Final Report of the

MID TERM REVIEW

For the GEF UNDP Full Sized Project:

"Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity"

GEF project ID:	00096831
PIMS:	5375
ID Award Atlas:	00091799
Executing Agency:	United Nations Development Programme
National counterpart:	Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT)
Participating Countries:	México
Focal Area:	Biodiversity, Objective 3, Program 8: Implementing the Nagoya Protocol on ABS.
International Consultant:	Diana Gabriela Lope Alzina
National Consultant:	Alfonso González Martínez
MTR timeframe:	June 11 to October 31st, 2019

Executive summary

A. Project Description

i. The project *"Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity"* is a Global Environment Facility (GEF) / United Nations Development Programme (UNDP) full-sized project (FSP) for México, with Project ID 00096831, Atlas Award ID 00091799, GEF ID 5738, and UNDP PIMS ID 5375. The project focal area is Biodiversity (BD). The Executing Agency of this project is UNDP, who is responsible for the achievement of project objectives, outcomes and outputs, and for project management including monitoring and evaluation and the effective use of resources. The national counterpart is the Ministry of Environment and Natural Resources (SEMARNAT), expected to lead the project implementation in the country. The project was approved by GEF on January 25th, 2017 and has a duration of three years beginning operations by April 2017 (when the PCU was first set). In a co-finance scheme, GEF contributes with a total cash of (USD) 2,283,105.00 and the national counterpart with con (USD) 8,938,579.00. This makes a total of (USD) 11,221,684.00 as the whole project´s budget.

ii. The overall **impact** or **project development goal** is to safeguard globally significant biodiversity of Mexico through strengthening the legal and administrative framework on access to genetic resources and benefit sharing while building capacity of the relevant national institutions.

iii. The project **objective** is to enhance in Mexico, in a participatory manner, the capacities of national authorities (SRE, SEMARNAT, SAGARPA, CDI/INPI, SE), as well as the legal and administrative framework in relation to genetic resources, associated traditional knowledge and benefit-sharing, according to institutional conditions for the implementation of the "Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the Convention on Biological diversity".

iv. Both the main objective and project goal are meant to be achieved through **three outcomes**: 1. Adjusting the legal framework and establishing public policy measures that regulate the access utilization of GR and associated TK arising from the fair and equitable benefit-sharing; 2. Strengthening of national institutional capacities; 3. Protecting traditional knowledge and improving the capacities of indigenous and local communities and other stakeholders to generate social awareness on conservation and sustainable use of biodiversity, GR and associated TK, as well as benefit-sharing arising from their access and utilization.

B. Project Progress Summary

v. The Project shows a significant progress towards the achievement of the objective and three outcomes (towards the implementation of the Nagoya Protocol in the country):

vi. Regarding the first outcome: The analysis and diagnosis of the national legal framework related to the implementation of the NP has been completed. A Regulatory document and a Bill, both concerning ABS and the Nagoya protocol have been formulated; one of them pending revision since 2017 and the other just about to be finished. The first one was generated as part of the preceding project "GIZ CONABIO" (see paragraph 54 in the report).

vii. In relation to the second outcome, in general, across instances, officials were found to be very knowledgeable and concerned about the importance of ABS and the NP. In fact, the number of officials, academics, and other actors interested in the subject were trained, has overpassed the number of people considered to be reached. In the case of the officials trained, as appointments have changed, new training options are in the way to be applied, such as Massive Online

Open Courses (MOOC).

viii. About the third outcome, Capacity building of indigenous and local communities and other stakeholders:

a. The practical training of indigenous and local communities has been promoted with the interested communities. Mainstreaming of biocultural community protocols has aimed to improve local governance of biological resources as well as to protect the associated traditional knowledge associated. For instance, these BCP are serving as a regulation mechanism at indigenous and local communities, aiming to build forms of access to genetic resources in which the distribution of benefits is fair and equitable and the associated traditional knowledge can be protected. In fact, the proposed goal (number) of BCPs has been overpassed: 9 PBCs in indigenous communities, 4 in local communities, in addition to eight other experiences, including two regional protocols.

b. The cataloguing of traditional knowledge associated with biological resources has been undertaken by establishing the respective guidelines. A transformation of the set of existing collections is missing.

c. The basic information about the NP has been socialized and the development of a communication strategy and the means to continue the online training have begun. With it, it is expected the sensitization process will continue in the following stages.

ix. **The overall rating for the Project is Satisfactory (S)**. Table B synthetizes the results of this MTR. The assessment takes as reference the Strategic Results Framework presented in the PRODOC and is based on the "Guide for conducting the midterm review in projects supported by UNDP and financed by the GEF" (UNDP-GEF, 2014)

Table B. MTR Ratings & Achievement Summary for the GEF ABS Project

MEASURE	MTR RATING	ACHIEVEMENT DESCRIPTION
Project strategy	N/a	The interest for the implementation of the NP in Mexico has a two-decade history; **the route or pathway undertaken** by the project is grounded on such experience. The three-year length for the "GEF ABS Project" is fairly justified since it has been formulated as directly linked to its predecessor, the "GIZ Project"; the latter has provided a background for on the ground experiences and through the formulation and publication of a number of materials in the topic of concern for the two projects.
Progress towards results	PROJECT OBJECTIVE: Enhance in Mexico in a participatory manner, the capacities of national authorities, as well as the legal and institutional framework in relation to genetic resources, associated traditional knowledge and benefit-sharing, according to institutional conditions for the implementation of the "Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the Convention on Biological Diversity" (NP)	
	(S) SATISFACTORY (5 pt.)	While the project has faced several limitations (e.g. radical changes in the Government´s Federal Administration, from right to left), the project is on the track to achieve its overall objective. However, this could only remain by means of a stronger appropriation process on behalf of the national authorities, especially of SEMARNAT, the institution acting as the national focal point.
	OUTCOME 1. Adjusting the legal framework and establishing public policy measures that regulate the access utilization of GR and associated TK arising from the fair and equitable benefit-sharing.	

	(S) SATISFACTORY (5 pt.)	A regulatory document concerning ABS was formulated through an Inter-Secretariat Group in the past years, yet this is still pending revision by the Attorney at SEMARNAT since 2017). Grounded on this, and as part of the activities promoted by the GEF ABS Project, a Bill Proposal for the regulation of access to genetic resources and mechanisms for fair and equitable participation in the benefits derived from that access, in the context of the Nagoya Protocol, is nearly finished. Although the latter represents an important advance in the progress towards the results of the project, it is still necessary to resume the pending revision of the former (the Regulatory document pending revision).
	OUTCOME 2. Strengthening of national institutional capacities	
	(S) SATISFACTORY (5 pt.)	The "sensitization and awareness program" presents important advances: workshops have been carried out at universities and government agencies and a MOOC is currently being prepared to reach a greater number of people. The goal (number) of legislators trained for sensitization has been reached. However, with the change of administration, it is presumed that a large part of the legislators who participated in the training workshops have been replaced. Through the interviews carried out, the MTR team identified that across the stakeholders, there is sufficient knowledge on the subject and on the needs around the implementation of the Nagoya Protocol in the country. Indeed, we corroborated that some national institutions already have highly trained officials in the field. In fact, there was a significant improvement in the ABS Capacity Development Scorecard: at the CEO endorsement, the score achieved was 21 points out of 69, a rating of 30.43%. At the time of this MTR, the rating is 79% (38 points out of 48).
	OUTCOME 3. Protecting traditional knowledge and improving the capacities of indigenous and local communities and other stakeholders to generate social awareness on conservation and sustainable use of biodiversity, GR and associated TK, as well as benefit-sharing arising from their access and utilization	
	(HS) HIGHLY SATISFACTORY (6 pt.)	The "guidelines for the protection of traditional knowledge associated with genetic resources" have been developed; likewise, a KAP methodology has been implemented; potential entries for the "traditional knowledge catalogue" are still dispersed through the institutions which need to provide access to the project so that these can be registered and thus, traditional knowledge can be further protected. Biocultural Community Protocols are a major success in the project. The proposed goal (number) of BCPs has been overpassed, with more than 20 already done or under the process. These play a catalytic role in communities with a potential for replication and upscaling; BCPs are means to build local mechanisms for the protection of GR and associated TK.
Project implementation and Adaptive Management	(HS) SATISFACTORY (6 pt.)	Even though the project has faced some limitations regarding unexpected changes and events in the executing agency, the coordinating team has proven to be highly flexible and resilient; continuously working towards the expected results. For example, they encourage the involvement of relevant actors and institutions; communicating, informing and disseminating the activities of the project, the results and the relevance of the issues involved. All of these while beeping frugal in the management of financial resources. At UNDP, the concern to build and procure synergies between the projects that are simultaneously executed in the Country Office, is especially noticeable.
Sustentainability	(L)	Regarding **Environmental Sustainability, th**e Project´s actions implemented so far have the purpose to encourage the long-term viability of globally significant biodiversity in Mexico, based on its sustainable use while also giving room to the creation of bio-economic projects where

	LIKELY (4 pt.)	Indigenous and local people can participate and benefit. In relation to **Institutional sustainability,** the Project´s activities are largely oriented to support capacity building across both institutions and legal arenas, for instance, aiming for sensitisation and awareness about how indigenous and local people are involved as providers and user of GR, and how their traditional knowledge can be valued, protected, and legitimized. About **Financial and Socio-economic Sustainability.** the project foresees suitable ways in which the country could achieve long-term financial sustainability, for example, by building taxation mechanisms where the generated resources are redirected to the concerning authorities; by investment from the private sector; by the mechanism defined by the communities in their BCPs; an example of the project achievements in this regard is the case of the BCP developed at Ejido Charape La Joya, where local people, and especially women, receive and economic benefit in the cosmetic use of a plant they have managed and used for generations.

C. Conclusions

x. The GEF ABS Project represents a very important step for the in the country towards building the mechanisms for the appropriate access to genetic resources and the protection and recognition of the traditional knowledge associated to them. Indeed, in a South South cooperation frame, the project has been formulated as a continuation and as a complement of the preceding project (Biodiversity Governance, funded by the German Agency for Cooperation for Economic Development, BMZ).

xi. In relation to the three outcomes to reach the objective. First: A Regulatory document and a Bill, both concerning ABS and the Nagoya protocol have been formulated; one of them pending revision since 2017 and the other just about to be finished. Second: There is an improvement in Capacity Building (as shown in the ABS Capacity Development Scorecard). Yet, the lack of a regulatory framework prevents all of the Capacity Building reached so far to be put into action. Third: The development and implementation of Biocultural Community Protocols (BCPs) are found to be the most successful side of the project. The MTR has identified that the BCPs play a catalytic role in communities, with a potential for replication and upscaling. Moreover, this self-built model of regulation has been socialized not only at the regional and national level, but at the international level: communities at other countries recognize the achievement in this matter by Mexican indigenous peoples in the development of this tool, and so feedback is requested from them.

xii. While the project has faced several limitations (e.g. radical changes in the Government´s Federal Administration, from left to right), the project is on the track to achieve its objective and outcome. However, medium- and long-term impact are likely to remain if further involvement on behalf of the country´s concerning institutions. In this way, a real appropriation process of the project could lead to its overall sustainability.

xiii. An extension to reach at least the usual 5 five-year length of a GEF FSP is highly recommended so that many of the current achievements could have the time to further consolidate.

D. Recommendations

xiv. Table C next synthesizes the MTR recommendations for each outcome in relation to the achievements as well as the obstacles and barriers that the Project has faced, aiming to maintain and consolidate the results reached so far. Following the format provided in the "Guide for conducting the midterm review in projects supported by UNDP and financed by the GEF" (UNDP-GEF, 2014), we

have included the names of the entities who could play as the responsible party for each one of the recommendations we have made.

Tabla C. Recommendation towards the end of the GEF ABS Project

No.	Recommendation	Entity responsible
	About Outcome 1	
1.1.	**Key recommendation**: Through this terminal phase, to carry out the necessary activities for raising awareness among the incoming (new) legislators about what the Nagoya Protocol is and what it means, findings the means that such a training to have mid and long-term effects. (no. 10 in the MTR report)	SEMARNAT - PSC
1.2	Given the achievements reached so far in a three-year length period and the remaining tasks, to extend the project, at least for two more years, so it could be at least a 5-year project, like most GEF FSP´s. (no.1)	SEMARNAT / GEF
1.3	Grounded on the Project´s results, to promote a country policy on the material benefits about the use and commercialization of genetic resources, under an ABS framework (no. 2)	SEMARNAT, SADER, IMPI, INPI, CONANP
1.4.	To contribute to the negotiation of a new global framework in the UN multilateral system for environmental issues and indigenous peoples, after the period of fulfilment of the goals of Ai Chi; building links with IPBES (no. 7)	SEMARNAT, CONABIO, PSC, Government (SRE, Presidential unit, et. al.)
1.5.	To consolidate in Mexico the legal protection of GR and the associated TK (no. 8)	PSC, SEMARNAT, Senators and Deputy Chambers
	About Outcome 2	
2.1.	**Key recommendation:** To re-establish communication and systematic meetings of the Inter-Secretariat Working Group and resume the working plans and Agenda (no. 4)	SEMARNAT, GEF/PNUD, PSC.
2.2.	For the remaining time of the project, to include training material/module(s) on to the issues concerning GR access at National Protected Areas (e.g. in the MOOC and training workshops) (no. 3)	PNUD/GEF – SEMARNAT, PSC, CONANP
2.3.	To encourage at CONACYT further attention on the multi, and transdisciplinary academic research from a biocultural perspective, paying especial attention to biological resources and associated TK (no. 11)	SEMARNAT, PSC
2.4.	To precise how each one of the involved institutional sectors/organization could further continue to contribute to the Project; this taking into consideration the ongoing reorganization in their function and tasks (no. 6)	PSC, UNDP/GEF
	About Outcome 3	
3.1.	To make the necessary arrangements to access the available information across national institutions on genetic resources associated with traditional knowledge, so that it can be registered and systematized into a TK Catalogue, as initially proposed by the Project (no 9)	PSC, SEMARNAT, SADER
3.2.	To expand the value criteria on biological resources (especially on landraces) and the associated TK, acknowledging the role of indigenous and local communities; legitimizing all of these in the proposed catalogue. (no. 5)	PSC, SEMARNAT, INPI; SADER

Acknowledgements

The consultants who have carried out the Mid-Term Evaluation of the SEMARNAT / UNDP / GEF Project "Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity", Diana Lope-Alzina and Alfonso González, would like to acknowledge that this product has been possible due to the significant efforts made for this task by the responsible team responsible, both at SEMARNAT and the UNDP-Mexico Office. Indeed, we thank them all for the information they have facilitated over the course of the MTR development and so for the feedback they have provided, always in a kind and respectful way.

Also, we owe this endeavor to the several people we interviewed at their communities and across institutions and organizations; all of them willing to contribute with their valuable experiences, sharing with us a corpus of experiences about the project under review. In all cases, we have procured to maintain the interviewees´ statements as expressed by them.

Thorough those inputs, we have been able to make the pertaining analysis and provide an assessment on the progress of the project, in turn providing a set of recommendations towards project completion. In this way, we aim to contribute to the successful accomplishment of the project so that the country, and most of all, the indigenous and local communities, can benefit from their biological resources and the associated traditional knowledge they possess.

Last but not least, we are thankful for the trust UNDP and SEMARNAT have placed in our experience and judgements, and hope our final report on the Mid Term Evaluation becomes useful for everyone.

Sincerely,

Alfonso González Martínez

Diana G. Lope Alzina

List of acronyms and abbreviations

ABS	Access & Benefit Sharing
ABSCH/NABSCH	Access and Benefit-Sharing Clearing-House / National Access and Benefit-Sharing Clearing-House
AWP	Annual Work Plan
BD	Biodiversity
BCP	Biocultural Community Protocol
CBD	Convention of Biological Diversity
CDI	National Commission for Indigenous Peoples Development (now, INPI)
CEO	Chief Executive Office
COFEPRIS	Federal Commission for Protection against Sanitary Risk
CONABIO	National Commission for Knowledge and Use of Biodiversity
CONACyT	National Council on Science and Technology
CONANP	National Commission on Natural Protected Areas
EA	Executing Agency
EIA	Environmental Impact Assessment
GEF	Global Environment Facility
GIZ	German Cooperation Agency
GO	Government Organization/s
GR	Genetic Resources
GRIEC	Genetic Resources Information Exchange Center
IA	Implementing Agency
IAS	Invasive Alien Species
IEO	Independent Evaluation Office
ILCO	Indigenous Local Communities
INPI	National Institute for Indigenous Peoples (formerly, CDI)
IMPI	Mexican Institute for Industrial Property
IPBES	The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
KAP	Knowledge, Attitudes, and Practices
LGEEPA	General Law of Ecological Equilibrium and Environment Protection
LGVS	General Law of Wildlife
LGDFS	General Law of Sustainable Forest Development
LGDRS	General Law of Sustainable Rural Development
MAT	Mutually Agreed Terms
M&E	Monitoring & Evaluation

MTR	Mid-Term Review
NBSAP	National Biodiversity Strategy Action Plan
NDP	National Development Plan
NGO	Non-government Organization
NIM	National Implementation Modality
NOM	Mexican Official Standard
NP	Nagoya Protocol
OPS	Overall Performance Studies
PA	Protected Area
PAC	Project Appraisal Committee
PCU	Project Coordination Unit
PIC	Prior Informed Consent
PIMS	Project Information Management System
PIRs	Annual Project Implementation Reviews
PPG	Project Preparation Grant
PRODOC	Project Document
PROFEPA	Federal Attorney of Environmental Protection
PROMARNAT	Environment and Natural Resources Sectorial Program
SADER	Ministry of Agriculture and Rural Development (formerly, SAGARPA)
SAGARPA	Ministry of Agriculture, Livestock, Rural development, Fishery and Food (now, SADER)
SDG´s	Sustainable Development Goals
SE	Ministry of Economy
SEMARNAT	Ministry of the Environment and Natural Resources
SRE	Ministry of Foreign Affairs
TT	Tracking Tools
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
USD	United States Dollars

Project Identification Information

Table A. Project Information[1]

Project title	Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity		
Executing Agency	United Nations Development Programme		
Implementing Agency/ National counterpart:	Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT), México		
Participating Countries:	México		
GEF project ID:	00096831	**PIMS:**	5375
Focal area	Biodiversity	**ID Award Atlas**	00091799
Start date:	January 2017	**Planned duration:**	36 months
Intended completion date:	January 2020	**Actual completion date**	TBD
Project type	FSP	**GEF allocation:**	USD 2,283,105
Expected FSP co-financing:	USD 8,938,579	**Total cost:**	USD 11,221,684
Mid-term review/ eval. (planned date):	Year 2	**Mid-term review/ eval. (actual date):**	Year 3
Date of last Steering Committee meeting:	8 august 2019	**Date of last PIR:**	June 2019

See also the project´s Endorsement Letter (Annex 3).

[1] A Project Identification Form (PIF) was not available through the PRODOC or any other of the reviewed information. Therefore, the above table has not been named as PIF

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Glossary of key terms in the context of "Access and Benefit-Sharing"[2]

ABS: Acronym for "Access and Benefit-Sharing". It is used to refer to the way in which genetic resources or traditional knowledge associated with such resources is accessed and how the benefits that result from the utilization of such resources and associated traditional knowledge are shared with the countries and/or indigenous and local communities providing them.

Access and Benefit-sharing Clearing-House: The term refers to the global information portal that is established by the Nagoya Protocol and will be maintained by its international Secretariat. The Protocol identifies information that Parties either must or may submit to the Clearing-House.

Biodiversity: Is a term defined in the CBD and refers to the variability that exists among living organisms from all sources including among other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes which they are part of. It includes diversity within species, between species and their ecosystems.

Bio-prospecting: The term refers to the process of looking for potentially valuable genetic resources and biochemical compounds in nature.

Convention on Biological Diversity (CBD): the CBD is one of the three global environmental agreements adopted by the 196[3] states that participated in the 1992 UN Conference on Environment and Development in Rio de Janeiro. 108 heads of state and government attended the meeting.

Competent National Authorities (CNAs): This term used in the Nagoya Protocol refers to domestic administrations established by governments and responsible for granting access to their genetic resources. They represent providers on a local or national level. The Nagoya Protocol obliges its Parties to establish competent national authorities for ABS. The CNAs in terms of the Nagoya Protocol must be distinguished from the competent authorities in terms of the ABS regulation.

Compliance: Compliance is either a state of being in accordance with established guidelines, specifications, or legislation or the process of becoming so. In the context of public international law and the Nagoya Protocol it describes the situation where a state fulfils its obligations as they arise from an international treaty. The term user-compliance in contrast is used when referring to the fulfilment of users of genetic resources or associated traditional knowledge with specific ABS requirements that may be set out in domestic access frameworks of provider countries, in access permits, in specific benefit-sharing contracts, or in general user-compliance laws of countries where genetic resources and associated traditional knowledge are being utilized.

Genetic material: Is a term identified in the CBD and means any material of plant, animal, microbial or other origin containing functional units of heredity.

Genetic resources: Is a term identified in the CBD and means all genetic material of actual or potential value. Essentially, the term encompasses all living organisms (plants, animals and microbes) that carry genetic material potentially useful to humans. Genetic resources can be taken from the wild, domesticated or cultivated. They are sourced from: natural environments (*in situ*) or human-made collections (ex situ) (e.g. botanical gardens, gene banks, seed banks and microbial culture collections).

