

AGENDA ITEM 7: Second assessment and review of the effectiveness of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization

DATE: 3 August 2026

Statement on behalf of the **International Indigenous Forum on Biodiversity (IIFB)**

The IIFB welcomes the Secretariat's Second assessment and review of the effectiveness of the Nagoya Protocol.

The IIFB express its concern for the moderate progress on the implementation of the Nagoya Protocols on matters related to traditional knowledge associated with genetic resources and Indigenous Peoples and local communities, thus we call Parties to make effort to advance in the implementation of these provisions.

To advance the implementation, the IIFB call Parties to increase their effort to develop capacity-building activities.

Many thanks

The IIFB suggested text is in **GREEN CAPITALS**. And the text **highlighted in green** is the text the IIFB suggest is kept.

ANNEX

III. Recommendations

13. The draft recommendations below have been informed by the second assessment and review and the conclusions drawn from it by the Compliance Committee and the Informal Advisory Committee. They address strategic actions to enhance support for the implementation of the Protocol, including through capacity-building and development, financial mechanisms and the strengthening of information-sharing tools, such as the Access and Benefit-sharing Clearing-House. It is expected that the recommendations will be considered under the agenda items of the Conference of the Parties

serving as the meeting of the Parties to the Nagoya Protocol¹ to which they most closely pertain, as reflected in the section headings below.

A. Assessment and review of the effectiveness of the Nagoya Protocol²

14. The Subsidiary Body may wish to adopt a recommendation along the following lines:

The Subsidiary Body on Implementation

Recommends that, at its sixth meeting, the Conference of the Parties 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 Utilization³ adopt a decision along the following lines:

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

1. *Welcomes* the input to the second assessment and review of the effectiveness of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization provided by the Compliance Committee under the Nagoya Protocol and the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, in the form of key findings and messages and indicative actions that could be taken at the national, regional and global levels to enhance the implementation of the Protocol;⁴

2. *Also welcomes* the scoping study on the possible reasons and underlying root causes for the challenges to effective implementation and compliance, and on possible ways to enhance implementation;⁵

3. *Further welcomes* the updated indicator data produced further to the framework of indicators provided in annex II to decision [NP-3/1 A](#) of 25 November 2018;⁶

4. *Takes note* of the outcomes of the second assessment and review, in the form of key findings and messages and indicative actions that could be taken at the national level to enhance the implementation of the Nagoya Protocol,⁷ and of related decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol;⁸

5. *Invites Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including, as appropriate, the regional and subregional technical and scientific cooperation support centres, to take into*

¹ In accordance with the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol ([CBD/NP/MOP/6/1](#)).

² Item 8 of the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

³ United Nations, *Treaty Series*, vol. 3008, No. 30619.

⁴ See CBD/NP/MOP/6/3 and CBD/NP/CB-IAC/2026/1/4, respectively.

⁵ [CBD/SBI/7/INF/3/Rev.1](#).

⁶ See [CBD/SBI/7/7/Add.1](#).

⁷ CBD/SBI/7/7, annexes I and II, respectively.

⁸ See decisions NP-6/-- on enhancing the implementation of the Nagoya Protocol and NP-6/-- on the financial mechanism and resources.

account the outcomes of the second assessment and review in their efforts to support the effective implementation of the Nagoya Protocol;

6. *Reminds* Parties that, to ensure benefit-sharing, all Parties need to fulfil their obligations under the Nagoya Protocol;

7. *Urges* Parties that have not yet done so to take the steps necessary to ensure the full and effective implementation of the Nagoya Protocol and achieve its objectives;

8. *Invites* Parties to take into account the indicative actions referred to in paragraph 4 above in their efforts to implement the Nagoya Protocol, as appropriate and in accordance with national circumstances and priorities;

9. *Urges* Parties:

(a) To develop clear step-by-step access and benefit-sharing procedures, including clear definitions and standardized templates, forms or checklists, and publish them through the Access and Benefit-sharing Clearing-House **WITH THE FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**;

(b) To establish and fully operationalize their checkpoints and to publish information collected or received by the checkpoints through the Access and Benefit-sharing Clearing-House, recalling that the provisions of Articles 15 to 17 of the Nagoya Protocol apply to all Parties;

10. *Invites* Parties to ensure the full and effective participation of indigenous peoples and local communities in access and benefit-sharing processes, including by developing community protocols and procedures for access and benefit-sharing in accordance with Article 12 of the Nagoya Protocol, and to make such protocols and procedures available through the Access and Benefit-sharing Clearing-House as part of the national records, and invites relevant organizations to support indigenous peoples and local communities in developing community protocols and procedures;

11. *Also invites* Parties to engage user organizations and relevant stakeholders in access and benefit-sharing processes, and encourages user organizations and networks to facilitate user compliance with access and benefit-sharing requirements, including by developing such tools as those provided in Article 19 and 20 of the Nagoya Protocol, and to make the tools available through the Access and Benefit-sharing Clearing-House;

12. *Requests* the Executive Secretary to disseminate and promote the outcomes of the second assessment and review among Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including the cooperation support centres;

13. *Also requests* the Executive Secretary to propose a methodology for conducting the third assessment and review of the effectiveness of the Nagoya Protocol, taking into account the outcomes and lessons learned from the second assessment and review;

14. *Requests* the Subsidiary Body on Implementation to consider the proposed methodology referred to in paragraph 13 above at a meeting held before the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and to make recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting.

