



# UNITED NATIONS ENVIRONMENT PROGRAMME

Programme des Nations Unies pour l'environnement    Programa de las Naciones Unidas para el Medio Ambiente  
 Программа Организации Объединенных Наций по окружающей среде    برنامج الأمم المتحدة للبيئة

联合国环境规划署



## PROJECT DOCUMENT

### SECTION 1: PROJECT IDENTIFICATION

<b>1.1 Project Title:</b>	Ratification and Implementation of the Nagoya Protocol in the countries of the Pacific Region	
<b>1.2 Project number:</b>	GEF Project ID: 5634	
<b>1.3 Project type:</b>		
<b>1.4 Trust fund:</b>	NPIF	
<b>1.5 Strategic objectives:</b>	GEF Strategic objective BD-5	
<b>1.6 UNEP Priority:</b>	Ecosystem management	
<b>1.7 Geographical scope:</b>	Regional. Countries include: Cook Islands <sup>1</sup> , Federated States of Micronesia <sup>2</sup> , Fiji <sup>3</sup> , Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa <sup>4</sup> , Solomon Islands <sup>5</sup> , Tonga, Tuvalu, and Vanuatu	
<b>1.8 Mode of execution:</b>	External	
<b>1.9 Project executing organization</b>	The Secretariat of the Pacific Regional Environment Programme (SPREP)	
<b>1.10 Duration of project:</b>	36 months Commencing: Technical completion:	
<b>Validity of legal instrument:</b>	42 months	
<b>1.11 Cost of project:</b>	<b>US\$</b>	<b>%</b>
<b>Cost to the GEF Trust Fund</b>	<b>1,762,557</b>	<b>59</b>
<b>Co-financing Total</b>	<b>1,234,000</b>	<b>41</b>
	<b>Total project budget</b>	<b>2,996,557</b>

<sup>1</sup> The project will work closely with two country-based projects also funded by the NPIF (Fiji and Cook Islands), as well as two countries participating in a global project on strengthening resources, frameworks and capacities to implement the Protocol (Micronesia and Samoa), as elaborated in the project document.

<sup>2</sup> See above.

<sup>3</sup> See above.

<sup>4</sup> See above.

<sup>5</sup> Solomon Islands have endorsed the project at the PIF stage. However, a Letter of Co-financing commitment is still pending. Reconfirmation of Solomon Islands participation in the project will be revisited at the inception meeting and hopefully a letter of co-financing would be made available then.



*CO-FINANCING BREAKDOWN**National governments*

Kiribati	In kind	100,000
Marshall Islands	In kind	100,000
Nauru	In kind	100,000
Niue	In kind	100,000
Palau	In kind	100,000
Papua New Guinea	In kind	100,000*
Samoa	In kind	100,000
Solomon Islands	IN-kind	Nil <sup>6</sup>
Tonga	In kind	100,000
Tuvalu	In kind	100,000
Vanuatu	In kind	100,000
<i>Regional organisations</i>		
Secretariat of the Pacific Regional Environment Programme	In kind	150,000
<i>Other multilateral agency</i>		
Multi-donor funded ABS Capacity Development Initiative	In kind	34,000
UNEP	In kind	50,000
TOTAL CO-FINANCING		1,234,000

**1.12 Project summary**

1. The Pacific Islands region is of critical importance for global biodiversity conservation, as it supports the most extensive and diverse coral reefs in the world, the deepest oceanic trenches and the healthiest and in some cases, largest remaining populations of many globally rare and threatened species including whales, sea turtles, dugongs and saltwater crocodiles. The Pacific is home to a high proportion of endemic and threatened flora and fauna; however, Pacific Islands' biodiversity is under intense pressure from habitat alteration and loss, invasive alien species, over-harvesting of terrestrial and marine natural resources, land degradation from damaging agricultural techniques, poor waste management and pollution control, and long-term impacts of global climate change. The Pacific Region also frequently faces direct impacts from extreme natural events such as cyclones, drought, and fire. The Nagoya Protocol offers the opportunity to make the best possible use of its genetic resources, generate and share benefits derived from their utilization, and return some of the revenue generated from these activities to the protection of the resources and the development of the countries where they were sourced.
2. The objective of the project is to support Pacific Island countries to ratify the Nagoya Protocol and to implement key measures to make the Protocol operational in this region. In this way, the project will support Pacific Island countries to facilitate access to their genetic resources and secure

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<sup>6</sup> Solomon Islands have already provided a Letter of Endorsement at the PIF stage. However, a Letter of Co-financing has not been provided as anticipated. It is hoped that a Letter of Co-financing will be ready and available by the time of the project inception meeting.

benefit-sharing in a fair and equitable way in line with the Convention on Biological Diversity and the Nagoya Protocol.

3. The project consists of four project components as follows. **Component 1** will prepare a baseline analysis to identify common assets (particularly relating to traditional knowledge), issues and needs between countries. This common understanding will then be used as the basis for collective policy development on a regional basis. The component will also develop a roster of technical expertise available locally within the region, and identify initiatives with the potential to support implementation of the Protocol. **Component 2** will assist countries to ratify the Protocol through supporting national authorities. This will include scoping studies to identify any gaps in existing laws and regulations at national level, analyses of implications of ratification, public awareness of the Protocol, workshops targeting parliamentarians and other decision-makers as well as increasing understanding of the importance of genetic resources as a source of innovation/driver for benefit-sharing in the national economies, support for drafting of national law/regulation/policy proposals as well as other documentation required for ratification. On completion all countries will have developed policies and regulatory frameworks that meet the provisions of the Protocol. **Component 3** will establish an enabling environment for the implementation of basic provisions of the Protocol. This will include stocktaking and assessment of capacities and systems currently in place, development or review of strategy and action plans for the implementation of ABS measures, building capacity among stakeholders with particular emphasis in the Government agencies in charge of making the Protocol operational, laying supportive groundwork for countries to take advantage of biodiscovery and commercialisation opportunities under the Protocol, and developing supportive institutional frameworks for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources. **Component 4** addresses regional coordination and technical support. This component will bring together the participating countries at least twice during the life of the project to allow for the maximum level of exchange and networking, and will allow the Executing Agency, the Implementing Agency, and the executing partners in countries and regionally to better coordinate actions to deliver assistance to the countries and come together in a coherent and united front on ABS related issues. This will be supported by the development of a regional communication and technical support mechanism to support national decision-makers. It will support the early development of provisional measures to ensure interim implementation of the Protocol post ratification in situations where the national legal framework has yet to be established. This component also covers technical support to the project, including monitoring and evaluation activities, as well as strategic project planning and coordination.
4. The project will be managed centrally as one project rather than 14 separate sub-projects, but funds are envisaged to support national-level delivery of project outputs. The project will also work closely with two country-based projects also funded by the NPIF (Fiji and Cook Islands), as well as two countries participating in a global project on strengthening resources, frameworks and capacities to implement the Protocol (Micronesia and Samoa)<sup>7</sup>, in addition to other regional activities such as the international ABS Capacity Development Initiative, as elaborated in the project document.
5. The project will build on an observable pattern of actions towards Nagoya Protocol implementation and a clear indication of political interests in the project countries, as expressed by numerous policy documents which fully embrace the sustainable use of biological and genetic resources, and an unequivocal commitment to obligations contracted under the CBD. The project is in full alignment with Articles 5, 6, 8, 9 and 15 of the Nagoya Protocol and the GEF Strategic Goal #3: Sustainable

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<sup>7</sup> ‘Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol’

Use of Biodiversity and Strategic Objective #8: Implementing the Nagoya Protocol on Access and Benefit Sharing.

6. UNEP will be the Implementing Agency of the project and SPREP will be Executing Agency. A Regional Steering Committee will be appointed with representation from all project countries, the GEF Implementing Agency, the Project's Executing Agency, and selected regional partners. The project will follow UNEP standard monitoring, reporting and evaluation processes and procedures. A Mid-Term Management Review will take place at the mid-point in the project. An Independent Terminal Evaluation will take place prior to the end of project, determining lessons learned. Findings of these events will be analyzed jointly by UNEP, GEF, the Executing Agency, national authorities and other relevant stakeholders.
7. The cost to the GEF Trust Fund is Activity Based Budget is USD \$1,762,557. Approximately 11.3% (US\$ \$199,500) of this budget is dedicated to the process of monitoring and evaluation. Counterpart in kind contributions negotiated for this project is estimated at USD \$1,234,000.

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## ACRONYMS AND ABBREVIATIONS

ABS	Access and Benefit Sharing
ACP	African, Caribbean and Pacific
CBD	Convention on Biological Diversity
CDO	Capacity Development Officer
CNA	Competent National Authority
EEZ	Exclusive Economic Zone
EOU	Evaluation and Oversight Unit (UNEP)
FAO	Food and Agriculture Organisation
GEF	Global Environmental Facility
GIZ	German Technical Cooperation ( <i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (GIZ) GmbH)
GR	Genetic Resources
ICGEB	International Centre for Genetic Engineering and Biotechnology
IDLO	International Development Law Organisation
ILCs	Indigenous and Local Communities
IRD	Institut de Recherche pour le Developpement
ISA	International Seabed Authority
IUCN	International Union for the Conservation of Nature
LMMA	Locally Managed Marine Area (Network)
LO	Legal Officer
MAT	Mutually Agreed Terms
MEA	Multi-Lateral Environmental Agreement
M&E	Monitoring and Evaluation
MSP	Medium-Sized Project
MTE	Mid-Term Evaluation
NBSAP	National Biodiversity and Action Plan
NC	National Coordinator
NEAP	National Environmental Action Plan
NFP	National Focal Point
NGO	Non-Governmental Organisation
NP	Nagoya Protocol
PIC	Prior Informed Consent
PIFS	Pacific Islands Forum Secretariat
PIR	Project Implementation Review
PPG	Project Preparation Grant
PSC	Project Steering Committee
RSC	Regional Steering Committee
SMART	Specific, Measurable, Achievable, Relevant, Timely Indicators
SPC	Secretariat of the Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme
SROS	Scientific Research Organisation of Samoa
TA	Technical Assistant
TK	Traditional Knowledge
TOR	Terms of Reference
TNC	The Nature Conservancy
TT	Tracking Tools
UNCLOS	United Nations Convention on the Law of the Sea
UNESCO	United Nations Organisation for Education, Science and Culture
UNEP	United Nations Environment Programme
UNDP-SGP	UNDP Small Grants Programme
UNU-TKI	United Nations University – Traditional Knowledge Initiative
UPNG	University of Papua New Guinea
USP	University of the South Pacific
WIPO	World Intellectual Property Organisation
WHO	World Health Organisation





## SECTION 2: BACKGROUND AND SITUATION ANALYSIS (BASELINE COURSE OF ACTION)

### 2.1 Background and context

8. The *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* (“the Nagoya Protocol”) was adopted by the Conference of the Parties to the Convention on Biological Diversity (CBD) at its tenth meeting in Nagoya, Japan, 2010. The Nagoya Protocol entered into force on 12 October 2014, following its ratification by 53 Parties to the CBD.
9. The process of ratification has been supported by the GEF through a number of country-based and regional projects<sup>8</sup> as well as investments from other donors and providers of technical assistance. While some of these projects have also been designed for implementation of the Protocol, this new project will focus on implementation of basic measures in the Pacific region, moving forward as a group at regional level.
10. This project is in response to the decision at the eleventh meeting of the *Conference of the Parties* (COP-11) held in Hyderabad, October 2012, where it recommended that the GEF: “...make available the necessary funds for activities to support access and benefit-sharing and the early entry into force and implementation of the Nagoya Protocol in order to implement the third objective of the Convention on Biological Diversity ... and continue to finance, as a priority, technical support to Parties aimed at the speedy ratification and early entry into force of the Nagoya Protocol, and its implementation at national level”.
11. A synthesis of the elements for capacity building for the implementation of the Nagoya Protocol can be found in Annex II of the report of COP-11<sup>9</sup> and the ICNP-3 Recommendation 3/5 “Measures to assist in capacity-building and development and the strengthening of human resources and institutional capacities in developing country Parties and Parties with economies in transition”<sup>10</sup>.
12. The Pacific Islands region, consisting of EEZs and high seas areas where work is undertaken by the Secretariat of the Pacific Regional Environment Programme (SPREP), covers 32 million square km and is ecologically one of the richest on earth, with habitats ranging from mountain forest ecosystems to volcanic islands and low lying coral atolls.
13. This huge portion of the greater Pacific Ocean supports the most extensive and diverse coral reefs in the world, the largest tuna fishery, the deepest oceanic trenches and the healthiest and in some cases, largest remaining populations of many globally rare and threatened species including whales, sea turtles, dugongs and saltwater crocodiles. The Pacific is home to a high proportion of endemic and threatened flora and fauna - some of the highest percentages of endemic species per capita in the world can be found in this region<sup>11</sup>. Many of these endemic and threatened species are of material resource or spiritual and cultural significance to Pacific people.

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<sup>8</sup> Including country-based projects in Fiji and the Cook Islands as outlined in this document, as well as the global project being implemented in Micronesia and Samoa.

<sup>9</sup> “Overview of measures to build or develop capacity to effectively implement the Protocol based on the needs and priorities of Parties and indigenous and local communities”, Annex II of the Report of the Eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity (UNEP/CBD/COP/11/35)

<sup>10</sup> COP-11, Decision XI/5, paragraph 21-23.

<sup>11</sup> Ecosystem Profile: Polynesia-Micronesia Biodiversity Hotspot – May 2007 - [http://www.sprep.org/attachments/PacificRegion\\_47.pdf](http://www.sprep.org/attachments/PacificRegion_47.pdf)

14. However, Pacific Islands' biodiversity is under intense pressure from natural and human-induced disturbance. These threats are interrelated by common causal factors and often having exacerbating combined impacts. The major threats are mostly human-induced and include habitat alteration and loss, invasive alien species, over-harvesting of terrestrial and marine natural resources, land degradation from damaging agricultural techniques, and poor waste management and pollution control. The long-term impacts of global climate change are anticipated to become increasingly significant, potentially amplifying existing vulnerabilities. The Pacific Region also frequently faces direct impacts from extreme natural events such as cyclones, drought, and fire. Furthermore, the small size and isolated nature of the islands makes them extremely vulnerable to these threats.
15. Many small island states share similar sustainable development challenges such as rapidly growing populations, limited resources and fragile environments. Growing populations lead to over-exploitation of marine resources and increased land clearance for staple crops. External demand for commodities such as coffee, palm oil or exotic timbers likewise leads to large-scale conversion of village lands for agricultural, horticultural or forestry purposes. This utilitarian outlook outpaces biodiversity conservation as the commercial value of this diversity is unknown and there is, as yet, little demand for it as such. Few countries in the region have policies that support research into and utilisation of genetic resources and consequently there is little or no development or opportunity for growth of this activity in most countries in the region.
16. The objective of this project is ratification of the Nagoya Protocol and implementation of key measures to make the Protocol operational in Pacific Island countries. The project takes advantage of the common development challenges and capacity-building needs present in this region in order to support ratification of the Nagoya Protocol at regional level, and addresses implementation of key measures to make the Protocol operational in Pacific Island countries.

## **2.2 Global significance**

17. This project addresses the importance of biodiversity conservation and fulfilling the objectives of the Convention on Biological Diversity through its facilitation of the implementation of the Nagoya Protocol. As a cross-cutting issue it also supports the conservation of globally significant biodiversity and sustainable use of the components of globally significant biodiversity in small island nations.
18. Proposed activities will support reviews of capacities on ABS that focus on existing policies, laws and regulations; as well as undertaking initial scoping assessments, outreach and public awareness activities leading to accession to the Protocol. In countries that have already made more advanced progress towards implementation of the Protocol, in its later stages the project will also support pilot projects leading to ABS agreements between users and providers of genetic resources, technology transfer and public sector engagement.
19. The objective of the Nagoya Protocol is to set an international, legally binding framework to promote a transparent and effective implementation of the ABS concept at the regional, national and local level in the future. Effective implementation of the measures of the Nagoya protocol will allow participating countries to engage users of genetic resources through negotiated ABS agreements. Since the Nagoya Protocol is intended to create legal and administrative systems to stimulate the engagements of users and producers of genetic resources, these systems need to provide legal certainty and clarity to the parties to engage in fair and equitable sharing of benefits. Monetary and non-monetary benefits would be accrued in various sectors that depend on biological resources, including pharmaceuticals, cosmetics, food & drinks and seeds, among others, and these forms of benefit-sharing may make important contributions to local communities, conservation and sustainable use of biodiversity. The establishment of value chains for the supply of biological

products from within provider countries (e.g. up-scaling sample extracts from plant or animal species to commercial production for example in the production of functional foods or nutraceuticals) may also result in sustained benefits for providers and provider countries, such as employment and income streams and employment as well as incentives for the conservation of biological resources.

20. Specifically, the project will contribute to the objectives of the CBD and to reducing loss of biodiversity by:
  - a. deriving greater economic benefits from genetic resources, thereby providing incentives for biodiversity conservation;
  - b. providing communities that are holders of genetic resources and associated traditional knowledge with livelihood options that result in economic benefits and reduce pressures for conversion of ecosystems;
  - c. contributing to national development strategies and economic growth, thereby reducing poverty and poverty-associated threats to ecosystem integrity
  - d. supporting access to non-monetary benefits including scientific information relevant to conservation and sustainable use of biodiversity, which in turn contributes to the maintenance of global ecosystem services.

### **2.3 Threats, root causes and barrier analysis**

21. This project supports the conservation of globally significant biodiversity and sustainable use of the components of globally significant biodiversity in small island states (see section A.1.6 for more details). However, a number of drivers (root causes), barriers and threats currently prevent the achievement of these potential benefits.

#### Limited legal, policy and institutional capacity to develop and implement national ABS frameworks

22. A number of key barriers have impeded progress on access and benefit sharing in the Pacific. Although all Pacific Island Countries have enacted legislation for the protection of their environment and biodiversity, as well as laws governing forestry, land use and protected areas, in most countries there is still a lack of efficient institutional and legal arrangements at the national level to protect the environment, ensure sustainable development and provide the basis for the implementation of basic provisions of the Nagoya Protocol.
23. In several countries where existing legislation is applied to ABS activities, this is spread across multiple acts, with different types of research access permits covered by different government departments (e.g. permits for access to biological material through an environmental agency and permits for access to traditional knowledge through a cultural agency), and respective roles and responsibilities with regard to Nagoya Protocol obligations are not always clear, and rules or even mechanisms for consultation between agencies are lacking.
24. Furthermore, there is a lack of capacities (institutional, systemic and individual) within government, local communities and among all key stakeholders on access and benefit sharing. There is also lack of awareness of issues concerning access and benefit sharing which often result in *ad hoc* actions taken as well as lack of support to implement strategies and priority activities to ensure issues concerning access and benefit sharing are adequately addressed at all levels. Dialogue and collaboration between policy makers and stakeholders to ensure certainty and clarity for user and providers of genetic resources is needed in order to develop a coherent policy encompassing

agricultural, forest, horticultural and marine genetic resources and associated traditional knowledge.

### Limited scientific and technical capacity to develop and implement national ABS frameworks

25. Limitations on the local availability of scientific and technical capacity to develop and implement national ABS frameworks facing small island states are severe, particularly with regard to small resource base from small population size, high costs for communication and infrastructure, limited opportunities for the private sector, as well as diverse competing responsibilities for relevant officials.
26. Scientific and technical support that is needed includes technology transfer; information and experience exchange; technical and scientific research and development programs; and support for equity and fairness in negotiation of mutually agreed terms (MAT) including training in relevant legal, scientific and technical skills.

### Limited awareness of key stakeholders about role and value of ABS in sustainable development

27. There is a lack of awareness among key stakeholders, including politicians (where support is needed to prioritise the ratification and implementation of the Nagoya Protocol) and at community level (where indigenous and local communities will need to respond to requests for access to their genetic resources and traditional knowledge within a national framework) about the potential of genetic resources and associated traditional knowledge as a source of innovation in the local and national economies. The absence of such understanding contributes towards the loss and degradation of biological resources through unsustainable patterns of land use, which also leads to the loss of associated traditional knowledge.
28. Increasing globalization may have a disproportionate impact on women in instances where traditionally organised societies have defined roles for men and women, and women must meet traditional and household obligations as well as expanded responsibilities as ‘invisible participants’ in the modern market economy to meet obligations to provide for household food security. Some national organisations do exist that represent women’s rights (such as Wainimate – an organisation for traditional women healers in Fiji that works to protect traditional medicinal knowledge), but they have previously indicated a need for technical and legal assistance.
29. Additionally, although the focus of Pacific country negotiations prior to the adoption of the Protocol was primarily from the point of view of a provider country, recent ABS projects<sup>12</sup> have demonstrated that researchers based in Pacific countries may also be users of genetic resources and associated traditional knowledge. This highlights that Pacific countries will also need to establish checkpoints and mechanisms required by the Protocol to ensure that users within their countries (universities, companies, etc.) are acting in compliance with the countries from which they seek genetic resources and associated traditional knowledge. Respecting the capacities of small island states, such user compliance measures should be proportionate to the level of genetic resources use within each country.

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<sup>12</sup> E.g. Cook Islands company CIMTECH research on bone and wound healing based on plant extracts and associated traditional knowledge of the Cook Islands; ICGB collaboration with the University of Papua New Guinea on medical properties of the biodiversity of PNG.

### Limited regional co-ordination on ABS issues

30. Small Island Developing States, and islands supporting small communities are a special case both for environment and development. Their small size, limited resources, geographic dispersion and isolation from markets, place them at a disadvantage economically and prevent economies of scale. Yet their high share of global biodiversity, enriched by evolutionary species' endemism, and rich cultures with special knowledge of the management of island resources highlight the importance of making the Nagoya Protocol operational.
31. Developing and strengthening inter-island and regional cooperation and information exchange, including periodic regional meetings, is an important mechanism to assist small island states to cope effectively, creatively and sustainably to manage environmental risks and implement sustainable development.

### Proposed solution

32. The specific problem that this project addresses is the lack of functioning national legal, policy and institutional frameworks in the Pacific that are needed to enable the equitable sharing of benefits from the use of genetic resources and associated traditional knowledge between national governments, commercial interests, and the owners and custodians of these resources and traditional knowledge.
33. The solution proposed is to undertake a systematic analysis of the resources available at regional level, to support the establishment of functional ABS frameworks at national level, to establish an enabling environment for the implementation of basic provisions of the Nagoya Protocol, and to ensure mechanisms for regional and bilateral cooperation, coordination, technical support and capacity development are developed and supported in a way that will extend beyond the life of the project.

### **2.4 Institutional, sectoral and policy context**

34. The countries participating in this project are signatories of the Convention on Biological Diversity (CBD) and have made consistent efforts to meet their obligations under this agreement as expressed in national strategies, plans, regulations, and laws. Most relevant to the proposed project objectives are the recent National Reports to the Convention on Biological Diversity, National Biodiversity Strategy and Action Plans (all of which make specific reference to some aspect of access and benefit sharing and traditional knowledge). Other expressions of the policy context in support of proposed project objectives include parent Acts of Parliaments governing the access and use of biological resources such as fisheries laws and forest laws wildlife protection laws, natural heritage laws, protected areas legislation, species protection regulations, and national policy documents such as the biosafety Policies, biotechnology Policies, natural resources management plans, national environmental summaries, and national environmental action plans.
35. The institutional framework for ABS in most project countries is represented by the CBD Focal Point, the GEF Political and Operational Focal Points, and in some cases a specific ABS Focal Point has been appointed. Often the Ministry of Environment or the Ministry of Natural Resources is designated as the competent ABS authority, and in many cases one of these same ministries is also the CBD Focal Point. Due to the sectoral nature of institutional arrangements in Pacific Island countries, it is common to find that a series of technical line ministries are tasked with regulating access and use of biological and genetic resources, and may include the fisheries, forest, environment, planning, and sustainable development ministries. Thus, responsibilities for implementing an ABS framework will require cross-sectoral and multi-ministerial collaboration. Representatives of these technical line ministries have all been exposed to recent ABS initiatives by

the SCBD, SPREP and the Capacity Development Initiative. A more thorough analysis of the situational context in each country is provided under the Stakeholder Mapping and Analysis section below.

