeholders, indigenous peoples and local communities, and relevant organizations on the Access and Benefit-Sharing Clearing-House;

(c) Increasing understanding of the functioning of the system for monitoring the utilization of genetic resources through the Access and Benefit-Sharing Clearing-House;

(d) Encouraging the use of the interoperability features of the Access and Benefit-sharing Clearing-House, such as the application programming interface;

B. Second assessment and review of the effectiveness of the Protocol

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

Having considered the note by the Executive Secretary on assessment and review of the effectiveness of the Protocol (Article 31),[2]

Mindful of the linkages between the submission of national reports and the assessment and review process,

1. *Decides* to conduct the second assessment and review of the effectiveness of the Protocol at the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, in 2024;

2. *Requests* the Executive Secretary to propose a methodology for conducting the second assessment and review of the effectiveness of the Protocol, taking into account the outcomes and lessons learned from the first assessment and review process, experiences from the assessment and review process under the Cartagena Protocol on Biosafety, and the post-2020 global biodiversity framework;

[2] CBD/NP/MOP/3/3.

3. *Requests* the Subsidiary Body on Implementation to consider, at its fourth meeting, the proposed methodology referred to in paragraph 2 above and make recommendations for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fifth meeting;

4. *Decides* to revisit the issue of intervals for subsequent assessment and review of the effectiveness of the Protocol at a subsequent meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

Annex I

KEY FINDINGS

Element (a): Extent of implementation of the provisions of the Nagoya 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

1. In order to make the Nagoya Protocol operational, Parties need to establish access and benefit-sharing (ABS) legislative, administrative and policy measures and institutional arrangements and many Parties are still in the process of establishing these measures and institutions. For many Parties, this process is time-consuming and challenging.

2. Progress in establishing institutional arrangements, such as competent national authorities and checkpoints, is closely related to progress in adopting ABS measures. Some measures adopted prior to the Nagoya Protocol included the designation of competent national authorities. However, the designation of checkpoints is a new requirement created by the Protocol and still needs to be addressed by many Parties.

3. Although the publication of mandatory information in the ABS Clearing-House is essential for the implementation of the Protocol, a number of Parties have not yet published on the ABS Clearing-House all available national information in accordance with Article 14 of the Nagoya Protocol.

4. Considering its cross-cutting nature, the implementation of the Protocol requires the participation of indigenous peoples and local communities and relevant stakeholders (e.g. different business sectors and the scientific community) as well as coordination among different institutions and ministries (e.g. science and education, agriculture, trade, intellectual property). To assist in addressing this challenge, appropriate mechanisms could be established to facilitate coordination and participation, and awareness-raising and capacity-building may be required.

5. Other key challenges include developing ABS measures that support benefit-sharing while creating legal certainty, avoiding unnecessary complexity, delays and increased burdens and costs on users and limited human resources working on ABS and the Nagoya Protocol in many Parties.

6. In the light of these challenges, the development of interim measures could be considered as a first step. The needs of users of genetic resources and associated traditional knowledge, including relevant stakeholders from different sectors, should also be taken into account in developing ABS measures. Regional approaches may also be useful to support harmonized implementation of the Protocol.[3]

7. Implementing some of the new elements of the Protocol, namely the provisions on compliance, monitoring the utilization of genetic resources, including the designation of checkpoints, and the obligations related to indigenous peoples and local communities, presents a particular challenge.

8. The Nagoya Protocol does not distinguish between countries that are users and countries that are providers of genetic resources, and obligations in the Protocol apply to all Parties, including provisions related to compliance with domestic legislation or regulatory requirements according to Articles 15 and 16.

[3] For example, "African Union Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol in Africa" (African Union, 2015).

9. With respect to checkpoints, there is a need for Parties to better understand their functions and options for their designation in the light of their national context. There is also a need to build the capacity of checkpoints to enable them to carry out their functions.

