



Partner Country Diagnostics: <Country name>

Questionnaire: National institutional and regulatory ABS frameworks

| Questions <i>- Questions highlighted in yellow, are also asked in other questionnaires -</i> | Points to keep in mind |
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| Ratification / Accession | |
| A. Process | |
| A1. What are the remaining steps towards ratification / accession? | <i>The aim is identifying, as specifically as possible, the expected process, timeline and issues pending in the ratification / accession process.</i> |
| A2. How would you describe the challenges and opportunities in the process of ratification / accession? | |
| ABS Policies | |
| B. Existing policies | |
| B1. What ABS-related policies are already in place? | <i>ABS-related policies would include all principles, statements, strategies and guidelines, issued or recognized by the government, that address issues linked to the valorization and use of biodiversity and/or aTK, ownership or usage rights over biological or genetic resources and/or aTK, the collection, research, development and/or commercialization of biodiversity-based knowledge, products or services. ABS may be the main issue in the policy or only one of the elements in a broader policy, such as a sustainable forestry strategy or biotechnology policy.</i> |
| B2. To what extent do existing policies address ABS (for example, addressing ownership rights over genetic resources or aTK or establishing principles for benefit sharing)? <ul style="list-style-type: none"> To what extent would you say existing policies are consistent with the NP? Are the AU Guidelines reflected in the ABS policy? If yes, to which extent? | |
| C. Evolving policies | |
| C1. Is any development or revision of ABS-related policies ongoing? Please provide details of the content and process for such development and revision. | <i>The aim is identifying, as specifically as possible, the expected objective, process, timeline and issues to be addressed.</i> |



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| C2. What are current plans to make new or revised policies consistent with the NP and the AU ABS guidelines? | |
| D. Participation | |
| D1. How would you describe the participation of stakeholders within public, private, academic and other sectors in developing ABS-related policies? | <i>The aim is identifying the main groups involved, the way in which they contribute, and their perceived interests and influence.</i> |
| D2. In your opinion, how could stakeholder participation be enhanced? | |
| Regulatory frameworks | |
| E. Existing ABS laws and regulations | |
| E1. Are there ABS-related laws or regulations and to what extent are they consistent with the NP? | <i>ABS-related laws and regulations would include legal documents such as constitutions, laws, decrees, acts and regulations issued by the government, that address issues linked to the ownership, usage and/or consultation rights over biological or genetic resources and/or aTK; authorizations to collect, cultivate, use, research, develop and/or commercialize biodiversity-based knowledge, products or services; and/or rules on the sharing of information, monetary and/or non-monetary and other related benefits. ABS may be the main issue in the legal document or only one of the elements in a broader document, such as a protected area regulation or fisheries law.</i> |
| E2. To what extent do existing laws or regulations address ABS (for example, addressing ownership rights over genetic resources or aTK or requiring permits for the collection or research of biodiversity)? | |
| E3. Are there any references or requirements on ex-situ collections in these ABS-related laws and regulations? How does the country deal with ex-situ collections outside of the country? | |
| E4. How would you describe the participation of stakeholders within public, private, academic and other sectors in developing ABS-related laws and regulations? | |
| E5. What would you say is the perception of different groups of stakeholders of ABS-related laws and regulations (e.g. with regards to usefulness and transaction costs)? | |
| F. Permitting process | |
| F1. Are there any permitting processes that relate to ABS (e.g. in sectors such | <i>ABS-related permitting processes would refer to activities that require licenses</i> |



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| as protected areas, wild collection, procedures for ex situ access, research projects)? | <i>or permits and the procedures put in place to obtain such authorizations. For example, authorizations to collect biological resources from protected or public lands, permits for export of samples of biological material, etcetera.</i> |
| F2. How would you describe the steps, sequences, procedures, timelines in these ABS-related permitting processes? | |
| G. Evolving ABS laws and regulations | |
| G1. Is any development or revision of ABS-related laws and regulations ongoing? Please provide details of the content and process for such development and revision. | <i>The aim is identifying, as specifically as possible, the expected objective, process, timeline and issues to be addressed, as well as the groups of stakeholders involved.</i> |
| G2. What are concrete steps taken to develop or revise ABS-laws and regulations to ensure compliance with the NP? | |
| G3. How would you describe the participation of stakeholders within public, private, academic and other sectors in developing ABS-related laws and regulations? | |
| G4. In your opinion, how could stakeholder participation be enhanced? | |
| Institutional set-up including information exchange | |
| H. Existing institutional set-up | |
| H1. How are different institutions involved in ABS-related laws, policies and permits? | <i>The aim is identifying, as specifically as possible, how government entities manage and coordinate ABS-related issues, particularly in relation to other stakeholders.</i> |
| H2. Is there any formal and/or informal coordination between these institutions? | |
| H3. Which institution(s) play(s) the role of CNA? | |
| H4. Which institution(s) provide information and/or guidance to stakeholders on ABS-related issues? | |



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| H5. What would you say is the perception of different groups of stakeholders of ABS-related institutions (e.g. with regards to effective functioning)? | |
| I. Evolving institutional set-up | |
| I1. Are there any plans or ideas to revise the set-up of institutions involved in ABS-related laws, policies and permits? | <i>The aim is identifying, as specifically as possible, the expected objective, structures and timelines for reform.</i> |
| Traditional knowledge | |
| J. Some questions from the IPLC questionnaire | |
| J1. What is the legal status and definitions of (1) indigenous peoples, (2) local communities / certain local communities? | <i>The aim is to gather specific information on the role, rights, and consideration of issues linked to IPLCs in existing and evolving laws, policies and permitting processes linked to ABS. This aim should be kept in mind also when asking broader questions about these laws, policies, and permitting processes.</i> |
| J2. Which legal rights over GR and / or TK do IPLCs have? | |
| J3. Is there legislation for TK protection? If yes, which? | |
| J4. Are there community protocols or comparable procedures on access to GR and/or TK and BS? | |
| J5. What is the role of IPLCs in granting PIC and negotiating MAT? (also to GR)? | |
| Transboundary issues | |
| K. Overview | |
| K1. Do any of the ABS-related laws or policies address cross-border issues or collaboration? | <i>The aim is to gather specific information on any consideration of transboundary issues in broader ABS-related laws, policies, permitting processes or institutions.</i> |
| K2. Are there any other mechanisms in place to address share biological and/or genetic resources across jurisdictions? | |



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| Valorization strategy and value chain development | |
| L. Overview | |
| L1. To what extent is the valorization of biological and/or genetic resources considered in ABS-related laws, policies and permitting processes? | <i>Valorization of biological and/or genetic resources refers to strategies, policies, programs or rules aiming to add value to biodiversity through activities such as research, product or service development, supply chain development, local value addition, partnerships, certification and verification, and/or marketing.</i> |
| Stakeholder involvement – Cross cutting | |
| M. Roles and views | |
| M1. How does the interviewee see his/her own role (or the role of the group/institution he/she represents) in the ABS process(es)? | |
| M2. Who else does he/she considers important in these processes? | |
| M3. How does he/she view the role(s) of these other parties? | |
| M4. What does he/she think of the capacities of these other parties to get involved and contribute to the process(es)? | |
| M5. How does he/she perceive his/her own relationship to these other parties? | |
| M6. How does he/she perceive the relationships between the other parties? | |
| M7. Where does he/she see potentially conflicting views, interests or action? | |
| Relevant sources and references | |



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