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Items 1.7 and 2 of the provisional agenda*

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

INTRODUCTION

A. Background

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

B. Attendance

2. The meeting was attended by representatives of the following Parties and other Governments: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, European Union, France, Georgia, Germany, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kiribati, Liberia, Madagascar, Malawi, Mali, Mauritania, Mexico, Micronesia (Federated States of), Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Niger, Norway, Palau, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Solomon Islands, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Turkey, Uganda, Ukraine, United

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Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, United Republic of Tanzania, Vanuatu, Viet Nam, Zambia.

3. Observers from the following United Nations bodies, specialized agencies and other bodies also attended: Food and Agriculture Organization of the United Nations; Global Environment Facility; International Treaty on Plant Genetic Resources for Food and Agriculture, FAO; United Nations Environment Programme, Division of Environmental Law and Conventions; United Nations University - Institute of Advanced Studies; and World Intellectual Property Organization.

4. The following organizations were also represented by observers: Andes Chinchasuyo; Association ANDES; Berne Declaration; Biotechnology Industry Organization; Bioversity International; Botanic Gardens Conservation International; Canadian Friends Service Committee (Quakers); Center for International Sustainable Development Law; Centre for International Sustainable Development Law; Chibememe Earth Healing Association; College of the Atlantic; Comisión Centroamericana de Ambiente y Desarrollo; Conservation International; ECOROPA; Evangelischer Entwicklungsdienst e.V; First Nations Confederacy of Cultural Education Centres; First Peoples Human Rights Coalition ; Fridtjof Nansen Institute; Grand Council of the Crees (Eeyou Istchee); IKANAWTIKET, Maritime Aboriginal Peoples Council; Institut du développement durable et des relations internationales; Institute for European Studies; Instituto Indígena Brasileño para Propiedad Intelectual; International Chamber of Commerce; International Union for the Protection of New Varieties of Plants; IUCN - International Union for Conservation of Nature; Kobe University; Leibniz-Institut für Evolutions und Biodiversitätsforschung - Museum für Naturkunde - Humboldt-Universität zu Berlin; McGill University; McGraw Hill; Metis National Council; National Center for Seeds and Seedlings; Natural Justice (Lawyers for Communities and the Environment); Nepal Indigenous Nationalities Preservation Association (NINPA); Red de Mujeres Indigenas sobre biodiversidad; Seneca International; Stratos Inc. - Strategies to Sustainability; Tebtebba Indigenous Peoples' International Centre for Policy Research & Education; Third World Network; Tulalip Tribes; Université de Montréal (Canada); University of Edinburgh - School of Law; University of Illinois - Chicago; University of Montreal - Faculty of Sciences; University of Rome Sapienza; Ville de Montpellier; and World Future Council.

ITEM 1. OPENING OF THE MEETING

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

6. During the final round of negotiations at the tenth meeting of the Conference of the Parties, Japan had announced that it would make a contribution of ¥ 1 billion to support the developing countries in their activities to promote capacity-building in the area of access and benefit-sharing. Subsequently, a new multi-donor trust fund, the Nagoya Protocol Implementation Fund, had been established in March 2011, to which he hoped other donors and the private sector would contribute. A letter had also been sent to all ministers of the environment on 25 May 2011 asking for their support for the implementation of the Nagoya Protocol.

7. The Minister also extended his deepest appreciation to the many countries that had offered their heartwarming support to Japan in its rescue and recovery efforts following the massive earthquake and

devastating tsunami that had struck the country in March 2011. His country would persist in its efforts to achieve the full-scale reconstruction of the disaster areas, but that would not affect his responsibilities as President of the Conference of the Parties. Japan remained committed to exerting its utmost efforts towards facilitating the early entry into force of the Nagoya Protocol.

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

1.1. Opening statements

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

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

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

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

12. Mr. Edward Norton, United Nations Goodwill Ambassador for Biodiversity, speaking via videotape from Kenya, said that the Nagoya Protocol had been a breakthrough in achieving the goals of the Convention on Biological Diversity, especially those relating to access to genetic resources and equitable benefit-sharing. He expressed his best wishes to the Intergovernmental Committee in its work and urged countries to ratify and adopt both the Nagoya Protocol and the Convention on Biological Diversity in order to stop the catastrophic loss of biodiversity.

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

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

1.1.3. Opening statement of Mrs. Monique Barbut, CEO of the Global Environment Facility

14. Mrs. Monique Barbut, Chief Executive Officer of the GEF, said that it was both an honour and a pleasure to attend the first meeting of the Intergovernmental Committee, which had to tackle a number of important issues regarding the ratification and implementation of the Nagoya Protocol, including among other things the Access and Benefit-sharing Clearing-house, capacity-building and awareness-raising. She said that the GEF took its role as the financial mechanism of the Convention on Biological

Diversity very seriously, as was demonstrated by the approval of the arrangements for the operation of the Nagoya Protocol Implementation Fund (NPIF), which had been approved by the GEF Council at its 40th meeting. That multi-donor trust fund had been made possible by the generous and unwavering support of the Government of Japan and new pledges from the Governments of France, Norway and Switzerland. The Fund would provide financial resources for activities in support of the ratification, early entry into force and implementation of the Nagoya Protocol. She said that the growing number of donors interested in contributing to the Fund was a reflection of the importance of that mechanism and she was confident that other countries would also soon come forward with their donations.