10. With respect to indigenous peoples and local communities, challenges include: determining how the concept of "indigenous peoples and local communities" applies at the national level; clarifying the rights of indigenous peoples and local communities over genetic resources and/or traditional knowledge associated with genetic resources; identifying the different groups of indigenous peoples and local communities; understanding the way they are organized; and linking traditional knowledge with the holder/s of such knowledge. In order to address these challenges, the following could be considered:

(a) Building the capacity of Parties to support the implementation of the provisions of the Protocol related to indigenous peoples and local communities as well as the capacity of indigenous peoples and local communities with respect to ABS issues;

(b) Relevant work of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions on the concept of indigenous peoples and local communities;[4]

(c) National mechanisms for the participation of indigenous peoples and local communities in the implementation of the provisions of the Protocol related to indigenous peoples and local communities, taking into account national circumstances;

(d) Support for coordination and institution building within and among indigenous peoples and local communities to address ABS issues including through the development of community protocols;

(e) Capacity-building to support indigenous peoples and local communities in developing minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources.

11. Parties have different approaches to prior informed consent, mutually agreed terms and the issuance of permits. It is important for Parties to make clear information available on the ABS Clearing-House on the procedures to follow to access genetic resources and associated traditional knowledge.

12. In addition, in the development and implementation of ABS legislation or regulatory requirements it is important that Parties take into account special considerations in accordance with Article 8 of the Protocol. Relevant work undertaken under the Food and Agriculture Organization of the United Nations,[5] the World Health Organization and other organizations may be useful in this regard.

13. The importance of sharing information and experience in relation to transboundary cooperation (Article 11) was highlighted. In particular, experiences acquired in subregional and bilateral projects could be relevant to assist in the implementation of this article. Regional structures or projects were identified by some as a way to address this issue, while noting that reinforcement of the capacity of regional structures to play that role would be needed.

14. Capacity-building could also support harmonized implementation of the Protocol among countries that share the same genetic resources or traditional knowledge associated with genetic resources.

Element (b) Establishment of a reference point to measure effectiveness

15. Some Parties reported on having received benefits received from the utilization of genetic resources and associated traditional knowledge.

[4] For example "Compilation of views received on use of the term 'indigenous peoples and local communities'" (UNEP/CBD/WG8J/8/INF/10/Add.1).

[5] For example, "ABS Elements: Elements to Facilitate Domestic Implementation of Access and Benefit-sharing for Different Subsectors of Genetic Resources for Food and Agriculture" (Food and Agriculture Organization of the United Nations, 2016).

16. With regard to how the implementation of the Nagoya Protocol contributed to conservation and sustainable use of biodiversity in their country, many considered that it was premature to answer this question as implementation of the Nagoya Protocol was at an early stage.

17. The most common contribution reported is an increase of awareness of the value of conservation and sustainable use of biodiversity and ecosystem services. Examples of other contributions highlighted by countries are the following:

(a) Managers of natural resources or authorities are more aware of the potential advantages of the Nagoya Protocol and are developing conservation practices;

(b) Implementing the Nagoya Protocol helped improving the knowledge about species, including through the development of databases or inventories and their population, and supports the valorization of genetic resources and special conservation approaches;

(c) Increased involvement of communities in conservation and sustainable use;

(d) Increased compliance by users of genetic resources;

(e) Recognition of research and development as a key to the country's valorization of genetic resources;

(f) Implementing the Protocol played a key role in factoring elements of biodiversity conservation and use in government development agenda, including the 2030 Agenda.

Element (c): Establishment of a reference point on support available for implementation

18. Although a number of capacity-building and development initiatives are currently supporting ratification and implementation of the Nagoya Protocol, many Parties still lack the necessary capacity and financial resources to make the Protocol operational. Capacity-building and development support therefore continue to be essential in order to make progress in the implementation of the Protocol, in particular for developing country Parties and Parties with economies in transition.

19. The wealth of information and experiences available in the national reports and in the ABS Clearing-House, as well as the exchange of experiences, may be useful to Parties in the establishment of institutional structures and the development of ABS measures. This information could also be taken into account in capacity-building projects. In addition, the use of existing tools and resources (e.g. guidelines, capacity-building materials) to support implementation could be encouraged.

