
Implementing the Nagoya Protocol: Overview of Progress and Key Developments

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Third ABS Dialogue
24-25 May 2018, Mexico

Outline

1. Overview of Progress

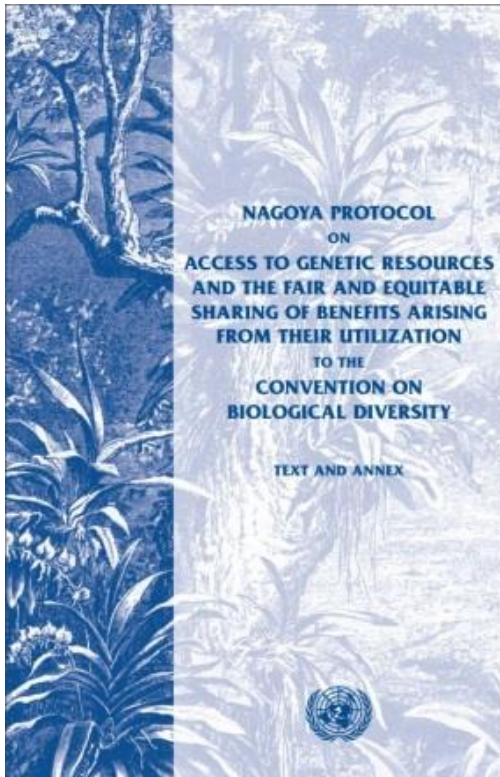
- Status of Ratifications
- Assessment and review: context and process
- Sources of Information
 - Interim National Reports
 - Records in the ABS Clearing-House
- Assessment and review: Progress in the Implementation of the Nagoya Protocol and Challenges

2. Update on 2017-2018 Key Developments

- ABS Clearing-House
- Digital Sequence Information (DSI)
- Article 4(4) and Article 10 processes
- Capacity-building work

3. SCBD Calendar Workshops and Meetings

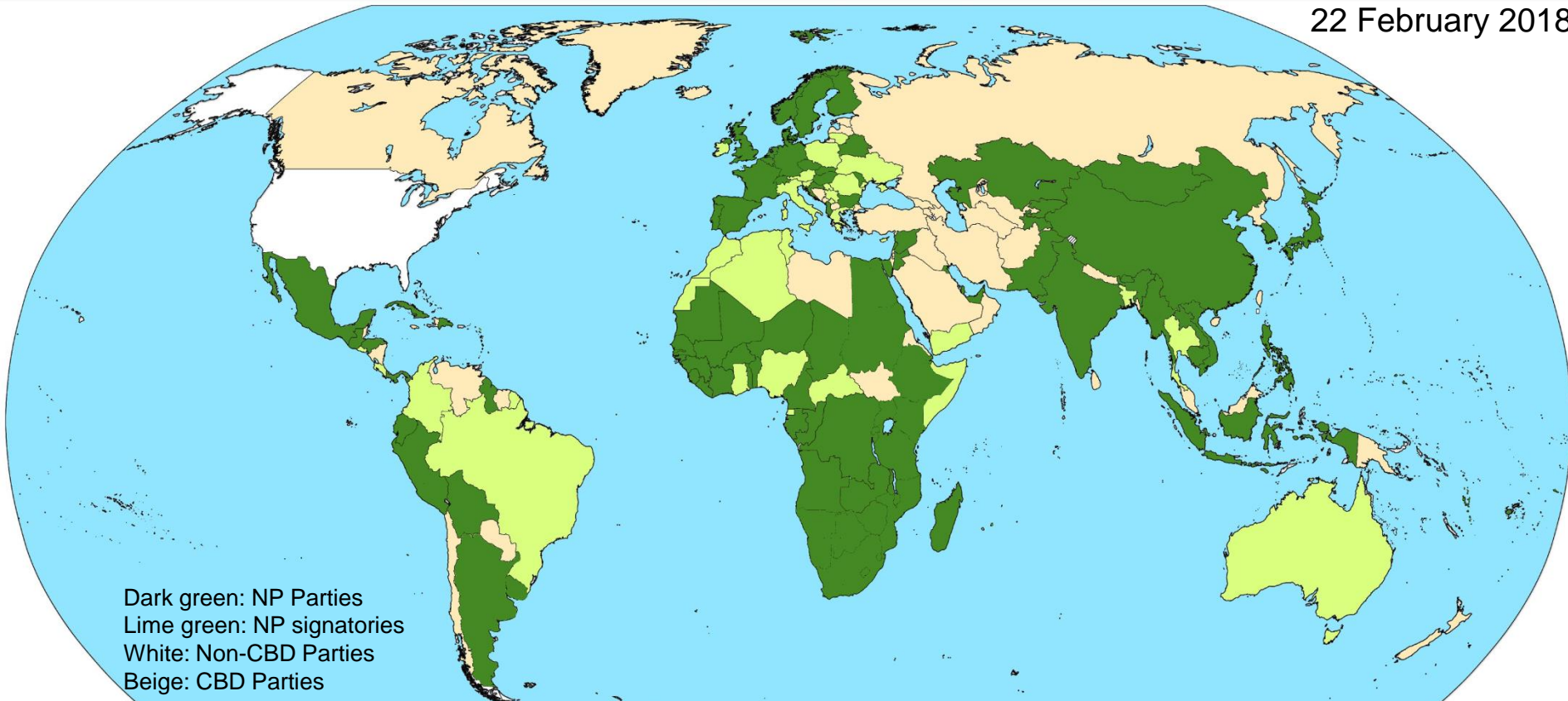
Implementing the Nagoya Protocol: Overview of Progress



- Entered into force on 12 October 2014
- **105 ratifications** (latest: United Republic of Tanzania)
- Many countries still in the process of establishing institutional arrangements and measures at the national level
- Several capacity-building initiatives supporting ratification and implementation of the Protocol