Genetic resources value chain: The term is used to describe the totality of typical steps taken to create environmental, social and economic value on genes and naturally occurring bio-chemicals found in nature. The genetic resources value chain starts with the collection of some material and possibly ends with the successful commercialization of a final product. Typical steps taken are the collection of

[2] Slightly modified from: European Commission (2019). Environment. Sharing nature's genetic resources – ABS. Available at: https://ec.europa.eu/environment/nature/biodiversity/international/abs/pdf/Glossary%20for%20Europa.pdf /

[3] Source: SCDB at https://www.cbd.int/information/parties.shtml.

genetic resources, the storage of collected material, basic research on genetic resources, applied research on genetic resources, the development of products and eventually the commercialization of products. Not all these steps will necessarily be taken for each sample collected in the wild. Not all collected material is stored in collections. In a few cases material is collected by an agent of a company specifically interested in a sample of a known organism. Also, most basic research will not result in concrete applications. And much applied research ends unsuccessfully without moving to the development of a product. Likewise, many development efforts never make it to the product approval stage.

Indigenous and Local Communities (ILCs): The CBD and the Nagoya Protocol do not define this term. It is left to the Parties of the Protocol to define this term in their implementing measures. In the context of the Nagoya Protocol the term ILCs is generally understood to encompass communities living close to nature and holding genetic resources and traditional knowledge associated with genetic resources. In México, the Political Constitution includes a definition about who can be recognized as indigenous peoples: a community as a part of a group of people, and a person as a part of an indigenous community (article 2); it also defines the equivalent rights for local communities as comparable to those indigenous ones.

***In-situ* & *Ex-situ*:** Genetic resources can be wild, domesticated or cultivated. "In-situ" genetic resources are those found within ecosystems and natural habitats. "Ex-situ" genetic resources are those found outside their normal ecosystem or habitat, such as in botanical gardens or seed banks, or in commercial or university collections.

Internationally recognized certificate of compliance: The Nagoya Protocol establishes that domestic access permits that are made available to the Protocol's Clearing-House shall constitute "internationally recognized certificates of compliance". All Parties with users in their jurisdiction must recognize such certificates as evidence of acquisition in accordance with applicable rule of the genetic resource covered.

Meeting of the Parties: As per usual practice, the Nagoya Protocol identifies that the regular meetings of the collective of the Parties to the Protocol function as its supreme decision-making body. These meetings are referred to as "meeting of the parties" or "meeting of the Parties to the Protocol". The Protocol establishes that the meeting of the Parties to the Nagoya Protocol must be organized concurrently with the meetings of the supreme decision-making body of the CBD, the "conference of the parties". These joint meetings will be referred to as CoP-MoP.

Mutually Agreed Terms (MAT): Is a term used in Article 15 CBD and establishes that specific benefit-sharing conditions must be "mutually agreed" between providers and users of genetic resources. The term is also used in the Nagoya Protocol. Given their "mutually agreed" nature, MAT are contractual arrangements and will normally be set out in private law contracts.

National Focal Points (NFPs): Domestic administrations responsible for providing information on ABS, such as the requirements for gaining access to genetic resources. All Parties to the Nagoya Protocol must establish a National Focal Point.

Prior Informed Consent (PIC): In the context of ABS and the Nagoya Protocol PIC refers to the administrative permit given by the competent national authority of a provider country to a user, prior to accessing genetic resources. However, the term is also used in relation to the right of indigenous and local communities to take a free and informed choice on whether they wish to give access to genetic resources or traditional knowledge associated with genetic resources. Parties to the Nagoya Protocol are obliged to include their ILCs in the process of granting access to genetic resources and traditional knowledge associated with genetic resources.

Providers of genetic resources: States have sovereign rights over their natural resources and can decide to establish access legislation. Within the exercise of their sovereignty, states will determine who holds rights over genetic resources in their domestic legal order and who has the authority to

grant access to genetic resources or traditional knowledge associated with genetic resources and who should be involved in the negotiation of mutually agreed terms with potential users etc. The possibilities range from public ownership over genetic resources, to a system where the rights over genetic resources follow the private property rights over the land. Even in case of public ownership over genetic resources, a national government will typically delegate the authority to grant prior informed consent to a sub-national (e.g. regional authority) or non-state entity (e.g. a reference collection). See under Competent National Authority.

Traditional knowledge associated with genetic resources: The CBD and the Nagoya Protocol do not define this term; it is left to the Parties of the Protocol to define this term in their implementing measures. At the international level, there are ongoing negotiations on the broader term of 'traditional knowledge', i.e. without the reference to genetic resources, in the World Intellectual Property Organization (WIPO). In the context of the Nagoya Protocol, the term is used in relation to the knowledge, innovations and practices of indigenous and local communities that result from the close interaction of such communities with their natural environment, and specifically to knowledge that may provide lead information for scientific discoveries on the genetic or biochemical properties of genetic resources. It is characteristic of traditional knowledge that it is not known outside the community holding such knowledge. In the context of ABS this means, that traditional knowledge may easiest be identified if described or referred to in a specific benefit-sharing contract.

Users of genetic resources: A diverse group, including botanical gardens, industry researchers such as pharmaceutical, agriculture and cosmetic industries, collectors and research institutes. They seek access for a wide range of purposes, from basic research to the development of new products.

I. Introduction[4]

1. This document consists of final report the Mid Term Review (MTR) of the project *"Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity"*, implemented in Mexico by the United Nations Development Programme (UNDP) and having as the national counterpart, the Ministry of Environment and Natural Resources (SEMARNAT (as standing in Spanish for *Secretaría de Medio Ambiente y Recursos Naturales*). This report follows the inception report (Annex 1), which has been written in Spanish language. As stated in the Terms of Reference (ToR) for the consultancies to carry out this review or evaluation (Annex 2) and in line with the GEF and UNDP guidelines (UNDP-GEF, 2014), this MTR has been undertaken after half way of the project implementation and it has a duration of four months, beginning June 11th and finalizing by October 31th, 2019. This review constantly refers to the project as the "GEF-ABS project".

2. **The objective of the MTR** is to analyze whether the project is on-track, what problems or challenges the project is encountering, and what corrective actions are required. The MTR assesses project performance to date (in terms of relevance, effectiveness and efficiency), and determines the likelihood of the project to achieve the intended outcomes and impacts, including their sustainability. The evaluation has **two primary purposes**: (i) to provide evidence of results to meet accountability requirements and (ii) to promote operational improvement, learning and knowledge sharing through results and lessons learned among UNDP and main project partners. In other words, as part of this progress assessment, successes and failures should be identified in order to reinforce or redirect activities towards the expected impact and results.

3. The **scope** of the MTR takes as a reference the *"Guidance for Conducting Midterm Reviews of UNDP-Supported, GEF-Financed Projects"* (UNDP-GEF, 2014). The MTR provides assessment in project performance (up to the date) according to four categories:

   a) **Project strategy**. The review of the aspects in this category largely focuses on the preparation and readiness of the project, focusing in documents such as the PRODOC (Annex 3) as formulated during the Project Preparation Grant (PPG) phase.

   b) **Progress towards results**. Taking as a main input the review of achievements made by the project up to august 2019, the MTR consists mainly of an analysis of the current advances of the project *vis-a-vis* the expected outputs and outcomes as proposed in the Strategic Results Framework (Annex 4); such an analysis takes as main inputs the annual PIR´s and other reports. Grounded on this analysis, the MTR proposes a baseline scenario from where the pertaining recommendations are formulated.

   c) **Project implementation and adaptive management**. This category implies the review of the following aspects:

   1. Effectiveness and efficiency in management arrangements (timeliness and participation/contributions by project partners according to the working plans, agenda, and milestones reached); taking also into consideration the quality of participation and execution of partners and agencies involved, including UNDP.
   2. Quantitative and qualitative reviews of financial and co-financial schemes, which focus on the cost effectiveness of the activities carried out.

[4] Most of the information contained in this section has been presented in the MTR´s Inception Report, herewith included as Annex 1.

3. The Monitoring and Evaluation (M&E) system implemented by the project (to identify, for example, if the M&E system is cost effective, participatory and inclusive, and if it is actually yielding the needed information for the project´s own feedback and reporting).
4. Stakeholder engagement and participation (leveraging promoted through the project, country ownership and driven-ness of the project, and rising of public awareness).
5. The internal and external communication processes developed and encouraged through the project in order to reach the expected outcomes and impact.

d) **Project´s sustainability and replication or scaling-up**. This category implies an analysis (including risks) about finances, environmental, socio economic and political aspects, the institutional framework and governance, and the possibilities that the project results remain among stakeholders after project culmination. Same like, the possibilities that project methodologies and results can be replicated; this may also include leveraging (getting funds) from other institutions.

4. In line with the previously stated scope of this MTR, the findings of the review are based on the following rhetoric questions, herewith presented according to each one of the above-mentioned categories:

a) **Project Strategy.** To what extent is the project strategy relevant to country priorities, country ownership, and the best route towards expected results?

b) **Progress Towards Results.** To what extent have the expected outcomes and objectives of the project been achieved so far?

c) **Project Implementation and Adaptive Management.** Has the project been implemented efficiently, cost-effectively, and been able to adapt to any changing conditions so far? To what extent are project-level monitoring and evaluation systems, reporting, and project communications supporting the project's implementation?

d) **Sustainability and replication.** To what extent are there financial, institutional, socio-economic, and/or environmental risks to sustaining long-term project results? Is the project serving as a ground experience for scaling up or implementation of other, similar projects?

5. The **methodological approach** of the MTR is congruent with both UNDP and GEF policies (UNDP-GEF, 2014). Such an approach is participatory, including both quantitative and qualitative methods, and is based on sound analysis. The methodological strategy includes the following:

a) A desk review for content analysis of relevant background documentation. This includes 1) documents from the project implementation, such as the PRODOC (Annex 3), CEO Endorsement letter, considered as equivalent to the Project Identification Form (Annex 5) and the Strategic Results Framework (Annex 4); and 2) ongoing documentation such as Annual Work Plans and Budgets, Project Implementation Reviews (PIRs), and minutes from meetings, especially those from the Project Steering Committee (PSC) (minutes attached as Annex 6).

b) Field visits for direct observations (pilot areas, local people, project partners) coupled with interviews with country partners and allies. Two field sites have been visited (Ek Balam in the Yucatan, and Capulalpam de Méndez in Oaxaca), interviewing indigenous communities about their experiences in the formulation and application of Biocultural Community Protocols. Also, interviews were carried out with key stakeholders at partners institutions and allies, such as CONANP, INPI, IMPI, and SADER (see Annex 7).

c) For the interviews above mentioned, adjustments to the proposed questions presented as part of the inception report (Annex 1) were tailor-made for each interviewed party interviewed according to the specific roles, interests and motivations concerning the project.

d) The list of questions (written in Spanish since this is the language for the interviews) can be found as Annex 8.

6. Adjustments were made to the **working plan** initially proposed as part of the MTR inception report yet maintaining it for twenty-eight days covered within a four-month period (as stipulated in the consultancies´ ToRs); the reasons are exposed in the "limitations" section in paragraph 9. The updated working plan can be found as Annex 9; it is written in Spanish language as suitable to the needs of both the MTR and the project itself.

7. For the **assessment of the ongoing progress**, the MTR follows the "Progress Towards Results Matrix" indicated in the "Guide for conducting the midterm review in projects supported by UNDP and financed by the GEF" (UNDP-GEF, 2014, 15), which is based on a colored key of indicators (green=achieved; yellow=on target to be achieved; red=not on target to be achieved). The assessment takes as reference the Strategic Results Framework (Annex 4), the latest PIR (Annex 10), and of course, the overall findings of this MTR.

Project strategy	Indicator	Baseline level	End of Project target	Mid Term level assessment	Achievement rating	Justification for rating

The **achievements rating** for the project's progress towards results and for project implementation and adaptive management, is based on a 6-point scale to rate: Highly Satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately Unsatisfactory (MU), Unsatisfactory (U), or Highly Unsatisfactory (HU) (see UNDP-GEF, 2014, 17).) For Project Sustainability, the achievement rating is based on a 4-point scale (L), Moderately Likely (ML), Moderately Unlikely (MU), and Unlikely (U) (UNDP-GEF, 2014,20). See also Annex 14.

8. **This MTR report is organized into four sections**. The first one (this section) provides an overview on the MTR; it is built upon the *inception report* previously submitted. The second section provides the project description and takes as a main source of information the PRODOC. The third section consist on the overall project assessment. The last and fourth part of this report consists of the conclusions, lessons learned and recommendations as derived from the whole MTR process. Also, there is an Executive Summary and nineteen annexes for reference, herewith attached as separate files in order to facilitate its processing. The annexes maintain the language in which they have been prepared, with the only exception of annex 14 and annex 19 which can be found in both, English and Spanish. The MTR final report is available in both, English and Spanish.

9. This MTR has faced some **limitations**:
   a) *The availability of documents.* In Annex 11, the lists of documents that were available are as found in *"Annex 7. Midterm Review Data Request"* of the *"Guide for conducting the midterm review in projects supported by UNDP and financed by the GEF"* (Ibid.) and complemented by a detailed list generated in the project. While a few documents were not available for the review due to unforeseen reasons by the project team (see paragraph 9), it is worth to mention that not this does necessarily compromise the analysis and assessments derived from the MTR. In fact, we relied in the provided documentation (deemed enough) coupled with other data gathering, so that we have been able to carry out this evaluation as expected.

   b) *Unforeseen situations leading to slower than expected project development.* As stated in minutes from the MTR´s inception meeting (Annex 12), the UNDP staff involved in the "GEF ABS Project" has reported that there are several events that have led to a slower development than expected in the activities to be carried out to the expected results. Indeed, the PCU faces limited or no access to certain documentation. Among the facts mentioned to explain this situation, as stated in mentioned minutes are the following:

      1. The change of representation in the Government at national level in 2018, with significant

changes from right to left across the federal institutions, implying a different political approach towards the Nagoya Protocol than the previous federal administration.

2. In addition, two changes in less than six months (2018 to 2019) occurred inside the organization enrolled as the national counterpart, SEMARNAT -changes from the highest hierarchical level to most of the Directorates-; this implies a higher investment of time as the incoming officials become involved in the "GEF ABS Project".
3. The unfortunate and unexpected departure of a key actor at SEMARNAT in the development of the implementation of the Nagoya Protocol in Mexico, who played a fundamental role in the follow-up of the "GEF ABS Project" according to what has been proposed as stated in the Project Document.

c) Related to the points above (a, b), while a list of possible partners and allies to be interviewed was presented as part of the inception report, the actual list with names and contact information of project participants (e.g. by sectors and / or by project functions) has been shaped as the MTR advanced. In part, related to the changes in appointments across the Government agencies in Mexico for the period 2018-2024 so that names and functions of people originally involved in the project have changed; this resulting in delays to set interviews with key partners and allies. Also, for field sites, both seasonality (e.g. monsoon) and the local rhythm of work in the communities, were a predetermining condition for the delay of the proposed visits to indigenous communities where BCPs are being implemented; the field mission was carried out about a month later than expected.

II. Project description and background context[5]

A. General project information

10. The project *"Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity"* is a Global Environment Facility (GEF) / United Nations Development Programme (UNDP) full-sized project (FSP)[6] for México, with Project ID 00096831, Atlas Award ID 00091799, GEF ID 5738, and UNDP PIMS ID 5375. The project focal area is Biodiversity (BD). The project was approved by the GEF on January 25, 2017, formally beginning on this date since it was when the PRODOC and the pertaining documentation (e.g. CEO endorsement) were signed. Nevertheless, the actual beginning of the project began with the establishment of the Project Coordination Unit (PCU) by April 2017 when the project´s coordinator was hired, followed by other contracts at this unit which were completed by August of the same year. The project has a duration of three years.

[5] The information provided in this section has been extracted and synthetized from the PRODOC, herewith included as Annex 3.

[6] The GEF provides financing to various types of projects ranging from several thousands to several million dollars; there are four types of projects: full-sized projects, medium-sized projects, enabling activities and programmatic approaches. Full-sized Projects (FSPs) have a funding of more than US$2 million, provided only to governments who then decide on the executing agency (e.g. civil society organizations, private sector companies, research institutions) (Source: The GEF, available at: www.thegef.org/about/funding/project-types).

11. As indicated in the Project Identification Form (PIF), with CEO endorsement letter dated on January 25, 2017, the co-financing scheme established for the project is established as follows: the GEF contributes with a total cash of (USD) 2,283,105.00; UNDP with (USD) 230,000.00 in cash, plus (USD) 20,000.00 in kind; the GIZ-CONABIO Project with (USD) 7,425,742.00 in cash; the national government, through twelve different organizations, contributes with (USD) 1,262,837.00 in kind. These amounts make a total of (USD) 11,221,684.00 as the total required budget (See Project Identification Form (PIF) / CEO Approval Letter as Annex 5)

12. As stated in the PRODOC, the project is executed under National Implementation Modality (NIM) with three main parties being responsible for the overall project execution:

    a) UNDP is the responsible agency for the achievement of project objectives, outcomes and outputs, for project management including monitoring and evaluation activities, and for the effective use of resources.

    b) The national counter part of UNDP, or as stated in the "Management Arrangements" section of the PRODOC, the Executing Agency (EA), is the Ministry of Environment and Natural Resources (SEMARNAT). This national agency is expected to lead the project implementation with the support of the PCU.

13. The **focus** of the project consists on developing the conditions towards the implementation of an ABS legal framework in relation to Mexico's biodiversity and associated genetic resources, preventing bioprospecting and protecting the associated traditional knowledge. By means of such a robust legal and institutional framework for ABS, the project aims to encourage economic incentives for the conservation and sustainable use of the biological resources that contain the genetic material, while indigenous peoples also participate of the potential benefits (See PRODOC, paragraph 5 in pg. 7).

14. The **rationale** consists on building a long-term solution for the conservation of biological and genetic resources of Mexico, based on capacity building towards the implementation of the Nagoya Protocol (NP). Although Mexico ratified the Nagoya Protocol in 2012, legal gaps remain unaddressed. In this context, the strategy consists on the involvement of different groups of stakeholders as means to strengthen their capacities (from civil servants at the pertaining institutions to indigenous peoples, people in communal lands, communities and other property owners and holders, among other). That is, the NP is the means to offer legal certainty and transparency for GR suppliers and users by providing elements for the creation of a national legal framework that promotes and fosters Prior Informed Consent (PIC) to access and use GR and the associated traditional knowledge. Moreover, strengthening the opportunities for fair and equitable sharing of profits arising from their utilization, based on Mutually Agreed Terms (MAT). This is expected to also favor developing incentives for conservation of biological diversity and sustainable use of its components in the country; promoting sustainable development and contribute with the efforts by the international community to stop the loss of biodiversity and to avoid misappropriation of GR and associated TK. (See PRODOC, paragraphs 34 & 35, pg. 17).

15. In line with the above stated focus and rationale, the project **aims** to effectively strengthen national institutional capacities so that the implementation of the NP may have a direct effect on the preservation and sustainable use of national biodiversity, including GR and associated TK. As stated in the PRODOC, these new capacities are supported and encouraged by means of a of the National Access and Benefit-Sharing Clearing House, which is created to comply with Article 14 of the NP. In this way, the project also **aims** in the interpretation and implementation of Article 8 of the CBD in terms of the country specific considerations.

B. Development context

16. In the international context, the project is aligned with one of the main conservation areas in the

CDB´s Strategic Plans: the fair and equitable sharing of benefits arising from genetic resources. In this regard, the project encourages the use and conservation of biological diversity, GR and associated TK, promoting joint plans among stakeholders while building up an institutional and legal structure. In fact, the project is consistent with the Aichi Targets adopted at the 10th Conference of the Parties of the CBD, significantly contributing to Target 16: *"By 2015 the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation".* Mexico endorsed the Convention on Biological Diversity (CBD) since 1993. By 2010, the Contracting Parties decided to engage in negotiations to develop an international instrument capable of regulating its content, namely, the Nagoya Protocol (NP). The NP sets the development of the provisions of Article 15 of the CBD and at the same time, to achieve the third objective of the CBD: fair and equitable sharing of benefits arising from the utilization of GR. Mexico ratified the NP in 2012 yet formalizing it in October 12th, 2014.

17. Regarding how this project fits with the GEF´s initiatives, the project is framed within the *Biodiversity (BD) Focal Area Study* where the evaluation of the GEF funded projects on ABS and the NP, is one of the two undertaken by the *GEF Independent Evaluation Office (IEO)* as part of the *Sixth Comprehensive Evaluation of the GEF (OPS6).* The GEF IOS´s purpose is to assess the relevance, ex-ante quality of monitoring and evaluation, and the design aspects of GEF projects on ABS. (GEF, 2018)[7]. Similarly, the project is aligned with the Objective 4 of the GEF5 Strategy for Capacity Development, which is concerned with *"the empowerment of societal actors though learning, knowledge, information and innovation to effect transformational and sustainable change in institutions which in turn supports the achievement of the (development) ´goal´"* (GEF, 2013)[8].

