



## **CBD COP 11 HIGHLIGHTS THURSDAY, 18 OCTOBER 2012**

WG I and WG II approved several draft decisions. In the afternoon, WG I focused on REDD+ and adopted its report, while contact group discussions on resource mobilization and the budget continued. The high-level segment heard statements from ministers and high-level representatives, and held two panel discussions on marine and coastal biodiversity and the Nagoya Protocol.

### **WORKING GROUP I**

**CLIMATE CHANGE: Other matters:** CANADA, with JAPAN and ISRAEL, cautioned against reference to the Rio principle on common but differentiated responsibilities in relation to resource mobilization. NEW ZEALAND suggested, and delegates agreed on, a reference to being “aware of the Rio Principles.” The EU accepted “taking note with appreciation” of SBSTTA 16 recommendation on strengthening knowledge and information on linkages between biodiversity and climate change.

**Geo-engineering:** BRAZIL, supported by CHINA, suggested stating that climate change should “primarily” be addressed by reducing anthropogenic emissions under the UNFCCC principles and provisions. The EU opposed reference to the UNFCCC principles. NORWAY, supported by the EU and QATAR, cautioned against limiting work on geo-engineering under other conventions. Delegates eventually agreed to emphasize that climate change should primarily be addressed through reducing anthropogenic emissions by sources and increasing removals by sinks “under the UNFCCC, noting also the relevance of the CBD and other instruments.”

On geo-engineering definitions, BRAZIL, supported by BOLIVIA, suggested a footnote stating that geo-engineering activities exclude carbon capture and storage (CCS) and REDD+ activities. NEW ZEALAND preferred “afforestation, reforestation and restoration” to “REDD+,” to cover activities carried out by developing and developed countries. Delegates eventually agreed to “excluding CCS at source from fossil fuels when it captures carbon dioxide before it is released into the atmosphere, and also excluding forest-related activities.”

NORWAY requested, and delegates agreed to, stating that a global regulatory and control mechanism may be “most” necessary for geo-engineering activities having potential to cause significant adverse transboundary effects or being deployed in ABNJ and the atmosphere.

NORWAY, JAPAN, AUSTRALIA, CANADA, NEW ZEALAND and the EU requested deleting text inviting parties to ensure that testing of geo-engineering techniques takes place in “controlled laboratory conditions.” ETHIOPIA, INDONESIA, TIMOR LESTE, BOLIVIA and others opposed deletion, with SOUTH AFRICA and the PHILIPPINES preferring to “urge” parties. Supported by PERU and ECUADOR, ARGENTINA

proposed to add “in accordance with international law.” Chair González Posse proposed reference to Decision X/33 (Biodiversity and Climate Change), as it included language on “controlled setting.” ETHIOPIA conceded deleting language on controlled laboratory conditions only if delegates agreed to “reaffirm” COP 10 language on ensuring that no geo-engineering takes place. AUSTRALIA and NEW ZEALAND preferred “recalling,” rather than “reaffirming,” paragraph 8(w) of Decision X/33, with AUSTRALIA explaining that it would only “reaffirm” that paragraph in conjunction with its chapeau which invites parties to consider guidance contained in paragraph 8(w). Delegates eventually agreed to delete text on controlled laboratory conditions and to “reaffirm paragraph 8, including paragraph 8(w) of Decision X/33.”

On text on customary international law, NORWAY preferred relying on language from CBD Article 3 (Principle), expressing concern about a reference to “significant” transboundary harm. ARGENTINA requested adding reference not only to States’ obligation with regard to activities within their jurisdiction or control, but also to “possible consequences of those activities.” NEW ZEALAND stressed the need to refer to the precautionary approach before mention of customary international law, due to certain countries’ disquiet at linking the two. CHINA cautioned against prescriptive language on the content of customary international law. Delegates eventually agreed to note that the application of the precautionary approach, as well as customary international law including States’ general obligation with regard to activities within their jurisdiction or control and with regards to possible consequences of those activities, and EIA requirements, may be relevant for geo-engineering activities but would still form an incomplete basis for global regulation. The US made an objection to this language, to be reflected in the meeting report.