105 Ratifications/Accessions to the Nagoya Protocol

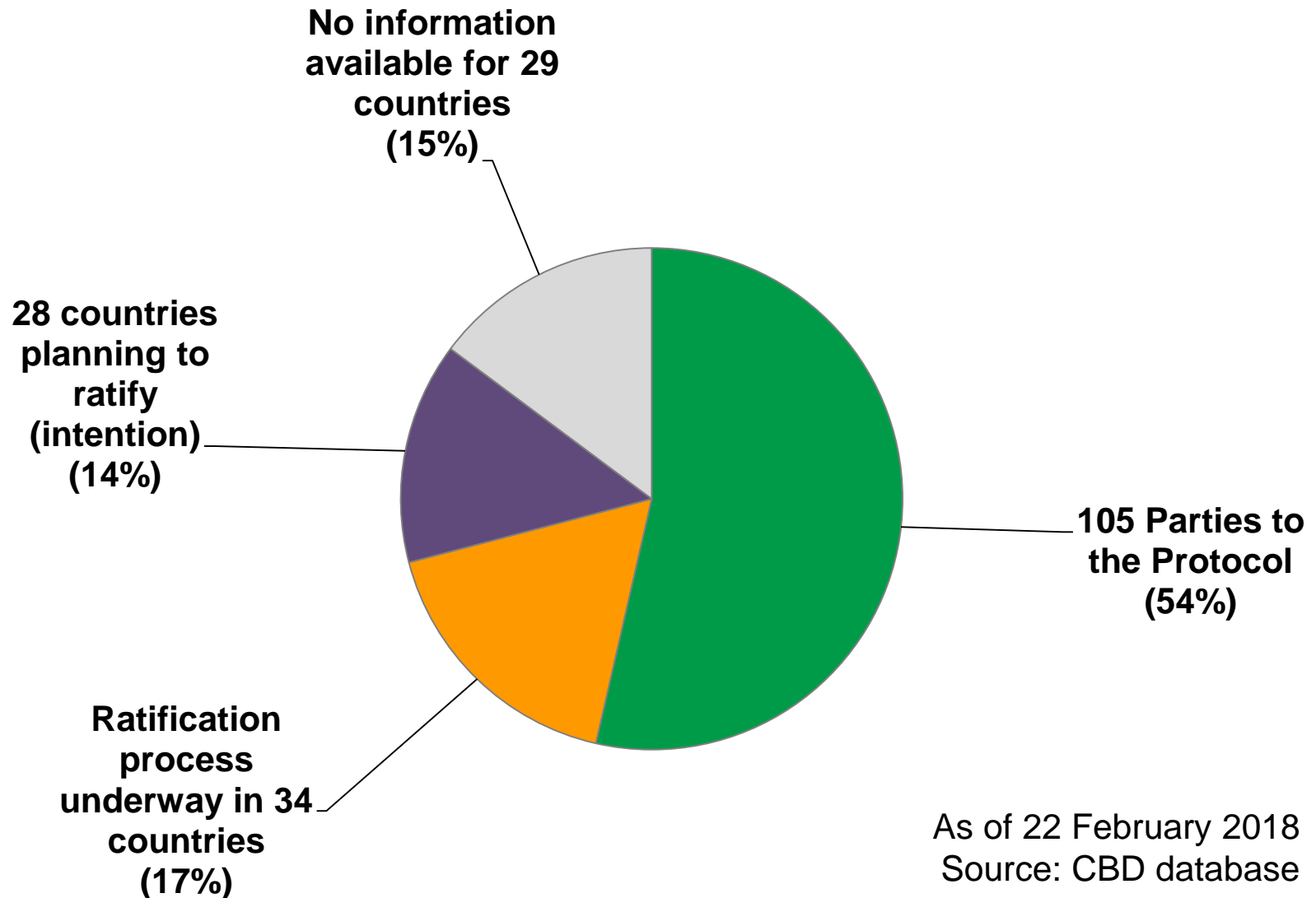
22 February 2018



Albania, Angola, Antigua and Barbuda, Argentina, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, China, Comoros, Congo, Côte D'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, European Union, Fiji, Finland, France, Gabon, Gambia, Germany, Guatemala, Guinea, Guinea Bissau, Guyana, Honduras, Hungary, India, Indonesia, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao PDR, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, the Federated States of Micronesia, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, Niger, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Slovakia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, the Syrian Arab Republic, Tajikistan, Togo, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Viet Nam, Zambia and Zimbabwe

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Current Status of Ratifications



Assessment and review: Process

- **Article 31:** First assessment and review 4 years after entry into force (COP-MOP-3)
- **NP-2/4:** agreed on a number of elements and sources of information and a process
- ✓ **Compliance Committee** to provide inputs on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol
- ✓ **SBI** to consider analysis and synthesis of information prepared by the ES, including inputs from the Compliance Committee, and make recommendations to COP-MOP 3
- ✓ **COP-MOP** to carry out the first assessment and review of the Protocol

Sources of Information

Interim National Report

CBD

ABSCH | ? | Q | | | |

CBD > ABSCH > Reports

National Report (NR)

Article 29 of the Nagoya Protocol requires Parties to monitor implementation of their obligations under the Protocol, at intervals and in the format to be determined by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP).

The COP-MOP at its first meeting requested Parties to the Protocol to submit an interim national report on the implementation of the Nagoya Protocol twelve months prior to the third meeting of the COP-MOP, being the deadline for submissions the 1st November 2017. The decision also welcomes submissions of relevant information by Non-Parties. [Click here for more information on the submission of the interim national report.](#)

The report consists on a series of questions based on the provisions of the Protocol that establish obligations for its Parties, where countries can provide information on the measures taken to implement those obligations and share experiences on implementation.

View all **74** published national reports: [Click here](#)


ABS Clearing-House

ABSCH THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

Convention on Biological Diversity

Home | About the ABSCH | Search | Submit | Country Profiles | National Reports

The Access and Benefit-sharing Clearing-house (ABSCH) is a platform for exchanging information on ABS and a key tool for facilitating the implementation of the Nagoya Protocol. ⓘ



104 Parties to the Nagoya Protocol

1 Ratified, not yet Party

94 Non-Parties

?

NBSAPs and CBD national reports

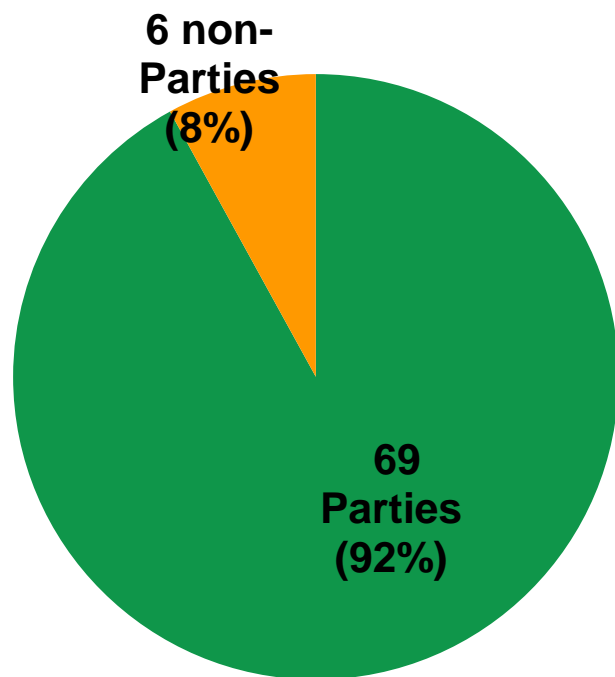
Interim National Reports (INR)

- **Parties** to report on the implementation of their obligations and submit the interim national report online, 12 months before COP-MOP 3 (Deadline: 1 November 2017)
 - **Non-Parties** also invited to submit
 - Reports are key to advancing processes and issues under the NP (e.g. compliance, assessment and review, Article 10)
- GEF Project provided support to countries for the preparation of the national report

