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CBD COP 10 HIGHLIGHTS TUESDAY, 19 OCTOBER 2010

A morning plenary heard regional statements. Working Group I considered draft decisions on marine and coastal biodiversity, and protected areas; and Working Group II on operations of the Convention, the financial mechanism, and the strategy for resource mobilization. ABS negotiations focused on the relationship with other agreements, emergency situations, traditional knowledge, and compliance.

PLENARY

Yemen, for the G-77/CHINA, called for: implementing the three objectives of CBD, in a mutually supportive manner; concluding negotiations of the ABS protocol, revised strategic plan and resource mobilization strategy; securing universal membership to the CBD; maximizing resources to fund developing countries' participation in CBD meetings; and immediately addressing the shortcomings in the administrative arrangements between UNEP and the CBD Secretariat.

Brazil, for the Like-Minded Megadiverse Countries (LMMC), Like-Minded Asia-Pacific (LMAP) and GRULAC, called for agreeing on a package including ABS, the strategic plan and the resource mobilization strategy, in preparation for the Rio+20 Summit. He recommended that the ABS protocol include derivatives, strong compliance provisions, and recognition of ILCs' rights. Malawi, for the AFRICAN GROUP, also prioritized ABS, the strategic plan and the resource mobilization strategy, calling for a comprehensive and predictable ABS regime to support sustainable use of biodiversity. Malaysia, for LMAP, cautioned against an "empty protocol" on ABS, underscoring the need to include derivatives, effective compliance measures, and traditional knowledge (TK) as a cross-cutting issue. Mexico, for GRULAC, pointed to the "indivisible package" to be adopted by COP 10 to create a virtuous international cooperation framework.

Ukraine, for CEE, emphasized finalization of the ABS protocol and setting clear and realistic objectives in the strategic plan linked with adequate resources for implementation. The EU stressed the need to: ensure more efficient use of resources from public and private sources for implementing the strategic plan; adopt a meaningful ABS protocol; send a strong message on biodiversity and sustainable development to the Rio+20 Summit; enhance cooperation between the Rio Conventions; and integrate biodiversity into other sectors and involve the private sector.

INDIA prioritized the strategic plan, resource mobilization strategy, ABS protocol and IPBES, and offered to host the IPBES secretariat. He also remarked that certain strategic plan targets are: too ambitious for developing countries without adequate support; not entirely based on science; and not accompanied by an appropriate monitoring system. Vanuatu, for the PACIFIC ISLANDS, stressed the need for adequate financial resources and time to implement the strategic plan.

The IIFB urged that all COP decisions recognize and respect: indigenous rights; the role of indigenous women; TK; and indigenous peoples' full and effective participation in CBD decision-making, noting that negotiations did not duly take into account indigenous peoples' contributions.

WORKING GROUP I

MARINE AND COASTAL BIODIVERSITY: INDONESIA and FIJI proposed new text highlighting the importance of financing for coral reef protection. NEW ZEALAND recommended aligning the work programme with the strategic plan and the PA work programme. The NATURE CONSERVANCY called for enhanced linkages between the work programme, the strategic plan and the MDGs. PAKISTAN suggested adding reference to the threat posed by oil spills.

The IIFB urged: recognition of TK and traditional sustainable management practices; ILCs' full and effective participation in policy-making, implementation and monitoring at all levels; and studies of climate change impacts on marine biodiversity and indigenous peoples' livelihoods. The INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS called for mandating communities' involvement in the protection of marine biodiversity and respecting the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). UNU called for the inclusion of TK in marine biodiversity conservation.

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Climate change: MALAYSIA, the Democratic Republic of Congo, for the AFRICAN GROUP, and TIMOR LESTE supported an expert workshop on climate change impacts on ocean areas. THAILAND, EGYPT, CANADA, INDIA and HONDURAS favored a joint CBD-UNFCCC expert workshop to promote better understanding of issues of common interest. TANZANIA, COSTA RICA, VENEZUELA, URUGUAY, GUATEMALA, HAITI, PAKISTAN and JAMAICA preferred requesting the CBD to include the interaction between oceans and climate change in future collaboration with the UNFCCC, with EL SALVADOR proposing inclusion of mitigation alternatives and adaptation options. PAPUA NEW GUINEA noted that the expert workshop can result in CBD-UNFCCC collaboration.

