

The Access and Benefit-Sharing Clearing-House (ABSCH)

Interim National Report on the Implementation of the Nagoya Protocol (NR)

PUBLISHED: 18 JUL 2018

General information

Country

[Myanmar](#)

1. Title of this national report

National Interim Report

2. Contact person

PERSON

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Institutional structures for the implementation of the Protocol

3. Has your country made the information available to the ABS Clearing-House as provided in Article 14.2?

No

Please provide a summary of the main difficulties and challenges encountered and answer all the following questions.

< Nagoya protocol was a new instruments, especially for those who just recently ratified it. Therefore, we were stilling process of establishing access and benefit- sharing (ABS) measures and appropriate institutional arrangements.>
Also it is the cross- cutting nature of the Protocol, which is relevants to many sectors, and the need to involve many actors as an important challenge for the adoption of measures and progress towards implementation.
The lack of ABS measures and institutional arrangements was considered by many as the main reason for not having made progress in the publication of mandatory information in the ABS Clearing -House, including in the constitution of the internationally recognized certifies of compliance.
The lack of human resources working on ABS , need for capacity building and raising awariness of the Protocol of all sectors.

4. Has your country taken legislative, administrative and policy measures on ABS?

No

Please provide further information

Myanmar hasn't formulated yet any domestic measures and procedure to access to genetic resources for their utilization, conditions and provisions of access and benefit sharing negotiated between the user and provider and involving other stakeholders. The Ministry of Natural Resources and Environmental Conservation has initiated ABS related projects with funding from UNEP-GEF and UNEP-China Trust Fund during 2013 and 2016, respectively, in order to build capacities in implementing CBD provisions on ABS and in developing and implementation of National ABS Framework in Myanmar. That National ABS framework is also draft. Now we will be more strengthen to develop this framework.
The National Biodiversity Strategy & Action Plan (NBSAP) of Myanmar adopted in 2011 recognized the importance of access to benefit sharing (ABS) & include consideration for ABS implementation in the country.

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5. Has your country designated a national focal point as provided in Article 13?

Yes

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6. Has your country designated one or more competent national authorities as provided in Article 13?

No

Please provide a summary of the main difficulties and challenges encountered for designating one or more competent national authority

Now, we are stilling process to establish the Competent National Authority(CNA). We would like to cooperate with other relevant Ministry and waiting their nomination person .

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7. Has your country made available to the ABS Clearing-House permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent (PIC) and of the establishment of mutually agreed terms (MAT)?

No

Please provide a summary of the main difficulties and challenges encountered for making this information available

< Nagoya protocol was a new instruments, especially for those who just recently ratified it. Therefore, we were stilling process of establishing access and benefit- sharing (ABS) measures and appropriate institutional arrangements.>
Also it is the cross- cutting nature of the Protocol, which is relevant to many sectors, and the need to involve many actors as an important challenge for the adoption of measures and progress towards implementation.
The lack of ABS measures and institutional arrangements was considered by many as the main reason for not having made progress in the publication of mandatory information in the ABS Clearing -House, including in the constitution of the internationally recognized certificates of compliance.
The lack of human resources working on ABS , need for capacity building and raising awareness of the Protocol of all sectors.

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8. Has your country made available to the ABS Clearing-House permits or their equivalent for the constitution of an internationally recognized certificate of compliance in accordance with Article 17.2?

No

Use the text entry to provide further information

<We are some agreements (e.g. memorandum of agreement, material transfer agreements and memorandum of understanding) applied to the utilization of genetic resources and include the TOR for the research activities. We would like to establish a documentation and notification requirement for access to domestic genetic resources.

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9. Has your country designated one or more checkpoints as provided in Article 17?

No

Please provide a summary of the main difficulties and challenges encountered for designating one or more checkpoints

Now, we are stilling process to establish the Competent National Authority(CNA).

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10. Additional information:

Please provide a summary of the main difficulties and challenges

< Nagoya protocol was a new instruments, especially for those who just recently ratified it. Therefore, we were stilling process of establishing access and benefit- sharing (ABS) measures and appropriate institutional arrangements.>
Also it is the cross- cutting nature of the Protocol, which is relevant to many sectors, and the need to involve many actors as an important challenge for the adoption of measures and progress towards implementation.
The lack of ABS measures and institutional arrangements was considered by many as the main reason for not having made progress in the publication of mandatory information in the ABS Clearing -House, including in the constitution of the internationally recognized certificates of compliance.
The lack of human resources working on ABS , need for capacity building and raising awareness of the Protocol of all sectors.

