

CBD COP 10 HIGHLIGHTS MONDAY, 25 OCTOBER 2010

A morning plenary heard a report on weekend consultations on ABS. Working Groups I and II addressed draft decisions on several agenda items. The ABS negotiations focused on compliance, the preamble and emergency situations (article 6). Several contact and informal groups met during the day and into the night.

PLENARY

ICG Co-Chair Casas reported on weekend consultations on ABS, highlighting: significant progress achieved on access (article 5); unresolved issues regarding utilization and derivatives, addressed under the use of terms (article 2(c)); some progress on scope, reflected in shorter and better organized text, with outstanding issues remaining on temporal and jurisdictional scope (article 3); and progress regarding compliance-related issues (articles 13-14 *bis*). Plenary then approved an extension of the ICG's mandate.

WORKING GROUP I

Delegates heard reports from the contact groups on marine biodiversity and on biofuels, and the Friends of the Chair group on geo-engineering, all of which requested more time to complete deliberations. Hesiquio Benitez, Chair of the contact group on climate change, suggested submitting the outcomes of the contact group to the Working Group, noting progress on text on collaboration with the Rio Conventions, and three options on REDD+. Chair Hufler established a Friends of the Chair group to continue deliberations on REDD+.

INLAND WATERS: Delegates continued consideration of a draft decision focusing on references to payments for ecosystems services, the link between inland waters biodiversity and biodiversity in dry and sub-humid lands, and water security. BRAZIL reiterated the need to define the term "water security." The EU suggested replacing the term with "adequate quantity and quality water supply." Delegates eventually agreed to recognize the need for enhanced science-policy coordination and integration between natural and socioeconomic sciences, notably between the inter-related subjects of biodiversity, amongst others, adequate quantity and quality water security, poverty reduction, sustainable development and the achievement of the MDGs. Delegates adopted the draft decision as amended.

PROTECTED AREAS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.3).

Strengthening implementation: The EU, with the DOMINICAN REPUBLIC and ALGERIA, requested referring to "in accordance with their management objectives" in paragraphs calling for sustainable use within PAs. On increasing awareness on PA benefits, delegates agreed to make reference to the achievement of climate change adaptation and mitigation and the MDGs, including poverty alleviation.

Sustainable finance: On a call to parties to express their funding needs, delegates agreed to also reference the LifeWeb Initiative, and to urge donors and countries in a position to do so to support funding needs. Delegates agreed to forward all text proposing guidance to the GEF to the group dealing with financial issues.

Climate change: Delegates agreed to: lift the brackets on text calling for developing tools for use by relevant national authorities and stakeholders for planning of PA networks and climate change adaptation and mitigation measures; and substitute a request to the Secretariat to convene a special meeting of the Joint Liaison Group on the role of PAs, with one to ensure inclusion of the role of PAs when conveying a proposal to develop joint activities among the Rio Conventions.

Other issues: Delegates decided to bracket text regarding MPAs, pending the outcome of the marine biodiversity contact group. On restoration of PA ecosystems and habitats, after a discussion on the scope of ecological corridors, PERU, with BRAZIL, proposed the inclusion of "conservation measures" in text urging parties to increase effectiveness of PA systems. Regarding collaboration with the IUCN World Commission on PAs and other partners to explore and evaluate existing methodologies and guidelines for measuring the values, costs and benefits of PAs, BELARUS proposed adding a request to the Secretariat to develop methodological indicators. Delegates approved the draft decision as amended.

SUSTAINABLE USE: Delegates addressed a draft decision (UNEP/CBD/COP/10/WG.1/CRP.4). CANADA requested, and delegates agreed to, "take note of," rather than "welcome," the recommendations of the Liaison Group on Bushmeat and refer to the respective SBSTTA document (UNEP/CBD/SBSTTA/14/7) rather than annex the recommendations to the decision. Regarding an invitation to parties to make use of the LifeWeb initiative as a clearing-house for financing PAs, BRAZIL,

CHINA and the EU suggested, and delegates eventually agreed on, replacing specific reference to IUCN categories or other classifications, by “as appropriate.”

