

Terminal Evaluation Report

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”



Fortalecimiento de Capacidades para la Implementación del Protocolo de Nagoya (ABS)



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”

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Terminal Evaluation Report

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It is of note, at last, the wide range of collaboration granted by the United Nations Development Program (UNDP), and the personnel belonging to the Project Coordination Unit who made all this work possible, managing the interviews and give us of all the information needed to grant the due independence required for this kind of evaluations.

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Executive Summary

Project Summary Table

Project Name:	<i>"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"</i>				
ID		RESOURCES			
Project ID (ATLAS)	00096831	Assigned Resources	PRODOC US\$	Assets¹	Disbursements up to 11-02-2020
GEF ID PIMS	5375	GEF Funding	2.283.105	---	1.763.740,36
Award ID (ATLAS)	00091799	UNDP	230.000	20.000	
Country	Mexico	GIZ-CONABIO Project	7.425.742	---	
Focal Area GEF	Biodiversity, objective 3, program 8: Nagoya Protocol implementation for the ABS	CONANP	---	45.000	
Management Disposition	NIM	DGSPRNR	---	198.172	
Implementation Partner	Environment and Natural Resources Secretariat (SEMARNAT), Mexico	DGGFS	---	47.000	
Project Execution Agency	United Nations Development Program, PNUD	DGVS	---	116.738	
Other Involved Institutions	SRE, SAGARPA -currently SADER-, CDI -currently INPI-, SE, COFEPRIS, CONABIO, CONANP, IMPI, SADER/SNICS, SE, SEGOB y PROFEPA. Development Agencies, Civil Society Organizations (OSC) and community organizations, local/indigenous communities; producer groups and private sector organizations	PROFEPA	---	16.970	
		CONABIO	---	79.482	
		SFNA	---	110.688	
		UCPAST	---	91615	
		UCAI	---	46.244	
		SNICS	---	171.545	
		IMPI	---	188.178	
		CDI	---	151.205	
DATES		TOTAL	9.938.847	1.282.837	1.763.740,36
PRODOC Starting Date	January 2017	Total Project Resources (PRODOC)	11.221.684		1.763.740,36
Actual Start	April 2017				
Mid-Term Evaluation	June 11th to October 31st, 2019				
Final Project Steering Committee	October 23rd 2020				
End of Project	December 31st 2020				
Project Extension	January 21st 2021				
PURPOSE AND MAIN RESULTS					
<p>Objective: Improve in Mexico, in a participative and effective way the capacities of national authorities (SRE, SEMARNAT, SAGARPA - currently SADER-, CDI -currently INPI-, SE), , as it does the legal and administrative framework in relation to the genetic resources, the related traditional knowledge and the benefit distribution, in accordance to the institutional conditions for the implementation of the Nagoya Protocol on the Access to the genetic resources and the just, equal participation in the benefits obtained from its use, from the Agreement On Biologic Diversity</p> <p>Result 1: Adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.</p> <p>Result 2: Capacity strengthening of national institutions.</p> <p>Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.</p>					

¹ There have been no formal amendments to the budget that changed the total amounts or the contributions of the institutions in cash or in kind. The resources committed by GIZ were not effectively realized, however there is no formal declaration in the project to date that rectifies and justifies that these resources have not been made available. Strictly speaking, they were never available since this project began operations when the GIZ Project had already ended, so these counterpart resources cannot be considered, nor was there an institutional replacement to take charge of these counterpart resources.

Source: *PRODOC and Internal Project Documents*
Project Description (brief)

The Project “Strengthening of National Capacities for the Implementation of the Nagoya Protocol on Access to Genetic Resources and the Just and Equal Participation on the Benefits that may result from their use in the Agreement on Biological Diversity” has as main objective “To improve in an effective and participative way the capacities of national authorities, as it does the legal and administrative framework in relation to the genetic resources, the related traditional knowledge and the benefit distribution, in accordance to the institutional conditions for the implementation of the Nagoya Protocol on the Access to the genetic resources and the just, equal participation in the benefits obtained from its use, from the Agreement On Biologic Diversity”. The Project sought to promote the implementation of institutional coordination mechanics that, through a proper legislation, lead to regulate the Access and use of genetic resources and the protection of the related traditional knowledge, ensuring the parity of the benefits derived from their use.

The final goal of the Project’s development is to “safeguard Mexico’s biodiversity with worldwide significance through the strengthening of the respective legal framework and administrative measures, in relation to the access of genetic resources and the benefits distribution, at the same time that the capacity of the related national institutions is strengthened”.

Both the main objective and its final development goal should be reached through three results: 1. To adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK that would be obtained from the just and equal distribution of benefits.; 2. The Capacity strengthening of national institutions.; 3. To protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.

The PIF was approved on May 27th of 2014 and the CEO approval happened in January 2016 PRODOC’s signature was in January 25th of 2017 with a termination date of January 31st of 2020, and later an extension to January of 2021 was approved. The project start workshop happened on July 27th, after the Project Coordinator Unit’s own Coordinator was hired on May, and then the rest of the team, during July and August.

The Project is being carried out under the framework of the National Implementation Modality (NIM), with the Environment and Natural Resources Secretariat (SEMARNAT) in charge as its Executing Agency (EA) following the guidelines and rules imposed by the United Nations Development Program (PNUD), given its role as Implementing Agency (AI). The Environment and Natural Resources Secretariat (SEMARNAT) as the Executing Agency (National Counterpart), is responsible of the project achieving its results.

Project Evaluation Rating Chart

The following table summarizes the Project ratings in the five relevant areas of evaluation in accordance with the United Nations’ standards.

Evaluation Rating Table

Rating Project Performance	
Criteria	Evaluation
1. Monitoring and Evaluation: Highly Satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately Unsatisfactory (MU), Unsatisfactory (U) and Highly Unsatisfactory (HU).	
M&E Overall Quality	6 Highly Satisfactory (HS)
M&E Design at project start up	6 Highly Satisfactory (HS)
M&E Implementation Plan	4 Moderately Satisfactory (MS)
2. IA & EA Execution: Highly Satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately Unsatisfactory (MU), Unsatisfactory (U), Highly Unsatisfactory (HU).	
Overall Quality of Project Implementation/Execution	4 Moderately Satisfactory (MS)
Implementing Agency Execution	5 Satisfactory (S)
Executing Agency Execution	4 Moderately Satisfactory (MS)
3. Results Evaluation: Highly Satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately Unsatisfactory (MU), Unsatisfactory (U), Highly Unsatisfactory (HU).	
Overall Quality of Project Results	4 Moderately Satisfactory (MS)
Relevance: Relevant (R) or Non Relevant (NR)	2 Relevant (R)
Effectiveness	5 Satisfactory (S)
Efficiency	4 Moderately Satisfactory (MS)
4. Sustainability: Probable (P); Somewhat Likely (SL); Somewhat Unlikely (SU); Improbable (I).	
Overall likelihood of risks to Sustainability	2 Somewhat Unlikely (SU)
Financial Resources:	1 Improbable (I)
Socio-economic:	2 Somewhat Unlikely (SU)
Institutional and governance framework:	2 Somewhat Unlikely (SU)
Environmental:	2 Somewhat Unlikely (SU)
5. Impact: Significant (S), Minimal (M), Insignificant (I)	
Environment status improvement	2 Minimal (M)
Environment stress reduction	2 Minimal (M)
Progress towards tension changes and the state	2 Minimal (M)
6. Overall Project Results: Highly Satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately Unsatisfactory (MU), Unsatisfactory (U), Highly Unsatisfactory (HU).	
	4 Moderately Satisfactory (MS)

Source: Terminal Evaluation

Conclusion Summary, Recommendations and Lessons Learned

The conclusion summary is presented in accordance with the Terminal Evaluation (TE) criteria:

Summary of Recommendations Table

Corrective Actions for the Project’s design, implementation and monitoring.	
1	The generation cycle of GEF projects implies that its design is to be made several years before the realization of the agreements and signing of institutions. Hence, at the start from the beginning stage, some suppositions are not realistic and the context may have also been changed. This means that it is essential that during the first meeting during the project’s start there must be an intensive revision of the Objectives Framework and the Project goals in such way that the adjustments are done from the beginning and avoid pitfalls in the longer term that may mean efficacy and efficiency problems that would be attempted to amend during the MTE, at the cost of at least two years if this is not made in time.
2	Check early that the indicators match the SMART standard and that the goals must be concrete and realistic. Also is necessary to ensure that the indicators and goals are consistent in vertical terms, in other words, the achievement of components and products must allow for the 100% of accomplishment of the Project’s objective.
3	Do an analysis or review of the theory of change within a maximum of three months since the start of the Project, in order to do all the design adjustments in the Project implementation stage.

4	Prepare with a greater degree of attention to the detail the foundations, action framework, goals and indicators, type of participation and roles of recalled institutions, etc., in the PRODOC, allowing to reduce, in part, the management issues and keeping track of the projects.
5	In case of projects in which their PRODOC do not have in their work array or components gender matters, incorporate indicators and goals that signal the level of achievement expected within their activities. This is valid for all projects and if it was not detailed in the PRODOC, the modifications must be made in the first meeting of review and start of the Project.
6	It is important to also check from an early stage if the PRODOC has definite set of partners, and if they will contribute with the resources, knowledge and correction assumed in its design.
7	In another set of ideas, it is important to considerate that given the climate change and the appearance of pandemics much like the one happening in the world, the environment decline creates scenarios of increased uncertainty than in the past, and likewise, the suppositions and risk anticipation have to be much more rigorous in such way that in the theory of change and the chosen intervention models there must be foresight of circumstances that may alter, in a significant way, the course of events and, in consequence anticipate contingency plans.
8	Thus, it should be recommended to perform at the very least the following analysis of the PRODOC at the beginning of the Project, in order to verify its own validity, in the first Project meetup or at most once three months have passed after the start: <ul style="list-style-type: none"> • The project’s Theory of Change revision • Revision and Consistency analysis of the Objective Framework (Results, products, indicators and goals) in both horizontal and vertical logic. • Revision of the SMART standard for the indicators of the entire Project. • Revision of the addition of transversal components (Gender, Participation, Human Rights) in the Project. • Ensure that they not only are considered, but objectives, indicators and goals have to be defined, with a proper Budget allocation if possible. • Diagnosis of the strategic partners and their contribution to the operation, governance and balancing entries.
9	It is recommended to start a tracking process to the results and products from the start of the Project, generating systematization on experience basis in such way that it can build later the Construction Plan and knowledge socialization of the Project. This means to highlight the case studies, replicable experiences, and the findings that have a high potential of dissemination and knowledge propagation. This way, it may be that the project’s design has not visualized and hence it is not reflected in the budget, the opportunity to perform a systematization of the successful experiences or lessons learns that have a high impact.
10	Start to plan the Mid-Term Evaluation, before the halfway point of the project is reached. Since that in many cases the selection processes can last several months, it is recommended to take measures to not have delays and lose the opportunity that this work can make changes with the due anticipation. In other way, there is a risk that the mid-term and Terminal Evaluations are done with a short lapse between each other, which has no practical sense.
11	The MTE results should allow decide on the goals and even the results that need to be approached in a different way. This new approach must remain explicit as an agreement of the Steering Committee and requested formally to the GEF.
12	It is highly recommended that based on the MTE’s recommendations and in light of the operation’s measuring, to start the Project closure plan. It is recommended to perform it with a planning from 18 months or two years in advance if possible, in such way that the processes of socialization, maturation and discussion of the products generated by the project.
13	Make the Project Communication Plan focused on the sensitization of other actors and in the theory of change in such way that it is useful for the sustainability of the project’s products and improves its impact.
14	Build a sustainability plan and strategy that ensures the transfer if the products and results by the Project by a date of 18 months before the project’s closure, to the interested parties, even measuring if they begin to use and reproduce the experiences, good practices and products from the Project’s work
15	Do the Terminal Evaluation at least two or three months before the Project’s end in such way that the evaluation also allows the adoption of some measures before the closure, especially those concerning sustainability of the Project’s knowledge management.
Actions to enforce and keeping track of the Project’s benefits towards its closure	

With the intent of having a clear framework that grants certainty and transparency to processes of accessing genetic resources, insuring that traditional knowledge and right are protected; within a context that guarantees the national sovereignty, at the same time that a favorable environment for research and innovation is created, and to start business with win-win schemes between companies and communities, it is important to arrive as soon as possible to a national policy position that favors matters of Access to genetic resources, allowing for the creation of a strong regulation framework.

The Project must be able to contribute in its closure stage to the definition of this national policy, which would land into guidelines that allow the advancement of granting certainty to the responsible officers, to suppliers and demanders of access, overall, the interested parties. This will also allow that the country honors the commitment with the international community when it signed and ratified the Nagoya Protocol, an instrument that well used not only maybe serve in a significant way to the ends previously described, but also guarantees the due reciprocity with the international community when the country gets access to the genetic resources of other countries.

Considering that maybe there are no conditions to adjust the legal framework for the needs of a virtuous implementation of the NP, it is possible to reach to a regulation that may adopt the dependences of the executive power. The advances by the International Task Group (ITW) in the definition of criteria may lead that in the short term some minimal consensus could be achieved. For that it may be pertinent to hire a party in charge of easing the deliberations inside the ITW that allows setting aside differences and reaching agreements.

ABS is an invaluable opportunity as effective instruments for indigenous people, local communities and afromexicans for the establishment of rules and conditions for the Access to their genetic resources with its related traditional knowledge, based on customary and international rights, in absence of a national legal framework on this matter.

The cumulated experience in these exercises, both in methods as social and cultural ways allows to deploy a long reaching strategy to foster the identification of genetic resources and traditional as a biocultural patrimony by local and indigenous communities in their territories, that must be protected, but from which they can obtain monetary benefits and important amounts of non-monetary ones, which may result in better conditions for a good living standard.

Then, another aspect in which the Project may contribute is to give viability and celerity to the reflection that the Focal Point wants to Foster among the indigenous and local communities about the Biocultural Community Protocols (BCP), and the convenience of making a catalogue of traditional knowledge. At the same time this ensures that communities that already have their own CBP get a way to make them instruments that are actually useful, ensuring the due protection of their traditional knowledge and the protection of rights to make sure a just and equal distribution of benefits in case they choose to grant access to the genetic resource inside their territory.

In accordance to Mexico's territorial reach, biodiversity and cultural diversity, it may be recommended to develop more biocultural community protocols in indigenous settlements, local and afromexican communities, for the existence of a national representation of those, with community legal instruments and in line to the implementation of the Nagoya Protocol in Mexico.

On the other hand, it is still needed to expand the efforts to disseminate information about the Nagoya Protocol to clear doubts, misunderstanding and prejudice that set limits to a constructive debate for the sake of a national policy about genetic resources that benefits the country and its communities, ensuring the just and equal distribution of benefits at the same time the traditional knowledge and the set of rights of the communities are protected. In addition to expand the information it is required to keep training officers and the pertinent interested parties. To consolidate and spread the Massive Online Course (MOC) must be a priority.

All of that, paired up with a communication strategy that reaches, with the proper messages and the pertinent channels, to the public that must be made aware of the Nagoya Protocol and everything related to the legal access to genetic resources and the benefits distribution in an effective protection framework of traditional

	<p>knowledge and other rights, at the same time that there’s stimulation, in a regulated way, to research and innovation, fostering investments and the creation of business hat trickle down benefits in terms of environmental and social sustainability. There are foundations for this with the products of communication created by the project, so it is important to ensure that these may be used in an effective way and can be complemented with other ways of input</p>
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Source: Terminal Evaluation

Summary of Good Practices and Lessons Learned Table

<p>1. Result 1: Adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.</p>
<p>Key Lesson Learned: There should be anticipation about how much time legislative changes take and that they are subject to vicissitudes difficult to anticipate. Even more so if there are chances of change of national administration and, or when the Project itself is under execution.</p>
<p>Good Practice: The training and direct advise to technical teams linked to legislators and the legislators themselves on the benefits of the NP allowed to give visibility to the matter and to open the possibility of working on related legislation.</p>
<p>2. Result 2: Capacity strengthening of national institutions.</p>
<p>Key Lesson Learned: Far beyond the training of government clerks, who rotate out too easily, it is needed to institutionalize the processes through the adoption of established instruments that set the operation standards regardless of who may be in charge.</p>
<p>Good Practice: The support and permanent bond of the Project towards the Intergovernmental Task Group (ITG), that involves a large variety of officers of multiple public institutions, has allowed generating a deep reflection and awareness on the importance of the NP. Although not all the expected results were obtained, the discussion’s permanence about the ITG for over more than 4 years is an indicator that the matter is relevant for them and eventually, in the future, they may impulse as a team concrete actions around this matter.</p>
<p>3. Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.</p>
<p>Key Lesson Learned: The empowerment of local communities and actors in general involves long-term processes that include accompaniment in a framework of cultural relevance that cannot be ignored.</p>
<p>Key Lesson Learned: Each community has its own work dynamics and participation. The guarantee that the CBPs are a real instrument is based on deeply respecting their schedule, leadership and their own participation.</p>
<p>Good Practice: The use of the information and previous community diagnosis work by the GIZ / CONABIO Project allowed a reduction of time and selection of communities in which concrete successes could be achieved.</p>
<p>Good Practice: The work to carry out CBPs was made in two stages, in a first instance with a small group from which were obtained learning experiences in order to impulse, later, a larger workload for CBP creation.</p>
<p>Good Practice: Encourage Biocultural Community Protocols through the funding of visitation and stays of leaders and technicians of some communities that have experience in the realization of CBP, able to assist or transfer their experience to other communities.</p>
<p>Good Practice: Encouraging the creation of BCPBCPs by the entire community, creating reflection groups and specific analysis by women, young people and children arguing their contributions from their condition.</p>
<p>Good Practice: To respect each community’s schedule for the realization of their CBP, in a way that insures the validity of the results according to their cultural practices.</p>

ACRONYMS AND ABBREVIATIONS

ABS	Fair and equitable access and sharing of benefits
AE	Project Execution Agency (Acronyms in Spanish)
AI	Implementation Partner (Acronyms in Spanish)
ANC	Competent National Authorities (Acronyms in Spanish)
AP	Protected area (Acronyms in Spanish)
APR	Annual Project Review
ATLAS	Institutional resource planning system used by UNDP to manage projects (Computer Program)
AWP	Annual Work Plan
BCP	Biocultural Community Protocols
BD	Biodiversity
CAP	Knowledge, Skills and Practices (Acronyms in Spanish)
CBD	Biological Diversity Agreement (Acronyms in Spanish)
CC	Climate Change
CCCD	Cross-Cutting Capacity Development
CDI	National Commission for the Development of Indigenous Peoples (replaced by INPI, 2018) (Acronyms in Spanish)
CDP	Project Steering Committee (Acronyms in Spanish)
CI	Indigenous Communities (Acronyms in Spanish)
CL	Local Communities (Acronyms in Spanish)
CMA	Mutually Agreed Conditions
CNIAPB	National Center for the Exchange of Information on Access and Benefit Sharing (Acronyms in Spanish)
COFEPRIS	National Commission for the Protection against Sanitary Risks (Acronyms in Spanish)
CONABIO	National Commission for the Knowledge and Use of Biodiversity (Acronyms in Spanish)
CONACyT	National Council for Science and Technology (Acronyms in Spanish)
CONANP	National Commission of Protected Natural Areas (Acronyms in Spanish)
CPAP	Country Programme Action Plan
CSO	Civil Society Organizations
EIA	Environmental Impact Assessment
FPIC	Free Prior Informed Consent
FSP	Full Sized Project
GEF	Global Environment Facility
GR	Genetic Resources
GRIEC	Genetic Resources Information Exchange Center
IMPI	Mexican Institute of Industrial Property (Acronyms in Spanish)
INPI	National Institute of Indigenous Peoples (formerly CDI) (Acronyms in Spanish)
ITG	Inter-Institutional Task Group
IPBES	Scientific Intergovernmental Policy Platform on Biodiversity and Ecosystem Services (Acronyms in Spanish)
LGDFS	General Law of Sustainable Forest Development (Acronyms in Spanish)
LGDRS	General Law of Sustainable Rural Development (Acronyms in Spanish)
LGEEPA	General Law of Ecological Balance and Environmental Protection (Acronyms in Spanish)
LGVS	General Wildlife Law (Acronyms in Spanish)
M&E	Monitoring and Evaluation
METT	Management Effectiveness Tracking Tool

MTR	Midterm Review
NIM	National Implementation Modality
NOM	Official Mexican Standard (Acronyms in Spanish)
ODS	Sustainable Development Goals (Acronyms in Spanish)
OEI	Independent Evaluation Office
OMPI	World Industrial Property Organization (Acronyms in Spanish)
OSC	Civil Society Organizations (Acronyms in Spanish)
PCB	Biocultural Community Protocols (Acronyms in Spanish)
PF	Focal point (Acronyms in Spanish)
PFN	National Focal Point
PIF	Project Identification Format
PIMS	UNDP-GEF project information management system
PIR	Project Implementation Report
PN	Nagoya Protocol (Acronyms in Spanish)
PND	National Development Plan (Acronyms in Spanish)
PPG	Project Preparation Grant
PPR	Project Progress Reports
PRODOC	Project Document
PROFEPA	Federal Attorney for Environmental Protection (Acronyms in Spanish)
PROMARNAT	Sector Program for the Environment and Natural Resources (Acronyms in Spanish)
PSC	Project Steering Committee
SADER	Secretariat of Agriculture and Rural Development (replaces SAGARPA since 2018) (Acronyms in Spanish)
SAGARPA	Secretariat of Agriculture, Livestock and Rural Development (now SADER) (Acronyms in Spanish)
SBAA	Standard Basic Assistance Agreement
SCJN	Supreme Court of Justice of the Nation (Acronyms in Spanish)
SEMARNAT	Ministry of Environment and Natural Resources (Acronyms in Spanish)
SMART	indicator characteristics: Specific, Measurable, Achievable, Realistic y Time-Bound
SRE	Secretary of Foreign Relations (Acronyms in Spanish)
TE	Terminal Evaluation
TK	Traditional Knowledge
TMC	Mutually agreed terms (Acronyms in Spanish)
TOR	Terms of Reference
TT	GEF Tracking Tools
UCP	Project Coordination Unit (Acronyms in Spanish)
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change

1. Introduction

This evaluation was made in accordance with the policies, guidelines, rules and procedures of the UNDP.²

Terminal Evaluation Purpose and Objectives

The main objective of this Evaluation is to check and document the progress, the pertinence, effectiveness, efficiency and sustainability of the addressed interventions, linked to the achievement of objectives proposed in the project’s PRODOC. It is expected to detect the successes and problems that have occurred in its execution and to identify the progress in the implementation of the objectives, products and goals, as well as to evaluate or assess to what extent, how and why it is being achieved (or not is being achieved) the effect on Safeguarding Mexico's biodiversity of global importance and the progress achieved.

