

United Nations Development Programme
Government of Mexico

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.”

UNDAF and CPD
Outcome(s):

UNDP Outcome 6: The three branches of Government, the private sector, academics and civil society will have enhanced their capacity to check environmental degradation and use natural resources sustainably and equitably by mainstreaming environmental sustainability, low-emission development and green economy into the legislative process, planning and decision making

UNDP Strategic Plan
Environment and
Sustainable Development
Primary Outcome:

Growth and development are inclusive and sustainable, incorporating productive capacities that create employment and livelihoods for the poor and excluded.

Executing Entity/Implementing Partner: SEMARNAT

Implementing Entity/Responsible Partners: SEMARNAT

Brief description:

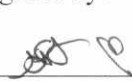
The Government of Mexico is requesting assistance from GEF and UNDP to remove barriers to securing the long-term conservation of the country’s biological diversity. The **project goal** is to safeguard globally significant biodiversity of Mexico through strengthening the legal and administrative framework on access to genetic resources and benefit sharing while building capacity of the relevant national institutions. The **project objective** is to enhance in Mexico, in a participatory manner, the capacities of national authorities (SRE, SEMARNAT, SAGARPA, CDI, 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*” (NP). The three main **outcomes** of the project are: 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.

Programme Period:	2014-2018
Atlas Award ID:	00091799
Project ID:	00096831
PIMS #	5375
Start date:	January 2017
End Date	January 2020
Management Arrangements	NIM
PAC Meeting Date	June 2016

Total resources required	11,221,684
<i>Total allocated (CASH) resources: 9,938,847</i>	
• UNDP	230,000
• GEF	2,283,105
• GIZ-CONABIO Project	7,425,742
<i>In-kind contributions 1,282,837</i>	
• UNDP	20,000
• Government	
○ CONANP	45,000
○ DGSPNR	198,172
○ DGGFS	47,000
○ DGVS	116,738
○ PROFEPA	16,970
○ CONABIO	79,482
○ SFNA	110,688
○ UCFAST	91,615
○ UCAI	46,244
○ SNICS	171,545
○ IMPI	188,178
○ CDI	151,205

Agreed by:  Dr. Martha Navarro Albo
General Director for Technical and Scientific Cooperation
AMEXCID

Date:

Agreed by:  Ing. Cuauhtémoc Ochoa Fernández
Undersecretary for Environmental Development and Regulation
SEMARNAT

Date: 25 de enero 2017

Agreed by:  Mrs. Katyna Argueta
Country Director
UNDP Mexico

Date:

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LIST OF ACRONYMS

ABS	Access & Benefit Sharing
AWP	Annual Work Plan
BD	Biodiversity
CBD	Convention of Biological Diversity
CC	Climate Change
CITES	Convention on International Trade in Endangered Species
CONABIO	National Commission for Knowledge and Use of Biodiversity
CONAFOR	National Forestry Commission
CONANP	National Commission for Natural Protected Areas
GEF	Global Environment Facility
GIS	Geographic Information System
GR	Genetic Resources
GIZ	German Cooperation Agency
INIFAP	Research Institute of Forestry, Agricultural and Livestock Research
KfW	Entwicklungsbank, German Development Bank
M&E	Monitoring & Evaluation
MTE	Mid-term Evaluation
NBSAP	National Biodiversity Strategy Action Plan
NDP	National Development Plan
NGO	Non-government Organization
NP	Nagoya Protocol
PA	Protected Area
PES	Payment for Environmental Services
PIRs	Annual Project Implementation Reviews
PPG	Project Preparation Grant
PROFEPA	Federal Attorney of Environmental Protection
RCU	Regional Coordinating Unit
SEMARNAT	Ministry of the Environment and Natural Resources
SAGARPA	Ministry of Agriculture, Livestock, Rural development, Fishery and Food
SCT	Ministry of Communications and Transport
SE	Ministry of Economy
SEDESOL	Ministry of Social Development
SEGOB	Ministry of the Interior
SENER	Ministry of Energy
SEDUE	Ministry of Urban Development and Ecology
SNICS	National Seed Inspection and Certification Service
SRE	Ministry of Foreign Affairs
SHCP	Ministry of the Treasury and Public Credit
UNCCD	United Nations Convention to Combat Desertification
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
WB	World Bank
WWF	World Wildlife Fund

Part I.A. Context

1.1. Context and global significance

1. Mexico is a ‘mega-diverse’ country, the fourth most biodiverse in the world, and is home to an estimated 12% of the world’s species. These include an estimated 544 species of terrestrial and marine mammals (second only to Indonesia and Brazil), 804 species of reptiles, between 300,000 and 425,000 estimated species of insects and 23,522 known species of plants. The country is the richest in the world in terms of reptile species, the second in terms of mammal species and the fourth in terms of amphibians and plants. An estimated 32% of the national vertebrate fauna is endemic to the country and 52% is endemic to Mesoamerica. The country also includes areas of 51 of the 191 terrestrial ecoregions recognized worldwide.
2. Mexico’s rich biological heritage has a vast potential to be explored for new wealth creation and to enhance the nation’s development in accordance with national policies on biological diversity. Mexico’s biodiversity is a strategic resource for the country because its genetic resources have a high potential for application in industries such as cosmetics, therapeutics, biomedicine, agroindustry, among others. At present, however, Mexico lacks a national regulatory framework on access and benefit-sharing (ABS). The growing interest in access to genetic resources for research and commercial uses increases the vulnerability of both the biodiversity and their associated ecosystems and communities. A national ABS regulatory framework would seek to achieve, *inter alia*, the following: (i) fulfil Mexico’s legal obligation to fully implement CBD; (ii) ensure that all bio-prospecting initiatives are legally carried out and the benefits fairly and equitably shared; (iii) encourage the establishment of systems for open exchange of information among key stakeholders; (iv) promote the recognition of TK associated with biological resources; (v) promote recognition of the value of biological resources and diversity and thus drive their conservation and sustainable use, and; (vi) enable custodians of these resources and associated TK to receive benefits and alternative livelihood opportunities.
3. The *long-term solution* towards which this project will therefore contribute is the establishment and operationalization of a robust legal and institutional framework for implementing a national ABS framework in Mexico, ensuring benefit sharing with regard to genetic resources, as well as equitable distribution of benefits to the holders of associated traditional knowledge, as prescribed in the Nagoya Protocol (NP). Such a framework would strengthen economic arguments and incentives for the conservation and sustainable use of the biological resources that contain the genetic material, while helping to prevent the loss of associated traditional knowledge.

Genetic Resources: Target and Driver for Conservation

4. Mexico is of high global biodiversity importance as the center of origin of many species and varieties with great use potential in agricultural, forestry and pharmaceutical sectors. As a major global center of domestication and diversification of cultivated species, species that are grown in Mexico have many wild relatives that may or already expand the high genetic diversity of many cultivated species consumed worldwide, and therefore they represent a resource of great importance in terms of global food security and interest for access and utilization. Biodiversity has been subject to human use since remote times, and continues to be of great importance in practical as well as cultural and religious terms for most of the country’s more than 60 recognized ethnic groups. Over 15% of plant species consumed worldwide as food originated in Mexico. Table 1 shows the details of the plants used for food and other functions that

originated or were domesticated in Mexico¹. Notable examples include the agricultural crops maize (*Zea mays*), squash (*Cucurbita spp.*) and cotton (*Gossypium hirsutum*), and *Leucaena spp.*, a multi-purpose tree genus with huge potential in smallholder agroforestry systems. Section IV Part II provides more details regarding GR in Mexico.

Table 1. Principal Uses of Genetic Resources (Plant Species) in Mexico

Principal Use/Utilization	Mexican common name	Species	Origin
Natural fertilizer, genes, proteins, carbohydrates	Guaje	<i>Leucaena esculenta</i> , <i>L. leucocephala</i>	Mesoamerica
Food, Genes, Proteins, oils, gums, nutraceutics, etc.	Aguacate	<i>Persea americana</i>	Mesoamerica
	Cacao	<i>Theobroma cacao</i>	Mesoamerica
	Calabaza	<i>Cucurbita pepo</i> , <i>C. moschata</i>	Mesoamerica, Tropical America, North America
	Chicozapote	<i>Manilkara zapota</i>	Mesoamerica
	Frijol silvestre	<i>Phaseolus vulgaris</i>	Mesoamerica
	Guayaba	<i>Psidium guajava</i>	Mesoamerica, North and South America
	Jicama	<i>Pachyrrhizus erosus</i>	Mesoamerica
	Tomate	<i>Lycopersicon esculentum</i>	Mesoamerica, North and South America
	Maíz	<i>Zea mays</i>	Mesoamerica
	Tejocote	<i>Crataegus mexicana</i> , <i>C. pubescens</i>	Mesoamerica
Alcoholic drinks, Genes, Proteins, oils, gums, nutraceutics, biofilms, alcohol, etc.	Tomatillo	<i>Physalis ixocarpa</i>	
	Tunas/Nopal	<i>Opuntia albicarpa</i> , <i>O. ficus-indica</i> , <i>O. megacantha</i>	Mesoamerica
			Mesoamerica
	Maguay cenizo, maguay del cerro	<i>Agave asperima</i>	Mesoamerica
	Maguay mezcalero, maguay espadín	<i>Agave angustifolia</i>	Mesoamerica, North of Mexico
	Maguay mezcalero, maguay tobalá	<i>Agave potatorum</i>	Mesoamerica
	Maguay pulquero, ixtle	<i>Agave salmiana</i>	Mesoamerica, North of Mexico
	Maguay tequilero, maguay azul, agave azul	<i>Agave tequilana</i>	Mesoamerica
Spices, Genes, Proteins, oils, gums, pigments, scents, nutraceutics, etc.	Achiote	<i>Bixa orellana</i>	Mesoamerica
	Chiles	<i>Capsicum annuum</i>	Mesoamerica
	Vainilla	<i>Vanilla planifolia</i>	Mesoamerica
Stimulant, Genes, Proteins, oils, gums, pigments, scents, nutraceutics, etc.	Tabaco	<i>Nicotiana rustica</i>	Mesoamerica
Fiber, Genes, Proteins, oils, gums, nutraceutics, biofilms	Algodón	<i>Gossypium hirsutum</i>	Mesoamerica
	Henequén	<i>Agave fourcroydes</i>	Mesoamerica
Gums, Genes, Proteins, oils, gums, nutraceutics, biofilms	Chicle, chicozapote	<i>Manilkara zapota</i>	Mesoamerica

¹ Capital Natural de México: Sinópsis – Conocimiento actual, evaluación, y prospectos de sustentabilidad. CONABIO (p. 38)

Wax, Genes, Proteins, oils, gums, nutraceutics, biofilms	Candelilla	<i>Euphorbia antisiphilitica</i>	North of Mexico, South USA
Ornamental, Genes, Proteins, oils, gums, pigments nutraceutics	Cempasúchil,	<i>Tagetes erecta</i>	Mesoamerica, North and South America
	Nochebuena	<i>Euphorbia pulcherrima</i>	Mesoamerica
Dye, Genes, Proteins, oils, gums, pigments nutraceutics	Índigo	<i>Indigofera suffruticosa</i>	Tropical America

5. This project will focus on developing the ABS legal framework and conditions related to bioprospecting potential of Mexico’s biodiversity and associated genetic resources. By supporting the development and implementation of a robust legal and institutional framework for ABS, the project would strengthen economic arguments and incentives for the conservation and sustainable use of the biological resources that contain the genetic material, while helping to prevent the loss of associated traditional knowledge. Fortunately, favorable conditions exist for this project both at planning and policy levels, as described in Part 1.4 on Policy Context.

1. 2. Socio-economic context

6. In addition to its natural wealth, Mexico is a multi-ethnic country with recognized cultural and archaeological wealth. Mexico is ethnically diverse, but dominated by mixed-race people (*mestizos*). Mexico’s population is still growing and in 2015 reached 121 million people². Despite its relatively high total and per capita GDP and Human Development Index (HDI)³, the country’s high Gini coefficient (Table 2) is a measure of the large gap that exists between rich and poor. According to INEGI’s National Household Income and Expenditure Survey (ENIGH) and Socioeconomic Conditions Module (MCS) in 2014, 46.2% of the country’s population (or 55.3 million people) live in poverty and most of them (61.1%, corresponding to 17 million people) live in rural areas⁴. Although a large number of poor people live in urban areas, those in rural areas face extreme poverty, meaning they lack the means to satisfy basic nutrition needs.

Table 2. Key socioeconomic data⁵

Category	Result
Total population (2015 June)	120,846,274
Population density	61/km ²
Total GDP (2015 June)	\$14,039,886 (mill. pesos) 15 th worldwide
Per capita GDP (2015 June)	\$116,179 (pesos) 59 th worldwide

² INEGI. 2015. México en cifras. National Institute of Statistics and Geography, Mexico. www.inegi.org.mx

³ The Human Development Index (HDI, based on life expectancy, schooling, and national income per capita) for 2013 placed Mexico in the group of High Development, ranking 61st out of 186 countries. PNUD. 2013. Informe sobre Desarrollo Humano 2013, "El ascenso del Sur: Progreso humano en un mundo diverso". Available at: <http://hdr.undp.org/es/estadisticas>.

⁴ Medición de la Pobreza en México y en las Entidades Federativas 2014. CONEVAL, July 2015. Visit: http://www.coneval.gob.mx/Medicion/Documents/Pobreza%202014_CONEVAL_web.pdf

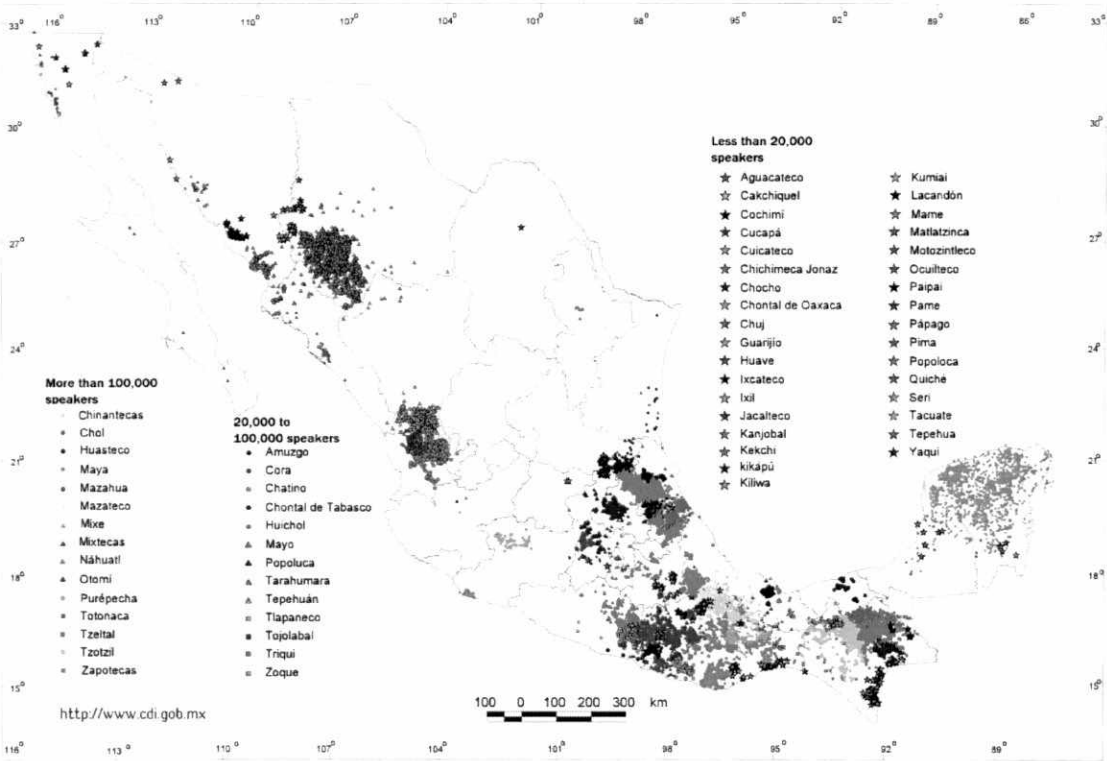
⁵ <http://www3.inegi.org.mx/sistemas/temas/default.aspx?s=est&c=23824>;
<http://www3.inegi.org.mx/sistemas/temas/default.aspx?s=est&c=17484>
<http://data.worldbank.org/indicator/SI.POV.GINI>
<http://data.worldbank.org/data-catalog/GDP-ranking-table>
<http://hdr.undp.org/en/content/human-development-index-hdi>
<http://hdr.undp.org/en/content/gender-inequality-index>

Total GDP (nominal-2015 February)	\$17,810,957 (mill. pesos) 15 th worldwide
Per capita GDP (nominal-2015 February)	\$147,385 (pesos) 59 th worldwide
GINI coefficient (2015)	43.8 (123 rd worldwide)
Human Development Index (2105)	0.756 (71 st worldwide)
Gender Inequality Index (2015)	0.376 (76 th worldwide)

Indigenous groups

In Mexico, the total population of Indigenous Peoples is 12.7 million, distributed among 62 diverse ethnic groups with their corresponding languages and customs (see Map 1, below). Municipalities with a high proportion of indigenous population are also those that rank lowest in the HDI and have the highest poverty levels: 73.2% of indigenous people (8.7 million people) are in poverty, and 31.8% of the total lives in extreme poverty. Many of these communities coincide with habitats of known important GR, making them prime candidates for benefitting from an institutionalized ABS framework.

Map 1. Distribution of languages and indigenous groups in Mexico⁶.



7. A considerable portion of the best preserved forests and tropical forests and the high part of the water catchment basins of the country's main rivers are located in those same areas with high indigenous concentration. An estimated 19 million hectares of natural vegetation are located in areas with important populations of indigenous groups.⁷ These areas include significant portions of ecosystems that support

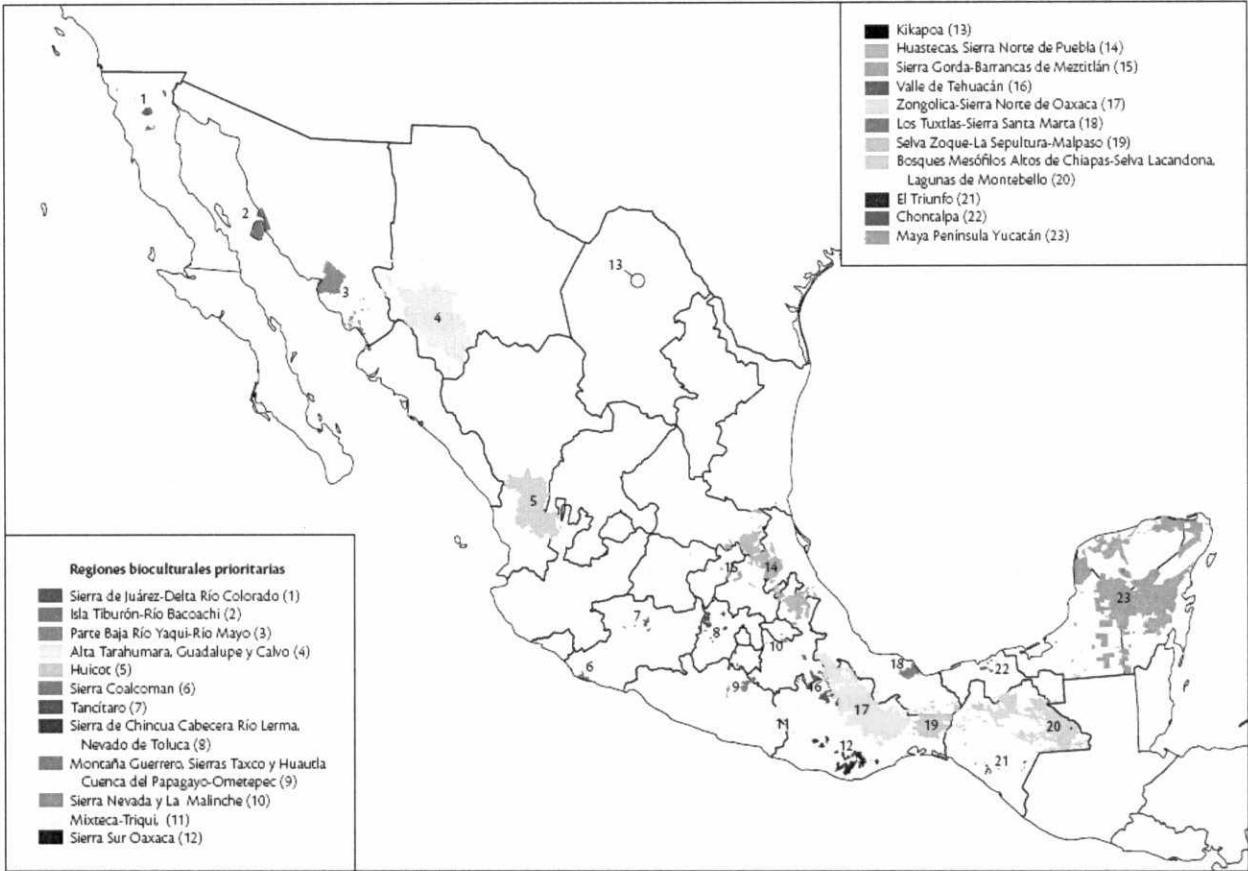
⁶CDI. 2000. National map of indigenous languages. National Commission for the Development of Indigenous People. México. http://www.cdi.gob.mx/identifica/mapa_nacional_lenguas_indigenas_cdi.jpg

⁷Boege Schmidt E. 2008. La cobertura vegetal y el uso de suelo en los territorios de los pueblos indígenas. Pp. 99-135 *in*: El patrimonio biocultural de los pueblos indígenas de México. Hacia la conservación in situ de la biodiversidad y agrodiversidad en los territorios indígenas (E. Boege Schmidt, ed.). National Institute of Anthropology and History, and National Commission for the Development of Indigenous People. Mexico.

Mexico’s unique biodiversity and provide crucial environmental services, including mesophile forests and humid rainforests, habitats important to the species selected for this project.

8. The following map illustrates indigenous peoples in relation to the prioritization of the biological regions within their territories. These regions present a potential opportunity for intervention with the aim to establish strong capacities to address legal ABS processes, including those related to associated Traditional Knowledge.

Map 2: Priority Biocultural Regions in Mexico⁸



Gender

9. Despite its relatively high HDI, when measured with regards to gender, Mexico drops 5 positions because of high gender inequality (Table 1). In recent years, women have gained greater access to higher education: for 2010, 40% of women from 15 to 29 years old have acquired mid-level education, while 5.6% have incomplete basic education or no formal education at all. Education is still less accessible for women than for men, with fewer women studying high school and university levels. Moreover, 7.1% of women in Mexico are illiterate, while only 4.9% of men are unable to read or write.

10. The National Survey on Occupation and Employment⁹ indicates that in 2010, women were the head of 25.5% of all Mexican homes and 11% of rural homes. These women have lower degrees of literacy

⁸ Boege, E. 2009. El reto de la conservación de la biodiversidad en los territorios de los pueblos indígenas, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 603-649.
⁹ INEGI. 2011. Encuesta Nacional de Ocupación y Empleo 2010. National Institute of Statistics and Geography, Mexico.

and lower salaries than men. Also, women perform on average 32.2 hours/week of unpaid work, while men perform 19.8 hours/week. The difference is bigger in rural areas. Furthermore, as mentioned below, while land tenure rights are fairly secure for men, territorial management is unequal, with only 23% of women involved in land-tenure, and women's terrains averaging 2.8 has, while men's lands are 5-10 has¹⁰.

11. With regards to genetic resources, women play a crucial role in their use and conservation due to their importance in culinary traditions as well as medicinal practices. As such, the issue of land-tenure is of concern as well as the education level to ensure that these key stakeholders are properly considered in Prior Informed Consent (PIC), associated TK, and access negotiations.

Land Tenure

12. Land tenure rights are relatively secure in Mexico. Around 53% of national territory, corresponding to 70% of forests is officially assigned to *ejidos*¹¹ and communities, while about 2 million ha are disputed among communities or indigenous groups¹². Mexican Law indicates that the communities and *ejidos* have complete control over their lands, and can manage them freely, use the natural resources produced in them and decide the land use according to their traditions¹³. However, with respect to gender, there is a loophole associated with the issue of land tenure rights, which centers around the lack of recognition of women's rights in the context of the Mexican Agrarian Law with regards to the definition of the rights of *ejidatarios* and *comunales*. Without specific legal recognition of the rights of women as lawful owners and users, there is little legal obligation or recourse to include them in discussions concerning ABS, ultimately increasing women's vulnerability in issues of Genetic Resources (GR) and Prior Informed Consent (PIC).

Production matrix

13. Traditionally the environment sector and the economic/productive sectors work separately and often with opposite visions. Most notable are the extraction programs associated with Forestry and Mining, as well as Agriculture and Fisheries, which are oftentimes incompatible with the traditional "hands-off" conservation approach of Protected Areas and other Biodiversity conservation efforts. The vision developed by the government related to bioeconomy would be supported through the development of an appropriate ABS framework and a solid National Strategy and could serve to bridge the gap between sectors that have traditionally operated in a very polarized way. The development of the National Strategy and a regulatory framework consistent with the NP will complement the current actions of the Government to promote sustainable development based on the sustainable use of the country's natural capital as well as the transition to the development of bio-economic projects as prioritized by the current administration. This approach is new for Mexico and was recognized in the NDP 2013-2018¹⁴ in the Objective 4.4.: "Promote and guide an inclusive green growth and facilitator to preserve our natural heritage while generating wealth, competitiveness and employment", and grounded in the Strategy 4.10.4 "Promote the sustainable use of the country's natural resources" and more precisely in the Strategic line:

¹⁰ SEMARNAT. 2007. Programa Hacia la Igualdad de Género y la Sustentabilidad Ambiental 2007-2012. Ministry of Environment and Natural Resources. Mexico.

¹¹ *Ejidos* are a communal form of land tenure established in the revolution of the 1920s to secure rural population access to agricultural lands. *Ejidos* are composed of two different kinds of property rights over land: private parcels and commons. Private land is mostly dedicated to agricultural activities. The commons are mainly dedicated to pasture and forest.

¹² SEMARNAT. 2010. Propuesta de preparación (R-PP) para el Fondo Cooperativo par el Carbono de los Bosques. Ministry of Environment and Natural Resources. Mexico

¹³ Mexico Constitution of 1917, Article 27 was amended in 1992, ending land redistribution, permitting peasants to rent or sell ejido or communal land, and permitting both foreigners and corporations to buy land in Mexico.

¹⁴ <http://pnd.gob.mx/>

“Establish instruments to rescue, preserve and enhance the genetic resources”. Furthermore, an adjustment in the production matrix would recognize more fully the contributions of genetic resources to the national economy. For example, agriculture associated with Mexican species of origin contributed approximately US\$12 million and 24% of the national agricultural production¹⁵. It is expected that other sectors could report similar contributions from GR once they are made aware and take them into account.

1. 3. Institutional context

14. In accordance with Article 32 *bis* of the Organic Law of the Federal Government (LOAPF, as abbreviated in Spanish), the Ministry of Environment and Natural Resources (SEMARNAT) is the government authority responsible for the protection, conservation, regulation and sustainable use of natural resources. The Ministry is a purely normative entity, as it focuses mostly on regulating access to, and use of, renewable natural resources. Furthermore, the LOAPF grants legal power to several Central Public Administration Agencies and state-owned public administration entities, such as the National Commission for the Knowledge and Use of Biodiversity (CONABIO), to carry out conservation activities. The mission of CONABIO is to carry out research on knowledge and use of biodiversity; advise governmental agencies and other sector; help comply with international conventions (particularly CBD), and disseminate knowledge on biological wealth. Table 3 describes the main functions carried out by different units and entities of the Federal Government’s environmental sector.

Table 3: Mandates of Federal Government Environmental Entities¹⁶

Area	Mandate
Secretariat of Environment and Natural Resources (SEMARNAT)	Protection, restoration, and conservation of eco-systems, natural resources, and environmental goods and services; the institution in charge of regulating access to Genetic Resources (GR)
Undersecretary of Planning and Environmental Policy of SEMARNAT	Environmental planning, definition of environmental policies, mainstreaming in other sectors of the federal government, compilation and analysis of environmental data.
Undersecretary of Environmental Regulations of SEMARNAT	Elaboration of technical norms (NOMs), bills and regulations.
Undersecretary of Environmental Management of SEMARNAT	Issuance of permits and licenses, including those related to wildlife, forests, EIA, wastes and air emissions.
Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA)	Grant certificates to obtain vegetable varieties
Mexican Institute of Industrial Property	Grant intellectual property rights, as in the case of patents, including those related to GR.
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)	Carry out research on knowledge and use of biodiversity; advise governmental agencies and other sector; help comply with international conventions (particularly CBD), and disseminate knowledge on biological wealth.
National Water Commission (CONAGUA)	Manage and preserve national waters to achieve their sustainable use.
Federal Attorney General for Environmental Protection (PROFEPA)	Enforce legal dispositions governing environmental pollution, restoration of natural resources, preservation and protection of forest resources, wildlife, endangered species, coastal zones, natural protected areas, EIA,

¹⁵ Acevedo Gasman, F., et al. 2009. La bioseguridad en México y los organismos genéticamente modificados: cómo enfrentar un nuevo desafío, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 319-353.

¹⁶ USAID - Mexico. 2009. *Op cit.*

	and regional development plans.
National Forestry Commission (CONAFOR)	Support productive, conservation, and restoration activities in the forestry sector; participate in the development and implementation of policies and plans for sustainable forestry development.
National Commission of Natural Protected Areas (CONANP)	Manage natural protected areas and implement sustainable regional development programs in areas of high biodiversity.

1. 4. Legal, Policy and Planning Context

15. Mexico has developed a comprehensive legal framework for environmental and natural resource management. The General Law of Environmental Equilibrium and Protection (LGEEPA) is the cornerstone of Mexico’s environmental laws. Until 2000, few environmental laws existed and regulations complemented LGEEPA’s general provisions. Since then, however, the number of environmental and other related legislation has increased notably. The proliferation of laws, regulations and official Mexican norms (currently numbering more than 100) partly reflects a growing sophistication in environmental management, but also represents challenges for environmental enforcement agencies to oversee their compliance. Table 4 summarizes Mexico’s main environmental laws with their corresponding regulations.

Table 4: Main environmental laws in Mexico

Instrument/ Legal Hierarchy	Scope
Mexican Constitution (First tier law, 1917)	Defines environmental rights and ownership of renewable and non-renewable natural resources.
General Law of Environmental Equilibrium and Protection (Second tier law, 1988)	Framework law for environmental and natural resource management; defines the attributions of each level of government; defines environmental policy’s principles and the instruments for environmental management.
<ul style="list-style-type: none"> Regulations of the General Law of Environmental Equilibrium and Protection in the Area of Environmental Audits (Third tier law, 2010) 	Regulates environmental audits, which include a firm’s equipment and processes, as well as the associated pollution and risks.
<ul style="list-style-type: none"> Regulations of the General Law of Environmental Equilibrium and Protection in the Area of Environmental Impact Assessment (Third tier law, 2000) 	Regulates the Federal Government’s use of Environmental Impact Assessment.
General Law of Sustainable Fisheries and Aquaculture (Second tier law)	Regulates the promotion and management of fisheries and aquaculture resources.
General Law of Wildlife (Second tier law)	Regulate the conservation and sustainable use of wildlife and its habitat (excluding the use of timber and non-timber goods, marine species, and endangered or at risk species).
<ul style="list-style-type: none"> Regulations of the General Law of Wildlife (Third tier law) 	
General Law of Sustainable Forest Development (Second tier law)	Regulates the use and administration of forest resources; recognizes the environmental services provided by forests; aims to reduce poverty rates among forest dwellers’.
<ul style="list-style-type: none"> Regulations of the General Law of Sustainable Forest Development (Third tier law) 	
Law of National Waters (Second tier law)	Regulates use and management of water; defines responsibilities of CNA and watershed organizations; mainstreams environment into water management.
<ul style="list-style-type: none"> Regulations of the Law of National Waters (Third tier law) 	
Law of Biosafety of Genetically Modified Organisms (Second tier law)	Regulates use, trade, and experimentation with these organisms.
<ul style="list-style-type: none"> Regulations of the Law of Biosafety of 	

Instrument/ Legal Hierarchy	Scope
Genetically Modified Organisms (Third tier law)	
Law of Organic Products (Second tier law)	Regulates the criteria and requirements for the elaboration, use, verification and certification of organic products.
Law of Sustainable Rural Development (Second tier law)	Aims to improve welfare of rural communities; creates a program that provides resources to protect rural environment, enhance sustainability of rural development, and valuation of environmental services.
General Law of Public Property (Second tier law)	Regulates the concessions of the Federal Maritime and Terrestrial Zone and Lands Reclaimed to the Sea.
Law of Planning (Second tier law)	Mandates the incorporation of environmental criteria in the programs and actions of the Federal Government's administrative sectors.

ABS Policy in Mexico: challenges for implementation

16. International treaties, in particular environmental treaties, require national application mechanisms to allow compliance with legal provisions to inure to the benefit of proper application of the treaty in harmony with national laws. In 1993, Mexico endorsed the Convention on Biological Diversity (CBD), whose three objectives include: conservation of biological diversity, its sustainable utilization and sharing of benefits arising from the utilization of genetic resources (GR). Article 15 of the CBD sets forth the Recognition of sovereign rights of States over their natural resources; the authority to determine access to GR rests with the national governments and is subject to national legislation. To that effect, and in order to regulate the contents of the said provision, and to reach the third objective of the CBD, 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 will allow 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.

17. The NP sets forth that in the exercise of their sovereign rights, national governments are responsible for establishing legislative, administrative or political measures to make certain that prior informed consent is obtained to grant access to their GR and guarantee that the benefits arising from their utilization are shared in a fair and equitable way. There is a high degree of sensitivity regarding illegal appropriation of GR and associated traditional knowledge. In the political arena, such sensitivity has been the reason for which the debates in the last 10 years have not yet been able to generate consensus over wide and systematic legal measures, necessary to regulate access and fair and equitable sharing of benefits.

18. To date, Mexico's Forest Legislation amended in 2006, is the only national legislation to have included a procedure to obtain prior informed consent for cases in which the protection or utilization activities in a forest environment are tied to traditional knowledge. Insufficient implementation of access and fair and equitable sharing of benefits in the national context has limited the development of research on the use of GR and associated TK, as well as the involvement of the national and foreign private sector. One of the main problems is that the change in the intended use of collections for research purposes to commercial use is not regulated; in addition, research and development processes are oftentimes conducted in a jurisdiction other than those in which the access to resources was granted. Thus, information exchange between user countries and their suppliers to verify legal and legitimate use and access is essential.

19. The country has not been able to implement the objective with regards to fair and equitable sharing of benefits which is part of one of the CBD objectives and the foundation for the preparation of the NP. For this end, new agreements are required between suppliers of biological and genetic resources and research

institutes, private companies and social enterprises interested in their use. To date, there are few specific experiences of due processes in the world that define fair and equitable benefit-sharing; these scattered cases have been systematized recently for their analysis and dissemination. In particular, the new provisions in the NP require a structured experience exchange between GR and associated TK suppliers and users that generates inputs for new procedures at institutional, academic and social levels.

20. The ratification of the NP by Mexico, and the instrumentation of the NP will enable the protection, conservation and sustainable use of such resources, thus, an extended diagnosis of the national legal framework is necessary in order to determine the regulatory, normative and promotion needs on access to GR and fair and equitable sharing of benefits arising from their utilization. This will require the involvement of the Mexican society as a whole to sensitize them and make them aware of the joint responsibility on their capitalization and conservation.

21. The problem is that access to GR, their utilization and possible sharing of benefits arising from such utilization do not occur necessarily at the same time and in the same space, thus monitoring of such activities becomes complex and therefore fair and equitable benefit sharing is complex as well.

Part I.B. Baseline Course of Action

1. 5. Threats to biodiversity

22. Despite the fact that Mexico has a long history of negative impacts on its natural capital, favorable substantive changes and progress have been achieved in recent years for its protection. These changes have laid the foundations for conservation and sustainable management of such capital. Nevertheless, the transition to environmental sustainability has faced severe obstacles; the changes required to achieve it should be expanded and consolidated. It is necessary to establish specific goals on conservation, sustainable management and restoration and achieve though comprehensive, coordinated and cross actions of public policies, the appreciation of biodiversity and its environmental services.

23. Mexico's natural heritage displays symptoms of a deep anthropogenic impact that has generated an environmental crisis; therefore, changes in the economic growth and promotion of productive activities that have brought about the irrational use and overexploitation of biodiversity, and a severe deterioration of ecosystems and their environmental goods and services the country unequivocally depends on for its continuous development and wellbeing of the people, are imperative.¹⁷

24. Wildlife shows signs of a major problem such as climate change and anthropogenic activities, which are causing severe changes in the ecosystem functioning. Likewise, loss and deterioration of habitats, together with other direct factors such as the global climate change have increased the opportunities for the establishment of exotic invasive species and have also increased the risk for people to contract infectious diseases, causing severe damages to ecosystems and human health with high economic, environmental and social costs. In economic terms, it has been estimated that the monetary costs of environmental deterioration in Mexico (including natural disasters) are substantive, with an annual estimated cost for the period between 1996-2010, ranging from 7 to 10.6% of the GDP; this number could increase significantly if the loss or impairment of ecosystem services is considered in all its dimensions; however it has not been possible to estimate this.

25. In the context of access to GR, a coordinated effort between all three government levels and all the other sectors of society as well as increased capacity for inter-institutional and multidisciplinary work is required.

¹⁷ Sarukhán, J., *et al.* 2012. Capital natural de México: Acciones estratégicas para su valoración, preservación y recuperación. CONABIO, México. Pp.21

26. In the absence of a legal framework in total agreement with the principles and precepts of the NP, the authorities that should address the implementation of this international instrument lack the legal instruments, the organic structure and specific personnel to help manage GR. In addition to scarce dissemination and information related to GR, whether associated or not to TK, the society as a whole has not been empowered by the biodiversity richness of our country and has therefore not assumed joint responsibility in its use and conservation, and this is the reason this project is important.

27. Insufficient institutional capacities of national authorities (SEMARNAT, SAGARPA, CDI, SE, among others), in addition to the lack of a legal and administrative framework that is sufficient and adequate in terms of access to GR, associated TK and benefit-sharing threaten the effective implementation of the NP.

1.6 Baseline Analysis

28. The baseline investment for this project consists of approximately US\$12 Million, of which approximately \$8.4 Million will be redirected as co-financing. Currently the Environmental Sector has limited staff and facilities to address the issue of access to genetic resources, and there is currently no unit specifically dedicated to this issue on full time.

29. Although the GEF project will take advantage of existing Mexican resources and capacities spread across key institutions of the environmental sector, it is clear that the GEF project will strongly build upon and closely be coordinated with the Biodiversity Governance Project funded by the German Federal Ministry for Economic Development and Cooperation (BMZ) and implemented by the Deutsche Gesellschaft fuer internationale Zusammenarbeit (GIZ). This 5-year initiative, with a budget of 6 million Euros, began implementation in 2013 as a result of a joint collaboration between the Governments of Mexico and Germany. Through this project, CONABIO and GIZ seek to support Mexico's efforts in the field of fair and equitable sharing of benefits arising from the use and management of biological diversity. Through this technical cooperation project, GIZ will focus on building capacities among key stakeholders in the use and management of biological and genetic resources that constitute an important natural heritage for current and future generations of Mexicans. The funds will be directly implemented by GIZ.

30. A strong focus of this initiative will be given to the development of south-south exchanges of experiences, community to community visits as well as on the delivery of training courses on the ground, participatory community based workshops and targeted courses to field officers, local governments, state institutions and private companies operating in the field. This initiative is also expected to support the development of case studies and the systematization of field experiences. The three components of the GIZ initiative are: 1) Governance of ABS; 2) *In situ* conservation and promotion of fair and equitable sharing of benefits arising from the use and management of biological diversity; and 3) Incentives for sustainable use.

31. The GIZ project will provide a very solid base to work with the GEF project in a collaborative way towards further strengthening the national enabling environment. While the GIZ will use its resources to cover a large portion of the territory through on the ground activities, the GEF project will be able to address systemic capacity, policy and legal issues at the national level which wouldn't be addressed without the GEF investment otherwise. Through its first component, the GIZ project will fund the systematization of international experiences and look at different governance models applied in different regions of the world. In particular, the GIZ will support the development of comparative legal assessments based on global experiences which the GEF project will be able to use to develop the national legal framework and push through the system the declaration of new norms and regulations. Under the first component, the GIZ will also support the development of sectorial guidelines and will also put a strong emphasis on the promotion of community participatory workshops to systematize local norms of use of local biodiversity and established procedures guiding the local use of natural resources. The GIZ project

will also support workshops with the academic sector to establish codes of conduct on ABS in line with the disposition established by the Nagoya Protocol. Furthermore, under its component 2, the GIZ project will support the inclusion of ABS criteria in the management plans of selected protected areas and will conduct comparative analysis between different regions of the world on how ABS norms can contribute to the conservation in areas of high BD value.

32. Linked to the second component of the GEF project, which focuses on capacity building, the GIZ investment will develop training workshops at the community level to review rights and obligations related to ABS. The German investments will also support studies that will serve to feed the development of national monitoring and control systems for the use and access to GR and associated TK. Linked to the third component of the GEF project, the GIZ will support the testing and implementation of community protocols in different regions of the country. It will also support the awareness raising and the creation of capacity of local communities on value chains and provide technical advice to pilot communities. It will also support the capacities of local communities to organize themselves and promote the dialogue and alliances with private partners. Finally the GIZ project will also support the development of local development plans taking into account the use and access to GR and ABS norms.

