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# **A DEVELOPING A COMPREHENSIVE FRAMEWORK FOR PRACTICAL IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFITS SHARING (ABS) COMPLETION PROJECT REPORT**



**United Nations Development Programme (UNDP)**

**Project ID:** 00095389

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**Duration:** 13 April 2019 to 13 July 2022

**Total Budget:** USD 967,342.50 (GEF + UNDP)

**Government Co-financing:** USD 1,961,061 (In-kind)

**Implementing Partners/Responsible parties:** Ministry of Environment

**UNDP Country Programme Outcome:** By 2023, women and men in Cambodia, in particular the marginalized and vulnerable, live in a safer, healthier, more secure and ecologically balanced environment with improved livelihoods, and they are resilient to nature and climate change related trends and shocks.

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## **Acronyms and Abbreviations**

ABS:	Access and Benefit-Sharing
CBD:	Convention on Biological Diversity
CEPA:	Communication, Education and Public Awareness
CH:	Clearing House
GEF:	Global Environment Facility
GR:	Genetic Resources
IC:	International Consultant
IPLCs:	Indigenous People and Local Communities
KAP:	Knowledge, Attitude and Practice (KAP)
MAT:	Mutually Agreed Term
MoE:	Ministry of Environment
MoJ:	Ministry of Justice
NBSAP:	National Biodiversity Strategy and Action Plan
NBSR:	National Biodiversity Status Report
NCSD:	National Council for Sustainable Development
NC:	National Consultant
PA:	Protected Area
PIC:	Prior Informed Consent
PMU:	Project Management Unit
TK:	Traditional Knowledge
ToR:	Term of Reference
TWG:	Technical Working Group
UNDP:	United Nations Development Program

## I. Executive Summary

The project “Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol (ABS)” is a three years projects aiming to support the Royal Government to strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge in Cambodia, particularly human resources, legal framework and institutional capacities on access and benefit sharing of genetic resources to facilitate the implementation of the Nagoya Protocol on ABS. The project is about the biodiversity resource management consistent with the criteria of the Nagoya Protocol. The ABS project implementation period is 13 April 2019 to 13 July 2022 by the Ministry of Environment with financial and technical support from UNDP and GEF with two components.

The project achieved significant results in developing the legal framework for sustainable use of genetic resources and associated traditional knowledge in Cambodia by developing a ABS framework, policy and legislation with the Convention on Biological Diversity and its Nagoya Protocol. such as the national framework and capacity for developing and implementing the national ABS Framework and legislation.

The key results achieved by the ABS project from the three years period highlighted as follow:

Results achieved under component 1: Developing a national framework and legislation on ABS consistent with the CBD and its Nagoya Protocol. The draft ABS sub-decree which stipulates about formalities, procedures, and requirements for access and fair and equitable sharing of the benefits arising from the utilization of genetic resources is known the most significate document of the project outcome was developed and adopted by the National Council for Sustainable Development (NCSD). Additionally, other achievements under the component 1 were also produced, and those include (i) the final draft of national ABS framework and roadmap; (ii) the institutional framework including procedure and measure for access genetic resources and its guideline for users and providers and communication and networking platform; (iii) the documentation of genetic resources associated with traditional knowledge and guidelines for community protocols; (iv) the final draft of Prakas to ensure an effective financial mechanism for benefit sharing from ABS agreements.

Results achived under the component 2:Building capacity for developing and implementing the national ABS Framework and legislation. The main results under this component include capacity building of the **MoE staff**, which received on an administrative permitting system (PIC & MAP) and checkpoints where is the key element to support the implementation of the developed draft ABS sub-decree. Meanwhile, an asset to enhance capacity development and engagement such as (i) targeted training and capacity building tools and training models; (ii) communications, education and public awareness (CEPA) strategy and action plan, including three visual videos and education materials; (iii) ABS clearing-house webpage; and (iv) gender mainstreaming action plan were also produced, implemented and published to relevant stakeholder at national and sub-national levels, including local community. Mention something on gender..

Project faced a number of challenges affecting its activities ‘implementation caused by COVID-19 after six months from the project started. The causes impact and delay some project activities,

particularly the recruiting international and local consultants due to lockdowns and travel restrictions imposed by the Government to prevent community transmissions

However, there are key lessons learned as the results of the project implementation including the strong ownership of MoE through a consistent application of UNDP's participatory approach in capacity development and through overall good quality technical assistance from international experts. The ABS project is highly relevant to the country's needs and is fully aligned with UNDP's CPD and Cambodia strategic plan 2019-2023.

