



Convention on Biological Diversity

Distr. GENERAL

UNEP/CBD/COP/11/6
26 July 2012

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Eleventh meeting
Hyderabad, India, 8-20 October 2012
Item 1.7 of the provisional agenda*

REPORT OF THE SECOND 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

INTRODUCTION

1. The second 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 Vigyan Bhawan Convention Centre in New Delhi, from 2 to 6 July 2012. The meeting was preceded by a capacity-building workshop on access and benefit-sharing, held on 30 June and 1 July 2012.

2. The second meeting of the Intergovernmental Committee was attended by representatives of the following Parties and other Governments:

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|--------------------------|--------------------|----------------|
| Angola | Chad | Ecuador |
| Antigua and Barbuda | Chile | Egypt |
| Argentina | China | Ethiopia |
| Australia | Colombia | European Union |
| Azerbaijan | Comoros | Fiji |
| Bangladesh | Congo | Finland |
| Belarus | Costa Rica | France |
| Belgium | Côte d'Ivoire | Georgia |
| Benin | Croatia | Germany |
| Bhutan | Cuba | Ghana |
| Brazil | Cyprus | Grenada |
| Burkina Faso | Czech Republic | Guatemala |
| Cambodia | Denmark | Guinea |
| Cameroon | Djibouti | Guinea-Bissau |
| Canada | Dominica | Honduras |
| Central African Republic | Dominican Republic | India |

* UNEP/CBD/COP/11/1.

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| Indonesia | Mozambique | Solomon Islands |
| Iraq | Myanmar | Somalia |
| Ireland | Namibia | South Africa |
| Israel | Nepal | Spain |
| Italy | Netherlands | Sudan |
| Jamaica | New Zealand | Swaziland |
| Japan | Niger | Sweden |
| Jordan | Nigeria | Switzerland |
| Kazakhstan | Norway | Syrian Arab Republic |
| Kiribati | Oman | Thailand |
| Kuwait | Pakistan | Timor-Leste |
| Liberia | Papua New Guinea | Tunisia |
| Madagascar | Peru | Uganda |
| Malawi | Philippines | Ukraine |
| Malaysia | Poland | United Kingdom of Great Britain and Northern Ireland |
| Maldives | Republic of Korea | United Republic of Tanzania |
| Mali | Republic of Moldova | Uruguay |
| Marshall Islands | Rwanda | Yemen |
| Mauritania | Saint Lucia | Zambia |
| Mauritius | Senegal | Zimbabwe |
| Mexico | Serbia | United States of America |
| Mongolia | Seychelles | |
| Morocco | Singapore | |

3. Observers from the following United Nations bodies, specialized agencies and other bodies also attended:

| | |
|---|---|
| Food and Agriculture Organization of the United Nations | United Nations Development Programme |
| Global Environment Facility | United Nations Environment Programme |
| International Treaty on Plant Genetic Resources for Food and Agriculture, FAO | United Nations University - Institute of Advanced Studies |
| | World Intellectual Property Organization |

4. The following organizations were also represented by observers:

| | |
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| Academy of International Studies (India) | Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) |
| African Indigenous Women Organization (Nairobi) | ECOROPA |
| ASEAN Centre for Biodiversity | ESRC Centre for Social and Economic Aspects of Genomics (Cesagen) |
| Beijing Language and Culture University | Fridtjof Nansen Institute |
| Berne Declaration | Global Industry Coalition |
| Bioversity International | Intellectual Property Owners Association |
| Bombay Natural History Society | International Center for Integrated Mountain Development |
| CAB International | International Chamber of Commerce |
| CBD Alliance and Kalpavriksh | International Union for the Protection of New Varieties of Plants |
| Center for Biodiversity Studies (CBS) - India | IUCN - International Union for Conservation of Nature |
| Centre for Environment Education | Metis National Council |
| Centre for International Sustainable Development Law | National Center for Seeds and Seedlings |
| Centro de Estudios Multidisciplinarios Aymara | National Institute of Agrobiological Sciences |
| Church Development Service | Natural Justice (Lawyers for Communities and the Environment) |
| CII-ITC Centre of Excellence for Sustainable Development | |
| Conservation International | |

Nature Foundation (India)
 Neighbour Organization Nepal
 Nepal Indigenous Nationalities Preservation
 Association (NINPA)
 Öko-Institut /Institute for Applied Ecology
 PondyCAN (India)
 Russian Association of Indigenous Peoples of
 the North (RAIPON)
 SAMVEDI (India)

South Asia Co-operative Environment
 Programme
 South Centre
 Third World Network
 University of Rome Sapienza
 University of Tsukuba
 WWF
 YNN India Biodiversity Action Plan

ITEM 1. OPENING OF THE MEETING

5. The meeting was opened at 10.15 a.m. on Monday, 2 July 2012, by Ms. Rina Simon Khanna, on behalf of the Ministry of Environment and Forests, Government of India, who welcomed the participants to the meeting and extended a special floral greeting to: Mr. Tishyarakshit Chatterjee, Vice Minister, Ministry of Environment and Forests, Government of India; Mr. M.F. Farooqui, Special Secretary, Ministry of Environment and Forests, Government of India; Mr. Braulio Ferreira de Souza Dias, Executive Secretary of the Convention on Biological Diversity; Mr. Hem Pande, Joint Secretary, Ministry of Environment and Forests, Government of India; and the Co-Chairs of the Intergovernmental Committee, Ms. Janet Lowe (New Zealand) and Mr. Fernando Casas (Colombia).

6. Ms. Simon Khanna said that all auspicious occasions in India commenced with the lighting of a lamp. The light symbolized knowledge, and just as light removed darkness, knowledge removed ignorance. Knowledge was the lasting inner wealth by which all outer achievement could be accomplished and, by lighting a lamp, knowledge was acknowledged as the greatest of all forms of wealth. She invited the recipients of the floral greeting to join together in the lighting of the ceremonial lamp.

7. Opening statements were made by: Mr. Braulio Ferreira de Souza Dias, Executive Secretary of the Convention on Biological Diversity; Mr. M.F. Farooqui, Special Secretary, Ministry of Environment and Forests, Government of India; and Mr. Tishyarakshit Chatterjee, Vice-Minister, Ministry of Environment and Forests, Government of India.

8. Mr. Dias expressed his appreciation to the Government and people of India, as well as the City of New Delhi, for hosting the meeting. Given India's pioneering role in advancing the Convention's objective of achieving the fair and equitable sharing of benefits arising from the use of genetic resources, it provided an ideal setting for the meeting. He also conveyed his gratitude to the Governments of Germany, Japan, Norway and United Kingdom for the financial support they had provided for the meeting. He said that it was one of his priorities as Executive Secretary to push for an early ratification and entry into force of the Nagoya Protocol. In view of ongoing efforts in that regard, his expectation was that the Protocol would enter into force between the eleventh and twelfth meeting of the Conference of the Parties and that the first meeting of the Parties to the Protocol would be held concurrently with the twelfth meeting of the Conference of the Parties. Accordingly, he urged all Parties to the Convention that had not already done so to take steps to ratify the Nagoya Protocol as soon as possible. He also intended to focus on enhancing support for implementation of the Convention and its protocols and promoting the role of the Conference of the Parties as a forum for Parties to discuss implementation issues and to share experiences and lessons learned. In that regard, the eleventh meeting of the Conference of the Parties could provide an excellent opportunity to take stock of progress made by Parties towards ratification of the Nagoya Protocol and exchange experiences with a view to overcoming obstacles and finding constructive approaches for effective implementation. An informal roundtable discussion would take place at the meeting venue on 3 July to provide an opportunity for Parties to take stock of the progress made towards ratification of the Protocol.

9. Awareness-raising and capacity-building were essential to support the early entry into force and implementation of the Protocol and to maintain momentum. In that respect, with the financial support of the Global Environment Facility and the Japan Fund, the Secretariat had been able to carry out a series of awareness-raising and capacity-building activities, reaching out in particular to decision-makers. The continuity of those efforts would need to be secured in order to ensure that the required support was provided to Parties to effectively implement the Protocol. In order to do so, new financial resources would need to be mobilized. The ABS Clearing-house would play a key role in the implementation of the Protocol, and the Secretariat was committed to do its best to have a functional ABS Clearing-house in place by the entry into force of the Protocol.

10. In conclusion, he assured Parties of the full commitment of the Secretariat to play a catalytic role in mobilizing resources and partners to enhance support to Parties to ratify and implement the Protocol. In order to fulfil that role, the Secretariat would need to be equipped with sufficient staff and resources. He also noted the support given by Heads of State and Government at the Rio+20 Conference to the ratification of the Nagoya Protocol and to the achievement of the Aichi Biodiversity Targets and the fact that, during the Second High-Level Round Table (HLRT2) on the International Treaty on Plant Genetic Resources for Food and Agriculture held in Rio de Janeiro, he had signed a joint initiative with the Secretary of the Treaty, to support the ratification of the Nagoya Protocol and the conservation and sustainable use of genetic resources.

11. Mr. M.F. Farooqui affirmed that his country was honoured to host the second meeting of the Intergovernmental Committee in its capital city. Biodiversity was vital for social and economic development, and fundamental to human survival, as its goods and services yielded benefits at both the global and local levels. In India, it was directly linked with the livelihood and socio-economic well-being of millions of people, and thus contributed to sustainable development and poverty alleviation. Access and benefit-sharing was important for enhancing gains in that regard.

12. The adoption of the Nagoya Protocol at the tenth meeting of the Conference of the Parties in October 2010 was a milestone achievement, after nearly six years of intense negotiations. As the first environmental multilateral agreement adopted since the Kyoto Protocol in 1997 and the Cartagena Protocol in 2000, it reaffirmed the credibility of environmental multilateralism and renewed hope that solutions could be found for any issue, no matter how complex.

13. However, adoption was only the first step. The Intergovernmental Committee now had the important task of preparing for the entry into force of the Protocol. The Committee should not be daunted by the heavy agenda for its second meeting; after all, Parties had arrived in Nagoya with many issues to resolve and had left with a protocol in hand. The same spirit of cooperation and zeal as was shown then should be adopted at the present meeting and the key issues prioritized. With the able guidance of the Co-Chairs, cooperation of the delegates and support of the Secretariat led by Mr. Dias, he was confident that discussions would be fruitful. He concluded by encouraging participants to explore Delhi and said that India looked forward to welcoming them to Hyderabad in October for the eleventh meeting of the Conference of the Parties.

14. Mr. Tishyarakshit Chatterjee, said that India was privileged to host the second meeting of the Intergovernmental Committee, both as the incoming Presidency of the Conference of the Parties and as one of the first countries to have established domestic procedures to implement the access and benefit-sharing provisions of the Convention on Biological Diversity, using a learning-by-doing approach.

15. Discussions on the Nagoya Protocol needed to be taken forward in the context of the recent Rio+20 summit and its outcome document “The Future We Want”. However, unlike the Rio summit, the Convention on Biological Diversity addressed critical issues of national importance. Indeed, access and benefit-sharing related to the sustainable production of everyday goods in each individual country. Operationalization of the Protocol would not only benefit all countries but also ensure balanced implementation of the Convention on Biological Diversity as a whole, since it addressed one of the

Convention's three interlinked objectives. Overall success of the Protocol would depend on early and effective implementation at the domestic level and efforts to ensure that users of genetic resources respected the domestic regulatory framework of the country of origin of those resources.

16. The Committee would need to make efficient use of its time in order to tackle the heavy agenda of the present meeting and produce a roadmap for the preparation of the first meeting of the Parties to the Protocol. India had hoped to host that meeting concurrently with the eleventh meeting of the Conference of the Parties. However, only five – maybe six – Parties had ratified the Protocol to date, perhaps owing to lengthy procedures and the legal and administrative requirements for implementation.

17. In closing, he wished the delegates all the best in their discussions and said that he looked forward to welcoming them to Hyderabad in October.

18. Following these opening statements, a number of statements were made by Parties speaking on behalf of the various regional groups or on their own behalf.

19. The representative of Peru, speaking on behalf of the Latin American and Caribbean Group, said that hopes were high that the present meeting would make clear and specific recommendations on information exchange, capacity-building, compliance procedures, on Article 10 of the Protocol, as well as clear and specific recommendations to the Conference of the Parties to ensure the continuity of the work of the Committee, as it was clear that it would not be possible to get the required ratifications for entry into force of the Protocol before the eleventh meeting of the Conference of the Parties. In order to ensure the effective functioning of the Protocol it was necessary to give consideration to the resource mobilization strategy of the Convention on Biological Diversity.

20. The representative of Cameroon, speaking on behalf of the African Group, noted that African countries made up over 30 per cent of those that were signatories to the Nagoya Protocol and represented over 60 per cent of its global ratifications, which clearly demonstrated the strong political will within the region. Africa's reservoir of genetic resources was an important source of its socio-economic development and the benefits generated from accessing those resources should be fairly and equitably shared. Therefore, it was unfortunate that Africa had not been able to access the financial resources expected to support the Protocol or the special fund granted to support its implementation. For Africa, accelerating the momentum so far generated was a challenge but it was important that the present meeting maintained that momentum during the transition to an operational Protocol.

21. The representative of India, speaking on behalf of the Asia-Pacific Region, said that with only six ratifications it had become clear that the first meeting of the Parties to the Protocol would not take place until the twelfth meeting of the Conference of the Parties. The heavy agenda included four spill-over items from the first meeting of the Intergovernmental Committee and therefore there was a need to prioritize issues and organize the agenda to ensure the most efficient use of the time available. The present meeting should make progress on capacity-building, awareness-raising, the ABS Clearing-house, guidance on financial resources and resource mobilization, as well as on Articles 10 and 30 of the Nagoya Protocol. The meeting was also expected to make recommendations to the eleventh meeting of the Conference of the Parties on issues where action was required for the 2012-2014 biennium. In order to maintain the necessary momentum, the Asia-Pacific Region was open to the possibility of a third meeting of the Committee in order for it to complete its work.

