



From Adoption to Satisfaction

What Provider Countries Need for ABS to Deliver under the Nagoya Protocol

// Dr. Nele Kampffmeyer, Melanie Pietschmann

Findings from our study indicate that the Nagoya Protocol has strengthened the recognition of provider-country rights and improved the conditions for fairer access and benefit sharing (ABS) negotiations. However, this normative and institutional progress has not yet translated consistently into effective benefit-sharing in practice. Institutional representatives from provider countries report moderate overall satisfaction: national implementation remains uneven, power and information asymmetries persist, and agreed benefits and compliance are often difficult to monitor once utilisation takes place abroad. Drawing on expert interviews and a global survey, this brief identifies complementary actions for provider states, user states and users to make benefit-sharing more reliable and responsive to provider priorities.

Key Recommendations

- **Provider States – establish clear, capable and inclusive ABS systems.** Make rules, responsibilities and procedures predictable; support meaningful Indigenous Peoples and local communities (IPLC) participation; and monitor benefit delivery over time.
- **User States – make compliance substantive and enforceable.** Pair due diligence with risk-based checks, traceability and practical channels for cross-border cooperation; embed ABS early in research funding and institutional governance.
- **Users – manage ABS as a continuing responsibility.** Plan early, negotiate transparently and ensure that agreed benefits, reporting, transfers and changes of use remain verifiable throughout the lifecycle of utilisation.
- **Research community and funders – build the evidence base.** Track satisfaction and realised benefits over time, support participatory research with IPLCs, and assess how the digital sequence information (DSI) mechanism interacts with bilateral ABS.

Why Provider Perspectives Matter

Access and benefit-sharing (ABS) aims to ensure that benefits from the use of genetic resources and associated traditional knowledge are shared fairly and equitably with providers. These benefits may include payments, research cooperation, training and technology transfer. The Nagoya Protocol provides the international regulatory framework, while national institutions and procedures shape how ABS works in practice.

More than a decade after the Protocol entered into force, existing legislation, permits and concluded agreements provide evidence of formal implementation, but reveal much less about whether agreed benefits are realised and whether providers of genetic resources and associated traditional knowledge consider ABS as fair and satisfactory in practice. This policy brief examines how institutional representatives in provider countries experience negotiations, user conduct and the delivery of benefits. It also considers the wider contribution of ABS implementation to biodiversity governance and identifies actions for provider states, user states and users.

About the Study

The brief draws on an exploratory study conducted by Öko-Institut. Twelve semi-structured expert interviews with 18 participants from ten countries in 2024 informed an online survey conducted between July and September 2025 in English, Spanish and French. The survey yielded 60 valid, anonymous responses, primarily from National Focal Points (NFPs) and Competent National Authorities (CNAs) in countries acting as providers or as both providers and users. To preserve anonymity, the respondents' countries were not recorded. As more than one person may have responded from the same country, the exact number of countries represented in the sample cannot be established.

The findings reflect institutional experiences and perceptions. They are not statistically representative of all provider countries and do not capture the experiences of IPLCs directly.

What Provider-Country Institutions Tell Us



Institutional representatives of provider countries reported moderate overall satisfaction with ABS under the Nagoya Protocol, with an average score of 6.15 out of 10. Respondents value the Nagoya Protocol's contribution to the recognition of provider rights and fairer ABS processes, while reporting continuing difficulties in securing and verifying benefits. This assessment reflects uneven implementation and often limited practical experience with realised benefit-sharing outcomes.

The Nagoya Protocol has advanced ABS, but implementation remains uneven

The Protocol has strengthened the basis for provider claims and the negotiation of benefit-sharing: 79% of survey respondents rated the Nagoya Protocol's contribution

to more equitable negotiations globally as medium to high. However, around two-thirds described their national ABS systems as being at an early implementation stage, and 25% reported no experience of MAT negotiations. Experience with commercial agreements, monetary benefits and long-term monitoring remains particularly limited. These findings point to a substantial gap between the establishment of an internationally recognised framework and its consistent application in practice. They also limit the extent to which satisfaction can already be assessed against concrete benefit-sharing outcomes.