Table 5: Contributions of GIZ Project to GEF Project

GEF component	Contributions of GIZ Project
Component 1	Systematization of international experiences and identification of different governance models applied in different regions of the world Comparative legal assessments based on global experiences Sectorial guidelines Community participatory workshops to systematize local norms of use of biodiversity and establish procedures to guide the local use of natural resources Workshops with the academic sector to establish codes of conduct on ABS Development of ABS criteria for inclusion in protected area management plans Regional comparative analysis on the use of ABS norms for the conservation of high BD value areas
Component 2	Training workshops at community level to review rights and obligations related to ABS Development of national monitoring and control systems for the use and access to GR and associated TK
Component 3	Testing and implementation of community protocols in different regions of the country Awareness raising and technical guidance to pilot communities Capacity development for local communities on value chains Support to local communities to organize themselves and promote dialogue and alliances with private partners. Local development plans taking into account the use and access to GR and ABS norms

33. Despite these important initiatives, priority actions and conservation measures remain insufficient and require the development of a long-term national-level institutional and policy framework that has the capacity to guide and support this baseline. The baseline scenario does not allow for the preparation of a comprehensive regulatory and institutional framework for ABS and TK, and does not seek to build specific awareness and capacity on ABS and TK-related matters across the wide range of interested stakeholders. In absence of such a framework, ABS-compliant agreements cannot be developed and implemented between government, private sector and local populations, including holders of TK. This impedes the creation of livelihood and wider economic and benefit-sharing opportunities through ABS agreements. Until a comprehensive regulatory and institutional framework is adopted, ABS will remain a missed opportunity for Mexico.

1.7. Long-term solution

34. The long-term solution advanced by this project is to conserve biological and genetic resources of Mexico in compliance with the Nagoya Protocol (NP). In regards to the implementation of the NP, this Project will help to strengthen, on one hand, the capacities of civil servants to get to know the instrument and its implications, considering that national institutions will have to be strengthened with the increase in the number of civil servants, including the creation of areas focused permanently on the applying the Protocol; and on the other hand, it will help to the train indigenous peoples, people in communal lands, communities and other property owners and holders, as well as other stakeholders.

35. The project will strengthen the implementation of and compliance with the NP offering greater 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 to access and use GR and associated traditional knowledge, while strengthening the opportunities for fair and equitable sharing of profits arising from their utilization, based on mutually agreed conditions. The above will favor developing incentives for conservation of biological diversity and sustainable use of its components; promoting sustainable development and will contribute with the efforts by the international community to stop the loss of biodiversity and avoid misappropriation of GR and associated TK.

36. The association of this Project with the Project funded by the German Technical Cooperation Agency (GIZ, as abbreviated in German) "*Governance on Biodiversity Fair and Equitable Benefit-Sharing Arising from the Use and Management of Biological Diversity*" will support the Executive Power to address those areas to create capacity which were established as priorities by the government¹⁸ and this will provide the Project with the capacities necessary to effectively implement the NP.

37. The Project is intended to lay the foundations of the long term-public policy (after 2015, Aichi Target 16 scope¹⁹) by providing the tools necessary to avoid misappropriation of GR, as well as those necessary to make effective the fair and equitable sharing of benefits arising from their utilization. The National Strategy resulting from component 2, will set the Road Map so that the Executive Power, with a State Vision, may determine the National and Budgetary Program(s) required to achieve the planned and ordered implementation of the NP.

38. Additionally, regulatory and administrative measures arising from this Project, will establish a favorable regulatory environment so that projects on access to GR, whether associated to TK or not, may be able to set mutually agreed conditions to allow the fair and equitable sharing of benefits arising from their utilization. The administrative issue on regulatory management will be solved once the National

¹⁸ <http://www.cbd.int/abs/submissions/icnp-2/questionnaire-cb/mexico-es.pdf>

¹⁹ **Target 16:** By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their utilization will be in effect and operation, according to the national legislation.

Strategy, adopted and implemented, establishes budgetary programs and job openings that empower regulating authorities to make decisions.

39. However, Mexico must overcome the following three specific barriers that currently prevent the fulfilment of the proposed solution:

- i. Scattered, insufficient and inadequate national regulatory framework;
- ii. Limited inter-institutional capacity to monitor the utilization of the GRs;
- iii. Scarce knowledge of relevant stakeholders on access and utilization of GR and Fair Benefit Sharing.

1.8. Barrier Analysis

BARRIER 1 - Scattered, insufficient and inadequate national regulatory framework.

40. The current legal framework was issued prior to the adoption and ratification of the Nagoya Protocol (NP) by Mexico and is limited and asymmetrical, with limited effectiveness that does not favor compliance with the NP. As mentioned above in Section 1 Part 1.4, the current legal framework consists of individual sector laws and regulations regarding the management and/or conservation of biodiversity, such as LGEEPA, LGVS, LGDFS, LGDRS, LFCS among others, but without any overarching national ABS-focused framework. The Nagoya Protocol supports the modification of existing relevant national laws, as well as the need to emit a specific ABS Law regarding access to genetic resources that includes at a minimum the legal provisions for the NP, which are currently absent in Mexico's national legal framework. Notable gaps include: access to genetic resources (GR) for scientific research and specifications for access and use of GR for commercial means, as well as aspects of PIC and TMA, the implementation of the NP, which involves changes in the abovementioned Laws in situations such as the change in the intended use of collections for research purposes to commercial use, and which is not regulated by any legal mechanism. Specific and proactive legal frameworks are needed to respond to the new challenges and threats facing biodiversity and their genetic resources, including emerging new policies promoting mining, oil/ natural gas extraction, and construction of large-scale infrastructure that will put still further risk of extinction on many endemic populations and species living outside of protected areas.

41. The absence of an all-encompassing ABS regulation fosters uncertainty and ungovernability. However, the development of a Law on Access to Genetic Resources to implement the Nagoya Protocol will not be sufficient on its own to solve the issues covered by the Protocol. Rather, the country needs coherence through a regulatory framework that comprises the Protocol, the treaties signed by Mexico and valid national legislation. The lack of a clear legal framework can result in illegal activities, while an overly strict one can be too restrictive for researchers to accomplish their goals and develop biosafety.²⁰ Additionally, there is no mechanism to reconcile the obligations of the Protocol with the current legal framework regarding intellectual property and patents.

42. While there are public policies relevant to ABS that comprise the National Development Plan (NDP), there is a need to develop differential studies on the extent and nature of the legislation to implement the NP. Federal agencies may or may not develop policies linked to the strategic lines of the NDP, SEMARNAT / DGSPNR; their mandate is insufficient to establish policies other than those established by the Ministry of Interior. There lacks a strong legal component that explicitly allows a federal agency to design new programs that are associated with responsibilities and obligations under law. In the case of genetic resources, the absence of a law and a complementary legal framework prevents the relevant

²⁰ El costo de la inacción en la implementación del Protocolo de Nagoya en México, (<http://gobernanzabiodiversidad.mx/images/pdf/Sintesis%20Consultoria%20Costos%20de%20la%20Inaccion.pdf>)

institutions from adequately addressing the issues specified in the NP. The legislative process associated with modifying laws and the enactment of a specific law by the legislature is complex and recently experienced a change of legislators in one of its two houses (Chamber of Deputies in July 2015). Without an institutionalized training and awareness program on ABS for legislators, any modification or development of new legislation is further delayed.

43. Furthermore, the budget cuts to federal agencies affect substantive areas of work and result in the cancelation of projects such as the establishment of demonstration areas for sustainable land management in farming areas that buffer natural vegetation, particularly forested areas. The cancelation of such initiatives adds further risk to vulnerable ecosystems that need *in situ* conservation support to ensure sustainable use and continuation of the ecosystem services they provide, as well as the communities that act as custodians to the inherent genetic resources and their associate Traditional Knowledge (TK), and are potential beneficiaries of access and use of the GR they conserve.

44. From an environmental perspective, the lack of a comprehensive national ABS framework (legal, institutional and budgetary) is resulting in the continual loss of biodiversity, increasing environmental deterioration, the unrestrained extraction of genetic resources, and uncontrolled granting of research permits. Meanwhile, from an economic perspective, remuneration is lost from industries and corporations that use genetic resources; biopiracy continues, implying a loss of millions of dollars for the country, while communities lose the opportunity to improve their reality, i.e. eradicate poverty, with a more equitable distribution of benefits. Moreover, with regards to governance, the lack of an integral legal framework implies the continual violation of regulations, losing control over the processes of genetic resources use, generating social conflicts, maintaining the legal uncertainty facing corporations and / or developed countries. This has social implications as there is increased vulnerability of the social fabric and cultural exploitation, loss of traditional knowledge, social unrest, poverty, inequality for indigenous communities, food shortages, lack of resources, risks to human health, and land tenure disputes in indigenous communities.

BARRIER 2 - Limited inter-institutional capacity to monitor the utilization of the GRs.

45. The application of the above legal framework is further hindered by inexistent collaboration mechanisms between SEMARNAT - the institution in charge of regulating access to Genetic Resources (GR) – and other relevant authorities in the utilization of resources (including those who grant intellectual property rights such as the Mexican Institute of Industrial Property, as in the case of patents, and SAGARPA, as in the case of certificates to obtain vegetable varieties); health notifications and authorizations granted by the Federal Commission for Protection against Sanitary Risks (COFEPRIS), among others. As such, there is limited capacity to guarantee that in the utilization of GR, prior informed consent exists and mutually agreed conditions defining the sharing of benefits arising from the utilization have been established.

46. Since ratification of the Nagoya Protocol by Mexico, there has been an increase in requests for access for scientific collection (wildlife and forest), with the intent to carry out the use of genetic resources as described and in compliance with the Nagoya Protocol on Access to Genetic Resources. However, the lack of a legal instrument prevents the establishment of adequate procedures to request, review and issue permits. Currently, collection permits are issued by statutory instrument Mexican Official Standard (NOM) 126 for scientific collection, but this only provides administrative regulations for activities related to scientific collection, research or teaching. Since NOM 126 was issued prior to the approval of the Nagoya Protocol, its contents do not include specific provisions for that Protocol.

47. Furthermore, the Mexican laws that regulate scientific collection activities do not provide legal cases that are associated with genetic resources; rather such activities are not covered by any legal scheme so they have been addressed in a casuistic manner without legal certainty for the regulators that are the

legally-bound authority. Currently, SAGARPA (the authority that oversees agriculture, livestock and fisheries, including the National Seed Inspection and Certification Service (SNICS)) has been the institution to deal with cases of access to GR. While SEMARNAT is the institution charged with GR, there is limited clarity and capacity regarding its role vis-à-vis other institutions such as SAGARPA in managing genetic resources found in the country, the role it has to play in the distribution of benefits and in negotiating mutually agreed terms, how to resolve the issue of benefit sharing from genetic resources that are widespread, and establishing public policies aimed at biodiversity conservation. It is necessary to discuss and define the role of the Mexican state and its institutions with regards to ABS.

48. This is particularly crucial as interest and associated requests to gain access to GR increase, and the accompanying need for expedited procedures and a specific GR Unit to attend to them. Without an established protocol, procedures and personnel to process these requests and monitor GR utilization, Mexico's GR heritage is at risk. Currently, there is no specific GR unit established within SEMARNAT to deal with ABS processes. There is a need for a multi-disciplinary team (including legal and scientific expertise) to be established with sufficient personnel and capacity to fulfill this mandate. Furthermore, institutions have weak and varying degrees of capacity in the management of fair and equitable sharing of benefits, granting access permits to GR, protecting associated traditional knowledge, technical evaluation of research, as well as establishing an ABS clearinghouse and information exchange. There is also limited capacity in legal and legislative issues as well as in monitoring the use of genetic resources.

49. A key element in the effectiveness of implementation is awareness of the increasing importance of genetic resources and associated traditional knowledge, as well as the circumstances associated with access and fair and equitable sharing of benefits derived from their use. Information-gaps and limited access to existing data hinder successful decision-making processes by national authorities with some key players still uninformed about GR and ABS. This is particularly relevant following recent congressional elections and the appointment of new officials in key positions. To date there have been few meetings with indigenous and local communities and stakeholders regarding access to genetic resources from different sectors interested in topics such as pharmaceuticals, cosmetics, patents, etc. A petition is under review to open space specifically regarding the Nagoya Protocol on SEMARNAT's webpage in which information will be available on the applicable law, on the National Focal Point and national competent authorities, and the links associated with their respective webpages.

50. While there have been recent efforts to raise awareness among government committees/officials and other institutions involved in ABS, as a preliminary step toward building inter-institutional capacity, they are insufficient to cover the magnitude and variety of requests and negotiations. Two sectoral working groups (composed of CONANP, PROFEPA, INECC, CONABIO DGVS, DGGFyS, DGSPNR) and intersectoral (SAGARPA / SNICS, INAPESCA, SEDESOL, CONACYT, COFEPRIS, SECONOMIA / IMPI, SRE) composed of middle management officials analyzed and discussed the main components of the Nagoya Protocol and how they could implement the Protocol in Mexico, including operational, structural and budgetary aspects. These discussions allowed participants to increase their own awareness of the purpose and scope of the NP, and provide an important starting point for building institutional capacity among the project partners and SEMARNAT.

51. Another area of concern is the fact that research and development processes are oftentimes conducted in a jurisdiction other than those in which the access to resources was granted, thus highlighting the importance of clear and consistent information exchange between user countries and their suppliers to verify legal and legitimate use and access. Unfortunately, this vital exchange of information is virtually nonexistent in Mexico, further limiting the capacity to monitor and follow-up. This can be exacerbated by the possibility of a genetic resource being found in multiple areas. The Nagoya Protocol recognizes scenarios in which a GR is distributed between two or more countries, all of which can be legitimate suppliers, with different legal systems. While this raises a difficulty at an international level in defining jurisdiction for the applicable rules as well as benefit sharing to effectively ensure a fair and equitable

distribution, these circumstances are also present at the national level, for which Mexico has little capacity to address adequately. In cases where the same genetic resource is widely distributed in two or more states and in which there will be a question of who should issue prior informed consent and how to determine equitable distribution of benefits, the Intersectoral Working Group raised the possibility of setting up a collective fund that focuses on the conservation of genetic resources and carries out the distribution of benefits among those with the RG. This remains a subject of discussion and institutional positioning which will require the development of a robust legal framework and related capacity building.

BARRIER 3 - Scarce knowledge of relevant stakeholders on access and utilization of GR and Fair Benefit Sharing.

52. The lack of information regarding the legal framework in effect and the existence of the NP, in addition to historical and cultural inertia, as well as unfair practices of some stakeholders, lead to decreasing access and improper and undue utilization of GR and inequitable sharing of benefits. The Environmental Authorities (SEMARNAT) play an important role during the environmental impact assessments, licensing and monitoring process to ensure high standards and adequate resources and mechanisms for financing proactive and reactive strategies for biodiversity conservation by users (companies' exploration, exploitation, etc.). However, low awareness of potential losses and trade-offs, insufficient information on critical habitats, and only incipient research to back-up potential with clear Mexican data are missing, thereby hindering the optimal use of existing EIA regulations.

53. The lack of knowledge of the competent national authorities on international regulations, the absence of national legal provisions specifically applicable to genetic resources and their importance to the variability of species and their potential use, make it possible to carry out improper access and extraction that violate the rights of users to receive fair and equitable benefits arising from the conservation of those genetic resources. Hence, the importance of national authorities to sponsor a legal framework that provides legal certainty for authorities and those being regulated.

54. Currently, there is no awareness campaign in Mexico specific to Genetic Resources and ABS. The GIZ / CONABIO Project has undertaken preliminary actions at the local level, but there is a need to address this lack of attention at a larger scale by designing programs for various sectors of civil society regarding the importance and value of GR, as well as associated TK and the role of biodiversity conservation in ensuring the persistent availability of these resources.

55. The *Pozol* is a national landmark case²¹ of how the lack of knowledge of the legal framework can lead to improper access and use of genetic resources. This is 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 were collected. An academic institution gained access to these genetic resources, a graduate student transported this genetic material to the European Union, and a few years later a patent appeared for the *Pozol* bacteria.

56. Plant varieties, patents and trade secrets play a central role in the context of access to genetic resources. But in the context of the discussion of indigenous rights, the soft forms of intellectual property also generate problems in the misappropriation of collective wealth. An example is 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, and is a name of Zapotec origin.

57. This highlights the lack of protection for associated traditional knowledge in Mexico. In general, its value is cultural and is subject to the application of customary laws of each community; the communities

²¹ Memorias del Foro: Acceso a los recursos genéticos y derechos de los pueblos indígenas, Universidad Autónoma Metropolitana, Xochimilco, pp 115 (<http://www2.inecc.gob.mx/publicaciones/download/364.pdf>)

decide the mechanisms to be adopted by those who seek to access and use it when associated with genetic resources. If traditional knowledge is in the public domain, it is virtually defenseless due to the difficulty in determining whether an indigenous and/or local community participated in the process of linking it to genetic resources. 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 such rights on traditional knowledge.

58. The project will therefore adopt a multi-pronged, progressive approach consisting of three key components which will address the barriers set out above.

1.9. Stakeholder analysis

59. The following is a brief introduction of the main project stakeholders. Section IV Part IV provides more details, along with a description of their main roles both in PA management and in the proposed project. The success of the project is understood to depend mainly on the reduction and/or elimination of the three barriers identified as critical to the establishment of an integral national legal and institutional framework for genetic resources and ABS, in compliance with the Nagoya Protocol (Section 1.8). The project is intended to create and strengthen the capacities of federal officers in: SEMARNAT (UCPAST, DGVS, DGGFyS, UCAJ, UCAI and Delegations); SAGARPA (SNICS); PROFEPA and its delegations; CONANP and the PAs; SRE, CONABIO, CDI, IMPI and Civil Society. Key sectors are intended to be recipients of training.

60. Nevertheless, the reduction and/or elimination of those barriers will depend in turn on adequate communication among stakeholders and on the level of participation in the work to be shared by those involved in implementing the project. All sectors involved will be indirectly benefited with the regulatory work (building the Legal/Administrative Framework, adaptation of the implementing authority structure), as all federal agencies will have to train their officers, to build and strengthen their organic-administrative structure for the proper application of the Legal/Administrative Framework on access to GR, resulting in the benefit of the population as a whole by having the necessary elements to manage, exploit and use in a sustainable manner biological and genetic resources.

61. To address the **inadequate national regulatory framework** (*Barrier 1*), it is necessary to involve the following key stakeholders: (i) SEMARNAT; (ii) SAGARPA; (iii) SEGOB; (iv) CDI, SE, IMPI and key lawmakers on access to GR and benefit-sharing. The additional main actors involved in the consultancy of the future law include: (i) NGOs and other civil society organizations; (ii) Community organizations; and (iii) local/Indigenous communities and producers; (iv) Users of genetic resources and/or associated traditional knowledge (Academic researchers; pharmaceuticals, perfumes, pigments, oils, and other industries; R&D researchers).

62. To meet the challenges that could arise from **limited inter-institutional capacity to monitor the utilization of the GRs** (*Barrier 2*), the additional main actors involved include: (i) IMPI; (ii) CONACYT; (iii) COFEPRIS; (iv) SNICS; (v) compatible projects such as the Biodiversity Governance's Project; and the National Focal Point as well as the National Competent Authorities (DGVS, DGGFS and SAGARPA).

63. Additionally, to meet the challenges that could arise from **scarce knowledge of relevant stakeholders on access and utilization of GR and Fair Benefit Sharing** (*Barrier 3*), the additional main actors involved include: (i) NGOs and other civil society organizations; (ii) Community organizations; (iii) local communities and producers; (iv) Users of genetic resources and/or associated traditional knowledge (Academic researchers; pharmaceuticals, perfumes, pigments, oils, and other industries; R&D researchers) and (v) compatible projects like the Governance project developed by GIZ / CONABIO, which it is an important complementary counterpart.

Table 6. Summary of Main Stakeholders

INSTITUTION / STAKEHOLDER	ROLE / TYPE OF COORDINATION
Ministry of Environment (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.
National Commission for 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 for 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.
Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA)	Regulates plant genetic resources for food and agriculture; Co-responsibility in the design of the databases and pilot projects.
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.
Federal Environmental Protection Agency (PROFEPA)	Law enforcement to protect wildlife.
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 Commission for the Development of Indigenous Peoples (CDI)	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
Ministry of Foreign Affairs	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.
United Nations Development Programme (UNDP-Mexico)	UNDP-Mexico is the Project Implementing 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 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.

PART II: Strategy

Design principals and strategic considerations

2. 1. Project Rationale

64. The GEF's incremental funding and co-funding resources will be used to overcome the above mentioned barriers. It will contribute to the long term solution through 3 interconnected strategies: (i) 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; (ii) Strengthening national institutional capacities; and (iii) 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. Collectively these will provide the integrated approach needed to conserve biodiversity of outstanding global significance and put in place a consolidated ABS framework that will, in the mid-term, provide an effective conservation mechanism for Mexico's highly significant natural heritage and for safeguarding sustainable development options for the future.

65. Given the complexity related to conservation and sustainable use of biological diversity, and considering that biological diversity is an important trigger for economic development of Mexico, it is not possible to deny that there are economic factors that jeopardize biological diversity within the national territory, where economic agents maximize the use and exploitation of such richness, putting the environment and biological diversity at risk, including GR and associated TK.

66. To that effect, having ratified the NP, it is imperative that Mexico has the legal and administrative amendments in place to make conservation and sustainable use of biological diversity possible as well as to strengthen national and international capacities on access and utilization of GR.

2. 2. Project Objective, Outcomes and Outputs/activities

67. The **project 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. The **project objective** is to enhance in Mexico, in a participatory manner, the capacities of national authorities (SRE, SEMARNAT, SAGARPA, CDI, 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* " (NP). The Project will promote the implementation of institutional coordination mechanisms that will help to organize access and utilization of GR and associated TK plans, regulating the sharing of benefits arising from their utilization. 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. The project's outcomes and outputs are described below.

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)

68. Mexico needs to have the proper national legislation on 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. The project will support an extensive analysis and diagnosis of the current legal framework, the results of which will guide the development of elements to

fill legal gaps and inconsistencies between the national legal system and the NP. These elements will guide the Legislative Branch and/or suggest adaptations to the national legislation to address obstacles that reduce the effectiveness and compliance with the Protocol in Mexico.

69. The outcome will be delivered through the following outputs:

Output 1.1 Analysis and Diagnosis of National Legal Framework pertaining to ABS

70. Mexico has performed a preliminary diagnosis to determine whether the national legislation in effect is adequate and sufficient to comply with the legal provisions of the NP. Nevertheless, considering the complexities of the instrument within the country, new stakeholders and regulatory standards have been identified with regards to its application. Thus, it is necessary to conduct a more extensive analysis and diagnosis of the national legal system to identify gaps and inconsistencies that may reduce effectiveness of and compliance with the Protocol as well as new institutional challenges for its implementation.

71. The project will support an analysis and diagnosis of the conceptual, technical and operative aspects of a national legal framework for ABS to determine the scope and interpretation of the standards in effect, determine gaps and inconsistencies, identify areas of interest of Federal Agencies as well as their regulatory needs and objectives to be attained regarding GR.

72. Some of the conceptual aspects that may be examined in depth include:

- a) Analysis to identify how to align the NP objective with the national legal system
- b) Analyze and diagnose Mexico's role as part of the NP and its relationship with international treaties and instruments as a state party to such treaties.
- c) Analyze the scope of "Special Considerations" referred to in Article 8 of the NP in terms of the national legislation in effect.
- d) Analyze and diagnose Mexico's role in the Access and Benefit-sharing Clearing-House, and information sharing.
- e) Analyze Mexico's role in technology transfer, international collaboration and cooperation plans.
- f) Diagnose present legal and regulatory conditions, that is to say, identify gaps and inconsistencies in general laws, Mexican standards, Mexican Official Standards, institutional collaboration agreements, inter-institutional agreements, guidelines, certification bodies, verification units, among others, for the effective application of the NP.
- g) Diagnose institutional needs for the proper implementation of the NP, including human, material, technological and financial resources necessary to this effect, taking into account what is set forth in the National Development Plan 2013-2018, which considers Strategy 4.10.4 *Promoting Sustainable Exploitation of natural resources in the Country*; to guarantee the implementation of the NP in coordination with other international treaties signed by Mexico.

73. It is envisioned that this analysis and diagnosis will be achieved through 2 consultancies that will present conclusions and determine the recommended course of action to define and strengthen the National Legal Framework for ABS. The results of the GIZ project will serve as a point of reference for the analysis and development of the Mexican ABS legal and institutional framework. These include the systematization of international experiences and identification of different governance models applied in different regions of the world; Comparative legal assessments based on global experiences; Regional

comparative analysis on the use of ABS norms for the conservation of high BD value areas; Sectorial guidelines; and Codes of conduct on ABS developed with academia. The result of the extensive analysis and diagnosis conducted through this Output could be the development of elements to fill possible legal gaps and inconsistencies between the national legal system and the NP. These elements could guide the Legislative Branch and/or suggest adaptations to the national legislation to address obstacles that reduce the effectiveness and compliance with the Protocol in Mexico.

Output 1.2 Bill proposal amends the national ABS legal framework

74. The project will support the development of a Bill proposal that aligns the national ABS framework with the Nagoya Protocol. There is a legislative project in the form of a regulation that is under review and expected to be published in the Gazette by the end of 2015 so as to be applicable in the first trimester of 2016. Once the regulation enters into force, the project can begin work on a Bill to be presented before the Senate. Some of the main components considered necessary to be included in and/or to amend the national legal system to be able to apply the NP are the following:

- a) Mechanisms and/or plans to guarantee fair and equitable sharing of benefits arising from their and utilization of GR and associated traditional knowledge;
- b) Mechanisms and/or plans on access to GR;
- c) Mechanisms and/or plans on access to traditional knowledge associated to GR;
- d) Mechanisms and/or plans to participate in cross border cooperation;
- e) Mutually agreed terms and their compliance mechanisms;
- f) Prior informed consent;
- g) Consideration for communal protocols and customary laws, etc.;
- h) Legal determination of national competent authorities and national focal points;
- i) Monitoring mechanisms for the utilization of GR;

75. The Project will support the development of the major components of a legal text which contains the necessary elements to ensure access to genetic resources is carried out in due form, i.e. according to the legal provisions that the legislature determines and aligned with the Nagoya Protocol. In particular, this will include what Mexico considers appropriate for the application of Article 8 in harmony with other provisions that complement national implementation regarding three main issues: i) Research and simplified measures on access for non-commercial research purpose, ii) the need of expeditious access to genetic resources 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. This Bill will ensure safeguards to prevent exploitation of vulnerable populations and ensure equitable distribution of benefits to the communities that host the GR and associated TK; it will pursue language and guidelines that are sensitive to vulnerable populations including indigenous and women.

76. The project will work closely with targeted Legislators of Congress (Deputies and Senators) to develop a strong initiative that can be reviewed and discussed in the Committees of both Houses of Congress, thereby ensuring a strong legal instrument is built. Ultimately, the project aims for the Bill to be elaborated before mid-term in order to present it to Congress and lobby for its adoption by Project end.

Output 1.3 Awareness and training of at least 60 key lawmakers on access to GR and benefit-sharing.

77. By strengthening the legal framework and establishing administrative or public policy measures, the access to GR and sharing of benefits arising from their utilization will be possible, in conditions of legal certainty, for those regulated and for national authorities, limiting the discretion of official government acts that may violate the rights of stakeholders in the management of GR and associated TK. Hence, the analysis and diagnosis of the national legal framework in conceptual and technical and operative aspects to determine the scope and interpretation of the standards in effect, determine gaps and inconsistencies of

such framework, addressing regulatory needs and objectives to fulfill in conservation and sustainable use of GR, through the preparation of a proposal to amend the national legal system that addresses directly or indirectly access to GR and sharing of benefits. The need to formulate and promote a bill to modify the national legal framework for access to and sharing of benefits in effect has been anticipated for that end, so that it is consistent with the NP. Therefore it is necessary to make legislators aware and train them on access to GR and sharing of benefits.

78. In particular, an adequate level of awareness is crucial among Commission members from the national legislative bodies since it is envisaged that they will play an active role in the elaboration and lobbying of the Bill proposal from Output 1.2. The following commissions will have a direct impact on ABS and GR in Mexico and are therefore targeted for this Output: Commission of Agriculture; Commission of the Environment and Natural Resources; Commission of Foreign Affairs, attention to International Agencies and Fisheries; Commission of Gender equity; Commission of Indigenous Affairs; Commission of Science & Technology; among others. As such, a training program will be developed to raise awareness and understanding among Commission members regarding ABS and GR in Mexico. The Project will support the institutionalization of this training to ensure that the skills and capacities developed through these efforts may continue rather than risk being lost with the change of administrations. As such, while this training is focused on the directive level, it will be designed to consider the upcoming change in government in 2018 as well as any other possible changes in strategic actors. Calculations made during the PPG suggest that at least 5 lawmakers per Commission/committee in both Houses will be engaged in the awareness and training activities.

Output 1.4. National Strategy for conservation and sustainable use of GR, including associated TK.

79. It is necessary to design a National Strategy for conservation and sustainable use of GR, including associated TK, which will be the reference framework that should encompass the actions of the Mexican State in the medium and long term. The project will support the elaboration of a proposal of a Post 2015 National Strategy for conservation and sustainable use of GR, and support its promotion and acceptance by key stakeholders.

80. Mexico is the fourth country with the greatest biodiversity on the planet and should, as a country, benefit from its biological and cultural wealth. The challenge is to build a legal framework that enables the equitable distribution of these benefits. As a signatory party of the Convention on Biological Diversity Mexico is committed to its objectives of protection (conservation), sustainable use of biodiversity and the equitable sharing of benefits arising from access to genetic resources. The development of the National Strategy and a regulatory framework consistent with the NP will complement the current actions of the Government to promote sustainable development based on the sustainable use of the country's natural capital as well as the transition to the development of bio-economic projects as prioritized by the current administration.

81. This approach is new for Mexico. Traditionally the environment sector and the economic/productive sectors work separately and often with opposite visions. Most notable are the extraction programs associated with Forestry and Mining, as well as Agriculture and Fisheries, which are oftentimes incompatible with the traditional "hands-off" conservation approach of Protected Areas and other Biodiversity conservation efforts. The vision developed by the government related to bioeconomy would be supported through the development of an appropriate ABS framework and a solid National Strategy that could serve to bridge the gap between sectors that have traditionally operated in a very polarized way.

82. Furthermore, the interpretation and implementation of Article 8 (Special considerations) is country specific. During implementation of Outcome 1, UNDP will provide guidance on pros and cons of the modalities for implementing this article addressing three main issues: i) Research and simplified measures on access for non-commercial research purpose, ii) the need of expeditious access to genetic resources

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.

83. Currently, there are lines of action in various sectoral plans that are indirectly related to ABS and GR, but the only direct and clear lines are in the agriculture sector, specifically regarding phyto-genetic resources per the agreement with FAO. The development of a National Strategy will help determine clear lines of action, interventions and interactions with other sectors. In particular, the project will support the application of this through the design and implementation of a national ABS Financial Mechanism as well as Incentive Programs for user participation in ABS in collaboration with at least 3 major commercial sectors (e.g. agriculture, forest, marine, pharmaceutical, etc.).

84. A Federal ABS Financial Mechanism will accompany the legal instrument and ensure its implementation. The project will conduct a feasibility analysis during its first year to determine the effectiveness and appropriateness of each type of funding mechanism to pursue for ABS. The possibilities include, among others:

1) Specific budget resources assigned to support the institutional arrangements for implementing the Nagoya Protocol. In particular, the designated areas/units within SEMARNAT and SAGARPA would be bolstered to ensure proper implementation support.

2) A Trust Fund (to be created by the Regulation / Law) that would receive benefits derived from access/use of GR and associated TK that are widely distributed or whose supplier is not possible to determine. The Fund would be distributed equitably, according to the rules of operation defined, for the purpose of conservation of genetic resources and associated TK, and support to communities for social purposes as well as their search for and negotiations with users. Eventually, the Fund could also channel resources to the operation of relevant ABS Units.

85. To complement this funding mechanism, the Project will strengthen the national legal and institutional ABS framework to include economic incentives for conservation and sustainable use of the biological resources that contain the genetic material, while helping to prevent the loss of genetic resources and associated traditional knowledge. It will conduct an analysis of various options to identify the different factors that motivate each sector, and define a portfolio of several sector-specific incentives. Recognizing that there is a need to mobilize resources for the definition of an incentive programme, the project would request guidance from BIOFIN Mexico per the methodology of its "Workbook" regarding ABS. Once the amount required for full funding is determined, the development of an incentive programme would be explored, including the following options: reimbursement of license fees, lists of "compliant users", possible certification schemes such as "Committed User", etc.

86. This Output, combined with the strengthening of legislators' awareness and capacity regarding GR and ABS through Output 1.3, will contribute to the eventual passage of a strong national legal instrument to implement the Nagoya Protocol. It is expected that the National ABS Law and the National ABS Strategy developed by the project will provide the necessary elements for the adoption of a National ABS Policy by project end.

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

87. To complement the legal and regulatory framework developed in Outcome 1, this Outcome 2 will determine the specific mechanisms and generate the necessary capacity to provide access to genetic resources in Mexico. For the effective implementation of the NP, it is necessary to train the national focal point and officers from the national authorities in the proper application of legal/administrative instruments pertaining to GR and ABS. The project will complement this through the elaboration of national good practices manuals on the conservation and sustainable use of GR, including simple

guidelines regarding applicable procedures, to facilitate the implementation of the NP among users and suppliers. By project end, officials should be able to apply the national Good Practices Manuals produced by the project in an effective manner. Likewise, the project will support the development of capacities and mechanisms to monitor the utilization of genetic resources at the different stages of research, development, innovation, pre-commercialization or commercialization. These mechanisms include the procedures and minimal regulatory basis to obtain the PIC, negotiate the MAT and establish the basis for determining the distribution of benefits. These three components are the key support to the contractual basis of the NP.

88. The project will also support the development of inter-institutional mechanisms, via the Inter-institutional Genetic Resources Information Exchange Center (GRIEC), to facilitate monitoring of access to GR, sharing of benefits and compliance with the NP. These mechanisms will include:

- a) A database with information on access permits issued to follow up access applications, fed by each agency. Such database should be related to the GR and associated TK Monitoring and Supervision System.
- b) Assessment and selection of ABS checkpoints to define what will be the best monitoring plan.
- c) The creation of the National Access and Benefit-sharing Clearing-House in order to comply with Article 14 of the NP.

89. The outcome will be delivered through the following outputs:

Output 2.1 The national Focal Point and National Authorities have been identified, trained and possess the capacity to execute the NP.

90. The project will support the strengthening of capacities of the national focal point and national authorities on ABS as reflected by an improvement of at least 30% as measured by the ABS Capacity Development Scorecard (see Section IV Part VII for detailed Scorecard results). At least 100 Officers of the national focal point, national authorities on ABS, and officials from the following areas in the environmental sector should be trained: SEMARNAT, PROFEPA, CONANP, SAGARPA, SE/IMPI, SRE, CDI, CONABIO. 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:

- a) Legal Instruments (measures and actions) existing in the national framework in effect to comply with NP provisions: The capacities referred to in this section will focus on skills acquired through specific knowledge of the existing legal framework to effectively implement the Nagoya Protocol. This training will be for officials who are part of the structure of the National Focal Point and national authorities who form part of the Intersectoral Working Group (SEMARNAT, SAGARPA, SNICS, SECONOMIA, IMPI, CDI) responsible for implementing the NP. The Project will support capacity building of officials that currently have authority in scientific collection and strengthen the institutional structures related to genetic resources, including (i) background evaluators of IMPI to better evaluate applications for Intellectual Property (IT); and (ii) management staff of SEMARNAT / PROFEPA / CONANP/ SAGARPA / SNICS/ CDI so as to better understand the basic issues related to intellectual property.

Federal officials will receive technical training on basic legal aspects of access to genetic resources so as to ensure they have the proper skills to negotiate a legal instrument to implement the Nagoya Protocol. Furthermore, it is crucial that the project promote basic awareness on associated traditional knowledge, negotiations on mutually agreed terms, background elements of prior informed consent, mechanisms and procedures (if applicable) on monitoring and utilization of genetic resources, key elements of Access contracts and model contractual clauses, codes of

conduct, guidelines and best practices and / or standards, among others. Where possible, the project will consider exchanges of lessons learned from other countries to enrich the capacities of Mexico's officials. The project will support the institutionalization of this training so as to ensure the continuous strengthening of capacities beyond the project's lifetime. Proper integration of feedback and input from participants will be crucial to the effective institutionalization of an ABS Capacity-Building Programme.

b) Application of Good Practices Manuals on the sustainable use and management of genetic resources (GR) to facilitate the implementation of the NP among users and suppliers: The project will support the elaboration of National Good Practices Manuals on the conservation and sustainable use of GR, including simple guidelines regarding applicable procedures, to facilitate the implementation of the NP among users and suppliers. Partnerships must be created to document experiences with different target sectors (suppliers and users), indigenous and local communities, researchers, productive sectors (cosmetic, pharmaceutical, industrial) and civil society, in general, to ensure the Manuals address a wide range of plausible scenarios. Project funds will be allocated to training for the application of these Good National Practices Manuals. By project end, officials should be able to apply the national good practices manuals produced by the project in an effective manner.

c) Monitoring the utilization of GR, including different research, development, innovation, pre-commercialization or commercialization stages: The project will facilitate monitoring of the utilization of GR at different research, development, innovation, pre-commercialization or commercialization stages, through the design and execution of inter-institutional mechanisms to facilitate monitoring and access to GR, benefit sharing through databases with information on access permits, diagnosis on the information available to different check points. The project will coordinate with GIZ regarding the development of these national monitoring and control systems for the use and access to GR and associated TK.

Output 2.2 Inter-institutional mechanisms to facilitate monitoring of access to GR, benefit sharing and compliance with the NP.

91. The lack of a legal instrument prevents the establishment of adequate procedures to request, review and issue permits. Currently, collection permits are issued by statutory instrument Mexican Official Standard (NOM) 126 for scientific collection, but this only provides administrative regulations for activities related to scientific collection, research or teaching. Since NOM 126 was issued prior to the approval of the Nagoya Protocol, its contents do not include provisions for that Protocol. However, this Mexican Official Standard (NOM) is subject to revision every five years, so its viability is based on the content of the legal instrument to implement the Nagoya Protocol.

92. The Federal Public Administration (APF), due to its range of responsibilities, may fulfill the regulatory authority envisaged in the Nagoya Protocol. In this regard, SEMARNAT, SAGARPA / INAPESCA / SNICS, SECONOMIA / IMPI, SEP / CONACyT, and SSA / COFEPRIS have discussed the relevance of establishing a single window to initiate the administrative proceedings that each competent authority must carry out. Another topic of discussion is the role of the national focal point to coordinate the response to the relevant institutions should requests for access be approved. The project will support the definition of these and other important aspects of managing the practical points of implementing the NP.

93. To facilitate the practicalities of implementing the NP in Mexico, the project will support the establishment of an Inter-institutional Genetic Resources Information Exchange Center (GRIEC), which will include:

a) A database with information on access permits established via web-based platform. This will take into account the national regulation to comply with the NP, allow efficient follow-up on access requests, and shall be fed by each agency. This database will be related to GR Monitoring and Supervision System and associated Traditional Knowledge (TK).

b) Assessment and selection of ABS checkpoints in accordance with Article 17 of the NP. Checkpoints may be 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 to implement the NP. The intersectoral working group that was formed to discuss the technical and legal content of the instrument to implement the NP concluded that there are areas of the APF that may have Checkpoint functions, among which is the Mexican Institute of Industrial Property (IMPI). While reviewing patent applications, IMPI can identify when an individual wishes to make use of genetic resources, 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 pharmaceuticals, cosmetics, and food, among others, and CONACyT in the case of research related to genetic resources. The project will support the definitive assignment of the relevant agencies to act as checkpoints and monitoring units.

c) Creation of the National Access and Benefit-Sharing Clearing-House in compliance with Article 14 of the NP. This will include the identification, classification and characterization of genetic resources in Mexico. It will also involve the systematization and dissemination of scientific knowledge generated about GR.

94. Ultimately, through Outcome 2, the project will support the establishment and implementation of simplified and expedited procedures to implement the legal and institutional framework devised in Outcome 1 to enable access for research as stipulated in Article 8 of the Nagoya Protocol.

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)

95. In order to strengthen and empower indigenous and local communities, it is necessary to establish and disseminate guidelines to protect traditional knowledge associated with GR, based on the findings of the *"Consultation on mechanisms to protect traditional knowledge, cultural expressions, natural, biological and genetic resources of indigenous peoples"*²². Civil society is aware of and sensitive to the importance of conservation and sustainable use of GR and associated traditional knowledge, and is involved in an effective way so that it promotes their conservation and sustainable use, taking into account access to and sharing of traditional benefits. The project will achieve this through the design and instrumentation of TK protection mechanisms, community/biocultural protocols and awareness programs. These will include training and dissemination material on the importance of conservation and sustainable use of GR and associated traditional knowledge vis-à-vis the objectives of the NP. As such, the project will support the following actions:

- a) Diagnosis to identify in the 68 indigenous and local communities those who want to participate in the development of cultural community protocols to facilitate ABS.

²² http://www.cdi.gob.mx/index.php?option=com_docman&task=cat_view&gid=85&Itemid=200019

- b) Knowledge, attitudes and practices (KAP) assessment surveys targeting indigenous and local communities assess their awareness on ABS issues, including the project's proposal to protect traditional knowledge.
- c) Generate Information Exchange mechanisms that guarantee the right to Consultation and Prior Informed Consent of indigenous and local peoples.
- d) Develop cultural community protocols for the protection of traditional knowledge associated with GR.
- e) 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*"²³, among others by government agencies and indigenous and local communities.
- f) Study to determine the biodiversity status in indigenous and local communities
- g) Design differentiated sensitization and awareness programs according to the biodiversity status in their territories, with cultural and linguistic relevance.
- h) Implement sensitization and awareness programs on the importance of conservation and sustainable use of GR and associated traditional knowledge.
- i) Study to identify indigenous and local communities that have GR and associated traditional knowledge subject to protection by the NP.
- j) Sensitization and awareness program including training and dissemination material (brochures, trifold leaflets, manuals, posters, etc.) on the importance of conservation and sustainable use of biodiversity and associated traditional knowledge.
- k) Design communal protection rights.
- l) Implement sensitization and awareness programs based on NP objectives and scope.

