

## CBD COP 10 HIGHLIGHTS WEDNESDAY, 20 OCTOBER 2010

Working Group I considered draft decisions on sustainable use, climate change, dry and sub-humid lands, and forest biodiversity. Working Group II addressed scientific and technical cooperation and the Clearing-House Mechanism (CHM), technology transfer, communication, education and public awareness (CEPA) and the International Year of Biodiversity (IYB), cooperation with other conventions and engagement of stakeholders. ABS negotiations focused on traditional knowledge, compliance, emergency situations and the relationship with other agreements. Several contact and informal groups met during the day and into the night.

### WORKING GROUP I

**SUSTAINABLE USE:** BRAZIL and the AFRICAN GROUP stressed that sustainable use should provide a link with the other CBD objectives, with the AFRICAN GROUP calling for implementation through subregional organizations. NIGERIA requested reference to ABS with regard to incentives or market-based instruments. IUCN regretted that the draft decision does not sufficiently address over-exploitation. The IIFB identified secure land and resource rights, and legal recognition of customary laws and institutions as requirements for sustainable customary use.

**Technical expert group:** The PHILIPPINES supported creation of an AHTEG on sustainable use in agriculture and forestry, including non-timber forest products, whereas AUSTRALIA, ARGENTINA, BRAZIL, GUATEMALA and the AFRICAN GROUP opposed it, raising concerns about duplication of efforts within the UN system. The RUSSIAN FEDERATION raised concerns about financial implications.

NORWAY, INDONESIA, NEW ZEALAND, SWITZERLAND and Egypt, for the ARAB COUNTRIES, expressed concern about the AHTEG's terms of reference (TORs) being too broad, and the EU called for their careful consideration. SWITZERLAND proposed greater focus on regional approaches to share good practices on sustainable use. IUCN proposed that the AHTEG also consider fisheries, aquaculture and wildlife management. Chair Hufler proposed, and delegates agreed, to request the Secretariat to compile relevant information for SBSTTA 15 consideration, rather than hold an AHTEG.

**Satoyama Initiative:** Many delegates supported the Satoyama Initiative. The AFRICAN GROUP, ECUADOR and PALAU called for further information on the initiative. JAPAN, supported by GHANA, proposed noting the launch of the International Partnership on the Satoyama Initiative. NEW ZEALAND favored using "tools for promoting the sustainable use of biodiversity" over "Satoyama Initiative" in the title. AUSTRALIA and the PHILIPPINES expressed concern that the Initiative may be used to distort trade or production, with AUSTRALIA suggesting a pilot project to test the initiative. GHANA opposed reference to obligations under the World Trade Organization (WTO), and proposed making express reference to Japan's financial contribution to be disbursed through the GEF Small Grants Programme, adding a request to the Secretariat to support parties in implementing the Initiative. BIOVERSITY INTERNATIONAL suggested the Satoyama Initiative contribute to developing indicators on sustainable types of agricultural production. Chair Hufler established a Friends of the Chair group, chaired by Alfred Oteng-Yeboah (Ghana).

**CLIMATE CHANGE: Cooperation among the Rio Conventions:** CHINA stressed the need to respect the expertise and independent mandate of the UNFCCC, as well as the principle of common but differentiated responsibilities; and opposed a joint work programme among the Rio Conventions. The EU, with NORWAY, called for the three conventions to be "mutually supportive." MEXICO, TUVALU, BOSNIA AND HERZEGOVINA, PAKISTAN, MAURITIUS, PALAU, the AFRICAN GROUP, NEPAL, SWITZERLAND, TIMOR LESTE, COSTA RICA and GREENPEACE called upon the CBD to convey a proposal on joint activities, including a joint work programme, to the other Rio Conventions. The PHILIPPINES, COLOMBIA, SOUTH AFRICA, PAPUA NEW GUINEA, INDIA and BRAZIL preferred suggesting that parties consider the pertinence of undertaking joint activities and a joint work programme.

**REDD+:** GRENADA, PALAU, CANADA, SWITZERLAND, INDIA, Bolivia for the BOLIVARIAN ALLIANCE FOR THE AMERICAS (ALBA) GROUP, MEXICO and IIFB supported text on enhancing benefits for ILCs from reducing emissions from deforestation and forest degradation in developing countries; and the role

of conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+). ARGENTINA cautioned against going beyond the CBD mandate.

