

CBD COP 10 HIGHLIGHTS TUESDAY, 26 OCTOBER 2010

Working Group I addressed draft decisions on sustainable use, forest biodiversity, dry and sub-humid lands, the GTI, incentive measures, and IAS. Working Group II considered draft decisions on emerging issues, cooperation with other conventions, IPBES, and the plan of action on cities. ABS negotiations focused on compliance, TK, and the draft COP decision. An evening plenary reviewed progress. Several contact and informal groups met during the day and into the night.

WORKING GROUP I

Delegates heard reports from the Chairs of the contact groups on marine biodiversity and on biofuels, and of informal consultations on IAS, all requesting more time to complete their work. Robyn Bromley (Australia), Chair of the Friends of the Chair group on REDD+, proposed that the group reconvene after the ministerial panel on REDD+.

SUSTAINABLE USE: On market-based instruments, the EU offered compromise language encouraging the application of the polluter-pays principle and improving the chain of custody, including traceability of commodities derived from biodiversity, with NEW ZEALAND and BRAZIL also requesting reference to consistency with the three CBD objectives and other relevant international obligations. The EU proposed further compromise language to support the implementation of pilot projects on sustainable use taking into account the ecosystem approach. Delegates adopted the draft decision as amended.

FOREST BIODIVERSITY: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.5), consenting not to single out particular types of forests. Chair Hufler proposed “parking” a paragraph on REDD+ pending the outcome of the Friends of the Chair group and the ministerial panel on REDD+. NORWAY proposed new language calling on CPF partners to assess potential mechanisms to monitor impacts on biodiversity from ecosystem-based approaches to climate change mitigation including REDD, the conservation of forest carbon stocks and sustainable management of forests and forest carbon stocks. Chair Hufler, supported by the EU and BRAZIL, proposed discussing this matter in the Friends of the Chair group on REDD+.

On a call for a meeting of the CPF Task Force on Streamlining Forest-related Reporting, NORWAY requested: investigating inadequacies in forest biodiversity monitoring; and, with the EU and the PHILIPPINES, but opposed by BRAZIL, MALAYSIA and AUSTRALIA, proposing improved definitions of forest and forest types. Following informal consultations, NORWAY offered compromise language noting the need to follow up on Decision IX/5 (Forest Biodiversity) as it relates to work on definitions, with the objective of further improving the biodiversity components of the Global Forest Resources Assessment. On a call to exchange information on measures promoting forest law enforcement and trade, BRAZIL proposed reference to contributing to the implementation of the work programme rather than to maximizing synergies and efforts to tackle deforestation. Delegates adopted the draft decision with these and other amendments.

DRY AND SUB-HUMID LANDS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.6). Chair Hufler proposed to replace bracketed reference to a joint work programme among the Rio Conventions with a request to the Secretariat to ensure inclusion of support of the work programme when conveying the proposal to develop joint activities to the UNFCCC and UNCCD. As delegates disagreed on text recognizing differences between criteria for the definition of drylands under UNCCD and CBD, Chair Hufler proposed, and delegates agreed, to delete it and adopt the revised delineation of dry and sub-humid lands for transmission to the UNCCD instead.

IRAN requested urging parties’ support for activities identified in national capacity self-assessments. Delegates agreed to new text calling for further cooperation between UNCCD and CBD in the management of dry and sub-humid lands. Chair Hufler proposed subjecting to availability of financial resources the development and implementation of joint actions increasing cooperation between the natural and social science communities for the integration of biodiversity and sustainable land management. ISRAEL requested deleting a footnote referencing Decisions V/23 and IX/7 that define dry and sub-humid lands and arid and semi-arid areas respectively. The draft decision was adopted with these amendments.