18. Related to the UNDP Country Programme, this project complements the existing portfolio and has direct bearings on the 2010-2014 UNDAF Objective for Environmental Sustainability and Risk Management [Outcome 5/Strategic Component 3, Environmental Sustainability and Risk Management: *"Institutions and local stakeholders promote a safe and healthy environment and environmental sustainability".* In this regard, the project will work closely with a number of related initiatives including several UNDP projects founded by GEF: a) *Strengthening Management Effectiveness and Resilience of Protected Areas to Safeguard Biodiversity Threatened by Climate Change; b) Enhancing National Capacities to Manage Invasive Alien Species (IAS) by Implementing the National Strategy on IAS. c) Strengthening Management of the PA System to Better Conserve Endangered Species and their Habitats; d) Transforming Management of Biodiversity-Rich Community Production Forests through Building National Capacities for Market-Based Instruments.* All of these projects have had relevant interventions at the local level (including indigenous communities) with lessons learned upscaled to the "GEF ABS Project", specifically towards its Outcome 3 (developing Community Protocols and a Traditional Knowledge Catalog).
19. At the national level, the project is framed within the National Development Plan (NDP) that was underway at the time of the PPG phase (PND 2013-2018). For instance, the Strategy 4.10.4 promotes the sustainable use of natural resources in the country, emphasizing in the establishment of instruments that serve to rescue, preserve and potentialize the sustainable use of genetic resources; the Strategy 2.2.3 fosters the well-being of indigenous peoples and communities through social and economic development in congruence with their cultural expressions and the exercise of their rights, promoting policies for sustainable exploitation of natural resources occurring in indigenous regions for the preservation of the environment and

[7] GEF (2018). Biodiversity Focal Area Study. Global Environmental Facility: International Evaluation Office. Available: http://www.gefieo.org/evaluations/biodiversity-bd-focal-area-study-2017 (Retrieved: 30.08.2019)
[8] GEF (2013). GEF5 Strategy for Capacity Development. Presentation by Pilar Barrera, Operations Officer. GEF Familiarization Seminar, Washington, DC. January 30th–February 1st, 2013 (retrieved https://www.thegef.org/sites/default/files/events/27-CapacityDevelopment_0.pdf)

biodiversity, building upon their traditional knowledge; the Strategy 4.4.4 promotes the sustainable use of biological resources and the associated traditional knowledge as well as the fair and equitable distribution of the benefits derived from the use of GR and derivates, with the development of a regulatory framework. Also, Goal 5 of the NDP sets forth: "*Mexico with Global responsibility shall be a positive and proactive force in the world, a nation serving the best causes of humanity. Our global performance should incorporate the national reality and internal priorities, framed in the other four National Goals, so that these can be a distinctive agent of foreign policy. We hope our nation strengthens its voice and presence in the international community, and recovers the leadership for the benefit of the great global causes. We reassert our commitment with free trade, moment of capital, productive integration, safe movement of people and attracting talent and investment to the country*. *We have to draw a course of action consistent with the new global realities, to overcome the challenges we face*." The project is therefore framed within the national priorities. In fact, the Environment and Natural Resources Sectorial Program (PROMARNAT 2013 - 2018), from SEMARNAT, in December 12, 2013 officially published two action lines directly related to the issue concerning this project: *"4.3.7 To promote the sustainable use of biological resources and associated traditional knowledge, and the fair and equitable sharing of benefits" and "4.6.1 Promote the development of the regulatory framework to implement new protocols to the CBD."*

C. Threats and barriers targeted

20. In line with the CBD and the international and national agendas above mentioned, the main threats and barriers at the national level that the project seeks to address (identified as part of the baseline and gap analyses undertaken during the PPG phase) can be englobed as:

    a) Scattered, insufficient, and inadequate national regulatory framework for ABS of GR and associated TK.

    The current legal framework involving GR in Mexico dates back to before the adoption and ratification of the NP and consists of individual laws and regulations by sector (e.g. LGEEPA, LGVS, LGDFS, LGDRSS, as abbreviated in Spanish); notable gaps across these policies, include among other topics, the access to GR for scientific research, access and use of GR for commercial means (e.g. changes in use of collections from research to commerce), PIC, and MAT. For example, scientific collection permits are issued by the statutory instrument named Mexican Official Standard (NOM-126-ECOL-2000)[9],, which dates back to the approval of the NP. Yet this instrument only provides administrative regulations for activities related to scientific collection, research or teaching, not contemplating for instance, a possible change in uses; the lack of a clear legal framework can result, for example, in illegal activities from the commercial sector, or in the excess of restrictions for scientific advances (researcher). Such a lack of an all-encompassing ABS regulation may result in uncertainty and ungovernability; it is therefore necessary to integrate a regulatory framework comprising at least: the NP, the treaties signed by Mexico, and the national laws and regulations. Moreover, it may result in negative impacts across different scenarios: from an environmental perspective, the unrestrained extraction of GR and uncontrolled granting of research permits may give place to a continuous loss of biodiversity and increased environmental deterioration; about economic aspects, remuneration is likely to be lost from industries and corporations that use GR, implying a loss of millions of dollars for the country while biopiracy is likely to continue and communities lose the opportunity to improve their economic situation;

[9] *NORMA OFICIAL MEXICANA NOM-126-ECOL-2000, POR LA QUE SE ESTABLECEN LAS ESPECIFICACIONES PARA LA REALIZACIÓN DE ACTIVIDADES DE COLECTA CIENTÍFICA DE MATERIAL BIOLÓGICO DE ESPECIES DE FLORA Y FAUNA SILVESTRES Y OTROS RECURSOS BIOLÓGICOS EN EL TERRITORIO NACIONAL.* Source: Norma Oficial Mexicana NOM-126-ECOL-2000, *Gaceta Ecológica*, núm. 58, 2001, pp. 54-60, Secretaría de Medio Ambiente y Recursos Naturales Distrito Federal, México.

regarding governance, the lack of an integral legal framework implies the continuous risks of violation of regulations about the use of GR, potentially generating social conflicts, and maintaining the legal uncertainty. Last but not least, it also has social implications as there is increased vulnerability for cultural exploitation, implying e.g., the loss of TK, social unrest, and inequality in many forms (e.g., poverty, health, education, land tenure).

b) Limited inter-institutional capacity to monitor the utilization of the GRs.

As interests and associated requests to gain access to GR increase in the country, and so the need for expedited (administrative) procedures, an integrated mechanism among the pertaining stakeholders is particularly crucial. In Mexico, SEMARNAT is the institution in charge of regulating access to GR, however, articulated collaborations with other relevant national institutions regarding the implementation of integrated mechanisms and procedures, to, for example, request, review, and issue permits, are still incipient. Therefore, it is necessary to discuss, define, and set roles and positions of the Mexican State (through the pertaining institutions) with regards to ABS and related issues.

c) Scarce knowledge of relevant stakeholders on access and utilization of GR and Fair Benefit Sharing.

The lack of information regarding the current legal framework and the existence of the NP, in addition to historical and cultural inertia, unfair practices, low awareness of potential losses and trade-offs, and insufficient information data and research, have all given place to a decreased access, inequitable sharing of benefits and improper and undue utilization of GR, hindering the optimal use of the existing EIA regulations. This, together with the lack of knowledge of the concerning national authorities on international regulations, the absence of national legal provisions specifically applicable to GR and their importance to the genetic variability of species and their potential use, have all resulted in improper access and extraction of GR. Moreover, violating the rights of users to receive fair and equitable benefits arising from the conservation of those GR. Hence, the importance of national authorities to sponsor a legal framework that provides legitimized certainty for authorities and those being regulated.

21. The three threats and barriers above stated (synthetized from the PRODOC) have direct implications for indigenous rights and the misappropriation of collective or common wealth. An example on how the lack of knowledge of the legal ABS framework can lead to improper access and use of genetic resources are: a) the case of *Pozol*, a refreshing fermented beverage of Mayan origin whose collective use is widely known throughout the Mayan region (Mayas, Chontales and Zoques) and therefore it is not possible to determine the original owners. In the 1960s, 70s and even 90s, a great diversity of microbial flora was collected. An academic institution gained access to these genetic resources when a graduate student transported this genetic material to the European Union, and a few years later a patent appeared for the *Pozol* bacteria; b) the registry of the brand "Mezcal Tobalá" by an individual in Oaxaca, when *Tobalá*, is a variety of agave that is widely distributed not only in Oaxaca but in other areas, indded a name of Zapotec origin.

22. The above examples, as expressed in the PRODOC, highlight the lack of protection for associated traditional knowledge in Mexico which is subject to the application of customary laws by indigenous local peoples. That is, the communities should decide whether mechanisms to be adopted by those who seek to access and use GR associated with their TK. Otherwise the latter may be of public domain and so be virtually defenseless of appropriation by outsiders. Therefore, the Mexican State must define its position against this backdrop and provide the necessary mechanisms to protect TK, especially since it shall be the legal standard to safeguard the rights over GR and associated TK.

B. Project´s description and strategy

i) Objectives and outcomes

23. The *overall impact* or ***project development goal*** is to safeguard globally significant biodiversity of Mexico through strengthening the legal and administrative framework on access to genetic resources and benefit sharing while building capacity of the relevant national institutions.

24. The ***project objective*** is to enhance in Mexico, in a participatory manner, the capacities of national authorities (SRE, SEMARNAT, SAGARPA, CDI/INPI, SE), as well as the legal and administrative framework in relation to genetic resources, associated traditional knowledge and benefit-sharing, according to institutional conditions for the implementation of the *"Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the Convention on Biological diversity"*.

25. Both the main objective and project goal are meant to be achieved through **three *outcomes***: 1. Adjusting the legal framework and establishing public policy measures that regulate the access utilization of GR and associated TK arising from the fair and equitable benefit-sharing; 2. Strengthening of national institutional capacities; 3. Protecting traditional knowledge and improving the capacities of indigenous and local communities and other stakeholders to generate social awareness on conservation and sustainable use of biodiversity, GR and associated TK, as well as benefit-sharing arising from their access and utilization. For each outcome, a set of outputs has been formulated:

26. OUTCOME 1: Reforming or adjusting the legal framework and establishing administrative or public policy measures that regulate access, utilization of GR and associated TK arising from the fair and equitable sharing of benefits (Total cost: US$902,215: GEF $488,886; Co-financing: $413,329)

    Output 1.1 Analysis and Diagnosis of National Legal Framework pertaining to ABS.
    Output 1.2 Bill proposal amends the national ABS legal framework.
    Output 1.3 Awareness and training of at least 60 key lawmakers on access to GR and benefit-sharing.
    Output 1.4. National Strategy for conservation and sustainable use of GR, including associated TK.

27. OUTCOME 2: Strengthening national institutional capacities. (Total cost: US$1,587,262: GEF $939,155; Co-financing: $648,107)

    Output 2.1 The national Focal Point and National Authorities have been identified, trained and possess the capacity to execute the NP.
    Output 2.2 Inter-institutional mechanisms to facilitate monitoring of access to GR, benefit sharing and compliance with the NP.

28. OUTCOME 3: Protecting traditional knowledge and improving the capacities of indigenous and local communities and other stakeholders to generate social awareness on conservation and sustainable use of biodiversity, GR and associated TK, as well as benefit-sharing arising from their access and utilization. (Total cost: US$8,128,866: GEF $626,345; Co-financing: $7,502,521)

    Output 3.1. Guidelines for the protection of traditional knowledge associated with GR.

    Output 3.2 Knowledge, attitudes and practices (KAP) assessment surveys.

    Output 3.3 Community protocols to facilitate ABS.

    Output 3.4 Traditional knowledge catalog.

    Output 3.5 Systematization of communication strategy and awareness program.

ii) Expected project´s results

29. Regarding **Outcome 1**, the overall expected project´s result is tha**t**: Mexico will have the proper National Legal Framework for ABS (access to GR and sharing of benefits arising from their utilization) to comply with the NP, not only to fulfill its objectives, but to avoid undue utilization and misappropriation of GR in the country.

30. The incremental activities by means of **outputs 1.1, 1.2, 1.3, and 1.4**, involve supporting the regulatory process to ensure the adoption of an instrument that is efficient and effective in: promoting ABS; protecting GR and the associated traditional knowledge; ensuring that an institutional framework is in place for that, with formalized coordination mechanisms among institutions; the creation of a financial mechanism for the collection and redistribution of funds towards conservation and sustainable use goals.

31. The expected result for Outcome 1 includes the drafting of a Bill proposal that aligns the National Legal Framework for ABS framework with the Nagoya Protocol. In particular, this focus in what Mexico considers appropriate for the application of Article 8 of the CBD in synergy with other provisions that complement national implementation about three main issues: i) research and simplified measures on access for non-commercial research purpose, ii) the need of expeditious access to GR and fair and equitable sharing of benefits arising out of the use of such resources (those related to present or imminent emergencies that threaten or damage human, animal or plant health), iii) consideration of important genetic resources for food and agriculture and their special role for food security. Such a Bill would ensure prevent exploitation of vulnerable populations and ensure equitable distribution of benefits to the communities that safeguard GR and associated TK. Moreover, it would pursue language and guidelines that are sensitive to vulnerable populations as is the case of indigenous peoples especially indigenous women.

32. Some of the main components deemed necessary in the Bill:

    a) Mechanisms and/or plans to guarantee fair and equitable sharing of benefits arising from their and utilization or GR and associated traditional knowledge;
    b) Mechanisms and/or plans on access to GR;
    c) Mechanisms and/or plans on access to TK associated to GR;
    d) Mechanisms and/or plans to participate in cross border cooperation;
    e) Mutually Agreed Terms (MAT) and their compliance mechanisms;
    f) Prior Informed Consent (PIC);
    g) Consideration for communal protocols, customary laws, and the like;
    h) Legal determination of national competent authorities and national focal points;
    i) Monitoring mechanisms for the utilization of GR.

33. In addition, a proposal for a Federal ABS Financial Mechanism should be annexed to the Bill; a document based on a feasibility analysis concerned with the effective and appropriate condition for every funding mechanism. Possible mechanisms are: i) specific budgets assigned to support the institutional arrangements for implementing the Nagoya Protocol; ii) A Trust Fund (to be created by the Regulation/Law) that would receive benefits derived from access/use of GR and associated TK; the Fund would be distributed equitably according to defined rules of operation. Eventually, the Fund could also channel resources to the operation of relevant ABS Units (as economic incentives for conservation and sustainable use of the biological resources that contain the genetic material and prevent the loss of both GR and associated TK, are promoted in the national legal and institutional ABS framework).

34. Regarding **outcome 2**, the overall expected project´s result is to build specific mechanisms and generate the necessary capacity to provide access to genetic resources in Mexico. This refers to the establishment of simplified and expedited procedures to implement the legal and institutional

framework devised in Outcome 1. At the core of this, is the development of capacities and mechanisms to monitor the utilization of GR at the different stages of research, development, innovation, pre-commercialization and/or commercialization. These mechanisms should include the procedures and minimal regulatory basis to obtain the PIC, negotiate the MAT, and establish the basis for determining the distribution of benefits.

35. The incremental activities by means of outputs 2.1 and 2.2, focus on capacity building, notably: increasing the capacity of new and existing national agencies with ABS competencies by at least 30%, based on information gathered through knowledge, attitudes and practices (KAP) surveys; ensuring that 80% of national stakeholders are informed about the regulatory and institutional framework for ABS by carrying out targeted training for at least 100 representatives from national authorities and agencies. Furthermore, Outcome 2 will support the establishment of the GRIEC, compiling a database on GR including *ex-situ* collections of genetic resources of Mexican origin, as well as existing and emerging ABS projects, users and providers of genetic resources, and the establishment of the National Clearing House (ABSCH).

36. The Inter-institutional Genetic Resources Information Exchange Center (GRIEC) is expected to include:
    a) A database with information on access permits established via web-based platform, fed by each agency for an efficient follow-up on access requests; this database will be related to GR Monitoring and Supervision System and associated Traditional Knowledge.
    b) The assessment and selection of ABS checkpoints which consists of administrative areas whose functions may make them aware of an individual that intends to use genetic resources, and as such contribute to the effective implementation of national legal provisions. For example, while reviewing patent applications, IMPI can identify when an individual is looking forward to make use of GR, and in such a case will inform the competent authority so as to check if the particular intended use of GR complies with the administrative/legal requirements. The monitoring points identified to date include federal authorities of IMPI/ COFEPRIS in the case of pharmaceutics, cosmetics, and food, among others, and CONACyT in the case of research related to GR.
    c) The creation of the National Access and Benefit-Sharing Clearing-House (National ABSCH) in compliance with Article 14 of the NP. This includes the identification, classification and characterization of genetic resources in Mexico; also involves the systematization and dissemination of scientific knowledge generated about GR.

37. Training and capacity building include the elaboration of *´national good practices manuals´* on the conservation and sustainable use of GR, including simple guidelines regarding applicable procedures; the manuals have the purpose to facilitate the implementation of the NP among users and suppliers. For the effective implementation of the NP, the project supports the strengthening of capacities of the national focal point (SEMARNAT) and national authorities (PROFEPA, CONANP, SAGARPA, SE/IMPI, SRE, INPI, CONABIO) on GR and ABS (measured according to the ABS Capacity Development Scorecard). Capacity exercises will focus on the measures and existing actions in the national framework in effect to comply with protocol provisions, with special consideration given to: i) Legal Instruments (measures and actions) existing in the national framework in effect to comply with NP provisions; ii) Application of Good Practices Manuals on the sustainable use and management of G) to facilitate the implementation of the NP among users and suppliers; iii) Monitoring the utilization of GR, including different research, development, innovation, pre-commercialization or commercialization stages. By the end of the project, officials should be able to apply the *´national good practices manuals´* produced by the project in an effective manner.

38. Regarding **Outcome 3**, the project overall expected results consists of strengthening the capacities of indigenous and local communities, and sensitizing the civil society, helping to create social consciousness in conservation of biodiversity, the GR and associated TK as well as access to benefit-

sharing arising from their utilization, taking into account the double role that can be performed by GR suppliers and users. This implies to make the civil society aware of and sensitive to the importance of conservation and sustainable use of GR and associated TK, involving the people in an effective way so that it promotes conservation, sustainable use, and ABS about those GR and TK.

39. The incremental activities by means of **outputs 3.1, 3.2, 3.3, 3.4, and 3.5,** include development of communication, education and public awareness materials (e.g. posters, brochures, manuals, training modules) to inform stakeholders, namely indigenous and local communities, public and private sector users, pharmaceutical labs, cosmetics labs, agro-food enterprises, distillers, herbalists, suppliers, local populations and the media; establishing a national communication and public awareness campaign strategy to familiarize stakeholders with ABS, value chains, and bioprospecting risks; developing a model for ABS agreement(s) as the basis for negotiating fair and equitable benefit-sharing; and a catalog of Traditional Knowledge associated with GR. The Project also seeks to create national capacities to empower GR Suppliers as resource users and to encourage them to share the derived benefits from GR and TK within their own communities.

40. To accomplish that, the project supports the following actions:

    a) A diagnostic across the 68 acknowledged indigenous groups in the country and local communities to identify those indigenous and local communities who want, and are willing, to participate in the development of cultural community protocols to facilitate ABS. People who have GR and associated traditional knowledge that is subject of protection by the NP.
    b) Assessment surveys on Knowledge, Attitudes and Practices (KAP) in indigenous and local communities as means to identify their awareness on ABS issues and the protection of traditional knowledge.
    c) To generate information exchange mechanisms that guarantee the right to Consultation and Prior Informed Consent by indigenous and local peoples.
    d) To develop biocultural community protocols for the protection of traditional knowledge associated with GR.
    e) To promote the dissemination and adoption of Guidelines for the protection of traditional knowledge associated with GR taking into consideration the findings of the *"Consultation on mechanisms to protect traditional knowledge, cultural expressions, natural, biological and genetic resources of indigenous peoples*" (executed by CDI, now INPI, prior to the PPG phase), among others by Government agencies and indigenous and local communities.
    f) To identify the current status of biodiversity at indigenous and local communities.
    g) To design differentiated sensitization and awareness programs according to the biodiversity status across territories, with cultural and linguistic relevance.
    h) To design proposals for communal protection rights.

41. All of the above are expected to be integrated in the form of:

    a) A *Traditional Knowledge Catalog* drafted under participatory methodologies with indigenous and local communities. As stated in the PRODOC, partial information and records exist for 35 indigenous groups in an academic database[10] yet there is not an official (government) catalog yet; it is expected to build this TK Catalog through the registry of 68[11] TK records. Once registries (records or registrations) are entered, the catalog will be subjected to the ABS legal and institutional framework stated in Outcome 1, thereby ensuring its protection from indiscriminated exploitation. The project promotes the idea that if TK is registered, it can be

[10] UNAM developed an index of TK: *Medicinal Indigenous Flora of Mexico*, part of a database in the *Digital Library of Mexican Traditional Medicine*: http://www.medicinatradicionalmexicana.unam.mx/flora/index.php
[11] One record per Indigenous Peoples according to E. Boege (2009). *OP. Cit*. To finalize the catalog of 68 indigenous peoples in Mexico.

protected (in other words, if there is no registry, there is no legal recourse). Some of the input information for this catalogue is currently hold by national organizations such as INPI; therefore, the pertaining arrangements by the NFP must be made to access such data.

b) The implementation of *Sensitization and Awareness Program on the Importance of Conservation and Sustainable Use of Genetic Resources and Associated Traditional Knowledge*, which include training and dissemination material (brochures, trifold leaflets, manuals, posters, etc.) on the importance of conservation and sustainable use of biodiversity and associated traditional knowledge as based on NP objectives and scope.