Any other relevant documents

[Myanmar Interim National Report Template-DTM.doc](#)

Legislative, administrative or policy measures on access and benefit-sharing (ABS measures)

Access to genetic resources (Article 6)

11. Is access to genetic resources subject to PIC as provided in Article 6.1?

No

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12. Does your country have fair and non-arbitrary rules and procedures on accessing genetic resources as provided in Article 6.3 (b)?

Not applicable

13. Does your country provide information on how to apply for PIC as provided in Article 6.3(c)?

Not applicable

14. Does your country provide for a clear and transparent written decision by a competent national authority as provided in Article 6.3 (d)?

Not applicable

15. Does your country provide for the issuance at the time of access of a permit or its equivalent as provided in Article 6.3 (e)?

Not applicable

16. Please provide the number of permits or their equivalents made available through the ABS-Clearing-House since the entry into force of the Protocol for your country.

Not applicable

17. Does your country have rules and procedures for requiring and establishing MAT as provided in Article 6.3 (g)?

Not applicable

18. Benefits received since entry into force of the Protocol for your country from the utilization of:

Genetic resources

Yes

Monetary benefits

Yes

Conservation has initiated ABS related projects with funding 22400 US\$ from UNEP-GEF and UNEP-China Trust Fund during 2013 and 2016, respectively, in order to build capacities in implementing CBD provisions on ABS and in developing and implementation of National ABS Framework in Myanmar.

Non-monetary benefits

Yes

The non- monetary benefits mentioned are capacity building, knowledge transfer, consultation workshops, and translation the text book of Nagoya Protocol and other related ABS measures to mother Language

Traditional knowledge associated with genetic resources

Yes

Monetary benefits

Yes

formulated a global ABS project to be funded by the Global Environment Facility (GEF). The Global ABS Project "Strengthening human resources, legal frameworks, and institutional capacities to implement the Nagoya Protocol" specifically aims at assisting countries in the development and strengthening of their national ABS frameworks, human resources, and administrative capacities to implement the Nagoya Protocol. The implementation of the project was starting from 2017 to 2019 about 3 year's duration. Specific country-level activities shall be conducted with three objectives;

- I. To strengthen the legal, policy, and institutional capacity to develop national ABS frameworks;
- II. To build trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts;
- III. To strengthen the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol.

Non-monetary benefits

Yes

The non- monetary benefits mentioned are capacity development on different issues related to traditional knowledge. Awareness raising, meeting between communities and research.

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19. Additional information:

Please provide a summary of the main difficulties and challenges

The big challenges are financial resources, capacity building and awareness. And also we have no ABS measures in place, or the need to develop or review additional measures in line with the Nagoya Protocol.
-We need to conduct the gap analysis on policies and institutional capacity and to prepare the draft national ABS policy proposals and Legal framework

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Fair and equitable benefit-sharing (Article 5)

20. Has your country taken legislative, administrative or policy measures to implement Article 5.1 that provides that benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization are shared with 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 as provided in Article 5.3?

No

Use the text entry to provide further information

We will be planning and learning by doing to address this question.

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21. Has your country taken legislative, administrative or policy measures with the aim of ensuring that the benefits from the utilization of genetic resources held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared with the indigenous and local communities concerned as provided in Article 5.2?

No

Use the text entry to provide further information

Our country had no indigenous people but we have national ethnic groups. There are 8 ethnic groups and they live all around the country.

The Ethnic Rights Protection Law of 2015 is one possible legal framework that can extend protection to TK within its scope. The provisions of this law do not make any explicit mention of TK, but only make general references to ethnic affairs which include culture, customs, art, language and practices of ethnic peoples of Myanmar. As TK is usually an affair of indigenous peoples and also a part of the intangible cultural heritage of indigenous peoples, it can be considered within the scope of this law, but this is a matter for the authorities to interpret and decide whether indigenous affairs stipulated under this law includes TK. An interesting clause is Article 5 which makes reference regarding the need to inform the ethnic groups in the event of undertaking development works, major projects, businesses and extraction of natural resources where the ethnic groups occupy.

