



Convention on Biological Diversity

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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE NAGOYA
PROTOCOL ON ACCESS TO GENETIC RESOURCES
AND THE FAIR AND EQUITABLE SHARING OF
BENEFITS ARISING FROM THEIR UTILIZATION

Fourth meeting – resumed part II
Nairobi, 19 and 20 October 2023
Agenda item 2

ANNOTATIONS TO THE AGENDA

Introduction

1. Following the invitation of the Government of China and as decided by the Conference of the Parties to the Convention in its decision [XIII/33](#), the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization was scheduled to be held in Kunming, China, in October 2020 concurrently with the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity and the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety. However, owing to the coronavirus disease (COVID-19) pandemic, the meetings were postponed.
2. Further to the agreement to hold the meetings in two parts, and taking into account the necessity of holding the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol before the end of 2022, the first part of the three meetings was held in a hybrid format, both online and in person in Kunming, from 11 to 15 October 2021. The second part was held in person in Montreal, Canada, from 7 to 19 December 2022; however, owing to procedural hurdles, the second part was suspended before the consideration of some agenda items could be completed.
3. Further to the decision of the Bureau of the Conference of the Parties at its meeting on 31 July 2023, the resumed second part of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be held on 19 and 20 October 2023, in Nairobi, back-to-back with the twenty-fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice.
4. The agenda of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol¹ was adopted at the first part of the meeting. The present document contains annotations to the agenda items that will be addressed at the resumed second part, namely, those that were either not considered or completed at either the first or the second part.

¹ CBD/NP/MOP/4/1/Rev.1.

Item 1. Opening of the meeting

5. The resumed second part of the meeting will start at 3 p.m. on 19 October 2023, in conjunction with the opening of the resumed second part of the fifteenth meeting of the Conference of the Parties and of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties of the Cartagena Protocol on Biosafety.
6. The President of the fifteenth meeting of the Conference of the Parties or his representative will open the resumed meeting.
7. The Acting Executive Secretary will address participants and describe the purpose of the meeting.

Item 2. Organizational matters

Officers

8. The President of the fifteenth meeting of the Conference of the Parties, the Minister of Ecology and Environment of China, Runqiu Huang, will continue to serve through the resumed second part and until a new president is elected at the opening of the sixteenth meeting of the Conference of the Parties. In accordance with rule 21 of its rules of procedure, the Conference of the Parties to the Convention on Biological Diversity, at its fourteenth meeting, elected 10 vice-presidents for a term of office commencing upon the closure of its fourteenth meeting and ending at the closure of its fifteenth meeting. Three Bureau members were subsequently replaced.
9. The Bureau of the Conference of the Parties to the Convention also serves as the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and Mr. Runqiu also serves as the President of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol. In accordance with Article 26, paragraph 3, of the Nagoya Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention that is not a Party to the Nagoya Protocol at the time of the meeting is to be substituted by a member to be elected by and from among the Parties to the Nagoya Protocol.
10. Accordingly, the third meeting of the Parties to the Nagoya Protocol elected substitute Bureau members for those regions where the Bureau member represented a Party to the Convention that was not a Party to the Nagoya Protocol. Thus, the Bureau for the fourth meeting of the Parties to the Nagoya Protocol, in addition to the President, comprises the following:
 - Eric Okoree (Ghana)
 - Melesse Maryo (Ethiopia)
 - Raghu Kumar Kodali (India)²
 - Leina El-Awadhi (Kuwait)
 - Sino Tohirzoda (Tajikistan)³
 - Klodiana Marika (Albania)⁴
 - Corina Sarli (Argentina)
 - Helena Jeffery Brown (Antigua and Barbuda)
 - Gabriele Obermayr (Austria)
 - Marie Haraldstad (Norway)

² Sujata Arora (India) was elected at the fourteenth meeting of the Conference of the Parties and subsequently replaced by Vinod Mathur, then Naresh Pal Gangwar, then Raghu Kumar Kodali.

