



## CBD COP 12 AND NAGOYA PROTOCOL COP/MOP 1 HIGHLIGHTS: MONDAY, 13 OCTOBER 2014

The first COP/MOP of the Nagoya Protocol (NP) on Access and Benefit-sharing (ABS) adopted the agenda and rules of procedure, addressed organizational matters, heard the ICNP report and exchanged views on the status of implementation. In the afternoon, the two Working Groups discussed, *inter alia*: the financial mechanism and resource mobilization; the Global Multilateral Benefit-sharing Mechanism (GMBSM); cooperation with other conventions under the NP; and compliance.

Friends of the Chair and contact groups on synthetic biology, compliance, the financial mechanism and resource mobilization, cooperation, the "indigenous peoples" terminology and the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) met throughout the day.

### COP/MOP OPENING PLENARY

On behalf of COP 12 President Yoon Seongkyu, Jae Choon Choe, President, National Institute of Ecology, Republic of Korea, announced the entry into force of the NP on 12 October 2014. Delegates elected Hem Pande, India, representing Minister Prakash Javadekar, Ministry of Environment, Forests and Climate Change as NP COP/MOP 1 Chair, in place of President Yoon Seongkyu, as the Republic of Korea is not yet a party to the NP.

Chair Pande congratulated governments that have ratified the NP and highlighted items that require further consideration, including compliance, efficiency of structures and processes, and budget.

CBD Executive Secretary Braulio Dias stressed the NP's entry into force constitutes a milestone not only for the CBD, but also in the history of global governance for sustainable development. He highlighted ongoing work on capacity building, and the development of the ABS clearing house (ABS CH).

On behalf of UNEP Executive Director Achim Steiner, Elizabeth Mrema highlighted that the NP entered into force with 54 ratifications on 12 October, well in advance of the 2015 deadline for Aichi Target 16. She noted ongoing work towards ratification, accession and implementation of the NP.

**ORGANIZATIONAL MATTERS:** Delegates adopted the agenda (UNEP/CBD/NP/COP-MOP/1/1 and Add.1) and rules of procedure. The Secretariat introduced a compilation of draft decisions (UNEP/CBD/NP/COP-MOP/1/1/Add.2). Plenary elected as substitute Bureau members, replacing non-party members of the COP 12 Bureau: Hugo Schally (EU), Antung Deddy (Indonesia), Natalya Minchenko (Belarus), Elvana Ramaj (Albania), Indarjit Ramdass (Guyana) and Andreas Obrecht (Switzerland). Delegates elected Eleni Rova Marama Tokaduadua (Fiji) as Rapporteur.

On the organization of work, Chair Pande proposed, and delegates agreed, that CBD COP 12 WGs I and II serve as the WGs for NP COP/MOP 1, to facilitate close proximity between the Convention and the NP.

On the date and venue of NP COP/MOP 2, parties agreed that the NP COP/MOP 2 will be held concurrently with CBD COP 13 and COP/MOP 8 of the Biosafety Protocol. Chair Pande said a draft decision on this issue (UNEP/CBD/COP/12/1/Add.2/Rev.1), will be considered in plenary on Tuesday evening.

Chair Pande introduced the programme budget (UNEP/CBD/COP/12/27 and Add.1) and invited CBD COP 12 budget contact group Chair Spencer Thomas to report on progress on aspects relevant to NP COP/MOP 1 budget later in the week.

**REPORTS:** ICNP Co-Chair Janet Lowe reported on the work of the ICNP, emphasizing that the ICNP has: completed its work and "ceases to exist"; reached consensus on many issues; and forwarded a number of recommendations for adoption by COP/MOP 1.

**EXCHANGE OF VIEWS ON THE STATUS OF THE PROTOCOL:** Many countries welcomed the NP's entry into force. Uganda, for the AFRICAN GROUP, and South Africa, for the LIKE-MINDED MEGADIVERSE COUNTRIES (LMMCs), stressed the need for adequate and predictable financial resources.

Indonesia, for ASIA-PACIFIC, highlighted the importance of information sharing, innovation, adequate financial resources and mainstreaming biodiversity into national policies.

The EU highlighted its regulation of NP compliance measures for users; underscored stakeholder participation; and, with the AFRICAN GROUP and others, supported the ABS Capacity Development Initiative.