GTI: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.7). On a footnote defining taxonomic impediment, delegates agreed to add reference to insufficient knowledge for identification of biodiversity and lack of taxonomic capacity. ALGERIA, CANADA, BRAZIL and others raised concerns about making taxonomic information freely available, but agreed to refer to “sharing” information, instead. On biodiversity inventories, the EU proposed “inviting,” rather than “urging,” provision of funding. Delegates also agreed to refer to inventories of fauna and flora, “including microorganisms.”

Delegates discussed at length a paragraph encouraging scientific and technical collaboration subject to the outcomes of the ABS negotiations, but could not resolve the issue, as several insisted on waiting for the ABS outcome. On supporting ILCs in capturing and preserving their taxonomic knowledge, PERU, opposed by the EU, proposed inserting reference to ILCs’ PIC. BRAZIL suggested using language emerging from the ABS negotiations on “PIC and/or approval and involvement of ILCs, in accordance with national legislation,” but delegates did not agree. Discussions will continue on Wednesday.

INCENTIVES: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.8). On perverse incentive measures, the EU proposed actively eliminating, phasing out or reforming existing harmful incentives to minimize or avoid their negative impacts. CANADA, opposed by the EU and the DOMINICAN REPUBLIC, suggested deleting a list of sectors impacted by perverse incentives. Delegates eventually agreed to replace the list with reference to “sectors that can potentially impact biodiversity.” On sustainable consumption and production patterns, the EU, opposed by BRAZIL, proposed referencing Decision IX/26 (Promoting Business Engagement) to ensure procurement policies that are in line with the objectives of the Convention. Chair Hufler proposed addressing the issue informally, and resuming discussions on Wednesday.

IAS: Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.8), and agreed on compromise language resulting from informal consultations on establishing an AHTEG to provide scientific and technical information, advice and guidance on the possible development of standards by appropriate bodies that can be used at an international level to avoid the spread of IAS that current international standards do not cover. Discussions will continue on Wednesday.

WORKING GROUP II

M.F. Farooqui (India), Co-Chair of the contact group on financial issues, reported on progress in addressing the financial mechanism and the resource mobilization strategy, noting agreement on: the three components on the financial mechanism; the review of guidance; assessment of the amount of funds needed for CBD implementation for the sixth replenishment of the GEF; and the TORs for the fourth review of the GEF’s effectiveness. On the resource mobilization strategy, he said indicators and targets remained outstanding and the group will continue addressing them.

Finn Katerås (Norway), Co-Chair of the contact group on the strategic plan, reported that the group continued work on: outstanding targets; a “revised option” of the 2020 mission with key elements already identified; and linkages to financial resources to achieve the objectives, targets and the plan.

NEW AND EMERGING ISSUES: Delegates adopted an outstanding paragraph inviting submission of information on synthetic biology and geo-engineering, while applying the precautionary approach to the field release of synthetic life, with no amendments.

COOPERATION WITH OTHER CONVENTIONS: Delegates addressed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.20). CITES suggested, and parties agreed, to recall the UN General Assembly high-level meeting on biodiversity, in particular the President’s Summary noting the substantial benefits to be gained from the coherent implementation of the Rio conventions, and biodiversity-related conventions. On collaboration between the Rio conventions, parties agreed to include text agreed in WG I requesting the Secretariat to convey to the UNFCCC and UNCCD proposals to develop joint activities.

CITES, supported by BRAZIL, but opposed by NORWAY and the EU, suggested to take into account the already existing strategies related to biodiversity and the independence of their governing bodies. The language remained in brackets. On determining a process to enhance coordination among the biodiversity-related conventions, the EU proposed replacing establishment of an *ad hoc* joint working group comprising parties, with a request to WGRI 4 to undertake this work. The draft decision was adopted with these and other amendments.