22. The representative of the Philippines, speaking on behalf of the Like-Minded Megadiverse Group of Countries, said that although ratification of the Nagoya Protocol remained a realizable dream there was a need for more effort at the national level to ensure that the Protocol would enter into force. The present meeting also needed to prioritize the following issues: the modalities of the ABS Clearing-house, the compliance mechanism, the global multilateral benefit-sharing mechanism, and guidance to the financial mechanism.

23. The representative of Ukraine, speaking on behalf of the Central and Eastern European Region, said that he hoped for the early entry into force of the Protocol, and emphasized the need to focus efforts on capacity-building, especially for countries with economies in transition.
24. The representative of Mexico informed the Committee that Mexico had deposited its instrument of ratification on 16 May 2012 and thus had become the fifth country to ratify the Protocol.
25. The representative of Timor-Leste informed the meeting that Timor-Leste had ratified the Convention on Biological Diversity in 2007 and within five years it had undertaken significant work, *inter alia* a national biodiversity strategy and action plan. It would also shortly, with the assistance of the ASEAN Centre for Biodiversity and the Global Environment Facility (GEF), strengthen the capacity of stakeholders. Timor-Leste was also in the process of ratifying and implementing the Nagoya Protocol.
26. The representative of Japan said that Japan had donated some US\$ 12.2 million to the Nagoya Protocol Implementation Fund, had organized an international symposium on domestic measures to implement obligations under the Protocol in Tokyo during March, 2012, and had also made efforts towards ratification of the Protocol, which included deliberations on domestic measures and consultations with stakeholders. He said that the present meeting would negotiate on many important issues, including several that needed to be resolved before the first meeting of the Parties to the Protocol.
27. The representative of Jordan informed the meeting that even before his country had ratified the Nagoya Protocol a royal decree had given it effect in Jordan. He also expressed concern at the number of Parties that had not yet ratified the Protocol.
28. The representative of Kuwait said she hoped that the meeting would have time to address all the issues before it and reminded the meeting of the importance of capacity-building.
29. The representative of the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) reminded the meeting of the close relationship between the ITPGRFA and the Convention on Biological Diversity. In accordance with the request of the Governing Body of the ITPGRFA, the Secretariat had continued to cooperate with the Secretariat of the Convention and had jointly organized capacity building workshops on access and benefit-sharing, the third of which had been held back-to-back with the present meeting from 30 June to 1 July 2012. The Secretariats had also, on the margins of the Rio+20 summit, launched a “Joint Initiative of the Secretariats of the International Treaty and the Convention on Biological Diversity on Sustainable Development, Technology Transfer and Capacity-building”.
30. The representative of Food and Agricultural Organization of the United Nations (FAO) said the Commission on Genetic Resources for Food and Agriculture (CGRFA) of the FAO had noted with appreciation that the Nagoya Protocol recognized the special nature of agricultural biodiversity, its distinctive features and problems needing distinctive solutions, as well as the interdependence of all countries with regard to genetic resources for food and agriculture and their special nature for achieving food security worldwide and for the sustainable development of agriculture. Food security and rural poverty eradication had to be the overriding objectives in developing and implementing policies for genetic resources for food and agriculture, including for policies on access to those resources and the fair and equitable sharing of benefits arising from their utilization.
31. The representative of the International Indigenous Forum on Biodiversity said that in order for the Protocol to operate effectively, indigenous peoples and local communities must have confidence in it. The processes of the Nagoya Protocol had to involve the full and effective participation of indigenous peoples and local communities at all levels, which also required the allocation of financial resources for such participation. Therefore, resource mobilization was a key area for discussion as a successful outcome would facilitate advancement of activities on capacity-building and awareness-raising regarding the Protocol. Further, the design of mechanisms for access and benefit-sharing had to be comprehensive, and

fully respect traditional knowledge, especially as biological diversity and traditional knowledge were grounded in spiritual values rather than economic values. The Parties were urged to contribute to the Voluntary Fund to ensure the full and effective participation of indigenous peoples and local communities in the processes of the Protocol.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

32. The Committee took up item 2.1 at the first session of the meeting, on 2 July 2012. The meeting was chaired by Mr. Fernando Casas (Colombia) and Ms. Janet Lowe (New Zealand), who reminded the meeting that Ms. Dubravka Stepic (Croatia) had been, in accordance with rule 21 of the rules of procedure, designated as the Rapporteur for the first meeting of the Intergovernmental Committee. The Co-Chair, Ms. Lowe, informed the meeting that Ms. Stepic had agreed to continue to serve as Rapporteur at the present meeting.

2.2. Adoption of the agenda

33. At the 1st session of the meeting, on 2 July 2012, the Intergovernmental Committee adopted the following agenda on the basis of the revised provisional agenda (UNEP/CBD/ICNP/2/1/Rev.1):

1. Opening of the meeting.
2. Organizational matters:
 - 2.1. Officers;
 - 2.2. Adoption of the agenda;
 - 2.3. Organization of work.
3. Issues for consideration by the Intergovernmental Committee at its second meeting (decision X/1, annex II):
 - 3.1. Development of a programme budget for the biennium following the entry into force of the Protocol;
 - 3.2. Elaboration of guidance for the financial mechanism;
 - 3.3. Elaboration of guidance for resource mobilization for the implementation of the Protocol;
 - 3.4. Consideration of rules of procedure for the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 5);
 - 3.5. Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 6);
 - 3.6. The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10).

4. Continued consideration of items taken up at the first meeting of the Intergovernmental Committee:
 - 4.1. Modalities of operation of the Access and Benefit-sharing Clearing-house;
 - 4.2. Measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries and countries with economies in transition;
 - 4.3. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit-sharing issues;
 - 4.4. Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance.
5. Other matters.
6. Adoption of the report.
7. Closure of the meeting.

2.3. Organization of work

34. At the 1st session of the meeting, on 2 July 2012, 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/2/1/Add.1/Rev.2). The Co-Chair, Ms. Lowe, said that as the first Conference of the Parties serving as the meeting of the Parties to the Protocol would not be held concurrently with the eleventh meeting of the Conference of the Parties, and given the need to address a number of unfinished items remaining from the first meeting of the Intergovernmental Committee, the agenda items dealing with the development of a programme budget for the biennium following the entry into force of the Protocol (item 3.1), rules of procedure (item 3.4) and a draft provisional agenda for the first meeting of the Parties to the Protocol (item 3.5) would be considered after the other agenda items had been taken up by the Intergovernmental Committee.

35. At the 5th session of the meeting, on 4 July 2012, the Intergovernmental Committee also decided to establish two open-ended contact groups:

36. Contact Group I would be co-chaired by Mr. Gurdial Singh Nijar (Malaysia) and Mr. Andrew Bignell (New Zealand) and would continue discussions on agenda item 3.6 (The need for and modalities of a global multilateral benefit-sharing mechanism).

37. Contact Group II would be co-chaired by Ms. Larissa Maria Lima Costa (Brazil) and Mr. Kaspar Sollberger (Switzerland) and would continue discussions under agenda item 4.4 (Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance).

38. At the 7th session of the meeting, on 5 July 2012, the Intergovernmental Committee heard progress reports from the co-chairs of both contact groups. A further progress report was given by the co-chairs of Contact Group II at the 8th session of the meeting, on 5 July 2012.

ITEM 3. ISSUES FOR CONSIDERATION BY THE INTERGOVERNMENTAL COMMITTEE AT ITS SECOND MEETING (DECISION X/1, ANNEX II)

3.1. *Development of a programme budget for the biennium following the entry into force of the Protocol*

39. The Intergovernmental Committee took up agenda item 3.1 at the 9th session of the meeting, on 5 July 2012, under the chairmanship of Ms. Janet Lowe (New Zealand).

40. In considering the item, the Intergovernmental Committee had before it a draft programme budget for the work programme for the biennium following the entry into force of the Nagoya Protocol (UNEP/CBD/ICNP/2/2), which highlighted the costs of the Secretariat's services for the Protocol.

41. After a brief introduction by the Co-Chair, it was decided to defer substantive discussion of agenda item 3.1 either to a future meeting of the Intergovernmental Committee or to the first Conference of the Parties serving as the meeting of the Parties to the Protocol.

3.2. *Elaboration of guidance for the financial mechanism*

42. The Intergovernmental Committee took up agenda item 3.2 at the 1st session of the meeting, on 2 July 2012, under the chairmanship of Mr. Fernando Casas (Colombia).

43. In considering the item, the Intergovernmental Committee had before it a note by the Executive Secretary on the elaboration of guidance for the financial mechanism (UNEP/CBD/ICNP/2/3) and, as an information document, the reports of the GEF Council meetings on the Nagoya Protocol Implementation Fund (UNEP/CBD/ICNP/2/INF/8).

44. Statements were made by representatives of the European Union and its member States, Malaysia, Mexico, New Zealand, Norway, Senegal (on behalf of the African Group), Switzerland, Thailand, Uganda and Yemen.

45. The Intergovernmental Committee continued its discussion of the agenda item at the 2nd session of the meeting, on 2 July 2012.

46. Further statements were made by the representatives of Bangladesh, Canada, China, Colombia, the European Union and its member States, Guatemala, India, Japan, Jordan, the Republic of Korea, Peru, Timor-Leste and Tunisia.

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

48. At the 5th session of the meeting, on 4 July 2012, the Intergovernmental Committee discussed a revised version of the recommendations contained in document UNEP/CBD/ICNP/2/3, reflecting the views expressed by participants and written submissions to the Secretariat.

49. Statements were made by representatives of Burkina Faso, Canada, the European Union and its members States, Guatemala, Malaysia, Namibia, Peru, Senegal (on Behalf of the African Group) and South Africa.

50. The Committee continued its discussion of the revised recommendations at the 6th session of the meeting, on 4 July 2012.

51. Statements were made by representatives of Burkina Faso, Colombia, the European Union and its members States, Ghana, Japan, Malaysia, Namibia, Niger, Norway, Peru, Senegal (on behalf of the African Group), Switzerland, Thailand and Timor-Leste.
52. The revised recommendations, with no amendments, were approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.2.
53. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee took up consideration of draft recommendation UNEP/CBD/ICNP/2/L.2.
54. The representative of Peru expressed concern at the impact of removing the call for the continuation of the Nagoya Protocol Implementation Fund beyond the fifth replenishment of the GEF, made in the original document (UNEP/CBD/ICNP/2/3), from the revised recommendations.
55. The views expressed by Peru were supported by the representatives of Cameroon (on behalf of the African Group), Cuba, Ecuador, Jordan, Saint Lucia, Senegal and Thailand.
56. The representatives of Cuba and Ecuador insisted that the issue be addressed at the eleventh meeting of the Conference of the Parties.
57. With reference to the bracketed paragraph 8.3 in the annex to draft recommendation UNEP/CBD/ICNP/2/L.2, the representative of Guatemala clarified that the Latin American and Caribbean Group would like to see a separate window to support implementation of the Nagoya Protocol under the GEF's System for Transparent Allocation of Resources (STAR), rather than for access and benefit-sharing activities in general.
58. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.2, as orally amended, as recommendation 2/1. The text of the recommendation as adopted is contained in annex I to the present report.

3.3. Elaboration of guidance for resource mobilization for the implementation of the Protocol

59. The Intergovernmental Committee took up agenda item 3.3 at the 2nd session of the meeting, on 2 July 2012, under the chairmanship of Mr. Casas.
60. In considering the item, the Intergovernmental Committee had before it a note by the Executive Secretary on elaboration of guidance for resource mobilization for the implementation of the Nagoya Protocol (UNEP/CBD/ICNP/2/4).
61. Statements were made by representatives of Brazil, Burkina Faso, China, the European Union and its member States, India, Malaysia, Mexico, Norway, Senegal (on behalf of the African Group), South Africa, Switzerland, Thailand and Yemen.
62. A statement was also made by a representative of the International Indigenous Forum on Biodiversity.
63. At the 6th session of the meeting, on 4 July 2012, the Intergovernmental Committee discussed a revised version of the draft recommendations contained in document UNEP/CBD/ICNP/2/4, reflecting the views expressed by participants and written submissions to the Secretariat.
64. Statements were made by representatives of Brazil, Cuba, the European Union and its member States, and the Philippines (on behalf of the Like-Minded Megadiverse Group of Countries).
65. The revised recommendations, as orally amended, were approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.3.

66. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.3 as recommendation 2/2. The text of the recommendation as adopted is contained in annex I to the present report.

3.4. Consideration of rules of procedure for the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 5)

67. The Intergovernmental Committee took up agenda item 3.4 at the 9th session of the meeting, on 5 July 2012, under the chairmanship of Ms. Lowe.

68. In considering the item, the Intergovernmental Committee had before it a note by the Executive Secretary on consideration of rules of procedure for the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 5) (UNEP/CBD/ICNP/2/5).

69. After a brief introduction by the Co-Chair, it was decided to defer substantive discussion of agenda item 3.4 either to a future meeting of the Intergovernmental Committee or to the first Conference of the Parties serving as the meeting of the Parties to the Protocol.

3.5. Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 6)

70. The Intergovernmental Committee took up agenda item 3.5 at the 9th session of the meeting, on 5 July 2012, under the chairmanship of Ms. Lowe.

71. In considering the item, the Intergovernmental Committee had before it the draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 6) (UNEP/CBD/ICNP/2/6).

72. After a brief introduction by the Co-Chair, it was decided to defer substantive discussion of agenda item 3.5 either to a future meeting of the Intergovernmental Committee or to the first Conference of the Parties serving as the meeting of the Parties to the Protocol.