Therefore, it is intended to evaluate all the aspects that involve the project in the achievement of the objectives proposed in the original design and the relevance, effectiveness, efficiency and sustainability of the proposed interventions linked to the Results of the GEF ABS Project and the progress in their implementation, as well as assessing to what extent, how and why the planned effects are being achieved (or not). The evaluation aims to assess the process of contribution of the actions and actors of the Project to the achievement of the products and the change pursued by the Project. It is expected to help clarify the underlying factors that influenced the results obtained to date and highlight the unforeseen consequences (both positive and negative) of the actions of the Project, which allow a pertinent evaluation of the achievements. Likewise, it is expected to document lessons learned and make recommendations on specific actions that can be carried out in the immediate future and in what remains of the Project’s implementation time, in such a way as to contribute to a successful closure. The evaluation should provide evidence to support the accountability of UNDP programs and projects.

The evaluation period accounts for the beginnings of the Project up to the present date. The main interviewed partners³ were the members of the Project Team, SERMANAT, the UNDP team, strategic partners, local actors participating in the project’s execution, parties responsible for the implementation and beneficiaries or institutions linked to environmental activities in the country.

Evaluation Reach and Methods.

Based on the framework for the evaluation specified in the previous point, 1.3, and consistent with the Terms of Reference of the TE of the GEF-ABS Project, the approach is essentially participatory and therefore expects to consider the maximum of consultations to all the partners in the implementation, donors and beneficiaries, and public and private institutions related to the project’s target matter in the country.

The evaluation is carried out in a comprehensive manner, considering all aspects of the Project in an objective manner, supported by facts and determining the achievements made in the direction of the general objective, the specific objectives, the achievement of the products and expected results, and

² As technical references the following documents have been considered for the current evaluation: a) Guide for the completion of the final exam in projects supported by UNDP and financed by the GEF; b) UNEG 2016, Norms and standards of evaluation; c) UNEG 2008, Ethical Guidelines for Evaluation; d) UN Women 2015, How to manage gender-responsive evaluations e) UNDP 2011, Addendum JUNE 2011 Evaluation. Updated Guide on Evaluation of the Manual for Planning, Monitoring and Evaluation of Development Results (2009).

³ See Annex 7 agendas of interviews carried out.

their sustainability. This evaluation hopes to establish the relevance, execution and success of the project expressed in its activities, in its work context and the interests of the pertinent authorities. Special relevance will be given to the analysis of the sustainability of the results obtained and the compilation of specific lessons and good practices regarding the strategies used. Finally, it is expected to deliver recommendations on the implementation arrangements that may be relevant for other projects and other countries of the world.

The interpretation of the current evaluation, supposes then, the consideration of the following work axes:

- a) Evaluate in accordance with pertinence, effectiveness, efficiency, and impact and sustainability criteria.
- b) Incorporate cross-cutting criteria to this evaluation, in other words, to evaluate whether the practices with which the operational activities were carried out effectively responded to a comprehensive, modern, results-oriented management, but in accordance with the principles promoted by the United Nations: Integration of the Gender Dimension, Capacity Building, Knowledge Management, Generation of Work Networks and Local Participation.
- c) Highlight the substantive experiences and best practices acquired in the work of strengthening national capacities for the implementation of the Nagoya Protocol by the different interventions of the project, from the design phase to the implementation of the latest activities to date.

Operationally, this meant the development of instruments and evaluation activities that allowed the delivery of elements, verifiable facts and the background for:

- Establish the extent to which the Project executed its activities, delivered specific products and achieved the expected and declared results in its respective PRODOC.
- Generate substantive empirical knowledge able to identify good practices and lessons learned that may be useful for other development interventions at national level (upscaling or duplication) and at international level (duplication).
- Determine to what point the Project has understood the institutional dynamics and has contributed to addressing the needs and problems identified in the initial analysis.
- Determine the degree of incidence of the GEF-ABS Project at the national and, or local level.
- Establish the efficiency and quality of the results obtained and products delivered from the Project with respect to what was originally planned or the subsequent official reviews evidenced in the Monitoring and Evaluation Framework.
- Determine the scope of the positive effects of the Project in the mainstreaming of its activities.
- Establish an evaluative judgment on the financial, socio-political and governance sustainability of the effects of the actions, products and results of the Project.

The scope of application of the Evaluation is the assessment of the results achieved based on the scope and criteria of relevance, effectiveness, efficiency, sustainability and explicit impact in the Guides indicated in note 1 of this report.

In particular, it is intended to deliver systematized information based on concrete and verifiable facts, which allow objectively assessing what the project has achieved based on its objectives, budget and assumptions that gave it meaning.

The list of information reviewed for the evaluation of the project is found in Annex 5: “List of Revised Documents”, which made it possible to have a database of basic information that could be contrasted, validated and verified with interviews with key stakeholders related to the project. The applied interviews were carried out under explicit confidentiality and by stimulating the participation of the widest range of institutions and their representatives at different levels, allowed to qualify the secondary information obtained from the documents reviewed. The pattern of the interviews was

based on a semi-structured question guide found in Annex 10: “Interview pattern used to collect information”, which in turn is based on the “Matrix of Evaluation Criteria and Questions”, Annex 1.

The vision of the activities sequence and the work chronogram can be observed in Annex 6: “TE Activity Schedule of the GEF ABS Project, Mexico”. The interviews and field visits were made without any incidents and in accordance with what is pointed out in Annex 7, that shows the mission was made on the field in coherence with the Reference Terms, and that the mission agenda set with the UNDP was fulfilled, but adjusted to the confinement context due by the pandemic caused by SARS-Cov2 (COVID19).

Finally, to ensure the quality and pertinence of the findings, a presentation was made for SEMARNAT, the Project Coordinating Unit and the UNDP team, about the preliminary findings after the interviews were carried out, and comments on the present document are expected later that allow its improvement and adaptation, as a result of incorporating the observations made by all the reviewing parties of the document.

Report and Terminal Evaluation Structure.

This report contains all the sustained findings, conclusions, lessons and recommendations in a clear and concise way, following the recommended index by the GEF regional technical advisor.

It first presents a brief description of the project in the country's environmental and development context (Chapter 2). Then the results of the evaluation of the issues related to the design (chapter 3.1) and implementation of the project (chapter 3.2) are presented. The central part of the report is the evaluation presentation, related to the results of the project, evaluated according to the GEF criteria (chapter 3.3). At the end of the report (Chapter 4) the conclusions, recommendations and lessons learned that emerge from all the experience are presented.

All the sustainment information (TOR, evaluation question matrix, consulted document listings and interviewed persons) is presented as Annexes.

2. Project Description and Background

Project Start and its duration

The PIF was approved on May 27, 2014 and in January 2016 was the CEO approval. The PRODOC was signed on January 25, 2017 with a completion date of January 31, 2020, and subsequently a one-year extension to January 2021 was approved. The project start workshop was on July 27, after which In May, the Project Coordinating Unit's own Coordinator was hired, and later the rest of the team, between July and August.

Issues addressed by the Project ⁴

1. Legal Framework

Despite the fact that Mexico is among the megadiverse countries and has an important wealth of genetic resources, among other reasons due to the custody and sustainable use of them by native peoples, there has been a lag in laws, instruments and public policies that allow their conservation

⁴ The main sources of this are the PRODOC and the Mid-Term Evaluation.

and appropriately regulate access to these resources and the equitable distribution of the benefits derived from it.

Since before the adoption and ratification of the Nagoya Protocol (in 2012), the existing legal framework in Mexico included, in a dispersed and fragmented manner, aspects related to genetic resources both in laws and in individual regulations by sector (for example, LGEEPA, LGVS , LGDFS, LGDRS); with significant gaps in aspects such as access to genetic resources for scientific research⁵ and access to and use of genetic resources for commercial purposes, after having been included in research collections. Likewise, there are important gaps in the specific procedures for Free Prior Informed Consent (FPIC) and Mutually Agreed Terms (MAT), as a basis for agreements on access to genetic resources associated with traditional knowledge.

The scientific collection permits are issued by applying the same Official Rules that only establishes administrative regulations for activities related to scientific collection, research or teaching; without considering a possible change in uses. The gaps in the legal framework mean that, while on the one hand illegal activities for commercial purposes proliferate, on the other there are restrictions on scientific research. This situation, which includes the different aspects of access and the agreement of use, generates uncertainty and ungovernability.

The lag in the regulatory framework has impacts on different scenarios and scales, such as the consequence of unrestricted extraction that threatens the very existence of genetic resources while significantly altering the ecosystems, and their functionality, in which they are found. The authorization of research permits must be framed within an appropriate regulatory framework, otherwise it leads to a continuous loss of biodiversity and environmental deterioration. Regarding the economic aspects, the lack of a specific regulatory framework fosters biopiracy and therefore limits a fair remuneration to landowners and custodians of genetic resources -which they have achieved through traditional knowledge-, thereby denying the equal distribution of benefits, since these remain only in the corporations that use them, which implies a loss of millions of dollars for the country and that the communities have no opportunity to improve their situation.

The lack of a comprehensive legal framework has been accompanied by the absence of effective mechanisms for adequate governance of genetic resources with the consequence of permanent risks of violation of the already insufficient existing regulations on the use of genetic resources, and with them the potential generation of social conflicts and the maintenance of legal insecurity.

All of this has serious implications in the cultural dimension, ranging from the gradual loss of traditional knowledge, up to the illegal appropriation and exploitation of the same and its consequences in social unrest and the maintenance of inequality in many forms (for example, poverty, health, education, land ownership).

Therefore, the Nagoya Protocol represented an opportunity to integrate a regulatory framework that, by including it together with the other treaties signed by Mexico, would integrate and harmonize national laws and regulations, filling the gaps that existed at the moment. For this reason, in the first place, the Project sought to address a national framework of scattered, insufficient and inadequate regulatory instruments to regulate access to genetic resources and ensure the fair and equitable sharing of its benefits, as well as to protect the associated traditional knowledge.

2. Inter-Institutional Capacities

⁵ Official Mexican Standard NOM-126-SEMARNAT-2000, which establishes the specifications for carrying out scientific collection activities of biological material of species of wild flora and fauna and other biological resources in the national territory. See: Norma Oficial Mexicana NOM-126-SEMARNAT-2000 Gaceta Ecológica, núm. 58, 2001, pp. 54-60, Secretaría de Medio Ambiente y Recursos Naturales Distrito Federal, México.

In addition to the absence of a comprehensive legal framework and sufficiently broad to effectively regulate access to genetic resources and ensure the fair and equitable distribution of its benefits, as well as protect associated traditional knowledge, in Mexico there has been a limited inter-institutional capacity to monitor the use of genetic resources.

As interest in genetic resources has increased, along with the potential proliferation of illegality in their use, there has been an increase in requests to access them, making evident the need for efficient, transparent and efficient administrative procedures issued to attend them. For this reason, the relevance of having an integrating mechanism was identified, which articulates the competences of the different government agencies and provides the correct articulation between the relevant stakeholders.

In the country, SEMARNAT is the institution in charge of regulating access to genetic resources, although SADER (formerly SAGARPA) also has competences with regard to genetic resources linked to food and agriculture, and the National Institute of Indigenous Peoples (INPI) it also has attributions regarding Related Traditional Knowledge; But the articulated collaboration with other pertinent national institutions has been very incipient; this in relation to the implementation of integrated mechanisms and procedures to, for example, request, review, and issue access permits to genetic resources.

Therefore, in the second instance, the project sought to strengthen inter-institutional capacities related to the implementation of the Nagoya Protocol in the country.

3. Knowledge of the relevant stakeholders about the process of access to genetic resources and the fair distribution of benefits derived from their use

In addition to the limitations of the legal framework and inter-institutional coordination in Mexico at the signing of the Nagoya Protocol, there was also the lack of information in general on the country's genetic resources, the current legal framework and the very existence of the Nagoya Protocol and its content. This is in a context of inertia, marked by unfair practices, little awareness of potential losses and compensation, and insufficient data and research. All this contributing to limiting legal, transparent access with a fair and equitable distribution of benefits, and the improper use of genetic resources, hindering the optimal use of the regulations in force for Environmental Impact Assessments ⁶(EIA). This coupled with the lack of knowledge by national authorities regarding international regulations⁶ and the absence of national legal provisions specifically applicable to genetic resources and their use. All of this contributes to maintain a situation of inadequate access and extraction of the same. Furthermore, this has occurred by violating the rights of users to receive fair and equitable benefits derived from the conservation of these genetic resources and associated traditional knowledge. Hence the importance that the national authorities with competence in this regard sponsor an update of the corresponding national legal framework, which provides the conditions of legitimacy for the action of the institutional authorities themselves in this regard, and of the actions that other actors carry out, under that regulatory framework. And, at the same time, to favor the empowerment of indigenous and local communities, empowering them with effective instruments to protect the genetic resources inside their territories.

In this context, not only have genetic resources been the object of illegal access and misappropriation without spilling any benefits for the country and its native people and local communities, but the traditional knowledge that they have maintained has also been affected.

⁶ Se point 53 of PRODOC.

In Mexico, there are examples⁷ that have highlighted the lack of protection of genetic resources with associated traditional knowledge, a situation that must be considered subject to the application of customary laws of local indigenous people. In other words, the communities must decide on the conditions of access and use of genetic resources associated with their traditional knowledge, and they must have the appropriate mechanisms to regulate the conditions to be adopted by those who seek to access them. Otherwise, genetic resources may be in the public domain and, therefore, practically defenseless against the appropriation made of them by other external actors. Therefore, it has been important for the Mexican State to define its position in this context and provide the necessary mechanisms to protect traditional knowledge, especially since it will be the legal norm to safeguard the rights over genetic resources and associated traditional knowledge.

To remedy this situation, the project also sought to create the conditions that would protect traditional knowledge and improve the capacities of local indigenous communities and the rest of the relevant parties in terms of access to genetic resources and the fair and equitable participation of the associated benefits.

The Project's Objectives

The main objective of the project was to improve in a participatory and effective way the capacities of the national authorities (SRE, SEMARNAT, SAGARPA -now SADER-, CDI -now INPI-, SE) as well as the legal and administrative framework related to genetic resources, associated traditional knowledge and the distribution of benefits, in accordance with the institutional conditions for the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from its use of the Convention on Diversity Biological”. The project sought to promote the implementation of institutional coordination mechanisms that help organize the access and use of genetic resources and the protection of associated traditional knowledge, through biocultural community protocols, regulating the participation of the benefits derived from their use. . The project interventions sought to activate the potential that Mexico's genetic resources and associated traditional knowledge generate economic benefits to the nation and to key parties, including local populations where appropriate, in the form of business, employment, technology transfer and capacity building.

In this way, the project also sought to contribute to the final development goal of safeguarding Mexico's globally significant biodiversity by strengthening the legal framework and the respective administrative measures, regarding access to genetic resources and the distribution of benefits, at the same time as the capacity of important national institutions for such purposes is built.

Derived from this objective, the project strategy consisted of the involvement and participation of different groups of interested parties, as a means of strengthening their capacities (from the officials of the government institutions themselves, to the representatives of indigenous peoples, people living in on communal lands, communities, and landowners, among others). In other words, the Nagoya Protocol was identified as the means to offer legal certainty and transparency to providers and users of genetic resources, which in turn would provide elements for the creation of a legal framework that promotes and encourages Free Prior Informed Consent (FPIC) for access to and utilization of genetic resources and associated traditional knowledge. In addition, this would include strengthening the opportunities for fair and equitable distribution of the benefits derived from their use on the basis of the Mutually Agreed Terms (MAT) for the use agreements. This was expected to also favor the development of incentives for the conservation of biological diversity and the sustainable use of its components in the country; in a way that serves to promote sustainable development and contribute

⁷ See points 55 and 56 of PRODOC.

to the efforts of the international community to halt the loss of biodiversity and prevent the misappropriation of genetic resources and associated traditional knowledge.

The achievement of the Project's main objective and its final development goal was based on the following three results:

1. Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits;
2. Capacity strengthening of national institutions;
3. Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.

Baseline Indicators

Table of Indicators Established for the Objective and the Results

OBJECTIVE: To improve in Mexico, in a participative and effective way the capacities of national authorities (SRE, SEMARNAT, SAGARPA -currently SADER-, CDI -currently INPI-, SE), as it does the legal and administrative framework in relation to the genetic resources, the related traditional knowledge and the benefit distribution, in accordance to the institutional conditions for the implementation of the Nagoya Protocol on the Access to the genetic resources and the just, equal participation in the benefits obtained from its use, from the Agreement On Biologic Diversity.	
PRODOC Indicators	Baseline Level
1. Status regarding the adoption and / or implementation of the ABS national policy, and the legal and institutional framework related to comply the Nagoya	- There is no national ABS policy or framework. Some individual laws address specific types of access to genetic resources that could be integrated into the national ABS framework.
2. Level of institutional and personnel capacity for the implementation of a ABS national framework according to what is pointed out for an increase of the GEF-ADB capability development	- 21 out of 69 possible = 30%. - Basic to moderate capacities in government agencies.
3. Status of development and implementation of ADB mechanics to protect the traditional knowledge related to genetic resources	There are no established protection mechanisms for TK. - 0 TK registered in the TK catalog; 35 partial records.
Result 1: Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.	
PRODOC Indicators	Baseline Level
4. Analysis and diagnosis % of the legal framework for genetic resources and ABS	10% of the legal preliminary diagnosis, without breach/capacities analysis
5. Advancement % of the law proposal to amend the legal framework of ABS according to the Nagoya Protocol	10% of preliminary discussion points for a proposal
6. Amount of key legislators trained in the access to use of genetic resources and benefit sharing.	0
7. Amount of financial mechanisms created for ABS	0- There is not a single federal mechanism for the funding of ADBs 0- There are no incentive programs for the compliance of ABS
8. Advancement % of the National Strategy for the conservation and sustainable use of genetic resources, including the related traditional knowledge	100%- A national strategy and action plan for the ABS has been approved and published by the federal government
9. Advancement % of the national ABS policy	100%- National ABS Policy approved and published by the federal government
Result 2: Capacity strengthening of national institutions.	
PRODOC Indicators	Baseline Level
10. Capacities of national ABS implementing agencies, as measured by the capacity development scorecard.	- ABS Ability Development Scorecard: 21/69 -3 strategic areas to improve. - SA2: 10-There is limited capacity to implement ABS. - SA3: 5- There is political will but limited awareness among stakeholders. - SA4: 3 The information is not yet available.
11. Degree of adoption of knowledge by officials.	10%
12. Degree of contribution of officials with respect to the learning plan for the institutionalization of ABS policy.	0%
13. Inter-institutional information exchange center on genetic resources (CHGR) established with: a) Access permits database. b) Checkpoints for ABS c) National ABS Clearing House.	0 GR Information Exchange Center: a) No databases b) No formal checkpoints c) No ABS-TK
14. % of compliance with the processing times for accessing the permits established in the ADB instrument.	0% of compliance, there are no instruments; processing times for accessing the permits: - Research- 10 months minimum.