Uganda, for the AFRICAN GROUP, underlined the importance of a global multilateral benefit-sharing mechanism, and urged parties to agree on a pilot phase of the mechanism to be initiated at NP COP/MOP 1.

Belarus, for CENTRAL AND EASTERN EUROPE (CEE), called for GEF assistance through the NP Implementation Fund. Stressing the need to incorporate non-market-based approaches, Peru, for GRULAC, highlighted the NP's potential to support sustainable development, and deal with food security, health and adaptation to climate change.

MICRONESIA highlighted the SAMOA Pathway, the outcome of the Third International Conference on SIDS. IIFB emphasized, *inter alia*: prior informed consent (PIC) in access to genetic resources and traditional knowledge (TK); and equitable sharing of monetary and non-monetary benefits in accordance with mutually agreed terms (MAT).

### WORKING GROUP I

**FINANCIAL MECHANISM:** The Secretariat introduced the draft decision and relevant documentation (UNEP/CBD/NP/COP-MOP/1/4 and UNEP/CBD/COP/12/14/Add.1). The EU, with SWITZERLAND, highlighted the need for targeted strategic guidance to the GEF. SWITZERLAND, the EU and NORWAY, opposed by MEXICO, proposed deleting a recommendation for a separate GEF window for ABS activities. The EU, SWITZERLAND and NORWAY, opposed by MEXICO, called for deletion of a paragraph stating that current guidance supersedes all previous guidance to the financial mechanism related to ABS.

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SWITZERLAND, with NORWAY, suggested that the contact group on the financial mechanism and resource mobilization serve both COP 12 and NP COP/MOP 1.

Observers, the DRC with BRAZIL, opposed by MALAYSIA, welcomed the transitional clause in the eligibility criteria for funding under the financial mechanism.

Chair Solhaug said the NP COP/MOP 1 decision on the financial mechanism will be forwarded to the CBD COP as part of overall guidance on the item.

**RESOURCE MOBILIZATION:** The Secretariat introduced the draft decision on resource mobilization with bracketed text on whether domestic resources generated through successful implementation of ABS agreements can be considered new and innovative mechanisms towards NP implementation.

SWITZERLAND and EGYPT supported deletion of the brackets. The EU underscored the need to mobilize resources from all sources. INDIA said allocation of resources generated through benefit-sharing agreements should be left to parties, based on national circumstances. The EU and INDIA supported reporting on resource mobilization under the reporting procedures of the Convention. Kenya, for the AFRICAN GROUP, said that ABS is not a financial mechanism of the Convention and called for retaining the brackets. SWITZERLAND, with NORWAY, opposed reopening negotiated text recommended by the ICNP.

A Friends of the Chair group will consider draft decision text.

**ABS CLEARING-HOUSE AND INFORMATION SHARING:** The Secretariat introduced the draft decision, the progress report on implementation of the pilot phase (UNEP/CBD/NP/COP-MOP/1/2), draft modalities of operation of the ABS CH (UNEP/CBD/NP/COP-MOP/1/2/Add.1) and other relevant documents (UNEP/CBD/NP/COP-MOP/1/INF/4, INF/6, INF/8 and INF/9).

Many parties supported the draft decision and the establishment of an informal advisory committee to assist the Secretariat with ABS CH implementation.

Several parties emphasized the need for a clear distinction between parties and non-parties, with only parties able to register for internationally recognized certificates of compliance.

SWITZERLAND suggested review of the format and modalities at COP/MOP 2.

On ILCs, the EU, supported by GUATEMALA, together with the DRC and CANADA as observers, said the designation of competent authorities and the specific roles of ILCs is subject to national arrangements.

A revised draft decision will be prepared.

**MONITORING AND REPORTING:** The Secretariat introduced the document (UNEP/CBD/NP/COP-MOP/1/3). MEXICO suggested parties and non-parties provide national reports to share challenges and solutions on NP implementation. Recalling NP Article 29 (monitoring and reporting), SOUTH AFRICA and SUDAN emphasized that only parties should be invited to submit reports.

Many parties stressed the need for financial and technical support for preparing reports. SWITZERLAND suggested further review of the format at NP COP/MOP 2. Egypt, for the ARAB STATES, called for monitoring progress. BENIN suggested that cases of non-compliance be clearly identified for full transparency. Many parties cautioned against duplication of efforts.