3.6. The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)

73. The Intergovernmental Committee took up agenda item 3.6 at the 2nd session of the meeting, on 2 July 2012, under the chairmanship of Ms. Lowe.

74. In considering the item, the Intergovernmental Committee had before it a synthesis of views with respect to the need for and modalities of a global multilateral benefit-sharing mechanism (Article 10) (UNEP/CBD/ICNP/2/7) and, as an information document, the report from the First Reflection Meeting on the Global Multilateral Benefit-Sharing Mechanism submitted by the Fridtjof Nansen Institute (UNEP/CBD/ICNP/2/INF/2).

75. Statements were made by representatives of Argentina, Brazil, Burkina Faso, Canada, Colombia, Cuba, Ecuador, Egypt, the European Union and its member States, Guatemala, Japan, the Republic of Korea, Malaysia, Mexico, Namibia (on behalf of the African Group), Norway, Peru, Sudan, Switzerland, Thailand, Timor-Leste and Uganda.

76. At the 5th session of the meeting, the Co-Chairs said that Contact Group I would continue discussions under agenda item 3.6 on the basis of a non-paper containing a revised version of the

synthesis of views contained in document UNEP/CBD/ICNP/2/7, reflecting the views expressed by participants and written submissions to the Secretariat.

77. At the 7th and 8th sessions of the meeting, on 5 July 2012, the Intergovernmental Committee heard progress reports from the Co-Chairs of Contact Group I.

78. A statement was made by the representative of Mali.

79. The revised recommendations, with no amendments, were approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.6.

80. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.6 as recommendation 2/3. The text of the recommendation as adopted is contained in annex I to the present report.

ITEM 4. CONTINUED CONSIDERATION OF ITEMS TAKEN UP AT THE FIRST MEETING OF THE INTERGOVERNMENTAL COMMITTEE

4.1. Modalities of operation of the Access and Benefit-sharing Clearing-house

81. The Intergovernmental Committee took up agenda item 4.1 at the 3rd session of the meeting, on 3 July 2012, under the chairmanship of Ms. Lowe.

82. In considering the item, the Intergovernmental Committee had before it the report on progress and next steps in the implementation of the pilot phase of the Access and Benefit-sharing Clearing-house (UNEP/CBD/ICNP/2/8) and draft modalities of operation for the Access and Benefit-sharing Clearing-house (UNEP/CBD/ICNP/2/9).

83. At the invitation of the Co-Chair, the Secretariat introduced the item, explaining that document UNEP/CBD/ICNP/2/8 suggested mechanisms and applications to be developed for the pilot phase based on experience gained in the Biosafety Clearing-house and the guidance provided by the first meeting of the Intergovernmental Committee. Thanks to generous financial support from Germany, Switzerland and the European Commission, the relevant staff had now been hired and the pilot phase would begin shortly. A progress report would be presented at the eleventh meeting of the Conference of the Parties and the ABS Clearing-house would be operational by the entry into force of the Nagoya Protocol.

84. Statements were made by representatives of Argentina, Brazil, Canada, China, the European Union and its member States, Guatemala, India, Indonesia, Japan, Jordan, the Republic of Korea, Malaysia, Mexico, Nigeria, Norway, Peru (on behalf of the Latin American and Caribbean Group), Switzerland, Thailand, Timor-Leste and Uganda (on behalf of the African Group).

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

86. At the 6th session of the meeting, on 4 July 2012, the Intergovernmental Committee discussed a revised version of the recommendations contained in documents UNEP/CBD/ICNP/2/8 and UNEP/CBD/ICNP/2/9, also reflecting the views expressed by participants and written submissions to the Secretariat.

87. Statements were made by representatives of the European Union and its member States, the Philippines and Thailand.

88. At the 7th session of the meeting, on 5 July 2012, the Intergovernmental Committee resumed consideration of the revised document. It also had before it an informal paper containing amendments, proposed by the European Union and its member States, to the revised draft recommendations.

89. Further statements were made by representatives of Brazil, Canada, China, the European Union and its member States, India, Peru, the Philippines, Saint Lucia, Thailand, Timor-Leste, and Uganda.

90. At the 8th session of the meeting, on 5 July 2012, the Intergovernmental Committee continued its consideration of the revised draft recommendations.

91. Statements were made by representatives of Canada, the European Union and its member States, the Philippines and Uganda.

92. The revised recommendations, as amended, were approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.7.

93. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.7 as recommendation 2/4. The text of the recommendation as adopted is contained in annex I to the present report.

4.2. 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

94. The Intergovernmental Committee took up agenda item 4.2 at the 3rd and 4th sessions of the meeting, on 3 July 2012, under the chairmanship of Mr. Casas.

95. In considering the item, the Intergovernmental Committee had before it a synthesis of views and information on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol (UNEP/CBD/ICNP/2/10) and, as information documents: (i) a submission by the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture on capacity-building and development (UNEP/CBD/ICNP/2/INF/3); (ii) a submission by the Secretariat of the World Trade Organization on capacity-building and development (UNEP/CBD/ICNP/2/INF/4); (iii) further details on the views and information on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol (UNEP/CBD/ICNP/2/INF/7); and (iv) the outcomes of the third Capacity-Building Workshop on Access and Benefit-Sharing (UNEP/CBD/ICNP/2/INF/9). It also had before it a document by the Executive Secretary issued at the first meeting of the Intergovernmental Committee 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).

96. Statements were made by the representatives of Argentina, Brazil, Canada, China, the European Union and its member States, Ghana (on behalf of the African Group), India, Indonesia, Iraq, Jordan, the Republic of Korea, Malawi, Mali, Mexico, Namibia, New Zealand, Norway, Thailand, Timor-Leste and Yemen. The representative of Norway reminded the meeting that between 2009 and 2012 Norway had contributed 20 million Norwegian Kroner to the ABS Capacity Development Initiative, which is also supported by Germany, Denmark, the Institut de l'Énergie et de l'Environnement de la Francophonie (IEPF) and the European Union, and that it was also contributing US\$ 1 million for the Nagoya Protocol Implementation Fund for the early ratification of the Protocol.

97. Statements were also made by representatives of the International Indigenous Forum on Biodiversity (also on behalf of the Indigenous Women's Biodiversity Network), the ITPGRFA and the International Union for Conservation of Nature (IUCN).

98. At the 8th session of the meeting, on 5 July 2012, the Intergovernmental Committee discussed a revised version of the draft recommendations contained in document UNEP/CBD/ICNP/2/10, reflecting the views expressed by participants and written submissions to the Secretariat.

99. The revised recommendations, as orally amended, were approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.5.

100. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.5 as recommendation 2/5. The text of the recommendation as adopted is contained in annex I to the present report.

4.3. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit-sharing issues

101. The Intergovernmental Committee took up agenda item 4.3 at the 4th session of the meeting, on 3 July 2012, under the chairmanship of Ms. Lowe.

102. In considering the item, the Intergovernmental Committee had before it a note 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/2/11) and, as information documents, a submission by the Swiss Biodiversity Forum of the Swiss Academy of Science containing information on awareness-raising (UNEP/CBD/ICNP/2/INF/5); a synthesis of the information submitted on awareness-raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues (UNEP/CBD/ICNP/2/INF/6). In addition, it had before it an overview of experiences and initiatives on awareness-raising on access and benefit-sharing and under different multilateral environmental agreements, prepared for the first meeting of the Committee (UNEP/CBD/ICNP/1/INF/2).

103. Statements were made by representatives of Argentina, Brazil, Canada, Côte d'Ivoire (on behalf of the African Group), Ethiopia, the European Union and its member States, Ghana, Honduras, Indonesia, Japan, Republic of Korea, Malaysia, Namibia, Switzerland, Thailand, Timor-Leste, Tunisia and Zambia.

104. Statements were also made by the International Indigenous Forum on Biodiversity and the Young Naturalist Network.

105. At the 6th session of the meeting, on 4 July 2012, the Intergovernmental Committee considered a revised version of the recommendations contained in document UNEP/CBD/ICNP/2/11, reflecting the views expressed by participants and written submissions to the Secretariat.

106. The revised recommendations, with no amendments, were approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.4.

107. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.4 as recommendation 2/6. The text of the recommendation as adopted is contained in annex I to the present report.

4.4. Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance

108. The Intergovernmental Committee took up agenda item 4.4 at the 4th session of the meeting, on 3 July 2012, under the chairmanship of Mr. Casas.

109. In considering the item, the Intergovernmental Committee had before it the report of the Expert Meeting on cooperative procedures and institutional mechanisms to promote compliance with the Nagoya Protocol and to address cases of non-compliance (UNEP/CBD/ICNP/2/12) and a synthesis of views and possible draft elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and address cases of non-compliance under Article 30 of the Nagoya Protocol prepared for the expert meeting (UNEP/CBD/ABS/EM-COMP/1/2).

110. The Co-Chair invited Mr. Jorge Cabrera Medaglia (Costa Rica), to introduce the outcomes of the expert meeting on cooperative procedures and institutional mechanisms to promote compliance with the Nagoya Protocol and to address cases of non-compliance.

111. Mr. Cabrera Medaglia, co-chair of the expert meeting, said that the expert meeting had met in Montreal from 28 February to 1 March, 2012, to discuss elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance. In considering those issues the group also had before it a synthesis report of views submitted and possible draft elements and options on compliance that had been prepared by the Executive Secretary. He said that although the outcome of the meeting was not a negotiated text, the group had tried to arrive at a common understanding. He also explained that the footnotes in the document were for explanatory purposes, and in closing he thanked his Co-Chair, Ms. Anne Daniel (Canada) as well as the experts for the cooperative spirit they had shown during the meeting.

112. Statements were made by representatives of Argentina, Brazil, Canada, China, Egypt, Ethiopia, the European Union and its member States, Guatemala, Honduras, India, Indonesia, Japan, the Republic of Korea, Malaysia, Mexico, Niger, Norway, Peru, the Philippines, South Africa, Swaziland (on behalf of the African Group), Switzerland, the United Republic of Tanzania, Thailand, Timor-Leste and Uganda.

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

114. After the exchange of views, the Co-Chair said that a revised version of the annex to document UNEP/CBD/ICNP/2/12 would be prepared as a non-paper, reflecting the views expressed by participants and written submissions to the Secretariat.

115. At the 5th session of the meeting, on 4 July 2012, the Co-Chairs said that Contact Group II would continue discussions under agenda item 4.4 on the basis of the revised version of the annex circulated as a non-paper.

116. At the 7th and 8th sessions of the meeting, on 5 July 2012, the Intergovernmental Committee heard progress reports from the Co-Chairs of Contact Group II. The revised recommendation would be presented to the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.9.

117. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.9 as recommendation 2/7. The text of the recommendation as adopted is contained in annex I to the present report.

ITEM 5. OTHER MATTERS

118. At the 8th session of the meeting, on 5 July 2012, the Intergovernmental Committee considered a draft recommendation submitted by the Co-Chairs on further work in preparation for the first meeting of the Parties to the Protocol.

119. Statements were made by representatives of Brazil, Burkina Faso, the European Union and its member States, Ghana, Honduras, Japan, Peru, the Philippines and Senegal.

120. The representative of Japan expressed his unease at requesting the Executive Secretary to include the costing of the activities recommended by the Intergovernmental Committee in his note to the Conference of the Parties on the proposed budget for the programme of work of the Convention (2013-2014), as those costs were as yet unknown and had not been discussed by the Intergovernmental Committee.

121. In response to proposals to convey to the Conference of the Parties an overview of the status of issues for consideration by the Intergovernmental Committee in accordance with its workplan set out in decisions X/1, annex II, the Co-Chair, Mr. Casas, requested the Secretariat to prepare an overview table to that effect.

122. At the 9th session of the meeting, on 5 July 2012, the Co-Chair said that a draft of the table had been prepared and would be circulated as a non-paper. He proposed that it form the basis of a separate information document for consideration by the Conference of the Parties at its eleventh meeting.

123. The draft recommendation on further work in preparation for the first meeting of the Parties to the Protocol, as orally amended, was approved for formal adoption by the Intergovernmental Committee as draft recommendation UNEP/CBD/ICNP/2/L.8.

124. At the 10th session of the meeting, on 6 July 2012, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/2/L.8 as recommendation 2/8. The text of the recommendation as adopted is contained in annex I to the present report.

ITEM 6. ADOPTION OF THE REPORT

125. The present report was adopted at the 10th session of the meeting, on 6 July 2012, on the basis of the draft report prepared by the Rapporteur (UNEP/CBD/ICNP/2/L.1), as orally amended.

ITEM 7. CLOSURE OF THE MEETING

126. Closing statements were made by the representatives of: Peru, speaking on behalf of the Latin American and Caribbean Group; Cameroon, speaking on behalf of the African Group; India, speaking on behalf of the Asia and Pacific Group; the European Union and its member States; and Ukraine, speaking on behalf of the Central and Eastern European Group.

127. The representative of India said that it had been an honour to host the second meeting of the Intergovernmental Committee and that India looked forward to welcoming the participants to Hyderabad for the eleventh meeting of the Conference of the Parties. He announced that his government would support ministerial representation from the least-developed countries at the high-level segment of that meeting, with a contribution of US\$1 million. His Government would shortly be discussing modalities with the embassies and ministries of the countries concerned.

128. The representative of the Republic of Korea reiterated her country's bid to host the twelfth meeting of the Conference of the Parties, made at the fourth meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, in May 2012.

129. The representative of Japan, as President of the Conference of the Parties, congratulated India on hosting a successful meeting. Significant progress had been made but the ratification process needed to be accelerated to ensure early entry into force of the Protocol. Japan welcomed the proposal to convene a third meeting of the Intergovernmental Committee and was committed to supporting efforts to that end.