	- Commercial Use: 10 months minimum .
Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.	
PRODOC Indicators	Baseline Level
15. Advancement % of development and implementations of ADB mechanics to protect the Traditional Knowledge related to Genetic Resources.	0% There are no formal ways established to protect Traditional Knowledge.
16. Availability and Access to the ABS Information	There is no catalogue of Traditional Knowledge; There is information, and partial entries on 35 indigenous groups.
17. Level of awareness by indigenous and local communities regarding the ABS and TK catalogue and the community protocols	10% of biocultural regions to be defined at the beginning of the Project.

Source: PRODOC

Main partners or key stakeholders

The project is carried out within the framework of the National Implementation Modality (NIM), in charge of the Environment and Natural Resources Secretariat (SEMARNAT) as Executing Agency (EA) following the rules and regulations indicated by the United Nations Development Program (UNDP), given its role as Implementing Agency (IA).

The Environment and Natural Resources Secretariat (SEMARNAT) is the Executing Agency (National Counterpart), responsible for the project results.

The UNDP has a mandate to promote development in countries and link them with the knowledge, experience and resources necessary to help people achieve a better quality of life. The UNDP office is the entity responsible for project results and accounts for its management, including monitoring and evaluation, the achievement of outputs and the effective use of resources.

In addition to the previously mentioned stakeholders, other partners involved in the Project are:

- a) From the government sector (besides SEMARNAT, the executor organism of the Project), institutions such as: CONABIO, CONANP, IMPI, INPI and SADER/SNICS.
- b) Other stakeholders that are not government organizations: Development Agencies, Civil Society Organizations (OSC, for its acronym in Spanish), and other organizations from the civil society (such as community organizations, indigenous/local communities and producer groups); private sector organizations (genetic resources users and organizations interested in traditional knowledge, like the academia, researchers and the industry) among others.

Expected Results

The Project’s objective was meant to be achieved through the implementation of three interrelated Results:

1. Result 1: Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.
2. Result 2: Capacity strengthening of national institutions.
3. Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.

The focal area of the project is Biodiversity, Objective 3, Program 8: Implementation of the Nagoya Protocol for ABS.

The Project Result Framework determines a great objective, three results and 11 specific Results, which we can observe in the following table:

Table of Objective Framework and Project Results

OBJECTIVE: To improve in Mexico, in a participative and effective way the capacities of national authorities (SRE, SEMARNAT, SAGARPA -currently SADER-, CDI -currently INPI-, SE), , as it does the legal and administrative framework in relation to the genetic resources, the related traditional knowledge and the benefit distribution, in accordance to the institutional conditions for the implementation of the Nagoya Protocol on the Access to the genetic resources and the just, equal participation in the benefits obtained from its use, from the Agreement On Biologic Diversity.	
1	Result 1: Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.
	Specific result 1.1. Analysis and diagnosis of the National Legal Framework related to the ABS process
	Specific result 1.2. Bill proposal that modifies the National Legal Framework of the ABS process
	Specific result 1.3. Awareness raising and training to at least 60 legislators in relevant positions on the access to genetic resources and the distribution of the benefits obtained from its use.
2	Result 2: Capacity strengthening of national institutions.
	Specific result 1.4. National Strategy for the conservation and sustainable use of genetic resources, including the related traditional knowledge.
3	Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.
	Specific result 2.1. The Focal Point for the implementation of the Nagoya Protocol and the National Authorities has been designated, trained and has the capacity to implement it.
	Specific result 2.2. Inter-institutional mechanisms have been created in order to assist the tracking of the access to genetic resources, the benefits distribution and the Nagoya Protocol compliance.
	Specific result 3.1. Specifications for the protection of traditional knowledge related to genetic resources
	Specific result 3.2. Knowledge, Attitudes and Practices (KAP) Assessment Surveys.
Specific result 3.3. Biocultural Community Protocols for the fostering of the ABS.	
Specific result 3.4. Traditional knowledge catalogue.	
Specific result 3.5. Communication Strategy and Awareness program about ABS.	

Source: PRODOC

Specifically, what was expected for these results was the following:

Regarding Result 1, it was expected that, with the specific activities of the Project, Mexico will have the adequate National Legal Framework for the ABS process (access to genetic resources and equitable distribution of the benefits derived from their use) not only to comply with the objectives of the NP, but to avoid the misuse and appropriation of genetic resources in the country. The gradual results expected to be obtained through specific results 1.1, 1.2 and 1.3, include support to the legal process that guarantees the adoption of an effective instrument to promote the ABS process and the protection of genetic resources and all related traditional knowledge, as well as to guarantee the application of an institutional framework for its implementation, with formalized coordination mechanisms between the competent institutions and the creation of a financial mechanism for the collection and redistribution of funds towards conservation and sustainable use objectives.

The expected output as part of the fulfillment of Outcome 1 includes the drafting of a legislation that aligns the national legal framework for ABS with the Nagoya Protocol. In particular, by focusing on what Mexico considers appropriate for the application of Article 8 of the CBD in synergy with other provisions that complement its national application. As for this, there are three aspects that require special attention: i) research on genetic resources and the generation of simplified measures on

access to genetic resources for non-commercial research purposes, ii) the need for an expedited access to resources genetic, which includes a fair and equitable distribution of the benefits derived from the use of said resources (in those cases related to present or imminent emergencies that may threaten or damage human, animal or plant health), and iii) the consideration of those genetic resources of importance for food and agriculture, considering their special role in food security. Such legislation would guarantee to prevent the exploitation of vulnerable populations and would guarantee an equitable distribution of benefits to the communities that safeguard genetic resources and associated traditional knowledge. Furthermore, it should be expressed in a linguistically accessible form, and its guidelines would be sensitive to vulnerable populations, such as indigenous peoples, particularly indigenous women.

Regarding specific result 1.4, it was expected that the National Strategy for the conservation and sustainable use of genetic resources, including associated traditional knowledge, would be the frame of reference for the action of the Mexican State in the medium and long term.

In addition, it was expected to be attached to the Bill, a proposal for a federal mechanism for financing ABS processes; as well as a feasibility analysis document, dealing with the condition that allows each financing mechanism to have an effective and appropriate operation.

Regarding result 2, it was expected that the Project would lead to the construction of specific mechanisms and the generation of the institutional capacity necessary to provide due access to genetic resources in Mexico. This refers to the establishment of simple and agile procedures to implement the legal and institutional framework devised in Result 1. As an essential part, the development of capacities and mechanisms to monitor the use of genetic resources in the different stages of development was expected to approach them: research, development, innovation, pre-commercialization and, or commercialization. These mechanisms had to include the procedures and the minimum regulatory basis for initially obtaining the PIC, negotiating the TMCs, and establishing the basis for determining the distribution of benefits.

The gradual achievements to be obtained through the generation of specific results 2.1 and 2.2 focused on the creation of institutional capacities, in particular: to increase the capacity of new and existing national organizations with competencies to attend the ABS process in at least one 30% of the cases, based on the information collected through knowledge, attitudes and practices (KAP); ensure that 80% of national stakeholders are informed about the regulatory and institutional framework of the ABS process by conducting specific training for at least 100 representatives of national authorities and agencies. In addition, Outcome 2 would support the establishment of the Genetic Resources Information and Exchange Center (GRIEC) by compiling a database on genetic resources that would include ex-situ collections of genetic resources of Mexican origin, as well as projects of existing and emerging ABS, users and providers of genetic resources, and the establishment of a National Information Center on Genetic Resources (the "National ABS Clearing House").

The training and capacity building include the development of "national manuals of good practices for the conservation and sustainable use of genetic resources", including simple guidelines on applicable procedures. The manuals were intended to facilitate the implementation of the NP among users and for the effective implementation of the NP, the project would support the strengthening of the capacities of the national coordination center (The National Focal Point for the Nagoya Protocol in SEMARNAT) and the national authorities (PROFEPA, CONANP, SADER, SE, IMPI, SRE, INPI, CONABIO) with competence in the management of GR and the ABS process.

Regarding Outcome 3, the expected outputs of the project consisted of: strengthening the capacities of indigenous and local communities, sensitizing civil society and helping to create social awareness

in the conservation of biodiversity and associated traditional knowledge, as well as favoring access to the distribution of benefits derived from their use, taking into account the dual role that providers and users of genetic resources can play. This involved raising awareness in civil society and being sensitive to the importance of the conservation and sustainable use of genetic resources and associated traditional knowledge, effectively involving people to promote conservation, sustainable use and the process of ABS on those genetic resources and traditional knowledge.

Incremental activities generated as part of specific results 3.1, 3.2, 3.3, 3.4 and 3.5, included the development of communication, education and awareness materials (for example, posters, brochures, manuals, training modules), produced to inform stakeholders, that is, indigenous and local communities, users from the public and private sectors, pharmaceutical laboratories, cosmetic laboratories, agro-food companies, distillers, herbalists, suppliers, local populations and the media, among others. These materials were also to be used to establish a national communication and public awareness strategy to familiarize stakeholders with the ABS process, as well as in the management of value chains and the risks of bio-prospecting. These results also included developing a model for ABS agreements as a basis for negotiating a fair and equitable distribution of benefits and the integration of a catalog of Traditional Knowledge associated with GR. The project also sought to build national capacities in providers of genetic resources in their role as resource users as well, encouraging them to share the benefits derived from the use of genetic resources and traditional knowledge within their own communities.

To achieve these results, the Project relied on the following actions:

- a) A diagnosis that considers the 68 indigenous groups recognized in the country and the local communities in a similar condition. This is to identify those indigenous and local communities that want to participate in the process and, are willing, to develop their CBPs as a tool to facilitate the ABS process. In other words, the diagnosis covers people who possess genetic resources and associated traditional knowledge, and who are subject to be considered within the scope of protection of the NP.
- b) Assessment surveys on knowledge, attitudes and practices (KAP) in indigenous and local communities, as a means of identifying the knowledge and awareness they have on issues related to the ABS process and the protection of their traditional knowledge.
- c) Generate information exchange mechanisms that guarantee the exercise of the right to Consultation and Free Prior Informed Consent processes by indigenous and local peoples.
- d) Develop biocultural community biocultural protocols for the protection of traditional knowledge associated with GR.
- e) Promote the dissemination and adoption of guidelines for the protection of traditional knowledge associated with genetic resources, taking into account the conclusions of the "Consultation on mechanisms to protect traditional knowledge, cultural expressions, and biological and genetic resources of indigenous peoples "(Produced by the CDI, now INPI, prior to the preparatory phase of the proposal to request the contribution of the GEF), among other complementary documents, generated by the competent government agencies and indigenous and local communities.
- f) Identify the current situation of biodiversity in indigenous and local communities.
- g) Design differentiated sensitization and awareness programs in accordance with the state of biodiversity in all territories where it has cultural and linguistic relevance.
- h) Design propositions of protection of community rights.

It was expected that all the elements and products mentioned previously, would be integrated in the shape of:

- i) A Catalog of Traditional Knowledge generated from participatory methodologies with indigenous and local communities. As indicated in the PRODOC, there is already information and partial records for 35 indigenous groups in an academic database⁸, it is expected to build an official (governmental) catalog in this regard, ideally with 68 records⁹. Once the records (files) have been entered, the catalog would be subject to the legal and institutional framework of the ABS process established in Outcome 1, thus guaranteeing the protection of resources against indiscriminate exploitation. The project promoted the idea that if traditional knowledge was registered, it could be protected (that is, without a registration of it, there is no legal recourse for its defense). The information is protected by bodies such as INPI, so the management of the National Focal Point is required to access and process them in the Catalog.
- j) The development and implementation of an Awareness Program on the Importance of Conservation and Sustainable Use of Genetic Resources and Associated Traditional Knowledge; This program included the preparation of training and dissemination material (brochures, brochures, manuals, posters, etc.) on the importance of the conservation and sustainable use of biological diversity and associated traditional knowledge, regarding the objectives and scope of the NP.

To finalize, through Result 3, the project would strengthen the administrative framework of ABS proposed as part of Result 1, this in compliance with articles 7 and 12 of the NP (On traditional knowledge associated with genetic resources) and by including: i) the development of biocultural community protocols referring to the regulation of access to traditional knowledge associated with GR ; II) minimum requirements for mutually agreed conditions that ensure fair and equitable distribution of benefits; and III) standard contractual clauses for the distribution of benefits derived from the use of traditional knowledge associated with genetic resources.

3. Findings

3.1. Project Formulation and Design

Design Analysis and Results Framework (Project logic / strategy; indicators)

The main objective of the project is to improve in a participatory and effective manner the capacities of the national authorities and the legal and administrative framework related to genetic resources, associated traditional knowledge and the distribution of benefits, in accordance with the 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 Use of the Convention on Biological Diversity.

The project's change proposal responds to the implementation of the Nagoya Protocol as an opportunity to integrate a regulatory framework that, when included together with the other treaties signed by Mexico will integrate and harmonize national laws and regulations, covering the existing gaps related to governance, and the adequate screening of genetic resources and associated traditional knowledge, thereby allowing equitable benefit sharing.

Both the main objective of the Project and its final development goal must be achieved through three results:

⁸ UNAM developed a Traditional Knowledge index: Flora Indígena Medicinal de México, which is part of a database in the Digital Library of Traditional Mexican Medicine. <http://www.medicinatradicionalmexicana.unam.mx/flora/index.php> .

⁹ A registry by Indigenous People, according to E. Boege (2009). OP. Cit..

1. Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.

Even though in the design of the project, the reform of the legal framework is identified as a risk, the complexity of the task was not adequately anticipated. This process, which involves multiple actors and competes with other priorities to legislate, requires in most countries more than the three years allocated to this project. Nor was it anticipated that, since the start of the project could be delayed, there would be a change of federal administration during its execution.

What is more, adverse circumstances that were difficult to foresee were added to the inherent complexity to achieve a result of this magnitude. In the last year of its execution the project was taken over by a new administration with a critical vision regarding access to genetic resources. In addition, the confinement that the SARS-Cov2 pandemic forced, limited the possibility of advancing in this result.

The consistency design¹⁰ of Result 1 also reveals that it had some deficiencies in its consistency: Consistency with the Objective 90%, Consistency with its specific results 75% and in its SMART evaluation it shows a potential expectation of compliance of 83.3% in situation optimal management.

2. Capacity strengthening of national institutions on the matter.

It was also not foreseen that if the start of the project were postponed there would be a rotation of officials. In the first phase, more than 650 officials of the Federal Government and the Chambers of Deputies and Senators were trained. However, government and chamber staff changed midway through the project. This made it necessary to restart the awareness-raising and training effort, to a lesser extent. This is the reason why an open online course will be promoted, which may mean a re-impulse of the promotion of access and fair and equitable sharing of benefits (ABS) with the vision of the current administration.

In addition, although an inter-ministerial group has been maintained, but intermittently, to discuss, define and establish functions and positions of the Mexican state (through the corresponding institutions) with respect to the ABS process, efforts to achieve inter-institutional coordination have been insufficient, to the extent that it is demanded.

The consistency design¹¹ of Result 2 also reveals that it had some deficiencies in its consistency: Consistency with the Objective 82%, Consistency with its specific results 83.3% and in its SMART evaluation it shows a potential expectation of compliance of 86% in an optimal management situation.

3. Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its access and use.

As an instrument to protect traditional knowledge and improve the capacities of indigenous and local communities BCPs are satisfactory for them and are considered a good example in international settings, but close support is still required for their full socialization and use. The catalog of traditional

¹⁰ See Annex 8 points b), c) y d) y the following point, Results of the logical analysis of the structure of Objectives-Results-Indicators-Goals.

¹¹ See Annex 8 points b), c) y d) y the following point, Results of the logical analysis of the structure of Objectives-Results-Indicators-Goals.

knowledge was not prepared because the new authorities considered that a more in-depth discussion is required regarding the nature, purposes, and usefulness of a catalog of these characteristics. Even though the catalog of traditional knowledge was not achieved, it is estimated that the work of the BCPs is high value (but could be improved as proposed by the current administration), especially due to the assessment of the communities themselves and may imply the beginning of a strengthening process of the same communities and the development of a replicable and adaptable instrument to the characteristics of each community.

The consistency design¹² of Result 3 also reveals that it had some deficiencies in its consistency: Consistency with the Objective 78.3%, Consistency with its specific results 75% and in its SMART evaluation it shows a potential expectation of compliance of 86.6% in an optimal management situation.

The Project was designed under UNDAF¹³ Outcome No. 6: The three branches of Government, the private sector, academia and civil society will have improved their capacity to control environmental degradation and use natural resources sustainably and equitably by integrating environmental sustainability, low-emission development and the green economy to the legislative process, planning and decision-making. It also responded to the priorities established by the National Development Plan 2013-2018 and the UNDP Program Document for Mexico 2014-2018 (CPD). It is currently consistent with UNDP's CPD Extension 2019 and CPD Extension 2020. The project is also consistent with the implementation of the United Nations 2030 Agenda for Sustainable Development, contributing mainly to ODS 10, 11, 13 and 15.

Results of the logical analysis of the structure of Objectives-Results-Indicators-Goals¹⁴

The analysis of the project's results framework sought to respond to a result-based management (RBM) analysis considering the Original Result Framework, using the following qualitative instruments:

a) SMART Evaluation Matrix of the Objective

When performing the SMART analysis of the Objective with its indicators and goals, we find that the objective has defined 3 indicators with their respective goals. The Objective is clearly defined, the indicators meet the SMART criteria in a high percentage and the goals were well defined. Goal 1 only presents problems because of how difficult it is to make changes at the legislation level in a short period of time and how complex it is to set a goal that is of a political nature. Notwithstanding this circumstance, it is estimated that consistency in the definition of the project was a good guide for its execution.

The definition of indicators and goals for the Objective responds to a large extent to the SMART standards, as can be seen in Annex 8, part a), in which a consistency and therefore the potential achievement of 87% is estimated, which is very good.

b) Consistency Matrix between the Objective and its Results¹⁵

¹² See Annex 8 points b), c) y d) y the following point, Results of the logical analysis of the structure of Objectives-Results-Indicators-Goals.

¹³ It was designed in a way that is consistent with the U.N Development Assistance Framework, UNDAF 2010 – 2014 but also is perfectly consistent with UNDAF 2014-2019.

¹⁴ See calculation details, criteria and analysis chart in Annex 8: SMART Evaluation y of Consistency between Objective-Result-Product-Indicators-Goals of the GEF ABS Project

¹⁵ See Annex 8 part b).

The Consistency evaluation allows us to measure to what degree the proposed objective can be satisfied if the Results are achieved. In this case, the measurements are of Degree of relevance, satisfaction of the Objective and density. This allows a joint technical analysis to be obtained. The score is 1 point for each variable measured, which gives a maximum potential of 3 for each variable measured as there are three results. In this case, the total score obtained is 7.5 (out of a maximum of 9), that is, given the definition of the results, in the best of cases, 83% success would be achieved.

