

Eleventh Conference of Parties Convention on Biological Diversity COP11

State of the negotiations



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CONVENTION ON BIOLOGICAL DIVERSITY
HYDERABAD INDIA 2012

8-19, October 2012



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Head of the publication

Fatimata Dia Touré, Director of IEPF

Scientific Direction

Philippe Le Prestre, IHQEDS

Coordination

Rajae Chafil, IEPF

Jocelyne Néron, IHQEDS

Yan Turgeon, IHQEDS

Authors

Lila Gagnon Brambilla, IHQEDS

Kalemani Jo Mulongoy

Philippe Le Prestre, Université Laval

Yan Turgeon, IHQEDS

Jaye Ellis, Université McGill

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Institut de l'énergie et de l'environnement de la Francophonie (IEPF)

Fatimata Dia Touré, Director

Prosper Biabo, Deputy Director, Programmes

Rajae Chafil, Programme Specialist, International Negotiations on Environment

Louis-Noël Jail, Communication Manager, Information et Documentation Department

Jacinthe Potvin, Assistant, Information et Documentation Department

Design and production

Code Jaune, design et créativité, Québec (Qc), Canada

Translation from French to English

Susan Esplan



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HOW TO USE THIS GUIDE

The *Institut de l'énergie et de l'environnement de la Francophonie* (IEPF - Energy and Environment Institute of the French-speaking Countries), a subsidiary body of the International Organisation of the Francophonie, has been producing **Guides to the Negotiations** prior to each Conference of the Parties on the three Rio Conventions (climate change, biodiversity and combating desertification) since 2006. The Guide to the Negotiations for the Convention on Biological Diversity (CBD) is published with the scientific support of the *Institut Hydro-Québec en environnement, développement et société* (IHQEDS - Hydro-Quebec Institute for environment, development and society) at Université Laval.

Summary Guides for Policymakers have been a welcome addition to this Collection of Guides to the Negotiations since 2009.

This fourth Guide to the Negotiations of the CBD, with contributions from several experts, is addressed to the delegates to the eleventh session of the Conference of the Parties (COP11) of the CBD as well as to observers following the multilateral negotiations on the environment who wish to keep up with the discussions at Hyderabad, the capital of the Indian State of Andhra Pradesh, on 8-19 October 2012. This Guide is therefore not a manual for the perfect diplomat, more a source of information on the topics addressed.

The introduction (Section 1) identifies the major themes of the Hyderabad Conference and offers clarification to the delegates faced by a particularly busy agenda. For those less familiar with the CBD, Section 2 gives an overview of its history, operation and provisions. Section 3 puts the COP11 themes into perspective and goes through the items on which the delegates will focus one by one, placing them in their historical context, setting out the tensions likely to divide the Parties and presenting the decisions that could be made.

To round out this picture, Sections 4 to 10 offer more advanced analyses of some of the issues of the Hyderabad Conference. Section 4 is mainly interested in the issues surrounding the operationalisation of the Nagoya Protocol, with some provisions requiring clarification. The next sections cover the CBD Strategic Plan 2011-2020 and the establishment of indicators to make it easier to monitor its implementation (Section 5), the review of existing mechanisms to take account of the creation of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (Section 6), the cooperation with the other international conventions, organisations and initiatives (Section 7), the identification of ecologically and biologically significant marine areas (Section 8), the impacts of climate change mitigation measures on the biodiversity (Section 9) and the building up of South-South cooperation (Section 10).

Section 11 is an exhaustive summary of the last COP held in Nagoya in 2010 which resulted in the adoption of the Strategic Plan for Biodiversity 2011-2020 and the Nagoya Protocol. This is a good starting point for understanding the discussions to be held in Hyderabad. As the work of the CBD calls on a large number of multilateral agreements and international organisations that can sometimes be difficult to disentangle, Annex I contains eleven technical sheets on the biodiversity-related conventions, including the CBD and its protocols. These sheets give concise information on their objectives and provisions, their operation and their ratification status. Lastly, Annex 2 contains terminology sheets, including a glossary of useful terms and two lists of abbreviations and acronyms (French and English).