Stronger biodiversity governance is an outcome in its own right

ABS implementation can strengthen biodiversity governance beyond the benefits generated by individual agreements: Respondents reported improvements in awareness, legal and institutional frameworks, coordination and the integration of biodiversity into wider policy processes. These gains can emerge as countries establish ABS institutions and clarify responsibilities, even before substantial benefits are received. These wider governance effects should be recognised as a distinct contribution of the Protocol, while the core objective of delivering fair and equitable benefit-sharing remains central. Such institutional developments can support the implementation of the CBD and the Kunming-Montreal Global Biodiversity Framework, particularly Target 13 and, where biodiversity is integrated into broader planning and decision-making, Target 14.

Workable national systems support cooperation and informed negotiation

Limited staffing and specialist expertise constrain provider authorities' ability to assess proposed uses, negotiate suitable benefits and follow up on agreements: Respondents reporting more advanced national ABS frameworks also tended to perceive users as more cooperative and transparent. The findings therefore suggest that clear and predictable provider-country procedures can support more effective cooperation in practice. Standardised clauses, templates and indicative benefit options can help address uncertainty and capacity constraints for both users and providers. At the same time, such standardised instruments need sufficient flexibility to accommodate different resources, provider priorities, research activities and commercialization pathways.

Fair processes require transparency and substantive participation

Respondents' assessments of negotiations gave considerable weight to transparency, trust, timely communication and participation, alongside the type and the amount of benefits on offer. Recurring concerns were incomplete information about intended uses and commercial prospects, pressure to accelerate procedures and excessive confidentiality. Unequal bargaining conditions were also widely perceived as a serious structural problem, although the study does not establish their direct causal effect on negotiation outcomes or satisfaction. At the same time, unequal power relations remain a major obstacle to cooperation on equal terms: respondents rated them as a serious problem, with an average score of 7.47 out of 10.

Responses concerning IPLCs further underline the importance of substantive participation. Institutional respondents perceived greater progress in formal recognition and consultation than in direct involvement of IPLCs in negotiations and decision-making. However, recognition alone provides limited evidence of whether IPLCs can influence

access, benefit design or distribution. These findings reflect institutional assessments and cannot substitute for evidence from IPLCs themselves.

Reliable benefit-sharing requires sustained compliance across jurisdictions

Users were generally perceived as willing to meet ABS requirements, but satisfaction with their subsequent adherence to MAT was only moderate. Recurring concerns included missing or delayed reports, limited transparency about intermediaries and downstream use, and changes of use without the required authorization or renegotiation. These shortcomings make it difficult to track utilization and establish whether agreed benefits are being delivered.

Provider authorities have limited practical means to monitor or enforce obligations once utilization takes place abroad. The findings therefore highlight the importance of user-state compliance systems and cross-border cooperation that support substantive implementation of agreements beyond verifying that PIC and MAT documents exist. Reliable benefit-sharing depends on complementary responsibilities across provider authorities, users and user states throughout the period of utilization.

What Needs to Change

Improving provider-country satisfaction cannot be achieved through a single measure or by one group of actors alone. Effective benefit-sharing depends on a chain of interdependent responsibilities: provider states must establish clear and workable national frameworks; user states must create credible incentives and compliance mechanisms; and users must plan for ABS from the outset and fulfil their obligations throughout the utilization process. The full set of recommendations is set out below.

Recommendations for Provider States

The recommendations for provider states are directed primarily at governments, NFPs, CNAs, checkpoints and other institutions responsible for national ABS implementation. Depending on the national framework, implementation may also require the involvement of subnational authorities, biodiversity agencies, research institutions, IPLC institutions and other legitimate provider representatives.