When performing the Consistency analysis between the Objective and the Results, it is detected that a high level of relevance (96.6%), however, the full achievement of the components would only allow to satisfy (meet) 83% of the objective. This happens because results 2 and 3 contain very general elements in their writing and result 1 is more concrete and explicit. On the other hand, in the density measurement the greatest weakness of the 3 results is detected since they include imprecise concepts and the level of quality with which they could be satisfied is not clear.

The measurement of the probability of success of the project given by the Consistency of Results would finally be 83%, which indicates that there are some design inconsistencies that act against the effectiveness and efficiency of project management.

The joint evaluation of the upper expression of the Objectives Matrix, that is, the SMART evaluation of the Objective and the Consistency Evaluation between the objective and its results are considered as a necessary condition for the achievement of the change proposal.

For the calculation of the joint evaluation of the upper level of the objectives matrix, that is, the Probability of Success of the Project of the original design indicated in the PRODOC, given the Smart evaluation of the Objective indicators and the consistency between Objective and Result, They consider both as a necessary condition for the achievement of the objectives, for which qualitatively it was estimated with an equal weighting (50% each). This means mathematically multiplying the percentage of possible success of the two evaluations: $0.87 * 0.5 + 0.83 * 0.5 = 0.85$.

That is, the probability of success of the Project, measuring the result of consistency at the objective level and its expected results (evaluations a) and b)), gives us a probability of achievement of 85% of the Objective given the PRODOC design¹⁶.

c) Consistency Matrix between Main Results and their Specific Results¹⁷

In the case of Outcome 1, there are 4 specific outcomes. The four specific results are necessary and relevant for the achievement of Result 1 and contribute to the improvement of the conditions required in Result 1 of reform or adjustment of the legal framework and establishment of public or administrative policies sought by the project. In the variable Satisfaction of Result 1, the 4 specific results allow the development of enabling policy and regulation measures, but they do not ensure the reform or adjustment of the legal framework and neither do the public or administrative policy measures that regulate the access, use of genetic resources and associated traditional knowledge resulting in a fair and equitable distribution of the benefits of its use. In the variable Density, each of the specific results contains an explicit and specific description; however, the level of quality expected in each of them is not clear, constituting the weakest of the consistency for result 1. A score of 2.25 points out of a maximum of 3 points is obtained, which ultimately gives us an assessment of consistency between Result 1 and its 4 specific Results of 75%.

¹⁶ See end of Annex 8 b).

¹⁷ See Annex 8 c).

In Result 2, its wording and what is intended to be achieved is more specific and only minor problems are seen in relevance and satisfaction of the Result, as indicated in Annex 8 c). A score of 2.5 points is achieved out of a maximum of 3 points, which ultimately gives us an assessment of consistency between Result 2 and its 2 Specific Results of 83.3%.

Considering the 3 Results with equal relative weight, that is, equal importance, it is then possible to determine that the consistency between the Results and their Specific Results in a global way is 77.8%.

d) SMART Evaluation Matrix of Indicators and Goals concerning the Results

This SMART evaluation determines whether the Indicators and Goals of the Products defined by the Project have the characteristics of being a) Specific, b) Measurable, c) Achievable, d) Realistic and e) Time-Bound to achieve in time. The result for each aspect for each product is different and can be seen in annex 8 d).

The characteristics in which the best values are achieved for Outcome 1 are a) Specific and b) measurable, both with a 100% chance of achievement. The characteristics of c) achievable 91.7, d) Realistic 71.7% and e) Time-bound achieves only 53.3%. The average for Outcome 1 is 83.3%.

In the case of Result 2, we also have a very good rating for the characteristics: a) Specific and b) measurable, both with a 100% chance of achievement. The characteristics of c) Achievable and d) Realistic achieve 80% and e) Time-bound achieves 70%. The average for Outcome 2 is 86%.

In the case of Result 3, we also have a very good rating for the characteristics: a) Specific and c) achievable, both with a 100% chance of achievement. The characteristics of b) Measurable and Time-bound reach 83.3% and 66% the lowest that is considered the Realistic variable for the achievement of the goals. The average for Result 3 is 86.6%, that is, the best of all of them.

The global assessment of the evaluation of consistency between the Results and their Specific Results (analysis 8 c) and Smart of the indicators and goals of the Results (Analysis 8 c) is calculated considering the weight of financial resources of the budget destined to the achievement of each Outcome. The relative weight in the budget given by the direct transfers (without the administrative cost) of the GEF contribution is as follows: Result 1: 24%, Result 2: 46% and Result 3: 30%. This means mathematically multiplying the percentage of possible success of the consistency of the 3 results with the results obtained for each one would be: $0.83 * 0.24 + 0.86 * 0.46 + 0.86 * 0.3 = 0,85$.

By crossing the Probability of Success of the Project given in a) and b) with those of c) and d) we will obtain the overall result of consistency at the results level. Integral consistency assumes that both levels of measurements are requirements for the achievement of the Results, so they are weighted in the same way (equal relative weight). This means mathematically adding the multiplication of the percentage of possible success of c) and that of d) by 50% obtaining: $0.78 * 0.5 + 0.85 * 0.5 = 0.815$.

Therefore, the maximum potential probability of achievable success of the project given the PRODOC design was 82%

Assumptions and Risks

Table of Assumptions and Explicit Risks pointed out in the PRODOC

Objective/Results	Assumptions and Risks
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<p>OBJECTIVE: To improve in Mexico, in a participative and effective way the capacities of national authorities (SRE, SEMARNAT, SAGARPA -currently SADER-, CDI -currently INPI-, SE), , as it does the legal and administrative framework in relation to the genetic resources, the related traditional knowledge and the benefit distribution, in accordance to the institutional conditions for the implementation of the Nagoya Protocol on the Access to the genetic resources and the just, equal participation in the benefits obtained from its use, from the Agreement On Biologic Diversity</p>	<ul style="list-style-type: none"> • No generation of coordinating mechanisms among the relevant stakeholders • Insufficient funds to keep the access to genetic resource regulations after the project's closure. • Government agencies and indigenous/local communities are unwilling to share information and data
<p>Result 1: Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.</p>	<ul style="list-style-type: none"> • Government agencies are unwilling to share information and data • Political will to support the Bill and policies • Low participation and retention • Insufficient funds to keep the access to genetic resource regulations after the project's closure. • Conflicts of interest and different priorities of those interested
<p>Result 2: Capacity strengthening of national institutions</p>	<ul style="list-style-type: none"> • Low participation and retention • Insufficient funds to keep the access to genetic resource regulations after the project's closure. • No generation of coordinating mechanisms among the relevant stakeholders • Low participation and retention, lack of interest in giving or using feedback • Government agencies are unwilling to share information and data • No generation of coordination mechanisms among the relevant stakeholders • The ABS Unit has not been established the proper capacity or
<p>Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.</p>	<ul style="list-style-type: none"> • Bio piracy • Indigenous and local communities are unwilling to include TK in the • Conflicts of interest and different priorities among the stakeholders • The identified stakeholders do not take part in the project's

Source: PRODOC

The assumptions considered in the design of the project were correct, except that greater consideration was required about what it actually means to adjust the legal framework, which is not only to have political will, but also that legislative times are long. For its part, achieving political will implies significant work to raise awareness, promote agreements, and political engineering that is supported by courses and training, but requires work that goes beyond just information and training. Strengthening institutional capacities in turn implies promoting a different practice and this also means promoting changes in organizational cultures that were not explicitly identified as risks. The implementation of the Project also demonstrated that it was necessary to strengthen the transition of the change of administration and not just wait for the new authorities to understand and assume the Project as it was originally defined.

The change in vision resulting from a change in administration was not foreseen and perhaps it was very difficult to suppose, however, this new vision has not been used to strengthen the project, but

there has been an entrapment of activities. We believe that the Mid-Term Evaluation should have paid more attention to this matter and declared it a problem of greater importance so that the achievement of the products had not been affected or some goals and indicators had been reformulated.

Relevant lessons from other projects incorporated into the Project’s design

During the design of the project and later in its implementation, the GIZ / CONABIO project was fundamentally considered, highlighting the following aspects:

- The analysis of the national legal framework for ABS carried out by the GIZ / CONABIO Project should have been a contribution that would even make it possible to constitute counterpart contributions for the project. However, the GEF ABS Project effectively began its execution when the GIZ / CONABIO Project had already concluded.
- In the work referred to component 1 in relation to the adjustment of the legal framework and the establishment of public policy that regulate the use of access to genetic resources and traditional knowledge, the conclusions and recommendations of the GIZ / CONABIO Project were taken into account, especially for the work and discussion of the Intergovernmental Task Group (ITG).
- The same Project also generated a series of pilot field experiences throughout the country and a series of materials and articles on the subject of ABS that were taken into consideration for Products 2 and 3.

Partners and Stakeholders involved in the execution

The previous existence of an Inter-institutional Task Group represented the opportunity to have a platform for analysis, discussion and deliberation on ABS / ABS and how to implement the Nagoya Protocol (NP), in a context of high expectations, but relative hostility towards this instrument, after the failed adoption of a general biodiversity law that left academic, governmental, civil society and private initiative sectors confronted by antagonistic positions. At the same time, several agencies participating in the ITG have been members of the Project Steering Committee (PSC), which allowed them a close knowledge of the Project, its stakes and its challenges. With the change of administration, the ITG stopped meeting, but resumed its activities on February 5 of this year. In the previous administration, the ITG generated a proposal for a regulation to meet requests for access to genetic resources, which was not adopted, but which is undoubtedly an input that may serve as a basis for defining a version in accordance with the current government's vision.

On the other hand, the various consultancies attracted the involvement of experts with diverse knowledge and links with the different actors and relevant stakeholders, which allowed the creation of a vast learning community with a very valuable point of beginning in the Project start-up workshop. Subsequently, in exercises to share approaches and methodologies, it was possible to develop a fairly cohesive critical mass and although not without differences of views, it did share methodological aspects that led to certain coherence in the different exercises.

Finally, the indigenous and local communities that participated through the elaboration of their Biocultural Community Protocols were part of the collective reflection on how to implement the Nagoya protocol in the country, some of them after a very active participation in CBD COP-13, the eighth COP-MOP of the Cartagena Protocol (COP-MOP 8) and the second COP-MOP of the Nagoya Protocol (COP-MOP 2), in 2016, in Cancun. The success in preparing their CBPs led some of them to participate in COP-14, the ninth COP-MOP of the Cartagena Protocol (COP-MOP 9) and the third COP-MOP of the Nagoya Protocol (COP-MOP 3), in Egypt in 2018, where they presented their protocols, which placed the country as a model in the generation of this type of instrument.

It should be mentioned that PRODOC starts from the assumption that, as a form of South-South cooperation, the project would be based on the experience, results, recommendations and lessons learned from the "Biodiversity Governance Project. Fair and equitable sharing of the benefits derived from the use and management of biological diversity", a project with financing of 6 million euros provided by the Federal Ministry of Economy, Development and Cooperation of Germany (the BMZ) and implemented by the German International Cooperation Agency (GIZ), through a Project executed by CONABIO as a national counterpart. The "GIZ / CONABIO Project" was a 5-year initiative that began in 2013 with the objective of supporting Mexico's efforts in the field of fair and equitable distribution of benefits derived from the use and management of biological diversity.

The experiences and results of the "GIZ / CONABIO Project" were supposed to provide a basis for the "GEF ABS Project" by having contributed the results of pilot fieldwork experiences throughout the country, as well as the preparation and publication of a collection of materials on the subject, useful for both projects. It was also assumed that said background would facilitate the execution and specific results of the Project and would contribute to the formulation and proposal of legal and administrative frameworks and mechanisms for the ABS / ABS process.

The postponement in the start of the Project execution prevented the expected complementarity between both. One began practically when the other was finishing, and there is no robust evidence that, except for very specific contributions, the expected synergy has indeed occurred or that inputs generated by the first were relevant to the second. For this reason, in practice no elements of continuity or significant complementarities can be found between the two projects. There is no prejudice to the fact that the former paved the way for a greater willingness to know, understand, and discuss the implementation of the NP in the country.

Focus of Replication.

The design considered a replication approach appropriate to the characteristics of each of the three main results:

- Result 1 by affecting the legal framework, contemplated the generation of the legal environment so that the Nagoya Protocol could be implemented and, in this way, changes in public institutions could be promoted and have a greater scope in order to awareness of the national community could be extended at all levels (federal, regional and local).
- Result 2 by promoting the improvement of capacities in technical and political leaders, would undoubtedly provoke the conditions to be implemented operatively in the public institutions expressed in various government agencies and would contribute to the clarity to adapt and create concrete mechanisms so that they can be implement existing and emerging ABS projects with fair benefit-sharing agreements between users and providers of genetic resources and associated traditional knowledge.
- Result 3 was based on incremental activities the development of communication materials and public awareness, the establishment of a communication campaign to all sectors involved and the creation of a model in the communities, of Biocultural Community Protocols (BCP) that express the conditions from the communities for the negotiation of distribution of benefits in a fair and equitable manner, and a catalog of Traditional Knowledge associated with Genetic Resources.

In all the Results there have been advances, as can be seen in the results below, which can constitute an interesting base for the replication of actions focused on the objective and the sustainability of the Project actions. The foundations are laid, the experience has generated learning. Now it is clearer what works and what does not. So, there is a potential for replication that must be channeled.

UNDP’s Comparative Advantage

The UNDP supported the Project Steering Committee by performing technical support functions, networking and facilitating supervision in an objective and independent manner of the project. Likewise, it enabled, guided and provided feedback to the team of the Project Coordination Unit with all the baggage of experiences and good practices that it has acquired as an Implementing Agency in several GEF projects. In addition, the same agency implemented the regional and global project.

Links between the Project and other interventions

Various projects financed by the GEF in which the UNDP serves as the Implementing Agency have had a close relationship through exchange of experiences and the extraction of lessons. This means that the Project has worked closely with a number of related initiatives, including a) Strengthening the management effectiveness and resilience of protected areas to safeguard biodiversity threatened by climate change; b) Improve national capacities to manage the presence of Invasive Alien Species through the application of a National Strategy on this issue. c) Strengthen the management of the Natural Protected Areas system to better conserve threatened species and their habitats; and d) Transform the management of low-lying, community-produced forests rich in biodiversity by strengthening national capacities for the generation of market-based instruments.

Likewise, the project worked in coordination with the Global ABS Project that UNDP is executing. In terms of concrete cooperation, in 2019 the countries of the Latin American and Caribbean region that are part of the ABS Global Project were trained on Biocultural Community Protocols and KAP studies; national project planning and Annual Operational Planning, and collaborated in the development of the UNDP ABS exchange platform, also with the Capulálpam de Mendez community, Oaxaca -which generated its own BCP-, in conjunction with Natural Justice and GIZ's Global ABS Initiative, a training was carried out between communities in Mexico and communities in Senegal in Africa. It also participated with the UNDP Equator Initiative, the CDB and the Citizen Participation project, in the development of the Ayni platform.

Management Arrangements

The project was executed according to the UNDP's national implementation modality (NIM), according to the standard basic assistance agreement between UNDP and the Government of Mexico and is executed by the Environment and Natural Resources Secretariat SEMARNAT¹⁸, which acts as Executing Agency or Implementation Partner; it is also home to the GEF technical focal point. The Implementation Partner is primarily responsible for planning and general management of Project

¹⁸ The Responsibilities of the Executing Agency are: a) Lead the execution of the project with the support of the Project Coordination Unit (PCU); b) Participate jointly with UNDP, in the selection of the Project Coordination; c) Designate a representative to act as permanent liaison between UNDP, the Ministry of Foreign Affairs and the Project Coordinator, and to participate in meetings of the Project Steering Committee, and other bodies, as necessary, to ensure that the necessary contributions are timely available for the execution of the project; d) Supervise the project work plan and its progress; e) Coordinate the activities of all other project partners, and provide general technical supervision of the programs and results of the project contractors and short-term consultants (with the support of the PCU); f) Approve the Terms of Reference of the activities of the technical staff and consultancies for the execution of the project; g) Provide the name and describe the functions of the person or persons authorized to deal with the UNDP matters that concern the project; h) Participate in the consultant selection process and approve all hiring and payment requests; i) Demonstrate the technical capacity to develop the project; j) Provide the name and describe the functions of the person or persons authorized to sign the project budget allocations and / or the substantive reviews of the project itself.

activities, reporting, accounting, monitoring and evaluation, supervision of other parties responsible for implementation and auditing of the use of Project resources.

UNDP had the role of Implementing Agency¹⁹, having the responsibility of taking care of the implementation of the entire project for the GEF.

As a GEF Project, it was defined as an Ordinary Project (FSP) only for a period of three years²⁰, given the foundation of continuity of the GIZ / CONABIO Project expressed in the PRODOC.

The Project’s execution was carried out under the general guidance of a Project Steering Committee (PSC), which oversaw making project management decisions by consensus, especially regarding the Project's operational plans, annual reports, and budgets. The PSC was co-chaired by SEMARNAT and UNDP sessioning at least three times a year to review the progress of the projects and approve the following work plans and corresponding budgets. Other PSC members were representatives of other stakeholders as deemed appropriate and necessary (PSC membership was reviewed and recommended for approval at the Project Inception Workshop). As deemed necessary, coordinators from other GEF-funded Projects were invited to participate in the sessions to ensure proper coordination of projects and cross-fertilization of experiences.

The PSC was responsible for the overall supervision of the project, providing strategic guidance for its execution, ensuring that this is carried out in accordance with a coordinated framework of government policies and programs, and in accordance with strategies and objectives established in the Basic Document of Project (PRODOC). The PSC also approves and supervises the hiring and work of staff within the framework of the Project Coordination Unit. To ensure optimal UNDP accountability, PSC decisions must be made in accordance with standards that ensure development with expected results, cost-effective use of resources, equity, integrity and transparency.

The National Project Chairman or National Focal Point (NFP) was a senior member of the SEMARNAT staff, appointed by the same institution. The NFP is responsible for the supervision of the Project and is the one who assumes general responsibility and accountability for its execution.

The daily management and coordination of the project was under the supervision of the Project Coordination Unit (PCU), located at the SEMARNAT facilities. The PCU IS responsible for the overall management of the project (for example, the preparation of the PTA and the technical and financial reports to be presented to the PSC), ensuring that progress, in relation to the objectives and key milestones of the project, is achieved according to planned. The PCU informs the Director of the UNDP Sustainable Development Program and SEMARNAT’s NFP and seeks institutional coordination among the various institutions and organizations associated with the project, in direct contact with the NFP. The PCU for this project is made up of a Project Coordinator, a Project Manager, a Genetic Resources Specialist and an Administrative Assistant.