## II. INTRODUCTION

Cambodia's specific geographical location and complicated topographical, ecological and social features has resulted in it becoming a prosperous, rich and diverse plant genetic resource country.

The high level of genetic diversity makes Cambodia an attractive country for bioprospecting, especially given that there are approximately 800 known medicinal plants, many of them have associated traditional knowledge. However, Cambodia faces a wide range of issues that threaten its biological diversity and ecological security. A large volume of traditional knowledge, such as medicinal use of biological resources, is being replaced by modern technology.

The lack of legislation and institutional mechanisms has prevented the full control of illegal trade in genetic resources.

Commercial entities using genetic resources have no obligation to protect them and share benefits with genetic resource holders. To address the challenges the project is designed to strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge in Cambodia by developing a ABS framework, policy and legislation with the Convention on Biological Diversity and its Nagoya Protocol.

## III. ACHIEVEMENTS

The ABS project accomplished all the key outputs as all the activities planned under each component were implemented. The results achieved by the ABS project are as follow:

<b><i>Output 1.1: A national legislation on ABS in line with the Nagoya Protocol developed.</i></b>			
<b>Output Indicators</b>	<b>Baseline</b>	<b>End of Project Target</b>	<b>Actual Result</b>
ABS system and its measure established.	There is no effective national legislation and regulatory framework on ABS in place.	Final draft of nation ABS legislation (ABS Sub-Decree) and its	<ul style="list-style-type: none"><li>- Final draft of ABS Sub-Decree adopted by NCSD; and</li><li>- ABS legislative formats (23 items) to support the</li></ul>

		supporting instrument and guideline.	implementation of ABS Sub-Decree and the Nagoya Protocol drafted, reviewed and finalized by ABS Sub-TWG.
<p>Under this output, there are two activities, <b>Activity 1.1.1: Develop national legislation on ABS, including procedure for access of genetic resource; and Activity 1.1.2: Develop guidelines and protocols for ABS and monitoring, and guidance for cooperation issues and financial mechanism,</b> were designed to support its implementation and resulted as following.</p> <p>The draft of national ABS legislation (ABS Sub Decree) was developed by the International and National consultants in December 2020. By supporting and facilitating from MoE's Technical Working Group (TWG), Law Experts and Department of Biodiversity, this draft was finalized and submitted to the consultation workshop dated 15 December 2021, ABS Sub-Technical Working Group's meeting dated 22 December 2021, MoE's management's meeting dated 6 April 2022 and National Council for Sustainable Development's meeting dated 6 May 2022. The final draft of ABS Sub-Decree contains 62 articles and divided into 9 chapters, stipulates about formalities, procedures, and requirements for fair and equitable sharing of the benefits arising from Access to Genetic Resources, their Derivatives, or Associated Traditional Knowledge for the purpose of establishing a clear mechanism to implement the Nagoya Protocol of the Convention on Biological Diversity to contribute to the conservation of biodiversity and sustainable use of its components. For next steps, the final draft of ABS Sub-Decree will be further submitted to the National Committee for Policy and Economic and Royal Government for reviewing and adoption.</p> <p>Additionally, to support the implementation of ABS Sub-Decree and the Nagoya Protocol, there are 23 legislatives formats and annexes were also developed and finalized by the International and National consultants in March 2022 with the supporting from MoE's Technical Working Group (TWG), Law Experts and Department of Biodiversity. The legislative formats and annexes were, then, adopted in technical views by ABS Sub-TWG dated 13 July 2022. The 23 legislatives formats and annexes include: 1/Application for Access to GR and TK; 2/Decision to Commence the Process; 3/Request for Extension of Validity Period of Decision to Commence the Process; 4/Decision to Extend the Period of Decision to Commence the Process; 5/Decision to Request Further Submission; 6/Decision to Conduct Further Investigation; 7/Decision to Deny the Application; 8/Prior Informed Consent (PIC); 9/Mutually Agreed Terms (MAT); 10/Request for Access Permit; 11/Access Permit; 12/Request for Extension of Access Permit; 13/Decision for Extension of Access Permit; 14/Decision to Request Further Submission; 15/Decision to Deny Access Permit; 16/Decision to Revoke Access Permit and Impose Administrative Fine; 17/Letter to Impose Administrative Fine; 18/Joint Prakas (MoE and MoEF) on filing fee of application for Access to GR or a Traditional Knowledge (TK) and extension of Access Permit; 19/Prakas (MoE) on the guideline for identification of providers; 20/Prakas (MoE) on Establishment and Management of Access and Benefit Sharing Fund; 21/Prakas (MoE) on establishment of checkpoint to monitor utilization of Genetic Resources; 22/Prakas on Detailed Modalities regarding Monetary Benefit Sharing; and 23/Guideline to facilitate Access and Benefit Sharing Procedures.</p>			

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**Output 1.2:** Comprehensive stocktaking exercise including on-the-ground assessment of lessons learned and best practices on ABS and Traditional Knowledge (TK) reviewed to inform national ABS framework.

