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BUREAU OF THE INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT- SHARING

Teleconference, 7 June 2012

MINUTES OF THE MEETING OF THE ICNP BUREAU HELD VIA TELECONFERENCE ON 7 JUNE 2012

INTRODUCTION

1. The Bureau of the Intergovernmental Committee for the Nagoya Protocol on Access and Benefit-sharing (ICNP) held a meeting via teleconference on Thursday, 7 June 2012 from 9:00 a.m. to 11:45 a.m. (Montreal time). The meeting was chaired by the Co-Chairs of the Intergovernmental Committee, Mr. Fernando Casas (Colombia) and Ms. Janet Lowe (New Zealand).
2. The following Bureau members participated in the meeting via telephone: Mr. M. F. Farooqui (India), Mr. David Hafashimana (Uganda), Ms. Ines Verleye (Belgium), Ms. Leina Al-Awadhi (Kuwait), Ms. Dubravka Stepic (Croatia), Mr. Sergiy Gubar (Ukraine), Ms. Monica Rosell Medina (Peru), Ms. Anita James (St-Lucia), and Mr. Benjamin Phillips (Australia). Mr. Samuel Dieme (Senegal) was unable to participate.
3. The Secretariat was represented by Ms. Valerie Normand (Senior Programme Officer), Mr. Lyle Glowka (Senior Legal Adviser), Ms. Beatriz Gomez (Associate Programme Officer) and Ms. Sonia Gautreau (Programme Assistant).

ITEM 1: OPENING OF THE MEETING

4. The Co-chairs of the ICNP opened the meeting. Ms. Lowe welcomed the Bureau Members to the teleconference and highlighted the progress made on the preparations towards entry into force of the Protocol. She noted the success of the expert meeting on compliance held in Montreal in March 2012. Ms. Lowe emphasized that the agenda for ICNP -2 was very heavy and that it was therefore important to be well-prepared and organized. Mr. Casas informed the participants that the main purpose of the meeting was to discuss the preparations for the second meeting of the Intergovernmental Committee. Notably, the Bureau Members were invited to discuss the organization of work for ICNP-2 and plans for COP-11.

ITEM 2: UPDATE ON PROTOCOL RATIFICATIONS

5. Ms. Normand provided an update on ratifications of the Protocol. She informed the Members that the following five countries had ratified the Protocol: Gabon, Jordan, Rwanda, Seychelles and Mexico and that a number of countries were working towards ratification. Notably, Brazil had indicated its intention to ratify the Protocol very shortly.

6. In light of the current status of ratifications, it is unlikely that the threshold of 50 ratifications will be reached by July 2012 to allow the Nagoya Protocol to enter into force by COP 11. Therefore, the most likely scenario is that the Protocol will enter into force some time prior to COP 12 and that the first COP-MOP will be held concurrently with COP 12.

ITEM 3: DOCUMENTATION FOR THE SECOND MEETING OF THE INTERGOVERNMENTAL COMMITTEE

7. Ms. Normand informed the Members that all documents for the second meeting of the Intergovernmental Committee were now posted on the meeting webpage (<http://www.cbd.int/doc/?meeting=ICNP-02>) with the exception of the draft programme budget for the biennium following the entry into force of the Protocol (UNEP/CBD/ICNP/2/2).

8. Furthermore, Ms. Normand provided some clarifications with respect to the development of the pilot phase of the ABS Clearing-House. She informed the Bureau Members that the Secretariat had received financial contributions from Germany, Switzerland and the European Commission to initiate the pilot phase. Thanks to this financial support a programme manager and a computer information systems officer were hired to develop the pilot phase and are expected to start working in the next few weeks. The documents prepared by the Secretariat on this agenda item provide information on planned mechanisms and applications to be developed under the pilot phase based on the experience of the Biosafety Clearing-House and the guidance provided for the pilot phase at the first meeting of the Intergovernmental Committee. It is expected that the draft modalities of operation will need to be revised in light of the experience acquired with the implementation of the pilot phase.