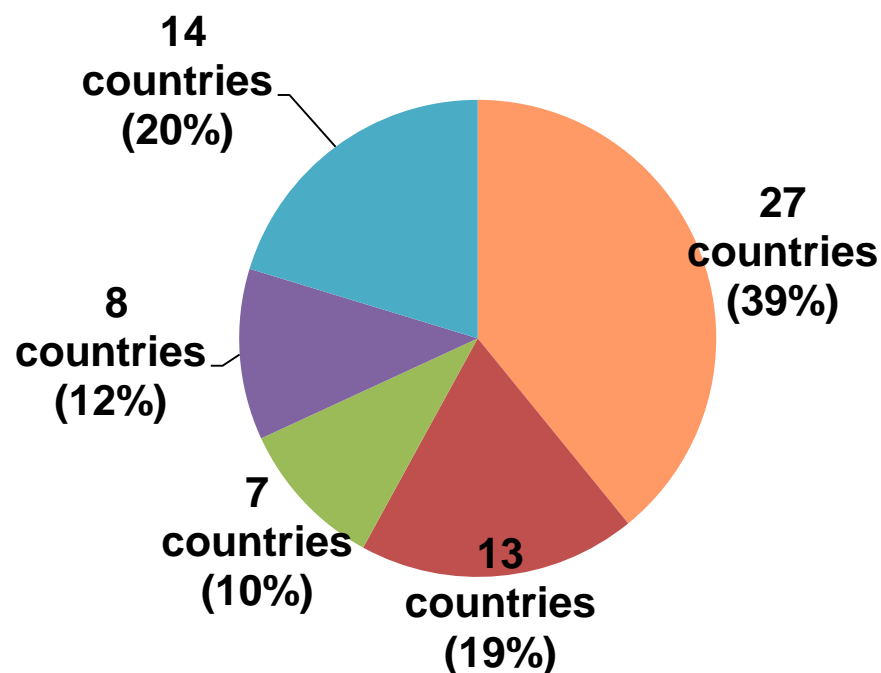


75 Interim National Reports (INR)

Submitted by Parties and non-Parties to the Protocol



INR submitted per regional groups (CBD Parties)

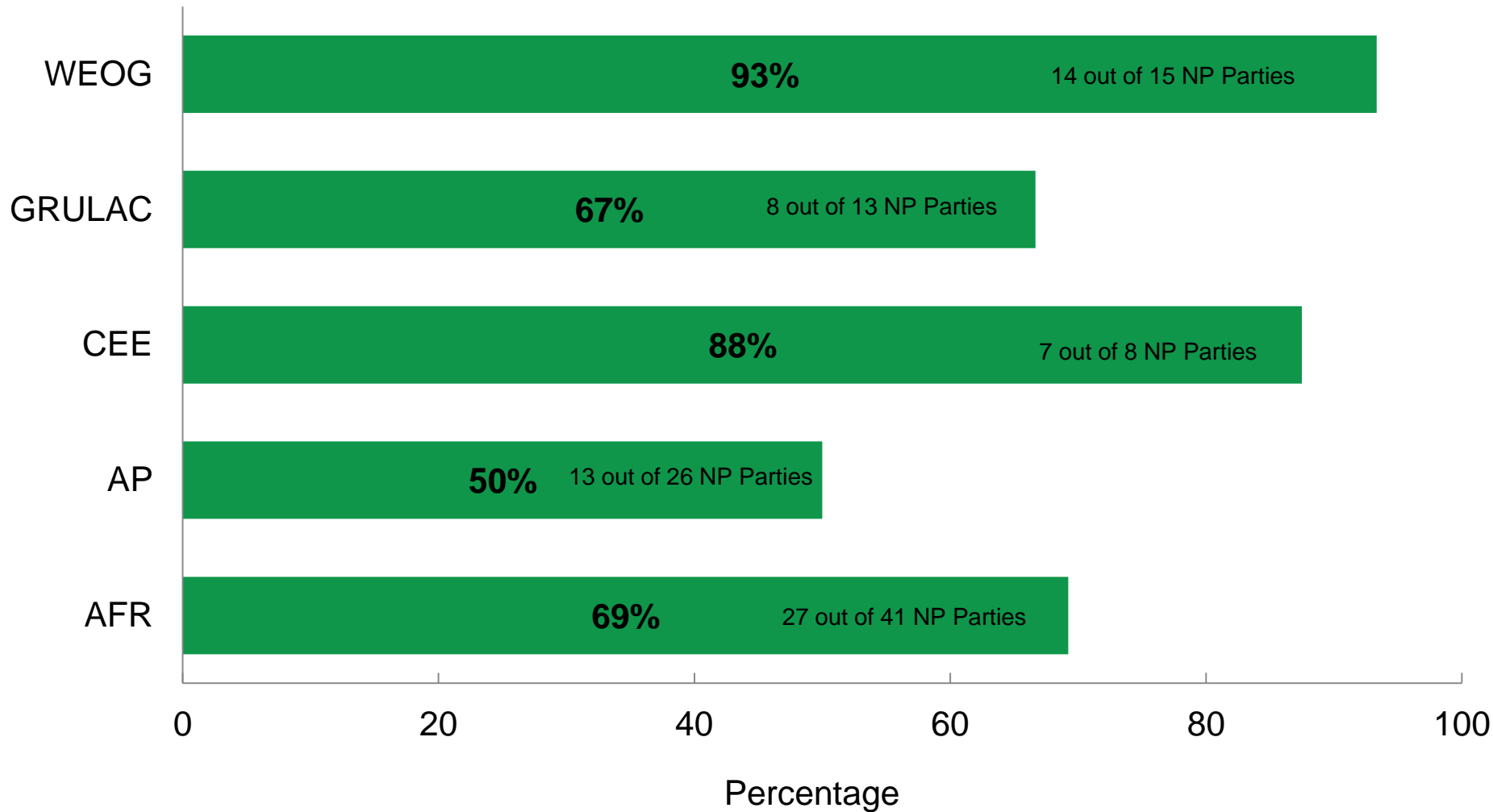


- New submissions received since February 2018: currently 79 INR (73+6)
- 78 reports available online

AFR AP CEE GRULAC WEOG

as of 22 February 2018

Rate of compliance with the obligation to submit the INR (NP Parties)



as of 22 February 2018

Interim National Reports

- ✓ **Report analyzer** in the ABS Clearing-House
- ✓ **Analysis** of information provided through the report and the ABS-CH to feed into assessment and review
- ✓ An overview of the responses provided (yes/no)
- ✓ Assessment of progress in implementation
- ✓ Examples of how countries are implementing each of the provisions of the Protocol
- ✓ Summary of difficulties and challenges
- ✓ **Statistical overview** of the answers provided in the interim national reports

Interim National Reports

Analysis document: CBD/SBI/2/INF/3

75 INR- 22 February 2018

- Institutional structures
- ABS measures:
 - Access
 - Fair and equitable sharing of benefits
 - Compliance with domestic legislation and monitoring the utilization of GR
 - Compliance with MAT
- Special considerations
- Provisions related to IPLCs
- Contribution to conservation and sustainable use
- Transboundary cooperation
- Article 19 and 20
- Awareness-raising and capacity
- Technology transfer, collaboration and cooperation
- Optional additional information

Interim National Reports

Limitations

- Reports vary in the amount of information submitted and in the type of information provided for the same question
- Ambiguous and inconsistent responses.
 - “yes” and “no” answers on the basis of draft ABS measure or plans to address the issue in the future.
 - Some countries answered “yes” but the narrative text seems to indicate that the answer is “no”.
- Some countries have interpreted questions differently
 - Indication of areas where more capacity is needed to understand the obligations of the Protocol.