Furthermore, under Chapter III of this law which stipulates the rights and privileges of ethnic groups, a list of rights is listed for protection, and one such important sector is the right to preserve, reveal and develop traditional medicine which may capture TK. But it does not mention TK per se. Without any explicit mention of TK there is a weak situation. Therefore, instead of speculating on whether indigenous affairs include TK or whether traditional medicine includes TK, it will be appropriate for the law to be revised and amended to include explicitly TK.

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22. Has your country taken legislative, administrative or policy measures in order that benefits arising from the utilization of traditional knowledge associated with genetic resources are shared with indigenous and local communities holding such knowledge as provided in Article 5.5?

No

Use the text entry to provide further information

Benefit- sharing from the utilization of traditional knowledge is requiring but protection of TK and sustainable utilization of resources.

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23. Additional information:

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Compliance with domestic legislation or regulatory requirements on ABS (Article 15 and Article 16) and monitoring the utilization of genetic resources (Article 17)

24. Has your country taken appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources utilized within your jurisdiction have been accessed in accordance with PIC and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the other Party as provided in Article 15.1?

No

Use the text entry to provide further information

We would like to need the awareness the all level of stakeholder, user and provider and need to comply with other ABS requirements' countries, if they use genetic resources from those countries.

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25. Has your country taken appropriate, effective and proportionate legislative, administrative or policy measures to provide that traditional knowledge associated with genetic resources utilized within your jurisdiction has been accessed in accordance with PIC or approval and involvement of indigenous and local communities and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the other Party where such indigenous and local communities are located as provided in Article 16.1?

No

Use the text entry to provide further information

We will be planning to address this issues.

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26. Does your country require users of genetic resources to provide information related to PIC, to the source of the genetic resource, to the establishment of MAT and/or utilization of genetic resources at a designated checkpoint, as appropriate, as provided in Article 17.1 (a)(i) and (ii))?

No

Use the text entry to provide further information

We are learning by doing. We do not have such requirement.

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27. Has your country provided the information referred to in Article 17.1 (a)(i) to relevant national authorities, to the Party providing PIC and to the ABS Clearing-House as provided in Article 17.1 (a)(iii)?

No

Please provide a summary of the main difficulties and challenges

Now, we are stilling process to establish the Competent National Authority (CNA). We would like to cooperate with other relevant Ministry so we will wait their nomination person.>

28. Has your country taken measures to encourage users and providers to include provisions in MAT to share information on the implementation of such terms as provided in Article 17.1(b)?

No

Use the text entry to provide further information

Now, we are stilling process to establish the Competent National Authority (CNA).
We will be planning to address this issue. CAN has encouraged sharing of information and approaches through stakeholder consultation workshops and engaging at an association level.

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29. Is your country encouraging the use of cost-effective communication tools and systems as provided in Article 17.1 (c)?

No

Use the text entry to provide further information

The lack of ABS measures as the main reason for the implementation of Article 17.1(c).

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30. Additional information:

Please provide a summary of the main difficulties and challenges for putting measures in place

The lack of ABS measures and institutional arrangements was considered by many as the main reason for not having made progress in the publication of mandatory information in the ABS Clearing -House, including in the constitution of the internationally recognized certifies of compliance.
The lack of human resources working on ABS , need for capacity building and raising awarness of the Protocol of all sectors.

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Compliance with mutually agreed terms (MAT) (Article 18)

31. Is your country encouraging the inclusion of provisions in MAT to cover dispute resolution as provided in Article 18.1 (a) (b) and (c)?

No

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32. Does your country ensure that opportunity to seek recourse is available under your legal systems in cases of disputes arising from MAT as provided in Article 18.2?

No

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33. Has your country taken measures regarding the following points as provided in Article 18.3?

Access to justice?

No

Utilization of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards?

No

Please provide further information

It is not applicable. Now we are stilling process to implement the Nagoya Protocol. So we are learning by doing this implementation.