96. It is important to note that Traditional Knowledge (TK) may or may not be associated with genetic resources. For the purposes of this project, associated traditional knowledge refers to when the uses of plant and animal genetic resources are known to come from the knowledge originated in the cultures of indigenous peoples and local communities. Examples of genetic resources not associated with TK include many marine organisms in Protected Areas, as well as many soil microorganisms and derivatives. If users wish to access genetic resources associated with traditional knowledge, they will do so in accordance with the relevant provisions of the national ABS framework developed under Outcome 1 of this project. Through this Outcome 3, the project will strengthen the ABS framework developed in Outcome 1 to comply with Articles 7 and 12 of the NP (TK associated with GR), through the inclusion of: i) the development of community protocol in relation to access to associated TK; ii) minimum requirements for mutually agreed terms 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.

97. The outcome will be delivered through the following outputs:

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

²³ http://www.cdi.gob.mx/index.php?option=com_docman&task=cat_view&gid=85&Itemid=200019

98. The project will support the elaboration 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”, among others.

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

99. The Project will perform KAP assessment surveys targeting indigenous and local communities in order to assess their awareness on ABS issues, including the project’s proposal to protect traditional knowledge. These surveys will be conducted at project start and end to determine the impact of the outreach and training activities supported by the project in Output 3.5.

Output 3.3 Community protocols to facilitate ABS

100. There is currently a Guide/Model for the development of community protocols to incorporate elements of ABS available from GIZ. The project will use this Model as a base from which to draft Community/Biocultural protocols in a participatory manner with indigenous and local communities in at least 12 Biocultural Regions²⁴ and support the adoption of these protocols by project end.

Output 3.4 Traditional knowledge catalog

101. A proposal for a Traditional Knowledge Catalog will be drafted in a participatory manner with indigenous and local communities. Currently, partial information and records exist for 35 indigenous groups in an academic database²⁵, but there is no official government one to date. The project will support the systematization of these records and collaborate with interested indigenous communities to support the establishment of this TK Catalog through the documentation of 68²⁶ TK records. The project will also support the institutionalization of the systems necessary to store and update information on GR and TK. This mechanism will be put in practice via 7 pilots²⁷ and will consider the recommendations and experiences generated by the GIZ project with regards to respect of the use of TK. Once TK is registered in the Catalog it will be subjected to the ABS legal and institutional framework established in Outcome 1, thereby ensuring its protection from indiscriminate exploitation. The project promotes the idea that if TK is registered, it can be protected; in other words, if there is no registry, there is no legal recourse.

Output 3.5 Systematization of communication strategy and awareness program

102. The project will support the systematization of the communication strategy and awareness program regarding the TK Catalog and Community Protocols. This will 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, exchange of experiences among communities (in collaboration with the GIZ project).

103. 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”, among others.

104. The project will support a sensitization and awareness program including training and dissemination material (brochures, trifold leaflets, manuals, posters, etc.) on the importance of conservation and sustainable use of biodiversity and associated traditional knowledge. Strengthening the

²⁴ There are 23 recognized biocultural regions in Mexico integrated by indigenous and local communities according to: Boege, E. 2009. El reto de la conservación de la biodiversidad en los territorios de los pueblos indígenas, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 603-649.

²⁵ UNAM developed an index of TK: Medicinal Indigenous Flora of Mexico: <http://www.medicinatradicionalmexicana.unam.mx/flora/index.php> This database forms part of the Digital Library of Mexican Traditional Medicine <http://www.medicinatradicionalmexicana.unam.mx/index.php>

²⁶ One record per Indigenous Peoples according to Boege E. 2009 OP. Cit. To finalize the catalog of 68 indigenous peoples in Mexico.

²⁷ Number of municipalities developing community protocols with support from CDI/CONANP

capacities of indigenous and local communities, and sensitizing the civil society, will help 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. Therefore, the project will support the development and dissemination of guidelines to protect traditional knowledge associated to GR based on the outcomes of the National Indigenous Consultation conducted by the CDI.

2.3. Project Indicators, Risks and Assumptions

105. The project indicators, risks and assumptions are detailed in the Strategic Results Framework (Section III).

Risks

106. The risks confronting the project have been carefully evaluated during project preparation, and risk mitigation measures have been internalized into the design of the project. A careful analysis of barriers has been conducted and measures have been designed to lower or overcome these barriers. The main risks have been identified and are summarized below. Other assumptions behind project design are elaborated in the Logical Framework.

107. Awareness and joint responsibility of Mexican society supported by this Project may foster conservation of ecosystems, promoting at the same time, sharing of benefits arising from the access to GR. This, in turn, will generate further benefits to Society, since it is well known that preserved natural systems act as biotic barriers against extreme natural events such as hurricanes, floods, droughts and other weather events.

108. Likewise, promoting *in situ* preservation of GR offers many advantages, promotes genetic variability of natural populations, guarantees their long-term persistence, and in some cases, helps them adapt to other environmental changes produced by events such as Climate Change and desertification. Furthermore, a preserved system will promote Food Security for Mexicans.

109. Ultimately, in order to ensure adequate mitigation of the risks below, the project must support the development and implementation of sensitization measures in civil society and policymakers and to create awareness of the Nagoya Protocol's contents and intentions.

Table 7. Risks

Risk	Level	Mitigation Measures
Govt. agencies unwilling to share information and data.	M	At project start and through Outcome 2, formal collaboration agreements and procedures will be outlined based on specific targeted needs for information exchanges (such as inter-ministerial agreements, MoUs, etc. between SEMARNAT and IMPI, SEMARNAT and CDI or IMPI, CDI and SEMARNAT)
Conflicts of interest and different priorities of stakeholders constrain implementation of activities	M	A participatory national needs assessment will be conducted to identify the needs and priorities of all relevant stakeholders. This exercise will involve dialogue and joint planning exercises and will help to detect and mitigate any risks of conflicts early on in the process. Close coordination and information exchange will be ensure with the GIZ project who will among other support the development of sectorial assessments and guidelines
Stakeholders identified not participating in Project implementation.	M	Activities under Outcomes 1 and 3 are intended to raise the awareness of the different stakeholders and increase the participation and commitment with the Project's overall objectives. In selected cases, specific and targeted awareness raising and outreach activities will be implemented in collaboration with the GIZ project. Also the project will ensure direct and regular communication mechanisms with the key stakeholders.
Coordination mechanisms for the Project operation among relevant stakeholders are not generated.	M	The project will promote periodic high-level inter –agency meetings involved in ABS to share information, provide with update on project progress and identify the necessary commitment mechanisms and procedures to secure full ownership of the personnel in charge of operationalizing different subcomponents of the project. The project will also seek to establish an inter-ministerial commission led by the Ministry of Foreign Affairs.
Insufficient funding to continue necessary access to GR regulation after the project ends	H	<p>Although the Federal Government truly believes in the importance of implementing this project, and legislators know and are convinced of the importance of the proper implementation of the NP, the present global economic environment may affect the availability of financial resources that Mexico has intended to allocate to this Project.</p> <p>Through Outcome 1, the project will promote the inclusion of budget lines and necessary policy provisions in the key institutions to support funding and facilitate GR regulations after the project ends.</p>

Risk Rating: L - Low; M – Medium; H - High

2. 4. Incremental Reasoning and Expected Global, National and Local Benefits

110. The GEF Project will aim to overcome the obstacles for efficient management of access to GR and associated TK to promote conservation of biodiversity in Mexico and will substitute the country's fragmented regulatory framework. The support requested from the GEF represents a cost-effective approach to generate global environmental benefits due to the extensive genetic diversity of wild and domestic species present in Mexico (that have been accessed from time immemorial) and limited resources available. The Federal Government is determined to develop GR and associated TK management strategies that are expedite and profitable for all the stakeholders of the regulatory chain. Priority will be awarded to the creation of capacities of all stakeholders to provide them with solid elements for decision making and to negotiate prior informed consent and mutually-agreed terms to empower indigenous and local communities while promoting a regulatory climate that fosters the development of productive projects with national and international environmental benefits.

111. The project's objective is to consolidate actions to conserve and sustainably use genetic resources and related traditional knowledge in Mexico through the development and implementation of a national

policy and legal and institutional framework on ABS in line with the CBD and the Nagoya Protocol. Outcome 1 involves developing a national policy, legal and institutional framework to enable the implementation of the Nagoya Protocol. The incremental activities under this component involve supporting the regulatory process to ensure the adoption of an instrument that is efficient and effective in promoting access and benefit-sharing and protects associated traditional knowledge; ensuring that an institutional framework is in place for ABS, including formal coordination mechanisms between institutions; and the creation of a financial mechanism for the collection and redistribution of funds towards conservation and sustainable use goals.

112. The incremental activities under Outcome 2 of the project 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, this Outcome 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 ABS-CHM.

113. The incremental activities under Outcome 3 include development of communication, education and public awareness materials (e.g. posters, brochures, manuals, training modules) to educate 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, bioprospecting and value chains; developing a model ABS agreement(s) to provide a 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 that will empower GR Suppliers to be users as well of such resources and the TK to obtain benefits that are shared within their own communities. The activities related to the GIZ-CONABIO Project are complementary to the eligible actions for the support by the GEF, so that they will work in coordination and will provide each other with constant feedback.

114. **Global benefits:** 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. With over 11,000 km of coastline and territorial waters of 231,813 km², Mexico boasts high marine biodiversity and productivity; there are 1,616 coastal marine fish species, and levels of endemism are estimated at 20% for the Gulf of California and 15% for the Caribbean, Gulf of Tehuantepec and the north of the Gulf of Mexico.

115. This project will contribute significantly to the conservation and sustainable management of this biodiversity. The actions set out by the project to improve the legal framework in Mexico on ABS, to establish proper coordination and control mechanisms and to bring up the capacities of all relevant stakeholders in the country will have incremental benefits in terms of improved conservation of globally important biodiversity in this megadiverse country. By collaborating with the GIZ which will promote set-asides and improved management in key habitat of critically engendered species, this initiative will also contribute to conserving forest ecosystems and other key hotspot of biodiversity in the country thus contributing to reduce rates of carbon emissions resulting from the loss and degradation of terrestrial and coastal carbon sinks. The cumulative effect of these actions will enable Mexico to protect important biological and genetic resources which have enormous potential for application in a variety of sectors and disciplines, and from which the impact could be global.

116. Over the long-term further global environmental benefits will be incurred through the establishment of a robust legal framework, along with the needed technological and operational efficiencies. This project aims at building capacity to implement the provisions of the Nagoya Protocol. This protocol is the main vehicle to deliver one of the three objectives of the Convention on Biological Diversity: "...the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies..." The nexus to the global environment benefits is in the implementation of Article 9 of the NP "...direct benefits arising from the utilization of genetic resources toward the conservation of biological diversity and sustainable use of its components".

117. **National benefits:** Nationally, the Project will promote the implementation of institutional coordination mechanisms that will help to organize access and utilization of GR and associated TK plans, regulating the sharing of benefits arising from their utilization. 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 financing required for the conservation of biodiversity and the sustainable use of its components containing genetic resources. Where genetic resources are accessed from protected areas, benefits can be directed to funding the Mexican protected area system and protecting endangered species. Special emphasis will be given to reinforcing the capacities of civil society and local populations, as well as the empowerment of women.

118. **Local benefits:** By putting in place a national strategy for ABS, indigenous and local communities 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 Community/Biocultural 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. For more information, please see *SECTION IV Part IV: Stakeholder Participation Plan*.

2. 5. Policy Conformity and Country Ownership: Eligibility and Country Drivenness

119. **Strategic Objective and Programme Conformity:** This project is framed within the BD focal area. This project will strengthen the current national ABS framework ultimately creating conditions that facilitate turning bio-prospection into a driver for conservation of critically endangered species of global value and for advancing new development models in the country that optimize the fair and equitable sharing of benefits derived from its comparative advantage as a biodiverse rich country. In doing so it is aligned directly with the Objective 4 of the GEF5 Strategy - Build capacity on Access to genetic resources and Benefit Sharing (ABS).

120. **CBD Conformity:** The Project is compatible with international instruments and will allow Mexico to address in a proper manner the implementation of the NP, encouraging the use and conservation of biological diversity, GR and associated TK, generating joint responsibility plans in the community as a whole, with the institutional and legal structure for the attainment of the aforementioned objectives. It is therefore aligned with the CBD. In 2009, the Fourth National Report to the Convention on Biological Diversity, Mexico²⁸ reported:

²⁸ Cuarto Informe Nacional de México al Convenio sobre Diversidad Biológica (CDB) <http://www.cbd.int/doc/world/mx/mx-nr-04-es.pdf>. Pp. 119.

" .. The Legal Status of obtaining biological materials in Mexico is still incipient, with large gaps and uncertainties that raise debate on issues where there is regulation, institutional fragmentation leads to overlapping, not always consistent between the legislation.

Regulating access to genetic resources is hardly mentioned in environmental legislation, constituting a legal missing has nearly paralyzed bioprospecting biodiversity. Although some prospecting activities based on traditional knowledge continues, the complexity of implementing the CBD this is reflected in the absence of requests to the federal government and even in the absence of prior informed consent by those who have taken that knowledge and those samples have rights under the legal framework in the country ... "

" ... in Mexico important efforts were made , manifested in numerous initiatives , projects and programs from the Environmental Sector and from multiple areas of the Federal Government to protect the components of biological diversity , promoting sustainable utilization ; respond threats facing ; maintain the goods and services it provides; protect traditional knowledge, innovations and practices , to promote just and equitable sharing of benefits arising from the utilization of genetic resources , and ensure the availability of adequate resources ... "

121. However, while the legal gaps remain unaddressed at national level, the situation has changed in the international context with the adoption of the NP in 2010 and its ratification by Mexico. The project aims to effectively strengthen national institutional capacities so as to implement the NP, having a direct effect on preservation and sustainable use of national biodiversity, including GR, and associated TK. This new capacity will be enhanced by the creation of the National Access and Benefit-Sharing Clearing-House to comply with Article 14 of the NP.

122. Furthermore, with regards to Article 8, the interpretation and implementation of Article 8 (Special considerations) is country specific. During implementation of Outcome 1 of this project, UNDP will provide guidance on pros and cons of the modalities for implementing this article addressing three main issues: i) Research and simplified measures on access for non-commercial research purpose, ii) the need of expeditious access to genetic resources 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.

123. *Aichi Targets:* The project is consistent with the Aichi Biodiversity Targets, and will significantly contribute 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.

Country Eligibility

124. Mexico ratified the Convention on Biological Diversity (CBD) on 3 November 1993. Mexico has also effectively fulfilled various assessment and reporting requirements under the Convention, and is eligible for UNDP assistance. The long-term commitment of the GoM to biodiversity conservation is further demonstrated by its ratification of other major multilateral environmental conventions and agreements. The principal ones are summarized below:

Table 8. Main Multi-lateral Environmental Conventions to which Mexico is a party

Convention/Agreement	Signed	Ratified
CITES	1991	1991
CBD	1992	1993
Nagoya Protocol	2011	2012

Cartagena Protocol on Biosafety	2000	2002
Kuala Lumpur Protocol	2012	2012
The RAMSAR Convention	1986	
The United Nations Convention to Combat Desertification (UNCCD)	1994	1995
The United Nations Framework Convention on Climate Change (UNFCCC)	1992	1993

Link to National Strategies

125. The project was identified during the process of the National Portfolio Formulation Exercise as one of the initiatives to help meet Mexico's commitments in the national implementation of the CBD work programs, as well as to generate strategies to face the principle threats to biodiversity identified in Mexico's 4th Report to the CBD. As an integral part of the National Portfolio, the project has natural links with the other initiatives in the Biodiversity focal area, with direct institutional and thematic links with the initiatives on Strengthening Management of the PA System to Better Conserve Endangered Species and their Habitats and Enhancing National Capacities to Manage Invasive Alien Species (IAS) by Implementing the National Strategy on IAS. Both of these initiatives are complementary and should provide opportunities for synergy in the biodiversity portfolio. Finally, the project's design builds on the experience of other capacity development projects such as the Capacity Building for the Implementation of the Cartagena Protocol on Biosafety and the National Capacity Self-Assessment project.

126. Notwithstanding the above, it was determined that the coordination mechanisms between the stakeholders participating in the execution of the Project should be generated jointly, taking into account the conditions, interests and needs of such stakeholders.

127. The project submitted for consideration is compatible with the provisions of the National Development Plan 2013-2018 (PND)²⁹, in several strategies contained therein; however in Strategy 4.4.4 regarding "*Protecting the natural heritage*, all courses of action are aimed at preservation and sustainable use of natural resources in general; Strategy 4.10.4. *Promoting sustainable exploitation of natural resources in the country*, sets forth the course of action: *Establish the instruments to rescue, preserve and potentiate GR*," is more specific to the protection of GR; and finally Strategy 2.2.3 *Foster wellbeing of indigenous peoples and communities by strengthening social and economic development respecting the expressions of their culture and exercise of their rights*, includes the course of action: *Promote policies for sustainable exploitation of natural resources occurring in indigenous regions for the preservation of the environment and biodiversity, building upon their traditional knowledge*. On the other hand, Goal 5 of the PND 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.*" Thus, the project is framed in the national priorities. The Environment and Natural Resources Sectorial Program (PROMARNAT 2013 - 2018), officially published on December 12, 2013³⁰ includes two action lines directly related to the issue:

128. "*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*

²⁹ Plan Nacional de Desarrollo: http://dof.gob.mx/nota_detalle.php?codigo=5299465&fecha=20/05/2013

³⁰ Programa Sectorial de Medio Ambiente y Recursos Naturales 2013-2018, http://dof.gob.mx/nota_detalle.php?codigo=5326214&fecha=12/12/2013

regulatory framework to implement new protocols to the CBD." With the sectorial commitment formalized in PROMARNAT, the implementation of the PN is planned to be completed during this sexenium.

Linkages with UNDP Programme

129. 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, that considers biodiversity conservation, natural resources and environmental management]. The UNDP Ecuador office is organized in two main clusters, each of which has a Cluster Manager and a Program Associate and combines on-the-ground experience of executing projects in protected areas working with communities; technical expertise in ecosystems; and experience in GEF project design and implementation. In addition, the project will count with specialized support from the assigned regional Technical Advisor in the UNDP Regional Service Centre for LAC and from the Senior Technical Adviser (STA) for ABS who holds a PhD on a related topic with direct experience in ABS projects and manages a growing ABS projects globally.

130. UNDP Comparative Advantage: UNDP has worked extensively with the Mexican Government on biodiversity policy issues and environmental management, including mainstreaming of environmental policy across different sectors. UNDP has served as implementing agency for a number of capacity development initiatives that were successfully designed and carried out in the environment sector. In particular, this project will benefit from UNDP's experience in-country with inter-sectorial coordination efforts and the development of policy frameworks for biosafety and certified markets. As implementing agency for the SGP in Mexico, UNDP also has a long history of working with indigenous and local communities on biodiversity conservation and sustainable use.

131. Further advantages in the context of this project are extensive experience in comprehensive development policies, human resource development, institutional strengthening and non-governmental and community involvement; the provision of technical support in a flexible, efficient and timely manner focused on strengthening institutional capacities at both national and local levels; a well-established ability to mobilize resources for development at national and local level in Mexico; access to global networks of information, experience and knowledge that can be used to strengthen project implementation; neutrality, credibility and social trustworthiness aiming to facilitate agreements as well as prevention and mediation of social conflicts. Furthermore, UNDP is working on other projects dealing with ABS that could offer a network of lessons learned, as mentioned below.

Linkages with other projects, including UNDP GEF Portfolio

132. The project will work closely with a number of related initiatives including several funded through the GEF. Amongst others these include at the national level, the following GEF-UNDP projects:

- 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.*

133. The abovementioned projects all have important interventions at the local level in communities (including indigenous) which will provide lessons learned for Outcome 3 of this Project, specifically the development of Community Protocols and the establishment of an Traditional Knowledge Catalog. The Project will coordinate with these projects as necessary based on the identification of target Biocultural Regions.

134. Furthermore, initial assessments made for CONABIO's IAS project (b, above) coincide in IAS being a major threat for species that are important as genetic resources. For example, in northern Mexico, exotic grasses introduced for use as livestock fodder, such as Buffelgrass (*Pennisetum ciliare*), have dispersed rapidly across native ecosystems (including many Protected Areas), and have substantially replaced native vegetation cover (genetic resources *per se*) and modified natural fire regimes. Introductions of exotic species for reforestation, soil conservation and windbreaks, such as Giant Cane (*Arundo donax*), Casuarina (*Casuarina equisetifolia*), and Salt Cedar Pine (*Tamarix sp*), have impoverished the diversity of native habitats and reduced the availability of water resources throughout Mexico. Mexico also faces the continuing threat of new introductions, such as the Cactus Mealy Bug (*Hypogeococcus festerianus*), which poses a major threat to several cactus and epiphyte species (important genetic resources in Mexico, many of which with associated TK). Certain productive sectors have been identified as critical pathways for the introduction of IAS into Mexico. For example, aquaculture has grown rapidly throughout the country and now exceeds the production capacity of both agriculture and livestock; the aquarium trade has expanded since 1993 into an industry with 250 farms in 20 states. In the wildlife sector, the importing of exotic invasive species as pets frequently results in releases of these animals into natural ecosystems, where they compete with and prey on native species, alter food chains and change habitats. In the forestry sector, accidental imports of IAS in forestry products threaten native species and result in damage to forest ecosystems. Through both intentional introductions and accidental escapes, these sectors are responsible for the widespread transmission of parasites and diseases; hybridization; predation; competition for food and ecological niches; and habitat alteration in aquatic ecosystems, resulting in the localized extirpation of native species (native genetic resources) at over 100 sites in Mexico. The goals of the IAS Project are related to the goals of the ABS project, as far as maintaining the native species and the genetic resources that could be accessed and conserved through proper ABS mechanisms.

135. The Endangered Species project (c, above) will improve the management effectiveness of existing PAs for the conservation of priority endangered species, through the development of adaptive management frameworks, operational capacities and mechanisms for the participation of local communities, increase their coverage through the incorporation of new PAs and biological corridors, and increase their financial sustainability through the establishment of an Endowment Fund. The experiences gained from working with local communities and the creation of a Fund, could contribute in a positive manner to the ABS Project by providing a firm base to support ABS activities.

136. At the global level, the GEF-UNDP project *ABS Global Capacity Program Nagoya Protocol - Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol* is of great relevance and will be carefully taken into account in the further development of this project and in the delivery of national capacities actions such as training, development of case studies, exchange of information and experiences, and assistance for the establishment and implementation of regulatory frameworks. Coordination mechanisms will include yearly programming and lesson exchanges events and establishing joint advisory committees.

137. Also at the regional level, the GEF-UNEP project *Strengthening the Implementation of Access to Genetic Resources and Benefit Sharing Schemes in LAC* concluded during the PPG, however, valuable lessons were learnt in each of the participant countries (Colombia, Costa Rica, Cuba, Ecuador, Guyana, Panama, Peru and Dominican Republic) which could contribute to strengthening the national capacities for the development of regulatory frameworks as tools for Prior Informed Consent and the fair and

equitable sharing of benefits. In particular, the different model contracts are available through the GEF regional project on ABS Capacity Building, and serve as examples for the completion of the Mexican model.

138. Finally, UNDP will coordinate with INIFAP to ensure a fluid exchange of information and lessons learned with Japan's Project, *Diversity Assessment and Development of Sustainable Use of Mexican Genetic Resources*. The third component of Japan's Project is particularly relevant to the development of a case of ABS. As such, it could be considered among the options for the pilots of Outcome 3.

2. 6. Sustainability

139. Environmental Sustainability: The project will support long-term viability of globally significant biodiversity in Mexico by ensuring a national legal and institutional framework for GR and ABS. The development of the National Strategy and a regulatory framework consistent with the NP will complement the current actions of the Government to promote sustainable development based on the sustainable use of the country's natural capital as well as the transition to the development of bio-economic projects as prioritized by the current administration. This approach is new for Mexico. Traditionally the environment sector and the economic/productive sectors work separately and often with opposite visions. The vision developed by the government related to bioeconomy would be supported through the development of an appropriate ABS framework and a solid National Strategy and could serve to bridge the gap between sectors that have traditionally operated in a very polarized way.

140. Institutional sustainability: The Project will address the need to improve the enabling environment for effective implementation of the NP and ABS framework. Through Outcomes 1 and 2, the Project will support capacity building activities and other initiatives aimed at creating the appropriate institutional environment and human capacities for effectively implementing the NP. Proper integration of feedback and input from participants will be crucial to the effective institutionalization of an ABS Capacity-Building Programme. In addition, the Federal Government (FG) will have access through the partnership between the GEF project and the GIZ initiative to solid elements and tools to justify the development of adequate institutional mechanisms to address, follow up and properly implement the NP, as well as the necessary regulations developed based on the products resulting from this project.

141. Financial Sustainability: The project will achieve long-term financial sustainability through the design and implementation of legal and policy changes so that institutions with ABS-related responsibilities (SEMARNAT and SAGARPA, among others) are better able to generate, manage, and allocate financial resources. Through this initiative, the project will promote an alternative taxation mechanism for the new permits for the access to GR and identify the necessary mechanisms so that the resources generated will be redirected to the competent national and federal authorities. The project, in close coordination with GIZ will also take advantage of the work involved with the development of a national legal framework to look at ways to support the creation of a national Genetic Resources/ABS fund, or similar mechanism, especially to support cases where the identification of beneficiaries is difficult. The resources coming from this fund could be used to support the conservation of high diversity federal areas (not protected areas) or to promote capacity building among diverse communities.

142. The project will promote the inclusion of budget lines and necessary policy provisions in the key institutions to support funding and facilitate GR regulations after the project ends. This will build upon awareness-raising including a detailed national cost benefit analysis on the contributions to the Mexican economy generated by the improvement of the national capacities to implement the NP and to regulate access to GR and its use. This will also build upon and complement the mechanisms for financial sustainability both developed through previous GEF-funded projects in Mexico implemented by the World Bank as well as by current UNDP implemented projects (on protected area resilience, IAS and endangered species).

143. Social sustainability: Efforts to ensure sustainable support from diverse stakeholders are a key component of the Project. It was developed in a highly participatory fashion, including staff from key public institutions, the private sector, NGOs and other stakeholders from the civil society. Participation and social acceptance would be enhanced through the execution of a comprehensive Stakeholder Involvement Plan (Section IV, Part IV), which identifies stakeholder interests and possible conflicts and responsive mitigation measures to assure strong and effective stakeholder participation. Other elements of project design to address social sustainability include awareness-raising to increase societal appreciation of the benefits of Biodiversity and the value it provides not only as Genetic Resources but also in terms of ecosystem services.

144. The project will also ensure to include specific attention to gender related issues. In particular, the project will make sure that negotiation between different stakeholders, capacity building programs and the design of community tools and outreach program will include analysis of gender dimensions in order to maximize the potential positive impacts of this project on the economic and social status of women and youth.

145. Community/Biocultural protocols for the implementation of the NP in indigenous communities constitute a unique tool for innovation that favors community involvement in decision making and promotes legal access and fair and equitable sharing of benefits. For a multicultural country like Mexico (69 different indigenous cultures) it is a big challenge to develop protocols which consider all the different cosmovisions and community practices related to GR and TK. Once these protocols are ready they could be shared by Mexico with other megadiverse and multicultural countries, mainly through south-south cooperation mechanisms in order to preserve the GR and TK globally.

2. 7. Innovation and Replicability

146. The project is innovative in its support to establish a first-ever comprehensive legal and institutional framework for ABS in Mexico. Through Outcome 1, the project will recommend a course of action to define and strengthen the National Legal Framework for ABS, including a Bill that aligns the national ABS framework with the Nagoya Protocol. This will be complemented by the design and implementation of a National Strategy for conservation and sustainable use of GR, including associated TK, which will be the reference framework that should encompass the actions of the Mexican State in the medium and long term.

147. The project will support the development of an innovative National Strategy that will complement the current actions of the Government to promote sustainable development based on the sustainable use of the country's natural capital as well as the transition to the development of bio-economic projects as prioritized by the current administration. This approach is new for Mexico. Traditionally the environment sector and the economic/productive sectors work separately and often with opposite visions. Most notable are the extraction programs associated with Forestry and Mining, as well as Agriculture and Fisheries, which are oftentimes incompatible with the traditional "hands-off" conservation approach of Protected Areas and other Biodiversity conservation efforts. The development of a new and innovative vision by the government related to bioeconomy would be supported through the development of an appropriate ABS framework and a solid National Strategy that could serve to bridge the gap between sectors that have traditionally operated in a very polarized way.

148. To facilitate the practicalities of implementing the NP in Mexico, the project will support the establishment of an Inter-institutional Genetic Resources Information Exchange Center (GRIEC). Furthermore, the project will involve civil society in an effective way to promote the conservation and sustainable use of GR biodiversity, taking into account access to and sharing of traditional benefits. The project will achieve this through the design and instrumentation of innovative TK protection mechanisms, community/biocultural protocols and awareness programs. These will include training and dissemination

material on the importance of conservation and sustainable use of GR and associated traditional knowledge vis-à-vis the objectives of the NP.

149. Many of the project outputs, such as regulations including NP compliant PIC and community protocols, model contracts, codes of conduct, and certificates of compliance/origin on ABS developed with stakeholder participation in compliance with the Nagoya Protocol, will provide tools for replication activities. The project will develop a replication plan to incorporate concrete mechanisms for replication. The plan will include a clear strategy, methodology, and target for replication. The project will systematically document experiences from different components and codify lessons to disseminate widely. The project is sustainable as it focuses on establishing the systemic and institutional capacity of the government, which also makes the successful replication highly likely. In addition to the legal framework, the government's institutional arrangements and the necessary components of financial (benefit-distribution) mechanisms for ABS will be examined in the project to create a firm foundation for sustaining the capacity built by the project.

150. The ABS legal mechanisms developed through Outcome 1 will provide replicable models for other levels of government within Mexico as well as serve as examples for other countries in the LAC region and the rest of the world.

151. The Project will support the institutionalization of capacity programs and tools (best-practices manuals) from Outcome 2 so as to facilitate replication. This will include the development of a course for SEMARNAT officials as well as those from other agencies and other levels of government.

152. Finally, the development of community protocols in Outcome 3 will generate lessons learned that facilitate replication in other Biocultural Regions throughout the country.

2.8. Financial Modality and Cost-Effectiveness

153. In line with the GEF Council's guidance on assessing cost-effectiveness of projects (Cost Effectiveness Analysis in GEF Projects, GEF/C.25/11, April 29, 2005), the project development team has taken a qualitative approach to identifying the alternative of best value and feasibility for achieving the project objective.

154. The development of a National Strategy (Outcome 1) and the accompanying capacity-building interventions (Outcome 2) are cost-effective measures to ensure an integral ABS framework is in place rather than working on a number of individual local or state-level policies. Given the complexity of ABS, it is more cost-effective for the federal government to determine overarching public policy and its accompanying capacity development; this ensures that the efforts of implementing NP are not lost in determining jurisdiction and innumerable local regulations that would only be applicable at a smaller legal scale. The project (Outcome 3) will also pursue pilot opportunities in targeted Biocultural Regions through collaboration with the GIZ project so as to develop Community Protocols in a cost-effective manner – small-scale initiatives offer large-scale returns and lessons for replication at national scale. The investment of the GIZ project ensures extensive on-the-ground interventions that will provide important lessons to guide these Community Protocols, as well as balance this project's establishment of a functional legal and institutional framework at the national level. Furthermore, by generating social awareness in indigenous/local communities and other stakeholders on the conservation and sustainable use of biodiversity, genetic resources and traditional knowledge associated with these, this component would help reduce the asymmetry between provider and user (social conditions) in the negotiation of mutually-agreed terms for the sharing of benefits derived from access and use of traditional knowledge associated with GR.

155. Cost effectiveness will be monitored as an integral part of the monitoring and evaluation process. The project budget provides for independent financial auditing on a yearly basis.

156. Finally, cost effectiveness is ensured through a prescribed project management process that will seek the best-value-for-money. UNDP rules as well as SEMARNAT rules employ a transparent process of bidding for goods and for services based on open and fair competition and selection of best value and best price alternatives. Procurement will be managed by UNDP in coordination with SEMARNAT to ensure the application of all effective regulations. An independent committee is utilized for all procurement of personnel and selection of contractors.

PART III: Management Arrangements

157. The project will be executed under National Implementation Modality (NIM), with Execution by the Ministry of Environment and Natural Resources (SEMARNAT) following the standards and regulations of the United Nations Development Programme (UNDP), per its role as Implementing Agency.

158. The Implementing Partner 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. A single Implementing Partner is designated to lead each project. This Partner may establish agreements with other organizations or entities in order to support the achievement of the outputs envisaged in the project, this/these other/s instance/s is/are called: Responsible Party(ies). The Responsible Party is designated by the Implementing Partner to support the implementation, planning and / or monitoring of certain activities / components within the project's framework, using their technical skills and management services to support the achievement of project objectives. Project partners will assume responsibility for the different outcomes and outputs expected from the project, carrying out activities related to their actual capabilities in the field, ensuring effectiveness and efficiency of GEF funding. An Implementation Agreement will be signed between the Implementing Partner and the Responsible Party during the project inception phase.

159. The *Ministry of Environment and Natural Resources (SEMARNAT)* is the Executing Agency (Implementing Partner), responsible for the fulfillment of the project's results. Its main responsibilities related to the project are to:

1. Lead the project implementation with the support of the Project Coordination Unit (PCU);
2. Participate together with UNDP, in selecting the Project Coordinator;
3. 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;
4. Monitor the project's work plan and progress;
5. Coordinating 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).
6. Approve ToR for technical personnel and consultancies for project implementation;
7. Provide the name and describe the functions of the person or persons authorized to deal with UNDP concerning the project's matters;
8. Participate in the selection process of the consultants and approve all hiring and payment request;
9. Prove the technical capacity to develop the project;

10. 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.

160. 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. Its main responsibilities related to the project, in its role as *Implementing Agency*, are to:

1. Designate a programme officer responsible for providing substantive and operational advice and to follow up and support the project's development activities;
2. Advise the project on management decision making, as well as to guarantee quality assurance;
3. Be part of the project's Steering Committee and other Committees or Groups considered part of the project structure;
4. Administer the financial resources agreed in the budget / workplan and approved by the project's Steering Committee; monitor financial expenditures against project budgets / workplans; and oversee the provision of financial audits of the project;
5. Oversee the recruitment and hiring of project staff, the selection and hiring of project contractors and consultants; and the appointment of independent financial auditors and evaluators;
6. Co-organize and participate in the events carried out in the framework of the Project;
7. 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 analyzing the project;
8. Provide Support in the development and instrumentation of the project's gender strategy.
9. Ensure that all project activities, including procurement and financial services, are carried out in strict compliance with the procedures of the UNDP / GEF.

161. The *Ministry of Foreign Affairs (SRE)*. The Government of the United Mexican States has designated the Technical and Scientific Cooperation Directorate of the SRE as the official counterpart of UNDP in Mexico. Its main responsibilities related to the project are:

1. As the entity responsible for technical cooperation in Mexico, to act as the Mexican government's official counterpart to UNDP; specifically, and in accordance with the National Development Plan, to formalize approval of the project cooperation documents presented to UNDP by federal, state and private entities;
2. If necessary, to make a written request to UNDP for reports on the project;
3. To approve the annual audit plan for the project and, in accordance with UNDP standards and procedures, to convene an information and consultation meeting prior to the audit;
4. If considered necessary, to attend at least one meeting a year of the project's Project Steering Committee;
5. As required, to participate in tripartite meeting or in any follow-up or reorientation sessions.

162. Project implementation will be carried out under the general guidance of a *Project Steering Committee* (PSC), which will be responsible for making management decisions for the project by consensus, especially the operational plans, annual reports and budgets of the project. The PSC will be co-chaired by SEMARNAT and UNDP and will 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 will be 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.

163. The PSC will be 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 will also approve and supervise the hiring and work of staff under the Project Coordination Unit, detailed below. 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.

164. The responsibilities of the PSC shall include, but not be limited to:

1. Review, approve and amend this project document, including the Monitoring and Evaluation (M&E) framework, the budget, and the implementation plan;
2. Monitor compliance with the Project's objectives;
3. Discuss progress and identify solutions to problems facing any of the project's partners;
4. Review and approve the AWP and the consolidated financial and progress reports;
5. 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;
6. Review evaluation findings related to impact, effectiveness and the sustainability of the project;
7. Monitor both the budget and the prompt delivery of financial, human and technical inputs to comply with the work plan;
8. Ensure the participation and ownership of stakeholders in achieving the objectives of the project;
9. Ensure communication of the project and its objectives to stakeholders and the public;
10. Approve the project communication strategy and public information plans prepared by the PSC;
11. Facilitate linkages with high-level decision making;
12. Convene ordinary meetings to consider the Technical Committee's proposals and recommendations, as well as the progress made by the project; and
13. Convene, if necessary, extraordinary meetings.

165. The National Project Director (NPD), a senior staff member of SEMARNAT, will be responsible for oversight of the Project and carries overall responsibility and accountability. The NPD will keep the PSC updated on project advances and challenges as needed, and will report to the PSC on progress made and issues to be resolved. The NPD will establish and provide overall guidance to the PCU, and is responsible for overseeing the work undertaken by the PCU team. The NPD will submit relevant documentation to the PSC for endorsement.

166. Day-to-day management and coordination of the project will be under the supervision of the Project Coordination Unit (PCU), located in the facilities of the SEMARNAT. The PCU will be responsible for the general management actions of the project, such as the preparation of consolidated annual work plans and technical and financial reports to be presented to the PSC, with the aim of ensuring

that advances in relation to the goals and key milestones of the project are achieved as planned. The PCU will report to the NPD (Project Director). The PCU of this project will be comprised of a Project Coordinator, and a Monitoring and Evaluation Specialist.

167. The *Project Coordinator* will be contracted through UNDP and will be responsible, under the supervision of the NPD, for the overall integration and follow-up of studies, research and project technical activities. He/she will assist in the supervision of project implementation, liaising directly with the NPD, and will undertake quarterly operational planning and provide guidance on day-to-day implementation. The PCU will ensure institutional coordination among the many project partner institutions and organizations.

168. Administrative and professional personnel collaborating as advisors will interact on an ongoing basis with the NPC and the PCU technical and professional teams, according to needs arising during project implementation. An important and common part of the staff ToRs will be to identify measures on how to sustain the capacity development activities and results beyond the Project duration. The initial part of these measures will be integrated into the project work plans. Notably, the intent is that the planned Specialist positions will become fixed Government-funded positions after the end of project.

169. A 3-month *Inception Phase* will be used to carefully plan the whole project implementation process, culminating in the Inception Workshop. In addition, the necessary communication structures will be established between the main project components and partners to ensure optimal coordination and that key stakeholders are in full agreement with project objectives and hence committed towards the outcomes to be achieved.

Financial and other procedures

170. The financial arrangements and procedures for the project are governed by the UNDP rules and regulations for National Implementation (NIM). Financial transactions will be based on direct requests to UNDP from the Executing Agency (SEMARNAT) for specific activities (included in work plans and financial reports). All procurement and financial transactions will be governed by national rules and regulations, and must be compatible with the UNDP rules and regulations.

171. Dollarization clause: "The value of any contribution received by the United Nations Development Programme as part of this Agreement, and which is made in a currency other than the U.S. Dollar, is determined by applying the operational rate of the United Nations prevailing on the date that such payment is made effective. If there is a change in the operational rate of the United Nations before UNDP uses the entire amount paid, the balance will be adjusted according to the value of the currency at that date."

172. If a loss is registered in the value of the fund balance, UNDP shall inform the Donor with a view to determining whether the donor has to provide more funding. Without having any such additional funding, UNDP may reduce, suspend or terminate assistance to the program / project. In the case where there is an increase in the value of this balance, this increase will go to the project to implement its activities, in agreement with the donor.

173. All accounts and all financial statements are expressed in U.S. dollars. The exchange rate used in each case shall be the monthly exchange rate set by the UN in Mexico. Notwithstanding the foregoing, payments to suppliers are made in local currency. In cases where the total contributions exceed the total reference amount, a budgetary review of the project will be carried out as per UNDP requirements.

