

SUMMARY OF THE TENTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: 18-29 OCTOBER 2010

The tenth meeting of the Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD) was held from 18-29 October 2010, in Nagoya, Japan. Over 7,000 delegates representing parties and other governments, UN agencies, intergovernmental, non-governmental, indigenous and local community (ILC) representatives, academia and industry attended the meeting.

CBD COP 10 considered a series of strategic, substantive, administrative and budgetary issues, and adopted 47 decisions. Delegates also continued negotiations on an international ABS protocol; and considered: a new strategic plan, targets and a multi-year programme of work (MYPow) for the Convention; issues related to cooperation with other conventions, organizations and initiatives; and substantive issues, including marine and coastal biodiversity, climate change, forest biodiversity, biofuels, and Article 8(j) (traditional knowledge).

Following intense, late-night sessions marked by numerous parallel deliberations, and down-to-the wire negotiations on ABS, the strategic plan and the Strategy for Resource Mobilization, an impressive “package” was adopted, making COP 10 one of the most successful meetings in the history of the Convention: the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, which, after seven years of negotiations, sets out rules and procedures for implementing the Convention’s third objective; the CBD Strategic Plan for the period 2011-2020, including a mission, and strategic goals and targets aiming to inspire broad-based action by parties and stakeholders; and a decision on activities and indicators for the implementation of the Strategy for Resource Mobilization adopted at COP 9. Last but not least, the meeting: adopted a decision amounting to a *de facto* moratorium on geo-engineering; took a stance on the issue of synthetic biology, urging governments to apply the precautionary approach to the field release of synthetic life into the environment and acknowledging parties’ right to suspend it; affirmed the role of CBD in reducing emissions from deforestation and forest degradation in developing countries,

and forest conservation, sustainable forest management and enhancement of forest carbon stocks (REDD+); adopted the Tkarihwaié:ri code of ethical conduct; and established clear steps to increase cooperation among the Rio Conventions leading up to the Rio+20 Summit.

A BRIEF HISTORY OF THE CBD

The CBD was adopted on 22 May 1992, and entered into force on 29 December 1993. There are currently 193 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. The COP is the governing body of the Convention.

COP 1: At its first meeting (November - December 1994, Nassau, the Bahamas), the COP set the general framework for the Convention’s implementation, by establishing the Clearing House Mechanism (CHM) and the Subsidiary Body on

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Scientific, Technical and Technological Advice (SBSTTA), and by designating the Global Environment Facility (GEF) as the interim financial mechanism.

COP 2: At its second meeting (November 1995, Jakarta, Indonesia), the COP adopted a decision on marine and coastal biodiversity (the Jakarta Mandate) and established the Open-ended *Ad Hoc* Working Group on Biosafety to elaborate a protocol on biosafety, specifically focusing on transboundary movement of living modified organisms (LMOs) that may have an adverse effect on biodiversity.

COP 3: At its third meeting (November 1996, Buenos Aires, Argentina), the COP adopted work programmes on agricultural and forest biodiversity, as well as a Memorandum of Understanding with the GEF, and called for an intersessional workshop on Article 8(j) and related provisions.

COP 4: At its fourth meeting (May 1998, Bratislava, Slovakia), the COP established a Working Group on Article 8(j) and a panel of experts on ABS, and adopted the Global Taxonomy Initiative (GTI) and a work programme on marine and coastal biodiversity, as well as decisions on: inland water, agricultural and forest biodiversity, and cooperation with other agreements.

EXCOP: Following six meetings of the Biosafety Working Group between 1996 and 1999, delegates at the first Extraordinary Meeting of the COP (ExCOP) (February 1999, Cartagena, Colombia) did not agree on a compromise package to finalize negotiations on a biosafety protocol, and the meeting was suspended. The resumed ExCOP (January 2000, Montreal, Canada) adopted the Cartagena Protocol on Biosafety, and established the Intergovernmental Committee for the Cartagena Protocol on Biosafety to undertake preparations for COP/MOP 1. The Protocol addresses the safe transfer, handling and use of LMOs that may have an adverse effect on biodiversity, taking into account human health, with a specific focus on transboundary movements.

COP 5: At its fifth meeting (May 2000, Nairobi, Kenya), the COP reviewed the work programme on agricultural biodiversity, established an ABS Working Group, and adopted work programmes on dry and sub-humid lands, and incentive measures, and decisions on Article 8(j), the ecosystem approach, sustainable use, biodiversity and tourism, invasive alien species (IAS) and the GTI.

COP 6: At its sixth meeting (April 2002, The Hague, the Netherlands), the COP adopted the Convention's Strategic Plan, including the target to reduce significantly the rate of biodiversity loss by 2010. The meeting also adopted: an expanded work programme on forest biodiversity; the Bonn Guidelines on ABS; guiding principles for IAS; the Global Strategy for Plant Conservation; a work programme for the GTI; and decisions on incentive measures and Article 8(j).

COP 7: At its seventh meeting (February 2004, Kuala Lumpur, Malaysia), the COP adopted work programmes on mountain biodiversity, protected areas (PAs), and technology transfer and cooperation, and mandated the ABS Working Group to initiate negotiations on an international regime on ABS. The COP established the *Ad Hoc* Open-ended Working Group on Review of Implementation, and adopted: a decision to review implementation of the Convention, its Strategic Plan

and progress towards achieving the 2010 target; the Akwé: Kon Guidelines for cultural, environmental and social impact assessments; the Addis Ababa Principles and Guidelines for sustainable use; and decisions on communication, education and public awareness (CEPA), incentive measures, inland waters, and marine and coastal biodiversity.

COP 8: At its eighth meeting (March 2006, Curitiba, Brazil), the COP adopted a work programme on island biodiversity and decisions on a range of issues including Article 8(j), CEPA, cooperation with other conventions and private sector engagement, PAs, including high seas PAs, incentive measures, biodiversity and climate change, and forest, marine and coastal, and agricultural biodiversity. COP 8 reaffirmed the COP 5 ban on the field testing of genetic use restriction technologies, and instructed the ABS Working Group to complete its work with regard to an international regime on ABS at the earliest possible time before COP 10, to be held in 2010.

COP 9: At its ninth meeting (May 2008, Bonn, Germany), the COP adopted a roadmap for the negotiation of the international ABS regime before the 2010 deadline for completion of negotiations, a Strategy for Resource Mobilization for the Convention, and scientific criteria and guidance for marine areas in need of protection; and established an *ad hoc* technical expert group (AHTEG) on biodiversity and climate change.

ABS NEGOTIATIONS: The ABS Working Group met four times between COPs 9 and 10 to negotiate the international ABS regime (April 2009, Paris, France; November 2009, Montreal, Canada; March 2010, Cali, Colombia; and July 2010, Montreal), assisted by expert, informal and regional consultations. During the first two meetings, delegates worked on consolidating a draft. In Cali, the Working Group Co-Chairs circulated a draft protocol text, but due to procedural wrangling the meeting was suspended. The resumed meeting in Montreal, using the Interregional Negotiating Group (ING) format established in Cali, worked in good spirit on the draft protocol text, reached agreement on non-controversial provisions, and made progress on certain difficult issues, including the relationship with other instruments and compliance with domestic ABS requirements. Delegates also identified key issues that required further compromises, including scope and pathogens, derivatives and the concept of utilization of genetic resources, and mechanisms to support compliance. With several sets of brackets remaining, the Working Group held an additional meeting of the ING, which convened in September 2010, in Montreal. While the meeting achieved some progress towards an improved common understanding on derivatives and the concept of utilization, key issues remained outstanding.

ARTICLE 8(J) WG 6: At its sixth meeting (November 2009, Montreal, Canada), the Working Group on Article 8(j) adopted a series of recommendations, including an advanced draft of a code of ethical conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities, and transmitted detailed views on the international ABS regime to the ABS Working Group.

SBSTTA 14: The 14th meeting of SBSTTA (May 2010, Nairobi, Kenya) witnessed the launch of the third edition of the Global Biodiversity Outlook and adopted 18 recommendations to COP 10, including on: in-depth reviews of implementation

of work programmes on mountain, inland waters and marine and coastal biodiversity, PAs, biodiversity and climate change, and Article 10 (sustainable use); agricultural biodiversity and biofuels; dry and sub-humid lands; forest biodiversity; IAS; post-2010 outcome-oriented goals and targets; incentive measures; the GTI; and the Global Strategy for Plant Conservation.

WGRI 3: The third meeting of the CBD Working Group on Review of Implementation of the Convention (WGRI) (May 2010, Nairobi), adopted 12 recommendations to COP 10, including: an updated and revised strategic plan for the post-2010 period, which remained bracketed pending resolution of financial issues and negotiations on ABS; a proposed UN decade on biodiversity 2011-2020; business engagement; a proposed biodiversity technology initiative; the multi-year programme of work of the Convention for the period 2011-2020; integration of biodiversity into poverty eradication and development; and a science-policy interface on biodiversity, ecosystem services and human well being.

COP 10 REPORT

On Monday, 18 October, Jochen Flasbarth (Germany), on behalf of the COP 9 Presidency, declared the meeting open and pointed to the failure to meet the 2010 biodiversity target, calling for finalizing the strategic plan and the international ABS regime. He then handed the COP chairmanship to Ryu Matsumoto, Environment Minister of Japan.

COP 10 President Matsumoto said this was a critical time for measures to protect biodiversity, and called for new realistic global targets and for the establishment of an international ABS regime. Masaaki Kanda, Governor of the Prefecture of Aichi, shared the expectation that COP 10 will adopt post-2010 targets and the international ABS regime. Takashi Kawamura, Mayor of the City of Nagoya, stressed the important role of municipalities and citizens in living in harmony with nature.

UNEP Executive Director Achim Steiner expressed UNEP's commitment to address shortcomings in multilateral environmental agreements (MEAs) parallel governance and administrative arrangements, and emphasized that COP 10 can become a source of inspiration for successful multilateralism.

CBD Executive Secretary Ahmed Djoghlaif termed COP 10 as the most important meeting on biodiversity in UN history, in light of the relevance of the strategic plan and the ABS protocol for sustainable development.

REPORTS: Delegates heard reports on: the Biosafety Protocol COP/MOP 5, including the adoption of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress; intersessional meetings of the Working Group on Article 8(j), SBSTTA, and WGRI (UNEP/CBD/COP/10/2 to 4); the ABS negotiations; and the GEF (UNEP/CBD/COP/10/6).

ORGANIZATIONAL MATTERS: Delegates adopted the agenda and organization of work (UNEP/CBD/COP/10/1 and Add.1); and elected Snežana Prokić (Serbia) as Rapporteur for the meeting, and Cosima Hufner (Austria) and Damaso Luna (Mexico) as Chairs of Working Groups I and II, respectively. Plenary also established an open-ended informal consultative group (ICG) on ABS, co-chaired by Fernando Casas (Colombia) and Timothy Hodges (Canada), to negotiate and finalize both the

protocol and the COP decision; and a budget group, chaired by Amb. Conrad Hunte (Antigua and Barbuda). Delegates agreed to postpone consideration of pending financial rules on the scale of assessments to COP 11.

The following report is organized according to the meeting's agenda. Unless otherwise stated, deliberations were based on draft decisions included in the compilation circulated as a background document (UNEP/CBD/COP/10/1/Add.2/Rev.1); and COP 10 decisions were adopted during the closing plenary on Friday, 29 October, with no or minor amendments.

ACCESS AND BENEFIT-SHARING

The ICG on ABS met throughout the meeting to continue negotiations on a draft protocol text as forwarded by the second resumed ninth meeting of the Working Group on ABS, held on 16 October in Nagoya (UNEP/CBD/COP/10/5/Add.5). Several small groups were established to address: utilization and derivatives; compliance-related issues; the protocol's relationship with other instruments; emergency situations; TK-related issues; and the COP decision. Ministerial informal consultations were held on Thursday, 28 October, and discussed a compromise proposal put forward by the Japanese COP Presidency. Informal consultations continued during the night and the following morning, when an agreement was reached on a compromise package relating to remaining outstanding issues, including: the concept of utilization and derivatives, and related benefit-sharing; the provision on scope; non-arbitrary access procedures; TK-related issues, including a provision on publicly available TK that was eventually deleted; special considerations with regard to human, animal or plant health emergencies and food security issues; the issue of temporal scope and a related proposal on a multilateral benefit-sharing mechanism to address benefit-sharing for genetic resources and TK that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent (PIC); and compliance-related provisions on checkpoints, information requirements, and the international certificate of compliance. As a result, the closing plenary adopted the Nagoya Protocol on ABS.

During the closing plenary, Venezuela stated for the record that the Protocol does not contain the necessary elements to stop biopiracy and expressed concern about turning nature into a commodity. The African Group stated for the record that although the Protocol is not the best document, they would accept it as a starting point for work towards implementation of the CBD's third objective for the benefit of the people of Africa. Bolivia wished to record disagreement, noting that the Protocol does not fully include the views of many countries and that the real priority should be to acknowledge the contribution of indigenous peoples and protect the rights of Mother Earth. The Central and Eastern European group (CEE) recorded various positions within the group on the Protocol, but expressed appreciation for the opportunity to reach consensus, noting that the CEE would not oppose its adoption. The Like-Minded Asia-Pacific highlighted that the CBD adopted two "magnificent" treaties in less than a month and, noting that the Protocol is far from perfect, urged delegates to stop biopiracy.

The following section summarizes negotiations on main issues addressed, as well as the Protocol's main provisions.

UTILIZATION AND DERIVATIVES: The concept of utilization and derivatives was addressed as a cross-cutting issue in informal consultations throughout the meeting, and was considered critical due to linkages to scope and benefit-sharing. Resolution was reached as part of the compromise package, to include: definitions of “utilization of genetic resources,” “biotechnology” and “derivative” in relation to biotechnology, under the use of terms (Article 2); no reference to derivatives in scope (Article 3); and reference to benefits arising from the utilization of genetic resources, as well as subsequent applications and commercialization under the provision on benefit-sharing (Article 4(1)).

TEMPORAL SCOPE: Issues related to scope were addressed in informal consultations. On Tuesday, 26 October, the African Group reiterated that: 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. The compromise package included no specific mention of issues related to temporal scope or continuing or new uses. It did, however, include a provision on a global multilateral benefit-sharing mechanism, to address benefit-sharing in transboundary situations or for which it is not possible to grant or obtain PIC. Similar text is included in a preambular paragraph, while according to its work plan, the Intergovernmental Committee is required to consider, at its second meeting, the need for, and modalities of, a global multilateral benefit-sharing mechanism.

RELATIONSHIP WITH OTHER AGREEMENTS (ARTICLE 3 *BIS*): The issue was discussed in the ICG and in a small group. Debate centered on language on mutually supportive implementation, where delegates generally agreed on the need to recognize the value of ongoing work and practices under other relevant agreements, but not on how these should be referenced.

SPECIAL CONSIDERATIONS (ARTICLE 6): The issue was mainly discussed in a small group, co-chaired by Paulino Franco de Carvalho Neto (Brazil) and François Pythoud (Switzerland). Debate centered on the need for expeditious or simplified access procedures in the case of health emergencies and related benefit-sharing, with developed countries emphasizing the need for simplified access in such cases, and developing countries wishing to ensure sharing of benefits, particularly access to affordable treatments. Although delegates reached early agreement on the general content of the provision, including references to emergency situations with regard to human, animal and plant health, a definition of emergency situations and/or reference to relevant international agreements, simplified or expeditious access procedures, and benefit-sharing, agreement on exact language remained pending until the very end.

TK (ARTICLE 9 AND RELATED PROVISIONS): The cross-cutting issue of TK was addressed in the ICG, a small group co-chaired by Janet Lowe (New Zealand) and Jorge Cabrera Medaglia (Costa Rica) and in a closed group, chaired by Lowe. Debate focused on: preambular references of relevance to TK and ILCs, particularly a reference to the

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); publicly available TK; access to TK held by ILCs and cooperation in cases of alleged violation; compliance with domestic legislation on access to, and use of, TK; and sharing of benefits arising out of the utilization of TK.

A provision relating to sharing of benefits from utilization of TK that has been obtained from a source other than an ILC (publicly available TK) was debated throughout the meeting, with parties expressing opposing views as to whether such a provision was required, and whether or not to use binding or non-binding language with regard to the measures that parties should take. Divergences persisted until the end of the meeting, and the provision was eventually excluded from the adopted protocol.

COMPLIANCE (ARTICLE 13): Compliance-related issues were addressed throughout the meeting under the guidance of Sem Shikongo (Namibia) and Alejandro Lago (Spain), in a contact group, a closed group consisting of parties only and bilateral “confessional” meetings. Main issues of controversy included: checkpoints; disclosure requirements; and the international certificate of compliance, with developing countries supporting mandatory provisions to ensure the protocol’s implementation.

With regard to checkpoints, negotiations focused on: whether their establishment should be mandatory; whether an indicative list of checkpoints should be included; as well as what kind of information they would manage. Delegates also debated inclusion of a disclosure requirement, its mandatory nature, and consequences of non-compliance.

With regard to the international certificate of compliance, discussions focused on requirements for minimum information to be included in such a certificate and its legal relation to permits and certificates mentioned elsewhere in the protocol. Delegates also debated whether the provision aims exclusively at supporting compliance, as suggested by developing countries, or also at enhancing transparency, as promoted by developed ones; and discussed a provision regarding an international ABS ombudsperson, which was not retained in the adopted text.