B. Enhancing the implementation of the Nagoya Protocol⁹

16. The Subsidiary Body may also wish to adopt a recommendation along the following lines:

The Subsidiary Body on Implementation

Recommends that, at its sixth meeting, the Conference of the Parties 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 Utilization¹⁰ adopt elements of a decision^{11,12} along the following lines:

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

I

Capacity-building and development and awareness-raising

1. *Recalls* its decision [NP-5/3](#) of 1 November 2024, by which it adopted the capacity-building and development action plan for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization, and its decision [NP-1/9](#) of 17 October 2014, by which it adopted the awareness-raising strategy for the Protocol;

2. *Encourages* Parties, other Governments and relevant organizations, including the regional and subregional technical and scientific cooperation support centres, in a position to do so:

(a) To expand their efforts to build capacity to implement the Nagoya Protocol, in accordance with its Article 22;

(b) To take into account the key findings and messages of the second assessment and review of the effectiveness of the Nagoya Protocol, which include areas where Parties require further support, and the indicative actions that could be taken at the national level to enhance the implementation of the Protocol

(c) To promote **WITH THE FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, the exchange of experiences, best practices, success stories and lessons learned in the implementation of the Nagoya Protocol among a wide range of actors involved in access and benefit-sharing

⁹ Item 9 of the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

¹⁰ United Nations, *Treaty Series*, vol. 3008, No. 30619.

¹¹ Additional elements are expected to be included in document CBD/NP/MOP/6/7.

¹² The estimated extrabudgetary resource requirements for the activities outlined in the elements of the draft decision are shown in annex III to the present document.

processes, develop guidance, in particular on the areas identified in the key findings and messages;

(d) To promote the development of regional and global initiatives to facilitate the exchange of experiences and lessons learned among different actors;

(e) To establish or strengthen mechanisms that facilitate partnerships between users and providers of genetic resources and associated traditional knowledge;

(f) To document and share through the Access and Benefit-sharing Clearing-House lessons learned and best practices and capacity-building and development resources for the implementation of the Nagoya Protocol;

(g) To support work on information systems that could facilitate access and benefit-sharing and compliance with the Nagoya Protocol, and to make those systems interoperable with the Access and Benefit-sharing Clearing-House, as appropriate;

(h) To support the use and publication of information in the Access and Benefit-sharing Clearing-House by indigenous peoples and local communities, for example, by incorporating training on the Clearing-House into relevant capacity-building and development activities, as appropriate;

3. Invites Parties, other Governments, indigenous peoples and local communities and relevant stakeholders and organizations, including, as appropriate, the cooperation support centres, to strengthen communication efforts, including through campaigns targeted at different access and benefit-sharing actors, and to consider:

(a) Promoting broader recognition of the third objective of the Convention on Biological Diversity,¹³ that is, the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, so that it is recognized as a strategy for valorizing biodiversity, supporting its conservation and sustainable use and creating opportunities for sustainable development, in line with the key findings and messages;

(b) Implementing the awareness-raising strategy for the Nagoya Protocol;

(c) Using existing tools, such as the communication, education and public awareness toolkit,¹⁴ including considerations for access and benefit-sharing;

4. Requests the Executive Secretary, subject to the availability of resources:

(a) To contribute to and promote the communication efforts of the actors referred to in paragraph 3 above by producing targeted communication materials that highlight success stories and best practices and disseminating such information, including through the Access and Benefit-sharing Clearing-House;

(b) To facilitate and promote the exchanges referred to in subparagraphs 2 (c) and (d) above on the areas identified in the key findings and messages, including through the holding of regional workshops;

¹³ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹⁴ www.cbd.int/abs/doc/cepa-toolkit-en.pdf.

(c) To promote the integration of access and benefit-sharing in regional or subregional capacity-building initiatives, existing cooperation frameworks and the work of regional and subregional relevant institutions, including the cooperation support centres;

II

Access and Benefit-sharing Clearing-House and information-sharing

5. *Emphasizes* the key role of the Access and Benefit-sharing Clearing-House in supporting the effective implementation of the Nagoya Protocol;

6. *Underscores* the importance for Parties to publish all available mandatory information through the Access and Benefit-sharing Clearing-House and to ensure that such information is kept up to date in order to enhance the effectiveness of the Nagoya Protocol;

7. *Requests* Parties to provide up-to-date, accurate and practical information on access and benefit-sharing procedures and national model contractual clauses in the Access and Benefit-sharing Clearing-House, in line with Article 14 of the Nagoya Protocol;

