

Technical Workshop on Monitoring & Compliance (TWMC)

Concept note

As countries advance in the implementation of the Nagoya Protocol the value of international technical exchanges and dialogues is increasing. On the one hand these formats help countries to explore options for national ABS implementation, on the other hand they provide opportunities for (supra-) regional cooperation and harmonization of implementation mechanisms. One area of particular importance with regards to coordinated implementation is monitoring and compliance.

The Nagoya Protocol contains three basic provisions in relation to monitoring and compliance with the ABS requirements of provider countries:

(i) to ensure that genetic resources utilized within a jurisdiction have been accessed in accordance with PIC¹ and that MAT² have been established, as required by the domestic ABS legislation or regulatory requirements of the other Party (art. 15);

(ii) to ensure that traditional knowledge associated with genetic resources utilized within a jurisdiction has been accessed in accordance with PIC or approval and involvement of indigenous and local communities and that MAT have been established, as required by domestic ABS legislation or regulatory requirements of the other Party where such indigenous and local communities are located (art. 16);

(iii) to monitor and enhance transparency about the utilization of genetic resources, where designated checkpoints– at *inter alia*, any stage of research, development, innovation, pre-commercialization or commercialization – would collect or receive, as appropriate, information on (art. 17):

- a. PIC
- b. Source of the genetic resource
- c. MAT
- d. Utilization of genetic resources

This would also include keeping record and monitoring of permits and internationally recognized certificates of compliance where they are available. The ABS Clearing-House system plays a key role in this regard.

¹Prior informed consent

²Mutually agreed terms.

As part of an emerging *de facto* global system, the provisions of article 15, 16 and 17 of the Nagoya Protocol can complement each other, and indeed, if designed in a coherent and efficient manner, can support the broader objectives of the article 15 of the CBD and the Nagoya Protocol as such. In this context, to create conditions to facilitate access for sustainable and sound use are key for promoting the conservation and sustainable use of biodiversity. Designing and, while recognizing national sovereignty, coordinating national approaches to ensure that the emerging systems are effective and efficient will be one of the key challenges in national implementation.

The proposed Technical Workshop on Monitoring & Compliance (TWMC) on the 3-4th November 2016 is aimed at encouraging and supporting a technical dialogue among countries that are developing and implementing policies and measures related to monitoring and compliance. It is anticipated that such dialogue will promote more effective and efficient measures, encourage cooperation and accelerate implementation. The TWMC would draw from a selected group of international technical experts with a view to identifying emerging practices and opportunities for collaboration with respect to monitoring the utilization of genetic resources and associated traditional knowledge.

The results of this workshop are intended to inform the design of monitoring and compliance systems.

The format and structure of the TWMC is as follows:

Duration: 2 days.

Participants: 20+ participants comprised of:

- international experts and technical specialists responsible for design and/or implementation of monitoring systems, particularly those in countries that have early experiences with checkpoints or those that are advancing in the design of new systems.

Language: Workshop will be conducted in English and Spanish translation will be provided.

Venue: TBD in Mexico City

A report of the meeting will be produced, identifying emerging practices, early lessons and further recommendations for the design and implementation of Monitoring and Compliance systems.

Financial support: Very limited funds are available to support participants and will only be considered upon written request. Those interested in attending are encouraged to seek alternative funding whenever possible.

Technical Workshop on Monitoring & Compliance

(3-4 November, 2016, TBD, Mexico City)

Draft Agenda

Day 1

1. Introduction to the Technical Workshop (indicative time allocated)
2. Setting the stage: Brief presentation of the technical discussion paper on Monitoring and Compliance
3. Utilization and flows of genetic resources
4. The ABS Clearing-House – objectives, features and functionalities
5. Compliance measures (including, for instance, institutional arrangements, establishment of checkpoints, registries, enforcement mechanisms)
6. Country and institutional experiences in monitoring the utilization of GR

Day 2

7. Linking monitoring and compliance with PIC, MAT, utilization, commercialization and benefit-sharing
8. Concluding session on key findings and recommendations as well as next steps and dissemination of results