National Records in the ABS Clearing-House

Submitted by Parties and non-Parties to the Protocol
as of 22 February 2018

Type of information	Number of records published	Number of Parties that published records	Number of non- Parties that published records
National Focal Point (NFP)	176	103	67
Competent National Authorities (CNA)	68	45	7
ABS Measures	205	45	5
Checkpoints	45	20	1
Permits or internationally recognized certificate of compliance	146	12	0
Checkpoint communiqués	0	0	0

Progress in publishing information in the **ABS Clearing-House**

54 Parties published

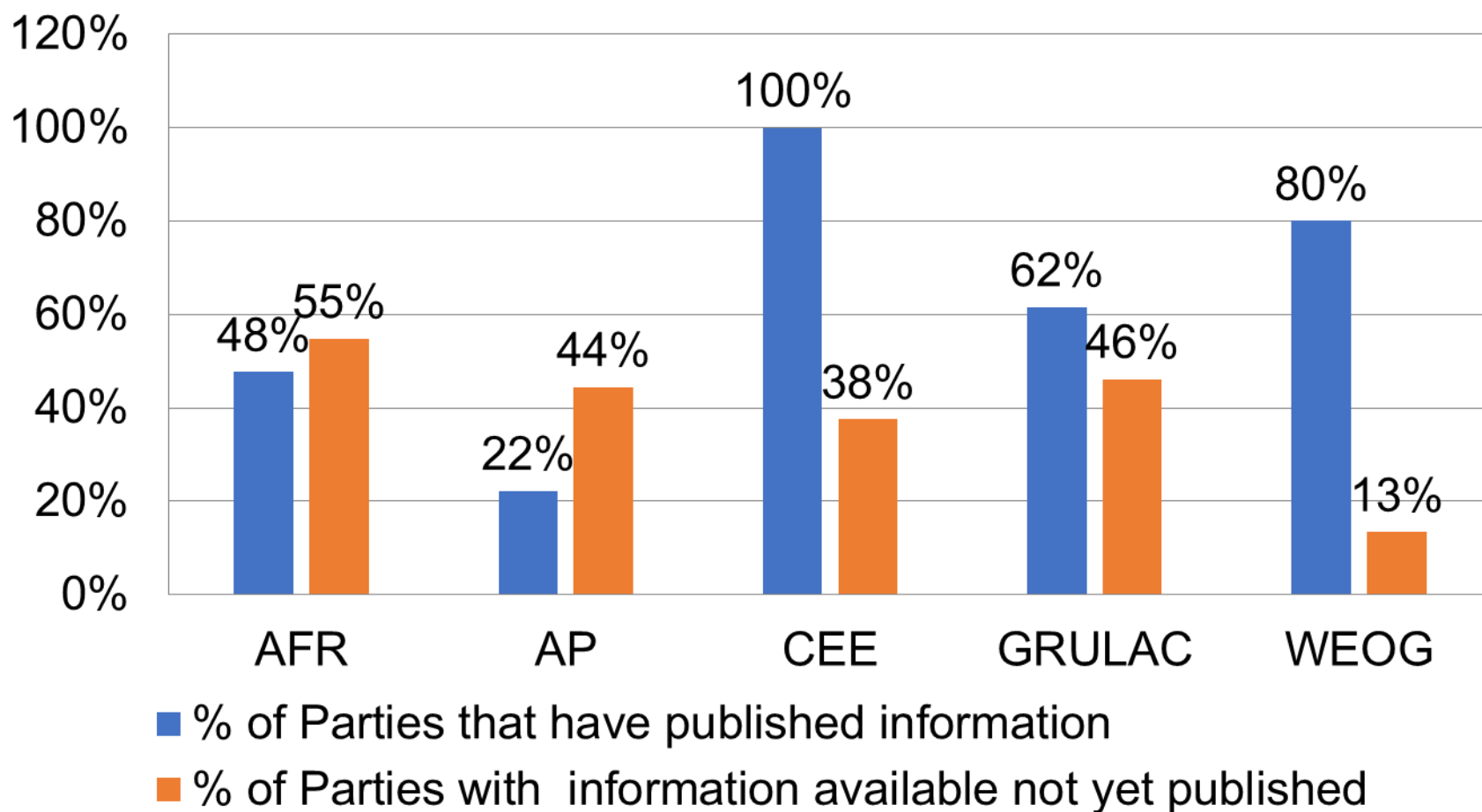
- ABS measures,
- Competent national authorities,
- Checkpoints, or
- internationally recognised certificates of compliance.

46 Parties reported (INR) that they have information **yet to be published**.



as of 22 February 2018

Progress in publishing information in the ABS Clearing-House



as of 22 February 2018



ABS Clearing-House

Challenges and difficulties

- ❖ Delays in the designation of the publishing authority
- ❖ Frequent changes in responsible authorities
- ❖ Need for translation of the ABS Clearing-House
- ❖ Need for capacity to use the ABS Clearing-House
- ❖ Technical difficulties





Findings and Challenges

- Legal, administrative or policy measures (**ABS measures**)
- National Focal Points (**NFP**) designated
- Competent National Authority/ies (**CNA**) designated
- **Checkpoint/s** designated
- Permits or their equivalent constituting an internationally recognized certificate of compliance (**Permit/Certificate**)



