

**Note on the follow-up to COP decision X/1 on the
Nagoya Protocol on Access and Benefit Sharing**

**First meeting of COP 10 Bureau
Kanazawa, 19 December 2010**

Introduction

1. According to Article 41 of the Convention, the Secretary General of the United Nations assumes the functions of Depository for the Convention and any protocols. Accordingly, in decision X/1, paragraph 2, the COP requested the Secretary General of the United Nations to be the Depository of the Protocol and to open it for signature at the United Nations Headquarters in New York from 2 February 2011 to 1 February 2012. At a meeting between the Executive Secretary and the Under Secretary General for Legal Affairs of the United Nations, held on 4th November 2010 in New York, it was confirmed that the legal department of the UN will organize the signing ceremony on 2 February 2011.

2. As a result, the text of the Protocol was transmitted to the UN Office of Legal Affairs on 16 November 2010 in all UN languages for action in conformity with the functions of the Secretary General as Depository. The Executive Secretary was informed that the depository will prepare the original copy of the Protocol and will circulate the certified true copies before Christmas to governments in anticipation of the instrument being opened for signature on 2 February in New York at UN Headquarters. It was also agreed that this will be followed by a notification of the Secretariat to all CBD focal points as well as to the permanent missions in Geneva and Nairobi. The signing ceremony will take place at the General Assembly hall and will take advantage of senior officials attending the official launch of the International Year on Forests. The Secretariat in partnership with the CEO of the Global Environment Facility is organizing a reception the same day to celebrate this event and to mark the launch of the 20th year anniversary of the establishment of the GEF.

3. In consultation with the United Nations legal department, it is suggested that a signing ceremony be also organized in New York on 11 May at the occasion of the ministerial meeting of the Commission on Sustainable Development to allow the Parties that have not been able to complete their review process in February to sign the protocol.

I. Preparations for the Intergovernmental Committee

4. In paragraph 7 and 8 of decision X/1, the COP decided to establish an Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol in order to 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. Furthermore, the COP decided that the first meeting of the Intergovernmental Committee will be held from 6 to 10 June 2011. The meeting will take place in Montreal unless an offer by a country to host this meeting is received no later than 31 January 2011.

5. As set out in paragraph 11 of decision X/1, the COP decided that “there will be two Co-Chairs of the Intergovernmental Committee, and that the first Intergovernmental Committee will be preceded by a one day meeting to elect its Bureau and agree on other organizational matters. To that effect, the President is mandated to undertake the necessary consultations.”

6. At the closing of COP10, the delegation of Argentina suggested that Mr Fernando Casas from Colombia and Timothy Hodges from Canada be elected as co-chairs. The statement of the delegation of Argentina is recorded in the report of meeting. The rules of procedure of COP will apply mutatis mutandis to the INC. Therefore the Bureau of INC shall comprise two representatives by region. In light of the above, the COP Bureau may wish to assist the President of the COP in undertaking through their respective regions consultations for the election on 5th June 2011 of two representatives per region, including two Co-Chairs and a Rapporteur.

7. In accordance with the work plan for the Intergovernmental Committee set out in Annex II of decision X/1, the Intergovernmental Committee will be considering at its first meeting a number of issues including “the modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities”. Thanks to the generous financial support of the European Commission, an Expert Meeting on the Modalities of Operation of the ABS Clearing House is to be held from 11 to 14 April 2011. The expert meeting will support preparations for the first meeting of the Intergovernmental Committee by focusing on practical considerations in setting up the ABS Clearing House thereby assisting countries with the implementation of the Nagoya Protocol. The report of the expert meeting will be submitted to the Intergovernmental Committee for its consideration.

III. Support for early ratification of the Protocol

8. In paragraph 13 of Decision X/1, the Executive Secretary was requested “to provide technical assistance to Parties, subject to the availability of financial resources, with a view to supporting the early ratification and implementation of the Protocol.” In paragraph 14, the Global Environment Facility was also invited “to provide financial support to Parties to assist with the early ratification of the Protocol and its implementation.”

9. As announced by the CEO at the High level segment of COP10, the GEF will provide one million US dollars in financial support in order to assist Parties with the early ratification of the Protocol. The Secretariat is in the process of developing a work plan of the various awareness raising and capacity-building activities to be carried out during the next biennium with a view to support the entry into force of the Protocol by COP 11 in India. This work plan will be designed as a complement to the implementation of the work plan under the Japan Biodiversity Fund on NBSAPS. The tentative work plan is submitted to the Bureau. As a result, briefings of the permanent missions in all the UN chapters will take place in 2011 and meetings with parliamentarians will be convened in partnership with UNDP and other relevant agencies.

10. At the 39th session of the GEF Council held in Washington DC from 16-18 November 2010, Japanese Council member introduced the concept of a Japanese ABS Trust Fund to support a multilateral benefit sharing mechanism and technology transfer, with an initial endowment of \$12.5 million from Japan, and aimed to grow to a scale of \$50-100 million within the next four years.

11. The Council agreed that the GEF Secretariat will circulate to Council for decision by mail, by March 1, 2011, a proposal, in response to a request from Japan, to create a trust fund aiming to support a pilot of the global multilateral benefit sharing mechanism. The Council further agreed that the GEF Secretariat will submit to the Council at its spring 2011 Meeting, a paper covering the governance and other substantive issues related to this trust fund, as well as a document outlining criteria for the establishment of trust funds within the GEF, in general.

Conclusion

12. Following the adoption of the Nagoya Protocol on Access and Benefit-sharing, the Interim Secretariat of the Protocol has been established on 29 November 2010 and will comprise the head of the Interim Secretariat Ms Valerie Normand at P5 level, a programme officer at P-3 level and two general service staff. Under the revised administrative arrangements with UNEP signed on 26 October 2010, the Secretariat is requesting the reimbursement of the PSC for the establishment of a P-4 post on ABS, a P-2 post on Conference services and two general service staff.