130. A further closing statement was made by the representative of the International Indigenous Forum on Biodiversity, speaking also on behalf of the Indigenous Women's Biodiversity Network.

131. The Executive Secretary of the Convention on Biological Diversity thanked the Co-Chairs and the Bureau for their hard work in making the present meeting a success. He also thanked all the participants for the constructive spirit that had prevailed. The Nagoya Protocol was complex but by working together, they had made progress to achieving the third objective of the Convention on Biological Diversity. In closing, he thanked the Government of India for its hospitality and said that he looked forward to seeing all of the participants again at the eleventh meeting of the Conference of the Parties in Hyderabad, India.

132. On 6 July 2012, following the customary exchange of courtesies, Ms. Lowe, Co-Chair, closed the second meeting of the Intergovernmental Committee at 1.30 p.m.

*Annex***RECOMMENDATIONS ADOPTED BY THE INTERGOVERNMENTAL COMMITTEE FOR
THE NAGOYA PROTOCOL AT ITS SECOND MEETING***(New Delhi, 2-6 July 2012)*

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2/1. Elaboration of guidance for the financial mechanism

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

1. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting, adopts a decision along the lines suggested in annex I below;
2. *Also recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the lines suggested in annex II below;
3. *Invites* the Global Environment Facility to provide to the Conference of the Parties at its eleventh meeting a report on the progress made under the Nagoya Protocol Implementation Fund to support the ratification and implementation of the Protocol.

Annex I

DRAFT DECISION FOR THE CONSIDERATION OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL

The Conference of the Parties serving as the meeting of the Parties to the Protocol,

I. Operational arrangements between the Convention and the Council of the Global Environment Facility with respect to the Nagoya Protocol

1. *Takes note* of the memorandum of understanding between the Conference of the Parties and the Council of the Global Environment Facility (GEF Council) adopted in decision III/8 and *confirms* that the operational arrangements outlined in the memorandum of understanding shall apply, *mutatis mutandis*, to the Protocol;
2. *Recommends* that the Conference of the Parties invites the Council of the Global Environment Facility to submit the chapter on access and benefit-sharing of its report directly to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, in time for its consideration;
3. *Decides* to conduct periodic reviews of the effectiveness of the financial mechanism with respect to the implementation of the Nagoya Protocol in time for their consideration by the Conference of the Parties at its meetings scheduled to review the effectiveness of the financial mechanism;
4. *Also decides* to undertake, in time for scheduled replenishments of the Global Environment Facility Trust Fund, an assessment of the amount of funds that are necessary to assist developing country Parties and Parties with economies in transition in fulfilling their commitments under the Nagoya Protocol, for consideration by the Conference of the Parties in its determination of funding requirements;
5. *Recommends* that the Conference of the Parties invites representatives of the Global Environment Facility to attend, and make official statements to, the ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with a view to reporting on the implementation of the guidance to the GEF with respect to access and benefit-sharing;

6. *Recommends* that the Conference of the Parties encourages the secretariats of the Convention and the Global Environment Facility to exchange information and consult on a regular basis prior to meetings of the Council of the Global Environment Facility and meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with a view to facilitate the effectiveness of the financial mechanism in assisting Parties to implement the Protocol.

II. *Guidance for the financial mechanism*

(a) *Policy and strategy*

7. *Takes note* of the consolidated guidance to the financial mechanism related to policy and strategy adopted in decision X/24, and *invites* the Conference of the Parties to review, and as appropriate, revise this guidance to take into account new developments such as the adoption of the Nagoya Protocol;

(b) *Programme priorities*

8. *Recommends* that the Conference of the Parties considers integrating the following guidance on programme priorities with respect to access and benefit sharing into its overall guidance to the financial mechanism;

“The Conference of the Parties,

1. *Requests* the Global Environment Facility to finance projects that will assist in:

(a) Building the capacity of Parties to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing, thereby contributing to the conservation of biological diversity and sustainable use of its components, including through:

- (i) Identification of relevant actors and existing legal and institutional expertise for the implementation of the Nagoya Protocol;
- (ii) Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol;
- (iii) Development and/or amendment of access and benefit-sharing legislative, administrative or policy measures with a view to implementing their obligations under the Nagoya Protocol;
- (iv) Establishment of ways to address transboundary issues; and
- (v) Establishment of institutional arrangements and administrative systems to provide access to genetic resources, ensure benefit-sharing, support compliance with prior informed consent and mutually agreed terms and monitor the utilization of genetic resources and traditional knowledge associated with genetic resources, including support for the establishment of check points.

(b) Building the capacity of Parties to negotiate mutually agreed terms to promote equity and fairness in negotiations in the development and implementation of access

and benefit-sharing agreements, including through enhanced understanding of business models and intellectual property rights;

(c) Building the capacity of Parties to develop their endogenous research capabilities to add value to their own genetic resources and traditional knowledge associated with genetic resources through, *inter alia*, technology transfer; bioprospecting and associated research and taxonomic studies; and the development and use of valuation methods;

(d) Addressing the capacity needs and priorities of indigenous and local communities and relevant stakeholders; in particular, projects that would:

- (i) Encourage their participation in legal, policy and decision-making processes; and
- (ii) Assist in building their capacity related to genetic resources and traditional knowledge associated with genetic resources, such as through the development of community protocols, model contractual clauses and minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits.

(e) Enabling Parties to actively participate in the Access and Benefit-sharing Clearing-House and use the best available communication tools and Internet-based systems such as audio and video tools for access and benefit-sharing activities;

(f) Supporting Parties in raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, notably through the development and implementation of national and regional awareness-raising strategies;

(g) Supporting the implementation of the strategic framework for capacity-building and development in support of the implementation of the Protocol;

2. *[Decides that the above guidance supersedes all previous guidance to the financial mechanism related to access and benefit-sharing;]*

3. *[Recommends the allocation of funds by the Global Environment Facility in a separate window specific to access and benefit-sharing activities under the System for Transparent Allocation of Resources (STAR).]*

(c) *Eligibility criteria:*

4. *Decides that all developing countries, in particular the least developed and small island developing States, as well as countries with economies in transition, which are Parties to the Nagoya Protocol, are eligible to receive funding from the Global Environment Facility;*

5. *Adopts the following transitional clause in the eligibility criteria for funding under the financial mechanism of the Protocol:*

‘Developing countries, in particular the least developed countries and small island developing States amongst them, and countries with economies in transition that are Parties to the Convention and provide a clear intention towards becoming Parties to the Protocol, shall be eligible for funding by the Global Environment Facility for up to four years after the Protocol has entered into force for the development of national measures

/...

and institutional capabilities in order to enable them to become a Party. Evidence of such intention shall take the form of a written assurance to the Executive Secretary that the country intends to become a Party to the Nagoya Protocol on completion of the activities to be funded.’

Annex II

**DRAFT DECISION FOR THE CONSIDERATION OF THE CONFERENCE OF THE PARTIES
TO THE CONVENTION ON BIOLOGICAL DIVERSITY AT ITS ELEVENTH MEETING**

The Conference of the Parties,

*I. Programme priorities for inclusion in the four-year framework for programme priorities
for the period 2014-2018*

1. *Invites* the Global Environment Facility to support the following activities during its sixth replenishment period (2014-2018), *inter alia*:

(a) Building the capacity of Parties to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing, thereby contributing to the conservation of biological diversity and sustainable use of its components, including through:

- (i) Identification of relevant actors and existing legal and institutional expertise for the implementation of the Nagoya Protocol;
- (ii) Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol;
- (iii) Development and/or amendment of access and benefit-sharing legislative, administrative or policy measures with a view to implementing their obligations under the Nagoya Protocol;
- (iv) Establishment of ways to address transboundary issues; and
- (v) Establishment of institutional arrangements and administrative systems to provide access to genetic resources, ensure benefit sharing, support compliance with prior informed consent and mutually agreed terms and monitor the utilization of genetic resources and traditional knowledge associated with genetic resources, including support for the establishment of check points.

(b) Building the capacity of Parties to negotiate mutually agreed terms to promote equity and fairness in negotiations in the development and implementation of access and benefit-sharing agreements, including through enhanced understanding of business models and intellectual property rights;

(c) Building the capacity of Parties to develop their endogenous research capabilities to add value to their own genetic resources and traditional knowledge associated with genetic resources through, *inter alia*, technology transfer; bioprospecting and associated research and taxonomic studies; and the development and use of valuation methods;

(d) Addressing the capacity needs and priorities of indigenous and local communities and relevant stakeholders; in particular, projects that would:

- (i) Encourage their participation in legal, policy and decision-making processes;

/...

- (ii) Assist in building their capacity related to genetic resources and traditional knowledge associated with genetic resources, such as through the development of community protocols, model contractual clauses and minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits, and
- (iii) Support a series of regional and subregional capacity-building workshops;
- (e) Enabling Parties to actively participate in the Access and Benefit-sharing Clearing-House and use the best available communication tools and Internet-based systems such as audio and video tools for access and benefit-sharing activities;
- (f) Supporting Parties in raising-awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, notably through the development and implementation of national and regional awareness-raising strategies;
- (g) Supporting the implementation of the strategic framework for capacity-building and development in support of the implementation of the Protocol;

II. The Nagoya Protocol Implementation Fund

2. *Welcomes* the establishment of the Nagoya Protocol Implementation Fund (NPIF) and *notes* with appreciation the initial financial contributions made by Japan, Switzerland, Norway, the United Kingdom, and France to the Fund;

3. *Recommends* that funds from the NPIF be used to support projects which will assist the early entry into force of the Nagoya Protocol and create enabling conditions at the national and regional levels for its effective implementation, in accordance with the primary objective of the NPIF as set out in document GEF/C.40/11/Rev.1, dated 26 May 2011;

4. *Recommends* that the Global Environment Facility expedite procedures for access to funds from the NPIF;

5. *Invites* donors and the private sector to contribute to the NPIF with a view to ensuring continued support for the early entry into force and implementation of the Nagoya Protocol;

III. Support for activities prior to the entry into force of the Nagoya Protocol

6. *Reiterates* its invitation to the Global Environment Facility to provide financial support to Parties to assist with the early ratification of the Nagoya Protocol and its implementation.

2/2. *Guidance for resource mobilization for the implementation of the Nagoya Protocol on Access and Benefit-sharing*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

Recognizing that the mobilization of resources is essential to ensure the effective implementation of the Protocol,

Recalling Article 25 of the Protocol, Article 20 of the Convention and the Strategy for Resource Mobilization in support of the achievement of the three objectives of the Convention for the period 2008-2015,

Recognizing that specific needs, priorities and opportunities for resource mobilization with respect to the Protocol should be taken into account,

1. *Encourages* Parties to include consideration of resource mobilization for the Protocol in the implementation of the Strategy for Resource Mobilization in support of the achievement of the three objectives of the Convention for the period 2008-2015;

2. *Requests* the Executive Secretary and *encourages* Parties to pay particular attention to integrating considerations of resource mobilization for the implementation of the Protocol into National Biodiversity Strategies and Action Plans;

3. *Requests* the Executive Secretary to include consideration of resource mobilization for the Protocol in the organization of regional and subregional workshops and other activities in support of the strategy for resource mobilization, including for indigenous and local communities;

4. *Recommends* that the eleventh meeting of the Conference of the Parties take into consideration resource mobilization for the implementation of the Protocol in considering agenda item 4.1 (Review of the implementation of the Strategy for Resource Mobilization including the establishment of targets);

5. *Also recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting, adopt a decision along the lines suggested in the annex below.

Annex

DRAFT DECISION FOR THE CONSIDERATION OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL

The Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recalling Article 25, paragraph 1, of the Protocol which requires that the Parties take into account the provisions of Article 20 of the Convention in considering financial resources for the implementation of the Protocol,

Reaffirming the commitment of Parties to meet the obligations set out in the provisions of Article 20 of the Convention,

Recognizing that the Strategy for Resource Mobilization in support of the achievement of the three objectives of the Convention encompasses resource mobilization for the implementation of the Nagoya Protocol,

Emphasizing that any new and innovative financial mechanisms are supplementary to and do not replace the financial mechanism established under the provisions of Article 21 of the Convention and Article 25 of the Protocol,

1. *Requests* the Executive Secretary to include consideration of resource mobilization for the Protocol in its activities in support of the Strategy for Resource Mobilization;

2. *Encourages* Parties to include the consideration of resource mobilization, including funding needs, gaps and priorities, as part of their planning processes towards the implementation of the Protocol, particularly by integrating such considerations into their national biodiversity strategies and action plans;

3. *Encourages also* Parties to direct domestic resources, in accordance with national circumstances, [including those generated through the successful implementation of access and benefit-sharing agreements] as well as through other new and innovative financial mechanisms, towards the implementation of the Protocol;

4. *Further encourages* Parties, other Governments, relevant organizations, the private sector and financial institutions to provide, in accordance with their capabilities, financial resources, including through new and innovative financial mechanisms, for the implementation of the Protocol and to include support to the implementation of the Protocol as a priority area for funding;

5. *Encourages* Parties to take appropriate measures within the governing bodies of relevant multilateral financial institutions and development organizations to ensure that due priority and attention is given to the effective allocation of predictable resources for the implementation of the Protocol;

6. *Further encourages* Parties to mainstream implementation of the Protocol in their development cooperation plans and priorities and in the national biodiversity strategies and action plans;

7. *Encourages* Parties and relevant organizations to raise awareness, particularly of high-level policy and decision makers, the business sector, and the relevant funding agencies, to the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, in accordance with Article 21 of the Protocol, with a view to support the mobilization of resources for the Protocol;

8. *Invites* Parties and relevant organizations to submit information to the Executive Secretary on their experiences related to the mobilization of resources in support of the implementation of the Protocol, as well as on the status of funds mobilized;

9. *Requests* the Executive Secretary to prepare a synthesis of the information received regarding experiences related to the mobilization of resources to support the implementation of the Protocol and to provide an overview of the status and trends in funding for the consideration of the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol; and

10. *Also requests* the Executive Secretary to prepare a document on possible relevant sources of international funding to support the efforts by Parties to mobilize additional international financial resources for the implementation of the Protocol.