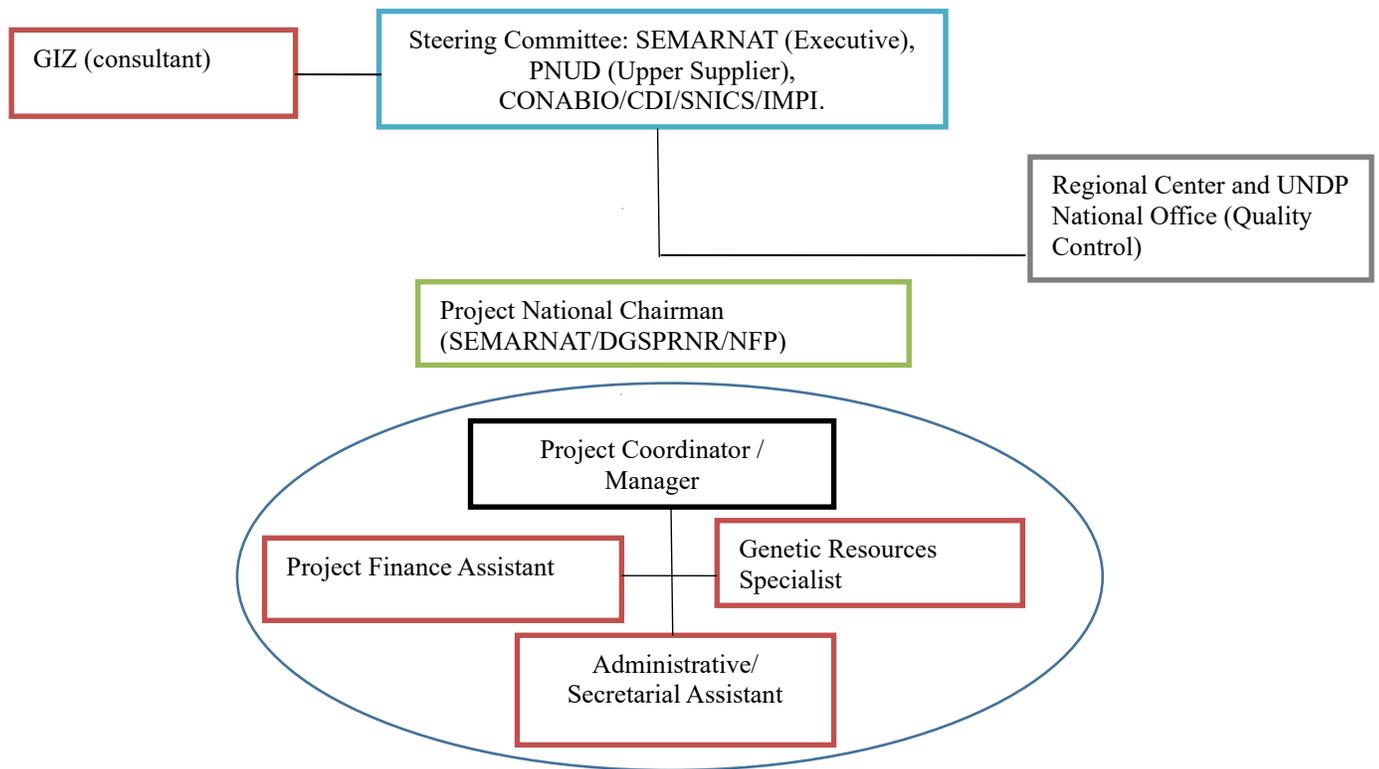
¹⁹ The main responsibilities of the UNDP as the Implementing Agency are: a) Appoint a program officer in charge of providing substantive and operational advice and of following up on activities and supporting the development of the project; b) Advise on project management decision-making in, as well as guarantee its quality control; c) Be part of the Project Steering Committee and other Committees or Groups considered as part of the project structure; d) Manage the financial resources agreed in the budget / work plan and approved by the PSC; monitor financial expenditures against project budgets / work plans; and supervise the provision of financial audits of the project; e) Supervise the recruitment and hiring of project personnel; the selection and hiring of project contractors and consultants, and the appointment of independent auditors and evaluators; f) Co-organize and be a participant in the events held within the framework of the Project; g) Use national and international contact networks to support the execution of project activities and establish synergies between projects in common areas and / or in other areas that would be helpful when discussing and analyzing the project; h) Provide support in the development and implementation of the project's gender strategy. i) Ensure that all project activities, including procurement and financial services, are carried out in strict compliance with UNDP and GEF/ procedures.

²⁰ This kind of project has normal duration of 4 to 5 years.

The Project Coordinator was hired by UNDP and is responsible, under the supervision of the NFP, for the general integration of the activities and the follow-up of the studies, research and technical activities of the project. He assists in overseeing project execution, conducting quarterly operational planning, and providing guidance on daily implementation.

These management arrangements were based on the best practices available in this regard. In general, they were satisfactorily functional, although the changes in the federal administration towards the third year of execution generated tensions that led to a spacing of the Project Steering Committee sessions and the resignation of the coordinator. This resulted in a slowdown in the execution of the project at the pace that was given and necessary to conclude in a timely manner.

Organizational Structure designed in PRODOC.



3.2. Project Implementation²¹

Adaptive Management

For a fair appreciation of the adaptive management of the project, it is necessary to be clear about the context in which it was executed. The circumstances that in our opinion must be considered are the following.

Since its entry into enforcement in Mexico, the Nagoya Protocol has been the subject of suspicions among various sectors, including the government, due to ignorance and prejudice about the reasons that led to its adoption in the international community. In a polarized context whose antecedents were marked by scandalous cases of biopiracy and inexplicable patents of genetic resources that were ostensibly biocultural heritage and therefore not the object of intellectual property in its generally accepted sense, as was the case of one of the pozol bacteria (traditional corn drink in the Mexican southeast).

In addition, in 2016 there were strong debates in the country regarding biological resources in general, given the initiative of a general biodiversity law that polarized broad sectors of academia, civil society, the private sector and the government and in which the aim was to address issues related to genetic resources and the implementation of the Nagoya Protocol. The initiative did not pass, but a climate of division and widespread frustration remained in the environment regarding the challenges of adopting a comprehensive and coherent legal framework with respect to biodiversity in the country.

It is in this scenario, which included open and strident campaigns against the Nagoya Protocol by some social organizations, that the project had the enormous challenge of providing information that would allow understanding the nature and scope of the Nagoya Protocol, removing prejudices and suspicions, while trying to contribute to the generation of conditions for its adoption with adaptation based on national conditions, approaches and priorities.

On the other hand, work had to be done to ensure that the officials in charge of the NP Focal Point familiarized themselves with the characteristics of GEF projects and the corresponding relationship with the UNDP and the Project Coordination Unit for their execution; A circumstance that is taken for granted, but that should not be ignored given the learning curve that it entails if there is no previous experience on the part of the officials in this type of project, which was not an exception in this case. This situation was reissued with the change of administration.

The adjustments and difficulties inherent in the start of any project of these characteristics meant that, despite the fact that the project was adopted at the beginning of 2017, it was not until May that the hiring of the Coordinator of the Project Coordination Unit was finalized and then it will really start with the activities.

Given this context, a first pertinent and timely measure was the holding in July of a start-up workshop²² to which a very broad representation of the Federal Public Administration was invited, as well as personnel from the Supreme Court of Justice of the Nation and legislators; also members of the private

²¹ Both the findings and this section and the results of the project are the product of the systematization of the information, including prior knowledge of the national situation, particularly in the environmental sector, and the analysis that the evaluation team carried out together from its theoretical background and the experience for which they were hired. The judgments expressed here are the result of a thorough discussion between the two and reflect an expert judgment, so they are responsible for the statements that appear here. See support in the Matrix Tables Evaluation Summary and results qualification and a greater detail in Annex 9 Evaluation Matrix of Progress in the results.

²² See: <https://www.gob.mx/semarnat/prensa/mexico-fortalece-sus-capacidades-para-la-implementacion-delprotocolo-de-nagoya?idiom=es> .

initiative and civil society organizations. The idea then was to convene a wide spectrum of actors to create an environment conducive to understanding the NP and a broad involvement of relevant stakeholders. This initial initiative contributed to the smooth running of the project until a few months after the change of federal administration in December 2018. With this, it was possible to counteract animosity, clarify misunderstandings and create an environment favorable to the project.

Another aspect in which adaptation capacity had to be developed was due to the need to respond to certain administrative adjustments during the first months of the Project's start due to internal UNDP processes, which also implied a learning curve in the PCU and its managerial counterparts the of UNDP. Contrary to what is usually thought, changes in criteria and administrative procedures have a strong impact on the development of these types of projects, especially when there are only three years for their execution.

On the technical side, one of the obstacles faced was the specialized nature of the issues associated with genetic resources, which made it difficult at the beginning to find consultants who could undertake the work requested in the terms that were contemplated, in the case of several tenders that they had to declare themselves deserted for lack of proposals. This situation led to redefining the terms of reference and seeking greater realism to adjust to the availability of critical mass in the country. An interesting compensatory measure for this circumstance was the exchange exercises between consultants to calibrate methodologies and generate the greatest complementarity, coherence and synergy between them, as they recognize it and could be appreciated in the quality of most of the consultancies. These exercises are mentioned as a very valuable experience by different consultants.

At the implementation level it was necessary to make some adaptations. This is the case of having to change some planned intervention locations due to security problems in the field. Or having to integrate actors not originally considered in the PRODOC, to guarantee permanence of the issues and people before the change of administration. For this, the project sought to identify alternative places and communities, as well as various actors not previously considered.

After the arrival of the new federal administration, in December 2018, there were no significant changes in SEMARNAT during the first months, although the head of the National Focal Point stopped working in said Secretariat at the beginning of 2019, because the officials in charge continued, especially Romana Alejandra Barrios Pérez, an expert in the Nagoya Protocol and keeper of all the project background and the details of its implementation until then. Most unfortunately, she passed away in May, leaving an irreplaceable gap of information and experience. The project supported SEMARNAT to give continuity to its tasks in relation to ABS, but there was a ban on of information transmission when the new officials first arrived.

A significant circumstance that the Project faced was that, together with the change in the federal public administration of a new government with profound political and programmatic differences with the previous one, the Senate and Deputy Chambers were renewed making the advances in information, awareness and interest to officials and legislators that had been achieved in the first months of the project cease to have effects. This work had to be restarted with the new actors. making the advances in information, awareness and interest to officials and legislators that had been achieved in the first months of the project cease to have effects. This work had to be restarted with the new actors. This was done with great determination, but without being able to have the same scope as before, largely due to the confinement marked by the pandemic. However, through the work in the Inter-institutional Task Group (ITG), this difficulty was partially remedied.

For this, before and given the exhaustion of the Inter-institutional Task Group (ITG) in obtaining a legal instrument or some other product after 4 years of work, the group was integrated into the Project Steering Committee, seeking to involve them in training activities in 2019, to provide incentives for

their work and permanence, and the activities planned within PRODOC for the participation of the ITG were adapted, through your commitment to perform certain tasks.

In July 2019, the new head of the General Directorate of the Primary sector and renewable natural resources and Focal Point of the NP in Mexico took office. Their familiarization with the project and involvement in it took several months, especially due to the interest in analyzing how the project should be subject to adjustments, obeying the perspective and priorities of the new administration, which then had doubts about the way in which the previous administration had, given the profound political differences between both administrations. Added to the learning curve of the new authorities was the need to review how the project would be appropriated and what course to take to make it compatible with the new government’s perspective. These circumstances and the waiting for the results of the Mid-Term Evaluation (MTE) led to a pause in the execution of the project and, therefore, a significant decrease in the pace of progress that was brought from the previous months. For this, the project provided all the available information and offered the corresponding support, although due to various incompatibilities there was a strong tension that led to the resignation of the project coordinator.

An important measure taken after the MTE was to extend the Project for another year, which opened the opportunity to resume it, guiding it according to the guidelines defined by the new government.

After the resignation of the Coordinator and the PCU specialist in genetic resources, in February and March 2020 respectively, it was decided not to hire a new coordinator, since it would take valuable time and it would only be for a few months. The specialist in genetic resources was replaced. She was working closely with the team of the General Directorate of the Primary sector and renewable natural resources. With their support, SEMARNAT took over the continuity of the project until its completion. This measure made it possible to resume the work rhythm and meet the priorities set for the last stage of the project.

At this point of coordination of the implementation between SEMARNAT, the Coordinating Unit and the execution of the Project activities (operational matters), it is rated with a 4 (MS) Moderately Satisfactory (MS) since although there were problems with the start-up and later with the change of administration, it was possible to have a significant level of operation in 2018 and 2019, fulfilling during those years a rhythm of activities and very meritorious achievements²³. Later, in 2020, the problems derived from the pandemic limited the execution capacity. It is vital that at the closure of the Project there is a good closure and exit roadmap that can recover the value of some products and project sustainability in the implementation of the NP in Mexico.

Partnership Agreements (With relevant stakeholders in the country)

From the beginning, a broad involvement of all relevant stakeholders was sought, as was achieved in the project start-up workshop, to which the SCJN, the legislator chambers and different actors of the private initiative were invited and civil society.

The Project Steering Committee was made up, in addition to various governmental and semi-governmental agencies, such as CONABIO, by other relevant actors, such as the Mexican Association of Botanical Gardens (AMJB) and the National Chamber of the Cosmetic Products Industry (CANIPEC).

²³ See the Efficiency analysis in the chart, it is seen that in 2018 and 2019 an operation level was achieved with respect to the PRODOC planning of 91.61% and 110.61% respectively. In terms of activities and achievements, it is possible to observe the PIR Reports for both years, through the Evaluation Summary and Results Rating Matrix and a greater detail in Annex 9 Progress Evaluation Matrix in the results that justify the above.

Throughout the project, it has worked with various relevant actors and stakeholders, in addition to various agencies of the federal government itself and Congress, academia, civil society organizations, and indigenous and local communities, and their organizations in some cases.

In sum, the project managed to bring together various key actors, satisfactorily covering the spectrum of those who should be involved in an effort of this nature.

Chronology and important changes since the beginning of the project execution

The PIF was approved on May 27, 2014 and in January 2016 it was approved by the CEO. PRODOC signature on January 25, 2017 with the completion date on January 31, 2020.

The project start-up workshop was on July 27, after the Coordinator of the Project Coordinating Unit had been hired in May-June, and later the rest of the team, until it was complete at the end of August. It must therefore be considered that the project had an initial lag of at least five months. After which, and not without adjustments to match the administrative processes with the UNDP procedures, the project had a fairly fluid development until December 2019.

In December 2018, the change of federal administration occurred with the arrival of the new government headed by Andrés Manuel López Obrador. In February 2019, the head of the PN Focal Point resigned from her post and was replaced in July of the same year.

Alejandra Barrios passed away in May, who participated from the design of the project and was responsible for monitoring it from SEMARNAT. This occurs in a context in which there was no head in the direction of the primary sector, Focal Point of the NP.

The Mid-Term Evaluation was carried out between June and October 2019, after which the project extension is approved for another year, to end in January 2021, with some delays in money management once the extension is approved.

In February 2020, both the PCU Coordinator and the specialist in genetic resources resigned. In May a new specialist is hired.

Comments on M&E activities used for adaptive management

The design of monitoring and evaluation in the reports, the documents that were generated, etc., respond to UNDP standards. However, it is clear that the issues of difficulty in achieving the targets and their outcome indicators were not sufficiently highlighted in the monitoring reports, the MTE, and the PIRs.

For its part, the UNDP points out in the 2019 and 2020 PIRs its concern with the results achieved and, in the latter, it makes a moderately unsatisfactory assessment and warns about the need for the new government administration to make decisions that speed up the achievement of the project's results. However, no changes in the project's goals and indicators are proposed at any time.

At the same time, the mid-term evaluations did not highlight as a big problem the vision differences about the Nagoya Protocol and how could the project's result could be affected, saying: *“While the project has faced some general limitations, mostly related to the 2018 change in administration across the Federal Government, the project is on track to achieve the results indicated by its overall objective. However, achieving these results can only be achieved with greater proactivity in this regard, especially part of the current administration in the national counterpart, that is, SEMARNAT, the*

*institution that acts as the national focal point*²⁴. That is, the MTE sees that the problems are minor and therefore the general progress rating of the GEF project results is S (satisfactory), therefore the magnitude of the problem cannot be predicted, and a need for change is not indicated on indicators and targets. Undoubtedly, the Pandemic generated an unpredictable, complex effect on the project, yet it only exacerbated the reality of how several goals and indicators were impossible to meet even with the one-year extension of the project activities.

The declaration of the project administration only indicates difficulties in the operation and some new activities to be carried out, but the possibility of not achieving the results even in the 2020 PIR is not indicated as a serious problem.

In sum, it is evident that the risks of not fully achieving the expected results were not recognized in good time and therefore the necessary corrective measures were not taken in due time, but it is also true that the circumstances were more adverse than expected. It could be expected. The M&E activities used were not thorough enough, and to this were added eventualities that were difficult to foresee.

Financial Resources

The resources provided by the GEF according to the original PRODOC planning can be seen in the following table:

Table: GEF Resources by component from Project GEF ABS (US\$)

GEF Resources	Year 1	Year 2	Year 3	Total	%
Result 1: Reform or adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.	195,492	139,786	153,608	488,886	21.41%
Result 2: Capacity strengthening of national institutions	380,470	339,839	218,846	939,155	41.13%
Result 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.	245,535	182,905	197,905	626,345	27.43%
Monitoring and Evaluation Plan	32,100	44,300	43,600	120,000	5.26%
Project Management	36,239	36,240	36,240	108,719	4.76%
Total	889,836	743,070	650,199	2,283,105	100%
%	38.97%	32.55%	28.48%	100,00%	

Source: PRODOC and Terminal Evaluation calculation.

As shown in the table above, the planned resources implied a quick start, with almost 39% destined for the first year, decreasing in the second year with a disbursement slightly less than 33% and the third and last year about 28%. By results, a disbursement of 21.45% was expected for the first result,

²⁴ Paragraph 79, page 46 EMT GEF ABS 2019.

41.13% for the second result, marking a clear emphasis on the work of strengthening national institutional capacities and 27.43% of the resources were allocated to result 3.

The GEF resources constituted 20.35%²⁵ in the original design, however, the 66.17% of them (US \$ 7,425,742) were expected to be contributed by the GIZ-CONABIO Project that could not be accredited because the GEF ABS project was finally started when that project had already finished.

The correction was clearly defined if it was in kind or effective in PRODOC, however, it was mostly in kind. The valuation of the counterpart has not been carried out and it is not clear what has been achieved in this regard as no formal steps have been taken to date.

The sources of financing and co-financing of the Resources estimated in PRODOC for the project can be seen in the following chart:

Table: GEF ABS Project Resource (US\$)

Institutions	PRODOC US\$	PRODOC in assets ²⁶ US\$	Disbursements and Correction 02 Nov. 2020	% Disbursements vs Committed	% Disbursement vs Contributed Total
GEF Funding	2,283,105	---	1,763,740.36	77.25%	77.25%
UNDP	230,000	20,000	---	---	---
GIZ-CONABIO Project	7,425,742	---	---	---	---
CONANP	---	45,000	---	---	---
DGSPNR	---	198,172	---	---	---
DGGFS	---	47,000	---	---	---
DGVS	---	116,738	---	---	---
PROFEPA	---	16,970	---	---	---
CONABIO	---	79,482	---	---	---
SFNA	---	110,688	---	---	---
UCPAST	---	91,615	---	---	---
UCAI	---	46,244	---	---	---
SNICS	---	171,545	---	---	---
IMPI	---	188,178	---	---	---
CDI	---	151,205	---	---	---
TOTAL	9,938,847	1,282,837	1,763,740.36		
Project Total	11,221,684		1,763,740.36	15.72%	15.72%

Source: PRODOC and MTR

The mid-term evaluation only pointed out: "Although the proposed scheme (amounts or contributions) seems reasonable, the MTE team does not have the means to verify how this co-financing has been carried out".

This evaluation estimates that there is a significant amount of in-kind resources from the different institutions mentioned that can be accredited, however, it is urgent that the project administration take

²⁵ The committed GEF resources were of US\$ 2,283,105 out of a total amount of US\$ 11,221,684.

²⁶ There have been no formal corrections to the budget that changed the total amounts or the contributions of the institutions in cash or in kind. The resources committed by GIZ were not actually realized, however there is no formal declaration in the project to date that rectifies and justifies that these resources have not been made available. Strictly speaking, they were never available since this project began operations when the GIZ Project had already ended, so these correction resources cannot be considered, nor was there an institutional replacement to take charge of these counterpart resources.

charge of carrying out the formal procedures in this regard. This problem is evaluated as a weakness in the management and coordination of the project.

Monitoring and Evaluation (M&E)

The mechanisms of the Project execution’s tracking respond to the systems used by the UNDP and involve:

- Project Board Meetings
- Annual Reports (PIR)
- Administrative and financial management in the ATLAS system
- Monitoring Platforms of the Country Office²⁷.

The annual operational plans have been developed and the Project Steering Committee (PSC) met at least twice a year making executive agreements that guided the action.

The project has complied with the presentation of the 2018, 2019 and 2020 annual reports, generated on time, and also the corresponding Project Implementation Review (PIR). In these documents it is possible to find a detailed description of the development of the project, the circumstances faced and how to face them, as well as its progress. It also gives an account of the measures that have been taken to make the necessary adjustments due to the progress of the process and the vicissitudes of its context. The explanation of the “overall assessment” of the PIRs is a good example of a good process for monitoring and evaluating the progress of a project.