36. GEF Focal Points of all countries participating have issued relevant Endorsement Letters as a clear indication of the national, and by extension the regional, political commitment in support of the project. The constructive and targeted support provided by SPREP during project preparation provides an additional level of political support to the project and will add priceless value to regional processes to be pursued by the project.

## **2.5 Stakeholder mapping and analysis**

37. Identification and engagement of stakeholders during project preparation was guided by identification of direct project beneficiaries, as well as those who could have the most relevant and direct impact on project activities and outcomes. Participating countries (and other countries in the region) were consulted in the preparation of these stakeholder lists at two regional meetings during the development of the project. Specifically identified at national level were relevant Parliamentarians and government departments, representatives of civil society, and owners and managers of genetic resources and traditional knowledge. The stage of existence and implementation (if appropriate) of any ABS policies and plans was identified, as well as any complementary projects or activities at national level.
38. This section provides a list of identified stakeholders and outlines their mandates and anticipated roles in project implementation at international and regional level and provides an overview of the national level stakeholders. A detailed list of stakeholders at national level for each participating country is provided in Table 1 below. Further information about coordination between stakeholders is also provided in section 2.7 and section 5.

Table 1: Stakeholder analysis at country level

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Cook Islands <sup>13</sup>	National Environment Service Crown Law Office Ministry of Foreign Affairs and Immigration Ministry of Finance and Economic Management Office of the Prime Minister OPM Island Council Ministry of Cultural Development	National Heritage Trust (NHT) Te Rito o te Vairakau Maori Kouti Nui House of Ariki Taporoporoanga Ipukarea Society (TIS) Aronga Mana CIMTECH & Partners Mathesons Pty Ltd	Familial ownership of land  TK interests represented by: Te Rito o te Vairakau Maori, Kouti Nui, House of Ariki,	Advanced	Not yet ratified. The Cook Islands has applied for the UNDP-GEF MSP <i>Strengthening the implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in the Cook Islands</i> which aims to support ratification of the Nagoya Protocol, to enhance understanding of the ABS regime and the value of traditional knowledge associated with genetic and biological resources, and to conduct research and development on a bone healing product derived from <i>Hibiscus tiliaceus</i> . Experiences gained and lessons learned by the Cook Islands will be evaluated and shared through this regional project.

<sup>13</sup> The Cook Islands will implement the UNDP-GEF MSP *Strengthening the implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in the Cook Islands* in 2015. This project aims to support ratification of the Nagoya Protocol, to enhance understanding of the ABS regime and the value of traditional knowledge associated with genetic and biological resources, and to conduct research and development on a bone healing product derived from *Hibiscus tiliaceus*. Experiences gained and lessons learned by the Cook Islands will be evaluated and shared through this regional project.

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Federated States of Micronesia	<p>Department of Resources and Development (coordinating ABS policy development)</p> <p>Department of Foreign Affairs (provide input to policy development)</p> <p>Office of Environment and Emergency Management (provide input to policy development)</p>	To be identified	Local communities	No	<p>Party to the Protocol. FSM has applied to participate in the UNDP-GEF global project <i>Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol</i>. The projects are collaborating to ensure ABS activities in Micronesia under the two projects are complementary and do not overlap.</p>
Fiji	<p>Ministries, Offices and Committees:</p> <p>Local Government, Housing and Environment</p> <p>iTaukei Affairs</p> <p>Agriculture</p> <p>Fisheries and Forest</p> <p>iTaukei Affairs Board (Provincial Office)</p> <p>Office of the Solicitor General</p> <p>National Environment Council</p> <p>Fiji ABS Committee</p> <p>National iTaukei Resource Owners Committee</p> <p>Provincial Councils (including Rotuma and Banaban)</p>	<p>Fiji LMMA Network</p> <p>University of the South Pacific – Center of Drug Discovery and Conservation</p> <p>International Cooperative Biodiversity Group</p> <p>Douglas Pharmaceutical Ltd</p> <p>Fiji Intellectual Property Office</p> <p>National Trust of Fiji</p> <p>Pacific Heritage Hub</p> <p>Conservation NGOs</p> <p>Fiji Small Grant Scheme - GEF</p>	The iTaukei land owners including Rotuma and Banaban are represented by the provincial council and the National iTaukei Resource Committee	Advanced	<p>Party to the Protocol. Fiji is currently implementing the UNDP-GEF MSP <i>Discovering nature-based products and building capacities for the application of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Fiji</i> which aims to discover nature-based products and build national capacities that facilitate technology transfer on mutually agreed terms, private sector engagement, and investments in the conservation and sustainable use of genetic resources, including institutionalizing Nagoya Protocol obligations. That project will be linked to the regional project so that lessons learned from the Fiji's focus on utilization and international collaboration can be shared with the 14 countries of the region.</p>



Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Kiribati	Environment Lands & Agricultural Development Environment Lands & Agricultural Development Fisheries and Marine Resources Development Internal Affairs Commerce Industry and Cooperatives Foreign Affairs Office of the Attorney General	USP - Kiribati Campus Foundation of Peoples of the South Pacific (FSP-K)	Local communities: often represented by the Island Council, and associations e.g old men (Unimwane) Association	No	Not yet ratified.
Marshall Is	Foreign Affairs Office of Environmental Planning and Policy Coordination Resources and Development Environmental Protection, Internal Affairs Office of the Attorney General	Land Grants Program through the College of the Marshall Islands, and the University of the South Pacific - Majuro Campus	Local governments: of each 24 working with communities including landowners to manage and protect terrestrial and marine resources.	No	Party to the Protocol

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Nauru	Department of Commerce, Industry & Environment, Planning and Aid Division (PAD) Department of Foreign Affairs Office of Legislation Drafting, Department of Culture Biodiversity Technical Working Group	Land Owners association Rotary club Nauru Community based organization Combined Church youth groups	Local communities	No	Not yet ratified.
Niue	Dept. of the Environment (CBD focal point /Taoga Niue) Dept. of Agriculture, Forestry & Fisheries Department of Economic & Planning Crown Law	To be identified	Local communities Traditional users of GRs & healers	Partial	Not yet ratified.
Palau	National policy makers i.e national congress Ministry of Natural Resources Environment and Tourism and relevant government departments NP focal points CBD focal points National biodiversity committees	PCS, PICRC, TNC, Local Men's and Women's Groups	State Government Traditional Leaders Individuals own resources and any associated TK and must be consulted with representation from each group	Partial	Not yet ratified.

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Papua New Guinea	Department of Environment and Conservation (coordinating ABS policy development) PNG BioNET (provide input to policy development)	To be identified	Local communities	No	Not yet ratified.

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Samoa	Ministries of: Natural Resources and Environment (CBD focal points, NP focal points) Commerce, Industry and Labour (national biodiversity committees) Scientific Research Organisation of Samoa (national biodiversity committee) Women, Community and Social Development – (national biodiversity committee) Agriculture and Fisheries – (national biodiversity committees) Attorney General – national policy Education, Sports and Culture Justice, Courts and Administration Police and Prisons	Samoa Farmer Association, O Le Siosiomaga Society SUNGO (Samoa Umbrella for Non-Governmental Organisation) Samoa Women in Business	Land owners Traditional and local Communities Traditional High Chiefs Traditional Medicinal Healers	Partial	Party to the NP. Samoa has applied to participate in the UNDP-GEF global project <i>Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol</i> . The projects are collaborating to ensure ABS activities in Samoa under the two projects are complementary and do not overlap.

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Solomon Islands	Ministry of Environment, Climate Change, Disaster Management and Meteorology Ministry of Forestry Ministry of Fisheries and Marine Resources Ministry of Agriculture, Quarantine and Livestock Ministry of Foreign Affairs and External Trade Ministry of Finance Ministry of Provincial Government Attorney General Chambers LALSU (Public Solicitors Office)	SI Development Trust The Nature Conservancy (TNC) WWF Development Exchange Services (NGO umbrella organisation) CBO/MPAs (community based organization/Marine Protected Areas) Solomon Islands Community Conservation Program (S.I.C.C.P)	Natural resources are customary owned Provincial Governments and communities need to be consulted	Partial	Not yet ratified.
Tokelau	Dept. of Economic Development Natural Resources and Environment (EDNRE) (Focal Point for Tokelau, Mika Perez-director of EDNRE) Council of Ongoing Government NZ Government of the day via the	Taupulega (the 3 village councils)	Taupulega (the 3 village councils)	No	Not formally participating in the project, but New Zealand Government agencies to be consulted during Project to ensure regional cohesion.

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
	Tokelau administrator General Meeting (Tokelau's parliament)				
Tonga	Ministries: Environment and Communication Fishery, Forestry, Food and Agriculture Labour, Commerce and Tourism Lands, Survey and Natural Resources Marine and Board Authority Custom and Trade Quarantine Department Foreign Affairs and Trade	Tonga Civil Society Tonga Community Development Trust	Ownership and management of land & TK involves: Government, private sector, businesses, NGOs' and the general public.	No	Not yet ratified.
Tuvalu	Ministries and Offices of : Natural resources, Home Affairs (rural development), Local government, Environment Foreign Affairs Office of the Attorney General	To be identified	Local communities, specific tribes and landowners (represented by the local governments (Kaupules)) Tribes within a particular island may hold TK of plant use for medicinal purposes	No	Not yet ratified.

Countries	Stakeholders		Owners and Managers of GR and TK	ABS Implementation Plan	Comments
	Government	Civil Society & Other Organisations			
Vanuatu	Departments of: Environmental Protection and Conservation, Fisheries, Agriculture, Forestry, Biosecurity, Customs Prime Minister's Office National and Strategic Planning Office State Law Office and Provincial Governments, including the national biodiversity committee.	NGOs Not Identified. Identified concerns: <ul style="list-style-type: none"> <li>• Management of the biodiversity resources through policies and law</li> <li>• Effectiveness of research work governance on genetic resources</li> <li>• How PIC and MAT are developed and managed</li> <li>• How resource owners are involved and engaged in research process and to what kind of benefits they are entitled.</li> </ul>	Rural communities of indigenous people are the resource owners or custom landowners. (Communities have Paramount Chiefs to be consulted.) Provincial Governments where resource owners/custom land owners are located to be consulted	Partial	Party to the NP.

International and Regional Institutions & Partners	Relevant Technical Expertise and Project Assistance offered
Secretariat of the Pacific Community (SPC): SPC-EU Deep Sea Minerals Project	Potential to collaborate in the development of joint documentation relating to the commercial exploitation of marine resources. Has applicable experience in: <ul style="list-style-type: none"> <li>• assisting the negotiation of agreements between States and commercial entities for marine resource exploration activities,</li> <li>• legal expertise in legislative drafting on marine resources,</li> <li>• delivery of regional capacity-building training workshops and internship programs, and</li> </ul>

	<ul style="list-style-type: none"> <li>• knowledge of commercial and scientific marine research/exploration processes.</li> </ul>
CBD Secretariat	The CBD Secretariat has carried out a number of awareness-raising and capacity-building activities in 2011 and 2012 to support the expeditious entry into force of the Nagoya Protocol. This included a regional workshop for the Pacific, 25-29 November 2013, Suva, Fiji, as well as the preparation of generic outreach material on ABS that includes a systematic review of the provision of the Nagoya Protocol and the implications for Governments, as well as the development of a rationale to support ratification <sup>14</sup> .
University of the South Pacific (USP) Center of Drug Discovery and Conservation	USP is managing the GEF-5 MSP National Project for Fiji, and has the capacity to advise on ABS issues that affect the region. It is willing to share its knowledge and experience in: ABS Agreements Collection and curation of GRs Drug Discovery collaboration Role of Ex-situ collections Legal arrangements –agreements and contracts
GIZ (German International Cooperation) / ABS Initiative	The multi-donor ABS Capacity Development Initiative is hosted by the German Ministry of Economic Cooperation and Development (BMZ), funded by several governments and international organizations, and managed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). It engages members of the African, Caribbean and Pacific Group of States, and within this global context, and has been providing support to ABS development in region. Project conveners will work together closely to ensure projects continue to be complementary and do not overlap. The Initiative will be an active partner in the Project and, subject to continued internal funding support, has offered to make its resources available for the Project to draw on.
IUCN Oceania	IUCN Oceania comprises Australia, New Zealand and 22 Pacific Island countries. IUCN has developed expertise on ABS and published widely on the subject. IUCN Oceania will be invited to provide technical support to the project.
Pacific Islands Forum Secretariat (PIFS)	The Pacific Islands Forum Secretariat (PIFS) aims to stimulate economic growth and enhance political governance and security for the region, and to strengthen regional cooperation and integrations. Relevant activities include the Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture and the Traditional Knowledge Action Plan executed by PICFS and SPC in collaboration with WIPO. PIFS will be invited at the inception meeting to share its expertise on TK during the Project

<sup>14</sup> CBD materials include factsheets on the Nagoya Protocol, the ABS information kit, and policy briefs on the Nagoya Protocol, available here: <http://www.cbd.int/abs/awareness-raising/>



<b>Other stakeholders</b>	<b>Relevant Technical Expertise and Project Assistance offered</b>
Nimura Genetic Solutions	Sharing its scientific research know-how and business experience. The company founder and principal has offered to support the Project with in-kind support.
Other organisations that are conducting ABS projects and/or research in the Pacific region will also be invited to contribute the project, as indicated in the relevant project activities. These may include, for example, Pacific Heritage Hub, UNESCO Pacific Regional Office, FAO, Micronesian Challenge, UNEPUNDP-SGP, UNU-TKI, WHO (Pandemics & Pathogens network), LMMA Network, International Coral Reef Centre and Melanesian Spearhead Group.	Various

### *International and Regional Institutions & Partners*

#### Secretariat of the Pacific Regional Environment Programme (SPREP)

39. SPREP is the regional focal point for the Nagoya Protocol working closely with relevant national, regional and international agencies and organizations. SPREP will be the executing agency of the project. In addition to running the project on the ground, SPREP will be in charge of carrying-out the regional activities as described in Component 4. SPREP will be accountable to UNEP, the GEF Implementing Agency, responsible for implementation of the project.

#### Secretariat of the Pacific Community (SPC)

40. SPC is involved in capacity-building activities in the Pacific region that are relevant to ABS, and is the regional focal point for the International Treaty on Plant Genetic Resources for Food and Agriculture through Ministries of Agriculture. SPC will be invited to provide expertise during project training and assist in coordinating between agricultural focal points and ABS focal points in implementing the International Treaty and the Nagoya Protocol at national level. SPC provides technical, advisory, statistical and information support, and also has a mandate to support policy making and analysis relating to culture and gender equality.
41. The SPC-EU Deep Sea Minerals Project has potential to collaborate in the development of joint documentation relating to the commercial exploitation of marine resources. Staff have indicated that they could share expertise in assisting the negotiation of agreements between States and commercial entities for marine resource exploration activities; legal expertise in legislative drafting on marine resources; delivery of regional capacity-building training workshops and internship programs; and knowledge of commercial and scientific marine research/exploration processes.

#### University of the South Pacific (USP) Center of Drug Discovery and Conservation

42. USP is managing the GEF-5 MSP National Project for Fiji and is also working in the Solomon Islands. USP has the capacity to advise on ABS issues that affect the region and in particular, USP has indicated it would be available to share expertise on accessibility, research processes and biodiversity data.

#### Convention on Biological Diversity Secretariat (SCBD)

43. The CBD Secretariat has carried out a number of awareness-raising and capacity-building activities in previous years to support the expeditious entry into force of the Nagoya Protocol. This has also included generic outreach material on ABS that includes a systematic review of the provision of the Nagoya Protocol and the implications for Governments, as well as the development of a rationale to support ratification that is available for adaptation to the Pacific environment (e.g. factsheets on the Nagoya Protocol, the ABS information kit, and policy briefs on the Nagoya Protocol).

#### GIZ (German International Aid) / ABS Capacity Building Initiative

44. The multi-donor ABS Capacity Development Initiative is hosted by the German Ministry of Economic Cooperation and Development (BMZ), funded by several governments and international organizations, and managed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). It engages members of the African, Caribbean and Pacific (ACP) Group of States, and within this global context, it is implementing a regional project to support ABS

development in the Pacific Islands. Project conveners will work together closely to ensure projects continue to be complementary and do not overlap.

45. Demonstrating this commitment, the ABS Initiative has committed €30,000 of in-kind support to the project, by providing in-house expertise to the capacity-building and legal training workshops that will be held during the project.

#### IUCN Oceania

46. IUCN Oceania comprises Australia, New Zealand and 22 Pacific Island countries and territories. IUCN Oceania will be invited to provide technical support to the project.

#### Pacific Islands Forum Secretariat (PIFS)

47. PIF's goals are to stimulate economic growth and enhance political governance and security for the region, through the provision of policy advice; and to strengthen regional cooperation and integration through coordinating, monitoring and evaluating implementation of Leaders' decisions. Thus the roles include: providing policy advice and guidance in implementing the decisions of the Leader; coordinating and assisting in the implementation of Leaders' decisions; providing support to the Leaders' meetings, ministerial meetings, and associated committees and working groups.
48. Relevant activities include the Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture and the Traditional Knowledge Action Plan executed by PIFS and SPC and the Traditional Ecological Knowledge Model Law together with SPREP. Both these projects were funded by WIPO and a second phase of assistance will begin in 2015.
49. The Pacific Ocean Commissioner will facilitate a Pacific Ocean Alliance, which was launched at the 3<sup>rd</sup> International Conference for Small Island Developing States in Samoa in September 2014, and is currently under development. This mechanism will provide effective, integrated ocean policy coordination and implementation, facilitate regional cooperation and collaboration, including for the high seas and enclosed high seas (the Pockets), as well as support for national ocean governance and policy processes.

#### International Development Law Organisation (IDLO)

50. IDLO's Legal Preparedness Initiative is working with the CBD Secretariat to develop country and regional support programs to build up capacity and support to build legal frameworks for implementation of the Nagoya Protocol and Strategic Plan (on mainstreaming, incentives, rights-based issues).
51. Under this Initiative, IDLO assistance will be available for undertaking assessments of existing frameworks, needs, barriers and opportunities. Some legal preparedness program activities provided by IDLO may be eligible for additional funding through GEF-6 STAR funding, and these will be closely coordinated to ensure no overlap with the Project. Bilateral discussions with IDLO indicate that they are keen to add value to the project through direct support and creating synergies with relevant project activities.

#### UNCLOS

52. While there is currently no global regulatory framework for comprehensive management of areas beyond national jurisdiction, United Nations Resolution 69/245 adopted on 29 December 2014 has commenced the process to establish a legal instrument to create such a framework. It is expected however, that this will not be concluded during the life of the Project. SPREP will

undertake to monitor the development of elements of the emerging framework to ensure work undertaken through the project will be mutually supportive to the concluded treaty. In the meantime, the International Seabed Authority (ISA) has been established through UNCLOS to manage the seabed mineral resources of the seabed beyond the limits of national jurisdiction. In this arena, the continuing points of interest in relation to ABS for Pacific Island countries are the broader adoption of an ecosystem management approach, contiguous Protected Areas, migratory or drifting genetic organisms, and the adoption of benefit sharing terms that do not create a perverse incentive to obtain genetic resources in ABNJ over those within national EEZs.

### Other stakeholders

53. Other organisations that are conducting ABS projects and/or research in the Pacific region will also be invited to contribute to the project, as indicated in project workplan (Appendix 5). These may include, for example, Pacific Heritage Hub, UNESCO Pacific Regional Office, FAO, Micronesian Challenge, UNDP-SGP, UNU-TKI, WHO (Pandemics & Pathogens network), LMMA Network, International Coral Reef Centre, and Melanesian Spearhead Group.

### *National Institutions*

#### Nagoya Protocol National Focal Points & CBD National Focal Points

54. National Focal Points will be instrumental in gathering information necessary during initial stages of the project, and in identifying national experts and key stakeholders as the project progresses.

#### ABS Competent National Authorities

55. ABS Competent National Authorities will aid in structuring the most effective and cost-efficient institutional arrangements needed to implement the provisions of the Nagoya Protocol.

#### National policy makers, national biodiversity committees, indigenous and local community representatives and private sector organisations

56. At national level, policy makers will be engaged to ensure understanding of the implications of ratification of the Protocol, as well as the benefits from the ABS regime to ensure it is a priority for implementation. Indigenous and local communities as well as the private sector will be engaged to provide input into development of national frameworks.
57. The list of institutions and roles by country is provided in Table 1 above.

#### National and international institutions and organizations involved in ABS research

58. Institutions that have been actively involved in ABS research in the Pacific region will be invited to provide input on user experiences with ABS regulatory systems in the region. Discussions on modalities of cooperation are already underway with several of these, including:
- Institut de Recherche pour le Développement (IRD), New Caledonia and French Polynesia
  - University of Papua New Guinea (UPNG)
  - Scientific Research Organisation of Samoa (SROS)
  - CIM-TECH, Cook Islands

## 2.6 Baseline analysis and gaps

59. In the Pacific Region there have been several efforts, nationally and regionally, both internally and externally driven, to advance an understanding of the role of customary law and practice and of matters concerning access to genetic resources and benefit sharing. Over the past decade, regional initiatives have been led by the Pacific Island Forum Secretariat (PIFS), the Secretariat of the Pacific Community (SPC), the Secretariat for the Pacific Regional Environment Programme (SPREP), indigenous groups and other organizations such as the ABS Capacity Development Initiative (ABS Initiative), for which the Pacific is one of three zones of intervention, and the World Wide Fund for Nature – South Pacific Programme (WWF-SPP) with funding assistance by the World Intellectual Property Organisation (WIPO).
60. Due mainly to their size, countries in the region have limited resources for developing effective ABS measures. They do however have a great deal of cultural, social, environmental and economic similarities. All participating countries have customary law, and all have English or American legal systems (Vanuatu has a combination of English and French). Given this, there are significant potential benefits to be gained from sharing experiences and ultimately developing a regional approach to regulating access to and use of their genetic resources and traditional knowledge.
61. The baseline analysis was prepared via literature review and physical consultation. The literature review included identification of all existing ABS information and databases relevant for the constitution of the project baseline; a preliminary identification of gaps in ABS information in the region (genetic resources, traditional knowledge, development plans, policies, legal frameworks, etc.); assessment of ABS capacities in countries of the region; assessment of general ABS knowledge and awareness in the region; scoping of existing and emerging initiatives and opportunities; and analysis of national biodiversity strategies and how national priorities are aligned with the indicative outcomes and outputs for the project.
62. Based on literature review, as well as information compiled during physical consultations during the “Pacific ABS Workshops” held in Nadi, September 2013, and Sydney, November 2014, and other documents cited below, the state of ABS in each of the 14 participating countries is summarized below, along with an indicative summary of relevant ABS Capacity-Building initiatives undertaken in the region. A stakeholder analysis summary is also available in Table 1.