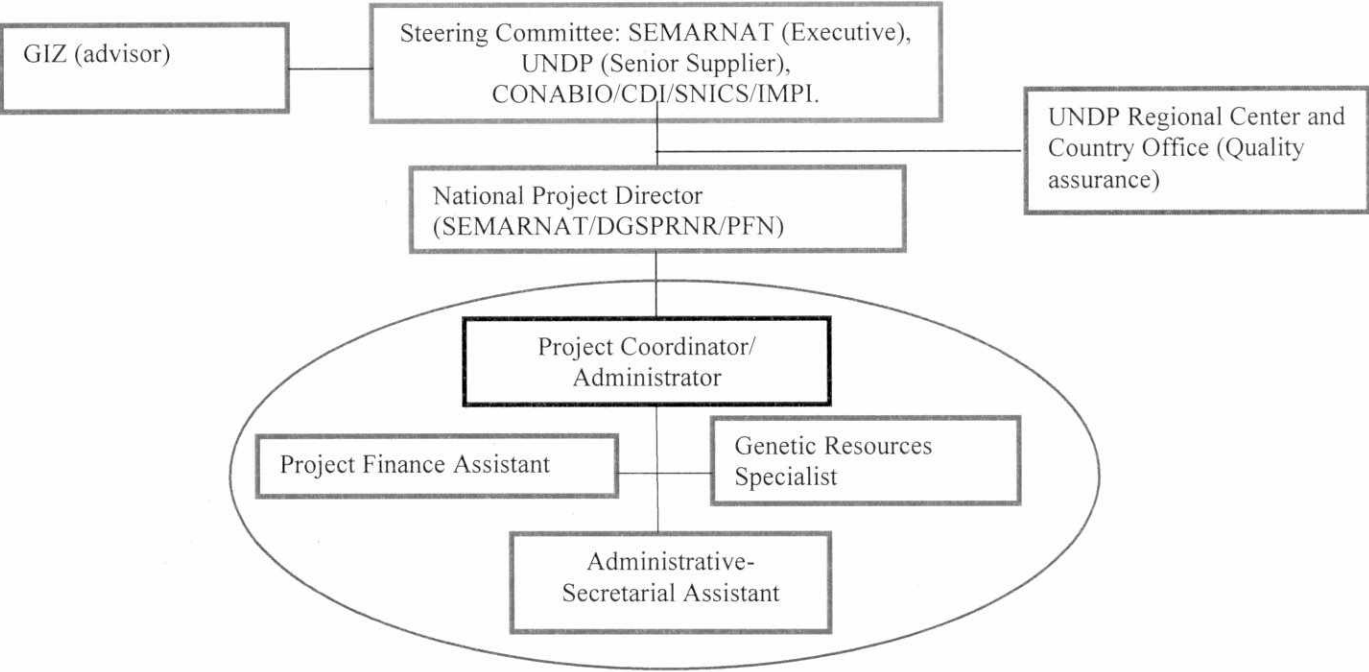
Direct Project Services

174. In its role as GEF Implementing Agency (IA) for this project, UNDP shall provide project cycle management services as defined by the GEF Council (described in Section IV Part VIII). The Government of Mexico shall request UNDP to provide direct project services specific to project inputs according to its policies and convenience. These services –and the costs of such services - are specified in

the Letter of Agreement in Section IV Part VIII. In accordance with GEF Council requirements, the costs of these services will be part of the executing entity’s Project Management Cost allocation identified in the project budget. UNDP and the Government of Mexico acknowledge and agree that these services are not mandatory and will only be provided in full accordance with UNDP policies on recovery of direct costs.

175. In order to accord proper acknowledgement to GEF for providing funding, a GEF logo should appear on all relevant GEF project publications, including among others, project hardware and vehicles purchased with GEF funds. Any citation on publications regarding projects funded by GEF should also accord proper acknowledgment to GEF.

Organizational Structure of the Project



PART IV: Monitoring and Evaluation Plan and Budget

176. Project monitoring and evaluation will be conducted in accordance with established UNDP and GEF procedures by the project team and the UNDP Country Office (UNDP-CO) with support from UNDP/GEF Regional Coordination Unit in Panama. The Strategic Results Framework Matrix (in Section II) provides impact and outcome indicators for project implementation along with their corresponding means of verification. The ABS Capacity Development Scorecard is going to be used as one of the main instruments to monitor progress. The M&E plan includes: inception report, project implementation reviews, quarterly operational reports, a mid-term and final evaluation, etc. The following sections outline the principal components of the Monitoring and Evaluation Plan and indicative cost estimates related to M&E activities (Table 9 below). The project's Monitoring and Evaluation Plan will be presented and finalized at the Project's Inception Meeting following a collective fine-tuning of indicators, means of verification, and the full definition of project staff M&E responsibilities.

Project Inception Phase

177. A **Project Inception Workshop** will be conducted with the full project team, relevant government counterparts, co-financing partners, the UNDP-CO and representation from the UNDP-GEF Regional Coordinating Unit, as well as UNDP-GEF (HQs) as appropriate. A fundamental objective of this Inception Workshop will be to assist the project team to understand and take ownership of the project's goals and objectives, as well as finalize preparation of the project's first annual work plan on the basis of the project's logframe matrix. This will include reviewing the logframe (indicators, means of verification, assumptions), imparting additional detail as needed, and on the basis of this exercise finalize the Annual Work Plan (AWP) with precise and measurable performance indicators, and in a manner consistent with the expected outcomes for the project. Additionally, the purpose and objective of the Inception Workshop (IW) will be to: (i) introduce project staff with the UNDP-GEF *expanded team* which will support the project during its implementation, namely the CO and responsible Regional Coordinating Unit staff; (ii) detail the roles, support services and complementary responsibilities of UNDP-CO and RCU staff vis à vis the project team; (iii) provide a detailed overview of UNDP-GEF reporting and monitoring and evaluation (M&E) requirements, with particular emphasis on the Annual Project Implementation Reviews (PIRs) and related documentation, as well as mid-term and final evaluations. Equally, the IW will provide an opportunity to inform the project team on UNDP project related budgetary planning, budget reviews, and mandatory budget rephasings. The IW will also provide an opportunity for all parties to understand their roles, functions, and responsibilities within the project's decision-making structures, including reporting and communication lines, and conflict resolution mechanisms. The Terms of Reference for project staff and decision-making structures will be discussed again, as needed in order to clarify for all, each party's responsibilities during the project's implementation phase.

Monitoring responsibilities and events

178. A detailed schedule of project reviews meetings will be developed by the project management, in consultation with project implementation partners and stakeholder representatives and incorporated in the Project Inception Report. Such a schedule will include: (i) tentative time frames for Steering Committee Meetings, or other relevant advisory and/or coordination mechanisms and (ii) project related Monitoring and Evaluation activities.

179. **Day to day monitoring** of implementation progress will be the responsibility of the Project Coordinator based on the project's Annual Work Plan and its indicators. The Project Team will inform the UNDP-CO of any delays or difficulties faced during implementation so that the appropriate support or

corrective measures can be adopted in a timely and remedial fashion. The Project Coordinator will fine-tune the progress and performance/impact indicators of the project in consultation with the full project team at the Inception Workshop with support from UNDP-CO and assisted by the UNDP-GEF Regional Coordinating Unit. Specific targets for the first year implementation progress indicators together with their means of verification will be developed at this Workshop. These will be used to assess whether implementation is proceeding at the intended pace and in the right direction and will form part of the Annual Work Plan. The local implementing agencies will also take part in the Inception Workshop in which a common vision of overall project goals will be established. Targets and indicators for subsequent years would be defined annually as part of the internal evaluation and planning processes undertaken by the project team.

180. **Periodic monitoring** of implementation progress will be undertaken by the UNDP-CO through quarterly meetings with the project local implementation group, or more frequently as deemed necessary. This will allow parties to take stock and to troubleshoot any problems pertaining to the project in a timely fashion to ensure smooth implementation of project activities. UNDP Country Offices and UNDP-GEF RCUs as appropriate, will conduct yearly visits to projects that have field sites, or more often based on an agreed upon schedule to be detailed in the project's Inception Report/Annual Work Plan to assess first hand project progress. Any other member of the Steering Committee can also accompany, as decided by the PSC. A Field Visit Report will be prepared by the CO and circulated no less than one month after the visit to the project team, all PSC members, and UNDP-GEF.

181. **Annual Monitoring** will be ensured by means of the project Steering Committee (PSC) meetings being the highest policy-level meeting of the parties directly involved in the implementation of a project. PSC meetings will be held at least once every year. The first such meeting will be held within the first twelve months of the start of full implementation. The project implementation team will prepare a harmonized Annual Project Report and Project Implementation Review (APR/PIR) and submit it to UNDP-CO and the UNDP-GEF regional office at least two weeks prior to the PSC for review and comments. The APR/PIR will be used as one of the basic documents for discussions in the PSC meeting. The project proponent will present the APR to the SC, highlighting policy issues and recommendations for the decision of the PSC members. The project proponent also informs the participants of any agreement reached by stakeholders during the APR/PIR preparation on how to resolve operational issues. Separate reviews of each project component may also be conducted if necessary.

Project Monitoring Reporting

182. The Project Coordinator in conjunction with the UNDP-GEF extended team will be responsible for the preparation and submission of the following reports that form part of the monitoring process.

183. A **Project Inception Report** will be prepared immediately following the Inception Workshop. It will include a detailed First Year Work Plan divided in quarterly time-frames detailing the activities and progress indicators that will guide implementation during the first year of the project. This Work Plan would include the dates of specific field visits, support missions from the UNDP-CO or the Regional Coordinating Unit (RCU) or consultants, as well as time-frames for meetings of the project's decision making structures. The Report will also include the detailed project budget for the first full year of implementation, prepared on the basis of the Annual Work Plan, and including any monitoring and evaluation requirements to effectively measure project performance during the targeted 12 months' time-frame. The Inception Report will include a more detailed narrative on the institutional roles, responsibilities, coordinating actions and feedback mechanisms of project related partners. In addition, a section will be included on progress to date on project establishment and start-up activities and an update of any changed external conditions that may affect project implementation. When finalized the report will be circulated to project counterparts who will be given a period of one calendar month in which to respond with

comments or queries. Prior to this circulation of the IR, the UNDP Country Office and UNDP-GEF's Regional Coordinating Unit will review the document.

184. **The APR/PIR** is an annual monitoring process mandated by the GEF. It has become an essential management and monitoring tool for Project Coordinators and offers the main vehicle for extracting lessons from ongoing projects. It also forms a part of UNDP's Country Office central oversight, monitoring and project management, as well as represents a key issue for the discussion at the Steering Committee meetings. Once the project has been under implementation for a year, the CO must complete an APR/PIR together with the project implementation team. The APR/PIR can be prepared any time during the year (July-June) and ideally prior to the SCM. The APR/PIR should then be discussed at the SCM so that the result would be an APR/PIR that has been agreed upon by the project, the executing agency, UNDP CO and the key stakeholders. The individual APR/PIRs are collected, reviewed and analysed by the RTAs prior to sending them to the focal area clusters at the UNDP/GEF headquarters.

185. **Quarterly Progress reports:** Short reports outlining main updates in project progress will be provided quarterly to the local UNDP Country Office and the UNDP-GEF regional office by the project team. See format attached.

186. **UNDP ATLAS Monitoring Reports:** A Combined Delivery Report (CDR) summarizing all project expenditures, is mandatory and should be issued quarterly. The Project Coordinator should send it to the Project Board for review and the Implementing Partner should certify it. The following logs should be prepared: (i) The Issues Log is used to capture and track the status of all project issues throughout the implementation of the project. It will be the responsibility of the Project Coordinator to track, capture and assign issues, and to ensure that all project issues are appropriately addressed; (ii) the Risk Log is maintained throughout the project to capture potential risks to the project and associated measures to manage risks. It will be the responsibility of the Project Coordinator to maintain and update the Risk Log, using Atlas; and (iii) the Lessons Learned Log is maintained throughout the project to capture insights and lessons based on good and bad experiences and behaviors. It is the responsibility of the Project Coordinator to maintain and update the Lessons Learned Log.

187. As and when called for by UNDP, UNDP-GEF or the Implementing Partner, the project team will prepare **Specific Thematic Reports**, focusing on specific issues or areas of activity. The request for a Thematic Report will be provided to the project team in written form by UNDP and will clearly state the issue or activities that need to be reported on. These reports can be used as a form of lessons learnt exercise, specific oversight in key areas, or as troubleshooting exercises to evaluate and overcome obstacles and difficulties encountered. UNDP is requested to minimize its requests for Thematic Reports, and when such are necessary will allow reasonable timeframes for their preparation by the project team.

188. Technical Reports are detailed documents covering specific areas of analysis or scientific specializations within the overall project. As part of the Inception Report, the project team will prepare a draft Reports List, detailing the technical reports that are expected to be prepared on key areas of activity during the course of the Project, and tentative due dates. Where necessary this Reports List will be revised and updated, and included in subsequent APRs. Technical Reports may also be prepared by external consultants and should be comprehensive, specialized analyses of clearly defined areas of research within the framework of the project and its sites. These technical reports will represent, as appropriate, the project's substantive contribution to specific areas, and will be used in efforts to disseminate relevant information and best practices at local, national and international levels.

189. Project Publications will form a key method of crystallizing and disseminating the results and achievements of the Project. These publications may be scientific or informational texts on the activities and achievements of the Project, in the form of journal articles, multimedia publications, etc. These

publications can be based on Technical Reports, depending upon the relevance, scientific worth, etc. of these Reports, or may be summaries or compilations of a series of Technical Reports and other research. The project team will determine if any of the Technical Reports merit formal publication, and will also (in consultation with UNDP, the government and other relevant stakeholder groups) plan and produce these Publications in a consistent and recognizable format. Project resources will need to be defined and allocated for these activities as appropriate and in a manner commensurate with the project's budget.

190. During the last three months of the project the project team will prepare the ***Project Terminal Report***. This comprehensive report will summarize all activities, achievements and outputs of the Project, lessons learnt, objectives met, or not achieved, structures and systems implemented, etc. and will be the definitive statement of the Project's activities during its lifetime. It will also lay out recommendations for any further steps that may need to be taken to ensure sustainability and replicability of the Project's activities.

Independent Evaluation

191. The project will be subjected to at least two independent external evaluations as follows: An independent ***Mid-Term Evaluation*** will be undertaken at the mid of the third year of implementation. The Mid-Term Evaluation will determine progress being made towards the achievement of outcomes and will identify course correction if needed. It will focus on the effectiveness, efficiency and timeliness of project implementation; will highlight issues requiring decisions and actions; and will present initial lessons learned about project design, implementation and management. Findings of this review will be incorporated as recommendations for enhanced implementation during the final half of the project's term. The organization, terms of reference and timing of the mid-term evaluation will be decided after consultation between the parties to the project document. The Terms of Reference for this Mid-term evaluation will be prepared by the UNDP CO based on guidance from the Regional Coordinating Unit and UNDP-GEF.

192. An independent ***Final Evaluation*** will take place three months prior to the terminal Steering Committee meeting, and will focus on the same issues as the mid-term evaluation. The final evaluation will also look at impact and sustainability of results, including the contribution to capacity development and the achievement of global environmental goals. The Final Evaluation should also provide recommendations for follow-up activities. The Terms of Reference for this evaluation will be prepared by the UNDP CO based on guidance from the Regional Coordinating Unit and UNDP-GEF.

Learning and Knowledge Sharing

193. Results from the project will be disseminated within and beyond the project intervention zone through a number of existing information sharing networks and forums. In addition, the project will participate, as relevant and appropriate, in UNDP-GEF sponsored networks, organized for senior project personnel working on projects that share common characteristics. The project will identify and participate as appropriate, in scientific, policy-based networks that may benefit from the project's lessons learned and/or be of benefit to the project.

194. The project will identify, analyze, and share lessons learned that might be beneficial in the design and implementation of similar future projects. Identifying and analyzing lessons learned is an on-going process. The need to communicate such lessons is one of the project's central contributions and this will be done at least on an annual basis by producing Biodiversity Experience Notes (BEN). UNDP/GEF shall provide a format and assist the project team in categorizing, documenting and reporting on lessons learned. To this end a sufficient amount of project resources will need to be allocated for these activities.

Table 9. Project Monitoring and Evaluation Plan and Budget

Type of M&E activity	Responsible Parties	Budget US\$ <i>Excluding project team staff time</i>	Time frame
Inception Workshop and Report	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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 <i>output and implementation</i>	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> PCU UNDP CO UNDP GEF SEMARNAT 	0	Annually
Periodic status/ progress reports	<ul style="list-style-type: none"> PCU UNDP CO SEMARNAT 	0	Quarterly
Project Steering Committee Meetings	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> PCU UNDP CO SEMARNAT local consultant 	Indicative cost: 5,250	At least three months before the end of the project
Audit	<ul style="list-style-type: none"> UNDP CO PCU 	Indicative cost: 18,750	Annually
Visits to field sites	<ul style="list-style-type: none"> UNDP CO 	For GEF supported projects, paid from IA	Annually

Type of M&E activity	Responsible Parties	Budget US\$ <i>Excluding project team staff time</i>	Time frame
	<ul style="list-style-type: none"> ▪ UNDP GEF (as appropriate) ▪ Government representatives 	fees and operational budget	
TOTAL indicative COST Excluding project team staff time and UNDP staff and travel expenses		US\$ 120,000 (+/- 5% of total budget)	

Audit Clause

195. The project will be audited in accordance with the UNDP Financial Regulations and Rules and applicable audit policies. An audit to the Project is an integral part of UNDP financial and administrative management within the framework of UNDP's accountability, internally and with regards to the GEF. The project will be audited to ensure that resources are administered in accordance with the financial regulations of the project document, workplan and budget. The project's budget should contemplate the resources needed to carry out the audit. The firm selected by UNDP Mexico and the Government of Mexico, through a bidding process and subjected to a rigorous evaluation within the principles of transparency, neutrality and cost benefit will take over this exercise in accountability.

Communications and visibility requirements

196. Full compliance is required with UNDP's Branding Guidelines. These can be accessed at <http://intra.undp.org/coa/branding.shtml>, and specific guidelines on UNDP logo use can be accessed at: <http://intra.undp.org/branding/useOfLogo.html>. Amongst other things, these guidelines describe when and how the UNDP logo needs to be used, as well as how the logos of donors to UNDP projects need to be used. For the avoidance of any doubt, when logo use is required, the UNDP logo needs to be used alongside the GEF logo. The GEF logo can be accessed at: http://www.thegef.org/gef/GEF_logo. The UNDP logo can be accessed at <http://intra.undp.org/coa/branding.shtml>.

197. Full compliance is also required with the GEF's Communication and Visibility Guidelines (the "GEF Guidelines"). The GEF Guidelines can be accessed at: http://www.thegef.org/gef/sites/thegef.org/files/documents/C.40.08_Branding_the_GEF%20final_0.pdf. Amongst other things, the GEF Guidelines describe when and how the GEF logo needs to be used in project publications, vehicles, supplies and other project equipment. The GEF Guidelines also describe other GEF promotional requirements regarding press releases, press conferences, press visits, visits by Government officials, productions and other promotional items.

198. Where other agencies and project partners have provided support through co-financing, their branding policies and requirements should be similarly applied.

PART V: Legal Context

199. This Project Document shall be the instrument referred to as such in Article I of the Standard Basic Assistance Agreement between the Government of Mexico and the United Nations Development Program, signed by the parties on February 23rd, 1961. The host country implementing agency shall, for the purpose of the Standard Basic Assistance Agreement, refer to the government co-operating agency described in that Agreement.

200. The UNDP Resident Representative in Mexico City is authorized to effect in writing the following types of revision to this Project Document, provided that he/she has verified the agreement thereto by the UNDP-GEF Unit and is assured that the other signatories to the Project Document have no objection to the proposed changes: (i) Revision of, or addition to, any of the annexes to the Project Document; (ii) Revisions which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of the inputs already agreed to or by cost increases due to inflation; (iii) Mandatory annual revisions which re-phase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility, and; (iv) Inclusion of additional annexes and attachments only as set out here in this Project Document.

SECTION II: STRATEGIC RESULTS FRAMEWORK AND GEF INCREMENT	
UNDAF outcome No. 6: The three branches of Government, the private sector, academics and civil society will have enhanced their capacity to check environmental degradation and use natural resources sustainably and equitably by mainstreaming environmental sustainability, low-emission development and green economy into the legislative process, planning and decision making	
Country Programme Outcome Indicators: Percentage of the public budget allocated to and executed under the environmental sustainability policy.	
Primary applicable Key Environment and Sustainable Development Key Result Area: Sustainable development pathways that can eradicate extreme poverty and reduce social and economic inequality and exclusion	
Applicable GEF Strategic Objective and Program: BD-4	
Applicable GEF Expected Outcomes: Outcome 4.1: Legal and regulatory frameworks, and administrative procedures established that enable access to genetic resources and benefit sharing in accordance with the CBD provisions	
Applicable GEF Output Indicators: Output 4.1. Access and benefit-sharing agreement (1) that recognizes the core ABS principles of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) including the fair and equitable sharing of benefits	

Outcome	Indicator	Baseline	Target	Means of Verification	Risks and Assumptions
Project Objective: Enhance in Mexico in a participatory manner, the capacities of national authorities (SRE, SEMARNAT, 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 “ <i>Nagoya Protocol on Access to Genetic resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the Convention on Biological</i>	1. Status of adoption and/or implementation of a National ABS Policy and related regulatory & institutional framework in compliance with the Nagoya Protocol	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> National ABS Policy³¹ approved, and regulatory and institutional frameworks developed and operationalized at a national level 	Official government reports	Coordination mechanisms among relevant stakeholders not generated
	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 ³²	<ul style="list-style-type: none"> 21 out of a possible 69 = 30% Basic to moderate capacity within government agencies 	<ul style="list-style-type: none"> 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. 	ABS Capacity Scorecard at project start, mid-term and end. Annual budgets of relevant institutions	Insufficient funding to continue necessary access to GR regulation after Project end

³¹ It is expected that the National ABS Law and the National ABS Strategy developed by the project will provide the necessary elements for the adoption of a National ABS Policy by project end.

³² See Section IV Part VII for the GEF ABS Capacity Development Tracking Tool baseline scores.

Outcome	Indicator	Baseline	Target	Means of Verification	Risks and Assumptions
<i>diversity</i> " (NP).	3. Status of development and implementation of ABS mechanisms to protect TK associated with GR	<ul style="list-style-type: none"> There are no formally established protection mechanisms for TK 0 TK registered in TK Catalog; 35 partial records 	<ul style="list-style-type: none"> Guidelines for the protection of traditional knowledge associated with GR 61 TK registered in TK Catalog 	<ul style="list-style-type: none"> Guidelines TK Catalog 	Govt agencies and indigenous/local communities unwilling to share information and data

Outcome	Indicator	Baseline	Target	Means of Verification	Risks/ Assumptions
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.	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	Analysis document	Govt agencies unwilling to share information and data
	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	Proposal document	Political will to support Bill
	6. # of Key Lawmakers trained on access to GR and benefit- sharing	0	At least 60 ³³	Training/project reports	Low participation and retention
	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.).	Funding mechanism documents Sectoral agency and organization publications (incentive programs, codes of conduct)	Insufficient funding to continue necessary access to GR regulation after Project end

³³ Calculation based on at least 5 lawmakers per Commission in both Houses. The following committees are proposed: Agriculture; Indigenous Affairs; Science and Technology; Environment and Natural Resources; Gender equity; Foreign Affairs, attention to International Agencies and Fisheries.

	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 for ABS approved by the federal government and published?	NSAP Documents	Conflicts of interest and different priorities of stakeholders
	9. % Advance of National ABS Policy	0% - No Policy; lines of action exist for Natl Devt Plan 2012-18, NBDSAP, SINAREFI, etc.	100% - National Policy for ABS approved by the federal government and published	National ABS Policy Document	Political will to support Policy
1.1. Analysis and Diagnosis of National Legal Framework, including conceptual, technical and operative aspects to determine the scope and interpretation of the standards in effect, determine gaps and inconsistencies, identify areas of interest of Federal Agencies as well as their regulatory needs and objectives to be attained regarding GR. 1.2. Bill proposal aligns the national ABS framework with the Nagoya Protocol. 1.3. Awareness and training of at least 60 key lawmakers on access to GR and benefit- sharing. 1.4 Proposal of a Post-2015 National Strategy for conservation and sustainable use of GR developed and accepted by the stakeholders.					

Outcome	Indicator	Baseline	Target	Means of Verification	Risks/ Assumptions
2. Strengthening of national institutional capacities	10. Capacities of national ABS implementing agencies, as measured by the ABS Capacity Development Scorecard	<p>ABS Capacity Development Scorecard: 21/69</p> <p>3 Strategic Areas to improve³⁴:</p> <p>SA2: 10 - There is limited capacity to implement ABS</p> <p>SA3: 5 - There is political will but limited awareness among stakeholders</p> <p>SA4: 3 Information is not readily available</p>	<p>ABS Capacity Development Scorecard: 44/69</p> <p>3 Strategic Areas improved:</p> <p>SA2: 19 - ABS Units established with capacity to implement policy and programmes</p> <p>SA3: 9 – Stakeholders are aware and engaged in ABS</p> <p>SA4: 5 ABS framework established to systematize and mobilize information</p>	<p>ABS Capacity Scorecard at project start, mid-term and end.</p>	<p>Low participation and retention</p> <p>Insufficient funding to continue necessary access to GR regulation after Project end</p> <p>Coordination mechanisms among relevant stakeholders not generated</p>

³⁴ This takes into account prioritizations made by Mexico in 2011 <https://www.cbd.int/abs/submissions/icnp-2/questionnaire-cb/mexico-es.pdf> and in 2015. SA2 Capacity to implement policies, legislation, strategies and programmes
SA3 Capacity to engage and build consensus among all stakeholders
SA4 Capacity to mobilize information and knowledge

	11. Degree of adoption of knowledge on the part of officials	10%	80% officials demonstrate ownership of ABS knowledge	Ad hoc survey at Mid-term after training and End	Low participation and retention
	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	Ad hoc survey at Mid-term after training and End regarding quality and applicability of training, recommend changes	Low participation and retention, interest in providing/using feedback
	13. Inter-institutional Genetic Resources Information Exchange Center (GRIEC) established with:	0 GR Information Exchange Center	1 GR Information Exchange Center	GRIEC website	Govt agencies unwilling to share information and data
	a. Database on access permits	No Database	Inter-institutional database established via web-based platform	GRIEC website	Coordination mechanisms among relevant stakeholders not generated
	b. ABS checkpoints	No formal checkpoints	ABS checkpoints available on online GR Information Exchange Center	GRIEC website	ABS Unit not established with adequate resources and capacity
	c. National ABS Clearing-House	ABS-CH does not exist	ABS-CH website online with updated information	ABS-CH website	
	14. % compliance with the processing times for Access Permits established under the ABS Instrument ³⁵	0% compliance, no Instrument exists; <u>Processing times of Access Permits:</u> • Research – at least 10 months • Commercial use - at least 10 months	80% compliance of established Instrument: <u>Processing times of Access Permits</u> (once application/documentation is complete): • Research - 25 working days • Commercial use - 180 working days	• Genetic Resources Information Exchange Center published online • Approval reports of Access Permits	

³⁵ The project will support the development and approval of a national legal Instrument for ABS. The type of Instrument (regulation, law, or other) will be determined under Outcome 1. Based on experience with previous Bills, the Instrument is expected to be approved within Year 2 of the project.

<p>2. 1.- At least 100 Officers of the National Focal Point and National Authorities (SEMARNAT, PROFEPA, CONANP, SAGARPA, SE/IMPI, SRE, CDI, CONABIO) trained and possess the capacity to execute the NP.</p> <p>2. 2.- Inter-institutional mechanisms to facilitate monitoring of access to GR, benefit sharing and compliance with the NP. These mechanisms include:</p> <ul style="list-style-type: none"> - A database with information on access permits (that takes into account the national regulation to comply with the NP) to follow up access requests, which shall be fed by each agency. This database will be related to GR Monitoring and Supervision System and associated Traditional Knowledge (TK). - Assessment and selection of ABS checkpoints - Creation of the National Access and Benefit-Sharing Clearing-House in order to comply with Article 14 of the NP. <ul style="list-style-type: none"> o Identification, classification and characterization of genetic resources in Mexico. o Systematization and dissemination of scientific knowledge generated about GR. 	
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Outcome	Indicator	Baseline	Target	Means of Verification	Risks/ Assumptions
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.	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	<ul style="list-style-type: none"> • 100% - Guidelines for the protection of TK associated with GR • Community protocols to facilitate ABS formally adopted by 12 Biocultural Regions³⁶ 	Guideline document	Biopiracy
	16. Availability and accessibility of ABS information	<ul style="list-style-type: none"> • No formal TK catalog; Partial information and records exist for 35 indigenous groups³⁷ 	<ul style="list-style-type: none"> • TK Catalog established with 68³⁸ TK records, and systems institutionalized to store and update information on GR and TK; mechanism put in practice 	Community Protocol documents Consultation report TK Catalog	Indigenous and local communities unwilling to include TK in catalog

³⁶ There are 23 recognized biocultural regions in Mexico integrated by indigenous and local communities according to: Boege, E. 2009. El reto de la conservación de la biodiversidad en los territorios de los pueblos indígenas, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 603-649.

³⁷ Taking as a reference the Medicinal Indigenous Flora of Mexico developed by UNAM: <http://www.medicinatradicionalmexicana.unam.mx/flora/index.php> This database forms part of the Digital Library of Mexican Traditional Medicine <http://www.medicinatradicionalmexicana.unam.mx/index.php>

³⁸ One record per Indigenous Peoples according to Boege E. 2009 OP. Cit. To finalize the catalog of 68 indigenous peoples in Mexico.

				via 7 pilots ³⁹ (GIZ)	Project reports	Conflicts of interest and different priorities of stakeholders
	17. Level of awareness of targeted indigenous and local communities regarding ABS and TK, the TK catalog and community protocols	10% of biocultural regions ⁴⁰ TBD at project start	80% of biocultural regions; Awareness program regarding ABS and TK implemented in 17 biocultural regions ⁴¹		-Surveys conducted at Project Start and End -Awareness program documents -Project reports	Stakeholders identified not participating in Project activities
<p>3.1. Guidelines for the protection of traditional knowledge associated with GR taking into consideration the findings of the “<i>Consultation on mechanisms to protect traditional knowledge, cultural expressions, natural, biological and genetic resources of indigenous peoples</i>”⁴², among others.</p> <p>3.2 Knowledge, attitudes and practices (KAP) assessment surveys targeting indigenous and local communities assess their awareness on ABS issues, including the project’s proposal to protect traditional knowledge</p> <p>3.3 Community protocols drafted in a participatory manner with indigenous and local communities</p> <p>3.4 Traditional knowledge catalog proposal drafted in a participatory manner with indigenous and local communities</p> <p>3.5 Systematization of communication strategy and awareness program on TK Catalog and Community Protocols, including training and dissemination material (brochures, trifold leaflets, manuals, posters, etc.) on the importance of conservation and sustainable use of biodiversity and associated traditional knowledge, exchange of experiences among communities.</p>						

³⁹ Number of municipalities developing community protocols with support from CDI/CONANP

⁴⁰ There are 23 recognized biocultural regions in Mexico integrated by indigenous and local communities according to: Boege, E. 2009. El reto de la conservación de la biodiversidad en los territorios de los pueblos indígenas, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 603-649. OP. Cit. 2 biocultural regions have been attended. and 21 remain.

⁴¹ The prioritization will be confirmed by a specific workshop at project start.

⁴² http://www.cdi.gob.mx/index.php?option=com_docman&task=cat_view&id=85&Itemid=200019

SECTION III: TOTAL BUDGET AND WORKPLAN

Award ID:				00091799		Project ID(s):		00096831		
Award Title:				FSP Fort.Imp. Protocolo de Nagoya						
Business Unit:				MEX10						
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.”						
PIMS no.				5375						
Implementing Partner (Executing Agency)				SEMARNAT						
GEF Outcome/Atlas Activity	Responsible Party/ Implementing Agent	Fund ID	Donor Name	Atlas Budgetary Account Code	ATLAS Budget Description	Amount Year 1 (USD)	Amount Year 2 (USD)	Amount Year 3 (USD)	Total (USD)	See Budget Note:
OUTCOME 1	SEMARNAT	62000	GEF	71300	Local Consultants	38,000	64,600	64,600	167,200	1
				71400	Contract Services Individual	36,791	36,790	36,791	110,372	2
				71600	Travel	53,237	4,413	0	57,650	3
				72800	Information Technology Equipment	9,500	0	0	9,500	4
				74200	Audio Visual&Print Prod Cost	4,713	4,235	22,470	31,418	5
				74500	Miscellaneous Expenses	3,251	3,248	3,247	9,746	6
				75700	Training, Workshops and Confer	50,000	26,500	26,500	103,000	7
					Total Outcome 1	195,492	139,786	153,608	488,886	
OUTCOME 2	SEMARNAT	62000	GEF	71300	Local Consultants	54,625	73,625	0	128,250	8
				71400	Contract Services Individual	34,875	34,874	34,875	104,624	9
				71600	Travel	107,944	30,295	30,295	168,534	10
				72100	Contractual Services Companies	13,971	13,972	13,971	41,914	11
				72800	Information Technology Equipment	57,000	62,368	0	119,368	12
				74200	Audio Visual&Print Prod Cost	33,881	10,588	10,588	55,057	13
				74500	Miscellaneous Expenses	13,174	4,117	4,117	21,408	14
				75700	Training, Workshops and Confer	65,000	110,000	125,000	300,000	15
					Total Outcome 2	380,470	339,839	218,846	939,155	
OUTCOME 3	SEMARNAT	62000	GEF	71300	Local Consultants	9,500	0	0	9,500	16
				71400	Contract Services Individual	162,071	162,071	162,071	486,213	17
				71600	Travel	5,157	2,157	2,157	9,471	18
				72200	Equipment and Furniture	27,930	0	0	27,930	19
				72300	Materials & Goods	1,961	1,961	1,961	5,883	20
				74200	Audio Visual&Print Prod Costs	8,200	5,000	20,000	33,200	21
				74500	Miscellaneous Expenses	3,520	3,520	3,520	10,560	22
				75700	Training, Workshops and Confer	27,196	8,196	8,196	43,588	23
					Total Outcome 3	245,535	182,905	197,905	626,345	
OUTCOME 4: Monitoring & Evaluation plan	SEMARNAT	62000	GEF	71200	International Consultants	0	20,000	20,000	40,000	24
				71300	Local Consultants	0	8,000	8,000	16,000	25
				71600	Travel	3,000	5,000	5,000	13,000	26
				74100	Professional Services	2,850	8,300	7,600	18,750	27
				74200	Audio Visual&Print Prod Costs	1,250	2,000	2,000	5,250	28
				75700	Training, Workshops and Confer	25,000	1,000	1,000	27,000	29
					Total Outcome 4	32,100	44,300	43,600	120,000	
Project Management	SEMARNAT	62000	GEF	71400	Contract Services Individual	31,239	31,240	31,240	93,719	30
				74598	Direct Project Costs	5,000	5,000	5,000	15,000	31
					Total Project Management	36,239	36,240	36,240	108,719	
				TOTAL PROJECT		889,836	743,070	650,199	2,283,105	

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

Summary of Funds by Outcome

Source	Amount	Amount	Amount	Amount	Amount	Total
	Outcome 1	Outcome 2	Outcome 3	Outcome 4	Project Management	
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

Part II: Budget Notes

Budget note	Notes
SEMARNAT: Full NIM S-NIM UNDP: UNDP will be providing NIM support	
Outcome 1	
1	Local consultants S-NIM UNDP (US\$ 167,200): National consultants to provide technical expertise for the delivery of the following products: (i) two documents that will present conclusions (legal and technical) and determine the recommended course of action to define and strengthen the National Legal Framework for ABS (new 1.1); (ii) Output 1.2 (old 1.1) One document with a refined legal text which contains the necessary elements to ensure access to genetic resources is carried out in due form; (iii) Mexican strategy of <i>in situ</i> conservation of agricultural biodiversity: focusing on the implementation and strengthening of community seed banks (as a complementary action for <i>in situ</i> conservation of GRs) (Sub-output 1.4.1); (iv) National inventory of <i>ex situ</i> collections including botanical gardens, gene banks, living collections, collections of work, private collections as GR sources (potential GRs providers) (Sub-output 1.4.2); Agreed, approved and printed National Strategy for conservation and sustainable use of GR, including associated TK (Sub-output 1.4.3).
2	Contractual services individual S-NIM UNDP (US\$ 110,372) Specialists responsible for provide technical, economic and legal information to support the approval of the legal text which implement Nagoya Protocol in Mexico and support in the organization and reporting of results with the lawmakers.
3	Travel SEMARNAT (US\$57,650): Travel related to search and documentation expeditions for agrobiodiversity to be included in National inventory of <i>ex situ</i> collections (Sub-output 1.4.2); resources will be allocated to co-fund national travel for technical and legal team to workshops for the National Strategies (agrobiodiversity, subpart and to the National Strategy) (Sub-outputs 1.4.1. and 1.4.3)
4	Information Technology Equipment S-NIM UNDP (US\$ 9,500): 4 Computers, 2 laptops, one projector and 4 tablets, provide equipment to the specialists. Output 1.2 and (Sub-output 1.4.3)
5	Audio Visual&Print Prod Cost SEMARNAT (US\$ 31,418): (i) Print the agrobiodiversity and National conservation GR strategies (Sub-outputs 1.4.1. and 1.4.3); (ii) Print capacity building materials for lawmakers (output 1.3); (iii) Print the proceedings of the implementation of the international experiences workshop (Sub output 1.4.4)
6	Miscellaneous Expenses SEMARNAT (US\$ 9,746): Diverse materials for the daily operation and to facilitate the workshops (printouts, copies, stationery, etc.) (1.4).
7	Training, Workshops and Confer SEMARNAT (US\$ 103,000): (i) meetings with GR Users to create awareness and capacity on the ABS law (Output 1.2); (ii) training workshops for lawmakers (Sub output 1.3.1); (iii) reinforcement and awareness-raising workshops for lawmakers (Sub output 1.3.2); (iv) National Strategy for agrobiodiversity conservation and capacity building for officials responsible for germplasm collections and gene banks; (v) implementation of international experiences workshop (Sub output 1.4.4); (vi) workshops on the National Strategy for conservation and sustainable use of GR, including associated TK (Sub-outputs 1.4.1) .
Outcome 2	
8	Local Consultants S-NIM UNDP (US\$ 128,250): (i) Consultancy on monitoring the use of GR in Mexico vis a vis other Parties monitoring systems (Output 2.1 c); (ii) Development of a national database on ABS project applications abroad (Sub output 2.2 a.1); (iii) Interoperable via web-based platform, this database will be related to GR Monitoring and Supervision System and associated TK (Output 2.2 a.); (iv) Via Web National Access and Benefit-Sharing Clearing-House in compliance with Article 14 of the NP (Output 2.2).
9	Contractual services individual S-NIM UNDP (US\$ 104,624): (i) Diagnosis, establishment and evaluation of the homologated strategy DGVS-DGGFS for issuing ABS permits (Output 2.1.a)).
10	Travel S-NIM UNDP (US\$ 168,534): (i) Resources will be allocated to co-fund travel of the different agencies to the regional courses on specialization and implementation of the approved systems (Output 2.2).
11	Contractual Services – Companies S-NIM UNDP (US\$41,914): National Platform for Biodiversity for Food and Agriculture, which includes modules: -Data Passport (1st Phase),-PIC.-Request and Flow of Germplasm,-Record <i>Ex situ</i> collections (Output 2.2).
12	Information Technology Equipment S-NIM UNDP (US\$119,368): (i) Resources will be allocated to support the acquisition of 60 GPS video camera recorders for inspection and surveillance by PROFEPA (Output 2.1.a); (ii) Funding will also support acquisition of three servers (NFP, CDI and DGVS-DGGFS) and one system for secure distribution and encrypting information (for permits databases and TK catalog (developed under Outcome 3))
13	Audio Visual&Print Prod Cost: SEMARNAT (US\$ 55,057) Learning Materials, videos and capacity building materials for training courses and raising awareness of the agencies and authorities. (Output 2.1.)