Likewise, the completion of the mid-term evaluation in time and form gave rise to the request of SEMARNAT to extend the project to one more year, in order to recover the momentum and try to comply with the proposal and the expected results.

Therefore, the overall M&E quality level is rated 5, Satisfactory (S), which is derived from an excellent M&E input design rated 6 highly Satisfactory and a Plan Execution M&E that It is rated 4 as Moderately Satisfactory, as it should have ensured a better transition given the arrival of the current government's management team, in order to reduce the inactivity produced in the execution of the operation.

Coordination of execution / execution of UNDP and partners in the Implementation the Implementing Partner, and operational matters

At the beginning of the project there was a high degree of specialization in SEMARNAT: Alejandra Barrios and Sergio Hernández were two officials with profound knowledge of the subject, which allowed a lot of technical discussion and in-depth review of the Terms of Reference. This facilitated the agile operation of the coordination between UNDP and SEMARNAT, giving the PCU enough room for maneuver, not without working closely with the Focal Point.

With the change of government and the pause imposed until the new authorities felt comfortable with the conduct of the process, certain tensions arose that led to the resignation and departure of the project coordinator. As is normal in these projects, in which both UNDP and the national government have their own attributions and areas of competence, having to ensure a virtuous collaborative relationship, disagreements were handled in a positive way and the relationship has remained in favor of successful execution of the project.

²⁷ Project Quality Assurance processes were carried out and were logged into its Intranet platform.

At this point of coordination of the execution of UNDP and the Implementing Partner, and operational matters, **it is evaluated with a 4 (MS) Moderately Satisfactory** since there were problems with the start-up, changes were faced in the coordination of the project and during this year, in the framework of the pandemic, there were problems in the execution of the project. The most complex thing has been that since the change of administration, the transition process has been extended and UNDP and SEMARNAT have not been able to give sufficient strategic orientation, continuity and meaning to operational management, which is reflected in the low level of activity on one side. On the other hand, the PIR 2020 clearly indicates that the new administration has preferred to take time to analyze the project's products before acting. This has been confirmed by representatives of all those involved in the project, including the current administration. UNDP opened the possibility that the remaining financial resources deal with project issues through delegated administration; however, the present evaluation has only been able to observe some ideas in the last meeting of the Steering Committee but no detailed plan that accounts for a concrete exit strategy, which in our opinion is not a guarantee that operational management problems have been effectively resolved.

3.3. Project Results

Overall Results

The project faced a context of general ignorance, prejudice, animosity and even some hostility towards the Nagoya Protocol; after exhausting public discussion around an initiative of the General Biodiversity Law (2016), in which the debate on genetic resources and the well-known international agreement was present in some way, highlighting the suspicions that access to resources genetic causes, in a country where the indigenous issue is very sensitive and controversial, and facing various political, academic and social sectors.

Previous experiences of biopiracy and spurious patents had kept communities, social organizations, academics and, more recently, government officials on the alert in favor of giving its due place to the biocultural heritage of indigenous peoples and local communities, which, since the lack of information, added to the suspicions towards the NP. But at the same time, other sectors seriously concerned with regulating and making access to genetic resources transparent - to ensure an exploitation that generates benefits for the country and the communities, without prejudice to due protection - were fighting for its expeditious adoption. Unfortunately, although both positions have much in common, this marked differences that did not facilitate the discussion, analysis and deliberations for the implementation of the Nagoya Protocol, in a climate marked by misinformation and misunderstandings. This is therefore the scenario in which the execution of the project begins.

For this reason, the objective of the project to improve in a participatory and effective way the capacities of the authorities and the legal and administrative framework related to genetic resources, associated traditional knowledge and the distribution of benefits, for the implementation of the Protocol of Nagoya was of enormous relevance, seeking to promote institutional coordination for the access and use of genetic resources and the protection of associated traditional knowledge, through community protocols, and regulating the sharing of the benefits derived from their use.

To have let known widely among key actors and relevant stakeholders on the purposes and characteristics of the Nagoya Protocol, including awareness-raising for legislators; to promote the analysis of the existing legal context to generate a proposal for adequate legislation and regulations for the implementation of the NP and promote the development of biocultural community protocols in various regions of the country, among other actions and processes, are in themselves a relevant result of the project, in the sense of putting the issue on the table and generating analysis, dialogue and

discussion around the NP, subscribing to a greater understanding and readiness for its implementation.

However, there were no favorable conditions in the country for the legislative changes that were expected to take place because of the efforts made by the project. The temporary nature of the project -the last two years of the previous federal administration and the change to a new government with antagonistic differences with the previous one on issues affecting the issue of genetic resources- did not allow the processes that had begun to mature until they came to fruition. in the desired changes.

Specifically,²⁸, the project managed to carry out a considerable percentage of the planned activities and generate almost all the expected products. In the case of Result (outcome) 1, an analysis and diagnosis of the National Legal Framework related to the ABS process was carried out, a law proposal was prepared to modify the national legal framework adapting it to the requirements of the implementation of the NP and extensive awareness-raising and training work on access to genetic resources and the distribution of benefits derived from their use was carried out among more than 60 legislators in relevant positions. A base document for a National Strategy for the conservation and sustainable use of genetic resources, including associated traditional knowledge, was also prepared. These two documents (the bill and the base document for the strategy) are important inputs for discussion and deliberation in different areas in order to better understand the purposes of the Nagoya Protocol and define how it can be implemented in Mexico, taking into account national concerns, needs and priorities.

Regarding the result (outcome) 2, in both administrations the Focal Point for the implementation of the Nagoya Protocol and the national authorities were designated, trained and possess the capacity to implement the NP and although the inter-institutional mechanisms have not been formally created to facilitate monitoring access to genetic resources, distribution of benefits and compliance with the NP, the inter-ministerial group is making progress in defining legal and policy criteria for this. It must be considered that the change of administration marked, in addition to the replacement of officials and the consequent loss of critical mass, an impasse in the execution of the project and a change of perspective that has required discussions and deliberations, and therefore slowing down several processes. Regarding this last point, the products generated by the project in result 1 should be input for said joint reflections.

Finally, regarding outcome 3, progress was made on a pilot scale, laying the foundations for the protection of traditional knowledge and the improvement of the capacities of indigenous and local communities, and other relevant stakeholders, generating social awareness about the conservation and sustainable use of biodiversity, genetic resources and associated traditional knowledge, as well as the sharing of benefits resulting from their access and use. As in Result 1, in this one, some of the expected products were cumulative specific results. On the guidelines for the protection of traditional knowledge associated with genetic resources, while the assessment of knowledge, attitudes and practices (KAP) was carried out. 21 Biocultural Community Protocols were developed (out of a provided amount). This was not the case for the catalog of traditional knowledge, due to a difference in criteria on the part of the new authorities on the relevance and usefulness of this catalog, considering that it would be more appropriate to generate a broad discussion on the meaning of a catalog of this nature, before proceeding to elaborate it.

As can be seen, despite the difficulties and problems in complying with the results and its products, the most significant thing is that it was demonstrated that not only was the proposal for change that supports the Project relevant, adequate and necessary, but that it also serves as an example of future

²⁸ For more details see below, Evaluation Matrices: Objectives and Results Achievement Rating.

initiatives that are necessary to give continuity to the application of the Nagoya Protocol appropriate to the needs and interests of Mexico.

The evaluation of the results, as indicated, was done in coherence with its structure of objectives of the Project, paying attention to the entire scope of the results-based management (RBM) chain, from contributions, results, returns, possible impacts, and relevance.

The methodology and rating scale responds to the Evaluation Guidelines of Executed Projects by the UNDP:

- Green Code: Complete, the indicator shows a degree of success higher than 80%.
- Yellow Code: The indicator displays a foreseen completion at the end of the operation and a success higher than 60%.
- Red Code: The indicator shows the indicator shows next to no achievements; it is unlikely to be completed by the end of the activities.

The assessment is qualitative, through a rating that describes a level of achievement on a 6-point scale (see annex 8).

The next point shows the evaluation and qualification matrices for each of the results. As can be seen, the resulting rating at the overall or global level of the three results amounts to a level of achievement of 4 (Moderately Satisfactory) on a scale of a maximum of 6, estimating the achieved result at 68%. The global calculation of the probable sustainability of the entire project is 68%, therefore, it is located in the range in which it presents some deficiencies in the set of efficiency, effectiveness, execution and follow-up and monitoring.

The results evaluation and qualification matrices are based on the information found in Annex 9, the results progress evaluation matrix.

Evaluation Matrices: Rating of Objective and Result Achievements

Evaluation Summary and Results Matrix Tables

Color Coding for the Indicator Evaluation:	Green= Achieved	Yellow= Partially achieved	Red= Not Achieved
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a) Evaluation Matrix and Rating of Project Objective

Objective: Improve in Mexico, in a participative and effective way the capacities of national authorities (SRE, SEMARNAT, SAGARPA -currently SADER-, CDI -currently INPI-, SE) , as it does the legal and administrative framework in relation to the genetic resources, the related traditional knowledge and the benefit distribution, in accordance to the institutional conditions for the implementation of the Nagoya Protocol on the Access to the genetic resources and the just, equal participation in the benefits obtained from its use, from the Agreement On Biologic Diversity (NP).				
PRODOC Indicator	PRODOC Goal	Achievements Rating in Terminal Evaluation	Sustainability	Relevancy
1. Status regarding the adoption and / or implementation of the ABS national policy, and the legal and institutional framework related to comply the Nagoya	Approved ABS National Policy, and legal frameworks being fully developed and operational at a national level (Law and Strategy)	3 (MU) Moderately Unsatisfactory The definition of a policy is still under discussion within the ITG. The necessary steps must be taken so that the policy is defined as soon as possible, which allows generating a bill that is feasible to be approved when the ruling party has a majority, using the proposal that was generated in the project as input for the discussion. There is a draft Regulation formulated by the ITG in 2017 that was submitted to the legal area of SEMARNAT for review. Progress should be made so that as soon as possible; at least one regulation is adopted that allows attending and following up on requests for access to genetic resources. This goal clearly was and remains very ambitious and could be seen early, however it was not largely questioned and was not ultimately modified. The evaluation takes into account the achievements of specifying a proposal; however, since it is not supported by the current administration and there is no version according to the new authorities, the goal is not achievable at the end of the project. There is no concrete data to ensure that the current administration achieves a concrete policy (law and strategy) of ABS. Although the indicator is considered too demanding, there was also no revision of the Goal in any PIR.	2 Moderately Unlikely (MU) It is estimated that there are significant risks to sustainability. The need for the current administration to be able to define a proposal is very high but it is not observed that it can be achieved in less than a year, which subsequently means another period of time not less in starting the legislative process and the subsequent institutional adaptations to just be able to be operational at the national level.	2. Relevant (R) National, Very High
2. Level of institutional and personnel capacity for the implementation of a ABS national framework according to what is pointed out for an increase of the GEF-ADB capability development	• 44 out of a possible 69 = 63% • Improved Institutional and Personnel Capacities, indicated by at least a 30% over the baseline result of the ABS GEF Capacity Building Scorecard	5 (S) Satisfactory The project achieved a comprehensive training and capacity improvement for a very high number of officials (600), however many of them left their positions with the change of administration. The open online course could mean a re-impulse of the promotion of ABS with the vision of the current administration.	3: Moderately Likely (ML): There are moderate risks towards sustainability. .	2. Relevant (R) National, Very High
3. Status of development and implementation of ADB mechanics to protect the traditional knowledge related to genetic resources	• Guidelines for the protection of TK related with GR • 61 TK registered into the TK Catalogue	5 (S) Satisfactory CBPs are satisfactory for the communities, but support is necessary for their full socialization and use. They are considered a good example in an international setting. The catalog of traditional knowledge was not prepared because the authorities considered that a more in-depth discussion is required regarding the nature, purposes and usefulness of a catalog of these characteristics. Despite not achieving TK, it is estimated that the work of the CBPs is very valuable (and can be improved as proposed by the current administration), especially due to the high value of the communities themselves and may mean the beginning of a process of strengthening same communities and the development of a replicable instrument adaptable to the characteristics of each community.	3: Moderately Likely (ML): There are moderate risks towards sustainability. .	2. Relevant (R) National and Local

Evaluation Matrix and Rating of Project's Result 1

Terminal Evaluation Report
 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”

Result 1. Adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.				
PRODOC Indicator	PRODOC Goal	Obtained Achievements Rating in Terminal Evaluation²⁹	Sustainability³⁰	Relevancy³¹
4. Analysis and diagnosis % of the legal framework for genetic resources and ABS	100% Analysis and Diagnosis Study	4 (MS) Moderately Satisfactory The diagnosis was performed. The current government has failed to define a policy for ABS that leads to analyze the relevance of the bill and, where may be appropriate, make the necessary adjustments to start the lobbying process in Congress. The current administration has proposed a comprehensive review of the principles and foundations that also support the diagnosis; Although the diagnosis has not been disqualified, there is no progress in generating an alternative.	2: Moderately Unlikely (MU): There are significant risks towards its sustainability.	2. Relevant (R) National, Very High.
5. Advancement % of the law proposal to amend the legal framework of ABS according to the Nagoya Protocol	100% - Bill Initiative at the Congress	4 (MS) Moderately Satisfactory The proposed law has not satisfied the current administration and no progress has been made in an alternative or in agreements between the main relevant actors.	2: Moderately Unlikely (MU): There are significant risks towards its sustainability. .	2. Relevant (R) National, Very High.
6. Amount of key legislators trained in the access to use of genetic resources and benefit sharing.	At least 60	5 (S) Satisfactory Even though the goal was surpassed, the legislative changes at the end of 2018 make necessary to go back to carry out the training and workshops with the legislators, what was interrupted by COVID19. Informational and awareness meetings were held with the new legislature. In the Chamber of Deputies a meeting was held on 09/20/2019 with the Science, Technology and Innovation Commission, and in the Senate a meeting was held on 09/27/2019 with members of the Environment, Natural Resources Commission and Climate Change with agreements interrupted by COVID19.	2: Moderately Unlikely (MU): There are significant risks towards its sustainability. This subject is very relevant, yet it requires a process and work planning for several years. On this issue, the project was very ambitious and should have been articulated with institutions that are specialists in financial matters such as the BID and have developed green financial products in many countries in Latin America and the Caribbean.	2. Relevant (R) National, Very High.
7. Amount of financial mechanisms created for ABS	1 Federal mechanism of ABS funding for the conservation of GR and TK is designed and implemented 3 – Incentive Programs towards the participation of users in ABS are designed	2 (U) Unsatisfactory There is no substantive progress and neither were any achievement alternatives designed to lay the foundations for future development on the subject. Having a financial mechanism for the ABS is an essential requirement to massively boost the benefits of the NP. Although it is true that institutionalizing these mechanisms is complex, the goal should have been reduced to the creation of a limited pilot test, however there were no adjustments in the goals and the	2: Moderately Unlikely (MU): There are significant risks towards its sustainability.	2. Relevant (R) National, Very High.

²⁹ Ratings assigned with a 6 point scale to value the project’s progress in the achievement of results: 6 Highly Satisfactory (HS), 5 Satisfactory (S), 4 Moderately Satisfactory (MS), 3 Moderately Unsatisfactory (MU), 2 Unsatisfactory (U), 1 Highly Unsatisfactory (HU).

³⁰ Scale of 1 to 4 where the maximum is 4 (Probable), followed by 3 (Somewhat Likely), 2 (Somewhat Unlikely) and finally 1 (Improbable).

³¹ The rating is binary: 2 is relevant and 1 is irrelevant.

	and implemented in collaboration with at least 3 greater trade sectors (ex: agriculture, forestal, pharmaceutical, fishing, etc.)	experience in Ejido Charape-La Joya has not been promoted as experience or good practice but rather should remain excluded.		
8. Advancement % of the National Strategy for the conservation and sustainable use of genetic resources, including the related traditional knowledge	100% - National Strategy and Action Plan for ABS approved and published by the federal government.	4 (MS) Moderately Satisfactory The preparation of a base document for a National Strategy for Genetic Resources and Protection of Traditional Knowledge was practically concluded, but it was asked to the consultant to change it to define a baseline and a diagnosis. A workshop with the consultants is pending to get feedback from the different institutions involved in the implementation of the NP, due to COVID19 it was postponed and it is planned to be done remotely. A National Strategy Proposal for Agricultural Biodiversity in Mexico was also prepared, which may constitute a substantive advance towards the achievement of this indicator.	3: Moderately Likely (ML): There are moderate risks towards sustainability. .	2. Relevant (R) National, Very High.
9. Advancement % of the national ABS policy	100% - ABS National Policy approved and published by the federal government.	3 (MU) Moderately Unsatisfactory The achievement of this indicator has effectively gotten stale. The National Strategy of Genetic Resources and Protection of Traditional Knowledge, added to the Biocultural protocols developed, may constitute some of the bases for the construction of the National ABS Policy. However, the current political administration is required to develop its vision on the subject and promote a national policy.	2: Moderately Unlikely (MU): There are significant risks towards its sustainability.	2. Relevant (R) National, Very High. .
Overall Verdict of the ratings of Result 1 based on the accomplishment of goals and carried out activities				
SUMMARY: Qualitatively, the Result 1 has an achievement of 56%, with an average probable sustainability of 2 (Somewhat Unlikely) that gives us a 54% probability of sustainability in an area very relevant to the needs of the Country.				

This result contains 6 Indicators with their respective goals. The Goals were unrealistic, however, as none were modified. The level of achievement is low for a result that considered just over 24% of the GEF financing budget. The estimated balancing contribution was quite considerable but was not achieved, which may also have influenced the meager progress in this result.

Result 1. Adjusting the legal framework and establishing public policy measures that regulate access to the use of GR and associated TK resulting from the fair and equitable distribution of benefits, obtains an overall rating of 3 (Moderately Unsatisfactory).

Evaluation Matrix and Rating of Project's Result 2

Result 2. Capacity strengthening of national institutions				
PRODOC Indicator	PRODOC Goal	Value of Obtained Achievements in MTR ³²	Sustainability ³³	Relevancy ³⁴
10. Capacities of national ABS implementing agencies, as measured by the capacity development scorecard.	ABS Capacities Development Scorecard: 44/69 3 Improved Strategic Areas: SA2: 19 ABS Units established with enough capacity to implement the policy and programs SA3: 9 – The stakeholders are aware and involved in ABS SA4: 5 ABS frameworks established to systematize and mobilize information	5 (S) Satisfactory Over 600 National Government and congress people trained in ABS. These capacities are still limited to being able to offer only advice on the subject of ABS and NP; This is due to the lack of a regulatory framework, which prevents agencies from implementing official mechanisms.	3: Moderately Likely (ML): There are moderate risks towards sustainability. The training and internship work in the areas was very well developed; however, as a result of the change in administration, many officials had to leave their positions and it is necessary to train and improve the capacities of current officials.	2. Relevant (R) National, Very High.
11. Degree of adoption of knowledge by officials.	80% of officials demonstrate to have expertise in ABS	5 (S) Satisfactory Around 30 officials from about 20 national agencies and institutions participate in the Inter-Institutional Task Group, where ABS related matters are debated and deliberated	3: Moderately Likely (ML): There are moderate risks towards sustainability.	2. Relevant (R) National, Very High.
12. Degree of contribution of officials with respect to the learning plan for the institutionalization of ABS policy.	80% of officials have given input to improve the ABS capacity buildup program	4 (MS) Moderately Satisfactory As stated in the PIR 2020 "The change of officials in the new federal administration did not allow monitoring the degree of contribution of officials on the Learning Plan for the institutionalization of the ABS Policy". The Inter-institutional Task Group meets regularly but has not been able to go beyond defining certain legal and policy criteria in order to define a clear position for Mexico regarding the implementation of the Nagoya Protocol.	3: Moderately Likely (ML): There are moderate risks towards sustainability.	2. Relevant (R) National, Very High.
13. Inter-institutional information exchange center on genetic resources (Clearing House) established with:	1 Information Exchange Center about GR a. Inter-institutional Database establish through a web-based platform	3 (MU) Moderately Unsatisfactory Due to decisions associated with the austerity policy, the Genetic Resources Information Exchange Center was not installed, while for technical reasons the information has not been migrated to the database.	2: Moderately Unlikely (MU): There are significant risks towards its sustainability.	2. Relevant (R) National, Very High.

