

## ICNP 2 HIGHLIGHTS: MONDAY, 2 JULY 2012

ICNP 2 delegates met in plenary to hear opening statements, address organizational matters, and discuss guidance to the financial mechanism, resource mobilization and a multilateral benefit-sharing mechanism.

### PLENARY

**OPENING:** CBD Executive Secretary Braulio Dias outlined his priorities, including pushing for early ratification and entry into force of the Nagoya Protocol and enhancing support for implementation of the CBD and its protocols. He said the first session of the Conference of the Parties serving as the Meeting of the Parties (COP/MOP 1) is expected to be held in conjunction with the twelfth session of the Conference of the Parties (COP 12) to the CBD, adding that the COP could serve as a forum to share experiences on implementation. He underlined the need to integrate ABS into CBD work on protected areas, and forest and marine biodiversity. He also called for supporting the capacity and priorities of indigenous and local communities (ILCs) to ensure their involvement in implementation.

M.F. Farooqui (India) emphasized that ABS is a tool to enhance global and local benefits from biodiversity, and that the adoption of the Nagoya Protocol contributed to maintaining the credibility of environmental multilateralism. T. Chatterjee, Secretary of the Ministry of Environment and Forests of India, underscored India's learning-by-doing experience with domestic ABS arrangements since 2002, with achieved community benefits, and the need to chart a roadmap beyond COP 11 towards the first COP/MOP of the Protocol.

ICNP 2 Co-Chair Janet Lowe (New Zealand) stressed the need to maintain momentum to ensure entry into force in time to hold the first COP/MOP in conjunction with COP 12.

**STATEMENTS:** Peru, on behalf of LATIN AMERICAN AND THE CARIBBEAN (GRULAC), expressed the region's commitment to early ratification and stressed resource mobilization to ensure ratification and implementation.

Cameroon, for the AFRICAN GROUP, called for defining capacity-building and resource mobilization priorities. Ukraine, for CENTRAL AND EASTERN EUROPE (CEE), highlighted capacity building for developing countries, in particular economies in transition, as a key element to ensure quick entry into force. JAPAN highlighted its activities to assist with implementation, including its US\$ 12.1 million contribution to the Nagoya Protocol Implementation Fund (NPIF).

India, for ASIA-PACIFIC, suggested an additional ICNP meeting to complete tasks before COP/MOP 1. The LMMC prioritized, *inter alia*: outstanding issues on the ABS clearing-

house; compliance, including consideration of the triggers and composition of a compliance committee; the global multilateral benefit-sharing mechanism; and provision of specific guidance on the needs for the Protocol's implementation in the context of the GEF sixth replenishment.

The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) noted the Nagoya Protocol's unique feature in directly addressing indigenous peoples' and local communities' resources, knowledge and cultures, and stressed that implementation must ensure their full and effective participation at all levels.

The INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGR) underscored the close relationship between the Treaty and the Nagoya Protocol, noting the need to maintain and strengthen collaboration between the CBD and the ITPGR Secretariats and ensure implementation of both agreements in a mutually supportive manner. The FAO COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE (CGRFA) outlined ongoing CGRFA work on ABS for genetic resources for food and agriculture, drawing attention to the meeting of the CGRFA Technical Working Group on ABS to be held in September 2012, in Svalbard, Norway.

**ORGANIZATIONAL MATTERS:** Delegates approved that Dubravka Stepic (Croatia) continue as the meeting's rapporteur, and adopted the meeting's agenda (UNEP/CBD/ICNP/2/1/Rev.1). On the organization of work, Co-Chair Lowe suggested that development of a programme budget, rules of procedure and a draft agenda for the COP/MOP be addressed following consideration of other agenda items, given that COP/MOP 1 will not be held concurrently with COP 11. She noted the meeting should also consider whether further intersessional work is needed, including a third meeting of ICNP.

Co-Chair Lowe reminded participants that the text of the Protocol should not be reopened and that parties are both users and providers of genetic resources. Co-Chair Fernando Casas (Colombia) emphasized that the Protocol, as one of the few recent multilateral achievements, is an opportunity for benefitting providers, users, relevant institutions, all countries, ILCs and different sectors.

### ELABORATION OF GUIDANCE FOR THE

**FINANCIAL MECHANISM:** Co-Chair Casas introduced the document on elaboration of guidance for the financial mechanism (UNEP/CBD/ICNP/2/3). The EU, NORWAY and UGANDA proposed financial support for projects that: build party capacity to negotiate mutually agreed terms (MAT) and address ILC needs and priorities, with the EU also stressing developing party research capabilities.

On inviting the GEF to support capacity building for parties to develop, implement and enforce domestic ABS measures, MALAYSIA recommended adding capacity building for monitoring at checkpoints to curb biopiracy, and addressing conditions for accessing GEF funds. SENEGAL recommended that COP 11 instruct the GEF to streamline access to funding, underscoring that no African country could access financing for capacity building on ABS.

BRAZIL, supported by NORWAY and SWITZERLAND, said the NPIF should focus on supporting efforts for the Protocol's early ratification and entry into force. In this regard, many delegates highlighted the need for further support of capacity building and awareness raising. JAPAN encouraged parties and the private sector to make additional contributions to the NPIF.

Pointing to the need for long-term financial support for the Protocol's implementation, THAILAND supported considering seriously the NPIF continuation beyond GEF 5. PERU supported recommending to COP 11 extension of the Fund. SWITZERLAND and the EU suggested that it is up to COP 11 to decide whether the Fund should continue.