Final Decision: The decision (UNEP/CBD/COP/10/L.43/Rev.1) includes sections on adoption of the Nagoya Protocol, its Intergovernmental Committee and administrative and budgetary matters. In the preamble, the COP recognizes that the international regime is constituted of the CBD, the ABS Protocol, as well as complementary instruments, including the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) and the Bonn Guidelines on ABS. It adopts the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, which will be open for signature at UN Headquarters in New York from 2 February 2011 to 1 February 2012, and calls upon CBD parties to sign and ratify it. The COP agrees that human genetic resources are not included within the Protocol’s framework; and decides that the first review under Article 25 shall assess the implementation of Article 12 *bis* (Compliance with domestic legislation on TK) in light of developments in other relevant international organizations, including, *inter alia*,

the World Intellectual Property Organization (WIPO), provided that they do not run counter to the CBD and the Protocol objectives.

The COP further establishes an Open-ended *Ad Hoc* Intergovernmental Committee for the Protocol to undertake the necessary preparations for the first Meeting of the Parties and endorses its annexed work plan. It invites the GEF to provide financial support to assist with early ratification, and requests the Secretariat to collect and make available on the CHM model contractual clauses for mutually agreed terms (MAT), and relevant guidelines and codes of conduct.

The annexed work plan for the Intergovernmental Committee includes issues to be considered at its first meeting, including cooperative procedures and institutional mechanisms to promote compliance; and at its second meeting, including the need for, and modalities of, a global multilateral benefit-sharing mechanism.

Nagoya Protocol: The annexed Nagoya Protocol on ABS includes 27 preambular clauses, 36 operative provisions, and an annex containing an indicative list of monetary and non-monetary benefits. The preamble addresses, among others:

- the importance of legal certainty and promoting equity and fairness in negotiation of MAT;
- the need for an innovative solution to address benefit-sharing in transboundary situations, or for situations in which it is not possible to grant or obtain PIC;
- the interdependence of all countries with regard to genetic resources for food and agriculture and the fundamental role of the Commission on Genetic Resources for Food and Agriculture (CGRFA) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR), including its Multilateral System;
- the World Health Organization (WHO) International Health Regulations and the importance of ensuring access to human pathogens for public health preparedness and response purposes;
- the interrelationship between genetic resources and TK, and their inseparable nature for ILCs, and the diversity of circumstances in which TK is held or owned by ILCs;
- the unique circumstances where TK, which may be oral, documented or in other forms, is held in countries;
- the UNDRIP; and
- that nothing in the Protocol shall be construed as diminishing or extinguishing the existing rights of ILCs.

Article 1 (Objective): The Protocol's objective is the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, thereby contributing to biodiversity conservation and the sustainable use of its components.

Article 2 (Use of terms): The terms defined in CBD Article 2 apply to the Protocol. In addition, "utilization of genetic resources" means to conduct research and development on the genetic and/or biochemical composition of genetic material, including through the application of biotechnology. "Derivative" means a naturally occurring biochemical compound resulting

from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity.

Article 3 (Scope): The Protocol shall apply to genetic resources within the scope of Article 15 of the Convention, to TK associated with genetic resources within the scope of the Convention, and to the benefits arising from the utilization of such resources and of such knowledge.

Article 3 bis (Relationship with international agreements and instruments): The article provides that:

- the Protocol shall not affect rights and obligations deriving from existing international agreements, except where the exercise of those rights and obligations would cause serious damage or threat to biodiversity;
- the paragraph is not intended to create a hierarchy between the Protocol and other international instruments;
- nothing in the Protocol shall prevent parties from developing and implementing other relevant international agreements, including other specialized ABS agreements, provided that they are supportive of, and do not run counter to, the CBD and Protocol objectives;
- the Protocol shall be implemented in a mutually supportive manner with relevant international instruments;
- due regard should be paid to useful and relevant ongoing work or practices under such international instruments and relevant international organizations, provided that they are supportive of, and do not run counter to, the CBD and Protocol objectives; and
- where a specialized international ABS instrument applies, that is consistent with, and does not run counter to, the CBD and Protocol objectives, the Protocol does not apply for the party or parties to the specialized instrument in respect to the specific genetic resource covered by, and for the purpose of, the specialized instrument.

Article 4 (Fair and equitable benefit-sharing): Benefits arising from the utilization of genetic resources, as well as subsequent applications and commercialization, shall be shared in a fair and equitable way upon MAT with the party providing such resources, that is the country of origin or a party that has acquired the genetic resources in accordance with the Convention. To implement the above, each party shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from the utilization of genetic resources that are held by ILCs, in accordance with domestic legislation regarding the established rights of these ILCs over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on MAT. Benefits may include monetary and non-monetary benefits, including but not limited to those listed in the annex. Parties shall take legislative, administrative or policy measures as appropriate, to share benefits arising from the utilization of TK associated with genetic resources in a fair and equitable way with ILCs holding such knowledge upon MAT.

Article 5 (Access to genetic resources): In the exercise of sovereign rights over natural resources, and subject to domestic ABS legislation or regulatory requirements, access to genetic resources for their utilization shall be subject to the PIC of the party providing such resources, that is the country of origin of

such resources or a party that has acquired the genetic resources in accordance with the Convention, unless otherwise determined by that party. In accordance with domestic law, each party shall take measures, as appropriate, with the aim of ensuring that the PIC or approval and involvement of ILCs is obtained for access to genetic resources where they have the established right to grant access to such resources.

Each party requiring PIC shall take the necessary legislative, administrative or policy measures, as appropriate, to:

- provide for legal certainty, clarity and transparency of their domestic ABS legislation or regulatory requirements;
- provide for fair and non-arbitrary rules and procedures on accessing genetic resources;
- provide information on how to apply for PIC;
- provide for a clear and transparent written decision by a competent national authority, in a cost-effective manner and within a reasonable period of time;
- provide for the issuance, at the time of access of a permit or its equivalent as evidence of the decision, to grant PIC and of the establishment of MAT, and notify the ABS CHM accordingly;
- where applicable, and subject to domestic legislation, set out criteria and/or processes for obtaining PIC or approval and involvement of ILCs for access to genetic resources; and
- establish clear rules and procedures for requiring and establishing MAT. Such terms shall be set out in writing and may include: a dispute settlement clause; terms on benefit-sharing, including in relation to intellectual property rights (IPRs); terms on subsequent third-party use, if any; and terms on changes of intent, where applicable.

Article 5 bis (Access to TK associated with genetic resources): In accordance with domestic law, parties take measures, as appropriate, with the aim of ensuring that TK associated with genetic resources that is held by ILCs is accessed with the PIC or approval and involvement of these ILCs, and that MAT have been established.

Article 6 (Special considerations): In the development and implementation of ABS legislation or regulatory requirements, parties: create conditions to promote and encourage research contributing to the conservation and sustainable use of biodiversity, particularly in developing countries, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research; and pay due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health, as determined nationally or internationally. Parties may take into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources, including access to affordable treatments by those in need, especially in developing countries; and consider the importance of genetic resources for food and agriculture and their special role for food security.

Article 7 (Contribution to conservation and sustainable use): Parties encourage users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biodiversity and the sustainable use of its components.

Article 7 bis (Global multilateral benefit-sharing mechanism): Parties consider the need for, and modalities of, a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and TK associated with genetic resources that occur in transboundary situations, or for which it is not possible to grant or obtain PIC. The benefits shared by users of genetic resources and TK associated with genetic resources through this mechanism shall be used to support the conservation of biodiversity and the sustainable use of its components globally.

Article 8 (Transboundary cooperation): In instances where the same genetic resources are found *in-situ* within the territory of more than one party, those parties endeavor to cooperate, as appropriate, with the involvement of ILCs concerned, where applicable, with a view to implementing the Protocol. Where the same TK associated with genetic resources is shared by one or more ILCs in several parties, those parties shall endeavor to cooperate, as appropriate, with the involvement of the ILCs concerned, with a view to implementing the Protocol's objective.

Article 9 (TK associated with genetic resources): In implementing their obligations under the Protocol, parties, in accordance with domestic law, take into consideration ILCs' customary laws, community protocols and procedures, as applicable, with respect to TK associated with genetic resources.

Parties, with the effective participation of the ILCs concerned, shall establish mechanisms to inform potential users of TK associated with genetic resources about their obligation (including measures) as made available through the ABS CHM for access to, and fair and equitable sharing of benefits arising from the utilization of, such knowledge.

Parties shall endeavor to support, as appropriate, the development by ILCs, including women within these communities, of: community protocols in relation to access to TK associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of such knowledge; and minimum requirements for MAT and model contractual clauses for benefit-sharing arising from the utilization of TK associated with genetic resources.

Parties, in implementing the Protocol, shall, as far as possible, not restrict the customary use and exchange of genetic resources and associated TK within and amongst ILCs in accordance with the objectives of the Convention.

Article 10 (National focal points (NFP) and competent national authorities): Parties designate a NFP on ABS to make information available: for applicants seeking access to genetic resources, information on procedures for obtaining PIC and establishing MAT, including benefit-sharing; for applicants seeking access to TK associated with genetic resources, where possible, information on procedures for obtaining PIC or approval and involvement, as appropriate, of ILCs and establishing MAT including benefit-sharing; and information on competent national authorities, relevant ILCs and relevant stakeholders. The NFP shall be responsible for liaison with the Secretariat. Each party shall designate one or more competent national authorities on ABS who, in accordance with applicable national legislative, administrative or policy measures, will be responsible for granting access or, as applicable, issuing written evidence that access requirements have been met and

be responsible for advising on applicable procedures and requirements for obtaining PIC and entering into MAT. A party may designate a single entity to fulfill the functions of both focal point and competent national authority.

Article 11 (ABS Clearing-house and information-sharing):

The article establishes an ABS Clearing-house as part of the CHM. Among others, the article requires that, without prejudice to the protection of confidential information, parties make available to the ABS Clearing-House any information required by the Protocol, as well as information required pursuant to decisions taken by the COP/MOP, including: legislative, administrative and policy ABS measures; and permits or their equivalent issued at the time of access as evidence of the decision to grant PIC and of the establishment of MAT.

Article 12 (Compliance with domestic legislation or regulatory requirements on ABS): Parties take appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources utilized within its jurisdiction have been accessed in accordance with PIC and that MAT have been established, as required by the domestic ABS legislation or regulatory requirements of the other party. Parties shall take appropriate, effective and proportionate measures to address situations of non-compliance with measures adopted as above, and as far as possible and as appropriate, cooperate in cases of alleged violation of domestic ABS legislation or regulatory requirements.

ARTICLE 12 bis (Compliance with domestic legislation or regulatory requirements on ABS for TK associated with genetic resources): Parties take appropriate, effective and proportionate legislative, administrative or policy measures, as appropriate, 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 domestic ABS legislation or regulatory requirements of the other party where such ILCs are located. As in the previous article, parties shall take measures to address non-compliance and cooperate in cases of alleged violation.

Article 13 (Monitoring the utilization of genetic resources):

To support compliance, parties take measures, as appropriate, to monitor and to enhance transparency about the utilization of genetic resources, including the designation of one or more checkpoints, as follows:

- designated checkpoints would collect or receive, as appropriate, relevant information related to PIC, to the source of the genetic resource, to the establishment of MAT, and/or to the utilization of genetic resources, as appropriate;
- each party shall, as appropriate and depending on the particular characteristics of a designated checkpoint, require users of genetic resources to provide the information specified (in the above paragraph) at a designated checkpoint;
- such information, including from internationally recognized certificates of compliance where they are available, will, without prejudice to the protection of confidential information, be provided to relevant national authorities, to the party providing PIC and to the ABS Clearing-House, as appropriate; and

- checkpoints: must be effective; should have functions relevant to implementation; and should be relevant to the utilization of genetic resources, or to the collection of relevant information at, *inter alia*, any stage of research, development, innovation, pre-commercialization or commercialization.

Other measures shall include: encouraging users and providers of genetic resources to include provisions in MAT to share information on the implementation of such terms, including through reporting requirements; and encouraging the use of cost-effective communication tools and systems.

A permit or its equivalent issued in accordance with Article 5(2)(d) and made available to the ABS Clearing-House, shall constitute an internationally recognized certificate of compliance, serving as evidence that the genetic resource that it covers has been accessed in accordance with PIC and that MAT have been established, as required by the domestic ABS legislation or regulatory requirements of the party providing PIC.

This certificate shall contain the following minimum information when it is not confidential: issuing authority; date of issuance; the provider; unique identifier of the certificate; the person or entity to whom PIC was granted; subject matter or genetic resources covered by the certificate; confirmation that MAT were established; confirmation that PIC was obtained; and commercial and/or non-commercial use.

Article 14 (Compliance with MAT): Parties encourage providers and users of genetic resources and/or TK associated with genetic resources to include provisions in MAT to cover, where appropriate, dispute resolution including: the jurisdiction to which they will subject any dispute resolution processes; the applicable law; and/or options for alternative dispute resolution, such as mediation or arbitration.

Each party shall ensure that an opportunity to seek recourse is available under their legal systems, consistent with applicable jurisdictional requirements, in cases of disputes arising from MAT. Each party shall take effective measures, as appropriate, regarding access to justice and the utilization of mechanisms regarding mutual recognition and enforcement of foreign judgments and arbitral awards. The effectiveness of this article shall be reviewed by the COP/MOP in accordance with Protocol Article 25.

Article 15 (Model contractual clauses): Parties encourage, as appropriate, the development, update and use of sectoral and cross-sectoral model contractual clauses for MAT.

Article 16 (Codes of conduct, guidelines and best practices and/or standards): Parties encourage, as appropriate, the development, update and use of voluntary codes of conduct, guidelines and best practices and/or standards in relation to ABS.

Article 17 (Awareness-raising): Parties take measures to raise awareness of the importance of genetic resources and TK associated with genetic resources, and ABS-related issues, and includes an indicative list of such measures, including establishment and maintenance of a help desk for ILCs and awareness-raising of community protocols and ILC procedures.

Article 18 (Capacity): Parties cooperate in the capacity building, capacity development and strengthening of human resources and institutional capacities to effectively implement the Protocol in developing country parties, in particular the least developed countries (LDCs) and small island developing states

(SIDS) among them, and parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations. In this context, parties should facilitate the involvement of ILCs and relevant stakeholders, including NGOs and the private sector. As a basis for appropriate measures, developing country parties should identify their national capacity needs and priorities through national capacity self-assessments.

Article 18 bis (Technology transfer, collaboration and cooperation): In accordance with CBD Articles 15, 16, 18 and 19, parties collaborate and cooperate on technical and scientific research and development programmes, including biotechnological research activities, as a means to achieve the Protocol's objective. The parties undertake to promote and encourage access to technology by, and transfer of technology to, developing country parties, in order to enable the development and strengthening of a sound and viable technological and scientific base for the attainment of the CBD and Protocol objectives. Where possible and appropriate, such collaborative activities shall take place in and with a party or the parties providing genetic resources that is the country or are the countries of origin of such resources or a party or parties that have acquired the genetic resources in accordance with the Convention.

Article 18 ter (Non-parties): Parties encourage non-parties to adhere to the Protocol and to contribute appropriate information to the ABS Clearing-House.

Article 19 (Financial mechanism and resources): The Convention's financial mechanism shall be the financial mechanism for the Protocol. In providing guidance, the COP/MOP shall take into account the needs of developing country parties as well as the capacity needs and priorities of ILCs, including women within these communities.

Article 24 (Procedures and mechanisms to promote compliance with the Protocol): The COP/MOP, at its first meeting, consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance. These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms under CBD Article 27.

Article 25 (Assessment and review): The COP/MOP undertakes four years after the entry into force of the Protocol and thereafter at intervals determined by the COP/MOP an evaluation of the Protocol's effectiveness.

The remaining articles include institutional provisions and final clauses: Article 20 (Conference of the Parties serving as the Meeting of the Parties to the Protocol); Article 21 (Subsidiary bodies); Article 22 (Secretariat); Article 23 (Monitoring and reporting); Article 26 (Signature); and Article 27 (Entry into force). An annex to the protocol includes an indicative list of monetary and non-monetary benefits.

STRATEGIC ISSUES FOR EVALUATING PROGRESS AND SUPPORTING IMPLEMENTATION

PROGRESS TOWARD THE 2010 BIODIVERSITY TARGET AND GLOBAL BIODIVERSITY OUTLOOK (GBO): The item was first discussed in WG II on Monday,

18 October. Draft decisions on GBO 3 (UNEP/CBD/COP/10/WG.2/CRP.1) and on implementation of the Convention and the Strategic Plan (UNEP/CBD/COP/10/WG.2/CRP.2 and Rev.1) were discussed on Friday, 22 October, and accepted on Monday, 25 October. Under the same agenda item, a draft decision on biodiversity and poverty eradication (UNEP/CBD/COP/10/WG.2/CRP.5) was reviewed and adopted on Monday, 25 October. In closing plenary, delegates approved the decisions removing brackets around "subject to financial resources" where they existed.

Discussions focused on financial resources, with some developed countries noting that priorities should be determined according to available resources, whereas developing countries warned that financial resource considerations should not limit necessary steps for CBD implementation. Regarding the draft decision on the GBO, Mexico, Brazil, Ecuador, India and Malaysia supported including a provision on liaising with the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) to achieve full synergy with the CBD.

