

CBD COP 10 HIGHLIGHTS FRIDAY, 22 OCTOBER 2010

Working Group I considered draft decisions on mountain biodiversity and inland waters. Working Group II addressed draft decisions on GBO 3, implementation of the Convention and the strategic plan, national reporting and the MYPOW. ABS negotiations focused on emergency situations, TK, compliance and the preamble. Several contact and informal groups met during the day and into the night.

WORKING GROUP I

MOUNTAIN BIODIVERSITY: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.1). The EU proposed adding preambular language underlining that the implementation of the work programme needs to be in line with the three CBD objectives and, opposed by INDONESIA, BRAZIL and CHINA, deleting references to benefit-sharing in the operative text. Following informal consultations, delegates agreed to include new preambular language referring to implementing “the three CBD objectives in a balanced manner,” and to further use it to replace references to conservation, sustainable use and benefit-sharing in the operative parts of the decision.

NEW ZEALAND proposed, and delegates agreed, to “encourage,” rather than “request,” parties to promote agriculture, forestry and ranching practices compatible with sustainable mountain development. CHINA, opposed by CANADA, COSTA RICA and others, proposed deleting reference to developing regional strategies on “animals that could cause conflict with humans, in particular large predators.” Following informal consultations, delegates agreed to include the language in a broader provision encouraging regional collaboration.

NEW ZEALAND, opposed by the EU and the AFRICAN GROUP, proposed deleting references to people’s well-being. Delegates eventually agreed to refer to “providing ecosystem services thus contributing to ensuring the well-being of people.” Delegates approved the draft decision with these and other minor amendments.

INLAND WATERS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.2). Delegates agreed to define payment for ecosystem services in a footnote. NEW ZEALAND expressed concern that poverty mitigation is beyond the CBD

mandate. Chair Hufler suggested, and delegates agreed, to refer to the CBD’s role in contributing to poverty alleviation. PERU and JAMAICA noted that discussions on national accounting were ongoing under the strategic plan, and requested bracketing respective references.

Discussions then focused on the definition of “water security.” Delegates considered inserting an overarching definition in a footnote. BRAZIL, the EU and others preferred addressing the issue on a case-by-case basis, and delegates agreed. AUSTRALIA, supported by the AFRICAN GROUP, proposed using language from Agenda 21. A paragraph dealing with the water supply for growing urban populations was amended to read: “to supply efficient, appropriate quality water thus contributing to water supply in urban areas.” After failing to reach an agreement on how to include water security in a paragraph concerning science-policy coordination, WG I adjourned for the weekend.

WORKING GROUP II

PROGRESS TOWARD THE 2010 BIODIVERSITY TARGET AND THE GBO: Delegates considered a draft decision on GBO 3 (UNEP/CBD/COP/10/WG.2/CRP.1). The EU called for bracketing provisions requesting the Secretariat to undertake GBO-related activities pending parallel discussions on financial issues. BRAZIL, MEXICO, SOUTH AFRICA and others opposed, noting that the activities were subject to the availability of financial resources. Following discussion, delegates inserted a footnote stating that the provision is subject to parallel discussions on financial issues.

The EU, opposed by BRAZIL, MEXICO, ECUADOR and SOUTH AFRICA, requested bracketing a provision concerning liaison and synergies with IPBES, if and when established. AUSTRALIA, supported by the EU, proposed moving all references to IPBES in the decision on the operations to the Convention. Following discussion, the EU agreed to remove the brackets provided that the reference “if and when established” was deleted.

IMPLEMENTATION OF THE CONVENTION AND THE STRATEGIC PLAN: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.2). GHANA suggested preambular references on the role of other biodiversity-related conventions in the strategic plan’s implementation and on involving their focal points in the revision of NBSAPs. The EU suggested that capacity-building

activities, an in-depth analysis of the failure to meet the 2010 target and the development of guides on the integration of biodiversity into relevant sectors be “subject to availability of financial resources.” BRAZIL, JORDAN, MALAYSIA, KENYA and others opposed. KENYA stressed the need for substantive financial resources to implement ambitious targets. The GAMBIA warned against using financial resource considerations to limit issues that need to be addressed. The EU explained their concern was not to prejudge discussions in the budget group. MEXICO insisted that priorities are set by the working groups, not the budget group. Noting that all COP decisions are subject to availability of funds, ZIMBABWE proposed to “park” references to availability of funds. Delegates will revisit the draft decision.

