



CBD



Convention on Biological Diversity

Distr.
LIMITED

UNEP/CBD/ICNP/1/L.1
10 June 2011

ORIGINAL: ENGLISH

OPEN-ENDED AD HOC INTERGOVERNMENTAL
COMMITTEE FOR THE NAGOYA PROTOCOL ON
ACCESS TO GENETIC RESOURCES AND THE FAIR
AND EQUITABLE SHARING OF BENEFITS
ARISING FROM THEIR UTILIZATION

First meeting
Montreal, 5-10 June 2011

DRAFT REPORT OF THE FIRST MEETING OF THE OPEN-ENDED AD HOC INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION

Rapporteur: Ms. Dubravka Stepic (Croatia)

INTRODUCTION

A. Background

1. The first meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Intergovernmental Committee) was held at the headquarters of the International Civil Aviation Organization (ICAO) in Montreal from 5 to 10 June 2011. The meeting was preceded by a capacity-building workshop on access and benefit-sharing, held on 4 and 5 June, and a preparatory meeting of the Intergovernmental Committee, held on 5 June 2011.

B. Attendance

2. The meeting was attended by representatives of the following Parties and other Governments: *[to be completed]*
3. Observers from the following United Nations bodies, specialized agencies and other bodies also attended: *[to be completed]*
4. The following organizations were also represented by observers: *[to be completed]*

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ITEM 1. OPENING OF THE MEETING

5. The meeting was opened at 3.30 p.m. on Sunday, 5 June 2011, by Mr. Kazuaki Hoshino, Ministry of the Environment of Japan, on behalf of Mr. Ryu Matsumoto, Minister of the Environment of Japan and President of the tenth meeting of the Conference of the Parties. Mr. Hoshino welcomed the participants to the meeting and read out a statement from the Minister of the Environment, in which the Minister acknowledged the collective wisdom and efforts of all those who had gathered at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity. Their willingness to compromise had contributed to the adoption, on 29 October 2010, 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 (Nagoya Protocol). The early entry into force and implementation of the Nagoya Protocol would help ensure that the use of genetic resources contributed to human welfare, and that the benefits arising from using those resources would be properly allocated for the conservation of biodiversity and its sustainable use.

6. During the final round of negotiations at the tenth meeting of the Conference of the Parties, Japan had announced that it would make a contribution of one billion yen to support the developing countries in their activities to promote capacity-building in the area of access and benefit-sharing. Subsequently, a new multi-donor trust fund, the Nagoya Protocol Implementation Fund, had been established in March 2011, to which he hoped other donors and the private sector would contribute. A letter had also been sent to all ministers of the environment on 25 May 2011 asking for their support for the implementation of the Nagoya Protocol.

7. The Minister also extended his deepest appreciation to the many countries that had offered their heartwarming support to Japan in its rescue and recovery efforts following the massive earthquake and devastating tsunami that had struck the country in March 2011. His country would persist in its efforts to achieve the full-scale reconstruction of the disaster areas, but that would not affect his responsibilities as President of the Conference of the Parties. Japan remained committed to exerting its utmost efforts towards facilitating the early entry into force of the Nagoya Protocol.

8. Mr. Hoshino also reminded participants that the purpose of the first afternoon session of the meeting was to address organizational matters, more specifically the election of one of the Co-Chairs of the Intergovernmental Committee, as well as the 10 Bureau members of the Intergovernmental Committee. The Conference of the Parties, in paragraph 11 of its decision X/1, , had decided that the first meeting of the Intergovernmental Committee would be preceded by a preparatory meeting to elect its Bureau and address organizational matters. The representative of the President therefore invited the Committee to consider agenda item 2.1 of the agenda in order to address those issues before returning to the substantive issues of the agenda and opening statements.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

Election of the Co-Chair of the Intergovernmental Committee

9. At the 1st session of the meeting, on 5 June 2011, the Committee took up item 2.1 and considered a proposal for the designation of one of its Co-Chairs.

10. The representative of the President of the Conference of the Parties reminded the meeting that in paragraph 11 of decision X/1 the Conference of the Parties had decided that the Co-Chairs of the Intergovernmental Committee would be Mr. Fernando Casas (Colombia) and Mr. Timothy Hodges (Canada). However, in a subsequent written communication, the Government of Canada had officially informed the Executive Secretary of the Convention on Biological Diversity that Mr. Hodges had undertaken new duties and was no longer available to act as Co-Chair the Committee. As a result, the Bureau members of the Conference of the Parties had been invited to consult within their regions and

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propose a new Co-Chair.. Further to those consultations, Ms. Janet Lowe (New Zealand) had been proposed as the replacement for Mr. Hodges.

11. Following the proposal of the representative of the President of the Conference of the Parties, Ms. Janet Lowe (New Zealand) was elected as a Co-Chair of the Intergovernmental Committee.