IPBES: Delegates considered a draft decision (UNEP/CBD/COP/WG.2/CRP.6). NORWAY proposed a preambular reference noting that the 65th session of UN General Assembly has been invited to consider the outcome of the third meeting on IPBES held in Busan, Republic of Korea (June 2010). Noting concerns on the status of the Busan outcome, BRAZIL stated that language should not be prescriptive. The preambular paragraph was withdrawn. Delegates further agreed to delete a preambular paragraph noting the role of UNEP in establishing IPBES. NORWAY, supported by SWITZERLAND, proposed an operative paragraph encouraging the UN General Assembly to establish IPBES in 2010. The EU considered this unrealistic and instead proposed, and delegates agreed, to note that 2010 is the IYB and encourage the UN General Assembly to establish IPBES as soon as is practicable.

Venezuela, for ALBA, opposed a reference to the IPBES being independent, expressing concerns about lack of oversight. BRAZIL, GHANA and MOROCCO pointed to past negotiations and the importance of scientific independence. Delegates agreed to a proposal by BRAZIL to generally refer to the outcome of the Busan meeting instead.

NORWAY proposed, and delegates agreed, to request the Secretariat to consider how the CBD could make effective use of IPBES in conjunction with the SBSTTA Bureau and report to SBSTTA and the COP. Delegates adopted the draft decision as amended.

CITIES PLAN OF ACTION: Delegates discussed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.21). SINGAPORE reported on agreement reached in a Friends of the Chair group to use non-mandatory language. The draft decision was adopted with these and other amendments.

INFORMAL CONSULTATIVE GROUP ON ABS

In the morning, ICG Co-Chair Hodges drew attention to a series of bilateral consultations. Highlighting that “willingness is there,” he stressed the need to strike a balance in order to finalize a meaningful protocol which meets countries’ and stakeholders’ needs. ICG Co-Chair Casas announced: informal consultations on compliance and the issue of utilization and derivatives; a closed group to address bracketed operative text on TK; and a small group on the draft COP decision, to undertake a first reading of the text.

The ICG reconvened in the afternoon to review progress. François Pythoud, Co-Chair of the small group on the COP decision, reported on progress achieved and outstanding items.

Janet Lowe (New Zealand), Chair of the closed group on TK, reported on progress achieved regarding bracketed text on benefit-sharing (article 4), access (article 5) and compliance (articles 12, 12 *bis* and 14) and outstanding issues regarding publicly available TK (article 9(5)). ICG Co-Chair Hodges called for continued consultations on TK-related issues.

In the evening, ICG Co-Chair Hodges reported that the Co-Chairs of the small group on compliance held a series of bilateral “confessional” meetings during which each regional group revealed its position on compliance-related issues. He said the small group Co-Chairs will present a compromise proposal on Wednesday morning, noting that the ICG will also reconsider the draft decision, to give clear guidance to the budget group on financing needs for ABS activities. Closed consultations on utilization and derivatives and on TK continued into the night.

COP DECISION: A small group, co-chaired by François Pythoud (Switzerland) and José Luis Sutera (Argentina), addressed the draft COP decision. Participants discussed, among others, whether the title of the document should make reference to adoption of the ABS protocol or an international ABS regime, and agreed to make a general reference to “access to genetic resources and the fair and equitable sharing of benefits arising from their utilization.” They also agreed that the decision’s first section should refer to adoption of the protocol, but not on whether the protocol will be named “Nagoya” or “Nagoya-Cali” protocol. Other outstanding items include: the relationship between the protocol and other relevant instruments in the context of the international regime; paragraphs related to issues pending in the negotiations; and budgetary issues.

PLENARY

WG I Chair Hufler reported on the finalization of six draft decisions, highlighting progress on geo-engineering and cooperation among the Rio Conventions. WG II Chair Luna reported on the adoption of 21 draft decisions, noting that three decisions on the financial mechanism were ready for revision and underscoring outstanding issues on the strategic plan, Article 8(j) and financial issues.

ICG Co-Chair Casas reported on progress on the ABS protocol’s preamble, TK and the COP decision, noting ongoing informal consultations on utilization of genetic resources and

derivatives, and on compliance. ICG Co-Chair Hodges urged parties to expand their spirit of compromise and requested further extension of the ICG’s mandate.

