



SBI 2

Montreal, Canada, 09 - 13 July 2018

Agenda Item 4 of the provisional agenda

Assessment and review of the effectiveness of the Nagoya Protocol

We welcome the comprehensive work done to compile document UNEP/CBD/SBI/2/3 and other complimentary documents UNEP/CBD/SBI/2/5 and UNEP/CBD/SBI/2/6

Chair,

Regarding the first assessment and review to address the challenges to the implementation of the Protocol in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol. The document has comprehensively tried to capture as much information as possible provided in the questioner sent out. We however notice that as we there is still a big gap in involving IPLCs at the National levels.

This compilation used information from interim national reports on the implementation of the Nagoya Protocol and the ABS Clearing-House as the main sources of information for the first assessment and review of the Protocol. Our concern is that looking at the National reports, most of them are compiled and written without the involvement of IPLCs and it clearly shows that less than 2 % of these reports have even mention IPLCs in those reports. (Para 38 and 29) IT is clear also and well mentioned in the report that there is still a lot to be done to ensure that IPLCs provide information to the Clearing house. This Protocol is very important for IPLCs and full and effective participation in the implementation id very crucial.

Chair

We appreciate the fact that the Secretariat has invited Indigenous Peoples and local communities to participate in different working advisory committees to help advance and give advice on different areas needed for the advancement of the Protocol. Contribution to the meetings have been included in section *findings and recommendations of the different Committees have been included and its very clear that IPLCs involvement in the implemntaion of the protocol is still a challenge and urge parties in this SBI meeting to support the recommendations that have been provided for the working committees*

At national level there is an opportunity for Parties to this Protocol to recognize IPLCs when formulating laws involve them in legislative processes, decision making discussions to ensure the compliance of consultation, FPIC and MAT in order to proceed with access and equitable benefit sharing in the implementation of the Protocol. We encourage parties to use the CBD Mo'otz Kuxtal Voluntary Guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent".

Recommendation from IIFB



1. The Nagoya Protocol is a young international instrument that needs promotion by using culturally appropriate tools and that means using Indigenous languages to make it known and create awareness on IPLCs.
2. Capacity building and awareness raising for IPLCs for full and effective participation in the implementation of the protocol, use of ABS clearing house and address both the establishment of national legal ABS frameworks and the establishment of partnerships between users and providers for the negotiation of ABS agreements.
3. There is still need for some Parties to recognize Indigenous Peoples and Local Communities' customary institutions and practices of access and benefit sharing while developing community protocols and procedures for the access and benefit sharing. Parties shall take measures with the aim of ensuring that the FPIC or approval and involvement and work together to come up with clear guidelines on PIC and MAT.
4. There is need to enhance 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 IPLCs with respect to ABS issues.
5. Request to Parties to progress in the implementation of national measures related to traditional knowledge associated with genetic resources with the full and effective participation of indigenous peoples and local communities.

DRAFT RECOMMENDATIONS AND FINDINGS FOR CONSIDERATION BY THE SUBSIDIARY BODY ON IMPLEMENTATION

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

4. *Notes* that further work is needed, as a priority:
 - c. To support the **full and effective** participation of indigenous peoples and local communities in the implementation of the Protocol, including by 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, and raising their awareness and capacity about access and benefit-sharing;
 - d. Raise awareness among **indigenous peoples, local communities and other** relevant stakeholders and encourage their **full and effective** participation in the implementation of the Protocol;
6. 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, **including Indigenous Peoples and Local Communities** to implement the Nagoya Protocol, taking into account the priority areas identified in paragraphs 4 above as well as the key findings;
9. *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 **as well as to increase the awareness about Nagoya Protocol among Indigenous Peoples;**

10. Invites Parties, in view of the cross-cutting nature of the Protocol, to establish appropriate mechanism to facilitate:
 - 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, **supported by the creation of a permanent national Indigenous table** taking into account national circumstances;
12. *Invites* indigenous peoples and local communities to engage in access and benefit-sharing processes, **through their customary benefit sharing practices** including by and developing community protocols and procedures for access and benefit-sharing, and to make them available through the Access and Benefit-sharing Clearing-House

Annex I

- 10 (e) Capacity-building to support IPLCs and **other stakeholders, such as the scientific and business communities to negotiate and** develop minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources;
- 10 (f) Capacity-building to support IPLCs to **negotiate and** develop minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing arising from the utilization of genetic resources associated with genetic resources.
- 10 (g) Capacity building to address both the establishment of national legal ABS frameworks and the establishment of partnerships between users and providers for the negotiation of ABS agreements**

Thanks Madam chair