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34. Additional information:

Please provide a summary of the main difficulties and challenges

Need to build capacity on the negotiation of MAT, dispute resolution and access

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Special considerations (Article 8)

35. In the development and implementation of ABS legislation or regulatory requirements has your country:

Created conditions to promote and encourage research which contributes to the conservation and sustainable use of biodiversity including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research as provided in Article 8(a)?

No

Please provide further information

Based on ABS initiatives at the global level, UNDP has formulated a global ABS project to be funded by the Global Environment Facility (GEF). The Global ABS Project "Strengthening human resources, legal frameworks, and institutional capacities to implement the Nagoya Protocol" specifically aims at assisting countries in the development and strengthening of their national ABS frameworks, human resources, and administrative capacities to implement the Nagoya Protocol. The implementation of the project was starting from 2017 to 2019 about 3 year's duration.

Specific country-level activities shall be conducted with three objectives;

- I. To strengthen the legal, policy, and institutional capacity to develop national ABS frameworks;
- II. To build trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts;
- III. To strengthen the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol.

Therefore, we will develop to ABS Legislation and to promote and encourage research which contributes to the conservation and sustainable use of biodiversity will be created.

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Paid due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health as provided in Article 8(b)?

No

Please provide further information

We have lack of policy, rules, no specific measures of ABS and there have not been any relevant cases so far.

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Taken into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources, including access to affordable treatments by those in need, especially, in developing countries as provided in Article 8(b)?

No

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Considered the importance of genetic resources for food and agriculture and their special role for food security as provided in Article 8 (c)?

Yes

Please provide further information

Department of Agriculture, Plant Biotechnology Center, is currently conducting research on plant genetic diversity assessment (rice, pea and mango), and in vitro conservation of some Myanmar orchid, as biotechnology research activities.

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36. Additional information:

Please provide a summary of the main difficulties and challenges for putting measures in place

Lack of capacity building as well as lack of experience to benefit preparing the ABS measures.
We need to improve coordination between the relevant institutions

Provisions related to indigenous and local communities (Articles 6, 7 and 12)

37. Does your country have indigenous and local communities?

No

Use the text entry to provide further information

Our country had no indigenous people but we have national ethnic groups. There are 7 ethnic groups and they live all around the country.

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38. Do indigenous and local communities have the established right to grant access to genetic resources according to your domestic law? (Article 6.2)

Not applicable

39. In accordance with domestic law has your country taken measures with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities within your country is accessed with the PIC or approval and involvement of these indigenous and local communities and that MAT have been established as provided in Article 7?

Not applicable

40. In implementing the Protocol and in accordance with your domestic law, is your country taking into consideration indigenous and local communities' customary laws, community protocols and procedures with respect to traditional knowledge associated with genetic resources as provided in Article 12.1?

Not applicable

41. Has your country established mechanisms to inform potential users of traditional knowledge associated with genetic resources about their obligations as provided in Article 12.2?

Not applicable

42. Is your country supporting the development by indigenous and local communities of the following tools as provided in Article 12.3?

Not applicable

43. Has your country endeavoured not to restrict the customary use and exchange of genetic resources and associated traditional knowledge within and among indigenous and local communities as provided in Article 12.4?

Not applicable

44. Additional information:

Not applicable

Contribution to conservation and sustainable use (Article 9)

45. Is your country encouraging users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and sustainable use of its components as provided in Article 9?

Yes

Use the text entry to provide further information

Now our country have directly contact with user and providers on assess and benefit sharing from the genetic resources

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46. Please indicate how the implementation of the Nagoya Protocol has contributed to conservation and sustainable use of biodiversity in your country:

Implementing the protocol played a key role in factoring elements of biodiversity conservation.

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47. Additional information:

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Transboundary cooperation (Article 11)

48. Is your country endeavouring to cooperate, with the involvement of indigenous and local communities concerned, with a view to implementing the Protocol in instances where the same genetic resources are found in situ within the territory of more than one Party as provided in Article 11.1?

No

If your country has indigenous and local communities, please provide further detail of their involvement

This case arises to cooperate between countries explained that we were planning to this ABS measures.

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49. Is your country endeavouring to cooperate with a view to implementing the Protocol in instances where the same traditional knowledge associated with genetic resources is shared by one or more indigenous and local communities in several Parties as provided in Article 11.2?