42. Through this Outcome 3, the project will strengthen the ABS framework proposed in Outcome 1, thus complying with the Articles 7 and 12 of the NP (TK associated with GR) by means of the inclusion of: i) the development of community protocols in relation to access to associated TK; ii) minimum requirements for MAT to secure the fair and equitable sharing of benefits; and iii) model contractual clauses for benefit sharing arising from the utilization of TK associated with GR.

iii) Target areas and groups

43. The **thematic target area** of the project is Biodiversity. Mexico is one of 12 mega-diverse countries in the world, with high percentages of endemic species, ecosystem diversity, and genetic variability in many taxonomic groups. The proportion of species endemic to Mexico is outstandingly high: 57% of flora, 11% of birds, 30% of mammals, 48% of amphibians, and 45% of reptiles. Also, with over 11,000akm of coastline and territorial waters (231,813 km^2), Mexico boasts a high marine biodiversity and productivity: 1,616 coastal marine fish species, with levels of endemism estimated at 20% for the Gulf of California and 15% for the Caribbean, Gulf of Tehuantepec and the north of the Gulf of Mexico. This project will contribute significantly to the conservation and sustainable management of all of that biodiversity.

44. The **targeted groups**, who are expected to directly benefit from this project, are:

a) Suppliers/Providers and users/usufructuaries' of GR, namely the civil society and local populations and implying indigenous and local communities with emphasis in the empowerment of women. These target groups will ultimately benefit from increased awareness and understanding of their role in the conservation of GR and their rights regarding PIC and ABS. Furthermore, the development of Biocultural Community Protocols will ensure the proper engagement of key stakeholders at the local level. Finally, the establishment of a TK Catalog will provide legal recognition and recourse for the holders of this knowledge.

b) National institutions involved in the access, utilization, and conservation of GR. The project's interventions will activate the potential that Mexico's GR and associated TK represent for generating economic benefits to the nation and key stakeholders, including local populations where appropriate, in the form of business, employment, technology transfer and capacity development. These new opportunities are expected to strengthen the economic case and political motivation as well as the financial mechanisms required for the conservation of biodiversity and the sustainable use of GR. In places where GR are accessed from protected areas, benefits can be directed to funding the Mexican protected area system and protecting endangered species.

D. Project implementation arrangements

i) Key partners and stakeholders in project implementation.

45. The project is carried out under National Implementation Modality (NIM) by the Ministry of Environment and Natural Resources (SEMARNAT) following the standards and regulations of the United Nations Development Programme (UNDP).

46. UNDP is the entity responsible for the project outcomes, and who is accountable for its management, including monitoring and evaluation activities, the achievement of outputs and effective use of resources. As so, UNDP may establish agreements with other individuals, organizations or entities in order to support the achievement of the outputs envisaged in the project.

47. The United Nations Development Programme (UNDP) is the world development network established by the United Nations with a mandate to promote development in countries and to connect them to the knowledge, experience, and resources needed to help people achieve a better life. UNDP main responsibilities related to the project, in its role as Implementing Agency, are to:

    a) Designate a programme officer responsible for providing substantive and operational advice and to follow up and support the project's development activities;
    b) Advise the project on management decision making, as well as to guarantee quality assurance;
    c) Be part of the Project's Steering Committee and other Committees or Groups considered part of the project structure;
    d) Administer the financial resources agreed in the budget/workplan and approved by the PSC; monitor financial expenditures against project budgets/workplans; and oversee the provision of financial audits of the project;
    e) Oversee the recruitment and hiring of project staff, the selection and hiring of project contractors and consultants; and the appointment of independent auditors and evaluators;
    f) Co-organize and participate in the events carried out in the framework of the Project;
    g) Use national and international contact networks to assist the project's activities and establish synergies between projects in common areas and/or in other areas that would be of assistance when discussing and analysing the project;
    h) Provide Support in the development and instrumentation of the project's gender strategy.
    i) Ensure that all project activities, including procurement and financial services, are carried out in strict compliance with the procedures of the UNDP / GEF.

48. The *Ministry of Environment and Natural Resources (SEMARNAT)* is the *Executing Agency (National Counterpart)*, responsible for the fulfillment of the project's results. As so, its main duties are:

    a) To lead the project implementation with the support of the Project Coordination Unit (PCU);
    b) To participate together with UNDP, in the selection of a Project Coordinator;
    c) To designate a representative to act as a permanent liaison between UNDP, the Ministry of Foreign Affairs and the Project Coordinator, and to participate in the Project Steering Committee meetings, and others as required, to ensure that the necessary inputs are available to execute the project;
    d) To monitor the project's work plan and progress;
    e) To coordinate the activities of all other project partners, and providing overall technical oversight of programs and outputs of project contractors and short-term consultants (with the support of the PCU).
    f) To approve the ToRs for technical personnel and consultancies for project implementation;
    g) To provide the name and describe the functions of the person or persons authorized to deal with UNDP concerning the project's matters;
    h) To participate in the selection process of the consultants and approve all hiring and payment request;
    i) To prove the technical capacity to develop the project;
    j) To provide the name and describe the functions of the person or persons authorized to sign

the project's budget and/or substantive revisions of the project.

49. Project implementation is carried out under the general guidance of a *Project Steering Committee* (PSC), which is responsible for making management decisions for the project by consensus, especially the operational plans, annual reports and budgets of the project. The PSC is co-chaired by SEMARNAT and UNDP and should meet at least three times per year to review project progress and approve upcoming work plans and corresponding budgets. Other members of the PSC will include representatives of other stakeholders as deemed appropriate and necessary (the membership of the PSC was reviewed and recommended for approval at the project Inception Workshop). The GEF Project coordinators from other GEF-funded partner projects will be invited to participate in sessions to ensure proper project coordination and cross-fertilization if necessary.

50. The PSC is in charge of the overall supervision of the project, providing strategic guidance for its implementation, ensuring that this proceeds in accordance with a coordinated framework of government policies and programs, and in accordance with the agreed strategies and targets laid out in this Project Document. The PSC also approves and supervises the hiring and work of staff under the Project Coordination Unit. In order to ensure UNDP's ultimate accountability, the PSC decisions should be made in accordance with standards that ensure development results, cost-effectiveness, fairness, integrity, and transparency. The responsibilities of the PSC include, but are not limited to:
    a) Review, approve and amend this project document, including the Monitoring and Evaluation (M&E) framework, the budget, and the implementation plan;
    b) Monitor compliance with the Project's objectives;
    c) Discuss progress and identify solutions to problems facing any of the project's partners;
    d) Review and approve the Annual Work Plan (AWP) and the consolidated financial and progress reports;
    e) During the life of the project, review proposals for major budget re-allocation such as major savings or cost increases, or for use of funds for significantly different activities;
    f) Review evaluation findings related to impact, effectiveness, and the sustainability of the project;
    g) Monitor both the budget and the prompt delivery of financial, human, and technical inputs to comply with the work plan;
    h) Ensure the participation and ownership of stakeholders in achieving the objectives of the project;
    i) Ensure communication of the project and its objectives to stakeholders and the public;
    j) Approve the project communication strategy and public information plans prepared by the PSC;
    k) Facilitate linkages with high-level decision making;
    l) Convene ordinary meetings to consider the Technical Committee's proposals and recommendations, as well as the progress made by the project; and
    m) Convene, if necessary, extraordinary meetings.

51. The *National Project Director* (NPD) or National Focal Point (NFP), is a senior staff member of SEMARNAT, appointed by the same institutions. The NPD is responsible for the oversight of the Project and who carries overall responsibility and accountability.

52. Day-to-day management and coordination of the project is under the supervision of the *Project Coordination Unit* (PCU), located at the facilities of the SEMARNAT. The PCU is responsible for general management of the project (e.g. preparation of AWP and technical and financial reports to be presented to the PSC), ensuring that advances in relation to the goals and key milestones of the project are achieved as planned. The PCU reports to the Director Sustainable Development Program at UNDP and to the NPD at SEMARNAT and procures institutional coordination among

the many project partner institutions and organizations, liaising directly with the NPD. The PCU of this project is comprised by a Project Coordinator, a Project Administrator, a Genetic Resources Specialist, and an Administrative Assistant.

53. The *Project Coordinator* has been contracted through UNDP and is responsible, under the supervision of the NPD, for the overall integration and follow-up of studies, research and technical activities of the project. He assists in the supervision of project implementation, undertaking the quarterly operational planning, and providing guidance on day-to-day implementation.

54. As a form of **south-south cooperation**, the "GEF ABS Project" is grounded on the experience, outputs, advise, and lessons learned from the *"Biodiversity Governance"* ("GIZ project"), a 6 million Euro project funded by the German Federal Ministry for Economic Development and Cooperation (BMZ) and implemented by the *Deutsche Gesellschaft fuer internationale Zusammenarbeit* (GIZ) through CONABIO as the national counterpart. The "GIZ project" was a 5-year initiative beginning in 2013 aimed to support Mexico's efforts in the field of fair and equitable sharing of benefits arising from the use and management of biological diversity. Experiences and outputs from the "GIZ project" have provided a background for the "GEF ABS Project" by means of on the ground experiences across the country and the formulation and publication of a number of materials in the topic of concern for the two projects. Such an antecedent has facilitated for the "GEF ABS Project" to build capacities across stakeholders and institutions, the formulation and proposal for legal and administrative mechanisms (legal and administrative frameworks) for ABS, and last but not least, the scaling up of local initiatives such as the Biocultural Community Protocols.

55. Figure 1 illustrates de organizational structure of the project *"Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity"*.

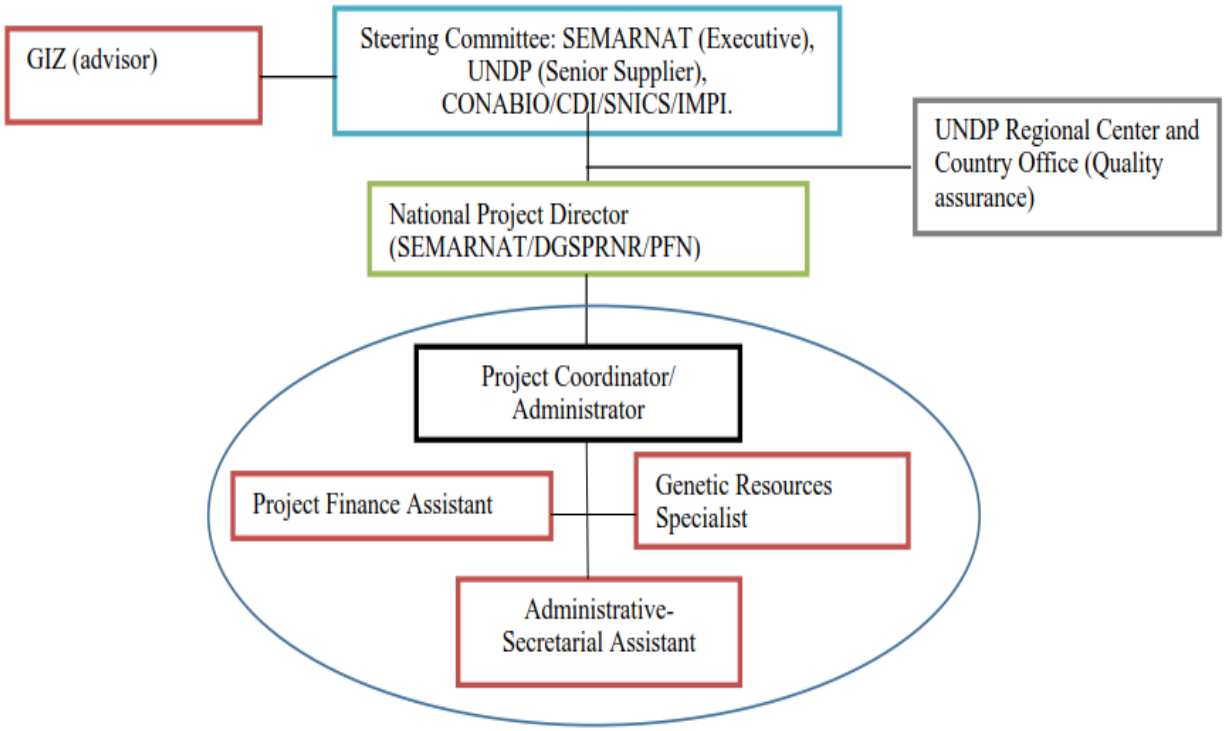

Figure 1. Organizational Structure of the Project

56. In addition to the main stakeholders above, other partners involved in the project are:
    a) From the Government sector (in addition to SEMARNAT, the executing agency of this project), institutions such as: COFEPRIS, CONABIO, CONANP, IMPI, INPI, SADER/SNICS, SE, SEGOB, PROFEPA. **Table 1** below describes the expected involvement of these Government Organizations.
    b) Other stakeholders than Government Organizations: Development agencies, NGOs and other civil society organizations (community organizations, local/Indigenous communities and producer), the private sector (users of genetic resources and/or associated traditional knowledge, such as academics, researchers and the industry) among other (see **table 2**).

Table 1: Relevant Government Organizations (GO's) and their expected involvement in the project.

GOVERNMENT ORGANIZATION	ROLE / INVOLVEMENT
Ministry of Environment and Natural Resources (SEMARNAT)	Federal entity leading the environment sector, responsible for promoting the protection, restoration and conservation of ecosystems, natural resources and environmental goods and services in Mexico, in order to allow their sustainable use and development. Coordinator of conservation and natural resource management initiatives, at both intra- and inter-institutional levels. Implements all the responsibilities related to the Nagoya Protocol National Focal Point, as well as promoting GR agenda among different sectors; establishing regulatory measures on GR and ABS. Overall coordinator of the project.
* Undersecretary of Planning and Environmental Policy	Environmental planning, definition of environmental policies, mainstreaming in other sectors of the federal government, compilation and analysis of environmental data.
* Undersecretary of Environmental Regulations	Elaboration of technical norms (NOMs), bills and regulations.
* Undersecretary of Environmental Management	Issuance of permits and licenses, including those related to wildlife, forests, EIA, wastes and air emissions.
Federal Commission for Protection against Sanitary Risks (COFEPRIS)	Responsible for health notifications and grant authorizations.
National Commission for the Knowledge and Use of Biodiversity (CONABIO)	Semi-autonomous dependency of SEMARNAT with responsibility for the management of biodiversity. Provides educational materials; GR data management; remote monitoring of GR; risk analysis. National Focal Point to the Intergovernmental Committee for the Nagoya Protocol on Access and Benefit Sharing and technical advisor on GR issues. Promotes local governance among specific indigenous and local communities where the GIZ has worked.
National Commission of Natural Protected Areas (CONANP)	Semi-autonomous dependency of SEMARNAT with responsibility to protect and administrate Mexico's Protected Natural Areas. CONANP will issue access permits in PAs. Co-responsibility in the design of the databases and pilot projects.
Mexican Institute of Industrial Property (IMPI)	Protect industrial property rights and promote and disseminate the benefits the IP system. Co-responsibility in the design of the GR monitoring system.
National Institute for Indigenous Peoples (INPI)	Guide, coordinate, promote, support, foster, monitor, and assess programs, projects, strategies, and public actions to attain integral and sustainable development and full enjoyment of the rights of indigenous peoples and communities

Federal Attorney General for Environmental Protection (PROFEPA)	Law enforcement to protect wildlife.
Ministry of Agriculture and Rural Development (SADER)	Regulates plant genetic resources for food and agriculture; Co-responsible in the design of the databases and pilot projects.
Ministry of Foreign Affairs (SE)	Responsible for the country's foreign policy. Its aim is to expand and deepen the political, economic, cultural and cooperation links with the world's various regions.
Ministry of the Interior (SEGOB)	Federal agency that has authority to coordinate the relationship between the executive and legislative branches at the Federal level, and could eventually issue a law implementing the NP-ABS.

Table 2. Other project partners than GO´s and their involvement in the project

INSTITUTION / STAKEHOLDER	ROLE / INVOLVEMENT
United Nations Development Programme (UNDP-Mexico)	UNDP-Mexico is the agency that works to overcome poverty and promote sustainable development in Mexico. UNDP-Mexico offers guidance, technical support, management tools, and theoretical and practical knowledge to national- and regional-level institutions to aid in implementing public policies, initiatives, and projects intended to overcome poverty. UNDP will make its installed capacity available to the Project, guaranteeing the accountability of the project.
Local NGOs	Participants in identifying and conserving/managing GR as well as determining associated Traditional Knowledge, developing Biocultural Community Protocols and TK Catalog
Private sector	Promotion and support of ABS mechanisms (checkpoints, protocols, catalog); Targeted private business committed to ABS compliance and seeking fair and equitable ABS contracts with local communities in the pilot projects.
Local and indigenous communities	Active participants in identifying GR and determining associated Traditional Knowledge, developing Community Protocols and TK Catalog, as well as the conservation of species of interest regarding GR and/or their habitats.

ii) Milestones/key dates in project design and implementation

57. The last Project Implementation Report (PIR 2019) was recently submitted (September-October, 2019); it is the second one for the project and it covers the project´s progress up to June 30th, 2019. For this PIR´s period, the Project Steering Committee (PSC) meetings were held on 07 November 2018 and on 07 May 2019. The latest PSC meeting was on 08 August 2019.

58. As reported in the PIR 2019, the project´s milestones (a sequence of events towards accomplishment of the project objective and goal) are the following:

Table 3. Key milestones of the project

Event	Key project date
PIF Approval Date	27 May 2014
CEO Endorsement Date	04 April 2016
Project Document Signature Date (project start date)	25 January 2017
Date of Inception Workshop	27 July 2017

Mid Term Review	11 June 2019 to 11 October 2019
Expected date of Terminal Evaluation	Not set yet
Original Planned Closing Date	31 January 2020
Revised Planned Closing Date	Not set yet

iii) Project financing

59. As stated in paragraph 11, the overall project budget is (USD) 11,221,684.00 under a co-financial scheme with cash contribution from GEF (USD) 2,283,105.00; both cash and in-kind contributions from UNDP and the GIZ-CONABIO Project; and in-kind contribution from the national government through different organisations of an estimated (USD) 1,282,837.00. **Table 4** shows the key financing amounts as stated in the PIR 2019 (Annex 10).

Table 4. Key financing amounts

Concept	In US dollars
PPG Amount	25,000.00
GEF Grant Amount	2,283,105.00
Co-financing	8,938,579.00

iv) Limitations and constraints in project´s implementation

60. The change in representation of the Government at the national level in 2018 (with significant changes from right to left, implying a different policy approach and a myriad of changes in policies and appointments across the Federal Government) coupled with internal changes at the national counterpart or executing agency, SEMARNAT (Ministry of Environment and Natural Resources) with two different administrations within six months (2018 to 2019), has led to an unclear position regarding ABS about GR and associated TK, for instance, there is no appointment yet for a national focal point. As a consequence, the development of Outcome 1 and Outcome 2 shows certain delays as compared to Outcome 3 which has overpasses the expected indicators.

61. Nevertheless, as witnessed in the last PSC (08 August 2019), the PCU and UNDP, grounded on the advances of the project reached so far, have managed to attract the interest and involvement of the recently appointed people across partner institutions. Also, interviews being carried out as part of the MTR seem to have awaken the interest of those project partners and allies that have been involved since the early stages of the project.

III. MTR Findings

A. Project strategy

i) Project design

62. The strategy set during the PPG phase and integrated in the PRODOC is the result of a national interest set prior to the Johannesburg Summit on Sustainable Development (also known as Earth Summit 2002 or Rio + 10). As explained through the PRODOC and corroborated through the interviews carried out as part of this MTR with key actors at partner institutions (IMPI, INPI, SADER, among others), Mexico has been a pioneering country in the formulation of the NP (meaning at

the international level; an initiative promoted by the Ministry of Foreign Affairs (SRE). México adopted PN and signed the international agreement in 2012, ratifying it by 2014.

63. The interest of the Mexican Government for a policy in ABS regarding access of GR and associated TK gave birth to the project "Biodiversity Governance" (referred through this report as the "GIZ project"). As mentioned in paragraph 54, this was a 5-year initiative beginning in 2013, funded by the German Federal Ministry for Economic Development and Cooperation (BMZ) and implemented by the *Deutsche Gesellschaft fuer internationale Zusammenarbeit* (GIZ) through CONABIO as the national counterpart.

64. Linked to the outputs by the "GIZ Project", an inter-ministerial committee was conformed around the year 2015 as means for technical consensus about the implementation of the PN in Mexico; among the partners institutions were SEMARNAT, IMPI, CDI (now INPI), SAGARPA (now SADER), SRE, among othes; they have reported to hold by weekly meetings during a period of approximately two years. For instance, IMPI, who is linked to the international organisms, OMPI, reported to be aware about the need for a legal mechanism about ABS regarding the access on GR and the associate TK in the country since the 1990´s). This same inter-ministerial group participated in the revision of the PRODOC for the "GEF ABS Project" (e.g. providing feedback in specific issues such as those in changes in forms of use, from research to commercial use). The main output of this group, was the proposal for a regulatory instrument which was submitted to SEMARNAT for revision, approximately by 2017.