FOREWORD

The hugely positive burst by the international community to back sustainable and equitable management of biodiversity resources led to the adoption of the Nagoya Protocol on the ABS in November 2010 during the 10th Conference of the Parties to the Convention on Biological Diversity.

The eleventh conference being held in this year in Hyderabad is a new step that is just as important. Its main aim is to seek out paths, methods and mechanisms to execute the Strategic Action Plan for Biodiversity 2011-2020 and the Aichi Targets as well as work towards the ratification of the Nagoya Protocol with a view to its entry into force.

As you know, this guide is the traditional contribution from the Francophonie to the participants playing an active role in the negotiating process for the Convention on Biological Diversity. It aims to provide as much information and knowledge as possible on the current negotiating points and thus help negotiators in developing countries to take an appropriate stand on the recommendations and decisions of the conference.

Apart from the Ten-Year Programme 2011-2020 and the Nagoya Protocol on the ABS, the creation of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) is enhancing the commitment of different categories of players to promoting the sustainable use of biodiversity resources as a means to combat poverty. The Rio+20 Declaration refers to this in the chapter on the action and follow-up framework in the section on biodiversity.

The dynamics triggered for the next decade in biodiversity need increased support and assistance for developing countries in terms of building up human, scientific, technical and financial capacities to achieve the three objectives of the Convention. The current Francophone initiative, among others, conducted by the IEPF is along the same lines. It has come about with the technical collaboration of IHQEDS of Université Laval and for the first time an English version is also available, as requested strongly by the English-speaking developing countries. UNEP has made this translation possible.

In the name of the OIF authorities and the IEPF team, our sincere thanks go to all these partners.

Pleasant reading and enjoy the conference!

Fatimata DIA Touré

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1. INTRODUCTION

The Hyderabad Conference marks the start of a new cycle for the CBD. It is the first to take place since the adoption of the Strategic Plan 2011-2020 and is expected to review its implementation. As such, the establishment of a list of indicators corresponding to each of the twenty Aichi Targets should assist in monitoring it in the years to come. The mobilisation of financial resources to assist the Parties in achieving these targets is, however, likely to generate the most lively debates. The COP11 must, especially, examine the implementation of the Resource Mobilisation Strategy and provide guidance for the Global Environment Facility (GEF), which acts as the CBD financial mechanism, with a view to its sixth replenishment (2014-2018). This period will be critical in achieving the Aichi Targets, most of which have deadlines of 2015 or 2020. The estimated sums required to assist developing countries and those in transition in fulfilling their commitments vary from US\$17 to 41 billion. In the current economic context, it is clear that these requirements will be difficult to fill.

Hyderabad is also the first Conference since the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation (ABS). Although it will not be in force as the COP11 meets, it should clarify what happens until its operationalisation. The Protocol text is still unclear on several aspects of its implementation and the COP11 will have a major task in clarifying the interpretation of certain provisions. This is especially true of Article 10 which requests a review of the "need" for a global benefit-sharing multilateral mechanism. Setting up such a mechanism could extend the scope of the Protocol to the ex situ collections or to the general resources where it is impossible to obtain prior consent. This will surely have an influence on the willingness of some countries to ratify it, or not. The COP11 should also clarify the operation of the compliance mechanism - and the Parties are particularly divided on this - and clarify the modalities surrounding the notification of permits and the updating of internationally-recognised compliance certificates. Lastly, the COP11 should guide the financial mechanism by making sure that the mobilisation of resources allows all the Parties to access the financing and benefit from the positive fallout of the ABS. Any failure of these negotiations could inhibit the entry into force of the Nagoya Protocol, at least in the foreseeable future.

