



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/ICNP/1/1/Add.1/Rev.1  
16 May 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

Item 2 of the provisional agenda\*

### ORGANIZATIONAL MATTERS

#### *Revised annotated provisional agenda*

### INTRODUCTION

1. 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 to the Convention on Biological Diversity (the Intergovernmental Committee) was established by the Conference of the Parties to the Convention in paragraph 7 of its decision X/1.
2. In paragraph 8 of the same decision, the Conference of the Parties decided “that the Intergovernmental Committee shall 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, at which time it will cease to exist, taking into account the budgetary provisions adopted by the Conference of the Parties;” In paragraph 10, it decided that the Intergovernmental Committee shall hold its first meeting from 6 to 10 June 2011.
3. In paragraph 11 of the decision, the Conference of the Parties also decided that: “[T]he Co-Chairs of the Intergovernmental Committee shall be Mr. Fernando Casas (Colombia) and Mr. Timothy Hodges (Canada) and that the first Intergovernmental Committee will be preceded by a one-day meeting to elect its Bureau and agree on other organizational matters. To that effect, the President is mandated to undertake the necessary consultations.”
4. In paragraph 12 of the decision, the Conference of the Parties endorsed the work plan for the Intergovernmental Committee contained in annex II to decision X/1 which identifies issues for consideration by the Intergovernmental Committee at its first and second meetings.

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\* UNEP/CBD/ICNP/1/1

5. Issues for consideration by the Intergovernmental Committee at its first meeting are the following:

(a) The modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities (Article 14, para. 4);

(b) Measures to assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition, taking into account the needs identified by the Parties concerned for the implementation of the Protocol (Article 22);

(c) Measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues (Article 21);

(d) Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance, including procedures and mechanisms to offer advice or assistance, where appropriate (Article 30).

6. Following the tenth meeting of the Conference of the Parties, notifications 2010-216 and 2010-217 (ref. No. SCBD/ABS/VN/SG/74553) dated 16 December 2010, were sent out to, respectively, Parties and international organizations, indigenous and local communities and relevant stakeholders inviting them to submit views and other information in preparation for the first meeting of the Intergovernmental Committee. These submissions have been made available at <http://www.cbd.int/icnp1/submissions/> as received by the Secretariat. In addition, the views and information provided were also taken into account in the preparation of the documentation for the meeting.

7. In accordance with decision X/1, the first meeting of the Intergovernmental Committee will be preceded by an organizational meeting of the Intergovernmental Committee on 5 June 2011. Therefore, the opening session of the Intergovernmental Committee will take place on 5 June 2011, at 3 p.m., to allow for the election of its Bureau, one of its co-chairs and to discuss any other organizational matters. Item 3 of the agenda, as well as the following agenda items, will be taken up by the Committee, from 6 to 10 June 2011.

8. The documents for the meeting are listed in annex I. They were made available on the Secretariat's website at <http://www.cbd.int/doc/?meeting=ICNP-01> as they were finalized.

9. The meeting will be held at the headquarters of the International Civil Aviation Organization (ICAO). Registration of participants will take place at the meeting venue from 8 a.m. to 6 p.m. from Saturday 4 June 2011 until Tuesday 7 June 2011.

10. An information note containing details regarding logistical arrangements for the meeting, including registration, information on travel, visa requirements, accommodation and other matters is available at <http://www.cbd.int/doc/?meeting=ICNP-01>.

## **ITEM 1. OPENING OF THE MEETING**

11. The meeting will be opened by the Presidency of the tenth meeting of the Conference of the Parties. The Executive Secretary will make introductory remarks.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### **2.1. Officers**

12. In paragraph 11 of decision X/1, the Conference of the Parties decided:

“[T]hat the Co-Chairs of the Intergovernmental Committee shall be Mr. Fernando Casas (Colombia) and Mr. Timothy Hodges (Canada) and that the first Intergovernmental Committee will be preceded by a one day meeting to elect its Bureau and agree on other organizational matters. To that effect, the President is mandated to undertake the necessary consultations.”

13. Following discussions by the Bureau at its meeting held in Kanazawa, Ishikawa Prefecture, Japan, on 19 December 2010, Parties were invited to consult with a view to nominate two representatives from each of the five United Nations regions to serve on the Bureau of the Intergovernmental Committee. The two co-chairs will be additional to the ten representatives elected on a regional basis. Parties were requested to send their nominations to the Secretariat no later than 1 May 2011 so that the President could conclude his consultations before the meeting of the Intergovernmental Committee.

14. The Government of Canada has since informed the Executive Secretary that Mr. Hodges, having undertaken new duties, is no longer available to chair the Committee.

15. Against this background, and further to consultations carried out by the President of the Conference of the Parties, the Committee is invited to elect its Bureau and the co-chair of the Committee as a replacement for Mr. Hodges.