³² Ratings assigned with a 6 point scale to value the project's progress in the achievement of results: 6 Highly Satisfactory (HS), 5 Satisfactory (S), 4 Moderately Satisfactory (MS), 3 Moderately Unsatisfactory (MU), 2 Unsatisfactory (U), 1 Highly Unsatisfactory (HU).

³³ Scale of 1 to 4 where the maximum is 4 (Likely), followed by 3 (Somewhat Likely), 2 (Somewhat Unlikely) and finally 1 (Unlikely).

³⁴ The rating is binary: 2 is relevant and 1 is irrelevant.

Terminal Evaluation Report

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”

<p>a) Access permits database. b) Control points for ABS c) National ABS Clearing House.</p>	<p>b. ABS Verification Points available online in the Information Exchange Center about GR c. ABS CC website containing up to date information</p>			
<p>14. % of compliance with the processing times for accessing the permits established in the ADB instrument.</p>	<p>80% compliance the established instrument Access Permit Processing Times (once the application / documentation is complete): • Research: 25 business days • Commercial Use: 180 business days</p>	<p>2 (I) Insatisfactory</p> <p>Given that there is no regulatory framework not even in the approval process, it is not possible to proceed to implement the mechanisms for processing access permits.</p>	<p>2: Moderately Unlikely (MU): There are significant risks towards its sustainability.</p>	<p>2. Relevant (R) National, Very High.</p>
<p>Overall Verdict of the ratings of Result 2 based on the accomplishment of goals and carried out activities</p>				
<p>Qualitatively, for Result 2, an achievement level of 63% is obtained, that is, it is scored with a 4 (MS) Moderately Satisfactory. The average probable sustainability of 3 (Somewhat Unlikely) that gives us a 65% probability of sustainability in a very relevant area for the needs of the Country, that is, 2 (Relevant).</p>				

Terminal Evaluation Report

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”

Result 3. Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.				
PRODOC Indicator	PRODOC Goal	Value of Obtained Achievements in MTR ³⁵	Sustainability ³⁶	Relevancy ³⁷
15. Advancement % of development and implementations of ADB mechanics to protect the Traditional Knowledge related to Genetic Resources.	<ul style="list-style-type: none"> 100% - Guidelines for the protection of TK related to GR Community Protocols for the fostering of ABS adopted formally by 12 biocultural regions 	<p>6 (HS) Highly Satisfactory</p> <p>The current administration is critical of CBP experiences both in their form and achievements, however it highlights that interesting lessons can be drawn for their improvement and subsequent multiplication.</p>	3: Moderately Likely (ML): There are moderate risks towards sustainability.	2. Relevant (R) Regional and local Very High.
16. Availability and Access to the ABS Information	<ul style="list-style-type: none"> TK Catalogue established with 68 TK entries. And institutional systems for storing and updating information on GR and TK; mechanism set through 7 pilot tests (GIZ) in 80% of the biocultural regions; Awareness Program related to ABS and TK implemented in 17 biocultural regions 	<p>3 (MU) Moderately Unsatisfactory</p> <p>The indicator is not very precise, as will be seen in the analysis of the consistency of the indicators, since the definition of criteria for insertion in sustainable value chains is very imprecise.</p> <p>The current Focal Point considered that a deep analysis and debate on the rationale and relevance of this catalog were necessary, for which it was decided to hire the consultants:</p> <p>“Diagnóstico sobre los elementos que ponen en riesgo los Conocimientos Tradicionales Asociados (CTA) a recursos genéticos en México” and “Documento: Las perspectivas de las comunidades sobre los recursos genéticos y el conocimiento tradicional asociado”.</p>	3: Moderately Likely (ML): There are moderate risks towards sustainability.	2. Relevant (R) Regional and local Very High.
17. Level of awareness by target indigenous and local communities regarding the ABS and TK catalogue and the community protocols	80% of the biocultural regions; Awareness Program related to ABS and TK implemented in 17 biocultural regions	<p>5 (S) Satisfactory</p> <p>24 Biocultural Community protocols for Indigenous Peoples and the Local Community. A pending workshop was planned, to exchange experiences with the communities as part of the awareness program, but this activity was canceled due to COVID 19.</p>	3: Moderately Likely (ML): There are moderate risks towards sustainability.	2. Relevant (R) Regional and local Very High.
Overall Verdict of the ratings of Result 3 based on the accomplishment of goals and carried out activities				

³⁵ Ratings assigned with a 6 point scale to value the project’s progress in the achievement of results: 6 Highly Satisfactory (HS), 5 Satisfactory (S), 4 Moderately Satisfactory (MS), 3 Moderately Unsatisfactory (MU), 2 Unsatisfactory (U), 1 Highly Unsatisfactory (HU).

³⁶ Scale of 1 to 4 where the maximum is 4 (Probable), followed by 3 (Somewhat Likely), 2 (Somewhat Unlikely) and finally 1 (Improbable).

³⁷ The rating is binary: 2 is relevant and 1 is irrelevant.

SUMMARY: Qualitatively, for Result 3, a level of achievement of 78% is obtained, that is, it is scored with a 5 (S) Satisfactory. The average probable sustainability of 3 (Somewhat Likely) that gives us a 75% probability of sustainability in a very relevant area for the needs at the regional and local level in the Country, that is, 2 (Relevant).

Evaluation Matrix and Execution Overall Rating of the Project’s Results

Overall Measurement	Overall Verdict Rating of the contribution to the Objective based on Results achievements	Rating	Sustainability	Relevance
<p><u>AVERAGE RATING of the 3 Results being presented and that contribute to the achievement of Objectives of the GEF ABS Project</u></p> <p>Its Average is simple, that is, the same relative weight of the GEF budget allocation is considered, that is, 24% for Result 1, 46% for Result 2 and 30% for result 3 as a contribution to compliance of the objective. $(0.24 * 0.56 + 0.46 * 0.63 + 0.3 * 0.78) = 0.6582 = 66\%$</p>	<p>Qualitatively, a global Achieved Result of 66% is obtained with a probable sustainability estimated at 65% in a very relevant area for the Country.</p>	<p>4 (MS) Moderately Satisfactory</p>	<p>3: Moderately Likely (ML): There are moderate risk towards sustainability</p>	<p>2. Relevant (R) National and Regional</p>

Relevancy and Integration

Undoubtedly, the project design was successful in identifying the enormous national need to generate capacities to meet the commitment acquired by the country with the signing and ratification of the NP, but also to generate a comprehensive, coherent and comprehensive national policy regarding resources genetic factors of the country, associated traditional knowledge and corresponding rights; for which, having an adequate legal framework and the bases for the deployment of public policies and administrative measures corresponding to their implementation is essential. And as a consequence, training officials from the various agencies responsible for this implementation and having a national strategy that articulates the various aspects involved, completed a chain of conditions to enable the country properly. This also includes a proposal for a federal mechanism for financing ABS processes; as well as a feasibility analysis document for its effective and proper operation.

Under the same logic of combining elements that would make said empowerment viable, the design also envisaged fostering the development and strengthening of institutional capacities, starting with the officials of the NP Focal Point and the rest of the national authorities, through appropriate inter-institutional mechanisms provide due access to genetic resources in Mexico. Including the establishment of the Genetic Resources Information and Exchange Center compiling a database on genetic resources that includes 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 a National Information Center on Genetic Resources ("National ABS Clearing House").

Also in the comprehensive to integral logic of the design, the development of the bases and capacities for the protection of traditional knowledge associated with genetic resources and the empowerment of indigenous and local communities was included, in order to enforce their rights and ensure a fair and equitable distribution of the benefits of access to them. This was done through an analysis of capacities, attitudes and practices regarding genetic resources, among various key actors and relevant stakeholders. Guidelines were generated for the protection of traditional knowledge and the development of a methodology and pilot cases of biocultural community protocols, as an instrument for communities to protect their traditional knowledge, enforce their rights and ensure benefits regarding access to genetic resources. Complementing this chain of results, the development of a national catalog of traditional knowledge was envisaged. Finally, it was envisaged to ensure proper communication and awareness about all these efforts, to ensure that those who should have the information have it and can make use of it.

All of this approach was in tune with one of the main conservation areas of the CBD Strategic Plans: the fair and equitable distribution of benefits derived from the use of genetic resources and with the Aichi Targets adopted at the 10th Conference of the Parties to the CBD, by significantly contributing to Goal 16: "By 2015 the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Derived from its use has been put into full use and is operational, in accordance with the respective national legislation".

Likewise, the project is part of the GEF initiatives, specifically the focal area on biological diversity (BD), in which it accommodates the evaluation of the projects financed by the GEF on ABS processes and the NP. In addition, the project complements the existing portfolio of the UNDP Country Program and contributes directly to the fulfillment of the general purpose of the United Nations Development Assistance Framework (UNDAF) for 2010-2014 in its goals of strengthening Sustainability. Environmental and Risk Management. In this regard, the project has worked closely with a number of related initiatives, including several GEF-funded UNDP projects, including: a) Strengthening the management effectiveness and resilience of protected areas to safeguard biodiversity threatened by climate change; b) Improve national capacities to manage the presence of Invasive Alien Species through the application of a National Strategy on this issue. c) Strengthen the management of the Natural Protected Areas system to better conserve threatened species and their habitats; d) Transform

the management of low-lying forests, community production rich in biodiversity, by strengthening national capacities for the generation of market-based instruments. All these projects have had relevant interventions at the local level (including the interventions of indigenous communities) and have produced some lessons learned that have nurtured the management of the "GEF ABS Project", specifically towards the enrichment of its Result 3 (which refers to the development of Biocultural Community Protocols and a catalog of associated traditional knowledge)³⁸.

At the national level, the project is part of national priorities, specifically in the National Development Plan (NDP, PDN in Spanish) that was in execution at the time of developing the definition phase of financial support for the Project (PND 2013-2018) and in the Sectorial Program of Environment and Natural Resources (PROMARNAT 2013 - 2018), of SEMARNAT, which included two lines of action directly related to this project: "4.3.7. Promote the sustainable use of biological resources and knowledge traditional partners, and the fair and equitable distribution of benefits "and" 4.6.1. Promote the development of the regulatory framework to implement new protocols in the CBD.

When designing the project, it was considered that three years would be sufficient to achieve the objective of improving the capacities of national authorities, as well as the legal and administrative frameworks in relation to genetic resources, associated traditional knowledge and benefit sharing, according to the institutional conditions for the implementation of the NP. Because the government at that time was continuing an interest of previous administrations to adopt and implement it, without foreseeing that, if its execution were postponed, it could coincide with the change of government and be affected in some way by the inherent vicissitudes. And that is what happened. It was also not foreseen, but it was impossible to do so, that the climate in the country after the failed attempt to draft a general biodiversity law in 2016 would be so little conducive to achieving changes in the legislation in line with the implementation of the NP.

Subsequently, after the change of government, there have been three heads of the SEMARNAT and two directors of the primary sector, with an interregnum of several months between one and the other, which necessarily affects the normal course of the execution of a project of this nature. In addition, there was the very unfortunate death of Alejandra Barrios with all the loss of experience and information that this meant for the project.

To which must be added that the current government wanted to review very carefully what was done by the previous one and has substantive differences with it on certain sensitive issues regarding "due access" to genetic resources, the rights of indigenous communities and national sovereignty is concerned. Finally, in this final stretch, the COVID19 pandemic and the consequent confinement came to upset the possibilities of resuming the rhythm of project execution, thus losing the opportunity to replace the time that the one-year extension allowed. To all this, it must be added that the resignation of the coordinator of the PCU due to disagreements with the Focal Point and incompatibility of views on the project and ways of working added to the difficulties in resuming the rhythm and recovering time.

Given the context in which the project was carried out, that is, a handicap in terms of enabling conditions, and the vicissitudes it has gone through, some of the efforts failed to have the desired effect, for example, raising awareness among officials and legislators that was carried out before the change of administration (however, it was also done with current officials and legislators, although not with the previous scope).

The relevance of the project results must be viewed considering these circumstances. Since practically all the planned activities were carried out in a timely manner and only in the final stretch some of the products were no longer generated, such as the proposal for a federal mechanism for financing ABS processes, the establishment of a Center for Information and Exchange on Genetic Resources and a National Information Center on Genetic Resources. Even by express decision, as in the case of the catalog of traditional knowledge, or, when this was achieved, they were not considered by the current

³⁸ MTR.

authorities as relevant for the purposes for which they were prepared, as is the case of the proposed law and the national access and benefit sharing strategy. Others are in process and it is hoped to be able to conclude them on time, as is the communication strategy.

Of note is that the project contributed to the maintenance, since at least 2017, of an inter-institutional task group on genetic resources where the nature, implications and mechanisms of the NP implementation were analyzed. There they worked and generated a regulation proposal that would fill as far as possible the gaps and legal inconsistencies that limit the implementation of the NP in conditions of transparency and certainty. Although this proposed regulation is not an express product of the project, in some way it contributed to its development. The work of this inter-ministerial group was resumed at the beginning of this year and it is being a space to define legal and policy criteria to adequately address access requests. Regarding this space, it should also be noted that within the current government there are differences and with them an intense discussion, especially between the environmental and agricultural sectors.

Regarding result 3, it is worth highlighting the development of the 21 biocultural community protocols. They are the result of the work within the communities and according to the testimonies they are satisfied and proud to have them and they grant them an important utility and value. This process should be seen as collective learning from which to draw lessons and good practices, such as the inclusion of women and youth in its development or the revitalization of governance within communities. Now it is possible to expand the scale and with it the scope of these instruments. Having these protocols gave Mexico an important place regarding the generation of these instruments, with invitations to share the experience in some international forums, which were members of indigenous and local communities that have their BCP. In addition, given these works and other advances, the project was invited to train UNDP personnel in Panama on issues related to the implementation of the PN.

Finally, it should be mentioned that the review process of what was done before by the current authorities was motivated by their concern to ensure an interpretation and application of the PN in accordance with the vision of the new government. This review and the discussion that has taken place within the inter-institutional group, places the country in a much more robust position to resolve how the NP will be implemented in the country, which is ultimately what this project pursued. However, this review resulted in a lag in specific products and specific results.

It is rated, therefore, in terms of relevance with a 2, i.e., the Project is Relevant according to the UNDP's rating standard.

Effectiveness and Efficiency

Effectiveness:

In the analysis of the SMART evaluation and consistency in the design of the Objective and its goals and product indicators of the Project Results Framework, the estimated potential achievement level was located at 87%³⁹. But considering the consistency between Objective and its Results, whose evaluation is 83%⁴⁰, it gives us globally at the level of effectiveness, a potential of achievement of 85%.

Specifically, to estimate effectiveness, we compare the evaluation carried out in Annex 8 and the results obtained in point 3.2, which are shown by the Evaluation and Results Qualification Matrices. The level of results obtained at the global level that can be seen in the last Table of the Evaluation Matrices and gives us a 66% of accomplishment and with a probable sustainability of 65%, in a very relevant area

³⁹ See Annex 8 a) Objective SMART Matrix Evaluation.

⁴⁰ See Annex 8 b) Consistency Matrix between the Objective and its Components.

for the country at the national level and local. When comparing the achievement of 65% of the potential that is 85%, it gives us that the Project has had an effectiveness level of 78% (65 divided by 85).

Therefore, the **final level of effectiveness** reached of 78% effectiveness **is rated as satisfactory, S rating of 5**, given that the project's performance is reaching more than three-quarters of its expected potential. The rating is not higher due to the design problems of the Project Results Framework and especially due to the problems produced by the change of administration and the Covid 19 pandemic. A better achievement level could also have been achieved if it had been negotiated the objectives, indicators and targets of the results framework, especially the issues of the Outcome 1 policy framework.

Efficiency:

The efficiency measurement is very relative and has to do with the moment in which it is carried out. If it is observed in the following table on the annual financial movement of GEF resources, the first year of the project considered was the year 2017, the level of activity is very low with an execution percentage of only 21.87% compared to expectations in the first year of PRODOC. The execution process subsequently increased in all years, being close to the original budget and minimally recovering the initial sub-execution of the year 2017: the % of execution with respect to the PRODOC budget was 91.61% in 2018 and 110.61% in 2019. At the end of 2019, almost exactly 30% remained to be executed, which was perfectly possible to do in the extension of one year if one looks at the execution levels of 208 and 2019. The problems of operational uncertainty due to the change of administration and COVID 19 affected the execution stage, taking it to the level of the first year of execution with only 7.41% as of November 2, 2020.

Annual GEF Resources' Financial Movement Table (US\$)

Year	2017	2018	2019	2020	Total
Budget according to PRODOC	889,836	743,070	650,199	0	2,283,105
Executed (Effective Spending)	194,604.30	680,743.69	719,164.66	169,227.70	1,763,740.35
% Execution in relation to the PRODOC Annual Budget	21.87%	91.61%	110.61%	-----	77.25%
Cumulated Execution	194,604.30	875,347.99	1,594,512.65	1,763,740.35	1,763,740.35
% Execution in relation to the PRODOC Total Budget	8.52%	29.82%	31.50%	7.41%	77.25%
% Cumulated Execution	8.52%	38.34%	69.84%	77.25%	

Source: *Financial Background of the Project coordination and Terminal Evaluation calculations.*

From the point of view of financial execution, the project proved to be efficient considering the problems at the beginning and its end.

The following table shows us the financial movement by component budgeted in PRODOC and the one finally executed by the project. It is observed that the level of execution by Result is quite uneven with respect to the original budget, highlighting a large under-execution in result 2 that achieves only 28.58% of what was budgeted and an over-execution in Result 3 that achieves 144.81% of what budgeted in the PRODOC. Result 1 is at 71.15%, which is consistent with the level of global expenses incurred, which is just over 77%. The Monitoring Plan is slightly over budget and Project Management is slightly below totaling 98.37%. These last two items of expenses will exceed the budget but the amounts are small, not substantially affecting the financial management of the Project.

The financial tables show an average budget efficiency level, which could have been better, especially in the case of budget management by component.

GEF Resources’ Financial Movements by Result Table

Year	PRODOC Budget by Component	% PRODOC Budget by Component	Executed by Component	Executed by Component	Executed in Relation to PRODOC
RESULT 1: Adjust the legal framework and to establish public policy measures that regulate the use of access to related GR and TK obtained from the just and equal distribution of benefits.	488,886	21.41%	347,837.72	19.72%	71.15%
RESULT 2: Capacity strengthening of national institutions	939,155	41.13%	268,433.30	15.22%	28.58%
RESULT 3: Protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.	626,345	27.43%	907,003.20	51.42%	144.81%
Monitoring Plan and Evaluation	120,000	5.26%	133,517.62	7.57%	111.26%
Project Management: Operational spending and technical activities.	108,719	4.76%	106,948.51	6.06%	98.37%
Total	2,283,105	100%	1,763,740.35	100.00%	77.25%

Source: Financial Background of the Project coordination and Terminal Evaluation calculations.

The details of the achievements can be seen in Annex 9 and can be compared with the goals offered by the project at the result level. The facts show a moderately satisfactory degree of efficiency, in which there are interesting advances and important achievements to be achieved, especially with regard to Result 1, although with regard to Result 2 and 3 the results are satisfactory.

It has been decided to rate it 4, (MS) Moderately Satisfactory, given that the level of achievement of the Project was not complete, there were deficiencies in Result 1 fundamentally, and the budget management by component is very far from the PRODOC budget in Results 2 and 3.

- **National Implications**

Regardless of the implementation of the Nagoya Protocol in Mexico, the country urgently needs a clear policy regarding access to genetic resources and the fair and equitable distribution of benefits, within an effective framework for the protection of traditional knowledge and rights of the owners and possessors of the territory where these resources are found. Many of which are available due to the ancestral knowledge that is had about them and because the communities have made sustainable uses avoiding their extinction, in cases where the demand has been growing without any benefit for the local inhabitants (as is the case of the Chilcuague). For this, it is important that there is a clear framework that provides certainty and transparency to access processes, ensuring that traditional knowledge is protected and rights are protected; in a context in which national sovereignty is guaranteed.

In addition to this, there is the commitment that Mexico acquired with the international community when it signed and ratified the Nagoya Protocol, an instrument that well used not only can significantly serve the purposes described above, but also guarantees due reciprocity with the international community when the country accesses genetic resources from other countries.