### Cook Islands

63. The Cook Islands has not yet signed nor ratified the Nagoya Protocol. The interim ABS National Focal Point (NFP), located in the National Environment Service, coordinates ABS activities under the CBD.
64. The Cook Islands drafted an ABS Bill called the *Biological Research and Benefits Bill 2006*. This Bill was based on implementing the CBD’s *Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization*, prior to the adoption of the Nagoya Protocol in 2010. As a result this Bill needs to be significantly re-designed to incorporate Nagoya Protocol compliance elements. It also needs to be realigned to complement the *Traditional Knowledge Act (2013)*, which established a register of traditional knowledge administered by the Ministry of Cultural Development. Under this Act, local communities are able to start registering traditional knowledge relating to biological resources (as well as handicrafts and other expressions). As a result, it is likely that future R&D on genetic resources in the Cook Islands that utilizes traditional knowledge will need to be checked against this register to avoid unauthorized use.

65. Further, the Cook Islands' *National Research Policy* clearly outlines the National Research Committee and the research permit process, which currently requires foreigners entering the country to obtain a research permit prior to conducting any R&D activities, including those on biological resources. The national administrative processes for issuing ABS licenses, negotiating and enforcing agreements have not been fully clarified and key stakeholders remain unaware of their roles in promoting ABS. Since 2012 the ABS Capacity Development Initiative has been working with the NES for the development and clarification of policies, processes and roles necessary for the design of an effective ABS system.
66. The Cook Islands is currently implementing the UNDP-GEF MSP *Strengthening the implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in the Cook Islands* which aims to support ratification of the Nagoya Protocol, to enhance understanding of the ABS regime and the value of traditional knowledge associated with genetic and biological resources, and to conduct research and development on a bone healing product derived from *Hibiscus tiliaceus*. Experiences gained and lessons learned by the Cook Islands will be evaluated and shared through this regional project.

### Federated States of Micronesia (FSM)

67. The Federated States of Micronesia ratified the Nagoya Protocol on 30 January 2013 and has initiated a national process for the development of a regulatory ABS framework. However, there is currently no specific implementing legislation at either the federal or State level. ABS activities under the CBD are coordinated by the ABS NFP, located in the Department of Resources and Development.
68. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.
69. Two recent national ABS workshops organized with the support of the ABS Initiative undertook stocktaking of relevant existing legislation (5-7 August 2013, Pohnpei) and elaborated a draft ABS policy (19-21 November 2013, Chuuk) that considered the shared responsibilities between state and federal government authorities in FSM<sup>15</sup>. A GEF Small Grants Programme (SGP) project for raising awareness of ABS at the local level was approved in 2013.
70. FSM has also applied to participate in the UNDP-GEF global project *Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol*. The projects are collaborating to ensure ABS activities in Micronesia under the two projects are complementary and do not overlap.

### Fiji

71. Fiji ratified the Nagoya Protocol on 24 October 2012 and has initiated a national process for the development of a regulatory ABS framework. However, there is currently no specific implementing legislation at either the federal or State level. ABS activities under the CBD are coordinated by the ABS NFP, located in the Department of Environment.
72. In 1997, Fiji developed an ad-hoc ABS policy consistent with the Convention on Biological Diversity; however this has not yet been formally enacted. This ad-hoc policy was used to

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<sup>15</sup> <http://www.abs-initiative.info/countries-and-regions/pacific/federated-states-of-micronesia-fsm/>



facilitate access to Fiji's genetic resources by the International Cooperative Biodiversity Groups (ICBG), and in-place, base agreements have allowed efficient export, study, and collaboration on investigations of bioactive metabolites from Fiji's marine biodiversity. It is expected that this policy will be the foundation for a future formal ABS legislation in the country.

73. The Environment Department (under the Ministry of Local Government, Housing and the Environment) plays the key coordinating role on ABS and is the secretariat for the National ABS Committee, which includes other relevant government agencies such as the Ministry of Foreign Affairs, National Planning, Solicitor General, Fisheries and Forests and Agriculture as well as the private sector, NGOs and academic institutions. The current *ad hoc* agreement with the Fiji government is that any income from bioprospecting is shared between the prospector and the country in a 50:50 ratio and the 50% Fiji's share is deposited into the Locally Managed Marine Area Network Trust Fund, where the bio-prospecting is done from marine areas. Government checks ensure that there is Prior Informed Consent from local communities before allowing any bio-prospecting and export of samples for study. A certificate of origin is also prepared to accompany the export permit.
74. Fiji is currently implementing the UNDP-GEF MSP *Discovering nature-based products and building capacities for the application of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Fiji* which aims to discover nature-based products and build national capacities that facilitate technology transfer on mutually agreed terms, private sector engagement, and investments in the conservation and sustainable use of genetic resources, including institutionalizing Nagoya Protocol obligations. That project will be linked to the regional project so that lessons learned from the Fiji's focus on utilization and international collaboration can be shared with the 14 countries of the region and assist countries to consider a regional approach to engagement with regional and international ex-situ collections.

### Kiribati

75. Kiribati has not yet signed nor ratified the Nagoya Protocol. The ABS/CBD NFP, located in the Ministry of Environment, Lands and Agricultural Development, coordinates ABS activities under the CBD.
76. Kiribati does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws which might be utilized to give effect to some facets of ABS. These laws include the *Environment Act 1999*; *Fisheries (Pacific Island States Treaty with the USA) Act 1988*; *Recreational Reserves Act 1996*; *Small Enterprise Development Act 2001*; and *State Lands Act 2001*. Kiribati's NBSAP (2005) highlighted the need to review, develop and integrate appropriate legal back up on benefit sharing and bio-prospecting on biological diversity, in the Existing Environment Act.
77. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.

### Marshall Islands

78. Marshall Islands acceded to the Nagoya Protocol on 10 October 2014. The CBD NFP, located in the Ministry of Foreign Affairs, coordinates ABS activities under the CBD.

79. Marshall Islands does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws which might be utilized to give effect to some facets of ABS. These laws include the *National Environment Protection Act 1984*; *Planning and Environment Protection Act 1984*; *Coast Conservation Act 1988*; *Marshall Islands Constitution*; *Public Lands and Resources Act* [Title 9 Cap 1]; *Endangered Species Act 1975*; *Land Acquisition Act 1986*; and the *Cooperatives Act 1993*.
80. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.

#### Nauru

81. Nauru has not yet signed nor ratified the Nagoya Protocol. The CBD NFP, located in the Department of Commerce, Industry & Environment, coordinates ABS activities under the CBD.
82. Nauru does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws which might be utilized to give effect to some facets of ABS. These laws include the *Fisheries Act 1997*; *Fisheries Regulations 1998*; and *Sea Boundaries Act 1997*.
83. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.

#### Niue

84. Niue has not yet signed nor ratified the Nagoya Protocol. The ABS/CBD NFP, located in the Department of Environment, coordinates ABS activities under the CBD.
85. Niue does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws which might be utilized to give effect to some facets of ABS. These laws include the *Environment Act 2003*; *Domestic Fishing Act 1995*; and *Water Resources Act 1996*. The current revision of the *Environment Act* has draft provisions for the development of a legal framework for ABS.
86. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed. The recently formed Ministry of Natural Resources was established to mainstream and streamline environmental issues.

#### Palau

87. Palau signed the Nagoya Protocol on 20 September 2011, but has not yet ratified it. The ABS/CBD NFP, located in the Ministry of Natural Resources, Environment and Tourism, coordinates ABS activities under the CBD.



88. Palau does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws which might be utilized to give effect to some facets of ABS.
89. Under the ABS Capacity Development Initiative, and based on a series of consultative meetings with the Australian ABS National Focal Point in 2012 and potential ABS stakeholders (government authorities, ministers, the President, the Traditional Council of Chiefs, research institutions and civil society), recommendations for the implementation of the Nagoya Protocol were developed and submitted to the ABS National Focal Point of Palau in 2012<sup>16</sup>. A recent national ABS workshop organized with the support of the ABS Initiative (3-5 February 2015, Koror) undertook mapping of rights and obligations regarding Palau's genetic resources and associated traditional knowledge, reviewed relevant legislation, initiated the development of draft ABS rules and defined the next steps towards an regulatory ABS framework.
90. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including decision-makers) is also limited and needs to be addressed.

### Papua New Guinea

91. Papua New Guinea has not yet signed nor ratified the Nagoya Protocol. The CBD NFP, located in the Department of Environment and Conservation, coordinates ABS activities under the CBD.
92. PNG does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws which might be utilized to give effect to some facets of ABS: the *Papua New Guinea International Trade (Fauna and Flora) (Amendment) Act 2003*, which regulates the export and importation of specimens; the *Medicines and Cosmetics Act 1999*, which regulates the importation of medicinal products, manufacture, sale and supply of medicinal products, devices and cosmetics through the licensing processes; the *Quarantine and Inspection Authority Act*, which establishes the national agriculture, quarantine and inspection authority, and focuses on biosecurity; the *Customs Act (Consolidated to No 44 of 2000)*, which provides for the control of exports, particularly of prohibited exports; the *Customs (Prohibited Export) Regulation (Consolidated to No 23 of 1992)* which contains a list of items which are restricted and prohibited from export; the *Customs Act (Consolidated to No 41 of 2000)*, which provides for the control of both imports and exports; and the *Environment Act 2000*, which is designed to protect the environment, the ecological system, biodiversity and the control of impacts on the environment.
93. In 1998, the PNG Department of Environment and Conservation (DEC) established the PNG BioNET (initially called the PNG Biodiversity Institute): an organisation of PNG scientists and government officials advisory to the DEC on assessment, use, and development of PNG biological resources. The Draft PINBio Act seeks to establish PNG BioNET as the national clearinghouse for all research permits and access to PNG's genetic resources. Despite being only a draft law, there is a formal permit procedure in place through PNG BioNET and DEC. This permit system has been used, for example for a long-running biodiscovery research project funded by the International Cooperative Biodiversity Groups (ICBG) that supports collaboration between the University of Papua New Guinea, the University of Utah and University of Minnesota on biodiversity in PNG.

<sup>16</sup> [http://www.abs-initiative.info/fileadmin//media/Events/2012/May\\_2012\\_Palau/Roadmap\\_Palau\\_2012-05\\_final.pdf](http://www.abs-initiative.info/fileadmin//media/Events/2012/May_2012_Palau/Roadmap_Palau_2012-05_final.pdf)

94. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.
95. This situation is coupled with the extraordinarily complex characteristics of the country including highest levels of biodiversity, maximum rates of loss of biodiversity (at all levels), largest single population (ethnically the most diverse in the world) and dependency on endemic horticulture etc.

### Samoa

96. Samoa ratified the Nagoya Protocol on 20 May 2014 and has initiated a national process for the development of a regulatory ABS framework. However, there is currently no specific implementing legislation. The ABS NFP, located in the Ministry of Natural Resources and Environment, coordinates ABS activities under the CBD.
97. Bioprospecting regulations were drafted in 2001; however, regulation of ABS has subsequently instead been pursued through a detailed departmental policy on the CBD which is overseen by the Ministry of Natural Resources and the Environment.
98. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.
99. Samoa has also applied to participate in the UNDP-GEF global project *Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol*. The projects are collaborating to ensure ABS activities in Samoa under the two projects are complementary and do not overlap.

### Solomon Islands

100. The Solomon Islands has not yet signed nor ratified the Nagoya Protocol. The ABS NFP, located in the Ministry of Environment, Climate Change, Disaster Management and Meteorology, coordinates ABS activities under the CBD.
101. Bioprospecting in protected areas is regulated through the *Protected Areas Act 2010*, Part 2 of which addresses the creation, functions and powers of a Protected Areas Advisory Committee. Section 6 of the Act endows the Committee with the power to negotiate and address matters in relation to permits, and to require holders of permits to provide reports. Part 5 of the Act addresses biodiversity research and bioprospecting in three articles. Article 16 prohibits biodiversity research or bioprospecting without a permit, with offenders subject to a fine of 500,000 penalty units or imprisonment for up to five years.
102. The Advisory Committee has the power to issue a permit authorizing the permit holder to undertake biodiversity research or bioprospecting research or both, subject to the terms and conditions established by the Committee. The Committee's powers include the right to refuse the application for access, to vary, suspend or cancel a permit, and to impose, vary, suspend or cancel conditions of the permit. All bioprospecting permits and ABS agreements require the prior endorsement of Cabinet.

103. Domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is limited.

### Tonga

104. Tonga has not yet signed nor ratified the Nagoya Protocol. The CBD NFP, located in the Ministry of Environment and Climate Change, coordinates ABS activities under the CBD.
105. Tonga does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws that might be utilized to give effect to some facets of ABS. These laws include the *Aquaculture Management Act 2003*, the *Ports Management Act 2001*, the *Industrial Property Act* and the *Copyright Act*. A draft intellectual property rights action strategy has been developed and the Tonga Strategic Development Framework provides guiding principles and direction.
106. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.

### Tuvalu

107. Tuvalu has not yet signed nor ratified the Nagoya Protocol. The ABS NFP, located in the Ministry of Foreign Affairs, Trade, Tourism, Environment and Labour, coordinates ABS activities under the CBD.
108. Tuvalu does not have specific ABS legislation, but as with most other Pacific island countries there are provisions in other laws that might be utilized to give effect to some facets of ABS. These laws include the *Conservation Areas Act 1999* and the *Constitution of Tuvalu*.
109. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited. A domestic regulatory framework, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed.

### Vanuatu

110. Vanuatu ratified the Nagoya Protocol on 1 July 2014 and has initiated a national process for the development of a regulatory ABS framework. The ABS NFP, located in the Ministry of Lands and Natural Resources, coordinates ABS activities under the CBD.
111. The basis for the regulatory ABS framework in Vanuatu is the *Environmental Management and Conservation Act* of 2002, which establishes a Biodiversity Advisory Council that is, inter alia, responsible for advising the relevant minister on matters relating to bioprospecting. Any person wishing to exploit and/or research traditional biodiversity knowledge must apply for a permit from the Biodiversity Advisory Council and bioprospecting permits are issued under ss29-34. The Council has to be satisfied that a legally binding and enforceable contract is concluded with customary landowners, or any owner of the traditional knowledge. The contract has to specify certain matters such as (a) rights of access (b) rights of acquisition of any biological resources or traditional knowledge (c) appropriate fees, and (d) concessions or royalties in relation to the activity undertaken.

112. Vanuatu's *Patent Act* 2003 explicitly rules out the patentability of living things, including non-living substances occurring in nature, plants and animals. The *Patent Act* has a separate provision on registration of patents involving indigenous knowledge. According to s47, if the Registrar considers that an application is for the grant of a patent for an invention that is based on, arose out of, or incorporates elements of, indigenous knowledge, he must refer the application to the National Council of Chiefs. Any patent application involving traditional knowledge must include an agreement between the applicant and the traditional/customary owners, setting out, inter alia, benefit sharing arrangements. If traditional knowledge in Vanuatu is being illegally exploited, the National Cultural Council and the National Council of Chiefs are authorised to institute civil proceedings on behalf of indigenous peoples in Vanuatu.
113. The ABS Initiative, the United Nations University's Institute of Advanced Studies, the Australian University of New South Wales and a representative of the GEF Small Grants Programme (GEF SGP), held meetings with government authorities and NGOs in Vanuatu in March and November 2012 in order to promote ratification of the Nagoya Protocol and to identify support needs. As a result, the Vanuatu NGO Network prepared a proposal to the GEF SGP for ABS awareness raising at the community level, which was approved in mid-2013.
114. Access to genetic resources is an important issue in Vanuatu, and complicated by the fact that land and the resources associated with land belong to the traditional landholders and cannot be alienated. Particular priority has been given to identifying ways to protect the property rights of Vanuatu people to their knowledge and use of biodiversity, including local cultivars of subsistence and commercial crops. This results from a strong perception that local knowledge of biodiversity and its uses have been exploited in recent times, with inadequate recognition of benefits to local peoples. The ABS Initiative prepared a descriptive analysis of a bioprospecting case in Vanuatu "The Santo 2006 Global Biodiversity Survey, Vanuatu".

#### Other capacity-building activities in the region

115. SPREP and the GIZ-implemented ABS Capacity Development Initiative (ABS Initiative) have worked together on ABS activities for several years, and since 2012 they have conducted several sub-regional workshops in the Pacific region to build capacity on ABS. These have included the following:
- 1<sup>st</sup> Pacific ABS Workshop on Access and Benefit-Sharing, 19-22 March 2012, Nadi, Fiji
  - 2<sup>nd</sup> Pacific ABS Workshop, 22-24 May 2012, Savaii, Samoa
  - Oceania Biodiscovery Forum, 19-23 November 2012, Brisbane, Australia (also 3<sup>rd</sup> Pacific ABS Workshop)
  - Training: Pacific ABS & Intellectual Property Rights for National ABS Focal Points, 12-16 August 2013, Nadi, Fiji
  - 4<sup>th</sup> Pacific Sub-Regional Workshop on Access and Benefit Sharing, 25 – 29 November 2013, Suva, Fiji
  - Training: Mutually Agreed Terms: Contracts to Make ABS Functional, 5-8 August 2014, Nadi, Fiji
  - Pacific Regional Project Inception Workshop, 9 August 2014, Nadi, Fiji
  - Access and Benefit Sharing Forum – Dimensions and Potentials of Marine Bioprospecting (side event at 3<sup>rd</sup> UNSIDS Conference), 2 September 2014, Apia, Samoa

- 5<sup>th</sup> Pacific Sub-regional Workshop on Access and Benefit-Sharing, 10 – 13 November 2014, Sydney, Australia
  - World Parks Congress, Side event, 17 November 2014, Sydney, Australia
116. The ABS Initiative and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) held a briefing on *Implementing the International Treaty for Plant Genetic Resources for Food and Agriculture*, 5-6 December 2013, Suva, Fiji that addressed some of the overlaps in overarching issues between the International Treaty and the Nagoya Protocol.
117. In addition, the CBD Secretariat carried out a number of awareness-raising and capacity-building activities in 2011 and 2012 to support the expeditious entry into force of the Nagoya Protocol. This included a regional workshop for the Pacific, 25-29 November 2013, Suva, Fiji, as well as the preparation of generic outreach material on ABS that includes a systematic review of the provision of the Nagoya Protocol and the implications for Governments, as well as the development of a rationale to support ratification<sup>17</sup>. Other outreach materials include audiovisual material and a guide to strategic communication for ABS developed by the ABS Initiative, as well as the *IUCN Explanatory Guide to the Nagoya Protocol on Access and Benefit-Sharing*<sup>18</sup>.
118. This project will build on the outcomes of these activities with regard to capacity development, through (i) identifying prior participants that now hold local expertise and creating a roster to facilitate networking of these individuals in the region, (ii) by focusing public outreach activities on parliamentarians and key decision-makers at national level to ensure ratification, and increasing the ability of indigenous and local communities to contribute to implementation of the Nagoya Protocol; (iii) by narrowing the focus of technical capacity-building activities for national focal points towards practical implementation activities, such as operation of the ABS Clearing-House Mechanism to constitute internationally recognized certificates of compliance; and (iv) undertaking scoping of existing and emerging initiatives and opportunities for biodiscovery projects ('ABS incubators'), and identifying potential research capabilities necessary to add value to countries' own genetic resources and associated TK. Outputs of the prior capacity-building activities noted above will be incorporated in the project, including to inform the stocktaking phase of the project (to be updated as appropriate).
119. Particularly close collaboration is being maintained between SPREP and the ABS Initiative to ensure that any future capacity building activities of the Initiative that may be supported in the region are complementary to the objectives of this project and do not overlap with its activities.

## 2.7 Linkages with other GEF and non-GEF interventions

### Coordination

120. This project will coordinate activities with the ongoing GEF ABS projects funded using NPIF resources as noted below, particularly the MSP projects administered through UNDP in Fiji and Cook Islands. The 'lessons learned' and best practices that arise during the implementation of these national MSPs will be shared throughout the Pacific region as part of this project.

<sup>17</sup> CBD materials include factsheets on the Nagoya Protocol, the ABS information kit, and policy briefs on the Nagoya Protocol, available here: <http://www.cbd.int/abs/awareness-raising/>

<sup>18</sup> IUCN Environmental Policy and Law Paper no 083. IUCN, 2012, available here: [http://www.iucn.org/about/work/programmes/environmental\\_law/elp\\_resources/elp\\_res\\_publications/?uPubsID=4763](http://www.iucn.org/about/work/programmes/environmental_law/elp_resources/elp_res_publications/?uPubsID=4763)



121. In addition, the project will coordinate with the projects funded by the ABS Initiative in the Pacific which, together with SPREP and the Government of Australia, has provided assistance to the region by way of regional meetings and training. SPREP is already well networked with UNDP involving other projects (e.g. the *Pacific Adaptation to Climate Change* project for which UNDP is the Implementing Agency and SPREP is the Executing Agency) thus facilitating agency level interaction. Similarly, UNEP as IA is regularly in touch with UNDP via the UN Country Team, and UN Development Assistance Framework. And both are networked with Fiji via the GEF Operational Focal Point and can ensure that the Department of Environment and Conservation of the Government of Fiji who are locally responsible for the other UNDP MSP project are fully aligned with this project.
122. The CBD Secretariat works closely with SPREP in other allied activities involved with related Conventions and instruments including NBSAPs. Hence synergies with the CBD Secretariat (e.g. meetings on the margins of CBD meetings) will be possible (noting that many of the same people from countries attend these meetings). In the Pacific, given the small scale of agencies, almost certainly in most cases the National Focal Points for ABS and other CBD meetings will be the same individuals or agencies involved in this project.
123. SPREP's wider responsibility to the Pacific Island Countries and Territories (PICTs) via the SPREP Meeting (the formal Council which the Secretariat serves) will be at the full disposal of the project via such mechanisms as mutually beneficial meetings held regularly at SPREP, country visits for other business, etc. While difficult to quantify exactly, these benefits are extremely important and provide huge leverage for any project run out of SPREP. Coupled with this, the UNEP Pacific office is run out of SPREP and there is an MOU between the agencies that is regularly re-visited to ensure the closest alignment possible of work programmes.
124. The main challenge will be to ensure UNDP (as implementing agency of the Fiji and Cook Islands projects) works closely with UNEP and SPREP. UNEP, now a two-person office in the region, has regular meetings with UNDP (and other agencies) during the course of UN Country Team activities and tasks such as the UNDAF and UN SIDS meetings. This provides ample formal opportunity to liaise. In addition, a close working relationship has evolved between UNEP and UNDP Samoa because of historical co-location of offices and the regular UNCT meetings.
125. Additional "south-south" collaboration will also be sought with organisations that are outside the region, but may face similar challenges, such as the regional GEF project 'Advancing the Nagoya Protocol in Countries of the Caribbean Region'. This will involve sharing lessons learned, best practices and other initiatives and will build on existing stakeholder collaboration including liaison with IUCN (the executing agency) and the ABS Capacity Building Initiative. Project organisers will also be invited to participate in relevant meetings to support collaboration.

### *GEF Interventions*

#### Fiji and Cook Islands implementation projects

126. As elaborated above, there are two GEF national implementation projects for the Nagoya Protocol in Fiji and the Cook Islands that are being implemented. These projects aim to progress implementing national regulations as well as to build national capacities that facilitate technology transfer, private sector engagement, and investments in the conservation and sustainable use of genetic resources through supporting national biodiversity activities.

