



**CBD Formal SBI3 Virtual Session
SBI3 – Plenary 3 (28-30 May, 2021)**

29 May, 2021

CBD/SBI/3/14

Item 12: Specialized international access and benefit-sharing instruments in the context of Article 4, paragraph 4, of the Nagoya Protocol

I am speaking on behalf of the CBD Women Caucus

On document CBD/SBI/3/14, under this agenda item, our recommendations are as follows

Page 12, Section VI. Paragraph 4 on DRAFT RECOMMENDATIONS and the Annex on Indicative Criteria.

We propose to include as one of the fundamental criteria that no existing or to be negotiated specialized instrument may undermine, minimize or affect the rights of Indigenous Peoples and local communities established in the Nagoya Protocol.

The above recommendation is proposed taking into consideration the work under the Convention that gives recognition to indigenous peoples and local communities's rights over their traditional knowledge. As such any specialised instrument should contain a higher standard for the same.

On **specific text recommendation for Annex on Indicative Criteria in Para 4 (c)**, of Annex we propose to add at the end of the sentence, “**based on Free Prior Informed Consent, and Mutually Agreed Terms when this applies**”.

Annex

4. *Mutually supportive* — The instrument is consistent with, supportive of, and does not run counter to the objectives of the Convention on Biological Diversity and the Nagoya Protocol, including with respect to:

c) Legal certainty with respect to access to genetic resources or traditional knowledge and to benefit-sharing—**based on Free Prior Informed Consent, and Mutually Agreed Terms when this applies.**

We look for Party support for our recommendations.

Thank you Madame Chair.