Election of the Bureau members for the Intergovernmental Committee

12. Following discussions in the Bureau of the Conference of the Parties at its first meeting, held in Kanazawa, Ishikawa Prefecture, Japan, on 19 December 2010, the Parties had been invited to consult and nominate two representatives from each of the United Nations regions to serve as Bureau members for the Intergovernmental Committee. In accordance with paragraph 11 of decision X/1, the following representatives were elected as Bureau members of the Intergovernmental Committee:

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| Africa: | Mr. David Hafashimana (Uganda) |
| | Mr. Samuel Dieme (Senegal) |
| Asia and the Pacific: | Mr. M.F. Farooqui (India) |
| | Ms. Leina Al-Awadhi (Kuwait) |
| Latin America and the Caribbean: | Ms. Monica Rosell (Peru) |
| | Ms. Anita James (Saint Lucia) |
| Central and Eastern Europe: | Ms. Dubravka Stepic (Croatia) |
| | Mr. Sergiy Gubar (Ukraine) |
| Western Europe and Others : | Mr. Ben Phillips (Australia) |
| | Ms. Ines Verleye (Belgium) |

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13. At its 2nd session, on 6 June 2011, the Intergovernmental Committee was invited to consider the remaining organizational sub-items.

14. Ms. Janet Lowe (New Zealand), Co-Chair, welcomed the participants to the first meeting of the Intergovernmental Committee. She thanked the previous Co-Chair, Mr. Timothy Hodges, for his leadership of the process thus far and said that she hoped to continue in his footsteps with dedication and commitment. She also reminded participants that the Global Environment Facility was providing one million dollars in financial support for a medium-sized project in order to support a series of awareness-raising and capacity-building activities to assist in the early ratification of the Nagoya Protocol and she thanked the Government of Japan for its generous financial contribution toward the implementation of the Nagoya Protocol.

15. She noted that according to paragraph 8 of decision X/1 the Intergovernmental Committee should undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, taking into account the budgetary provisions adopted by the Conference of the Parties. A new and exciting phase in the history of the Convention was thus beginning, with the focus shifting from negotiation towards ensuring the early entry into force and implementation of the Nagoya Protocol. She expressed the hope that the same strong spirit of goodwill and cooperation as had been manifested in Nagoya would prevail at the current meeting in order to ensure the success of the early stages of development of the Protocol.

16. The Co-Chair then informed the meeting that the Bureau of the Intergovernmental Committee had held its first meeting the previous day and that Ms. Dubravka Stepic (Croatia) had been designated to act as Rapporteur for the meeting.

2.2. Adoption of the agenda

17. At its 2nd session, on 6 June 2011, the Intergovernmental Committee adopted the following agenda on the basis of the provisional agenda:

1. Opening of the meeting.
2. Organizational matters.
3. Modalities of operation of the Access and Benefit-sharing Clearing-House.
4. Measures to assist in capacity-building, capacity development and strengthening of human capacities and institutional capacities in developing countries.
5. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit-sharing issues.
6. Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance.
7. Other matters.
8. Adoption of the report.
9. Closure of the meeting.

2.3. Organization of work

18. At the 2nd session of the meeting, on 6 June 2010, the Intergovernmental Committee approved the organization of work for the meeting on the basis of the proposal contained in annex II to the revised provisional agenda (UNEP/CBD/ICNP/1/1/Add.1/Rev.1). It was suggested to work initially in plenary, with the understanding that contact groups could be established as needed.

2.4. Opening statements

19. At the 2nd session of the meeting, on 6 June 2011, a video presentation was made by Mr. Edward Norton, United Nations Goodwill Ambassador for Biodiversity.

20. Statements were also made by Ms. Hélène Mandroux, Mayor of Montpellier, France; Ms. Monique Barbut, Chief Executive Officer of the Global Environment Facility (GEF); and Mr. Ahmed Djoghla, Executive Secretary of the Convention on Biological Diversity.

21. Introductory statements were also made by the representatives of regional groups.

2.4.1. Opening statement of Mr. Edward Norton, United Nations Goodwill Ambassador for Biodiversity

22. Mr. Edward Norton, United Nations Goodwill Ambassador for Biodiversity, speaking via videotape from Kenya, said that the Nagoya Protocol had been a breakthrough in achieving the goals of

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the Convention on Biological Diversity, especially those relating to access to genetic resources and equitable benefit-sharing. He expressed his best wishes to the Intergovernmental Committee in its work and urged countries to ratify and adopt both the Nagoya Protocol and the Convention on Biological Diversity in order to stop the catastrophic loss of biodiversity.

2.4.2. Opening statement of Ms. Hélène Mandroux, Mayor of Montpellier, France

23. Ms. Hélène Mandroux, Mayor of Montpellier, France, said that as both a physician and the mayor of the eighth largest city in France, she had long been aware of the true value of biodiversity as both an important source of new medicines and an integral part of every country's heritage. She noted that the growing urbanization of the world's population made it essential for local authorities to assume responsibility for educating citizens from an early age about the preservation of biodiversity. To that end, in May 2012, Montpellier would host the 13th Congress of the International Society of Ethnobiology, a major event in which large numbers of representatives of local and indigenous communities were expected to participate, and she urged as many people as possible to attend.

2.4.3. Opening statement of Ms. Monique Barbut, CEO of the Global Environment Facility

24. Ms. Monique Barbut, Chief Executive Officer of the GEF, said that it was both an honour and a pleasure to attend the first meeting of the Intergovernmental Committee, which had to tackle a number of important issues regarding the ratification and implementation of the Nagoya Protocol, including among other things the access and benefit-sharing clearing-house mechanism, capacity-building and awareness-raising. She said that the GEF took its role as the financial mechanism of the Convention on Biological Diversity very seriously, as was demonstrated by the approval for the arrangements for the operation of the Nagoya Protocol Implementation Fund (NPIF), which had been approved by the GEF Council at its 40th meeting. That multi-donor trust fund had been made possible by the generous and unwavering support of the Government of Japan and new pledges from the Governments of France, Norway and Switzerland. The Fund would provide financial resources for activities in support of the ratification, early entry into force and implementation of the Nagoya Protocol. She said that the growing number of donors interested in contributing to the Fund was a reflection of the importance of that mechanism and she was confident that other countries would also soon come forward with their donations.

