

IPBES-1 HIGHLIGHTS: THURSDAY, 6 OCTOBER 2011

The first session of the plenary meeting on the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) reconvened for the fourth day of deliberations in Nairobi, Kenya. The morning's discussions focused on legal issues relating to the establishment of the platform as well as the functions and structure of possible bodies to be created. The Friends of the Chair groups on membership to the platform and the rules of procedure resumed their work during lunchtime.

In the afternoon and evening sessions, delegates resumed discussions on the functions and structure of bodies that might be created under an IPBES, as well as on the process and elements for selecting the hosting institution and the physical location of the secretariat.

MODALITIES AND INSTITUTIONAL ARRANGEMENTS FOR AN IPBES

LEGAL ISSUES RELATING TO THE ESTABLISHMENT OF THE PLATFORM: BRAZIL, supported by CHILE, COLOMBIA, MEXICO and others stressed that the IPBES is already established and that sovereign states should not be held back by the legal opinions of the UN legal counsel. EGYPT, for the African Group, supported by BOLIVIA and others, looked forward to having IPBES established in accordance with appropriate procedures, such as under a UN General Assembly (GA) resolution. They noted appropriate steps to resolve this matter at the second plenary meeting and establishing IPBES within the UN system.

NORWAY, supported by SWITZERLAND, the US, BARBADOS, FIJI, the EU and its Member States, THAILAND and ARGENTINA supported establishing IPBES as soon as possible by a resolution of the IPBES plenary declaring that the platform is established and that the current plenary is transformed into the first plenary meeting of the platform. Other countries, however, favored establishing IPBES as an independent intergovernmental body with a possible, but not compulsory, endorsement by the UNGA. The US considered the only limitation as UNEP having convened this plenary, saying that this should not prejudice decisions on the final structure and its independence from the institutions that will provide secretariat services. The PHILIPPINES emphasized that this plenary, as a plenipotentiary meeting, has the power to establish IPBES under international law and it should do so as soon as possible. BRAZIL and the EU and its member states said governments had the sovereign right to interpret the documents and decide on the way forward.

JAPAN and INDIA supported early establishment of IPBES with executive heads of selected organizations to establish the platform. The US emphasized that the different points of view reflected policy divergences rather than legal issues. The UNEP legal counsel said that transformation of intergovernmental organizations outside the UN into UN bodies was possible. The PHILIPPINES suggested that delegates consider the immediate establishment of IPBES with possible consideration for transforming it into a UN body in the future. MEXICO concurred by giving the example of the International Atomic Energy Agency, which now has agreements with the UN for joint staff pension schemes among others. GHANA cautioned delegates not to rush into establishing IPBES without consideration of the time and process it would require to transform it into a UN body.

FUNCTIONS AND STRUCTURES OF BODIES TO BE ESTABLISHED:

Officers of the plenary: On nomination and selection of officers, delegates agreed, following a request from the US that was supported by BRAZIL, to take gender balance into account in the selection of officers. The US also noted the importance of balance between scientific disciplines.

Functions of the chair and the vice-chair: On the function of the chair, delegates agreed, following deliberations, that these functions be defined as set out in the rules of procedure and be directed by the plenary. Delegates also decided to: retain the function of "representing the platform;" reject a proposal by the EU and its member states to include outreach and communication activities; and delete reference to other functions that depend on the establishment of the subsidiary bodies.

On the functions of the vice-chairs, the US said, and delegates agreed, that these should be defined in the same way as the functions of the chair. Delegates also agreed: that the vice-chairs should participate in the work of the bureau; that presiding over meetings of subsidiary bodies is not a function of vice-chairs; to highlight in the rules of procedure that the vice-chairs act on behalf of the chair, "where necessary"; and to delete reference to carrying out outreach and communication activities and other functions depending on the subsidiary bodies.

On guidelines on the nomination and selection of chairs and vice-chairs delegates agreed to delete reference to experience with assessments and the ability to represent the platform at all levels.

Subsidiary bodies of the plenary: CHINA asked for clarification on the relationship between subsidiary bodies and the plenary, and highlighted that the primary functions of the subsidiary bodies is to support the smooth operation of the platform. AUSTRALIA suggested, and the US objected, to remove referencing administrative and scientific oversight.

SOUTH AFRICA highlighted that subsidiary bodies should facilitate the operations of the platform; KIRIBATI emphasized the “timely” operation of the platform; and CHINA added that subsidiary bodies provide oversight “as decided by the plenary.” IUCN for CSOs, supported by GHANA, asked governments to consider a mechanism for receiving the input of non-governmental stakeholders when considering the functions of subsidiary bodies.

In the evening, parties reviewed text on the functions and structures of bodies that might be established under an IPBES. After deliberations, delegates decided to rename the section on the form and functions of subsidiary bodies “administrative and scientific functions to facilitate the work of the platform,” and to postpone the decision on whether subsidiary bodies, the Bureau, or the Secretariat would carry out these functions.