127. The present project will complement these two projects through drawing on ‘lessons learned’ and ‘best practices’ from the individual country projects, and making use of expertise gained in Samoa and Fiji through the capacity-building activities to ensure that a strong and local base of expertise, as well as a support network, is built and retained in the Pacific region. The project aims to utilize the principle of ‘South – South’ learning.

### Global implementation project

128. Micronesia and Samoa will also participate in the full-sized GEF global project: *Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol*<sup>19</sup>. The Pacific project will also coordinate with the global project as appropriate.

### Other partners

129. Details about the roles and responsibilities of other stakeholder partners are provided in section 2.5, including international and regional institutions and partners, national institutions, and national and international institutions and organisations involved in ABS research.

## SECTION 3: INTERVENTION STRATEGY (ALTERNATIVE)

### 3.1. Project rationale, policy conformity and expected global environmental benefits

#### Rationale

130. The project will assist countries in the development of regulatory frameworks for ABS within the Pacific region, building capacity for its implementation, and sharing the experiences from these countries to support development of a regional approach to regulatory policy. This will require developing appropriate capacities and measures to ensure that countries have the requisite conditions to meet the obligations under the Nagoya Protocol. In addition to the global value of Pacific genetic resources provided by their high level of endemism and uniqueness, these genetic resources have major option and use value as the source of nature-based products with the potential to contribute significantly to the production of pharmaceuticals, food supply, and cosmetics worldwide.

#### Conformity with the Nagoya Protocol

131. The project is in full alignment with Articles 5, 6, 9 and 15 of the Nagoya Protocol. These articles collectively state that “benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way with the Party providing such resources and such sharing shall be upon mutually agreed terms”; “in the exercise of sovereign rights over natural resources, and subject to domestic access and benefit-sharing legislation or regulatory requirements, access to genetic resources for their utilization shall be subject to the prior informed consent (PIC) of the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention, unless otherwise determined by that Party”; and “The Parties shall encourage users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and the sustainable use of its components”.

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<sup>19</sup> GEF ID 5731, [http://www.thegef.org/gef/project\\_detail?projID=5731](http://www.thegef.org/gef/project_detail?projID=5731)

## Global environmental benefits

132. This project addresses the importance of biodiversity conservation and fulfilling the objectives of the Convention on Biological Diversity through its facilitation of the implementation of the Nagoya Protocol. As a cross-cutting issue it also supports the conservation of globally significant biodiversity and sustainable use of the components of globally significant biodiversity in small island nations.
133. Proposed activities will support reviews of capacities on ABS that focus on existing policies, laws and regulations; as well as undertaking initial scoping assessments, outreach and public awareness activities leading to accession to the Protocol. In countries that have already made more advanced progress towards implementation of the Protocol, in its later stages the project will also support pilot projects leading to ABS agreements between users and providers of genetic resources, technology transfer and public sector engagement.
134. The objective of the Nagoya Protocol is to set an international, legally binding framework to promote a transparent and effective implementation of the ABS concept at the regional, national and local level in the future. Effective implementation of the measures of the Nagoya protocol will allow participating countries to engage users of genetic resources through negotiated ABS agreements. Since the Nagoya Protocol is intended to create legal and administrative systems to stimulate the engagements of users and producers of genetic resources, these systems need to provide legal certainty and clarity to the parties to engage in fair and equitable sharing of benefits. Monetary and non-monetary benefits would be accrued in various sectors that depend on biological resources, including pharmaceuticals, cosmetics, food & drinks and seeds, among others, and these forms of benefit-sharing may make important contributions to local communities, conservation and sustainable use of biodiversity. The establishment of value chains for the supply of biological products from within provider countries (e.g. up-scaling sample extracts from plant or animal species to commercial production for example in the production of functional foods or nutraceuticals) may also result in sustained benefits for providers and provider countries, such as employment and income streams and employment as well as incentives for the conservation of biological resources.
135. Specifically, the project will contribute to the objectives of the CBD and to reducing loss of biodiversity by:
- deriving greater economic benefits from genetic resources, thereby providing incentives for biodiversity conservation;
  - providing communities that are holders of genetic resources and associated traditional knowledge with livelihood options that result in economic benefits and reduce pressures for conversion of ecosystems;
  - contributing to national development strategies and economic growth, thereby reducing poverty and poverty-associated threats to ecosystem integrity
  - supporting access to non-monetary benefits including scientific information relevant to conservation and sustainable use of biodiversity, which in turn contributes to the maintenance of global ecosystem services.

### 3.2. Project goal and objective

136. The overall goal of the project is to support Pacific countries ratifying the Nagoya Protocol and take the first steps in implementation. The project will assist in the development of regulatory



frameworks for ABS, building capacity for its implementation, and sharing the experiences from these countries to catalyze similar processes in the region. This goal will require developing appropriate capacities and measures for regulating access to genetic resources and associated traditional knowledge, and creating the conditions for equitable sharing of benefits with the communities sourcing the genetic resources.

137. The objective of the project is to support ratification of the Nagoya Protocol and implementation of key measures to make the Protocol operational in Pacific Island countries.

### **3.3. Project components and expected results**

138. The four components of the project are summarised below. The project results framework, including indicators, is provided in Appendix 4, a detailed workplan and timetable is provided in Appendix 5, and a list of key deliverables is provided in Appendix 6.
139. The proportional involvement of each country in the different components will reflect the existing stage and situation within each country. For example, those countries that have stand-alone national projects (Cook Islands, Fiji, FSM and Samoa) will complement these national projects by contributing more actively in sharing their lessons learned and expertise at regional level, whereas those countries that do not have stand-alone national projects will access more funding for baseline research and analysis at national level.

#### *Component 1: Baseline research, analysis/evaluation and reporting with particular emphasis on traditional knowledge*

140. The intention of this component is to build knowledge between countries of shared assets and technical information that may later be used by them to build cohesive policy at national level (which makes sense in a regional context) and to collaborate at regional level (working in the context of the Nagoya Protocol and similar agreements). These activities are intended to establish a baseline of what countries and the region has available.

**Outcome 1.1: Countries have a common understanding of shared assets/values, issues and needs on which to base collective policy for use nationally and at convention or regional instrument level.**

141. The key output under this component is a systematic analysis of common assets/values, issues and needs between countries is undertaken and reported to regional workshops and beyond as opportunity allows.
142. The analysis of common assets and values will build on the outcomes of previous capacity-building workshops to identify shared key problems, analyse capacity assets as well as needs at regional level, and prioritise issues. Apart from making the initial analyses and assessing needs and opportunities, this component will also set up the infrastructure for supporting countries in preparing their national frameworks, and maintaining them in the future – well past the life of the project.
143. This common understanding will then lead to preparation and endorsement of a regional statement that will form the basis of an identity, vision and/or ‘selling point’ for the region.

**Outcome 1.2 Future directions of policy development for the region are identified**

- a. New policy directions for individual countries and the region identified and communicated via existing means (e.g. during the execution of the project and future SPREP/UNEP support mechanisms); and

- b. Communication mechanisms, which provide the means for technical support on an ongoing basis.
144. The key output under this outcome is identification and communication of new policy directions for individual countries and the region.
  145. This will involve regular monitoring of rapidly emerging NP implementation initiatives by governments, industry and science community, and provision of regular advice on developments to stakeholders within the region, including National Focal Points and Competent Authorities.

### Outcome 1.3 Countries understand their national assets/values and requirements in a regional context

146. The key output under this item is the establishment of a regional roster of expertise that is intended to emphasize sharing of expertise within the region. Its design could be based on RTSM developed by the Climate Resilience Project, as well as the Invasive Alien Species Register attached to the Global Invasive Species Database. A policy on how to use the Register will need to be developed, including information on how to access experts on the roster (e.g. compensation considerations, etc.).
147. Additionally, this component will also examine initiatives that support the Protocol with the potential to advantage small island states. For example, the 28 member states of the European Union have agreed on an ABS Nagoya Protocol compliance law that establishes a register of accredited *ex situ* biological collections and that could be used by Pacific SIDS. Such collections are registered only if they are Protocol compliant and provide access to samples that have associated Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT). A number of countries are considering the value of this approach to national accreditation as a means to provide legal certainty and reduce transaction costs for both depositors and users and this enhance the role and utility of national collections.
148. For small island states this European Union initiative can be a source of confidence that researchers from such institutions are trustworthy and that there is a basis for confidence that island genetic resources deposited in such collections will only be used in accordance with the PIC they grant and the MAT they establish. The existence of accredited collections can also showcase island genetic resources to the global research community in a way that is not feasible domestically. Moreover it also allows countries to confidently require taxonomic duplicates to be deposited with specified international accredited ex-situ collections and thus contribute to biodiversity conservation and its sustainable use.
149. The microbiology science sector has also undertaken initiatives that will assist small island states, in particular, to monitor and trace the utilisation of their microbial genetic resources. Through the World Federation of the Culture Collections (WFCC) and with support from China's Academy of Science, the *Global Catalogue of Microorganisms* (GCM) has been established and linked to the ABS CHM. Countries are able to monitor and trace via the Internet, at no cost to themselves, the utilisation of microorganisms collected from their countries. Under the GCM's meta-database they can determine where a specimen has been lodged, by whom, and under what conditions, validate the existence of PIC and MAT, determine who may access the material concerned and under what conditions, see if any patents have been taken out on it and by whom and for what purpose, and identify what scientific papers have been published and by whom. To date the GCM operates in 35 countries, involves 79 collections, has 45,454 species and 352,301 strains held and listed. A rapidly growing number of collections are seeking to join and capacity building for collections is being

undertaken through the World Data Centre for Microorganisms to enable collections in developing countries to participate.

150. These two examples show that small island states may reduce their regulatory compliance burden through the discharge by developed countries of their corresponding compliance obligations and by initiatives taken by the scientific community. This regional project therefore will assist Pacific countries to identify and evaluate such opportunities and to take advantage of them if they decide to do so.

### *Component 2: Ratification of the Nagoya Protocol*

151. The objective of this component is that all 14 participating countries ratify the Nagoya Protocol. This protocol entered into force on 12 October 2014.

### Outcome 2.1 National authorities take informed decisions on the ratification of the protocol and future implementation

152. This outcome requires the following outputs:
  - a. National scoping studies of the existing laws and regulations related to ABS, including identification of gaps, undertaken or updated, as appropriate
  - b. Analysis of the implications of ratification of the Protocol
  - c. Public awareness workshops targeting parliamentarians and other decision-makers of the Protocol, as well as increasing understanding of the importance of genetic resources as a source of innovation in the national economy
  - d. National ABS law/regulation/policy proposals drafted and submitted for approval to competent authorities
  - e. Draft documentation for ratification prepared and submitted to the appropriate authorities
  - f. All countries have developed policies and regulation frameworks that meet the provisions of the Nagoya Protocol by the end of the project
153. At the time of writing, five participating countries are Parties to the Protocol: Micronesia, Fiji, Samoa, Vanuatu and Marshall Islands. As in most cases among Pacific Island states, a domestic regulatory framework, institutional arrangements and administrative systems still need to be developed and implemented, notwithstanding that some of those countries have already ratified the Protocol.
154. In order to achieve ratification, the remaining nine countries will need to take the necessary steps for their legislature (or whatever government branch is responsible for ratifying international treaties), to ratify the Protocol. Some countries would be in position to ratify faster than others.
155. Under this component, draft national policies and regulation frameworks will be reviewed to confirm they meet the Protocol, including recognizing the core ABS principles of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) including the fair and equitable sharing of benefits and establishing effective and appropriate user measures.
156. To ensure that ratification of the Protocol is given priority at top government levels, this component also includes funding for national-level workshops that will address consulting and

raising public awareness of parliamentarians, Ministers, and other key decision-makers regarding the benefits of the Protocol, as well as an understanding of the importance of protecting biological resources as a source of innovation in the national economy. It will also take advantage of generic materials that have been prepared by other organizations (e.g. CBD Secretariat, ABS Initiative) and tailor them more specifically to the region.

### *Component 3: Implementation of the Nagoya Protocol*

157. The objective of this component is to implement the basic measures of the Nagoya Protocol. These include drafting the policy, legal, and regulatory frameworks governing ABS, appointing the National Focal Point (NFP), establishing the Competent National Authority (CNA) and institutional agreements and administrative procedures for ABS Agreements with proper Prior Informed Consent (PIC), Mutually Agreed Terms (MAT), and Benefit Sharing, monitoring of use of genetic resources, compliance with legislation and cooperation on trans-boundary issues.

#### **Outcome 3.1 An enabling environment is created which will lead to the implementation of the basic provisions of the Nagoya Protocol**

158. This outcome will include the following outputs:

- a. Stocktaking and assessment of capacities and systems to implement basic provisions of the NP.
- b. Development and/or review of strategy and action plans for the implementation of ABS measures.
- c. Building capacity among stakeholders with particular emphasis on the government agencies in charge of making the Protocol operational.
- d. Groundwork laid for countries to take advantage of biodiscovery and commercialization opportunities under the Protocol.
- e. Supportive institutional frameworks for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources.

159. Considering the substantial differences in government capacity and needs on ABS, it is expected that countries will achieve different levels of implementation of the Protocol under this component. However, in each case, CNAs will have clear mandates, roles and responsibilities with regard to ABS activities, and inter-sectoral coordination mechanisms will be established.

160. A supportive institutional framework will be developed for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources, and indigenous and local communities will be engaged during the legal, policy and decision-making process.

161. Where feasible, countries will consider building capacity among multiple stakeholders to negotiate ABS agreements (including indigenous peoples and local communities), including through community protocols, model contractual clauses, traditional knowledge registers, and ensuring minimum requirements are met to secure the fair and equitable sharing of benefits.

162. Countries in a more advanced stage of implementation may also be in a position to invest resources towards strengthening institutional capacity to carry out research and development associated with the valorization of genetic resources (bio-prospecting). These countries will also need to establish checkpoints and mechanisms to ensure that users within their countries

(universities, companies, etc.) are acting in compliance with the legal requirements of countries from which they seek genetic resources and associated traditional knowledge. As part of laying the groundwork for countries to be in a position to take advantage of biodiscovery and commercialisation prospects under the Protocol, this element will include identifying potential research capabilities necessary to add value to genetic resources (and associated traditional knowledge) within the region, and reviewing existing and emerging initiatives and opportunities for biodiscovery projects ('ABS incubators'). Implementing organisations will be contacted to encourage and facilitate their undertaking biodiscovery with countries in the region.

#### *Component 4: Regional Coordination, Technical Support and Capacity Development*

163. The objective of this component is to bring together the participating countries at least twice during the life of the project to allow the maximum level of exchange (e.g. learned best practices etc.), and to establish and maintain networks (facilitated by the EA – SPREP) to mutual benefit during the term of the project and beyond.

**Outcome 4.1 Countries share information and gain from the experiences of other members of the Pacific Community. Countries are capable of meeting basic provisions of the NP.**

164. This component includes the following outputs

- a. Two regional meetings completed at the beginning and end of the project (inception and training for focal points at the first meeting, second meeting for reviewing progress and planning future activities).
- b. Putting in place provisional measures to ensure interim implementation of the Nagoya Protocol post ratification in situations where national legal framework is not yet in place.
- c. Establishment of a regional support mechanism to support national decision-makers in Pacific Island countries on issues related to implementation of the Nagoya Protocol
- d. Information and experience exchange on development and implementation of the Nagoya Protocol, especially mutual learning between Pacific countries via 3 sub-regional workshops and 4 intra-regional expert exchange visits.
- e. All participating countries have policies and regulation frameworks that meet the basic provisions of the Nagoya Protocol by the end of the project.

165. The two regional meetings will assist assessing common issues and how to cope with them collectively. More specifically, these meetings should allow the Executing (and Implementing) Agency and the Executing partners in-country and other partners (such as GIZ) to better coordinate action and the use of the human capacity to deliver assistance to the countries and hopefully come together with a united front on ABS related issues. The regional declaration on ABS mentioned in Component 1 will be considered at these meetings.

166. In addition, urgent action may be required in some countries that have ratified the Nagoya Protocol to identify administrative or policy action and existing laws which allow a country to comply with the Protocol obligations while specific ABS laws are being prepared and implemented. Provisional measures to ensure countries are in interim compliance will therefore be identified and developed under this component to assist such countries.

167. The component will also identify and establish a regional support mechanism and process for assisting countries with technical and capacity needs related to ad hoc operational issues that are more efficiently coordinated at regional level rather than building capacity at national level for rare instances (for example, an isolated small island state needing to deal bilaterally with a non-English speaking Party to the Protocol on an instance of ABS). Mechanisms and processes to facilitate countries' use of the ABS Clearing-House Mechanism and provide access to information and support compliance under the Protocol; and to support dialogue between policy makers and stakeholders to ensure clarity and certainty for users and providers of genetic resources will also be addressed.
168. The regional support mechanism is likely to involve 'help desk' functionality, with an operator versed on ABS and able to point to external sources of technical expertise where SPREP is unable to provide such advice. Establishment of this mechanism will include developing a register of regional technical expertise, and accredited external support and pro-bono advice.
169. Some of the information that will be circulated through this mechanism will be generated in other components of the project, including for example policy directions identified under Output 1.2 and the tools identified in Output 1.3.
170. To ensure exchange of information and experience on development and implementation of the Protocol from countries within the region that are early implementers, three sub-regional meetings and four expert exchange visits (or participation by early implementers in sub-regional meetings) are planned. It is also anticipated under this item to review ABS agreements in the Pacific region towards the end of the project to assess the value of benefits shared (e.g. monetary, establishment of infrastructure, tech transferred, research results shared, etc.) and to identify lessons learned.
171. At this stage, it is expected that the Access and Benefit-Sharing Clearing-House that has been established under the Protocol will fill the needs of Pacific countries with regard to connecting users and providers of genetic resources and associated traditional knowledge at global level, and development of a regional ABS clearing-house hub is not anticipated. However, the ABS Clearing-House is still under development and this may need to be revisited during the project. For example, a training session on the Clearing-House may be considered during the regional or sub-regional meetings, or establishment of a regional publishing authority to assist in meeting information sharing obligations of Parties.
172. It is expected that by project completion all participating countries have policies and regulation frameworks that meet the basic provisions of the Nagoya Protocol.

#### Outcome 4.2 Effective management and delivery of projects meeting agreed measurable outputs and indicators

173. SPREP will provide technical support for the project plus funds management, monitoring, evaluation and all reporting including financial reporting. Thus the project will be run centrally as one project from SPREP rather than 12 separate sub-projects within each country. However, each country will receive the dedicated, targeted and on-demand assistance that it requires. This approach is the most cost-effective one given the funding level and will best facilitate the inclusive benefits/outputs across the region that has already been mentioned.
174. Project monitoring and evaluation (M&E) will be undertaken by SPREP, UNEP and other collaborators according to the items and responsibilities outlined in the M&E plan in section C below. Activities will include:

- a. Project Steering Committee (PSC) meetings (physical meetings and/or teleconferences)
- b. Project Steering Committee reports
- c. Project Implementation Reviews (PIR)
- d. Mid-term review
- e. Operational Reports to UNEP
- f. Financial Reporting
- g. Independent Final Evaluation
- h. Project Terminal Report

#### **3.4. Intervention logic and key assumptions**

175. While implementation of the Nagoya Protocol has been slow in Pacific countries due to a lack of capacity within the region, there is an observable pattern of actions towards its ratification and a clear indication of political interests, as expressed by numerous policy documents which fully embrace the sustainable use of biological and genetic resources, and an unequivocal commitment to obligations contracted under the CBD. The project will build on this ‘fertile’ enabling environment which exists in project countries and will further support the countries to strengthen their policy, legal, and institutional frameworks to maximize their readiness for NP ratification.
176. Key assumptions for each project component are elaborated in the Project Results Framework at Appendix 4. These assumptions include the following:
- a. Local political, social and economic conditions do not change dramatically in such a way as to impact the desire or ability of governments to implement the project at national level.
  - b. National governments prioritize policy formulation as an essential first step and stakeholders and decision-makers are receptive to incorporating project results into policy formulation processes and value the importance of inter-institutional coordination for policy success.
  - c. Government agencies responsible for the Protocol remain stable throughout the project, or, if they change, activities can be updated accordingly.
  - d. Raising public awareness among decision makers will lead to ratification of the Protocol.
  - e. The identification of a common understanding of shared assets, values, issues and needs can act as a driver for regional policy formulation.
  - f. Counterpart organizations are willing to share information and recognize the usefulness of the data to be produced and knowledge to be generated.
  - g. Scientists, researchers and other technical experts in the region are willing to join a register of experts, and access to this roster will improve understanding of national assets.



- h. Countries fully embrace the outputs of the project and institutionalize required processes and strategies in all ABS related activities, including facilitation of personnel participation in training and capacity building opportunities.
- i. Regional cooperation will continue during the life of the project.
- j. Participating countries are willing and able to access mechanisms for technical support.

### 3.5. Risk analysis and risk management measures

177. Identified risks with the potential to affect the delivery of project outcomes and sustainability, along with measures that will be undertaken to address these risks are provided in Table 2 below.

Table 2: Risk Factors and Mitigation Strategies

<b>Risk</b>	<b>Degree of risk</b>	<b>Mitigation Strategy</b>
High staff turnover in participating Government agencies and loss of important staff with their “corporate knowledge”.	High	Risk will be hedged by designing the implementation of the project so it will not overly rely on individual staff (i.e. it will engage a diverse representation of stakeholders in each country). This will be facilitated by encouraging countries to use standard modern staff management methodology <sup>20</sup> so that individuals are well managed with clear roles and responsibilities, reporting lines, management processes, performance assessment procedures etc. Further attempts will be made to spread capacity development within a country so that as many individuals are involved as possible, and national and regional registers of expertise will be developed and maintained in order to facilitate access to relevant knowledge. Project funds will not be used to employ staff at national level, which will help ensure that expertise is retained following project completion.
Communities may oppose regulations that restrict their activities relevant to ABS	Medium	Thorough community consultation, educational and awareness programmes will be incorporated into the project, and use of the partnership approach with communities will be encouraged.
Lack of communication and coordination between participating agencies in-country and between regional/international partners	Medium	Communication procedures will be customised to each country’s situation particularly through taking advantage of relevant existing networks and processes (eg NBSAPs). The project is proposing to establish a regional coordination support mechanism which could help to address any issues across partners

<sup>20</sup> E.g. Nick Holley (2009) “HR Models – lessons from best practice” Henley Business School, University of Reading. Online at: [http://www.henley.ac.uk/web/FILES/corporate/cl-Henley\\_Centre\\_HR\\_models\\_desk\\_research\\_October\\_2009.pdf](http://www.henley.ac.uk/web/FILES/corporate/cl-Henley_Centre_HR_models_desk_research_October_2009.pdf)



Lack of political support	Medium	Political will has already been expressed by countries participating in the project; however there is a risk that governments (and related priorities) will change throughout the duration of the project. Awareness raising activities for parliamentarians are included as part of the project and could be repeated if the key personnel involved change.
Unrealistic expectations	Medium	A common vision for the outcomes of the project will be achieved by all participating countries, and proportionality will be applied to ensure the burdens of implementation will not be excessive.
Climate change, including direct impacts from extreme natural events such as cyclones, drought, and fire.	Low	Mitigation actions for climate change will be coordinated through the integrated strategy for climate and disaster resilient development (SRDP) in the Pacific, and ABS policies developed under this project will be complementary to national and regional climate change policies. Potential direct impacts from extreme events at national level to participating countries will be mitigated through support for national broadcasters and other operating procedures identified under the SRDP.