ITEM 4: ORGANIZATION OF WORK DURING ICNP-2

9. The Bureau Members were invited to consider the organization of work during ICNP-2 based on a note prepared by the Secretariat prior to the teleconference. Given that there will most likely not be a COP/MOP concurrently with COP-11, and that the ICNP-2 has a very heavy agenda due to continued consideration of items taken up at ICNP-1, it will be important to manage the agenda of ICNP-2 efficiently. The Bureau was therefore invited to discuss which issues should be given priority at ICNP-2 and how to organize the work accordingly with a view to ensure proper time management.

10. In order to make significant progress at ICNP-2, the Co-Chairs suggested that it may be best to prioritize certain issues and it was generally agreed that agenda items dealing with the development of programme budget for the biennium following entry into force of the Protocol (item 3.1), rules of procedure (item 3.4) and a draft provisional agenda for the first COP-MOP (item 3.5) could be addressed after the other agenda items.

11. Priority issues for ICNP 2 included the following:

- (a) Elaboration of guidance for the financial mechanism (Item 3.2).
- (b) Elaboration of guidance for resource mobilization for the implementation of the Protocol (Item 3.3).

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

(d) The modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities (Item 4.1).

(e) 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 (Item 4.2).

(f) Measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues (Item 4.3).

(g) Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance, including procedures and mechanisms to offer advice or assistance, where appropriate (Item 4.4).

12. It was recognised that, while some issues for consideration by ICNP-2 could be transmitted directly to the first meeting of the COP-MOP for its consideration, other issues may require further work in the inter-sessional period between COP 11 and COP-MOP 1. Furthermore, ICNP-2 may reflect on recommendations to COP-11 on several issues in order not to delay work over the next biennium on those issues that are important for the early ratification and implementation of the Protocol.

13. The Co-Chairs suggested that a first round of discussion on all agenda items could be carried out during the first two days of the meeting with a view to allow a first exchange of views to facilitate planning of further work during the week. While the need to conduct the meeting in plenary as much as possible to facilitate the participation of all government representatives during the discussions was stressed, it was recognised that there may be a need to establish contact groups on specific agenda items.

14. General discussions were held on particular agenda items and suggestions were made on how the Committee could best address them. The following provides a general summary of the main points raised during the discussions as well as general agreements on expected outcomes/way forward on these issues.

Guidance for the financial mechanism (Item 3.2).and guidance for resource mobilization for the implementation of the Nagoya Protocol (Item 3.3)

15. The Bureau considered that, due to the linkages between these two items, they should be addressed back-to-back.

16. It was noted that two sets of recommendations would be needed regarding guidance to the financial mechanism: one for the consideration of the first COP-MOP and another for the consideration of COP-11. The Bureau suggested that ICNP-2 should agree on recommendations to COP-11 to ensure timely guidance is provided to the GEF on the GEF-6 replenishment period and the Nagoya Protocol Implementation Fund.

17. With respect to resource mobilization, it was suggested that ICNP 2 could recommend how COP-11 could into account the Nagoya Protocol in discussions to be held at COP 11 on the Strategy for Resource Mobilization under the Convention.

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

18. Considering that few submissions were received by the Secretariat on this issue, the Bureau agreed that there was a need to allow sufficient time for discussions on this item during ICNP 2 with a view to reaching an agreement on a process forward.

The modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities (Item 4.1)

19. While recognising the importance of the ABS Clearing House, given the limited progress made in the implementation of the pilot phase, the Bureau agreed that it may be best to postpone in-depth discussions on this agenda item to a later meeting, with a view to revise the draft modalities of operation in light of the experience acquired during the pilot phase.

Capacity-building and development (Item 4.2)

20. Under this agenda item, it was highlighted that the Committee should discuss the way forward regarding the strategic framework for capacity-building and development in light of the divergence of views received with respect to the role of the strategic framework. It was pointed out that further clarity regarding the role of the strategic framework would be needed in order to make further progress in its elaboration in preparation for the first COP-MOP.

21. In addition, several Bureau Members noted that the framework was being developed to guide capacity-building and development following the entry into force of the Protocol, however there was also a need to consider capacity-building to support ratification and entry into force of the Protocol. In this regard, it was suggested that the Committee make a recommendation to COP 11 on capacity-building to support ratification and entry into force of the Protocol.