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

1.1.4. Opening statement of Mr. Ahmed Djoghlaf, Executive Secretary of the Convention on Biological Diversity

16. Mr. Ahmed Djoghlaf, Executive Secretary of the Convention on Biological Diversity, announced that a new website had been inaugurated for the Convention, which contained an enhanced link on the implementation of the Nagoya Protocol. The website would now be available in the Arabic language, with the help of the authorities of the Kingdom of Saudi Arabia, as well as in French and Spanish. He hoped that one day the website would be functional in all six official languages of the United Nations.

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

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

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

1.1.5. Opening statements by representatives of the regional groups

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

21. The representative of the Philippines, speaking on behalf of the Like-Minded Megadiverse Group of Countries, said that it was time to collaborate on ways to address the problems of biopiracy and the lack of recognition of the rights of both States and concerned indigenous and local communities with respect to genetic resources and associated traditional knowledge. There was no need to reopen negotiations on the meaning of the Protocol. Focusing on the flexibility of the Protocol would open up many possibilities for implementing its provisions and would encourage more countries to sign and ratify it. At the current meeting, priority should be given to the items concerning the ABS Clearing-house, the internationally recognized certificate of compliance and cooperative procedures to promote compliance.

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

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

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

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

26. The representative of Japan, speaking on behalf of the President of the Conference of the Parties, reminded the meeting that his country had been pleased and honoured to host the Conference of the Parties that had seen the birth of the Nagoya Protocol. Japan had recently contributed ¥1 billion to further the implementation of the Nagoya Protocol and reiterated that in spite of the recent natural disasters in Japan his country remained committed to the early entry into force of the Nagoya Protocol.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

Election of the Co-Chair of the Intergovernmental Committee

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

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

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

Election of the Bureau members for the Intergovernmental Committee

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

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

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

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

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

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

2.2. Adoption of the agenda

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

1. Opening of the meeting.

2. Organizational matters.

3. Modalities of operation of the Access and Benefit-sharing Clearing-House.

4. Measures to assist in capacity-building, capacity development and strengthening of human capacities and institutional capacities in developing countries.

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

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

7. Other matters.

8. Adoption of the report.

9. Closure of the meeting.

2.3. Organization of work

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

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

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

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

39. Introducing the item, the representative of the Secretariat said that thanks to the generous financial support from the European Commission, an expert meeting on the ABS Clearing-house had been held in Montreal from 11 to 14 April 2011 in order to explore practical considerations related to the

establishment of the ABS Clearing-house with a view to providing input to the first meeting of the Intergovernmental Committee and the report of that meeting , in particular section VI regarding priorities for a pilot phase of the ABS Clearing-house could provide a good basis for discussion.

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

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

Phased development

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

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

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

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

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

Information to be incorporated on a priority basis

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

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

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

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

50. The Intergovernmental Committee continued its discussion of the agenda item at the 3rd session of the meeting, on 6 June 2011. Statements were made by the representative of Saudi Arabia and the International Indigenous Forum on Biodiversity.

51. The Co-Chair said that a draft recommendation for the agenda item would be circulated as guidance in going forward with the pilot phase of the ABS Clearing-house.

Submission of information

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

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

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

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

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

Information management

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

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

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

60. The Co-Chair said that the discussions had been useful as the ABS Clearing-house was ultimately an information sharing portal. She said that a draft recommendation would be prepared that incorporated the suggestions that had been made and asked the Secretariat to explain the distinction between metadata and primary data.

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

Networking with existing mechanisms

62. The Intergovernmental Committee took up consideration of the expert group's recommendations on networking with existing mechanisms at the 3rd session of the meeting, on 6 June 2011. Statements were made by the representatives of Brazil and the European Union and its member States.

63. Statements were also made by the representatives of the International Treaty on Plant Genetic Resources for Food and Agriculture and the World Intellectual Property Organization. A statement was also made by the representative of the Tulalip Tribes.

Capacity-building and reporting requirements

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

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

3.2 Suggested timeline, activities, funding and resource requirements

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

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

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

69. At the request of the Co-Chair a representative of the Secretariat explained the process to be followed for the establishment of the pilot phase of the ABS Clearing-house.

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

71. The Co-Chair said that some of the participants had expressed the hope that the pilot phase would be started as soon as possible, and immediately after the present meeting. However, it was also important to get the design of the ABS Clearing-House right at the start of the project.

72. The Co-Chair also observed that the Committee had held fruitful discussions which had built upon the momentum that had been achieved at Nagoya. She said that a draft recommendation would be prepared on the modalities of the operation of the ABS Clearing-house for the consideration of the Intergovernmental Committee.

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

74. At the 5th session of the meeting, on 7 June 2011, the Co-Chair introduced a draft recommendation on the modalities of operation of the ABS Clearing-house, together with guidance for the pilot phase of the ABS Clearing-house, for the consideration of the Intergovernmental Committee.

75. At the 7th session of the meeting, in addition to the draft recommendation and the guidance on the pilot phase of the Clearing-house, the Committee had before it an indicative timeline of suggested activities and resource requirements for the implementation of the pilot phase of the ABS Clearing-house.

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

77. At the end of the 7th session of the meeting, on 8 June 2011 the representative of the Secretariat introduced the note by the Executive Secretary on the timeline of suggested activities and resource requirements contained in document UNEP/CBD/ICNP/1/7. She said that the document had been

prepared by the Executive Secretary to assist the Intergovernmental Committee in planning the resource and funding requirements by giving it an overview of all the activities being proposed under agenda items 3 to 6.