Budget group Chair Hunte reported that: the group was close to reach agreement on a core budget; progress was being made on voluntary contributions; some countries made pledges for core activities on ABS and Article 8(j), and additional support for protected areas; and final agreement depends on the outcome of the ABS negotiations.

CONTACT GROUPS AND INFORMALS

STRATEGIC PLAN: The contact group met throughout the day and into the night. In the morning, delegates reached agreement on the strategic plan implementation, monitoring, review and evaluation. On support mechanisms, developing countries proposed, and some developed countries opposed, including language regarding the resource mobilization strategy and the provision of adequate, predictable and timely new and additional resources for the strategic plan’s implementation.

Delegates addressed parties’ proposals for updating and revising the strategic plan (UNEP/CBD/COP/10/1/Add.2/Rev.1), discussing, *inter alia*, whether to: “request” or “invite” the GEF to provide support in a expeditious manner for revising eligible parties’ NBSAPs in line with the strategic plan; include references to ILCs and UNDRIP; request the Secretariat to further develop the technical rationale and suggested milestones for the targets, to be considered by SBSTTA and WGRI 4; and link the strategic plan with IPBES and the MDGs.

On the 2020 mission, one developed party proposed addressing the mission once the targets are agreed. Delegates debated options regarding: taking action towards halting biodiversity loss; taking action to halt the loss of biodiversity by 2020 provided sufficient funding is made available; and a third compromise proposal, prepared by a small group, on taking action to halt biodiversity loss in order to ensure functional and resilient ecosystems. Delegates agreed to work on the basis of the compromise proposal in a restructured form, with one party asking to include “towards halting” in brackets. A developed country regional group asked to introduce references to tipping points and to refer to healthy ecosystems. Delegates agreed to references to science, poverty alleviation, effective policy measures and mainstreaming biodiversity, while references to financial resources remain in brackets. Delegates identified contentious references, including on minimizing the negative social and economic impacts of biodiversity loss, and requested the small group to further address those issues.

Delegates agreed to targets on: integrating biodiversity values into national processes and national accounting, “as appropriate”; eliminating incentives harmful to biodiversity and developing positive ones, consistent and in harmony with the Convention and other relevant international obligations; and preventing the extinction of known threatened species and improving “their” conservation status.

Regarding the target on reducing or halving the loss of natural habitats, a developed country regional group insisted on referencing especially forests which, along with references to other habitats and baselines, remains bracketed. On a target on

creation of PAs, percentages and references to areas within and beyond national jurisdiction remain bracketed. Small groups were tasked to further consider these issues.

The target on minimizing, halting or reducing significantly erosion/loss of genetic diversity remains under consideration. Regarding the target on safeguarding ecosystems that provide ecosystem services, most delegates agreed to delete references to equitable access to ecosystem services in accordance with national legislation, as long as a specific reference to water was maintained. The targets related to ABS, resource mobilization and TK were left pending parallel discussions. Discussions continued into the night.

BIOFUELS: At lunchtime, delegates discussed an invitation to parties to develop inventories of areas of high biodiversity value, critical ecosystems and areas important to ILCs, debating whether to refer to: “nationally recognized” high biodiversity value areas or “national inventories;” “no-go areas,” with NGO representatives noting the importance of creating a process to also identify areas for low-intensity and small-scale biofuel production areas; and feedstock production in addition to biofuel crop production. One regional group proposed bearing in mind ecosystem services in this respect, with an NGO supporting reference also to biodiversity values.

Delegates then agreed to use Co-Chairs’ language on encouraging parties to address considerations related to biofuel production and use in developing and implementing land-use, water and other relevant policies and strategies. They debated whether to refer to direct and indirect changes to land and water use, or direct and indirect impacts on biodiversity and related socioeconomic considerations.