Output Indicators	Baseline	End of Project Target	Actual Result
ABS policy and framework developed	While elements of ABS provisions exist in a multitude of national policies, there are no rules and regulations and institutional mechanisms for its implementation	<i>Final draft national ABS framework and roadmap</i>	<ul style="list-style-type: none"> <li>- National ABS framework developed and published; and</li> <li>- ABS Roadmap developed, reviewed and finalized by ABS Sub-TWG.</li> </ul>

Under this output, there are two activities, Activity 1.2.1: Develop ABS policy; and Activity 1.2.2: Develop ABS Framework to determine key issues that need to be addressed to meet the requirements of the Nagoya Protocol, were designed to support its implementation and resulted as following.

The national ABS framework was developed and finalized by the International Consultant and adopted for publication in 2020. The framework aims to put forward long-term overarching guidance on ways and means to address the obstacles to the establishment of the new national ABS legislation. More specifically, this framework will also guide the process for developing these new regulations on its content and ways and means for its implementation.

The ABS roadmap was developed by the International Consultant between May and July 2022, and then was reviewed and finalized by ABS Sub-TWG dated 13 July 2022. The roadmap provides steps to operationalization of ABS in Cambodia, and those include: **Step 1.** Approve the sub-decree (ABS legal framework); **Step 2.** Setting and ABS Policy; **Step 3.** Strengthening the National Coordination Bodies existing for the implementation of the ABS Legal Framework; **Step 4.** Strengthening Capacity building for the National Competent Authority (ABS) Unit within the Ministry of Environment and other relevant public officers for the implementation of the sub-decree and the NP; **Step 5.** Capacity building and awareness raising for all the stakeholders; **Step 6.** Addressing emerging issues: such as Digital Sequence Information; **Step 7.** Traditional knowledge protection, including documentation of TK and development of Bio-Community Protocols; **Step 8.** Dealing with Check points (Compliance and monitoring); **Step 9.** Other measures: complementary measures; and **Step 10.** Review and update of decree.

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***Output 1.3: Institutional framework defined and established for implementation of the Nagoya Protocol***

<b>Output Indicators</b>	<b>Baseline</b>	<b>End of Project Target</b>	<b>Actual Result</b>
Legal certainty, clarity and transparency of manuals, guidelines and related instruments on ABS and TK awarded are developed.	Existing regulations, mechanisms and legal instruments from related institutions.	<i>Institutional framework including procedure and measure for access GR, including M&amp;E, networking and guideline for user and provider.</i>	<ul style="list-style-type: none"> <li>- Model-bio prospecting and research procedure developed and reviewed, finalized by ABS Sub-TWG;</li> <li>- Framework for monitoring, M&amp;E and tracking genetic resources applications developed and finalized;</li> <li>- Communication Strategy and networking platform developed and published; and</li> <li>- Guideline for user and provider developed and finalized.</li> </ul>

Under this output, there are three activities, ***Activity 1.3.1: Develop institutional framework including procedure and measure for access genetic resources for implementation of the Nagoya Protocol; Activity 1.3.2: Development of appropriate information and communication mechanism to support coordination and networking, as well as supporting compliance under the proposed national legislation and the Nagoya Protocols; and Activity 1.3.3: Development guideline for users and providers,*** were designed to support its implementation and resulted as following.

Models on bio-prospecting and research procedures was developed by the National and International Consultant in April 2022, then reviewed and finalized by ABS Sub-TWG dated 13 July 2022. The document indicates the format and points/elements to consider when developing and/or drafting an agreement to ensure that every aspect of the contract is unambiguous and externally verifiable—use more precise terms than those used in international law when necessary. Additionally, the guideline for user and provider was also developed. The guideline provides the suggestions for users and providers in bioprospecting negotiation.

The framework for monitoring and tracking GR's applications and M&E plan, including results framework baselines was also developed by the National Consultant in April 2022, and then finalized by the Department of Biodiversity, Ministry of Environment. The framework is the key documents guiding national effort for ABS implementation in order to ensure the facilitation of accessing the genetic resources, and to make sure that benefits are shared equitably.

The Communication Strategy and Networking Platform for the Implementation of the Nagoya Protocol was developed in 2020 and finalized for publication in 2021. This document emphasizes the intensive awareness raising and capacity building efforts to ensure the understanding and participating from all concerned stakeholders on the principles behind the ABS framework, the requirements for its implementation, and the potential benefits that can be realized to different parties.