2/3. *The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

1. *Recommends* that the Conference of the Parties at its eleventh meeting adopt a decision along the following lines:

“The Conference of the Parties,

1. *Requests* the Executive Secretary to conduct a broad consultation on Article 10 of the Nagoya Protocol;

2. *Invites* Parties, other Governments, relevant international organizations, indigenous and local communities, and all interested stakeholders, to contribute to the consultation by submitting their targeted views with respect to Article 10 on the issue bearing in mind the indicative list of questions in part A of the annex below as well as other perspectives on the matter;

3. *Requests* the Executive Secretary to prepare and distribute a synthesis of the views provided in the broad consultation;

4. *Further requests* the Executive Secretary, subject to the availability of funds, to convene a meeting of a regionally balanced expert group to: (i) review the synthesis, taking into account the views provided; (ii) identify potential areas of common understanding with respect to Article 10; and (iii) identify areas that could be further examined. The expert group shall submit the outcomes of its work for consideration by a future meeting of the Intergovernmental Committee or the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, following the holding of the expert group;

5. *Invites* Parties, other Governments and relevant organizations to provide financial support to convene the meeting of the expert group.

Annex

Part A

INDICATIVE LIST OF QUESTIONS

When submitting their views on the need for and modalities of a global multilateral benefit-sharing mechanism, respondents may bear in mind the following when submitting their views:

1. What could be the ‘transboundary situations’ covered by Article 10 of the Nagoya Protocol that are within the scope of the Protocol?
2. What could be the situations where it is not possible to grant or obtain prior informed consent?
3. How could a global multilateral benefit-sharing mechanism be used to support the conservation and sustainable use of biological diversity globally?

4. How might the operation of a global multilateral benefit-sharing mechanism co-exist with the underlying principles, objective and scope upon which the Nagoya Protocol is based?
5. What could be the advantages and disadvantages of a global multilateral benefit-sharing mechanism?
6. What influence might other articles of the Nagoya Protocol have in the context of a global multilateral benefit-sharing mechanism?
7. Are there any existing international instruments or processes that could offer lessons learned for consideration in the context of a global multilateral benefit-sharing mechanism under the Nagoya Protocol?
8. What other aspects of a global multilateral benefit-sharing mechanism should be considered?
9. Perspectives on other matters which should be considered.

Part B

ADDITIONAL QUESTIONS RAISED BY PARTIES AT THE SECOND MEETING OF THE INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION

1. Does the mere existence of the same species in more than one country constitute a transboundary situation?
2. Does 'transboundary situation' refer to access to genetic resources and associated traditional knowledge?
3. How could benefits derived from utilization of shared genetic resources or associated traditional knowledge be shared through a global mechanism?
4. In those situations, what would be the role of national legislation or bilateral alternatives?
5. In which situations could genetic resources or associated traditional knowledge be accessed without prior informed consent while not violating the obligations in the Nagoya Protocol?
6. Would the transfer of genetic resources or associated traditional knowledge to third parties be covered by the situations identified in the previous question?
7. How to make sure that a global multilateral benefit-sharing mechanism will only be used when there is no real possibility to obtain prior informed consent?

8. How would a global multilateral benefit-sharing mechanism address collections made (i) pre-Convention; (ii) post-Convention but pre-Nagoya Protocol; (iii) post-Nagoya Protocol?
9. How would a global multilateral benefit-sharing mechanism address new uses of pre-Convention collections and continuing uses of pre-Convention collections?
10. How to apply Art. 10 and 11 without causing harm to the principle of the sovereign right of states over their natural resources?
11. How to ensure that a global multilateral benefit-sharing mechanism does not represent a disincentive for implementation of the bilateral system of the Protocol?
12. As a provider of genetic resources or associated traditional knowledge, what problems would a global multilateral benefit-sharing mechanism (a) create and (b) solve?
13. As a user of genetic resources or associated traditional knowledge, what problems would a global multilateral benefit-sharing mechanism (a) create and (b) solve?
14. If there is no global multilateral benefit-sharing mechanism, what problems would remain?
15. If other instruments or processes exist, should Article 10 of the Nagoya Protocol be prioritized over these instruments or processes?
16. Are there any existing international instruments or processes that could cover aspects that may be relevant to a global multilateral benefit-sharing mechanism under the Nagoya Protocol?
17. Is Article 10 of compulsory or voluntary nature?
18. What incentives for the contribution of the private sector could be envisaged in the global multilateral benefit-sharing mechanism?
19. How could capacity-building activities enhance capacity of Parties to handle transboundary situations or situations where no prior informed consent has been granted?
20. What is the status with regard to the Nagoya Protocol where the country has a law which covers pre-Convention collections?"

2/4. *Modalities of operation of the Access and Benefit-sharing Clearing-house*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

Stressing the importance of developing the Access and Benefit-sharing Clearing-house as an integral part of the operations of the Nagoya Protocol and the clearing-house mechanism of the Convention on Biological Diversity, serving as a means for sharing information related to access and benefit-sharing, in accordance with Article 14 of the Protocol, and without prejudice to its operational independence and efficacy,

1. *Takes note* of the suggested mechanisms and applications to be developed for the pilot phase of the ABS Clearing-house;

2. *Urges* the Executive Secretary to expedite the implementation of the pilot phase of the ABS Clearing-house;

3. *Invites* all Parties, other Governments, and as appropriate, international organizations, indigenous and local communities, and relevant stakeholders to participate in the pilot phase of the ABS Clearing-House;

4. *Requests* the Executive Secretary, in consultation with Parties, to further explore opportunities for collaboration with partners and other data providers in the development of the ABS Clearing-house once further progress has been made in the implementation of the pilot phase;

5. *Requests* the Executive Secretary to prepare a report on progress in the implementation of the pilot phase of the ABS Clearing-house, including an indicative work plan and timeline for activities to take place until the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, as well as an updated estimate of resource requirements for the consideration of Parties at the eleventh meeting of the Conference of the Parties, and report on progress at a future meeting of the Intergovernmental Committee and/or to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

6. *Requests* the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to take into account the points that may require further consideration* for the ABS Clearing-house and to suggest ways of reaching common understanding of these points informed by lessons learned from the pilot phase of the ABS Clearing-house;

7. *Recommends* that the Conference of the Parties at its eleventh meeting adopt a decision along the following lines:

“The Conference of the Parties,

1. *Welcomes* the pilot phase of the ABS Clearing-house and *establishes* an informal advisory committee in order to assist the Executive Secretary with the implementation of the ABS Clearing-house pilot phase and to provide technical guidance with respect to resolution of technical issues arising from the ongoing development of the pilot phase of the ABS Clearing-house until the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Informal Advisory Committee shall be regionally balanced and composed of fifteen experts selected on the basis of nominations provided by Parties;

* Paragraph 7 of the annex to the Report of the Expert Meeting on the Modalities of Operation of The Access and Benefit-Sharing Clearing-House (UNEP/CBD/ABS/EM-CH/1/4)

2. *Endorses* the indicative work plan and timeline for activities to take place until the first Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Decides* that the informal advisory committee hold one meeting, subject to the availability of financial resources, and informal online discussions, as needed, and report on the outcomes of its work to a future meeting of the Intergovernmental Committee or the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

4. *Invites* Parties, other Governments and relevant organizations to provide financial support for the organization of a meeting of the informal advisory committee;

5. *Requests* the Executive Secretary to further refine the draft modalities of operation[†] once further progress is made on the implementation of the pilot phase of the ABS Clearing-house, taking into account the views expressed at the second meeting of the Intergovernmental Committee, and submit them for the consideration of Parties at a future meeting of the Intergovernmental Committee and/or the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

[†] As set out in the annex to document UNEP/CBD/ICNP/2/9.

2/5. *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*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

1. *Invites* Parties, other Governments and relevant organizations to take into account the domestic needs and priorities of Parties and indigenous and local communities contained in annex I when designing and/or providing support for capacity-building and development activities to effectively implement the Protocol;

2. *Agrees* that a strategic framework should guide the capacity-building and development policies and actions of Parties, donors and other actors and include a set of practical capacity-building and development activities in support of the effective implementation of the Protocol;

3. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

“The Conference of the Parties,

1. *Requests* the Executive Secretary, in collaboration with relevant organizations, as appropriate, and subject to the availability of financial resources, to continue supporting capacity-building and development activities to support ratification, early entry into force and implementation of the Protocol;

2. *Invites* Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide financial resources to support capacity-building and development initiatives to support ratification, early entry into force and implementation of the Protocol;

3. *Invites* Parties, other Governments, and relevant organizations to undertake and provide support for capacity-building and development initiatives to support ratification, early entry into force and implementation of the Protocol, taking into account the domestic needs and priorities of Parties and indigenous and local communities contained in annex I.

4. *Requests* the Executive Secretary, subject to the availability of funds, to organize an expert meeting to develop a draft strategic framework, taking into account the synthesis of views and information on domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol contained in the synthesis of views and information received on domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol (UNEP/CBD/ICNP/2/10), the wealth of experiences and lessons learned from existing access and benefit-sharing related capacity-building and development initiatives and access and benefit-sharing related bilateral cooperation, as well as the summary of views expressed at the second meeting of the Intergovernmental Committee as contained in annex II below, in accordance with the following terms of reference:

(a) *Composition:* A maximum of up to three experts per region and five observers will be selected, taking into account their expertise, the need to ensure equitable geographical distribution, and with due regard to gender balance;

(b) *Duration:* The expert meeting will take place over a period of three days; and

(c) *Reporting:* The draft strategic framework developed by the expert meeting will be submitted for the consideration of a future meeting of the Intergovernmental Committee or

the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

5. *Invites* Parties, other Governments and relevant organizations to provide financial support for the organization of the expert meeting;

4. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting adopts a decision along the following lines:

“The Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recognizing the wealth of experiences and lessons learned as well as instruments and methodologies that have been developed under various ABS capacity development initiatives, such as the ABS Capacity Development Initiative that has expanded from Africa to other regions,

(a) *Adopts* the strategic framework for capacity-building and development in support of the effective implementation of the Protocol;

(b) *Invites* Parties, other Governments and relevant organizations to carry out capacity-building and development activities consistent with the strategic framework;

(c) *Invites* Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide financial resources to support the implementation of the strategic framework.”

Annex I

OVERVIEW OF MEASURES TO BUILD OR DEVELOP CAPACITY TO EFFECTIVELY IMPLEMENT THE PROTOCOL BASED ON THE NEEDS AND PRIORITIES OF PARTIES AND INDIGENOUS AND LOCAL COMMUNITIES

| | Key area: (a) capacity to implement, and to comply with the obligations of the Protocol | Key area: (b) capacity to negotiate mutually agreed terms | Key area: (c) capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing | Key area: (d) capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources | Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders, including the business sector and the research community |
|----------------|---|---|--|--|---|
| Phase 1 | <ul style="list-style-type: none"> -Ratification of the Protocol - Legal and institutional development - Raising-awareness of the importance of genetic resources and TK associated with genetic resources, and related ABS issues - Special measures to increase the capacity of ILCs with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or TK associated with genetic resources. - Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol. - Mobilising new and innovative financial resources to implement the Nagoya Protocol - Establishing mechanisms for interagency coordination. | <ul style="list-style-type: none"> - Promotion of equity and fairness in negotiations, such as training to negotiate MAT - Supporting the development of model contractual clauses. - Developing and implementing pilot ABS agreements | <ul style="list-style-type: none"> - Developing a policy framework on ABS. - Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol. - Setting-up new or amended ABS legislative, administrative or policy measures with a view to implementing the Nagoya Protocol -Development of regional model legislation | | <ul style="list-style-type: none"> -Participating in legal, policy and decision-making processes - Developing minimum requirements for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK associated with genetic resources - Developing community protocols in relation to access to TK associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of that knowledge - Developing model contractual clauses for benefit-sharing arising from the utilization of TK associated with genetic resources |
| Phase 2 | <ul style="list-style-type: none"> - Monitoring the utilization of genetic resources, including the designation of one or more checkpoints. - Special measures to increase the capacity of relevant stakeholders in relation to ABS - Employment of best available communication tools and Internet-based systems for ABS activities -Enforcement of ABS legislation | | | <ul style="list-style-type: none"> -Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable. - Development and use of valuation methods | <ul style="list-style-type: none"> - Capacity to negotiate MATs. - Understanding the obligations of the Parties under the Nagoya Protocol |
| Phase 3 | <ul style="list-style-type: none"> - The monitoring and enforcement of compliance. - Enhancement of the contribution of ABS activities to the conservation of biological diversity and the sustainable use of its components - Developing measures regarding access to justice - Addressing transboundary issues . - Providing information to the ABS Clearing-House. | <ul style="list-style-type: none"> - Development and use of valuation methods - Promoting better understanding of business models in relation to the utilisation of genetic resources | | <ul style="list-style-type: none"> -Research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting, -Development of genetic resources databases | <ul style="list-style-type: none"> - Managing TK associated with genetic resources |

Annex II

**SUMMARY OF VIEWS ON THE PROPOSED ELEMENTS OF THE STRATEGIC
FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT UNDER THE NAGOYA
PROTOCOL**

1. The following summarizes the views expressed at the second meeting of the Intergovernmental Committee on the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol.

A. Objectives

2. It was suggested that Article 22, paragraph 1, of the Protocol could serve as basis for the objective of the strategic framework.