Ecologically or biologically sensitive areas (EBSAs): CANADA, INDIA, HONDURAS, GUATEMALA and UKRAINE, speaking also for GEORGIA and the RUSSIAN FEDERATION, supported emphasizing the key role of the UN General Assembly in facilitating the designation of EBSAs in areas beyond national jurisdiction. The AFRICAN GROUP, HAITI and VENEZUELA preferred emphasizing the CBD identification of EBSAs as separate from the determination of policy and management responses. THAILAND, FIJI and EGYPT suggested a combination of the two options.

The AFRICAN GROUP called for bringing the scientific criteria to identify EBSAs in open-ocean waters and deep-sea habitats to the attention of Regional Fisheries Management Organizations (RFMOs). IUCN urged parties to build on the CBD criteria on EBSAs.

JAMAICA proposed deleting paragraphs related to the establishment of a CBD global inventory of EBSAs in areas beyond national jurisdiction, while BIRDLIFE INTERNATIONAL, CENSUS OF MARINE LIFE and WWF supported its creation. FAO called for a more participatory process in CBD's work on identification of EBSAs.

Marine protected areas (MPAs): The AFRICAN GROUP supported reference to a process towards designation of MPAs in areas beyond national jurisdiction in the framework of the UN General Assembly, while VENEZUELA proposed its deletion. The DEEP SEA CONSERVATION COALITION recommended: protecting spawning grounds; robust cooperation between the CBD and RFMOs; and urging the General Assembly to establish a process to enable the establishment of MPAs in areas beyond national jurisdiction as a matter of high priority.

Chair Hufler proposed, and delegates approved: lifting brackets around RFMOs; "parking" text on collaboration with UNFCCC until completion of discussions on the draft decision on climate change; and establishing a contact group on the rest of the decision, to be chaired by Renée Sauvé (Canada).

PROTECTED AREAS: Chair Hufler proposed, and delegates agreed, not to comment on issues related to climate change, GEF, MPAs and cooperation between the Rio Conventions, as these will be considered under other agenda items.

Egypt, for the ARAB COUNTRIES, proposed including PAs in the work of IPBES. SWITZERLAND supported a joint programme on PAs, biodiversity, climate change and land degradation among the Rio Conventions. BRAZIL, supported by INDIA, suggested including a definition of ecological networks and biological corridors in a footnote. BOTSWANA pointed to "transfrontier PAs" to improve connectivity. AUSTRALIA called for flexibility to allow distinction between different categories of PAs.

Sustainable finance: BRAZIL proposed referring to "developed country parties" rather than "donor countries." BELARUS called for preparing methodological guidelines for estimating costs of establishing PAs. NORWAY proposed that the text on sustainable financing be cross-checked with other decisions on finance.

THE PHILIPPINES, supported by CHINA, ARGENTINA, INDIA, HONDURAS, INDONESIA and SAINT LUCIA proposed removing brackets regarding the provision of adequate, predictable and timely financial support to developing countries. URUGUAY proposed text to remind the UNFCCC to pay attention to climate financing mechanisms related to PAs. The EU stressed the role of NBSAPs as a basis for accessing resources under the fifth GEF replenishment, and the need to integrate PA reporting with reporting under the strategic plan. NEPAL noted that an increase in the number of PAs requires an increase in funding.

Governance: Fiji, for PACIFIC ISLANDS, recalled the importance of indigenous communities' management of PAs. The EU supported the full and effective participation of ILCs, consistent with national law and international obligations. The IIFB called for full participation of indigenous peoples in the management and governance of PAs.

INDONESIA called attention to managing ecosystems outside PAs, indigenous and community conserved areas, ecosystem restoration and sustainable customary use. FAO called for standards and best practices to minimize biodiversity loss in and around PAs. The NATURE CONSERVANCY, WWF, BIRDLIFE INTERNATIONAL and the CBD ALLIANCE emphasized: protecting the right areas; improving management; integrating PAs into climate change mitigation and adaptation strategies; and increased financing from traditional and innovative mechanisms.

WORKING GROUP II

OPERATIONS OF THE CONVENTION: Multi-year programme of work: The EU requested that the focus be on implementation of the CBD and the strategic plan at the national and regional level. NORWAY and the AFRICAN GROUP suggested making ABS a main agenda item for COP 11, whereas the PHILIPPINES noted that once an ABS protocol is adopted, it will have its own operational structures. The EU further suggested that a strong message for the Rio+20 Summit be prepared by WGRI 4.