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<b>Output 1.4: A system to document and protect Traditional Knowledge (TK) established</b>			
<b>Output Indicators</b>	<b>Baseline</b>	<b>End of Project Target</b>	<b>Actual Result</b>
Regulatory measures and safeguards for GR-TK are in place.	NBSR 2016, medicinal plant volumes 1-5, existing research assessment on value chain and biological functions.	<i>GR-TK documented, including its protection safeguard measures.</i>	<ul style="list-style-type: none"> <li>- Assessment report on the current system for documentation of GR-TK developed, including regulatory measures and safeguards for strengthening; and</li> <li>- Guidelines for community protocols drafted, reviewed and finalized by ABS Sub-TWG.</li> </ul>
<p>Under this output, there are two activities, <b>Activity 1.4.1: Documentation of genetic resources associated with traditional knowledge; and Activity 1.4.2: Develop guidelines for community protocols</b>, were designed to support its implementation and resulted as following.</p> <p>The assessment report on the current system for documentation of GR-TK including the proposed regulatory measures and safeguards and clear rules and procedures developed and finalized by the National Consultant in 2020. The assignment emphasized the reviewing of identification of the current system for documentation of GR-TK and methods for consultation with ILCs including the proposed regulatory measures and safeguards and clear rules and procedures. Particularly, the report also documented GR-TK (medicinal plant species) which is important for national data-based development.</p> <p>The Guideline for Community Protocol was developed in May 2022 by the International Consultant, and then was reviewed and finalized by ABS Sub-TWG dated 13 July 2022. The guideline plays the important role for local community to: 1/Protect and revitalize cultural traditions; 2/Promote conservation and sustainable use of natural resources; 3/Seek recognition and protection of ILCs genetic resources and associated TK; 4/Improve access to traditional territories to continue traditional practices; 5/Regulate access and benefic sharing both within the community and for third parties; 6/Repatriate genetic and biological resources; 7/Highlight concerns about extractive industries and development projects; 8/Call for greater recognition of ethical natural resources extraction techniques; and 9/Regulate the activities of third parties such as commercial and non-commercial researchers and media.</p>			
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<b>Output 1.5: Effective financial mechanism for benefit sharing from ABS agreements established</b>
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Output Indicators	Baseline	End of Project Target	Actual Result
Financial mechanism for benefit sharing from ABS agreements under the national legislation is established.	Existing regulations, mechanisms and legal instruments from related institutions.	<i>Final draft of legal instruments, on ABS financial mechanism, including provisions, procedures, fund flow arrangements.</i>	<ul style="list-style-type: none"> <li>- Benefit-sharing modalities and procedure established (art 41-46);</li> <li>- Prakas (MoE) on Establishment and Management of Access and Benefit Sharing Fund drafted, reviewed and finalized by ABS Sub-TWG; and</li> <li>- Prakas on Detailed Modalities regarding Monetary Benefit-Sharing, including its guideline drafted, reviewed and finalized by ABS Sub-TWG.</li> </ul>
<p>Under this output, one activity, <b>Activity 1.5.1: Establish ABS financial mechanism which conforms to the national commercial and financial laws and regulations, particularly national best practice mechanism(s)</b>, was designed to support its implementation. Based on draft ABS Sub-Decree (article 41 to 45), ABS financial mechanism and its supporting instruments were developed by the national and international consultants, and then reviewed and finalized by ABS Sub-TWG dated 13 July 2022. The instruments include: 1/Prakas (MoE) on Establishment and Management of Access and Benefit Sharing Fund; and 2/Prakas on Detailed Modalities regarding Monetary Benefit Sharing were developed and finalized in 2022 by the national and international consultants.</p>			
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**Output 2.1: An administrative permitting system and checkpoints to enable implementation of the national ABS legislation are established**

Output Indicators	Baseline	End of Project Target	Actual Result
ABS monitoring and tracking of the movement of genetic materials in compliance with national ABS regulations designated and mandated.	No guidance, circulars or manual exists for the ABS permitting and monitoring system	<i>An administrative permitting system (PIC &amp; MAP) and checkpoints to enable implementation of the national ABS framework</i>	<ul style="list-style-type: none"> <li>- Draft administrative permitting system (PIC and MAT) developed, finalized and adopted by NCSD. Annex of draft ABS Sub-Decree (Article 16 and 17); and</li> <li>- Checkpoint, including its detail role and</li> </ul>