3. With regard to the role and nature of the strategic framework, a number of delegations were of the view that it should be designed as plan of action or programme providing services on capacity-building and development to developing countries. Some delegations were of the view that the strategic framework should be designed both as reference document to guide policies and actions of Parties for capacity-building and development in support of the effective implementation of the Protocol and a plan of action.

4. One Party was of the view that the strategic framework should serve as a reference document and not as a plan of action but that it should establish priorities identified by recipients to facilitate implementation of the Nagoya Protocol.

B. *Experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives*

5. The following was suggested in relation to this element:

(a) Incorporation of some of the lessons learned outlined in section III B of the note by the Executive Secretary on synthesis of views and information on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol, prepared for the second meeting of the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (UNEP/CBD/ICNP/2/10) as guiding principles of the strategic framework, including those in relation to ensuring sustainability; and

(b) Publication of lessons learned on capacity-building and development in the ABS Clearing-house.

C. *Guiding principles and approaches to capacity-building and development*

6. The following guiding principles and approaches were suggested :

(a) The strategic framework should promote the development of sustainable capacities for Parties to comply with the requirements of the Nagoya Protocol; and

(b) The strategic framework should enable the identification of gaps in past and existing ABS capacity development initiatives and areas where capacity-building assistance is further needed.

D. Key areas for capacity-building and development and measures to build or develop capacity under the key areas

7. Capacity-building and development for promoting the ratification of the Protocol was identified as a priority.

E. Mechanisms for the implementation of capacity-building and development measures

F. Coordination mechanism

8. The following was suggested in relation to this element:

(a) Linking the coordination mechanism to the ABS Clearing-house as a way of promoting coordination and exchange of experiences among Parties; and

(b) Coordination of donors and users on the basis of factual reports of activities and outcomes in recipient countries as a means to identify sustainability, priority actions and gaps.

G. Cooperation among Parties and with relevant processes and programmes

9. The following was suggested in relation to this element:

(a) Promotion of cooperation at the bilateral, regional and international levels; and

(b) Establishment cooperation between and among Parties, relevant processes and programmes within their mandates on a voluntary basis.

H. Monitoring and review

10. It was suggested that the Conference of the Parties serving as the meeting of the Parties to the Protocol should monitor and review the strategic framework.

I. Possible sequence of actions for the implementation of the strategic framework

11. It was suggested that given that capacity-building will be country-specific, the sequence of actions for the implementation of the strategic framework will depend upon the stage of development of ABS processes within each country.

J. Financial and other resource requirements

12. It was suggested that capacity-building and development be financed through established multilateral and bilateral channels, including the Global Environment Facility.

K. Other possible elements

13. Sustainability of capacity-building and development activities was identified as a possible additional element of the strategic framework.

2/6. *Measures to raise awareness of the importance of the genetic resources and associated traditional knowledge, and related access and benefit-sharing issues*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

1. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting, adopts a decision along the following lines:

“The Conference of the Parties serving as the meeting of the Parties to the Protocol,

1. *Adopts* the awareness-raising strategy for the Nagoya Protocol as set out in the annex to the present recommendation;

2. *Recommends* that the Conference of the Parties to the Convention on Biological Diversity, as part of its guidance to the financial mechanism, invites the Global Environment Facility to provide financial resources to Parties for early action on Article 21 of the Protocol.”

2. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

“The Conference of the Parties,

Recognizing the importance of awareness raising in supporting the ratification, early entry into force and implementation of the Nagoya Protocol,

1. *Requests* the Executive Secretary, in collaboration with relevant organizations, as appropriate, and subject to the availability of financial resources, and taking advantage of activities and resources developed under other programmes of work of the Convention, notably under the Communication, Education and Public Awareness (CEPA) Programme to carry out awareness raising activities to support ratification, early entry into force and implementation of the Protocol; and

2. *Invites* Parties, other Governments, international organizations and other relevant actors to carry out awareness raising activities to support ratification, early entry into force and implementation of the Protocol, taking into account the draft awareness raising strategy set out in recommendation 2/6 of the Intergovernmental Committee for the Nagoya Protocol;

3. *Further invites* Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide financial resources to support awareness raising initiatives in support of the ratification, early entry into force and implementation of the Nagoya Protocol.”

*Annex***AWARENESS-RAISING STRATEGY FOR THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING***Introduction*

1. Communication, education and public awareness are central to an effective implementation of the Nagoya Protocol. Therefore, effective implementation of Article 21 of the Nagoya Protocol plays a critical role for the overall success of the Protocol.
2. The wide range of activities, initiatives and tools for awareness-raising with respect to access and benefit-sharing (ABS) that have been developed to date, were created in the absence of an overall communications framework and a lack of predictable and long-term funding for communications activities. This has contributed to a general lack of awareness on ABS.
3. The awareness-raising strategy aims at providing a systematic and coherent approach to assist Parties in the implementation of Article 21. It recognizes the need to link activities related to Article 21 to other capacity-development activities under the Nagoya Protocol, under the programme of work for Communication, Education and Public Awareness (CEPA), and other outreach initiatives of the CBD, such as the United Nations Decade on Biodiversity.
4. It is important that awareness-raising activities respond to the specific needs and contexts of each Party; therefore, the awareness-raising strategy should be country-driven. However, in order to assist Parties in the implementation of the strategy, the Secretariat would carry-out a series of supporting actions such as the creation of a toolkit containing methodologies, templates and descriptive materials to support the development of national awareness-raising strategies and associated materials and tools. All products developed under the strategy, by the Secretariat and Parties, should be disseminated through the clearing-house mechanism under the Convention on Biological Diversity, which includes the ABS Clearing-House (Clearing-House).
5. While target groups may vary depending on the country, raising awareness amongst users of genetic resources is a priority for the effective implementation of the Protocol. It is also important that the full and effective participation of indigenous and local communities be facilitated in national and regional awareness-raising activities.
6. A number of awareness-raising tools on ABS have already been developed by Parties and other organizations. In the interest of cost effectiveness, in implementing the strategy, Parties are encouraged, where appropriate, to make use of these tools in the elaboration of their national awareness raising strategies and development of awareness-raising materials.
7. The Clearing-House will be an important mechanism to support the implementation of Article 21, ensuring not only that the awareness-raising strategy, products and tools are available to all stakeholders, but also facilitating the sharing of lessons learned among Parties facing similar situations and the sharing of experiences in communicating ABS issues. Finally, it would be needed to fulfil the suggested activities in Article 21, notably activities in paragraphs (d), (e), and (f).
8. The following paragraphs elaborate a strategy for awareness-raising to support Parties in the development of national, regional and subregional awareness-raising strategies. The strategy is also outlined in tables at the end of the document. The strategy is structured around four priority activities, which build upon each other. The final activity, the evaluation and assessment step, is assumed to set the conditions and priorities for subsequent iterations of the strategy. Parties are encouraged to implement one iteration of the strategy during the biennium after entry into force. Parties would then be invited to

/...

report on progress in the implementation of the strategy to the Clearing-House and the COP/MOP, as appropriate.

Priority activity 1. Communications situation analysis and the development of needs-based awareness-raising strategies at national, regional and subregional levels

9. Article 21 indicates that Parties are to increase awareness of the importance of genetic resources and the traditional knowledge associated with genetic resources and related access and benefit-sharing issues. Awareness raising measures are further important and necessary for the effective implementation of and compliance with the Protocol and all three objectives of the Convention. Operationalizing these overall principles into an awareness-raising strategy would require the elaboration by Parties of the more specific communications goals to be accomplished, taking into account the specific guidelines outlined in the article.

10. The development of effective awareness-raising strategies by Parties should be based upon an analysis of the state of communication on access and benefit-sharing issues. Such an analysis should include the following elements:

(a) Evaluating the communication goals required to support implementation of the Protocol and in particular for Parties to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues, in accordance with Article 21;

(b) Conducting awareness surveys which identify the target groups, their level of awareness, and actions required by these groups, with a view to support the implementation of the Protocol;

(c) Carrying out an audit of existing information and training materials which lists and reviews the effectiveness of existing communication products; and

(d) Creating a roster of technical and communication experts, who could be called upon for assistance in implementing the national, regional or subregional strategies.

11. Under this priority activity, the Secretariat will propose a structure to assist Parties in creating their national, regional or subregional awareness-raising strategies, including carrying out a communications situation analysis that address the above elements. The analysis should seek to provide guidance on the kind of messages and awareness-raising materials to be developed. Guidelines and recommendations on each of the above steps will be elaborated by the Secretariat using wherever appropriate existing programs, tools, structures and materials either within the Secretariat, (particularly CEPA) or other relevant international organizations, in order to strengthen coherence, enhance efficiency and limit costs. These will be posted on the Clearing-House. Parties would then be invited to replicate, or adapt this methodology, as appropriate.

12. A variety of actors representing different interests, each with different priorities will be involved with the implementation of the Nagoya Protocol, including, *inter alia*, Governments, research institutions, industry, the education and training sector, representatives of the media, as well as indigenous and local communities. Therefore, Parties should identify and prioritize key target groups and carry out an awareness survey that establishes their current level of awareness. From this survey, Parties can then determine the actions by these groups that would facilitate full and effective implementation of the Protocol, as well as the communication channels and messages that can help to encourage these actions. This communications situation analysis will assist in the creation of their awareness-raising strategies. As noted earlier, particular efforts should be made to ensure awareness-raising for users of genetic resources. Further, any evaluation of the role of indigenous and local communities in this process should be done as an integrated approach to overall communication goals.

13. In addition to the awareness survey, Parties would be invited to carry out an audit of appropriate existing awareness raising products and initiatives and evaluate the extent to which these tools can contribute to achieving communication goals. The audit should take into account the tools and initiatives of partners in different government ministries, non-governmental organizations, business and research communities, as well as indigenous and local communities.

14. Finally, Parties are encouraged to create rosters of experts that include communication professionals with expertise in ABS, and technical and legal experts that can act as subject matter experts for the creation of awareness-raising materials.

15. The different components outlined above, such as the communication goals, the survey of attitudes and awareness, the audit of existing materials and the roster of experts, should be used to create national, regional or subregional awareness-raising strategies. The resulting strategies will be particular to each Party/Parties, but it is suggested that each will include:

- (a) A situation analysis and report on key target groups;
- (b) Key messages for awareness-raising activities;
- (c) Awareness-raising activities;
- (d) Timelines;
- (e) Resource requirements; and
- (f) An evaluation framework.

16. Further, it is suggested that any strategy at the national, regional or subregional level includes provisions for communication activities, capacity-development or training, whether this is within target groups, or within a group of communications professionals or trainers. Parties would be invited to disseminate the final result of all these activities to the Clearing-House.

Priority activity 2. Creation of toolkit and awareness-raising materials

17. This priority activity focuses on the creation of awareness-raising and training materials which could be used as a means to transmit key messages to different target groups during outreach activities. These materials would be the primary tools for Parties to launch their awareness-raising campaigns and to develop capacity on access and benefit-sharing issues in accordance with the principles outlined in Article 21. Furthermore, training and direction, including training of trainers, on ways to use the materials and how to deliver the key messages to target groups may be required to ensure that the capacities of the target audiences are improved.

18. To assist in the implementation of this activity, the Secretariat will create a toolkit that contains methodologies, templates and other descriptive materials on how Parties and stakeholders can develop awareness-raising and training materials. The development of the toolkit will, where appropriate, take into account relevant existing tools within the Convention on Biological Diversity, such as the CEPA toolkit (<http://www.cbd.int/cepa/toolkit/2008/doc/CBD-Toolkit-Complete.pdf>) and materials from other relevant international organizations, but will be specifically tailored for the needs of ABS communication. The toolkit will be

produced in print and multimedia form, compatible with its deployment as an eLearning resource. The toolkit will be created as an Open Educational Resource (OER).³

19. Parties will be invited to use the toolkit to develop different awareness-raising materials, adapted to their particular needs, and in support of the strategy created under priority activity 1 to raise awareness and transmit messages to target groups. In creating the materials, the input of key stakeholders, such as those identified under priority activity 1 and indigenous and local communities should be taken into account to ensure that it would be effective in raising their awareness.

20. The selection of the best mix of information products for communicating with a specific target group will be largely determined according to the research and assessments conducted in the first priority activity. Print materials, such as brochures and fact sheets, may be suitable in some contexts, while other multimedia materials and approaches such as radio, short films, and others may be more effective in others.

21. In the context of this priority activity Parties may also wish to develop materials for use within formal education.

22. Parties will be invited to provide copies of the materials developed to the Clearing-House, for further dissemination and sharing amongst other Parties and stakeholders.

Priority activity 3. Train communicators and engage target groups

23. This priority activity has two primary objectives: to train a group of ABS communication experts to implement the national awareness-raising strategy and then to carry out activities to engage with target groups in order to raise awareness.

24. In support of this activity, the Secretariat will provide guidelines on the way to conduct a training workshop for ABS communicators. In the ABS toolkit mentioned above, the Secretariat will provide guidelines on the ways that awareness-raising and training materials may be disseminated and used in support of an awareness-raising strategy.

25. As a first step in this priority activity, it is suggested that a series of workshops be held to train communications experts using the training materials developed in priority activity 2. This would prepare the group of communications experts to in turn effectively reach out to key target groups and deliver the key messages contained within the awareness-raising materials created. These trained communicators could then organize workshops and other events for the key target groups identified in the strategy.

26. The awareness-raising materials created under priority activity 2 will be disseminated to target groups in a variety of ways, but an important part of any awareness-raising strategy will be the convening of events, workshops and other forums, where communication activities can take place. The kind of activities which could be organised should be determined by the target groups to be communicated with. Examples of such activities are: information breakfast session, a roundtable for representatives of a particular user group, a training session for representatives of media, or an academic conference on ABS measures for the research community.