GUATEMALA noted that geo-engineering is not a “high priority” for the CBD, and suggested that the following requests be subject to financial resource availability: compiling parties’ reports on measures taken on geo-engineering; preparing an update on the potential impacts of geo-engineering on biodiversity and on the regulatory framework; and preparing an overview of views on potential impacts on biodiversity and associated socioeconomic and cultural impacts. Delegates agreed, requesting the Secretariat to prepare the update and the overview “at the appropriate time.”

**ARTICLE 8(j):** On adopting the terminology “indigenous peoples and local communities,” the EU suggested: “noting,” rather than “recalling,” relevant UNPFII recommendations; deleting language on the terminology being “an accurate reflection of the distinct identities developed by those entities since the adoption of the Convention almost 20 years ago”; and requesting the next Article 8(j) Working Group, on the basis of submission by parties, other governments, relevant stakeholders and ILCs, to consider this matter “including any

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legal implications and within the scope of the CBD.” BRAZIL and ETHIOPIA queried the need for submissions, with NEW ZEALAND suggesting “taking into account” submissions. COLOMBIA, BOLIVIA, ECUADOR and TIMOR LESTE questioned reference to “legal implications,” with the EU clarifying that they could be either international or national, depending on discussions in the Article 8(j) Working Group.

Following informal consultations, delegates agreed to “noting” the relevant UNPFII recommendations and requesting the next Article 8(j) Working Group “taking into account” submissions by governments, stakeholders and ILCs, to consider this matter “and all its implications for the CBD and its parties” for COP 12 consideration.

**SUSTAINABLE USE:** Delegates agreed to welcome the revised recommendations on bushmeat, and compromise text stating that climate change adaptation and mitigation policies and measures should take into account the importance of wildlife for maintaining healthy ecosystems and ecosystem services.

**REDD+:** Delegates agreed to compromise language on different outstanding paragraphs. They agreed to retain language noting that the indicative list of indicators to assess progress towards the Strategic Plan’s goals as contained in SBSTTA recommendation XV/1 on the indicator framework for the Strategic Plan could be useful for assessing the contributions of REDD+ activities.

Delegates agreed to invite parties to strengthen efforts to promote the contribution of REDD+ activities to the CBD objectives with particular attention to existing technology transfer and capacity-building processes for the elements referred to in paragraph 71 of UNFCCC Decision 1/CP.16 (Cancun Agreement on long-term cooperative action) to build synergies. They deleted reference to technology transfer and capacity building “for the inclusion of relevant indicators in national forest monitoring systems.”

Delegates agreed to delete two provisions on: supporting developing countries in addressing biodiversity concerns and in achieving multiple benefits in relation to the implementation of REDD+; and inviting parties to strengthen efforts with particular attention to the indicative list of indicators in the annex of the Secretariat document on REDD+ safeguards (UNEP/CBD/SBSTTA/16/8). They further agreed to: “take note with appreciation” of the annex to the decision; and request the Secretariat to further develop advice on issues included in Decision X/33, paragraph 9(h), based on further views from parties and to report to SBSTTA prior to COP 13, “taking into full account the relevant UNFCCC decisions.”

In the annex, delegates agreed that clarifying tenure issues remains a challenge, rather than an “urgent challenge,” for aspects of REDD+ activities, including for applying safeguards.

## WORKING GROUP II

**BIODIVERSITY AND DEVELOPMENT:** Delegates approved a draft decision (UNEP/CBD/COP/11/WG.2/CRP.8/Rev.1), noting agreement reached during informal consultations on a preambular reference recalling the importance of the UN Declaration on the Rights of Indigenous Peoples.

**OPERATIONS OF THE CONVENTION: Retirement of decisions:** Delegates approved a draft decision (UNEP/CBD/COP/11/WG.2/CRP.10/Rev.1) without amendments. The PHILIPPINES questioned the basis for proposed retirements but agreed to record their concerns in the report of the meeting.