			responsibility developed, finalized and adopted by NCSD. Annex of draft ABS Sub-Decree (Article 47 and 48).
<p>Under this output, there are two activities, <b>Activity 2.1.1: Establish an administrative permitting system on Prior Informed Consent (PIC) &amp; Mutually Agreed Term (MAT) and checkpoints to enable implementation of the national ABS framework and legislation;</b> and <b>Activity 2.1.2: Propose initiation of dialogue on necessary legislative or regulatory measures for recognition of the community protocols,</b> were designed to support its implementation. An administrative, including PIC and MAT as indicated in draft ABS Sub-Decree (article 16 and 17) were developed the national and international consultants, and then adopted by National Council for Sustainable Development's meeting dated 6 May 2022. Additionally, the guideline procedure to obtain PIC and establish MAT were also developed and finalized by ABS Sub-TWG. The documents explain the process how to help user to get the consensus from provider when accessing GR-TK, while MAT was developed to provide a guiding principle for negotiation between user and provider regarding the benefit-sharing from the utilization of GR-TK after PIC was obtained.</p> <p>On the other hand, check point where the important elements to control and monitor GR-TK before transfer out of country were also established and adopted by NCSD, including the identification of roles and mandates as stated in article 47 and 48 of draft ABS Sub-Decree.</p>			
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<b>Output 2.2: Targeted training provided to National Competent Authority (NCA), Focal Point (FP) and related agencies on the various aspects of ABS management</b>			
<b>Output Indicators</b>	<b>Baseline</b>	<b>End of Project Target</b>	<b>Actual Result</b>
Capacity of Authority (NCA), National Focal Point (NFP) and related institutions/agencies to address issues related to ABS agreements.	Limited national capacity for ABS implementation as shown by UNDP ABS capacity development score of 21	A National Action Plan including guidelines and procedures on Capacity-building for access to genetic resources and benefit-sharing.	<ul style="list-style-type: none"> <li>- Training action plan and three capacity building tools developed and finalized; and</li> <li>- Target training to key and relevant (65 ppl) stakeholders provided.</li> </ul>
<p>Under this output, one activity, <b>Activity 2.2.1: Training provided to National Competent Authority (NCA), ABS Focal Point (FP) and related institutions/agencies on the various aspects of ABS management</b></p>			

*and implementation*, was designed to support its implementation. Action plan on capacity-building for access to genetic resources and benefit-sharing was developed and finalized by the National Consultant and Department of Biodiversity, Ministry of Environment. Among, three different modules were also designed to train different level of stakeholder, including at national level (NCA, NFP and relevant institutions), at sub-national level and local community.

Additionally, through this activity, one capacity building was also conducted in 7-8 July 2022 with 65 participants from national and sub-national levels and community. The workshop provided the understanding of the development and implementation of ABS Sub-Decree, including the important of GR-TK and the Nagoya Protocol.

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***Output 2.3: Communications, education and public awareness (CEPA) strategy and action plan developed and implemented***

<b>Output Indicators</b>	<b>Baseline</b>	<b>End of Project Target</b>	<b>Actual Result</b>
Percentage of the population of researchers, local communities and relevant private sector targeted by the awareness campaign of the legal framework.	Perception survey in year 1 to establish the baseline	<i>Communications, education and public awareness (CEPA) strategy and action plan developed and implemented</i>	<ul style="list-style-type: none"> <li>- CEPA strategy and action plan developed, published and distributed;</li> <li>- ABS-toolkits, education materials and short videos produced and disseminated; and</li> <li>- CEPA campaign conducted with more than 100 ppl involved.</li> </ul>

Under this output, there are two activities, **Activity 2.3.1: Development a comprehensive communication, education and public awareness strategy (CEPA) and action plan for promoting awareness and political support for ABS application;** and **Activity 2.3.2: Develop audio visual and other tools to promote CEPA among policy, key decision-makers, industry, researchers, particularly gender involvement,** were designed to support its implementation. The project through BroDigi Company has produced several items to enhance the understanding and awareness raising on ABS and the Nagoya Protocol. Those include: 1/Communication, education and public awareness strategy (CEPA) and action plan in order to promote awareness raising and stakeholder engagement on ABS; 2/Seven short videos related to the simplified understanding on the Nagoya Protocol and traditional knowledge of some medical plant species that being hold and used by local community and Kru Khmer for treatment and primary health care in traditional ways); and 3/Three leaflets to explain the concept of ABS and the important of the Nagoya Protocol in GR-TK protection and conservation, particularly benefit-sharing the utilization of those resources.