CNA



CHECKPOINT



PERMIT



CHECKPOINT COMMUNIQUÉ

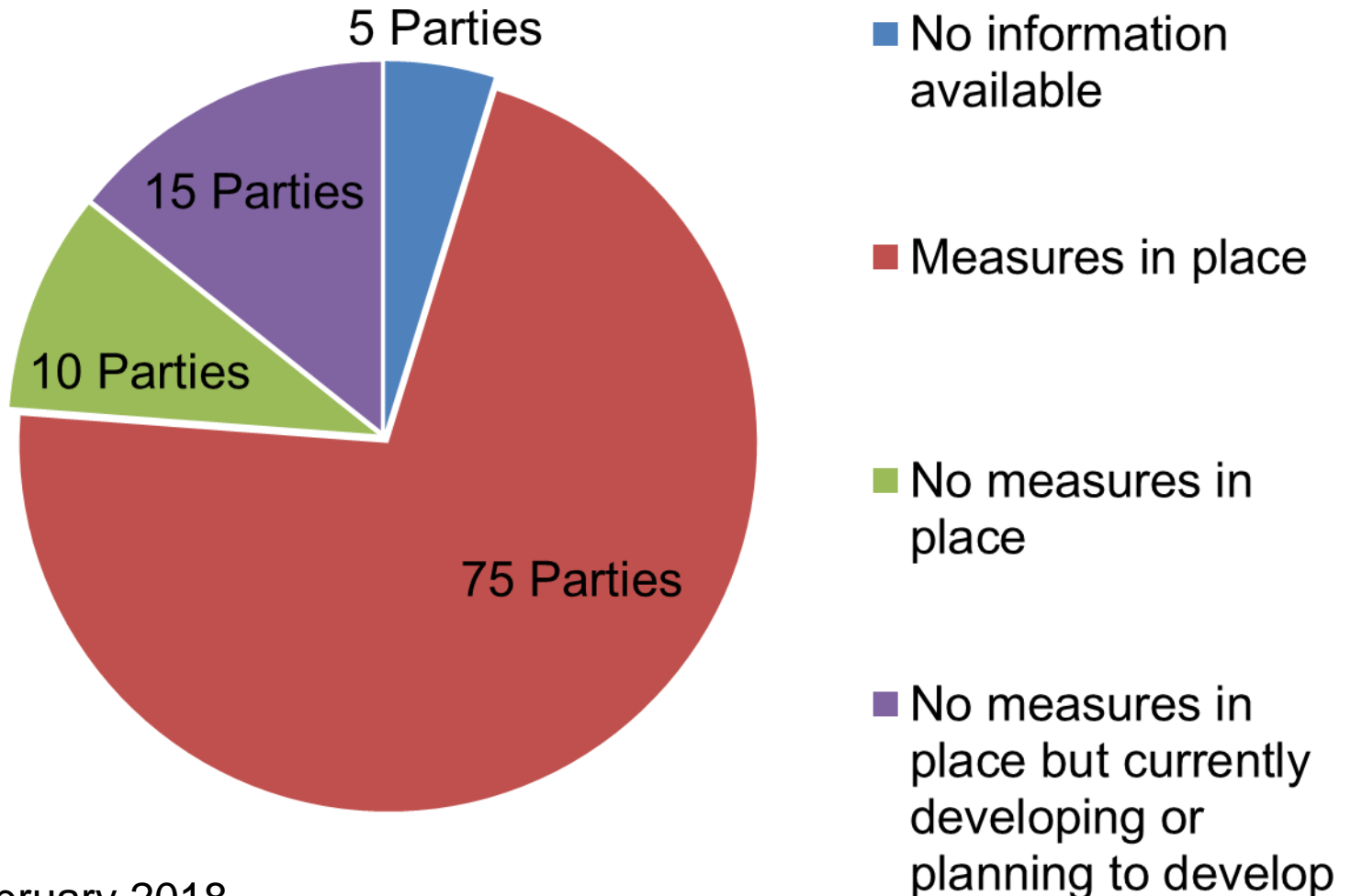


Assessment and review: Cross-cutting considerations and challenges



- New instrument
- Cross-cutting nature of the Protocol (many sectors / actors)
 - Involvement of IPLCs and relevant stakeholders
 - Institutional coordination and division of competences
- Lack of / need for
 - Building capacity of all actors
 - Raising awareness of all actors
 - Financial support
 - Human resource

Progress in Establishing ABS Measures



as of 22 February 2018



ABS measures: Challenges and difficulties

- Developing balanced ABS measures that promote certainty and benefit-sharing and avoid complexity and burden
- Legislative process is time consuming
- New elements of the Protocol
 - Compliance with domestic legislation
 - Monitoring the utilization of genetic resources
 - Obligations related to IPLCs



ABS measures: Monitoring the utilization of GR

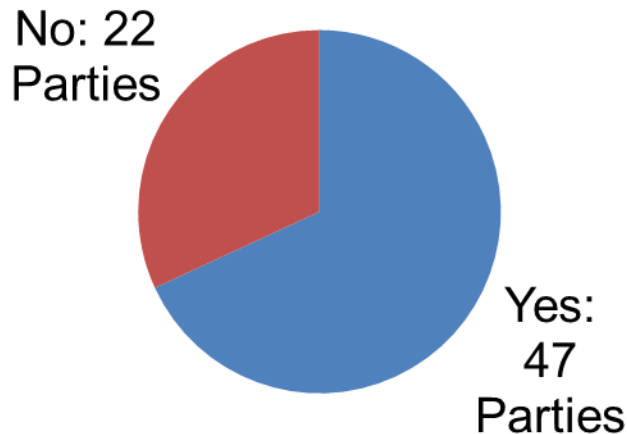
Challenges and difficulties

- Absence of measures or need to develop additional measures
- Need to improve coordination between different institutions and actors
- Capacity to understand functioning of checkpoints, which institutions to designate as check points and the need to build their capacity

ABS measures: IPLCs

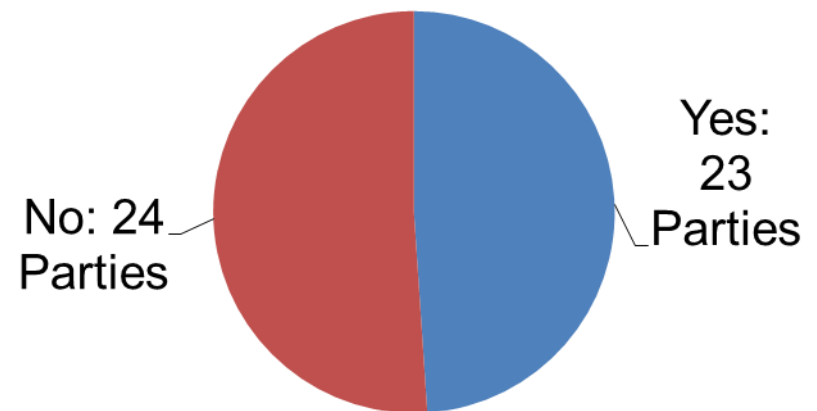
IPLCs in the country

- Indigenous peoples, local communities or both
- Different terminology
- Need to define IPLCs within the national context



IPLCs right to PIC for GR

- 17 Parties have measures to ensure PIC is obtained
- 13 Parties have set criteria and process for PIC