NATIONAL REPORTING: Delegates discussed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.3). The EU proposed that the guidelines for the fifth national report may be supplemented by additional guidance from COP 11.

On the report’s format, NEW ZEALAND proposed to refer first to use of common formats, then to the use of narrative formats, where appropriate. CANADA expressed concern about use of common formats, pointing to the need for flexibility. JORDAN opposed a reference making translation of the manual for report preparation subject to availability of funds, and the EU agreed to remove it. Regarding a request to parties to start work as soon as possible, LIBERIA pointed to difficulties in obtaining the required funds from the financial mechanism in a timely manner. Chair Luna indicated that the Secretariat will revise the draft decision accordingly.

MYPOW AND PERIODICITY OF MEETINGS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.4). With regard to the agendas of COP 11 and 12, SOUTH AFRICA, MALAYSIA, BENIN and BURKINA FASO requested removing the brackets around the ABS protocol and adding reference to its implementation.

The EU, MEXICO, UKRAINE, JAPAN, MALAYSIA, GEORGIA and others supported the option to keep under review the periodicity of COP meetings beyond 2014. The EU and JAPAN requested bracketing a clause on holding two intersessional SBSTTA meetings until COP 12, pending discussions on financial issues. MEXICO, MALAYSIA and GEORGIA opposed. WG II then adjourned for the weekend.

INFORMAL CONSULTATIVE GROUP ON ABS

PREAMBLE: During ICG discussions, CANADA requested keeping a paragraph on UNDRIP in brackets, indicating no change in their instructions to oppose such. On a paragraph affirming that nothing in the protocol shall be construed as diminishing or extinguishing the existing rights of ILCs, delegates agreed to delete “existing” and “or extinguishing,” to avoid discussions on alternative amendments proposed by CANADA, NEW ZEALAND and GRULAC.

COMPLIANCE: The small group discussed a proposal by Co-Chairs Shikongo and Lago, stating that users of genetic resources shall provide information at the designated checkpoints as required by domestic legislation, and that failure to provide relevant information would affect the related application from further processing. Delegates agreed to reflect the proposal in the text, with a footnote explaining that the proposal has not been agreed or negotiated but has been recognized as the basis for further work and would replace language under checkpoints

(article 13(1)(a)), the international certificate (article 13(3)), and the provision on non-compliance with mandatory disclosure requirements (article 13 *bis*).

The group held a preliminary discussion on a provision regarding an international ABS ombudsperson (article 14 *bis*). Some delegates welcomed the concept and the need to provide technical and legal support, highlighting similar tools at the national level, and proposed to establish it and elaborate on its *modus operandi* post-adoption. Some developed country delegates highlighted legal issues regarding: links between an international ombudsperson and domestic situations; and linkages with, and possible duplication of, the compliance-related provisions of articles 12-14.

A closed group was established to address outstanding issues, including on checkpoints, disclosure requirements and the international certificate.

PUBLICLY AVAILABLE TK: Delegates agreed to state that parties shall, “as appropriate, take measures” so that TK users enter into benefit-sharing agreements, but could not agree on a number of smaller issues and new amendments, necessitating further informal consultations.

PLENARY

WG I Chair Hufler reported approval of a draft decision on mountain biodiversity, noting that contact and informal groups continued working on marine biodiversity, climate change, biofuels and geo-engineering. WG II Chair Luna noted approval of several draft decisions and progress on the strategic plan and the resource mobilization strategy. ICG Co-Chair Casas outlined progress on the draft ABS protocol and pending issues, including on cross-cutting items, compliance and scope. Co-Chair Hodges recommended extending the ICG’s deadline and requested delegates to revisit their instructions.

The REPUBLIC OF KOREA called on delegates to redouble efforts to conclude an international ABS protocol. The EU and GRULAC supported extending the ICG’s mandate, with the AFRICAN GROUP stressing the need to urgently work on a protocol acceptable to all. Plenary then approved extension of the ICG’s mandate, to allow for weekend consultations. Budget group Chair Hunter reported on steady progress and outstanding issues, noting that two major meetings may require voluntary funding.

CIVIL SOCIETY representatives called for adopting an ABS protocol with strong enforcement and compliance measures, ensuring respect for ILCs and UNDRIP. She also urged to avoid risky approaches, including perverse incentives, the Green Development Mechanism and geo-engineering. YOUTH representatives urged the provision of additional and adequate financial resources to halt biodiversity loss and adopt an ambitious 2020 target.

