



CBD COP 11 HIGHLIGHTS TUESDAY, 16 OCTOBER 2012

WG I and WG II addressed several draft decisions. Contact and Friends of the Chair groups on biodiversity and development, new and emerging issues, IPBES, geo-engineering and the financial mechanism met throughout the day. In the afternoon, the opening plenary of the high-level segment was held.

WORKING GROUP I

MARINE AND COASTAL BIODIVERSITY: Delegates agreed to “take note” of the EIA guidelines, expressing appreciation for the work that led to their finalization in the preamble to the decision, which was approved in its entirety.

ARTICLE 8(J): Delegates considered a draft decision (UNEP/CBD/COP/11/WG.1/CRP.8). COLOMBIA and PERU called for inclusion of information held by ILCs regarding the implementation of the Article 8(j) work programme. The EU requested a footnote that the next meeting of the Article 8(j) Working Group is subject to availability of funding, pending budget discussions.

CANADA and the EU offered compromise text urging parties to include in their requests to the GEF and GEF Small Grants Programme support for ILCs to develop community conservation plans. On participatory mechanisms for ILCs in the work of the Convention, many called for ILCs’ full and effective participation in the development of relevant capacity-building mechanisms.

The EU, opposed by BRAZIL and ETHIOPIA, proposed deleting text designating 13 July as the international day for local communities.

Tasks 7, 10 and 12: COLOMBIA, opposed by NEW ZEALAND and CANADA, requested reference to the Tkarhwaïé:ri Code of Ethical Conduct in the operative text of the decision.

Task 15: The PHILIPPINES and PERU recommended reference to facilitating the recovery of cultural property related to TK. The EU opposed, cautioning against going beyond the CBD mandate. Chair González Posse proposed, and the PHILIPPINES agreed to, reflect the point in the meeting report.

COLOMBIA, supported by BRAZIL and PERU, proposed deleting a paragraph on continued use of repatriated knowledge by the repatriating country. As an alternative, BRAZIL proposed to add references to “prior informed consent” and “national legislation,” and PERU to “compliance with the national legal framework of the country that requires repatriation.” Supported by the EU and AUSTRALIA, CANADA proposed seeking the views of other intergovernmental bodies that currently address genetic resources, TK and traditional cultural expressions. Following informal discussions, delegates agreed to delete the paragraph.

Article 10(c): BRAZIL proposed, and delegates agreed to: indicate that the list of indicative tasks is for “future” consideration; and insert a footnote stating that tasks in brackets have not been agreed upon at COP 11 and will be considered by the Working Group on Article 8(j).

UNPFII Recommendations: NORWAY, COLOMBIA, BRAZIL, GUATEMALA, BOLIVIA, PERU, ARGENTINA, the PHILIPPINES and Denmark on behalf of GREENLAND supported using the terminology “indigenous peoples and local communities.” CANADA and INDIA opposed, with CANADA proposing that the Working Group on Article 8(j) and COP 12 further consider the issue. The EU and CHILE suggested bracketing the text.

WORKING GROUP II

CAPACITY BUILDING: Continuing Monday’s discussions, MEXICO opposed encouraging parties to engage in voluntary peer reviews of NBSAP implementation. SWITZERLAND supported the reference, which remained in brackets. PERU and others, opposed by CANADA and the EU, supported references to countries that are centers of origin throughout the text, particularly regarding establishing a network of centers of excellence.

Regarding an invitation to developed country parties and others to support technical and scientific cooperation, CHINA, supported by BRAZIL, ARGENTINA, MALAYSIA and COLOMBIA, proposed reference to technology transfer under fair and most favorable terms. The EU and CANADA preferred inviting “parties, including developed country parties.” CHINA reiterated its proposal that conducting studies for capacity needs’ assessment and identification of baseline data of financial resources should not delay implementation of developed country parties’ commitments under Article 20(4).