On CBD collaboration with the Collaborative Partnership on Forests (CPF), PAKISTAN, INDONESIA, THAILAND, the AFRICAN GROUP, CANADA, JAPAN, SWITZERLAND, the RUSSIAN FEDERATION, MALAYSIA, GREENPEACE and IIFB called upon the CBD to contribute to the discussion on biodiversity safeguards and mechanisms to monitor impacts on biodiversity. MAURITIUS, TIMOR LESTE and NEPAL preferred that the CBD seek to explore opportunities to provide advice on REDD+, as requested and based on consultation with parties. The ECOSYSTEMS CLIMATE ALLIANCE noted that biodiversity safeguards do not exist in land-use provisions of the Kyoto Protocol applied to developed countries.

PAKISTAN, TIMOR LESTE, SWITZERLAND, THAILAND, PERU and CANADA favored requesting the Secretariat to contribute to the development of guidance on synergies between national forest biodiversity-related measures and climate change measures.

**Geo-engineering:** TUVALU, the PHILIPPINES, COSTA RICA, the AFRICAN GROUP, SWITZERLAND, the ALBA GROUP, GRENADA, GREENPEACE, ECOSYSTEMS CLIMATE ALLIANCE and ETC GROUP requested that no geo-engineering is undertaken until an adequate scientific basis justifies it and associated risks are considered. The PHILIPPINES also proposed inserting language on the urgent need for a transparent regulatory framework on geo-engineering, and BRAZIL that scientific activities can only be developed on a small scale and within national jurisdiction. The EU urged a cautious approach to geo-engineering. NORWAY stressed the need for a stronger scientific basis before any geo-engineering experiments are carried out. JAPAN said that certain geo-engineering activities could be beneficial for biodiversity and climate change. The RUSSIAN FEDERATION requested deletion of language on geo-engineering. The ROYAL SOCIETY cautioned against preventing safe and responsible scientific research in geo-engineering.

**Funding:** The AFRICAN GROUP, ARGENTINA, GRENADA, BOSNIA AND HERZEGOVINA, PAKISTAN, NEPAL, TIMOR LESTE, CEE and PALAU called for removing brackets around several paragraphs on funding for biodiversity and climate change.

Chair Hufler established a Friends of the Chair group to discuss geo-engineering, chaired by Horst Korn (Germany), and a contact group to address REDD+ and collaboration among the Rio Conventions, to be chaired by Hesiquio Benitez (Mexico).

**DRY AND SUB-HUMID LANDS:** IRAN and the AFRICAN GROUP, opposed by CHINA, supported text noting differences between the UNCCD and CBD criteria for the definition of drylands. The AFRICAN GROUP, CHINA and GUATEMALA preferred to “implement and develop,” and ARGENTINA to “explore,” joint actions to increase cooperation between the natural and social science communities to increase the integration of biodiversity considerations into disaster reduction.

**FOREST BIODIVERSITY:** The EU, supported by NORWAY and SWITZERLAND, proposed new text on forest law enforcement, governance and trade; and PAKISTAN on ecosystem-based forest management.

**Cooperation with UNFF:** BELARUS, ECUADOR and INDONESIA called for including reference to strengthening partnerships between CBD and other forest-related conventions. ECUADOR urged collaboration with the UNFCCC, more information on REDD+ and, with KENYA, respect for indigenous peoples’ rights. NORWAY and CANADA supported work on definitions of forest and forest types. The PHILIPPINES, opposed by NEW ZEALAND, proposed including reference to “functional and ecosystem-based definition of forests.” AUSTRALIA cautioned that any agreed international definition should be broad to allow for flexibility at the country level, and against pre-empting any future decision by UNFCCC.

**Cooperation with CPF:** The AFRICAN GROUP and SWITZERLAND supported calling on the Secretariat to contribute to discussions on biodiversity safeguards and mechanisms to monitor impacts of REDD+ on biodiversity. COSTA RICA preferred the Secretariat to explore opportunities, based on consultation with parties, to provide advice on REDD+ upon request.