ORGANIZATIONAL MATTERS: Plenary approved the following nominations for the COP 10 Bureau: Snežana Prokić (Serbia) and Ioseb Kartsivadze (Georgia) for the CEE Group; Akram Eissa Darwich (Syria) and Chan-woo Kim (Republic of Korea) for Asia-Pacific; Spencer Thomas (Grenada) and José Luis Suter (Argentina) for GRULAC; and Andrew Bignell (New Zealand) for WEOG; with the African Group and the EU to submit their nominations at a later stage. Plenary then heard a report on credentials.

CONTACT GROUPS AND INFORMALS

GEO-ENGINEERING: Delegates made progress on a definition of geo-engineering and considered placing it in a footnote. They then discussed new text requesting the Secretariat to study mechanisms for transparent and effective control and regulatory framework for geo-engineering for COP 11 consideration, debating whether such mechanisms already exist and whether they focus on climate-oriented geo-engineering related to biodiversity.

Delegates further discussed the wording of a possible moratorium, considering an exception for small-scale, scientific research that would be conducted in a controlled setting, debating whether it should also be: in a “confined” environment; subject to national jurisdiction or authorized by national authorities; or ensuring that no transboundary harm will be caused. One party, opposed by others, proposed referring to avoiding “substantial” transboundary harm. NGO representatives cautioned against violating international law. Chair Korn proposed making reference to CBD Article 3 on ensuring that activities within CBD parties’ jurisdiction or control do not cause damage to the environment of other states or beyond national jurisdiction. Delegates also briefly debated the extent to which a CBD COP decision could address geo-engineering in areas beyond the limits of national jurisdiction. Chair Korn suggested that the Secretariat produce a revised non-paper for further consideration.

CLIMATE CHANGE: Delegates continued discussing language on cooperation among the Rio Conventions, and agreed on: a request to the Secretariat to convey a proposal to develop joint activities to the other Rio Conventions’ Secretariats; and an invitation to the respective COPs to explore the possibility of convening a joint preparatory meeting prior to the Rio+20 Summit and consult the Summit preparatory process Bureau on such preparatory work.

Delegates then considered text on REDD+, debating references to land tenure, ILCs’ rights, biodiversity co-benefits and ecosystem services. Some delegates expressed concern about referring to “biodiversity safeguards” noting that this is not agreed under UNFCCC, cautioning against prescriptive language that would prejudge ongoing UNFCCC negotiations. One developed country argued that avoiding negative impacts on ILCs is beyond the CBD mandate. Delegates then considered revised text on enhancing benefits for, and avoiding negative impacts on, biodiversity from REDD+, taking into account the need to ensure ILC participation in policy-making and implementation, and to consider land ownership and land tenure in accordance with national legislation. An ILC representative and a group of developed countries requested keeping the original language as an alternative.

STRATEGIC PLAN: Delegates addressed the strategic goals and the 2020 headline targets. On a target referring to the prevention of extinction and decline of known threatened species, parties disagreed on whether to: include extinction and/or decline of species; and include a 2020 baseline at the national level or a global target. Delegates also disagreed on the target itself. Some developing countries pointed to challenges to achieve ambitious targets in preventing species extinctions at the national level, taking into account poor results of *ex situ* conservation. Negotiations continued into the night.

FINANCIAL ISSUES: The group continued discussions on a Co-Chairs’ proposal on the financial mechanism. Delegates addressed the review of guidance to the financial mechanism,

including annexed consolidated guidance. Some developing countries suggested amendments to the consolidated guidance, but were warned against reopening text agreed at COP 9 and WGRI 3. A developing country proposed, and parties agreed, to include additional text on inviting parties and relevant stakeholders, including ILCs, to submit information and views on the further development of programme priorities. Discussions turned to the TORs for a full assessment of funds needed for CBD implementation for the GEF’s sixth replenishment. Discussions continued into the night.