³ Dilovarsho Dustov (Tajikistan) was elected at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol as a substitute for Georgia and subsequently replaced by Sino Tohirzoda.

⁴ Elvana Ramaj (Albania) was elected at the fourteenth meeting of the Conference of the Parties to the Convention and subsequently replaced by Klodiana Marika.

Adoption of the agenda

11. As indicated in paragraph 4, the provisional agenda was adopted at the first part of the fourth meeting. The Conference of the Parties serving as the meeting of the Parties to the Protocol completed consideration of agenda items 4 and 6 to 16 at the second part of its fourth meeting, but did not complete agenda item 2 as regards the election of officers and 5 as regards the election of members of the Compliance Committee. As a consequence of holding a resumed meeting, agenda items 1 and 3 remain relevant. Lastly, agenda items 17 to 19 have not yet been considered. Items 1 to 3, 5 and 17 to 19 will therefore need to be considered at the present meeting.

Organization of work

12. The Conference of the Parties serving as the meeting of the Parties will be invited to consider and adopt the proposed organization of work as contained in annex II. Given the limited number and procedural nature of the items to be addressed, it is proposed that all work be conducted in plenary session.

13. Interpretation will be available for the plenary sessions.

14. The list of documents for the resumed meeting is contained in annex I to the present document.

Election of officers

15. At the resumed second part of its fifteenth meeting, the Conference of the Parties to the Convention will elect new vice-presidents for the Bureau. Their terms of office will commence upon the closure of the fifteenth meeting of the Conference of the Parties and end at the closure of the sixteenth meeting, in accordance with rule 21 of the rules of procedure. In the event that one or more Bureau members are elected from Parties to the Convention that are not Parties to the Nagoya Protocol, substitute members will be elected by the meeting of the Parties to the Nagoya Protocol (further to Article 26, paragraph 3 of the Nagoya Protocol).

16. Rule 26 of the rules of procedure provides that the chair of any subsidiary body is to be elected by the Conference of the Parties. The Conference of the Parties will therefore need to elect the Chair of the Subsidiary Body on Scientific, Technical and Technological Advice and the Chair of the Subsidiary Body on Implementation, to preside over the respective bodies for a term of office that will commence upon the closure of the fifteenth meeting and end at the closure of the sixteenth meeting of the Conference of the Parties. According to the established regional rotation, it is expected that the Chair of the Subsidiary Body on Scientific, Technical and Technological Advice will be elected from the Eastern European States, and that the Chair of the Subsidiary Body on Implementation will be elected from the Asia-Pacific States.

17. In the event that the Chair of either body is elected from Parties to the Convention that are not Parties to the Nagoya Protocol, substitute chairs will be elected by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (further to Article 27, paragraph 3 of the Nagoya Protocol).

18. Further information on the procedures for the election of officers will be provided in information document CBD/NP/MOP/4/INF/7 and the Secretariat will provide a briefing on the election process before the date of election.

Item 3. Report on the credentials of representatives to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol

19. Rule 18 of the rules of procedure provides the following:

“The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference of the Parties or the representative of the Executive Secretary if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary or the representative of the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.”

20. Rule 19 also provides that “the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision”. The rules of procedure apply, *mutatis mutandis*, to the meetings of the Parties to the Nagoya Protocol.

21. In order to assist Parties in complying with the provisions of rule 18, the Executive Secretary issued notification No. 2023-081 and has made available sample formats of appropriate credentials.⁵ As specified in the notification, Parties that had already submitted valid credentials for their representatives for participation in the second part of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol in December 2022 may confirm, through a note verbale, that the credentials remain valid for the purpose of the resumed meeting. As also explained in the notification, such a note verbale should be issued by a senior official in the Ministry of Foreign Affairs of the Party concerned and should make specific reference to the credentials submitted for the meeting held in December 2022.

22. Parties that had not submitted valid credentials for the meeting held in December 2022 will need to submit credentials to be able to participate in decision-making during the present meeting. Parties that will be sending new representatives to the present meeting will need to submit credentials for them.