### 3.6. Consistency with national priorities or plans

178. The 14 participating countries are all Parties to the Convention on Biological Diversity and thus, committed to the implementation of Convention, particularly its third objective: “the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies”.
179. The proposed project is consistent with related national environmental policies and strategies. Explicit reference to the implementation of ABS measures and the Nagoya Protocol is included in participating country NBSAPs and/or other relevant national strategies or plans. All 14 of the participating countries have identified access and benefit sharing as one of the priority cross-cutting issues, and an objective of the project is for future iterations of NBSAPS to reflect a common approach to ABS issues.
180. For example: A review of 10 NBSAPs from Pacific Island Countries was conducted in 2009 which showed 90% of these NBSAPs had access and benefit sharing as one of the priority cross cutting issues thus signaling the importance of ABS to countries in terms of meeting objectives in their NBSAP’s. Current statistics indicate all 14 countries have ABS as a priority biodiversity issue as reflected in the NBSAPs.
181. Additionally, a regional synthesis of National Capacity Self Assessments (NCSA) noted the following common problems and vulnerabilities:
- a. A lack of historical and current evidence of the status and trends of various environmental resources and drivers of environmental change;
  - b. Information management problems, including lack of standardized procedures for collecting and aggregating relevant environmental data; and

- c. Dissemination problems, with information that is available not always getting into the hands of local scientists, local government officials, or local citizens; and
  - d. Limited awareness and concern about environmental problems even where local knowledge of the problem exists among scientists and government officials
182. The project will respond to some of these priority issues to create an enabling environment to facilitate approval of the Protocol in participating countries sufficient to allow their ratification and initial implementation of the Protocol, as well as coordinating information management, dissemination and awareness at a regional level.

### **3.7. Incremental cost reasoning**

#### *Incremental reasoning*

183. Without GEF intervention, Pacific countries will continue to operate without specific ABS legislation, and most will make do with provisions in other laws to give effect to only some facets of ABS. Some Pacific country Parties are at risk of being in non-compliance with the Protocol, and hence its treaty compliance provisions. This project will, urgently, assist such countries to resolve this situation.
184. While several countries in the region now have research permit procedures, they are not always transparent and easily accessible and unclear procedures combined with lack of consultation between relevant government departments will significantly reduce the likelihood that PIC will be obtained and MAT will be established when genetic resources are accessed in these countries.
185. At present, human resources (including dedicated staff to address ABS matters) and infrastructure for national implementation of the Protocol is very limited in all countries in the region. Domestic regulatory frameworks, institutional arrangements and administrative systems need to be developed and implemented. Buy-in and participation of government stakeholders (including parliamentarians) is also limited and needs to be addressed before ratification will take place in the ten countries which have not yet acceded to the Protocol. Without GEF intervention these developments are extremely unlikely to occur.
186. This project will build on the activities that are currently underway in support of the Nagoya Protocol in the Pacific. These include: i) the existing MSP projects in Fiji and the Cook Islands, where resources are being used to discover nature-based products and build national capacities that facilitate technology transfer on mutually agreed terms, private sector engagement, and investments in the conservation and sustainable use of genetic resources; ii) the exploratory work by the ABS Capacity Development Initiative to support ABS activities in the Pacific Region; and iii) the lessons learned at previous capacity-building workshops held in the region.
187. The political will that has led to the ratification of the Nagoya Protocol by Fiji, Micronesia, Vanuatu and Samoa is also reflected through the in-kind co-financing commitments made by each of the participating countries.

#### *Benefits*

188. Although there are no reliable global estimates of the value of genetic resources, in 2011, the global economic value of various sectors in which genetic resources play a significant role (i.e. pharmaceutical, agriculture, cosmetics, food and beverages, seeds, crop protection, industrial

- biotechnology, and botanicals sectors) was estimated to be in excess of US \$13,000 billion<sup>21</sup>. In the case of the pharmaceutical sector annual sales were US \$955 billion. Of these sales the United States National Institutes of Health estimated that approximately 67% of anti-cancer drugs are derived from molecules found in nature while almost 70% of anti-infectives (anti-bacterial, -fungal, -parasite and -viral) come from nature.<sup>22</sup> Governments have agreed to a list of monetary and non-monetary benefits as outlined in the *Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefit Arising out of their Utilization*<sup>23</sup> and later included, without change, into the Nagoya Protocol.
189. Monetary benefits may include, but not be limited to: access fees/fee per sample collected or otherwise acquired; up-front payments; milestone payments; payment of royalties; licence fees in case of commercialization; special fees to be paid to trust funds supporting conservation and sustainable use of biodiversity; salaries and preferential terms where mutually agreed; research funding; joint ventures; joint ownership of relevant intellectual property rights. The potential scale of non-financial benefits is shown by the number of individuals receiving training in biodiscovery under the ICGEB Program. This international collaborative research effort has involved training of 4000 individuals – including from the Pacific.<sup>24</sup>
  190. Non-monetary benefits may include, but not be limited to: sharing of research and development results; collaboration, cooperation and contribution in scientific research and development programmes, particularly biotechnological research activities, where possible in the provider country; participation in product development; collaboration, cooperation and contribution in education and training; admittance to *ex situ* facilities of genetic resources and to databases; transfer to the provider of the genetic resources of knowledge and technology under fair and most favourable terms, including on concessional and preferential terms where agreed, in particular, knowledge and technology that make use of genetic resources, including biotechnology, or that are relevant to the conservation and sustainable utilization of biological diversity; strengthening capacities for technology transfer to user developing country Parties and technology development in the country of origin that provides genetic resources.
  191. The project also aims to facilitate abilities of indigenous and local communities to conserve and sustainably use their genetic resources; promote institutional capacity-building; build human and material resources to strengthen the capacities for the administration and enforcement of access regulations; provide training related to genetic resources; support access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies; create opportunities for contributions to the local economy; and foster institutional and professional relationships that can arise from an access and benefit-sharing agreement and subsequent collaborative activities.
  192. Gender consideration will feature prominently in the implementation of the project. Efforts will be made to ensure that equal numbers of women and men will be involved in the project implementation.

### 3.8. Sustainability

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<sup>21</sup> Burton and Evans-Illidge (2014) *Emerging R and D Law: The Nagoya Protocol and its Implications for Researchers*. ACS Chem Biol 9, 588-591.

<sup>22</sup> Newman and Cragg NIH 11<sup>th</sup> NAPRECA Symposium Book of Proceedings, Antananavirius, Madagascar pp 56-69.

<sup>23</sup> Decision VI/24, A, Appendix II of the Conference of the Parties to the CBD.

<sup>24</sup> Cragg, Katz et al DOI:10.1039/c2np20091k

193. Participating countries will need to fully engage in building the human and institutional capacity, customizing it for their unique circumstances, to carry on the work beyond the life of this project. This should be achieved by central governments developing and putting in practice the necessary legal frameworks, and determining the institutional arrangements and administrative measures required to process requests to access genetic resources under the principles of the Nagoya Protocol. During the project's implementation, each participating country will provide updated information on their government's plans to sustain the efforts initiated with this project at national level and beyond the conclusion of the project.
194. Mechanisms will be established during the project that will support countries in the future, well past the life of the project. These will include creating networks and coordination mechanisms, such as the roster of experts, databases of research activities, and identification of other initiatives with the potential to benefit the Pacific region. Additionally, the project will develop regional common policies, operational guidelines, frameworks for protecting traditional knowledge and customary use of resources, mechanisms to support mutual learning between Pacific countries, etc, all of which will support countries in continuing to meet the objectives of the project after its completion.
195. The project will support mainstreaming of ABS implementation into the development plans and work programs of public institutions responsible for ABS and for access to biological and genetic resources, initially through the development of a regional position, and then through support for the development of Draft ABS Policies, ABS Bills, ABS Regulations, and Implementation Guidelines. The building of capacity of key stakeholders and encouragement of inter-agency information exchange will also assist to mainstream ABS across institutions.
196. At the regional level, SPREP Secretariat will continue to provide policy and technical support, which will contribute to the sustainability of the investments beyond the life of this project. At the national level, the sustainability of this investment will heavily rely on the capacity of the ABS Focal Points to mobilize financial resources, including from GEF-6, to implement the Nagoya Protocol provisions and developing further projects on ABS. SPREP and UNEP will also provide network-type access to other agencies' related work in the region and beyond.

### **3.9. Replication**

#### **Replicability**

197. The outcomes of the project will be made available for replication through the systematization and dissemination of project results, lessons learned and experiences in the development of ABS implementation systems in the Pacific. Successful examples of processes employed in the development of ABS agreements such as MAT and PIC inclusive of the participation of ILCs will be extremely useful for countries and regions around the world who are in the process of or are yet to develop their ABS implementation systems. This will be achieved by making project information available through the project's website, the websites of the project's Focal Point Ministries, regional CHMs, participation in international fora such as side events at CBD meetings including Conference of the Parties and through regional project coordination meetings.

#### **Innovation**

198. Although a number of ABS capacity-building activities have previously been implemented in the Pacific region to begin awareness raising, this project complements and builds on those efforts and is innovative in that it provides a regional approach to implementing the Nagoya Protocol. For example, it includes the establishment of regional capacity building mechanism

that would provide direct technical, policy and advisory support to participating countries. A regional policy/declaration, if it emerges, will also be a first for the SIDS region. The project incorporates learning and best practices from the Fiji and Cook Island projects, as well as establishing regional registers of expertise to support “south-south” capacity building in the region rather than relying solely on external expertise.

### Scale-up potential

199. Because the countries participating in this project are at differing stages of realizing potential benefits from ABS activities, the lessons learned during the preparation and implementation of this project will be instrumental in supporting countries at all these levels of implementation and are likely to be useful at a global level. There may be potential to scale-up the project to address barriers and experiences that are common with small island states in other regions, such as the Caribbean.

#### **3.10. Public awareness, communications and mainstreaming strategy**

200. The project has identified specific public awareness, communications and mainstreaming strategies within several of the project components.
201. These strategies include public awareness workshops targeting parliamentarians and other decision-makers of the Protocol, as well as increasing understanding of the importance of genetic resources as a source of innovation in the national economy and funding for national-level workshops that will address consulting and raising public awareness of parliamentarians, Ministers, and other key decision-makers regarding the benefits of the Protocol, as well as an understanding of the importance of protecting biological resources as a source of innovation in the national economy. It will also take advantage of generic materials that have been prepared by other organizations (e.g. CBD Secretariat, ABS Initiative) and tailor them more specifically to the region.
202. In addition, the project includes information and experience exchange on development and implementation of the Nagoya Protocol, especially mutual learning between Pacific countries via 3 sub-regional workshops and 4 intra-regional expert exchange visits. Mechanisms and processes to facilitate countries’ use of the ABS Clearing-House Mechanism and provide access to information and support compliance under the Protocol; and to support dialogue between policy makers and stakeholders to ensure clarity and certainty for users and providers of genetic resources will also be addressed. The regional support mechanism is likely to involve ‘help desk’ functionality, and will include developing a register of regional technical expertise, and accredited external support and pro-bono advice. Some of the information that will be circulated through this mechanism will be generated in other components of the project, including for example policy directions identified under Output 1.2 and the tools identified in Output 1.3.
203. The project will also support mainstreaming ABS implementation into the development plans and work programs of public institutions responsible for ABS and for access to biological and genetic resources, initially through the Regional ABS Strategic Plan and through national country roadmaps, and then through the provision of support for the development of ABS policies, laws and regulations.

#### **3.11. Environmental and social safeguards**

204. This project addresses the importance of biodiversity conservation and fulfilling the objectives of the Convention on Biological Diversity through its facilitation of the implementation of the Nagoya Protocol. As a cross-cutting issue it also supports the conservation of globally

significant biodiversity and sustainable use of the components of globally significant biodiversity in small island nations.

205. Proposed activities will support reviews of capacities on ABS that focus on existing policies, laws and regulations; as well as undertaking initial scoping assessments, outreach and public awareness activities leading to accession to the Protocol. In countries that have already made more advanced progress towards implementation of the Protocol, in its later stages the project will also support pilot projects leading to ABS agreements between users and providers of genetic resources, technology transfer and public sector engagement. Increased ABS capacity building of key staff in relevant institutions and local communities will ensure that best practices which reflect the fundamental principles of the Protocol are adhered to in all approaches addressing the use of biological resources for bioprospecting purposes in countries of the Pacific, including plant, marine and microbial organisms.
206. This project is expected to achieve positive environmental and social impacts by effectively integrating ABS implementation mechanisms within government policies and plans, and no unintended negative impacts to people and the environment are foreseen from the implementation of proposed project activities. Increased ABS capacity building of key staff in relevant institutions and local communities will ensure that best practices which reflect the fundamental principles of the Protocol are adhered to in all approaches addressing the use of biological resources for bio-prospecting purposes in countries of the Pacific. The participation of local communities in the PIC processes and in the negotiation of ABS agreements will ensure fair and equitable sharing of benefits deriving from the use of genetic resources and traditional knowledge, and thus the accrual of economic and social benefits at the local level. Biodiversity conservation will benefit from a new and enhanced understanding of the importance of protecting biological resources as a source of innovation in the national economy. There will be a much stronger argument in favour of biodiversity conservation and a new level of understanding to support ABS policy formulation and the creation of evolving mechanisms for ABS implementation in the region.
207. Gender and diversity dimensions will be considered during the engagement of consultants and when determining participants in stakeholder discussion fora and training workshops.
208. The monitoring and evaluation of project impacts will enable the Project Management Team to reassess project intervention strategies and make revisions as needed to strengthen environmental and social outcomes.

#### **SECTION 4: INSTITUTIONAL FRAMEWORK AND IMPLEMENTATION ARRANGEMENTS**

209. SPREP, as the Executing Agency, will be responsible for the implementation of the project in accordance with the objectives and activities outlined in the project framework (Part I, Section B). SPREP is a regional intergovernmental agency with 26 member countries, including all 14 of those participating in this project. SPREP is mandated by its member countries to lead and coordinate environmental policy and management on behalf of its member countries. SPREP has been designated EA wholly or partially in more than ten GEF projects in the past.
210. UNEP, as the GEF Implementing Agency, will be responsible for overall project supervision to ensure consistency with GEF and UNEP policies and procedures, and will provide guidance on linkages with related UNEP and GEF funded activities. The UNEP Coordination will monitor implementation of the activities undertaken during the execution of the project. The UNEP Coordination will be responsible for clearance and transmission of financial and progress reports to the GEF.

211. SPREP, as the EA, will cooperate with UNEP so as to allow the organisation to fulfil its responsibility as IA accountable to the GEF. To this end, free access to all relevant information will be provided by SPREP.
212. Project operational arrangements are detailed in Appendix 8. Project operation arrangements include a Project Management Unit (PMU) established at SPREP under the Biodiversity and Ecosystem Management Division. The PMU will consist of a Project Manager (a role which could be part of SPREP's in-kind contribution) and two project staff which consists of a Capacity Development Officer, a Legal Officer and a Technical Assistant. The PMU will manage all project reporting requirements and ensure their timely submissions to UNEP. It will also manage and administer operations of the project and facilitate implementation of national and regional activities in collaboration with participating countries, relevant organizations and partners. The PMU will also carry out in country support to project participating countries and regional stakeholder meetings being hosted by participating countries on a rotation basis, to share experiences and visit each other's pilot sites.

#### **SECTION 5: STAKEHOLDER PARTICIPATION**

213. As detailed in relevant sections above, during project development, stakeholders participated in the identification of project priorities and in the definition of planned outputs and outcomes primarily during two regional consultations on ABS, as well as through follow-up with individual countries. Project countries had the opportunity to review and comment on proposed project activities and to provide specific inputs to the project formulation process.
214. During project implementation, stakeholder participation at the country level will include the provision of co-financing, participation of technical staff in workshops, training, and tools development, the facilitation of local project events and processes, contribution of technical expertise relevant for ABS policy formulation, facilitation of preparation and submission of ratification instruments, and in the institutionalization of project results and lessons learned to allow for up-scaling, replication and sustainability.
215. At the regional and the sub-regional levels, stakeholder engagement will focus at the facilitation of regional project processes in project countries and in the identification of opportunities for optimization of resources, joint investments for project delivery, coordination and collaboration in the production of technical outputs.

#### **SECTION 6: MONITORING AND EVALUATION PLAN**

216. The Project Monitoring and Evaluation (M&E) plan is consistent with the GEF M&E policy and includes SMART indicators as well as mid-term and end-of-project targets (see Project Results Framework, Appendix 4 and M&E Plan, Appendix 11). The M&E plan will be reviewed and revised as necessary at project inception and a project supervision plan will also be developed at this stage. The main emphasis will be on outcome monitoring, but financial and implementation monitoring will also occur.
217. The main assessment method will be through the annual Project Implementation Review system, and mid-term and terminal evaluations that will make use of the GEF IAS SP 7 tracking tool. The project steering committee and project management unit will participate in the mid-term evaluation and the terminal evaluation, which will be managed by the Evaluation and Oversight Unit (EOU) of UNEP.
218. Each of the participating countries has a different level of capacity for development and implementation of ABS frameworks. Baselines have been established and this is reflected in the results based framework.

219. The M&E process will include an end of project assessment undertaken by an independent review team. The final reports will be submitted to GEF M&E Unit as well as other stakeholders and or donors involved in the implementation of this project. A report on the status of implementation of the project will be submitted to the regular meetings of the Project Steering Committee (PSC). The project will be evaluated on the basis of: execution performance, output delivery, and project impact. Evaluation of the project's success in achieving its outcomes will be monitored continuously throughout the project through the bi-annual progress reports, annual summary progress reports and the final evaluation.
220. Details of M&E activities are provided in Appendix 7 (costed M&E plan) and Appendix 8 (summary of reporting requirements).

## **SECTION 7: PROJECT FINANCING AND BUDGET**

### **7.1. Overall project budget**

221. The overall project budget is presented in detail in Appendix 1 (budget by project components, by year and UNEP budget lines) and Appendix 2 (co-financing by source and UNEP budget lines).

Cost to the GEF Trust Fund	1,762,557	51%
Co-financing Total	1,234,000	49%

### **7.2. Project co-financing**

222. Co-financing by project budget lines is presented in Appendix 2.

### **7.3. Project cost-effectiveness**

223. Due mainly to their size, countries in the Pacific region have limited resources for developing effective ABS measures and in some instances very limited resources. They do however have a great deal of cultural, social, environmental and economic similarities. All participating countries have customary law, and all have English or American legal systems (Vanuatu has a combination of English and French).
224. Cost effectiveness of this project is based on maximizing technical and financial complementarities and leverage in order to improve the impact of current investments while attending national and regional priorities on ABS. This project takes advantage of these similarities to increase cost-effectiveness by working at regional level to share experiences and ultimately develop a regional approach to regulating access to and use of their genetic resources and traditional knowledge.
225. The Project will also take advantage of materials and lessons in similar projects that have been executed elsewhere. This will reduce duplication of previous work which will also add to the cost-effectiveness of the Project.
226. Finally, the cost-effectiveness of the Project is further strengthened through the involvement of SPREP as the Executing Agency. This ensures that a regional partner with experience in successfully managing UNEP GEF projects is able to support project execution and, as part of its co-funding commitment, strengthen the administrative, financial and technical oversight of the Project.



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- Appendix 1:** Budget by project components and UNEP budget lines
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- Appendix 3:** Incremental cost analysis
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- Appendix 11:** Terms of Reference
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**Appendix 1: Budget by project components and UNEP budget lines**

Project title: Ratification and Implementation of the Nagoya Protocol in the countries of the Pacific Region  
 Project number: 5634  
 Project executing partner: SPREP  
 Project implementation period: 36 months  
 From: 2016  
 To: 2019

UNEP Budget Line		Expenditure by project component/activity					Expenditure by calendar year				Budget Notes	
		Component 1	Component 2	Component 3	Component 4	Total	2016-2017	2017-2018	2018-2019	Total		
<b>10</b>	<b>PERSONNEL COMPONENT</b>											
	<b>1100</b>	<b>Project Personnel</b>										
	1101	Capacity Development Officer (CDO)	18,000	109,000	207,000	32,000	366,000	122,000	122,000	122,000	366,000	1
	1102	Legal Officer (LO)	33,000	132,000	309,000	24,000	498,000	166,000	166,000	166,000	498,000	2
	1103	Technical Assistant (TA)				89,325	89,325	29,775	29,775	29,775	89,325	3
	1104	Finance Assistant				36,000	36,000	12,000	12,000	12,000	36,000	4
	1199	<i>Sub-total</i>	<i>51,000</i>	<i>241,000</i>	<i>516,000</i>	<i>181,325</i>	<i>989,325</i>	<i>329,775</i>	<i>329,775</i>	<i>329,775</i>	<i>989,325</i>	
	<b>1200</b>	<b>Consultants</b>										
	1201	ICT Services				5,000	5,000	5,000			5,000	5
	1202	Communication Services	4,000		15,000		19,000	7,000	7,000	5,000	19,000	6

	1203	Drafting Instructions		45,000			45,000	25,000	15,000	5,000	45,000	7
	1299	<i>Sub-total</i>	4,000	45,000	15,000	5,000	69,000	37,000	22,000	10,000	69,000	
	<b>1300</b>	<b><i>Administrative Support</i></b>										
	1301	Translation Costs			27,000		27,000	7,000	10,000	10,000	27,000	8
	1302	Project Steering Committee				3,000	3,000	1,000	1,000	1,000	3,000	9
	1399	<i>Sub-total</i>			27,000	3,000	30,000	8,000	11,000	11,000	30,000	
	<b>1600</b>	<b><i>Travel on Official Business</i></b>										
	1601	CDO Travel		9,000	18,000		27,000	7,000	10,000	10,000	27,000	10
	1602	LO Travel		39,000			39,000	21,000	12,000	6,000	39,000	11
	1699	<i>Sub-total</i>		48,000	18,000		66,000	28,000	22,000	16,000	66,000	
1999	<b>Personnel Component Total</b>		55,000	334,000	576,000	189,325	1,154,325	402,775	384,775	366,775	1,154,325	
<b>20</b>	<b>SUB-CONTRACT COMPONENT</b>											
	<b>2100</b>	<b><i>Sub-contracts (cooperating agencies)</i></b>										
	2101	-										
	2199	<i>Sub-total</i>										
	<b>2200</b>	<b><i>Sub-contracts (supporting organisations)</i></b>										
	2101	-										
	2199	<i>Sub-total</i>										
	<b>2300</b>	<b><i>Sub-contracts (commercial purposes)</i></b>										
	2301	-										
	2399	<i>Sub-total</i>										
2999	<b>Subcontract Component Total</b>											