27. The events would be an opportunity to involve a variety of stakeholders to discuss national circumstances related to the implementation of the Nagoya Protocol. For example, as outlined in Article 21 (i), the events could include specific communication activities related to awareness-raising of

³ Open Educational Resources (OER) are teaching and learning materials that are freely available online for everyone to use, whether you are an instructor, student or self-learner. Examples of OER include: full courses, course modules, syllabi, lectures, homework assignments, quizzes, lab and classroom activities, pedagogical materials, games, simulations, and many more resources contained in digital media collections from around the world.
<http://openeducationalresources.pbworks.com/w/page/24836860/What%20are%20Open%20Educational%20Resources>

community protocols and procedures of indigenous and local communities. The events could also be an opportunity to brief representatives of the media on ABS-related issues.

28. It is expected that workshops would be organized primarily at the national level. In certain cases, subregional or regional workshops may also add-value to the implementation of the awareness-raising strategies and therefore their organization would be a suitable contribution to this activity. To achieve the most effective and efficient use of resources, the organization of such workshops will take place on the basis of capacity needs assessments by the Parties. In analysing those needs, existing global, regional or subregional mechanisms, processes and tools should be fully taken into account. The Secretariat may be involved in these workshops, subject to the availability of resources.

29. For all activities, evaluation and feedback mechanisms similar to the assessments carried out in priority activity 1 should be included to provide data for priority activity 4 below.

30. Parties and stakeholders will be invited to post the results of the events on the Clearing-House, including photos of the proceedings, presentations and summaries of the findings.

Priority activity 4. Evaluation and feedback

31. It is important to note that as Parties design their strategies, for each priority activity, data and information should be collected for use in an evaluation exercise. Priority activity 1 represents the assembly of baseline data on awareness, against which changes in awareness and behaviour need to be measured. The effectiveness and reception of the awareness-raising materials developed under priority activity 2 should also be measured. Finally, the suitability and learning that has taken place during the workshops and other events under priority activity 3 should also be assessed.

32. Using this data, Parties are invited to assess the effectiveness of their activities, workshops and awareness-raising materials. Parties will then be invited to repeat the survey instruments used to establish their national strategies and analyse the feedback received from participants to the awareness-raising activities with a view to changing and fine-tuning their strategies as needed. Parties should collect the same data that was assembled under priority activity 1, and compare them with the baseline results.

33. The results of the evaluation and analyses should then be disseminated through the Clearing-House.

Resource requirements

34. As Party needs will be varied, so too will the resource requirements for the implementation of national awareness-raising strategies. Sustainable funding plans should be established to ensure that sufficient resources are available for the strategies in the long-run. Developing country Parties may require external support, including through the GEF in order to implement their national awareness raising strategies.

35. In order to assist Parties in the development and implementation of national, regional and subregional awareness-raising strategies, as recommended under the priority activities, the Secretariat will also require financial and human resources. Secretariat support to priority activities 1, 3 and 4 will be limited to staff time. The Secretariat's contribution to priority activity 2 will require financial support for the development of the toolkit.⁴

⁴ The resources required would include staff time, resources to hire a communications consultant, translate the toolkit into United Nations languages, and format the toolkit for print and web delivery. These costs will be reflected in the budget document. It is estimated that an amount of 170 000 US\$ would be required.

Table: Outline of an Awareness-raising strategy for the Nagoya Protocol on Access and Benefit-sharing

| | |
|---|---|
| <p>Priority activity 1. Communications situation analysis and the development of needs-based awareness-raising strategies at national, regional and subregional levels.</p> | |
| <p>1.1. Operational objectives</p> <ul style="list-style-type: none"> - Conduct analysis of communications goals, target groups and existing awareness-raising materials. - For target groups, identify desired outcomes of communications efforts. - Evaluate effectiveness of existing tools, messages and activities. - Provide indicative costs for implementation of different activities. | |
| <p>1.2. Expected Outcomes</p> <ul style="list-style-type: none"> - List of target groups and level of awareness. - List of desired communication goals. - Gap analysis of tools and identification of required products. - Evaluation of possible costs needed. | |
| <p>1.3. Indicators</p> <ul style="list-style-type: none"> - Level of awareness amongst key target groups. - List of existing awareness-raising materials and their use. - List of communication and technical experts. | |
| <p>1.4 Role of Secretariat</p> <ul style="list-style-type: none"> - Provide template for the development of national awareness-raising strategies. - Provide guidelines on survey methodologies. - Make available existing awareness-raising materials on ABS. - Make available awareness-raising strategies on the Clearing-House and report developments to the COP-MOP, as appropriate | |
| <p style="text-align: center;">1.5. Activities</p> <ul style="list-style-type: none"> - Create national, regional and subregional awareness-raising strategies, including timetables, activities, evaluation tools and identification of target groups. Include all resource requirements. - Determine key target groups and desired behavior changes. - Carry-out surveys to determine level of awareness of key target groups. - Conduct audit of awareness-raising products and materials, including evaluation of the effectiveness of each. - Create a list of communication, and legal and technical experts on ABS. - Submit national awareness-raising strategy to the Clearing-House. | <p style="text-align: center;">1.6. Actors</p> <ul style="list-style-type: none"> - Parties, including relevant government ministries. - Public opinion research organizations. - Representatives of the media. |

| | |
|--|--|
| Priority activity 2. Creation of toolkit and awareness-raising materials | |
| 2.1. Operational objectives | |
| <ul style="list-style-type: none"> - Create awareness-raising and training materials to support national, regional and subregional ABS awareness-raising strategies. - Create toolkit for use in training of ABS communicators. | |
| 2.2. Expected outcomes | |
| <ul style="list-style-type: none"> - Awareness-raising and training materials and other information products that support national, regional and subregional awareness-raising strategies are created including, <i>inter alia</i>, brochures, booklets, fact sheets, materials for use in formal education, videos, radio spots, audio recordings, websites, flash and PowerPoint presentations. | |
| 2.3. Indicators | |
| <ul style="list-style-type: none"> - Catalogue of awareness-raising materials created. - Usage levels of awareness-raising materials. | |
| 2.4 Role of the Secretariat | |
| <ul style="list-style-type: none"> - Create ABS awareness-raising toolkit with templates, guidelines and example methodologies for training and communication activities. Translate into United Nations languages and disseminate in print and online. - Make available ABS communications materials developed by Parties and other stakeholders on the Clearing-House. | |
| 2.5. Activities | 2.6. Actors |
| <ul style="list-style-type: none"> - Create ABS awareness-raising and training materials using toolkit and its resources. - Distribute materials at national and regional levels through established communication channels. - Submit materials to Clearing-House. | <ul style="list-style-type: none"> - Parties through relevant government ministries and, as appropriate, relevant stakeholders such as indigenous and local communities. - Experts in communication, including representatives of the media. - Training agencies. - Educators. |
| Priority activity 3. Train communicators and engage target groups | |
| 3.1. Operational objectives | |
| <ul style="list-style-type: none"> - Train a group of ABS communication experts to deliver key messages to target groups - Engage with target groups in order to raise awareness. | |
| 3.2. Expected outcomes | |
| <ul style="list-style-type: none"> - A group of trainers and communicators on ABS issues is established, to participate in awareness-raising activities. - Activities are held to implement the strategy. - The level of awareness of target groups is increased. | |

3.3. Indicators

- Number of communicators trained.
- Feedback from trainees.
- Number of activities held.
- Number of participants in activities.
- Feedback from participants on the effectiveness of the events and awareness-raising materials.
- Increases in awareness amongst target groups.
- Level of usage of awareness-raising materials.

3.4 Role of the Secretariat

- Provide guidelines on workshop structure and forms.
- Provide indicative list of outreach activities.
- When requested, participate in ABS awareness-raising activities at subregional and regional levels, subject to the availability of resources.

3.5. Activities

- Hold ABS communication training workshops with the participation of ABS communicators and others who will deliver communication activities to target groups.
- Hold awareness-raising activities for target groups.
- Distribute and disseminate awareness-raising and training materials.
- For all activities, conduct feedback and evaluation exercises and record this data for priority activity 4.
- Submit reports of activities to the Clearing-House.

3.6. Actors

- Parties, and, as appropriate, relevant stakeholders such as indigenous and local communities.
- Communications professionals, including representatives of the media.
- Target groups identified in the awareness-raising strategy such as users of genetic resources.

| | |
|---|--|
| Priority activity 4. Evaluation and feedback | |
| 4.1. Operational objectives | |
| <ul style="list-style-type: none"> - Evaluate effectiveness of awareness-raising activities against baseline data collected in priority activity 1. - Adjust national awareness-raising strategy as appropriate based on feedback. | |
| 4.2. Expected outcomes | |
| <ul style="list-style-type: none"> - Parties will understand the results of their activities and the effectiveness of their strategies. - Parties will have the information required to adjust and alter their strategies as needed. | |
| 4.3. Indicators | |
| <ul style="list-style-type: none"> - Level and type of participation in awareness-raising activities from priority activity 3. - Change in level of awareness amongst key target groups. - List of new awareness-raising materials and their use. - Detailed feedback from participants in activities. | |
| 4.4 Role of Secretariat | |
| <ul style="list-style-type: none"> - Make available information provided by Parties on evaluations and feedback to the Clearing-House. | |
| <p style="text-align: center;">4.5. Activities</p> <ul style="list-style-type: none"> - Resurvey target groups to determine any changes in level of awareness. - Re-audit awareness-raising materials to determine effectiveness of new and existing materials under the new strategy. - Review list of communication and legal and technical experts on ABS issues. - Evaluate effectiveness of ABS awareness-raising activities using data collected under each Priority Activities. - Revise and adjust the national awareness-raising strategy according to this analysis. - Submit results of all analyses to the Clearing-House. | <p style="text-align: center;">4.6. Actors</p> <ul style="list-style-type: none"> - Parties. - Public opinion research organizations. |

2/7. *Cooperative procedures and institutional mechanisms to promote compliance with the protocol and to address cases of non-compliance*

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

Having considered the report of the expert meeting on cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance and the outcomes annexed to that report (UNEP/CBD/ICNP/2/12),

1. *Decides* that the draft “Cooperative Procedures and Institutional Mechanisms to Promote Compliance with the Protocol and to Address Cases of Non-compliance”, as contained in the annex to the present recommendation, shall serve as the basis for future consideration of this issue;

2. *Recommends* that the Conference of the Parties at its eleventh meeting adopt a decision along the following lines:

“The Conference of the Parties,

Decides to forward the draft “Cooperative Procedures and Institutional Mechanisms to Promote Compliance with the Protocol and to Address Cases of Non-compliance” as contained in the annex to this decision to a future meeting of the Intergovernmental Committee or the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to enable the first meeting of the Parties to consider and approve them.

Annex

To be attached”

*Annex***COOPERATIVE PROCEDURES AND INSTITUTIONAL MECHANISMS TO PROMOTE COMPLIANCE WITH THE PROVISIONS OF THE NAGOYA PROTOCOL AND TO ADDRESS CASES OF NON-COMPLIANCE**

The following procedures and mechanisms are developed in accordance with Article 30 [and related articles] of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From Their Utilization (the Protocol).

A. Objectives, nature and underlying principles

1. The objective of the compliance procedures and mechanisms is to promote compliance with the provisions of the Protocol and to address cases of non-compliance. These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms under Article 27 of the Convention on Biological Diversity (the Convention).
2. The compliance procedures and mechanisms shall be non-adversarial, [non-judicial,] cooperative, simple, expeditious, advisory, facilitative, flexible,[preventive,] cost-effective, [voluntary,] [positive,] [and legally non-binding][and legally binding] in nature.
3. The operation of the compliance procedures and mechanisms shall be guided by the principles of fairness, due process, [rule of law], flexibility, [non-confrontation,] non-discrimination, transparency, accountability, predictability, [consistency,] good faith, [supportiveness,] [effectiveness] [and expeditiousness,] [recognizing the common but differentiated responsibilities of Parties][recognizing that all obligations apply equally to all Parties]. [It shall pay particular attention to the special needs of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, [and indigenous and local communities,] and take into full consideration the difficulties they face in the implementation of the Protocol.]
4. The application of the cooperative procedures and institutional mechanisms, whenever possible, should, with the aim of mutual supportiveness, [be coordinated with and/or build on other relevant procedures and mechanisms under the Convention, the Protocol and other relevant instruments [and other international agreements] [, including compliance and other *sui generis* mechanisms of indigenous and local communities taking into account their customary laws, norms and practices in accordance with national legislation]].

B. Institutional mechanisms

1. A Compliance Committee, hereinafter referred to as “the Committee”, is hereby established pursuant to Article 30 of the Protocol to carry out the functions specified herein.
2. The Committee shall consist of 15 members nominated by Parties, endorsed by the respective regional group of the United Nations [and [could] include representatives of indigenous and local communities [as observers]][as well as one representative of indigenous and local communities as a member of the Committee]-and elected by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) on the basis of three members from each of the five regional groups of the United Nations.
3. Each regional group of the United Nations should provide one alternate member to be nominated by Parties and elected by the COP-MOP to replace a member who resigns or is unable to complete their term of office.