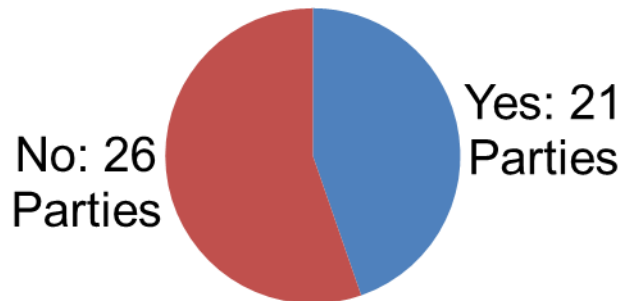


ABS measures: IPLCs



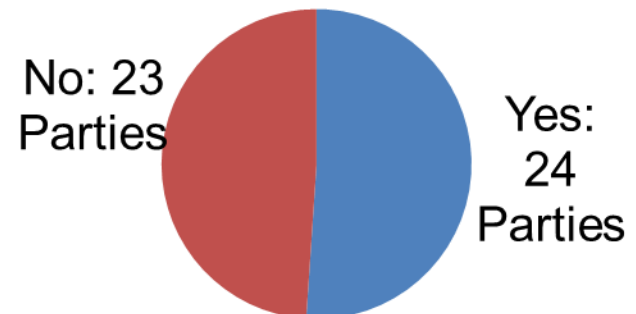
Access to ATK with PIC and MAT

- Measures or draft measures



Consideration of customary laws and community protocols

- General recognition in other laws
- ABS measures or draft measures





ABS measures: IPLCs

Challenges and difficulties

- Clarifying IPLCs in the national context
- Providing clarity on the ownership of IPLCs over GR and ATK
- Identifying the different groups of IPLCs
- Understanding the organisation of IPLCs
- Linking traditional knowledge with the holders
- How to ensure who has legitimate authority
- Users are reluctant to conclude ABS agreements with TK holders
- Some challenges go beyond ABS implementation