Not applicable, since there are no indigenous and local communities in my country

Use the text entry to provide further information

This case arises to cooperate between countries explained that we were planning to this ABS measures.

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50. Additional information:

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Model contractual clauses, codes of conduct, guidelines and best practices and/or standards (Article 19 and 20)

51. Is your country encouraging the development, update and use of model contractual clauses for MAT as provided in Article 19?

No

Use the text entry to provide further information

We will be planning to address this issue to development of ABS measures.

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52. Is your country encouraging the development, update and use of codes of conduct, guidelines and best practices or standards as provided in Article 20?

No

Use the text entry to provide further information

We will be planning to address this issue to development of ABS measures.

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53. Additional information:

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Awareness-raising and capacity (Article 21 and 22)

54. Has your country taken measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues as provided in Article 21?

No

Use the text entry to provide further information

We will be planning to address this issue.

- To strengthen the legal, policy, and institutional capacity to develop national ABS frameworks,
- To build trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts,
- To strengthen the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol.

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55. Has your country taken measures to build and develop capacity and strengthening of human resources and institutional capacities to effectively implement the Protocol as provided in Article 22?

No

Use the text entry to provide further information

We will be planning to address this issue.

- To strengthen the legal, policy, and institutional capacity to develop national ABS frameworks,
- To build trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts,
- To strengthen the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol.

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56. Has your country received external support for building and developing capacity for the implementation of the Nagoya Protocol?

Yes

Use the text entry to provide further information

Myanmar became a party to the Nagoya Protocol of the CBD in 2014 with the aim to operationalize the benefit sharing objective of the CBD. The Ministry of Natural Resources and Environmental Conservation has initiated ABS related projects with funding from UNEP-GEF and UNEP-China Trust Fund during 2013 and 2016, respectively, in order to build capacities in implementing CBD provisions on ABS and in developing and implementation of National ABS Framework in Myanmar.

Based on ABS initiatives at the global level, UNDP has formulated a global ABS project to be funded by the Global Environment Facility (GEF). The Global ABS Project "Strengthening human resources, legal frameworks, and institutional capacities to implement the Nagoya Protocol" specifically aims at assisting countries in the development and strengthening of their national ABS frameworks, human resources, and administrative capacities to implement the Nagoya Protocol. The implementation of the project was starting from 2017 to 2019 about 3 year's duration.

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57. Has your country provided external support for building and developing capacity for the implementation of the Nagoya Protocol?

No

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58. Additional information:

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Technology transfer, collaboration and cooperation (Article 23)

59. Is your country collaborating and cooperating in technical and scientific research and development programmes as a means to achieve the objective of the Protocol as provided in Article 23?

Yes

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Optional additional information

60. Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol.

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61. Has your country established a mechanism for budgetary allocations of funds for the implementation of the Nagoya Protocol?

No

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62. a) Has your country made financial resources available to other Parties or received financial resources from other Parties or financial institutions for the purposes of implementation of the Protocol as provided in Article 25?

Financial resources have been received

Yes

From financial institutions

Yes

From the Global Environmental Facility

Yes

From other sources

Yes

Please provide further information

Yes, financial resources have been made available from GEF, UNEP-China Trust Fund.

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62. b) Please provide information on experiences related to the mobilization of resources in support of the implementation of the Protocol.

No information provided

62. c) Please provide information on the status of funds mobilized in support of the implementation of the Protocol.

No information provided

63. Does your country have specific staff to administer functions directly related to the implementation of the Nagoya Protocol?

No

Please provide a summary of the main difficulties and challenges encountered

Lack of human resources and need to capacity building.

Therefore, now we are planning to establish the National ABS Clearing House. After it is established, we will be more developed and implement the Nagoya Protocol.

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64. Any other relevant information:

No information provided

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Comments in the reporting format

65. Please provide any comment that you may have regarding the format of this report:

No information provided

[ABSCH-NR-MM-240567-1](#)

Further Information

Questions about the Nagoya Protocol on Access and Benefit-sharing or the operation of the Access and Benefit-sharing Clearing-House may be directed to the Secretariat of the Convention on Biological Diversity.

Secretariat of the Convention on Biological Diversity

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