Final Decisions: In the decision on implementation of the Convention and the Strategic Plan (UNEP/CBD/COP/10/L.24), the COP emphasizes the need for increased support to parties to strengthen capacity to implement the CBD objectives in line with the Strategic Plan and its Strategy for Resource Mobilization, including through updating national biodiversity strategies and action plans (NBSAPs) as effective instruments to promote implementation of the strategic plan and mainstreaming biodiversity and regional and subregional cooperation. Calling for financial support, the COP invites parties to: establish mechanisms at all levels to foster full and effective participation of ILCs and all stakeholders in the full implementation of the CBD, the strategic plan and the biodiversity targets; and involve NFPs of all biodiversity-related conventions in the process of updating NBSAPs. It further requests the Secretariat to: subject to availability of funds, and in collaboration with parties and international organizations, facilitate support to countries for capacity-building initiatives, including workshops on updating NBSAPs and mainstreaming biodiversity; prepare a further in-depth analysis of the main reasons why the 2010 biodiversity target has not been met; continue to develop guidance on integrating biodiversity into relevant sectors and cross-sectoral policies, plans and programmes; and collaborate with the biodiversity-related conventions to facilitate the participation of NFPs in the updating of NBSAPs.

In the decision on integration of biodiversity into poverty eradication strategies (UNEP/CBD/COP/10/L.16), the COP welcomes increased efforts to mainstream biodiversity and the initiative of developing countries to develop a MYPOW on South-South cooperation, and invites developed country parties, governments, donors and the GEF to provide financial and technical support for mainstreaming biodiversity into poverty eradication and development processes. Noting the draft provisional framework for capacity building and mainstreaming biodiversity and ecosystem services for sustainable development and poverty eradication forwarded by WGRI 3, the COP decides to establish an expert group on biodiversity for poverty eradication with the terms of reference (ToRs) attached to the decision and requests the Secretariat to: convene a meeting of the

expert group; prepare documentation for the meeting; and, taking into account its outcomes, continue and improve related activities listed in the decision.

In the decision on GBO 3 (UNEP/CBD/COP/10/L.9), the COP notes the GBO 3 conclusions that: the 2010 biodiversity target has not been fully met; limited capacities and financial and technical resources were an obstacle in that regard; most future scenarios project continuing high levels of extinction and loss of habitats; and there are greater opportunities to address the biodiversity crisis through well-targeted policies focusing on critical areas, species and ecosystem services. It then notes that a strategy for reducing biodiversity loss requires action at multiple levels; and the need to place greater emphasis on restoration of degraded ecosystems. The COP urges parties to take urgent action to implement COP decisions and the actions identified in GBO 3 to curb the continuing loss of biodiversity; and requests the Secretariat to: collaborate with relevant organizations to enhance evaluation of the post 2010 targets drawing on the GBO-3 conclusions; commission a review of the production of GBO 3; further develop a communication strategy for GBO 3; promote dissemination of GBO 3 and hold workshops; and liaise with IPBES to achieve full synergy between the two processes.

REVISED STRATEGIC PLAN, BIODIVERSITY

TARGET AND INDICATORS: The issue was first discussed in WG II on Monday, 18 October, and then in a contact group co-chaired by Asghar Fazel (Iran) and Finn Katerås (Norway). On Monday, 25 October, WG II adopted draft decisions on the UN Decade on Biodiversity (UNEP/CBD/COP/10/WG.2/CRP.10) and on outcome-oriented goals and targets (UNEP/CBD/COP/10/WG.2/CRP.15).

Discussions regarding the revised strategic plan focused on the mission and headline targets that still contained brackets. Initially there were two options for the mission: New Zealand, Iceland and Thailand supported the first option to take action towards halting the loss of biodiversity and, by 2020, to have reduced the pressures on biodiversity and restored ecosystems and ecosystem services. The African Group supported the second option to take action to halt biodiversity loss by 2020 provided sufficient funding is made available. Norway and the CBD Alliance said the mission should be to halt biodiversity loss by 2020. The European Union (EU) said the strategic plan is an effective and flexible framework that could enhance international governance among conventions. A number of developing countries stressed the connection between the revised strategic plan and the Strategy for Resource Mobilization, and called for mobilizing sufficient financial resources for implementing the strategic plan. Delegates debated a third compromise proposal, prepared by a small group, on taking action to halt biodiversity loss to ensure functional and resilient ecosystems. Delegates agreed to reference science, poverty alleviation, effective policy measures and mainstreaming biodiversity, while references to financial resources remained in brackets. Delegates identified contentious references, including on minimizing the negative social and economic impacts of biodiversity loss.

The contact group discussed: strategic plan implementation; monitoring, review and evaluation; and the mission and headline targets. On support mechanisms, developing countries proposed, and some developed countries opposed, including language

regarding the Strategy for Resource Mobilization and the provision of adequate, predictable and timely new and additional resources for the strategic plan's implementation. Regarding the draft decision, delegates debated whether to: request or invite the GEF to provide support in an 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 Millennium Development Goals.

Regarding the target on the values of biodiversity to be integrated into national and local development and poverty reduction strategies and planning processes, some developed countries supported integration of biodiversity values into "national accounts." Many developing countries were cautious about such a reference and finally agreed to refer to "national accounting and/or reporting systems."

Regarding the target on incentives, all countries agreed to references to positive incentives. While developing and many developed countries favored strong reference to elimination of subsidies, some developed countries registered opposition. Finally, delegates agreed to state that by 2020, at the latest, incentives, including subsidies, harmful to biodiversity are eliminated, phased out or reformed. Regarding reference to consistency with international obligations, delegates debated two options on consistency with CBD Article 22 (Relationship with Other Conventions); and on consistency with other relevant international obligations. Delegates finally agreed to state "consistent and in harmony with the Convention and other relevant international obligations."

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.

Starting on Wednesday, 27 October, WG II discussed a draft decision (UNEP/CBD/COP/10/WG.2/CRP.26), considering the one remaining bracketed provision on adequate financial resources for implementation. The EU, supported by Switzerland, requested keeping the provision bracketed, pending discussions on financial issues. The African Group, China and several developing countries asked to remove the brackets, with Mexico and Brazil pointing out that the proposed wording was the same in previous COP decisions. Liberia stated that without an agreement on financing, there was no need to discuss the strategic plan. South Africa and Mexico stressed that discussions on the strategic plan should inform discussions on resource mobilization and financial resources, and not *vice versa*. The EU pointed out that the level of available resources should determine priorities for the strategic plan, and that the provision should be left pending. Delegates finally agreed to remove reference to the GEF and lift the brackets from the paragraph. The EU proposed, and delegates agreed to, an additional provision requesting the GEF to provide adequate, timely and predictable financial support to eligible countries to enable the strategic plan implementation. The International Indigenous Forum on Biodiversity (IIFB), supported by Paraguay

and Gabon, requested inviting parties to take note of UNDRIP in implementing the strategic plan, with New Zealand adding “as appropriate and in accordance with national legislation,” to which delegates agreed.

Delegates then discussed the annexed revised strategic plan. Canada, supported by Brazil, proposed specifying that the strategic plan constitutes a “flexible” framework. Regarding the mission, the EU, with Australia, the Pacific Islands, Switzerland and Norway, called for a strong political message supporting the option “to halt by 2020” biodiversity loss. Brazil, China, the African Group, Ecuador, India and others supported the option “towards halting” the loss of biodiversity by 2020. While supporting the latter, Malaysia and Mexico indicated flexibility to consider “to halt” without including a deadline.

Brazil, supported by the African Group and Switzerland, proposed compromise language that: by 2020 the rate of loss of all natural habitats, including forests, is at least halved and, where feasible, brought close to zero, and degradation and fragmentation is significantly reduced. The EU stressed the need to highlight forests, opposed by the Pacific Islands, Malaysia, Colombia and South Africa.

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 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 instead.

On the target dealing with financial resources for the strategic plan implementation, Brazil, supported by many developing countries, 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 for Resource Mobilization. The EU, supported by Canada, proposed alternative language calling for a substantial increase of resources from all sources for effective implementation of the CBD and its strategic plan through a consolidated and agreed process and against an agreed baseline. Australia requested a prior funding needs analysis.

During the last session of WG II, on Friday, 29 October, and in closing plenary, the strategic plan contact group Co-Chair Katerås tabled a compromise package developed in informal consultations, which adds a reference to the resources provided through the Strategy for Resource Mobilization in the operative paragraph on development of national and regional targets. It further finalizes the chapeau of the mission to include the reference to the year 2020 and reads: “take effective action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services thereby securing the planet’s variety of life, and

contributing to human wellbeing and poverty eradication.” Regarding outstanding targets, delegates agreed to references to: forests in the target on rate of loss of natural habitats; 17% terrestrial and inland water, and 10% coastal and marine areas to be designated as PAs; and to services related to water in the target on ecosystem restoration. The targets related to ABS and mobilization of financial resources were also finalized and included in the package. Finally, delegates included a reference to the Strategy for Resource Mobilization and the process for its further development to provide adequate, predictable and timely new and additional financial resources, in support of implementing the strategic plan. Delegates accepted the compromise package. Following a request by Norway, delegates agreed to anticipate the deadline for ensuring entry into force of the Nagoya ABS protocol to 2015, rather than 2020. Delegates further agreed to refer to the targets as the Aichi Targets. The closing plenary adopted the revised strategic plan as amended.

Final Decisions: In the decision on outcome-oriented goals and targets (UNEP/CBD/COP/10/L.4), the COP agrees to: pursue the use of the global headline indicators in monitoring progress towards selected targets; complement them with additional indicators; and develop measures or specific indicators to complement the existing indicators taking into account indicators developed under other MEAs. The COP requests the Secretariat to convene a meeting of the *Ad Hoc* Technical Expert Group on indicators for the Strategic Plan to: provide advice on further development of indicators and on strengthening linkages between global and national indicators; and suggest additional ones and develop further guidance for establishment of mechanisms to support parties in their efforts to develop national indicators and associated biodiversity monitoring and reporting systems.

In the decision on the UN Decade on Biodiversity (UNEP/CBD/COP/10/L.20), the COP invites the UN General Assembly to consider declaring 2011-2020 the UN Decade on Biodiversity and requests the Secretariat, in cooperation with biodiversity-related conventions, to encourage full participation in such a decade in support of implementation of the Convention and the Strategic Plan 2011-2020.

In the decision on the revised Strategic Plan (UNEP/CBD/COP/10/L.44), the COP adopts the annexed revised Strategic Plan and urges governments to: implement it by, *inter alia*, developing national and regional targets, using the Strategic Plan as a flexible framework, in accordance with national priorities and capacities, taking into account both the global targets and trends of biodiversity in the country and the resources provided through the Strategy for Resource Mobilization; and review and update NBSAPs in line with the Strategic Plan and use them as effective tools for integration of biodiversity targets into the national development and poverty reduction strategies and national accounts, as appropriate, and for mainstreaming biodiversity at the national level. It further urges parties and donors to provide adequate, predictable and timely financial support to developing countries, in particular, LDCs, SIDS, and the most environmentally vulnerable countries and transition economies to enable the full implementation of the Strategic Plan; and the GEF to provide adequate timely and predictable financial support to eligible countries to enable Strategic Plan implementation. It further decides to consider at COP 11 the

need for, and possible development of, additional mechanisms to enable parties to meet their commitments under the Convention and Strategic Plan. Finally, the COP requests the Secretariat to:

- promote and facilitate activities to strengthen capacity for the Strategic Plan implementation, including through workshops on updating NBSAPs, mainstreaming of biodiversity and mobilization of resources;
- prepare a plan, to be considered by SBSTTA before COP 11, for the preparation of GBO 4, on the basis of the fifth national reports, use of headline global biodiversity indicators and other relevant information;
- building on The Economics of Ecosystems and Biodiversity (TEEB) study, further develop the economic aspects related to ecosystem services, and implementation tools for the integration of economic aspects of biodiversity and ecosystem services; and
- support countries in making use of the findings of the TEEB study and in integrating the values of biodiversity into relevant national and local policies, programmes and planning processes.

The annex contains the Strategic Plan 2011-2020 “Living in Harmony with Nature,” which comprises sections on: rationale; vision; mission, strategic goals and headline targets; implementation, monitoring, review and evaluation; and support mechanisms. The Strategic Plan’s vision is a world of “living in harmony with nature” where “by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.”

The mission sets out to: take effective and urgent action to halt biodiversity loss to ensure that by 2020 ecosystems are resilient and continue to provide essential services, thereby securing the planet’s variety of life, and contributing to human wellbeing, and poverty eradication. To ensure this, pressures on biodiversity are reduced, ecosystems are restored, biological resources are sustainably used and benefits shared in a fair and equitable manner, adequate financial resources are provided, capacities are enhanced, biodiversity issues and values mainstreamed, appropriate policies are effectively implemented, and decision-making is based on sound science and the precautionary approach.

The Strategic Plan includes 20 headline targets, organized under five strategic goals.

The following targets have a 2015 deadline, so that:

- the anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized, so as to maintain their integrity and functioning;
- the Nagoya Protocol on ABS is in force and operational, consistent with national legislation; and
- each party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated NBSAP.

The following headline targets have a 2020 deadline:

- people are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably;
- biodiversity values have been integrated into national and local development and poverty reduction strategies and into

- national accounting, as appropriate, and reporting systems;
- incentives, including subsidies, harmful to biodiversity are eliminated, in order to minimize or avoid negative impacts, and positive incentives for the conservation and sustainable use of biodiversity are developed and applied, in harmony with the Convention and other relevant international obligations;
- governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits;
- the rate of loss of all natural habitats, including forests, is at least halved and, where feasible, brought close to zero and degradation and fragmentation is significantly reduced;
- all fish and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits;
- areas under agriculture, aquaculture and forestry are managed sustainably, ensuring conservation of biodiversity;
- pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity;
- invasive alien species (IAS) and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment;
- at least 17% of terrestrial and inland water, and 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected PA systems and other effective area-based conservation measures, and integrated into the wider landscape and seascapes;
- the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained;
- the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socio-economically as well as culturally valuable species, is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity;
- ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable;
- ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15% of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification;

- TK, innovations and practices of ILCs relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of ILCs, at all relevant levels;
- knowledge, the science base and technologies relating to biodiversity, its values, functioning, status and trends, and the consequences of its loss, are improved, widely shared and transferred, and applied; and
- the mobilization of financial resources for effectively implementing the Strategic Plan 2011-2020 from all sources, in accordance with the consolidated and agreed process in the Strategy for Resource Mobilization should increase substantially from current levels. This target will be subject to changes contingent on resource need assessments to be developed and reported by parties.

The Strategic Plan includes a reference that: the Strategy for Resource Mobilization, including the provided concrete initiatives, targets/indicators to be developed and processes for developing innovative mechanisms, provides a roadmap for achieving the effective implementation of CBD Article 20 (financial resources) in order to provide adequate, predictable and timely new and additional financial resources, in support of implementing the Strategic Plan.

OPERATIONS AND MYPOW: MYPOW: This item was discussed in WG II on Tuesday, 19 October, and Friday, 22 October. A draft decision (UNEP/CBD/COP/10/WG.2/CRP.4) was adopted in WG II on Monday, 25 October, with outstanding text on the periodicity of SBSTTA meetings and on a possible joint work programme among the Rio Conventions, pending parallel negotiations.

Discussions focused on the operation of the Convention and its MYPOW including: issues to be addressed at both COP 11 and 12, and the periodicity of meetings of the COP and SBSTTA. Bosnia-Herzegovina and Brazil supported that the COP meetings after 2014 take place every three years, while Mexico, Grenada, Saint Lucia and Thailand supported holding biannual meetings. Canada, Japan, Malaysia and the EU suggested that the periodicity of COP meetings beyond 2014 be reviewed at COP 11, whereas Brazil and the African Group supported review at COP 12. Delegates eventually agreed to keep it under review and decide at COP 11.

Concerning SBSTTA meeting periodicity, Grenada, Saint Lucia and Thailand supported holding two SBSTTA meetings during each intersessional period. Following the agreement on financial issues, the closing plenary agreed to hold two SBSTTA meetings. The closing plenary adopted the decision replacing reference to the preparation of a possible joint work programme with reference to the preparation of possible joint activities.

Final Decision: The decision (UNEP/CBD/COP/10/L.8) defines issues to be addressed at both COP 11 and 12, including the review of progress in: the implementation of the strategic plan (2011-2020), the strategy for resource mobilization and the provision of support to assist parties, especially developing

countries, in implementing the Convention and the strategic plan. It also includes the review of the status and implementation of the ABS Protocol.

On the periodicity of meetings, the COP decides that the COP meeting periodicity will be kept under review and decided at COP 11; and two SBSTTA meetings will be held during each intersessional period until COP 12.

It also provides that WGRI 4 will prepare a message for submission to the Rio+20 Summit and that at its meeting in 2020 the COP will conduct a review of the implementation of the Convention and its strategic plan.

Fifth national reports: The item was discussed in WG II on Tuesday, 19 October, and Friday, 22 October. A revised draft decision (UNEP/CBD/COP/10/WG.2/CRP.3/Rev.1) was adopted in WG II on Monday, 25 October. Discussions focused on the provision of funding by the financial mechanism for report preparation, alignment of the report's format and an integrated approach to reporting.

Regarding a request to parties to start the preparation of their fifth national report as soon as possible, some developing country parties pointed to difficulties in obtaining funds in a timely manner for reporting. Cuba and the African Group suggested providing the GEF with a clear mandate to make funds available for report preparation.

On the report's format, the EU supported aligning the format of the fifth and sixth reports to enable measuring of trends, and proposed that additional guidance for the fifth national report may be supplemented at COP 11. Australia and Samoa called for a harmonized and integrated approach, with New Zealand proposing to first refer to use of common formats and then to the use of narrative formats, where appropriate. Canada expressed concern about use of common formats, highlighting the need for flexibility.