Budget note	Notes
	SEMARNAT: Full NIM S-NIM UNDP: UNDP will be providing NIM support
14	Miscellaneous Expenses SEMARNAT (US\$ 21,408) Diverse materials for the daily operation and to facilitate the training courses (copies, stationery, etc.) (Output 2.1.a).
15	Training, Workshops and Confer SEMARNAT (US\$ 300,000) (i) Four regional basic training courses for officials who are part of the structure of the National Focal Point and national authorities to effectively implement the Nagoya Protocol (Output 2.1.a); (ii) Specialized training courses for the National Competent Authorities to gain knowledge and hands on experience for ABS dossier permit evaluation and GR/TKA monitoring access (Output 2.1.a); (iii) Workshop for exchange of experiences between competent authorities issuing permits and monitoring of ABS of selected Parties with similar conditions (megadiverse countries/ centers of origin /multicultural nations) (Output 2.1.a); (iv) Specific training workshop for inspection and surveillance Staff in sampling and chain of custody for ABS (Output 2.1.a); (v) Workshop with users and providers from different areas to promote the inclusion of ABS in accordance with the provisions in national legislation, codes of conduct, codes of good practices, existing internal regulations, academic institutions (Output 2.1.b); (vi) Workshops and working groups for design the monitoring system (Output 2.1.c); (vii) Training workshop for agricultural research institutions (Output 2.1.b); .
Outcome 3	
16	Local Consultants S-NIM UNDP (US\$ 9,500): General guidelines for the protection of traditional knowledge (Output 3.1)
17	Contractual services individual S-NIM UNDP (US\$ 486,213): (i) Communication strategy (KAP) Surveys, Consultancies, communication materials. (Output 3.2.); (ii) Development of 12 Community/Biocultural protocols for targeted Biocultural Regions (4 per year) (Sub Output 3.3.1); (iii) Development of 4 local biocultural protocols (Sub Output 3.3.2); (iv) TK catalog and systematization of information (Output 3.4); (v) Systematization of communication strategy and awareness program for indigenous communities (Output 3.5)
18	Travel SEMARNAT (US\$ 9,471): Resources will be allocated to co-fund travel of project personnel and consultants to local communities
19	Equipment and Furniture S-NIM UNDP (US\$ 27,930): Resources will be allocated to support the acquisition of one motor vehicle to facilitate the transportation of CDI personnel and specialist to the communities for the development of Outputs 3.3.1, 3.4 and 3.5.
20	Materials & Goods SEMARNAT (US\$5,883): Materials for KAP surveys. (Output 3.2)
21	Audio Visual&Print Prod Costs SEMARNAT (US\$ 33,200): Resources will be allocated to the publication (design, printing) of the Community/Biocultural Protocols developed (Output 3.3), manuals of PIC/MAT and ABS awareness information (Output 3.5)
22	Miscellaneous Expenses SEMARNAT (US\$10,560): Diverse materials for the daily operation and to facilitate the workshops (printouts, copies, stationery, etc.)
23	Training, Workshops and Confer SEMARNAT (US\$ 43,588): (i) Capacity building workshops for indigenous communities regarding TK protection, Community/Biocultural Protocols and general issues on ABS (outputs 3.3.1, 3.4 and 3.5); (ii) Basic Human rights workshop for local communities (Output 3.5)
Outcome 4	
24	International Consultants S-NIM UNDP (US\$ 40,000): Consultants specialized in identifying and measuring project progress; identifying lessons learned and good practices (MTR & TE)
25	Local consultants S-NIM UNDP (US\$16,000): Consultant to provide technical oversight and documentation of project progress (PIR, AWP), coordination between pertinent partners to acquire results from Outcomes 1, 2 and 3; as well as (ii) National consultant to support, accompany and complement the International Consultant responsible for M&E (MTR & TE)
26	Travel S-NIM UNDP (US\$13,000): Travel related to identifying, measuring and documenting project progress; identifying lessons learned and good practices; and support to International Consultant responsible for M&E (MTR, TE).
27	Professional Services S-NIM UNDP (US\$ 18,750): External Financial Audits
28	Audio Visual&Print Prod Costs S-NIM UNDP (US\$ 5,250): Publication of project tools and results (technical manuals, field guides).
29	Training, Workshops and Confer S-NIM UNDP (US\$ 27,000): Inception and Final Workshops, Steering Committee meetings, Work group meetings.
Project Management	
30	Contractual Services Individual (US\$ 93,719): Salaries for National Project Coordinator and Administrative-Financial Assistant for <i>management</i> functions ensuring project is executed in an efficient manner (this excludes cost of provision of technical expertise for Outcomes 1, 2 and 3);
31	Direct Project Costs (US\$ 15,000) Estimated UNDP Direct Project Service/Cost recovery charges to UNDP for executing

Budget note	Notes
	<p>SEMARNAT: Full NIM S-NIM UNDP: UNDP will be providing NIM support</p> <p>services. In accordance with GEF Council requirements, the costs of these services will be part of the executing entity's Project Management Cost allocation identified in the project budget. DPC costs would be charged at the end of each year based on the UNDP Universal Price List (UPL) or the actual corresponding service cost. The amounts here are estimations based on the services indicated, however as part of annual project operational planning the DPC to be requested during the calendar year would be defined and the amount included in the yearly project management budgets and would be charged based on actual services provided at the end of that year.</p>

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Section IV: Additional Information

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PART II. Genetic Resources in Mexico

Mexico is of high global biodiversity importance as the center of origin of many species and varieties with great use potential in agricultural, forestry and pharmaceutical sectors. As a major global center of domestication and diversification of cultivated species, species that are grown in Mexico have many wild relatives that may or already expand the high genetic diversity of many cultivated species consumed worldwide, and therefore they represent a resource of great importance in terms of global food security and interest for access and utilization. Biodiversity has been subject to human use since remote times, and continues to be of great importance in practical as well as cultural and religious terms for most of the country's more than 60 recognized ethnic groups. Over 15% of plant species consumed worldwide as food originated in Mexico. Table 1 shows the details of the plants used for food and other functions that originated or were domesticated in Mexico¹. Notable examples include the agricultural crops maize (*Zea mays*), squash (*Cucurbita spp.*) and cotton (*Gossypium hirsutum*), and *Leucaena spp.*, a multi-purpose tree genus with huge potential in smallholder agroforestry systems.

Table 1. Principal Uses of Genetic Resources (Plant Species) in Mexico

Principal Use/Utilization	Mexican common name	Species	Origin
Natural fertilizer, genes, proteins, carbohydrates	Guaje	<i>Leucaena esculenta</i> , <i>L. leucocephala</i>	Mesoamerica
Food Genes, Proteins, oils, gums, nutraceutics, etc.	Aguacate	<i>Persea americana</i>	Mesoamerica
	Cacao	<i>Theobroma cacao</i>	Mesoamerica
	Calabaza	<i>Cucurbita pepo</i> , <i>C. moschata</i>	Mesoamerica, Tropical America, North America
	Chicozapote	<i>Manilkara zapota</i>	Mesoamerica
	Frijol silvestre	<i>Phaseolus vulgaris</i>	Mesoamerica
	Guayaba	<i>Psidium guajava</i>	Mesoamerica, North and South America
	Jicama	<i>Pachyrrhizus erosus</i>	Mesoamerica
	Tomate	<i>Lycopersicon esculentum</i>	Mesoamerica, North and South America
	Maíz	<i>Zea mays</i>	Mesoamerica
	Tejocote	<i>Crataegus mexicana</i> , <i>C. pubescens</i>	Mesoamerica
Alcoholic drinks. Genes, Proteins, oils, gums, nutraceutics, biofilms, alcohol, etc.	Tomatillo	<i>Physalis ixocarpa</i>	Mesoamerica
	Tunas/Nopal	<i>Opuntia albicarpa</i> , <i>O. ficus-indica</i> , <i>O. megacantha</i>	Mesoamerica
	Maguey cenizo, maguey del cerro	<i>Agave asperima</i>	Mesoamerica
	Maguey mezcalero, maguey espadín	<i>Agave angustifolia</i>	Mesoamerica, North of Mexico
	Maguey mezcalero, maguey tobalá	<i>Agave potatorum</i>	Mesoamerica
	Maguey pulquero, ixtle	<i>Agave salmiana</i>	Mesoamerica, North of Mexico
Spices Genes, Proteins, oils, gums,	Maguey tequilero, maguey azul, agave azul	<i>Agave tequilana</i>	Mesoamerica
	Achiote	<i>Bixa orellana</i>	Mesoamerica
	Chiles	<i>Capsicum annuum</i>	Mesoamerica
	Vainilla	<i>Vanilla planifolia</i>	Mesoamerica

¹ Capital Natural de México: Sinópsis – Conocimiento actual, evaluación, y prospectos de sustentabilidad. CONABIO (p. 38)

pigments, scents, nutraceutics, etc.			
Stimulant Genes, Proteins, oils, gums, pigments, scents, nutraceutics, etc.	Tabaco	<i>Nicotiana rustica</i>	Mesoamerica
Fiber Genes, Proteins, oils, gums, nutraceutics, biofilms	Algodón Henequén	<i>Gossypium hirsutum</i> <i>Agave fourcroydes</i>	Mesoamerica Mesoamerica
Gums Genes, Proteins, oils, gums, nutraceutics, biofilms	Chicle, chicozapote	<i>Manilkara zapota</i>	Mesoamerica
Wax Genes, Proteins, oils, gums, nutraceutics, biofilms	Candelilla	<i>Euphorbia antisyphilitica</i>	North of Mexico, South USA
Ornamental Genes, Proteins, oils, gums, pigments nutraceutics	Cempasúchil, Nochebuena	<i>Tagetes erecta</i> <i>Euphorbia pulcherrima</i>	Mesoamerica, North and South America Mesoamerica
Dye Genes, Proteins, oils, gums, pigments nutraceutics	Índigo	<i>Indigofera suffruticosa</i>	Tropical America

Biodiversity and Genetic Resources are important contributors to the national economy. For example, as depicted in the table below, agriculture associated with Mexican species of origin contribute approximately US\$12 million and 24% of the national agricultural production. It is expected that other sectors could report similar contributions from GR once they are made aware and take them into account.

Table 2. Contribution of Mexican Species of Origin to the Agricultural Sector²

Species	Mexican common name	Center of origin/diversification/ Domestication	Surface (ha)	Production value (miles de pesos)	Percentage vs. National Agric. Value
<i>Agave</i> spp.	Magueyes	O, Do, Di	30,897.44	\$ 19,002.45	0.00949
<i>Amaranthus hypochondriacus</i>	Amaranto	O, Do	2,004.00	\$ 15,056.06	0.00752
<i>Capsicum annuum</i>	Chile	O, Do, Di	18,842.04	\$ 1,271,670.56	0.63504
<i>Cucurbita argyrosperma</i> subsp. <i>argyrosperma</i>	Calabaza	O, Do	15,987.60	\$ 154,393.42	0.07710
<i>Gossypium hirsutum</i>	Algodón	O, Do	129,533.43	\$ 1,640,527.34	0.81924
<i>Phaseolus vulgaris</i>	Frijol común	O, Do	151,335.96	\$ 1,106,017.34	0.55232
<i>Sechium edule</i>	Chayote	O, Do	2,154.75	\$ 169,812.10	0.08480
<i>Zea mays</i>	Maíz	O, Do, Di	8,400,994.54	\$ 34,125,996.38	17.04165
<i>Anacardium occidentale</i>	Marañón	Do	1,363.75	\$ 13,504.48	0.00674
<i>Ananas comosus</i>	Piña	Do	3,777.50	\$ 172,530.46	0.08616

² Acevedo Gasman, F., et al. 2009. La bioseguridad en México y los organismos genéticamente modificados: cómo enfrentar un nuevo desafío, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 319-353.

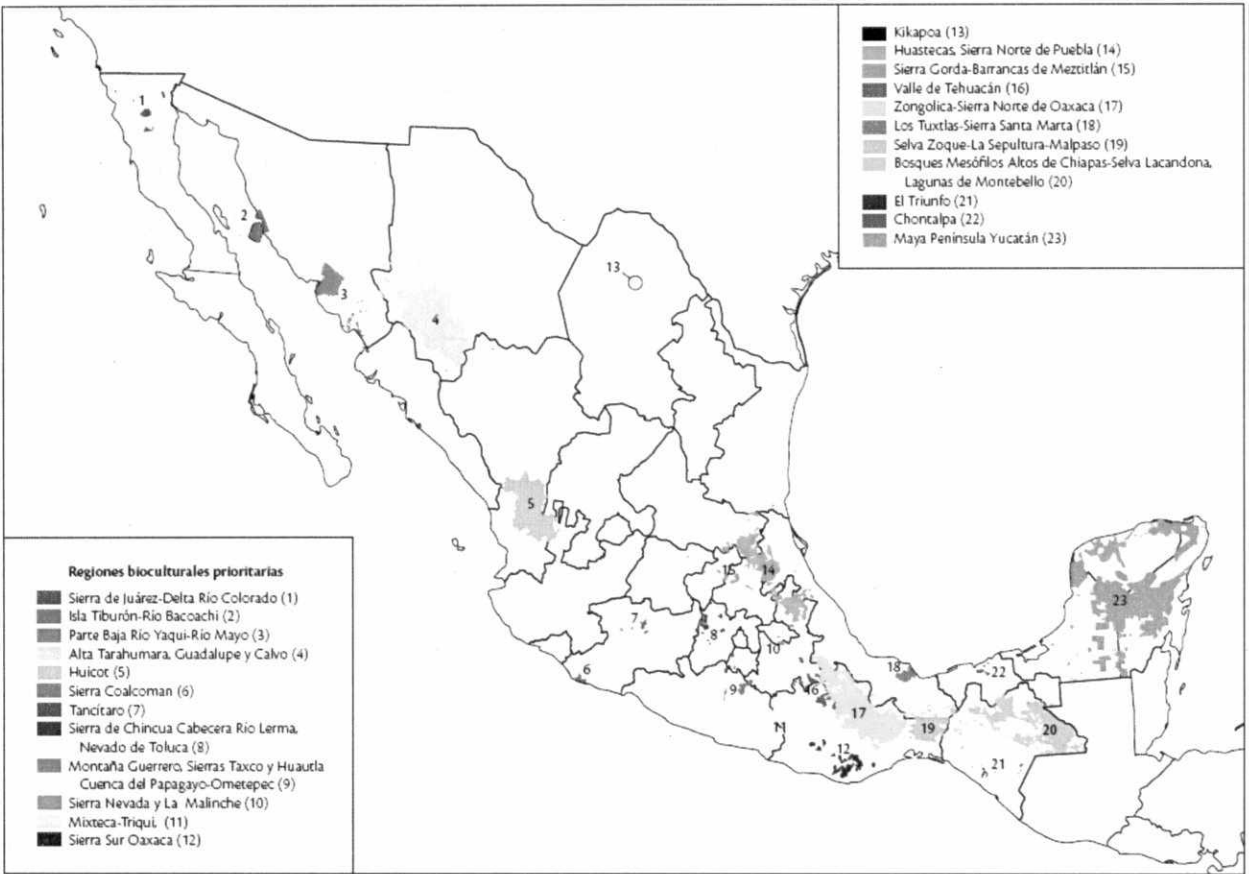
*Surface, value and percentages was calculated for year 2005 values. <http://www.siap.gob.mx/cierre-de-la-produccion-agricola-por-estado/>

<i>Annona</i> spp.	Chirimoya, anona	Do	79.00	\$ 1,829.65	0.00091
<i>Arachis hypogaea</i>	Cacahuate	Do	65,535.30	\$ 389,503.41	0.19451
<i>Bixa orellana</i>	Achiote	Do	925.50	\$ 8,131.60	0.00406
<i>Byrsonima crassifolia</i>	Nanche	Do	1,533.70	\$ 21,383.25	0.01068
<i>Carica papaya</i>	Papaya	Do	7,359.50	\$ 537,039.75	0.26818
<i>Chenopodium ambrosioides</i>	Epazote	Do	138.00	\$ 3,287.13	0.00164
<i>C. berlandieri</i> subsp. <i>nuttalliae</i>	Huauzontle	Do	208.50	\$ 2,931.30	0.00146
<i>Crataegus gracilior</i>	Tejocote	Do	690.10	\$ 10,220.84	0.00510
<i>Cucurbita ficifolia</i>	Chilacayote	Do	287.00	\$ 18,166.78	0.00907
<i>Cucurbita pepo</i> subsp. <i>pepo</i>	Calabaza, calabacita	Do	7 091.2	\$ 285,410.86	0.14253
<i>Euphorbia pulcherrima</i>	Nochebuena	Do	175.21	\$ 214,906.00	0.10732
<i>Helianthus annuus</i>	Girasol	Do	149.70	\$ 14,675.10	0.00733
<i>Hylocereus undatus</i>	Pitahaya	Do	1,841.60	\$ 34,394.74	0.01718
<i>Hyptis suaveolens</i>	Chía gorda	Do	250.00	\$ 2,280.00	0.00114
<i>Ipomoea batatas</i>	Camote	Do	3,208.32	\$ 175,689.85	0.08773
<i>Lagenaria siceraria</i>	Guaje, bule	Do	495.30	\$ 20,123.30	0.01005

<i>Lycopersicon esculentum</i> var. <i>esculentum</i>	Jitomate	Do	234.50	\$ 79,629.00	0.03976
<i>Manihot esculenta</i>	Yuca, guacamote	Do	1,014.40	\$ 30,861.62	0.01541
<i>Nicotiana tabacum</i>	Tabaco	Do	8,661.50	\$ 289,613.70	0.14463
<i>Opuntia spp.</i>	Nopales-tunas	Do	17,280.59	\$ 1,517,501.47	0.75780
<i>Pachyrhizus erosus</i>	Jicama	Do	7,002.05	\$ 370,564.53	0.18505
<i>Persea americana</i>	Aguacate	Do	7,063.84	\$ 211,434.88	0.10559
<i>Physalis philadelphica</i>	Tomate de cáscara	Do	48,607.67	\$ 2,413,769.75	1.20537
<i>Porophyllum tagetoides</i>	Papaloquelite	Do	446.90	\$ 10,361.62	0.00517
<i>Polianthes tuberosa</i>	Nardo	Do	243.20	\$ 25,662.90	0.01282
<i>Pouteria sapota</i>	Mamey	Do	1,338.20	\$ 47,446.01	0.02369
<i>Prunus serotina</i> subsp. <i>capuli</i>	Capulín	Do	49.20	\$ 506.08	0.00025
<i>Psidium guajava</i>	Guayaba	Do	16,165.86	\$ 586,309.83	0.29279
<i>Tagetes erecta</i>	Cempasúchil	Do	1,270.80	\$ 28,073.74	0.01402
<i>Theobroma angustifolium</i>	Cacao	Do	62,687.66	\$ 649,909.18	0.32455
National production value				\$200,250,589.76	23.32*

The following map illustrates indigenous peoples in relation to the prioritization of the biological regions within their territories. These regions present a potential opportunity for intervention with the aim to establish strong capacities to address legal ABS processes, including those related to associated Traditional Knowledge.

Map 2: Priority Biocultural Regions in Mexico³



³ Boege, E. 2009. El reto de la conservación de la biodiversidad en los territorios de los pueblos indígenas, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 603-649.

The following table provides a list of the Mesoamerican agrobiodiversity found within these Priority Biocultural Regions⁴:

Table 3: Mesoamerican agro biodiversity in indigenous people’s territories within the 23 Biocultural Priority Regions

Priority Biocultural Region (RBP in spanish acronym)	Indigenous Territories	Milpa composition according to botanical records (first approximation) and other CONABIO sources	
		<i>Maize landraces and varieties reported in indigenous people’s territories</i>	<i>Other edible domesticated species, cultivated or weeds, which appear in the milpa and indigenous gardens, as well as some of their wild relatives registered in the territories of indigenous peoples. Managed species and varieties, tolerated or protected</i>
Sierra de Juárez-Delta del Río Colorado	Cochimí, kumai, cucapá, kiliwa, paipai		<i>Panicum sonorum</i> (3)
Isla Tiburón-Río Bacoachi	Seri		Pitaya
Parte baja Río Yaqui-Río Mayo	Yaqui, mayo	Blando de Sonora, chapalote, dulce norteño, dulce, dulcillo noreste, elotes occidentales, harinoso, onaveño, San Juan, tuxpeño (a, b, c)	<i>Agave angustifolia</i> , <i>A. rhodacantha</i> (13)
Alta Tarahumara, Guadalupe y Calvo	Pima, guarijío, tepehuán, rarámuri	Ancho pozolero, apachito, apachito 8, apachito 9, azul, bofo, bolita, chalqueño, cristalino norteño, cristalino Chihuahua, cónico norteño, dulce borteño, dulce, hembra, perla harinoso, gordo, Lady Finger, nal tel, onaveño, reventador, reventador palomero, San Juan, tablita, tabloncillo, tabloncillo perla, tuxpeño (a, b, c)	<i>Agave angustifolia</i> , <i>Amaranthus hybridus</i> , <i>Cucurbita ficifolia</i> , <i>C. pepo</i> , <i>Phaseolus coccineus</i> (1, 13)
Huicot	Cora, nahua, huichol, tepehuán	Amarillo cristalino, blanco tampiqueño, bofo, Celaya, cónico norteño, harinoso de 8, jala, maíz dulce, reventador, pepitilla, serrano, tabloncillo, tuxpeño, tablilla, de ocho, tabloncillo perla, tamaulipeco, teocinte, vandeño (a, b, c)	<i>Agave americana</i> , <i>A. angustifolia</i> , <i>A. durangensis</i> , <i>A. lechuguilla</i> , <i>A. maximiliana</i> , <i>Amaranthus hybridus</i> , <i>A. leucocarpus</i> , <i>Annona reticulata</i> , <i>Byrsonima crassifolia</i> , <i>Casimiroa edulis</i> , <i>Chenopodium mexicanum</i> , <i>Curcubita</i> sp., <i>C. moschata</i> , <i>Inga vera</i> , <i>Leucaena esculenta</i> , <i>L. lanceolata</i> , <i>Mastichodendron camiri</i> , <i>Opuntia</i> sp., <i>Persea americana</i> , <i>Phaseolus leptostachyus</i> , <i>Physalis leptophylla</i> , <i>P. angulata</i> , <i>Psidium guajava</i> , <i>P. sartorianum</i> , <i>Randia laevigata</i> , <i>Sarcostemma odoratum</i> , <i>Spondias mombin</i> , <i>S. purpurea</i> , <i>Stenocereus montanus</i> , <i>Vitex mollis</i> , <i>V. pyramidata</i> (1, 11, 13)

⁴ Ibid

Sierra Coalcomán	Nahua de Michoacán	Cónico, elotes occidentales, reventador, olotillo, tabloncillo, tuxpeño, zamorano amarillo	<i>Annona purpurea</i> , <i>Ipomoea bracteata</i> (1)
Tancítaro	Purépecha	Arrocillo, cacahuacintle, Celaya, cristalino norteño, cónico norteño, elotes cónicos, maíz dulce, mushito, palomero toluqueño, pepitilla, tabloncillo, tuxpeño, vandeño, zapalote grande, purépecha (A, B)	<i>Agave atrovirens</i> , <i>A. inaequidens</i> , <i>A. maximiliana</i> , <i>A. salmiana</i> , <i>Amaranthus hybridus</i> , <i>A. retroflexus</i> , <i>Annona cherimola</i> , <i>Chenopodium mexicanum</i> , <i>C. album</i> , <i>C. berlandieri</i> , <i>Cucurbita ficifolia</i> , <i>C. moschata</i> , <i>Jaltomata procumbens</i> , <i>Phaseolus coccineus</i> , <i>P. pluriflorus</i> , <i>P. vulgaris</i> , <i>Physalis pubescens</i> , <i>Solanum stoloniferum</i> , <i>S. verrucosum</i> (1, 10, 13)
Sierra de Chincua, Cabecera Río Lerma, Nevado de Toluca	Otomí, matlatzinca, mazahua	Arrocillo amarillo, arroccillo azul, cacahuacintle, chalqueño, cristalino norteño, cónico norteño, elotes cónicos, palomero, palomero toluqueño (a, b, c)	<i>Agave atrovirens</i> , <i>A. inaequidens</i> , <i>A. maximiliana</i> , <i>Cucurbita ficifolia</i> , <i>C. pepo</i> , <i>Phaseolus vulgaris</i> (1, 13)
Montaña de Guerrero, sierras de Taxco y Huautla, Cuenca del Papagayo-Ometepec	Nahuas de Guerrero, Morelos, Estado de México, sur de Puebla	Ancho, ancho pozolero, bolita, elotes cónicos, pepitilla, bolita, elotes cónicos, tabloncillo, olotillo, nal tel, palomero, vandeño (A)	<i>Agave americana</i> , <i>A. cupreata</i> , <i>A. lechuguilla</i> , <i>Amaranthus</i> sp., <i>Arachis hypogaea</i> , <i>Capsicum nahum</i> , <i>Cucurbita moschata</i> , <i>C. pepo</i> , <i>Leucaena esculenta</i> , <i>Phaseolus coccineus</i> , <i>P. leptostachyus</i> , <i>P. vulgaris</i> (1, 13)
Sierra Nevada y La Malinche	Nahuas, otomí de Ixtenco	Arrocillo azul, arroccillo blanco, bolita, cacahuacintle, chalqueño, cristalino norteño, tuxpeño, chalqueño, palomero (A, C ,H)	<i>Agave angustifolia</i> , <i>A. atrovirens</i> , <i>Annona angustifolia</i> , <i>A. cherimola</i> , <i>A. reticulata</i> , <i>Capsicum annuum</i> , <i>Cucurbita ficifolia</i> , <i>C. pepo</i> , <i>Leucaena esculenta</i> , <i>Lycopersicon esculentum</i> , <i>Opuntia strepacantha</i> , <i>Persea americana</i> , <i>Phaseolus coccineus</i> , <i>P. vulgaris</i> , <i>P. leptostachyus</i> , <i>Physalis chenopodifolia</i> , <i>P. philadelphica</i> , <i>Sechium edule</i> , <i>Solanum demissum</i> (papa cimarrona), <i>S. stoloniferum</i> (papa de monte o voladora) (1, 13)
Mixteca-Triqui	Tlapaneco, triqui, amuzgo, mixteco de las mixtecas alta y baja, mixteco de la costa	Ancho, arroccillo, bolita, Celaya, chalqueño, chiquito, conejo, cristalino norteño, cónico x, comiteco, carriceño, condensado, elotes cónicos, fascia, maizón, sapo, magueyano, mixeño, mixteco, nal tel, naranjero, olotón, olotón imbricado, olotillo, pastor veracruzano, pepitilla, serrano mixe, mushito, serrano de Oaxaca, tablita, tehua, tehuacanero, tehuanito, tepecintle, tuxpeño, vandeño (A, E, F, G, I, J, K)	<i>Agave americana</i> , <i>A. angustifolia</i> , <i>A. atrovirens</i> , <i>A. karwinskii</i> , <i>A. lophantha</i> , <i>A. marmorata</i> , <i>A. potatorum</i> , <i>A. salmiana</i> , <i>Allium glandulosum</i> , <i>Amaranthus hybridus</i> , <i>Capsicum frutescens</i> , <i>Chenopodium mexicanum</i> , <i>Cucurbita argyrosperma</i> , <i>C. pepo</i> , <i>Leucaena esculenta</i> , <i>Persea americana</i> , <i>Phaseolus coccineus</i> , <i>P. chiapasanus</i> , <i>P. leptostachyus</i> , <i>P. vulgaris</i> , <i>Sechium edule</i> (1, 9, 13)
Sierra Sur de Oaxaca	Zapoteco sureño, chatino, chontal de Oaxaca, huave	Arrocillo, bolita, comiteco, chalqueño, conejo, cónico, cristalino norteño, cuarenteño amarillo, elotes cónicos,	<i>Agave americana</i> , <i>A. angustifolia</i> , <i>A. karwinskii</i> , <i>A. potatorum</i> , <i>Crotalaria pumila</i> , <i>Cucurbita</i> sp. (tamala, chompa cáscara dura), <i>Ipomoea</i>

		magueyano, maíz boca de monte, maíz hoja morada, maizón, mushito, mejorado nativizado, nal tel, nal tel de altura, negro mixteco, olotón, olotillo, olotillo amarillo, rocamay, serrano, tablita grande, amarillo, blanco, tempranero amarillo, tepecintle, tuxpeño, vandeño, zapalote chico (A, F)	<i>batatas</i> , <i>Manihot</i> sp., <i>Phaseolus</i> sp. (garrote, enredador, piñero, shumil, tacaná), <i>Pachyrhizus erosus</i> , <i>Portulaca oleracea</i> (1, 13)
Kikapoa	Kikapú	Tehua, tuxpeño (A)	<i>Cucurbita</i> sp., <i>Phaseolus</i> sp.
Huastecas, Sierra Norte de Puebla	Huasteco; otomí; nahuas: norte de Puebla, Veracruz, San Luis Potosí; tepehua, totonaca	Arrocillo, arroccillo amarillo, arroccillo blanco, arroccillo azul, cacahuacintle, Celaya, cónico norteño, cristalino norteño, elotes cónicos, mushito, olotillo, palomero, pepitilla, ratón tamaulipeco, tepecintle, tepecintle 7, tuxpeño, tuxpeño 8, tuxpeño 9, ts'it bakal (A, B, H, L)	<i>Agave americana</i> , <i>A. lophantha</i> , <i>Amaranthus hybridus</i> , <i>A. hypochondriacus</i> , <i>Annona cherimola</i> , <i>Capsicum annuum</i> , <i>C. pubescens</i> , <i>Cucurbita argyrosperma</i> , <i>C. ficifolia</i> , <i>C. moschata</i> , <i>C. okeechobensis</i> , <i>C. pepo</i> , <i>Diospyros digyna</i> , <i>Ipomoea batatas</i> , <i>I. hederacea</i> , <i>I. indica</i> , <i>I. phyllomega</i> , <i>Manihot esculenta</i> , <i>Pachyrhizus erosus</i> , <i>Persea americana</i> , <i>Phaseolus acutifolius</i> , <i>P. coccineus</i> , <i>P. lunatus</i> , <i>P. polyanthus</i> , <i>P. vulgaris</i> , <i>Physalis philadelphica</i> , <i>Porophyllum ruderale</i> , <i>Prunus serotina</i> , <i>Sechium edule</i> , <i>Spondias purpurea</i> , <i>Vanilla planifolia</i> en las partes bajas, <i>Vigna unguiculata</i> , <i>Xanthosoma robustum</i> (1, 7, 13)
Sierra Gorda, Barrancas de Meztitlán	Otomí, pame, chichimeca jonaz	Arrocillo amarillo, chalqueño, cristalino norteño, cónico norteño, ts'it bakal, elotes cónicos, fascia, mushito, tabloncillo tuxpeño (A, B, C)	<i>Agave americana</i> , <i>A. inaequidens</i> , <i>A. lechuguilla</i> , <i>A. salmiana</i> , <i>A. striata</i> , <i>Ipomoea lozanii</i> , <i>I. pubescens</i> , <i>Phaseolus coccineus</i> , <i>Solanum schenkii</i> , <i>S. verrucosum</i> (1, 16)
Valle de Tehuacán	Chocho, popoloca, nahuas de Zongolica, cuicateco, mazateco, chinanteco, mixteco, ixcateco	Bolita, chalqueño, elotes cónicos, olotón, pepitilla, tuxpeño (A, B, C)	<i>Acacia acatlensis</i> , <i>Agave angustifolia</i> , <i>A. karwinskii</i> , <i>A. potatorum</i> , <i>A. peacockii</i> , <i>A. salmiana</i> , <i>Amaranthus hybridus</i> , <i>Escontria chiotilla</i> , <i>Hylocereus undatus</i> , <i>Leucaena esculenta</i> , <i>L. leucocephala</i> , <i>Myrtillocactus geometrizans</i> , <i>M. schenckii</i> , <i>Neobuxbaumia tetetzo</i> , <i>Opuntia</i> sp., <i>O. auberi</i> , <i>O. cochenillifera</i> , <i>Pachycereus hollianus</i> , <i>Phaseolus vulgaris</i> , <i>Polaskia chende</i> , <i>P. chichipe</i> , <i>Portulaca oleracea</i> , <i>Solanum lesteri</i> , <i>S. polyadenium</i> , <i>Stenocereus pruinosus</i> , <i>S. stellatus</i> , <i>Yucca periculosa</i> (1, 5, 6, 13)
Zongolica-Sierra Norte de Oaxaca	Nahua de Zongolica, mazateco, chinanteco, cuicateco, zapoteco, mixe	Bolita, Celaya, cónico, chalqueño, chiquito, comiteco, cristalino norteño, elotes cónicos, elotes occidentales, mixeño, mushito, nal tel, nal tel de altura, olotillo, olotón, onaveño, pepitilla, serrano, serrano	<i>Agave angustifolia</i> , <i>A. atrovirens</i> var. <i>mirabilis</i> , <i>A. chiapensis</i> , <i>A. karwinskii</i> , <i>A. mapisaga</i> , <i>A. potatorum</i> , <i>A. salmiana</i> , <i>Amaranthus</i> sp., <i>Annona cherimola</i> , <i>A. muricata</i> , <i>Bixa orellana</i> , <i>Carica papaya</i> ,

		de Oaxaca, tepecintle, tuxpeño, vandeño, zamorano, zapalote chico, zapalote grande (A, B, C, F)	<i>Capsicum rhomboideum</i> , <i>Cucurbita argyrosperma</i> , <i>C. ficifolia</i> , <i>C. maxima</i> , <i>C. moschata</i> , <i>C. okeechobensis</i> , <i>C. pepo</i> , <i>Diospyros digyna</i> , <i>Leucaena esculenta</i> , <i>L. leucocephala</i> , <i>L. macrophylla</i> , <i>Lycopersicon esculentum</i> (jitomate riñón), <i>Persea americana</i> , <i>Phaseolus coccineus</i> , <i>P. chiapasanus</i> , <i>P. vulgaris</i> , <i>Physalis philadelphica</i> , <i>Sechium americanum</i> , <i>S. edule</i> , <i>S. chinantlense</i> , <i>Solanum schenkii</i> , <i>Spondias mombin</i> , <i>Terminalia catappa</i> , <i>Vanilla planifolia</i> (1, 7, 13)
Los Tuxtlas-Sierra Santa Marta	Nahuas del sur de Veracruz, popoluca	Olotillo, tuxpeño, nal tel, olotillo, tepecintle, tuxpeño (A, B, E)	<i>Acrocomia mexicana</i> , <i>Allophylus cominia</i> , <i>Annona muricata</i> , <i>A. purpurea</i> , <i>A. reticulata</i> , <i>Arum sagittifolium</i> , <i>Arachis hypogaea</i> , <i>Astrocaryum mexicanum</i> , <i>Cajanus cajan</i> , <i>Canavalia glabra</i> , <i>Capsicum annuum</i> , <i>Chamaedorea elatior</i> , <i>C. tepejilote</i> , <i>Chrysophyllum mexicanum</i> , <i>Colocasia esculenta</i> , <i>Crotalaria longirostrata</i> , <i>Diospyros digyna</i> , <i>Erythrina americana</i> , <i>Ficus hartwegii</i> , <i>Inga jinicuil</i> , <i>I. punctata</i> , <i>I. sapindoides</i> , <i>I. vera</i> , <i>Jaltomata procumbens</i> , <i>Lycopersicon esculentum</i> , <i>Manihot sculenta</i> , <i>Manilkara zapota</i> , <i>Parathesis</i> sp., <i>Passiflora</i> sp., <i>P. foetida</i> , <i>P. quadrangularis</i> , <i>Persea americana</i> , <i>Phachyrhizus erosus</i> , <i>Phaseolus lunatus</i> , <i>P. vulgaris</i> , <i>Pimenta dioica</i> , <i>Piper auritum</i> , <i>Plumeriopsis ahouai</i> , <i>Pouteria campechiana</i> , <i>P. sapota</i> , <i>Psidium friedrichsthalianum</i> , <i>P. guajava</i> , <i>P. guineense</i> , <i>Sechium edule</i> , <i>Solanum nigrum</i> , <i>Spondias</i> sp., <i>Trophis racemosa</i> , <i>Vigna unguiculata</i> , <i>Xanthosoma violaceum</i> , <i>Yucca elephantipes</i> (1, 4)
Selva Zoque-Sepultura-Malpaso	Zoque, tzotzil, tzeltal, chol	Cristalino norteño, olotillo, olotón, tepecintle, vandeño, zapalote chico (A, B, C)	<i>Agave angustifolia</i> , <i>Capsicum lanceolatum</i> , <i>C. rhomboideum</i> , <i>Byrsonima crassifolia</i> , <i>Spondias mombin</i> (1, 13)
Bosques mesófilos Altos de Chiapas, Selva Lacandona, Lagunas de Montebello	Zoque, maya lacandón, chol, kanjobal, chuj, tojolabal, tzotzil, tzeltal, chontal de Tabasco (en la sierra), mame	Arrocillo amarillo, clavillo, comiteco, cristalino norteño, comiteco, cubana, elotes cónicos, motozintleco, nal tel, olotillo, glotón (incluye negro de Chimaltenango), olotillo, quicheño, tehua, tepecintle, tuxpeño, vandeño, zapalote chico, zapalote grande (A, B, C, K, J)	<i>Amaranthus caudatus</i> , <i>A. hybridus</i> , <i>Arachis hypogaea</i> , <i>Bidens pilosa</i> , <i>Brassica campestris</i> , <i>Byrsonima crassifolia</i> , <i>Cajanus cajan</i> , <i>Capsicum annuum</i> , <i>C. pubescens</i> , <i>Chenopodium ambrosioides</i> , <i>Cirsium horridulum</i> , <i>Cucurbita argyrosperma</i> , <i>C. ficifolia</i> , <i>C. moschata</i> , <i>C. okeechobensis</i> , <i>C.</i>

			<i>pepo</i> , <i>Cymbopogon citratus</i> , <i>Cyphomandra betacea</i> , <i>Eryngium foetidum</i> , <i>Galinsoga quadriradiata</i> , <i>Guazuma ulmifolia</i> , <i>Inga leptoloba</i> , <i>Ipomoea batatas</i> , <i>Jaltomata procumbens</i> , <i>Jatropha curcas</i> , <i>Leucaena diversifolia</i> , <i>Lycopersicon esculentum</i> , <i>Nothoscordum bivalve</i> , <i>Parathesis chiapensis</i> , <i>Phaseolus coccineus</i> , <i>P. leucanthus</i> , <i>P. vulgaris</i> , <i>Physalis gracilis</i> , <i>Portulaca oleracea</i> , <i>Psidium guajava</i> , <i>P. guineense</i> , <i>Salvia coccinea</i> , <i>Solanum hirtum</i> , <i>S. americanum</i> , <i>Vigna unguiculata</i> (1, 8, 12)
El Triunfo	Tzeltal, tzotzil	Olotillo, olotón, tepecintle, tuxpeño (A)	<i>Cucurbita argyrosperma</i> (1)
Chontalpa	Chontal de Tabasco	Olotillo, tuxpeño, marceño (A, C)	<i>Acoelorrhaphe wrightii</i> , <i>Acrocomia mexicana</i> , <i>Bactris balanoidea</i> , <i>Capsicum annuum</i> , <i>Curcubita lundelliana</i> , <i>Byrsonima crassifolia</i> , <i>Hylocereus undatus</i> , <i>Roystonea dunlapiana</i> , <i>Sabal mexicana</i> , <i>Scheelea liebmannii</i> , <i>Spondias mombin</i> , <i>Theobroma cacao</i> , <i>Tradescantia pendula</i> , <i>Trema micrantha</i> (1)
Maya Península de Yucatán	Maya de Yucatán, chol, tzeltal, kekchi, kanjobal	Boxloch, chac chob, bekech bakal, chuya, clavillo, cubana, e hub, ek sa kaa, nal tel, nal xoy, olotillo, sak tux, sak nal, servera, tepecintle, ts'it bakal, zapalote chico, xnuk nal (tuxpeño), xkan nal, xee ju, xtuo nal, nal tel (A, B, D)	<i>Acrocomia mexicana</i> , <i>Agave angustifolia</i> , <i>Annona muricata</i> , <i>A. squamosa</i> , <i>A. diversifolia</i> , <i>Ananas comosus</i> , <i>Arachis hypogaea</i> , <i>Bixa orellana</i> , <i>Brosimum alicastrum</i> , <i>Byrsonima crassifolia</i> , <i>Cajanus cajan</i> , <i>Capsicum annuum</i> , <i>C. frutescens</i> , <i>C. pubescens</i> , <i>C. sinense</i> , <i>Carica papaya</i> , <i>Carica pennata</i> , <i>Chrysophyllum cainito</i> , <i>Cnidoscolus aconitifolius</i> , <i>C. chayamansa</i> , <i>Cocos nucifera</i> , <i>Cordia dodecandra</i> , <i>Cucurbita argyrosperma</i> , <i>C. foetidissima</i> , <i>C. lundelliana</i> , <i>C. moschata</i> , <i>C. pepo</i> , <i>Dioscorea alata</i> , <i>Hylocereus undatus</i> , <i>Ipomoea batatas</i> , <i>Lagenaria siceraria</i> , <i>Lycopersicon esculentum</i> , <i>Manihot esculenta</i> , <i>Manilkara zapota</i> , <i>Pachyrhizus erosus</i> , <i>Persea americana</i> , <i>Phaseolus vulgaris</i> , <i>P. lunatus</i> , <i>Psidium guajava</i> , <i>Solanum tuberosum</i> , <i>Sechium edule</i> , <i>Spondias</i> sp., <i>Talisia olivaeformis</i> , <i>Vigna unguiculata</i> , <i>Xanthosoma yucatanense</i> (ñame) (1, 2, 3, 13)

Information sources for maize landraces: (A) cimmyt (2003); Hernández-Xolocotzi (1985, 1987); Wellhausen *et al.* (1987); (B) Ortega-Paczka (2003); (C) Aguilar *et al.* (2003b); (D) Solís y Van Heerwaarden (2003); (E) Blanco (2006); (F) Aragón *et al.* (2006); (G) Navarro (2004); (H) Martínez *et al.* (2000); (I) Muñoz (2003); (J) Perales *et al.* (2005); (K) Ortega-Paczka (1973); (L) Astier y Barrera-Bassols (2006).

2 Fuentes consultadas para la distribución de la agrobiodiversidad: (1) Conabio (2007a-d); (2) Terán *et al.* (1998); (3) Colunga-García Marín y May-Pat (1992); (4) Blanco (2006); (5) González (1989); (6) Dávila (1993); (7) Arellano y Casas (2003), Casas (1992), Casas *et al.* (2001), Casas y Barbera (2002), Dávila y Sánchez (1994); (8) Martínez *et al.* (2000); (9) García-Mendoza *et al.* (2004); (10) Berlin (2000); (11) Navarro (2004); (12) Mapes, com. pers.; (13) Gispert y Rodríguez (1998); (14) Vázquez-Dávila (2001); (15) Nations y Nigh (1980); (16) Colunga-García Marín *et al.* (2007).

Note: (in 1), As the indigenous territories and rural communities are centers of origin, domestication and genetic diversification, the listed species are the domesticated species or the wild relatives sometimes planted by the indigenous peoples. Such is the case of records of the national distribution of peppers *Capsicum annuum* variety *glabriusculum*; *Cucurbita pepo* and their wild relatives that can hybridize and get viable offspring; of tomato *Lycopersicon esculentum* and *L. esculentum leptophyllum* wild variety; beans (five species) that relate to the wild *Phaseolus vulgaris*.

Protection of Indigenous Territories

While some of the abovementioned species are valued for their culinary, medicinal, cultural and other uses, the protection mechanisms that indigenous people can recur to are varied due to the diversity in management of their territories. According to the following table, approximately 70% of indigenous territories are subject to some sort of official protection mechanism.

Table 4. Areas of the territories of indigenous peoples with official protection (federal and state PA Hydrological priority regions, priority terrestrial regions and AICA) (hectares)⁵

Indigenous people	Total Surface (Ha)	Surface under Protection (PA, AICA, etc)	%
Amuzgo	156 146	35 414	23
Chatino	223 077	221 668	99
Chichimeca jonaz	4 396	151	3
Chinanteco	651 480	578 261	89
Chocho	11 746	4 763	41
Chol	792 334	624 022	79
Chontal de Oaxaca	135 933	91 975	68
Chontal de Tabasco	79 406	76 665	97
Chuj	7 093	6 891	97
Chuj-kanjobal	683	683	100
Cochimí	7 599	2 000	26
Cora	367 047	361 489	98
Cucapá	155 332	8 520	5
Cuicateco	104 314	103 666	99
Guarijío	83 014	83 014	100
Huasteco	250 712	181 257	72
Huichol	832 951	585 963	70
Ixil	14 444	2 832	20
Jacalteco	3 777	1 780	47

⁵ Boege, E. 2009. El reto de la conservación de la biodiversidad en los territorios de los pueblos indígenas, en Capital natural de México, vol. II: Estado de conservación y tendencias de cambio. Conabio, México, pp. 603-649.