8. *Notes with concern* that many Parties have not yet published all available mandatory information through the Access and Benefit-sharing Clearing-House, and urges those Parties to publish such information, as required under Article 14 of the Nagoya Protocol, as soon as possible, and to keep it up to date;

9. *Encourages* Parties to make use of the interoperability of the Access and Benefit-sharing Clearing-House with relevant national information systems to facilitate the publication of information related to internationally recognized certificates of compliance and checkpoint communiqués;

10. *Requests* the Executive Secretary, subject to the availability of resources:

(a) To continue to administer and to further develop the Access and Benefit-sharing Clearing-House, and to encourage the publication and use of information through the Clearing-House, in accordance with its modalities of operation, and taking into account:

(i) Feedback received, in particular from Parties and the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House, including on goals and priorities for the administration and further development of the Clearing-House by the Secretariat;¹⁵

(ii) Relevant information from the second assessment and review;

(b) To hold a meeting of the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House before the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and, as needed, informal online discussions, and to report on the outcomes of the Committee's work at the seventh meeting;

III

The Protocol in the context of the Kunming-Montreal Global

Biodiversity Framework

11. *Recalls* its decision [NP-5/6](#) of 25 October 2024;

¹⁵ See CBD/NP/ABSCH-IAC/6/3.

12. *Encourages Parties to provide in their second national reports on the implementation of the Nagoya Protocol complete and disaggregated information on benefits received, including, as appropriate and if possible, the details of benefits received from the utilization of genetic resources and associated traditional knowledge, the recipients of the benefits, including indigenous peoples and local communities, and the proportion of benefits directed towards the conservation and sustainable use of biodiversity.*

C. Financial mechanism and resources¹⁶

17. The Subsidiary Body on Implementation may further wish to adopt a recommendation along the following lines:

The Subsidiary Body on Implementation

Recommends that, at its sixth meeting, the Conference of the Parties 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 Utilization¹⁷ adopt elements of a decision¹⁸ of along the following lines:

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

1. *Recalls* its decisions [NP-4/8](#) of 10 December 2022 and [NP-5/2](#) of 1 November 2024;
2. *Invites* international organizations, regional development banks, other programmes and initiatives, as well as Parties and the industry:
 - (a) To provide additional financial resources and in-kind contributions, as appropriate, to support the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization;
 - (b) To take into account the key findings and messages of the second assessment and review of the effectiveness of the Nagoya Protocol, which include areas where Parties require further support, and the indicative actions that could be taken at the national level to enhance the implementation of the Protocol;¹⁹
3. *Recommends* that, in adopting guidance on the financial mechanism to support the implementation of the Nagoya Protocol, the Conference of the Parties invite the Global Environment Facility to continue to assist eligible Parties in implementing the Protocol, taking into account the outcomes of the second assessment and review, encourage the use of global and regional projects and make funds available to that end;
4. *Requests* the Executive Secretary:
 - (a) To disseminate information on existing financial resources and funding opportunities to Parties and indigenous peoples and local communities for the implementation of the Nagoya Protocol;

¹⁶ Item 10 of the provisional agenda for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

¹⁷ United Nations, *Treaty Series*, vol. 3008, No. 30619.

¹⁸ Additional elements are expected to be included in document CBD/NP/MOP/6/8.

¹⁹ CBD/SBI/7/7, annexes I and II.

(b) To take into account the outcomes of the second assessment and review when preparing the documentation related to the four-year outcome-oriented framework of programme priorities for the tenth replenishment period of the Global Environment Facility Trust Fund that will be submitted for consideration at the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

Annex I

Key findings and messages

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. Since February 2018, 37 countries have ratified the Nagoya Protocol, bringing the total number of Parties of the Protocol to 142 as of 9 March 2026.
2. According to the updated indicator data, and in comparison with the data for February 2018, there has been significant progress in setting the legislative, administrative and policy foundations for advancing implementation of the Nagoya Protocol, including the designation of national focal points and competent national authorities and the adoption of legislative, administrative and policy measures on access and benefit-sharing, although progress has been uneven among regions. There are differences with regard to understanding of the role of checkpoints; their designation and operationalization constitute a challenge for many Parties; and the limited progress in that area is concerning. In that regard, information shows that many Parties still need to adopt further measures to render the Nagoya Protocol fully operational and translate principles into practice.
3. While indicator data highlight progress made by Parties in establishing institutional structures and putting access and benefit-sharing measures in place, the data do not elucidate whether those institutions and measures are operational or effective in accomplishing the objective of the Protocol. It is concerning that many Parties still have information available that has not yet been published on the Access and Benefit-sharing Clearing-House, as required under Article 14 of the Protocol.
4. Insufficient human resources and capacity, the multiplicity of roles and responsibilities of national focal points and issues relating to internal coordination among different authorities or ministries or among competent national authorities and checkpoints are ongoing challenges.
5. While the indicators related to implementation of Article 6 show significant progress by Parties, the diversity of national approaches to requirements and procedures for access and benefit-sharing presents key challenges for users, including with respect to understanding the scope of application and terminology and the steps to be followed in acquiring prior informed consent and a permit and negotiating mutually agreed terms and sharing benefits. Furthermore, while the internationally recognized certificate of compliance is an important tool for providing legal certainty of access and supporting the monitoring of the utilization of genetic resources, to date, only a limited number of Parties with access measures in place have published permits on the Clearing-House that constitute such certificates.
6. Developing clear procedures (for example, step-by-step guidance for users on applicable rules and requirements), practical information and model contractual clauses and publishing them on the Clearing-House will allow the Clearing-House to be more effective in achieving its objective of providing users with key information about access to genetic resources and associated traditional knowledge and benefit-sharing.
7. Indicators related to Article 5 show significant progress made by Parties, even if they do not demonstrate whether the measures put in place are effective in accomplishing the objective of the