In the evening, delegates debated references to socioeconomic conditions, land tenure security and resource rights relevant for CBD implementation, with discussions continuing into the night.

MARINE BIODIVERSITY: At lunchtime, delegates started discussing a package of provisions on future steps for the identification of EBSAs, and scientific and technical aspects relevant to EIA in marine areas. A small group was tasked with reorganizing the package in a logical sequence. In the evening, delegates discussed next steps with regards to EBSAs, and possible messages to the UN General Assembly Working Group on marine biodiversity in areas beyond national jurisdiction with specific regard to establishing a process towards designation of MPAs in areas beyond national jurisdiction or to all aspects of the Working Group’s agenda items.

ARTICLE 8(J): A Friends of the Chair group, co-chaired by Prudence Galega (Cameroon) and Martin Wikaira (New Zealand), first discussed bracketed references under the MYPOW on Article 8(j). Regarding the theme for in-depth dialogue at Article 8(j) WG 7, most delegates preferred biodiversity and climate change, with disagreement remaining about the extent to which mitigation should be considered. A developed country regional group preferred PAs and another party benefit-sharing modalities.

Regarding the draft code of ethical conduct, one developed country asked to retain a reference to “elements of” a code of ethical conduct, and when opposed by a developing country region, asked to bracket the word “code.”

Regarding a preambular reference to “lands and waters traditionally used or occupied by ILCs,” one developing country proposed to add “in accordance with national legislation.” Noting that the original reference does not properly reflect its national land tenure system, one developed country proposed to instead refer to “their lands and waters.” Many delegates asked to retain the original wording as it is already used in the Akwé: Kon Guidelines. Two developed countries proposed referring to “their lands and waters traditionally used or occupied by ILCs.” The party objecting to traditionally occupied lands and waters said it would consider the proposal if delegates agreed to operative language stating that the code should not be interpreted as altering existing laws, treaties or other constructive arrangements. A number of developing countries proposed reference to instruments that existed before the approval of the code. Informal consultations were called for on the latter issue.

On reference to PIC and/or approval and involvement of ILCs, most delegates and ILC representatives supported PIC, whereas two developed countries preferred “approval and involvement,” as set out in Article 8(j), with one noting that it was stronger than PIC. Delegates agreed to use language from the ABS negotiations on “PIC and/or approval and involvement of ILCs”, while noting that “nothing is agreed until everything is agreed.” Discussions will continue on Wednesday.

IN THE CORRIDORS

In the quagmire of Working Groups and contact groups and Friends of the Chair groups and small group meetings, delegates displayed varying levels of fatigue and stress as they looked for outcomes on increasingly interconnected discussions and as the COP 10 clock continues ticking. Interlinkages between discussions on marine biodiversity, Article 8(j), ABS and the resource mobilization strategy emerged in the deliberations on the strategic plan, leaving some delegates wondering when the outstanding cross-cutting items will be resolved, hopefully allowing for domino-effect progress on key issues.

Monday’s crisis seemed to have a sobering effect on ABS negotiators, who worked diligently through the draft decision, and in a closed group on TK. Many were anxious to see the result of the “confessional” meetings conducted by the Co-Chairs of the small group on compliance, due to be presented on Wednesday morning. Will they be able to present a compromise proposal? One participant said that it was clear what the compromise would have to be, but still expressed doubts: “Both sides may think that the proposal is leaning towards the other side, leading to mistrust and harsh statements.” Another blamed internal divisions for the difficulty in moving forward, citing examples where negotiators from the same groups did not back the position of their spokesperson. Three days before the end of COP 10, assessments of the likelihood for adopting an ABS protocol at COP 10 ranged from “still possible” to “unrealistic.”

Looking ahead to the ministerial segment, many wondered how to ensure that ministers focus on providing political guidance on the core issues, whereas others looked for ways to prevent them from “causing too much distraction.”