Kanjobal	31 032	24 270	78
Kekchi	3 669	3 669	100
Kikapú	7 040	7 040	100
Kiliwa	27 557	19 901	72
Kumiai	7 603	440	6
Mame	35 796	18 617	52
Matlatzinca	4 071	3 568	88
Maya	7 440 854	4 654 989	63
Maya lacandón	490 074	490 046	100
Mayo	321 124	170 196	53
Mazahua	125 891	87 627	70
Mazateco	315 254	285 728	91
Mixe	681 045	634 225	93
Mixteco	1 700 796	743 322	44
Náhuatl	3 549	3 516	99
Nahua del sur de Veracruz	96 293	71 171	74
Nahua de Durango	36 582	36 582	100
Nahua de Michoacán	76 218	76 218	100
Nahua de Guerrero, Altiplano, Estado de México y Oaxaca	663 813	152 685	23
Nahua de San Luis Potosí, Sierra Norte de Puebla, norte de Veracruz	947 703	765 633	81
Nahua de Zongolica-Pico de Orizaba	348 988	261 569	75
Otomí	488 627	172 790	35
Paipai	68 326	48 473	71
Pame	104 479	43 661	42
Pima	53 767	53 767	100
Popoloca	42 272	20 758	49
Popoluca	109 819	102 386	93
Purépecha	216 044	74 545	35
Quiché	32 414	521	2
Seri	212 222	211 967	100
Tarahumara	2 647 372	2 570 240	97
Tepehua	9 027	256	3
Tepehuán	1 182 536	1 038 624	88
Tlapaneco	294 429	211 495	72
Tojolabal	230 634	191 076	83
Totonaca	313 948	194 321	62
Triqui	56 290	37 572	67
Tzeltal	924 774	529 053	57
Tzotzil	774 323	430 322	56
Yaqui	449 320	423 212	94
Zapoteco	1 773 830	1 707 842	96
Zoque	678 665	131 074	19
Total	27 909 554	19 675 981	70

Research Programs Related to Genetic Resources

According to data from the National Council for Science and Technology (NCST), in 2014, Mexico had a total of 22,408 researchers⁶ registered in the National System of Researchers (NSR), of which 17% belong to the chemical and biological sciences (area 2); 12% to the biotechnology and agricultural sciences (area 6) and 10% to the area of medicine and health sciences (Area 3). Together, these three areas that could be most related to the implementation of the Nagoya Protocol, equals to the 39% of researchers nationwide. The universe of researchers who could be impacted by the regulation is estimated at 8824.

Biotechnology in Mexico is an area that affects broad sectors, generates a high rate of scientific production and has great potential for innovation. In 2010, the NSR had 2,200 researchers in area 6⁷ and for 2014, 2596⁸, all of them potential users of genetic resources.

Furthermore, in order to get a more accurately diagnose about the scientific research related to genetic diversity in Mexico, between November 2013 and February 2014, as part of the preparation of the Fifth Country Report to the Convention on Biological Diversity, CONABIO sent a questionnaire to 37 institutions and research centers in the country in order to know what is being done in terms of research on genetic diversity in Mexico.

Below are presented the summary of the information contained in the 19 responses received (51% of the selected institutions, corresponding only to a sample of the national total centers).

Main results reported in the questionnaires obtained

1. 33 national institutions reported to be carrying out studies on genetic diversity species in the country in collaboration with 37 foreign institutions (Tables 1 and 2).
2. Of these 60% are in the US, 22% in Europe, South America 8% and 3% in Asia.
3. At least nine collaborative networks were reported:
 - a) Network Ecosystem-(NCST);
 - b) Network Environment and Sustainability;
 - c) Network of the Subsystem in Aquatic Genetic Resources;
 - d) Mexican Plum Network;
 - e) Mexican Network of Long Term Ecological Research;
 - f) National Network of pumpkin/squash;
 - g) National Network of sweet potato;
 - h) National Network of Mexico's Herbaria
 - i) Thematic Network Barcode of Life.
4. Of all the research reported, 48% were about animals, plants 40%, 6% of bacteria, fungi 4%, 1% on viruses and 1% algae. Studies of more than 200 taxa are reported. It outlined that 92% of the species are native and exotic 8%.
5. The ecosystems with more genetic studies are marine, agroecosystems, tropical forests and desert.
6. Regarding the research products, researchers report the generation of more than 224 articles, 32 databases and seven patents. 85% of the total reported were scientific articles, 12% databases hosted in institutions and research centers responsible for projects and 3% patents. 71% studies in basic research, 16% in applied science and 13% had both approaches.
7. More than 30 different funding sources including national and international public and private funds were identified.
8. The most outstanding are the UNAM, CIBNOR, ECOSUR and INECOL as major institutions involved in the generation of information on these issues.

⁶ http://www.foroconsultivo.org.mx/asuntos/academicos/sni2014/resultados_comisiones_dictaminadoras_2014.pdf

⁷ Programa Especial de Ciencia, Tecnología e Innovación 2014-2018. Logros 2014. <http://www.conacyt.mx/siicyt/images/Logros-PECiTI-2014.pdf>

⁸ http://www.foroconsultivo.org.mx/asuntos/academicos/sni2014/resultados_comisiones_dictaminadoras_2014.pdf

9. In the sample, the institutions had investments of almost 95 million pesos, with contributions from both national and foreign funds as well as of the institutions themselves.
10. The NCST is the main institution that finances studies of genetic diversity (27.6%) and the UNAM with a contribution of around 20%.

Table 5. Mexican institutions that conduct research on genetic diversity mentioned by researchers.

National institutions and acronym in Spanish
Asociación Mexicana de Jardines Botánicos (AMJB)
Benemérita Universidad Autónoma de Puebla (BUAP)
Centro de Investigación Científica de Yucatán A.C. (CICY)
Centro de Investigación Científica y de Educación Superior de Ensenada (CICESE)
Centro de Investigación en Alimentación y Desarrollo (CIAD)
Centro de Investigaciones Biológicas del Noroeste (CIBNOR)
Colegio de Postgraduados (COLPOS)
Comisión Nacional Forestal (CONAFOR)
El Colegio de la Frontera Sur (ECOSUR)
Fondo Mexicano para la Conservación de la Naturaleza (FMCN)
Instituto de Ecología A.C. (INECOL)
Instituto Nacional de Investigaciones Forestales, Agrícolas y Pecuarias (INIFAP)
Instituto Politécnico Nacional (IPN)
Instituto Potosino de Investigación Científica y Tecnológica (IPICYT)
Sociedad Botánica de México (SOCBOT)
Universidad Autónoma Agraria Antonio Narro (UAAAN)
Universidad Autónoma de Baja California (UABC)
Universidad Autónoma de Baja California Sur (UABCS)
Universidad Autónoma de Chiapas (UNACH)
Universidad Autónoma de Nuevo León (UANL)
Universidad Autónoma de Sinaloa (UAS)
Universidad Autónoma de Yucatán (UADY)
Universidad Autónoma Chapingo (UACH)
Universidad Autónoma Metropolitana (UAM)
Universidad de Guadalajara (UDG)
Universidad de Guanajuato (UG)
Universidad de las Américas Puebla (UDLAP)
Universidad del Mar (UMAR)
Universidad Michoacana de San Nicolás de Hidalgo (UMSNH)
Universidad Nacional Autónoma de México (UNAM)
Universidad Politécnica de Tlaxcala (UPT)
Universidad Tecnológica de la Selva (UTSELVA)
Universidad Veracruzana (UV)

Table 6. Foreign institutions collaborating in the reported studies.

Institution	Country
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Barcode of Life	International
Botanic Garden Conservation International	
Goethe University Frankfurt	Germany
Universidade de Darcy Riveiro du Brasil	Brazil
Université de Montréal	Canada
Universidad de Antioquí	Colombia
Estación Experimental del Zaidín	Spain
Museo Nacional de Historia Natural de Madrid	
Universidad de Sevilla	
Universidad Politécnica de Madrid	
Cornell University	United States of America
National Aeronautics and Space Administration	
National Oceanic and Atmospheric Administration (NOAA)	
Pennsylvania State University	
Rutgers University	
Santa Barbara Museum of Natural History	
U.S. Agency for International Development	
Southern University of New York	
United Forest Service	
University in Minneapolis	
University of Arizona	
University of California	
University of California Irvine	
University of Delaware	
University of East Anglia	
University of Maryland	
University of Miami	
University of New Orleans	
University of Oklahoma	
University of Tennessee	
University of Texas	
Université Montpellier	France
Gif sur Yvette	
Institut de Recherche pour le Développement	
Unité Mixte de Recherche de Génétique Végétale	
Kyushu University	Japan
Instituto de Investigaciones Biológicas	Uruguay

As seen in this section, it is necessary to establish effective mechanisms or instruments to have updated and systematized information regarding the work done by academic institutions for the knowledge of the genetic diversity of native species. Finally, it is necessary to strengthen the role of scientific institutions and the agencies responsible for funding research, such as the National Council of Science and Technology (NCST), not only to develop research products, but to ensure these contribute to developing more efficient/effective processes and public policy, specifically with regards to ABS.

PART III. National Legal Framework for ABS in Mexico: Environmental Laws in Mexico Related to the Nagoya Protocol

BACKGROUND

Mexico has developed a comprehensive legal framework for environmental and natural resource management. The first environmental law was the Federal Law to Prevent and Control Environmental Pollution, published on March 23, 1971. Eleven years later, the Federal Law of Environmental Protection was published in the Official Diary of the Federation on January 11, 1982⁹ and five years later, on January 28, 1988, the General Law of Environmental Equilibrium and Protection to the Environment (LGEEPA)¹⁰ was issued. The LGEEPA is the cornerstone of Mexico's environmental laws. Until 2000, few environmental laws existed and regulations complemented LGEEPA's general provisions. Since then, however, the number of environmental and other related legislation has increased notably. The proliferation of laws, regulations and official Mexican norms (currently numbering more than 100) partly reflects a growing sophistication in environmental management, but also represents challenges for environmental enforcement agencies to oversee their compliance. Indeed, there exists a gap between the emission of environmental legislation and the creation of institutions that are mandated to apply this legislation.

The LGEEPA was applied and administrated by the former Secretary of Urban Development and Ecology (SUDE) via the then National Institute of Ecology (NIE). The NIE's inclusion in SUDE was to address the problems derived from industrial and demographical growth in big cities resulting from the urban/industrial orientation of public environmental policy approaches: air quality in big cities and water contamination by industrial and municipal discharges.

In the face of this, in 1994, the Ministry of Environment, Natural Resources and Fishing (SEMARNAP) was created, thus integrating under the same sector the management of natural resources (including fishing), biodiversity, attending dangerous residues and urban-industrial environment problems. Later, on July 3, 2000, the General Law of Wildlife was published and on November 30 the Secretary's structure was modified with the passing to the Agricultural and Livestock Ministry the responsibility of Fishing management (SAGARPA). Thus, the Ministry of Environment and Natural Resources (SEMARNAT) was established. Finally, on February 25, 2003, another important sectorial law was published - the General Law of Sustainable Forestry Development, which foresees in its contents some topics regarding access to forest genetic resources.

However, the general legal framework associated with genetic resources is not inclusive enough to ensure sustainable access and use, as well as equitable sharing of benefits garnered from the use of these resources. Current legislation includes only the Laws under the premise that, if the referenced legislation does not attend relative aspects towards genetic resources access, the regulatory dispositions via principle of Law supremacy cannot attend aspects unattended in the regulated Law.

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 was adopted on the tenth reunion of the Conference of the Parties to the Convention on Biological Diversity on October 29, 2010 in Nagoya, Japan. Mexico ratified the Nagoya Protocol on May 16, 2012 and it entered into force on October 12, 2014. The Mexican Constitution provides in Article 133 as follows:

⁹ http://www.dof.gob.mx/nota_detalle.php?codigo=4709428&fecha=11/01/1982

¹⁰ http://www.dof.gob.mx/nota_detalle.php?codigo=4718573&fecha=28/01/1988

Article 133 - This Constitution, the laws of the Congress of the Union that come from it, and all the treaties that are in accord with it, that have been concluded and that are to be concluded by the President of the Republic with the approval of the Senate will be the Supreme Law of all the Union. The judges of every State will follow this Constitution and these laws and treaties in considering dispositions to the contrary that are contained in the constitutions or the laws of the States.”

In 1999, the Mexican Supreme Court of Justice (Suprema Corte de Justicia de la Nación - SCJN) determined that international treaties are below the Constitution and above national law (federal, state and municipal). Therefore Mexico binds itself to these obligations before the international community and cannot avoid its fulfillment calling on domestic provisions because this would make Mexico liable internationally.¹¹ Thus, Article 133 of the Mexican Constitution makes this Nagoya Protocol the Supreme Law of the entire Nation.

However, before the Nagoya Protocol entered into force in Mexico, those parties that were interested in pursuing scientific collection activities did so by way of SEMARNAT-08-049-A, SEMARNAT-08-049-B and SEMARNAT-08-049-C, corresponding to the licensing of scientific collection or educational purposes related to wildlife.

Furthermore, the Ministry of Environment’s regulations permit collection activities of forest biological resources through SEMARNAT-03-058-A and SEMARNAT-03-058-B, referred to as the Collection Authorization of forest biological resources for scientific and commercial biotechnology purposes, respectively. Both procedures have discrepancies in aspects related to the collection, such that in order to properly implement the Nagoya Protocol on access to genetic resources, changes are required in the existing environmental laws, specifically in the General Law of Wildlife and the General Law of Sustainable Forestry Development and the General Law of Ecological Balance and Environmental Protection.

Procedures for the collection of forest biological resources
[SEMARNAT-03-039] - Colecta Recursos Biológicos Forestales
[SEMARNAT-02-004] - Recolección Germoplasma Forestal
[SEMARNAT-03-049] - Informe Colecta Recursos Biológicos Forestales
[SEMARNAT-03-058-A] - Autorización de colecta recursos Biológicos Forestales
[SEMARNAT-03-058-B] - Autorización de colecta de recursos biológicos forestales; Modalidad B: Biotecnológica con fines comerciales
(Procedures associated with scientific collection, NOM 126)
[SEMARNAT-08-049-C] - Licencia de colecta científica o con propósitos de enseñanza, en materia de vida silvestre. Modalidad C. Con propósitos de enseñanza
[SEMARNAT-08-049-B] - Licencia de colecta científica o con propósitos de enseñanza, en materia de vida silvestre. Modalidad B. Por proyecto
[SEMARNAT-08-049-A] - Licencia de colecta científica o con propósitos de enseñanza. Modalidad A. Por línea de investigación
[SEMARNAT-08-046] - Modificación o Prórroga de la Autorización de Colecta de Ejemplares, Partes y Derivados de Vida Silvestre con Fines de Investigación Científica y con Propósitos de Enseñanza
[SEMARNAT-08-040] - Informe anual de actividades al amparo de la autorización de colector científico

Once the NP entered into force, there was an increase in requests for scientific collection (wildlife and forest life). While there is an intention to carry out the utilization of genetic resources in the manner

¹¹ *Tratados internacionales. Son parte integrante de la ley suprema de la unión y se ubican jerárquicamente por encima de las leyes generales, federales y locales. interpretación del artículo 133 constitucional.* Novena Época, Instancia: Pleno, Fuente: Semanario Judicial de la Federación y su Gaceta, XXV, Abril de 2007, Página: 6, Tesis: P. IX/2007. Tesis Aislada, Materia Constitucional.

described in the NP, the current laws that regulate scientific collection activities do not provide legal assumptions that are associated with genetic resources; rather, such activities are not covered by any legal scheme so they have had to be met casuistically without any legal certainty for those being regulated as well as those with the authority to regulate.

From an environmental perspective, the lack of a comprehensive national ABS framework (legal, institutional and budgetary) is resulting in the continual loss of biodiversity, increasing environmental deterioration, the unrestrained extraction of genetic resources, and uncontrolled granting of research permits. Meanwhile, from an economic perspective, remuneration is lost from industries and corporations that use genetic resources; biopiracy continues, implying a loss of millions of dollars for the country, while communities lose the opportunity to improve their reality, i.e. eradicate poverty, with a more equitable distribution of benefits. Moreover, with regards to governance, the lack of an integral legal framework implies the continual violation of regulations, losing control over the processes of genetic resources use, generating social conflicts, maintaining the legal uncertainty facing corporations and / or developed countries. This has social implications as there is increased vulnerability of the social fabric and cultural exploitation, loss of traditional knowledge, social unrest, poverty, inequality for indigenous communities, food shortages, lack of resources, risks to human health, and land tenure disputes in indigenous communities.

The Mexican laws that regulate scientific collection activities do not provide legal cases that are associated with genetic resources; rather such activities are not covered by any legal scheme so they have been addressed in a casuistic manner without legal certainty for the regulators that are the legally-bound authority. Currently, SAGARPA (the authority that oversees agriculture, livestock and fisheries, including the National Seed Inspection and Certification Service (SNICS) has been the institution to deal with cases of access to GR. While SEMARNAT is the institution charged with GR, there is limited clarity and capacity regarding its role vis-à-vis other institutions such as SAGARPA in managing genetic resources found in the country, the role it has to play in the distribution of benefits and in negotiating mutually agreed terms, how to resolve the issue of benefit sharing from genetic resources that are widespread, and establishing public policies aimed at biodiversity conservation. It is necessary to discuss and define the role of the Mexican state and its institutions with regards to ABS.

The lack of knowledge of the competent national authorities on international regulations, the absence of national legal provisions specifically applicable to genetic resources and their importance to the variability of species and their potential use, make it possible to carry out improper access and extraction that violate the rights of users to receive fair and equitable benefits arising from the conservation of those genetic resources. Hence, the importance of national authorities to sponsor a legal framework that provides legal certainty for authorities as well as for those being regulated.

The *pozol* is a national landmark case¹² of how the lack of knowledge of the legal framework can lead to improper access and use of genetic resources. This is 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 were collected. An academic institution gained access to these genetic resources, a graduate student transported this genetic material to the European Union, and a few years later a patent appeared for the *Pozol* bacteria.

Plant varieties, patents and trade secrets play a central role in the context of access to genetic resources. But in the context of the discussion of indigenous rights, the soft forms of intellectual property also generate problems in the misappropriation of collective wealth. An example is the registry of the brand "Mezcal

¹² Memorias del Foro: Acceso a los recursos genéticos y derechos de los pueblos indígenas, Universidad Autónoma Metropolitana, Xochimilco, pp 115 (<http://www2.inecc.gob.mx/publicaciones/download/364.pdf>)

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, and is a name of Zapotec origin.¹³

This highlights the lack of protection for associated traditional knowledge in Mexico. In general, its value is cultural and is subject to the application of customary laws of each community; the communities decide the mechanisms to be adopted by those who seek to access and use it when associated with genetic resources. If traditional knowledge is in the public domain, it is virtually defenseless due to the difficulty in determining whether an indigenous and/or local community participated in the process of linking it to genetic resources. 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 such rights on traditional knowledge.

The following Table provides an overview of the relevant Laws and Regulations related to the conservation, access and use of biodiversity associated with Genetic Resources and the Nagoya Protocol.

¹³ Idem

LAW		NAGOYA PROTOCOL RELATION
Political Constitution of the Mexican United States DOF 5-02-1917		This Constitutional provision gives foundation to the GLEEEP and to the GWL; therefore both laws are regulatory within the Political Constitution.
General Law of Ecological Equilibrium and Environmental Protection (GLEEEP) (http://www.diputados.gob.mx/LeyesBiblio/pdf/148_090115.pdf) DOF 28-01-1988 Articles: 3 rd , 15 th , 45 th , 47 th bis, 54 th , 79 th , 83 rd , 87 th BIS		<p>It has its antecedent in the Federal Law to prevent and control environmental contamination. This legislation was published on the Official Diary of the Federation (ODF) on January 28th 1988 its enactment is previous to the Rio Declaration regarding the Environment and Development from June 1992 and its goal is the preservation and restoration of the ecological equilibrium, as well as protection to the environment; by virtue of the fact that much of its regulations are prior to the Rio de Janeiro Convention of 1992, much of its construction, terminology and articulate have been modified alongside the 17 years of the Law's existence.</p> <p>The GLEEEP is relevant because it's a general nature Law that grants attributions to the states and municipal governments under the premise of contribute this means that the states authorities will be able to elaborate environmental Laws in the topics that are not exclusive of the federation and that complement the foreseen objectives in the 1st article of the GLEEEP</p> <p>The goal of this Law is the preservation, restoration of the ecological equilibrium and the environmental protection; regarding the case of genetic resource access it's neglectful in the Nagoya Protocol terms regarding ABS, regardless it determines the use of flora and wildlife, it requires the expressed contentment of the owner or legitimate possessor of the property in which they are found; including in this assumption the scientific collect (87th art) and the authorization for use in biotechnology</p> <p>(87th bis art); understanding by biotechnology according to the definitions of the Law itself all technological application that uses biological resources, living organisms or its derivatives for the creation or modification of products or processes for specific uses</p> <p>The Law contains public policy disposition's by signaling that the ecosystems are common patrimony of the society, therefore the authorities and particulars must assume the responsibility of the ecological equilibrium protection, without leaving aside the productive aspects; it outlines the concept of sustainability by taking into account the needs/conditions of the present and future generations.</p> <p>On the other hand it foresees coordination mechanisms with the dependencies of the Public Federal Administration for the best achievement of the Law's objectives</p> <p>It foresees that the purpose of the coordination of actions with the individuals, groups and social organizations it's redirect to the relationship between the society and nature for its conservation and sustainable use.</p> <p>On the other hand, this Law indicates that the protected natural areas (PNA) are a conservation strategy to ensure the balance and continuity of the evolutionary and ecological processes, as well as the importance of preserving the representative natural environments of the different biogeographical and ecological regions and the most fragile ecosystems, as well as their functions.</p>

LAW	NAGOYA PROTOCOL RELATION
	<p>In the same way the PNA safeguard the genetic diversity of the wild species on which the evolutionary continuity depends; and they assure the preservation and the sustainable use of biodiversity, the ecosystems, it's elements and their functions. This Law also foresees that the Secretary must promote and support the handling of the flora and wildlife with base in the traditional biological knowledge, technic, scientific and economical information with the purpose of making a sustainable use of the species.</p> <p>In the same way it establishes the criteria for the preservation and sustainable use of flora and wildlife, from them the most significant that have relation with the Nagoya Protocol are:</p> <p>The support and development of the research on wildlife, flora and on the genetic materials with the goal of knowing their scientific, environmental, economic and strategic value for the Nation, importance of the traditional biological knowledge and participation of the communities, as well as the indigenous peoples in the elaboration of biodiversity programs in the areas inhabited</p> <p>For the purposes specified in the Nagoya Protocol, is relevant which the Ecology Law determines that the use of flora and fauna requires the express consent of the owner or lawful possessor of the land on which it is located.</p> <p>Likewise, this law states that the collection of flora and fauna and other biological resources for scientific research, requires authorization from the Secretary and shall be subject to the terms and formalities established in the Official Mexican Norm as well as other systems that may be applicable, given that some access to genetic resources begins with scientific collection activities, is important that this activity is regulated by linking it, where appropriate, to the access case.</p> <p>The Law recognizes the right of owners or legitimate possessors to an equitable sharing of benefits that arise or may arise from the sustainable use by establishing a link to legal provisions, as might be the instrument which will implement at national level the Nagoya Protocol on ABS.</p>
<p>General Law of Wildlife (GLW) (http://www.diputados.gob.mx/LeyesBiblio/pdf/146_260115.pdf) DOF 03-07-2000 (Articles 3rd, 4th, 24th, 46th, 83rd, 85th, 86th, 93rd and 97th)</p>	<p>An important aspect of the GLW, is which recognizes the rights over genetic resources, are subject to international treaties and to the provisions on the subject, this legal assumption allows a related link to the legal instrument which will implement the NP.</p> <p>The GLW has provisions on scientific collection and for teaching purposes; this law does not cover the use for commercial purposes or biotechnology.</p> <p>Also provides the figure of Extractive Use of specimens, parts and derivatives of wildlife, in environment management units, in Federal Territories and for Subsistence purposes, elements that should be aligned to the legal instrument on ABS.</p> <p>On the other hand, the law determines that in the conservation and sustainable use activities of wildlife the knowledge, innovations and practices of rural communities which embodying traditional lifestyles will be respected, preserved and maintain because are relevant for the conservation and sustainable use of wildlife and its habitat and the wider application of such knowledge, innovations and practices with the approval and involvement of those who hold them, will be promoted.</p>

LAW	NAGOYA PROTOCOL RELATION
	<p>Similarly promotes that the benefits arising from the utilization of such knowledge, innovations and practices are shared equitably; all items listed above are core of the NP.</p> <p>Furthermore, provides legal provisions for extractive use of specimens, parts and derivatives of wildlife, which states that to perform them prior issuance of a permit from the Secretary is required, which will establish the utilization rate and its timing; this authorization will be for the following activities:</p> <ul style="list-style-type: none">• Collect, for this activity the Regulation under the GLW, provides five types of scientific collection permit.• capture or hunting for reproduction, restoration, recovery, repopulation, reintroduction, translocation, economic or environmental education
<p>General Law of Sustainable Forestal Development (GLSFD) (http://www.diputados.gob.mx/LeyesBiblio/pdf/259_2603_15.pdf) DOF 25-02-2003 (Articles 1st, 2nd, 7th, 22th fr. XXXIV, 32nd, 33rd, 40th, 58th fr. IV, 63rd, 101st, 102nd, 105th, 110th, 147th, 150th, 152nd, 158th)</p>	<p>The Law contains provisions for the collection and use of forest biological resources for scientific purposes¹⁴ and collection for commercial purposes in Biotechnology¹⁵</p> <p>This law recognizes the rights of indigenous communities to own, knowledge and use of local varieties; and contain provisions for the use of traditional knowledge.</p> <p>This Act provides that the National Forest Information System, which must be integrated homogeneously all information in forestry, including information on the use and knowledge of forest resources, including information about domestic and traditional knowledge;</p> <p>It also determines when the intended use of the knowledge of indigenous peoples and communities on forest biological resources, it should be recognized the ownership of the knowledge of indigenous peoples and present an agreement between the applicant for authorization and the holder of the knowledge community, which proves that has the prior, express and informed of the community</p> <p>The GLSFD indicates that in the case of collection and use of forest biological resources for utilization in research and / or biotechnology requires authorization by the Secretary.</p> <p>The Authorizations in forestry on land owned by an ejido, community or indigenous community which is submitted by a third party, it must prove the consent of the agrarian community presenting the agree to authorize issued by the assembly in accordance with the Agrarian Law</p> <p>This Act provides for the prior, express and informed Consent, in the legal assumption of use of the knowledge of indigenous peoples and communities on forest biological resources. It shall be recognized the ownership of knowledge of indigenous peoples and present an agreement between the applicant authorization and the community.</p>

¹⁴ GLSFD Regulations, Article 2nd, frac. VII. Scientific collection, obtaining or removal of forest biological resources to generate basic scientific information and biotechnology research for non-commercial purposes;

¹⁵ GLSFD Regulations, Article 2nd **frac. VIII**. Biotechnology collection with commercial purposes, obtaining or removal of biological forest resources for the generation of chemical compounds, genes, proteins, secondary compounds, molecular structures, metabolic processes, and other results, with lucrative purposes;

LAW	NAGOYA PROTOCOL RELATION
<p>Sustainable Rural Development Law (http://www.diputados.gob.mx/LeyesBiblio/pdf/235.pdf) DOF 07-12-2001) (Articles 3rd, 102nd, 104th, 105th, 176th and 177th)</p>	<p>This Law establishes in the Natural Resources definition, the natural renewable and nonrenewable resources susceptible to use by rural production processes and which are providers of environmental services: land, forests, mineral resources, water, vegetative and animal communities and genetic resources; and empowers to the National Service of Seed Inspection and Certification (NSSIC) to establish and if necessary to propose, jointly with other agencies and related institutions, policies, actions and agreements on conservation, access, use and integrated management of plant genetic resources, protection rights of plant breeders and seed quality analysis.</p> <p>On the other hand indicates that the agrarian communities, indigenous peoples and owners can perform the actions which are eligible under the terms of this Law, the GLEEEP, the GLW and all applicable regulations on the use, extraction, utilization and appropriation of biodiversity and genetic resources; that is, the legislative established a continuous link between the objectives of this Act and under environmental laws in relation to genetic resources.</p> <p>Furthermore, the Act empowers the Interministerial Commission on Sustainable Rural Development, with the participation of the Mexican Council for Sustainable Rural Development, to establish the necessary measures to ensure the integrity of national biodiversity heritage, including organisms generated in natural conditions and cultivated by farmers and the defense of intellectual property rights of indigenous and peasant communities.</p> <p>And points out that, contracts for the purposes of care and protection of nature, under the terms of the GLEEEP and GLW requires authorization from the Secretary of Environment and Natural Resources to have legal validity.</p>
<p>General Law of Sustainable Fisheries and Aquaculture (http://www.diputados.gob.mx/LeyesBiblio/pdf/LGPAS_040615.pdf) DOF 24-07-2007 (Article 2nd.)</p>	<p>It focuses primarily on the activities of fisheries and aquaculture, not in to the conservation of species whose usual way of life is water, which are excluded from GLW, this is one of the legal assumptions that have to meet the legal instrument which will implement the NP, as it can only regulate marine resources.</p> <p>One of the gaps in the Mexican legal framework to be remedied is the regulation of genetic resources that are not considered as endangered or that aren't distributed in natural areas, or that either the case of turtles, marine mammals and aquatic species subject to a special state of protection as provided in NOM 059¹⁶.</p>
<p>Industrial Property Law (http://www.diputados.gob.mx/LeyesBiblio/pdf/50.pdf) DOF 27-06-1991 (Article 15th, 16th, 19th and 25th)</p>	<p>This law aims among others to protect industrial property by regulating and granting patents; records of utility models, industrial designs, trademarks and advertising slogans; publication of trade names; declaration for protection of designations of origin and regulating trade secrets.</p> <p>As provided by this Act, an invention is considered any human creation that allows transform matter or energy existing in nature, for use by humans and meet their specific needs, and expected to be patentable inventions that are new, an inventive step and capable of industrial application.</p> <p>Similarly figure excludes Patent:</p>

¹⁶ NOM-059-SEMARNAT-2010. Environmental-native species of wild flora and fauna in Mexico. Risk categories and specifications for inclusion, exclusion or change of category. List of wildlife species at risk protection.
http://dof.gob.mx/nota_detalle.php?codigo=5173091&fecha=30/12/2010

LAW	NAGOYA PROTOCOL RELATION
	I. Essentially biological processes for the production, reproduction and propagation of plants and animals; II The biological and genetic material as found in nature; III animal breeds; IV The human body and the living parts composing it, and V.- Plant varieties.
Agrarian Law http://www.diputados.gob.mx/LeyesBiblio/pdf/13.pdf) (DOF 26-02-1992) (Artículo 1, 2, 5, 9, 10, 11, 99, 100, 101, 163 y 164)	This Law pretend to regulate and safeguard the property rights of rural communities (Ejidos and Communities), excluding the agricultural legal scheme for indigenous groups, which are redirected to the articles 2 nd an 4 th Constitutionals.
United Nations Convention on the Law of the Sea (UNCLOS) December 10 th , 1982 (Part XIII (Articles 238 to 265)	Establishes the international regime for marine scientific research.
Sea Federal Law (http://www.diputados.gob.mx/LeyesBiblio/pdf/124.pdf) DOF 08-01-1986	Implements at national level the provisions on marine scientific research, providing by UNCLOS.
NOM-126-ECOL-2000 (http://www.dof.gob.mx/nota_detalle.php?codigo=768503&fecha=20/03/2001) DO 20-03-2001	Mexican Official Standard which establishes the specifications for carrying out scientific collection of biological material of wild flora and fauna and other biological resources in the country. This Mexican Official Standard (NOM) is the instrument where the "Specifications for carrying out scientific collection of biological material of species of wild flora and fauna and other biological resources in the country" are established and is based in Article 87 of the GLEEEP) and 97 and 98 GLW. In accordance with the regulatory procedure provided for in the Federal Law on Metrology and Standardization in Article 47 and subsequent, NOM is subject to a five year period review.

Conclusions:

The 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”* intends to address the legal gaps in the National legislation, in terms of genetic resources. Legal gaps are due to historical contexts that prevailed when the various national laws were issued.

The Project’s Outcome 1 focuses on the design and implementation of an integral legislative work to ensure that Mexico has a specific law to help the management of genetic resources. It also seeks to update and renew the existing laws in order to ensure their integration throughout a legal framework that promotes the use of genetic resources in a much broader approach than that provided by the Nagoya Protocol on Access to Genetic Resources, hence the importance of the Project components’ contributions. Furthermore, to enable Mexico to implement this new legal framework, the Project will support the development and strengthening of specific capabilities among public officials, legislators, users, suppliers and civil society.

The internalization of the elements of the Nagoya Protocol by all these stakeholders will enable the proper access and use of genetic resources and associated traditional knowledge in compliance with the elements provided by the Nagoya Protocol.

PART IV. Stakeholder Analysis and Participation Plan

I. Conceptual Framework

1. Mexico is a multifaceted plural and diverse country. The most distinctive feature of the country is its heterogeneity with regards to countless varied landscapes, many and unique cultures, as well as contrasting social and economic levels. The vast ecological and cultural diversity of the country is closely intertwined, as cultures depend on the natural environment and the goods and services they provide, while biodiversity oftentimes depends on conservation efforts of local communities. Hence the diversity of genetic resources contained in crop plants is a national as well as worldwide heritage. In addition to its intrinsic biological and cultural value, it is an important potential economic value that has not been properly considered.
2. Mexico is an important center of domestication and diversification of many crops, some of them of great global importance. The species grown in Mexico have numerous wild relatives that have the potential to extend the genetic diversity of cultivars of many species consumed worldwide, and therefore represent a resource of great importance to food safety. Genetic diversity is not only the result of environmental and biological factors, but also, importantly, the result of processes of domestication and diversification by human management. However, there has been no systematic effort to track the changes in diversity that have occurred in the past and continue to the present by small farmers in the country, for the most part indigenous and peasants, in the context of their fields, plots, orchards and plantations.
3. In contrast to these sources of diversification, there is a consensus that the genetic diversity of these resources has declined and the trend suggests they continue to decline. Some reasons are the demographic and cultural changes in rural and urban populations and the type of policies to support the rural sector.
4. In addition to *in situ* conservation of wild relatives of cultivars, the *ex situ* conservation of the genetic diversity of cultivated plants is relatively nascent and these wild relatives are seriously threatened by deforestation and changes in land use. Conservation on farms or farmland continues indeed in peasant farming systems, but does not have any formal support. On the contrary, farm-based conservation confronts many adverse factors, including the growing trend toward replacement by synthetic varieties and ecological simplification of farmland, i.e. monocultures. It is clear that the future of this diversity is linked to the future of the rural population and the continuity of its cultural value and identity. An explicit national policy with concrete financing that clearly defines a series of interrelated actions for *in situ* and *ex situ* conservation for the diversity of native cultivated species and their wild relatives is required.¹⁷
5. By strengthening 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", this GEF Project seeks to address legal, institutional and capacity barriers through the three components of the Project, contribute to implementation of the Protocol in harmony with national needs, and in recognition of the aforementioned diagnosis.
6. Without the Project, sector-based management by federal agencies of access to genetic resources will continue to be carried out in isolation, without a common goal to make optimal use of limited budget resources, and doubling/overlapping efforts in a context of uncertainty for the regulated and regulators.

¹⁷ Capital natural de México, Síntesis, "Conocimiento actual, evaluación y perspectivas de sustentabilidad" José Sarukhán, Patricia Koleff, Julia Carabias, Jorge Soberón, Rodolfo Dirzo, Jorge Llorente-Bousquets, Gonzalo Halffter, Renée González, Ignacio March, Alejandro Mohar, Salvador Anta, Javier de la Maza, México, pps. 9, 38, 39, 42; 2009.

II. Stakeholder Participation during Project Preparation

7. In order to identify strategic partners of this project, a review was carried out of the authority and responsibilities assigned to the federal agencies considered relevant to the issue of genetic resources (*lato sensu*). This first review concluded that the Secretariat of Environment and Natural Resources (SEMARNAT), PROFEPA and CONANP bodies, the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA), the National Service for Seed Inspection and Certification (SNICS), the National Commission for the Development of Indigenous Peoples (CDI), the Ministry of Foreign Affairs (SRE), the Secretariat of Economy (SE) and the Mexican Institute of Industrial Property (IMPI) each play, or have the potential to play, a role in addressing some of the elements under the Nagoya Protocol. As such, these agencies were invited to participate as co-financing partners of the project and to partake in multiple workshops to discuss and build the PIF and ProDoc, in which their needs and institutional vision are reflected for the implementation of the NP.

8. During the project preparation grant (PPG) phase of the Project, the stakeholder participation involved workshops and thematic working groups with participants from SEMARNAT, UNDP, GIZ, CONABIO, CDI, IMPI, and SAGARPA to define opportunities to promote participation in the Project between the government sector, members of the indigenous advisory council representing the indigenous peoples and local communities; academics; industries; NGO and representatives of the 12 selected communities/biocultural regions in the development of their biocultural protocols.

9. While this project was initiated by the environmental sector, an effort was made to engage other agencies from the federal sector to ensure an effective, comprehensive and crosscutting focus on access to genetic resources. During discussions on the development of the legal instrument to implement the NP, SAGARPA / SNICS, the CDI, and IMPI shared the view that access to genetic resources should be made possible within a legally-recognized framework, and that the sharing of benefits associated with their use must be fair and equitable, as well as the establishment of systems for the open exchange of information between key authorities to enable the conservation and sustainable use of GR.

10. During the past year, at least 11 meetings were held - these participation fora were:

- Inception workshop
- Thematic working groups
- Project design workshop
- Individual meetings and consultations
- Web forum

1) Inception Workshop

The objectives of the workshop included: i) to know and validate the project goals, objectives and strategies with the Project staff and other key stakeholders ii) to determine the roles, functions and responsibilities within the project decision-making structures, including the lines of communication and the outputs of the PPG, iii) to validate the PPG Work Plan.

2) Thematic or Community Outreach Groups

Meetings were conducted to define specific actions with key representatives of indigenous and local communities, CDI and UCPAST. Other meetings were held on specific topics to set basic terms, working arrangements and focus meetings to be held between the agencies that serve as Monitoring Points, Competent National Authorities and other researchers and companies which will provide support and guidance on problems and needs to implement the Protocol.

The objectives of these groups included: i) review and develop proposals for the elaboration of the project design based on the contents of the PIF, ii) address the actions and outputs associated with the following

components: Stakeholder Involvement in threat reduction, and specify the outputs and actions of the communication campaign.

3) Project Design Workshop

Objectives: to revise, adapt and socialize the proposals of the working groups to consolidate Project design, including the selection of target groups for the development of community protocols and communication strategy KAP.

The consolidation of the project depends in part on good relations and communication between all the Project partners and recipients of planned project interventions (training, awareness, catalog information, systematization of records, design of good practices manuals, etc.). The workshop resulted in refined and defined new sub outputs to address more precisely the barriers identified and achieve more effectively the Project's objective.

4) Individual Meetings and Consultations

The final Project design also required a series of meetings and consultations with individuals and organizations to address various aspects, namely: i) specific capacity strengthening needs, ii) monitoring and evaluation system, iii) budget, intervention sites, database designing, interoperability, among others.

5) Web Forum

11. Furthermore, a web forum discussion was made available to all participants regarding relevant consultation documents (all national laws that provided the basis for the diagnosis of ratification of the NP, international treaties such as the CBD, ITPGRFA, documents FAO, NP text, explanatory guide, meeting minutes, attendance record, etc.). Access to the Forum work was administered by officials appointed by enabling units, having an initial registration of over 25 high-level officials from APF agencies that have responsibilities and can have access to and utilization of GR. The forum's webpage is <http://extra.semarnat.gob.mx/temas/nagoya/SitePages/Inicio.aspx>

Summary of results from PPG consultations with stakeholders

Results were taken from three sources:

1. Perspectives of key informants through direct consultations (interviews with GIZ-CONABIO Project, National Competent Authorities (DGVS, DGGFyS, ii), Indigenous and local communities' offices (UCPAST and CDI) and future monitoring checkpoints (IMPI and engage COFEPRIS and CONACYT).
2. Activities in collective reflection on actors and social participation in the workshop with Chapingo University and CANIPEC¹⁸ and relevant institutional actors in the 11 meetings coordinated by DGSPNR with the participation of all the ABS-related offices.
3. The workshops conducted to evaluate the Mexico's capacities baseline, and agree on logical framework and plan the project budget.

The results can be summarized according to the components to be addressed by the Project:

Outcome 1

12. Both SAGARPA/SNICS as well as SEMARNAT (DGVS, DGGFS, CONANP, UCPAST and PROFEPA) are limited in their actions due to the current inadequate and fragmented legal framework, resulting in inefficiencies in administrative operations related to access to genetic resources. Meanwhile, institutions such as the CDI, IMPI, whose scope is more limited, have no legal framework for them to

¹⁸ National Chamber of Perfume Industry

operate in the field of access to genetic resources so their actions have been completely erratic. In all cases, uncertainty is the common rule.

13. Federal agencies such as SNICS, IMPI and CDI initially showed no interest in and commitment to this project, despite being relevant actors in its implementation. However, after participating in institutional work for developing a legal draft for ABS, their interest began to grow: (a) to support this Project with counterpart/cofinancing commitments (including 3 new co-financiers: SNICS, IMPI and CDI), (b) to internalize the importance of the Project's three components from the perspective of each institution, and (c) to address problems related to the lack of mechanisms for the protection of TK associated with GR, and lack of information/examples of Community mechanisms with relevant information on access to GR and associated TK.