23. Following previous practice, representatives of Parties to the Convention that are also Parties to the Cartagena Protocol and to the Nagoya Protocol may submit a single set of credentials for the resumed second part of the fifteenth meeting of the Conference of the Parties to the Convention, the tenth meeting of the Parties to the Cartagena Protocol and the fourth meeting of the Parties to the Nagoya Protocol.

24. The original credentials or note verbale, as applicable, must be submitted to the Secretariat as soon as possible, preferably by 6 October and no later than 15 October 2023.

25. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be invited to consider and adopt the report on credentials submitted to it by the Bureau.

Item 5. Report of the Compliance Committee

26. During the second part of its fourth meeting in December 2022, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol considered the report of the Compliance Committee under the Protocol and adopted related decisions; however, owing to procedural hurdles, the meeting was suspended before the election of members to the Compliance Committee and observers from indigenous peoples and local communities could be completed.

27. With the uncertainty over when the meeting would resume and to enable the Committee to continue its important work over the intersessional period, the Bureau, at its meeting held in May 2023, agreed to extend until 31 December 2024 the terms of the members and observers from indigenous peoples and local communities whose seats had been up for election. The Executive Secretary issued notification [2023-92](#) on this matter in August 2023. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be invited to endorse the extension of the terms.

Item 17. Other matters

28. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol may wish to consider other matters raised and accepted for discussion in accordance with its rules of procedure.

Item 18. Adoption of the report

29. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be invited to consider and adopt the draft report of the second part of its fourth meeting, to be prepared by the Rapporteur on the basis of document CBD/NP/MOP/4/L.1/Rev.1, as completed to take into account the proceedings of the resumed second part of the fourth meeting.

⁵ The model templates for credentials are available at: www.cbd.int/doc/meetings/cop/cop-15/cop-credentials-template-en.docx.

30. Together, the reports of the first part⁶ and the second part of the meeting will constitute the proceedings of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

31. In accordance with established practice, the Conference of the Parties serving as the meeting of the Parties will be invited to authorize the Rapporteur to complete the final report after the meeting with the guidance of the President and the assistance of the Secretariat.

Item 19. Closure of the meeting

32. It is expected that the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be closed by 1 p.m. on 20 October 2023.

⁶ CBD/NP/MOP/4/4.

*Annex I***PROVISIONAL LIST OF DOCUMENTS****A. Working documents**

<i>Symbol</i>	<i>Title</i>	<i>Agenda item(s)</i>
CBD/NP/MOP/4/1/Rev.1	Provisional agenda	2
CBD/NP/MOP/4/1/Add.6	Annotations to the agenda	2
CBD/NP/MOP/4/4	Report of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization on its fourth meeting (Part I)	18
CBD/NP/MOP/4/L.1/Rev.1	Draft report of the meeting	18

B. Information documents

<i>Symbol</i>	<i>Title</i>	<i>Agenda item(s)</i>
CBD/NP/MOP/4/INF/7	Procedures for elections to fill the positions of Vice-Presidents of the Bureau of the Conference of the Parties, Chair of the Subsidiary Body on Scientific, Technical and Technological Advice, and Chair of the Subsidiary Body on Implementation	2

Annex II

**PROPOSED ORGANIZATION OF WORK FOR THE RESUMED SECOND PART OF THE
FOURTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL**

<i>Date</i>	<i>Agenda items</i>		
Thursday, 19 October (3–6 p.m.)	CBD	CP	NP
	1	1	1
	2	2	2
	3	3	3
	5	n/a	n/a
	n/a	5	5
	2	2	2
Friday, 20 October (10 am–1 p.m.)	CBD	CP	NP
	28	18	17
	29	19	18
	30	20	19

Abbreviations: CBD, Conference of the Parties to the Convention on Biological Diversity; CP: Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety; NP: Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization.

Note: The columns on items under the Conference of the Parties serving as the meetings of the Parties to the Protocols are included for information purposes and for ease of reference.