25. It was encouraging to see that more than 20 Parties were now signatories to the Protocol, and she informed the meeting that Parties would have the opportunity to use some of the funds pledged to engage in truly innovative and collaborative projects with the private sector. With the Nagoya Protocol there were new opportunities to promote scientific research and the conservation of biological diversity and, assuming that there was a robust legal framework in place, the development and implementation agreement on access and benefit-sharing would allow provider countries to add value to their own genetic resources and be more active players in the marketplace. However, in order for the provider countries to truly benefit from the potential benefits of agreements on access and benefit-sharing, all Parties needed to ratify the protocol and put into place a legal and regulatory regime at the international level that was attractive to investors. In closing she said that she was confident that the Nagoya Protocol and the funds made available through the Nagoya Protocol Implementation Fund would provide a strong incentive to ratify the protocol and thus provide a powerful tool to conserve and sustain biological diversity for generations to come.

2.4.3. Opening statement of Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity

26. Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity, announced that a new website had been inaugurated for the Convention, which contained an enhanced link on the implementation of the Nagoya Protocol. The website would now be available in the Arabic language,

with the help of the authorities of the Kingdom of Saudi Arabia, as well as in French and Spanish. He hoped that one day the website would be functional in all six official languages of the United Nations.

27. He thanked the Mayor of Montpellier for her presence at the meeting and for her commitment to the “twinning cities” process established in Nagoya in October 2010. He also welcomed all participants to the city of Montreal and paid tribute to the Canadian federal, provincial and municipal authorities for their continued support to the Secretariat and for the new office space that had been provided. In addition, he thanked the United Nations Goodwill Ambassador for Biodiversity for his presentation on how the Nagoya Protocol was making history. The GEF, under the direction of Ms. Barbut, had also shown great leadership in assisting countries in achieving the target date for the entry into force of the Nagoya Protocol, and had approved a US\$ 2 million medium-scale project for the early entry into force and ratification of the Protocol. Moreover, at the initiative of Japan, which had contributed 1 billion yen, the GEF had also established a dedicated trust fund to help with its implementation.

28. The adoption of the Nagoya Protocol on 29 October 2010 marked a new era. The 193 Parties gathered at the historic meeting in Nagoya had made a commitment to contribute to sustainable development by agreeing to share the benefits arising out of the use of genetic resources on a fair and equitable basis. That achievement would not have been possible without the input of the Parties, or without the contribution of the Co-Chairs, and he asked the Canadian delegation to convey to Mr. Timothy Hodges the gratitude of the participants. The adoption of the Protocol would also not have been possible without the outstanding leadership of the people and Government of Japan, and he expressed his condolences to that country for its suffering in the wake of the earthquake and tsunami of 11 March 2011.

29. The purpose of the current meeting was to lay the foundation of the implementation phase of the Protocol. Bearing in mind that United Nations Secretary-General Ban Ki-moon had called on all Parties to expedite the early entry into force of the Protocol in the service of sustainable development and in support of the Millennium Development Goals, and that 24 countries had already signed it, he encouraged all 193 Parties to the Convention to build on that momentum and sign and ratify the Nagoya Protocol as soon as possible. Participants in the present meeting had a unique opportunity to ensure that the first meeting of the governing body of the Protocol was held back-to-back with the Hyderabad biodiversity summit in October 2012, and to expedite the 50 ratifications required for its entry into force no later than 10 July 2012. That would represent their contribution to the celebration in 2012 of the second year of the International Decade on Biodiversity, and to the 20th anniversary of the adoption and opening for signature of the United Nations Convention on Biological Diversity.

2.4.3. Opening statements by representatives of the regional groups

30. The representative of India, speaking on behalf of the Asia and Pacific Group, pledged the Group’s full cooperation in the early ratification and effective implementation of the Protocol, although a pragmatic approach should be taken in order to ensure that the cost of implementation was not prohibitive. The current meeting was an opportunity for participants to move away from being negotiators and towards collaboration in forging partnerships. National and international deliberations held during the past seven months had led to several conclusions: that the Protocol provided much-needed flexibility for its implementation, depending on the various realities on the ground at the national level; that implementation would be a greater challenge than had been envisaged in many cases, involving a significant investment of time, effort, manpower and funds; and that returns would not be immediate. The core issues of the ABS Clearing-House, capacity-building, awareness-raising and cooperative procedures for compliance would play a very important role in the effective implementation of the Nagoya Protocol.

31. The representative of the Philippines, speaking on behalf of the Like-Minded Megadiverse Group of Countries, said that it was time to collaborate on ways to address the problems of biopiracy and the lack of recognition of the rights of both States and concerned indigenous and local communities with

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respect to genetic resources and associated traditional knowledge. There was no need to reopen negotiations on the meaning of the Protocol. Focusing on the flexibility of the Protocol would open up many possibilities for implementing its provisions and would encourage more countries to sign and ratify it. At the current meeting, priority should be given to the items concerning the ABS Clearing-House, the internationally recognized certificate and cooperative procedures to promote compliance.