The first priority is to create a national system that is understandable, predictable and sufficiently resourced. The study indicates that clearer and more advanced national frameworks are associated with more cooperative and transparent interactions with users. Improving national implementation therefore supports both regulatory effectiveness and the quality of negotiations.

- **Clarify national frameworks and responsibilities.** Provider states should adopt, complete or further clarify legislation, administrative procedures and institutional mandates. Users and provider representatives should be able to identify the competent authority, applicable requirements, necessary documentation, procedural steps and decision criteria.
- **Build multidisciplinary and practice-oriented capacity.** NFPs, CNAs and legitimate providers need access not only to biological expertise but also to legal, economic, financial and accounting knowledge. Applied support should cover contract drafting, value-chain analysis, royalties and licence models, milestone payments, audit rights, reporting formats, confidentiality and long-term monitoring.

- **Provide guidance without replacing case-specific negotiation.** Model clauses, checklists, differentiated templates and indicative monetary and non-monetary benefit options can reduce uncertainty and transaction costs. Such tools should remain adaptable to the resource, intended use, commercialization prospects, associated traditional knowledge and the priorities of the legitimate provider. Change-of-intent and renegotiation clauses should be used where future utilization is uncertain.

National systems must also address what happens during and after negotiation. PIC and MAT should not be treated as the endpoint of ABS. Satisfaction depends on whether participation is meaningful, obligations can be followed over time and benefits reach their intended recipients.

- **Ensure early and meaningful participation of IPLCs and other providers or rights-holders recognised under applicable national law.** Where IPLCs hold relevant rights, they should be able to influence access decisions, benefit design, delivery arrangements and monitoring rather than being consulted only after key terms have been determined. Community protocols, representative institutions and access to independent legal and technical advice can support informed participation.
- **Institutionalise monitoring after MAT negotiations.** Agreements should contain clear reporting schedules, milestones, contact points, documentation requirements and proportionate consequences for non-compliance. Authorities should assign responsibility and resources for follow-up, supported where appropriate by systems that record deadlines, reports, transfers, changes of use and both monetary and non-monetary benefits.
- **Establish transparent and context-sensitive benefit-distribution mechanisms.** Provider states should clarify how benefits will be received, managed, allocated and reported before substantial payments arise. Distribution arrangements should connect conservation and sustainable-use objectives with the rights and priorities of providers or rights-holders recognised under national law – including IPLCs where applicable - rather than assuming that a single allocation channel is appropriate in every case.
- **Use confidentiality proportionately and strengthen institutional learning.** Confidentiality should be limited to genuinely sensitive information and should not prevent responsible authorities or providers from monitoring obligations. Where legally possible, anonymised lessons, recurring clauses and implementation experiences should be documented and exchanged through national or regional networks.
- **Use ABS implementation to strengthen wider biodiversity governance.** Provider states should connect ABS institutions and procedures with national biodiversity strategies, relevant development-planning and environmental-assessment processes. Environmental authorities should coordinate with subnational authorities, IPLC institutions, research ministries, funding bodies, universities, collections, patent offices, customs and other checkpoints. Practical channels for cooperation with user-state authorities should also be established where monitoring or enforcement abroad is required. These measures should be sequenced according to national circumstances. Countries in earlier implementation stages may need to prioritise legal clarity, mandates and basic case-management systems, while more

experienced systems may focus increasingly on valuation, substantive monitoring, benefit distribution and cross-border enforcement.

Recommendations for User States

User states have a particular responsibility where genetic resources or associated traditional knowledge are utilised within their jurisdiction. Their role is not limited to informing users that provider-country requirements exist. They should create a regulatory and institutional environment in which lawful access, compliance with MAT and cooperation with provider authorities are expected and practically supported.