Protocol. It should be noted that Parties followed different approaches in answering the relevant question of the report, with some Parties providing information on measures to ensure benefit-sharing from the utilization of genetic resources or associated traditional knowledge accessed within their jurisdiction (through requirements for prior informed consent and mutually agreed terms) and others providing information on measures to ensure benefit-sharing from the utilization of genetic resources and associated traditional knowledge accessed from other Parties (through the adoption of compliance measures) and still others addressing both approaches.

8. With regard to reducing negotiation-related asymmetries between providers, including indigenous peoples and local communities, and users of genetic resources, there is a need to enhance the capacity of providers to negotiate mutually agreed terms and understand the commercial and non-commercial research environment, supply and value chains and the innovation process.

9. The assessment of the indicators measuring implementation of Article 15 indicated that significant progress has been made in establishing the foundational elements of the Protocol's compliance provisions.

10. With respect to Article 17, the available information indicates that progress continues to be limited and uneven across regions and Parties.²⁰ There are differences in understanding related to the role of checkpoints and significant challenges remain in fully operationalizing the provisions of the article, in particular with regard to the designation and operationalization of effective checkpoints by all Parties, as well as the use of checkpoint communiqués as part of the system for monitoring the utilization of genetic resources established under the Protocol.

11. The situation described in paragraph 10 above is further illustrated by the limited number of checkpoints communiqués published which indicates that the monitoring system envisaged under Article 17 has not yet been widely or systematically implemented. A number of countries continue to be concerned about the misappropriation and misuse of their genetic resources once those resources leave their country which makes them more inclined to adopt access measures and systems for monitoring the utilization of their genetic resources that are more precautionary, as well as their own systems for monitoring utilization.

12. Experience indicates that cooperation between user and provider countries remains important for enhancing compliance with domestic access and benefit-sharing measures. Much of the cooperation reported has been prompted by the issuance or receipt of checkpoint communiqués, underscoring the value of that tool for supporting compliance.

13. Indicators related to the implementation of Articles 6, 7 and 12 show uneven progress. Among Parties that reported having indigenous peoples and local communities in their country, most included the requirement for prior informed consent in access and benefit-sharing measures and in that regard, indicators related to the Protocol's provisions related to indigenous peoples and local communities showed moderate progress. However, many Parties have not yet fully operationalized those provisions and a limited number of examples have been reported, which highlights the need for case studies on practical experiences in implementing measures related to indigenous peoples and local communities.

14. To improve the operationalization of the provisions related to indigenous peoples and local communities, it is essential to support the full and effective participation of indigenous peoples and local communities in access and benefit-sharing processes through early engagement, targeted awareness-raising and capacity-building, establishment of coordination mechanisms and empowerment.

²⁰ Forty-six per cent of Parties had established one or more checkpoints, with the following regional breakdown: 35 per cent of Parties in Africa; 27 per cent of Parties in Asia-Pacific; 62 per cent of Parties in Eastern European States; 50 per cent of Parties in Latin America and the Caribbean; and 94 per cent of Parties in Western European and other States (see [CBD/SBI/7/INF/2](#), para. 26 and figure 3).

15. The development of community protocols is a critical first step, as it enables indigenous peoples and local communities to articulate their values, customary practices and aspirations and communicate them effectively to users of genetic resources and associated traditional knowledge and government authorities. In that regard, Parties need to further support the development and application of community protocols by indigenous peoples and local communities in accordance with Article 12 of the Protocol.

16. The data for the indicators related to Article 8 of the Nagoya Protocol show significant progress in implementing the provisions of the Article. However, there are different understandings of what implementing these provisions entails in practice, and the indicators do not provide information on whether the measures taken are operational or effective in accomplishing the objectives of the Protocol.

17. Further work could be done to support implementation of Article 8 (a) of the Protocol to support the wider application of simplified measures for access for non-commercial research purposes and address the change of intent and third-party transfer.²¹

18. Mutually supportive implementation of the Nagoya Protocol with other relevant international access and benefit-sharing instruments in line with Article 4, paragraph 3, could also be further strengthened. Promoting institutional coordination and legal certainty in the national implementation of international access and benefit-sharing instruments and increasing awareness of the different access and benefit-sharing regimes could support efforts in this regard. These efforts will also contribute to the implementation of special considerations included in Article 8.