PERU proposed welcoming and strengthening initiatives that link biodiversity, development and poverty eradication, and UNCTAD’s BioTrade Initiative. The EU suggested requesting the Secretariat to compile information on how to improve sustainable use of biodiversity from a landscape perspective, including on sectoral policies, international guidelines, certification schemes and best practices for sustainable forestry and agriculture. Delegates agreed to the proposal, with the exclusion of reference to certification schemes that was opposed by BRAZIL. Delegates debated, without reaching consensus: an invitation to encourage effective market-based instruments and an indicative list of such instruments, in particular references to the polluter-pays principle and traceability mechanisms; and a reference to experimental models for sustainable use at the ecosystem scale. Deliberations will continue on Tuesday.

WORKING GROUP II

Robert Lamb (Switzerland), Co-Chair of the contact group on financial issues, reported on progress in addressing the financial mechanism and the resource mobilization strategy. He said a Friends of the Co-Chairs group continued working on indicators and targets for the resource mobilization strategy.

Asghar Fazel (Iran), Co-Chair of the contact group on the strategic plan, reported that the group reached agreement on the 2050 vision, including a reference to maintenance of ecosystem services and nine headline targets, and continued work on outstanding targets. He further reported that a small group is working on the 2020 mission. SBSTTA Chair Spencer Thomas (Grenada) recalled intensive work on the headline targets at SBSTTA 14, and urged delegates not to undermine the integrity of the SBSTTA outcome and duplicate its work.

GBO 3: Delegates adopted the draft decision on GBO 3 implications for future CBD implementation (UNEP/CBD/COP/10/WG.2/CRP.1) as amended during previous Working Group discussions.

IMPLEMENTATION OF THE CONVENTION AND THE STRATEGIC PLAN: Delegates considered a revised draft decision (UNEP/CBD/COP/10/WG.2/CRP.2/Rev.1). They discussed a preambular reference to CBD Articles 16 (Technology Transfer), and 20 (Financial Resources), and agreed to add reference to Article 21 (Financial Mechanism). BRAZIL requested, and delegates agreed to, a reference to the resource mobilization strategy. Delegates adopted the draft decision with references to financial resources remaining in brackets.

NATIONAL REPORTING: Delegates adopted a revised draft decision (UNEP/CBD/COP/10/WG.2/CRP.3/Rev.1) with minor amendments referring to integrated, rather than harmonized, reporting.

MYPOW AND PERIODICITY OF MEETINGS: Delegates continued considering the draft decision (UNEP/CBD/COP/10/WG.2/CRP.4). PARAGUAY and CANADA supported keeping the periodicity of COP meetings beyond 2014 under review. The draft decision was approved, with brackets remaining around periodicity of SBSTTA meetings.

BIODIVERSITY AND POVERTY ERADICATION: Delegates discussed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.5). COLOMBIA, supported by SWITZERLAND, NORWAY and UGANDA, called for a reference to the UNCTAD BioTrade Initiative. BRAZIL proposed to “note,” rather than “welcome,” ongoing initiatives linking biodiversity, development and poverty eradication, whereas the EU proposed

to refer to synergies between such initiatives. The EU, supported by NORWAY, further requested making all proposals requiring additional financing subject to available financial resources. The AFRICAN GROUP opposed, and the reference was retained in brackets. The draft decision was then adopted as amended.

NEW AND EMERGING ISSUES: Delegates adopted a draft decision (UNEP/CBD/COP/10/WG.2/CRP.7), except for a paragraph inviting parties to submit information on synthetic biology and geo-engineering for SBSTTA consideration.

RETIREMENT OF DECISIONS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.8). NORWAY proposed retaining paragraph 24 of Decision V/5 (Agricultural Biological Diversity), which encourages parties to consider how to address generic concerns regarding genetic use restriction technologies under international and national approaches to the safe and sustainable use of germplasm. BRAZIL proposed reference to paragraph 16 of Decision IX/29 (Operations of the Convention) on requesting the Secretariat to maintain the full text of all decisions on the CBD website while indicating elements that have been retired. The decision was approved as amended.

TECHNOLOGY TRANSFER AND COOPERATION: Delegates addressed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.9). The EU, opposed by UGANDA, proposed that a request to the Secretariat to analyze and disseminate information on current activities and gaps be subject to available financial resources, which remained in brackets. The EU further proposed that the results of the gap analysis, together with a compilation of technology needs assessments provided by parties, be made available to COP 11. The draft decision was adopted as amended.