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

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

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

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

82. The representative of the Islamic Republic of Iran wished the report to note the importance that had been attached by several speakers to the need to ensure adequate funding for national clearing-house mechanisms under the Nagoya Protocol in addition to the ABS Clearing-house.

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

84. At the 10th session of the meeting, on 9 June 2011, the meeting took up a revised draft recommendation on the modalities of operation of the ABS Clearing-house.

85. A representative of the Secretariat said that the Secretariat had taken note of all the concerns raised regarding the timeline and resources required for the establishment of the pilot phase of the Clearing-house and fully understood, and shared the view that a first version of the pilot phase should be available as soon as possible. The Secretariat was committed to undertake all necessary efforts to meet that objective, but unfortunately there were no existing resources within the Secretariat to develop the ABS Clearing-house. The pilot phase could not be developed without additional resources, and the earlier the Secretariat received the necessary financial assistance, the earlier the pilot phase would start. However, she also noted that the Secretariat could build on its experience with the Biosafety Clearing-house, and that the staff members of that Clearing-house could provide guidance and advice.

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

87. The representative of France spoke on a point of order with regard to the absence of interpretation.

88. The Co-chair said that a revised draft recommendation would be prepared for adoption by the meeting (UNEP/CBD/ICNP/1/L.2).

89. At the 11th session of the meeting, on 10 June 2011, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/1/L.2 as recommendation 1/1. The text of the recommendation as adopted is contained in annex I to the present report.

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

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

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

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

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

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

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

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

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

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

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

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

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

102. The Co-Chair said that a revised the draft recommendation would be prepared, taking into consideration the interventions that had been made by the participants.

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

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

105. The Co-chair said that a revised draft recommendation would be prepared for adoption by the meeting (UNEP/CBD/ICNP/1/L.3).

106. At the 11th session of the meeting, on 10 June 2011, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/1/L.3 as recommendation 1/2. The text of the recommendation as adopted is contained in annex I to the present report.

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

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

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

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

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

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

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

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

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

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

116. The Co-Chair asked the meeting for its views on what additional activities were required for awareness-raising strategy but reminded the participants that it was important not to overload the agenda of the next meeting of the Intergovernmental Committee. She reminded the meeting that although there was general agreement on the importance of awareness-raising, that issue often was pushed aside because of the need to consider other pressing business. She also invited the GEF to explain the different resources that it could make available to fund awareness-raising activities.

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

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

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

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

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

122. The Co-chair said that a revised recommendation would be prepared for adoption by the meeting (UNEP/CBD/ICNP/1/L.4).

123. At the 11th session of the meeting, on 10 June 2011, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/1/L.4 as recommendation 1/3. The text of the recommendation as adopted is contained in annex I to the present report.

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

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

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

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

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

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

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

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

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

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

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

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

135. Following the discussion, the Co-Chair said that draft recommendations would be developed for the consideration of the Committee, taking into account the views that had been expressed.

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

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

138. The Co-Chair summarized the process leading up to and beyond the expert meeting that would be convened : (1) Parties and others would submit their views on elements and options for cooperative procedures and institutional mechanisms to promote compliance and address cases of non-compliance under Article 30 of the Protocol; (2) the Secretariat would prepare a synthesis report of the views submitted and develop draft elements and options based on the views submitted; (3) the synthesis report and the draft elements and options developed would be submitted to the expert meeting; (4) the expert meeting would review the synthesis report and further refine the draft elements and options; (5) the refined draft elements and options would be transmitted to the Intergovernmental Committee for its consideration.

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

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

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

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

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

144. The representative of the Islamic Republic of Iran proposed a further amendment to the draft recommendations.

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

146. The Co-chair said that a revised recommendation would be prepared for adoption by the meeting (UNEP/CBD/ICNP/1/L.5).

147. At the 11th session of the meeting, on 10 June 2011, the Intergovernmental Committee adopted draft recommendation UNEP/CBD/ICNP/1/L.5 as recommendation 1/4. The text of the recommendation as adopted is contained in annex I to the present report.

ITEM 7. OTHER MATTERS

148. The representative of Qatar reminded the meeting that capacity-building needs were both financial and technical, and that although some countries did not need financial support, they might still need technical support in order to build their capacity to meet their obligations under the Protocol.

149. The representative of Mali, speaking on behalf of the French-speaking countries, expressed dismay that the Nagoya Protocol had not been published in French. He reminded the meeting that it was important for documents to be made available in all languages because not all countries had the capacity to access electronic versions of those documents.

150. The Executive Secretary of the Convention on Biological Diversity explained that, because proposed corrections to the French version of the Protocol had been received, the Secretariat could not publish the French version of the Protocol until the period allowed for comments on the proposed corrections had elapsed. That would occur on 19 June 2011, at which time the Secretariat would publish the Nagoya Protocol in French.

151. The representative of Egypt, speaking on behalf of the African Group, made a statement and requested that it be reproduced verbatim in the meeting report.