19. Parties generally endeavour to cooperate further to Article 11 of the Protocol. Where such cooperation does occur, it tends to be based on informal arrangements or regional and ecosystem-based initiatives operating within existing conservation and community frameworks. However, transboundary cooperation in the context of Article 11 remains limited in practice.

20. Most Parties have taken measures to raise awareness as provided for in Article 21 of the Protocol, and many have some form of awareness-raising strategy. These efforts are largely activity-based, and the extent of these activities are uncertain and uneven among Parties, as it is closely linked to available resources and capacities.

21. Strengthening awareness-raising efforts at all levels and communication campaigns can help address many of the root causes of the challenges identified for effective implementation and mobilize political will. This will require a renewed emphasis on more systematic, sustained, and strategically anchored awareness-raising efforts that go beyond one-off activities. These efforts could also build on the momentum generated by recent international policy developments related to access and benefit-sharing.

22. There is a need to further strengthen political will to support the effective implementation of the provisions of the Protocol. This could be achieved by, for instance, highlighting the contribution of access and benefit-sharing to conservation and sustainable use of biodiversity, mainstreaming access and benefit-sharing in broader policy goals (e.g. the bioeconomy, research and innovation, development strategies) and showcasing the value of genetic resources and associated traditional knowledge. In this context, there is also a need for changing the narrative so that the third objective of the Convention should not be perceived as a regulatory burden, but rather as a strategic mechanism for valorising biodiversity, supporting its conservation and sustainable use and creating opportunities for sustainable development.

23. This change of narrative should work towards having efficient access and benefit-sharing processes.

²¹ Noting that Parties are not required to put in place measures to address third-party transfer.

24. As perceptions and practices change, implementation can increasingly shift towards approaches that emphasize and promote partnerships, value creation for biodiversity and trust among all actors involved in access and benefit-sharing. Showcasing diverse success stories and sharing best practices grounded in practical experience, evidence and real examples could help illustrate the advantages of this paradigm shift, as well as practical ways to operationalize it, while maintaining realistic expectations regarding access and benefit-sharing outcomes.

Element (b): assessment of effectiveness

25. The data for the indicators related to access show that good progress has been made in establishing measures and creating some of the necessary conditions for access. However, the indicators do not provide information on whether those measures are fully operational. Moreover, effectiveness should be assessed across the full access and benefit-sharing value chain from access request to benefit delivery.

26. As highlighted in the key findings and messages for element (a), Parties are at different stages in the implementation and operationalization of measures addressing the Protocol's provisions on access, benefit-sharing, compliance, special considerations and those related to indigenous peoples and local communities. Furthermore, some Parties have not yet made available mandatory national information in the ABS Clearing-House, and this impacts the effective implementation of the Protocol.

27. Translating access measures into effective benefit-sharing requires several enabling conditions to be in place. These include clear and efficient ABS regulatory processes, greater coherence and coordination among relevant regulatory authorities involved in research and innovation activities, as well as increased user awareness, understanding of ABS requirements and commitment to compliance. However, even when these conditions are present, realizing monetary benefits may take considerable time. This is because benefit-sharing obligations are often triggered at different stages of the value chain and depend on the progression of research, development, and commercialization activities.

28. With regard to benefit-sharing, the information provided shows that approximately one third of the Parties requiring prior informed consent reported having received benefits from access to genetic resources; however, monetary benefits accrue to a relatively limited number of Parties. Non-monetary benefits from genetic resources are more common and have been reported by two thirds of the Parties requiring prior informed consent. Their quality, value and delivery should be documented and monitored.

29. Measuring benefits received is a challenge for many Parties. This results in insufficient disaggregated information on monetary benefits received from the utilization of genetic resource and those received from utilization of associated traditional knowledge. However, the information available indicates that benefits generated from access to traditional knowledge represent a comparatively small share of the total benefits (monetary and non-monetary), both in terms of the amounts reported and the number of Parties receiving them.

30. Parties indicated that the Nagoya Protocol has led to raising awareness of the value of genetic resources and associated traditional knowledge and sustainable management of biodiversity relevant for access and benefit-sharing value chains. It has also supported local employment, full and effective participation of indigenous peoples and local communities in biodiversity governance and enhanced national research capacity, including through technology transfer.

31. While the impact of access and benefit-sharing and the Nagoya Protocol depends in part on the stage of implementation reached by Parties, the monetary and non-monetary benefits reported illustrate that access and benefit-sharing hold significant potential when fully operationalized and supported by the experience gained in implementation. As Parties advance in implementation, benefit-sharing is likely to become more widespread and further contribute to the conservation and sustainable use of biological diversity.