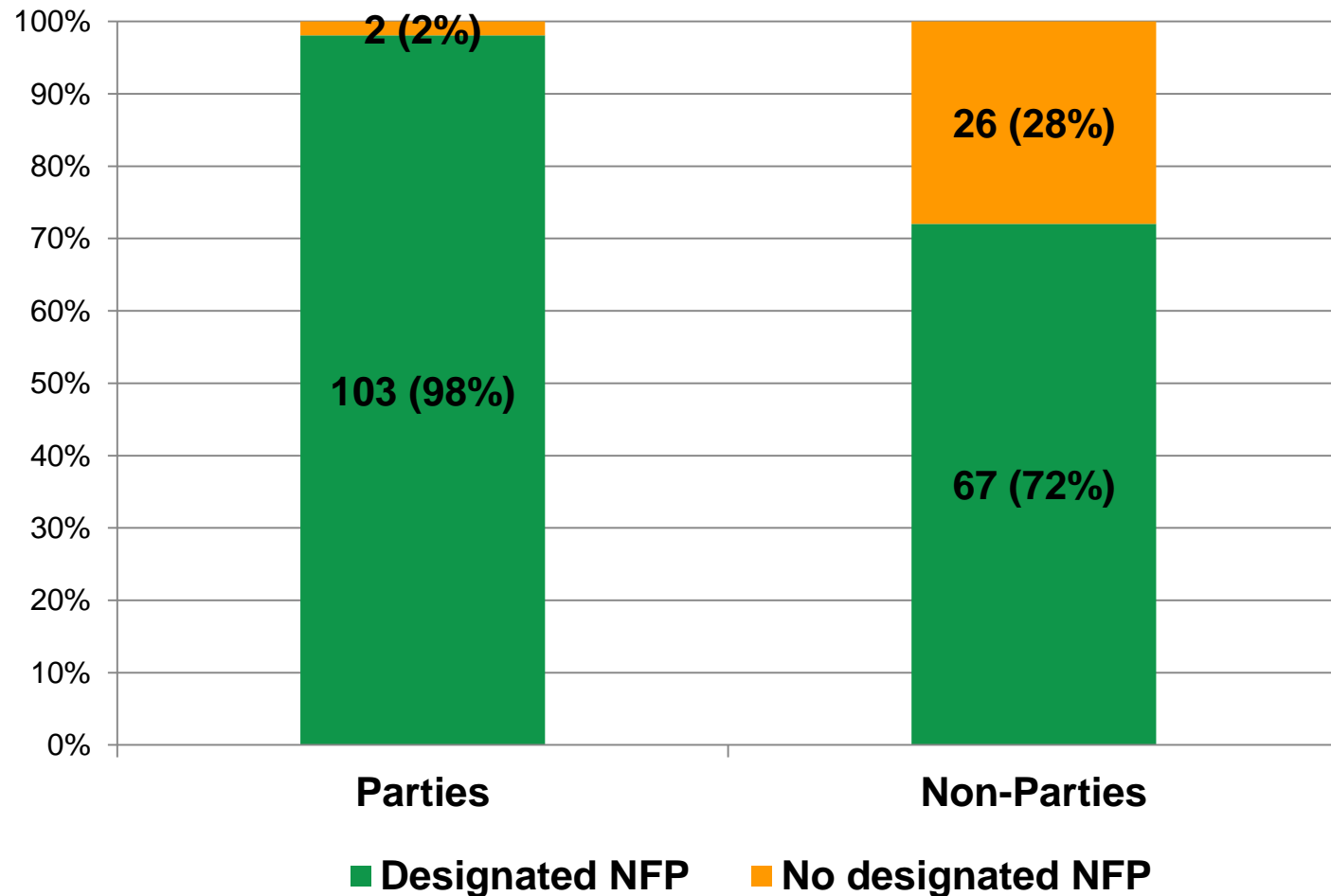
ABS measures: IPLCs

Challenges and difficulties



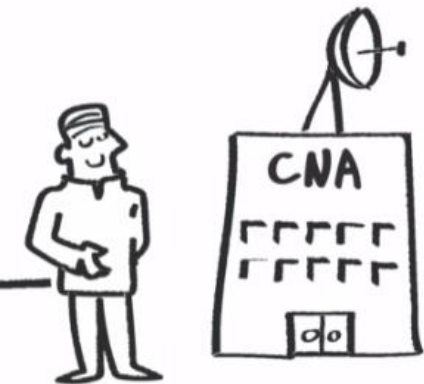
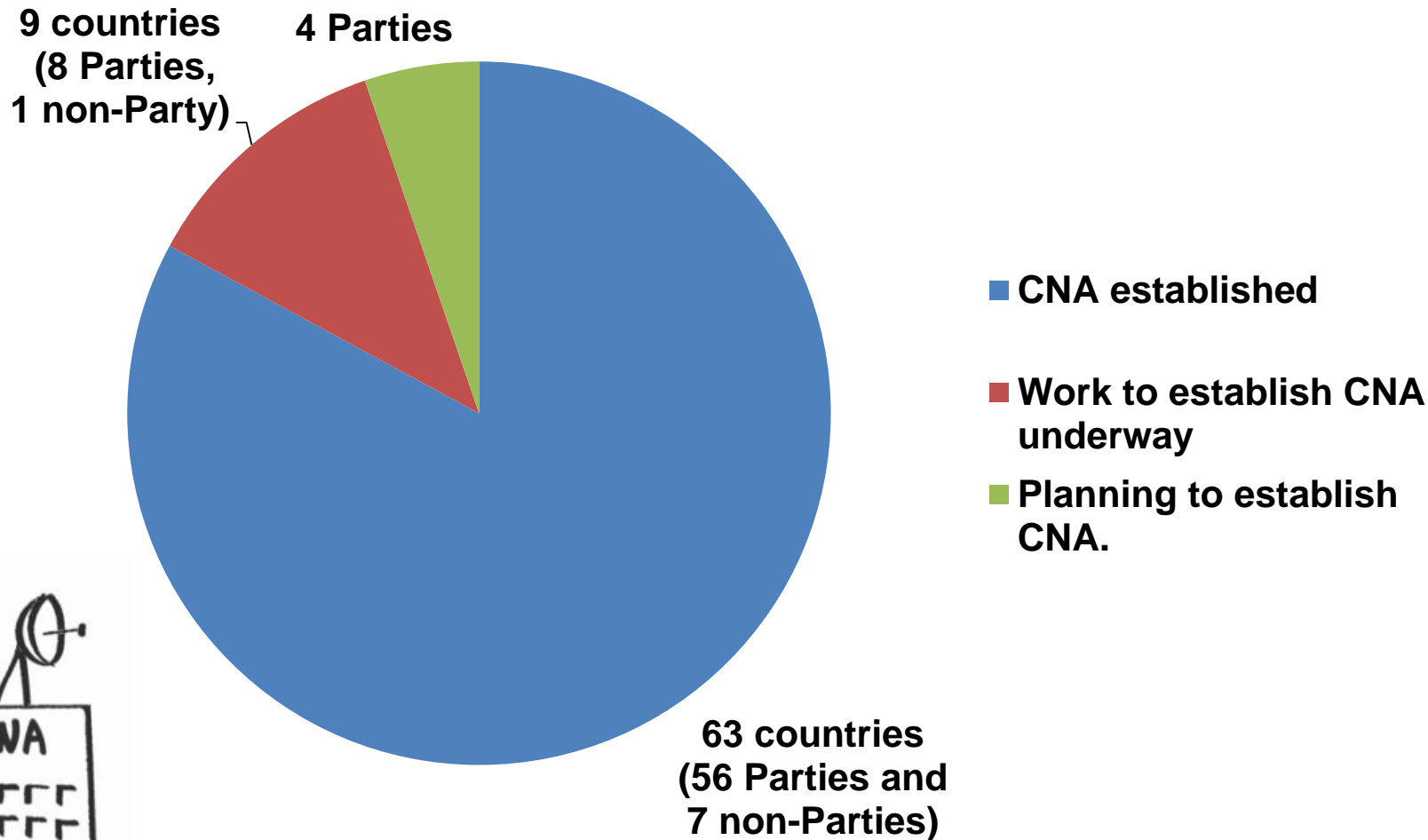
- Lack of experiences or examples
- Need for capacity at institutional level, including for developing measures
- Need for capacity -building and awareness-raising about ABS for IPLCs
- Documenting TK and understanding the relationship with IPRs