> I make this statement in the spirit of the continued cordial relationship which we have always had with the Secretariat and our able Executive Secretary which has been instrumental in making historical advances such as the Nagoya Protocol. The Secretariat has always lived up to the Parties' expectations.
>
> This is exemplified today by the efficiency in producing the "L" documents in all languages in time for the closing session. We extend our thanks to the able and dedicated staff of the Secretariat.
>
> However, we had serious discussions within the African Group this morning and decided to make this formal statement.
>
> Madam co-chair and Mr. co-chair, fellow delegates,
>
> The delegation of Egypt on behalf of the African Group formally expresses deep regret and strong objection to the Secretariat for volunteering to produce un-authorized and un-called for interpretation of the "meaning of compliance in the context of the Protocol" – a concept carefully negotiated by the Parties – as presented in paragraph 6 of document UNEP/CBD/ICNP/1/6 in sentences which followed the first one. We similarly express our deep shock of the Secretariat's expression of an exclusive list of examples in the sentences which followed the first sentence in paragraph 18 of the same document. In both cases, as well as in several other instances of documentation for the ICNP-1, the Secretariat unilaterally extended its functions beyond the mandate it received in Decision X/1, Annex II, Section A, Item 4. This, unfortunately, constitutes a breach of the trust between some of the Parties and the Secretariat. We wish to remind the Secretariat that under no circumstances the Secretariat is permitted to re-negotiate an international instrument which it is expected to serve in trust. The fact that the Secretariat admitted publicly that errors were discovered in the document would have required it to immediately withdraw the entire erroneous document and to re-issue one free from errors. Instead, the Secretariat adamantly insisted on making only minor corrections in a digital revised document, which has not even been posted yet, retaining unauthorized interpretations which went well beyond its mandate, despite objections by the African Group and several other delegations from other regions.
>
> The delegation of Egypt, on behalf of the African Group wishes to send a clear message to the Secretariat that such action will not be tolerated in the future and to re-assert the fact that the

Secretariat must faithfully continue to serve the Parties and refrain from being viewed as attempting to manipulate them or interfere with the implementation of the Convention and its Protocol. The African group formally requests that this statement be reproduced verbatim in the meeting report.

152. The Executive Secretary of the Convention on Biological Diversity made a statement in reply to the Statement made by the representative from Egypt. The following is the statement verbatim:

Thank you very much Madame Chair. I would like to thank the delegate of Egypt, my old brother, Ossama El-Tayeb. I think we know each other for a while and I agree we have made mistakes, and I disagree, these mistakes of my colleagues have not been done with any intention, as you said, to manipulate or to influence or rather, as you said, to renegotiate.

Ossama, you know the Secretariat well. I think you are one of the deans of this audience and you know it before me, when Mr. Hamdallah Zedan was there. You know perfectly well that we have very dedicated staff that is working very hard, day and night, to serve the Parties. And you know that they don't have any other agenda than serving the Parties, the Parties, the 193, and their partners.

We don't have any agenda and if this mistake has occurred, and I think the Secretariat has apologized, it's due to the fact that we are human beings, Ossama, and human beings make mistakes.

It happens that for this legally binding instrument, which I do consider as the most important legal instrument in the history of the environmental movement, and I want to thank you and through you of course the African Group, and of course those who have supported the negotiation to make it happen. Unfortunately, due to the financial constraints that we are all aware, this Secretariat of a legally-binding instrument – one of the most complex one in the history of the environment – has not been able, has not been provided, the means to do the job and to service you.

The Secretariat now has Madame Valerie; and there, I really want to pay tribute to this fantastic, young, charming lady, working day and night to prepare your documents today. She is assisted so far by one GS, Madame Sonia, and all those that you are seeing here: including Lyle, including those that are there, including the Biosafety team, are volunteers to help Valerie to do the job. Valerie cannot be a lawyer, cannot be an economist, and cannot be a process lady. She's with all the good will, but she has limitations and she is a human being and she has a family too. So yes, I agree, mistakes. But please be as harsh as you are when the budget will be discussed of this unique instrument, in order to equip your Secretariat to be able to do the job.

It's very easy to come and criticize, yes, but I think if you want good quality, there is a price. As long as the Secretariat will not be having the means to do the job, you can expect this kind of mistakes, and therefore we can also continue to expect this kind of statement. But my hope really is that, at Hyderabad, the Parties will realize that this is a legally binding instrument and that the Secretariat needs to be equipped and cannot continue relying on the good will of dedicated staff that have reached their limit.

In my capacity of Executive Secretary, I want once again to inform the Parties that your Secretariat has reached its limit, and therefore time has come to equip the Secretariat to be able to the job. Of course we will continue because we believe in this Convention and we believe in the mandate of the Secretariat, as enshrined in article 24, to continue doing our best. And if we continue to do mistakes in advance, Ossama, and to your colleagues in the African Group, because I think you have spoken very passionately, we will ask in advance your excuse.

> And now it happens that I am also African, and I feel very proud as an African to lead this unique Convention. And thank you for your nice words, and I will continue as an African to do my best at the service not only of Africa, but the 193 Parties, and I hope that I will continue to count on the support of my old brother, Ossama El-Tayeb. Thank you.

153. The statement of the Executive Secretary was followed by a round of applause by the participants. At the request of the Executive Secretary, it was agreed that his statement would be included verbatim in the report.

154. The representative of Cameroon, speaking in her capacity as the recently nominated coordinator of the African Group on ABS issues, congratulated the Executive Secretary and the Secretariat for their dedication and commitment to the process. The meeting had met the Group's expectations in regard to the roadmap to the first meeting of the Parties to the Protocol (COP-MOP-1). With regards to the issue of compliance, she thanked the Secretariat for recognizing that errors may have been made. The Group had sought to convey through the Co-Chairs its deep concern on some issues that were likely to hamper the smooth implementation and ratification of the Protocol. Finally, the African Group was pleased that a common recognition and understanding had been reached, which had re-established a spirit of trust and understanding.