- **Establish clear and binding user-compliance duties.** Domestic rules should require relevant users to exercise due diligence and demonstrate that access and utilization comply with applicable PIC and MAT. The EU due diligence regulation (Regulation No. 511/2014) was mentioned as a positive example. Responsibilities should cover universities, research institutes, companies, collections and other actors involved in utilization, with proportionate sanctions or corrective measures where obligations are breached.
- **Move beyond formal document checks.** Checkpoints should not be limited to verifying that PIC and MAT documents exist. Within their legal mandate, user states should use risk-based approaches to identify possible non-compliance with reporting duties, transfer restrictions, changes of use and benefit-sharing commitments, particularly in cases involving commercialization or downstream actors.
- **Provide channels for cross-border cooperation and enforcement support.** Provider authorities should have accessible contact points through which they can request information or assistance in substantiated cases. Procedures should support timely communication, clarification of user conduct and, where appropriate, enforcement of contractual obligations.

User-state measures should also prevent non-compliance before it occurs. Funding, institutional governance and advisory services can ensure that ABS is considered at the beginning of research and innovation rather than after key budgets and timelines have already been fixed.

- **Integrate ABS into research funding and project approval.** Funding applications and institutional approval processes should require early consideration of access requirements, permits, provider and community participation, expected benefit-sharing, reporting and realistic timelines. Eligible project costs should include legal advice, translation, consultation, travel, data management, agreed benefits and long-term follow-up.
- **Strengthen awareness, advice and organizational responsibility.** User states should promote sector-specific guidance and encourage universities, research organizations, collections and companies to designate ABS contact points. These structures should advise projects early, preserve documentation and monitor reporting and benefit-sharing commitments over time.
- **Improve traceability across value chains and transfers.** Users should be required or encouraged to document transfers, intermediaries, affiliated entities, licences and changes in utilization. Reporting and checkpoint systems should make

it possible to connect downstream activity to the relevant PIC and MAT while respecting legitimate confidentiality and data-protection requirements.

- **Support provider-country capacity through demand-driven cooperation.** Technical assistance and peer exchange should respond to priorities identified by provider countries and IPLCs, including negotiation, valuation, audit rights, accounting, reporting, traceability and enforcement. Support should strengthen durable institutional capacity rather than depend exclusively on short-term projects or individual experts.

Taken together, these measures would make user-state responsibility more substantive. They would also reduce the current imbalance in which provider authorities are expected to monitor utilization and enforce agreements despite having little practical leverage outside their own jurisdiction.

Recommendations for Users

The recommendations for users apply to researchers, universities, research institutions, companies, collections, intermediaries and other actors that access or utilise genetic resources or associated traditional knowledge. Users are responsible not only for obtaining authorization but also for maintaining transparent and reliable cooperation throughout the full period of utilization.

- **Plan for ABS from the outset.** Potential requirements should be assessed before resources are collected, received, transferred or utilised. Project schedules and budgets should allow for permits, legal advice, translation, provider and community participation, benefit-sharing, reporting and long-term follow-up. ABS should not be treated as an administrative step to be addressed only after funding, or commercial timelines have been fixed.
- **Engage early and respect provider decision-making.** Users should contact the relevant NFP, CNA and legitimate provider before access or utilization begins. They should allow sufficient time for national and community procedures and should not pressure authorities, partners or communities to accelerate decisions because ABS was omitted from earlier project planning.
- **Provide complete and continuously updated information.** Information should cover the proposed purpose and methods, participating organizations, resources and traditional knowledge involved, expected outputs, possible intellectual property claims, commercialization prospects, intermediaries, third-party transfers and foreseeable changes in use. Relevant changes should be communicated throughout the project.

Transparent engagement should continue through negotiation and implementation. The objective is not only to secure access, but to establish terms that are workable, fair and capable of being monitored over time.

- **Negotiate in good faith and use adaptive terms where needed.** Users should explain uncertainties and constraints, allow providers sufficient time for consultation and legal review, and avoid exploiting differences in information or bargaining power. Where future uses or values are uncertain, milestones, review procedures and renegotiation clauses are preferable to one-sided allocation of risk.