32. The representative of Peru, speaking on behalf of the Group of Latin American and Caribbean countries, said that the path to achieving an international ABS agreement had been a long and arduous one, and he thanked the Co-Chairs for their work in that regard. A new page had been turned, however, and the focus had turned from negotiation to cooperation. In the next four days, the Intergovernmental Committee would have the responsibility of creating the appropriate conditions for the full implementation of the Nagoya Protocol. The Group was convinced that the meeting would achieve concrete results on the proposed agenda items, and it pledged its commitment to that process.

33. The representative of the European Union, speaking on behalf of its member States, as well as of the candidate countries Croatia and Turkey and potential candidate country Serbia, reiterated its commitment to the implementation of the Nagoya Protocol. Since the tenth meeting of the Conference of the Parties, the European Union and its member States had been actively engaged in the follow-up to the Protocol and stood ready to sign it by June 2011. Attention now needed to be shifted from negotiation to implementation. The current meeting of the Intergovernmental Committee was an important first step in the process, and the European Union looked forward to working with all partners in that endeavour.

34. The representative of Croatia, speaking on behalf of the Central and Eastern European region, thanked the Secretariats of the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture for organizing a workshop on identifying capacity-building need and priorities for the implementation of obligations under the Protocol back-to-back with the present meeting. That workshop had been a great success and had identified important gaps in capacity-building. Addressing those gaps would be important to the success of the Protocol, as would the building of capacity to negotiate contracts, and the creation of model contractual clauses. She stressed the importance of raising the awareness of government officials and policy makers of the Nagoya Protocol. To that end it would be useful for the Executive Secretary to produce a short note for high-level government officials that explained the policy implications of becoming a Party to the Nagoya Protocol. That note could be sent to the national focal points for further circulation and would have greater weight having come from the Executive Secretary of the Convention on Biological Diversity.

35. The representative of Egypt, speaking on behalf of the African Group, said that after nine years of negotiations, a compromise on a legally binding Protocol to implement the third objective of the Convention on Biological Diversity had been reached in Nagoya. The question was now how to interpret the flexible language of the Protocol at the national level. The answer would have practical implications on the legal certainty ultimately created for both providers and users of genetic resources and traditional knowledge. Such legal certainty was the key to building mutual trust, which would in turn unlock the potential benefits of biodiversity. Approximately 25 countries that had signed the Protocol, of which 10 were from the African region, whereas only three developed countries had signed it so far. Implementation of the Protocol would be a difficult task as it hinged on national legislation, and the sweeping language of the preamble left little room for the operative articles to produce the positive results sought. The African Group, however, was committed to the process in good faith and hoped that the Protocol would finally end biopiracy and ensure the equitable and fair sharing of the benefits of genetic resources.

36. The representative of Japan, speaking on behalf of the President of the Conference of the Parties, reminded the meeting that his country had been pleased and honoured to host Conference of the parties that had seen the birth of the Nagoya Protocol. Japan had recently contributed one billion yen to further

the implementation of the Nagoya Protocol and reiterated that in spite of the recent natural disasters in Japan his country remained committed to early entry into force of the Nagoya Protocol.

ITEM 3. MODALITIES OF OPERATION OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

37. The Intergovernmental Committee took up agenda item 3 at the 2nd session of the meeting, on 6 June 2011.

38. In considering the item, the Intergovernmental Committee had before it the report of the expert meeting on the modalities of operation of the Access and Benefit-sharing Clearing-House (UNEP/CBD/ICNP/1/2), a note by the Executive Secretary on the tentative timeline and resource requirements for the implementation of the pilot phase and the adoption of the modalities of operation of the Access and Benefit-Sharing Clearing-House (UNEP/CBD/ICNP/1/3) and a note by the Executive Secretary on the timeline of suggested activities and resource requirements (UNEP/CBD/ICNP/1/7). Additionally, the documents prepared for the expert meeting were also made available for the information of the Intergovernmental Committee: a note by the Executive Secretary on issues for consideration in the establishment of the Access and Benefit-sharing Clearing-House (UNEP/CBD/ABS/EM-CH/1/2); a compilation of submissions provided by Parties, international organizations, indigenous and local community organizations and relevant stakeholders on the modalities of operation of the Access and Benefit-sharing Clearing-House (UNEP/CBD/ABS/EM-CH/1/3) and a compilation of submissions provided by Parties, international organizations, indigenous and local community organizations and relevant stakeholders on the modalities of operation of the Access and Benefit-sharing Clearing-House (Addendum) (UNEP/CBD/ABS/EM-CH/1/3/Add.1).

39. Introducing the item, the representative of the Secretariat said that thanks to the generous financial support from the European Commission, an expert meeting on the Access and Benefit-sharing Clearing-House had been held in Montreal from 11 to 14 April 2011 in order to explore practical considerations related to the establishment of the Clearing-House with a view to providing input to the first meeting of the Intergovernmental Committee and the report of that meeting, in particular section VI regarding priorities for a pilot phase of the Clearing-House could provide a good basis for discussion.

40. Ms. Lowe, Co-Chair, said that following discussion of the recommendation of the expert group on the priorities of the pilot phase, the Intergovernmental Committee would then consider the suggested timeline for activities and the resource requirements that were contained in document UNEP/CBD/ICNP/1/3.

3.1 Priorities for a pilot phase of the Access and Benefit-sharing Clearing-House

Phased development

41. The Intergovernmental Committee took up the recommendations of the expert group on phased development at the 2nd session of the meeting, on 6 June 2011.

42. In her introduction the Co-Chair said that the recommendations of the expert group on the phased development of the Clearing-House were to be found in paragraphs 55 to 57 of its report (UNEP/CBD/ICNP/1/2), and she asked the meeting for its views on those recommendations.