155. The representative of Peru, speaking on behalf of the Latin American and Caribbean Group, made a statement supporting the inclusion in the report of the meeting of the verbatim statement of the delegate from Egypt.

ITEM 8. ADOPTION OF THE REPORT

156. The present report was adopted at the 11th session of the meeting, on 10 June 2011, on the basis of the draft report prepared by the Rapporteur (UNEP/CBD/ICNP/1/L.1), as orally amended.

ITEM 9. CLOSURE OF THE MEETING

157. Closing statements were made by the representatives of: the Philippines, speaking on behalf of the Like-Minded Megadiverse Group of Countries; Ukraine, speaking on behalf of the Central and Eastern European Group; Cameroon, speaking on behalf of the African Group; Saint Lucia, speaking on behalf of the Latin American and Caribbean Group; India, speaking on behalf of the Asia and Pacific Group; the European Union and its member States; and Japan, speaking on behalf of the Presidency of the Conference of the Parties. The speakers expressed their satisfaction with the progress made during the meeting towards paving the way for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol. Speakers also thanked the Executive Secretary for the excellent work of the Secretariat in facilitating the success of the present meeting.

158. Closing statements were also made by representatives of the indigenous and local communities. They stressed the need for the full and effective participation of indigenous peoples, and the importance of including words to that effect in the decisions taken by the Intergovernmental Committee.

159. 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 expressed appreciation to the Governments of Denmark, Finland, Germany and Norway for providing the financial resources for sponsoring 73 participants at the meeting. Without that support, the meeting would not have been possible. He promised that the Secretariat would do its best to assist in translating the text of the Nagoya Protocol into concrete reality.

160. On 10 June 2011, following the customary exchange of courtesies, Ms. Lowe, Co-Chair, closed the first meeting of the Intergovernmental Committee at 12.40 p.m.

Annex

RECOMMENDATIONS ADOPTED BY THE INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL AT ITS FIRST MEETING

Montreal, 5-10 June 2011

1/1. 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,

Noting the valuable experience of the Biosafety Clearing-house established under the Cartagena Protocol on Biosafety as well as of information exchange mechanisms under other multilateral environmental agreements,

Taking into account the priorities for a pilot phase of the ABS Clearing-house identified by the expert meeting on the modalities of operation of the ABS Clearing-house,

1. *Recommends* that the ABS Clearing-house be implemented in a phased manner, building up its functions and activities in response to clear and identified demand, taking into account ongoing feedback from users, in line with available resources, recognizing the importance of reaching common understanding on unresolved issues in the Intergovernmental Committee for the Nagoya Protocol;

2. *Recommends* that the first phase of the ABS Clearing-house be a pilot phase and *requests* the Executive Secretary to implement the pilot phase in accordance with the guidance set out in the annex, as soon as possible after the first meeting of the Intergovernmental Committee for the Nagoya Protocol and subject to the availability of resources;

3. *Invites* Parties, Governments and other donors to provide additional financial support to the Executive Secretary to enable the pilot phase to be implemented as soon as possible;

4. *Requests* the Executive Secretary to:

(a) Report on progress in the implementation of the pilot phase of the ABS Clearing-house to the second meeting of the Intergovernmental Committee, including on the operational costs and maintenance of the pilot phase;

(b) Develop draft modalities of operation of the ABS Clearing-house, to be adapted to take into account experience acquired during the pilot phase, for consideration by the Intergovernmental Committee at its second meeting; and

(c) Explore opportunities for collaboration with partners and other data providers in the development of the ABS Clearing-house.

Annex

GUIDANCE FOR THE PILOT PHASE OF THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE

Objectives

1. The objectives of the pilot phase of the ABS Clearing-house are to:

(a) Establish an information-sharing mechanism pursuant to Article 14 that is simple, user-friendly, efficient, secure, flexible and functional;

(b) Provide an opportunity to elicit feedback on the development of the ABS Clearing-house; and

(c) Prepare for the later inclusion of additional information that will be relevant to implementation of the Protocol.

Information to be incorporated in the pilot phase of the ABS Clearing-house

2. The following mandatory information should be incorporated on a priority basis in accordance with Article 14, paragraph 2:

(a) Legislative, administrative and policy measures on access and benefit-sharing;

(b) Information on the national focal point and competent national authority or authorities; and

(c) Permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms.

3. The following additional information could also be incorporated, in accordance with Article 14, paragraph 3 while also noting Article 12, paragraph 1:

(a) Relevant competent authorities of indigenous and local communities, and information as so decided;

(b) Model contractual clauses;

(c) Methods and tools developed to monitor genetic resources; and

(d) Codes of conduct and best practices.

4. Other information that has been identified as particularly valuable to provide where available during the pilot phase through the ABS Clearing-house includes:

(a) Explanatory information about the legislative measures, such as explanatory memoranda, or flow charts that describe the national access and benefit-sharing processes;

(b) Information about any checkpoints established under Article 17 of the Protocol;

(c) Capacity-building measures and activities;

(d) Information currently available in the Convention on Biological Diversity's Access and Benefit-sharing measures database;

(e) Provision for information on the contribution made by access and benefit-sharing measures to sustainable use and conservation of biodiversity, poverty alleviation, and the Millennium Development Goals;

(f) Information on third party transfer arrangements where it is available to be incorporated into the internationally recognized certificate of compliance;

(g) Affiliation of Parties to other agreements with regard to genetic resources at the sectoral, regional or subregional level.