**WAYS TO IMPROVE SBSTTA EFFECTIVENESS AND COLLABORATION WITH IPBES:** Delegates discussed a draft decision (UNEP/CBD/COP/11/WG.2/CRP.12), including compromise text from a Friends of the Chair group. MEXICO requested re-insertion of paragraphs regarding facilitation and financial support of side events and round tables at SBSTTA meetings.

**STATUS OF THE NAGOYA PROTOCOL:** Delegates considered a draft decision (UNEP/CBD/COP/11/WG.2/CRP.3/Rev.1). Following consultations, delegates agreed to: request ICNP 3 to consider, based on the conclusions of the expert group on the global multilateral benefit-sharing mechanism, the need for an additional study on the issue, including on non-market-based approaches; and remove brackets

around a request to the Secretariat to report to ICNP 3 on progress in the implementation of the ABS clearing-house pilot phase, including on registration of information related to national permits or their equivalents and on technical issues concerning the establishment of the internationally recognized certificate of compliance.

**CAPACITY BUILDING:** Delegates discussed a draft decision (UNEP/CBD/COP/11/WG.2/CRP.1/Rev.1). The EU, opposed by CHINA, requested deleting text stating that conducting studies for capacity needs assessments and identification of baseline data on financial resources should not delay implementation by developed countries of their financial commitments under the Convention. The text remained bracketed. Following informal consultations, delegates accepted to invite parties to undertake and engage in voluntary peer review of NBSAPs and their implementation and share experiences through the Secretariat and the CHM. On technology transfer, delegates agreed “to promote the full implementation of Article 16 of the Convention.”

**ENGAGEMENT WITH STAKEHOLDERS:** Delegates approved a draft decision (UNEP/CBD/COP/11/WG.2/CRP.6/Rev.1), as amended, to reference: promotion of the active involvement of major civil society groups, including workers and trade unions, proposed by the EU; and engagement with initiatives such as the Young Naturalist Network and Go4BioDiv, suggested by BOLIVIA.

**NEW AND EMERGING ISSUES:** Delegates addressed bracketed text on synthetic biology in a draft decision (UNEP/CBD/COP/11/WG.2/CRP.11). Delegates agreed to: keep preambular text referencing associated social, economic and cultural considerations regarding potential impacts of synthetic biology techniques; and replace a bracketed reference to SBSTTA recommending whether the topic should be placed on its agenda as a new and emerging issue, with reference to Decision IX/29 paragraph 13 (SBSTTA mandate on new and emerging issues).

BRAZIL and MEXICO supported an option calling for application of the precautionary approach. The PHILIPPINES and BOLIVIA preferred another option amounting to a moratorium on releases. Following informal consultations, GHANA presented compromise text urging parties to take a precautionary approach when addressing threats of significant reduction or loss of biodiversity caused by organisms and products of synthetic biology, in accordance with domestic legislation, recognizing scientific uncertainties on the potential impacts on the conservation and sustainable use of biodiversity of synthetic life, cells or genomes. ARGENTINA preferred “encouraging” parties. Many delegates opposed, pointing to the delicate balance of the compromise.

## IN THE CORRIDORS

With the closure of the meeting only hours away, the “main item” – resource mobilization – seemed to be far from finalization. As delegates engaged in text-based negotiations on the basis of a new Co-Chairs’ text in a packed room, it soon became clear that positions remained entrenched. “Let’s hope the festival of Dasara will live up to its name and remove the “bad fate,” an exasperated participant remarked.

Meanwhile, scant progress was being made on matters of budget. Delegates remained firm in their positions on staffing and key activities to be financed through the core budget. Some movement, however, was noticeable as developing countries offered to make up the shortfall for the meeting of the Article 8(j) Working Group – a move lauded by all. Amidst several frantic calls to capitals to try finalizing other possible pledges and find leeway in positions, one seasoned delegate commented: “We may be reaching an agreement, but it’s held together by the skin of our teeth.”

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of COP 11 will be available on Monday, 22 October 2012 online at: <http://www.iisd.ca/biodiv/cop11>