65. SEMARNAT as the national counterpart (executing agency) has played a leading role in setting the Project, which in fact has played a catalytic role not only across ministries in the country, but serving as an example across other countries, as testified by a former authority in this institution:

> *"Since the early drafts, the project had the support from SEMARNAT; its implementation was laborious, more than anything, the starting was laborious rather than the implementation itself… Laborious in the sense that we had to follow several steps and this was in a time between two different administrations. Yet, it started, and stated perfectly, having an impact at all of the national and international meetings (in which I attended, not only as a focal point, but even before, for the Nagoya protocol in general). The project for Mexico, the ABC project, as we sometimes used to call it, is a project that has been taken as an example, for all other countries".*

66. As mentioned above, the interest for the implementation of the NP in Mexico has a two-decade history; **the route or pathway undertaken by project** under review, is grounded on such experience. Indeed, the "GEF ABS Project" is a Full-Size Project (FSP) for a three-year period while more often than not, GEF FSPs are five-year long. The three-year length for the "GEF ABS Project" is fairly justified since it has been formulated as directly linked to its predecessor, the "GIZ Project". For instance, and as explained in the PRODOC and in paragraph 54 above, the "GIZ project" have provided a background for the "GEF-ABS Project" for on the ground experiences across the country and through the formulation and publication of a number of materials in the topic of concern for the two projects. Such an antecedent is reflected in the three outcomes of the "GEF-ABS Project"; the first one concerning the formulation and implementation of a cross institutional legal and administrative mechanisms; the second one aiming to build capacities and promoting awareness around the relevance of the concerning issue across stakeholders and institutions, so that they have the knowledge and competitions to actually carry out and follow up the framework and mechanisms; the third one aiming to accompany indigenous and local people in building up self-regulatory mechanisms such as the Biocultural Community Protocols, which not only include regulations given the situation that outsiders make use of the GR and/or ILK, but also serving as compilation of the biocultural resources at these communities so the knowledge can be passed on to generations. As stated by a young mayan person at the Ek Balam ecoturistic zone:

> *"The BCP is like a regulation, it's a set of ideas that people make as means to safeguard their traditions, their customs, their environment. They do it so that our traditions cannot be not stolen… and in that way* [for us] *it is very easy to understand* [meaning that everything is explained "in a book"] *so if they* [older generations] *want us* [the young people] *to follow those examples* [meaning, for example, keeping alive traditions, knowledge, and management of resources]".

67. Nevertheless, while the link between GIZ-CONABIO Project and the GEF-ABS Project may be less strong than planned and expected, the results generated by the former seem to have been indeed useful for the latter. For instance, results and experiences from the "GIZ-CONABIO" project have become an opportunity to nourish the GEF-ABS Project; also, the GEF Project have made use of the impact and positive results that GIZ/CONABIO Project generated.

68. Regarding **factors affecting performance** due to externalities seem to have been limited only to those **risks** regarding the **political environment** mentioned in previous section as related to the end of a six-year government position and the beginning of another, implying different political views including that in relation to the Nagoya Protocol. Nevertheless, as the political environmental is settling down, project partners continue working towards the expected outcomes and impact of the project.

69. **Decision making** processes through the project are found to have followed a participative process in general. Most activities have been carried out in the bases of contracts and consultancies for which terms of reference(ToRs) have been build according to the project needs and in line with GEF and UNDP policies; calls for contracts and consultancies have been opened for participation on the basis of procurement notices in a public web page; the ToRs for such consultancies and contract have been predetermined according to the (yearly) Working Plan aimed to reach one of the three outcomes above referred. Such consultancies and contract have been made on gender equity basis, procuring to have both men and women and leading and decision-making roles. For each consultancy, an inception meeting has been carried out so to set details about the expected performance, results, and products. On the other hand, regarding partner institutions and project parties (e.g. National Focal Point, Project Coordinator, etc.), the management arrangements explained in paragraphs 45 to 53 describe the roles and functions for each one of the parties and so their involvement in decision making processes, as stipulated in the PRODOC. As witnessed during the MTR, in cases concerning decisions that may affect the project direction, the concerning issues are presented to the PSC so to endorse a collective decision based on a voting system.

70. About **Gender Equity**, it is especially interesting, that its impact is far expected than proposed in the PRODOC. That is, gender equity has not only been taken into consideration across the leading institutions, contractors and consultants, but further, it has been largely promoted across the indigenous and local communities where Biocultural Community Protocols are being implemented. As we witnessed during the MTR field visits, young women can be identified in leading positions regarding the development and implementation of this self-regulatory instruments; for instance, the project has supported them to actively participate in workshops for the exchange of experiences outside their communities and even outside the country. See Annex 19 (Checklist for Gender Sensitive Midterm Review Analysis).

71. While the internal changes at SEMARNAT have resulted in delays for the outputs corresponding to outcome 1; outputs on outcome 2 seem to be in track (a number of training workshops and other activities have been carried out as means to create awareness and build capacities across the pertaining institution and political arenas (congress and chambers); outputs on outcome 3 have been overreached and in fact replicated farther than **expected.**

72. As some of the interviewed public servants across the involved Ministries expressed to during the MTR´s mission, at the current stage (meaning political times of transformational change in Mexico and therefore also in the institutions that belong to the federal Government), there have been direct implications in the project´s expected outcomes (meaning that these have not arrived yet to the expected advance by this stage). Therefore, it is relevant to reconsider an adjustment of the project expected outputs, considering that the remaining time of the Project may be enough to share to new Officials all beneficial impacts of that this Project has reached so far and so to involve them in such a way that the project is set according to the current political discourse, which is indeed highly concerned with issues such as traditional knowledge and indigenous rights.

ii) Results framework / log frame

73. The **Strategic Results Framework** (see Annex 4) projected during the PPG phase and therefore presented in the PRODOC, were built on the bases of the strategic relevance for the topic and on the expressed need across ministries for a legal framework concerning the implementation of the Nagoya Protocol in Mexico. Moreover, the Strategic Framework Results was presumabily grounded on the advances made by the "GIZ Project" so that the "GEF ABS Project" could move forwards toward fulfilling an evident in the country with regards to ABS in relation to GR and the associated TK.

74. The *Monitoring & Evaluation* system internally carried out by the project through the PCU and revised by the concerning authorities at both the implementing and executing agencies, is found to be highly congruent with the *Strategic Results Framework*. Indeed, this instrument has been the main input for the two PIRs made by the project up to date, corresponding to the years 2018 and 2019. Moreover, the way in which the UNDP National Office has articulated the M&E system for several projects altogether, makes it highly efficient; in the case of the GEF-ABS Project aiming to reach the expected outcome that involves the M&E systems.

B. Progress towards results

i) GEF Tracking Tools: ABS Capacity Development Scorecard

75. The corresponding Tracking Tools (TT) for the "GEF-ABS Project" as stipulated by the GEF-6 Biodiversity Projects are those within the "Objective 3, Program 8: Implementing the Nagoya Protocol on ABS", which have as an objective: *"to measure progress in achieving the impacts and outcomes established at the portfolio level under the biodiversity focal area"*. As specified in the GEF TT guidelines for Biodiversity Projects (see Annex 13), for Full Size Projects (FSP) such as the "GEF ABS Project" under review, these TTs should be applied at three times: CEO endorsement, project´s MTR and project completion.

76. As part of this MTR, **table 5** presents a summary assessment of the "GEF ABS Project" according to the *GEF ABS Capacity Development Scorecard* as specified in the corresponding GEF Tracking Tools. The full SCORECARD corresponding to the MTR is attached included as Annex 13.

Table 5. GEF Tracking Tools: GEF ABS Capacity Development Scorecard-MTR

ISSUE	SCORE	SCORING CRITERIA
Section 1. Implementing the Nagoya Protocol on ABS		
Capacity to ratify and implement basic measures of the Nagoya Protocol (NP)		
1) Has the country carried out a stocktaking and assessment of ABS issues including policy-, legal- and regulatory-frameworks, and institutional capacity to develop and implement the Nagoya Protocol?	3.00	The country has carried out the assessment and stocktaking of the policy, legal and regulatory frameworks and institutional

		capacity and is using them to advance the national ABS agenda
2) Did the country sign and ratify the Nagoya Protocol (NP)?	2.00	The country has accessed the NP (i.e. signing and ratifying).
3) Is there a national policy or legal framework governing ABS?	2.00	The country has a policy or legal framework ready for approval by the legislature or executive branch of government respectively.
4) Is there a communications and public awareness plan or campaign to explain the Nagoya protocol, including challenges and opportunities for users and providers of genetic resources?	2.00	Information on ABS and the Nagoya Protocol is widely available and a communication and awareness plan or campaign is being designed.
Capacity to administer the measures of the Nagoya Protocol		
5) Have the National Focal Point and Competent National Authority (ies) been designated and have the capacity to facilitate and administer the implementation of the protocol?	2.00	The structure of the Administrative Systems, including the National Focal Point and Competent National Authority(ies) is under development
6) Are there clear administrative procedures for users and providers of genetic resources to develop, implement and monitor ABS agreements with proper Prior Informed Consent (PIC), Mutually Agreed Terms (MAT) and Benefit Sharing (BS) principles and guidelines	2.00	The country has sufficient administrative procedures to develop, implement and monitor ABS agreements but they are not operational
7) Is there installed capacity to monitor compliance with the protocol and the utilization of genetic resources, including the designation of one or more checkpoints and whether benefits will support the the conservation and sustainable use of biodiversity?	2.00	The checkpoints and monitoring systems, linked to the administration are ready to be used
Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources		
8) Is there institutional capacity (infrastructure, scientists, technicians) in the public and/or private partners to carry out the research and development (R&D) associated with the valorization of genetic resources?	3.00	The country has advanced capabilities for research and development and is engaged with technology transfer with partner institutions
9) Is there capacity for the identification of commercial value of products derived from genetic resources, and to develop, update and maintain databases on these products and genetic resources?	2.00	There is advanced capacity to work on the identification of commercial value of products derived from genetic resources, including basic databases..
Capacity needs and priorities of indigenous and local communities and other relevant stakeholders		
10) Do Indigenous and Local Communities (ILCOs) have the information to understand the challenges and opportunities that the Nagoya Protocol has to offer and to actively engage in ABS agreements?	3.00	The ILCOs have the necessary information and training on the NP and are engaged in developing ABS agreements.
11) Are there clear procedures or model contractual clauses to obtain Prior Informed Consent (PIC) for the utilization of genetic resources and associated Traditional Knowledge (TK)?	2.00	The procedures or contractual models are being tested on ABS pilot projects
12) Are there minimum requirements for Mutually Agreed Terms (MAT) to secure fair and equitable sharing of benefits arising from the utilization of TK associated with genetic resources?	2.00	The requirements for MAT are being tested with some pilot projects on ABS agreements.
13) Are there model contractual clauses for benefit-sharing arising from the utilization of TK associated with genetic resources?	3.00	The contractual models for benefit-sharing are being tested as part of ABS pilot projects

TOTAL SCORE UNDER SECTION 1	**30**	
Section 2: Questions for projects developing and implementing ABS agreements in the context of bioprospecting pilot efforts. Questions 1-4 based on the ABS agreement for Charape La Joya Ejido**.**		
1) Have the users of genetic resources obtained Prior Informed Consent to the access and use of genetic resources?	2.00	The project has Prior Informed Consent for the users to access the genetic resources
2) Are there Mutually Agreed Terms (MAT) between users and providers of genetic resources?	2.00	There are MAT between users and providers of genetic resources participating in the project
3) Are the monetary and non-monetary benefits derived from access and utilization of genetic resources clearly stated in the ABS agreement?	1.00	The users and providers of genetic resources are negotiating monetary and non-monetary benefits
4) Is the project in compliance with relevant sub-national laws and regulations including those established and enforced by Indigenous and Local Communities (ILCOs) ?	2.00	The project is in compliance with these laws and regulations
5) Is the project transfering technology and/or know-how in order to build the scientific capacity of the country that provides the genetic resources?	1.00	The project is currently transferring technology and/or know-how in order to build the scientific capacity of the country that provides the genetic resources
TOTAL SCORE UNDER SECTION 2	**8**	
OVERALL IAS TT SCORE	**38**	
NOTES: Regarding section 1: while the country has demonstrated institutional capacities across Government organizations and indigenous local communities, the delay in the revision of a Regulatory Document formulated by an inter-ministerial group, has prevented the advances towards its implementation. About section 2: the score granted is based on the case of CHARAPE-LA JOYA EJIDO as reported and published by UNDP (see https://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/abs-is-genetic-resources-for-sustainable-development.html?fbclid=IwAR3vFdJqkN6M6t2ZeQ0z2-8yQtxkQ5JSjmVy7kxsmTyywtIk_Ta5395TNTg)		

77. The SCORE OF 38 out of a possible 48 (79%) implies a significant improvement from the baseline level to the MTR. The score at the CEO endorsement (baseline level), included as an annex in PRO DOC, was 21 out of a possible 69, meaning a 30.43%.

ii) Progress towards outcomes analysis

78. The progress towards results takes as basis the Strategic Results Framework (SRF) (Annex 4) proposed as part of the PRODOC; the "Mid Term Assessment" is based on the methodological procedures for the MTR (explained on section 1 of this report) and sustained with the self-evaluation by the project leading staff as stated in the latest PIR (2019). The "Justification for Rating" is based, as long as it has been possible, on the Means of Verification (MoV) stated in the SRF; when the stated MoV were not available to the MTR team, we have relied in either or both, the testimonials collected during the interviews carried out with stakeholders and the reviewed documents. Tables 6 to 9 show the Progress Towards Results according to the *"Guide for conducting the midterm review in projects supported by UNDP and financed by the GEF"* (UNDP-GEF, 2014). These same tables are further extended to the advances from the last year as specified in the PIR 2019 and can be found as ANNEX 14.

As mentioned in the first section, the rating scale for the project's progress towards results and for project implementation and adaptive management, is based on a 6-point scale to rate (see UNDP-GEF, 2014, 17):

- Highly Satisfactory (HS)
- Satisfactory (S)
- Moderately Satisfactory (MS)
- Moderately Unsatisfactory (MU)
- Unsatisfactory (U).
- Highly Unsatisfactory (HU)).).

For Project Sustainability (see Executive Summary), the achievement rating is based on a 4-point scale (UNDP-GEF, 2014, 20):

- Likely (L)
- Moderately Likely (ML)
- Moderately Unlikely (MU)
- Unlikely (U)

Table 6. Progress Towards Results Matrix: Indicators for Project Objective

Strategy >	PROJECT OBJECTIVE: Enhance in Mexico in a participatory manner, the capacities of national authorities (SRE, SEMARNA. SAGARPA, CDI, SE), as well as the legal and institutional framework in relation to genetic resources, associated traditional knowledge and benefit-sharing, according to institutional conditions for the implementation of the "Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the Convention on Biological Diversity" (NP)				
Indicator	Baseline level	End of project target level	Midterm level assessment	Achievement rating	Justification for rating
1. Status of adoption and/or implementation of a National ABS Policy and related regulatory & institutional framework in compliance with the Nagoya Protocol	No National ABS Policy or framework in place. Some individual laws address specific types of GR access that could be integrated into a national ABS framework	National ABS Policy approved, and regulatory and institutional frameworks developed and operationalized at a national level	* A Bill draft for NP, formulated as a product of the GEF ABS Project, is almost finished (consultancy SDC-09-2019). The MTR team believes that this Bill can be useful to the new Government regarding the status of NP in the country. * This draft takes as ground a previous Regulatory Document that was drafted through a series of meetings and workshops with key stakeholders across the pertaining ministries (along referred as the inter-ministerial group); that Bill was submitted in 2017 to the Attorney Office at the Country Counterpart /National Focal Point (SEMARNAT) for revision. However, changes in Government Administration among other factors seem to have delayed that revision; no further advances have been reported on this draft. * In the remaining time of the project (less than a year), the Bill should be socialized among the interested parties. So, that by the end of the project, it could be submitted to review by the pertaining authorities, this in accordance to the country´s normativity.	S	* Government reports, stated in the Strategic Results Framework (SRF) as MoV, can be found at the ABSCH (see https://absch.cbd.int/countries/MX) * Also, advances have been identified through the deliverables of the corresponding consultancy (SDC-09-2019); also reported across the interviews carried out with key stakeholders.
2.Level of institutional and personnel capacity for implementation of the national ABS framework as indicated by an increase in the GEF ABS Capacity Development scorecard	•21 out of a possible 69 = 30% •Basic to moderate capacity within government agencies	•44 out of a possible 69 = 63% •Improved Institutional and personnel capacity indicated by an increase of at least 30% over the GEF ABS Capacity Development Scorecard baseline score	* Making a comparison between the scoring at both the CEO Endorsement and the MTR, as based on the GEF ABS Capacity Development Scorecard (GEF Tracking Tools for projects in the GEF-6 Biodiversity area, Objective 3, Program 8: Implementation of the Nagoya Protocol in APB), there is significant progress. That is, prior to the start of the project, the score achieved was 21 points out of 69, a rating of 30.43%. At the time of this MTR, the rating is 79% (38 points out of 48) (see annex 13).	HS	Two MoV were stated in the SRF: 1. The comparison between the Scorecard (GEF TTs) at the baseline level (PRODOC), at the MTR and by the end of the project; 2. Annual budgets of relevant institutions. * An increment in capacities within Government agencies: there is a significant change from the baseline level to this MTR (see Scorecard as Annex 13, elaborated as part of the MTR.) * Regarding the annual budgets, we only had access to the Budget executed at the moment on behalf of PNUD (GEF funds). The investment of financial resources to the moment, seems reasonable, and congruent with the reported activities carried so far.
3.Status of development	•There are no	•Guidelines for the	* The Guidelines for the Protection of TK associated with GR have been produced (see	S	While the Guidelines and the Catalogue were reported in the SRF as the MoV, the

and implementation of ABS mechanisms to protect TK associated with GR	formally established protection mechanisms for TK •0 TK registered in TK Catalogue ; 35 partial records	protection of traditional knowledge associated with GR •61 TK registered in TK Catalogue	consultancy SDC.60.2017) and the KAP methodology has been developed and implemented (Consultancy SDP.36.2017). * The PIR reports advances on the TK Catalogue (61 entries reported in the PIR 2019), yet the catalogue has not been set since the instances holding the required information (inputs for the catalogue) have not resealed it to the GEF ABS Project. * The End of Project target for BCP for ILCO has been overpassed: 9 indigenous BCP, 4 BCP for local people, and advance in other 8 other experience, including two regional BCP. As identified through the interviews, BCP are found to play a catalytic role at the communities where are being implemented: these are welcomed by the communities as a self-regulation tool to protect their resources. * In the PIR 2019, a communication strategy for the Project is reported to be under process (50% advance); the MTR assumes this reported advance refers to MOOCS, databases, and dissemination material to be published/printed (as for what is described in the PRODOC)		MTR team considers that the best MoV are the BCP that have been developed, as corroborated during field visits at two communities where BCP are currently under implementation; also by means of the publication "ABS is Genetic Resources for Sustainable Development" (UNDP, 2018) available at: https://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/abs-is-genetic-resources-for-sustainable-development.html?fbclid=IwAR3vFdJqkN6M6t2ZeQ0z2-8yQtxkQ5JSjmVy7kxsmTyywtIk_Ta5395TNTg *Regarding the Guidelines for the Protection of TK, it would be desirable to further edit this document according to the experiences generated by the implementation of BCP in the project itself.

Table 7. Progress Towards Results Matrix: Indicators for Outcome 1.

