

## CBD COP 10 HIGHLIGHTS THURSDAY, 28 OCTOBER 2010

The high-level segment and the Working Groups continued throughout the day. Working Group I addressed climate change, biofuels, and marine biodiversity. Working Group II considered the strategic plan, Article 8(j), and the resource mobilization strategy. ABS negotiations focused on TK, utilization and derivatives, and compliance. An informal ministerial consultation and an evening plenary also focused on ABS.

### HIGH-LEVEL SEGMENT

The morning session included a stakeholder panel discussion, followed by statements from relevant international organizations.

Pavan Sukhdev, UNEP-WCMC, delivered a report on the key findings of the TEEB study, arguing that economic accounting must “make the invisible visible” by incorporating natural capital into management decisions at all levels. Barry Gardiner, GLOBE International, indicated the GLOBE Natural Capital Action Plan was a move in that direction, and Gustavo Fonseca, GEF, agreed that natural capital accounting must make biodiversity conservation a springboard for economic development. James Griffiths, World Business Council for Sustainable Development, underlined the responsibility and opportunity for business to incorporate biodiversity into corporate operations, highlighting the Japanese Business and Biodiversity Platform as an example of the kind of partnership needed. Masaaki Kanda, Governor of Aichi Prefecture, and Takashi Kawamura, Mayor of Nagoya, described the critical role of local authorities in implementing the Convention objectives, underscoring the Aichi-Nagoya Declaration on Local Authorities and Biodiversity.

Representing Youth, Niwa Rahmad Dwitama, University of Indonesia, called for including a permanent youth representative at the CBD, and announced the creation of the Global Youth Biodiversity Organization. Silvia Ribeiro, ETC Group, argued that biodiversity loss must be addressed by restoring local people’s dignity and livelihoods rather than by market mechanisms that caused the problem in the first place. Malia Nobrega, IIFB, explained that respecting indigenous rights

and practices is critical to the success of the Convention, and that indigenous ways of life assist in shaping a holistic and sustainable future.

UNFCCC Executive Secretary Christiana Figueres highlighted that the Cancún Climate Change Conference offers an opportunity to build synergies between conservation, finance, and climate policies. UNCCD Executive Secretary Luc Gnacadja pointed towards biodiversity conservation as an effective way to break the vicious cycle between poverty, land degradation, biodiversity loss and climate change.

CITES Secretary-General John Scanlon, also on behalf of the Ramsar Convention, CMS and the World Heritage Convention, stressed that the adoption of an inclusive strategic plan with robust and relevant targets that enables country realities to be reflected through NBSAPs, will contribute towards more coherent and effective on-the-ground action. IUCN Director General Julia Marton-Lefèvre stressed the importance of adequate resource mobilization for the ABS protocol and strategic plan. Jan McAlpine, UNFF Director, underscored that the benefits of forests extend beyond food, timber and carbon, stressing that forest management entails resolving trade-offs between different groups. Emmanuel Ze Meka, ITTO Executive Director, drew attention to the memorandum of understanding with the CBD Secretariat. Olav Kjørven, UNDP, and Eduardo Roja-Briales, FAO, emphasized the importance of small grants and other mechanisms in assisting smallholder farmers and indigenous communities with biodiversity conservation and sustainable use measures.

The afternoon session included statements from ministers and vice-ministers. Prince Albert of Monaco called for a new beginning on biodiversity and courage to shoulder collective responsibilities by pursuing a new development path that recognizes the value of nature. Most parties stressed the imperative to agree to an effective strategic plan, a fair and equitable ABS protocol, and adequate and timely financial resources.

Many stressed the need for a legally binding ABS protocol. NORWAY, MALAWI and BRUNEI emphasized that the protocol must foremost benefit local communities and the poor. ECUADOR and ZIMBABWE asserted the importance of respecting national sovereignty, and ALGERIA, ZIMBABWE,

KENYA, SURINAME and NEPAL the need to respect and recognize TK. INDIA described benefit-sharing as the missing pillar of the Convention.

Regarding the strategic plan, DENMARK, GERMANY and KIRIBATI emphasized that its targets should be measurable; and with BOTSWANA and ECUADOR said they should be achievable and realistic. UGANDA suggested the targets address poverty and development in addition to biodiversity.