Information management, including submissions and updates

5. The pilot phase of the ABS Clearing-house should make use of:

(a) An Internet-based centralized portal to provide access to information;

(b) A mechanism for non-electronic or non-Internet information for those countries that indicate their need to access such a mechanism, similar to the non-Internet mechanism currently used by the Biosafety Clearing-house;

(c) Common formats to submit information; and

(d) Controlled vocabularies within the framework of the Nagoya Protocol to facilitate entry and retrieval of the information being submitted.

6. Information in the ABS Clearing-house should be managed according to the following language considerations:

(a) The pilot phase of the ABS Clearing-house should initially be developed in English;

(b) The ABS Clearing-house should be designed to support the six official United Nations languages at a later stage;

(c) Primary data, being the substantive content of the ABS Clearing-house (e.g. a legislative measure), may be submitted in the original language;

(d) The metadata, which describes the primary data (e.g. the type of legislative measure typically chosen from a controlled vocabulary built into the ABS Clearing-house), should be provided in a language supported by the ABS Clearing-house.

7. In order to manage information in the ABS Clearing-house, a number of roles and responsibilities have been identified, including:

(a) Communicating with the Secretariat of the Convention on Biological Diversity on issues related to the ABS Clearing-house;

(b) Making information available to the ABS Clearing-house; and

(c) Facilitating networking and the building of capacity between competent national authorities, indigenous and local communities and other stakeholders that would make information available to the ABS Clearing-house.

8. Duties of the ABS national focal point designated in accordance with Article 13, paragraph 1, could be expanded to incorporate the roles and responsibilities identified in paragraph 7, or a dedicated ABS Clearing-house contact could be appointed;

9. Duties of the competent national authorities designated in accordance with Article 13, paragraph 2, could be expanded to include making information available on permits or their equivalent issued to the ABS Clearing-house, where appropriate and inform their ABS national focal point.

10. In accordance with Article 12, each Party, as appropriate, could consider establishing indigenous and local community contact points for the ABS Clearing-house to facilitate effective participation of the indigenous and local communities.

11. The ABS Clearing-house should allow Parties to amend or update submitted information in a way that preserves legal certainty, clarity and transparency in accordance with the Protocol, particularly in the case of a permit or its equivalent, if necessary and if mutually agreed, to reflect new circumstances relating to the utilization of the genetic resource. In such instances, the original permit or its equivalent should be retained in archived form.

Networking with existing mechanisms

12. The development of the pilot phase could include investigation of partnership opportunities with other data providers where these opportunities clearly support the objectives of the Protocol. These could include the International Treaty on Plant Genetic Resources for Food and Agriculture, the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC) and taxonomic databases such as the Catalogue of Life and the Global Biodiversity Information Facility. In addition, enhancing collaboration with the World Intellectual Property Organization could be considered.

13. To support implementation of the Nagoya Protocol, the ABS Clearing-house could also provide access to other information resources, such as systems already making use of material transfer agreements to exchange biological resources (e.g., microbial culture collections), gene banks, legal information databases, and other aggregators of relevant information such as the UNU's Bioprospecting Information Resource databases. A list of such websites should be prepared to allow evaluation of their utility during the pilot phase.

Capacity-building

14. Parties should be encouraged to identify capacity-building needs to implement the ABS Clearing-house.

15. Indigenous and local communities should also be encouraged to identify their capacity-building needs with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or traditional knowledge associated with genetic resources.

16. Taking into account the overall capacity-building needs to support the implementation of the Protocol, Parties should consider inviting donor agencies to fund capacity-building initiatives to enable Parties, indigenous and local communities and relevant stakeholders to effectively access and use the ABS Clearing-house.

17. Parties should consider identifying resources under national allocations from the GEF, or other funding agencies, for the development and implementation of the ABS Clearing-house with a view to address capacity-building needs of Parties, indigenous and local communities and relevant stakeholders.

18. Information on available capacity-building opportunities and resources (e.g., available funding, training, tools that could make information on the ABS Clearing-house more accessible for users, etc.) should be made available through the ABS Clearing-house in its pilot phase.

19. Information supporting the implementation of the Protocol could also include best practices on the involvement of indigenous and local communities in implementing the Protocol (e.g., South-South models, training, etc.).

Reporting requirements

20. To assist in preparing reports on the activities of the ABS Clearing-house for review by the Parties in accordance with Article 14, paragraph 4, the following metrics are suggested:

(a) The number, regional distribution and type of records made available through the ABS Clearing-house;

(b) The number of internationally recognized certificates of compliance issued;

(c) The number of visitors accessing the ABS Clearing-house to access information, the types of information being accessed, and the time spent looking at different types of information;

(d) The availability of information in six official United Nations languages;

(e) Reports of arrangements between the ABS Clearing-house and other institutions for the exchange of relevant data;

(f) User surveys or other feedback on the operation of the ABS Clearing-house;

(g) Measurement of external use of the ABS Clearing-house, for example links being made to the website, social aggregating analysis tools, etc.;

(h) Operational costs, including funding and other resource requirements.