14. Currently, few Legislators in Congress (Chamber of Deputies and Senate) are aware of the Nagoya Protocol, thus making any proposal for ABS-related legislation seem superfluous at this point. There is a need to promote awareness and support for legislators to understand the relevance of the implementation of the Nagoya Protocol in their legislative processes. Congress needs technical and legal elements to better understand the issues addressed by the Protocol and generate a legal instrument that complies with the NP while also being appropriate to national characteristics.

15. Additionally it is recognized that there needs to be a unifying mechanism of national policy on ABS. This instrument needs to be a long-term national strategy that considers GR while being aligned with the National Biodiversity Strategy (under elaboration); it is intended that the timeline of the Strategy be medium and long term, and must consider the need to comply with the Aichi Targets and recently approved Sustainable Development Goals.

Outcome 2:

16. Without a legal framework and a Public Policy on Access to genetic resources and benefit sharing, the actions of the authorities are limited. There is no legal framework to generate operational structures and therefore staff members are not trained and skilled in ABS, nor are there any specific structures to help the management of government agencies in implementing the provisions of the NP. Officials from the agencies participating in the Project need to be capacitated and empowered on issues covered by the Protocol and improve their performance in relation to their present and future responsibilities, taking into account the international obligations undertaken by the country, specifically regarding the NP. There is currently little or no training in both scenarios (legislators and federal officials from participating institutions) such that any request for access received at this time is handled in an inefficient and haphazard manner by authorities that have no specific and clear authority, with inadequate administrative structures, and complete legal uncertainty for providers, users and regulators.

Outcome 3:

17. Key stakeholders need to be empowered through the development of community/biocultural protocols developed in a participatory way with indigenous and local communities. Although there are a few Community protocols with indigenous and local communities, few of them are geared to the issues associated with genetic resources, access to these resources and the elements that can be considered for benefit sharing. The GIZ currently supports indigenous and local communities and is intended to act together with the Coordinating Unit of Indigenous Peoples in Latin America and the Caribbean. Through the "Strengthening Indigenous Organizations in Latin America - pro-indigenous" program unit, GIZ is generating experience from its interventions to support indigenous communities in the areas of governance

and management of natural resources. GIZ can also arrange direct talks and exchange programs between local communities and indigenous organizations in the region on the subject of ABS and protection of associated traditional knowledge.

18. However, there is a need to further address issues of governance to empower indigenous and local communities to internalize general aspects of ABS and associated TK, and consider the needs of these communities regarding their active participation in the conservation specifically of GR and associated TK. Additionally, there is a need to improve the perception of some stakeholders in relation to ABS processes and prevent a repeat of cases like the Maya ICBG project, which failed due to the lack of awareness of some key players in the neighboring site intervention¹⁹.

Conclusions

19. Clearly, the absence of a legal framework and a Public Policy on Access to genetic resources and benefit sharing limits the actions of the authorities, hence the need for a legal framework that contributes to the generation of operational structures as well as a need to train the staff members accordingly. There is a need to promote awareness and support for legislators to understand the relevance of the implementation of the Nagoya Protocol in their legislative processes. Congress needs technical and legal elements to better understand the issues addressed by the Protocol and generate a legal instrument that complies with the NP while also being appropriate to national characteristics.

20. Additionally it is recognized that there needs to be a unifying mechanism of national policy on ABS. This instrument needs to be a long-term national strategy that considers GR while being aligned with the National Biodiversity Strategy (under elaboration); it is intended that the timeline of the Strategy is in the

¹⁹ The Maya International Cooperative Biodiversity Group (the Maya ICBG) was a consortium project funded by a U. S. Government grant to promote human health, economic development, and diversity conservation through sustainable development of medicinal plant resources and associated traditional knowledge of the Maya-speaking populations of the state of Chiapas in southeastern Mexico.

http://etnoecologia.uv.mx/Etnoecologica/Etnoecologica_vol5_n7/Debate.pdf

http://www.pueblosyfronteras.unam.mx/a10n10/art_05.html

<http://www.jornada.unam.mx/ultimas/2015/10/14/piden-a-parlamento-aleman-no-ratificar-el-protocolo-de-nagoya-7898.html>

medium and long term, and must consider the need to comply with the Aichi and recently approved Sustainable Development Goals.

21. The consultations with identified project partners confirmed the following:

- There is consensus that the instrument implementing the NP should be a federal law, which confers powers to the units identified as relevant (SAGARPA / SNICS, the CDI, IMPI).
- There is consensus that the role of the state is as the original owner of natural resources, and must ensure the legal and administrative framework for access to genetic resources and the fair and equitable sharing of benefits arising from their use.
- There is agreement on the need for Public Policy on Genetic Resources to guide the overall work to be carried out by the Federal Executive.
- There are legal instruments that should complement the application of legislation on access to genetic resources, such as Administrative Partnership and Coordination, for the exchange of information and complementarity of powers and other administrative acts.
- There is consensus that competent authorities must be suitable for the implementation of the NP by national legislation operational structures, including the exercise of the budgetary impact of the implementation in any branch of the NP.
- All participants agreed that there is an urgent need for training on the issues of access to GR and associated TK.
- There is concern about the absence of a legal framework to protect TK, but there is agreement that the TK that is associated with access to GR is a subset of this issue and must be addressed from a minimal perspective.
- Participants agreed that there should be a specific national fund/ financial mechanism for GR to ensure a percentage of monetary benefits is used for conservation and for the distribution of benefits to those who share those resources.
- There is consensus that scientific research should not be hindered and must be regulated by a simplified scheme.
- There is consensus that the procedure for obtaining PIC and negotiation of MAT should be regulated and guaranteed by the state in order to respect the rights of indigenous peoples and communities and that both processes must adhere to international standards of rights of indigenous peoples and local communities.
- It was recognized that the better approach to avoid permits' regulatory complexities is to create a National Unit or Unique Attention Window, however it was reflected that the Constitution and Organic Public Administration Law defines sectors and does not recognize the integral nature of the management of GRs, concluding that it is necessary to develop GR Units in both Sectors: SAGARPA and SEMARNAT.
- It was confirmed that DGSPNR is the technical office with legal powers to have the responsibilities of being NFP.

Recommendations

22. The success of the project is understood to depend mainly on the reduction and/or elimination of the three barriers identified as critical to the establishment of an integral national legal and institutional framework for genetic resources and ABS, in compliance with the Nagoya Protocol (Section 1.8). The project is intended to create and strengthen the capacities of federal officers will eventually take part in decision making on ABS, including: SEMARNAT (UCPAST, DGVS, DGGFyS, UCAJ, UCAI and

Delegations); SAGARPA (SNICS); PROFEPA and its delegations; CONANP and the PAs; SRE; CONABIO; CDI; IMPI; and Civil Society. Key sectors are intended to be recipients of training.

23. Nevertheless, the reduction and/or elimination of those barriers will depend in turn on adequate communication among stakeholders and on the level of participation in the work to be shared by those involved in implementing the project. All sectors involved will be indirectly benefited with the regulatory work (building the Legal/Administrative Framework, adaptation of the implementing authority structure), as all federal agencies will have to train their officers, to build and strengthen their organic-administrative structure for the proper application of the Legal/Administrative Framework on access to GR, resulting in the benefit of the population as a whole by having the necessary elements to manage, exploit and use in a sustainable manner biological and genetic resources.

24. To address the **inadequate national regulatory framework** (*Barrier 1*), it is necessary to involve the following key stakeholders: (i) SEMARNAT; (ii) SAGARPA; (iii) SEGOB; (iv) CDI, SE, IMPI and key lawmakers on access to GR and benefit-sharing. The additional main actors involved in the consultancy of the future law include: (i) NGOs and other civil society organizations; (ii) Community organizations; and (iii) local/Indigenous communities and producers; (iv) Users of genetic resources and/or associated traditional knowledge (Academic researchers; pharmaceuticals, perfumes, pigments, oils, and other industries; R&D researchers).

25. To meet the challenges that could arise from **limited inter-institutional capacity to monitor the utilization of the GRs** (*Barrier 2*), the additional main actors involved include: (i) IMPI; (ii) CONACYT; (iii) COFEPRIS; (iv) SNICS; (v) compatible projects such as the Biodiversity Governance's Project; and the National Focal Point as well as the National Competent Authorities (DGVs, DGGFS and SAGARPA).

26. Additionally, to meet the challenges that could arise from **scarce knowledge of relevant stakeholders on access and utilization of GR and Fair Benefit Sharing** (*Barrier 3*), the additional main actors involved include: (i) NGOs and other civil society organizations; (ii) Community organizations; (iii) local communities and producers; (iv) Users of genetic resources and/or associated traditional knowledge (Academic researchers; pharmaceuticals, perfumes, pigments, oils, and other industries; R&D researchers) and (v) compatible projects like the Governance project developed by GIZ / CONABIO, which it is an important complementary counterpart.

27. The Intersectoral Working Group (WG), formed to discuss the legal and administrative measures necessary for the implementation of the different elements that comprise the NP, concluded that the sovereign rights, prior informed consent, rights and traditional collective knowledge, justice, equity, governance and the fair and equitable sharing of benefits have been identified as key to the implementation of the NP in Mexico. It also concluded that the environmental sector should be the one to coordinate its implementation, particularly concerning the definition of who will act as the National Focal Point (NFP) and / or Competent National Authorities (NCA) considering:

- A single authority for issuing the certificate access, and a single register of authorized access.
- It may be convenient to have a single entity to fulfill the functions of National Focal Point (NFP) and National Competent Authority (NCA).

28. The WG considered sensitive the issue on the relevant competent authorities of indigenous and local communities; indigenous and local communities would be those who would benefit from the right provided for access to genetic resources or traditional knowledge associated with the genetic resources they possess. Similarly, the WG suggested the state / government serve as a link between indigenous and local communities through a coordinating authority.

29. The federal agency responsible for indigenous peoples and communities suggested that the federal government should guide and advise them regarding the appropriate methodology on procedures and

requirements so that the users of associated traditional knowledge can properly pursue the PIC of indigenous peoples and communities. The agency also noted that indigenous peoples themselves be the ones to suggest mechanisms for obtaining PIC, based on the results of the consultation process that takes place. As to the training of indigenous peoples and communities on the implementation of the Nagoya Protocol and the various tools for application such as Biocultural community protocols, the Commission will coordinate the request for such training, as well as advise on NP topics.

30. The WG determined the importance of differentiating and distinguishing the intention of Article 17 of the NP with regards to international monitoring, which is different from the enforcement of the Law concept, so that the competent authorities are clear on these concepts. This further supports the importance of training in the elements of the NP.

31. Regarding the establishment of checkpoints, it is important to consider all stages of research, development, innovation, pre-commercialization or commercialization, which could involve institutions like CONACYT, COFEPRIS, IMPI, possibly Customs and the voluntary participation of some scientific research institutions, with the aim that international publications include references to the corresponding permits.

32. It was recommended the legal instrument to be established include designated checkpoints regarding the collection or receipt of information relevant to:

- a. the PIC,
- b. the source of the genetic resource,
- c. the establishment of mutually agreed terms, and / or
- d. the utilization of genetic resources

33. It is considered appropriate to establish a "National System of Access to Genetic Resources" that should systematize information on the access permits granted, as well as information on reports of requested permits, and changes of intended use. This system should be shared and compatible between the various authorities, monitoring points and the National Focal Point. Thus contributing to a pattern of transverse work and constant communication and collaboration. The minimum information for each permit shall be established according to Article 17.4:

- a. Issuing authority;
- b. Date of issue;
- c. The supplier;
- d. Unique identifier of the certificate (consider establishing a single unique identifier for permits);
- e. The person or entity to whom prior informed consent was granted;
- f. Subject covered by the certificate or genetic resources (in this case the permit);
- g. Confirmation that the establishment of mutually agreed terms; (In the case of the simplified system does not apply.
- h. Confirmation that prior informed consent was obtained;
- i. Commercial and / or non-commercial.

34. Similarly, the WG concluded that the permits must include information about where the genetic resource is located and whether or not it has associated traditional knowledge. Such information should be protected by the authorities as it might be confidential. The national registry shall include relevant information on the Mexican genetic resources accessed in other countries in order to comply with the measures of the user country to ensure that what "is used within our jurisdiction has been accessed under the laws of the other Parties." The information system should keep track of commercial access and access to GR used in Mexico and other countries; and should be maintained within the format established by the Clearing House. The national system should provide the necessary information to the national publishing authority to publish the information on clearinghouse permits; once published on the platform, these will become the internationally recognized certificates and in turn will be linked to the national system to

facilitate an efficient search mechanism for related information. In turn, the internationally recognized certificate ensures the instrument becomes effective regarding compliance with national legislation and should be viewed as a tracking tool for monitoring.

III. Stakeholder Participation Plan for Project Implementation

Table: Summary of Stakeholder Roles in Project Implementation

INSTITUTION / STAKEHOLDER	ROLE / TYPE OF COORDINATION
Ministry of Environment (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.
National Commission for 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 for 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.
Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA)	Regulates plant genetic resources for food and agriculture; Co-responsibility in the design of the databases and pilot projects.
National Service of Seed Inspection and Certification (SNICS)	The SNICS, whose main attribution, is the safeguarding and increasing the production and seed quality; carried out the verification and certification of the origin and quality of seed. Protects the rights of new varieties of plants obtained through a breeder's right, and coordinates activities on plant genetic resources for food and agriculture. Coordination with SNICS must be transversal and complementary for comprehensively address the conservation and use of GR
Federal Commission for the Protection against Sanitary Risk (COFEPRIS)	Sanitary control of products, services and their import and export and establishments that process products.
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.
Federal Environmental Protection Agency (PROFEPA)	Law enforcement to protect wildlife.
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 Commission for the Development of Indigenous Peoples (CDI)	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
Ministry of Foreign Affairs	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.
National Council for Science and Technology (CONACyT)	Responsible for the National coordination and financial support of Science and Technology as well as the international coordination and liaison with international science and research organizations.
Scientists/researchers and R&D Technicians	The academic researchers and R&D technicians in most of the ABS cases are the first users to access GRs/TKA. They must be informed about the ABS

	regime and increase their awareness on rules to gain prior informed consent (PIC) and mutually-agreed terms (MAT).
Local NGOs	The participation of NGOs is fundamental to the governance of the conservation of biological diversity, and the RG. The project aims to strengthen the capacity of these organizations, and increase their positive awareness and knowledge of the NP.
Private sector	Promotion and support of the establishment of measures to promote specific arrangements for ABS that recognize the core principles of prior informed consent and mutually-agreed terms, including the fair and equitable sharing of benefits arising from the utilization of GR/TKA.
Local and indigenous communities	The project aims to enhance the negotiating capacities of indigenous and local communities, so they know their rights in terms of being consulted in search of a PIC and to design and negotiate MAT, in terms of equity and with the information specified in the NP for the fair and equitable sharing of benefits arising from the utilization of GR/TKA.

In addition to the competent authorities identified in the PIF, the Project has incorporated an additional 2 key institutional stakeholders in the table above: the National Service of Seed Inspection and Certification (SNICS) and the Federal Commission for the Protection against Sanitary Risk (COFEPRIS).

SNICS is a decentralized body of the Secretariat of Agriculture, Livestock, Rural development, Fisheries and Food (SAGARPA). SNICS regulates and monitors the implementation of laws on seeds and plant varieties, in coordination with various public and private agencies, research institutions and farmers. SNICS strategic actions contribute to safeguard and increase production and quality of agricultural products from their origin: the seed. Its main activities include:

- Check and certify the origin and quality of seed.
- Legally protect the rights of those who obtained new varieties of plants, through a breeder's right.
- Coordinate activities on plant genetic resources for food and agriculture.

The Federal Commission for the Protection against Sanitary Risk (COFEPRIS), is expected to participate as monitoring checkpoint of applications involving the use of genetic resources in the control of health products, services and their import and export and establishments that process said products. COFEPRIS is a decentralized body with administrative, technical and operational responsibilities (Article 17 *bis* 1 of the Ministry of Health).

Additionally, the Ministry of the Interior (SEGOB) might become a participant in the project. According to Article 27, sections 1 and VII of the Organic Law of Public Administration, SEGOB is the federal agency that has the authority to link the federal executive in its communication with the legislature, and could therefore play a key role in promoting the participation of the Chambers of Deputies and Senators.

The Project aims to achieve social inclusion, in particular for the local actors that share the same habitat with known species of interest. The establishment of participation mechanisms with a gender perspective will require certain changes in the approach of all levels involved and from the different sectors.

2) Objectives and Aims of the Stakeholder Participation Plan

The formulation of the stakeholder plan has the following objectives:

- Clearly identify the basic roles and responsibilities of the main participants in this Project.
- Through the previously defined participation mechanisms: (i) ensure full knowledge of those involved concerning the progress and barriers in Project development, (ii) take advantage of the experience and skills of the participants to enhance project activities.
- Create awareness and commitment for the future activities related to ABS regulations

The ultimate purpose of the Stakeholder Plan will be the long-term sustainability of the project's achievements, based on transparency and the empowerment of the key stakeholders.

3) Participation Mechanisms

The Project Document (ProDoc) outlines a management arrangement between the following structures: i) Project Steering Committee, ii) Project Coordination Unit, iii) National Project Director, iv) Technical Committee and v) Advisor (GIZ). These structures will also represent the mechanisms for stakeholder participation.

It was determined that it was necessary to have an external advisor (GIZ) in order to pass on the experience acquired in relation to project governance and other Capacity Building projects that have been funded globally (ABS). This scheme also allows actions for capacity building on ABS to be carried out in a coordinated manner without overlap, making efficient use of human and financial resources.

The Technical Committee will serve as a mechanism to plan those actions involving various agencies/ area units and the development of instruments that are intended to be interoperable between them (e.g. databases). This Committee is based on the experience of the Capacity Building Project to Implement the Cartagena Protocol which found, after completion of the project, that the mechanisms and database designs could have been more effective if they had been designed in conjunction with each other. The Technical Committee will also define all decisions of a technical nature to be taken in the planned interventions to be homologous and consistent with the country's needs and that yield synergistic results for the implementation of the Protocol.

The Project Coordination Unit will be responsible for administrative issues and provide certain technical assistance and support, as well as arrange for and monitor the various consultants and service providers. The technical ABS profile of some of the PCU will enable assertive communication with partners and potential consultants, decreasing the likelihood of technical errors or nonconforming products, especially given the relative newness of ABS and limited number of specialists in the field in Mexico. The PCU will also provide technical support to field teams to develop products in Outcome 3 as well as assist agencies in negotiations and lobbying the legal instrument to implement the Nagoya Protocol.

PART V Terms of References for key project staff and main sub-contracts

The following are the indicative ToRs for the project management staff. The PCU will be staffed by a full-time PC and a full-time Project Monitoring and Evaluation Specialist, both of which will be nationally-recruited positions. ToRs for these positions will be further discussed with UNDP-CO and will be fine-tuned during the Inception Workshop (IW) so that roles and responsibilities and UNDP GEF reporting procedures are clearly defined and understood. Also, during the IW the ToRs for specific consultants and sub-contractors will be fully discussed and, for those consultancies to be undertaken during the first six months of the project, full ToRs will be drafted and selection and hiring procedures will be defined.

Project Coordinator/ Administrator

The Project Coordinator/Administrator is responsible for providing further technical assistance as required by the project team to fulfil the objectives of the project. He/she will be responsible for ensuring that the project meets its obligations to the GEF and the UNDP, with particular regard to the management aspects of the project, including supervision of staff, serving as stakeholder liaison, implementation of activities, and reporting. He/She will be responsible for the day-to-day management of project activities and the delivery of its outputs, including the implementation of SEMARNAT-DGSPRNR's quality management system and planning process. He/She will support and coordinate the activities of all partners, staff, and consultants as they relate to the implementation of the project. Additionally, he/she will undertake the administrative management of the project activities. The PC will report to the Project Director (within SEMARNAT-DGSPRNR's) and will be responsible for the following tasks:

Tasks:

- Prepare detailed work plan and budget under the guidance of the PSC and DGSPRNR;
- Make recommendations for modifications to the project budget and, where relevant, submit proposals for budget revisions to the PSC, DGSPRNR, and UNDP;
- Facilitate project planning and decision-making sessions;
- Organize the contracting of consultants and experts for the project, including preparing ToRs for all technical assistance required, preparation of an action plan for each consultant and expert, supervising their work, and reporting to the Project Director at DGSPRNR;
- Provide technical guidance and oversight for all project activities;
- Oversee the progress of the project components conducted by local and international experts, consultants, and cooperating partners;
- Coordinate and oversee the preparation of all outputs of the project;
- Foster, establish, and maintain links with other related national and international programs and national projects, including information dissemination through media such as web page updates, etc.;
- Organize PSC meetings at least once every semester as well as annual and final review meetings as required by DGSPRNR and UNDP, and act as the secretary of the PSC;
- Organize required consultations or meetings with the technical group at SEMARNAT, CONABIO, SNICS, IMPI, CDI, NGOs, local communities, and other entities, in accordance with the requirements of each project component;

- Coordinate and report the work of all stakeholders under the guidance of SEMARNAT-DGSPNR;
- Prepare PIRs/APRs in the language required by the GEF and the UNDP-CO and attend annual review meetings;
- Ensure that all relevant information is made available in a timely fashion to SEMARNAT-DGSPNR regarding activities carried out nationally, including private and public sector activities, which impact the project;
- Prepare and submit quarterly progress and financial reports to SEMARNAT-DGSPNR and UNDP as required, following the quality management system and internal administrative process at CONANP and based on input by different consultants as required.
- Work in close coordination with other consultants in order to prepare documents and reports as required.
- Coordinate and participate in M&E exercises to appraise project success and make recommendations for modifications to the project;
- Prepare and submit technical concepts and requirements about the project requested by SEMARNAT-DGSPNR, UNDP, or other entities;
- Perform other duties related to the project in order to achieve its strategic objectives;
- Ensure the project utilizes best practices and experiences from similar projects;
- Ensure the project utilizes the available financial resources in an efficient and transparent manner;
- Ensure that all project activities are carried out on schedule and within budget to achieve the project outputs;
- Draft contracts for international/local consultants and all project staff, in accordance with instructions by SEMARNAT-DGSPNR and, where applicable, UNDP;
- Resolve all scientific and administrative issues that might arise during the project;

Outputs:

- Detailed work plans indicating dates for deliverables and budget;
- Documents required by the control management system of SEMARNAT-DGSPNR;
- ToRs and action plan of the staff and monitoring reports;
- Draft contracts for international/local consultants and all project staff, in accordance with instructions by the Contracts Office at SEMARNAT-DGSPNR and, where applicable, UNDP;
- List of names of potential advisors and collaborators and potential institutional links with other related national and international programs and national projects;
- Quarterly reports and financial reports on the consultant's activities, all stakeholders' work, and progress of the project to be presented to SEMARNAT-DGSPNR and UNDP (in the format specified by UNDP);
- A final report that summarizes the work carried out by consultants and stakeholders during the period of the project, as well as the status of the project outputs at the end of the project;
- Minutes of meetings and/or consultation processes;
- Yearly APR/PIRs;

- Adaptive management of project;

All documents are to be submitted to the Project Director and UNDP CO in MS Word and in hard copy.

Qualifications (indicative):

- A graduate academic degree in areas relevant to the project (e.g., biology, environmental sciences, natural resource management, conservation, veterinary, agronomy, environmental economy or intellectual property);
- Minimum 5 years of experience in project management with at least 3 years of experience in natural resources management, preferably genetic resources;
- Working knowledge of natural resources management and planning;
- Strong leadership and team-building skills;
- Self-motivated and ability to work under the pressure;
- Demonstrable ability to organize, facilitate, and mediate technical teams to achieve stated project objectives;
- Familiarity with logical frameworks and strategic planning;
- Strong computer skills;
- Flexible and willing to travel as required;
- Excellent communication and writing skills in Spanish and English;
- Ability to promote cooperation between and negotiate with a range of stakeholders, and to organize and coordinate multi-disciplinary teams is considered an asset;
- Previous experience working with a GEF-supported project is considered an asset;

Administrative/Secretarial Assistant

The ASA will be responsible for all aspects related to designing, planning and implementing activities to assist the project's progress. S/He will also manage the monitoring activities related the PA information system.

Tasks:

- Report directly to the Project Coordinator (PC) in the Project Coordination Unit (PCU) and be responsible for the development of continuous assistance.

Qualifications (indicative)

- Bachelor or graduate degree in social or environmental sciences; biology; project management and monitoring; information management; communications; administration; rural development or related areas;
- Proven ability to work with multi-disciplinary teams and multi-theme indicators;
- Self-motivated and ability to work under the pressure;
- Team-oriented, possesses a positive attitude, and works well with others;
- Flexible and willing to travel as required;
- Analytic and synthesis skills;

- Comfortable working both in the office and in the field;
- Excellent verbal and writing communication skills in Spanish and English;
- Excellent knowledge of database software packages, Office;
- Previous experience working with a GEF-supported project is considered an asset.

Project Administrator/Finance Assistant

The Project Administrator/Finance Assistant is responsible for the financial and administrative management of the project activities, and assists in the preparation of quarterly and annual work plans and progress reports for review and monitoring by SEMARNAT-DGSPRNR. The Project Finance Assistant will have the following responsibilities:

Financial management:

- Responsible for providing general financial support to the project;
- Assist project management in performing budget cycle: planning, preparation, revisions, and budget execution;
- Ensure compliance with budgeted costs in line with UNDP and Government of Mexico policies and procedures;
- Monitor project expenditures, ensuring that no expenditure is incurred before it has been authorized;
- Assist project team in drafting quarterly project progress reports concerning financial issues;
- Perform preparatory work for mandatory and general budget revisions, annual physical inventory and auditing, and assist external evaluators in fulfilling their mission;
- Prepare all outputs in accordance with the SEMARNAT-DGSPRNR financial office guidance.
- Ensure the proper use and care of the instruments and equipment used on the project;
- Ensure the project utilizes the available financial resources in an efficient and transparent manner;
- Ensure that all project financial and administrative activities are carried out on schedule and within budget to achieve the project outputs;
- Resolve all financial issues that might arise during the project;

Qualifications and skills:

Considering the nature of the work envisaged under this consultancy, it would be desirable that this position was taken by a company or organisation instead of an individual. Such an organisation should, in any case, comply with the following:

- Personnel with at least an Associate's Degree in finance, business sciences, or related fields, or proven 10 year experience in such areas;
- Experience in administrative work, preferably in an organization or related to project implementation;
- A demonstrated ability in the financial management of development projects and in liaising and cooperating with government officials, NGOs, etc.;
- Flexible and willing to attend meetings (including travel, if needed) as required;

- Personnel with excellent verbal and writing communication skills in Spanish and English;
- Personnel with good knowledge of Word, Outlook, Excel, and Internet browsers is required;
- Previous experience working with a GEF-supported project is considered an asset;

Genetic Resources Specialists

The Genetic Resources Specialists will coordinate and supervise all the field-level activities, and keep close contact with the project partners with field outputs. Their precise number and profiles will be determined during the first six months of the project. They will be responsible for the collection, analysis and reporting of information related to updating of definitions of target communities priorities, GR targets, type of community protocols, PIC/MAT negotiation, ABS contracts, etc .

Tasks

- Collection, analysis and reporting of information related to the field-level activities and other related activities of the field components of the project;
- Preparation of technical reports and link with project outputs and outcomes;
- Provide technical support and monitoring of the implementation of the activities envisaged during the PPG phase;
- Report directly to the PC with the aim of incorporating results and indicators related to field-level activities into the project management system;
- Receive and evaluate reports from field-officers, watching that the activities in the field follow the work plan;
- Supervise and/or directly implement activities necessary to collect key information related to field-level indicators in the project area; strong coordination must be established with SEMARNAT-DGSPRNR, CDI, UCPAST, SNICS, as well as OG to maximize efficiencies for data collection and sharing;
- Report on lessons documented in the field from project implementation and ensure that the recommendations make at a local level reach the PC and SEMARNAT-DGSPRNR;
- Assist in the production of Annual Operational Plans as well as the general project workplan, and will be directly responsible for all reporting on field-level activities;
- Provide technical inputs to the Inception Report, Project Implementation Review, technical reports, quarterly financial reports for submission to UNDP, the GEF, other donors and Government Institutions, as required by the PCU;
- Establish close coordination with M&E specialist to work on biodiversity monitoring activities;

Outputs

- Detailed annual work plans on field-level activities;
- Periodical reports on the field-level actions, on the field-officers activities and on activities envisaged during the PPG phase;
- Reports on the species monitoring from the information from the field-officers;
- products and technical reports;
- Biodiversity and resource management activities as needed;

- Technical inputs as required by PC and PSC;
- Periodical reports;

Qualifications (indicative)

- Bachelor or graduate degree in biology, ecology, natural resource management, environmental sciences, agronomy, rural development, environmental economy or related fields;
- Experience in natural resource management, preferably genetic resources, anthropology, sociology and socioeconomic indicators for monitoring ABS process;
- Self-motivated and ability to work under the pressure;
- Team-oriented, possesses a positive attitude, and works well with others;
- Flexible and willing to travel as required;
- Excellent interpersonal skills;
- Excellent verbal and writing communication skills in Spanish and English;
- Excellent knowledge on Office, database software, and GIS;
- Previous experience working with a GEF-supported project is considered an asset;

* Other technical staff will be hired in order to strengthen the human capacity of the project partners in which the project will be developed, according to the outcomes of analyses carried out during the PPG phase.

PART VI. Direct Project Costs and Letter of Agreement

CARTA DE ACUERDO

CARTA DE ACUERDO ESTÁNDAR ENTRE EL PNUD Y LA SEMARNAT

PARA LA PROVISIÓN DE SERVICIOS DE APOYO

Estimado Subsecretario Ochoa:

1. Se hace referencia a las consultas entre funcionarios del Gobierno de México (en adelante, “el Gobierno”) y funcionarios del PNUD respecto de la prestación de servicios de apoyo por parte de la oficina del PNUD en el país para los programas y proyectos gestionados a nivel nacional. Mediante el presente acuerdo, el PNUD y el Gobierno acuerdan que la oficina del PNUD en el país puede prestar tales servicios de apoyo, a solicitud del Gobierno, a través de su institución designada en el documento del proyecto pertinente, según se describe más adelante.
2. La oficina del PNUD en el país puede prestar servicios de apoyo para ayudar en las necesidades de información y pago directo. Al prestar dichos servicios de apoyo, la oficina del PNUD en el país verificará que la capacidad del Gobierno (Asociado en la Implementación) sea reforzada para que pueda llevar a cabo dichas actividades en de forma directa. Los costos en que incurra la oficina del PNUD en el país en la prestación de dichos servicios de apoyo serán recuperados del presupuesto administrativo de la oficina.
3. La oficina del PNUD en el país podrá prestar, a solicitud del Asociado en la Implementación, los siguientes servicios de apoyo para las actividades del proyecto:
 - (a) Identificación y/o contratación de personal para el proyecto;
 - (b) Identificación y facilitación de actividades de capacitación;
 - (a) Adquisición de bienes y servicios;
4. La adquisición de bienes y servicios y la contratación del personal para el proyecto por parte de la oficina del PNUD en el país se realizará de acuerdo con el reglamento, reglamentación, políticas y procedimientos del PNUD. Los servicios de apoyo descritos en el párrafo 3 anterior se detallarán en un anexo al documento del proyecto, en la forma prevista en el Apéndice del presente documento. Si las necesidades de servicios de apoyo de la oficina del país cambiaran durante la vigencia de un proyecto, el anexo al documento del proyecto se revisará de común acuerdo entre el representante residente del PNUD y el Asociado en la Implementación.
5. Las disposiciones pertinentes del acuerdo básico modelo de asistencia (el “SBAA”) del PNUD con el Gobierno de México, firmado por las partes el 23 de febrero de 1961 o las Disposiciones Complementarias que forman parte del documento del proyecto, incluidas las disposiciones acerca de la responsabilidad y privilegios e inmunidades, se aplicarán a la prestación de tales servicios de apoyo. El Gobierno conservará la responsabilidad general por el proyecto gestionado a nivel nacional a través de su Asociado en la Implementación. La responsabilidad de la oficina del PNUD en el país por la prestación de

los servicios de apoyo aquí descritos se limitará a la prestación de aquellos que se detallen en el anexo al documento del proyecto.

6. Cualquier reclamación o controversia que surgiera como resultado o en relación con la prestación de servicios de apoyo por parte de la oficina del PNUD en el país en conformidad con esta carta será gestionada de acuerdo con las disposiciones pertinentes del SBAA.

7. La forma y el método en que la oficina del PNUD en el país puede recuperar los gastos incurridos en la prestación de los servicios de apoyo descritos en el párrafo tercero de este Acuerdo serán especificados en el anexo al documento del proyecto.

8. La oficina del PNUD en el país presentará informes sobre la marcha de los servicios de apoyo prestados e informará acerca de los gastos reembolsados en la prestación de dichos servicios, según se requiera.

9. Cualquier modificación a estos acuerdos se efectuará por mutuo acuerdo escrito de las partes contractuales.

10. Si usted está de acuerdo con las disposiciones enunciadas precedentemente, sírvase firmar y devolver dos copias firmadas de esta carta a esta oficina. Una vez firmada, esta carta constituirá el acuerdo entre su Gobierno y el PNUD en los términos y condiciones establecidos para la prestación de servicios de apoyo por la oficina del PNUD en el país a programas y proyectos gestionados a nivel nacional.

Atentamente,

Firmado en nombre y representación del PNUD

Katyna Argueta

Directora de País

Por el Gobierno

Cuauhtémoc Ochoa Fernández

Subsecretario de Fomento y Normatividad Ambiental

[Fecha]

Apéndice

DESCRIPCIÓN DE LOS SERVICIOS DE APOYO DE LA OFICINA DEL PNUD EN EL PAÍS

1. Se hace referencia a las consultas entre la SEMARNAT, la institución designada por el Gobierno de México y funcionarios del PNUD respecto de la prestación de servicios de apoyo por parte de la oficina del PNUD en el país al proyecto gestionado a nivel nacional 00091799 “Fortalecimiento de capacidades nacionales para la implementación del Protocolo de Nagoya sobre acceso a recursos genéticos y el uso justo y equitativo de los beneficios derivados de su utilización”.
2. De acuerdo con las disposiciones de la carta de acuerdo firmada el 25 de enero de 2017 y el *documento del proyecto*, la oficina del PNUD en el país prestará los servicios de apoyo al Proyecto que se describen a continuación.
3. Servicios de apoyo que se prestarán:

Servicios de apoyo (descripción)	Calendario de la prestación de los servicios de apoyo	Costo de la prestación de tales servicios de apoyo para el PNUD (cuando proceda)	Monto y método de reembolso del PNUD (cuando proceda)
1. Pagos, desembolsos y otras transacciones financieras	Durante la implementación del proyecto	Lista Universal de Precios	Servicios de apoyo
2. Contratación de personal, personal del proyecto y consultores	Durante la implementación del proyecto	Lista Universal de Precios	Servicios de apoyo
3. Adquisición de servicios y equipos, y la eliminación/venta de equipo	Durante la implementación del proyecto	Lista Universal de Precios	Servicios de apoyo
4. Organización de las actividades de formación, conferencias y talleres, entre ellos agrupaciones	Durante la implementación del proyecto	Lista Universal de Precios	Servicios de apoyo
5. Autorización de viaje, solicitudes de visado, arreglos de viajes	Durante la implementación del proyecto	Lista Universal de Precios	Servicios de apoyo

4. Descripción de las funciones y responsabilidades de las Partes involucradas:

Como se describe en el documento de proyecto (sección arreglos de gestión), el proyecto se ejecutará bajo la modalidad de implementación nacional (NIM), con la ejecución de la SEMARNAT conforme a las Políticas y Procedimientos de Programas y Operaciones (POPP) del PNUD, por su papel de organismo de ejecución. La ejecución del proyecto estará sujeta a la supervisión de una Junta de Proyecto. La coordinación diaria se llevará bajo la supervisión de una Unidad Coordinadora del Proyecto y el personal correspondiente. La SEMARNAT asumirá la responsabilidad de los diferentes

esfuerzos/actividades de acuerdo a las capacidades existentes y las realidades sobre el terreno, garantizando un uso eficaz y eficiente de los recursos del GEF.

Las funciones de cada uno de los participantes del proyecto son descritas a detalle en la sección de “Arreglos de gestión”.

Part VII Institutional Capacity Analysis & GEF ABS Capacity Development Scorecard

The “Strategic Framework For Capacity-Building And Development To Support The Effective Implementation Of The Nagoya Protocol On Access And Benefit-Sharing” adopted as Annex I to the decision NP-1/8 “Measures to assist in capacity-building and capacity development (Article 22)” by COPMOP1 in Corea in 2014, seeks to foster a strategic, coherent and coordinated approach to capacity-building and development for the effective implementation of the Nagoya Protocol. It provides guidance on the key areas and measures that require capacity-building and development and includes a set of practical activities to build and develop the capacities of Parties, indigenous and local communities and relevant stakeholders to enable them to undertake strategic measures in the short, medium and long term to contribute to the effective implementation of the Protocol.

The strategic framework is designed to serve as a reference document to guide the policies and actions of Parties, relevant organizations and donors in relation to capacity-building and development for implementation of the Protocol and includes practical capacity-building and development activities.

The strategic framework covers five key areas for capacity-building and development:

1. Capacity to implement, and to comply with the obligations of, the Protocol;
2. Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing;
3. Capacity to negotiate mutually agreed terms;
4. Capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol;
5. Capacity of countries to develop endogenous research capabilities to add value to their own genetic resources.

The strategic framework focuses on capacity-building and development of strategic measures to build the foundation for effective implementation of the Protocol. The measures, summarized in Appendix I, provide an indicative sequence of actions (road map) organized under three indicative timeframes.²⁰

As part of the preparatory activities for this project, Mexico carried out an analysis using the GEF’s ABS Capacity Development Scorecard in a participatory workshop with members of the Intersectoral Group for ABS, consisting of technical personnel of the main institutions with responsibilities under the ABS theme (SAGARPA, IMPI, SEDESOL, COFEPRIS, SRE, CDI and the Environment Sector: CONABIO, INECC, DGVS, DGFFyS, UCPAST); the Group was coordinated by DGSPRNR. Each agency conducted a preliminary analysis of its own institutional capacities, and in the workshop, each topic was discussed collectively and subsequently consensus was reached on the national score for each topic.

It was determined that each major area of the Scorecard corresponds to the key areas of the Strategic Framework as follows:

²⁰ <https://www.cbd.int/decisions/np-mop/?m=np-mop-01>

Key areas for capacity-building and development	Strategic Area of Support
1. Capacity to implement, and to comply with the obligations of, the Protocol;	1. Capacity to conceptualize and formulate policies, laws, strategies and programmes 4.Capacity to mobilize information and knowledge
2. Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing;	2.Capacity to implement policies, legislation, strategies and programmes 5.Capacity to monitor, evaluate, report and learn
3. Capacity to negotiate mutually agreed terms;	3. Capacity to engage and build consensus among all stakeholders
4. Capacity of indigenous and local communities and relevant stakeholders, including the business sector and the research community, in relation to the implementation of the Protocol;	
5. Capacity of countries to develop endogenous research capabilities to add value to their own genetic resources.	

The overall rating that Mexico obtained was 30%, indicating low to moderate skills to implement the Nagoya Protocol. The comments expressed by the workshop participants on each of the topics laid the foundation of the score on each issue. The score was distributed evenly among the five key areas, indicating the need for strengthening capacity along all lines.

The Panel concluded that the country possessed very few staff with adequate skills and knowledge, both in the field and/or as part of the Mexican delegation that negotiated the Protocol, but these will not necessarily be responsible for issuing permits or monitoring the utilization of genetic resources or associated traditional knowledge. With such high capacity results of a few, and the limited capacity of others, the skills are diluted in the real and effective implementation of the Nagoya Protocol.

The following briefly describes what the Panel concluded for each topic within the five key areas.

Main conclusions:

1. Capacity to conceptualize and formulate policies, laws, strategies and programmes

There are some persons or institutions actively pursuing an ABS agenda but they have little effect or influence; there are staff in some areas with very extensive capabilities that have followed the ABS issue, however the issue is not fully internalized in all offices with responsibilities toward ABS. For example, the national delegation negotiating the Nagoya Protocol was composed, in most cases, of staff from CONABIO, IMPI and SRE, with little or no participation from the areas that would carry out the management of permits, such as DGVS, SNICS, DGGFyS, all of whom have extensive experience in issuing permits for scientific collection and exchange of germplasm, but not ABS.

There is no institution(s) responsible for ABS; Mexico has an officially designated National Focal Point, but does not have institutions legally designated by law or internal regulations with fully formalized powers in ABS. Additionally, no Ministry has a federal budget line assigned specifically to address the issue of ABS. The DGSPR was designated as National Focal Point for the Nagoya Protocol by the Minister of Environment with the approval of the Intersectoral Group. The agencies that have the authority to issue access permits, according to the Organic Law of the Federal Public Administration, are SEMARNAT (for those wild resources) and SAGARPA (for domesticated).

2. Capacity to implement policies, legislation, strategies and programmes

The institution(s) does not have the financial resources, personnel, and planning/management skills; It has some financial resources to address the issue of ABS among many others. It has some personnel capacities, however, the absence of formally designated authorities to meet ABS result in a lack of implementation strategies and creation of programs. So far, the actions that have been carried out regarding ABS have been charged to the current expenditure of the units, the resources for which are divided among many other topics. Awareness raising and training for public officials from the Intersecretarial Group that took place during 2014-2015, were supported by the GIZ-CONABIO Biodiversity Governance Project.