A revised draft decision will be prepared.

**IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE CONVENTION AND ITS PROTOCOLS:** The Secretariat noted that the item has already been considered under Biosafety COP/MOP 7 and is under consideration at COP 12.

Many parties reiterated their support for the organization of concurrent meetings of the COP and the COP/MOPs, and the establishment of a subsidiary body on implementation (SBI) to replace WGRI, stressing the need to avoid duplication of work. Many developing country parties stressed the need to ensure full and effective participation during concurrent meetings. SWITZERLAND proposed maintaining flexibility regarding the organization of WG sessions. INDIA highlighted limited time to deal with agenda items at concurrent meetings.

A revised draft decision will be prepared.

## WORKING GROUP II

**COMPLIANCE UNDER THE NP:** Chair Mispireta reported that the contact group established by the COP in the first week had advanced its work on the basis of draft text contained in UNEP/CBD/NP/COP-MOP/1/7. WG II agreed to establish a COP/MOP contact group, co-chaired by Kaspar Sollberger (Switzerland) and David Hafashimana (Uganda), to develop a draft decision. The contact group met on Monday evening.

**MODEL CONTRACTUAL CLAUSES, VOLUNTARY CODES OF CONDUCT, GUIDELINES AND BEST PRACTICES AND/OR STANDARDS (ARTICLES 19 AND 20):** Chair Mispireta introduced, and many countries supported, the draft decision.

SOUTH AFRICA, supported by UGANDA, Ethiopia, for the AFRICAN GROUP, and others, proposed encouraging “parties, other governments, international organizations and ILCs” to update tools relevant to NP Articles 19 and 20 that had been developed prior to the NP.

A revised draft decision will be prepared.

**GMBSM:** Chair Mispireta introduced the draft decision. INDONESIA requested that the Secretariat coordinate closely with similar mechanisms, such as those under the International Treaty on Plant Genetic Resources (ITPGR), and on marine genetic resources beyond national jurisdiction.

EGYPT, with others, called for deleting “subject to availability of funding” with regard to a proposed study and a meeting of an expert group. The EU argued for keeping this reference, saying the ongoing budget discussions should not be pre-empted.

SOUTH AFRICA called for the establishment of a pilot phase on GMBSM, noting that such a mechanism will help address situations where it is not possible for PIC and MAT to be granted.

Chair Mispireta said the contact group on budget will be consulted before deciding on how to move forward.

**COOPERATION WITH OTHER CONVENTIONS, INTERNATIONAL ORGANIZATIONS AND INITIATIVES:** The Secretariat introduced UNEP/CBD/NP/COP-MOP/1/6 and INF/5.

The EU stressed the importance of coordination of work under the CBD, NP and other instruments, including under WIPO.

INDONESIA requested that the Secretariat facilitate consultation between parties and relevant international institutions regarding international trade standards, plant genetic resources for food and agriculture, and the law of the sea.

The THIRD WORLD NETWORK invited delegates to consider the WHO’s activities on sharing vaccines.

Delegates agreed to note cooperation activities that have taken place in the report of the meeting.

## COP

**MARINE AND COASTAL BIODIVERSITY: OTHER MATTERS:** Delegates considered a CRP on the impacts of anthropogenic underwater noise and ocean acidification on marine and coastal biodiversity, priority actions to achieve Aichi Target 10 (coral reefs), and marine spatial planning (MSP) and training initiatives. They agreed to, *inter alia*, include specific reference to “indigenous” and local communities, where appropriate. Deliberations will continue on Tuesday.

## IN THE CORRIDORS

As wind and rain lashed the conference tents, delegates celebrated the Nagoya Protocol’s entry into force, with the yellow flags by the country nameplates indicating which countries have already ratified the Protocol. Several delegates suggested that the focus now shift to implementation, and that real progress will depend on enhanced cooperation, technology transfer and donor support.

The practicalities of holding concurrent COP and COP/MOP meetings became clearer as delegates adjusted to the swift pace set by the Chairs of both Working Groups, leading to one delegation’s plea for “advance notice,” of what “the Working Group in the other tent” would be doing throughout the day.