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**Output 2.4: Functional role National ABS Clearing House Mechanism extended to promote technical and scientific cooperation, knowledge sharing and information exchange**

Output Indicators	Baseline	End of Project Target	Actual Result
ABS-CH established, including the capacity building and training provided.	Current national-level CHM	<i>Design an extend ABS_CH in CHM, including capacity to maintenance provided</i>	<ul style="list-style-type: none"> <li>- ABS-CH webpage designed and finalized; and</li> <li>- ABS-CH guideline and manual developed and trained to key and relevant (50ppl) stakeholder.</li> </ul>
<p>Under this output, one activity, <b>Activity 2.4.1</b> <i>Expansion of central port of CHM for CBD to include ABS</i>, was designed to support its implementation. ABS Clearing House website was designed and finalized, and prepare to install into Cambodia Clearing House by the National Consultant, including technical term for using is explained and training in June 2022. PMU is now working with Department of Biodiversity, Ministry of Environment in developing the requested letter to Ministry of Post and Telecommunications for installing ABS-CH into CBD-CHM. It was note that, before the project design, the domain of CBD-CHM (.org) is hosted by Department of Biodiversity, Ministry of Environment; however, recently, the domain of CBD-CHM was changed to (.com.kh) and hosted by Ministry of Post and Telecommunications. Hence, the process for expansion is quite different from the expectation of the project.</p>			
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**Output 2.5: Gender Mainstreaming and Monitoring and Evaluation Strategies developed and implemented**

Output Indicators	Baseline	End of Project Target	Actual Result
Role of women in defining in policies, regulations and administrative systems for access and benefit sharing enhanced and recognized	MoE Gender Analysis and Mainstreaming Action Plan	<i>Develop and implement Gender Mainstreaming action plan.</i>	<ul style="list-style-type: none"> <li>- Gender mainstreaming action plan developed;</li> <li>- Awareness and outreach activities (dissemination and consultation workshops) to enhance the role of women in local decision-making processes related to GR-TK conducted.</li> </ul>

Under this output, there are two **Activity 2.5.1: Develop and implement gender mainstreaming action plan;** and **Activity 2.5.2: Conduct capacity building on the application of gender mainstreaming in project communication and project activities,** were designed to support its implementation. The gender mainstreaming action plan was developed by the National Consultant in 2020. As historically women have been less engaged, this assignment emphasizes on recognizing and addressing different roles and knowledge by men and women as the important variable that must be explicitly designed and budgeted for implementation, monitoring and evaluation in order to ensure women in particular can play more effective roles in natural resource management whilst both women and men have equitable distribution of and access to the benefits. The action plan provides guidance on mainstreaming gender to ensure that women can play more effective roles in natural resources management whilst women and men have equitable distribution of the benefit. Additionally, the PMU in collaboration with Department of Biodiversity/MoE and Gender MoE't conducted two Consultation and Dissemination Workshops on "Gender Mainstreaming on Access and Benefit-Sharing" dated 26 November 2020, and "Draft ABS Sub-Decree" dated 15 December 2021. The workshops were attended by approximately 180 participants, of which more than half are women. Through these workshops, all participants both men and women will understand about their role and responsibility in the conservation and protection of genetic resources and associated traditional knowledge, and as well as the knowledge on the concept of ABS and the Nagaya Protocol.

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## 2.1. Gender Mainstreaming and Women's Empowerment

This project recognizes that both men and women play a critical role in managing natural resources and are also partners with men as keepers of traditional knowledge in Cambodia. While women and men possess different knowledge and transmit them in various ways due to their respective roles and responsibilities in either private or public spheres, women are historically and currently primarily responsible for food preparation and distribution and ensuring their short and long-terms health of their families and communities. Women have a greater knowledge of the flora and fauna surrounding them and play very an important role in biodiversity conservation sector, for example, for daily livelihoods, women play a significant role in preserving and maintaining the generic diversity of plant species as per result of selection preference based on food habits, food culture, taste, nutrition, and the health benefits of different species. However, natural resource management has frequently been considered a sector dominated by men, making it more difficult for women's participation on access to genetic resources with fair and equitable of benefits.