43. Statements, including proposals, were made by the representatives of Argentina, Brazil, Cuba, the European Union and its member States, Egypt, India, Indonesia, Iran (Islamic Republic of), Mexico, New Zealand, Norway and Switzerland.

44. A statement was also made by the representative of the Maritime Aboriginal Peoples Council.

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45. The Co-Chair said that there appeared to be a common understanding of what was meant by phased development and that there was general support for the recommendations of the expert group.

Information to be incorporated on a priority basis

46. The Intergovernmental Committee took up the recommendations of the expert group on the information to be incorporated on a priority basis at the 2nd session of the meeting, on 6 June 2011.

47. In her introduction to the agenda item, the Co-Chair asked the meeting for its views on paragraphs 58 and 59 of the report of the expert group (UNEP/CBD/ICNP/1/2). She also reminded the meeting that paragraph 58 of the report of the expert group had been taken from the Nagoya Protocol and represented agreed text. She reminded the meeting that it should not reopen negotiations on agreed text.

48. Statements, including proposals, were made by the representatives of Canada, Cuba, European Union and its member States, India, Iran (Islamic Republic of), Mexico, Namibia, the Philippines, Senegal, South Africa, Switzerland and Uganda.

49. The representative of Uganda said that there was a need to consider the ways in which information on access and benefit-sharing had contributed to the achievement of the Millennium Development Goals in addition to the information that had been identified as being particularly valuable during the pilot phase of the Clearing-House. The inclusion of such information would be important as it linked the third objective of the Convention on Biological Diversity to the Millennium Development Goals.

50. The Intergovernmental Committee continued its discussion of the agenda item at the 3rd session of the meeting, on 6 June 2011.

51. A statement was made by the representative of Saudi Arabia.

52. A statement was also made by the representative of the International Indigenous Forum on Biodiversity.

53. The Co-Chair said that a revised Co-Chair's text for the agenda item would be circulated as guidance in going forward with the pilot phase of the Clearing-House mechanism.

Submission of information

54. The Intergovernmental Committee took up consideration of the expert group's recommendations on the submission of information at the 3rd session of the meeting, on 6 June 2011.

55. The Co-Chair invited the participants to comment on paragraphs 60 to 63 of the report of the expert group (UNEP/CBD/ICNP/1/2).

56. Statements, including proposals, were made by the representatives of Canada, China, Egypt, Ethiopia, the European Union and its member States, Guatemala, Iran (Islamic Republic of), Mali, Mexico, Norway, Peru, Switzerland, Thailand, Timor-Leste and Uganda.

57. A statement was made by the International Treaty on Plant Genetic Resources for Food and Agriculture. A statement was also made by the International Indigenous Forum on Biodiversity.

58. The Co-Chair suggested that a "chapeau" might be inserted before paragraph 61 referring to the relevant articles of the Protocol. She asked for any other proposals to be submitted by delegations in writing so that the Secretariat could issue a revised text.

Information management

59. The Intergovernmental Committee took up consideration of the expert group's recommendations on information management at the 3rd session of the meeting, on 6 June 2011.

60. The Co-Chair invited the participants to comment on paragraphs 64 to 70 of the report of the expert group (UNEP/CBD/ICNP/1/2).

61. Statements, including proposals, were made by the representatives of Brazil, Canada, China, the European Union and its member States, Mali, Namibia, Switzerland, Thailand and the United Republic of Tanzania.

62. The Co-Chair said that the discussions had been useful as the Clearing-House mechanism was ultimately an information sharing portal. She said that she would prepare a revised Co-Chair's text that incorporated the suggestions that had been made and asked the Secretariat to explain the distinction between metadata and primary data.

63. The representative of the Secretariat explained that primary data represented the substantive content of the database while metadata were the descriptors of the primary data allowing for its organization and classification. As such, the metadata was independent of the primary data and its main purpose was to facilitate searching and retrieval of the primary data.

Networking with existing mechanisms

64. The Intergovernmental Committee took up consideration of the expert group's recommendations on networking with existing mechanisms at the 3rd session of the meeting, on 6 June 2011.

65. Statements were made by the representatives of Brazil and the European Union and its member States.

66. Statements were also made by the representatives of the International Treaty on Plant Genetic Resources for Food and Agriculture and the World Intellectual Property Organization.

67. A statement was also made by the representative of the Tulalip Tribes.

Capacity-building and reporting requirements

68. The Intergovernmental Committee took up consideration of the expert group's recommendations on capacity-building and reporting requirements at the 3rd session of the meeting, on 6 June 2011.

69. The Co-Chair said that the Committee appeared to be satisfied with the recommendations of the expert group.

3.2 Suggested timeline, activities, funding and resources requirements

70. The Intergovernmental Committee took up consideration of agenda item 3.2 at the 3rd session of the meeting, on 6 June 2011.

71. In introducing the agenda item, the Co-Chair said that document UNEP/CBD/ICNP/1/3 contained a table of suggested activities and timeline for the implementation of the pilot phase, modalities of operation of the Access and Benefit-sharing Clearing-House as well as a list of the additional funding and resources required.

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72. Statements were made by the representatives of Colombia, Cuba, the European Union and its member States, Japan, Norway, the Philippines and Saint Lucia.