4. Members of the Committee shall have recognized competence, including technical, legal or scientific expertise in the fields covered by the Protocol, such as genetic resources and traditional knowledge associated with genetic resources, and serve objectively [and in the best interests of the Protocol][and in their personal and individual capacity][as representatives of Parties].
5. Members shall be elected by the COP-MOP for [a period of [four][two] years, this being a full term.][two intersessional periods of the COP-MOP, this being a full term. An intersessional period begins at the end of one ordinary meeting of the COP-MOP and expires at the end of the next ordinary meeting of the COP-MOP.] At its first meeting, the COP-MOP shall elect five members, one from each region, for half a term, and ten members, two from each region, for a full term. Each time thereafter, the COP-MOP shall elect, for a full term, new members to replace those whose term has expired. Members shall not serve for more than [two consecutive terms][one term], [unless the COP-MOP decides otherwise].
6. The Committee shall meet, at least once in each intersessional period and may, as necessary [and subject to the availability of financial resources], hold additional meetings. In determining the dates of the meetings, due consideration should be given to the meetings schedule of the COP-MOP and other relevant bodies under the Protocol, and cost-effective scheduling. Meetings should be held at least three months before the meetings of the COP-MOP.
7. The Committee shall develop and submit its rules of procedure, including those on confidentiality and conflict of interest, to the COP-MOP for its consideration and approval.
8. The Committee shall elect its Chair and a Vice-Chair, who will rotate amongst the five regional groups of the United Nations.
- 9.

Option 1: The Committee shall reach agreement on all matters of substance by consensus. The report of any meeting of the Committee at which consensus is not reached shall reflect the views of all the Committee members.

Option 2: The Committee shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a [two-thirds][three-quarters] majority of the members present and voting [or by {...} members, whichever is greater]. The report of any meeting of the Committee at which consensus is not reached shall reflect the views of all the Committee members. The report shall be made public once adopted. If it contains confidential parts, a public summary of such parts shall be made available to the public.

10. [The meetings of the Committee shall be open to Parties, signatories to the Protocol and the public, unless the Committee decides otherwise. [When the Committee is dealing with individual submissions, the meetings of the Committee shall be open to Parties and closed to the public, unless the Party whose compliance is in question agrees otherwise.] [Nevertheless, in such cases, oral hearings will be public. Only members of the Committee may participate in the business of the Committee.]]
11. The Secretariat shall service the meetings of the Committee and perform any additional functions assigned to it under these procedures.

C. Functions of the Committee

1. The Committee shall, with a view to promoting compliance with the provisions of the Protocol and addressing cases of non-compliance and under the overall guidance of the COP-MOP have the following functions:
 - (a) [Consider information [submitted to it][acquired through formal submission [or other sources]] regarding matters relating to compliance and cases of non-compliance related to the submissions and make its recommendations directly to the Parties concerned;]

- (b) Identify the specific circumstances and possible causes of individual cases of non-compliance referred to it;
- (c) Offer advice to the Part[y][ies] concerned and/or facilitate assistance on matters relating to compliance and cases of non-compliance;
- (d) [Assess the extent of implementation and compliance with the Protocol by Parties by reviewing the monitoring and reporting provided for under Article 29;]
- (e) Identify and review any general issues of compliance by the Parties with the obligations under the Protocol, including on the basis of information provided to the Access and Benefit-sharing Clearing-House;
- (f) [Prepare reports on compliance on the basis of, *inter alia*, information provided in the Party reports provided for in Article 29 of the Protocol;]
- (g) [Recommend any appropriate measure directly or through the COP-MOP;]
- (h) [Respond to requests submitted by Parties for advice and assistance in the establishment of cooperation between Parties in cases of alleged violation of domestic ABS legislation or regulatory requirements;]
- (i) [Respond to requests submitted by Parties for assistance in legal training or advice and in the provision of capacity-building by recommending to COP-MOP that such assistance be provided to Parties;]
- (j) [Consult with the compliance committees of other agreements in order to share experience on compliance issues and options for their resolution; and]
- (k) Carry out any other functions assigned to it by the COP-MOP.

2. [The Committee shall submit its reports including recommendations with regard to the discharge of its functions to the next meeting of the COP-MOP for consideration and appropriate action.][The Committee will submit a report of its activities to the COP-MOP, for its consideration.]

D. Procedures

1. The Committee shall receive any submissions relating to issues of compliance and non-compliance with the provisions of the Protocol from:

- (a) Any Party with respect to itself;
- (b) [Any Party with respect to another Party][Any Party affected or that may be affected by the alleged non-compliance of another Party][Any Party affected by the alleged non-compliance of another Party][Any Party over matters related to another Party including a non-Party];
- (c) [The COP-MOP;]
- (d) [The Compliance Committee members [only for general issues of compliance];]
- (e) [The Secretariat[, for failure to file a report pursuant to Article 29, providing that the matter has not been resolved within ninety days by consultation with the Party concerned];]
- (f) [Members of the public; or]
- (g) [Indigenous and local communities [supported by the Party on whose national territory they are located].]

2. The Party in respect of which an issue has been raised is hereinafter referred to as “the Party concerned”.

3. Any submission is to be addressed in writing to the Secretariat and set out:
 - (a) The matter of concern;
 - (b) The relevant provisions of the Protocol; and
 - (c) Information substantiating the matter of concern.
4. The Secretariat shall forward any submission under paragraphs 1 (a) above to the Committee within [15][30][60]-calendar days of receipt.
5. The Secretariat shall forward any submission under paragraphs 1 (b) to 1 [(c)][(g)] above to the Party concerned within [15][30][60] calendar days of receipt.
6. When the Party concerned has received a submission it should respond and, with recourse to the [Committee][Secretariat][Committee and the Secretariat] for assistance if required, provide relevant information [preferably] within [three][two] months and in any event not later than [six][five] months. This period of time commences on the date of the receipt of the submission by the Party concerned [as confirmed by the Secretariat].
7. Once the Secretariat has received a response and any information from the Party concerned or from other sources, the Secretariat shall transmit the submission, the response and such information to the Committee. In the case where the Secretariat has not received any response or information from the Party concerned within the [six][five] months as referred to in paragraph 6 above, the Secretariat shall forward the submission to the Committee forthwith.
8. The Committee may refuse to consider any submission made pursuant to paragraphs 1 (b) to 1 (g) above that [is *de minimis* or ill-founded bearing in mind the objectives of the Protocol][do not meet the requirements set out in paragraph D.3].
9. The Party concerned [and the Party that made the submission] may participate in the consideration of the submission and present responses or comments to the Committee [at all stages of the process]. [The Party concerned][The mentioned Parties] shall not take part in the elaboration and adoption of the recommendation of the Committee. The Committee shall make available the draft findings and recommendations, including measures, to the Party concerned and invite the Part[y][ies] to [respond][propose any adjustment on the accuracy of findings and facts]. [Any such response is to be reflected in the report of the Committee.]
10. [In addition to the procedures under this section, the Committee may decide to examine any question of compliance, including systemic issues of general non-compliance of interests to all Parties to the Protocol that come to its attention. It may consider such questions on the basis of national reports and reporting requirements under Article 29 of the Protocol or of any other relevant information that becomes available to the Committee, particularly by members of the public which have a legitimate specific interest in the question concerned, including indigenous and local communities as well as information generated under Articles 14 and 17 of the Protocol. If a question affects one Party more than others, the procedural rules shall apply *mutatis mutandis*.]

E. Information for and consultation by the Committee after the triggering of the procedures

1. The Committee shall consider relevant information from:
 - (a) The Party concerned [and from the Party or entity that has made the submission];
 - (b) [The Party that has made the submission with respect to another Party in accordance with paragraph 1 (b) of section D above;]

(c) [The entity that has made the submission with respect to a Party in accordance with paragraphs 1 (c) to 1 (g) of section D above; and]

(d) [Affected indigenous and local communities.]

(e) [Any other relevant source].

2.

Option 1 The Committee may seek or receive, when necessary for its work, relevant information from the following sources [, such as]:

(a) The Secretariat;

(b) The Access and Benefit-sharing Clearing-House;

(c) The Conference of the Parties to the Convention;

(d) The COP-MOP;

(e) Subsidiary bodies of the Convention and to the Protocol;

(f) International organizations [with a relevant mandate on genetic resources and access to genetic resources and benefit-sharing]; and

(g) [Other relevant and reliable sources.]

Option 2: The Committee may [seek, receive and] consider information from all possible sources. The reliability of the information should be ensured.

3. The Committee may seek [expert advice, taking into account possible conflicts of interest][advice of independent experts].

4. The Committee may undertake, upon invitation of the Party concerned, information gathering in the territory of that Party.

F. Measures to promote compliance and address cases of non-compliance

1. In considering the measures specified below the Committee shall take into account:

(a) The capacity of the Party concerned to comply;

(b) The special [circumstances and] needs of developing country Parties, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition; and

(c) Such factors as the cause, type, degree and frequency of non-compliance.

Option 1

2. [The Committee][The COP-MOP upon the recommendations of the Committee]-with a view to promoting compliance and addressing cases of non-compliance, may:

(a) Offer advice or assistance to the Party concerned, as appropriate;

(b) [[Recommend][Provide][Facilitate] [financial and] technical assistance, [technology transfer,] training and other capacity-building measures, according to availability;]

- (c) [Request or assist, as appropriate,][Assist, upon request,] the Party concerned to develop a compliance action plan to be submitted identifying appropriate steps, an agreed timeframe and indicators to assess satisfactory implementation;
- (d) Invite the Party concerned to submit progress reports on its efforts to comply with its obligations under the Protocol;
- (e) Issue a written [caution][statement of concern][declaration of non-compliance] to the Party concerned after consultation with COP-MOP;
- (f) [Publish cases of non-compliance after consultation with COP-MOP;]
- (g) [Send a [public] notification of a compliance matter through the Secretariat to all Parties advising that a Party has been notified that it may be in non-compliance and that, up to that time, there has been no satisfactory response or action;]
- (h) [In cases of [grave or] repeated non-compliance notify the COP-MOP for it to decide the appropriate measures, according to international law;]
- (i) [Suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, specific rights and privileges;]
- (j) [Apply financial penalties;]
- (k) [Apply trade consequences;]
- (l) [Require the appointment of a representative in the provider country for notification purposes to facilitate administrative and/or criminal procedures;_and]
- (m) [Give notification to the relevant judicial authorities of a Party subject to the obligation under Articles 15 to 18 of the Nagoya Protocol, that a specific Party or an indigenous or local community is entitled to benefit-sharing under a particular instance of mutually agreed terms involving a specific genetic resource and associated traditional knowledge.]
- (n) [Require the Party concerned to take action and, after appropriate procedures, apply sanctions against those who are non-compliant with Article 15(2) and 16(2) of the Protocol within their jurisdictions.]

Option 2

2. The Committee with a view to promoting compliance and addressing cases of non-compliance, may:
- (a) Offer advice or facilitate assistance to the Party concerned, as appropriate;
 - (b) [Facilitate][Recommend] [financial and] technical assistance, [technology transfer], training and other capacity-building measures;
 - (c) Request or assist, as appropriate the Party concerned to develop a compliance action plan to be submitted identifying appropriate steps, an agreed timeframe and indicators to assess satisfactory implementation;
 - (d) Invite the Party concerned to submit progress reports on its efforts to comply with its obligations under the Protocol;
 - (e) [Recommend any other measure, for the consideration of the COP-MOP].

2 (*bis*) The COP-MOP upon the recommendations of the Committee may also, with a view to promoting compliance and addressing cases of non-compliance:

/...

- (f) Take any of the measures set out in paragraph 2 (a)-(e) above;
- (g) Issue a written caution, statement of concern or a declaration of non-compliance to the Party concerned after consultation with COP-MOP;
- (h) [Publish cases of non-compliance after consultation with COP-MOP];
- (i) Send a public notification of a compliance matter through the Secretariat to all Parties advising that a Party has been notified that it may be in non-compliance and that, up to that time, there has been no satisfactory response or action;
- (j) [[Recommend the suspension][Suspend], in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, specific rights and privileges.]

[F(bis). Ombudsman

The Committee shall establish the office of an ABS ombudsman to provide assistance to developing countries and indigenous and local communities to identify instances of non-compliance and make submissions to the Committee.]

G. Review of procedures and mechanisms

The COP-MOP shall undertake the review of the effectiveness of these procedures and mechanisms under the assessment and review provided for in Article 31 of the Protocol and take appropriate action. [The Committee may identify the need for any additional review.]

2/8. Other matters

Further work in preparation for the first meeting of the Conference of the Parties serving as the Meeting of the Parties to the Protocol

The Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

1. *Invites* Parties to submit information to the Executive Secretary with respect to the steps taken towards ratification and implementation of the Nagoya Protocol;
2. *Requests* the Executive Secretary to compile the information received and to make it available to the eleventh meeting of the Conference of the Parties;
3. *Requests* the Executive Secretary to include in its note on the proposed budget for the programme of work of the Convention (2013-2014) for the consideration of the eleventh meeting of the Conference of the Parties, the costing of activities for the next biennium (2013-2014) recommended for adoption by the second meeting of the Intergovernmental Committee in preparation for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, in accordance with paragraph 21 of decision X/1 of the Conference of the Parties;
4. *Invites* Parties to submit information to the Executive Secretary on additional issues that may need to be addressed in preparation for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and requests the Executive Secretary to compile this information and make it available for the consideration of the eleventh meeting of the Conference of the Parties;
5. *Requests* the Executive Secretary to make available for the information of the eleventh meeting of the Conference of the Parties, an overview of the status of issues for consideration of the Intergovernmental Committee as set out in its work plan in annex II of decision X/1.
6. *Recommends* the adoption of the following decision by the Conference of the Parties at its eleventh meeting:

“The Conference of the Parties,

Recalling the mandate of the Intergovernmental Committee for the Nagoya Protocol to undertake the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, in accordance with decision X/1 of the Conference of the Parties,

Recalling also the work plan set out in annex II of decision X/1 of the Conference of the Parties,

Taking note that substantive progress has been made on several issues identified in its work plan,

Noting that some issues of the work plan require further consideration with a view to facilitating decision-making by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

1. *Welcomes* the report of the first and second meetings of the Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization;

/...

2. *Decides* to reconvene 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, for a third meeting to address outstanding issues of its workplan in preparation for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

”