Element (d): Assessment of effectiveness of Article 18 (extent of implementation)

20. The provisions of Article 18 on compliance with mutually agreed terms are often implemented at the national level through existing laws (e.g. contractual law, private international law, domestic measures related to access to justice) rather than through specific ABS measures.

21. When one party of a contract resides in a foreign country, the contractual relationship falls in the domain of private international law. Private international law seeks to regulate, first, which jurisdiction applies to a dispute; second, which law applies to the dispute; and third, whether and how eventual decisions or judgments are recognized and may be enforced in another jurisdiction. Each State has its own national rules on these matters, but some of these may have been harmonized through international agreements, guidelines, and model laws.

22. Those developing ABS measures and/or implementing the Protocol may not be aware of all applicable legislation dealing with contractual law, private international law, domestic measures related to access to justice. A mechanism to support national coordination could assist in drawing from the expertise of other institutions dealing with these issues.

23. Information contained in the interim national report, as well as the exchange of experiences may be useful for Parties to understand how the implementation of Article 18 can be supported.

Element (e): Assessment of implementation of Article 16 in light of developments in other relevant international organizations, including, inter alia, the World Intellectual Property Organization

24. Many Parties are still in the process of establishing ABS measures and institutions arrangements to implement the Protocol. Implementation of the provisions on compliance and the obligations related to indigenous peoples and local communities are particularly challenging for Parties.

25. The work on one or more international legal instrument(s) relating to intellectual property with a view to ensuring the balanced and effective protection of genetic resources, traditional knowledge and traditional cultural expressions under the World Intellectual Property Organization (WIPO) is still on going, and it is premature to assess how the outcomes of this process could contribute to implementation of the Nagoya Protocol.

26. However, there are a number of existing tools and resources that could be used by Parties in advancing the implementation of Article 16 of the Nagoya Protocol, including those developed by WIPO and the CBD Mo'otz Kuxtal voluntary guidelines.[6]

Element (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

27. A wide range of model contractual clauses, codes of conduct, guidelines, best practices and standards have been developed both by Governments and organizations. However, there is less information on how these tools are being used. It is unclear how the use of the tools could be measured.

28. User organizations and networks play an important role in addressing the needs of their members by developing tools that can bring clarity on how ABS can be incorporated in their practice and assisting their member organizations in complying with ABS requirements.

29. Implementing the provisions related to indigenous peoples and local communities is one of the main challenges identified by Parties. Community protocols on ABS can help to address some of the challenges identified in paragraph 10 above. They can help the indigenous peoples and local communities that develop them to articulate their values, practices and aspirations. They can also help Governments to implement the provisions of the Protocol related to indigenous peoples and local communities, and they provide clarity and certainty to users on how to have access to genetic resources and/or associated traditional knowledge held by indigenous peoples and local communities.

30. Community protocols are being developed and used in a variety of contexts, including but not limited to ABS. Some deal with biotrade or land issues and include some ABS elements as part of a wider context. Incorporating ABS elements in existing community protocols dealing with resource or land management or biotrade may facilitate the process. Supporting indigenous peoples and local communities in developing community protocols is essential, as well as doing so in way that ensures that the outcomes represent community values, practices and aspirations.

[6] Mo'otz Kuxtal voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge.

Element (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

31. Approximately half of the users of the ABS Clearing-House are users of genetic resources or associated traditional knowledge and consult the ABS Clearing-House to find national information. Feedback received highlights the important need to provide improved and clear information on national ABS requirements and procedures. This information should provide users with simple and easy to understand guidance on the necessary steps to apply for access to genetic resources and associated traditional knowledge.

32. Relevant stakeholders, in particular the business and scientific communities, could benefit from more outreach and awareness-raising both as users of genetic resources and as potential contributors of relevant information (e.g. model clauses, codes of conduct, awareness-raising materials). The implementation of the ABS Clearing-House could also benefit from a greater understanding of their needs in terms of functionality and design of the ABS Clearing-House.