Final Decision: In the decision (UNEP/CBD/COP/10/L.10), the COP adopts the guidelines for the fifth national report, noting that these may be supplemented by additional guidance from COP 11. It further requests: all parties to submit their fifth national report by 31 March 2014; parties expecting difficulty in meeting the deadline to initiate the preparation of the report as early as possible; and the GEF to provide adequate and timely financial support for the preparation of the fifth and future national reports, and to ensure an early and expeditious disbursement of funds. It also decides that the fifth national report should include, *inter alia*: focus on the implementation of the strategic plan, an overall assessment of the national implementation of the Convention, obstacles encountered, and successful experiences and lessons learned from implementation. Finally, it decides that the fifth national report will use a narrative format, where appropriate, combined with use of suggested tools, and that the format for the fifth and sixth national reports should be consistent to allow for long-term tracking of progress towards the 2020 targets.

The guidelines for the fifth national report address: an update on the biodiversity status; NBSAPs; and progress towards the 2020 biodiversity targets and contributions to the relevant targets of the Millennium Development Goals.

IPBES: The item was discussed in WG II on Tuesday, 19 October. A draft decision (UNEP/CBD/COP/10/WG.2/CRP.6) was adopted on Tuesday, 26 October.

Discussions focused on the establishment of IPBES, its characteristics and possible synergies with the CBD. Delegates agreed to encourage the UN General Assembly to establish IPBES as soon as is practicable. 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.

Final Decision: In its decision (UNEP/CBD/COP/10/L.25), the COP: welcomes the outcome of the third stakeholder dialogue on an IPBES, held in Busan, Republic of Korea, and its conclusion that IPBES should be established; encourages the 65th session of the UN General Assembly to consider IPBES establishment at the earliest opportunity; emphasizes the need for it to be responsive to the needs of the Convention and strengthen SBSTTA; and requests the CBD Secretariat to consider how the Convention could make use of the platform once the IPBES arrangements are decided.

SBSTTA effectiveness: WG II first discussed this item on Tuesday, 19 October and approved a draft decision (UNEP/CBD/COP/10/WG.2/CRP.25) on Wednesday, 27 October. Discussions addressed synergies with other initiatives such as IPBES and provision of guidance for SBSTTA work.

The African Group and New Zealand supported requesting the Secretariat to submit a draft *modus operandi* on the relationship between SBSTTA and IPBES to COP 11. Mexico proposed, and delegates agreed, that IPBES be responsive to CBD needs, thereby strengthening SBSTTA consistent with prior decisions. Norway supported joint meetings of Rio Conventions' bodies dealing with scientific advice, whereas India expressed concerns about different mandates.

Final Decision: In the decision (UNEP/CBD/COP/10/L.27), the COP, noting that IPBES could be responsive to the needs of the Convention, strengthening SBSTTA, requests: SBSTTA to focus its work on the scientific and technical aspects of the Strategic Plan and the MYPOW, under the authority of and in accordance with COP guidance; and the Secretariat to prepare a guidance reference manual for SBSTTA NFPs, an updated *modus operandi* (including the procedure for new and emerging issues), and make it available through the CHM.

Retirement of decisions: WG II first discussed this issue on Tuesday, 19 October and adopted a draft decision (UNEP/CBD/COP/10/WG.2/CRP.8) on Monday, 25 October.

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.

Final Decision: In its decision (UNEP/CBD/COP/10/L.37), the COP decides to retire the decisions and elements of decisions adopted at its fifth and sixth meetings listed in the annex, and requests the Secretariat to continue the practice of maintaining the full text of all decisions on the Secretariat website, while indicating those decisions and elements of decisions that have been retired.

New and emerging issues: WG II first discussed this issue on Tuesday, 19 October, and adopted a draft decision (UNEP/

CBD/COP/10/WG.2/CRP.7) on Monday, 25 October, except for a paragraph inviting parties to submit information on synthetic biology and geo-engineering for SBSTTA consideration, pending parallel discussions, which was adopted on Tuesday, 26 October.

Final Decision: In the decision (UNEP/CBD/COP/10/L.26), the COP decides not to add any new and emerging issues. The COP recognizes that ocean acidification, Arctic biodiversity, ocean noise, and ground-level ozone meet the criteria for consideration as new and emerging issues and requests SBSTTA to, *inter alia*: consider the impacts of ocean acidification on marine biodiversity and habitats under the marine and coastal biodiversity work programme; invites parties and organizations to submit information on synthetic biology and geo-engineering, while applying the precautionary approach to the field release of synthetic life, cell or genome into the environment.

STRATEGY FOR RESOURCE MOBILIZATION: WG II first addressed this issue on Tuesday, 19 October. The issue was then discussed in the contact group on financial issues, from 20-28 October, co-chaired by M.F. Farooqui (India) and Robert Lamb (Switzerland), and in a Friends of the Chair group facilitated by Kevin Love (Australia) that met to tackle issues on indicators and targets for the Strategy for Resource Mobilization. The proposal was then presented in the contact group. On 28 October, WG II considered two draft decisions: on the strategy activities, indicators and targets (UNEP/CBD/COP/10/WG.2/CRP.29), and on policy options for innovative financial mechanisms (UNEP/CBD/COP/10/WG.2/CRP.30), but did not reach agreement. In the closing plenary, the decision on the strategy activities, indicators and targets was addressed and text on outstanding issues agreed. The draft decision on concrete activities was approved by the plenary. The closing plenary agreed not to adopt the decision on innovative financial mechanisms (UNEP/CBD/COP/10/L.46).

Discussions focused on the development of targets and indicators for the Strategy for Resource Mobilization and on policy options to address the innovative financial mechanisms as a tool to support ecosystem services and additional funding for the Convention's implementation.

Targets under the strategy: Many developing countries supported a Strategy for Resource Mobilization with a monitoring mechanism, with Brazil emphasizing the need for quantitative targets and indicators. The EU said that a balance between the ambition of the strategic plan, adequate capacity and commitment by all parties should be ensured and, with many developed countries, highlighted the need for assessments and baselines to provide accurate information on funding needs. Noting the difficulties on agreeing on targets, the EU made a proposal on a roadmap for adopting targets, and adjustments were made in informal consultations. The provision on targets had two options: that "the targets would be adopted at COP 11," and that "the COP decided to define targets, for consideration at COP 11." During the closing plenary, parties agreed to the first option.

Indicators and other issues: During the closing plenary, Bolivia requested introducing reference to "relevant organizations and initiatives such as the World Peoples' Conference on Climate Change and Mother Earth Rights to submit their views on innovative financial mechanisms with

potential to generate new and additional financial resources, as well as social and economic problems.” Delegates eventually agreed to include it. Outstanding text referring to the ABS protocol and the intrinsic value of nature was also agreed.

Innovative financial mechanisms: Many developing countries were cautious about innovative financial mechanisms, requesting that they should be supplementary to the CBD’s financial mechanism and opposed reference to the Green Development Mechanism. Bolivia underscored the need for public funds in developed countries and cautioned against commodification of nature. Bolivia with Ecuador, and other developing countries proposed amendments throughout the text, including references to: ensure the rights of nature, the full respect of human rights, “net benefit for biodiversity,” not permitting that improvements in one country compensate for worsening situations in others, and cautions against commodification of biodiversity. Many developed countries opposed reference to commodification, and delegates agreed to refer instead to the intrinsic value of biodiversity. Bolivia also requested deletion of reference to TEEB, opposed by many developed countries. In the closing plenary, delegates agreed to withdraw the draft decision.

Final Decision: The decision (UNEP/CBD/COP/10/L.45) contains two sections on: concrete activities and initiatives including measurable targets and/or indicators and review of implementation of the Convention’s strategy for resource mobilization (goals 1, 3 and 4, as well as goals 6 and 8).

The COP, *inter alia*: emphasizes that any new and innovative funding mechanisms are supplementary and do not replace the CBD’s financial mechanisms; reiterates that national implementation of the strategy should include the design of a country-specific Strategy for Resource Mobilization, with the involvement of key stakeholders; and requests the GEF to provide timely and adequate financial support to update NBSAPs, which may include the development of country-specific resource mobilization strategies.

The COP adopts indicators for monitoring the implementation of the Strategy for Resource Mobilization, based on the Strategy’s mission and eight goals, *inter alia*: aggregated financial flows from categories including official development assistance, domestic budgets, private sector and NGOs; countries that have assessed values of biodiversity, identified funding needs, and national financial plans for biodiversity; funding provided through the GEF; number of international financing institutions; and funds and programmes that report to the OECD Development Assistance Committee.

Committed to substantially increasing resources (financial, human and technical) from all sources, including innovative financial mechanisms, balanced with the effective implementation of the CBD and its Strategic Plan, against an established baseline, the COP, *inter alia*:

- invites governments and initiatives such as the World People’s Conference on Climate Change and Mother Earth Rights to submit their views and information concerning innovative financial mechanisms with potential to generate new and additional financial resources, as well as social and economic problems related to those mechanisms that could undermine achievement of the three CBD objectives;

- decides to adopt targets at COP 11, provided that baselines have been identified and that an effective reporting framework has been adopted;
- considers for the development of targets, among others: increase in the annual international financial flows by 2020 to partner countries and that all parties, provided with adequate financial resources, will have, by 2015: reported funding needs, gaps and priorities and assessed and/or evaluated the intrinsic value, ecological, genetic, social, economic, and other values of biodiversity and its components; and
- invites donor parties to provide timely and adequate financial support to the realization of the concrete activities and initiatives to achieve the strategic goals of the Strategy for Resource Mobilization.

SCIENTIFIC AND TECHNICAL COOPERATION AND THE CHM: WG II first discussed this issue on Wednesday, 20 October, and adopted a draft (UNEP/CBD/COP/10/WG.2/CRP.14) on Monday, 25 October.

Brazil stressed quality information to facilitate the implementation of NBSAPs. Brazil, India, the Philippines and Malaysia highlighted the need for further financial support to implement and maintain national CHMs. The EU called on parties to increase national implementation efforts.

Final Decision: In the decision (UNEP/CBD/COP/10/L.5), the COP adopts the mission, goals and objectives of the CHM for the period 2011-2020, which are annexed to the decision; and requests the Secretariat and GEF to cooperate to facilitate access to funding for the CHM as a key component to support implementation of the strategic plan, as well as implementation of NBSAPs.

TECHNOLOGY TRANSFER AND COOPERATION: This was first discussed in WG II on Wednesday, 20 October, and a draft decision (UNEP/CBD/COP/10/WG.2/CRP.9) was adopted on Monday, 25 October. On the 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 preferred the Secretariat hosting 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.

Final Decision: In the decision (UNEP/CBD/COP/10/L.3), the COP emphasizes that the future BTI needs to: provide support for the implementation of the CBD and technology transfer work programme; be demand-driven, well-defined and based on technology needs; and be adequately funded and contribute to leveraging new and additional funding. The COP also requests the Secretariat to identify gaps in ongoing activities that support, facilitate and promote technology transfer of relevance to the CBD; and to analyze the technology needs assessments for COP 11 consideration.

GLOBAL STRATEGY FOR PLANT CONSERVATION (GSPC): The item was first discussed in WG II on Thursday, 21

October. A draft decision (UNEP/CBD/COP/10/WG.2/CRP.18) was discussed on Monday, 25 October.

Many delegates supported the updated GSPC and targets, with the Philippines adding that they should correspond to the targets in the revised strategic plan. The EU stressed the need to include protection of plant diversity into national policies. Mexico and New Zealand welcomed the GSPC as a flexible framework to be adapted to national and local priorities. The Philippines and Singapore drew attention to fungi, with Benin adding pollinators. Canada requested further work on the technical rationale for the GSPC. Guatemala called for integration of indigenous knowledge and more holistic approaches. On the GSPC's objectives, the EU suggested making only a general reference to the three CBD objectives, opposed by Brazil, Malaysia and others, who preferred reference 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.

In the closing plenary, the Secretariat announced the deletion of the provision requesting the Secretariat to seek the resources necessary for the establishment of a Secretariat position to strengthen the coordination and support towards the implementation of the GSPC beyond 2010. Delegates adopted the decision as amended.

Final Decision: In the decision (UNEP/CBD/COP/10/L.19), the COP: adopts the annexed consolidated update of the GSPC including the outcome-oriented global targets for 2011-2020, emphasizing that they should be viewed as a flexible framework within which national and/or regional targets may be developed, according to national priorities; and agrees to conduct a mid-term review of GSPC implementation and its targets in 2015. It invites parties and other governments to update national and regional targets, as appropriate; and along with the financial mechanism and other funders to provide adequate, timely and sustainable support for GSPC implementation. The annexed updated GSPC contains sections on: vision, mission statement, objectives, rationale, general principles, the targets 2011-2020, and implementation.

COMMUNICATION, EDUCATION AND PUBLIC AWARENESS (CEPA) AND THE INTERNATIONAL YEAR OF BIODIVERSITY (IYB):

This was first discussed in WG II on Wednesday, 20 October, and a draft decision (UNEP/CBD/COP/10/WG.2/CRP.12) was adopted on Monday, 25 October. Many countries supported proposing an international decade on biodiversity. The EU suggested establishing a baseline on awareness and called for promoting synergies to raise financial resources. Canada urged use of indicators for measuring achievements of CEPA. The IIFB called for involvement of indigenous peoples and inclusion of references to indigenous rights throughout the draft decision. Peru recommended that the Secretariat conduct an assessment of the impact of all IYB activities.

Final Decision: In the decision (UNEP/CBD/COP/10/L.32), the COP invites parties to: further improve CEPA activities with the full and effective participation of all stakeholders, including ILCs; use indicators and guidelines for survey methodologies to participate in national, regional and subregional assessment of the state of public awareness on biodiversity; and report to the

Secretariat before COP 11 with the goal of setting priorities for the work programme. The COP also invites the Secretariat to assess the results of the IYB.

COOPERATION: Cooperation with other Conventions:

This was first discussed in WG II on Wednesday 20 October, and a draft decision (UNEP/CBD/COP/10/WG.2/CRP.20) was adopted on Tuesday, 26 October. The EU proposed: revising the mandate of the Liaison Group of Biodiversity-related Conventions; and requesting WGRI 4 to determine a process to enhance coordination among the biodiversity-related conventions. CITES, supported by Brazil, but opposed by Norway and the EU, suggested taking into account existing strategies related to biodiversity and the independence of their governing bodies when considering the strategic plan a useful framework that is relevant to all biodiversity-related conventions. The reference remained in brackets and was eventually deleted during the closing plenary.

Final Decision: In the decision (UNEP/CBD/COP/10/L.28), the COP, *inter alia*:

- requests the Secretariat to prepare in consultation with the executives of the biodiversity-related conventions, proposals to strengthen the effectiveness of the Liaison Group of Biodiversity-related Conventions, its relevance to parties' needs and its linkages with the Joint Liaison Group of the Rio Conventions;
- requests WGRI 4 to determine the form and content of a process to enhance coordination, coherence and national-level strategies among the biodiversity-related conventions; and
- welcomes the agreement among the biodiversity-related conventions to consider the Strategic Plan a useful framework for all of them.

Promoting business engagement: This was first discussed in WG II on Wednesday, 20 October, and a draft decision (UNEP/CBD/COP/10/WG.2/CRP.20) was adopted on Monday, 25 October. Canada encouraged reporting on biodiversity conservation by the private sector; and the EU exploring innovative financial mechanisms such as payments for ecosystem services and partnerships to support the strategic plan implementation.

Final Decision: In the decision (UNEP/CBD/COP/10/L.18), the COP, *inter alia*:

- invites parties to promote a public policy enabling environment for private sector engagement and biodiversity mainstreaming into corporate strategies; and
- encourages the private sector to monitor and assess impacts on biodiversity and ecosystem services, develop processes and production methods that minimize or avoid negative impacts, take into account the Akwé: Kon Guidelines, and publicly report on biodiversity conservation and sustainable use.

Cities and local authorities: This was discussed in WG II on Wednesday, 20 October and in a Friends of the Chair group. A draft decision (UNEP/CBD/COP/10/WG.2/CRP.21) was adopted on Tuesday, 26 October by WG II. Brazil recommended recognizing the role of subnational governments and local authorities. The EU proposed reviewing the draft plan at WGRI 4. The Asia-Pacific Group stressed the role of cities in implementing and financing core CBD activities.

Final Decision: In the decision (UNEP/CBD/COP/10/L.23), the COP endorses the plan of action on subnational governments, cities and other local authorities for biodiversity (2011-2020), contained in an annex and including a mission, objectives, indicative list of activities, a partnership and coordination mechanism, monitoring and reporting, and funding. The COP also requests the Secretariat to prepare an assessment of links and opportunities between urbanization and biodiversity for COP 11.

South-South cooperation: This was first discussed in WG II on Wednesday, 20 October, and a draft decision (UNEP/CBD/COP/10/WG.2/CRP.19) was adopted on Monday, 25 October. The EU suggested reviewing the proposed South-South cooperation multi-year plan of action at WGRI 4, whereas China called for its adoption at COP 10. Brazil urged richer countries not to block South-South cooperation. The Republic of Korea offered to host an expert meeting in 2011 to discuss a roadmap towards the possible adoption of the plan at COP 11.

Final Decision: In the decision (UNEP/CBD/COP/10/L.40), the COP:

- welcomes the plan of action for South-South cooperation on biodiversity for development, adopted by the Group of 77 and China;
- requests WGRI 4 to further develop the plan for COP 11 consideration; and
- welcomes the Republic of Korea's offer to host an expert meeting in 2011 on the roadmap towards the possible adoption of the plan at COP 11.

Gender mainstreaming: This was first discussed in WG II on Wednesday, 20 October and Thursday, 21 October, and a draft decision (UNEP/CBD/COP/10/WG.2/CRP.11) was adopted on Monday, 25 October. Cameroon, the CBD Women's Caucus, Thailand and Tanzania called for enhancing implementation of the Gender Plan of Action and creating a CBD staff position on gender.