Awareness-raising (Item 4.3)

22. The Bureau was of the general opinion that the Committee should aim at finalizing the discussions on the awareness-raising strategy that has been revised by the Secretariat with a view to forwarding a draft awareness-raising strategy directly to the COP-MOP.

23. It was also pointed out that as is the case for capacity-building, the Committee may wish to make a recommendation to COP-11 with respect to the need for raising awareness of the Protocol to support its ratification and early entry into force.

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

24. The Bureau foresees detailed discussions on this issue and considered that it may be necessary to establish a contact group. The Committee will be invited to consider the report of the expert meeting as a basis for its discussions and should agree on a process forward for the adoption of compliance procedures and mechanisms by the COP-MOP at its first meeting.

Development of a programme budget for the biennium following the entry into force of the Protocol (Item 3.1)

25. Under this agenda item, the Committee is expected to make recommendations to COP-MOP 1 regarding the budget for the biennium following the entry into force of the Protocol. Considering that the first COP-MOP will likely be held concurrently with COP 12, consideration of this item was not considered as a priority and it was suggested that it could be taken up in the latter part of the meeting.

26. It was pointed out by the Secretariat that the financial implications of the decisions taken by the Committee with respect to inter-sessional activities on access and benefit-sharing for the next biennium (2012-2014) would be addressed by COP 11 in the budget discussions.

ITEM 5: ABS AT COP-11 AND THE POST COP-11 PERIOD LEADING TO ENTRY INTO FORCE

27. Recognising that the first COP-MOP would likely be held concurrently with COP-12, the Bureau was invited to consider how ICNP-2 could make recommendations to COP-11 with a view to advancing outstanding issues during the next biennium (2013-2014) pending the entry into force of the Protocol and the first COP-MOP.

28. Considering that the first COP-MOP would not likely be held concurrently with COP-11, the Co-Chairs suggested that the Committee may wish to consider recommending the convening of the ICNP for a third meeting in order to continue preparations for the first COP-MOP during the interim period between COP-11 and COP-12. The Bureau agreed that it was important not to lose momentum and that due to the heavy agenda before ICNP-2, reconvening the ICNP for a third meeting may be necessary in order for the ICNP to complete its work.

29. Against this background, it was generally agreed that the ICNP may wish to make recommendations to COP-11 on the following issues:

- The possibility of reconvening the ICNP for a third meeting to continue preparations for the first COP-MOP;
- Guidance to the financial mechanism;
- Consideration of the Nagoya Protocol in the CBD Strategy for Resource Mobilization;
- Awareness-raising and capacity-building and development with a view to support the early ratification and entry into force of the Protocol.

30. In accordance with decision X/1, paragraph 21, the budget for the next biennium would be considered by COP-11 as part of the budget for the Convention, taking into account the activities to be carried out in the inter-sessional period between COP-11 and COP-12 (the first COP-MOP) based on ICNP 2 recommendations on its various agenda items.

31. With a view to assisting the Bureau in their preparations for ICNP-2 and COP-11, it was agreed that the Secretariat would prepare a table presenting a possible scenario on the way forward for each agenda item in preparation for the first COP-MOP, including a possible third meeting of the ICNP, with the understanding that this table should not prejudice the outcomes of the discussions to be held at ICNP-2 and COP-11.

32. Furthermore, in line with the Executive Secretary's vision to enhance implementation related issues, it was noted by the Bureau that COP-11 would be an opportunity to take stock of progress made by Parties towards ratification. Parties could therefore be invited to share steps taken towards ratification and implementation of the Nagoya Protocol, exchange their experiences and address challenges with a view to overcoming obstacles and to finding constructive approaches to implementation. In this regard, it was suggested that the Committee may wish to invite Parties to send information on steps taken towards ratification to the Secretariat to be made available for discussions on this issue at COP-11.

33. It was also suggested that a roundtable could be organised at ICNP 2 during lunch time to provide the opportunity for Parties to exchange informally on progress made towards ratification. The Secretariat was requested to examine the possibility of organising such a roundtable.

ITEM 6: OTHER MATTERS

34. No additional issues were raised under this agenda item.

ITEM 7: CLOSURE OF THE MEETING

35. After an exchange of courtesies, the meeting was closed at 11h45a.m.