UN DECADE ON BIODIVERSITY: Delegates adopted the draft decision (UNEP/CBD/COP/10/WG.2/CRP.10) without amendment.

GENDER MAINSTREAMING: Delegates adopted the draft decision (UNEP/CBD/COP/10/WG.2/CRP.11) with a bracketed reference subjecting to available financial resources Secretariat work on implementing the gender plan of action.

CEPA AND IYB: Delegates discussed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.12). THAILAND reiterated its request to include a reference to regional and sub-regional assessments. Delegates adopted the draft decision as amended, with ABS-related references in brackets.

BUSINESS ENGAGEMENT: Delegates adopted a draft decision (UNEP/CBD/COP/10/WG.2/CRP.13), with a bracketed reference subjecting all work to the availability of financial resources, as requested by the EU.

SCIENTIFIC AND TECHNICAL COOPERATION AND THE CHM: Delegates discussed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.14). CHINA reiterated its request to improve internet-based communication and ensure translation into all official UN languages. Regarding conservation commons, the EU requested to “promote” free and open access to biodiversity-related data; and BRAZIL asked to refer to information and data for conservation purposes instead. The draft decision was adopted as amended, with references to financial resources remaining bracketed.

OUTCOME-ORIENTED GOALS AND TARGETS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.15), with the EU noting that it could not support the request to the GEF to provide support for capacity-building of eligible parties. Delegates adopted the draft decision without amendments, noting the EU’s comment.

ARTICLE 8(J): ILC participation: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.16). The EU requested subjecting to available financial resources requests to the Secretariat to continue to develop community education and public awareness materials, and electronic communication mechanisms. The draft decision was adopted with the reference to financial resources in brackets.

Sui generis systems: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.17), focusing on the relation of CBD work on *sui generis* systems with the ABS protocol, without reaching consensus. The decision was adopted, with references to ABS remaining in brackets.

GSPC: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.18). Noting discussions in the budget group, the EU proposed deleting a request to the Secretariat to seek the resources necessary for creating a Secretariat post on the GSPC. BRAZIL and JORDAN opposed, with BURKINA FASO and MEXICO noting that funding could be obtained from sources other than the core budget. The paragraph remained in brackets.

On the GSPC's objectives, the EU suggested making only a general reference to the three CBD objectives, rather than referring to the conservation and sustainable use of plant diversity, and to fair and equitable sharing of the benefits arising from the utilization of plant genetic resources. BRAZIL, MALAYSIA and others opposed. SINGAPORE supported by INDONESIA, suggested including fungi in the GSPC. The draft decision was adopted as amended, with bracketed text remaining for later consideration.

SOUTH-SOUTH COOPERATION: Delegates considered a draft decision on the MYPOW for South-South cooperation (UNEP/CBD/COP/10/WG.2/CRP.19), with the REPUBLIC OF KOREA highlighting agreement on a roadmap on South-South cooperation with the CBD Secretariat, and expressing readiness to host an expert meeting in 2011. JAPAN noted that he did not have a mandate to support the operative paragraph inviting the GEF to establish a South-South biodiversity cooperation trust fund. Delegates then adopted the draft decision noting Japan's concerns.

INFORMAL CONSULTATIVE GROUP ON ABS

In the morning, Alejandro Lago, Co-Chair of the small group on compliance, reported on weekend negotiations, highlighting limited progress on: the minimum content of the international certificate of compliance; the requirement to provide information to checkpoints; and a possible list of checkpoints. He called on parties not to return to previous national and regional positions but to build on common ground reached, noting that not all issues need to be detailed in the protocol. ICG Co-Chair Hodges reported on ongoing consultations on utilization and derivatives, noting they have not yet resulted in agreement. He then called for the group on compliance to continue deliberations in a closed session, with parties only.

In the afternoon, Shoichi Kondo, Senior Vice-Minister of Environment of Japan, urged delegates to finalize negotiations, recalling agreement by all countries at the UN General Assembly high-level event on biodiversity to adopt the ABS protocol at COP 10.