33. Technical assistance for use of the ABS Clearing-House still required. The live chat is a very valued feature by users of the ABS Clearing-House. Capacity-building on the use of the ABS Clearing-House and implementation of the Protocol is closely related. Many questions received through the live chat and during the capacity-building activities for the ABS Clearing-House are about implementation of the Protocol rather than the technical support to use the clearing-house.

Annex II

FRAMEWORK OF INDICATORS AND REFERENCE POINTS TO MEASURE PROGRESS

1. The following table proposes indicators for each of the elements addressed by the first assessment and review. Reference points are included for most of the indicators proposed. These reference points determine a baseline against which progress can be measured in the future for each of the indicators. The indicators proposed are mostly based on existing questions of the interim national report. However, there are instances where no conclusive information could be drawn from the responses to the interim national report, and therefore, a new text is suggested for those indicators. The new or revised indicators are identified in the table.

2. It also includes the source of information used to establish the reference point. For ease of reference, it follows the structure and order of the format of the interim national report and includes reference to the element/s under which the indicator is being considered.

3. The framework is flexible tool that can be adapted as further progress is made with implementation.

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
1. Number of Parties to the CBD that have ratified the Nagoya Protocol		105 (54%)	United Nations Treaty Collection

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
Institutional structures for the implementation of the Protocol			
2. Number and percentage of Parties with legislative, administrative and policy measures on ABS	(a)	75 (71%)	Q.4 ABS-CH CBD report NBSAP
3. Number of Parties that have published information on legislative, administrative or policy measures on ABS in the ABS Clearing-House	(g)	45 (43%);	ABS-CH
4. Number and percentage of Parties with national focal points on ABS	(a)	103 (98%)	Q.5 ABS-CH
5. Number and percentage of Parties with one or more competent national authorities	(a)	57 (54%)	Q.6 ABS-CH CBD report NBSAP
6. Number and percentage of Parties that have published information on competent national authorities in the ABS Clearing-House	(g)	45 (43%)	ABS-CH
7. *New:* Number and percentage of Parties that have issued permits or their equivalents	(a)	19 (18%)	NR format requires revision
8. Number and percentage of Parties that have published internationally recognized certificates of compliance (IRCCs) in the ABS Clearing-House	(b) (g)	12 (11%)	Q.7, 8,16 ABS-CH
9. Number of IRCCs available in the ABS Clearing-House	(g)	146	ABS-CH
10. Number and percentage of Parties with one or more checkpoints	(a)	29 (27%)	Q.9 ABS-CH CBD report NBSAP
11. Number and percentage of Parties that have published information on checkpoints	(g)	20 (19%)	ABS-CH
12. Number and percentage of Parties that have made information available to the ABS Clearing-House (CNA, checkpoint, ABS measures, IRCC)	(a)(g)	54 (51%)	Q.3 ABS-CH
13. Number and percentage of Parties that have information (CNA, checkpoint, ABS measures, permits) that have not yet been made available to the ABS Clearing-House	(a)(g)	46 (44%)	Q.4, 6, 9 ABS-CH CBD report NBSAP
Legislative, administrative or policy measures on ABS: Access to genetic resources (Article 6)			
14. Number and percentage of Parties requiring prior informed consent for access to genetic resources that provide information on how to apply for prior informed consent as provided in Article 6.3 (c)	(a) (b)	27 (73%)	Q.13