Regarding resource mobilization, ALGERIA, PAPUA NEW GUINEA, ZAMBIA and others called for timely and predictable disbursement of funds, and the DEMOCRATIC REPUBLIC OF CONGO, the REPUBLIC OF CONGO, the GAMBIA, PAKISTAN and SOLOMON ISLANDS also noted the need for technology transfer and capacity building. FRANCE and GERMANY indicated they would increase conservation funding, with FRANCE pledging 500 million Euros per year from 2014-2020.

ZIMBABWE, INDIA, ECUADOR and MALAWI endorsed further South-South cooperation, with INDIA adding that such efforts should be supported by, and not replace, North-South cooperation.

BRUNEI, the GAMBIA and others stated they were exploring new regional, international and bilateral partnerships. The DEMOCRATIC REPUBLIC OF CONGO, UGANDA, GUINEA BISSAU, ESTONIA and SURINAME emphasized the need for national strategies to engage civil society and local communities.

While ZAMBIA, GUINEA BISSAU, LAO PDR and UGANDA said they missed the 2010 target due to insufficient financial resources and technical capacity, ECUADOR pointed to structural patterns of production and consumption, and MALDIVES blamed greed and unsustainable lifestyles. Many added that the linkages between biodiversity, climate change and poverty reduction created potential synergies between the Rio Conventions. BOTSWANA, ICELAND, BELIZE, PERU, MONGOLIA and others reported progress on their NBSAPs, implementation efforts and expansion of their PAs.

BOTSWANA, MALDIVES, KENYA and others highlighted linkages between biodiversity loss and climate change, with PAKISTAN, SOLOMON ISLANDS and PAPUA NEW GUINEA affirming that REDD and REDD+ offered synergistic solutions to both. A number of countries indicated the need to adopt new scientific and economic tools to achieve the strategic plan. FRANCE, MALI, ICELAND and PAKISTAN supported the establishment of IPBES, with PAPUA NEW GUINEA and UGANDA indicating that the lack of biodiversity data made it difficult to meet the 2010 target. FRANCE, NORWAY, the GAMBIA, POLAND and PAKISTAN valued TEEB and related studies on the economics of ecosystems and biodiversity. ALGERIA, ZIMBABWE, ICELAND, KENYA and MALAWI endorsed Japan's proposal for a UN Decade of Biodiversity.

#### **WORKING GROUP I**

**IAS:** Delegates agreed on language proposed by the contact group on biofuels for the draft decision on IAS, recognizing threats to biodiversity of existing and new IAS, and urging parties to apply the precautionary approach to the introduction and spread of IAS for biomass production, with bracketed reference to agricultural production, including biofuel feedstocks and for carbon sequestration, following the CBD guiding principles on IAS.

#### **CLIMATE CHANGE: Cooperation among the Rio**

**Conventions:** Delegates discussed bracketed reference to convening a joint high-level session of the Rio Conventions in connection with the Rio+20 Summit. The EU accepted deletion, but requested specifying that the Rio Conventions' COPs will explore how to make use of preparatory work in connection with the summit, with BRAZIL specifying "together with the Rio+20 Bureau." On requesting the Secretariat to compile information on geo-engineering, delegates agreed to collecting: views of ILCs and other stakeholders; information on possible impacts of geo-engineering on biodiversity and associated social, economic and cultural considerations; and options on definitions and understanding of "climate-related geo-engineering relevant to the CBD."

**REDD+:** BRAZIL suggested, and delegates agreed, to request the Secretariat to include "biodiversity concerns" in connection with the role of REDD+ when conveying a proposal on joint activities to the UNFCCC and UNCCD, with the EU recommending that the Secretariat convey this information for UNFCCC COP 17 consideration. The EU suggested, and delegates agreed, that the Secretariat: identify, for SBSTTA consideration, possible indicators to assess the contribution of REDD+ to reaching the CBD objectives; and assess potential mechanisms to monitor impacts on biodiversity from these and other ecosystem-based approaches to mitigation, without preempting any future UNFCCC decisions.