- **Agree on benefits that are relevant, realistic and verifiable.** Monetary and non-monetary benefits should respond to priorities identified by legitimate providers and, where applicable, IPLCs. Commitments concerning training, technology transfer, data sharing, co-authorship, equipment or cooperation should specify recipients, timelines and expected outputs so that delivery can be assessed.
- **Establish internal systems for lifecycle compliance.** Organizations should assign responsibility for ABS, maintain records of PIC, MAT, permits, transfers, deadlines, reports and benefits, and use reminders or review procedures to ensure continuity when staff or project teams change. Users should fulfil obligations without depending on repeated reminders from provider authorities.
- **Disclose transfers and changes of use.** Before resources, information or relevant rights are transferred, users should confirm that the transfer is permitted and that applicable obligations are passed on. New uses, commercialization opportunities or significant changes in the utilization pathway should trigger notification and, where required, renewed consent or renegotiation before proceeding.

Users should ultimately approach benefit-sharing as a continuing relationship rather than a one-time exchange. Regular communication, shared review of project developments and reliable fulfilment of commitments can build trust, improve the quality of cooperation and strengthen willingness to engage in future research and innovation.

What We Still Need to Know

The study addresses an important gap by examining satisfaction with ABS from the perspective of state institutions in provider countries across different stages of the ABS process. At the same time, its exploratory and cross-sectional design identifies areas in which the evidence base remains incomplete. Future research should move beyond documenting legislation, permits or agreed benefit types and examine how negotiations, compliance and benefits develop over time and how they are assessed by different actors.

Several priorities are particularly important for strengthening the evidence base:

- **Establish repeated and longitudinal measures of provider-side satisfaction.** Future cross-country studies should use consistent measures of expectations, negotiation quality, MAT compliance and realised benefits. Repeated surveys or panel designs would make it possible to distinguish temporary implementation difficulties from longer-term changes and to examine whether satisfaction improves as national systems gain experience.
- **Examine the wider governance effects of ABS implementation.** Future research should investigate whether and how implementation of the Nagoya Protocol strengthens institutional coordination, stakeholder and IPLC participation, legal and policy frameworks, and the integration of biodiversity into national and subnational planning. It should examine how these effects emerge, under which conditions they are sustained, and whether and how they ultimately contribute to the conservation of biological diversity and the sustainable use of its components.
- **Strengthen independent and participatory research with IPLCs.** The assessments of state institutions cannot be treated as a proxy for the experiences of IPLCs. Research should therefore examine consultation, consent, participation,

benefit priorities and distribution from community perspectives, using methods that support meaningful participation and respect community governance, knowledge and data rights.

- **Assess when standardization is useful and when flexibility remains necessary.** Further research should explore in which contexts standardised tools can reduce transaction costs and improve predictability without limiting fairness or the ability to respond to case-specific circumstances.
- **Assess whether the DSI multilateral mechanism complements or crowds out bilateral ABS.** As implementation experience accumulates, research should examine whether the mechanism creates sufficient incentives for corporate participation, generates predictable benefit flows and provides legal certainty for providers and users. Particular attention should be paid to whether it strengthens the wider ABS system or diverts political attention, administrative capacity and user engagement from bilateral ABS without delivering equivalent benefits.

References

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Acknowledgements

This research was funded by the Federal Agency for Nature Conservation (BfN) with resources from the Federal Ministry for the Environment, Climate Action, Nature Conservation and Nuclear Safety (BMUKN) under grant number FKZ 3523800300. The authors highly appreciate Caroline von Kries (BfN) for the valuable technical supervision and constructive feedback throughout the course of the project.

Öko-Institut | Freiburg | Darmstadt | Berlin

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[oeko.de](https://www.oeko.de) | info@oeko.de

Contact

Dr. Nele Kampffmeyer | Öko-Institut | +49 30 405085-346 | n.kampffmeyer@oeko.de
Melanie Pietschmann | Öko-Institut | +49 6151 8191-107 | m.pietschmann@oeko.de

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