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
15. Number and percentage of Parties requiring prior informed consent providing for the issuance at the time of access of a permit or its equivalent as provided in Article 6.3 (e)	(a) (b)	32 (86%)	Q.15
16. Number and percentage of Parties requiring prior informed consent for access to genetic resources that have rules and procedures for requiring and establishing mutually agreed terms as provided in Article 6.3 (g)	(a)	28 (76%)	Q.17
17. *Revised:* Number and percentage of Parties requiring prior informed consent for access to genetic resources for their utilization which received monetary benefits from granting access to genetic resources since entry into force of the Protocol	(b)	Not conclusive data	Q.18 requires revision
18. *New:* Amount of monetary benefits (in USD) received from granting access to genetic resources for their utilization since entry into force of the Protocol	(b)	Not conclusive data	Q.18 requires revision
19. *Revised:* Number and percentage of Parties requiring prior informed consent for access to genetic resources that received non-monetary benefits from granting access to genetic resources since entry into force of the Protocol	(b)	Not conclusive data	Q.18 requires revision
20. *Revised:* Number and percentage of Parties with indigenous peoples and local communities in their country that received monetary benefits from granting access to traditional knowledge associated with genetic resources since entry into force of the Protocol	(b)	Not conclusive data	Q.18 requires revision
21. *New:* Amount of monetary benefits (in USD) received from granting access to traditional knowledge associated with genetic resources for its utilization since entry into force of the Protocol	(b)	Not conclusive data	Q.18 requires revision
22. *Revised:* Number and percentage of Parties with indigenous peoples and local communities in their country that received non-monetary benefits from granting access to traditional knowledge associated with genetic resources	(b)	Not conclusive data	Q.18 requires revision
Legislative, administrative or policy measures on ABS: Fair and equitable-sharing (Article 5)			
23. Number and percentage of Parties with legislative, administrative or policy measures to implement Article 5.1 (genetic resources)	(a)	46 (44%)	Q.20
24. Number and percentage of Parties with legislative, administrative or policy measures to implement Article 5.2 (genetic resources held by indigenous peoples and local communities)	(a)	42 (40%)	Q.21

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
25. Number and percentage of Parties with legislative, administrative or policy measures to implement Article 5.5 (traditional knowledge associated with genetic resources)	(a)	41(39%)	Q.22
Legislative, administrative or policy measures on ABS: Compliance with domestic legislation or regulatory requirements on ABS (Article 15 and 16) and monitoring the utilization of genetic resources (Article 17)			
26. Number and percentage of Parties that have taken appropriate, effective and proportionate legislative, administrative or policy measures to implement Article 15.1 (genetic resources)	(b)	36 (34%)	Q.24
27. Number and percentage of Parties that have taken appropriate, effective and proportionate legislative, administrative or policy measures to implement Article 16.1 (traditional knowledge associated with genetic resources)	(e)	33 (31%)	Q.25
28. Number and percentage of Parties that require users of genetic resources to provide the information identified in Article 17.1 (a)(i), as appropriate, at a designated checkpoint	(a)	41 (39%)	Q.26
29. Number and percentage of Parties that provide the information collected or received at a designated checkpoint to relevant national authorities, to the Party providing prior informed consent and to the ABS Clearing-House	(a)	9 (9%)	Q.27
30. Number of checkpoint communiques published in the ABS Clearing-House	(g)	0	ABS-CH
Legislative, administrative or policy measures on ABS: compliance with mutually agreed terms (Article 18)			
31. Number and percentage of Parties that encourage the inclusion of dispute resolution provisions in mutually agreed terms as provided in Article 18.1	(d)	36 (34%)	Q.31
32. Number and percentage of Parties with opportunity to seek recourse available under their legal systems in cases of disputes arising from mutually agreed terms as provided in Article 18.2	(d)	51 (49%)	Q.32
33. Number and percentage of Parties with measures regarding access to justice	(d)	47 (45%)	Q.33
34. Number and percentage of Parties with measures regarding utilization of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards	(d)	38 (36%)	Q.33