16. The meeting will be chaired by Mr. Fernando Casas from Colombia and the new elected co-chair of the Intergovernmental Committee. In accordance with rule 21 of the rules of procedure (which apply *mutatis mutandis* to meetings of the Intergovernmental Committee pursuant to paragraph 5 of rule 26, of the rules of procedure), one of the Bureau members shall act as Rapporteur.

### **2.2. Adoption of the agenda**

17. The Intergovernmental Committee may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/ICNP/1/1) prepared by the Secretariat in accordance with the work plan for the Intergovernmental Committee adopted by the Conference of the Parties in decision X/1.

### **2.3. Organization of work**

18. It is proposed that the Intergovernmental Committee conduct its work in plenary, with the understanding that contact groups may be established, as needed, to address specific agenda items depending on progress made and keeping in mind the need to make the most effective use of the time available. With these considerations in mind, an indicative timetable is contained in annex II below.

19. Interpretation will be provided in the six official languages of the United Nations for the plenary sessions of the meeting.

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

20. As set out in annex II to decision X/1, the Intergovernmental Committee is to consider at its first meeting “the modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities”. (Article 14, para. 4)

21. Thanks to the generous financial support provided by the European Commission, an expert meeting on the Access and Benefit-sharing (ABS) Clearing-House was held in Montreal from 11 to 14 April 2011 in order to explore practical considerations related to the establishment of the ABS Clearing-House with a view to provide input to the first meeting of the Intergovernmental Committee and to assist Parties with the early ratification and implementation of the Nagoya Protocol.

22. The Intergovernmental Committee will have before it the report of the expert meeting (UNEP/CBD/ICNP/1/2) for its consideration. Parties may wish to consider the outcomes of this meeting as a basis for their discussions and recommend the next steps in the preparatory work for the functioning of the ABS Clearing-House keeping in mind that, in accordance with paragraph 4 of Article 14 of the Protocol, “the modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities, shall be considered and decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first meeting, and kept under review thereafter”.

23. As requested by the expert meeting, the Secretariat has prepared a tentative timeline and estimate of resources required 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).

24. Finally, the documents prepared for the expert meeting are also made available for the information of the Intergovernmental Committee:

(a) Issues for consideration in the establishment of the Access and Benefit-sharing Clearing-House (UNEP/CBD/ABS/EM-CH/1/2);

(b) 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);

(c) 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).

### **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**

25. In accordance with decision X/1, annex II, the Intergovernmental Committee is invited to consider “measures to assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition, taking into account the needs identified by the Parties concerned for the implementation of the Protocol (Article 22)”.

26. In paragraph 17 of decision X/1, the Conference of the Parties invited “Parties that are developing countries, in particular the least developed countries and small island developing States, as well as Parties with economies in transition, to make an initial identification of their needs in relation to capacity-building, capacity development and strengthening of human resources and institutional capacities in order to effectively implement the Protocol and to make this information available to the Executive Secretary no later than two months prior to the first meeting of the Intergovernmental Committee.”

27. In accordance with the above, by notification 2010-216 and 2010-217 of 16 December 2010, Parties, international organizations, indigenous and local communities, and relevant stakeholders were invited to provide relevant information to the Executive Secretary by 31 March 2011. A synthesis of the views and information provided is made available to the Intergovernmental Committee in document UNEP/CBD/ICNP/1/INF/3.

28. Under this item, the Committee will have before it a note by the Executive Secretary (UNEP/CBD/ICNP/1/4) that provides possible elements of a strategic approach to capacity-building and development under the Nagoya Protocol based on previous and existing experience in capacity-building for access and benefit-sharing as well as on capacity-building measures and approaches under other multilateral environmental agreements.

29. For ease of reference, the Action Plan on Capacity-building for Access and Benefit-sharing, adopted by the Conference of the Parties at its seventh meeting in decision VII/19F is also available (UNEP/CBD/ICNP/1/INF/5).

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

30. Under this agenda item, and in accordance with decision X/1, annex II, the Committee is invited to consider “measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues”, as set out in Article 21 of the Nagoya Protocol.

31. The Committee will have before it a note by the Executive Secretary (UNEP/CBD/ICNP/1/5) containing suggested elements of an awareness-raising strategy for the Nagoya Protocol and a proposed timetable for its implementation. In addition, an information document providing an overview of experiences and initiatives on awareness-raising on access and benefit-sharing as well as under different multilateral environmental agreements (UNEP/CBD/ICNP/1/INF/2) will also be available.