Strategy >	OUTCOME 1. Adjusting the legal framework and establishing public policy measures that regulate the access utilization of GR and associated TK arising from the fair and equitable benefit-sharing.				
Indicator	Baseline level	End of project target level	Midterm level assessment	Achievement rating	Justification for rating
4. % of Analysis and Diagnosis of National Legal Framework for Genetic Resources and ABS	10% - Preliminary legal diagnosis, no gap/capacity analysis	100% Analysis and Diagnostic Study	* An analysis has been carried out for National Legal Framework and the (new) Forestry and Biodiversity initiatives (still pending revision in the country); the analysis was developed through consensus in an inter-ministerial working group, and became a law instrument for former SEMARNAT Officials, used to sustain a proposal for ABS; the incoming authorities need to retake and resume this topic. * This analysis precedes both the formulation of the Bill which is about to be finished and the instruments concerning the capacity building for policy makers (consultancies SDC-09-2019 & SDC-70-2017, respectively).	HS	*As specified in the SRF, the MoV consists of the generated documents. In this case, the deliverables from the consultancies SDC-09-2019 & SDC-70-2017. *It is highly important that the incoming authorities' retake and resume the revision of the documents derived from the analysis in the next months; this needs to be done as soon as possible since the project is nearly ending.
5. % Advance of Bill proposal to amend the national ABS legal framework per NP	10% - Preliminary discussion points for a proposal	100% - Bill proposal in Congress	Both the Regulatory Document pending review at SEMARNAT and the draft Bill for the NP (product of the GEF ABS Project) can be considered as advances for this indicator. Both considered as part of the project advances towards results; this includes the document pending review which was originated as part of the preceding GIZ CONABIO project, for which the GEF ABS project is a continuation, for instance, in financial terms (an strategy presented at the PRODOC and approved by the PSC). Due to time issues, these documents may not be	S	* The Regulatory Document has not been available to the MTR team, yet through the interviews carried out with key stakeholders across the pertaining ministries, we collected testimonies about the inter-ministerial consensus reached to formulate that document (2016/2017), which is still pending review by the Attorney at SEMARNAT. * On the other hand, the Bill that is currently being finished as part of the GEF ABS project (Consultancy SDC-09-2019) which is grounded in the previous document and is likely to offer an updated perspective, should

			endorsed by the Congress prior to the project´s closing date. However, these are to be revised, evaluated, mainstreamed and /or adjusted by the pertaining federal government authorities (those with the competence to decide, according to their own timing, schedules and/or work plans, which are not expected to be the same than the project´s).		be shared among the interest parties a.s.a.p., so that by the end of the project, it could be submitted to the pertaining authorities.
6. # of Key Lawmakers trained on access to GR and benefit-sharing	0	At least 60	Approximately 60 lawmakers were trained at the Senate and Deputy Chambers (commissions: science and technology, social/human development, health, environment and climate change). Nevertheless, these men and women were part of the former federal administration (ending in November 30th, 2018). This means that it is necessary to build the means for the incoming officials to receive the training. In fact, the PIR 2019 reports that this September a workshop was to be carried out at the Senate with the members of the Environment and Climate Change Commission.	S	* According to the reports of the corresponding consultancy, workshops have been carried out with lawmakers (through the documents, five deliverables from the consultancy SDC.70.2017). * Although the project has been efficient in this indicator, the changes in December 2018 in the Legislative Power (and throughout the Federal Government) affect the effectiveness of the activities carried out since most of the trained legislators have left that position.
7. # of financial mechanisms created for ABS	0 No federal ABS funding mechanism exists 0 – No incentive programs for ABS compliance exist	1 Federal ABS funding mechanism for conservation of GR and TK designed and implemented 3 Incentive programs for user participation in ABS developed and implemented in collaboration with at least 3 major commercial sectors (e.g. agriculture, forest, marine, pharmaceutical, etc.).	* Federal funding mechanisms still pending. However, initial talks on alternative funding mechanisms including with private sector have been analysed, in lieu and until federal funding mechanism can be also be discussed. * Regarding the incentive programs in ABS between local / indigenous communities and the commercial sector, although no progress is reported, the project has generated a precedent in this issue; this by means of the development and implementation of a PBC in the Ejido Charape-La Joya in Querétaro. This case has been reported as a successful experience on ABS (see publication "ABS is genetic resources for sustainable development" (UNDP, 2018).	MS	As specified in the SRF, the MoV are: 1) funding mechanism documents, and 2) sectoral agency and organization publications (incentive programs, codes of conduct). As part of the MTR, we didn´t have access to such documents. *However, as identified through the interviews carried out during the MTR at institutions such as IMPI, CDI, CONANP, and SADER, the formalization of the processes and mechanisms concerning ABS on GR and associated TK seems to be an important concern. Indeed, according to a testimonial, the topic has been considered to be incorporated into the medium term as part of the institutional agendas and work plans, even though it cannot be officially implemented because there is not a legal support (e.g. a Bill) For example, in one of the institutions, it is expected to open a new Directorate that will deals with the implementation of issues directly related to the NP.
8. % Advance of National Strategy for conservation and sustainable use of GR, including associated TK	0% - No strategy; lines of action exist for Natl Devt Plan 2012-18, NBDSAP, SINAREFI, etc.	100% - National Strategy and Action Plan (NSAP) for ABS approved by the federal government and published	As stated in the PIR 2019, the current progress towards the National Strategy for Genetic Resources and protection of the Traditional Knowledge is estimated to be at 50%. This reported progress is congruent with the MTR findings through the interviews carried out at SADER, INPI and CONABIO as well as through the project´s products. All together estimated as the overall progress of the project.	S	Similar to indicator no. 5, above. The Bill that is currently being finished as part of the GEF ABS project (Consultancy SDC-09-2019) is a key product towards the NASP. Yet time may not be enough for this product to be approved by the incoming Federal Government nor to be published, before the end of the "GEF ABS Project".
9. %	0% - No	100% - National	* While the current progress is	MS	* This is related to the hold off in the

Advance of National ABS Policy	Policy; lines of action exist for Natl Devt Plan 2012-18, NBDSAP, SINAREFI, etc.	Policy for ABS approved by the federal government and published	estimated in a 50%, the Internationally Recognized Certificates of Compliance (IRCC) formulated between 2016 and 2019 have been uploaded to the ABSCH. * On the other hand, it won´t be possible to apply a NP on ABS while there is not a legal framework at the national level.		revision of the Regulatory Document (2016/2017). * Some pertaining documents are readily available at the Clearing House, yet these are still limited (see the ABSCH at https://absch.cbd.int/countries/MX)

Table 8. Progress Towards Results Matrix: Indicators for Outcome 2.

Strategy >	OUTCOME 2. Strengthening of national institutional capacities				
Indicator	Baseline level	End of project target level	Midterm level assessment	Achievement rating	Justification for rating
10. Capacities of national ABS implementing agencies, as measured by the ABS Capacity Development Scorecard	ABS Capacity Development Scorecard: 21/69 Three Strategic Areas to improve: SA2: 10 - There is limited capacity to implement ABS SA3: 5 - There is political will but limited awareness among stakeholders SA4: 3 Information is not readily available	ABS Capacity Development Scorecard: 44/69 Three Strategic Areas improved: SA2: 19 - ABS Units established with capacity to implement policy and programmes. SA3: 9 – Stakeholders are aware and engaged in ABS SA4: 5 ABS framework established to systematize and mobilize information	* Making a comparison between the scoring at both the CEO Endorsement and the MTR, as based on the GEF ABS Capacity Development Scorecard (GEF Tracking Tools for projects in the GEF-6 Biodiversity area, Objective 3, Program 8: Implementation of the Nagoya Protocol in APB), there is significant progress. That is, prior to the start of the project, the score achieved was 21 points out of 69, a rating of 30.43%. At the time of this MTR, the rating is 79% (38 points out of 48) (see annex 13).	HS	MoV: The comparison between the Scorecard (GEF TTs) at the baseline level (PRODOC) with two other moments: ahe MTR, and the end of the project: * An increment in capacities within Government agencies: there is a significant change from the baseline level to this MTR (see Scorecard as Annex 13, elaborated as part of the MTR.). *In addition, as confirmed through the MTR interviews, there are capacities across the institutions. However, officials are limited to provide advice on ABS, GR, and TK; this because of the lack of a regulatory framework, which prevents organizations from implementing official mechanisms.
11. Degree of adoption of knowledge on the part of officials. At least 100 officials of the NFP and key partner institutions are identified and have capacities to execute the NP.	10 %	80% officials demonstrate ownership of ABS knowledge	* As a result of the capacity development that has been carried out across the institutions (i.e, IMPI, CONACyT) and the link between the "GIZ Project and the GEF ABS Project", there is a clear sensibilization and awareness among stakeholders. However, mechanisms for the mobilization of information or the optimization of registration processes are not yet identified (due to the same lack of a regulatory framework) * Regarding the number of people trained, several workshops have been carried out; also, a MOOC is being prepared.	S	* Through the MTR interviews, it was identified that the officials who participated in the inter-secretarial group, have a demonstrated interest and knowledge regarding ABS; even Units or mechanisms for the mobilization of information or the optimization of registration processes in the institutions have not been established. * While a significant number of officials have received training, it should be noted that, due to changes in the federal administration, many of these officials are no longer under the same position or have changed roles. However, as found through MTR interviews, some of them are still linked to the issue at their new positions. This means that while the efforts have not been 100% effective, neither the have not completely lost. Thus, it is important to define strategies so that these types of

					training are sustainable, so that these could generate medium and long-term effects.
12. Degree of input from officials regarding the Learning Plan for institutionalization of ABS Policy	0 %	80% officials have provided input to improve ABS capacity building programme	In a previous stage, during the "GIZ Project", officials involved in the inter-ministerial group that formulated a Regulation Document concerned with the issue on ABS about GR and associated TK, contributed to the formulation of the "GEF ABS Project", for example, providing inputs for the PRODOC. .	S	As identified through the MTR, officials across GOs show knowledge, interest, and concern regarding the implementation of mechanisms about the NP at their institutions.
13. Inter-institutional Genetic Resources Information Exchange Center (GRIEC) established with:	0 GR Information Exchange Center	1 GR Information Exchange Center	According to the information provided by means of an interview, the GRIEC and the Clearing House of the project are basically the same thing. At the moment of this MTR, the ToRs have been developed for the consultancy that will develop the website and interactive institutional interfaces for the national GRIEC / Clearing House; this activity requires a high technical knowledge in programming (languages, cloud, among others).	MS	* The website for GRIEC is still to be built. The ToRs have been generated. It is understandable that for this site to properly function, the institutions would need to have an advance in the implementation of the system and mechanisms for ABS/NP. * Yet, as mentioned before, institutions could only advance if a regulatory framework is set on track. The remaining time to the end of the project is very limited to reach this indicator.
a. Database on access permits	No Database	Inter-institutional database established via web-based platform	It depends on the previous one; this is one of the first steps in building an interactive platform; depends on the start of the consultancy above referred.	…..	Depend on the previous one; it is not possible to rate this indicator.
b. ABS checkpoints	No formal checkpoints	ABS checkpoints available on online GR Information Exchange Center	The institutions that can function as control points have been identified (i.e. IMPI, COFEPRIS, CONANP, CONACyT, among others), which would be also part of the GRIEC.	MS	In addition to the technical aspects above referred, the institutions require some advance in the implementation; this is also subjected to the implementation of a legal framework.
c. National ABS Clearing-House	ABS-CH does not exist	ABS-CH website online with updated information	An international ABS website exists with pertinent information online for Mexico; the site belongs to the CBD. The Mexican section could be better used (if uploading more of the generated products by the GEF ABS Project); this while the GRIEC is built.	S	The current information on the CBD ABSCH site is limited yet may be useful; the site could be better used since the project has generated valuable information that could be uploaded / disseminated (for example, the biocultural community protocols)
14. % compliance with the processing times for Access Permits established under the ABS Instrument	0% compliance, no Instrument exists: Processing times of Access Permits: • Research – at least 10 months • Commercial use - at least 10 months	80% compliance of established Instrument: Processing times of Access Permits (once application/ documentation is complete): • Research - 25 working days • Commercial use - 180 working days	No mechanisms or instruments can be established without the required regulatory framework. Also, as reported at IMPI, they have not track of any requests for permits; rather they have only received requests for orientations on how to proceed in other countries where NP mechanisms have been already implemented.	….	In the absence of a regulatory framework, the processing mechanisms to grant Access Permits cannot be implemented. There are not enough elements to generate a rating for this indicator.

Table 9. Progress Towards Results Matrix: Indicators for Outcome 3.

Strategy >	OUTCOME 3. Protecting traditional knowledge and improving the capacities of indigenous and local communities and other stakeholders to generate social awareness on conservation and sustainable use of biodiversity, GR and associated TK, as well as benefit-sharing arising from their access and utilization				
Indicator	Baseline level	End of project target level	Midterm level assessment	Achievement rating	Justification for rating
15. % Advance of development and implementation of ABS mechanisms to protect TK associated with GR	0% -There are no formally established protection mechanisms for TK	• 100% - Guidelines for the protection of TK associated with GR • Community protocols to facilitate ABS formally adopted by 12 Biocultural Regions	* The Guidelines for the Protection of TK associated with GR have been produced (see consultancy SDC.60.2017). * As observed at the two visited sites (where BCPs have been developed and implemented) and during the conversations with other producers in Oaxaca who are in the process to build a BCP, and as triangulated through the generated documents from BCP at other regions (also, a product of the project by consultants who have accompanied the communities in the process), it is readily visible that indigenous peoples are aware on ABS about GR and associated TK. Indeed, the BCPs were found to be a locally valued instrument that may function as a pacific way to defend the biocultural heritage (that is, as a form of empowerment in situations of discrimination that are very common to them; even as a way to defend their territory, in spatial and cultural terms). * BCPs have been developed in approximately sixteen states, covering more than 12 biocultural regions; This line of action has exceeded the expected objectives, and the early impact announces a broad social interest in this type of experience. *The expected output has been exceeded, meaning a higher number than proposed have been or are in the way, to implement a BCP. For instance, when a BCP has been developed, neighbouring communities become interested in developing their own BCP as they witness the achievements made through the tool. Similarly, when participants from the indigenous communities have attended international meetings, they have been requested by their peers at other countries to share their experience as a successful example. The success perceived by the MTR team in that a great step has been made by the project in this regard, is supported by the testimonials of both the interviewed community members and project participants who have been able to attend these scenarios (e.g. the COP14 in Egypt).	HS	* Regarding the guidelines, it would be desirable to further edit this document according to the experiences generated by the implementation of BCP in the project itself. * This one is a particularly successful line, and could strengthen a comprehensive approach. *The BCPs have been found to play a catalytic role, not only within the communities where they are being implemented and other communities in the same regions, but outside the country, as in the case of the BCP carried out by the people from Capulalpam, Oaxaca.

16. Availability and accessibility of ABS information (TK catalogue)	• No formal TK catalogue; Partial information and records exist for 35 indigenous groups	• TK Catalogue established with 68 TK records, and systems institutionalized to store and update information on GR and TK; mechanism put in practice via 7 pilots (GIZ)	The PIR 2019 reports that this indicator is in progress, yet it is a bit abstract to measure or define how this indicator will be reached. Building blocks towards the TK are found across different sources: the pilots from the "GIZ Project", the BCPs generated by the "GEF ABS Project", across institutions such as CONABIO, UNAM, and IMPI. Arrangements need to be made for those institutions to make the information available so that the TK can be established, aiming to protect TK.	MS	* The information exists in a scattered way; a reformulation of this indicator is needed as the activities foreseen in the PRODOC have not been possible to perform, due reasons beyond the control of the Project. * An alternative could be to compile this catalogue from the information contained in the PBC, considering instead of the 68 entries that were previously proposed (corresponding to ethnic groups) just 23 entries defined by Biocultural Regions (Boege, 2008) which in fact match the BCPs (the GEF ABS project itself has covered more than half of the 23 biocultural regions) * Another option is to shape the catalogue from a literature review, name it, "state of the art" or "scoping review".
17. Level of awareness of targeted indigenous and local communities regarding ABS and TK, the TK catalogue and community protocols	10% of biocultural regions TBD at project start	80% of biocultural regions; Awareness program regarding ABS and TK implemented in 17 biocultural regions	* As witnessed during the two visited sites where BCP are being implemented, indigenous people are aware on ABS about GR and associated TK. Indeed, the BCPs were found to be locally valued instruments for a pacific way to defend the biocultural heritage. *About 20 BCPs have been / are being carried out, covering about sixteen states from the northwest to the southeast of the country, likely to be covering about 17 biocultural regions. *The sensibilization effect produced by the PBC in local communities and surrounding areas, indicates an ongoing "trickledown effect"; meaning a potential for upscaling, replication and even leveraging.	HS	* This indicator was not found in the SRF (annex 4) as initially set in the PRODOC, yet it is reported at both the PIR 2018 and the PIR 2019. * The early impact and the fast socialization of the experiences on the development and implementation of BCPs, represents an opportunity to move forward (meaning upscaling, replication, and/or leveraging; and project sustainability, yielding positive effects in the mid and long term). * The Biocultural Community Protocols are a major success of the project.

79. While the project has faced some general limitations, mostly related to changes in administration across the Federal Government, the project is on track towards the overall objective. However, the impact could only be reached if further involvement by the national counterpart..

80. Based on the above advances, the MTR rating towards *Outcome 1 Achievement* is S, for *Outcome 2 Achievement* is S, and for *Outcome 3 Achievement* is HS. **The overall MTR rating for the GEF ABS Project´s Progress Towards Results (*Project´s Objective Achievement*) is S (SATISFACTORY).**

iii) Remaining barriers to achieving the project objective

81. By contrasting the achievements of the Project generated until August 2019 against the assessed risk factors that could hinder or reverse the conditions of progress towards the project´s sustainability -defined during the PPG phase (PRODOC, II, pp. 57-62) -, the MTR team has identified some relevant aspects of the project´s progress so far and the challenges that remain:

    a) The actions that have been promoted as part of the Project -carried out under the principle of safeguard for the conservation and sustainable management of biological resources, aiming to eradicate extreme poverty while reducing the socioeconomic conditions of inequality and exclusion- show significant advances.

b) The Project has promoted multiple actions at various levels of action, aiming to advance in the country towards progressive practices, consistent agreements, and effective regulatory procedures to meet the highest and most up-to-date standards concerning the country's genetic resources, as proposed by the Nagoya Protocol. Such proposal has been part of the disposition by the Mexican government towards advancing in the federal public policy for a sustainable development, with special concern for the well-being of the ILCO who own the biological heritage the country.

c) The evidence of the welcoming by stakeholders of the training processes promoted by the Project; training provided to different stakeholders: legislators, officials, professionals, businessmen and members of agrarian communities. Indeed, in the case of Biocultural Community Protocols, there seems to be a social enthusiasm where these have been implemented, yielding a triple effect:

1. The first effect is manifested in the way that this multidimensional training process contributed (at least among government officials) to change the perspective to the issue about the regulating of transactions on genetic resources, as indicated by the PN and the CBD (presumably, there was a rejection as largely due to misinformation). That is, among the trained people, there seems to be now a thorough understanding on the strategic implementation of BCP to strengthen the internal (local) governance mechanisms in the defence of the territory and resources, and specifically as an instrument to defend local biological (and genetic) resources in situations regarding access and benefit, that, when outsiders are implicated, such access and benefit are more often than not, unregulated. On the other hand, the training has also helped to clarify that the issue about the production, importation and trade of GMO´s is not related to the Nagoya Protocol: there used to be a biased association between GMO´s and the Nagoya Protocol across the national associations; this has been clarified now, due to the training. All of this opens the window in the country to make clear that the management and access to biological resources, and specifically to genetic resources, can move from the current, unregulated to become a regulated process, if set under the standards of UN (CBD and PN), thus directly contributing to sustainable management schemes (intertwining the social, environmental, economic dimensions), at both, the national level (country's regulatory framework) and beyond the local level (meaning local governance of resources and the treatment for their social use beyond their own community).

2. A second effect is the positive welcome among stakeholders of what this Project offers: a new policy on the access and benefit of genetic resources and the associated traditional knowledge. Although still on a drafting stage, it has the potential to become transcendental as an innovative component to the contemporary environmental policy at the country. The challenge on how the current (or new) federal government team can take the issue and take advantage of the advancement on the issue, still remains open. While the current federal government administration began operations by December 1st, 2018, shortly thereafter (March 2019) at SEMARNAT, there was a second change at all of the administrative levels at this Ministry, with new personnel appointed regarding activities and responsibilities about the GEF ABS project (e.g. the National Focal Point), plus, the unfortunate decease of the most involved person regarding the NP at the institution (Biologist Romana Alejandra Barrios†). As a result, project activities on behalf of the Executing Agency, SEMARNAT, have slowly advanced. Yet, as the new authorities at this institution become involved in the Project, this could still yield useful results to the country as stipulated during the PPG phase and according to the CBD/PN framework.

3. A third effect has been singularly positive in documenting the potential sustainability and transcendence of the Project, and refers to the early impact it has had in the country and in the international arena (dissemination spaces of the Project results): the processes of

Integration of Biocultural Community Protocols (BCPs) and Micro Regional Biocultural Protocols as an innovative social contribution phenomenon, a form of contribution from the local to regional and beyond. As based on the gathered information, there is a significant enthusiasm among the communities that have completed their BCPs or that are in the way to implement it. Moreover, the enthusiasm has been spread or transmitted to their neighbour communities, and - to the extent that the experiences have been disseminated - to communities and other regions of the country and the world.

The explanation we find to the observed phenomenon is quite clear: the project has been supported, since its initial phase, on several previous elements and lessons learned over the course, especially from the alike and preceding project, GIZ CONABIO. The interrelated elements are: a) the articulated linkage the achievements (e.g. awareness and sensibilisation) of that previous project with the GEF ABS project; b) counting on a reference for possible study sites (sensibilized communities) as registered on a large database generated by the GIZ CONABIO project and government institution, specifically INPI (formerly, CDI, who have tried out to implement BCPs); the Supreme Court of Justice of the Nation (which has had experiences of attention to cases of claimed rights over biological resources); CONANP with similar experiences in relation to national protected areas, and other institutional groups, who are now part of the GEF ABS´ Project Steering Committee (PSC). All of these, constitute a starting material in which the GEF ABS project started. Therefore, the project was able to make a careful choice of pilot actions in Mexico in order to implement BCPs at communities that already had previous the experience with requests for access to their biological/genetic resources, whether successful or difficult. Also, with a solid baggage of communal and organizational experience (for example, the Purépecha of Michoacán, the Zapotecs of Oaxaca, and the Comca'ac (seris) of Sonora).

Also, in the GIZ CONABIO project (2013-2017), 15 pilot projects served to strength community capacities on governance improvement for their biological resources, building sensibilization and awareness about strengthening local governance on the management of biological resources and territories through these protocols. In this way, both, the communities at those locations and officials at national institutions who participated in these processes during the years of the project, have been trained. Evidence of this achievement are the products generated by the GIZ CONABIO project, which in 2018, were disseminated by CONABIO to the new institutional teams.

In every case, such a background of experiences, the advances in the topic across institutions, and the maturity exerted by local communities in dealing with their own issues, has aimed for positive results regarding the BCP, e.g. yielding fast upscaling effects at the regional levels and beyond. Indeed, a clear example of participatory community management organization from a “grass root” or “bottom up” approach.

d) We have also identified at the pluri-institutional level (environmental sector) certain factors that can slow down or limit the long-term impact of the Project (despite the beneficial effects it has achieved so far). Specifically, this refers to the limitations and contradictions across the different trends of action by the executors of the institutional policy. Also, in the contradictions and limitations in the institutional policy itself (the latter referring to the pressure exerted on the access to resources and the regulation of their use, e.g. by private interests at various levels, e.g. local and / or transnational).

Some major examples of these situations:

1. In the new environmental policy, just gestating, lately has not been yet defined the ´line´ or orientation that should be given the implementation in the country of the NP

regarding ABS transactions on GR and based on the strengthening of capacities of local resource owners and the associated traditional knowledge to GR. The risk that is foreseeable – as well as recurring in the form of political management in the country-: even if significant progress has been made in the previous six-year periods on this subject, this process is now discontinued. Yet, given the impulse set on the previous periods, it is still possible that the gained achievements could be set into further action. Yet, the other possible scenery is that all of the efforts carried out and achievements reached so far are dispersed and diluted (e.g. the social enthusiasm generated by means of the BCP and the advances of the Bill drafting).