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
Special considerations (Article 8)			
35. Number and percentage of Parties that created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity as provided in Article 8(a)	(b)	48 (46%)	Q.35
36. Number and percentage of Parties that paid due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health as provided in Article 8(b)	(b)	39 (37%)	Q.35
37. Number and percentage of Parties that have taken into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources as provided in Article 8(b)	(b)	26 (25%)	Q.35
38. Number and percentage of Parties that have taken into consideration the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8(c)	(b)	48 (46%)	Q.35
Provisions related to indigenous peoples and local communities (Article 6,7 and 12)			
39. Number and percentage of Parties where indigenous peoples and local communities have the established rights to grant access to genetic resources with measures in place with the aim of ensuring the prior informed consent or approval and involvement of indigenous peoples and local communities as provided in Article 6.2	(a)	23 (47%)	Q.38
40. Number and percentage of Parties with indigenous peoples and local communities in their country that have taken measures with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous peoples and local communities have been accessed with the prior informed consent or approval and involvement of these indigenous peoples and local communities and that mutually agreed terms have been established as provided in Article 7	(a)	21(43%)	Q.39
41. *New:* Number of indigenous peoples and local communities' community protocols and procedures developed	(f)	Not conclusive data	Q.42 requires revision Targeted survey
42. Number of indigenous peoples and local communities' customary laws, community protocols and procedures made available in the ABS Clearing-House	(f)(g)	3	ABS-CH

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
Contribution to conservation and sustainable use (Article 9)			
43. *Revised:* Number and percentage of Parties that reported that implementation of the Nagoya Protocol has contributed to conservation and sustainable use of biodiversity in their country	(b)	Not conclusive data	Q.46 requires revision
Model contractual clauses, codes of conduct, guidelines, best practices and standards (Articles 19 and 20)			
44. Number of model contractual clauses developed	(f)	29	Q.51, targeted survey
45. Number of codes of conduct, guidelines, best practices and standards developed	(f)	33	Q.52, targeted survey
46. Number and percentage of model contractual clauses made available in the ABS Clearing-House	(f) (g)	17 (59%)	ABS-CH
47. Number and percentage of codes of conduct, guidelines, best practices and standards made available in the ABS Clearing-House	(f) (g)	25 (75%)	ABS-CH
Awareness-raising and capacity (Article 21 and 22)			
48. Number and percentage of Parties that received external support for building and developing capacity for the implementation of the Nagoya Protocol since entry into force of the Protocol	(c)	45 (43%)	Q.56
49. Number and percentage of Parties that provided external support for building and developing capacity for the implementation of the Nagoya Protocol since entry into force of the Protocol	(c)	27 (26%)	Q.57
50. Number of capacity-building and development initiatives made available completed or initiated after the adoption of the Nagoya Protocol in 2010 and are providing, or have provided, direct support for country level activities contributing to the ratification and implementation of the Nagoya Protocol	(c)	90	SCBD documents on capacity-building
51. Number of capacity-building and development initiatives made available to the ABS Clearing-House	(c)(g)	57	ABS-CH
52. Number of capacity-building and awareness-raising tools and resources on access and benefit-sharing	(c)	84	SCBD documents on capacity-building
53. Number of capacity-building and awareness-raising tools and resources made available in the ABS Clearing-House	(c)(g)	34	ABS-CH

Framework of indicators	Element	Reference point (as of 22 February 2018)	Source
Technology transfer, collaboration and cooperation			
54. Number and percentage of Parties that have collaborated and cooperated in technical and scientific research and development programmes as a means to achieve the objective of the Protocol as provided in Article 23	(a)	46 (44%)	Q.59
Optional additional information			
55. Number and percentage of Parties that established a mechanism for budgetary allocations of funds for the implementation of the Nagoya Protocol	(c)	24 (23%)	Q.61
56. Number and percentage of Parties that made financial resources available to other Parties	(c)	13 (12%)	Q.62
57. Number and percentage of Parties that received financial resources from other Parties or financial institutions for the purposes of implementation of the Protocol as provided in Article 25	(c)	35 (33%)	Q.62
58. Average number of full time staff working to administer functions directly related to the implementation of the Nagoya Protocol in each Party	(c)	Not conclusive data	Q.63-requires revision
Implementation and operation of the ABS Clearing-House			
59. Number of non-Parties that have published national information (ABS measures, CNAs or checkpoints) in the ABS Clearing-House	(g)	8	ABS-CH
60. The number of visitor to the ABS Clearing-House per year	(g)	18,709 visitors (as of 22 March 2018)	Google analytics

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