Progress in Designating National Focal Points



as of 22 February 2018

Progress in Designating Competent National Authorities

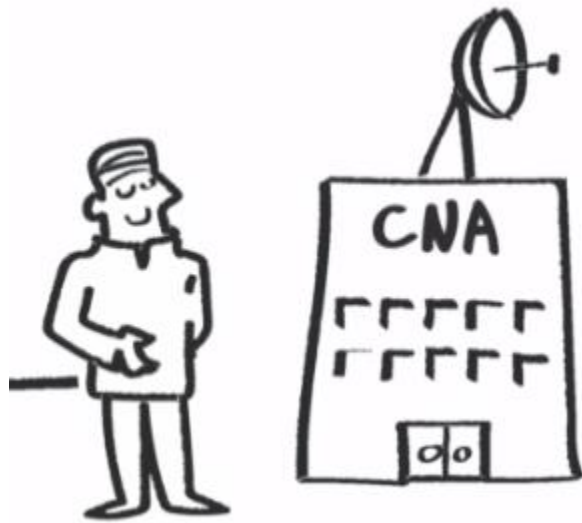


as of 22 February 2018



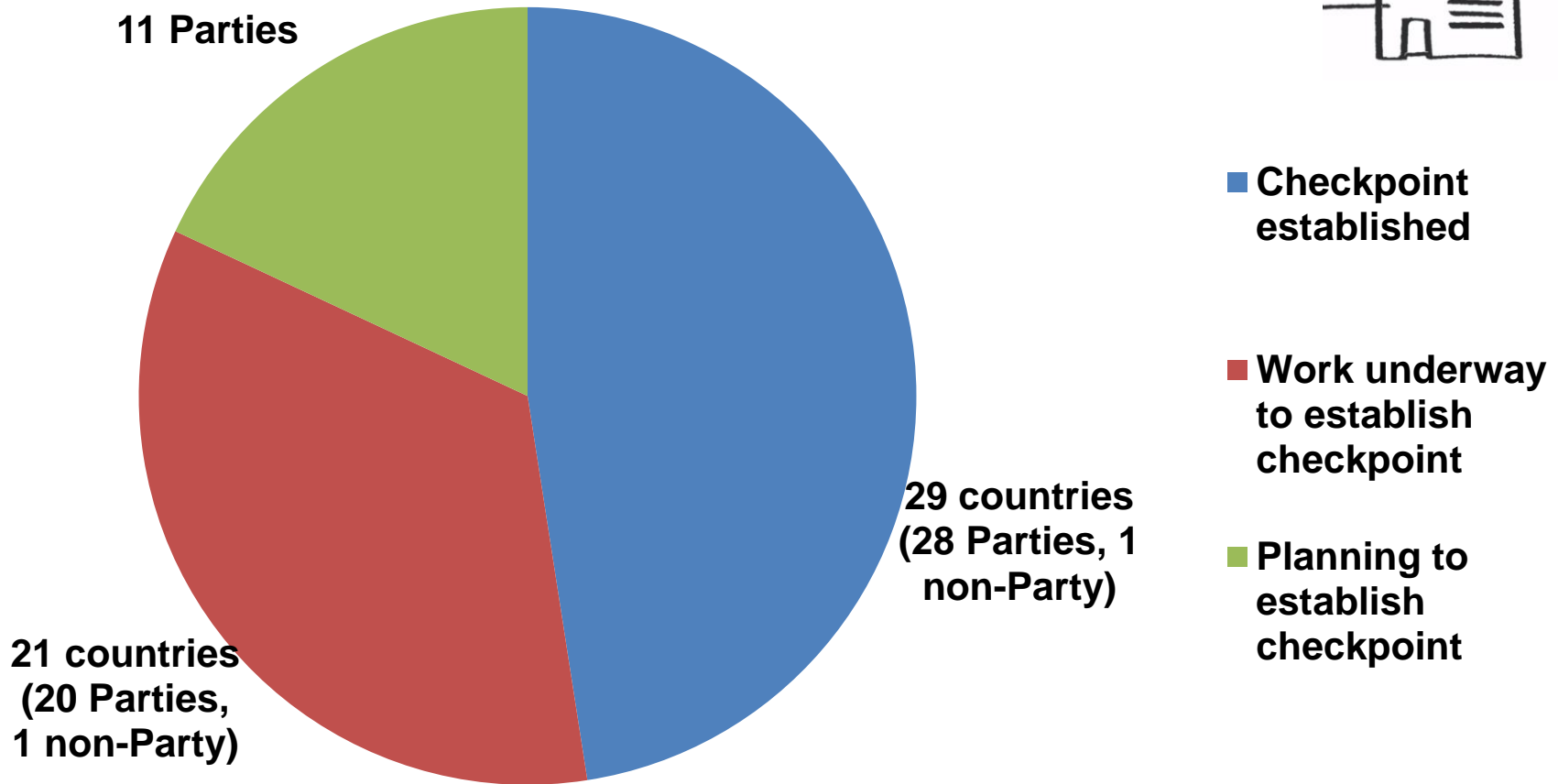
Competent national authorities

Challenges and difficulties



- Progress link to adopting the necessary ABS measures
- Clarifying mandates between institutions and agencies
- Ensuring coordination among CNAs, as well as between the CNA and other national institutions

Progress in Designating Checkpoints



as of 22 February 2018



Checkpoints

CHECKPOINT



Challenges and difficulties

- New element of the Protocol
- Need for further analysis or studies as well as capacity-building
- Balance between having effective checkpoints while avoiding creating unnecessary administrative burdens

Permits/Certificates published in the ABS Clearing-House

12 Parties published
certificates in the
ABSCH.

4 Parties have
published some permits
but not all

7 Parties have reported
having permits that
have not yet been
published





Permits/certificates

Challenges and difficulties

- ❖ Need to adopt ABS measures
- ❖ Need to streamline the process for making permits available to the ABS Clearing-House
- ❖ Lack of human resources
- ❖ Need for capacity-building



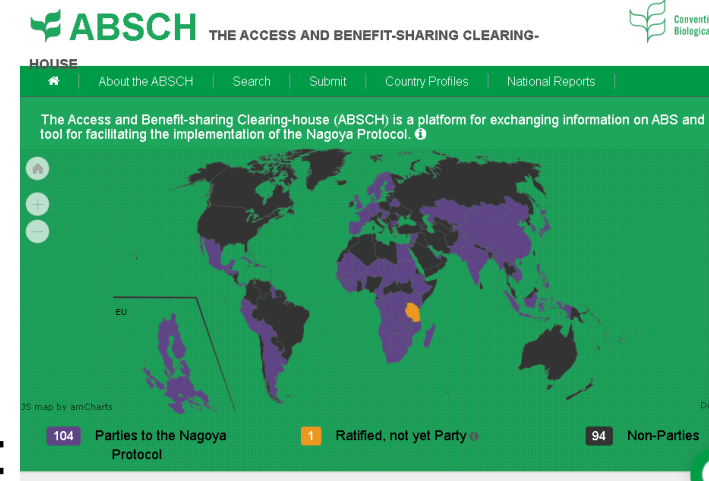
Updates on 2017-2018 developments

ABS Clearing-House (NP-2/2)

Informal Advisory Committee held from
14-16 November 2017

Key Outcomes:

- ✓ Priorities for capacity-building activities:
 - Monitoring genetic resources through the ABSCH
 - Use and population of information from Parties and other Governments
 - Include IPLCs, business, scientists and other stakeholders as target group for capacity-building activities
- ✓ Improve display of capacity-building initiatives and resources on the ABSCH (map interface, visibility, access to and analysis of information)
- ✓ New voluntary national common format on ABS Procedures



Updates on 2017-2018 developments

Digital sequence information on genetic resources

resources Decision to consider at COP 14 and COP-MOP 3 any potential implications of the use of DSI on genetic resources for the three objectives of the CBD (COP XIII/16) and for the objective of the NP (NP-2/14)

- ✓ Webpage on process: <https://www.cbd.int/abs/dsi-gr/ahteg.shtml>
 - Views and information submitted to Secretariat
 - Fact-finding and scoping study
- ✓ Meeting of Ad Hoc Technical Expert Group (AHTEG) held 13-16 February 2017
- ✓ Documents available online on SBSTTA-22 webpage
- ✓ SBSTTA to consider outcomes of AHTEG and make recommendation to COP14 and COP-MOP3



Updates on 2017-2018 developments

Article 4(4) of the Nagoya Protocol (NP-2/5)

- ✓ Study commissioned: Criteria that could be used to identify a specialized international ABS instrument and a possible process for recognizing such an instrument
- ✓ SBI and COP-MOP 3 to consider study

Article 10 of the Nagoya Protocol (NP-2/10)

- ✓ Submissions by Parties, other Governments, IPLCs and stakeholders (deadline 15 January 2018):
 - Views on the way forward on Article 10
 - Information and practical experience on situations where it is not possible to grant or obtain PIC in relation to in situ or ex situ GR and associated TK
- ✓ SBI to consider submissions, and other relevant information, and explore need for a GMBSM

Updates on 2017-2018 developments

Capacity-building (NP-2/8)

Meeting of the **Informal Advisory Committee on Capacity-Building** held from 20-22 March 2018 in Montreal

Key Outcomes:

- ✓ Updates on capacity-building initiatives, tools and resources
- ✓ List of common elements to be considered in the design of future capacity-building projects
- ✓ Advised on the forthcoming evaluation of the strategic framework for capacity-building and development
- ✓ Documents available online:
<https://www.cbd.int/meetings/ABSCBIA-C-2018-01>



Updates on 2017-2018 developments

SCBD-IDLO Capacity-building programme

- Eight e-Learning modules available online
- Global Online Network of ABS Practitioners
- Six blended learning courses (e-learning, face to face training):

Central Africa (Cameroon)	16 - 20 April
Asia (Viet Nam)	28 May -1 June
Latin America (Chile)	18 - 22 June
Pacific Islands (Fiji)	23 - 27 July
CEE (Belarus)	10 - 14 September
West Africa (Senegal)	17 - 21 September

Workshop on Mutually Supportive Implementation of the Protocol and the ITPGRA for GRULAC

Lima, Peru

25-28 September

Calendar



SCBD Meetings

Dates

22nd meeting of SBSTTA

2-7 July 2018

- Item 3: Digital sequence information on genetic resources

2nd meeting of SBI

9-13 July 2018

- Item 4: Assessment and review of the effectiveness of the Protocol
- Item 6: Global multilateral benefit-sharing mechanism (Article 10)
- Item 7: Specialized international ABS instruments in the context of Article 4.4
- Item 14: Enhancing integration under the Convention and its Protocols

Thank you

For more information on ABS and the Nagoya Protocol:

www.cbd.int/abs



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