<b>30 TRAINING COMPONENT</b>												
	<b>3200</b>	<b>Group Training</b>										
	3201	Intraregional Exchange				20,000	<b>20,000</b>	10,000	10,000		<b>20,000</b>	12
	3202	National Workshops		72,000			<b>72,000</b>	38,000	18,000	16,000	<b>72,000</b>	13
	3203	Communication services		2,000	5,000		<b>7,000</b>	3,500	3,500		<b>7,000</b>	14
	3204	Sub-regional workshops				52,500	<b>52,500</b>	18,500	34,000		<b>52,500</b>	15
	3299	<i>Sub-total</i>		<i>74,000</i>	<i>5,000</i>	<i>72,500</i>	<b><i>151,500</i></b>	<i>70,000</i>	<i>65,500</i>	<i>16,000</i>	<b><i>151,500</i></b>	
	<b>3300</b>	<b>Meetings/conferences</b>										
	3301	Inception Workshop				100,000	<b>100,000</b>	100,000			<b>100,000</b>	16
	3302	Closing workshop				70,000	<b>70,000</b>			70,000	<b>70,000</b>	17
	3304	Expert Consultant Travel			20,000		<b>20,000</b>	20,000			<b>20,000</b>	18
	3399	<i>Sub-total</i>			<i>20,000</i>	<i>170,000</i>	<b><i>190,000</i></b>	<i>120,000</i>		<i>70,000</i>	<b><i>190,000</i></b>	
<b>3999</b>	<b>Training Component Total</b>			<b>74,000</b>	<b>25,000</b>	<b>242,500</b>	<b>341,500</b>	<b>190,000</b>	<b>65,500</b>	<b>86,000</b>	<b>341,500</b>	
<b>40 EQUIPMENT &amp; PREMISES COMPONENT</b>												
	<b>4100</b>	<b>Expendable Equipment</b>										
	4101	Office supplies, PSC and communication				10,000	<b>10,000</b>	4,000	3,000	3,000	<b>10,000</b>	19
	4102	Audiovisual support		2,000			<b>2,000</b>	1,000	500	500	<b>2,000</b>	20
	4199	<i>Sub-total</i>		<i>2,000</i>		<i>10,000</i>	<b><i>12,000</i></b>	<i>5,000</i>	<i>3,500</i>	<i>3,500</i>	<b><i>12,000</i></b>	
	<b>4200</b>	<b>Non-expendable equipment</b>										
	4201	IT Support				8000	<b>8000</b>	4000	2000	2000	<b>8000</b>	21
	4299	<i>Sub-total</i>				<i>8000</i>	<b><i>8000</i></b>	<i>4000</i>	<i>2000</i>	<i>2000</i>	<b><i>8000</i></b>	

4999	Equipment Component Subtotal		2,000		18,000	20,000	9,000	5,500	5,500	20,000	
50	<b>MISCELLANEOUS COMPONENT</b>										
	5100	<i>Operation and maintenance of equipment</i>									
	5101	-									
	5199	<i>Sub-total</i>									
	5200	<i>Reporting costs</i>									
	5201	PIR and Steering Committee reports			1,500	1,500	500	500	500	1,500	22
	5299	<i>Sub-total</i>			1,500	1,500	500	500	500	1,500	
	5300	<i>Sundry</i>									
	5301	PMC (10%)			160,232	160,232	53,410	53,411	53,411	160,232	23
	5399	<i>Sub-total</i>			160,232	160,232	53,410	53,411	53,411	160,232	
	5400	<i>Hospitality and entertainment</i>									
	5401	-									
	5499	<i>Sub-total</i>									
	5500	<i>Evaluation</i>									
	5501	Audit fees			15,000	15,000	5,000	5,000	5,000	15,000	24
	5502	Mid-term review			40,000	40,000		40,000		40,000	25
	5503	Terminal report			30,000	30,000			30,000	30,000	26
	5599	<i>Sub-total</i>			85,000	85,000	5,000	45,000	35,000	85,000	
5999	Miscellaneous Component Total				246,732	246,732	58,910	98,911	88,911	246,732	
99	GRAND TOTAL	55,000	410,000	601,000	696,557	1,762,557	660,685	554,686	547,186	1,762,557	

## Budget Notes

1. Capacity Development Officer position to provide and coordinate capacity-building activities for participating countries. Total package approx \$366k over 3 years (\$121,923 Y1 + \$114,199 Y2 + \$129,876 Y3). Component 1: 6% FTE for Y1, Y2, Y3 (output 1.2.1 and 1.3.1). Component 2: 50% FTE for Y1, 20% Y2, 20% Y3 (outputs 2.1.3 and 2.1.6). Component 3: 25% FTE y1, 85% Y2, 75% Y3 (outputs 3.1.2, 3.1.3 and 3.1.4). Component 4: 5% FTE Y1, Y2, Y3 (output 4.1.3, 4.1.4).
2. Legal Officer position to provide and coordinate legal and drafting assistance for participating countries. Total package approx \$498k over 3 years (\$161,456 Y1 + \$158,461 Y2 + \$177,169 Y3 as at Nov 2014). Component 1: 20% FTE for Y1 (output 1.1.1). Component 2: 50% FTE for Y1, 10% Y2, 20% Y3 (outputs 2.1.1, 2.1.2 and 2.1.6). Component 3: 40% FTE for Y1, 65% Y2, Y3 (outputs 3.1.1, 3.1.2, 3.1.3, 3.1.4 and 3.1.5). Component 4: 5% FTE for Y1, Y2, Y3 (output 4.1.2, 4.1.5).
3. Technical support position to provide technical support including monitoring, evaluation and reporting (output 4.2.1). Locally recruited position.
4. Part time finance position to provide financial reporting assistance (output 4.2.1).
5. IT Support for help desk function, builds on existing services available at SPREP (output 1.3.1).
6. Public awareness/training materials to support communication avenues between participating countries (component 1.3.1, approx. \$4k) and to raise awareness with TK holders and other stakeholders at national level (component 3, approx. \$1100 per country).
7. Drafting instructions for 9 participating countries without a legal framework @ approx. \$5000 each.
8. Translation costs of material for TK holders, approx. \$1100 per country.
9. Primarily to be conducted using electronic communication, budget covers regular teleconference costs.
10. Travel of CDO to 3x subregional workshops (2.1.3), and 6x country visits (output 3.1.3) @ approx. \$3000 each (nb: 3 additional country visits may be possible concurrent with subregional workshops)
11. Travel of LO to 3x subregional workshops (2.1.3) and 10x country visits (output 2.1.2) @ approx. \$3000 each (nb: 3 additional country visits may be possible concurrent with subregional workshops)
12. DSA and travel for 4 intraregional exchange visits to promote sharing of national expertise within the region, each lasting a minimum of one week.
13. 11x national-level workshops (venue, sundries and minimal local travel costs) for countries not participating in collaborating GEF ABS MSPs @ approx. \$6545 each.
14. Component 1: Preparation of reports from subregional workshops. Component 3: Preparation of reports and materials for national workshops.

15. 3x subregional workshops (i.e. Polynesia, Micronesia, Melanesia)
16. Travel and DSA for 2 representatives from each country to attend initial workshop, plus venue and catering costs.
17. Travel and DSA for 1 representative from each country to attend final workshop, plus venue and catering costs.
18. Travel and DSA for Australasian-based international expert consultants to workshops (1 expert to initial workshop and 1 to each of the 3 sub-regional workshops)
19. Stationery supplies, publications, printing and photocopying, telephone, freight and mail services, facsimile, and promotional supplies
20. Audiovisual support for initial and final meetings (hire and technical support).
21. Includes purchase of laptop/computer in Y1 (\$3000) and internet costs, etc.
22. Printing of PIR and Steering Committee reports
23. \$160,232 PMC (10%) as provided for in PIF.
24. 3x annual audits at \$5000 each
25. Mid-term review \$25,000 plus 3 monitoring country visits (\$15000)
26. Terminal report - UNEP

**Appendix 2: Co-financing by source and UNEP budget lines**

Project title: Ratification and Implementation of the Nagoya Protocol in the countries of the Pacific Region  
 Project number: 5634  
 Project executing partner: SPREP  
 Project implementation period: 36 months  
 From: 2016  
 To: 2019  
 Source of funding: Cash and In-kind<sup>25</sup>

UNEP Budget Line		GEF	-										Organisations			Total
		Cash	Kiribati IK	Marshall Is IK	Nauru IK	Niue IK	Palau IK	PNG IK	Samoa IK	Tonga IK	Tuvalu IK	Vanuatu IK	SPREP IK	ABS-I IK	UNEP IK	
10	PERSONNEL COMPONENT		50000	50000	50000	50000	50000	50000	50000	50000	50000	50000	70000	34000	50000	654000
20	SUB-CONTRACT COMPONENT															
30	TRAINING COMPONENT		30000	30000	30000	30000	30000	30000	30000	30000	30000	30000	60000			360000
40	EQUIPMENT & PREMISES COMPONENT		20000	20000	20000	20000	20000	20000	20000	20000	20000	20000	20000			220000
50	MISCELLANEOUS COMPONENT															
99	<b>GRAND TOTAL</b>		100000	100000	100000	100000	100000	100000	100000	100000	100000	100000	150000	34000	50000	1234000

<sup>25</sup> \* A more detailed breakdown of co-financing components will be confirmed at the inception meeting.



**Appendix 3: Incremental cost analysis**

<b>Project Component</b>	<b>Baseline (B)</b>	<b>Alternative (A)</b>	<b>Increment (A) – (B)</b>
1. Baseline analysis to identify common assets (particularly relating to traditional knowledge), issues and needs between countries	Without GEF intervention, countries will not have a common understanding of shared assets. This will provide a barrier to development of collective policy at regional level.	<u>Outcome 1.1:</u> Systematic analysis of common assets/values, issues and needs between countries is undertaken and reported to regional workshops and beyond as opportunity allows. A common understanding of shared assets/values, issues and needs will be achieved within the region, as demonstrated, for example, through endorsement of a regional statement.	Knowledge base needed for effective development of national ABS policies addressed; regional Pacific ABS policy developed; roster of technical expertise available within the Pacific established; initiatives that support implementation of the Protocol with potential to advantage small island states identified.
	Without GEF intervention, generic ABS information will be available to countries, but not tailored to the needs of the region. Countries will not be able to monitor new developments and policies will be reactive rather than responsive to new developments.	<u>Outcome 1.2:</u> Emerging initiatives to implement the Nagoya Protocol are regularly monitored. Future directions of policy development for the region are identified and communicated. Policy directions are identified and communicated to targeted groups.	
	Without GEF intervention there is limited understanding of national assets in a regional context. This will hinder the ability of countries to implement ABS policies in an effective and coherent manner.	<u>Outcome 1.3:</u> Countries understand their national assets/values and requirements in a regional context. A roster of technical expertise will be established, and initiatives that support implementation of the Protocol with potential to advantage small island states will be identified.	

Project Component	Baseline (B)	Alternative (A)	Increment (A) – (B)
2. Ratification of the Nagoya Protocol	Without GEF intervention, some awareness of the importance of ratifying the Protocol will exist, but many countries will have limited or no analyses of the implications of ratification, and countries may be in non-compliance with their obligations.	<u>Outcome 2.1:</u> National authorities will take informed decisions on the ratification of the protocol and future implementation. This will be supported through preparation of national scoping studies of the existing laws and regulations related to ABS, including identification of any gaps; analysis of implications of ratification of the Nagoya Protocol for each country, public awareness workshops targeting parliamentarians and other decision-makers of the Protocol, as well as increasing understanding of the importance of genetic resources as a source of innovation/driver for benefit-sharing in the national economy; draft national ABS law/regulation/policy proposals and ratification documentation will be submitted to appropriate authorities for approval.	Knowledge gap of the legal, institutional and capacity development steps that must be fulfilled before definitive steps towards NP accession addressed, and strategy for coordinated on-the-ground ABS capacity building defined.
3. Implementation of the Nagoya Protocol establishing an enabling environment for the implementation of basic provisions of the NP	Without GEF intervention, most countries will have initial strategies for implementation of ABS measures through NBSAPs, but there will be limited capacity among stakeholders, no mechanism to support decision-makers, and no frameworks to protect TK.	<u>Outcome 3.1:</u> An enabling environment is created which will lead to the implementation of the basic provisions of the NP. This will be supported through stocktaking and assessment of capacities and systems to implement the Protocol; developing strategy and action plans for the implementation of ABS measures; building	Enabling environment created, leading to effective implementation of the basic provisions of the Nagoya Protocol, and countries on the road to taking advantage of biodiscovery and commercialization opportunities, and structure in place to support protection of the traditional knowledge.

Project Component	Baseline (B)	Alternative (A)	Increment (A) – (B)
		<p>capacity among stakeholders with particular emphasis in the Government agencies in charge of making the Protocol operational; developing supportive groundwork for countries to take advantage of biodiscovery and commercialisation opportunities under the Protocol; and developing a supportive institutional framework developed for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources.</p>	
<p>4. Regional coordination, technical support and capacity development</p>	<p>Without GEF intervention, ABS implementation will meet many obstacles and inefficiencies through duplication due to its nature as a multi-sector and multi-disciplinary theme which cuts across many different instances of government, non-government organizations, and local communities.</p>	<p><u>Outcome 4.1:</u> Countries will share information and gain from the experiences of other members of the Pacific Community. ABS activities to be jointly organized and implemented in the region and will optimize the use of resources available to the region for ABS implementation, support mutual learning between Pacific countries, maximize the return on investment, and enhance the impact of project outcomes in the best interest of the region and of the global environment. Communication mechanisms will be established which will provide the means for technical support on an ongoing basis.</p>	<p>Countries will share information and gain from the experiences of other countries, multi-stakeholder participation will be supported, mutual learning will take place between Pacific countries, and a mechanism for technical support will be established.</p>

Project Component	Baseline (B)	Alternative (A)	Increment (A) – (B)
	<p>Without strategic coordination, technical support and capacity development of all project stakeholders, the timely and quality delivery of project outputs and their mainstreaming into national ABS implementation work plans may be limited, seriously affecting anticipated project impact and sustainability.</p>	<p>Outcome 4.2: Support for one-on-one interactions between project countries, project partners, and other ABS actors in the region will facilitate the integration and mainstreaming of ABS into National Institutional Work Plans and will allow for timely coordination and oversight of project activities, with the achievement of satisfactory project performance and outputs, and ultimately a satisfactory project terminal evaluation.</p>	

## Appendix 4: Results Framework

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
1. Baseline analysis to identify common assets (particularly relating to traditional knowledge), issues and needs between countries	1.1 Countries have a common understanding of shared assets/values, issues and needs on which to base collective policy for use nationally and at regional instrument level.	1.1.1 Systematic analysis (including stocktaking and comparison) of common assets/values, issues and needs (including biological resources and applications of traditional knowledge) between countries is undertaken and reported through regional workshops.  1.1.2 Regional position is prepared and used to support international negotiations.	Number of countries for which human (e.g. cultural, institutional), biophysical (e.g. biodiversity) and TK assets have been highlighted.  Number of Pacific countries that support a regional position on shared assets/values, issues and needs.  Number of countries/meetings that make use of regional position to support international negotiations.	0 systematic analysis has been undertaken, but several countries have initiated national stocktaking activities (that may be incomplete).  0 formal common understanding on ABS, although regional meetings have identified some common issues and needs, and partner organizations, such as the ABS Capacity Initiative, have also prepared various relevant analyses of	Survey of shared assets/values, issues and needs is undertaken within the first six months of the project, including input from at least 3 stakeholder groups per country.  Analysis is delivered and discussed at regional workshops within the first year of the project (and beyond as opportunity allows).  Draft common understanding (e.g. statement, regional strategy or action plan) submitted to governments for	Analysis completed for 14 countries.  14 countries support a common understanding of shared assets/values, issues and needs is achieved within the region, as demonstrated, for example, through endorsement of a regional statement.  Common understanding is used by countries to support international negotiations, as appropriate.	Documentation on analysis methodology (e.g. national records, interviews and/or surveys used to prepare analysis, feedback from countries on analysis).  Correspondence and reports from regional workshops and other meetings considering the analysis.  Countries' endorsement of common understanding Documentation of common understanding on which to base	Participating countries are able to reach internal agreement on policy direction.  Participating countries are able to agree on a common regional policy direction.

<sup>26</sup> See stakeholder analysis for details of baseline.

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
				common issues.	endorsement during second year of the project.		collective policy (e.g. regional statement)	
	1.2 Future directions of policy development for the region are identified	1.2.1 New policy directions for individual countries and the region identified and communicated via existing means (e.g. during the execution of the project and future SPREP/UNEP support mechanisms).  1.2.2 National ABS policies reflect a common vision for the region.	Number of countries that support draft regional position on future policy development.	ABS Initiative emails are currently sent to SPREP, but no monitoring and communication specific to Pacific SIDs is undertaken.  7 Policies or draft policies have been developed (Cook Is, FSM, Fiji, PNG, Samoa, Solomon Is and Vanuatu) but they need to be updated for compliance with NP.	A review of existing initiatives that support implementation of the Protocol with potential to advantage small island states is completed within the first year.  Methods are in place to regularly monitor and identify emerging initiatives to implement the Nagoya Protocol within first six months of the project.	14 countries support policies for future direction that reflect common values and are consistent with the Nagoya Protocol.	Documentation on monitoring of future policy developments.  Analysis of national policies and regional position prepared in 1.1.1.	
	1.3 Countries understand their national assets/values and requirements in a regional context.	1.3.1 Regional mechanisms are established which provide the means for regional understanding and technical support on an	Number of experts in regional technical roster, number of countries represented, and percentage of relevant areas of expertise covered.  Number of countries with	There is no regional understanding of assets, and no central repository of technical expertise available in the region.	A communication mechanism or process is established and operational by the second year of the project, including a roster of technical expertise.	A register of regional technical expertise and initiatives to support implementation of the Protocol is established, with at least one expert	Expert roster is established, contains key expertise, and is functioning effectively (documentation, stakeholder feedback)	Technical experts in the region are willing to join a register of experts.  Access to

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
		ongoing basis.	intra-regional coordination mechanisms identified (e.g. in ABS National Work Plans, participating in expert roster)		By end of second year, at least 5 countries show regional leadership through actively coordinating between national and regional institutions, as appropriate.	from each country represented.  All participating countries are actively coordinating between national and regional institutions, as appropriate, including through participation in expert roster.  Country understanding of national assets in a regional context is increased and evident through endorsement of common understanding (linked to output 1.1).	Support for institutions and other stakeholders in making use of the roster to support implementation of the Protocol (documentation, stakeholder feedback)  Documentation showing inter-institutional coordination (correspondence, minutes, agreements, etc)	regional roster of expertise will improve country understanding of national assets.
2. Ratification of the Nagoya Protocol	2.1 National authorities take informed decisions on the ratification of the protocol and future	2.1.1 National scoping studies of the existing laws and regulations related to ABS, including identification of	Number of countries that have ratified the Protocol.  Number of national scoping studies and national frameworks reviewed to identify gaps, overlaps and implications for ratification.	Some awareness raised through NBSAP process in all countries; but limited or no analyses of implications undertaken in all	National scoping studies (or updating) of the existing laws and regulations related to ABS to be initiated in every country during the	Analysis of ABS frameworks is completed for 14 countries.  Public awareness of Parliamentarians	Reports of scoping studies of existing laws and regulations undertaken or reviewed in participating countries.	Political support exists to give priority to ratification of the Protocol.  Raising public

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
	implementation	<p>any gaps, undertaken or updated, as appropriate and analysis of the implications of ratification of the Nagoya Protocol is prepared.</p> <p>2.1.2 Public awareness workshops are held targeting parliamentarians and other decision-makers of the Protocol, as well as increasing understanding of the importance of genetic resources as a source of innovation/driver for benefit-sharing in the national economy</p> <p>2.1.3 National ABS law/regulation/ policy proposals drafted and</p>	<p>Number of Parties to the Protocol that have frameworks that are compliant with the Protocol.</p> <p>Number of NFPs and CNAs established and communicated to CBD</p> <p>Number of workshops held to raise public awareness.</p> <p>Number of participants reached through public awareness activities.</p> <p>Number of national ABS law/regulation/ policy proposals in place or submitted for approval to competent authorities.</p>	<p>countries.</p> <p>ABS implementation plan is advanced in Cook Is and Fiji, partially prepared but incomplete and/or out-of-date in Niue, Palau, Samoa, Solomon Is and Vanuatu, and no plan exists in remaining countries.</p> <p>5 participating countries have ratified the Protocol: FSM, Fiji, Marshall Is, Samoa and Vanuatu.</p>	<p>first year of the project.</p> <p>Analysis of the implications of ratification of the Nagoya Protocol completed within the first six months of the project for countries that have ratified, or within six months of ratification if it occurs after the start of the project, or at the latest within the first two years of the project if country has not yet ratified.</p> <p>Key decision-makers identified in each country (at least 3 per country) within first year of the project.</p>	<p>and other decision-makers sufficient to ensure support for ratification.</p> <p>14 countries are compliant Parties to the Protocol.</p> <p>All National policies/regulation frameworks are all consistent with the Nagoya Protocol</p> <p>All Competent National Authorities and National Focal Points designated at national level.</p> <p>All exit/entry points for checking ABS information/permissions identified.</p>	<p>Analyses of the implications of ratification undertaken in participating countries.</p> <p>Reports and public awareness materials targeting parliamentarians distributed through workshops and other means.</p> <p>Documentation on proposals/ratification/ national cost-benefit analyses/Cabinet templates</p> <p>Ratification of the Protocol and registration of CNAs/NFPs with the CBD Database</p>	<p>awareness among decision-makers will lead to ratification of the Protocol</p>



Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
		submitted for approval to competent authorities and draft documentation for ratification prepared and submitted to the appropriate authorities						
3. Implementation of the Nagoya Protocol establishing an enabling environment for the implementation of basic provisions of the NP	3.1 An enabling environment is created which will lead to the implementation of the basic provisions of the NP	<p>3.1.1 Stocktaking and assessment of capacities and systems to implement basic provisions of the NP</p> <p>3.1.2 Strategies and action plans for the implementation of ABS measures are developed or reviewed, as appropriate</p> <p>3.1.3 Enabling environment is created, including: (i) capacity among stakeholders,</p>	<p>Number of awareness-raising activities and mechanisms used to target stakeholders.</p> <p>Number of stakeholders reached by awareness-raising activities and mechanisms.</p> <p>Number of women stakeholders reached.</p> <p>Number of traditional knowledge stakeholders reached.</p> <p>Number of operational guidelines (including national strategy and action plans, policies and legal frameworks) developed for implementing ABS policies</p>	Minimal stocktaking undertaken, most countries have initial strategies for implementation of ABS measures through NBSAPs, limited capacity among stakeholders, no mechanism to support decision-makers, no frameworks to protect TK.	<p>Stocktaking to be completed within the first two years of the project.</p> <p>Key NGOs and community representatives identified in year 1.</p> <p>Initial list of information, training materials, and organisations to assist local and indigenous communities to negotiate ABS agreements identified in year 1.</p>	Stocktaking analysis completed for 14 countries, including existence of national expertise; legal aspects; traditional knowledge, national/regional research institutions; government institutions (research councils); private sector activities; differences between sectoral approaches; <i>ex situ</i> collections at national scale; IT needs; specialist laboratories;	Stocktaking document to address all relevant topics (number of countries; percentage of topics addressed). List of common stakeholders National strategy and action plans, policies and legal frameworks.. Strategies and action plans meet the requirements of the NP (percentage of requirements). ABS Tracking	Government agencies responsible for the Protocol are stable throughout the project (if not, some activities will need to be updated during the life of the project). Initiatives to support implementation have potential to advantage small island states