Final Decision: In the decision (UNEP/CBD/COP/10/L.17), the COP, *inter alia*, requests the Secretariat to enhance efforts to fully implement the Plan of Action to mainstream gender considerations in all aspects of the CBD work; and invites parties to consider gender as a cross-cutting issue in the implementation of biodiversity-related activities.

FOURTH REVIEW OF THE FINANCIAL MECHANISM: The item was first addressed by WG II on Tuesday, 19 October, and then discussed in the contact group on financial issues, chaired by M.F. Farooqui (India) and Robert Lamb (Switzerland), from 20-26 October. WG II adopted three draft decisions on Wednesday, 27 October, on: the review of guidance to the financial mechanism (UNEP/CBD/COP/10/CRP.23); the assessment of the amount of funds needed for the GEF's 6th replenishment (UNEP/CBD/COP/10/CRP.24); and the preparation for the GEF's fourth review (UNEP/CBD/COP/10/CRP.25). On Friday, 29 October, WG II approved a draft decision on additional guidance (UNEP/CBD/COP/10/CRP.31).

Discussions mainly focused on the process for collecting the consolidated guidance, the assessment of the effectiveness and the need for incremental funding for implementation of the Convention's objectives, including for updating NBSAPs.

On the review of the guidelines on the financial mechanism, many parties supported the consolidated guidelines proposed

in the draft decision, which included text agreed by WGRI 3. Bolivia proposed, and parties agreed, to include additional text on inviting parties and relevant stakeholders, including ILCs, to submit information and views on the further development of programme priorities.

On the preparation of the fourth review of the effectiveness of the financial mechanism, the EU, Switzerland, Ukraine and Japan requested that the review draw on information from "all" parties, whereas the African Group requested specific reference to LDCs and SIDS, with the Philippines adding the "most environmentally vulnerable" countries. The Russian Federation proposed, and delegates agreed, to list those countries along with countries with economies in transition and developed countries.

Final Decisions: The decision on review of guidance (UNEP/CBD/COP/10/L.29) includes an annex with consolidated guidance to the financial mechanism, which is based on text collected from prior guidance provided by the COPs to the GEF.

The COP decides that guidance to the financial mechanism, for a specific replenishment period, consists of a consolidated list of programme priorities that defines what is to be financed, and an outcome-oriented framework; invites parties and relevant stakeholders, including ILCs, to submit information and views on further development of programme priorities, by 30 November 2011, and requests the Secretariat to compile the information for WGRI 4 consideration.

The annex includes sections on policy and strategies and programmes priorities and eligibility criteria, among others.

The decision on the assessment of the funds needed for the implementation of the Convention for the sixth GEF replenishment (UNEP/CBD/COP/10/L.30) contains the ToRs for a full assessment of the funds needed for the implementation of the Convention for the sixth GEF replenishment.

In the decision, the COP, *inter alia*: adopts the ToRs for a full assessment of the amount of funds that are necessary to assist developing country parties in fulfilling their commitments under the Convention for the sixth GEF replenishment; requests the Secretariat to ensure completion of the assessment in time for WGRI 4 consideration; and invites parties to expedite the development of country-specific resource mobilization strategies as part of revised NBSAPs.

The annexed ToRs for a full assessment of the funds needed for the implementation of the Convention contain sections on objective, scope, methodology, procedures for implementation, and consultation process.

The decision on preparation for the fourth review of the effectiveness of the financial mechanism (UNEP/CBD/COP/10/L.31) contains annexed ToRs for the fourth review of the effectiveness of the financial mechanism. In the decision, the COP: decides to adopt the ToRs; requests the Secretariat to ensure the implementation of the review; and decides to consider further actions to improve the effectiveness of the financial mechanism at COP 11.

The annexed ToRs contain objectives, methodology, criteria and procedures for implementation, including that the effectiveness of the financial mechanism shall be assessed taking into account, *inter alia*: the actions taken by the financial mechanism in response to the guidance of COP; and the number

of developing country parties that receive timely, adequate and predictable funds to meet the agreed full incremental cost to them of implementing measures that fulfill the CBD obligations.

The decision on additional guidance to the financial mechanism (UNEP/CBD/COP/10/L.47) contains sections on NBSAPs, biodiversity integration, country specific resource mobilization strategies, GTI, indicators and monitoring, GSPC, PAs, Article 8(j) and related provisions, ABS, technology transfer and cooperation, the CHM, South-South cooperation on biodiversity, national reporting, marine and coastal biodiversity, the Cartagena Protocol on Biosafety and biodiversity and climate change.

In the decision, the COP, requests the GEF to, *inter alia*:

- provide adequate and timely financial support for updating NBSAPs;
- further develop approaches on the integration of biodiversity into poverty eradication and development processes;
- provide financial and technical support to eligible countries;
- continue to provide funding for GTI proposals;
- provide support to respond to the capacity needs of eligible parties in developing national targets and monitoring frameworks; and
- provide financial support to assist with the early ratification of the Nagoya Protocol on ABS and its implementation.

The decision urges parties, in particular developed country parties, and invites other governments and international financial institutions to provide adequate, predictable and timely financial support to eligible countries to enable the full implementation of the PA work programme. The decision invites the GEF and others to extend support for capacity building to eligible countries, in order to identify ecologically or biologically sensitive areas (EBSAs) and/or vulnerable marine areas in need of protection; and requests the Secretariat to, *inter alia*, identify indicators to measure and facilitate reporting on the achievement of social, cultural and economic benefits for biodiversity, climate change and combating desertification or land degradation.

ISSUES FOR IN-DEPTH CONSIDERATION

INLAND WATERS: Delegates first discussed inland waters in WG I on Monday, 18 October, and considered a draft decision (UNEP/CBD/COP/10/WG.1/CRP.2) on 22 and 25 October. Discussion focused on references to water security. Switzerland proposed referring to water security “for ecosystem services.” Brazil, supported by Canada and the Arab Countries, proposed replacing references to water security with “natural resources,” “water supply,” “sustainable water supply,” “sustainable use of water resources” and “water quality and availability,” depending on the context. The African Group, supported by New Zealand, suggested referring to “water for ecosystem services,” stressing that this should be reflected in the strategic plan. Norway favored reference to water security. The EU suggested replacing the term with “adequate quantity and quality water supply.” Delegates decided to address the issue on a case-by-case basis.

Final Decision: The decision (UNEP/CBD/COP/10/L.11) contains sections on: implementation of the work programme; climate change; scientific needs; biodiversity and natural disasters; and biodiversity, water and the strategic plan. An annex

contains ToRs for an expert group on the role of biodiversity in supporting the water cycle and associated ecosystem services. The COP, *inter alia*:

- invites the Secretariat, the Ramsar Convention Scientific and Technical Review Panel and others to establish an expert group to provide key policy relevant messages on maintaining the ability of biodiversity to continue to support the water cycle;
- invites parties and others to submit to the Secretariat science- and/or local-knowledge-based information and case studies relevant to the work of the expert group; and
- urges parties and others to mainstream biodiversity into all sectors and levels of government and society as a contribution to the achievement of CBD objectives.

MARINE AND COASTAL BIODIVERSITY: This item was addressed in WG I on Monday and Tuesday, 19-20 October. It was then taken up in a contact group chaired by Renée Sauv  (Canada), a drafting group, and a Friends of the Chair group also chaired by Sauv . A draft decision (UNEP/CBD/COP/10/WG.1/CRP.13) was adopted on Thursday, 28 October.

Discussions focused on: the proposed establishment of a CBD global inventory of EBSAs; designation of marine protected areas (MPAs) in areas beyond national jurisdiction (ABNJ); and an expert workshop on marine biodiversity and climate change.

Ecologically or biologically sensitive areas: On applying the CBD criteria for the establishment of EBSAs, Mexico, Brazil, Canada, India, Honduras, Guatemala and Ukraine, speaking also for Georgia and the Russian Federation, favored emphasizing the role of the UN General Assembly. The African Group, Haiti and Venezuela preferred emphasizing the role of the CBD. Thailand, Fiji and Egypt suggested a combination of the two options. Norway emphasized the role of regional competent organizations. Delegates eventually agreed to note that the application of CBD scientific criteria on EBSAs is a scientific and technical exercise and that the selection of conservation and management measures for EBSAs is a matter for states and competent intergovernmental organizations.

Mexico, Brazil and Jamaica opposed the creation of a CBD global inventory of EBSAs in ABNJs; while the EU, Birdlife International, Census of Marine Life and WWF supported it, with the EU suggesting that it be funded by the GEF. Delegates eventually agreed to establish a repository for scientific and technical information related to the application of the scientific criteria on EBSAs identification and other relevant nationally and internationally agreed scientific criteria.

MPAs: Norway, Venezuela and Brazil opposed reference to a process towards the designation of MPAs in ABNJ. The African Group supported a process towards designation of MPAs in ABNJ in the framework of the UN General Assembly, with the Deep Sea Conservation Coalition and Pew Environment Group recommending this as a matter of high priority. Delegates eventually agreed to invite the General Assembly and its Working Group on Marine Biodiversity in ABNJs to expedite work on its agenda, including consideration of issues of MPAs.

Climate change: Malaysia, the African Group and Timor Leste supported an expert workshop on climate change impacts on ocean areas. Thailand, Egypt, Canada, India and Honduras favored a joint CBD-United Nations Framework

Convention on Climate Change (UNFCCC) expert workshop to promote better understanding of issues of common interest. Tanzania, Costa Rica, Venezuela, Uruguay, Guatemala, Haiti, Pakistan and Jamaica preferred requesting the CBD to include the interaction between oceans and climate change in future collaboration with the UNFCCC, with El Salvador proposing inclusion of mitigation alternatives and adaptation options. Papua New Guinea noted that the expert workshop can result in CBD-UNFCCC collaboration. The IIFB urged studies of climate change impacts on marine biodiversity and indigenous peoples' livelihoods. Delegates eventually 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; and hold an expert workshop on marine biodiversity and climate change, inviting collaboration with the UNFCCC, as inputs for the development of joint activities between the Rio Conventions.

Final Decision: The decision (UNEP/CBD/COP/10/L.42) includes sections on: in-depth review of progress in implementing the programme of work; identification of EBSAs and scientific and technical aspects relevant to environmental impact assessment in marine areas; impacts of unsustainable fishing, and illegal, unreported and unregulated fishing; impacts of ocean fertilization; impacts of ocean acidification; impacts of human activities; and an annex containing an indicative list of activities for enhancing the conservation and sustainable use of biodiversity of marine living resources in ABNJ.

On EBSAs, the COP notes that: the application of the CBD scientific criteria for identifying EBSAs is a tool that parties and competent intergovernmental organizations may choose to use to progress towards the implementation of ecosystem approaches in relation to ABNJs; their application is a scientific and technical exercise; and the identification of EBSAs and selection of conservation and management measures is a matter for states and competent intergovernmental organizations. The COP requests the Secretariat, in collaboration with relevant international organizations and governments, to establish a repository for scientific and technical information and experience related to the application of the scientific criteria on EBSAs identification and other relevant nationally and internationally agreed scientific criteria.

On MPAs, the COP invites the UN General Assembly and its Working Group on marine biodiversity in ABNJs to expedite its work on approaches to promote international cooperation and coordination for the conservation and sustainable use of biodiversity in ABNJs, and consideration of issues of MPAs, and urges parties to take action to advance the work of its Working Group.

On climate change, the COP requests the Secretariat to convene, inviting collaboration with UNFCCC, an expert workshop on the role of marine biodiversity and ecosystems in climate change adaptation and mitigation, in support of the development of elements on marine biodiversity and climate change as inputs to the development of joint activities between the Rio Conventions.

MOUNTAIN BIODIVERSITY: WG I discussed mountain biodiversity on Monday, 18 October, and adopted a draft decision

(UNEP/CBD/COP/10/WG.1/CRP.1) on Friday, 22 October. New Zealand, opposed by the EU and the African Group, proposed deleting references to people's well-being. Delegates eventually agreed to refer to "providing ecosystem services thus contributing to ensuring the well-being of people." Delegates also discussed the establishment of conservation corridors, taking into account the need to avoid the spread of IAS.

Final Decision: The decision (UNEP/CBD/COP/10/L.2) contains sections on: the status and trends of mountain biodiversity, and three programme elements on direct actions, means, and supporting actions for implementation for conservation, sustainable use and benefit-sharing. The COP, *inter alia*: invites parties and others to establish conservation corridors and connectivity taking into account particular endemic species, while avoiding the spread of IAS; and encourages parties and others to develop upland-lowland interactions, with the aim of strengthening the conservation and sustainable use of mountain biodiversity through the provision of ecosystem services, thus contributing to ensuring the well-being of people.

PROTECTED AREAS: WG I first considered this issue on Tuesday, 19 October, and approved a draft decision (UNEP/CBD/COP/10/WG.1/CRP.3) on Monday, 25 October. Discussions mainly focused on sustainable finance and climate change.

Sustainable finance: Belarus called for preparing methodological guidelines for estimating costs of establishing PAs. The Philippines, supported by China, Argentina, India, Honduras, Indonesia and Saint Lucia, proposed removing brackets regarding the provision of adequate, predictable and timely financial support to developing countries. Uruguay proposed text to remind the UNFCCC to pay attention to climate financing mechanisms related to PAs. The EU stressed the role of NBSAPs as a basis for accessing resources under the fifth GEF replenishment. Nepal noted that an increase in the number of PAs requires an increase in funding. On a call to parties to express their funding needs, delegates agreed to reference the LifeWeb Initiative, and to urge donors and countries in a position to do so to support funding needs.

Climate change: Delegates discussed 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 substituted 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.

Final Decision: The decision (UNEP/CBD/COP/10/L.12) contains sections on: strategies for strengthening implementation; issues that need greater attention; target and timetable issues; and an annex setting out a national profile on the implementation of the work programme. Issues that need greater attention include, amongst others: sustainable finance, climate change, management effectiveness, IAS management, inland water PAs, and the programme element on governance, participation, equity and benefit sharing.

The COP, *inter alia*:

- encourages developing countries to express their PA system-wide and project-funding needs based on their NBSAPs for

the PAs work programme, including through the LifeWeb Initiative;

- urges donors and countries in a position to do so to support funding needs;
- requests the Secretariat to ensure inclusion of the role of PAs when conveying a proposal to develop joint activities to the Secretariats of the UNFCCC and the UN Convention to Combat Desertification (UNCCD);
- invites parties to explore how funding opportunities under climate change adaptation and mitigation strategies could contribute to the implementation of the work programme, while enhancing co-benefits for biodiversity and climate change adaptation and mitigation; and
- invites parties, *inter alia* to establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of ILCs, related to PAs, in accordance with national laws and applicable international obligations.

SUSTAINABLE USE: WG I first addressed this issue on Wednesday, 20 October, with a draft decision (UNEP/CBD/COP/10/WG.1/CRP.4) discussed on Monday and Tuesday, 25-26 October. The discussions focused on an AHTEG on sustainable use in agriculture and forestry, and the Satoyama Initiative. A Friends of the Chair group, chaired by Alfred Oteng-Yeboah (Ghana), discussed the Satoyama Initiative.

Technical expert group: The Philippines supported convening 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. Norway, Indonesia, New Zealand, Switzerland and the Arab Countries expressed concern about the AHTEG's ToRs being too broad, and the EU called for their careful consideration. 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 convene an AHTEG.

Satoyama Initiative: Many delegates supported the Satoyama Initiative, but some expressed concern about distorting trade or production, and others called for further information on it. Delegates eventually supported further discussion, analysis and understanding of the initiative.

Final Decision: In the decision (UNEP/CBD/COP/10/L.15), the COP, *inter alia*:

- invites parties to encourage the application of the polluter pays principle, and effective market-based instruments that have the potential to support sustainable use and improve the sustainability of supply chains, and to strengthen initiatives that link biodiversity, development, and poverty alleviation, for example the BioTrade Initiative of UN Conference on Trade and Development (UNCTAD);
- requests the Secretariat to report on information on how to improve sustainable use, including on international guidelines and best practices for sustainable agriculture and forestry to SBSTTA prior to COP 11; and
- recognizes and supports further discussion, analysis and understanding of the Satoyama Initiative to further

disseminate knowledge, build capacity and promote projects and programmes for the sustainable use of biological resources.

BIODIVERSITY AND CLIMATE CHANGE: This item was first addressed in WG I on Wednesday, 20 October. Discussions mainly focused on geo-engineering, cooperation among the Rio Conventions, and REDD+. Text on geo-engineering was considered in a Friends of the Chair group chaired by Horst Korn (Germany). Text on collaboration among the Rio Conventions and REDD+ was discussed in a contact group chaired by Hesiquio Benitez (Mexico), with REDD+ being further discussed in a Friends of the Chair group chaired by Robyn Bromley (Australia), as well as in informal ministerial consultations. On Thursday, 28 October, WG I adopted a draft decision (UNEP/CBD/COP/10/WG.1/CRP.11), with the exception of text on REDD+ safeguards, pending informal ministerial consultations, and with bracketed text on supporting development of guidance on enhancing complementarity between national forest biodiversity-related and climate change measures. The closing plenary adopted the decision, lifting the remaining brackets and approving compromise language on REDD+ safeguards resulting from the informal ministerial consultations.

Geo-engineering: Tuvalu, the Philippines, Costa Rica, the African Group, Switzerland, the Alianza Bolivariana para los Pueblos de Nuestra América (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 global transparent regulatory framework on geo-engineering. Brazil proposed allowing scientific activities on a small scale and within national jurisdiction. Japan noted that certain geo-engineering activities could be beneficial for biodiversity and climate change. The Russian Federation requested deletion of language on geo-engineering. Delegates then discussed: a definition or understanding of geo-engineering; the wording for a *de facto* moratorium; and an exception for scientific research.