32. The recognition of access and benefit-sharing principles requires fundamental changes in mindset and practices, including clear information on access measures, efficient ABS processes, and best practices building on experience and lessons learned by both providers and users. This can be supported by capacity-building and development initiatives.

33. These changes can only occur incrementally over time and when accompanied by the necessary enabling conditions and long-term structural support, including sustained political commitment and implementation, appropriate incentives, and integration of access and benefit-sharing into broader policy goals.

Element (c): assessment of support available for implementation

34. Despite indicators measuring support for implementation showing good progress, many Parties continue to face operational and technical capacity gaps, in particular in negotiations of mutually agreed terms, monitoring, enforcement and tracking of benefits, that limit the effectiveness of access and benefit-sharing implementation.

35. Human resource and institutional capacity constraints are consistently highlighted as a major limitation to implementation. One-off training, high staff turnover and short-term project-based funding undermine institutional learning and continuity of access and benefit-sharing systems.

36. Without the adequate allocation of human resources and the necessary institutional capacities, the full and effective participation of indigenous peoples and local communities, and awareness and engagement of users of genetic resources and key stakeholders, benefit-sharing cannot be realized in practice.

37. Competing priorities in national planning and resource allocation, combined with complex funding procedures and reliance on a narrow range of external financing channels limits the effective implementation of the Protocol for many Parties.

38. Long-term capacity-building planning, adequate, predictable, accessible and flexible financial resources and strong institutional capacities are essential to ensure that all Parties fulfil their obligations under the Protocol and create the necessary enabling conditions that would lead to an increase in the benefits shared from the utilization of genetic resources and associated traditional knowledge.

39. The Capacity-Building and Development Action Plan under the Nagoya Protocol adopted in decision NP-5/3, provides guidance for addressing these persistent needs in a strategic and phased manner and identifies relevant outcomes and indicative capacity-building and development activities to support implementation of the Protocol that can be adapted to the specific needs, priorities and circumstances. The Action Plan could be used as a national planning tool with targeted timelines and budget. Parties, indigenous peoples and local communities, relevant stakeholders and organizations could use the Action Plan to advance implementation of the Protocol.

40. As the financial mechanism of the Convention and the Protocol, the Global Environment Facility continues to play a central role in supporting implementation of the Protocol. Enhancing and diversifying the use of different sources, while also directing existing financial sources towards access and benefit-sharing objectives, could assist in mobilizing the necessary financial support for the implementation of the Protocol.

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

41. Indicators to measure this element show that good progress has been made in the implementation of the provisions contained in Article 18. However, to better understand whether those measures are effective, it would be useful to have more information on specific cases of dispute resolution on compliance with mutually agreed terms, including the number of disputes addressed and legal options utilized.

42. Efforts to develop model contractual clauses and to support capacity on mutually agreed terms could integrate issues related to the implementation of Article 18 and take into account best practices from other fields of expertise (e.g. contractual law, private international law).

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

43. The indicator shows that significant progress has been made in putting in place measures to implement Article 16 of the Protocol. However, many Parties have not yet fully operationalized these provisions. In addition, many Parties reported not having put measures to implement Article 16 on the basis of not having indigenous peoples and local communities in their countries. Further work could be done in this area to advance understanding that Article 16 applies to all Parties, not only those Parties with indigenous peoples and local communities and to make sure that benefits are shared with indigenous peoples and local communities in accordance with the Protocol.

44. Entry into force and implementation of the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge can support these efforts as it includes the requirement to disclose the origin or source of a genetic resource and/or the indigenous peoples or local community providing the associated traditional knowledge, contributing to greater transparency within innovation systems and enhanced implementation of access and benefit-sharing frameworks.

Element (f): stocktaking of the use of model contractual clauses, codes of conduct, guidelines, best practices and standards, as well as the customary laws, community protocols and procedures of indigenous peoples and local communities

45. There has been an increase in the number of community protocols published in the Access and Benefit-sharing Clearing-House by indigenous peoples and local communities. However, these were developed in a relative limited number of countries mostly in the context of cooperation or capacity-building projects.

46. In the context of Articles 19 and 20, user organizations and networks play an important role in clarifying how access and benefit-sharing can be incorporated in their practice and assisting their staff and their members to understand and comply with access and benefit-sharing requirements, and in this regard they have developed a number of tools and approaches (e.g. databases, checklists, due diligence systems, training, advisory services, etc.). Model contractual clauses and codes of conduct, guidelines, best practices and standards are some of the tools developed to support compliance with access and benefit-sharing.

Element (g): review of implementation and operation of the Access and Benefit-sharing Clearing-House, including the reference records.

47. Overall, there has been a trend towards the continued increase in both the number of national records published across all record types and the percentage of Parties publishing national information. At the same time, however, the core objectives of the Access and Benefit-sharing Clearing-House have not been completely met owing to the lack of full compliance by Parties with their obligations under Article 14 of the Protocol.

48. Given the central role of the Access and Benefit-sharing Clearing-House, it is of particular concern that, while many Parties have mandatory national information, they have not yet made it available on the Clearing-House despite having the capacity to publish that information, as illustrated by the high rate of submission of first national reports.