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
		with particular emphasis in the Government agencies in charge of making the Protocol operational; (ii) supportive groundwork for countries to take advantage of biodiscovery and commercialisation opportunities under the Protocol; and (iii) supportive institutional framework developed for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources	<p>at national level with clearly identified institutional roles and responsibilities</p> <p>Number of countries with elaborated steps for ABS under their NBSAPs or similar policy commitments.</p> <p>Number of institutional frameworks that fully respect and protect traditional knowledge, innovations and practices and customary uses of biological and genetic resources</p> <p>Percentage of local communities covered by protocols for PIC and MAT</p> <p>Percentage of bioprospecting activities undertaken in the Pacific region covered by national laws and regulations</p> <p>Number of initiatives identified to implement Protocol with potential to advantage SIDS</p>		<p>Capacity-building and legal training conducted at sub-regional capacity-building workshops [see 4.1.3] and national workshops [see 2.1.3] in years 1 and 2.</p> <p>Potential research capabilities necessary to add value to genetic resources and associated TK in the region identified in years 2 and 3.</p>	<p>compliance; bilateral communication; etc.</p> <p>14 national strategy and action plans for implementation of ABS are consistent with the Nagoya Protocol.</p> <p>14 institutional frameworks fully respect and protect traditional knowledge</p> <p>ABS capacities of key national CNAs is sufficient to implement the Protocol.</p> <p>All bioprospecting applications are covered by national laws and regulations.</p> <p>Research capabilities and</p>	<p>Tool (if available).</p> <p>Documentation on initiatives identified to implement Protocol with potential to advantage SIDS</p> <p>Documentation identifying key NGOs and community representative organisations</p> <p>Documentation on stakeholder consultations</p>	

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
						<p>potential opportunities for biodiscovery/commercialisation identified in 14 countries.</p> <p>Political support for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources is increased</p>		
4. Regional coordination, technical support and capacity development	4.1 Countries share information and gain from the experiences of other members of the Pacific Community	<p>4.1.1 Two regional meetings completed at the beginning and end of the project (inception and training in the first meeting for focal points; second meeting for reviewing progress and planning future activities)</p> <p>4.1.2 Provisional measures in</p>	<p>Number of regional and sub-regional meetings held.</p> <p>Number of focal points, and national/regional institutions represented at the regional meetings.</p> <p>Number of provisional measures identified to support countries in situations where national legal framework is not in place post ratification.</p> <p>Number of country representatives involved in sharing lessons learned and</p>	<p>No provisional measures in place for interim implementation.</p> <p>No regional technical support mechanism for implementing the Nagoya Protocol (SPREP provides <i>ad hoc</i> support in some instances), however information exchange has taken place at regional</p>	<p>Two regional meetings completed at the beginning and end of the project</p> <p>Countries that have ratified but are not in compliance with the protocol identified in first year.</p> <p>Provisional measures identified to support</p>	<p>All countries in compliance with the Nagoya Protocol</p> <p>Country capacity to implement the Nagoya Protocol improved through intraregional learning</p> <p>Key information and technical support are produced and shared with stakeholders</p> <p>Institutions and</p>	<p>Documentation of 2 regional meetings, including agenda and reports, etc</p> <p>Documentation of 3 sub-regional workshops</p> <p>Documentation and feedback on communication platform</p>	<p>Regional cooperation will continue during the life of the project.</p> <p>Participating countries are willing and able to access mechanisms for technical support.</p>

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
		<p>place to ensure interim implementation of the Nagoya Protocol post ratification in situations where national legal framework is not yet in place</p> <p>4.1.3 Information and experience exchange on development and implementation of the Nagoya Protocol takes place, especially mutual learning between Pacific countries.</p>	<p>best practices</p> <p>Number of joint ABS activities/ collaborations undertaken by key stakeholders in the region</p> <p>Number of countries using the ABS Clearing-House as an information exchange and monitoring mechanisms</p> <p>Number of intraregional visits (including south-south country expert exchanges)</p> <p>Participation of SIDS and regional experts at sub-regional meeting</p>	workshops under the ABS Initiative, and other mechanisms exist at SPREP to facilitate information dissemination and sharing including MEA CHM, PIPAP and PEIN <sup>27</sup> )	countries in situations where national legal framework is not in place post ratification within six months of ratification process.	stakeholders trained how to use different tools available to access technical support		
	4.2 Effective management and delivery of projects meeting agreed measurable outputs and indicators.	4.2.1 Technical support provided to the project, including monitoring, evaluation and all reporting including financial	<p>Number of project coordination and oversight meetings held.</p> <p>Number of recommendations for improved project delivery generated during M&amp;E activities.</p>	0	At least one coordination and oversight meeting (virtual or physical) held by project mid-term, to reach agreements and provide inputs to project	At least three coordination and oversight meetings held by project mid-term, to reach agreements and provide inputs to project implementation	Mid-term and terminal evaluation reports Documentation of stakeholder engagement. Feedback from parallel project	Regional cooperation will continue during the life of the project.

<sup>27</sup> Pacific Environment Information Network holds information from countries and other sources (<https://www.sprep.org/pacific-environment-information-network/pein>)

Project Component	Desired Outcome	Expected Outputs	Indicators	Baseline <sup>26</sup>	Mid-Term Targets	End Project Targets	Verification Method	Assumptions
			<p>Percentage of project beneficiaries that express satisfaction with project results, management and technical assistance.</p> <p>Percentage of women involved in implementation, e.g. number of staff, consultants.</p> <p>Ratings received during project reviews and evaluations.</p>		implementation within first year	<p>within first year</p> <p>At least 70% of project participants express satisfaction with the project results, management and technical assistance.</p> <p>The terminal evaluation shows project obtained satisfactory results and completed at least 80% of planned activities.</p>	partners and participating countries.	

## Appendix 5: Work Plan and Timetable

### COMPONENT 1: Baseline analysis to identify common assets (particularly relating to traditional knowledge), issues and needs between countries

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
<p>1.1 Countries have a common understanding of shared assets/values, issues and needs on which to base collective policy for use nationally and at convention or regional instrument level.</p> <p>Indicators:            Number of countries with assets highlighted            Number of common issues /needs identified            Number of countries that support regional position            Regional position is used to support countriesd</p>	<p>1.1.1 Systematic analysis of common assets/values, issues and needs between countries is undertaken and reported to regional workshops .</p> <p>1.1.2 Regional position is prepared and used to support international negotiations.</p> <p>Notes:            Country assets are both human (cultural, institutional) and bio-physical (e.g. biodiversity). Existing information should include the logframe prepared at the 2014 SPREP Inception Workshop in Nadi.            Should be conducted in parallel with stocktaking exercise (Output 3.1.1), and be informed by regional meetings (Output 4.1.1).            These activities are intended to establish a baseline of what countries and the region has available.            The regionally consistent approach may take the form of a regional</p>	1. Collate available information	X			Legal Officer (LO) <sup>28</sup>	LO salary
		2. Prepare written analysis	X			LO	National governments in-kind
		3. Send analysis to countries for comments	X			Project Management Unit (PMU)	SPREP In-kind
		4. Share analysis at regional meeting	X			PMU	
		5. Prepare a regionally consistent approach to ABS	X			LO	
		6. Discuss and endorse regional statement/ common understanding at regional workshop	X			National Governments	
		7. Submit to Ministerial level meeting for endorsement		X		PMU	

<sup>28</sup> Legal Officer total package approx. USD\$500,000 over 3 years (\$161,456 Y1 + \$158,461 Y2 + \$177,169 Y3 as at Nov 2014)

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	<p>statement, for example.</p> <p>This output will also form the basis of an identity or vision or selling point for the region.</p> <p>The ToR will need to capture these different objectives so that the Regional Statement can be used, for example, as the basis for developing a Regional MOU if required</p> <p>Regional arrangements in the fisheries sector (eg FFA; PNA; fisheries treaties) in relation to sharing of benefits could be used as an initial template.</p> <p>Regional statement should endorse the Protocol while reflecting the principle that compliance obligations should be proportionate to the level of use.</p>						
<p>1.2 Future directions of policy development for the region are identified</p> <p>Indicators:</p> <p>Countries support common future policies</p> <p>National policies are consistent with NP and</p>	<p>1.2.1 New policy directions for individual countries and the region identified and communicated via existing means (e.g. during the execution of the project and future SPREP/UNEP support mechanisms).</p> <p>1.2.2 National ABS policies reflect a common vision for the region.</p> <p>Notes:</p>	<p>1. Regularly monitor rapidly emerging NP implementation initiatives by governments, industry and science community that are relevant to the Pacific.</p> <p>2. Provide regular advice on relevant developments to NFP, NCA, and stakeholders within region.</p>	X	X	X	Capacity Development Officer (CDO) <sup>29</sup>	CDO Salary
			X	X	X	CDO	

<sup>29</sup> Capacity Development Officer total package approx. USD\$366,000 over 3 years (\$121,923 Y1 + \$114,199 Y2 + \$129,876 Y3)

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
common position	<p>Make use of existing information sources such as the ABS Initiative Bulletin</p> <p>Consider establishing a SPREP NP Bulletin for NFPs and CNAs in Pacific SIDS.</p> <p>Communication mechanism under Output 1.3.1 may be used.</p>						
<p>1.3 Countries understand their national assets/values and requirements in a regional context</p> <p>Indicators: Roster of regional expertise prepared with at least one technical expert from each country included. Intra-regional coordination mechanisms identified.</p>	<p>1.3.1 Regional mechanisms are established which provide the means for technical support on an ongoing basis</p> <p>Notes: Regional roster is intended to emphasize ‘South-South’ expertise sharing, and to include SPREP expertise. Design could be based on RTSM developed by the Climate Resilience Project, as well as the Invasive Alien Species register attached to the Global Invasive Species Database. A policy on how to use the register is likely to need to address how to access the roster</p>	1. Develop a register of regional technical expertise (including preparing a list of relevant expertise, initiatives to support implementation, and sending invitations to countries/institutions for details to register their experts)	X			CDO	CDO salary
		2. Develop a policy for use of the register	X			CDO	
		3. Identify initiatives that support implementation of the Protocol with potential to advantage Pacific small island states	X	X	X	CDO	



Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	(e.g. are names publicly available, compensation considerations, etc.) Initiatives to support implementation are likely to include: developed country legislative compliance measures; codes of conduct; best practices; model clauses and contracts; and policies of <i>ex situ</i> collections, industry sector and scientific community initiatives	4. Share information to support regional understanding, e.g. lessons learned and initiatives to support implementation, through the regional communication mechanism	X	X	X	CDO	

## COMPONENT 2: Ratification of the Nagoya Protocol

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
2.1 National authorities take informed decisions on the ratification of the protocol and future implementation  Indicators: Scoping study and analyses completed Increase in public awareness CNAs and NFPs designated National ABS systems	2.1.1 National authorities take informed decisions on the ratification of the protocol and future implementation  Notes: Gap analysis to look at linkages between legal/policy frameworks and national scientific/technological innovation policies, research and development at sectoral level, capacities of indigenous and local communities to negotiate ABS agreements, etc.  Budget for scoping study is anticipated to be provided on an <i>ad</i>	1. Determine approximate point of national progress for each country	X			LO in consultation with National Governments	LO Salary
		2. Prepare or update, as appropriate, national scoping study of existing laws and regulations relating to ABS	X			National Governments	National governments in-kind

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
consistent with the Protocol	<p><i>hoc</i> basis to assist those countries that have not yet completed a national scoping study</p> <p>Intended to be completed in the second half of the first year of the project.</p> <p>This feeds into Output 2.1.4.</p> <p>Country assets are both human</p>						
	<p>2.1.2 Analysis of the implications of ratification of the Protocol</p> <p>Notes:</p> <p>Generic analyses have been prepared by international organizations such as CBD.</p> <p>Analysis will need to consider managing expectations for governments and stakeholders.</p> <p>Identified local adaptations should reflect principle of proportionality.</p> <p>Incorporate Regional Statement (Output 1.1.1), as there may be an early need for an MOU regarding equitable sharing of benefits if business moves fast.</p> <p>Development of a common regional approach with common legislative provisions could help streamline ABS across the region</p> <p>National analyses of the implications of ratification of the Nagoya Protocol to be completed</p>	<p>1. Share existing analyses of implications of ratification and identify opportunities and issues of particular importance to Pacific SIDS, e.g. compliance costs</p>	X			LO	<p>LO Salary \$39,000 for nine country visits</p> <p>National governments in-kind</p>
		<p>2. Identify for each country's consideration appropriate adaptations for local conditions.</p>	X			LO	
		<p>3. Prepare a template Cabinet paper and related documentation that can be used to assist countries to inform Parliaments and Cabinet</p>	X			LO	
		<p>4. Prepare an indicative cost-benefit analysis methodology</p>	X			LO	
<p>5. Prepare national analysis of implications as required to support national ratification of the NP</p>	X	X	X	National Government Representatives			

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	within the first two years of the project for countries that have not yet ratified; for countries that have ratified, implications of ratification to be completed within first six months of the project (or within six months of ratification if it occurs after the start of the project). Analysis to include capacity of key agencies to implement the Protocol.						
	2.1.3 Public awareness workshops targeting parliamentarians and other decision-makers of the Protocol, as well as increasing understanding of the importance of genetic resources as a source of innovation/driver for benefit-sharing in the national economy. Notes: Stakeholders may include public administrators and TK holders Identify opportunities to share South-South learning, e.g. from national MSPs in Fiji and Cook Islands Build on previous work by ABS Capacity Initiative (avoid duplication) Trends may be measured through stakeholder surveys Sub-regional public awareness workshops may be combined with	1. Identify at least 3 key decision-makers at national level in each participating country, ensuring active involvement of women	X			National Government Representatives	CDO Salary  National governments in-kind
		2. Collect existing public awareness materials and select those most applicable to region for distribution to stakeholders	X	X	X	CDO	\$72,000 (9 national workshops)
		4. Hold 9 national workshops in countries that have not yet ratified to consult stakeholders and reach consensus to ratify Protocol [combine with outcome 3.1.3]	X	X	X	LO	
		4. Measure trends in support for NP and/or understanding of importance of genetic resources as a source of innovation.			X		

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	capacity-building workshops for cost efficiency and back-to-back workshops hosted by other agencies						
	2.1.4 National ABS law/regulation/ policy proposals drafted and submitted for approval to competent authorities and draft documentation for ratification prepared and submitted to the appropriate authorities Notes: This may build on existing or previous laws. Stakeholder consultation should reflect input from public awareness workshops (see Output 2.1.3) Legal drafting costs may be reduced by the project assisting with preparing ABS drafting instructions for the legislative drafter. Draft documentation will usually be prepared through Foreign Affairs, the government's legal office (Attorney-Generals) and the sponsoring ministry (typically the environment portfolio). If countries do not yet have the capacity to use the ABS-CH to establish IRCCs, a regional support mechanism may be required.	1. Draft detailed ABS policy proposal for to submission to Cabinet for approval	X	X	X	National Government with support from LO	LO salary \$45,000 drafting (\$5000 per country for 9 countries) National government in-kind
		2. Prepare drafting instructions Prepare a draft national law in consultation with relevant stakeholders	X	X	X	Consultant/ National Government	
		3. Review draft to ensure compliance with NP - including recognizing the core ABS principles of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) including the fair and equitable sharing of benefits and establishing user measures	X	X	X	National Government with support from LO	
		4. Submit laws etc. for approval to appropriate authorities	X	X	X	National Government	
		5. Establish CNA	X	X	X	National Government	
		6. Deposit instrument of ratification, accession, acceptance or approval with the Depositary. Advise CBD details of NFP and CNA (and national publishing authority, if appropriate).	X	X	X	National Government	

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
		7. Confirm countries have capacity to use the ABS Clearing-House and establish internationally recognized certificates of compliance	X	X	X	CDO	CDO Salary

COMPONENT 3: Implementation of the Nagoya Protocol establishing an enabling environment for the implementation of basic provisions of the NP

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
<p>3.1 An enabling environment is created which will lead to the implementation of the basic provisions of the NP</p> <p>Indicators: Analysis undertaken Common position agreed Strategy and action plans for implementation for ABS measures are consistent with the NP Interim NP compliance achieved for countries</p>	<p>3.1.1 Stocktaking and assessment of capacities and systems to implement basic provisions of the NP.</p> <p>Notes: Stocktaking to include existence of national expertise; legal aspects; traditional knowledge, national/regional research institutions; government institutions (research councils); private sector activities; differences between sectoral approaches; <i>ex situ</i> collections at national scale; IT needs; specialist laboratories; compliance; bilateral communication; etc. Stocktaking of expertise may feed</p>	1. Prepare stocktaking document of capacities at national level for each participating country	X	X		CDO in consultation with National Governments	CDO Salary National governments in kind

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
<p>that have not yet put legal framework in place</p> <p>Government agencies make the Protocol operational</p> <p>Indigenous and local communities are engaged in the legal, policy and decision-making process</p>	<p>in to the expert roster in Output 1.3.2.</p> <p>Assessment of ABS capacities of key national CNAs and related agencies could make use of the GEF ABS Tracking Tool (if available).</p> <p>Priority within first six months for countries that have ratified NP or within 6 months of ratification, or first 2 years for countries that have not ratified</p> <p>A regional MOU could cover benefit-sharing arrangements with those Pacific SIDS who are early implementers of the NP and lessons learned from them. This may include sharing non-financial benefits, including new scientific biodiversity knowledge particularly where species are common across Island groups.</p>						
	<p>3.1.2 Strategy and action plans for the implementation of ABS measures are developed or reviewed, as appropriate.</p> <p>Notes:</p> <p>To minimize costs this may be done in concert with other SPREP activities. E.g. An ABS country visit may coincide with national meetings on NBSAPs, etc.</p>	<p>1. Consult with each country on the integration of ABS frameworks with their NBSAPs and Aichi Target strategy or roadmaps</p>	X	X	X	LO and CDO	LO Salary CDO Salary National governments in kind

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget	
			Y1	Y2	Y3			
	<p>3.1.3 Enabling environment created, including</p> <p>(i) building capacity among stakeholders with particular emphasis on the Government agencies in charge of making the Protocol operational</p> <p>Notes:</p> <p>To minimize costs these activities may be done in concert with other SPREP activities.</p> <p>Sub-regional capacity-building workshops may be combined with public awareness workshops for cost efficiency</p> <p>Capacities could be measured using the ABS Tracking Tool, if available.</p> <p>(ii) Supportive groundwork laid for countries to take advantage of biodiscovery and commercialisation</p> <p>Notes:</p> <p>This element may not be required in all countries, particularly those that are in early stages of implementation, but it will provide for those countries that are more advanced and will make use of expertise and lessons learned during the implementation of concurrent national MSPs.</p>	1. Prepare list of common stakeholders and circulate to national governments, ensuring inclusion of women's organizations where possible	X			CDO and LO	LO Salary CDO Salary National governments in kind	
		2. Identify stakeholders at local level	X			National Governments		
		3. Measure management capacities for implementation of Protocol and institutional capacity for management of ABS	X			National Governments/ Consultant		
		4. Conduct capacity-building and legal training at sub-regional capacity-building workshops [see 4.1.3] and national workshops [2.1.3] and visits [combined with 2.1.3]	X	X		CDO		
		5. Review existing and emerging initiatives and opportunities for biodiscovery projects ('ABS incubators'), and contact the implementing organisations to encourage and facilitate their undertaking biodiscovery with countries in the region		X	X	CDO		CDO salary
		6. Identify potential research capabilities necessary to add value to genetic resources and associated TK in the region		X	X	CDO in collaboration with National Governments		

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	<p>Review of existing activities should include KIOST, USP, SIDS Partnerships list, Fiji and Cook Islands MSPs, etc.</p> <p>(iii) Supportive institutional framework developed for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources</p> <p>Notes:</p> <p>Links could include the new PIFS/WIPO project (Shiu Raj) and recently concluded SPC project (Elise Huffer).</p> <p>List of key NGOs could build on existing lists maintained by UNDP and other organisations.</p> <p>Workshop participants could be surveyed to determine changes in capacity.</p>	7. Identify regional mechanism for ongoing identification of future developments with ABS policy implications			X	CDO	<p>CDO salary \$42,000 translation of material for TK holders</p> <p>National governments in kind</p>
		8. Share information about relevant initiatives and guidance on engaging Indigenous and local community stakeholders in the legal, policy and decision-making process	X	X	X	CDO	
		9. Identify key NGOs and community representative organisations and invite them to regional and sub-regional workshops	X	X	X	CDO in collaboration with national governments	
		10. Assemble information and training materials and identify government departments and NGOs that may assist indigenous and local communities to negotiate ABS agreements	X	X	X	CDO	
		11. Document stakeholder consultations	X	X	X	National Governments	

COMPONENT 4: Regional coordination, technical support and capacity development

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
4.1 Countries share	4.1.1 Two regional meetings	1. Hold regional inception and	X			PMU	\$100,000



Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
<p>information and gain from the experiences of other members of the Pacific Community. Countries are capable of meeting basic provisions of the NP</p> <p>Indicators:</p> <p>Two regional meetings held</p> <p>Regional coordination, technical support and capacity development provided</p>	<p>completed at the beginning and end of the project (inception and training in the first meeting for focal points). Second meeting for reviewing progress and planning future activities</p> <p>Notes:</p> <p>Tasks include sending invitations, arranging travel, preparing meeting documents, writing reports, etc.</p> <p>Meeting to be held approx. 6 months after start of project</p>	<p>training meeting for two attendees (including focal point) from each country.</p> <p>2. Hold regional final meeting for one focal point from each country to review progress and plan future activities.</p>					
	<p>4.1.2 Provisional measures in place to ensure interim implementation of the Nagoya Protocol post ratification in situations where national legal framework is not yet in place.</p> <p>Notes:</p> <p>Urgent action may be required in some countries to identify administrative or policy action and existing laws which allow a country to comply with the NP while specific ABS laws are being prepared and implemented.</p>	<p>1. Put measures in place to ensure interim implementation of NP post ratification if national legal framework not yet in place. E.g. develop an alternative administrative mechanism for countries with limited capacities to temporarily delegate administrative functions for PIC and IRCC compliance to another body.</p>	X	X		LO/ National Governments	LO salary National governments in kind
	<p>4.1.3 Information and experience exchange on development and implementation of the Nagoya</p>	<p>1. Coordinate approx. four South–South country expert exchanges.</p>		X	X	CDO/LO	\$20,000 for 4 visits

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	<p>Protocol takes place, especially mutual learning between Pacific countries</p> <p>Notes:</p> <p>Early implementer likely to be the Cook Islands. Recipient country to be determined by need and relevance.</p> <p>Information exchange may occur through regional communication and technical support mechanism established to support national decision-makers in Pacific Island countries on issues related to implementation of the Nagoya Protocol</p> <p>Support mechanism could involve 'help desk' functionality, with an operator versed on ABS and able to point to external sources of technical expertise where SPREP is unable to provide such advice.</p> <p>Review of existing activities should include KIOST, USP, SIDS Partnerships list, Fiji and Cook Islands MSPs, etc.</p> <p>Information to support regional context may include the policy directions identified under 1.2.1, the tools identified in Output 1.3.2, and the information shared under Output 4.1.2.</p> <p>Review may take the form of a</p>	2. Draw on regional expertise (e.g. Australia, NZ) through bringing international experts to attend regional meeting and sub-regional workshops to conduct training		X	X	CDO/LO	\$20,000
		2. Hold 3 sub-regional workshops to exchange experience of implementation	X	X	X	LO/CDO	\$55,500
		2. Circulate Pacific country best practices and lessons learned to participating countries.	X	X	X	CDO	PO salary
		3. Review ABS agreements in Pacific region to assess value of benefits shared, e.g. monetary, establishment of infrastructure, tech transferred, research results shared, etc.			X	LO	LO salary
		4. Determine needs for communication mechanism	X			CDO	CDO Salary as above
		5. Develop and operate an administrative support mechanism for assisting countries with technical and capacity needs related to ad hoc operational issues; to facilitate countries' use of the ABS Clearing-House Mechanism and provide access to information and support compliance under the Protocol; and to support dialogue between policy makers	X	X	X	CDO	\$5,000 (IT costs)  \$4,000 (printing public awareness materials)

Outcome & Indicators	Expected Output	Planned Activities	Timeframe			Responsible Party	Budget
			Y1	Y2	Y3		
	questionnaire, survey, usage statistics, etc	and stakeholders to ensure clarity and certainty for users and providers of genetic resources.					
		6. Assist institutions and stakeholders in access and use of the communication/support/information exchange mechanism		X		CDO	
4.2 Effective management and delivery of projects meeting agreed measurable outputs and indicators	4.2.1 Technical support provided to the project including monitoring, evaluation and all reporting including financial	1. Prepare reports, document stakeholder engagements, invite feedback from countries and project partners, etc.	X	X	X	PMU with support from part-time Technical Assistant (TA) and Finance Assistant.	3000 (steering committee) 15000 (3x annual audits) 40000 (mid-term review, includes 3 monitoring country visits) 30,000 terminal report tech support through TA and FA

## Appendix 6: Key deliverables and benchmarks

Key Deliverable (Outputs)	Benchmark/Timetable
<i>COMPONENT 1: Baseline analysis to identify common assets (particularly relating to traditional knowledge), issues and needs between countries</i>	
Report/desk review with results on systematic analysis of common assets/values, issues and needs between countries.	Analysis to incorporate assets that are both human (cultural, institutional) and bio-physical (e.g. biodiversity) for each participating country. Assets relating to traditional knowledge to be highlighted. Issues and needs between countries to be addressed. Analysis to be delivered within first year of the project.
Regional statement/common understanding on ABS	Regional statement/common understanding to be endorsed by participating countries. Draft statement to be made available within first year of the project.
Communication mechanism	Technical support to be accessible through the communication mechanism. Mechanism to be operational by the second year of the project.
<i>COMPONENT 2: Ratification of the Nagoya Protocol</i>	
National scoping studies of existing laws and regulations relating to ABS	Scoping studies to include identification of gaps (e.g., national ABS legal/policy frameworks and linkages with national policies on scientific and technological innovation, research and development at sectoral level, capacities of indigenous and local communities to negotiate ABS agreements, etc.). Scoping study or updating process to be initiated in each country during the first year of the project. Should feed into the analysis of implications to support national ratification.
Template Cabinet paper and related documentation	Template Cabinet paper follows commonly used formats for Cabinet submissions in the region. Template to include relevant information that should be provided in the national Cabinet submissions, is logical and easy to read, and contains a guide for the consultation process. Use of template to support development of a common regional approach with common legislative provisions to streamline ABS across the region. Template to be made available within first year of the project.
Indicative cost-benefit analysis for each country	Analysis is systematic and estimates that strengths and weaknesses of alternative options for implementing the Nagoya Protocol. Should feed into the analysis of implications to support national ratification. Analysis to be made available within first year of the project.
National analyses of implications to support national ratification of the Nagoya Protocol	Analysis to be based on national scoping studies and indicative cost-benefit analyses. Analysis to include capacity of key agencies to implement the Protocol.