Delegates discussed these functions and agreed to: bracket the approval of requests by observer organizations until membership issues are clarified; assign the monitoring of the secretariat’s performance to the plenary; and describe the function regarding financial resources as review of the management of resources and observance of financial rules, and to likewise keep this formulation in brackets.

Regarding the scientific and technical functions of the subsidiary bodies, the US opposed by CHILE called for removal of providing advice on communication as a function of a subsidiary body. The Chair suggested instead a stand-alone bullet on this emphasizing its importance. AUSTRALIA said developing a list of contributors to the work programme would discourage contributions from new researchers. The EU and its member states suggested including other types of knowledge, other stakeholders besides scientists and consideration of a diversity of disciplines and delegates decided to replace these in brackets.

BRAZIL, with others, and opposed by the US and the EU and its member states, suggested an additional paragraph on facilitating technology transfer according to the work programme of the platform. The paragraph was retained in brackets. NORWAY, supported by PERU and MEXICO, introduced an additional paragraph on providing guidance on how to use indigenous and local knowledge in the science-policy interface. The US proposed exploring methodologies to incorporate different knowledge systems. JAPAN suggested including this item in the work programme on knowledge generation. Delegates agreed that subsidiary bodies should explore ways and means to take different knowledge systems into account in the science-policy interface.

The secretariat: BRAZIL proposed it should service also subsidiary bodies. The US proposed deleting substantive support functions. BRAZIL proposed deleting references to undertaking secretariat’s functions under the direction of the plenary, which was eventually retained in the chapeau. The section was adopted with other minor amendments.

PROCESS AND CRITERIA FOR SELECTING THE HOST INSTITUTION AND LOCATION: In the afternoon, delegates reconvened to resume discussions on the process and criteria for selecting the host institution and location

Proposed process for inviting organizations to signify their interest: The EU and its member states with UGANDA and opposed by the US and BRAZIL cautioned against limiting the invitation to the four sponsor organizations of IPBES, namely UNESCO, UNDP, FAO and UNEP.

Proposed process for reviewing proposals: BRAZIL proposed text reflecting that the bureau would “forward” rather than “disseminate” offers from interested organizations to all governments. SOUTH AFRICA said that the offers should be forwarded to governments with a view to making “decisions” rather than “recommendations” on host institutions of the secretariat.

Elements for consideration in selecting the physical location of the secretariat: AUSTRALIA, supported by THAILAND and opposed by SOUTH AFRICA and REPUBLIC OF KOREA, requested that diplomatic representation be on a country rather than city basis. REPUBLIC OF KOREA and BRAZIL said that the presence of international organization related to biodiversity and ecosystem has no consequence on the secretariat’s functions. SWITZERLAND, SOUTH AFRICA, KENYA and MEXICO opposed its deletion.

KENYA, with EGYPT, objected the element on security with GHANA saying danger occurs everywhere. BRAZIL said that if this relates to “the comfort” of the secretariat, then other elements such as extreme weather and frequent strikes would also apply. Delegates agreed to delete this element.

KENYA said that the element regarding country’s experience with, and commitment to conservation and sustainable use of biodiversity and ecosystem services is subjective and would have no influence on the secretariat’s functions.

Proposed process for inviting submission of proposals for the secretariat’s physical location: THE EU and AUSTRALIA proposed increasing the length of applications from 10 to 20 pages. MEXICO suggested, and delegates agreed, to 15 pages. MEXICO, opposed by SOUTH AFRICA, asked the bureau to provide a template. THAILAND asked for inserting text indicating the possibility for governments to submit joint or individual offers.

Delegates agreed, that only the executive summaries of applications be translated into UN languages. CHILE said that governments should consider these offers with the view to making “a decision” rather than “recommendations” of the secretariats’ physical location.

ORGANIZATIONAL MATTERS

Chair Watson asked delegates to consider having intersessional work and possible topics. JAPAN supported intersessional work and said expertise from academic institutions is also needed. BRAZIL asked how the results of the meeting will be reflected and whether delegates will adopt a report. The Secretariat noted the possibility of producing a procedural report with an annex that could contain the agreements reached and reflections on the discussion held during the plenary session. Chair Watson said that delegates will be asked to adopt a report that will be made available in the official UN languages.

IN THE CORRIDORS

In the morning’s plenary session, many delegates seemed to enjoy the discussion on legal issues related to the establishment of IPBES, with eloquent speeches debating the value of legal opinions and the primacy of state sovereignty in creating international law. In the corridors, some participants complained that not all the presented options were legally sound or politically viable, state sovereignty does not replace the need for a strong buy-in of the institutional host organizations in the establishment process, and that key issues boil down to the absence of consensus on IPBES being already established and the need to move forward. On a different note, the decision by the UN Educational, Scientific and Cultural Organization (UNESCO) to back Palestine’s bid for full membership to the Organization contributed to political tensions in the discussion on opening membership of the platform to members of UN specialized agencies.

ENB SUMMARY AND ANALYSIS: The Earth Negotiations Bulletin summary and analysis of IPBES-1 will be available on Monday, 10 October 2011 online at: <http://www.iisd.ca/ipbes/sop1/>