On the definition, delegates discussed a preliminary understanding of geo-engineering, making reference to technologies reducing solar insolation or increasing carbon sequestration from the atmosphere and debating whether to explicitly exclude carbon capture and storage (CCS). Eventually delegates agreed in the Friends of the Chair group to insert, in a footnote, an understanding of geo-engineering without prejudice to future deliberation on the definition, excluding CCS from fossil fuels when it captures carbon dioxide before it is released into the atmosphere. During WG I discussions, Bolivia requested to clarify that the exclusion of CCS cannot be interpreted as an acceptance of geo-engineering activities in the draft decision, eventually agreeing to just note this concern in the meeting report.

On the *de facto* moratorium, delegates discussed whether it should be lifted after the creation of a global, transparent and effective regulatory and control mechanism. They eventually decided to mention the absence of such mechanisms, but task the Secretariat with a study of gaps in existing global

mechanisms for consideration by SBSTTA, taking into account that such mechanisms may not be best placed under the CBD. Delegates then discussed how to qualify the moratorium, eventually agreeing to refer to “climate-related geo-engineering activities that may affect biodiversity,” in accordance with the precautionary approach and CBD Article 14 (Impact Assessment and Minimizing Adverse Impacts).

On the exception for scientific research, delegates debated whether to request that it is carried out in a “confined” and “controlled” environment, within national jurisdiction, subject to prior assessment of potential impacts on the environment, and justified on the need to gather specific data. They eventually agreed to refer to a “controlled setting” and to CBD Article 3 on ensuring that activities within CBD parties’ jurisdiction or control do not cause damage to the environment of other states or beyond national jurisdiction.

Cooperation among the Rio Conventions: China opposed a joint work programme among the Rio Conventions, stressing the need to respect the expertise and independent mandate of the UNFCCC. Mexico, Tuvalu, Bosnia-Herzegovina, Pakistan, Mauritius, Palau, the African Group, Nepal, Switzerland, Timor Leste, Costa Rica and Greenpeace favored calling upon the CBD to convey a proposal for joint activities and 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. Several parties expressed concern about the already over-burdened agenda of the UNFCCC. Delegates eventually agreed to eliminate reference to the joint work programme, and rather ask the Secretariat to convey to the other Rio Conventions a proposal for joint activities, taking note of the difference in mandate and membership of the Rio Conventions. Delegates also agreed to invite the UNFCCC and UNCCD COPs to collaborate with the Secretariat in consulting with the Bureau of the Preparatory Committee for the Rio+20 Summit on developing its agenda and submit the outcome to the Rio Convention COPs.

Finally, delegates discussed the possible convening of a joint high-level session of the Rio Conventions in connection with the Rio+20 Summit. The EU accepted to delete it, but requested specifying that the Rio Conventions’ COPs will explore how to make use of preparatory work in connection with the summit, with Brazil adding “together with the Rio+20 Bureau.”

REDD+: The African Group, Pakistan, Indonesia, Thailand, Japan, Switzerland, the Russian Federation, Malaysia, Switzerland, Greenpeace and IIFB called on the Secretariat to contribute to discussions on biodiversity safeguards and mechanisms to monitor impacts of REDD+ on biodiversity. Costa Rica, Mauritius, Timor Leste and Nepal preferred that the Secretariat explore opportunities, based on consultation with parties, to provide advice on REDD+ upon request. Some delegates expressed concern about referring to “biodiversity safeguards,” noting that this is not agreed language under the UNFCCC and cautioned against prejudging ongoing UNFCCC negotiations. The Ecosystems Climate Alliance noted that biodiversity safeguards do not exist in land-use provisions of the Kyoto Protocol applied to developed countries. Norway proposed calling on Collaborative Partnership on Forests (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.

Delegates eventually agreed to request the Secretariat to: include “biodiversity concerns” in connection with REDD+ when conveying a proposal on joint activities between the Rio Conventions; identify possible indicators to assess the contribution of REDD+ to reaching the CBD objectives, in addition to assessing potential mechanisms to monitor impacts on biodiversity, without pre-empting future decisions taken under UNFCCC; and, as proposed by the informal ministerial consultations, provide advice on relevant safeguards for biodiversity without pre-empting future decisions under the UNFCCC.

Final Decision: The decision (UNEP/CBD/COP/10/L.36) addresses: financial issues; assessing the impacts of climate change on biodiversity; reducing climate change impacts on biodiversity and biodiversity-based livelihoods; ecosystem-based approaches for adaptation and for mitigation; recognizing biodiversity impacts of climate change mitigation and adaptation measures; valuation and incentive measures; climate change and the biodiversity of dry and sub-humid lands; and ways and means to achieve biodiversity co-benefits.

On geo-engineering, the COP invites parties and governments, according to national circumstances and priorities, to ensure, in line with decision IX/16 C on ocean fertilization, in the absence of a science-based, global, transparent and effective control and regulatory mechanism for geo-engineering, and in accordance with the precautionary approach and CBD Article 14, that no climate change-related geo-engineering activities that may affect biodiversity take place, until there is an adequate scientific basis on which to justify them and appropriate consideration of the associated risks for the environment and biodiversity and associated social, economic and cultural impacts, with the exception of small-scale scientific research studies that would be conducted in a controlled setting in accordance with CBD Article 3 (Principle), and only if they are justified by the need to gather specific scientific data and are subject to a thorough prior assessment of the potential impacts on the environment. A footnote clarifies that without prejudice to future deliberations on the definition of geo-engineering activities, the COP understands that any technologies that deliberately reduce solar insolation or increase carbon sequestration from the atmosphere on a large scale that may affect biodiversity (excluding CCS from fossil fuels when it captures carbon dioxide before it is released into the atmosphere) should be considered as forms of geo-engineering that are relevant to the CBD until a more precise definition can be developed.

The COP also requests the Secretariat to:

- compile scientific information and views of ILCs and other stakeholders on the possible impacts of geo-engineering techniques on biodiversity and associated social, economic and cultural considerations, and options on definitions and understandings of climate-related geo-engineering relevant to the CBD for SBSTTA consideration;
- undertake a study on gaps in existing science-based global, transparent and effective control and regulatory mechanisms

for climate-related geo-engineering relevant to the CBD for SBSTTA and COP consideration and communication to relevant organizations, bearing in mind that such mechanisms may not be best placed under the CBD.

On cooperation among the Rio Conventions, the COP requests the Secretariat to convey a proposal to develop joint activities between the Rio Conventions to their Secretariats; and invites the UNFCCC and UNCCD COPs to collaborate with the Secretariat through the Joint Liaison Group in:

- considering the proposed elements on joint activities on climate change, biodiversity, land degradation and ecosystem-based approaches to climate change mitigation and adaptation;
- exploring the possibility of convening a joint preparatory meeting between the Rio Conventions on possible joint activities; and
- consulting the Bureau of the Preparatory Committee of the Rio+20 Summit and exploring together with the Bureau how to make use of the preparatory work in connection with Rio+20.

On REDD+, the COP requests the Secretariat to:

- provide advice, for approval by COP 11, including on the application of relevant safeguards for biodiversity, without pre-empting any future decisions taken under the UNFCCC, based on effective consultation with parties, and with ILC participation, so that actions are consistent with the CBD objectives and avoid negative impacts on and enhance benefits for biodiversity; and
- support the development of guidance on how to create synergies between the implementation of national forest biodiversity-related measures and climate-change measures.

OTHER SUBSTANTIVE ISSUES

AGRICULTURAL BIODIVERSITY: WG I first considered this issue on Thursday, 21 October, and approved a draft decision (UNEP/CBD/COP/10/WG.1/CRP.10) on Wednesday, 27 October.

Discussion focused on the second phase of the joint work plan between the CBD and the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA). The Philippines, Ecuador, the Pacific Islands, the African Group, the EU, Norway and Malaysia supported, opposed by Australia, work on trends in patents and other IPRs. Peru, opposed by Canada, suggested adding analysis of the use of species important for food security in other sectors. Ethiopia drew attention to the rights of subsistence farmers in developing countries. The EU, opposed by the CBD Alliance and Norway, requested deleting reference to impacts of IPRs on small-scale farmers.

Final Decision: In the decision (UNEP/CBD/COP/10/L.33), the COP: requests the Secretariat and invites the CGRFA to work together in designing the second phase of their joint work plan, considering, amongst others: ways and means to promote the positive and minimize/avoid the negative impacts of biofuel production and use on biodiversity, and impacts on biodiversity that affect related socioeconomic conditions.

DRY AND SUB-HUMID LANDS: WG I first considered this issue on Wednesday, 20 October, and discussed a draft decision (UNEP/CBD/COP/10/WG.1/CRP.6) on Tuesday, 26 October. Delegates discussed, among others, criteria for the definition of drylands under the UNCCD and CBD. Iran and the African Group, opposed by China, supported reference to differences

between the UNCCD and CBD criteria for the definition of drylands. After discussions, delegates agreed to delete this reference and adopt the revised delineation of dry and sub-humid lands for transmission to the UNCCD instead.

Final Decision: In the decision (UNEP/CBD/COP/10/L.14), the COP:

- adopts the revised delineation of dry and sub humid lands and requests the Secretariat to convey it to the UNCCD to inform the ongoing process on the revision of the UNCCD strategic plan;
- requests the Secretariat to ensure inclusion of the role of dry and sub-humid lands when conveying a proposal to develop joint activities between the Rio Conventions to the UNFCCC and the UNCCD; and
- urges parties and others to support activities identified in national capacity self-assessments that promote synergies among the Rio Conventions at the subnational, national and regional level, within dry and sub-humid lands.

FOREST BIODIVERSITY: WG I first discussed this on Wednesday, 20 October, and adopted a draft decision (UNEP/CBD/COP/10/WG.1/CRP.5) on Tuesday, 26 October, with the exception of outstanding text on REDD+, which was only included in the decision on climate change. Discussions focused on CBD work on the definition of forest and forest types in the context of cooperation with UN Forum on Forests (UNFF).

Definitions of forest and forest types: Norway, the EU and the Philippines, opposed by Brazil, Malaysia and Australia, favored work on improved definitions of forest and forest types. Delegates eventually agreed on 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.

Final Decision: The decision (UNEP/CBD/COP/10/L.21) includes sections on: cooperation with the UNFF, the International Tropical Timber Organization (ITTO) and the Low-Forest Cover Countries Secretariat; targeted joint activities between the CBD and UNFF; cooperation with FAO; and cooperation with CPF.

Regarding targeted joint activities with UNFF, the COP requests the Secretariat to streamline forest-related reporting, including by organizing, in collaboration with FAO, a meeting of the CPF Task Force on Streamlining Forest-related Reporting, to investigate whether there are inadequacies in forest biodiversity reporting and monitoring, aware of the need to follow up on decision IX/5, paragraph 3(g) on clarifying the definitions of forest and forest types that reflect forest biodiversity at the level appropriate for reporting and monitoring the status of forest biodiversity.

BIOFUELS: This item was addressed in WG I on Thursday, 21 October, and then in a contact group and Friends of the Chair group co-chaired by Giannina Santiago (Colombia) and Ole Hendrickson (Canada). WG I adopted a draft decision (UNEP/CBD/COP/10/WG.1/CRP.12) on Thursday, 28 October. Discussions mostly focused on: references to land tenure security and water; national inventories of lands; CBD work on a toolkit; and synthetic biology.

Land tenure security and water: The African Group, Japan, Switzerland, Jamaica and India favored a call to ensure ILCs' land rights and sustainable practices and redress negative impacts on ILCs. Brazil, Argentina and Japan opposed reference to land rights, with Brazil stressing that there is no internationally agreed definition of land tenure security. Delegates decided to discuss issues related to land and water as included in "related socio-economic conditions," recognizing the implications for ILCs. 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 resources rights." Brazil preferred "access to land, water and other resources." Delegates agreed to reference "land tenure and resource rights, including water."

National inventories: On an invitation to parties to develop national inventories to identify areas of high biodiversity value, critical ecosystems and areas important to ILCs, the African Group and the Philippines, opposed by Brazil, supported the development of inventories of no-go areas. Eventually the Philippines accepted deletion of reference to no-go areas, provided that delegates agreed to inviting parties to assess and identify areas and ecosystems that not only could be used for biofuel production, but also that could be exempted from it.

CBD future work: Brazil, the Pacific Islands, the Dominican Republic, Japan and El Salvador requested the Secretariat to disseminate information on tools on biofuels and biodiversity for voluntary use. The African Group, Switzerland, Kenya, Cuba and the Arab Countries preferred that the CBD develop a toolkit of standards and methodologies on biofuels and biodiversity. Delegates eventually agreed to delete reference to a "toolkit," and instead requested the Secretariat to: analyze and disseminate information on tools for voluntary use to assess direct and indirect impacts of biofuel production and use on biodiversity and related socioeconomic conditions; and contribute to, and assist with, the ongoing work of relevant partner organizations and processes, with several qualifiers.

Synthetic biology: Brazil, Argentina and the EU opposed text on convening an AHTEG on synthetic biology and requesting parties to avoid release of synthetic biology into the environment. The Pacific Islands preferred undertaking an assessment of synthetic biology, rather than convening an AHTEG. New Zealand and Ghana suggested that synthetic biology be addressed intersessionally as a new and emerging issue. The Philippines, Cameroon, the Dominican Republic and Bolivia recommended 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.

Final Decision: In the decision (UNEP/CBD/COP/10/L.41), the COP:

- recognizes that the impacts of biofuel production and use on biodiversity can positively or negatively affect related socioeconomic conditions, including food and energy security, as well as the consideration of land tenure and resource rights, including water, where relevant for CBD implementation, and in particular implications for ILCs;
- invites governments and relevant organizations to develop national inventories to identify areas of high biodiversity value, critical ecosystems, and areas important to ILCs, and assess and identify areas and, where appropriate, ecosystems that could be used in, or exempted from, biofuel production;
- requests the Secretariat to: compile, analyze and summarize information on tools for voluntary use, including on available standards and methodologies to assess direct and indirect effects and impacts on biodiversity of biofuel production and use, in their full life cycle as compared to that of other types of fuels, and impacts on biodiversity that affect related socioeconomic conditions; take into account the work and collaborate with relevant partner organizations and processes; and disseminate and facilitate access to such information; and
- urges governments to apply the precautionary approach to the field release of synthetic life, cell, or genome into the environment, acknowledging parties' entitlement, in accordance with domestic legislation, to suspend the release of synthetic life, cell, or genome into the environment.

INVASIVE ALIEN SPECIES: WG I considered this item on Thursday, 21 October, and discussed a draft decision (UNEP/CBD/COP/10/WG.1/CRP.8) on Tuesday and Wednesday, 26-27 October. Discussion focused on a proposed AHTEG on IAS introduced as pets, aquarium and terrarium species, and as live bait and live food, with particular regard to the possibility to develop international standards. In addition, language on IAS for biofuel production was discussed by the contact group on biofuels and eventually placed in the decision on IAS.

Expert group: The EU, Belarus, Norway, Thailand, the Republic of Korea, Costa Rica, Argentina and the African Group, opposed by Brazil, Australia, Malaysia and New Zealand, recommended that the AHTEG provide practical guidance on the development of international standards. South Africa proposed that the AHTEG develop "scientific and technical" guidance on international standards. Supporting the AHTEG, the Global Invasive Species Programme stressed the need for guidance for national implementation. Following informal consultations, delegates agreed 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.

IAS for biofuel production: The Pacific Islands, Switzerland, India, the Russian Federation and the African Group favored applying the precautionary approach to the use of IAS in biofuel production and use; while Brazil and Argentina requested deletion. The Dominican Republic, Japan, Paraguay, Malawi, Jamaica and New Zealand preferred applying the precautionary approach if species used in biofuel production become invasive. Delegates eventually agreed to recognize threats to biodiversity posed by existing and new IAS, and to urge parties to apply the precautionary approach to the introduction and spread of IAS for

agricultural and biomass production, including biofuel feedstocks and for carbon sequestration, following the CBD guiding principles on IAS.

Final Decision: In the decision (UNEP/CBD/COP/10/L.35), the COP establishes an AHTEG to suggest ways and means, including providing 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, to address the identified gaps and to prevent the impacts and minimize the risks associated with the introduction of IAS as pets, aquarium and terrarium species, as live bait and live food. The ToRs of the AHTEG are annexed to the decision.

The COP also urges parties to apply the precautionary approach with regard to the introduction, establishment and spread of IAS for agricultural and biomass production, including biofuel feedstocks, and for carbon sequestration, following the CBD guiding principles on IAS.

GLOBAL TAXONOMY INITIATIVE: WG I first discussed this on Thursday, 21 October, and addressed a draft decision (UNEP/CBD/COP/10/WG.1/CRP.7) on Tuesday and Wednesday, 26-27 October. Discussions dwelt on scientific and technical collaboration subject to the outcomes of the ABS negotiations. Delegates also discussed the inclusion of 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. Peru reiterated the need to require PIC for accessing ILCs' taxonomic knowledge. After deliberations, delegates agreed to make reference to the CBD objectives and, where applicable, PIC and/or approval and involvement of ILCs, as well as relevant national legislation.

Final Decision: In the decision (UNEP/CBD/COP/10/L.34), the COP, *inter alia*, encourages parties and others to find ways of facilitating and benefiting from regional and subregional scientific and technical collaborations in accordance with relevant national legislation and relevant requirements where applicable; and urges parties and invites others to support and implement, as appropriate, in accordance with all CBD objectives and, where applicable, with PIC and/or approval and involvement of ILCs, such actions as supporting ILCs in capturing and preserving their taxonomic knowledge.

