



## **CBD COP 11 HIGHLIGHTS MONDAY, 15 OCTOBER 2012**

WG I addressed draft decisions on marine and coastal, and island biodiversity, inland waters and PAs; and WG II on the status of the Nagoya Protocol and capacity-building related items. The budget group, and contact and Friends of the Chair groups on resource mobilization, guidance to the financial mechanism, new and emerging issues, REDD+, and geo-engineering met throughout the day.

### **WORKING GROUP I**

**MARINE AND COASTAL BIODIVERSITY:** Delegates considered draft decisions revised by a Friends of the Chair group on Saturday (UNEP/CBD/COP/11/WG.1/CRP.5 and 6).

**Other matters:** On encouraging measures to minimize adverse impacts of anthropogenic underwater noise, the EU suggested, and parties agreed to, referring to the “full range of” best available technologies and environmental practices.

**EIA guidelines:** The EU, opposed by ARGENTINA, ECUADOR and JAPAN, suggested taking note “with appreciation” of the guidelines. ARGENTINA noted the guidelines still contain prescriptive language.

**EBSAs:** To avoid continued debate on whether to “endorse” or “take note of” summary reports of EBSA regional workshops, Chair González Posse proposed that parties request the Secretariat to include the summary reports in the repository and transmit them to UNGA, its Working Group on marine biodiversity in ABNJ and other international bodies. Many supported the compromise proposal. The RUSSIAN FEDERATION, CHINA and ICELAND queried whether this is contrary to the procedure outlined by COP 10, highlighting the need for prior COP endorsement.

The PHILIPPINES and MEXICO called for reference to the full and effective participation of indigenous peoples and local communities. The EU cautioned against ILCs’ involvement in regional fisheries management organizations (RFMOs) because of lack of clarity about the standard of “full and effective participation” and, with CANADA, because of RFMOs’ procedural rules.

**ISLAND BIODIVERSITY:** Delegates discussed a draft decision (UNEP/CBD/COP/11/WG.1/CRP.3). MADAGASCAR proposed reference to interdependence of marine, freshwater and terrestrial resources, and SOUTH AFRICA suggested including estuarine resources. CHINA and ETHIOPIA suggested including reference to mobilizing “additional resources, in accordance with CBD Articles 20 and 21” (Financial Resources and Financial Mechanism). Delegates approved the draft decision as amended.

**INLAND WATERS:** Delegates approved a draft decision (UNEP/CBD/COP/11/WG.1/CRP.4), amended to include reference to the findings of the TEEB report on the economics of water and wetlands.

**PROTECTED AREAS:** Delegates considered a draft decision (UNEP/CBD/COP/11/WG.1/CRP.7). COLOMBIA recommended emphasizing that PAs are strategic to achieve not only Aichi Target 11 (PAs) but also other Aichi targets, with BRAZIL suggesting references to specific targets.

ETHIOPIA and BENIN, opposed by the EU, AUSTRALIA, NEW ZEALAND and TURKEY, objected to reference on improving marine PAs in all areas within parties’ jurisdiction. ARGENTINA proposed adding reference to CBD Article 4 (Jurisdictional Scope). Chair González Posse proposed reference to “both” marine and terrestrial PAs.

ETHIOPIA suggested, and following informal consultations delegates agreed to, giving due attention to the conservation of wild relatives of cultivated crops and edible plants in PAs and ICCAs in accordance with CBD and national legislation.

The PHILIPPINES called for continuation of assessments on PA governance to improve PA systems management. Following informal consultations, delegates agreed.

The EU reiterated a proposal to encourage parties, when implementing Nagoya Protocol Article 9 (Contribution to Conservation and Sustainable Use), to encourage users and providers to direct benefits from the utilization of genetic resources towards conservation and sustainable use, including establishing and managing PAs, with ETHIOPIA, GABON, BRAZIL and MADAGASCAR also requesting “ensuring fair and equitable benefit-sharing with ILCs.”

On a list of activities for the Secretariat to support implementation of national action plans for the work programme on PAs, SWITZERLAND proposed adding guidance on the definition of area-based conservation measures. The PHILIPPINES suggested contributing to the further development of the global registry of ICCAs. The draft decision was approved with these and other amendments.

### **WORKING GROUP II**

**FINANCIAL MECHANISM:** The AFRICAN GROUP recommended that the GEF: allocate funds dedicated to ABS and the Nagoya Protocol in a separate window under STAR during GEF-6 to implement the third CBD objective, without setting a precedent with regard to creation of separate windows; and provide financial support to the Secretariat to continue its technical support to parties for the Protocol’s ratification and implementation. The PHILIPPINES proposed: urging the GEF not to undermine the effectiveness of national regulatory activities by funding bioprospecting activities while regulatory activities are ongoing; and inviting countries receiving applications for bioprospecting activities to require that collectors’ countries have effective ABS regulations in place or commit to ratify the Nagoya Protocol.

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CHINA, the PHILIPPINES, the ARAB GROUP, CUBA and MEXICO said that delegates in the Friends of the Chair group are not allowed to negotiate text agreed intersessionally. The Secretariat noted that the process followed reflects Rule 35 of the Rules of Procedure regarding proposals and amendments to proposals. CHINA stressed that negotiation is a dynamic process. The PHILIPPINES noted that the COP has the mandate to address the work of subsidiary bodies. WG II Chair Bignell proposed the Friends of the Chair group address tasks initially identified and draft a revised paper, while any outstanding proposals will be addressed by WG II. He requested parties not to reopen text other than that already indicated for amendment.