2. The situation of access to biological resources (i.e. genetic) at Natural Protected Areas. For instance, via the collections that are made for scientific studies or by means of Environmental Impact Studies at buffer zones (whether in areas of agricultural land or on national land). Although it is the competence of CONANP, this type of access must be adequately regulated in the short term, if an effect of increasing imbalance is to be avoided, and so, the eventual progressive contradictions about it (e.g. between care for those accesses by communities with a PBC and the lack of clear procedures). All of these, in congruence with the NP mechanisms.

3. - The current environmental policy is under reformulation, and so is the revision and adjustment on the previous regulatory components of that policy (especially in the regulation of biological resources: The Biodiversity Law; a previous Bill, and the National Strategy Biodiversity by CONABIO). Such a reformulation implies a challenge for the new administrative regime: if not enough attention if given to the implementation of the NP, and as stated before, pace could be lost and so the effectiveness of the achievements reached so far regarding the implementation of the NP.

   Some early signs of that risk[12]:

   a. A topic in trend currently in the country: the cut in the budget for CONAFOR and so the restrictions on the development strategies by this government instance. According to national news, it is the local people who voiced their complains about the implications that this ´new´ direction has for sustainable forest management;

   b. Another trend in the national news: the cut in financial support for environmental

[12] When talking about early signs about the policies in process of implementation, the consultants have gathered some voices and testimonies in this regard, such as among which are*: Peasant Network criticizes the "Sowing Life" Program (Red campesina critica el Programa "Sembrando vida")*, article by Angélica Enciso, *La Jornada*, no. 22, January, 2019; *" ´Sembrando vida´ a program at risk"* (pg. 31 available at www.chiapasparalelo.com/news). On August 20, 2019, the documents "Environmental Policy and Sustainability from Civil Society, from the Southeast South of Mexico" were presented by the Mexican Civil Council for Sustainable Forestry (CCMSS Edition, available at www.ccmss.org). In Guadalajara, Jalisco, last September, a group of women from 16 states across the country, gathered at the meeting *"The struggle of women in Mexico for the defence of the territory and against extractivism"* protested against the continuation of neoliberal policies (*La Jornada*, September 4, 2019: 30). More recently, other actors manifested against the 2020 budget allocation for environmental policies; according to gathered opinions at *"Organizations demand measures to deal with the environmental crisis in Mexico*", a statement by 28 social and civil organizations available at the virtual platform of the Mexican Civil Council for Sustainable Forestry, AC, published on September 26 of 2019 (www.ccmss.org). On the same date, the newspaper *La Jornada* (pg. 29) a statement from the Authentic Front of the Field (Frente Auténtico del Campo): *"Positioning on the budget of expenditures 2020" ("Posicionamiento sobre el presupuesto de egresos 2020"),* in which these organizations make a direct criticism to the "cut of resources destined to the field" (meaning agriculture) and to the "assistance and clientelist orientation of the economic and social policy for the rural environment" requesting that it should be reversed.

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restoration projects, via the Ministry of Social Welfare. Such a budgetary cut has left out of the policy equation many social and civil actors that have been actively involved in sustainability, such as agrarian communities (acknowledged as guards of biocultural heritage).

c. Last but not least, the absence or insufficiency of specific policies of multi-institutional support for regional integrative and self-sustained work experiences, such as the support to sustainable regional environmental projects, e.g. in the Sierra Norte de Puebla, the central-mountain region of Guerrero; the Sierras Norte and Southern Oaxaca, the work by the Inter-municipal Environmental Care Boards at the Yucatan Peninsula and Jalisco State.

C. Project Implementation and Adaptive Management

i) Management arrangements

82. Roles, duties and responsibilities of main partners were defined both during the PPG phase; for other parties, these have been defined over the course of the project by means of individual ToRs regarding the compliance of specific activities (e.g. in the case of consultancies).

83. As the executing agency, UNDP has demonstrated to be accountable, providing backstopping and supervising the project by means of the PCU which was in fact set by UNDP. Backstopping implies providing support from management tasks such as equipment acquisitions and elaboration of PIRs to bringing the means for technical and specialized support as planned and required. Also, UNDP has procured the dissemination of project advances and the follow up and arrangements for activities such as the development and completion of this MTR.

84. UNDP has procured an organic alignment of the "GEF ABS Project" with other projects within the Sustainable Development and other programs at the Country Office (a total of 32 projects); procuring an exchange not only of experiences and lessons learned but also aiming for an efficient use of resources (e.g. equipment and personnel that can be shared across the projects); in this way aiming for project consolidation. For instance, issues concerning the Nagoya Protocol are also included in another project also implemented by UNDP in Mexico. As witnessed during the MTR, UNDP Staff is actively involved in the project development, for instance, participating in PSC meetings and field visits, and providing feedback and guidance at all times.

85. As the project has faced certain constraints due to administrative changes (further explained in the section corresponding to the Executing Agency), UNDP has demonstrated an adequate risk management, for instance, providing backstopping for the continuation of activities in spite of the uncertainty that the administrative changes at the national institutions (which have resulted in the delay of at least one of the outcomes).

86. Regarding the National Counterpart, SEMARNAT, certain limiting conditions have occurred during the last year and a half, having direct implications for project execution on behalf of this partner. Three different administrations, a radical change in political views, and the unfortunate and unexpected loss of a key stakeholder at the National Focal Point office have resulted in a delay towards the expected project goal, specifically for Outcome 1 (adjusting the legal framework and establishing public policy measures that regulate the access utilization of GR and associated TK arising from the fair and equitable benefit-sharing). Nevertheless, it is expected that through the remaining time of the project (less than a year), and as roles and duties of partners at this leading agency are settled down, the "GEF ABS" will advance on this outcome 1.

87. Related to the above situation, the PCU plays a catalytic role in aiming for the involvement of the recently appointed authorities at the national counterpart; being strategically located at SEMARNAT, this has facilitated day to day communications and involvement in certain activities.

Moreover, the PCU as implemented and supported by UNDP has been highly resilient to the changes at the Executing Agency, procuring the involvement of all project partners and the continuation of the activities in time and form towards accomplishment of the project´s objective and goal.

ii) Total budget and work plan

88. A total budget and work plan (see Annex 16) were initially set as part of the PRODOC. While this document does not specify the work plan in a calendar format, it is very clear in specific amounts by outcome and activities. Through the PIRs 2018 and 2019 and by means of the information provided to the PSC in the meeting carried out on 08.08.2019 and the budget for the remaining time of the project vis a vis the activities to carry out for the last year, the MTR team perceives a congruent use of monetary resources.

iii) Finance and co-finance

89. As mentioned in a previous section, the initially set co-finance scheme for the project is as follows: GEF contributes with a total cash of (USD) 2,283,105.00; UNDP with (USD) 230,000.00 in cash and (USD) 20,000.00 in kind; the GIZ-CONABIO Project with (USD) 7,425,742.00 in cash; the national government through different organisations with (USD) 1,282,837.00 in kind. This makes a total of (USD) 11,221,684.00 as the whole required budget (See Project Identification Form (PIF) / CEO Endorsement letter as Annex 5). A further detailed co finance scheme was also proposed as part of the PRODOC (see the figures below which have been extracted from ANNEX 16), specifying the financial resources inputs expected by organization; the figures below present that in two dimensions: by year and by outcome. While the proposed scheme seems fairly reasonable, the MTR team has no means to verify how such a proposed co financial scheme has been carried out through the time that the project has been operating.

Figure 2. Co finance proposed budget by year

Total Budget Summary

Donor Name	Year 1 Amount (USD)	Year 2 Amount (USD)	Year 3 Amount (USD)	Total (USD)
GEF	889,836	743,070	650,199	2,283,105
CONANP	15,000	15,000	15,000	45,000
DGSPRNR	66,058	66,057	66,057	198,172
DGGFS	15,667	15,667	15,666	47,000
DGVS	38,912	38,913	38,913	116,738
PROFEPA	5,656	5,657	5,657	16,970
CONABIO	26,494	26,494	26,494	79,482
SFNA	36,896	36,896	36,896	110,688
UCPAST	30,539	30,538	30,538	91,615
UCAI	15,414	15,415	15,415	46,244
SNICS	57,181	57,182	57,182	171,545
IMPI	62,726	62,726	62,726	188,178
CDI	50,401	50,402	50,402	151,205
GIZ-CONABIO Project	2,475,248	2,475,247	2,475,247	7,425,742
UNDP	83,333	83,333	83,334	250,000
TOTAL	3,869,361	3,722,597	3,629,726	11,221,684

Figure 3. Co finance proposed budget by outcome

Summary of Funds by Outcome

Source	Amount Outcome 1	Amount Outcome 2	Amount Outcome 3	Amount Outcome 4	Amount Project Management	Total
GEF	488,886	939,155	626,345	120,000	108,719	2,283,105
CONANP (In-kind)	11,250	11,250	11,250	0	11,250	45,000
DGSPRNR (In-kind)	26,058	26,057	26,057	0	120,000	198,172
DGGFS (In-kind)	11,750	11,750	11,750	0	11,750	47,000
DGVS (In-kind)	29,184	29,184	29,185	0	29,185	116,738
PROFEPA (In-kind)	4,243	4,243	4,242	0	4,242	16,970
CONABIO (In-kind)	19,871	19,870	19,870	0	19,871	79,482
SFNA (In-kind)	27,672	27,672	27,672	0	27,672	110,688
UCPAST (In-kind)	22,903	22,904	22,904	0	22,904	91,615
UCAI (In-kind)	23,122	11,561	0	0	11,561	46,244
SNICS (In-kind)	42,886	85,773	0	0	42,886	171,545
IMPI (In-kind)	94,088	47,045	47,045	0	0	188,178
CDI (In-kind)	37,802	37,801	37,801	0	37,801	151,205
GIZ-CONABIO Project (Grant)	0	223,497	7,202,245	0	0	7,425,742
UNDP (230,000 Grant + 20,000 In-kind)	62,500	62,500	62,500	0	62,500	250,000
Total	**902,215**	**1,560,262**	**8,128,866**	**120,000**	**510,341**	**11,221,684**

iv) Monitoring & Evaluation systems at the Project´s level

90. In accordance with the GEF's own regulatory framework for the management and monitoring of projects such as the one we have evaluated, the team in charge of the project has carried out monitoring and evaluation (M&E) tasks, for example, by means of the PSC meetings, inter-ministerial meetings and field visits at different moments of the process of execution of the activities. Same like, through the procurement notice of consultancies and the follow up of their execution processes, including the revision of the consultancies´ products. All of these reported at the PSC meetings and by means of the PIRs of 2018 and 2019. Communication among the national parties has facilitated the monitoring of the project at each phase; the planning, management and prevention of actions to address risks in its execution, has favoured projects actions, here deemed efficient. In addition of the PCU staff in charge of M&E in the project, the UNDP Country Office relies on a M&E network system for feedback across the M&E focal points for projects in topics such as environment, poverty, and governance.

91. During the PPG phase, a M&E system was proposed, which was included in the PRODOC and is included in this MTR as Table 10. While the proposed M&E system is very well defined and realistic, the rating we have granted to the M&E system is based on the revised documents and the information gathered by means of interviews.

Table 10. Proposed M&E System and Budget for the "GEF ABS Project"

Type of M&E activity	Responsible Parties	Budget US $ *Excluding project team staff time*	Time frame
Inception Workshop and Report	▪ Project Coordinator ▪ UNDP CO, UNDP GEF ▪ SEMARNAT	Indicative cost: 27,000	Within first two months of project start up

Measurement of Baseline Indicators and Means of Verification of project results	▪ UNDP/SEMARNAT/PCU will oversee the hiring of specific studies and institutions, and delegate responsibilities to relevant team members.	Indicative cost: 2,000	Start, mid and end of project (during evaluation cycle) and annually when required.
Measurement of Means of Verification for Project Progress on *output and implementation*	▪ Oversight by Project Coordinator ▪ Project team ▪ SEMARNAT	Indicative cost: 2,000	Annually prior to ARR/PIR and to the definition of annual work plans
ARR/PIR	▪ PCU ▪ UNDP CO ▪ UNDP GEF ▪ SEMARNAT	0	Annually
Periodic status/ progress reports	▪ PCU ▪ UNDP CO ▪ SEMARNAT	0	Quarterly
Project Steering Committee Meetings	▪ Project Coordinator ▪ UNDP CO ▪ SEMARNAT	Indicative cost: 0	Following Project IW and subsequently at least Quarterly
Mid-term Review, including update of ABS CapDev and ESST	▪ PCU ▪ UNDP CO ▪ UNDP GEF ▪ SEMARNAT ▪ External Consultants (i.e. review team)	Indicative cost: 29,500	At the mid-point of project implementation.
Final Evaluation, including final ABS CapDev and ESST	▪ PCU ▪ UNDP CO ▪ UNDP GEF ▪ SEMARNAT ▪ External Consultants (i.e. evaluation team)	Indicative cost: 35,550	At least three months before the end of project implementation
Project Terminal Report	▪ PCU ▪ UNDP CO ▪ SEMARNAT ▪ local consultant	Indicative cost: 5,250	At least three months before the end of the project
Audit	▪ UNDP CO ▪ PCU	Indicative cost: 18,750	Annually
Visits to field sites	▪ UNDP CO	For GEF supported projects, paid from IA	Annually

v) Stakeholder engagement

92. Having set the potential partnerships ahead as based on previous experience is indeed a strength in project implementation. From the antecedents of the GIZ CONABIO Project and the previous interest in the issues concerning ABS across the involved institutions, who in fact were together as part of an inter-ministerial working group concerned with the implementation of the NP in México, partnership arrangements were properly identified and the roles and responsibilities were negotiated prior to project implementation; further strengthened during the PPG phase by means of analysis about institutional capacities and risks assessments (see PRODOC as annex 3). As a result, the project objective and outcomes were clearly defined and concisely presented, for instance, in the Strategic Results Framework (SFR) (Annex 4).

93. At the moment, the project has made full use of opportunities for collaboration with other projects and programs including opportunities not mentioned in the Project Document, with complementarities been sought. This is the case of the interactions with other UNDP projects, with synergies been optimized and duplications being avoided. Indeed, through these exchanges, the project has been able to take up opportunities for joint activities, pooling of resources and mutual

learning with other organizations and networks, not only in the county but in other countries where there is also an interest in the implementation of the NP.

94. Among the benefits stemmed for UNDP and for the stakeholders and partners themselves, it is important to highlight capacity building regarding the awareness about ABS on GR and the associated TK, not only across institution but more importantly, with Indigenous Local Communities (ILCO) who are in fact one of the main beneficiaries of this project, for instance, by counting on backstopping for the development of Biocultural Community Protocols.

95. The project has a demonstrated concern on inclusion, innovativeness, and participation. Indeed, at the essence of the project formulation is the concern for bringing opportunities to the ILCOs, providing them with means to develop new tools to improve their own regulatory systems on access to resources and according to their own local contexts and interests; this is the case of the development and implementation of BCPs. As part of the inclusion, gender equity has been a special concern: across the different project activities, both men and women are found to play leading roles and having an active voice and decision making.

vi) Reporting

96. The project so far has elaborated two PIRs, one corresponding to 2018 and the other to 2019. While these reports cover the basic requirements, the MTR team believes that given the importance of these documents to reflect project advances toward outcomes, these could be further elaborated, for example, providing more details in the reported advances. Apart from the PIRs and the minutes from meeting and contracts, the MTR team has counted on some other material concerned with the M&E at the project level. Also, the interviews carried out have provided direct testimonies about the advances in this criterion.

vii) Communications

97. Among the proposed communication strategies for the project during the PPG phase were: the development of communication, education and public awareness materials (e.g. posters, brochures, “good practices manuals”, training modules) to inform stakeholders, namely indigenous and local communities, public and private sector users, pharmaceutical labs, cosmetics labs, agro-food enterprises, distillers, herbalists, suppliers, local populations and the media; the establishment of *Sensitization and Awareness Program on the Importance of Conservation and Sustainable Use of Genetic Resources and Associated Traditional Knowledge* aimed to familiarize stakeholders with ABS, value chains, and bioprospecting risks; developing a model for ABS agreement(s) as the basis for negotiating fair and equitable benefit-sharing; a *Traditional Knowledge Catalog* associated with GR and drafted under participatory methodologies with indigenous and local communities; the creation of the National Access and Benefit-Sharing Clearing-House (National ABSCH); the establishment of an Inter-institutional Genetic Resources Information Exchange Center (GRIEC), expected to include a database with information on access permits established by means of a web-based platform, fed by each agency for an efficient follow-up on access requests and linked to ABS check points. Although there have been delays in some of these activities, this is presumably due to the lack of an implemented regulatory framework on ABS/NP. The Project team, however, has made their best to yield a background on these activities, advocating for the implementation of such a framework in the short or medium term.

98. On the other hand, the Project´s communication means seems to rely in both the PCU and the UNDP Country Office. The former is in charge of maintaining contact and communication with stakeholders and project parties (e.g. consultants and contractors), managing arrangements for PSC meetings, and supporting the corresponding national authority in uploading the pertaining information in the ABS Clearing House; the latter procures the dissemination of project´s activities and results as part of the UNDP network.

99. Lastly, while the project has faced some limitations regarding, for example, changes in the executing agency, the team has been proven to be highly resilient, aiming for project advance by means of involving relevant stakeholders and institutions; communicating, reporting, and disseminating project activities, results, and the importance of the concerning topics; and procuring frugality in the managing of financial resources. At UNDP, the concern for building and maintaining synergies among the Country´s Office is especially noticeable.

100. **Based on the criteria described in the above sections, overall MTR rating for Project Implementation and Adaptive Management is Highly Satisfactory.**

D. Sustainability

101. **Financial and Socio-economic Sustainability.** *Predictable risks.* The project foresees suitable ways in which the country could achieve long-term financial sustainability of this process, through the design and implementation of legal and policy changes so that institutions with ABS-related responsibilities (SEMARNAT and SAGARPA, among others) could be able to generate, manage, and allocate financial resources for the adequate institutional management of genetic resources under the Nagoya Protocol. For example, by means of creating alternative taxation mechanism for the new permits for the access to GR and identifying the necessary mechanisms so that the resources generated will be redirected to the competent national and federal authorities. Also, by means of Biocultural Community Protocols, Indigenous and Local Communities count on a regulatory tool built by themselves where they can define their own local regulations for ABS, so that they also receive an economic benefit. A clear example of the project achievements in this regard, is the case of the BCP developed at Ejido La Joya, where local people, and especially women, receive and economic benefit in the cosmetic use of a plant they have managed and used for generations (see https://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/abs-is-genetic-resources-for-sustainable-development.html?fbclid=IwAR3vFdJqkN6M6t2ZeQ0z2-nnn8yQtxkQ5JSjmVy7kxsmTyywtIk_Ta5395TNTg).

102. Even with the opportunities it has opened, the project faces financial risks associated with the potential inadequacy of institutional resources (in budgetary terms and according to the priority set in the public agenda) to address the issue of commercialization of genetic resources and the associated traditional knowledge, for which the NP offers a regulatory framework. If the government team that came into operation in 2018 (that is, those institutions and instances with the competence to formally address this issue) does not get involvement with the current project advances and incorporates them into its own environmental policy agenda (for this six year period) before the end of the project, the institutional response can be delayed to the extent that the continuity of the project in the environmental agenda, may be compromised. In this regard, the interest of the communities sensitized by means of the BCPs (and that of other economic agents with their own interest in accessing that market) can foreseeably continue but without a consistent link with the environmental policy (and its appropriate legal support) in the country.

103. **Institutional and governance sustainability of genetic resources associated with traditional knowledge**. *Foreseeable risks.* The Project has in fact made remarkable efforts to improve and enable an institutional environment aiming for the implementation of a national NP and ABS framework. As part of these, a focus has been made on informing about how indigenous and local people are involved in such initiatives as very often they are the provider of GR; in this way, their traditional knowledge can be valued, protected, and respected. Project´s activities concerning Outcome 2 are largely oriented to support capacity building across both institutions and legal arenas; yet the changes in appointments across the Federal Administration by late 2018, have prevented that many the trained people could actually apply what they have learned about ABS as many of them have been separated from their appointments. However, some other people have just changed from one institution to another, or changed appointments; some others have stayed.

In fact, through the MTR, we identified that across institutions, people at intermediate hierarchical positions have been involved in ABS implementation in Mexico, long before the GEF ABS project. For instance, some of these officers have been part of the inter-ministerial group previously mentioned, a group supported by the GIZ Project "Governance for Biodiversity", which precedes the GEF ABS project.

104. In a broad perspective, the project has expanded the human and institutional capacities at the government institutions with the responsibilities on the management of genetic resources associated with traditional knowledge, but with the changes by late 2018, many of the trained people is not any longer at the trained positions. Now, the remaining time of the project may not be enough to provide new training for the upcoming officials. In this context, the process faces a critical phase: either the new teams in the institutional structure will positively ponder the usefulness of what has been achieved so far by the project and consider that it is convenient for the country to extend the duration of this project (e.g. for another three year period), or play the risk of not properly using the achievements and legacy yield by the project and so giving place to discontinuity of the project´s results and the importance of the topic for the country.