STRATEGIC PLAN IMPLEMENTATION: Delegates considered a draft decision (UNEP/CBD/COP/11/WG.2/CRP.2/Rev.1). On the indicator framework, ARGENTINA requested, and delegates agreed to, add references to “taking into account national conditions and priorities.” Delegates debated a request to the Secretariat to promote collaboration on monitoring and indicators with forestry, agriculture, fisheries and other sectors. BRAZIL, opposed by CANADA and NORWAY, proposed deleting reference to specific sectors. On an annexed indicative list of indicators, ARGENTINA proposed deleting indicators on ecological footprint and ecological limits under Target 4 (sustainable production and consumption); and on products derived from sustainable sources under Target 7 (sustainable management of agriculture, aquaculture and forestry areas).

BUSINESS AND BIODIVERSITY: Delegates addressed a draft decision (UNEP/CBD/COP/11/WG.2/CRP.4). GRULAC and CHINA called for the draft decision to be in line with the Rio+20 outcomes. ARGENTINA and BOLIVIA, opposed by the EU, called for deleting references to ecosystem services throughout the document. CANADA and the EU, opposed



by ARGENTINA, called for deleting text on considering the needs and circumstances of small and medium-sized enterprises and businesses based in developing countries. The text remained bracketed, along with text on: considering policies and legislation to halt biodiversity loss and reduce perverse incentives; encouraging best practices for voluntary standards; and encouraging monitoring and reporting frameworks. Delegates also left bracketed text encouraging businesses to: analyze biodiversity-related issues of individual sectors; cover in their annual reports operational impacts on biodiversity; and adopt policies on sustainable consumption and production, and on use of voluntary standards. Deliberations will continue in a Friends of the Chair group.

ENGAGEMENT OF STAKEHOLDERS: Delegates considered a draft decision (UNEP/CBD/COP/11/WG.2/CRP.6). BRAZIL, supported by others, proposed considering an additional section on workers and trade unions, to be incorporated in a revised decision. The EU said the promotion of South-South and triangular cooperation should be subject to availability of resources.

Sub-national governments: CANADA suggested, and delegates agreed to, encouraging the Biodiversity Indicators Partnership to develop indicators that track the progress of urban settlements on the Aichi targets, and encourage parties to monitor and report on their cities' contribution towards the targets.

GENDER MAINSTREAMING: Delegates discussed a draft decision (UNEP/CBD/COP/11/WG.2/CRP.5). CANADA proposed that the Secretariat collaborate with relevant organizations to provide guidance on mainstreaming gender in all CBD work programmes; and, with the EU, opposed establishing an expert group on indicators to monitor gender mainstreaming by parties.

COOPERATION WITH OTHER ORGANIZATIONS: Delegates discussed a draft decision (UNEP/CBD/COP/11/WG.2/CRP.7). On the UN Decade on Biodiversity, delegates discussed whether to use the Strategic Plan sub-heading "Living in Harmony with Nature," or to also take into consideration the Universal Declaration of the Rights of Mother Earth, without reaching agreement.

CONTACT GROUP ON NEW AND EMERGING ISSUES

On the compilation and synthesis of information on synthetic biology, delegates debated reference to taking into account social, economic and cultural considerations relevant to the CBD objectives, without reaching agreement.

Delegates then addressed the bracketed paragraph on a moratorium on the release or approval of synthetic genetic parts and organisms. A delegate proposed calling upon parties not to approve the release and commercial use of synthetic genetic parts and organisms until their full scientific assessments are carried out. Most delegates preferred working on the basis of an alternative paragraph recognizing the rapid development of technologies associated with synthetic life and urging parties to apply the precautionary approach to the release of organisms and products from synthetic biology techniques. Many delegates underscored their lack of mandate to accept a moratorium. One also suggested adding an acknowledgement of parties' entitlement to suspend the release of components, organisms and products from synthetic biology in accordance with domestic legislation. Informal consultations will be held on the issue.

CONTACT GROUP ON GEO-ENGINEERING

Delegates discussed inviting parties to ensure that testing of geo-engineering techniques take place in controlled laboratory conditions, within national jurisdiction and in accordance with international law, or within a country's exclusive economic zone (EEZ) and without having negative impacts outside a country's EEZ. One developed country cautioned against prejudging scientific research on geo-engineering.