Key Deliverable (Outputs)	Benchmark/Timetable
	Analysis should be completed within the first two years of the project for countries that have not yet ratified; for countries that have ratified, implications of ratification to be completed within first six months of the project (or within six months of ratification if it occurs after the start of the project).
Two sub-regional public awareness workshops	A representative range of stakeholders including parliamentarians and other decision-makers to be invited. Public awareness materials to be distributed. Importance of genetic resources as a source of innovation in the national economy to be addressed. Workshops to be held in first and second years of the project.
National ABS laws/regulations/policy proposals that are in compliance with the Nagoya Protocol	National ABS laws, regulations and policy to be in compliance with the Nagoya Protocol, including recognizing the core ABS principles of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) including the fair and equitable sharing of benefits and establishing user measures. Development of proposals to be supported throughout the life of the project.
<b><i>COMPONENT 3: Implementation of the Nagoya Protocol establishing an enabling environment for the implementation of basic provisions of the NP</i></b>	
Stocktaking document of capacities at national level for each country	Stocktaking document to include existence of national expertise; legal aspects; traditional knowledge, national/regional research institutions; government institutions (research councils); private sector activities; differences between sectoral approaches; <i>ex situ</i> collections at national scale; IT needs; specialist laboratories; compliance; bilateral communication; etc.
Two sub-regional stakeholder capacity-building workshops	Workshops to focus on building capacity among stakeholders, particularly Government agencies in charge of making the Protocol operational. Early implementer of the Protocol (e.g. Cook Islands, Fiji) to be invited to present at workshop. Workshops to be held in first and second years of the project.
Register of regional technical expertise	Register includes list of relevant/required expertise and policy for use. Roster emphasizes ‘South-South’ expertise sharing. Invitations to register sent within first year of the project.
Administrative support mechanism for assisting countries with technical and capacity needs related to ad hoc operational issue	Mechanism is include support for countries’ use of the the ABS Clearing-House Mechanism, provide access to information and support compliance under the Protocol; and to support dialogue between policy makers and stakeholders to ensure clarity and certainty for users and providers of genetic resources.

<b>Key Deliverable (Outputs)</b>	<b>Benchmark/Timetable</b>
Review of existing and emerging initiatives and opportunities for biodiscovery (‘ABS incubator’) projects	Review to include developed country legislative compliance measures; codes of conduct; best practices; model clauses and contracts; and policies of <i>ex situ</i> collections, industry sector and scientific community initiatives.
List of key NGOs and community representative organizations	List to facilitate participation of Indigenous and local community representatives in developing a supportive institutional framework for protecting traditional knowledge, innovations and practices and customary uses of biological and genetic resources.
<b><i>COMPONENT 4: Regional coordination, technical support and capacity development</i></b>	
Two regional meetings	First meeting to address inception and training for focal points, to be held in first year of the project. Second meeting to review progress and plan future activities, to be held in the third year of the project.
Provisional measures to ensure interim implementation of the Nagoya Protocol post ratification in situations where national legal framework is not yet in place	Measures to ensure countries are in compliance with the Nagoya Protocol while specific ABS laws are being prepared and implemented.
Review of ABS agreements in Pacific region to assess value of benefits shared.	Review to consider monetary and non-monetary benefits (e.g. establishment of infrastructure, tech transferred, research results shared, etc.)

**Appendix 7: Costed M&E plan.**

<b>M&amp;E Activity</b>	<b>Responsibility</b>	<b>Timeframe</b>	<b>Budget</b>
Inception workshop/meeting	Project coordinator, national coordinators, SPREP, UNEP and collaborating partners	Within 6 months of project approval	US \$100,000.00 (includes 2 attendees from each country)
Project steering committee meetings (virtual)	Executing agencies, Project coordinator	At start of project After first six months At start of second year After first 18 months At start of third year At end of project	US \$3,000.00 (\$1,000 pa for telephone and internet meeting costs)
Project steering committee reports	Project coordinator with input from partners	At start of project At start of second year At start of third year At end of project	US \$1,500.00 (\$500 pa for printing and distribution of reports)
Annual audits	Executing agency	At end of first year At end of second year At end of third year	US \$15,000 (\$5000 pa)
Mid-term review (3 weeks FTE) + Project monitoring (visit 3 countries)	PMU	During second year	US \$25,000 (review) plus US \$25,000.00 (3 country visits)
Operational reports to UNEP	Executing agencies	Half-yearly progress reports; Project Implementation Reviews (annual); Project Review (as and if required) Quarterly financial reports	From co-financing
UNEP terminal	UNEP evaluation office	3 months prior to end of	US \$30,000.00

evaluation	and UNEP task manager	project	
Project final report	Project coordinator, executing agencies	Within 3 months of project completion	From co-financing



## Appendix 8: Summary of reporting requirements and responsibilities

M&E Activity	Responsibility	Timeframe
Inception workshop/meeting	Project coordinator, national coordinators, SPREP, UNEP and collaborating partners	Within 6 months of project approval
Project steering committee meetings (virtual)	Executing agencies, Project coordinator	At start of project After first six months At start of second year After first 18 months At start of third year At end of project
Project steering committee reports	Project coordinator with input from partners	At start of project At start of second year At start of third year At end of project
Annual audits	Executing agency	At end of first year At end of second year At end of third year
Mid-term review (3 weeks FTE) + Project monitoring (visit 3 countries)	PMU	During second year
Operational reports to UNEP	Executing agencies	Half-yearly progress reports; Project Implementation Reviews (annual); Project Review (as and if required) Quarterly financial reports
UNEP terminal evaluation	UNEP evaluation office and UNEP task manager	3 months prior to end of project
Project final report	Project coordinator, executing agencies	Within 3 months of project completion

## Appendix 9: Decision-making flowchart and organizational chart

228. This project will be operated under the supervision of UNEP as Implementing Agency, and SPREP as Executing Agency.

229. The **Project Steering Committee (PSC)** is proposed to serve as the project's coordination and decision-making body. It will be responsible for making management decisions for a project in particular when guidance is required by the Project Manager. The PSC will play a critical role in project monitoring and evaluations by quality assuring these processes and products, and using evaluations for performance improvement, accountability and learning. It will ensure that required resources are committed and will arbitrate on any conflicts within the project or negotiate a solution to any problems with external bodies. In addition, it will approve the appointment and responsibilities of the Project Manager and any delegation of its Project Assurance responsibilities. Based on the approved Annual WorkPlan, the PSC can also consider and approve the quarterly plans (if applicable) and also approve any essential deviations from the original plans.

230. The following composition of the PSC for the project is proposed:

- Representative from the Lead Implementing Agency (UNEP)
- Representative from the Lead Executing agency (SPREP, the Project Manager)
- Representatives from each subregion/collaborating GEF MSPs (i.e. Polynesia, Micronesia, Melanesia)
- Representative from partner and co-financing organisations (i.e. ABS Initiative)

231. The Terms of Reference (ToR) for the PSC will be adopted at its first meeting. Draft ToR for its consideration will include:

- Appraise the overall project work plan and progress
- Provide policy and strategic oversight and support to the implementation of the project.
- Review and approve project's annual workplans, as well as other project planning and implementation instruments.
- Appraise project issues and risks and advice on measures to resolve these
- Provide inputs to the project's annual and PIR reports.
- Support project and/or consultant evaluation(s), as applicable.
- Promote the project to potential partners
- Any other relevant task as applicable.

232. The **Project Management Unit (PMU)** will be managed directly by the SPREP ABS Project Manager (role to be performed by the Biodiversity Adviser) while legal advice and guidance to be provided by the SPREP Legal Advisor. The PMU will be supported by the ABS Capacity Development Officer, ABS Legal Officer, ABS Project Technical Assistant and the Finance Assistant. The PMU will be responsible for expediting the facilitation of approved activities and outputs as specified in the project document. Reporting on the progress of the project will be conducted by the PMU to the PSC.

233. The PMU will manage all project reporting requirements and ensure their timely submissions to UNEP, including administration and financial, contractual and documental management of the project. It will also manage and administer operations of the project and facilitate implementation of national and regional activities in collaboration with participating countries, relevant organizations and partners. The PMU will also carry out a programme of regular monitoring visits to project participating countries and a

schedule of regional stakeholder meetings being hosted by participating countries on a rotation basis, to share experiences and visit each other's pilot sites.

234. The **Project Manager** will provide guidance, oversee and monitor the co-ordination and management of the project. The ToR of the Project Manager will include:

- Provide overall supervision of the project and manage the achievement of the expected outcomes within the planned budget and timeline.
- In close collaboration with the SPREP Legal Adviser, supervise the activities of the ABS Capacity Development Officer, the ABS Legal Officer, ABS Project Technical Assistant, Finance Assistant including consultants on short term contracts.
- Monitor project budgets to ensure expenditure is in line with financial targets and revise budgets as needed.
- Ensure outcomes and reports are delivered within the accepted timeframes and participate in the development of reports as required.
- As opportunities permit, collaborate with project partners to ensure smooth delivery of outcomes and and network with potential partners to take advantage of future opportunities.

235. The **ABS Capacity Development Officer** will carry out the co-ordination and administrative management of the activities, contracts and reports associated with the project. The ToR of the Capacity Development Officer will include:

- Undertake stocktaking and assessment of Pacific country capacities to implement the Nagoya Protocol
- Regularly monitor emerging ABS implementation initiatives that are relevant to the Pacific region, and provide advice on these to stakeholders
- Establish and maintain communications with Pacific countries regarding project implementation and related topics
- Run regional public awareness and capacity development workshops and assist the Legal Officer to hold national workshops.
- Develop and operate a regional support mechanism (e.g. create a register of experts, develop a communication/help desk mechanism, support dialogue between stakeholders, identify potential research capacities.)
- Provide capacity-building support for the inception and final meetings for the project.

236. The **ABS Legal Officer** will provide technical and legal advice relating to relevant activities, contracts and reports associated with the project. The ToR of the ABS Legal Officer will include:

- Provide advice to the Project Manager and the SPREP Legal Adviser on technical and legal aspects of the of the project.
- Undertake a systematic analysis of common assets, issues and needs of participating countries, and report on the outcomes.
- Assist governments to prepare or update national scoping studies.
- Analyse the implications of ratifying the Protocol
- Supervise a consultant preparing drafting instructions, and review draft national ABS laws/regulations/policy proposals/regulatory frameworks for compliance with the Nagoya Protocol
- Assist Parties to the Protocol to determine provisional measures to ensure interim implementation of the Protocol post ratification, if required.
- Provide technical backstopping to hired consultants and control the quality of submitted products.

- Attend national workshops where necessary to provide technical input.

237. The **ABS Project Technical Assistant** will be recruited on a full time basis sourced locally to assist the CDO and the Legal Officer to deliver related technical activities of the project. He/she will also be responsible for the administrative and reporting requirements of the project. The TOR will include:

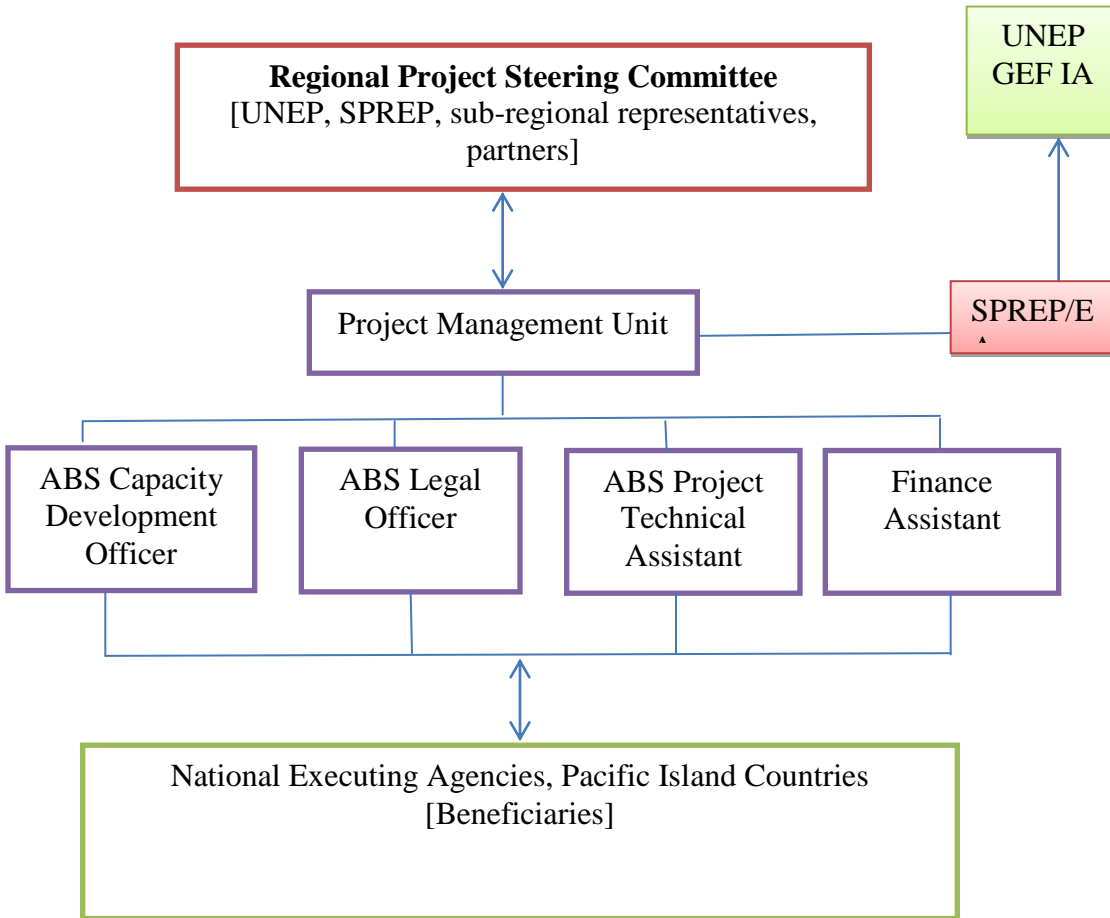
- Assist the Project Manager with the day to day administration of the project and to ensure that key reporting requirements are prepared and submitted to UNEP;
- Assist the CDO and LO to carry out related technical activities which would include undertaking research work on specific issues;
- Organise and arrange travel and logistics for meetings, workshops, training, monitoring visits and steering committee meetings;
- Facilitate and coordinate project outreach activities including setting up and maintenance of a project web page on the SPREP website
- Provide secretariat support to the project and the Steering Committee]

238. The **Project Finance Assistant** will provide financial support to the project on a part time basis working closely with the Project Manager and the Project Technical Assistant. Specifically, the Finance Assistant will undertake the following duties:

- prepare financial reporting to the UNEP per the monitoring schedule
- Ensure systematic and accurate record keeping of financial transactions between UNEP/SPREP and the regional or country projects, to standards of reporting as laid out by UNEP/DEPI and SPREP.
- Produce all project financial and expenditure reports including co-finance reports
- Review and assist with budgets revisions and allocations to ensure output delivery within budget and advising PSU of progress and emerging problems

239. The **National Executing Agencies** of the participating countries will be responsible for monitoring project management and execution at national level and will report to the Project Manager and his/her team in this regard as required.

**Project implementation arrangements - organigram**



## Appendix 10: Terms of Reference

### Draft Terms of Reference – Capacity Development Officer

<b>Project:</b>	Ratification and implementation of the Nagoya Protocol in the countries of the Pacific region.
<b>Post title:</b>	<i>Access and Benefit Sharing Capacity Development Officer</i>
<b>Duration:</b>	36 months, full-time
<b>Duty station:</b>	SPREP Office, Apia, Samoa
<b>Duties:</b>	Coordinate and manage capacity development activities, contracts and reports association with the project to ratify and implement the Nagoya Protocol in the countries of the Pacific region.

The position addresses the following key result areas:

- Undertaking stocktaking and assessment of Pacific country capacities to implement the Nagoya Protocol
- Regularly monitoring emerging ABS implementation initiatives that are relevant to the Pacific region, and provide advice on these to stakeholders
- Establishing and maintaining communications with Pacific countries regarding project implementation and related topics
- Running regional public awareness and capacity development workshops and assisting the Legal Officer to hold national workshops.
- Developing and operating a regional support mechanism (e.g. create a register of experts, develop a communication/help desk mechanism, support dialogue between stakeholders, identify potential research capacities.)
- Providing capacity-building support for the inception and final meetings for the project.

Qualifications and experience:

- Masters degree (or equivalent qualifications and experience) in social, legal, environment, capacity development and/or related fields,
- At least 5 years experience supervising, monitoring and assessing projects and/or programs, and providing capacity development support within the Pacific region.
- Thematic experience on ABS issues is desirable. Knowledge and experience of enhancing the participation of vulnerable groups, including indigenous peoples, local communities, women and youth in decision making processes is a plus.
- Experience working in multicultural and multidisciplinary environment.
- Knowledge of the Pacific region and regional institutions.
- Willing to travel within the Pacific region and internationally whenever is required.

### **Draft Terms of Reference – Legal Officer**

<b>Project:</b>	Ratification and implementation of the Nagoya Protocol in the countries of the Pacific region.
<b>Post title:</b>	<i>Access and Benefit Sharing Legal Officer</i>
<b>Duration:</b>	36 months, full-time
<b>Duty station:</b>	SPREP Office, Apia, Samoa
<b>Duties:</b>	Provide technical and legal advice relating to relevant activities, contracts and reports in association with the project to ratify and implement the Nagoya Protocol in the countries of the Pacific region.

The position addresses the following key result areas:

- Providing advice to the Project Manager on technical and legal aspects of the of the project.
- Undertaking a systematic analysis of common assets, issues and needs of participating countries, and report on the outcomes.
- Assisting governments to prepare or update national scoping studies.
- Analysing the implications of ratifying the Protocol
- Supervising a consultant preparing drafting instructions, and review draft national ABS laws/regulations/policy proposals/regulatory frameworks for compliance with the Nagoya Protocol
- Assisting Parties to the Protocol to determine provisional measures to ensure interim implementation of the Protocol post ratification, if required.
- Providing technical backstopping to hired consultants and control the quality of submitted products.
- Attending national workshops where necessary to provide technical input.

Suggested qualifications and experience:

- Masters degree (or equivalent) in Environmental Law,
- At least 5 years experience supporting the design and formulation of legal tools and policies to implement the rights based approach in conservation processes, mainly referring to the implementation of Multilateral Environmental Agreements (MEAs) particularly the Convention on Biological Diversity (CBD) and the Nagoya Protocol. Thematic experience on ABS issues is desirable.
- At least 5 years experience supervising, monitoring and assessing projects and/or programs.
- Experience working in multicultural and multidisciplinary environment.
- Willing to travel within the Pacific region and internationally whenever is required.

### **Draft Terms of Reference – Technical Assistant**

<b>Project:</b>	Ratification and implementation of the Nagoya Protocol in the countries of the Pacific region.
<b>Post title:</b>	<i>Access and Benefit Technical Assistant</i>
<b>Duration:</b>	36 months, full-time

**Duty station:** SPREP Office, Apia, Samoa  
**Duties:** Assist the Project Manager with administrative and reporting requirements for the project to ratify and implement the Nagoya Protocol in the countries of the Pacific region, and assist the capacity development officer and the legal officer to deliver related technical activities.

The position addresses the following key result areas:

- Assisting the Project Manager with the day to day administration of the project and to ensure that key reporting requirements are prepared and submitted to UNEP;
- Assisting the CDO and LO to carry out related technical activities which would include undertaking research work on specific issues;
- Organising and arranging travel and logistics for meetings, workshops, training, monitoring visits and steering committee meetings;
- Facilitating and coordinating project outreach activities including setting up and maintenance of a project web page on the SPREP website;
- Providing secretariat support to the project and the Steering Committee.

Qualifications and experience:

- At least 4 years' experience on monitoring and administering projects and/or programs in the Pacific region. Experience with GEF projects desirable.
- Thematic experience on ABS issues, Pacific regional institutions, and/or international and national policy and legislation is a plus.
- Experience working in multicultural and multidisciplinary environment.
- Knowledge of the Pacific region and regional institutions.
- Willing to travel within the Pacific region and internationally whenever is required.



**Appendix 11: Co-financing commitment letters from project partners**

Separate pdf file

**Appendix 12: Endorsement letters of GEF National Focal**

Separate pdf file

**Appendix 13: Draft procurement plan**

Goods and services procurement plan to be developed by Project Manager at least two weeks prior to the inception meeting.