73. At the request of the Co-Chair a representative of the Secretariat explained that the Secretariat would make an analysis of the system requirements before going on to look at the features to be implemented in the system. The system would then be tested, after which the Secretariat would undertake an analysis of the feedback that it had received from those that had used the system. Once the guidelines had been approved the Secretariat would draft the modalities of operation of the Clearing-House and then launch the pilot project at the second meeting of the Intergovernmental Committee.

74. The representative of the Secretariat also explained that it was important to engage the team leader of the pilot phase before engaging a database designer. Both positions were important, as was adequate provision for administrative support and for outsourcing information technology developments.

75. The Co-Chair said that some of the participants had expressed the hope that the pilot phase would be started as soon as possible, and immediately after the present meeting. However, it was also important to get the design of the Clearing-House right at the start of the project and it was therefore clear that the pilot phase could not start immediately after the meeting.

76. The Co-Chair also observed that the Committee had held fruitful discussions which had built upon the momentum that had been achieved at Nagoya. She said that she would prepare a revised text on the modalities of the operation of the Access and Benefit-sharing Clearing-House for the consideration of the Intergovernmental Committee.

77. She also asked the Secretariat to further explain the funding and resource requirements at a subsequent session of the meeting.

78. At the 5th session of the meeting, on 7 June 2011, the Co-Chair submitted a draft recommendation on the modalities of operation of the Access and Benefit-sharing Clearing-House, together with guidance for the pilot phase of the Access and Benefit-sharing Clearing-House, for the consideration of the Intergovernmental Committee.

79. At the 7th session of the meeting, on 8 June 2011 the representative of the Secretariat introduced the note by the Executive Secretary on the timeline of suggested activities and resource requirements contained in document UNEP/CBD/ICNP/1/7. She said that the document had been prepared by the Executive Secretary to assist the Intergovernmental Committee in planning the resource and funding requirements by giving it an overview of all the activities being proposed under agenda items 3 to 6.

80. In addition to document UNEP/CBD/ICNP/1/7, the draft recommendations of the Co-Chair and the guidance on the pilot phase of the Clearing-House, the Committee also had before it an indicative timeline and resources for the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House.

81. Statements were made by the representatives of Australia, Canada, Ethiopia, the European Union and its member States, Namibia and Uganda.

82. At the 8th session of the meeting, on 8 June 2011, further statements, including proposals, were made by the representatives of China, Colombia, the European Union and its member States, Guatemala, Iran (Islamic Republic of), India, Japan, Nepal, New Zealand, Norway, the Philippines, Switzerland and Uganda.

83. A statement was also made by the representative of the International Indigenous Forum on Biodiversity.

84. The Co-Chair said that there seemed to be a general agreement that the objective of the pilot phase of the Access and Benefit-sharing Clearing-House was to establish a simple, user-friendly, efficient, secure, flexible and functional information-sharing mechanism. A long list of potential types of information would be incorporated in that phase.

85. A representative of the Secretariat explained that a simple system would be operational as soon as adequate financial and other resources were made available. He also stressed the role of a good programme manager in the timely launch of the pilot phase.

86. The representative of Iran (Islamic Republic of) wished the report to note the importance that had been attached by several speakers to the need to ensure adequate funding for national Clearing-House mechanisms under the Nagoya Protocol in addition to the Access and Benefit-sharing Clearing House.

87. Following the discussion, the Co-Chair said that she would, in consultation with the Secretariat revise the the draft recommendations and the guidance on the pilot phase of the Clearing-House, as well as the indicative timeline and resources for the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House, taking into consideration the interventions that had been made by the participants.

88. At the 10th session of the meeting, on 9 June 2011, the meeting took up a revised draft recommendation on the modalities of operation of the Access and Benefit-sharing Clearing-House.

89. A representative of the Secretariat said that the Secretariat had taken note of all the concerns raised by the parties regarding the timeline and resources required for the establishment of the pilot phase of the Clearing-House and fully understood, and shared, the view that a first version of the pilot phase should be available, as soon as possible. The Secretariat was committed to undertake all necessary efforts to meet that objective, but unfortunately, there were no existing resources within the Secretariat to develop the Access and Benefit-sharing Clearing House. The pilot phase could not be developed without additional resources, and the earlier the Secretariat received the necessary financial assistance, the earlier the pilot phase would start.

90. Statements, including amendments, were made by the representatives of Canada, China, the European Union and its member States, Namibia, the Philippines, South Africa and Switzerland.

91. The representative of France spoke on a point of order.

ITEM 4. MEASURES TO ASSIST IN CAPACITY-BUILDING, CAPACITY DEVELOPMENT AND STRENGTHENING OF HUMAN RESOURCES AND INSTITUTIONAL CAPACITIES IN DEVELOPING COUNTRIES AND PARTIES WITH ECONOMIES IN TRANSITION

92. The Intergovernmental Committee took up agenda item 4 at the 3rd session of the meeting, on 7 June 2011.

93. In considering the item, the Intergovernmental Committee had before it notes by the Executive Secretary on measures to assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition (UNEP/CBD/ICNP/1/4) and the timeline of suggested activities and resource requirements (UNEP/CBD/ICNP/1/7). It also had before it, as information documents, a synthesis of the views and information provided in relation to capacity-building, capacity development and strengthening of human resources and institutional capacities (UNEP/CBD/ICNP/1/INF/3), and the Action Plan on Capacity-Building for Access to Genetic Resources and Benefit-sharing (2004) as an information document (UNEP/CBD/ICNP/1/INF/5).