Delegates addressed language noting customary international law, including States' general obligations with regards to activities within their jurisdiction or control and the requirements regarding EIAs, as well as the application of the precautionary approach. Some developed countries preferred referring to CBD Article 14 (Impact Assessment). Citing the International Court of Justice, a developing country supported "the obligation

to conduct an EIA where there is a risk of such a harm. An observer country representative suggested deleting reference to "including States' general obligations with regard to activities within their jurisdiction or control." Delegates also discussed whether customary international law "is" or "may be" relevant to geo-engineering. Delegates then agreed to "recall," rather than "reaffirm," COP 10 language on ensuring that no geo-engineering takes place, and discussed activities to be excluded from the understanding of geo-engineering under the Convention, including whether to specifically exclude REDD+.

In the evening, delegates made some progress on outstanding issues. Discussions will continue in WG I.

FRIENDS OF THE CHAIR GROUP ON THE FINANCIAL MECHANISM

Delegates agreed on text that takes note of the range of funding needs estimated for GEF-6. Delegates also addressed, but could not agree on, *inter alia*: the contribution of private sector funds to the Nagoya Protocol Implementation Fund (NPIF); the guiding principles to the four-year outcome-oriented framework of programme priorities 2014-2018; and the GEF making the necessary funds available for ABS activities and the Nagoya Protocol to address the backlog in implementation of the CBD third objective.

HIGH-LEVEL OPENING PLENARY

Participants watched a video on India's mobile biodiversity exhibition train. India's Minister of Environment Jayanthi Natarajan opened the meeting, highlighting the themes of the high-level segment, including: implementation of the Strategic Plan; biodiversity for livelihoods and poverty reduction; coastal and marine biodiversity; and implementation of the Nagoya Protocol. UNEP Executive Director Achim Steiner stressed the need for implementing the commitments made in Nagoya, including through mobilizing resources and engaging new players such as the private sector. Hiroyuki Nagahama, Japan's Minister of Environment, said work towards implementation of the Aichi targets is the main expectation from COP 11, emphasizing the need for concrete actions. He stressed Japan's commitment to support implementation in developing countries through the Japan Biodiversity Fund and the NPIF. N. Kiran Kumar Reddy, Chief Minister of the state of Andhra Pradesh, said the meeting will be commemorated by a biodiversity museum and a livestock heritage farm to preserve local livestock breeds of cattle, sheep and poultry as part of achieving Aichi Target 13 (agricultural genetic diversity).

Manmohan Singh, Prime Minister of India, announced India's ratification of the Nagoya Protocol and highlighted India's Traditional Knowledge Digital Library. He announced the "Hyderabad pledge:" US\$50 million during India's two-year COP presidency, focused on enhancing India's human and technical resources to attain CBD's objectives, and for promoting capacity building in developing countries. CBD Executive Secretary Bráulio Ferreira de Souza Dias reiterated his invitation to each party to become regional or global champions for one of the Aichi targets.

IN THE CORRIDORS

Amidst increased security and logistics hoops due to the beginning of the high-level segment, delegates continued their efforts to conclude work on the most intractable issues on the COP 11 agenda. Consultations on financial issues continued throughout the day, with many hoping that the Indian Prime Minister's pledge to fund national capacity-building activities could send positive vibes to the resource mobilization group.

Meanwhile, the contact group on geo-engineering spent long hours trying to grapple with technical and legal issues. As popular press reported alarmingly on ocean fertilization activities in the Pacific Ocean as the "world's biggest geo-engineering experiment violating UN rules," delegates struggled to find common ground on a workable understanding of geo-engineering under the Convention. Some cautioned that the way in which the term was framed by COP 10 could include a wide range of activities, even REDD+. With the REDD+ contact group scheduled on Wednesday, they noted, climate change issues will keep delegates jumping through hoops.