ARTICLE 8(J): In a Friends of the Chair group, delegates agreed to keep in brackets a reference to the relation of *sui generis* systems to the establishment of an ABS protocol, pending the ABS negotiations. Regarding a workshop on customary use, delegates discussed inviting submissions on the issue, preparation of meeting documentation and whether the outcome of the workshop should be integrated into the Article 8(j) MYPOW. Regarding the in-depth dialogue at Article 8(j) Working Group 7, one delegation proposed focusing on modalities for benefit-sharing, whereas most preferred it focus on climate change. In that regard, delegates discussed whether mitigation should be considered along with adaptation. Delegates discussed rewording the provision to refer to TK on adaptation and ILCs’ views on climate change mitigation. Delegates then discussed into the night bracketed references in the draft code of ethical conduct referring to “lands and waters traditionally occupied” by ILCs; and their PIC or alternatively “approval.”

IN THE CORRIDORS

Friday’s stock-taking plenary revealed which issues are “hot” besides ABS, the strategic plan and financial issues: the “climate troika” of REDD+, biofuels and geo-engineering, each addressed in a separate small group. Some commented that the atmosphere in these groups resembled the “word by word and comma by comma” negotiations of the ABS process, muttering “there are real issues at stake here.” Others felt that such rigour was exaggerated as “there is only so much that the CBD can do on these issues. The *real* decisions will be taken in other fora, most notably the UNFCCC.” Movement on geo-engineering and collaboration among the Rio Conventions, however, contrasted with discussions on marine biodiversity in areas beyond national jurisdiction, REDD+ and the development of international standards related to invasive alien species, seen by many observers as “going in circles.”

While work continued in small groups in the evening, ABS delegates were ordered to “have a nice dinner and get some rest,” as the Co-Chairs feared that additional night sessions would lead to the deterioration of the positive spirit that had characterized the ABS negotiations during the first week. Several participants suggested that the break is badly needed as parties need to consult capitals both on core issues, such as mandatory disclosure, checkpoints and emergency situations, as well as seemingly innocuous ones, such as a bracketed preambular reference to UNDRIP. Some noted that such a reference should be a “no-brainer” in a treaty so important for ILCs, raising concerns that repeated discussions on the issue use up valuable time that should be spent on resolving the nuts and bolts of the regime. Most felt that if the ABS negotiations trip, it will be over compliance-related issues, but were still worried that possible irritations on other issues could easily upset the delicate balance between tough negotiations and trust-building exercises.



Biodiversity Policy & Practice

A Knowledgebase of UN and Intergovernmental Activities Addressing International Biodiversity Policy



The International Institute for Sustainable Development (IISD) is pleased to announce the launch of

Biodiversity Policy & Practice:

A Knowledgebase on UN and Intergovernmental Activities Addressing International Biodiversity Policy

Biodiversity-L.iisd.org

Biodiversity Policy & Practice is a knowledge management project that will track UN and intergovernmental activities related to international biodiversity policy. It is managed by the [International Institute for Sustainable Development \(IISD\) Reporting Services](#).

The launch of **Biodiversity Policy & Practice** coincides with the 10th meeting of the Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD), which is convening in Nagoya, Japan, on 18-29 October 2010.

Information on United Nations activities is provided in cooperation with the UN system agencies, funds and programmes through the [United Nations System Chief Executives Board for Coordination](#) (CEB) Secretariat.

All news articles on **Biodiversity Policy & Practice** are researched and produced by our [team of thematic experts](#), resulting in all original content.

Features of the website include:

- A knowledgebase of summaries of activities (publications, meetings, statements or projects) by a range of actors, with the option to search by several categories (region, actor, action, issue and implementation mechanism);
- An archive of all posts on the site, organized by date;
- A clickable world map, enabling you to view the latest biodiversity policy news by region (Africa, Asia, Europe, Latin America & Caribbean, Near East, North America, and South West Pacific);
- A link to subscribe to BIODIVERSITY-L, a moderated community announcement list for policy-makers and practitioners involved with biodiversity policy;
- A link to the most recent "Biodiversity Update," a periodic feed of recent posts to the Biodiversity Policy & Practice knowledgebase;
- A Calendar of upcoming intergovernmental events related to international biodiversity policy;
- A link to our Biodiversity iCalendar, which automatically updates your own calendar program with upcoming biodiversity events; and
- A link to our RSS feed.

Start-up funding for Phase I of Biodiversity Policy & Practice has been provided by the [Global Environment Facility](#).

For further information on this initiative or to provide us with information about your biodiversity-related activity, please contact Faye Leone, Content Editor, at faye@iisd.org.



GLOBAL ENVIRONMENT FACILITY
INVESTING IN OUR PLANET