The EU also offered compromise language requesting the Secretariat to collaborate with relevant international organizations to identify knowledge gaps regarding the links between biodiversity conservation and sustainable use and "organic carbon stock conservation and restoration." Delegates did not reach agreement on supporting development of guidance on enhancing complementarity between national forest biodiversity-related and climate change measures, with BRAZIL, NEW ZEALAND, CHINA and MEXICO, opposed by the EU and NORWAY, requesting deletion. The reference remained bracketed. Delegates adopted the draft decision, with the exception of text on REDD+ safeguards, pending informal ministerial consultations.

**BIOFUELS:** Delegates considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.12). Chair Hufler appealed to delegates not to open text agreed by the contact group, and proposed focusing on bracketed text.

**Related conditions:** On bracketed references to land tenure, land security and water in text recognizing biofuel impacts on related socioeconomic conditions, the DOMINICAN REPUBLIC supported the inclusion of water and land tenure. SWITZERLAND, with INDIA, favored land tenure. The AFRICAN GROUP, supported by the PHILIPPINES, proposed "land and land tenure security and resource rights." BRAZIL preferred "access to land, water and other resources." Delegates agreed to a Chair's proposal referencing "land tenure and resource rights, including water."

**National inventories of areas:** On an invitation to parties to develop national inventories to identify areas of high biodiversity value, critical ecosystems and areas important to ILCs, the PHILIPPINES accepted deletion of additional reference to "nationally recognized no-go areas," provided that delegates

agreed to inviting parties to assess and identify areas and ecosystems that could not only be used for biofuel production, but also “exempted” from it. Delegates agreed.

**Synthetic life:** GHANA proposed deleting text urging parties to apply the precautionary approach to the introduction and use of LMOs for biofuel production, as well as field release of synthetic life into the environment and to ensure that synthetic organisms for biofuel production are not released into the environment, pointing to the decision on emerging issues. The PHILIPPINES, CAMEROON, the DOMINICAN REPUBLIC and BOLIVIA requested ensuring that synthetic life, cell or genome are not released into the environment. The EU proposed inviting parties to consider the issue of synthetic biology for biofuel production and use related to the three CBD objectives when implementing this decision and Decision IX/2 (Biofuels and biodiversity). Delegates eventually agreed to: urge parties to apply the precautionary approach to the release of synthetic life, cell or genome into the environment; and acknowledge parties’ entitlement, in accordance with domestic legislation, to suspend the release of synthetic life into the environment.

**Title of the decision:** Delegates debated at length the title of the draft decision. BRAZIL and GHANA, opposed by the DOMINICAN REPUBLIC, SWITZERLAND, TANZANIA, NAMIBIA, the PHILIPPINES and EL SALVADOR, supported reference to agricultural biodiversity. Following informal consultations with Chair Hufler, delegates agreed to “biofuels and biodiversity,” mentioning in the preamble the promotion of the positive, and minimization of the negative, impacts of biofuel production and use on biodiversity.

**MARINE AND COASTAL BIODIVERSITY:** Delegates accepted clean language from the contact group on marine biodiversity *en masse*. The EU proposed, and delegates agreed, to request the Secretariat to include the interaction between oceans and climate change, and alternatives for mitigation and adaptation strategies, in the proposal to develop joint activities among the Rio Conventions. Delegates then debated the request for an expert workshop on oceans and climate change, eventually agreeing on convening it, and inviting collaboration with UNFCCC, in support of the development of inputs for the development of joint activities between the Rio Conventions. The EU proposed, and delegates agreed, to lift brackets around text concerning the establishment of national targets for the implementation of the work programme. Delegates left brackets around references to the strategic plan pending parallel negotiations.

## WORKING GROUP II

**STRATEGIC PLAN: Mission:** SWITZERLAND reported on informal consultations, and presented amendments to the draft, noting that brackets remained. Delegates debated whether parties should take action “towards halting” or “to halt” biodiversity loss by 2020. COLOMBIA and INDIA said they could accept “to halt” biodiversity loss, provided that no deadline was included. COLOMBIA, with ECUADOR, suggested adopting only the first paragraph of the proposed mission, which also refers to ensuring that ecosystems are resilient and continue to provide essential services. NEW ZEALAND proposed removing the reference to “tipping points.” BRAZIL called for all parties’ commitment to achieve an ambitious target by ensuring cooperation, capacity building, technology transfer and adequate financial resources.