1/2. Measures to assist in capacity-building and development and the strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition

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

Recalling Article 22 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization,

Recognizing that capacity-building and development under the Nagoya Protocol should be demand-driven, based on the needs and priorities identified through national self-assessments,

Taking note of the previous and ongoing ABS capacity-building initiatives supported by the Global Environment Facility, the International Treaty on Plant Genetic Resources for Food and Agriculture and other organizations and institutions, including the ABS Capacity Development Initiative that has expanded from Africa to other regions, and of the experiences and lessons learned from those initiatives,

Emphasizing the role of bilateral and multilateral cooperation in the implementation of capacity-building and development activities for the implementation of the Nagoya Protocol,

Taking note of the Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing adopted by the Conference of the Parties at its seventh meeting,

Emphasizing the need for the full involvement of indigenous and local communities and relevant stakeholders, including women, in capacity-building and development initiatives,

Recognizing the usefulness and cost-effectiveness of subregional and regional approaches to capacity-building and development in particular where countries have similar biological resources and common capacity-building and development needs,

Emphasizing the important role of the Global Environment Facility as the institutional structure carrying out the operations of the financial mechanism of the Nagoya Protocol in supporting capacity-building and development for the effective implementation of the Protocol,

1. *Recommends* the development of a strategic framework for capacity-building and development under the Nagoya Protocol on the basis of domestic needs and priorities identified by Parties, including those identified by indigenous and local communities and the proposed elements contained in the annex, in accordance with Article 22 of the Protocol;

2. *Invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit to the Executive Secretary views and information on their domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol;

3. *Requests* the Executive Secretary to prepare, in consultation with Parties, a questionnaire to facilitate the submission of views and information referred to in paragraph 2 above, taking into account the deliberations in the first meeting of the Intergovernmental Committee and the outcomes of the capacity-building workshop organized prior to that meeting;

4. *Also requests* the Executive Secretary to prepare a synthesis of the views and information received for consideration by the second meeting of the Intergovernmental Committee;

5. *Invites* Parties, especially developed country Parties, other Governments, international organizations, the Global Environment Facility, regional development banks and other financial institutions, to provide to Parties financial resources to support capacity-building and development initiatives for the effective implementation of the Protocol.

Annex

PROPOSED ELEMENTS OF THE STRATEGIC FRAMEWORK FOR CAPACITY-BUILDING AND DEVELOPMENT UNDER THE NAGOYA PROTOCOL

- Objectives
- Experience and lessons learned from past and ongoing access and benefit-sharing capacity-building and development initiatives
- Guiding principles and approaches to capacity-building and development, including those specified in Article 22
- Key areas for capacity-building and development and measures to build or develop capacity under each of the key areas, taking into account those specified in paragraphs 4 and 5 of Article 22
- Mechanisms for the implementation of capacity-building and development measures
- A coordination mechanism and its possible elements, including the reporting of capacity-building and development initiatives to the ABS Clearing-house as specified in paragraph 6 of Article 22,
- Cooperation among Parties and with relevant processes and programmes
- Monitoring and review, including developing a set of indicators to facilitate the monitoring and review of the implementation of the strategic framework and to assess the impact of access and benefit-sharing capacity-building and development initiatives
- Possible sequence of actions for the implementation of the strategic framework, including a possible roadmap of activities to assist countries in defining their priorities and corresponding timelines
- Financial and other resource requirements
- Other possible elements

1/3. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and access and benefit-sharing related 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. *Invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit views to the Executive Secretary on the proposed elements of an awareness-raising strategy for the Nagoya Protocol as contained in the annex;

2. Also *invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit information to the Executive Secretary on awareness-raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues, including lessons learned from existing experience in this regard;

3. *Requests* the Executive Secretary to revise the proposed elements of an awareness-raising strategy for the Nagoya Protocol, taking into account views expressed at the first meeting of the Intergovernmental Committee, as well as the submissions referred to in paragraphs 1 and 2 above, for the consideration of the second meeting of the Intergovernmental Committee.

Annex

PROPOSED ELEMENTS OF AN AWARENESS-RAISING STRATEGY **FOR THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING (2012 -2016)**

Priority Activity 1: ***Communications Situation Analysis***
1.1. Operational objectives a) Conduct analysis of communications goals, target groups and existing communication products. b) For target groups, identify desired outcomes of communications efforts. c) Evaluate effectiveness of existing tools, messages and activities. d) Provide indicative costs for implementation of different activities.
1.2. Expected outcomes a) List of target groups at global, regional and national levels. b) List of desired communication goals. c) Gap analysis of tools and identification of required products. d) Evaluation of possible costs needed.
1.3. Indicators a) List of target groups and behaviour changes. b) List of existing products and their use.

1.4. Suggested activities	*1.5 Actors*
1.4.1 Conduct audience analysis, including identification of key target groups and desired outcomes of communication activities. Include a focus on communications with indigenous and local communities. 1.4.2 Using online surveys and focus groups, conduct analysis of existing communication tools at global and regional levels. 1.4.3 Establish an inter-agency task force for communication on the Nagoya Protocol, and include the participation of relevant agencies	SCBD with input from the department of Public Information of the United Nations as well as other relevant international organizations including UNU, UNEP, CEC of IUCN, representatives of regions, indigenous and local communities and key national actors. Include expertise from media and communication experts.
1.4.4. Circulate results of analysis through the ABS Clearing-house, as well as make methodology available through the ABS Clearing-house, for use and adaptation by regions.	SCBD
1.4.5 On basis of the established methodology made available through the ABS Clearing-house, Parties will conduct national communication analyses.	Parties and indigenous and local communities
1.6. Time frame Begin following COP-MOP 1 and report to COP-MOP 2	
1.7. Estimated cost Establishment of position for a communications officer, and consultancy to support situation analysis 35,000 USD	