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94. Mr. Fernando Casas, Co-Chair, said that document UNEP/CBD/ICNP/1/4, in section VI, contained a number of elements that could be included as part of a strategic approach to assist in the capacity-building and development for Access and Benefit-sharing under the Nagoya Protocol. He asked the participants for their views on the proposed elements and whether there was a need for any additional elements. He also asked the participants not to further define the elements at the present session, as an opportunity for that exercise would be given to them later on.

95. Statements were made by the representatives of Argentina, Bhutan, Brazil, Canada, Colombia, Ecuador, Egypt, the European Union and its member States, Guatemala, India, Indonesia, Japan, Mali, Mexico, Niger, Norway, Republic of Korea, Saint Lucia, Switzerland, Thailand, Timor-Leste, Uganda, United Republic of Tanzania, and Vietnam.

96. Statements were also made by the representatives of the International Indigenous Forum on Biodiversity and the Maritime Aboriginal Peoples Council.

97. The Co-Chair said that there had been a good discussion of the elements for the strategic approach and that he would prepare a revised list of elements that took into consideration the observations that had been made. He also said that a number of comments had been made on the process to be followed, which had been addressed in section VII of the document, and he asked the Committee for further views on the process to be followed.

98. Statements were made by the representatives of Argentina, Brazil, Canada, Cuba, the European Union and its member States, Guatemala, Japan, Mexico, Nepal, New Zealand and Rwanda.

99. Statements were also made by the representatives of the International Indigenous Forum on Biodiversity and the Maritime Aboriginal Peoples Council.

100. The Co-Chair said that he would incorporate the observations made by the participants into a revised text that he would prepare. However, as there were still divergent views on the organization of an expert meeting to develop a draft strategic approach, he suggested that further discussion of that issue wait until the Intergovernmental Committee had considered the timeline of suggested activities and resource requirements contained in document UNEP/CBD/ICNP/1/7.

101. At the 8th session of the meeting, on 8 June 2011, the Co-Chair submitted a draft recommendation on measures to assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition.

102. Statements were made by the representatives of the Canada, China, Ethiopia, the European Union and its members States and Guatemala.

103. A statement was also made by the representative of International Indigenous Forum on Biodiversity.

104. The Co-Chair said that he would, with the assistance of the Secretariat, revise the draft recommendations, taking into consideration the interventions that had been made by the participants.

105. At the 10th session of the meeting, on 9 June 2011, the meeting took up a revised draft recommendation on measure to assist in capacity-building and development and the strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition.

106. Statements, including amendments, were made by the representatives of the European community and its member States and New Zealand.

ITEM 5. MEASURES TO RAISE AWARENESS OF THE IMPORTANCE OF GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE AND RELATED ACCESS AND BENEFIT-SHARING ISSUES

107. The Intergovernmental Committee took up agenda item 5 at the 4th session of the meeting, on 7 June 2011.

108. In considering the item, the Intergovernmental Committee had before it notes by the Executive Secretary on measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit-sharing issues (UNEP/CBD/ICNP/1/5) and the timeline of suggested activities and resource requirements (UNEP/CBD/ICNP/1/7). It also had before it an information document providing an overview of experiences and initiatives on awareness-raising on access and benefit-sharing and under different multilateral environmental agreements (UNEP/CBD/ICNP/1/INF/2).

109. In her introduction to the agenda item, Ms. Lowe, Co-Chair, asked the meeting for its views on the documents under consideration. She drew particular attention to the annex to document UNEP/CBD/ICNP/1/5, containing an outline of the four priority activities to be undertaken in the framework of an awareness-raising strategy for the Nagoya Protocol, and to the two options described in paragraph 43 (b) of that document, with regard to either submitting the revised draft strategy for the further consideration and adoption by the first meeting of the Parties to the Nagoya Protocol, or identifying further work to be carried out intersessionally.

110. Statements, including proposals, were made by the representatives of Argentina, Bhutan, Brazil, Canada, Colombia, Egypt, the European Union and its member States, India, Indonesia, Iran (Islamic Republic of), Japan, Mexico, Norway, Saint Lucia, Switzerland and Zambia.

111. A statement was made by the representative of the Maritime Aboriginal Peoples Council.

112. A statement was also made by the Institute of Forest and Environmental Policy (IFP).

113. The Co-Chair said that certain common themes had emerged from the discussion, such as the importance of needs-based awareness-raising at the national level, the potential value of regional and subregional sharing of lessons learnt, the good work being done by the GEF and the need for adequate resources to carry out the envisaged activities. She reminded members that valuable case studies could be drawn from the long experience of CBD in awareness-raising.

114. The Co-Chair also pointed out that, if the members chose option 2 of paragraph 43 (b), the Secretariat would need clarification about what additional activities would be required.

115. The Intergovernmental Committee continued its discussion of the agenda item at the 5th session of the meeting, on 7 June 2011.

116. The Co-Chair asked the meeting for its views on what additional activities were required for awareness-raising strategy but reminded the participants that it was important not to overload the agenda of the next meeting of the Intergovernmental Committee. She reminded the meeting that although there was general agreement on the importance of awareness-raising, that issue often was pushed aside

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because of the need to consider other pressing business. She also invited the GEF to explain the different resources that it could make available to fund awareness-raising activities.