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

32. Under this agenda item and in accordance with decision X/1, annex II, the Committee is invited to consider “cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance, including procedures and mechanisms to offer advice or assistance, where appropriate”, as set out in Article 30 of the Nagoya Protocol. As part of its consideration the Committee may wish to address the elements and options for a compliance regime under the Protocol, drawing from experience gained in other multilateral environmental agreements such

as the Cartagena Protocol on Biosafety and the International Treaty on Plant Genetic Resources for Food and Agriculture.

33. The Committee will consider a note prepared by the Executive Secretary (UNEP/CBD/ICNP/1/6), as well as an information document providing an overview of compliance mechanisms established under other multilateral environmental agreements (UNEP/CBD/ICNP/1/INF/1).

34. In addition, the full texts of the compliance procedures and mechanisms of the Cartagena Protocol on Biosafety and the International Treaty for Plant Genetic Resources for Food and Agriculture will also be available (UNEP/CBD/ICNP/1/INF/4) for ease of reference.

#### **ITEM 7. OTHER MATTERS**

35. Under this item, participants may wish to raise any other matters related to the subject-matter of the meeting.

#### **ITEM 8. ADOPTION OF THE REPORT**

36. The Intergovernmental Committee will be invited to adopt its report on the basis of the draft report of the meeting to be presented by the Rapporteur.

#### **ITEM 9. CLOSURE OF THE MEETING**

37. The meeting is expected to be closed at 6 p.m. on Friday 10 June 2011.

*Annex I*

**DOCUMENTATION FOR THE FIRST MEETING OF THE OPEN-ENDED AD HOC  
INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL ON  
ACCESS AND BENEFIT-SHARING**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/ICNP/1/1	Provisional agenda
UNEP/CBD/ICNP/1/1/Add.1	Annotated provisional agenda
UNEP/CBD/ICNP/1/1/Add.1/Rev.1	Revised annotated provisional agenda
UNEP/CBD/ICNP/1/2	Report of the expert meeting on the modalities of operation of the Access and Benefit-sharing Clearing-House
UNEP/CBD/ICNP/1/3	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/1/4	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/1/5	Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit-sharing issues
UNEP/CBD/ICNP/1/6	Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance
<a href="http://www.cbd.int/doc/?meeting=ICNP-01">http://www.cbd.int/doc/?meeting=ICNP-01</a>	Submissions provided by Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders in preparation for the first meeting of the Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and Benefit-sharing
UNEP/CBD/ICNP/1/INF/1	Overview of compliance procedures and mechanisms established under other multilateral environmental agreements
UNEP/CBD/ICNP/1/INF/2	Overview of experiences and initiatives on awareness-raising on access and benefit-sharing and under different multilateral environmental agreements
UNEP/CBD/ICNP/1/INF/3	Synthesis of views and information provided in relation to capacity-building, capacity development and

/...

	strengthening of human resources and institutional capacities
UNEP/CBD/ICNP/1/INF/4	Cooperative procedures and institutional mechanisms on compliance: the Cartagena Protocol on Biosafety and the International Treaty of Plant Genetic Resources for Food and Agriculture- Note by the Executive Secretary
UNEP/CBD/ICNP/1/INF/5	Action Plan on Capacity-Building for Access to Genetic Resources and Benefit-sharing (2004)
UNEP/CBD/ABS/EM-CH/1/2	Issues for consideration in the establishment of the Access and Benefit-Sharing Clearing-House
UNEP/CBD/ABS/EM-CH/1/3	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/Add.1	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)



*Annex II*

**PROPOSED ORGANIZATION OF WORK FOR THE FIRST MEETING OF THE  
OPEN-ENDED AD HOC INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA  
PROTOCOL**

	<i>Plenary</i>
<i>Sunday, 5 June 2011</i> 3 p.m. to 5 p.m.	Item 1. Opening of the meeting. Item 2. Organizational matters: 2.1. Officers; 2.2. Adoption of the agenda; 2.3. Organization of work.
<i>Monday, 6 June 2011</i> 10 a.m. to 1 p.m. 3 p.m. to 6 p.m.	Item 3. Modalities of operation of the Access and Benefit-sharing Clearing-House. Item 3. ( <i>continued</i> )
<i>Tuesday, 7 June 2011</i> 10 a.m. to 1 p.m. 3 p.m. to 6 p.m.	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 Item 4. ( <i>continued</i> )
<i>Wednesday, 8 June 2011</i> 10 a.m. to 1 p.m. 3p.m. to 6 p.m.	Item 5. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit- sharing issues. Item 5. ( <i>continued</i> )
<i>Thursday, 9 June 2011</i> 10 a.m. to 1 p.m. 3 p.m. to 6 p.m.	Item 6. Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance. Item 6. ( <i>continued</i> )
<i>Friday, 10 June 2011</i> 10 a.m. to 1 p.m. 3 p.m. to 6 p.m.	Item 7. Other matters. Item 8. Adoption of report. Item 9. Closure of the meeting.