105. **Environmental Sustainability.** The Project´s actions implemented so far have the purpose to encourage the long-term viability of globally significant biodiversity in Mexico, based on the sustainable use of the country's natural capital while also giving room to the creation of bio-economic projects where Indigenous and Local people can participate and benefit. This is a new approach in Mexico and it is largely due to the dissemination of the opportunities offered by the Nagoya Protocol to regulate in a new, more fair and equitable way, the expanded use of these resources. This represents a new and significant economic opportunity, since, by default, the environmental sector and the economic / productive sectors work separately and often with opposing views. To achieve this purpose, it is necessary, of course, to complete the implementation of a national legal and institutional framework for GR and a broader ABS process, but the project has laid practical and stimulating bases for it among different social actors. As part of the actions that the project has taken, the antecedent was collected, that since 2016 an intergovernmental group has formulated a document that can help to complete this regulation for the management of genetic resources associated with traditional knowledge. The document is pending review and the project has encouraged to be retaken. More recently, and as part of the GEF ABS project, it is foreseeable that a Bill will soon be launched as part of the actions of the project to achieve Outcome 1. The respective proposal is already in place.

106. In summary, while project actions are largely routed towards sustainability (environmental, institutional, financial and socio-economic) all of these depends on project´s ownership by the country. In this regard, the recent changes across Federal Government, with different political view in relation to ABS than previous administration, represent the main risks for the sustainability aspects above addressed.

107. **Based on all of the above, the overall MTR rating for Project Sustainability is Likely (L).**

IV. Conclusions and Recommendations

A. Conclusions

108. As previously stated, the SEMARNAT-GEF / UNDP project (ID 00096831, Atlas Award ID 00091799, GEF ID 5738, and UNDP PIMS ID 5375) has as a general objective: *to enhance in Mexico, in a participatory manner, the capacities of national authorities (SRE, SEMARNAT, SAGARPA, CDI/INPI, SE), as well as the legal and administrative framework in relation to genetic resources, associated traditional knowledge and benefit-sharing, according to institutional conditions for the*

implementation of the "Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the Convention on Biological diversity". This objective comprises three outcomes: 1. Adjusting the legal framework and establishing public policy measures that regulate the access utilization of GR and associated TK arising from the fair and equitable benefit-sharing; 2. Strengthening of national institutional capacities; 3. Protecting traditional knowledge and improving the capacities of indigenous and local communities and other stakeholders to generate social awareness on conservation and sustainable use of biodiversity, GR and associated TK, as well as benefit-sharing arising from their access and utilization. The actions undertaken to achieve these three outcomes have been executed by consultants who have invited to the process by means of public procurement notices through several lines of action. As part of the MTR, we have observed and assessed the advances up to date, following the indicators and proposed activities as stated in the PRODOC (the project´s master document formulated as part of the PPG phase) and the Means of Verification (MoV) stated in the same document. All of these MTR parameters are in line with the *"Guide for conducting the midterm review in projects supported by UNDP and financed by the GEF"* (UNDP-GEF, 2014, 15). In this section of the MTR Report, we have formulated some general conclusions based on what has been observed, the progress we have assessed, as well as the obstacles or risks that we have noticed. In all cases, we provide a description of what we have witnessed. Last but not least, following the conclusion, in section B, we provide the "lessons learned" as a feedback towards the end of the project.

109. **1. On the Reform of the Legal Framework (Outcome 1)**. The progress of the Project indicates that - through meetings, plural work commissions and the activities carried out by consultants- the analysis and diagnosis of the national legal framework has been completed. However, regarding the implementation of the Nagoya Protocol in the country, it has faced a delay. Also, the Bill proposed through the GEF ABS project is nearly finished, yet it still needs to be socialized among project partners and then, be reviewed by the pertaining authorities.

110. The main reasons identified for the delay above referred, are that, between 2017 and 2018 the Project faced a scenario in the country where poor coordination affected: a) the implementation of the Bill for a General Biodiversity Law; b) the formulation of at least one secondary Regulation or Law (which could facilitate the implementation of the Nagoya Protocol in the country, in congruence with other instruments of the Mexican legal system); and c) other various legislative efforts aimed to reform the existing instruments related to the subject, such as laws on forestry and wildlife.

111. Given the various lines of action that did not reach consensus, regarding the Draft of a new Biodiversity Law, the issue remains without legislation. Same like, for the legal instruments about the Nagoya Protocol (which also had an advanced proposal). Yet some Reforms have been made on some specific environmental laws, which however have no implications in the advancement towards the implementation of the NP in the country.

112. This process coincided with the political transition derived from the federal elections in 2018, which led the government to a new team with different perspectives than their predecessor on the issue of access to GRs under the NP; related to this, an update in environmental policy by this new government is also pending. All of these, has led the Project to a unexpected situation towards the accomplishment of this outcome 1. A follow up with incoming environmental authorities is deemed necessary so that the project could resume the expected results and thus be able to accomplish this outcome.

113. **2 Strengthening national institutional capacities (Outcome 2).** The Project has achieved, by this mid-term period, results significantly higher than expected. For instance, it has achieved effective training for capacity build, sensitization, and awareness by means of 14 large training workshops on the subject for different groups of actors (federal, state and municipal government officials, researchers and academics, businessmen and members of society organizations

interested in the subject), carried out across the country. The target represents more than twice the proposed indicators during the PPG phase.

114. This has a double explanation. On the one hand, part of the attendants were previously interested in these issues, presumably related to the previous sensibilisation and awareness carried out by the preceding Project (the Biodiversity Governance Project, executed from 2013 to 2017 by CONABIO, with support from GIZ, the German Cooperation Agency); that project involved the same sectors and institutions that are now key participants in the GEF ABS Project.

115. The other was the very alert condition of the subject, both for the Mexican population in general, and from Mexico's participation as host of the Conference of the Parties (COP 13) of the CBD, held in Cancun, Quintana Roo in December 2016. A series of meetings and events were topics related to protocols derived from the CBD itself, Nagoya and Cartagena, were addressed; thus, favouring a timely update in the country of news and advances on the subject.

116. In particular, the COP 13 at Cancún, hosted for the first time the *Múuch'tambal Summit,* with voiced representatives of 300 indigenous and local communities from all over the world (of course, including Mexico, which also had a representation of Afro-Mexican descendants). This Summit, was preceded by regional meetings aimed to reach a voice consensus towards the COP of the CBD. Moreover, in Mexico and presumably elsewhere, the Summit favoured awareness about what the CBD, and in particular, the NP, could offer to carry out transactions and contracts on access to their biological (and genetic) resources, in a regulated and respectful way to the traditional knowledge, including forms of local organization by local peoples according to their own regulations; being the key, self-regulatory instrument, the Community Protocol (the term Biocultural was added in Mexico). Such a document is aimed to legitimize local agreements, favouring the rights of the indigenous and local communities, and in the national legal framework; all of this in line with the guidelines from the CBD and stated in the NG.

117. It is not surprising, to this MTR team, that a significant part of the communities that are now implementing their Biocultural Community Protocols as involved in the GEF ABS Project, are the same indigenous actors, or members of local communities, that participated in that mobilization process in 2016, to reach the COP 13.

118. However, it should be said that the Project has faced another circumstantial challenge, due to the Mexican political time in which it is executed: paradoxically, many of the officials that have been trained on sensibilisation and awareness at the initial stage of the Project (from 2017 to November 2018) are no longer in the respective institutions as related to changes in the appointments that have been part of a Government shift. On the other hand, some of the staff remains at their positions, so these are the key actors that could support the long-term impact of the training they have received, though it may take some time. At the moment, passed half of 2019, the new approach in environmental policy is being shaped and so policies are being reformulated. This implies one more challenge for the GEF ABS Project: to involve the incoming authorities, so they can be updated in the project progress. Afterwards, it will be the responsibility of the new officials to add on the advances reaches by the project (in other words, working towards the appropriation of the project as set in the commitments established prior to the GEF ABS Project implementation).

119. This last challenge also applies to the legislative matter. Just as in the case of changes in the appointments at across the Government Organization by the late 2018, also the representatives of the Federal Legislature have changed. The implications for the Project are basically the same than those in the case of changes in appointments across Government Offices.

120. **3 Strengthening the capacities of indigenous and local communities and other stakeholders, and the protection of traditional knowledge (associated with biological resources) to raise awareness about the conservation of biodiversity, GRs and associated Traditional Knowledge (TC) , within the framework of the PN (Outcome 3).**

a) On the cataloguing of traditional knowledge associated with biological resources:

The progress on this outcome is highly significant. On the one hand, it has been possible to initiate activities aimed at protecting the biological resources associated with traditional knowledge, establishing the respective guidelines and envisioning a Catalogue in this regard, however, much remains to be done. Even though the country has large collections of plants, animals, and fungi (mainly at public universities and professional associations, research centres and even at Government Organizations) such collections are set on specimens rather than on Traditional Knowledge. Thus, the ethnic groups linked to their stewardess are not acknowledged; as so, their knowledge is not legitimized in relation to those specimen collections. An authentic transformation of these collections is required so that these could aim to TK protection; so far, some steps are being undertaken as part of the project expected results, yet these seem to be slowly developing.

b) On the integration of Biocultural Community Protocols (BCP)

The enthusiasm shown by the communities undertaken the integration of a BCP, has allowed us to verify one of the main accomplishments by means of the Nagoya Protocol: Developing a BCP aims to clarify to the community themselves on how to exercise their rights over their own resources so that the community can, for instance, decide about: a) if they are not interested in a given access transaction, they can be clear about it; or b) if they are interested in the transaction, the BCP built under the framework of the NP, would allow them to state a clear procedure to implement a fair process through which they protect their interests, rights and traditional knowledge against commercial transactions on access to their biological resources and, in particular, to their genetic resources. Moreover, the BCP may help to articulate the community decision at the level of the national institutional system in topics such as property rights (as well as to protect the same rights in international transactions, e.g. in the case of exports and including multilateral organization such as the CBD).

The usefulness of BCP to improve local governance of biological resources has been a convincing factor for more communities than the Project expected. It is very foreseeable that, in addition to the cases of the BCP completed so far, many other BCP could also completed by the end of the project. In this way, the Project has overpassed the expected output.

More than upscaling, an overall asset of the BCP is that these instruments encourage Governance mechanisms at the local level. That is, the progressive consolidation of various cases in which participating communities, while integrating their BCPs have also moved towards consolidating their governance capacity in relation to their possession and possible transactions over their genetic resources, this has served as a model encouraging neighbouring communities to also develop a BCP. As shown by the communities themselves, the biocultural community protocols have been developed as an articulated activity that emerges from the local matrix of experiences; this in congruence with the indigenous and local communities own conditions on the defence of their rights and in agreement with the regulations stipulated by national law on the one hand, and the NP on the other. Such results do not come from an “up down approach” rather they come from a “bottom up approach”; the community itself gets involved in the appropriation process so that they can decide about transactions involving their genetic resources.

The involvement of the ILCO in the BCP is a major success of the project: local communities have become an active part of the Project, identifying what is needed at the local level so that the strategies can be enhanced and upscaled.

c) On the communication strategy and the means to continue the online training

The Project has maintained a continuous line of socialization of what the Nagoya Protocol is and what its compliance implies; largely accomplished through a series of presential workshops carried out across the country. Likewise, and also across the country, in the dissemination and encouragement for collaborative actions with communities interested in

integrating their own BCP. Simultaneously, the Project has been preparing a Communication Strategy, so that the sensitization and awareness training continues even beyond the completion of the Project. One of the lines of action in this strategy is the development and implementation of a MOOC (Massive Open Online Course) so that a vast number of people could be continuously trained, including the officials that have just joined positions related to ABS on GR and TK at key partner organizations (who have not received the training) incoming officials. This MOOC, expected to be set in the well-known platform www.MexicoX.gob.mx, is one of the specific products that the Project expects to complete in the coming months, before the ending date of the project.

B. Recommendations

121. The country is the main beneficiary of beneficiary of the expected outcomes of the GEF ABS Project. In other words, it is in the country's interest that the usefulness and impact of the Mexican government's effort to strengthen the capacities to exercise the responsibilities that will allow the proper implementation of the Nagoya Protocol in the country, be maintained, consolidated and that they remain. Herewith some recommendations, generated from the experience of the execution - in progress - of the same Project:

1. Taking into consideration the achievements that the Project has reached so far, and the challenges it has faced (especially regarding the change in the political regime in a crucial moment during its execution), we recommend to extend the Project to a next phase of activities after its completion in 2020, aiming to complete the integration of procedures, regulations and practices in relation to the protection on the property of both genetic resources and associated traditional knowledge as well as on the distribution of the benefits derived for each party, especially in cases where commercial transactions of economic interest are carried.
2. To take the inputs generated by the Project as an opportunity to build a national policy on material benefits on the use and commercialization of genetic resources, based on the fact that genetic resources belong to the communities and so to valuea the importance of these resources for local development; especially, when those resources and their acknowledged uses are associated with traditional knowledge.
3. To add as a priority (as part of the activities or actions to be undertaken by the Project) a line of action about the Natural Protected Areas. Some aspects to consider about this:
    a. To support the design of infographic material about the NP and their pertaining application at the NPA´s (especially concerning the buffer zones). This will aim to address the issue of ABS on GR and TK while specific regulations are set up.
    b. Have the training platform ready with a specific module for ANPs as soon as possible, being especially important (for CONANP) that the MOOC course currently in preparation, includes a module on NPA´s, addressing topics such as how the Officials (in this case from CONANP) should respond to an access request for collection (for example, in the case of an algae: what is intended to be done through a large area that covers several of the NPA´s polygons?). The guidance provided through the MOOC should specify roles, for example, about who is the responsible authority to grand authorizations. That platform - and the module that CONANP requires - is very important to actually achieve the sustainability in the GEF ABS Project.
4. To re-establish the communication and systematic meetings of the Inter secretarial Working Group and so, to resume its working plan so that they can continue with the activities as by the moment in which the rhythm of work decreased, months ago. Here we emphasize in those activities concerning the incorporation of the NP into the Mexican legal system.

5. To expand the most appropriate assessment of the traditional knowledge associated with biological resources and their social authors. Moreover, to promote greater synergy on the valuation of traditional knowledge and the national cataloguing system; perhaps as it has been accomplished in Bolivia, where they already the build the linkage between traditional knowledge and the presence and location of indigenous peoples, which has been already catalogued or registered.

6. To specify, from each institutional area, how each sector could continue contributing (in a regulated manner) in a new collaboration agreement. This, taking into consideration the reorganized institutional competences in the incoming government administration, and assuming that there is not there is not yet enough regulatory strength as a state-party to execute the implementation of the PN. The pertaining federal authorities have the responsibility to define regulations and competences across Mexican institutions, that is: What does each institution have to do ...? What does the communities themselves have to do?

7. To contribute, from the national level, to the negotiation of a new global framework in the UN multilateral system for environmental issues and indigenous peoples, after the period of fulfilment of the goals of Ai Chi; perhaps by linking to the ongoing efforts being carried out within The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)[13] in which Mexico plays a leading figure through CONABIO. The country should position its progress and contributions on the CBD and other Agreements, so to coordinate the country´s actions and integrated proposals. For this, it is important to highlight that, by Government mandate, the national agenda should be aligned with the global agenda, specifically, with the SDG´s set as part of the Agenda 2030 by the United Nations. A broad perspective to support this should be based on the recognition that the actors that have mostly contributed to conservation and maintain a more comprehensive strategy for development, are the local (originary) peoples themselves.

8. To consolidate the legal protection of genetic resources in Mexico. Currently, there are two protection mechanisms: 1) the "catalogue of local varieties", which include the characterization and registry of the materials so to prevent and avoid issues such as biopiracy; 2) the granting of a "Breeder´s Title" when there is a genetic improvement program which implies certain obligations and responsibilities. The point is that together with the legal scheme, the protection scheme for local varieties could be strengthened; yet this would require a financial mechanism for its support and follow up. Otherwise, it would be worthless to promote varietal improvement without protecting the genetic resources (e.g. local varieties could be replicate elsewhere, with all of the implication this could have, for example, in the developing of markets for landraces).

9. To develop and systematize in the country, the information on genetic resources and associated traditional knowledge. The current platform, with the information from SNICS is quite limited, for instance, there are resources that have not been collected, or resources whose distribution extend is not yet defined or known. It is desirable and would be worth if the GEF project could boost a platform that fills these gaps while recording the association between species and varieties to traditional knowledge. For instance, both technicians and local producer could link photographs of their plots (land use systems) to the cultivars are growing, the management practices they carry out, and use given to those cultivars. SADER has a preliminary proposal about such a system, dating back to some years ago but which

[13] IPBES Secretariat (n.d.) *Indigenous and local knowledge in IPBES.* The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. Available at: https://www.ipbes.net/deliverables/1c-ilk (retrieved 30.08.2019).

seems not be on the current agenda of the institution.

10. To prioritize - in this ending phase - the sensitization of the new teams of legislators about the Nagoya Protocol (what it is and what it means), so to build upon all of the enthusiasm and significant results that the Project has achieved so far. This would favour the support, from many areas of public interest, towards the implementation of a legal framework for ABS on GR and associated TK in the contexts of the NP.
11. An opportunity area for the Project: looking forward to promote at CONACYT for further involved of the academia and research on local genetic resources and associated traditional knowledge, indeed as part of the Biocultural approach their current administration is promoting. Such a transdisciplinary approach could under taken at both Social Sciences (Area V), Humanities and Behavioural Sciences (Area IV) as well as in Agronomic Sciences and Biotechnology (Area VI). For instance, in the latter, genetic resources of landraces could be potentialized.

C. Lessons learned

122. **A. The Project has benefited from other previous Projects, in particular the GIZ Project**

As explained before, in a scheme of South-South Cooperation, the GEF ABS Project was proposed as a continuation and complementarity to consolidate certain action already set by the CONABIO / GIZ Project. At the beginning of GEF ABS Project, it was considered that both the delay in starting operations and the relative lag with respect to the CONABIO/GIZ Project could mean a disadvantage for the GEF ABS Project. Yet, it became the contrary. The time lag between the two projects allowed the GEF ABS to build upon the progress reached by the CONABIO/GIZ project. Moreover, the time lag matched for the period in which further attention was paid to the Nagoya Protocol (e.g. after the COP 13), so that the stakeholders had the time to become more familiar with both, the results from the GIZ Project and the Nagoya Protocol itself.

As a beneficial effect of the influence by the GIZ Project, the counterpart (stakeholders) at the federal level were already sensitized: Moreover, they had built and strengthened internal capacities and a willingness to continue working on the subject. The result achieved now with the trainings would not have reached the level of achievement at this stage, without that previous experience.

Indeed, it was through the GIZ Project that the topic on the access to GRs became word spread; them, strengthening capacities aiming towards the distribution of benefits in the use of natural resources and their derivatives. This was especially useful for the NPA´s and to strengthen social participation as part of the increased capacities. In other words, the GIZ Project outlined the paths towards further valuation of natural resources at the NPA´s, regarding to the access to GR.

123. **B The Project has helped to address the risks of unregulated access to genetic resources**

Recent evidence, such as the academic advance on the dissemination of the genome of some useful Mexican plants and fruits, such as avocado; or the free collection that some researchers from different countries have carried out on the Mexican axolotls, show that there is currently a *de facto* problem in these advances: if there is not a robust protection mechanism and scheme on genetic resources (as proposed by the Protocol Nagoya), those genetic resources, which are being freely reviewed in the academic and research field in general, and the rights over them, are being subtracted from the communities who possesses them.

The only realistic and legal basis in the contemporary global market, is the development and implementation of a protocol formulated by the same community that owns both the genetic resource and associated traditional knowledge. In this way, the interested outsiders (e.g. companies, researchers) would need to enter into an agreement on Access to those resources of their interest, either for commercial or research purposes.

At the time, the only overarching scheme that *de facto* protects these resources, is the Nagoya Protocol. As the indigenous and local communities become further involved in the development and implementation of their own Biocultural Community Protocols and they strengthen local mechanisms to protect their own genetic resources and related traditional knowledge, this same process will consolidate as the country arrives to the implementation of the corresponding legal framework.

124. **C The current impact of the Project and its usefulness**

The Project has had a significant achievement by attending in a timely manner in the country what is indicated in paragraph J of Article 8 of the CBD:

> Article 8(j) - *Traditional Knowledge, Innovations and Practices* states that "each contracting Party shall, as far as possible and as appropriate: Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices".[14]

This issue, and how it has been addressed in Mexico, has served as a clear reference for similar efforts at the regional level (in other countries with similar circumstances). The challenge to move forward is to adequately address the socio-environmental aspects in this issue consolidating and expanding the progress in this regard. Also, it is also appropriate to address the global environmental benefits that this project can bring through its implementation.

Indeed, there must be a clear response from the Mexican parties when asked the question: "Where is the global environmental benefit of this effort" (meaning the Project)? (a usual question asked by sponsors such as GEF). The Project then must state and provide evidence to effectively answer this question. Examples of such achievements could be: better cared NPA´s (restored hectares and robust social mechanisms for that defence and care). The Project requires to demonstrate this effect in relation to the classifications and indicators for the benefits related to environmental laws. However, as identified the achievements reached so far (e.g. the social and community enthusiasm for the construction and implementation of BCPs) such a solid progress is being made, and with a social and ecological ground.

[14] SCBD (1992) *Article 8(j) - Traditional Knowledge, Innovations and Practices. Secretariat of the Convention on Biological Diversity.* Available at: https://www.cbd.int/traditional/ (retrieved 30.08.2019).

List of annexes