117. The representative of the GEF explained that the GEF had two funding-windows available for financing capacity-building and awareness-raising activities under the Nagoya Protocol. One window was the Nagoya Protocol Implementation Fund which had been recently approved at the 40th meeting of the Governing Council of the GEF, and he said that a list of the activities that could be funded under that window was available on the GEF's website. Another was the GEF's Trust Fund which could also be used to fund access and benefit-sharing activities under the Convention on Biological Diversity, although there was no separate category for such activities under that window.

118. Statements were made by the representatives of the Ethiopia, European Union and its members States, Guatemala, Japan, Mexico and Norway.

119. The Co-Chair said that there appeared to be agreement that more time was required for further input on the awareness-raising strategy but she reminded the participants that in order to add value in that process there needed to be a significant response by the Parties. She also said that the timeline for the process would be further considered when the meeting considered the timeline of suggested activities and resource requirements (UNEP/CBD/ICNP/1/7).

120. At the 9th session of the meeting, on 9 June 2011, the Co-Chair submitted a draft recommendation on measures to raise awareness of the importance of genetic resources and associated traditional knowledge.

121. An amendment was made by the representative of the European Union and its member States.

ITEM 6. COOPERATIVE PROCEDURES AND INSTITUTIONAL MECHANISMS TO PROMOTE COMPLIANCE WITH THE PROTOCOL AND TO ADDRESS CASES OF NON-COMPLIANCE

122. The Intergovernmental Committee took up agenda item 6 at the 5th session of the meeting, on 7 June 2011.

123. In considering the item, the Intergovernmental Committee had before it notes by the Executive Secretary on cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance (UNEP/CBD/ICNP/1/6) and the timeline of suggested activities and resource requirements (UNEP/CBD/ICNP/1/7). It also had before it information documents providing an overview of compliance procedures and mechanisms established under other multilateral environmental agreements (UNEP/CBD/ICNP/1/INF/1), and the cooperative procedures and institutional mechanisms on compliance: the Cartagena Protocol on Biosafety and the International Treaty of Plant Genetic Resources for Food and Agriculture (UNEP/CBD/ICNP/1/INF/4).

124. Mr. Casas, Co-Chair, reminded the participants that Article 30 of the Nagoya Protocol required that the Conference of the Parties serving as the meeting of the Parties to the Protocol would, at its first meeting, consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol, and address cases of non-compliance. He said that at the present meeting the participants were required to agree on the process to be followed in further consideration of the item. In that regard he invited the participants to discuss document UNEP/CBD/ICNP/1/6, with particular reference to section IV, where options on the next steps were produced.

125. Statements, including proposals, were made by Argentina, Australia, Brazil, Canada, China, Cuba, Egypt (on behalf of the African Group), the European Union and its member States, India, Japan, New Zealand, Norway, Peru, Republic of Korea, and South Africa.

126. The Co-Chair said that the Secretariat needed to address the issues raised by some delegations with regard to paragraphs 6 and paragraph 18 of the document.

127. At the 6th and 7th session of the meeting, on 8 June 2011, the Intergovernmental Committee continued its discussion of the agenda item.

128. Statements were made by the representatives of China, Egypt, Peru (on behalf of the Latin American and Caribbean Group) and Ukraine (on behalf of the Central and Eastern European Group).

129. The Co-Chair thanked the regional and subregional groups for their input with regard to document UNEP/CBD/ICNP/1/6 and gave the floor to the representative of the.

130. The representative of the Secretariat said that the Secretariat had identified errors in document UNEP/CBD/ICNP/1/6 and would issue a revised version.

131. Statements were made by the representatives of the Cameroon (on behalf of the African Group), China, Egypt, the European Union and its member States, Indonesia, Iran (Islamic Republic of), Peru, Samoa, Saudi Arabia and Switzerland.

132. A statement was also made by the representative of the Maritime Aboriginal Peoples Council.

133. Following the discussion, the Co-Chair said that the Co-Chairs would develop draft recommendations for the consideration of the Committee that took into account the views that had been expressed.

134. At the 9th session of the meeting, on 9 June 2011, the Co-Chair submitted a draft recommendation on cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance.

135. Statements, including proposals, were made by the representatives of Australia, Bangladesh, Brazil, Cameroon (on behalf of the African Group), Canada, China, Cuba, Egypt, the European Union and its member States, India, Iran (Islamic Republic of), Japan, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland, and Ukraine.

136. The representative of the Secretariat drew attention to document UNEP/CBD/ICNP/1/7, containing a timeline of suggested activities and resource requirements in an annexed table. She noted that existing resources did not cover the cost of an expert meeting and that the cost of such a meeting depended, among other things, on the venue and the number of sponsored participants.

137. The Committee continued its discussion of the draft recommendations at its 10th session of the meeting, on 9 June 2011.

138. Statements, including proposals, were made by the representatives of Argentina, Cameroon (on behalf of the African Group), Canada, China, Egypt, Iran (Islamic Republic of), Mexico and Peru (on behalf of the Latin American and Caribbean Group).

139. Statement was made by the representatives of the Indigenous Forum on Biodiversity and the Maritime Aboriginal Peoples Council.

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140. The Co-Chair said that the Committee had completed its consideration of the draft recommendations, as orally amended.

141. The representative of Iran (Islamic Republic of) proposed a further amendment to the draft recommendations.

142. Further amendments were proposed by the representatives of the European Union and its member States and the Philippines.

ITEM 7. OTHER MATTERS

1. *[To be completed]*.

ITEM 8. ADOPTION OF THE REPORT

2. *[To be completed]*.

ITEM 9. CLOSURE OF THE MEETING

3. *[To be completed]*.