49. The following reasons were given by Parties for not publishing information: insufficient resources, high staff turnover, lack of prioritization or coordination and lack of understanding of the Protocol's system for monitoring utilization of genetic resources as elaborated under Article 17. Sharing of information through the Clearing-House has significant advantages for Parties, as it reduces queries from users about access and benefit-sharing, promotes compliance by users with

domestic rules and procedures and supports Parties in monitoring the utilization of genetic resources internationally.

50. One of the core objectives of the Access and Benefit-sharing Clearing-House is to promote and support capacity-building for the implementation of the Protocol and facilitate the exchange of information among all actors.

51. However, for it to be effective in meeting this objective, further work is needed to ensure that the ABS Clearing-House provides sufficient added value to incentivize ongoing publication of reference records. All actors should be able to easily publish the information, and find up-to-date, relevant, practical and useful information and resources on access and benefit-sharing.

52. Strengthening this component of the ABS Clearing-House, including outreach activities for capacity-building to support both users and providers, can have a significant impact on supporting effective implementation and changing the narrative around access and benefit-sharing given the level of website traffic.

Element (h): progress on the implementation of Article 10, on a global multilateral benefit-sharing mechanism

53. At its fifth meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol did not request further work to be conducted on Article 10 in the intersessional period and decided that at its sixth meeting it would revisit the issue of the need for and modalities of a global multilateral benefit-sharing mechanism as provided in Article 10 of the Nagoya Protocol, taking into consideration the analysis and synthesis of information for the second assessment and review of the Protocol ([decision NP-5/7](#)).

Element (i): progress on the implementation of Article 23, on technology transfer, collaboration and cooperation

54. Technology transfer occurs both as part of the sharing of benefits agreed in mutually agreed terms and through broader cooperation mechanisms beyond access and benefit-sharing, including research cooperation, capacity-building and development initiatives and technical partnerships.

55. Developing and implementing policy instruments, access and benefit-sharing measures, and templates or model contractual clauses that support the inclusion of technology transfer provisions in access and benefit-sharing agreements can be part of an overall policy objective to strengthen capacity to undertake endogenous biodiversity-based research and development to add value to genetic resources, in accordance with national priorities and circumstances.

Element (j): preliminary review of the compliance procedures and mechanisms (Article 30)

56. As experience related to the compliance procedures and mechanisms, including the Compliance Committee, is still relatively limited, it would be premature to make changes to them at this point in time. The compliance procedures and mechanisms are still being explored as a tool for supporting Parties in complying with their obligations under the Protocol. Increasing the visibility of the compliance procedures and mechanisms may be a useful means of encouraging Parties to engage with the Committee in its efforts to support compliance.

Annex II

Indicative actions that could be taken at the national level to enhance the implementation of the Nagoya Protocol

Provided below is a list of indicative actions that could be taken at the national level, as appropriate and in accordance with national circumstances and priorities, to enhance implementation of the Nagoya Protocol, based on experiences and lessons learned, and as a means to address identified challenges.

<i>Topic</i>	<i>National actions</i>	<i>Rationale/guidance</i>
Access and benefit-sharing measures	Establishing a clear policy vision prior to drafting legislation Mainstreaming access and benefit-sharing into broader policy approaches	To strengthen the political relevance of access and benefit-sharing
	Building flexibility in legal framework, for example by adopting interim measures	To help Parties adjust as they gain experience in implementation
Institutional arrangements	Early engaging by the lead agency with other relevant agencies Providing clarity of roles and responsibilities Establishing effective coordination and communication channels among relevant authorities (such as committees or digital systems), including among entities responsible for access and benefit-sharing under different international instruments Enhancing awareness of the scope and relationship among the different access and benefit-sharing regimes Developing internal protocols and procedures	To strengthen national coordination and cooperation To advance mutually supportive implementation in the context of Article 4, paragraph 3 of the Protocol. To contribute to the implementation of the considerations under Article 8.
	Ensuring that national focal points and competent national authorities have the authority, dedicated personnel, capacity and training to fulfil the requirements in Article 13 of the Protocol	To be able to respond to users and indigenous peoples and local communities and to negotiate mutually agreed terms
	Strengthening competent national authorities to play a role in identifying relevant indigenous peoples and local communities to be involved and facilitating effective communication between users and representatives of indigenous peoples and local communities	To strengthen coordination
	Establishing effective checkpoints Strengthening the institutional capacity to implement the compliance provisions of the Protocol (Articles 15, 16 and 17)	To advance the full operationalization of the compliance and monitoring provisions of the Protocol.
	Designating a publishing authority in the Access and Benefit-sharing Clearing-House	To ensure that all published information is accurate, complete and up-to-date and address staff turnover.