Sem Shikongo, Co-Chair of the small group on compliance, reported that the group went through "a crisis" which they overcame by agreeing not to re-open agreed text and addressing additional issues in separate paragraphs.

The AFRICAN GROUP reiterated his position with regard to temporal scope: there is a moral obligation to share benefits arising from continuing uses of material accessed before the protocol's entry into force, and the protocol should "encourage" such benefit-sharing; and there is a legal obligation to share benefits arising from new uses of such material, possibly through a multilateral mechanism, in parallel with bilateral PIC and MAT mechanisms.

In the evening, compliance small group Co-Chair Shikongo reported that the group had not found a way to overcome a renewed "crisis" that occurred in the discussion on checkpoints. He stated that there was a continued goodwill, especially among developing countries, to keep negotiating on the basis of a compromise proposal, which was opposed by a negotiating group. ICG Co-Chair Hodges proposed that the "sub-region" in question indicate why it was unable to accept the compromise proposal and what was needed to continue negotiating. He then asked the small group Co-Chairs whether they were willing to continue facilitating negotiations on compliance. Sem Shikongo (Namibia) accepted, but Alejandro Lago (Spain) declined. The AFRICAN GROUP stressed their willingness to continue negotiating as long as there is room for agreement.

Following informal consultations, Hodges announced that both Co-Chairs of the small group accepted to continue facilitating negotiations on compliance, and that the ICG Co-Chairs would convene a series of bilateral consultations on Tuesday morning on the way forward. Receiving a round of applause, Lago called on delegates not to applaud him but to provide solutions.

PREAMBLE: A small group, co-chaired by René Lefeber (the Netherlands) and José Luis Sutera (Argentina), decided to: restructure the preamble according to general introduction, mandate, relationships, and TK; move paragraphs regarding the Working Group's mandate to the COP decision; and consider paragraphs addressing TK and scope once the protocol's respective operative provisions have been finalized. Delegates agreed on: recognizing that public awareness and sharing of biodiversity's economic value are key incentives for conservation and sustainable use; recalling CBD Article 15 (Access to Genetic Resources); promoting equity and fairness in MAT negotiations; and recognizing interdependence with regard to genetic resources for food and agriculture, their importance for food security, the role of the ITPGR and the special nature and distinctive solutions of agriculture. Delegates also discussed reference to ongoing processes and the relationship with other agreements without reaching consensus.

EMERGENCY SITUATIONS (ARTICLE 6): Delegates agreed to retain reference to the importance of genetic resources for food and agriculture and their role for food security and climate change adaptation and mitigation. On sectoral approaches, the group agreed to state that parties shall "encourage, as appropriate and where applicable" sectoral approaches in implementation. After some discussion, they agreed to a GRULAC proposal to add "including provisions for access, fair and equitable benefit-sharing and compliance." Delegates also agreed to delete a reference on ABS laws not affecting biological resources that are traded and used as commodities, on the understanding that this will be addressed under scope.

CONTACT GROUPS AND INFORMALS

GEO-ENGINEERING: On the proposed moratorium, delegates eventually agreed to make reference to: CBD Article 14 (Impact Assessment and Minimizing Adverse Impacts), rather than to significant or adverse impacts on biodiversity; and to taking into account the absence of a global science-based transparent and effective control and regulatory mechanisms for geo-engineering, rather than to the establishment of such a global mechanism as a condition for the moratorium. Delegates also agreed to eliminate reference to national jurisdiction in that context.

Delegates agreed to: focus the study on gaps in existing global mechanisms for consideration by SBSTTA prior to consideration by the COP; communicate the results to relevant organizations; and take into account that such mechanisms may not be best placed under the CBD.

BIOFUELS: Delegates considered whether to continue deliberations on the basis of a Co-Chairs' paper produced over the weekend, with several developed and developing countries requesting to use the earlier non-paper produced by the Secretariat instead. Delegates eventually agreed to continue deliberations on the basis of the Secretariat's non-paper, introducing elements from the Co-Chairs' text, when appropriate.

On the preamble, delegates agreed to use new language from the Co-Chairs' text, with some modifications, such as reference to the potential of biofuels to contribute to mitigating climate change, and to concerns when application of biofuel technologies results in increased biomass demand.