## WORKING GROUP II

**SCIENTIFIC AND TECHNICAL COOPERATION AND CHM:** MOROCCO suggested promoting exchange of information through South-South cooperation. BRAZIL stressed quality information to facilitate the implementation of NBSAPs. BENIN and BURKINA FASO underscored the importance of the CHM to implement the strategic plan, CHINA to raise public awareness, and NIGER to disseminate information at the national level. BRAZIL, INDIA, the PHILIPPINES and MALAYSIA highlighted the need for further financial support to implement and maintain national CHMs; JORDAN said GEF should ensure funding; and the AFRICAN GROUP called for capacity building. The EU called for increased efforts by parties to ensure national implementation. The PACIFIC ISLANDS said that the CHM needs to be user-friendly and easily accessible to local communities.

**TECHNOLOGY TRANSFER AND COOPERATION:** CUBA called for a stronger decision and concrete commitments on technology transfer. HAITI highlighted the need to adapt transfer of technology to local conditions and integrate it with indigenous and local technologies. UGANDA proposed linking implementation of the ABS regime to technology transfer.

**Biodiversity technology initiative (BTI):** The EU said that institutions already working on technology transfer, rather than the CBD Secretariat, should host the proposed BTI, and that details of governance for the BTI had to be further elaborated. The AFRICAN GROUP said the Secretariat should host the BTI and, supported by COLOMBIA, INDIA, the PHILIPPINES, SINGAPORE, HAITI and JORDAN, but opposed by SWITZERLAND and JAPAN stressed that the BTI should be binding. BRAZIL maintained that a binding BTI under the CBD was necessary to correct the imbalance regarding access to information and technology. CANADA called for further elaboration of its TORs for consideration at a later stage.

**CEPA AND IYB:** The AFRICAN GROUP called for participation of relevant stakeholders in ABS issues. The EU suggested establishing a baseline on awareness and called for promoting synergies to raise financial resources. JAPAN called for mainstreaming biodiversity. CANADA urged use of indicators for measuring achievement of CEPA. MALAYSIA recommended innovative approaches and use of interactive



technologies, and the PACIFIC ISLANDS approaches that work for small island states. The ARAB COUNTRIES stressed the key role of civil society. BURUNDI called for raising public awareness among decision-makers. The IIFB called for involvement of indigenous peoples and inclusion of references to indigenous rights throughout the draft decision.

Many countries reported on their activities for the IYB and supported proposing an international decade on biodiversity. PERU recommended that the Secretariat conduct an assessment of the impact of all IYB activities.

#### **COOPERATION WITH OTHER CONVENTIONS:**

The EU said cooperation is crucial to the strategic plan implementation, and noted that the Liaison Group of Biodiversity-related Conventions showed limited progress, proposing to revise its mandate. NORWAY proposed additional language on strengthening collaboration with the WHO and with national health strategies. SENEGAL suggested including reference to the International Year of Forests. The WTO proposed language on cooperation with non-biodiversity related agreements.

**ENGAGEMENT OF STAKEHOLDERS: Gender and biodiversity:** Cameroon called for accelerating implementation of the Gender Plan of Action and further financial resources and indicators for its implementation. The CBD WOMEN'S CAUCUS, supported by THAILAND and TANZANIA, called for enhancing implementation of the Gender Plan of Action through creating a CBD staff position on gender.

**Business and biodiversity:** CANADA encouraged reporting on biodiversity conservation by the private sector. The EU supported: strengthening communication on biodiversity and ecosystem services within the business communities; and exploring innovative financial mechanisms such as payments for ecosystem services and partnerships to support the implementation of the strategic plan.

**Engagement of cities and local authorities:** BRAZIL presented the draft plan of action on cities and local authorities for biodiversity, and suggested additional references to cities and business and recognition of the role of subnational governments and local authorities. The EU proposed to review the draft plan at WGRI 4, noting it can play a key role in implementing the strategic plan. Singapore, for the ASIA-PACIFIC GROUP, stressed the role of cities in implementing and financing core CBD activities. CANADA welcomed the development of the biodiversity index for cities.