	Integrating training on the Clearing-House into onboarding activities	Resource materials are available on the Clearing-House knowledge base, as well as online training and guidance available from the Secretariat
Access and benefit-sharing procedures	Developing and promoting country guides, step-by-step procedures, standardized documentation, checklists, and include clear definitions of what falls in or out of the scope of national access and benefit-sharing measures Making availability of information in different languages	To help users to determine at an early stage whether access and benefit-sharing obligations apply and streamline preliminary exchanges.
	Developing simplified procedures for non-commercial use Developing streamlined simplified approaches for permitting and negotiating mutually agreed terms Embedding access and benefit-sharing within broader institutional cooperation frameworks (e.g. research programmes, regional networks)	To enable countries to maintain oversight, while avoiding barriers to mutually beneficial scientific activities To address the special considerations of Article 8 of the Protocol
Information systems	Developing user support systems, including online systems for submitting and tracking access and benefit-sharing applications	To help reduce administrative burdens and transaction costs for providers and users and it should include plans for long-term sustainability
	Including interoperability features with the Clearing-House in national information systems	To reduce the burden of manual publication of internationally recognized certificates of compliance and checkpoint communiques
	Developing or improving systems and approaches to monitor implementation of mutually agreed terms and benefits received Providing for disaggregated information on benefits received	To support compliance with mutually agreed terms To help measure the impact of access and benefit-sharing in the country and mobilize political will To support reporting on progress towards Goal C and Target 13 ²²
Mutually agreed terms	Developing and promoting templates forms for mutually agreed terms, defined parameters for benefit-sharing, a list of possible monetary and non-monetary benefits Developing approaches for managing changes in intent and third-party transfer Engaging government departments or entities with relevant legal and commercial expertise Incorporating the perspectives of users from different sectors throughout the process	To support the capacity to negotiate mutually agreed terms built on best practices To help to identifying applicable legislation dealing with contractual law, private international law or domestic measures related to access to justice
Full and effective participation	Establishing clear policies for full and effective participation with indigenous peoples and local communities Inclusion in national committees on access and benefit-sharing	To ensure their ongoing engagement and empowerment in access and benefit-sharing processes To build trust among all parties involved

²² More information and relevant recommendations for monitoring monetary and non-monetary benefit-sharing are available in the metadata sheets (<https://gbf-indicators.org/>).

of indigenous peoples and local communities	Supporting the development and implementation of community protocols by indigenous peoples and local communities as per Article 12 Raising the awareness and capacities in accordance with the Protocol	
Engagement with users	Raising awareness of users on access and benefit-sharing Facilitating the exchange of information, experiences, and best practices in assisting different groups of users to comply with access and benefit-sharing requirements,	To ensure that access and benefit-sharing procedures, measures, model clauses also take into account their perspectives and circumstances from users To support user compliance with access and benefit-sharing
Awareness-raising	Strengthening awareness-raising efforts targeting different actors, including indigenous peoples and local communities, women, youth and relevant stakeholders	To contribute to changing the narrative around communications about the third objective Take into account the indicative activities outlined in the awareness-raising strategy for the Nagoya Protocol (decision NP-1/9) and the Capacity-building and Development Action Plan for the Nagoya Protocol (decision NP-5/3), as appropriate
Capacity-building and development	Strengthen long-term capacity-building and development planning for the effective implementation of the Nagoya Protocol Including costed, prioritized access and benefit-sharing capacity-building plans within National Biodiversity Strategies and Action Plans, and aligning these with national biodiversity finance plans, including those under initiatives, such as Biodiversity Finance Initiative	To help strengthen long-term, predictable and coordinated support and help address some of the capacity and financial challenges hindering effective implementation Take into account the Capacity-building and Development Action Plan for the Nagoya Protocol
Financial resources	Strengthening national capacities in fundraising, project development, financial planning and resource mobilization Exploring blended finance approaches, enhancing predictable domestic funding, complemented by international project-based financing	To better access, manage and sustain financial support over time, To reduce reliance on short term, project-based assistance
Technology transfer	Enhancing integration of access and benefit-sharing into national research planning Minimizing possible barriers that could impede the effective use of technology, such as obstacles to the procurement of scientific equipment, material ²³ and information	To ensure that technology transfer is identified, facilitated, negotiated and implemented, and takes into account national needs, conditions and priorities.
Publication of information through the Access and Benefit-	Publishing all available national information in the Clearing-House and ensuring that is accurate, reliable, and up to date in accordance with Article 14 of the Protocol	To make access and benefit-sharing requirements easier for researchers and companies to understand and follow To enhance trust in the monitoring system established in the Protocol. To enable the collection of information on non-monetary benefit-sharing using the global methodology developed in the context of the

²³ This does not include the transfer of genetic material.

sharing Clearing- House		reporting under the Kunming-Montreal Global Biodiversity Framework
	Publishing relevant information in the Clearing-House to support capacity-building and development, including initiatives and resources, case studies, lessons learned and success stories	To support capacity-building and development for the effective implementation of the Nagoya Protocol
	Publishing community protocols in the Clearing-House as part of national records	To give these documents more visibility and recognition as part of national frameworks



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