Priority Activity 2: **Create key messages, a suite of communication products and a media strategy**
2.1. Operational objectives a) Develop core messages for different target groups. b) Develop key principles for the future development of additional messages. c) Create core suite of communication products to deliver messages. d) Create media strategy for delivery of messages.
2.2. Expected outcomes a) List of core messages developed for different audiences. b) Information products created including, *inter alia* brochures, promotional videos, public service announcements, radio scripts, and others. c) Story ideas and messages created for engagement with the media.
2.3. Indicators a) Products b) List of messages

2.4. Suggested activities	***2.5.* Actors**
2.4.1 On basis of Priority Activity 1 create communications and messaging guide, including: a) Core messages; b) Communication products for print, television and radio diffusion including a brochure, a video and public service announcement, and a radio spot in United Nations languages; and c) Media engagement strategy, including story lines for media organizations.	SCBD in collaboration with UNU, UNESCO, CEC of IUCN, Inter Press Services, Biodiversity Media Alliance, and indigenous and local communities
2.4.2 Make products available through the ABS Clearing-house. 2.4.3 Ensure that products are disseminated to United Nations Information Centres (UNICs).	SCBD
2.6. Time Frame Begin following COP-MOP 1 and report to COP-MOP 2	
2.7. Estimated cost Consultancy to support development of key message, products and media strategy 50,000 USD Development of brochure, video and radio spots 150,000 USD	

Priority Activity 3: **Create ABS Communication Toolkit**
3.1. Operational objectives a) Create resources that allow Parties to hold capacity-development activities to build communication strategies around ABS. b) Build modules for media relations. c) Develop online community to share experiences. d) Parties develop customized communication toolkits.
3.2. Expected outcomes a) A toolkit is created that allows Parties to develop custom campaigns and communication tools for desired target audiences. b) Parties have appropriate communication tools and resources.
3.3. Indicators a) Downloads of the toolkit from the Clearing-house. b) Use of the toolkit in workshops.

3.4. **Suggested *activities***	*3.5.* **Actors**
3.4.1 On basis of all previous messaging experience, create a communications toolkit that contains methodologies, worksheets and ready to use materials for communication activities. 3.4.2 Ensure that e-learning modules are available. 3.4.3 Develop toolkit as an Open Educational Resource (OER) that allows for creation of custom materials. 3.4.4 Create online support mechanisms including a "help desk" and support for building of a community of practice, through the CHM, that allows for follow up and customization of the kit.	a) Global level: SCBD, UNU, UNEP, CEC of IUCN, UNESCO and CI. b) Regional level: regional organizations, ILCs. c) National level: governments, academic.
3.4.5 Translate toolkit into local languages	National governments.
3.4.6 Create communications toolkit specifically directed to issues involving communication of ABS issues with indigenous and local communities. 3.4.7 Ensure that kit is created with appropriate delivery mechanisms for a variety of communities.	SCBD in collaboration with ILCS from different regions.
3.6. Time Frame Begin following COP-MOP 2 and report to COP-MOP 3	
3.7. Estimated cost Development of toolkit in United Nations languages, including e-learning components: 250,000 USD	

Priority Activity 4: **Holding of workshops**
4.1. Operational objectives a) Develop capacity for communication at regional levels using the ABS communication toolkit. b) Develop communications training capacity for Parties using the ABS communication toolkit. c) Provide opportunities for development of custom ABS communication modules and products. d) Provide opportunities to brief regional media on the messages of ABS communication e) Create the basis for a community of practice around ABS communication.
4.2. Expected outcomes a) Global communications framework and toolkits are customized for regional experiences. b) ABS communication practitioners share experiences. c) Regional media are briefed on the significance of ABS communication
4.3 Indicators a) Participation in workshops. b) Products developed at workshops. c) Personnel trained at workshops. d) Media engagement in ABS issues

4.4 Suggested activities	*4.5 Actors*
4.4.1 Using ABS toolkit, and in collaboration with the ABS Clearing-house, hold regional ABS communication workshops, which: a) Explain and train communicators in the use of the toolkit; b) Provide opportunities for the creation of custom modules and products for National contexts; c) In collaboration with UNICs, hold media briefing sessions at regional workshops, and involve local communicators; and d) Create the basis for communities of practice on ABS communication. Include the participation of indigenous and local communities.	a) Global level: SCBD, UNU, UNEP, CEC of IUCN, UNESCO, CI; UNICs b) Regional level: regional organizations, ILCs c) National level: governments, academic d) Media representatives
4.6 Time Frame Begin following COP-MOP 2 and complete one workshop in each region in advance of COP-MOP 3.	
4.7 Estimated cost 100,000 USD per workshop – 5 regions	

1/4. 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,

Recognizing that Parties to the Nagoya Protocol must comply with all of their obligations under the Protocol,

1. *Invites* Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to communicate to the Executive Secretary by 1 September 2011 their views on elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance under Article 30 of the Nagoya Protocol, taking into account the experience and lessons learned from other relevant multilateral agreements;

2. *Requests* the Executive Secretary to prepare a synthesis report and develop draft elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance based on the views expressed;

3. *Further requests* the Executive Secretary, in consultation with the Bureau of the Intergovernmental Committee, and subject to the availability of funds, to convene an expert meeting to review the synthesis report and further refine the draft elements and options developed by the Executive Secretary for consideration by the Intergovernmental Committee at its second meeting;

4. *Invites* Parties, the Co-Chairs and the Executive Secretary to exhaust every effort in preparations necessary for the successful conclusion of the discussions on the cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance for the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting;

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