**South-South cooperation:** The AFRICAN GROUP suggested issues for South-South cooperation, such as: ABS, TK, invasive alien species, restoration of ecosystems and monitoring. The EU suggested reviewing the proposed multi-year plan of action on South-South cooperation for biodiversity and development at WGRI 4, whereas CHINA called for its adoption at COP 10. BRAZIL urged richer countries not to block South-South cooperation, since it can ensure exchange of technologies in a culturally and environmentally appropriate way.

Chair Luna proposed addressing outstanding issues on cities and South-South cooperation in informal consultations.

#### **INFORMAL CONSULTATIVE GROUP ON ABS**

**TRADITIONAL KNOWLEDGE: Access (Article 5 bis):** Small group Co-Chair Janet Lowe (New Zealand) reported on fruitful discussions on access to TK held by ILCs, and cooperation in cases of alleged violation, noting that the group

had not agreed, since the issue was discussed for the first time and is linked to compliance. Delegates then considered a proposal by ICG Co-Chair Casas to delete bracketed paragraphs on enforcement, compliance and cooperation in cases of alleged violation, and finally agreed to move them into a new article 12 *bis* on compliance and TK-related issues. In the afternoon, delegates requested the small group on TK, co-chaired by Janet Lowe and Jorge Cabrera Medaglia (Costa Rica), to tackle the new article 12 *bis* and the TK-related clauses in the preamble. Small group deliberations were held in the evening and continued into the night.

**TK and compliance (Article 12 bis):** In the evening, the small group considered compliance with domestic legislation on access to and use of TK. Delegates agreed that parties shall take measures to provide that TK associated with genetic resources utilized within their jurisdiction has been accessed in accordance with PIC, or approval and involvement of ILCs, and that MAT have been established as required by the domestic ABS legislation or regulatory requirements of the party or parties where such ILCs are located.

**Benefit-sharing (Article 4(4)):** Delegates discussed language on sharing of benefits arising out of the utilization of TK associated with genetic resources, based on a compromise proposal stating that parties shall take measures "so that" such benefits are shared. After extended discussion and further consultations, delegates approved language stating that parties shall take legislative, administrative or policy measures, as appropriate, in order that the benefits arising from the utilization of TK associated with genetic resources are shared in a fair and equitable way with ILCs holding such knowledge, and that such sharing shall be upon MAT.

**Publicly available TK (Article 9(5)):** ICG Co-Chair Casas presented compromise language stating that parties shall encourage users of TK, which has been obtained by that user from a source other than an ILC, to take reasonable measures to enter into benefit-sharing arrangements with the rightful knowledge holders. GRULAC, AUSTRALIA and JAPAN accepted the text, while the AFRICAN GROUP, INDONESIA, the PHILIPPINES and CHINA requested that parties "require" users to take such measures, with the PHILIPPINES explaining that the provision refers to typical biopiracy cases.

The IIFB then proposed stating that parties shall take measures in order that users of TK obtained from a source other than an ILC enter into benefit-sharing arrangements. The proposal was welcomed, with CANADA requesting qualifying the measures as legislative, administrative or policy, as appropriate. The AFRICAN GROUP, CHINA, INDIA and the PHILIPPINES accepted it, as long as explicit reference to publicly available TK was added, which was opposed by AUSTRALIA, CANADA and JAPAN. The EU reiterated their request to state that the first COP/MOP review shall assess implementation of this obligation in light of international developments, in particular work in the WIPO IGC and, expressing general concerns, requested bracketing the paragraph. Co-Chair Casas called for informal consultations to resolve the issue.

**COMPLIANCE (ARTICLE 13):** The ICG heard from small group Co-Chairs Lago and Shikongo who reported on the previous night's negotiations. They highlighted agreement on part of general language on checkpoints, but no progress with regard to the list of checkpoints or the issue of mandatory

disclosure requirement. In the evening, the small group continued deliberations on language stating that checkpoints would collect or receive, as appropriate, relevant information related to PIC, the source of genetic resources, the establishment of MAT and/or the utilization of genetic resources; and an additional paragraph on where such information should be provided. Discussion then focused on the mandatory disclosure requirement, where positions remained polarized. In the evening, the small group agreed that the provision should address: obligation to disclose; what information to disclose; consequences of failure to disclose; mechanism with regard to PIC; and linkages to checkpoints and the certificate of compliance.