Now, it is an issue with a diversity of underlying matters that are controversial and can easily be the subject of endless discussions when confronting paradigms linked to national projects. The Project was involved in the midst of this confrontation, especially around the way in which genetic resources are considered -biocultural heritage for the current administration-, how opening the supply of these resources is interpreted and how this is linked to protection traditional knowledge and the fair and equitable distribution of benefits. But the debate is also taking place within the current government between the environmental and agricultural perspectives, for example, regarding agri-food genetic resources, on issues such as competences and attributions. The problem of prolonging the discussion without arriving at a national policy position, which allows generating a robust regulatory framework that in a transparent manner of certainty and protects traditional knowledge and guarantees rights, is that illegality is being rewarded while legality is punished.

The confrontation described led the current Focal Point to pause until it had reviewed what had been done previously, and then define how the project wants to continue, in a manner consistent with the orientation that the current government wants to give access to genetic resources seen as the bicultural heritage of the peoples. But the definition and progress of the project's activities was also impacted by the confinement imposed by COVID19.

These circumstances require an effort to ensure the closure of the project and establishment of measures that allow continuity of the steps that are still required for the implementation of the NP in the country.

- **Integration**

Since its inception, the Project sought to integrate the widest possible spectrum of relevant stakeholders, from the inception workshop in July 2017, to which, in addition to officials from various government agencies, representatives of the legislative and judicial branches, organizations of civil society and private initiative, to generate an open and plural dialogue towards definitions of policies and inclusive schemes that will contribute to a climate of communication and respect for the construction of consensus around access to genetic resources for the benefit of the country, their communities and their companies and the creation of conditions for an effective distribution of benefits, which is fair and equitable. The formation of the PSCG also sought to integrate a broad representation of perspectives and voices.

On the other hand, the work with the communities for the elaboration of their Community Biocultural Protocols had a participatory approach in which diverse members of the communities were integrated, especially women and youth. The elaboration process in some communities allowed, in addition to the empowerment and greater involvement and participation of women and young people, as well as reviving community processes of deliberation and decision-making by recovering the assembly processes, recovering the appreciation of the importance and richness of its territory, in general, and its genetic resources in particular.

- **Sustainability**

The evaluation and qualification of the sustainability of the Project seeks to identify the probability of the sustainability of its results as continuous benefits towards the objective after its activities end.

It is complex to project sustainability in a scenario in which the environment and the policies at the national level that promote the NP are not clear; However, it is important that both the experience and the knowledge acquired transcend to be able to flow with new perspectives and theoretical and operational approaches, building a framework of strategic, legal and operational action that allows you to continue expanding awareness of the importance of the issue at the level country. For this, it has been important for the project to mark a path and show the validity of the change proposal and show it in a tangible way, through the practice of training at least 650 officials and achieving the completion of 24 Community Biocultural Protocols for Indigenous People and Local Communities.

The sustainability analysis and evaluation of the four aspects indicated in the Terminal Evaluation manual for GEF projects is detailed below:

a) Financial Risks:

The sustainability in financial terms of the objective and its results is very weak and there is no security in the elaboration of financial instruments or institutional mechanisms that allow giving financial viability to the activities promoted by the Project.

Therefore, financial sustainability is **Improbable, that is, it is scored with a 1 (I)** and requires strong actions to be incorporated in the project's exit and closure strategy.

b) Socio-Political Risks:

Considering the problems that the project sought to address, and that are still present in some way: Legal framework, Inter-institutional capacities and Knowledge by the relevant stakeholders, about the process of access to genetic resources and the fair distribution of benefits derived from their use, if a clear national policy is not adopted as soon as possible that gives certainty to public officials and relevant stakeholders regarding access to genetic resources and a fair and equitable distribution of benefits, within the framework of effective protection of traditional knowledge and the rights of the communities, not only is it not offering a legal framework that, through clear, transparent and supervised procedures, ensures access to genetic resources in accordance with national interests while honoring international commitments, but an environment that favors illegal biopiracy practices and leaves open the door to biased interpretations driven by ignorance and, or petty interests that lead to spurious patents and other types of practices of appropriation of traditional knowledge. This limits a fair remuneration to landowners and custodians of genetic resources -which they have achieved through traditional knowledge-, thereby denying the equitable distribution of benefits, since these remain only in the corporations that use them, which that implies a significant loss of income for the country and that the communities have no opportunity to improve their situation.

This scenario may not only prevent the country and its communities from receiving significant monetary and non-monetary benefits, but it also violates the rule of law and is potentially a source of confrontations and divisions within communities and between them and the authorities. Likewise, the door is closed to a legitimate and necessary source of investment for the country and research and innovation are inhibited, which is undoubtedly a scenario in which no one benefits.

Therefore, a probability of sustainability of the institutional and governance framework of the project results in this area is estimated to be **Somewhat Unlikely, with a score of 2 (SU).**

c) Institutional Framework and Governance Risks:

In the same sense, given the problems that the project faces outlined above it is clear that government agencies require a legal and administrative framework that clearly defines competencies and attributions, defines administrative procedures and handles access requests and other related procedures with due effectiveness. The lack of a comprehensive legal framework is accompanied by the absence of effective mechanisms for an adequate governance of genetic resources with the consequence of permanent risks of violation of the already insufficient existing regulations on the use of genetic resources, and with it the potential generation of social conflicts and the enduring nature of legal insecurity.

All of this has serious implications in the cultural dimension, ranging from the gradual loss of traditional knowledge, to the illegal appropriation and exploitation of the same and its consequences in social unrest and the maintenance of inequality in many forms (for example, poverty, health, education, land ownership).

Governance around genetic resources, given their demand and potential source of benefits, depends on an adequate legal framework that provides certainty to public officials and relevant stakeholders regarding access to them and a fair and equitable distribution of benefits. within the framework of effective protection of traditional knowledge.

From there, it is easier to advise, accompany and empower communities and society in general, to make adequate access to genetic resources a culturally appropriate practice. The conditions for legitimate investment can also be created and research and innovation encouraged.

That the absence of a legal framework continues is therefore a very important social loss. The current government authority is clear about this, however, in the Inter-institutional Task Group (ITG) after 4 years of work, quite dissimilar approaches and visions persist. Interviews with various representatives of the ITG do not allow detecting that in the short term they will agree and achieve a consensual strategy to promote the NP.

Therefore, a probability of sustainability of the institutional and governance framework of the project results in this area is estimated to be **Somewhat Unlikely, with a score of 2 (SU).**

d) Environment Risks:

The lack of an adequate framework for access to genetic resources that ensures fair and equitable distribution of benefits and protects traditional knowledge and other rights, has impacts in different settings and scales, as is the consequence of unrestricted extraction that threatens the very existence of genetic resources while significantly altering the ecosystems, and their functionality, in which they are found. The authorization of research permits, and in general of access to genetic resources, must be framed within an appropriate regulatory framework, otherwise it leads to a continuous loss of biodiversity and environmental deterioration.

Therefore, a probability of sustainability in the face of environmental risks of project results in this area is estimated to be **Somewhat Unlikely, with a score of 2 (SU).**

- **Impact**

The United Nations Impact rating only considers three alternatives: 3 is Significant (S), 2 is Minimal (M) and finally 1 is Insignificant (I). Although there is a very interesting impact given by the discussion at the level of public institutions and a significant number of indigenous communities that created their Biocultural Community Protocols which can be improved and multiplied as a work path that can continue

to promote and boost authority current, the achievement to date is not significant; therefore, the global impact of the project's actions is only 2 to date, that is, minimal (M). There is no evidence to indicate that the project has achieved an impact in the field of reducing environmental stress and that there are no advances that allow the change in tension and environmental status. Therefore, in these two areas it is scored with only 2, that is, the impact is also estimated to be minimal (M).

4. Conclusions, Recommendations and Lessons

4.1. Conclusions and recommendations

Improvement Actions for the Project's design, implementation, monitoring and evaluation

- It is often the case that in GEF projects the time elapsed between their design and the agreement and signature of the parties is long. Therefore, at the time of its inception, some assumptions are not realistic, and the context has also changed, especially in countries in Latin America where their governments last a maximum of 6 years. This means that it is essential that during the first meeting at the beginning of the project, an intense review of the Framework of Objectives and goals of the project is carried out in such a way as to make adjustments from the beginning and not to produce later problems that mean problems of effectiveness and efficiency that will be attempted be corrected later in the mid-term evaluation by missing at least two years if the MTE is done on time.
- Verify early that the Indicators comply with the SMART standard and that the goals must be concrete and realistic. It is also necessary to ensure that the indicators and goals are consistent in vertical terms, that is, the fulfillment of the components and products should allow 100% fulfillment of the Project's Objective.
- Carry out the analysis or revision of the Theory of Change within (at most) three months after the start of the project in such a way as to be able to make all the adjustments to the design in the project installation stage.
- Prepare with a greater degree of attention to the detail the foundations, action framework, goals and indicators, type of participation and roles of recalled institutions, etc., in the PRODOC, allowing to reduce, in part, the management issues and keeping track of the projects.
- In the case of projects in which their PRODOC do not have in their work array or components gender matters, incorporate indicators and goals that signal the level of achievement expected within their activities. This is valid for all projects and if it was not detailed in the PRODOC, the modifications must be made in the first meeting of review and start of the Project.
- It is important to also check from an early stage if the PRODOC has definite set of partners, and if they will contribute with the resources, knowledge and correction assumed in its design.
- Also, it is important to considerate that, given the climate change, and the appearance of pandemics much like the one happening in the world, the environment decline creates scenarios of increased uncertainty than in the past, and likewise, the suppositions and risk anticipation have to be much more rigorous in such way that in the theory of change and the chosen intervention models there must be foresight of circumstances that may alter, in a significant way, the course of events and, in consequence anticipate contingency plans.

Thus, it should be recommended to perform at the very least the following analysis of the PRODOC at the beginning of the Project, in order to verify its own validity, in the first Project meetup or at most once three months have passed after the start:

- The project's Theory of Change revision.
- Revision and Consistency analysis of the Objective Framework (Results, products, indicators and goals) in both horizontal and vertical logic.

- Revision of the SMART standard for the indicators of the entire Project.
- Revision of the addition of transversal components (Gender, Participation, Human Rights) in the Project. Ensure that they not only are considered, but objectives, indicators and goals have to be defined, with a proper Budget allocation if possible.

Diagnosis of the strategic partners and their contribution to the operation, governance and balancing entries

- It is recommended to start a tracking process to the results and products from the start of the Project, generating systematization on experience basis in such way that it can build later the Construction Plan and knowledge socialization of the Project. This means to highlight the case studies, replicable experiences, and the findings that have a high potential of dissemination and knowledge propagation. This way, it may be that the project’s design has not visualized and hence it is not reflected in the budget, the opportunity to perform a systematization of the successful experiences or lessons learned that have a high impact.
- Plan the Mid-Term Evaluation before the halfway point of the project is reached. Since that in many cases the selection processes can last several months, it is recommended to take measures to not have delays and lose the opportunity that this work can make changes with the due anticipation. In other way, there is a risk that the mid-term and Terminal Evaluations are done with a short lapse between each other, which has no practical sense.
- • The results of the Mid-Term Evaluation’s should allow decisions to be made about the goals and even the results that need to be rethought. This new approach must remain explicit as an agreement of the Steering Committee and requested formally to the GEF.
- It is highly recommended that based on recommendations by the MTE and in light of the operation’s measuring, to start the Project closure plan. It is recommended to perform it with a planning from 18 months or two years in advance if possible, in such way that the processes of socialization, maturation and discussion of the products generated by the project.
- Carry out the Project Communication Plan focused on the sensitization of other actors and in the theory of change in such way that it is useful for the sustainability of the project’s products and improves its impact.
- Build a sustainability plan and strategy that ensures the transfer of the products and results by the Project by a date of 18 months before the project’s closure, to the interested parties, even measuring if they begin to use and reproduce the experiences, good practices and products from the Project’s work
- Do the Terminal Evaluation at least two or three months before the Project’s end in such way that the evaluation also allows the adoption of some measures before the closure, especially those concerning sustainability of the Project’s knowledge management.

Actions to reinforce and track the benefits of the Project towards its closure

It has been stressed how important it is to have a clear framework that grants certainty and transparency to the processes of access to genetic resources, ensuring that traditional knowledge is protected, and rights are protected; in a context in which national sovereignty is guaranteed. It is also important to create an environment favorable to research and innovation, which encourages investment and business creation in win-win schemes between companies and communities. In addition to this, there is the commitment that Mexico acquired with the international community when it signed and ratified the Nagoya Protocol, an instrument that well used not only can significantly serve the purposes described above, but also guarantees due reciprocity with the international community when the country accesses genetic resources from other countries.

For this reason, it is important to arrive as soon as possible at a national policy position regarding access to genetic resources, which allows the generation of a robust regulatory framework. The project must be able to contribute in its closing stage to the definition of this national policy that results in a regulation that allows progress in giving certainty to the responsible officials, to the bidders and to the applicants of access, and to the relevant interested parties in general. Considering that perhaps there are still no conditions to adjust the legal framework adapting it to the needs of a virtuous implementation of the NP, it is possible to arrive at a regulation that can be adopted by the executive branch. Although differences prevail within the inter-institutional task group, advances in the definition of criteria may lead to the minimum consensus for this being achieved in the short term. It is not advisable to prolong the discussions and the opportunity provided by having come to define legal criteria within the Inter-institutional Task Group should be taken advantage of. For this, it may be pertinent to hire a facilitation of deliberations within the ITG that facilitates unlocking differences and reaching consensus.

CBPs are an invaluable opportunity as effective instruments for indigenous peoples, local communities and Afro-Mexicans for the establishment of rules and conditions for access to their genetic resources with associated traditional knowledge, based on customary and international law, in the absence of a national legal framework on the matter. The effort made by the communities that count on it should not be discarded of, and it is important, in addition to recognizing it and validating it with them, ensuring support for, in those cases where the result has left something to be desired, leading to a satisfactory result, and to help all those who have their BCPBCP to make said document a relevant and useful tool. It is necessary to consider that the elaboration process in some communities allowed, in addition to the empowerment and greater involvement and participation of women and young people, as well as reviving the community processes of deliberation and decision-making, by recovering the assembly processes, recovering the value of the importance and wealth of its territory, in general, and of its genetic resources in particular.

The experience accumulated in these exercises, both methodologically and socially and culturally, allows us to deploy a long-range strategy to promote that the set of indigenous and local communities in whose territories there are genetic resources can identify them as a biocultural heritage that, together with associated traditional knowledge must be protected, but from which they can obtain significant monetary and non-monetary benefits; which can result in better conditions for a good standard to living.

Another aspect in which the project can contribute then is to give viability and speed to the reflection that the Focal Point wants to promote among indigenous and local communities about the Biocultural Community Protocols and the convenience of preparing a catalog of traditional knowledge. At the same time, it is guaranteed that the communities that already have their CBP are given additional assistance to make it an instrument that is truly beneficial to them, ensuring the due protection of their traditional knowledge and the protection of rights to ensure a fair and equitable distribution of benefits in case they decide that there is access to the genetic resources of their territory. This exercise will lay the foundations to define, as a result of the experience and lessons learned during the project, the appropriate methodological, social and cultural approach with which to promote the development of CBPs in a generalized way in all parts of the country where there are genetic resources that protect and from which benefits can be obtained that contribute to the good life of the communities. It will also allow greater clarity on the information that is relevant and convenient to provide openly based on a clear policy of access to genetic resources.

In accordance with the territorial extension, biodiversity and multiculturalism of Mexico, the development of more biocultural community protocols in indigenous peoples, local and Afro-Mexican communities could be recommended; so that there would be a national representation of them, with community legal instruments and help to implement the Nagoya Protocol in Mexico. The following criteria could be considered for their selection: representation of priority biocultural regions, indigenous peoples with the

greatest representation in Mexico, protected natural areas with indigenous population, representation of ecosystems and landscapes, requests of interest from the communities themselves, among others.

On the other hand, it is still necessary to expand efforts to disseminate information on the Nagoya Protocol in order to dispel doubts, misunderstandings and prejudices that limit a constructive debate for the sake of a national policy on genetic resources that is for the benefit of the country and its communities, ensuring the equitable and fair distribution of benefits while protecting traditional knowledge and all the rights of communities. In addition to expanding the information, further training of relevant officials and stakeholders is required. Consolidating and disseminating the massive open online course (MOOC) should be a priority.

All of this, accompanied by a communication strategy that reaches, with the appropriate messages and pertinent channels, the public that must be aware of the Nagoya Protocol and everything related to legal access to genetic resources and the distribution of benefits in a framework of effective protection of traditional knowledge and other rights, while stimulating, in a regulated manner, research and innovation, giving rise to the promotion of investment and the creation of businesses that generate spill-over of benefits in frameworks of environmental and social sustainability. The bases for this exist with the communication products that the Project has generated, it is important to ensure that they can be used effectively and complemented with other inputs.

4.2. Lessons

Good and bad practices for addressing relevance, performance and success issues

The start-up workshop with a wide call among key actors and relevant stakeholders was an important first step due to its relevance, to which representatives of the Supreme Court of Justice of the Nation and members of the chambers of deputies and senators were invited, It has been useful to hold a similar workshop once the new government has started.

Workshops between consultants also turn out to be a very positive practice since it allows aligning their efforts and calibrating their methodologies.

It is necessary to foresee that the start of the project execution may be postponed and therefore there may be changes of government with radically different positions regarding the issues addressed by the project, generating an impasse with duration that can seriously affect the achievement of the expected results.

It is very convenient that before their initiation the national authorities are trained on the administrative implications of this type of project, how resources should be used, the money tagged and others, to avoid misunderstandings regarding the availability and discretion in the use of the same.

1. Result 1: To adjust the legal framework and establish public policy measures that regulate the Access to the use of related GR and TK that resulted from ABS.

- **Key Lesson Learned:**

A reasonable estimation about the time and effort that it takes to achieve legislative reform is needed, and the design of a roadmap that considers the potential obstacles and solutions. The political analysis of the volatile governance structure should be a core part of it.

- **Good Practices:**

The training and direct advice to technical teams linked to parliamentarians and to the parliamentarians themselves on the benefits of the NP made it possible to give visibility to the issue and open the possibility of influencing legislation.

2. Result 2: Capacity strengthening of national institutions.

- **Key Lesson Learned:**

Far beyond the training of government clerks, who rotate out too easily, the institutionalize of the processes through the inclusion of ad hoc programs and budgets is indispensable.

- **Good Practices:**

The support and permanent linkage of the Project to the Intergovernmental Task Group (ITG) that involves a wide variety of officials from various public agencies has allowed to generate deep reflection and awareness of the importance of the NP. Although there are not very visible results, the permanence in the discussion on the ITG topic for more than 4 years is an indicator that the topic is relevant to them and eventually in the future they will be able to promote concrete actions around the topic as a team.

3. Result 3: To protect traditional knowledge and improve the capacities of both local and indigenous communities and other parties interested in creating awareness about the conservation and sustainable use of biodiversity, GR and TK related to the Project, and also about the distribution of the resulting benefits of its Access and use.

- **Key Lesson Learned:**

The empowerment of local communities and actors in general involves long-term processes that include accompaniment in a framework of cultural relevance that cannot be ignored.

Each community has its work dynamics and participation. The guarantee that the BCPs are a real instrument is based on deeply respecting their schedule, leaderships and their own participation dynamics.

- **Good Practices:**

The use of the information and previous community diagnosis work by the GIZ / CONABIO Project allowed a reduction in the time spent and the selection of communities in which concrete successes could be achieved.

The work of realization of the BCPs was carried out in two stages, in a first instance with a small group from which learning experiences were extracted to later promote a more massive work of CBP creation.

The Promotion of Biocultural Community Protocols by financing visits and stays by leaders and technicians of some communities who have experience in conducting CBPs who advise or transfer their experience to other communities.

The promotion of the implementation of CBPs throughout the community, creating work groups, including women, young people and children who can discuss their contribution from their own context.

Respecting the time, it takes for each community to carry out their BCPs, in such a way as to ensure the validity of the results based on their cultural practices.