The EU called for a mission with a strong political message that would facilitate the mobilization of further funding and political will.

**Implementation:** CANADA proposed, and delegates accepted, encouraging parties to establish national biodiversity targets, rather than pass national legislation or policies. Delegates also agreed to refer to “national accounting systems, as appropriate.” The PHILIPPINES requested, and delegates agreed, to make special mention of the most environmentally vulnerable countries. A reference to timely, new and additional financial resources for the strategic plan implementation remained bracketed.

**Headline targets:** Contact group Co-Chair Katerås informed delegates that a non-paper was prepared to reflect the outcome of informal discussions on outstanding targets. Delegates adopted 2020 targets on: avoiding overfishing; sustainably managing agriculture, aquaculture and forestry; bringing pollution to levels that are not detrimental to biodiversity; identifying IAS and controlling priority IAS; preventing the extinction of known threatened species; and improving knowledge, the science base and technologies relating to biodiversity.

Delegates also adopted 2015 targets on: minimizing anthropogenic pressures on coral reefs; and developing NBSAPs as a policy instrument. Regarding the target on the genetic diversity of cultivated plants and farmed animals, MEXICO proposed, and delegates agreed, to maintain such diversity and develop and implement strategies to minimize genetic erosion by 2020.

Regarding the target on TK, the IIFB proposed that, by 2020, the TK, innovations and practices of ILCs relevant for conservation and sustainable use of biodiversity and traditional and customary uses of biological resources are respected and fully integrated and reflected in CBD implementation, with the full and effective participation of ILCs. NEW ZEALAND, CANADA, the EU, NORWAY, MEXICO, MALAYSIA, JAPAN, the PHILIPPINES and ECUADOR supported the proposal. INDIA, supported by GUATEMALA and the AFRICAN GROUP, requested a reference that TK be protected through “*sui generis* and other systems,” but delegates finally agreed to reference national legislation and relevant international obligations.

Regarding the outstanding 2020 target that the loss of natural habitats is at least halved, and where feasible, brought close to zero, the only outstanding issue remaining was whether it should specifically mention forests, which GUATEMALA opposed. Regarding the target on PAs, CHINA asked to limit MPAs to waters within national jurisdiction. CANADA agreed to lift the brackets around “equitable” PA management. In the target referring to restoring ecosystems that provide essential services, specific reference to water remains bracketed.

On the target dealing with financial resources for the strategic plan implementation, BRAZIL introduced a new proposal, stating that by 2020 at the latest, the current levels of financial resources should be increased from all sources through a consolidated and agreed process, and should reach at least US\$200 billion. NORWAY also introduced a new proposal stating that by 2020, resources (financial, human and technical) be increased at least according to the goals set out in the strategy on resource mobilization. Chair Luna proposed



including both proposals as options in the text. SWITZERLAND opposed, noting that ministerial guidance provided on resource mobilization stressed the need for increased flow of resources through public funding supplemented by other channels and the need to assess the actual funds requirement. Chair Luna clarified that the ministerial guidance was not formally adopted, and was intended to inspire rather than prejudge negotiations.

Many delegates welcomed the two concrete options, with the PHILIPPINES pointing out that they might be integrated as compromise language. Many developing countries supported the proposal by Brazil, stressing the need to set out a specific amount and target. The EU, supported by CANADA, proposed alternative language calling for a substantial increase of resources from all sources for effective CBD implementation and its strategic plan through a consolidated and agreed process and against an agreed baseline. AUSTRALIA requested a prior needs analysis.

**ARTICLE 8(j): Code of ethical conduct:** Pointing to eight years of work on the issue, Chair Luna tabled the respective draft decision and the annexed code (UNEP/CBD/COP/10/WG.2/CRP.28), noting that the text contained no brackets. Delegates adopted the draft decision.