ARTICLE 8(J): The issue was discussed in WG I on Thursday, 21 October, and in a Friends of the Chair group focusing on the Article 8(j) MYPOW and bracketed provisions of the ethical code. Draft decisions on ILC participation (UNEP/CBD/COP/10/WG.2/CRP.16) and *sui generis* systems (UNEP/CBD/COP/10/WG.2/CRP.17) were tabled and approved by WG II on Monday, 25 October. Draft decisions on the code of ethical conduct (UNEP/CBD/COP/10/WG.2/CRP.28) and the Article 8(j) MYPOW (UNEP/CBD/COP/10/WG.2/CRP.27) were tabled and adopted by WG II on Thursday, 28 October. In the closing plenary, delegates adopted the draft decisions lifting brackets around references to financial resources and the international ABS regime.

Discussions in WG II focused on the full and effective participation of ILCs in all CBD decision-making processes and the need for capacity-building activities, especially for

negotiating ABS arrangements and to ensure benefit-sharing for TK use. Many delegates supported further work on *sui generis* systems for TK protection, with the African Group requesting benefit-sharing for TK accessed through *sui generis* systems. The EU and New Zealand recommended that the Secretariat continue to inform the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) on CBD work in that regard.

Regarding the ethical code, Bolivia, Brazil, the IIFB and many others requested reference to PIC, rather than references to "approval and involvement," of ILCs.

Eventually, the group agreed to clarify in the rationale that the code should not be interpreted as altering domestic laws, treaties or other constructive arrangements that may already exist; and in turn to remove the brackets from numerous references to "lands and waters traditionally used and occupied by ILCs." Delegates further agreed to use language from the ABS negotiations on "PIC and/or approval and involvement of ILCs."

Regarding the MYPOW, many delegates welcomed the inclusion of a component on CBD Article 10 (sustainable use), with a focus on 10(c) (customary use) and an international meeting on the issue. In the Friends of the Chair group, discussions centered on the issue for in-depth consideration 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. The EU preferred PAs and Brazil benefit-sharing modalities. Delegates agreed on ecosystem management, ecosystem services and PAs.

Final Decisions: The decision on ILC participation (UNEP/CBD/COP/10/L.6) contains sections on capacity-building efforts; development of communication mechanisms and tools; ILC participation in the work of the Convention; and other initiatives. The COP, *inter alia*, requests the Secretariat to convene, subject to availability of resources, capacity-building workshops.

In the decision on *sui generis* systems (UNEP/CBD/COP/10/L.7), the COP notes that: *sui generis* systems include useful elements to consider when developing such systems for TK protection at local, national, regional and international levels; and that they should be developed taking into account customary laws, practices and community protocols with the effective participation, approval and involvement of ILCs. It further invites parties to submit information and reports on measures taken for TK protection. Noting the decision of the WIPO General Assembly to undertake text-based negotiations on an international legal instrument to prevent misuse and misappropriation of TK, the COP requests the Secretariat to continue to inform the WIPO ICG on work undertaken on *sui generis* systems.

The decision on the Article 8(j) MYPOW (UNEP/CBD/COP/10/L.39) contains sections on progress reports, the in-depth review and the revised MYPOW, CBD Article 10 (sustainable use); the revised agenda for the Article 8(j) WG; indicators; participation, including the voluntary fund and local communities; capacity building; CEPA; technical guidelines for recording and documenting TK; and recommendations of the UN Permanent Forum on Indigenous Issues (UNPFII). It further

includes annexed ToRs for task 15 (development of guidelines to facilitate repatriation of information, including cultural property to facilitate recovery of TK) of the Article 8(j) MYPOW.

The COP decides: that there will be one intersessional Article 8(j) meeting, preferably back-to-back with another CBD meeting; to include a new agenda item for future Article 8(j) WG meetings, namely an in-depth dialogue on thematic areas or cross-cutting issues; and that at Article 8(j) WG 7 such dialogue will be on: ecosystem management, ecosystem services and PAs. The COP further decides to include a new major component on Article 10 (sustainable use) with a focus on Article 10(c) (customary use); requests the Article 8(j) WG to develop further guidance on sustainable use and related incentive measures; and authorizes the Secretariat to convene an international meeting to provide advice on the content and implementation of the new major component for consideration at Article 8(j) WG 7. The COP further adopts indicators on status and trends in land-use change and land tenure in the traditional territories of ILCs; and status and trends in the practice of the traditional occupations.

In the decision on the ethical code (UNEP/CBD/COP/10/L.38), the COP adopts the annexed elements of the ethical code of conduct; decides to entitle it the “Tkarihwaié:ri Code of Ethical Conduct on the Respect for the Cultural and Intellectual Heritage of ILCs Relevant to the Conservation and Sustainable Use of Biological Diversity,” with Tkarihwaié:ri being the Mohawk term for “the proper way.” It further invites parties and governments to: make use of the code to guide the development of models of codes of ethical conduct for research, access to, and use of information concerning TK, for the conservation and sustainable use of biodiversity; and to undertake education, awareness-raising and communication strategies on the code for incorporation, as appropriate, into policies and processes governing interactions with ILCs. It finally invites the GEF and funders to consider providing assistance to ILCs, particularly women, to raise their awareness and build capacity and understanding of the code.

The annexed code contains a preamble and sections on: ethical principles, including general principles and specific considerations; and methods. The rationale sets out that the elements of the code: are voluntary and intended to provide guidance for interactions with ILCs and for the development of local, national and regional codes of ethical conduct, with the aim of promoting respect, preservation and maintenance of TK relevant for the conservation and sustainable use of biodiversity; and should not be construed as altering the obligations of CBD parties or any other international instrument. They should not be interpreted as altering domestic laws, treaties, agreements or other constructive arrangements that may already exist. Where consent or authority of ILCs is required, it is the right of ILCs, according to their customary law and procedures, to identify the relevant holders of their knowledge.

The general ethical principles relate to: respect for existing settlements; intellectual property; non-discrimination; transparency/full disclosure; PIC and/or approval and involvement; intercultural respect; safeguarding collective and individual ownership; fair and equitable sharing of benefits; protection; and the precautionary approach. The specific considerations deal with: recognition of sacred and culturally

significant sites and lands and waters traditionally occupied or used by ILCs; access to traditional resources; avoidance of arbitrary removal or relocation; traditional guardianship/custodianship; recognition of ILC social structures, extended families, communities and indigenous nations; restitution and/or compensation; repatriation; peaceful relations; and supporting ILCs’ research initiatives. The methods include: negotiations in good faith, subsidiarity and decision-making; partnership and cooperation; gender considerations; full and effective participation/participatory approach; confidentiality and reciprocity.

INCENTIVE MEASURES: WG I considered this item on Thursday, 21 October, and discussed a draft decision (UNEP/CBD/COP/10/WG.1/CRP.8) on Tuesday and Wednesday, 26-27 October. Discussion dwelt on text concerning pervasive incentives and sustainable consumption and productions patterns.

On pervasive incentives, 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 CBD objectives. Delegates agreed to the EU proposal.

Final Decision: In the decision (UNEP/CBD/COP/10/L.22), the COP, amongst others: urges governments to prioritize and significantly increase their efforts in actively identifying, eliminating, phasing out or reforming, with a view to minimize or avoid negative impacts from, existing harmful incentives for sectors that can potentially affect biodiversity; and invites parties and others to foster implementation of sustainable consumption and production patterns for the conservation and sustainable use of biodiversity, both in the public and the private sector, including through business and biodiversity initiatives, and procurement policies that are in line with the CBD objectives.

ADMINISTRATIVE AND BUDGETARY MATTERS

On Monday, 18 October, Ahmed Djoghlaif reported on the administration of the Convention and the budget (UNEP/CBD/COP/10/7 and Add.1-2) and the proposed budget for the biennium 2011-2012 (UNEP/CBD/COP/10/25/Rev.1 and Add.2). Delegates established a budget group, chaired by Conrad Hunte (Antigua and Barbuda), which met throughout the two weeks.

Discussions focused on identifying priorities for core funding and funding for future ABS activities. In the closing plenary, Hunte reported a 4.3% increase to the core budget with increases for ABS and the Strategic Plan. The EU made adoption of the budget conditional on successful adoption of the ABS protocol, Strategic Plan and decisions related to financial issues, which were all adopted. Argentina, for G-77/China, accepted the budget as a carefully negotiated compromise and delegates adopted it without amendments. Delegates also accepted withdrawal of the draft decision on administrative arrangements with UNEP (UNEP/CBD/COP/10/L.13) as agreed in the budget group, noting that the issue is addressed in the decision on the budget.

Final Decision: In the decision (UNEP/CBD/COP/10/L.48), the COP: welcomes the contribution from Japan to support the implementation of the revised Strategic Plan; notes with concern that a number of parties have not paid their contributions to the core budget for 2009 and prior years urging them to pay without delay; and endorses the annexed revised administrative arrangements between UNEP and the CBD Secretariat. The COP then approves a core budget of US\$11,769,300 for the year 2011 and of US\$12,989,700 for the year 2012; urging all governments and others to contribute to the appropriate trust funds of the Convention and noting that in the preparation for the entry into force and the implementation of the ABS Protocol the current staffing component servicing the Protocol will need to be reviewed in the budget for the biennium 2013-2014. Priority meetings to be funded from the core budget include: SBSTTA 14 and 15; Article 8(j) WG 7; WGRI 4; and two Intergovernmental Committee meetings for the ABS Protocol. The budget contains a number of tables on the biennium budget, staffing requirements, resource requirements for the trust funds, and contributions. The annexed revised administrative arrangement between UNEP and the CBD Secretariat consists of: the guiding principle; financial arrangements; reimbursement for services provided to the CBD Secretariat; conference and other services, delegation of authority; and review of the agreement.

HIGH-LEVEL SEGMENT

The high-level segment was held from 27-29 October. It included: statements by heads of state and relevant international organizations; a stakeholder panel; and statements by ministers and other high-level representatives. *Earth Negotiations Bulletin* coverage of the discussions is available at: <http://www.iisd.ca/vol09/enb09542e.html>; and <http://www.iisd.ca/vol09/enb09543e.html>.

CLOSING PLENARY

COP President Matsumoto convened the closing plenary at 4:38 pm on Friday, 29 October. He reported on the high-level segment, underscoring participants' strong wish to adopt an ABS protocol, a revised strategic plan and a decision on resource mobilization. Plenary then approved pending regional group nominations for the Bureau; elected Senka Barudanovic (Bosnia and Herzegovina) as SBSTTA Chair; and heard a report on credentials. The COP 10 Bureau is made up of: Snežana Prokić (Serbia) and Ioseb Kartsivadze (Georgia) for CEE; Akram Eissa Darwich (Syria) and Chan-woo Kim (Republic of Korea) for Asia-Pacific; Spencer Thomas (Grenada) and José Luis Sutura (Argentina) for Latin America and the Caribbean; Andrew Bignell (New Zealand) and Ines Verleye (Belgium) for Western Europe and Others; and Betty Kauna Schroder (Namibia) and Ahmed Skim (Morocco) for Africa.

Regarding the date and venue for the Biosafety Protocol COP/MOP 6 and CBD COP 11, plenary adopted a decision (UNEP/CBD/COP/10/L.49) welcoming India's offer to host it in October 2012.

Following a reception hosted by India, informal consultations on outstanding issues regarding the strategic plan and resource mobilization, and a brief WG II session to adopt its report, plenary resumed at 11:10 pm. WG I Chair Hufler and WG II Chair Luna presented the Working Group reports (UNEP/CBD/

COP/10/L.1/Add.1 and UNEP/CBD/COP/10/WG.2/L.1/Rev.1). Amb. Conrad Hunte (Antigua and Barbuda) reported on the budget group's deliberations and presented the relevant decision.

COP 10 President Matsumoto introduced the draft decision on the Nagoya Protocol on ABS (UNEP/CBD/COP/10/L.43/Rev.1), noting that clean text had been submitted by the informal ministerial consultations. The EU asked to adopt the ABS protocol together with the decisions on the revised strategic plan and the Strategy for Resource Mobilization. Cuba, Bolivia and the African Group, later supported by El Salvador and Guatemala, requested adopting the three decisions one by one, noting that there was no link between them and adoption as a package would violate the rules of procedure. The EU suggested addressing outstanding brackets in the decisions on the revised strategic plan and the decision on resource mobilization. After further discussion, COP 10 President Matsumoto asked delegates to: confirm their approval of the ABS protocol; address outstanding issues regarding the revised strategic plan and the Strategy for Resource Mobilization and confirm their approval of these decisions; and then adopt all decisions one by one. Switzerland, New Zealand, the Republic of Korea and the African Group supported the proposal. Delegates then proceeded as suggested by the President and confirmed that there was no opposition to adopting the three decisions. Venezuela, Cuba, Bolivia, the African Group and the CEE made statements for the record with regard to the ABS protocol. Delegates then adopted the ABS protocol, followed by the Strategic Plan and the decision on resource mobilization, each followed by a standing ovation. Plenary then adopted the report of the meeting (UNEP/CBD/COP/10/L.1).

Ukraine, for CEE, said the protocol is a good basis for future work. Malawi, for the African Group, said that thanks to the protocol, biodiversity has great potential for green development in Africa. The Cook Islands, for Asia and the Pacific, urged countries to secure resources for Strategic Plan implementation. Saudi Arabia, for the Arab Countries, called on participants to engage in the protection of Mother Earth. Argentina, for Latin America and the Caribbean, lauded the more than 40 decisions adopted, noting that COP 10 will make a huge contribution to CBD implementation. The IIFB highlighted the Nagoya Protocol and the Ethical Code of Conduct calling for meaningful implementation. Belize, for the Central American Integration System (SICA), highlighted the decision on marine biodiversity and its importance for establishing the Mesoamerican marine corridor. India invited participants to COP 11, to be held 2012 in India. The Republic of Korea said COP 10's achievements are not perfect but will advance planet protection. New Zealand, on behalf of the Like-minded in Spirit Group of Women, lauded the reference to women's role in conserving genetic resources in the Nagoya Protocol. Two youth representatives lauded efforts by the CBD to strengthen youth participation.

Malawi presented a tribute to the Government and the people of Japan, which was adopted by acclamation. COP 10 President Matsumoto underlined Japan's commitment during the COP 10 presidency and thanked translators, chairs and co-chairs, and the *Earth Negotiations Bulletin*. CBD Executive Secretary Ahmed Djoghlaif underlined record numbers in participation during COP 10, including delegates, ministers, heads of states, members

of parliament, business and municipalities, and presented the CBD Award to COP 10 President Matsumoto and Japan's Prime Minister Naoto Kan.

President Matsumoto gaveled COP 10 to a close at 2:59 am on Saturday, 30 October 2010.

A BRIEF ANALYSIS OF CBD COP 10

Standing ovations, tears of joy and a great feeling of relief. To some delegates, the success of COP 10 in adopting the "package" of an ABS Protocol, a revised Strategic Plan and a decision on implementation of the Strategy for Resource Mobilization marked the rebirth of environmental multilateralism. The failure, less than a year ago, to adopt a climate change agreement sparked concerns over the ability of the UN system to take decisive action on pressing global environmental problems. Against this backdrop, the poor performance against the 2010 biodiversity target and the fact that the three main challenges of COP 10 had been tied together by the G-77/China as an "all-or-nothing" package raised fears that COP 10 would suffer a similar fate as the Copenhagen Climate Conference. But delegates prevailed in Nagoya and this brief analysis will examine the elements of the package and how they will affect the future direction of the CBD.

THE ABS PROTOCOL

After 10 years and a grueling 15 straight days of negotiation, the Nagoya Protocol on ABS was adopted. Even so, until the very end, it appeared unlikely that agreement would be reached on the most contentious points relating to scope, derivatives and compliance. In a move that was criticized by many for its lack of transparency, the Japanese COP presidency decided to convene a "secret" meeting of the EU, the African Group, Norway and Brazil in order to produce draft guidance for the informal ministerial consultations. The procedure enraged many regions, in particular the Like-Minded Asia-Pacific and Latin American and Caribbean group members who felt excluded from the key meeting in the process. As could be expected, the deal emerging from these consultations, which was accepted by the ministers involved, was not unanimously supported as a compromise proposal. It took another night of consultations and an informal ministerial breakfast to reach agreement on a text that had a chance of getting the support of all parties. While many commended the commitment and support of the Japanese Presidency to finalize the agreement, others worried that the procedure would set a dangerous precedent for future negotiations. "Behind-the-scenes deals cannot be the standard for negotiating such important issues," one delegated noted. Others felt that Japanese initiative was a "highly risky, but necessary maneuver" that evoked somber memories of the procedure that led to the Copenhagen anticlimax. In the end, it allowed cutting a deal that would have otherwise not have been reached in Nagoya as negotiations had ground to a halt.

The final compromise text was characterized by many as a "masterpiece in creative ambiguity." Instead of resolving outstanding issues by crafting balanced compromise proposals—an endeavor that would have been doomed to fail—the contentious references were either deleted from the text or replaced by short and general provisions allowing

flexible interpretation, but possibly also too wide a berth for implementation. The fundamental question of whether the protocol would cover derivatives of genetic resources was addressed by including definitions of utilization and derivatives in the provision on use of terms, complemented by indirect references in the articles on scope and benefit-sharing. This enabled the use of a rather broad definition of derivatives, as had been demanded by many developing countries. Yet the term "derivatives" does not appear in any operative paragraphs and has to be read into substantive provisions. At the same time, it is clear that products or commodities cannot be subjected to benefit-sharing obligations as they are not covered under the definition of derivatives—a key concern to developed countries.