On operational text, delegates agreed to include new language from the Co-Chairs' text, explaining that land tenure security is included among socio-economic conditions, with one developing country reiterating concerns about lack of an international definition of land tenure security. Several countries, opposed by some developed countries, also proposed including water.

Delegates then considered whether to urge governments in collaboration with ILCs to ensure respect of ILCs' sustainable agricultural practices and food security when carrying out scientific assessment of biofuels impacts "subject to national policies, legislation and customary laws, where applicable." Delegates agreed on an invitation to take bio-conservation measures of "areas of high biodiversity value and areas important to ILCs."

REDD+: Meeting at lunchtime, delegates considered three options for a request to the Secretariat to collaborate with CPF on REDD+. Discussions focused on the third option, requesting the Secretariat to provide advice to discussions on REDD+ so that efforts are consistent with the CBD objectives. A regional group requested specific reference to biodiversity safeguards, whereas many other countries stressed that this concept has yet to be accepted and deliberations should not prejudice discussions at a special ministerial segment on REDD+ on Tuesday. Eventually, delegates agreed to work on the basis of the third option, which remains bracketed as a whole, with the following specific references also bracketed: effective consultation with parties and participation of ILCs; developing, promoting and supporting "relevant safeguards;" and mechanisms to monitor impacts on biodiversity. Some delegates still requested retention of the first option referring to possible development of "biodiversity safeguards."

STRATEGIC PLAN: In the afternoon, a small group met to consider the headline targets related to ABS, Article 8(j), and resource mobilization. In the evening, the contact group reconvened but did not reach agreement on target three on

incentives, including subsidies, retaining two options: one on consistency with CBD Article 22 (Relationship with Other Conventions); and another on consistency with other relevant international obligations. Targets with regard to the percentage of PAs to be designated by 2020 and the reduction of natural habitat loss by 2020 remain pending. Regarding the latter, some countries preferred reference to "at least halving" and "where feasible bringing it close to zero," whereas a number of developing countries insisted on "bringing it close to zero." A regional group requested specific mention of forests, whereas some megadiverse countries also asked to refer to other ecosystems. Other countries proposed to remove all references to specific habitats. Delegates agreed to leave controversial targets for later consideration, and continued deliberations on other targets into the night.

FINANCIAL ISSUES: The contact group met in the afternoon and continued addressing a Co-Chairs' proposal on the financial mechanism, focusing on the revision of the TORs for the fourth review of its effectiveness, including the criteria and procedures for its implementation. A draft decision will be prepared for consideration by Working Group II.

MARINE AND COASTAL BIODIVERSITY: At lunchtime, the contact group discussed language calling for minimizing ocean fertilization and increasing knowledge and research on its consequences, with many requesting reinstating instead that no ocean fertilization takes place, in accordance with decision IX/16C on ocean fertilization.

On improving the network properties of the global system of MPAs, one developing country requested establishing ecologically representative and effectively managed MPAs "under national jurisdiction or in areas subject to international regimes competent for the adoption of such measures," while another developing country requested avoiding the word "jurisdiction." Discussions continued in the evening and into the night.

IN THE CORRIDORS

ABS negotiations entered into crisis mode over compliance in the early evening hours, notwithstanding the small group's repeated attempts to prevent it. The announcement by the small group Co-Chairs that they would "deliver the crisis back in the hands of the ICG," as they saw no way out of the impasse, reignited speculations over the imminent collapse of the ABS process. The main question was whether the particular sub-region that had refused to embark on a compromise proposal on checkpoints, was playing a "risky gamble" or had in fact reached the bottom line of its mandate. Delegates who believed the latter expressed serious concerns about continuing the negotiations. Some even painted the doomsday scenario of a COP 10 adopting neither an ABS protocol nor a strategic plan nor finance-related decisions, if developing countries would make good on their threat to boycott these items in case the ABS protocol is not adopted. Other observers also noticed that other agenda items, beyond the "package," such as marine biodiversity, were being held hostage by those looking for something tangible on ABS. Another participant said the ace up the sleeve could lie in holding negotiations on ABS at the ministerial level, pointing to the arrival of several top negotiators to back up developing country ministers in seizing a once-in-a-lifetime opportunity to implement the third CBD objective.