On periodicity of meetings, MEXICO, BOSNIA AND HERZEGOVINA and BRAZIL recommended that the COP take place every three years. GRENADA, SAINT LUCIA and

THAILAND supported holding biannual meetings of the COP and COP/MOP, with two intersessional SBSTTA meetings. CANADA, JAPAN, MALAYSIA and the EU suggested that the issue be reviewed at COP 11, whereas BRAZIL and the AFRICAN GROUP supported review at COP 12. Papua New Guinea, for the PACIFIC ISLANDS, stressed the importance of the island biodiversity work programme and called for an AHTEG to facilitate its review prior to COP 11.

Fifth national report: CUBA and the AFRICAN GROUP suggested providing the GEF with a clear mandate to provide funds for report preparation. The EU supported submitting national reports by 2014, and aligning the format of the fifth and sixth report to enable measuring of trends. NEW ZEALAND, AUSTRALIA and SAMOA called for a harmonized and integrated approach to reporting.

Science-policy interface: Many delegates supported establishment of an IPBES. CANADA highlighted possible synergies and interactions between IPBES, SBSTTA and other CBD bodies. BRAZIL said that key questions such as funding and governance have to be determined by the UNEP Governing Council.

SBSTTA effectiveness: The AFRICAN GROUP and NEW ZEALAND supported requesting the Executive Secretary to submit a draft *modus operandi* on the relationship between SBSTTA and IPBES to COP 11. CHINA requested awaiting the outcome of the UNEP Governing Council before discussing the relationship with IPBES. CANADA noted that reference to mobilization of resources for voluntary reports is beyond SBSTTA's mandate. NORWAY opposed creation of additional reporting systems. COLOMBIA stressed that SBSTTA should provide guidance regarding optimal allocation of resources. CHINA and INDIA requested details about proposed AHTEGs. NORWAY supported joint meetings of Rio Conventions' bodies dealing with scientific advice, whereas INDIA expressed concerns due to diverging mandates.

New and emerging issues: The PHILIPPINES pointed to synthetic biology and geo-engineering, calling for application of the precautionary approach.

Retirement of COP decisions: INDIA suggested a minimum of eight years between adoption and consideration of retirement of decisions.

FINANCIAL MECHANISM: A GEF representative introduced the GEF report (UNEP/CBD/COP/10/6). SWITZERLAND, NEW ZEALAND and JAPAN pointed to increased donor contributions under the fifth GEF replenishment. The EU said that the revised strategic plan should constitute the future guidance for GEF. CANADA said coherent programme priorities should be communicated to the GEF. MEXICO and SOUTH AFRICA called for adequate additional support for implementation of NBSAPs. The UNCCD called for increased collaboration with CBD and GEF to mutually support the achievement of the Rio Conventions' objectives. The IIFB called for development of a policy on indigenous peoples under the financial mechanism.

STRATEGY FOR RESOURCE MOBILIZATION: BRAZIL and the PHILIPPINES said that effective implementation of the CBD continues to be impeded by insufficient and unpredictable financial resources, and that developed countries must fulfill their obligations to provide new funds. KENYA called for a monitoring mechanism in that regard. BRAZIL supported the inclusion of quantitative targets and indicators within the strategy. The EU said that a balance between the ambition of the strategic plan, adequate capacity and commitment, including financial resources, should be ensured. MALAWI said that resource mobilization should include an area focus on ABS implementation.

On innovative financial mechanisms, the AFRICAN GROUP, the EU and CHINA stressed that such mechanisms are meant to supplement, not replace, the financial mechanism. BOLIVIA said financial resources have to come from public funds in developed countries, drawing attention to the "environmental debt" to developing countries. The AFRICAN GROUP and MALAYSIA opposed reference to the Green Development Mechanism and JAPAN all references to specific initiatives. NORWAY called for development of national finance mobilization strategies to access public and private resources, including using the approach of The Economics of Ecosystems and Biodiversity (TEEB) study. JAPAN noted that the implementation of the revised strategic plan requires additional financing which could be drawn from innovative financial mechanisms. The IIFB expressed concern that proposed innovative financial mechanisms could negatively impact indigenous lands and resources, and called for recognition of the right to self-determination and free PIC. ECONEXUS said the promotion of innovative financial mechanisms is a distraction from the real priority to secure public financing for biodiversity conservation and eradicate perverse subsidies. She warned that the Green Development Mechanism and similar mechanisms promote new access and ownership rights that compete with the rights of ILCs.

Co-Chair Luna invited M.F. Farooqui (India) and Robert Lamb (Switzerland) to facilitate further consultations on financial issues.