JORDAN and PERU underscored the need for ensuring the specific allocation of GEF's resources to ABS. On NPIF, JORDAN said countries that already ratified the Protocol should also be eligible for capacity-building support. GUATEMALA, UGANDA, TUNISIA and PERU supported ensuring an expedited process for access to funds for early entry into force. INDIA prioritized funding towards development of implementing measures, noting that measures to address transboundary situations may be premature. Noting that GEF funds are not available to developed countries, the IIFB proposed ensuring that resources are made available to ILCs irrespective of where they are located.

**RESOURCE MOBILIZATION:** On guidance for resource mobilization for implementation of the Protocol (UNEP/CBD/ICNP/2/4), NORWAY, the EU and SWITZERLAND underlined that ABS agreements can contribute to resource mobilization for achievement of all CBD objectives. NORWAY and the EU called for mainstreaming ABS in national biodiversity strategy and action plans. The EU, supported by SWITZERLAND, suggested that COP 11 consider resource mobilization for the Protocol when reviewing implementation of the CBD resource mobilization strategy.

BRAZIL and CHINA highlighted that resources should add to, and not replace existing funds and, with MALAYSIA, INDIA and Senegal, for the AFRICAN GROUP, requested explicit reference to CBD Article 20 (Financial Resources). INDIA stated that the CBD resource mobilization strategy should support implementation of the Protocol, and COP 11 should include this in its review of the implementation of the strategy.

**MULTILATERAL BENEFIT-SHARING MECHANISM:** On the need for and modalities of a global multilateral benefit-sharing mechanism (Article 10) (UNEP/CBD/ICNP/2/7 and Corr.1), Namibia, on behalf of the AFRICAN GROUP, reminded participants that the African Group agreed to the Nagoya Protocol with the understanding that there would be future good-faith efforts to establish the mechanism, providing examples of the transboundary nature of biological resources and traditional knowledge.

MEXICO, PERU and EGYPT supported an expert meeting on the mechanism, with ECUADOR saying a list of questions to be addressed should be clearly defined and ARGENTINA stressing the need for adequate regional representation. PERU said it was open to considering a multilateral mechanism in special circumstances, such as situations with a shared resource or shared traditional knowledge, but underscored the need for clarification on the distribution of benefits.

The REPUBLIC OF KOREA recommended clarifying situations in which it is not possible to grant or obtain PIC, keeping in mind Protocol Articles 4 (Relationships with International Agreements and Instruments) and 11 (Transboundary Cooperation). BRAZIL emphasized that consideration of the need for a mechanism be undertaken by the Protocol parties. SUDAN highlighted that Articles 10 and 11 are not contradictory but have a different scope.

SWITZERLAND prioritized efforts to implement the bilateral approach enshrined in the Protocol, suggesting that an expert meeting be held after its entry into force, following an analysis of domestic ABS requirements to clarify situations not covered by the bilateral approach. The EU proposed focusing first on possible situations, and then on the need, value added and potential risks of addressing these situations through a multilateral mechanism; and cautioned against reopening the temporal and geographical scope of the Protocol.

UGANDA pointed to relevant situations, including: development of genetic resources involving multiple stakeholders over a long period of time; lack of agreement among multiple owners on sharing benefits; and development of genetic resources for food and agriculture not covered by the ITPGR Multilateral System. GUATEMALA supported focusing on strategic capacity building for traditional knowledge holders. JAPAN said a global mechanism could be possible provided that it: embodies a modality acceptable for users; is cost-effective; and is managed so that benefits are directed to biodiversity conservation and sustainable use. Underscoring the efforts of more than nine years to develop the Protocol as a sovereignty-based bilateral mechanism, CANADA cautioned against potentially developing an alternative mechanism.

BURKINA FASO underscored the mechanism could address parties' concerns, in particular on genetic resources acquired before the entry into force of the Nagoya Protocol. For cases where it is not possible to obtain PIC in areas beyond national jurisdiction, NORWAY suggested considering work in other fora such as the UN General Assembly Working Group on marine biodiversity beyond national jurisdiction. CUBA supported a mechanism in particular cases where the Nagoya Protocol is not clear on its scope or the form of benefit-sharing. MALAYSIA called for resolving whether the Nagoya Protocol covers *ex situ* collections and stressed that applying a global mechanism should not marginalize state sovereignty.

### IN THE CORRIDORS

As delegates arrived in Delhi prepared to address their admittedly heavy agenda, they soon acknowledged that, with only five countries having ratified the Protocol to date, the convening of the first COP/MOP could be expected no sooner than COP 12 in 2014. This led many to feel that squeezing all necessary preparations for COP/MOP into their deliberations did not seem the best use of their time, so participants started prioritizing tasks and charting the intersessional way forward after COP 11. For some, this prioritization meant that the anticipated complex discussions on compliance may be postponed to another meeting in 2013, with observers wondering whether these discussions will eventually do justice to traditional knowledge issues – the most innovative aspect of the Protocol vis-à-vis other MEAs and their compliance mechanisms. Others welcomed the increased space for discussions on financial resources, particularly to support ratification and implementation. In the meantime, afternoon discussions on a multilateral benefit-sharing mechanism revealed persistent divergences in vision and understanding, leading some to comment that focus on implementation might not be enough; reaching common understanding still seems to be a challenge.