**EMERGENCY SITUATIONS (ARTICLE 6 BIS):** In the evening, the small group discussed whether to refer to emergency situations that threaten or damage, or to conditions that cause imminent threat or damage, human, animal or plant health. Discussions continued into the night.

### **CONTACT GROUPS AND INFORMALS**

**MARINE AND COASTAL BIODIVERSITY:** Delegates met over lunchtime and in the evening to consider a non-paper prepared by the Secretariat. They agreed to: refer to other “intergovernmentally agreed” scientific criteria, in addition to CBD criteria on EBSAs; and retain reference to collaboration between the CBD and the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (GRAME) and IPBES, in order to advance implementation of the marine biodiversity work programme.

Delegates then discussed, without reaching agreement, whether to retain reference to: specific language adopted by the UN General Assembly on bottom-fishing requesting prior environmental impact assessment (EIA) and closing of vulnerable areas identified by the EIA, which was opposed by two developed countries; and references to areas beyond national jurisdiction and RFMOs in this context. Delegates also discussed, without reaching agreement, whether to: refer to the precautionary principle or approach, with regard to effectively managing MPAs; and retain language requesting the Secretariat to synthesize information on the impacts of krill exploitation on marine biodiversity, in collaboration with relevant intergovernmental organizations.

In the evening, delegates discussed new text on impacts of unsustainable human activities on marine and coastal biodiversity, focusing on marine spatial planning and the role of marine and coastal ecosystems in climate change adaptation and mitigation. Delegations supported the proposal in principle but requested time to consult. Delegates also considered the identification of EBSAs and scientific and technical aspects relevant to EIAs in marine areas, discussing a proposal to delete reference to areas beyond national jurisdiction. Discussions went on into the night.

**FINANCIAL ISSUES:** The contact group began with general statements focusing on the review of the guidelines on the financial mechanism. While many parties supported the consolidated guidelines proposed in the draft decision, some parties presented suggestions, including on streamlining the outcome-oriented framework related to the utilization of GEF resources for biodiversity with the strategic plan’s objectives. Discussions moved forward to address the assessment of

the amount of funds needed for the implementation of the Convention for the GEF’s sixth replenishment, and continued into the night.

**STRATEGIC PLAN:** Contact group Co-Chair Katerås recalled the WGRI decision that the entire strategic plan remained in brackets. Delegates then considered targets that contained no brackets, but where parties had tabled additional or alternative wording during Working Group II deliberations. Discussions continued into the night.

**GEO-ENGINEERING:** The Friends of the Chair group discussed whether to provide a preliminary understanding of geo-engineering making reference to technologies reducing solar insolation or increasing carbon sequestration from the atmosphere, until a more precise definition can be adopted. Delegates also considered whether to limit the paragraph to geo-engineering “harmful to biodiversity,” and exclude carbon capture and storage. Delegates then debated qualifiers to an exception on scientific research, such as: small-scale, confined, in a controlled environment, within national jurisdiction, subject to prior assessment of potential impacts on the environment, or justified on the need to gather specific data. Discussions continued into the night.

### **IN THE CORRIDORS**

ABS delegates hit the wall on compliance at 5:00 am on Wednesday morning after a full night of informal consultations. During the day rumors spread that some parties did not come to Nagoya with a full mandate to finalize the ABS protocol, which in turn triggered angry comments in the corridors and even in Working Group sessions. Several commented that not having a full mandate would be interpreted as a signal of bad faith, and over the day more and more delegates expressed doubts that a fully fledged protocol can be adopted during COP 10. Nonetheless, the various small groups seemed to prove them wrong, as they made steady progress on difficult issues, including compliance with domestic ABS legislation with regard to TK and even emergency situations and pathogens. When news trickled through in the evening that the small group on compliance was heading towards tangible progress on checkpoints for the first time, spirits rose immediately, and delegates heading to their hotels noted “as long as there is hope on compliance, there is hope for the protocol.”

Such positive attitude also emerged from the discussions on geo-engineering – one of the hot topics outside the “grand package” comprising ABS + strategic plan + financial issues expected to be adopted at COP 10. As delegates made good progress on defining geo-engineering and carving a widely acceptable exception for scientific research, some speculated whether NGOs and countries opposing CBD language on geo-engineering at all, who were notably absent from the small group, would re-open compromise language.