The ABS institution(s) has weak leadership and provides little guidance; Due to the six-year Presidential term of office, there have been changes in the allocation of priorities for environmental thematic agendas. It is detected that there is lack of capacity building and empowerment of some government branches. Some topics of the environmental agenda, such as gray agenda (pollutants) and blue agenda (water), are considered priority policies per the needs identified by the current administration. The issue of ABS is considered a priority as it is recognized that the distribution of benefits can contribute to the reduction of poverty and social inequality.

Human resources qualification is varied, with some well-qualified, but many poorly-qualified and in general unmotivated. Some officials demonstrate motivation and qualification, but this is not the case for all of the officials who will issue the access permits. It is observed that there is a lack of awareness on the subject of ABS, because of the absence of a formal legal instrument which gives empowerment to the areas. More staff is needed to give attention to ABS in all offices. Some of the actors with experience in the areas of genetic resources, such as SNICS, CONABIO, DGSPRNR and IMPI, are highly motivated to implement the Protocol and associated capacity building. Some areas will have new authority (either permitting or monitoring), they demonstrate some degree of reticence given the uncertainty of how to carry out their acts of authority without an existing legal framework. It is expected that once the legal framework is established in full, motivation among all units will be more uniform.

The ABS institution(s) is regularly audited and there is a fair degree of public accountability but the system is not fully transparent; The Federal Government of Mexico is subject to constant auditing and transparency systems, these systems will bolster ABS. However, information related to ABS is not yet available or has not been generated. At present, there have been no formally generated acts of authority under the Nagoya Protocol, so no permits made available to the general public. In the absence of staff that specifically addresses the issue and very limited budget, the process of development of the website of the National Focal Point has been slower than expected.

No enforcement of regulations is taking place; there is still no specific regulation on ABS. The objective of the GEF project is to support the creation of a legal instrument to implement the Nagoya Protocol and its enforcement it should be legally required.

Clear career tracks developed and training available; HR management however has inadequate performance measurement system; there are highly trained personnel in ABS who were acquiring skills alongside the development of the ABS negotiations and their professional growth has been a parallel process. However, no formal capacity building scheme exists. Currently, only some academic institutions, such as the Faculty of Science and Chemistry of the UNAM and Chapingo University, have conducted seminars/conferences on the subject of ABS; however ABS is not part of their formal curricula, including the diplomas/certificates in environmental law that are available through some private institutions, ABS is not yet available as a formal subject of study.

Individuals are reasonably skilled but could improve further to become an optimum match for the job requirement; There are people with reasonable skills, however, still no specific TORs for job positions in the area of ABS. The process of developing job profiles goes hand in hand with budget allocations and approval by the areas of Human Development and Administrative Office, who make use of the descriptions and technical and legal justifications for the creation of positions. In the absence of a legal instrument to implement the Protocol, justifications necessary for the creation of specific ABS positions are more complicated.

Some mechanisms exist but are unable to develop enough and unable to provide the full range of skills needed; the initiatives of the GIZ-CONABIO Biodiversity Governance Project have supported some training processes, but these are not institutionalized or continuous in time. There is a need to incorporate in a more assertive way the government branches which will have acquired new powers, they must acquire proper awareness of ABS, and then maintain the process in the long term. Some of the mechanisms of communication and collaboration processes in the ABS issue were based on personal relations among the few trained actors, so it is necessary to open those circles and involve new actors and ensure that the working mechanisms are formalized through binding legal instruments and thereby provide certainty and solidity to them. It is recognized that this will be very important, especially for collaboration between the competent authorities and the monitoring points.

3. Capacity to engage and build consensus among all stakeholders

Reasonable political will exists, but is not always strong enough to fully support ABS; Political will exists in general for conservation but the level of political awareness and support for ABS is low as it is a relatively new subject matter. With increased awareness, support is expected to improve. As mentioned above, with the change of administration, the priority and political support to the issue of ABS was reduced, it is essential to sensitize and train new decision-makers who are unaware of the commitments and benefits associated with being Party to the Nagoya Protocol.

Institutional mission is poorly defined and generally not known and internalized at all levels; Institutions in ABS are not formally established and therefore, there are not any clearly-defined missions or mandates. It is expected that once specific ABS positions and areas are assigned with formal attributions to ABS, the objectives and missions of each of the agencies on the issue of ABS will be developed and clearly internalized.

The ABS institution(s) has facilitated some partnerships but significant gaps and existing partnerships achieve little. The intersecretarial group and the Biodiversity Governance Project of GIZ-CONABIO have created some positive alliances. There is some dialogue going on, but not in the wider public and restricted to specialized circles; Only a few highly specialized stakeholders follow up on ABS issues. So far, the working relationships that have been created are at the governmental level, while partnerships with civil society, providers (communities) or users (academic / industry) of genetic resources have not been achieved.

4. Capacity to mobilize information and knowledge

The ABS institution(s) has access to some information, but it is of poor quality, limited usefulness, or is very difficult to access; Much of the information for compliance and monitoring is not readily available, but it must be recognized that the formal framework does not yet exist. Important capacity building actions are urgently needed.

Individuals interact regularly and form teams, but this is not always fully effective or functional; There is cohesion and good team work but this does not necessarily translate to effective results as personnel is limited in numbers and this often leads to multiple tasks beyond individual capacity.

The technical staff works very well, but the high political level needs stronger commitment.

As mentioned previously, some working relationships have been founded on good personal relations, however it is recognized that there is good cohesiveness to begin work on implementation of the Nagoya Protocol.

5. Capacity to monitor, evaluate, report and learn

There is no policy or law or it is old and not reviewed regularly;

There is no implementation of the national ABS framework at the moment; Institutions are fairly adaptive to changes driven by new policies but regular follow-up is required for timely mobilization of information and reports.

There are some mechanisms for monitoring, evaluation, reporting and learning but they are limited and weak; Legally there is no established monitoring scheme specifically for ABS. Some agencies, such as IMPI, have expressed interest to formalize their participation as a monitoring point, however there is still a lag in involving the COFEPRIS, for example.

There is no measurement of performance or adaptive feedback; The ABS Management System will be created with support from the project, so for the moment there is only anecdotal feedback from the people and areas, a system of monitoring and adaptive management to improve processes has not yet been developed.

GEF ABS Tracking Tool

National ABS Institutional Capacity Scorecard – Mexico Baseline

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
1. Capacity to conceptualize and formulate policies, laws, strategies and programmes	The Access and Benefit-Sharing (ABS) agenda is being effectively championed / driven forward	0 -- There is essentially no ABS agenda; 1 -- There are some persons or institutions actively pursuing an ABS agenda but they have little effect or influence; 2 -- There are a number of ABS champions that drive the ABS agenda, but more is needed; 3 -- There are an adequate number of able "champions" and "leaders" effectively driving forwards an ABS agenda	1	There is staff in some areas with very extensive capabilities that has followed the ABS issue, however the issue is not fully internalized in all offices with attribution on ABS.
	There is a legally designated institution(s) responsible for ABS with the capacity to develop a national ABS framework (i.e., laws, policies and/or regulations)	0 -- There is no institution(s) responsible for ABS; 1 -- The institution(s) has financial resources but has limited personnel and expertise; 2 -- The institution(s) has financial resources and personnel but limited expertise; 3 -- The institution(s) has sufficient financial resources, personnel and expertise.	0	At the time, Mexico has a National Focal Point officially designated, but no institutions legally designated by law or internal regulations with fully formal powers in ABS. Additionally, no Secretariat has federal budget labeled specifically to address the issue of ABS.
2. Capacity to implement policies, legislation, strategies and programmes	There is a legally designated ABS institution(s) responsible for ABS that can facilitate the implementation of the national ABS framework.	0 -- The institution(s) does not have the financial resources, personnel, and planning/management skills; 1 -- The institution(s) has financial resources but has limited personnel and planning/management skills; 2 -- The institution(s) has financial resources and personnel but limited planning/management skills; 3 -- The institution(s) has sufficient financial resources, personnel and planning/management skills.	0	It has some financial resources to address the issue of ABS among many others. It has some personal skills, however, the absence of designated authorities completely formal to meet ABS, resulting in a lack of implementation strategies and creating programs.

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
	The ABS institution (s) is effectively led	<p>0 – The ABS institution(s) has a total lack of leadership;</p> <p>1 – The ABS institution(s) has weak leadership and provides little guidance;</p> <p>2 – The ABS institution(s) has a reasonably strong leadership but there is still need for improvement;</p> <p>3 – The ABS institution(s) is effectively led</p>	1	Due to the change six-year Presidential term of office, there have been changes in the allocation of priorities for environmental thematic agendas. It is detected that there is lack of capacity building and empowerment of some government branches.
	Human resources for ABS management are well qualified and motivated	<p>0 -- Human resources are poorly qualified and unmotivated;</p> <p>1 -- Human resources qualification is spotty, with some well qualified, but many only poorly and in general unmotivated;</p> <p>2 – Human Resources in general reasonably qualified, but many lack in motivation, or those that are motivated are not sufficiently qualified;</p> <p>3 -- Human resources are well qualified and motivated.</p>	1	There are motivation and qualification of some officials, but not all those who will issue the access permits. It is observed that there is lack of awareness of the subject of ABS, because of the absence of a formal legal instrument who gives empowerment to the areas. It's needed more staff to give attention to ABS in all offices.
	The ABS institution(s) is audited and publicly accountable	<p>0 – The ABS institution(s) is not being held accountable and not audited;</p> <p>1 – The ABS institution(s) is occasionally audited without being held publicly accountable;</p> <p>2 – The ABS institution(s) is regularly audited and there is a fair degree of public accountability but the system is not fully transparent;</p> <p>3 – The ABS institution(s) is highly fully audited, and publicly accountable.</p>	2	The Federal Government of Mexico is subject to constant auditing and transparency systems, is about these schemes that ABS will be supported. However, there are still information related to ABS is not yet available o was not generated.

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
	Enforcement of ABS regulations	0 -- No enforcement of regulations is taking place; 1 -- Some enforcement of regulations is taking place but it is largely ineffective; 2 -- ABS regulations are regularly enforced but are not fully effective; 3 -- ABS regulations are highly effectively enforced.	0	There is still no specific regulation on ABS. The objective of the GEF project is to support the creation of a legal instrument to implement the Nagoya Protocol and its enforcement it should be legally required.
	Individuals are able to advance and develop professionally	0 -- No career tracks are developed and no training opportunities are provided; 1 -- Career tracks are weak and training possibilities are few and not managed transparently; 2 -- Clear career tracks developed and training available; HR management however has inadequate performance measurement system; 3 -- Individuals are able to advance and develop professionally.	2	There are highly trained personnel in ABS whom was acquiring skills alongside the development of the ABS negotiations and their professional growth has been a parallel process. However, no exist any formal capacity building scheme.
	Individuals are appropriately skilled for their jobs	0 -- Skills of individuals do not match job requirements; 1 -- Individuals have some or poor skills for their jobs; 2 -- Individuals are reasonably skilled but could further improve for optimum match with job requirement; 3 -- Individuals are appropriately skilled for their jobs	2	There are people with reasonable skills, however, still no specific TORs for job positions on the issue of ABS.
	Individuals are highly motivated	0 -- No motivation at all; 1 -- Motivation uneven, some are but most are not; 2 -- Many individuals are motivated but not all; 3 -- Individuals are highly motivated	1	Motivation can be improved with better understanding of the ABS concept and benefits. The motivation of the members of the intersecretarial group is uneven.

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
	There are appropriate mechanisms of training, mentoring, and learning in place to maintain a continuous flow of new staff	<p>0 -- No mechanisms exist;</p> <p>1 -- Some mechanisms exist but unable to develop enough and unable to provide the full range of skills needed;</p> <p>2 -- Mechanisms generally exist to develop skilled professionals, but either not enough of them or unable to cover the full range of skills required;</p> <p>3 -- There are mechanisms for developing adequate numbers of the full range of highly skilled ABS professionals</p>	1	The initiatives of Biodiversity Governance Project of GIZ-CONABIO have supported some process of training, but is not formal or continuous in time. It's needed to incorporate in a more assertive ways the government branches which will acquire new powers in order to they will acquire proper awareness of ABS, and then maintain the process along time.
3. Capacity to engage and build consensus among all stakeholders	ABS has the political commitment	<p>0 -- There is no political will at all, or worse, the prevailing political will runs counter to the interests of ABS;</p> <p>1 -- Some political will exists, but is not strong enough to make a difference;</p> <p>2 -- Reasonable political will exists, but is not always strong enough to fully support ABS;</p> <p>3 -- There are very high levels of political will to support ABS.</p>	2	Political will exists in general for conservation but the level of political awareness of ABS is low as it is a relatively new subject matter.
	Degree of public support on ABS issues	<p>0 -- The public has little interest in ABS and there is no significant lobby for ABS;</p> <p>1 -- There is limited support for ABS;</p> <p>2 -- There is general public support for ABS and there are various lobby groups strongly pushing them;</p> <p>3 -- There is tremendous public support in the country for ABS.</p>	1	Limited support is due to general lack of awareness of ABS. With increased awareness, support is expected to improve.
	The ABS institution(s) is mission oriented	<p>0 -- Institutional mission is not defined;</p> <p>1 -- Institutional mission is poorly defined and generally not known and internalized at all levels;</p> <p>2 -- Institutional mission well defined and internalized but not fully embraced;</p> <p>3 -- Institutional mission is fully internalized and embraced.</p>	1	There are not Institutions in ABS formally established and therefore, there are not any mission

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
4. Capacity to mobilize information and knowledge	The ABS institution(s) can facilitate the partnerships needed to achieve its objectives	0 – The ABS institution(s) operate in isolation; 1 – The ABS institution(s) has facilitated some partnerships but significant gaps and existing partnerships achieve little; 2 – The ABS institution(s) has facilitated many partnerships with a wide range of national and local agencies, private sector and NGOs but there are some gaps and partnerships, are not always effective and do not always enable efficient achievement of ABS objectives; 3 – The ABS institution(s) has facilitated effective partnerships with national and local agencies, private sector and NGOs to enable achievement of ABS objectives in an efficient and effective manner.	1	The intersecretarial group and the Biodiversity Governance Project of GIZ-CONABIO, have created some positive alliances.
	The ABS institution(s) has the information it needs to enforce the national legal/policy ABS framework and to facilitate ABS deals	0 -- Information is virtually lacking; 1 – The ABS institution(s) has access to some information, but is of poor quality, is of limited usefulness, or is very difficult to access; 2 – The ABS institution(s) has access to a lot of information which is mostly of good quality, but there remain some gaps in quality, coverage and availability; 3 – The ABS institution(s) has the information it needs to enforce the national legal/policy framework and facilitate ABS deals.	1	Much of the information for compliance and monitoring is not readily available, but it must be recognized that the formal framework does not yet exist. It is required Important capacity building actions
	Individuals from the ABS institution(s) work effectively together as a team	0 -- Individuals work in isolation and don't interact; 1 -- Individuals interact in limited way and sometimes in teams but this is rarely effective and functional; 2 -- Individuals interact regularly and form teams, but this is not always fully effective or functional; 3 -- Individuals interact effectively and form functional teams.	2	There is cohesion and good team work but this does not necessarily translate to effective results as personnel are limited in numbers and this often leads to multiple tasks beyond individual capacity. The staff technical works very well, but the high political level need stronger commitment.

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
5. Capacity to monitor, evaluate, report and learn	There is a legally designated institution(s) responsible for ABS and able to update the ABS national framework	0 – The institution(s) does not have the financial resources, personnel, and expertise; 1 – The institution(s) has financial resources but has limited personnel and expertise; 2 – The institution(s) has financial resources and personnel but limited expertise; 3 – The institution(s) has sufficient financial resources, personnel and expertise.	0	There are some people who attend ABS, but not legally and without a fixed budget allocated formalized.
	ABS policy or law is continually reviewed and updated	0 -- There is no policy or law or it is old and not reviewed regularly; 1 -- Policy or law is only reviewed at irregular intervals; 2 – Policy or law is reviewed regularly but not annually; 3 -- Policy or law is reviewed annually.	0	There is no law
	Society monitors ABS projects	0 -- There is no dialogue at all; 1 -- There is some dialogue going on, but not in the wider public and restricted to specialized circles; 2 -- There is a reasonably open public dialogue going on but certain issues remain taboo; 3 -- There is an open and transparent public dialogue about the state of the ABS projects.	1	Only a few highly specialized stakeholders follow up on ABS issues.
	Institutions are highly adaptive, responding effectively and immediately to change promoted by implementation of the national ABS framework (i.e., laws, policies and/or regulations).	0 – There is no implementation of the national ABS framework at the moment; 1 -- Institutions do change but only very slowly; 2 -- Institutions tend to adapt in response to change but not always very effectively or with some delay; 3 -- Institutions are highly adaptive, responding effectively and immediately to change.	0	Institutions are fairly adaptive to changes driven by new policies but regular follow-ups are required for timely mobilization of information and reports.

Strategic Area of Support	Issue	Scorecard	Initial Evaluation	Evaluative Comments
	The ABS institution(s) has effective internal mechanisms for monitoring, evaluation, reporting and learning on ABS projects	0 -- There are no mechanisms for monitoring, evaluation, reporting or learning; 1 -- There are some mechanisms for monitoring, evaluation, reporting and learning but they are limited and weak; 2 -- Reasonable mechanisms for monitoring, evaluation, reporting and learning are in place but are not as strong or comprehensive as they could be; 3 -- Institutions have effective internal mechanisms for monitoring, evaluation, reporting and learning.	1	Legally there is no established monitoring scheme specifically for ABS.
	Individuals from ABS institutions are adaptive and continue to learn	0 -- There is no measurement of performance or adaptive feedback; 1 -- Performance is irregularly and poorly measured and there is little use of feedback; 2 -- There is significant measurement of performance and some feedback but this is not as thorough or comprehensive as it might be; 3 -- Performance is effectively measured and adaptive feedback utilized	0	There is no measurement of performance or adaptive feedback
TOTAL SCORE: 21 out of a possible 69 = 30.43%				

Part VIII. Social and Environmental Screening Template

The completed template, which constitutes the Social and Environmental Screening Report, must be included as an annex to the Project Document. Please refer to the Social and Environmental Screening Procedure for guidance on how to answer the 6 questions.]

Project Information

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.”
2. Project Number	5375
3. Location (Global/Region/Country)	Mexico

Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?

Briefly describe in the space below how the Project mainstreams the human-rights based approach

The Project is based on a transparent, participatory, democratic and consultative process which aims to ensure equitable access to development opportunities and achievements across society. This is underlain by commitment to recognize the value of economic, political, social, civil and cultural rights to achieve the best possible project outcomes. The outcomes aim to lead to the adoption and implementation of a governance framework which supports the inclusive and sustainable development of economic partnerships based on the biological and cultural heritage of local populations, which will ultimately lead to sustainable human development. Socio-economic and development benefits are expected to reach local populations and holders of genetic resources and traditional knowledge through the development of new livelihood opportunities created by bioprospecting (e.g. commercial opportunities, employment opportunities, and the fair and equitable sharing of monetary and non-monetary benefits). Positive social impacts are expected to result from the new livelihood opportunities generated by ABS and increased local capacities, including contributing to greater resilience, reducing inequality and exclusion, and poverty eradication. Civil society will be involved in every level of the project and their capacities on ABS reinforced.

Briefly describe in the space below how the Project is likely to improve gender equality and women’s empowerment

The Project is likely to improve gender equality and women’s empowerment by creating new economic opportunities for the holders of genetic resources and associated traditional knowledge, many of whom are women. In keeping with the objective of mainstreaming gender considerations described by the CBD Plan of Action on Gender 2015-2020, stocktaking exercises will adequately account for the differences in uses of biodiversity between women and men. Furthermore, women will be effectively engaged as members of all stakeholder groups, and the importance of traditional knowledge held by men and women in the protection of biodiversity will be identified and used in supporting implementation. Women’s groups already active in related sectors such as agriculture, fisheries, and forestry will also be engaged in consultations and the dissemination of capacity-building materials.

Briefly describe in the space below how the Project mainstreams environmental sustainability

The Project mainstreams environmental sustainability by seeking to satisfy all of the objectives of the Convention on Biological Diversity by operationalizing the key benefit-sharing mechanism conceived of by the Convention in its Article 15 on Access to Genetic Resources. Additionally the Nagoya Protocol in its preamble text recognizes the vital role that women play in access and benefit-sharing and affirming the need for the full participation of women at all levels of policy-making and implementation for biodiversity conservation. In doing so, the Project will generate new financial resources to support the conservation and sustainable use of biodiversity and the mainstream of development and regulatory and institutional framework associated with ABS and GR will help put the conservation and sustainable use of biodiversity into the mainstream of development and policy-making in Mexico, given the potential economic (monetary and non-monetary) benefits associated with ABS. A communications, education and public awareness component to the Project will also make an important contribution to mainstreaming biodiversity given the very broad target audience, ranging from members of Congress, government employees, the private sector, media, local communities, to the public at large.

Part B. Identifying and Managing Social and Environmental Risks


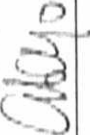

QUESTION 2: What are the Potential Social and Environmental Risks? <i>Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any “Yes” responses).</i>		QUESTION 3: What is the level of significance of the potential social and environmental risks? <i>Note: Respond to Questions 4 and 5 below before proceeding to Question 6</i>		QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?
Risk Description	Impact and Probability (1-5)	Significance (Low, Moderate, High)	Comments	Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.
6. Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	I = 3 P = 3	M	This can be mitigated by thorough capacity assessment and capacity building support.	The project places importance on capacity building and provides technical support for a range of capacity building activities. These include training related to genetic resources and associated traditional knowledge, related ABS opportunities and associated barriers, and technical support for negotiating and finalizing ABS agreements working closely with duty bearers and rights holders.
7. Is there a risk that rights-holders do not have the capacity to claim their rights?	I = 3 P = 4	M	This can be mitigated by thorough capacity assessment and capacity building support.	The project places importance on capacity building and provides technical support for a range of capacity building activities. These include training related to genetic resources and associated traditional knowledge, related ABS opportunities and associated barriers, and technical support for negotiating and finalizing ABS agreements working closely with duty bearers and rights holders.
4. Would the Project potentially limit women’s ability to use, develop and protect natural resources, taking into account different roles and positions of women and	I = 2. P = 2	L	Women are prime users of natural resources, though oftentimes without title to the lands they manage. Without specific legal recognition of the	The development of community protocols will ensure the rights of women are considered.

men in accessing environmental goods and services?				rights of women as lawful owners and users, there is little legal obligation or recourse to include them in discussions concerning ABS, ultimately increasing women's vulnerability in issues of Genetic Resources (GR) and Prior Informed Consent (PIC).	
1.9 Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	I = 1 P = 1	L		The project's primary focus is the development of a national ABS legal and institutional framework and the associated capacities to implement it. However, given the ardent interest in GR access, there is the potential for testing the new framework in real-life examples during the project.	The entire legal and institutional development and implementation process will be oriented around identifying and preventing or mitigating any environmental or social risks associated with the ABS processes.
4.2 Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	I = 1 P = 1	L		The project will develop a traditional knowledge catalog associated with genetic resources. In the course of these activities, negotiations and other activities may promote or bring about the commercial or other utilization of this heritage.	A key objective of the development of the legal framework is the protection that ensures that cultural heritage is only used with the consent of the associated communities.
6.1 Are indigenous peoples present in the Project area (including Project area of influence)?	I = 5 P = 5	H		Many of Mexico's indigenous populations live in areas of high biodiversity and GR. While the project will not include on-the-ground interventions, the project's over-arching legal framework implies that the entire national territory is under the project's area of influence.	The project will develop community protocols in a participatory manner to guide interactions with indigenous and other local communities as appropriate with regards to GR and ABS.
6.4 Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional	I = 1 P = 1	L		Given the national focus of this project, the project has engaged CDI in discussions regarding indigenous rights and PIC. However, the diversity of cultures present within Mexico's	The project will develop community protocols in a participatory manner to guide interactions with indigenous and other local communities as appropriate with regards to GR and ABS.

livelihoods of the indigenous peoples concerned?			territory means that these consultations have been general in nature.	
6.9 Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	I = 3 P = 3	M	The project will compile a Traditional Knowledge Catalog associated with Genetic Resources. There is concern that the misuse of this could lead to biopiracy.	The project will establish guidelines for the elaboration and use of the Traditional Knowledge Catalog so as to mitigate the risks associated with biopiracy.
QUESTION 4: What is the overall Project risk categorization?				
Select one (see SESP for guidance)				
Low Risk <input checked="" type="checkbox"/>				
Moderate Risk <input type="checkbox"/>				
High Risk <input type="checkbox"/>				
QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?				
Check all that apply				
Principle 1: Human Rights <input checked="" type="checkbox"/>				
Principle 2: Gender Equality and Women's Empowerment <input checked="" type="checkbox"/>				
1. Biodiversity Conservation and Natural Resource Management <input checked="" type="checkbox"/>				
2. Climate Change Mitigation and Adaptation <input type="checkbox"/>				
3. Community Health, Safety and Working Conditions <input type="checkbox"/>				
4. Cultural Heritage <input checked="" type="checkbox"/>				
5. Displacement and Resettlement <input type="checkbox"/>				
6. Indigenous Peoples <input checked="" type="checkbox"/>				
7. Pollution Prevention and Resource Efficiency <input type="checkbox"/>				

Final Sign Off

Final Sign Off

Signature	Date	Description
QA Assessor 		UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have "checked" to ensure that the SESP is adequately conducted.
QA Approver 		UNDP senior manager, typically the UNDP Deputy Country Director (DDCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have "cleared" the SESP prior to submittal to the PAC.
PAC Chair		UNDP chair of the PAC. In some cases PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

SESP Attachment 1. Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
Principles 1: Human Rights		
1.	Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	No
2.	Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? ²¹	No
3.	Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	No
4.	Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	No
5.	Are there measures or mechanisms in place to respond to local community grievances?	No
6.	Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	Yes
7.	Is there a risk that rights-holders do not have the capacity to claim their rights?	Yes
8.	Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	No
9.	Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	No
Principle 2: Gender Equality and Women's Empowerment		
1.	Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	No
2.	Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	No
3.	Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	No
4.	Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services? <i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i>	Yes
Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below		
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management		

²¹ Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

1.1	Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services? <i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	No
1.2	Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	No
1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	No
1.4	Would Project activities pose risks to endangered species?	No
1.5	Would the Project pose a risk of introducing invasive alien species?	No
1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	No
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	No
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water? <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	No
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	Yes
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	No
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area? <i>For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.</i>	No
Standard 2: Climate Change Mitigation and Adaptation		
2.1	Will the proposed Project result in significant ²² greenhouse gas emissions or may exacerbate climate change?	No
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	No
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	No
Standard 3: Community Health, Safety and Working Conditions		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	No

²² In regards to CO₂, ‘significant emissions’ corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	No
3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	No
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	No
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	No
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	No
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	No
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?	No
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	No
Standard 4: Cultural Heritage		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	No
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	Yes
Standard 5: Displacement and Resettlement		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	No
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	No
5.3	Is there a risk that the Project would lead to forced evictions? ²³	No
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources?	No
Standard 6: Indigenous Peoples		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	Yes
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	No
6.3	Would the proposed Project potentially affect the rights, lands and territories of indigenous peoples (regardless of whether Indigenous Peoples possess the legal titles to such areas)?	No

²³ Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	Yes
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	No
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	No
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	No
6.8	Would the Project potentially affect the traditional livelihoods, physical and cultural survival of indigenous peoples?	No
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	Yes
Standard 7: Pollution Prevention and Resource Efficiency		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	No
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	No
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs? <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol</i>	No
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	No
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	No

PART IX UNDP Risk Matrix

21/10/2015

Project Definition Component

New Window

Help

Personalize Page

Project

Output, Targets and Results

Expenditure

Activities

Implementing

Risks

Attributes

Attachments

Grid Fields

Business Unit

MEX10

Mexico

FSP FortImp. Protocolo de Nagoya

Project Num

00091799

Risk Details

Find

First

1 of 5

Last

Risk Type

POLITICAL

Date Identified

20/10/2015

Critical

Description

Government agencies unwilling to share information and data

Management Response/Risk Update

Management Response/Risk Update

At project start and through Outcome 2, formal collaboration agreements and procedures will be outlined based on specific targeted needs for information exchanges (such as inter-ministerial agree-

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Risk Type

POLITICAL

Date Identified

20/10/2015

Critical

Description

Conflicts of interest and different priorities of stakeholders constrain implementation of activities

Management Response/Risk Update

Management Response/Risk Update

A participatory national needs assessment will be conducted to identify the needs and priorities of all relevant stakeholders. This exercise will involve dialogue and joint planning exercises and will be guidelines

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Risk Type

OPERATIONAL

Date Identified

20/10/2015

Critical

Description

Stakeholders identified not participating in Project implementation

Management Response/Risk Update

Management Response/Risk Update

Activities under Outcomes 1 and 3 are intended to raise the awareness of the different stakeholders and increase the participation and commitment with the Project's overall objectives. In selected cas

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Risk Type

ORGANIZATION

Date Identified

20/10/2015

Critical

Description

Coordination mechanisms for the Project operation among relevant stakeholders are not generated

Management Response/Risk Update

Management Response/Risk Update

The project will promote periodic high-level inter-agency meetings involved in ABS to share information, provide with update on project progress and identify the necessary commitment mechanisms

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Risk Type

FINANCIAL

Date Identified

20/10/2015

Critical

Description

Insufficient funding to continue necessary access to GR regulation after the project ends

Management Response/Risk Update

Management Response/Risk Update

Although the Federal Government truly believes in the importance of implementing this project, and legislators know and are convinced of the importance of the proper implementation of the NP, the p Through Outcome 1, the project will promote the inclusion of budget lines and necessary policy provisions in the key institutions to support funding and facilitate GR regulations after the project ends.

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Save Risks



https://finance.partneragencies.org/psc/UNDPP1FS/EMPLOYEE/ERP/c/UN_CUSTOM.UN_PROJLP.GBL

1/2

PART X Co-funding letters

Separate file

PART XI Knowledge, Attitudes and Practices (KAP) Assessment Approach for Developing a Comprehensive ABS Communication Strategy

As part of the project's monitoring and evaluation system, knowledge, attitudes and practices (KAP) assessment surveys will be conducted as part of **Output 1.3, 3.2 and 3.5** targeting specific groups (parliamentarians, researchers, relevant industries, States and communities) that may use or benefit from ABS transactions in order to determine the project's impact on awareness levels concerning the national ABS law, CBD and the Nagoya Protocol; as well as on the values of genetic resources and TK associated among selected communities.

These will include baseline surveys at the start-up of the awareness raising activities for specific target groups, and repeat surveys following the same methodologies at project completion. This work will be contracted to a service provider, with requirements to liaise closely with the project's implementing partners in the design and implementation of activities.

1. Introduction

The purpose of a KAP survey is to understand the current status and gaps in the knowledge, attitudes and practices of the target groups on specific issues, so as to design intervention programs to enhance knowledge and change the attitudes and practices of the target groups towards desired goals. The planned KAP assessments for the project aim to provide the project team and national stakeholders with a more detailed understanding of public opinion concerning ABS issues in Mexico as well as the awareness level of communities, researchers and relevant stakeholders regarding their rights or obligations in the ABS context.

The planned baseline KAP surveys will assess pre-project implementation levels of knowledge for specific target groups including the following: ²⁴

For the targeted researchers and industries:

The knowledge about their obligations under the NP, which are to follow the access procedures, to obtain PIC of, and to share benefits with the provider of biological resources and associated traditional knowledge, and compliance of ABS laws by their research counterparts; attitudes towards such additional obligations; attitudes towards benefit sharing and its implication on conservation and sustainable use of biodiversity; attitudes towards respecting the rights of indigenous and local communities; and practices that currently being undertaken for research and development on biological resources and associated traditional knowledge.

For the targeted communities:

Knowledge of their rights as enshrined in the CBD and the Nagoya Protocol; attitudes towards the concept of ABS; attitudes towards the role played by ABS in biodiversity conservation and poverty alleviation; practices currently being undertaken when dealing with external actors; and understanding of the value (current and potential) of the natural resources under their stewardship in the ABS context.

²⁴ Considering as an initial base the results of the Biodiversity Barometer 2015, which includes Mexico for first time.
<http://ethicalbiotrade.org/dl/UEBT%20-%20SP%20Barometer%202015.pdf>

For other stakeholders:

The understanding of the concept of ABS; awareness towards the future national ABS law, the CBD and the Nagoya Protocol; attitudes towards ABS; attitudes towards the role played by ABS in biodiversity conservation and poverty alleviation; and practices currently being undertaken by relevant stakeholders in accessing genetic resources and associated traditional knowledge.

The results of the baseline surveys are intended to be used as indicators to measure project impacts on stakeholder perception and behavior. They will also inform the design of the awareness programme for the project (see **Output 1.3, 3.2 and 3.5**).

The same survey methodology will be applied to the same target groups at the end of the project following the completion of awareness activities in order to assess changes in levels of awareness and changes in attitudes and practices that may be attributable to the project's intervention. The results will be included in the project completion report and applied to the relevant indicator presented in the project's Strategic Results Framework.

2. Survey Methodology

Both qualitative interviews and quantitative surveys will be used to collect data.

The quantitative survey with questionnaires will be applied to collect data from the following target groups²⁵:

- ◆ 50 officials from Secretaries and related government branches
- ◆ 50 elected representatives (Members of both Houses)
- ◆ 20 managers and technicians from biotechnology related companies
- ◆ 20 managers and staff from international, national and local NGOs, including both environment and social NGOs
- ◆ 20 journalists (both environment and non-environment journalists) and from media, with a focus on influential media
- ◆ 100 Researchers and students, half in environment-related majors (half in nature sciences and half in biotech disciplines), and half in law and economics- related majors.
- ◆ 100 respondents from rural communities: the communities should be selected in the inception period

In addition, a qualitative interview guide will be developed for in-depth discussions with the representatives from the above target groups, focusing on understanding the information needs and their preferred information channels, so as to develop the communication strategy.

The surveys and interviews will be mainly carried out by face to face, supported by telephone and e-mail.

²⁵ Note: the target groups and sample sizes should be reviewed and confirmed during the project inception period

3. KAP Components

The survey questionnaires cover four components: Knowledge, Attitude, Practices, and Information Needs.

Knowledge. This part mainly includes the questions to ask the respondents for a self-assessment of their knowledge related to ABS and biodiversity conservation; understanding on the concepts; awareness of the policies and regulations related to ABS / biodiversity conservation; their obligation under the ABS system, which is to follow the access procedures, to obtain PIC of, and to share benefits with the provider of biological resources and associated traditional knowledge, and compliance of future ABS laws by their research counterparts; rights as enshrined in the ABS laws, the CBD and the Nagoya Protocol;

Attitudes. This part aims to record the respondents' opinions on the importance attached to biodiversity conservation, relationship between economic development (or poverty) and conservation, attitudes towards additional obligations to fulfill ABS requirements; attitudes towards respecting the rights of indigenous and local communities;

Practices. This part asks the respondents about their activities to conserve biodiversity, integration of biodiversity/ABS into development plans or enterprise strategies practices that currently being undertaken for research and development on biological resources and associated traditional knowledge; practices currently being undertaken when dealing with external actors;

Information Needs. This part mainly asks the respondents about their sources of information, suggestions for information dissemination, and information requirements.

4. Data Processing

The quantitative data will be inserted into excel spreadsheets, and descriptive statistics will be used to process the data. The percentage and means will be calculated. The data will be disaggregated among different target groups. The qualitative data will be analyzed by the main issues and themes arising, and used to supplement the quantitative data. The data results will be used to analyze the gaps in knowledge, attitudes and practices regarding ABS / biodiversity conservation, and to develop the project's communication strategies to increase national capacity and understanding of ABS issues. The results of these surveys will be used as indicators to measure project impacts on stakeholder perception and behavior.

Communication and awareness-raising materials will be designed and produced for use in mass media and at public events. These may include documentary video, radio jingle, print advertisement, pamphlet, poster, sticker, etc.

“2017, Año del Centenario de la Promulgación de la Constitución Política de los Estados Unidos Mexicanos”

Of. Núm. AMI/CFM/0145/17


Ciudad de México a 23 de febrero de 2017

Sra. Directora de País:

Se hace referencia al proyecto 00096831 “Fortalecimiento de capacidades nacionales para la implementación del Protocolo de Nagoya sobre el acceso a recursos genéticos y el uso justo y equitativo de los beneficios derivados de su utilización.”

Al respecto, se anexan dos ejemplares del documento debidamente firmados, en el entendido que esta Oficina conservará un ejemplar original para su resguardo.

Atentamente,



Noel González Segura

Foros y Mecanismos Multilaterales y Regionales de Cooperación Internacional para el Desarrollo

Sra. Katyna Argueta

Directora de País

Programa de las Naciones Unidas para el Desarrollo

Presente.





Annual Work Plan

Mexico - Mexico City

Project:00091799

Project Title:FSP Fort.Imp. Protocolo de Nagoya

Year:2017

Report Date: 10/3/2017

Output	Key Activities	Timeframe		Responsible Party	Planned Budget			
		Start	End		Fund	Donor	Budget Descr	Amount US\$
00096831 FSP: Imp. Protocolo de Nagoya	Adj legal framework and poli	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	3,251.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	50,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	36,791.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	53,237.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	64,600.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	4,713.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	9,500.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Professional Services	2,850.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	1,250.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	3,000.00
	M&E Plan	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	25,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	5,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	31,239.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	162,071.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Materials & Goods	1,961.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	5,157.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	8,200.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Equipment and Furniture	27,930.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	9,500.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	3,520.00
	Project Management	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	27,196.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services-Companies	13,971.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	34,875.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	107,944.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	57,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	65,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	54,625.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	13,971.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	34,875.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	107,944.00
	Protecting TK	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	57,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	65,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	54,625.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	13,971.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	34,875.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	107,944.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	57,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	65,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	54,625.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	13,971.00
	Str natl inst capacities	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services-Companies	13,971.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	34,875.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	107,944.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	57,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	65,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	54,625.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	13,971.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	34,875.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	107,944.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	57,000.00



Annual Work Plan

Mexico - Mexico City

Project: 00091799

Project Title: FSP Fort.Imp. Protocolo de Nagoya

Year: 2017

Report Date: 10/3/2017

Output	Key Activities	Timeframe		Responsible Party	Planned Budget			
		Start	End		Fund	Donor	Budget Descr	Amount US\$
	Str natl inst capacities	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEF Trustee	74200 Audio Visual&Print Prod Costs	33,881.00
				MEX-Secretaria de Medio Ambien	62000	GEF Trustee	74500 Miscellaneous Expenses	13,174.00
TOTAL								
916,436.00								
GRAND TOTAL								
916,436.00								



Annual Work Plan

Mexico - Mexico City

Project:00091799

Project Title:FSP Fort.Imp. Protocolo de Nagoya

Year:2018

Report Date:10/3/2017

Output	Key Activities	Timeframe		Responsible Party	Planned Budget			
		Start	End		Fund	Donor	Budget Descr	Amount US\$
00096831 FSP Imp. Protocolo de Nagoya	Adj legal framework and poli	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	64,600.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	4,235.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	26,500.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	36,790.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	4,413.00
	M&E Plan			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	3,248.00
		1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	5,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	8,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	2,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	1,000.00
	Project Management			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	International Consultants	20,000.00
		1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Professional Services	8,300.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	5,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	31,240.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Materials & Goods	1,961.00
Protecting TK	Protecting TK	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	3,520.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	162,071.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	2,157.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Training, Workshops and Confer	8,196.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	5,000.00
	Str natl inst capacities	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Travel	30,295.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services-Companies	13,972.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Miscellaneous Expenses	4,117.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Information Technology Equipm	62,368.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Local Consultants	73,625.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Contractual Services - Individ	34,874.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	Audio Visual&Print Prod Costs	10,588.00



Annual Work Plan

Mexico - Mexico City

Project:00091799

Project Title:FSP Fort.Imp, Protocolo de Nagoya

Year:2018

Report Date:10/3/2017

Output	Key Activities	Timeframe		Responsible Party	Planned Budget			
		Start	End		Fund	Donor	Budget Descr	Amount US\$
	Str natl inst capacities	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTtrustee	75700 Training, Workshops and Confer	110,000.00
TOTAL								
743,070.00								
GRAND TOTAL								
743,070.00								



Annual Work Plan

Mexico - Mexico City

Project: 00091799

Project Title: FSP Fort.Imp. Protocolo de Nagoya

Year: 2019

Report Date: 10/3/2017

Output	Key Activities	Timeframe		Responsible Party	Planned Budget			
		Start	End		Fund	Donor	Budget Descr	Amount US\$
00096831 FSP. Imp. Protocolo de Nagoya	Adj legal framework and poli	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	75700 Training, Workshops and Confer	26,500.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74500 Miscellaneous Expenses	3,247.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74200 Audio Visual&Print Prod Costs	22,470.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71400 Contractual Services - Individ	36,791.00
	M&E Plan	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71300 Local Consultants	8,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	75700 Training, Workshops and Confer	1,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71200 International Consultants	20,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71600 Travel	5,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74200 Audio Visual&Print Prod Costs	2,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74100 Professional Services	7,600.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74500 Miscellaneous Expenses	5,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71400 Contractual Services - Individ	31,240.00
	Project Management	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71600 Travel	2,157.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74200 Audio Visual&Print Prod Costs	20,000.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71400 Contractual Services - Individ	162,071.00
				MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	75700 Training, Workshops and Confer	8,196.00
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74500 Miscellaneous Expenses	3,520.00	
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	72300 Materials & Goods	1,961.00	
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74500 Miscellaneous Expenses	4,117.00	
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71400 Contractual Services - Individ	34,875.00	
Str nall inst capacities	1/3/2016	31/1/2020	MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	71600 Travel	30,295.00	
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	72100 Contractual Services-Companies	13,971.00	
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	75700 Training, Workshops and Confer	125,000.00	
			MEX-Secretaria de Medio Ambien	62000	GEFTTrustee	74200 Audio Visual&Print Prod Costs	10,588.00	
TOTAL								585,599.00
GRAND TOTAL								585,599.00