**Article 8(j) MYPOW:** Delegates considered a draft decision (UNEP/CBD/COP/10/WG.2/CRP.27). On an indicator relating to land-use change trends, the PHILIPPINES proposed to refer to “land tenure and resource rights,” reflecting agreed language in the biofuels decision. Delegates adopted the draft decision as amended.

**RESOURCE MOBILIZATION STRATEGY:** Discussions continued into the night on a draft decision (UNEP/CBD/COP/10/WG.2/CRP.29).

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

In the morning, François Pythoud (Switzerland) reported on progress in the consultations on utilization and derivatives, noting that delegates still disagreed on whether to refer to utilization of genetic resources or of biological resources; and on using an agreed definition of derivatives in the context of various articles. TK small group Chair Lowe said agreement on publicly available TK was outstanding, but commended delegates for resolving other TK-related issues. Compliance small group Co-Chair Lago said they were waiting for feedback on a proposal on compliance-related issues (article 13). Anne Daniel (Canada) reported that the legal drafting group was reviewing the text for legal coherence and clarity. ICG Co-Chair Casas announced they would hold informal consultations with heads of delegations.

In the afternoon, ICG Co-Chair Casas reported that fundamental differences persisted on utilization and derivatives, with two options remaining under article 2(c), referring to research and development from: genetic material accessed under article 5; or genetic expression or metabolism of genetic resources.

In the evening, ICG Co-Chair Hodges proposed further informal consultations on utilization and derivatives. JAPAN announced its intention to hold bilateral meetings with regional representatives on Friday morning, in case no agreement is reached Thursday night, following which the Japanese COP 10 Presidency will present a clean protocol text for plenary consideration. Noting that some parties are not aligned with regional groups, AUSTRALIA and the LIKE-MINDED ASIA-

PACIFIC asked for meetings with smaller groups or individual parties. Delegates then turned to consideration of technology transfer (article 18 *bis*) and the financial mechanism (article 19), continuing into the night.

#### **PLENARY**

ICG Co-Chair Hodges reported that, despite remarkable efforts and concrete progress achieved, the ICG had not finalized its work on the ABS protocol. ICG Co-Chair Casas highlighted progress on indigenous PIC for access to genetic resources (article 5(1) *bis*), and compliance-related issues (article 13). He reported that provisions on scope, relationship with other instruments, emergency situations, the financial mechanism, publicly available TK and, most importantly, utilization and derivatives remain outstanding. Plenary then approved an extension of the ICG mandate until midnight.

#### **IN THE CORRIDORS**

ABS delegates were on an emotional rollercoaster on Thursday. First, they were alarmed by a news article reporting on plans to adopt a “framework” ABS protocol accompanied by a significant financial contribution to support ABS capacity building in developing countries. Next, a rumored “secret” meeting with selected regions and parties tasked to prepare draft ministerial guidance on ABS upset those regions that were excluded from it. Emotions subdued after an informal ministerial meeting was held and the guidance became unofficially available. The proposed deal envisaged a multilateral benefit-sharing mechanism for genetic material and TK acquired prior to the protocol’s entry into force, benefit-sharing for derivatives linked with provided genetic resources, and expeditious access to pathogens for health emergencies with accelerated benefit-sharing. Certain negotiators were heard saying, “Maybe we should accept the deal while it is on the table,” noting that the protocol provisions agreed so far could already go a long way in implementing ABS. Others, however, were worried that those elements that are currently not part of the protocol will never be included in a legally binding document at a later stage, if the protocol is approved as it is now. “Without compliance or a clear definition of utilization, I don’t know how much you can do with this,” one noted.

As the ultimate midnight deadline for completing the ABS protocol was rapidly approaching with no agreement in sight, all eyes turned to the announced last ditch effort of the Japanese COP 10 presidency to suggest a “clean” text on Friday after holding bilateral consultations with regional leaders. Many commented that this is a risky move, with others adding that the real danger was that the strategic plan and the resource mobilization strategy may be brought down in the process. Just hours away from the closing plenary, with a number of critical issues remaining unresolved, some noted that the typhoon approaching Nagoya might be more than a meteorological phenomenon.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of COP 10 will be available on Monday, 1 November 2010 online at: <http://www.iisd.ca/biodiv/cop10/>