INFORMAL CONSULTATIVE GROUP ON ABS

RELATIONSHIP WITH OTHER AGREEMENTS (ARTICLE 3 BIS): In the ICG, delegates agreed to state that nothing in the protocol shall affect parties' rights under other agreements, except where their exercise would cause a serious threat to biodiversity; and that this language does not create a hierarchy between the protocol and other instruments. On language on mutually supportive implementation, Co-Chair Hodges suggested deleting reference to ongoing work and practices under other agreements. The AFRICAN GROUP, GRULAC and the LMAP agreed, but the EU, CANADA and AUSTRALIA opposed. In a small group, delegates agreed on the need to recognize the value of ongoing work and practices under other relevant agreements, but not on how these should be referenced. The small group agreed to resume discussions after resolving pending issues on emergency situations.

EMERGENGY SITUATIONS (ARTICLE 6(b)): In a small group, delegates considered a proposal by Co-Chairs Paulino Franco de Carvalho Neto (Brazil) and François Pythoud (Switzerland) stating that parties shall pay due regard to health emergencies and take into consideration the need for expeditious/simplified procedures on access, provided that there is fair and equitable sharing of benefits, including by means of access to affordable treatments to those in need, especially in developing countries. Delegates made numerous proposals, leading to a heavily bracketed text, but agreed that the article should reference: emergency situations with regard to human, animal and plant health; definition of emergency situations and/or reference to relevant international agreements; simplified or expeditious access procedures; and benefit-sharing.

TK (ARTICLE 9): Following informal consultations, delegates agreed to a reference stating that parties shall, in accordance with domestic law, take into consideration ILCs' customary laws, community protocols and procedures, as applicable, with respect to TK associated with genetic resources.

On TK in the public domain, delegates could not agree on whether parties shall "encourage" or "require" users of such TK to take measures to share benefits. INDONESIA and CHINA, opposed by CANADA, insisted on "require." Both sides preferred deleting the reference if their wording was not accepted.

COMPLIANCE (ARTICLE 13): With regard to the provision's chapeau, the small group held a preliminary discussion on text drafted by Co-Chairs Shikongo and Lago, stating that parties shall take measures, as appropriate, to monitor the utilization of genetic resources to support compliance. Several alternative formulations were suggested, with discussion focusing on: whether to refer to compliance in general or to compliance with PIC and MAT, as supported by developing countries; whether to add reference to enhancing transparency, as suggested by developed countries, and where to place it in the text; and whether parties should "report" on genetic resource utilization, in addition to monitoring.

With regard to checkpoints, delegates discussed, among others: whether text should remain general or include details; what kind of information should be transmitted to the relevant national authority in order to enforce obligations established under article 12 on compliance with domestic legislation; whether the burden for information gathering should be on the provider or also the user country; and the possibility for the COP/MOP to decide on the information required. Following a drafting exercise during which delegates marked all their concerns in the text by inserting or bracketing language, the Co-Chairs established a closed group, which continued deliberations into the evening.

CONTACT GROUPS

STRATEGIC PLAN: The contact group on the strategic plan, co-chaired by Asghar Fazel (Iran) and Finn Katerås (Norway), initiated discussions on possible wording for the 2020 target and then moved on to considering other targets that contained bracketed provisions.

BUDGET: The budget group considered three budget scenarios, including a proposed growth scenario, or maintaining the programme budget in real or nominal terms. Delegates also considered financial implications related to ABS, and requested the Secretariat to adjust proposals accordingly. Deliberations will continue on Thursday.

IN THE CORRIDORS

After a fancy reception on Monday evening and programmatic regional statements on Tuesday, COP 10 delegates moved swiftly into working mode, with both working groups tackling their agendas and establishing their first contact groups. Opinions differed regarding the effectiveness of the work done so far, with some noting that the speedy conclusion of the first reading of many agenda items should not be overrated, as final agreement on many issues is contingent on agreement on others, noting mainly financial and climate change-related topics. Some feared that COP 10 had entered into "process proliferation mode," rather than "working mode." Others, however, welcomed the trend to address as many issues as possible, as early as possible.

ABS delegates meeting in their "parallel universe" in a remote corner of the Nagoya Conference Center, have already lost count of the number of small groups convened on specific issues. As participants rushed back and forth between meeting rooms, most were cautiously optimistic. "Compared to past negotiations, we are moving at the speed of light, but looking at the task ahead of us we are still far too slow," one put it. Another explained that delegates are currently exploiting the newly created space for agreement as some countries came with new instructions, "but we will hit the wall sooner or later and then the challenge will be to carve out those political questions that we want our ministers to address next week."

Meanwhile, in the outside world, the media quoted skepticism from both developed and developing country ministers, which led some to speculate whether all ministers are really prepared to cut a deal in Nagoya.