**NAGOYA PROTOCOL:** Delegates addressed a draft decision (UNEP/CBD/COP/11/WG.2/CRP.3). The EU, NAMIBIA and CANADA, opposed by BOLIVIA and VENEZUELA, proposed deleting a request for a study on a global multilateral benefit-sharing mechanism, including non-market-based approaches, and text remained in brackets. Regarding a progress report on the ABS clearing-house, delegates debated specific reference to national permits and/or the internationally recognized certificate of compliance. The text remained in brackets. Outstanding issues will be addressed in informal consultations. Delegates agreed to add an exchange of views on the development and use of model contractual clauses, codes of conduct and guidelines, and on the state of implementation of the Nagoya Protocol to the ICNP 3 agenda. They also approved the annexes as forwarded by ICNP 2.

**CAPACITY BUILDING:** Delegates addressed a draft decision on reviewing progress in providing capacity-building support to parties, promoting communication, education and public awareness (CEPA), strengthening the CHM, and technology transfer and cooperation (UNEP/CBD/COP/11/WG.2/CRP.1). CANADA and the EU, opposed by ZAMBIA, COLOMBIA, the PHILIPPINES and CHINA, supported reference to CBD Article 20 (Financial Resources) and the Strategy for Resource Mobilization, rather than CBD Article 20(4). The text remained bracketed. CHINA proposed emphasizing that studies for capacity needs assessments and identification of baselines should not delay implementation of commitments by developed country parties under CBD Article 20, which was bracketed.

#### **BUDGET GROUP**

In the morning, delegates discussed options on the budget of the Secretariat, including operating expenses, members' contributions and the structure and duration of future COP and COP/MOP meetings. Delegates addressed holding a "costless COP/MOP" for the Nagoya Protocol in parallel to the COP, however, they wished to further discuss the modalities of the proposal.

On the use of a budget surplus, delegates questioned whether it could be used for addressing priority meetings should there be a shortfall of funds in the core budget. Discussions continued in the afternoon.

#### **CONTACT GROUP ON REDD+**

The group addressed a non-paper, with some developing countries emphasizing the need to ensure coherence with UNFCCC decisions, and avoiding overburdening REDD+ implementing countries. Some delegates suggested deleting references to issues dealing with the application and monitoring of biodiversity-related safeguards in the context of activities referred in paragraph 70 of the UNFCCC Decision 1/CP.16 (REDD+) throughout the text, indicating that risks and safeguards mentioned in the non-paper were already considered in UNFCCC Decision 1/CP.16. Others opposed deletion of some of these references, and many issues remained pending. The group also addressed information gathering by the Secretariat on experiences regarding the potential effects of REDD-related activities on ILCs, through compiling information from parties or "collating," "analyzing" or "summarizing" information from the national safeguards monitoring systems created under UNFCCC.

#### **CONTACT GROUP ON RESOURCE MOBILIZATION**

Delegates discussed a non-paper drafted following Saturday's consultations, focusing on a section on target setting. On obligations under CBD Article 20, several developed countries proposed referring to Decision X/3 rather than Rio Principles. Developing countries opposed, and the text remained bracketed. On the preliminary reporting framework, delegates could not agree on adopting, welcoming, or taking note of the framework for reporting and monitoring.

Delegates could not agree on preliminary targets for increased biodiversity funding, reporting of domestic biodiversity expenditures and funding needs, and preparation of national financial plans for biodiversity. Developed countries called for needs assessments and robust baselines before establishing resource flow targets, noting that national financial plans are fundamental preconditions. A number of developing countries expressed "extreme disappointment," underscoring lack of political will. Negotiations were suspended to allow for additional consultations.

#### **CONTACT GROUP ON NEW AND EMERGING ISSUES**

Discussions focused on identifying the differences between two of the options in SBSTTA recommendation XII/12 regarding future work on synthetic biology. Delegates noted that both options call for information gathering, with one aiming to follow the criteria on new and emerging issues identified in COP Decision IX/29.

Following debate, delegates agreed to request the Secretariat to: compile and synthesize relevant information, in accordance with paragraph 11 of Decision IX/29, including information provided by governments, organizations and ILCs, on organisms and products from synthetic biology techniques that may have adverse effects on the conservation and sustainable use of biodiversity, and on appropriate measures regarding their treatment, taking into account risks to human health and social, economic and cultural considerations relevant to the CBD objectives; and consider possible gaps and overlaps with the applicable provisions of the Convention and its Protocols. Delegates reserved their right to consult and propose amendments. The group agreed that the information, including application of criteria in paragraph 12 of Decision IX/29 be available for consideration by SBSTTA prior to COP 12, following a peer review. Delegates did not reach agreement on whether SBSTTA would be enabled to recommend if the topic should be placed on its agenda "as a new and emerging issue."

#### **IN THE CORRIDORS**

Discussions on targets for resource mobilization took center stage – again – despite reportedly intense consultations over the weekend and the circulation of a revised text. Parties maintained their entrenched positions, leading one developing country delegate to fear "the death of the Aichi targets" and lament "another two years wasted," and others worrying of a potential spill-over effect to other agenda items, on the eve of the opening of the high-level segment.

At the same time, smaller groups proliferated – some even thrived, such as the group on new and emerging issues that managed to have a constructive and well-informed discussion on synthetic engineering. In the REDD+ universe, in turn, discussions focused on adequately capturing the relationship between the CBD and UNFCCC mandates. Some delegates pointed to reiterations and contradictions between the text of the CBD draft decision and the Cancun outcomes on safeguards. Still, others stressed that the CBD can provide the "biodiversity and indigenous lens," which may make the difference when it comes to implementation on the ground.