A similar approach was taken to resolve the question of sharing benefits from new and continuing uses of genetic resources and traditional knowledge acquired prior to the entry into force of the Protocol, previously known as "temporal scope," and one of the key demands of the African Group. While there is no reference to this issue in the article on scope, a new provision envisages creation of a global multilateral benefit-sharing mechanism to address benefit-sharing in transboundary situations or situations where it is not possible to grant or obtain PIC. Such a mechanism, once established, could thus cover benefits arising from genetic resources obtained from *ex situ* collections or from countries that acquired them outside the framework of the CBD.

A long-negotiated provision on publicly available traditional knowledge, which had been strongly defended by some countries within the Like-Minded Asia-Pacific group, was deleted from the text. Still, the effect is that countries are free to subject such knowledge to ABS-related obligations in their domestic law, as such traditional knowledge is generally covered under the Protocol. At the same time, since the Protocol provides some flexibility with regard to "relevant ongoing work and practices" under other international instruments, the possibility of regulating publicly available TK under the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore remains open—a point that has been strongly defended by developed countries, primarily the EU and Canada.

The icing on the cake of ingenious ambiguity was added in the form of vague language on the establishment of checkpoints to monitor utilization of genetic resources. The final text obliges parties to establish one or more checkpoints, as requested by developing countries; but allows for flexibility on the information that must be disclosed. The disclosure requirements were the main reason for opposition from developed countries, weary of burdensome administrative procedures and unconvinced of the need for an obligation to disclose potentially confidential information. Thus, parties shall "take effective and proportional measures to address situations of non-compliance," without any indication of what such measures may be. An additional paragraph states that checkpoints "must be effective" and should have functions "relevant" to the utilization of genetic resources at stages such as research, development and commercialization. One negotiator lauded the vagueness of these provisions, as they "will provide lots of work for lawyers," who will be tasked with sorting out how to operationalize them.

Overall, most delegates felt that the compromise package was the best possible solution at this point in time, given the entrenched positions that had emerged. Some noted that the text “is not the most elegant” and that further negotiation could have produced an outcome that is more legally sound. On the other hand, most noted that failure to adopt the protocol at COP 10 would result in a loss of momentum and jeopardize the Protocol’s eventual completion. Also speaking from experience, one negotiator noted: “the longer you keep negotiating these provisions the more substance you stand to lose.”

In the end, the main strength of the protocol is also its weakness: its creative ambiguities could lead to differing interpretations at the national level and create legal uncertainty and hinder implementation. Depending on how these issues are addressed, both by the Interim Committee—possibly including the speedy establishment of the ABS-Clearing House and other facilitative mechanisms—and through implementation at the national level, the Protocol could become a powerful tool for a more balanced implementation of the CBD’s three objectives.

THE STRATEGIC PLAN

The Strategic Plan was paraphrased by some as the “post-2010 global deal on biodiversity,” in an analogy to the discussions on a post-2012 international climate change regime. The poor performance against the 2010 biodiversity target fueled the expectation that the new Strategic Plan would provide not only ambitious targets for the next decade, but also a comprehensive set of measures on how to achieve them. This view, however, ignored the fact that the main function of the Strategic Plan is to serve as overarching framework to coordinate and align the myriad of CBD’s activities under its different programme areas, as well as a guide to collaboration with other MEAs, particularly biodiversity-related ones, and for coherent and effective national implementation.

This guiding function of the Strategic Plan makes it an important instrument to transition the CBD towards a stronger emphasis on mainstreaming biodiversity concerns across all human activities. The wording of the Plan’s vision “by 2050 biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people” points towards several trends in the work of the CBD. The reference to valuing ecosystem services, along with several paragraphs on the TEEB study and methodologies for integrating biodiversity values into national accounting, provides for the further development of these within the various work programmes of the CBD.

Furthermore, delegates resisted the temptation of overloading the Strategic Plan with measurable outcome-oriented targets at the global level. Instead, the plan provides a flexible framework for setting targets at the regional, national and subnational levels, allowing parties to integrate biodiversity concerns into all sectors. On the one hand, this avoids the fallacy of aggregating data on biodiversity and ecosystem services at the global level, using indicators that are likely to ignore the diversity of circumstances under which measures for conservation and sustainable use are being implemented—an approach conceptually at odds with the objective of mainstreaming. On the other hand, this approach places an immense responsibility on parties to diligently set their own targets and monitor progress.

The weakness of the Strategic Plan is therefore that all actions that would allow monitoring and enforcing progress towards the achievement of the new global mission—to take effective measures to halt biodiversity loss to ensure that by 2020 ecosystems are resilient—are voluntary.

THE STRATEGY FOR RESOURCE MOBILIZATION

The third part of the package was further refinement of the Strategy for Resource Mobilization. Developing countries had added the strategy to the package to back up their long-standing demands for sufficient financing of national implementation of the CBD. Consequently, they focused on developing targets and indicators to assess financing flows, whereas developed countries wanted to prioritize innovative financing mechanisms, allegedly in an attempt to shift at least part of the burden towards the private sector. Positions on the latter became particularly polarized. One of the reasons is that the concept of innovative financing mechanisms remains vague and subject to different interpretations across the developed-developing country divide.

One of the concepts advanced, for instance, was the Green Development Mechanism, a market-based certification scheme modeled after the UNFCCC’s Clean Development Mechanism that could reward trade-certified “land areas managed in compliance with the CBD” in accordance with requirements for offsets and restoration for the private sector. Because of such similarities with the CDM, the initiative was opposed by most developing countries concerned that the distribution of benefits will be similarly unbalanced as under the CDM. The lack of studies and documented successful experiences of innovative financing more generally also fueled the concerns of the ALBA group over undue “commodification” of nature, which could arguably not only have detrimental effects on biodiversity, but also violate human rights. On the other hand, developed country delegates regretted the lost opportunity for the CBD to fully engage innovative financing mechanisms, in particular since the TEEB study demonstrated that there is potential to generate funding for at least some elements of CBD implementation through market-based schemes. At the end of the day, however, delegates didn’t seem too preoccupied with this. As one seasoned observer commented, “I am glad that we still focused on the most innovative financing mechanism for CBD implementation—the ABS Protocol.”

NAGOYA EXORCISES THE GHOST OF COPENHAGEN

The adoption of the package, in particular the Nagoya Protocol on ABS, was rightfully celebrated as a major success in the history of the CBD. And in this light, fears of “another Copenhagen,” popularized by the media, seem both overblown and inadequate. Aside from the package, COP 10 adopted more than 40 other decisions, including unprecedented developments on new complex issues such as geo-engineering and synthetic biology. Not all other decisions lived up to expectations, but taken together, they represent a significant step forward in multilateral cooperation on biodiversity. The CBD’s approach to implementation based on the ecosystem approach, and its mechanism for addressing new and emerging issues would have allowed work on implementation of the Convention to continue whether or not the package had been adopted. In contrast to the climate change regime, where key activities on implementation,

such as the carbon market, depend on adopting a global deal on mitigation, the CBD's agenda is being advanced through a multi-faceted system of work programmes, collaborations and partnerships across the environmental-policy board. So, even if COP 10 had failed to adopt "the package," the remaining decisions would have allowed work on implementation of the Convention to continue.

A number of developments indicate that the CBD is in the middle of an important transformation process, towards an approach that integrates biodiversity concerns into all areas of human activity. The Strategic Plan and activities such as the TEEB study can give an important impulse to accelerate this transition. With the adoption of the ABS Protocol, it can be expected that future COPs will devote more attention to repositioning the CBD as the key international instrument to further efforts towards "life in harmony with biodiversity." COP 10 has been a necessary and important step in that direction, not least because it showed that "Copenhagen" was a phenomenon specific to the politics of global climate change cooperation, rather than a crisis of the UN System and of global environmental multilateralism as a whole.

UPCOMING MEETINGS

Global Conference on Agriculture, Food Security and Climate Change: This meeting, organized by the Government of the Netherlands in cooperation with the Governments of Ethiopia, Norway and New Zealand, the World Bank and the FAO, aims to provide concrete actions to link the implementation of agriculture-related investments, policies, and measures with long-term carbon emission reductions and adaptation benefits. **dates:** 31 October – 5 November 2010 **location:** The Hague, the Netherlands **contact:** Ministry of Agriculture, Nature and Food Quality of the Netherlands **email:** agriculture2010@minlnv.nl **www:** <http://www.afcconference.com/>

Progress on Ecosystem-Based Fisheries Management (EBFM) Symposium: The 26th Lowell Wakefield Fisheries Symposium will bring together fisheries scientists from around the world to evaluate whether EBFM is being successfully implemented. The meeting is co-sponsored by the FAO. **dates:** 8-11 November 2010 **location:** Anchorage (Alaska), United States of America **contact:** Alaska Sea Grant **phone:** +1-907-474-7086 **fax:** +1-907-474-6285 **email:** seagrant@uaf.edu **www:** <http://seagrant.uaf.edu/conferences/2010/wakefield-ecosystems/info.php>

UNFCCC COP 16 and COP/MOP 6: The 16th session of the Conference of the Parties (COP) to the UNFCCC and the sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) will be held together with the 33rd meetings of the SBI and SBSTA. **dates:** 29 November - 10 December 2010 **location:** Cancun, Mexico **contact:** UNFCCC Secretariat **phone:** +49-228-815-1000 **fax:** +49-228-815-1999 **email:** secretariat@unfccc.int **www:** http://unfccc.int/meetings/cop_16/items/5571.php

Agriculture and Rural Development Day 2010: The fourth Agriculture and Rural Development Day (ARDD) will convene in conjunction with the Cancun Climate Change Conference.

date: 4 December 2010 **location:** Cancun, Mexico **contact:** ARDD Secretariat **email:** info@agricultureday.org **www:** <http://www.agricultureday.org>

Forest Day 4: This event will convene in conjunction with the Cancun Climate Change Conference. **date:** 5 December 2010 **location:** Cancun, Mexico **www:** <http://www.cifor.cgiar.org/Events/ForestDay4/>

Meeting on "Regions and Biodiversity in a Context of Climate Change": This event is jointly sponsored by FAO, UNDP and UNEP. **dates:** 14-16 December 2010 **location:** Brest, France **contact:** FAO **email:** Climate-change@fao.org **www:** <http://www.fao.org/climatechange/49362/en/>

Closing of IYB - Contribution to the International Year of Forests: This activity is organized by the CBD Secretariat. **dates:** 18-19 December 2010 **location:** Kanazawa, Japan **contact:** David Ainsworth, CBD Secretariat **phone:** +1-514-287-7011 **fax:** +1-514-288-6588 **email:** david.ainsworth@cbd.int **www:** <http://www.cbd.int/events>

UNFF 9: The theme for the ninth session of the UN Forum on Forests is forests for people, livelihoods and poverty eradication. UNFF 9 is also expected to complete consideration of the means of implementation for sustainable forest management. **dates:** 24 January - 4 February 2011 **location:** UN Headquarters, New York **contact:** UNFF Secretariat **phone:** +1-212-963-3401 **fax:** +1-917-367-3186 **email:** unff@un.org **www:** <http://www.un.org/esa/forests/>

ITPGR GB 4: The fourth session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture will address, among others, compliance, implementation issues regarding the Treaty's Multilateral System, and the outstanding financial rules. **dates:** 14-18 March 2011 **location:** Bali, Indonesia **phone:** +39-06-570-53441 **fax:** +39-06-570-56347 **email:** pgrfa-treaty@fao.org **www:** <http://www.planttreaty.org/>

CITES PC 19: The 19th meeting of the CITES Plants Committee is organized by the CITES Secretariat. **dates:** 18-21 April 2011 **location:** Geneva, Switzerland **contact:** CITES Secretariat **phone:** +41-22-917-81-39/40 **fax:** +41-22-797-34-17 **email:** info@cites.org **www:** <http://www.cites.org/eng/news/calendar.shtml>

Nagoya Protocol IC 1: The first meeting of the Intergovernmental Committee of the Nagoya Protocol on ABS is organized by the CBD Secretariat. **dates:** 6-10 June 2011 **location:** to be determined **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/>

Sixth Forest Europe Ministerial Conference: This conference is organized in the framework of the pan-European policy process for the sustainable management of the continent's forests. **dates:** 14-16 June 2011 **location:** Oslo, Norway **contact:** Liaison Unit Oslo **phone:** +47-64-94-8930 **fax:** +47-64-94-8939 **email:** liaison.unit.oslo@foresteurope.org **www:** <http://www.foresteurope.org/eng/Events/>

CGRFA 13: The 13th session of the Commission on Genetic Resources for Food and Agriculture will be preceded by a special event on climate change. **dates:** 16-22 July 2011 **location:**

Rome, Italy **contact:** CGRFA Secretariat **phone:** +39-06-5705-4981 **fax:** +39-06-5705-5246 **email:** cgrfa@fao.org **www:** <http://www.fao.org/nr/cgrfa/cgrfa-home/en/>

CITES AC 25: The 25th meeting of the CITES Animals Committee is organized by the CITES Secretariat. **dates:** 18-22 July 2011 **location:** Geneva, Switzerland **contact:** CITES Secretariat **phone:** +41-22-917-81-39/40 **fax:** +41-22-797-34-17 **email:** info@cites.org **www:** <http://www.cites.org/eng/news/calendar.shtml>

CITES SC 61: The 61st meeting of the CITES Standing Committee is organized by the CITES Secretariat. **dates:** 15-19 August 2011 **location:** Geneva, Switzerland **contact:** CITES Secretariat **phone:** +41-22-917-81-39/40 **fax:** +41-22-797-34-17 **email:** info@cites.org **www:** <http://www.cites.org/eng/news/calendar.shtml>

UNCCD COP 10: The tenth session of the Conference of the Parties (COP 10) to the UN Convention to Combat Desertification (UNCCD) will take place in October 2011. **dates:** 10-21 October 2011 **location:** Changwon City, Republic of Korea **contact:** UNCCD Secretariat **phone:** +49-228-815-2800 **fax:** +49-228-815-2898 **email:** secretariat@unccd.int **www:** <http://www.unccd.int/>

CMS COP 10: The 10th meeting of the Conference of the Parties to the Convention on Migratory Species will be preceded by the 17th meeting of the Scientific Council (17-18 November), the 38th meeting of the Standing Committee (19 November) and the first Meeting of the Signatories to the Bukhara Deer MoU (19 November). It will be followed by the first Meeting of Signatories to the Andean Flamingo MoU (26 November), the second Meeting of the Parties to the Gorilla Agreement (26-27 November) and the seventh meeting of the Standing Committee of the African Eurasian Waterbird Agreement (AEWA) (26-27 November). **dates:** 20-25 November 2011 **location:** Bergen, Norway **contact:** UNEP/CMS Secretariat **phone:** +49-228-815-2426 **fax:** +49-228-815-2449 **email:** secretariat@cms.int **www:** <http://www.cms.int/news/events.htm>

Nagoya Protocol IC 2: The second meeting of the Intergovernmental Committee of the Nagoya Protocol on ABS is organized by the CBD Secretariat. **dates:** 23-27 April 2012 **location:** to be determined **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/>

AEWA MOP 5: The fifth session of the Meeting of the Parties to African-Eurasian Waterbird Agreement (AEWA) is organized by the UNEP/AEWA Secretariat. **dates:** 14-18 May 2012 **location:** La Rochelle, France **contact:** UNEP/AEWA Secretariat **phone:** +49-228-815-2414 **fax:** +49-228-815-2450 **email:** aewa@unep.de **www:** http://www.unep-aewa.org/meetings/en/mop/mop_overview.htm

Biosafety Protocol COP/MOP 6: The sixth meeting of the Conference of the Parties to the CBD serving as Meeting of the Parties to the Cartagena Protocol on Biosafety is tentatively scheduled for October 2012. **dates:** 1-5 October 2012 **location:** India **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/>

CBD COP 11: The eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity is tentatively scheduled for October 2012. **dates:** 8-19 October 2012

location: India **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/>

GLOSSARY

ABNJ	Areas beyond national jurisdiction
ABS	Access and benefit-sharing
AHTEG	Ad hoc Technical Expert Group
CBD	Convention on Biological Diversity
CEPA	Communication, education and public awareness
CHM	Clearing House Mechanism
COP	Conference of the Parties
CPF	Collaborative Partnership on Forests
EBSA	Ecologically and biologically significant area
GBO	Global Biodiversity Outlook
GEF	Global Environment Facility
GSPP	Global Strategy for Plant Conservation
GTI	Global Taxonomy Initiative
IAS	Invasive alien species
ICG	Intergovernmental Committee
IIFB	International Indigenous Forum on Biodiversity
ILC	Indigenous and local community
IPBES	Intergovernmental Platform on Biodiversity and Ecosystem Services
IPR	Intellectual property rights
LDCs	Least developed countries
MAT	Mutually agreed terms
MEA	Multilateral environmental agreement
MPA	Marine protected area
MYPOW	Multi-year programme of work
NBSAP	National biodiversity strategy and action plan
NFP	National focal point
PA	Protected area
PIC	Prior informed consent
REDD+	Reducing emissions from deforestation and forest degradation in developing countries, and forest conservation, sustainable forest management and enhancement of forest carbon stocks
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SIDS	Small island developing states
TEEB study	The Economics of Ecosystems and Biodiversity study
TK	Traditional knowledge
UNCCD	UN Convention to Combat Desertification
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNFCCC	UN Framework Convention on Climate Change
WG	Working Group
WGRI	Working Group on Review of Implementation of the Convention
WIPO	World Intellectual Property Organization



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