Through the Project Output 2.5: *Gender Mainstreaming and Monitoring and Evaluation Strategies developed and implemented*, role of gender including their capacity in defining policies, regulations and administrative system for access and benefit sharing have been acknowledged in the project workplan and will be recognized and promoted. In 2020, a gender mainstreaming action plan was developed aiming to recognize and address gender as an important variable that must be explicitly designed and budgeted for, implemented, monitored and evaluated. Consequently, the ultimate goal

of the gender mainstreaming strategy is to ensure that women can play more effective roles in natural resources management whilst women and men have equitable distribution of the benefit. The action plan was shared with stakeholders through a dissemination workshop on “Gender and Access and Benefit Sharing to the Genetic Resources”, conducted in late 2021. In the workshop, a number (three persons) of MoE Gender-TWG and related stakeholders actively involved and understood the concept of ABS and the Nagoya Protocol, particularly their role in negotiation and receiving the benefit sharing from the utilization of genetic resources and associated traditional knowledge, which contributes to environmental protection and biodiversity conservation. The workshop on gender and ABS was conducted among key staffs on 15 December 2021 with more than 50% of women participants. This workshop highlighted the importance of women and men participation on the access of benefit-sharing in the natural resources, including promoting the values and power structures women and men. In addition, the gender mainstreaming strategy focused on the promoting of gender equality, especially the empowerment of women in participation in decision making.

## **2.2. Capacity Development**

The KAP analysis was conducted and identified capacity need on access and benefit-sharing among key stakeholders, including IPs. Used KAP analysis report to develop a communication strategy to promote ABS and effective communication. In addition, the ABS-CEPA and ABS-CH have been designed. The ABS project works closely with different stakeholders from national and sub-national governments through meeting and training workshops. Since the COVID-19 pandemic and due to the restriction of (face-to-face) gatherings and meetings, there have been limited meetings and consultation workshops. Despite Covid-19 outbreak, the virtual meetings were organized and National ABS framework has been approved.

The promulgation and enforcement of the new legal framework on ABS will greatly contribute to changing the way for access to and sharing benefits of genetic resources that could be well managed in Cambodian society, leading to a more equitable, fair and sustainable use of them. Additionally, through the development process of National ABS Legislation, the capacity and knowledge of relevant stakeholders, particularly MoE’s team are enhanced and increased, not just to the understanding of ABS concept, but also increased their knowledge in ABS legislation development that would be helpful and important for the defending of ABS Sub-Decree at the adoption process with inter-ministerial and council ministers. After the completion of the project, awareness and capacity of all stakeholders about implementation, compliance, monitoring and tracking of the national ABS framework would have been significantly enhanced and mainstreamed.

## **2.3. Innovation**

The project is innovative in the national context as ABS is a new and emerging area of work in the country. The project will enable the Royal Government of Cambodia to establish mechanisms and strengthen institutions to sustainably utilize and manage Cambodia’s rich biological resources by connecting TK of Indigenous People and Local Communities with biotechnology research with both public and private collaborators. The project will complement the ongoing initiatives, particularly the



development of the Environmental Code and GEF project on generating, accessing and using information and knowledge related to the three Rio Conventions. Strong and effective communication through the CEPA strategy and action plan of the project will facilitate an establishment and the implementation of ABS framework. With a legislation and institutional framework on ABS in place by the end of the project, there will be immense potential for new opportunities in more studies and research in bio-discovery and their associated tasks, including potentials for new partnership involving government, private partners and local/indigenous communities in compliance with the ABS regime and Nagoya Protocol. Effective communication strategy to disseminate project results, lessons learned and experiences to wider audiences through the Clearing House Mechanism and various CEPA events will further support scaling-up of the project interventions.

The involvement of relevant stakeholders in the process of draft ABS sub-decree development is also one of the grateful activities. This initial not just to enhance their capacity development, also get supporting and engagement to the discussion and adoption process.

## **2.4. Environmental and Social Safeguard**

The project is consistent with the criteria of the Nagoya Protocol and will support the Royal Government of Cambodia to revise and develop national regulations and institutional framework for ABS and improve the capacity and skills of key agencies that will facilitate the promotion of bio-prospecting, bio-products discovery and technology transfer with prior informed consents (PIC) and mutually agreed terms (MAT) as a long-term goal. Additionally, in the long-term, the development of legislation and regulatory systems through the project would help facilitate private sector engagement and target investments in *in-situ* conservation and sustainable use of genetic resources. The initial development of legislative and institutional capacity under the project could be used to update and improve the capacities in Cambodia to facilitate ABS agreements and handling of issues under the Nagoya Protocol. It would also help to move towards helping the country to jointly promote access and benefit-sharing activities and facilitate, on the longer-term, the identification and development of nature-based products through appropriate ABS agreements, particularly, national legislation such ABS Sub-Decree.

## **2.5. Lessons Learned**

The project is aligned with the national priorities and based on the NBSAP. The project was designed through the consultation with relevant stakeholders and had full ownership as well as led by the national circumstances and needs. Actions laid out in the project strategies are resulted from a multi-stakeholder engagement process. To ensure the ownership and outcome of the project, ABS Sub-TWG was introduced as a technical body and plays the important role in providing inputs, directions, advice and decision making on technical views before the outputs are submitted to the policy levels for decisions and approval. The development of draft ABS Sub-Decree is based on national situation and in line with the Nagoya Protocol as Cambodia is the party to this protocol. Hence, the involvement of MoE-TWG and related to stakeholders in the development process at the beginning of stage is the good strategy for institutional capacity development, ownership and sustainability.

### III. Project Implementation Challenges

#### 3.1. Project Risks and Actions

**Risk:** Due to COVID-19, number of project implementation were not conducted as planned, particularly the face-to-face activities such as conducting meetings, workshops and field trips for interviews and data collection and so on.

**Actions taken:**

Beside re-schedule in some activities, a number of virtual programs through zoom were introduced and conducted. Those include the meetings discussion on (i) the development of draft ABS Sub-Decree; (ii) the development and designing of ABS CEPA and ABS-CH, and as well as some communication activities related to the recruitment and interviews.

#### 3.2. Project Issues and Actions

**Issue:** The process of national ABS legislation development (Draft ABS Sub-Decree) took time for reviewing and validation, including collection of inputs and comments by chapter and by article from the MoE team, legal experts and relevant stakeholders.

**Action taken:** A number of virtual meetings through zoom and face-to-face (41 meetings) were conducted regularly (almost every week) to review and incorporate inputs into the draft ABS Sub-Decree with MoE team and law experts before sent out for the consultation with inter-ministries.

### IV. Financial Status and Utilization

**Table 1: Contribution Overview [Project start 18 April 2019 – 13 July 2022]**

Donor Name	Contributions		Balance
	Committed	Received	
GEF_6200	843,242.00	843,242.00	0.00
TRAC_04000	137,386.79	137,386.79	0.00
Total	980,628.79	980,628.79	0.00

**Table 2: Annual Expenditure for ABS Project (1 January 2022- 13 July 2022)**

Activities - Description	Total Budget 2022	Provisional Expenditure		Projection Commitment		Total [ Exp.+ projection]	De-livery %
		Gov't	UNDP	Gov't	UNDP		
<b>COMPONENT1:</b> Developing a national framework and legislation on ABS consistent with the CBD and its Nagoya Protocol	143,687.72	87,162.21	28,679.01		16,667.00	132,508.22	92%
<b>COMPONENT 2:</b> Building capacity for developing and implementing the national ABS framework and legislation	110,142.00	90,678.39	29,999.11	2,228.77	9,540.00	132,446.27	120%
Project Management	33,743.40	5,598.79	21,927.78		8,867.75	36,394.32	108%
<b>Total</b>	<b>287,573.12</b>	<b>183,439.39</b>	<b>80,605.90</b>	<b>2,228.77</b>	<b>35,074.75</b>	<b>301,348.81</b>	<b>105%</b>

***Note:** Expected delivery of 105% is due to the 2022 expenditure which is included the outstanding commitment from year 2021 of 22,500\$ (Performance Evaluation)*

**Table 3: Accumulative expenditure for ABS [Project start 18 April 2019 – 13 July 2022]**

Activities - Description	Total Budget 2019-2022	Provisional Expenditure		Projection Commitment		Total [ Exp.+ projection]	De-livery %
		Gov't	UNDP	Gov't	UNDP		
<b>COMPONENT1:</b> Developing a national framework and legislation on ABS consistent with the CBD and its Nagoya Protocol	423,006.50	329,303.29	65,856.71		16,667.00	411,827.00	97%
<b>COMPONENT 2:</b> Building capacity for developing and implementing the national ABS framework and legislation	397,018.68	320,035.84	65,018.34	2,228.77	9,540.00	396,822.95	100%
Project Management	160,603.61	39,142.54	115,244.24		8,867.75	163,254.53	102%
<b>Total</b>	<b>980,628.79</b>	<b>688,481.67</b>	<b>246,119.29</b>	<b>2,228.77</b>	<b>35,074.75</b>	<b>971,904.48</b>	99%

## Annex: Risk Log Updates

No	Event	Cause	Impact(s)	Risk Category	Impact and Likelihood= Risk Level	Risk Treatment/ Management Measures	Risk Owner	Risk Valid From/To
1	Number of project implementation were not conducted as planned, particularly the face-to-face activities such as conducting meetings, workshops and field trips for interviews and data collection and so on.	COVID-19 Outbreak.	Delay in face-to-face activities such as conducting workshops, meetings, field trips and assignment of consultants.	Occupational Safety, health, and wellbeing	3	Following the Government's Health Precaution and changing ways of routine work and communication such as taking turn and working from home, replacing in person meeting by virtual meeting as much as possible.	Implementing Partner.	February 2020 to February 2022.