Following on, the COP11 will examine how its Ad Hoc Working Group on Article 8(j), tasked with providing opinions on how to preserve the traditional knowledge of indigenous and local communities, could help to implement the Nagoya Protocol, mainly by supplying guidelines on how to ensure the fair and equitable sharing of benefits resulting from the use of traditional knowledge. The COP should mainly clarify the notion of sui generis systems. It is nowadays acknowledged that the know-

ledge, innovations and practices of indigenous and local communities are "collective properties" and must be protected. How this is done is still unclear. To this end, the COP11 could set up an Ad hoc Technical Expert Group (AHTEG) dedicated to preparing a report on the sui generis systems. In this way, the COP will contribute to the negotiations within the World Intellectual Property Organisation (WIPO) of a scheme to protect genetic resources, traditional knowledge and cultural expressions, mainly targeting the sui generis protection.

The change in the United Nations Convention on the Law of the Sea (UNCLOS) also calls on the CBD. The preparation of any implementation agreement on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction is a chance to plug the gaps in the CBD, whose mandate is restricted to living organisms and areas falling under the jurisdiction of States (which cover less than half of the surface area of the oceans). The Aichi Target to conserve 10% of marine and coastal areas by 2020 may therefore not be achieved, unless an agreement on the conservation and sustainable exploitation of the open ocean waters is reached in the meantime. This issue should retain the attention of delegates who could provide guidance on the description of "ecologically and biologically significant marine and coastal areas".

Delegates will also be looking at the implementation of the United Nations Framework Convention on Climate Change (UNFCCC). Not only because climate change is a major cause of the erosion of the biodiversity on a global scale, but also because the planned mitigation measures to deal with it risk increasing the pressure on the ecosystems. There is especially a fear that the projects to enhance forest carbon stocks implemented under the REDD+ encourage the conversion of natural forests into plantations of fast-growing species.

Another important theme for the CBD is the interrelations between the biodiversity and poverty eradication. It is a given fact nowadays that losing the biodiversity increases the vulnerability of poor populations, whilst protecting and even increasing services rendered by the ecosystems can help to eradicate poverty. It is therefore crucial for developing countries that biodiversity and the notion of ecosystem services be included in the national schedules and accounts; the development and poverty eradication programmes of cooperation agencies, international institutions and multilaterals must get involved. As such, the COP11 should approve or take note of the Dehradun Recommendations resulting from the first meeting of the Expert Group on Biodiversity for Poverty Eradication and Development (Dehradun, December 2011). It could also decide to continue the work of the AHTEG with a view to preparing a roadmap on the inclusion of the biodiversity at the service of poverty eradication and development in the context of the Strategic Plan 2011-2020.

The COP11 should also draw the conclusions from creating the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). Although everyone agrees that this will help to achieve the CBD objectives, it does,

however, shake up the institutional environment in which it has been evolving for twenty years. To take account of this, the COP should think deeply about the operation of its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and on the future of the report on the Global Biodiversity Outlook (GBO).

Lastly, the new Executive Secretary of the CBD, Mr Braulio Ferreira de Souza Dias, took office in February 2012. The appointment of this Brazilian diplomat as successor to Mr Ahmed Djoghlaif could bring a change of culture within the Secretariat. In the medium term, however, it should not alter the orientations of the CBD, as it comes after the adoption of the Strategic Plan 2011-2020 by the COP10 in Nagoya.

TABLE 1.
CBD TIMEFRAME

1992	Nairobi	Nairobi Conference to adopt the text of the Convention on Biological Diversity (20-21 May)
	Rio	Rio Earth Summit (3-14 June) ↪ Opening of the CBD for signature (5 June)
1993		→ Entry into force of the CBD (29 December)
1994	Nassau	1 st session of the Conference of the Parties (COP-1, 28 November-9 December)
1995	Paris	1 st session of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA, 4-8 September)
	Jakarta	COP2 (6-17 November)
1996	Montreal	SBSTTA-2 (2-6 September) → The CBD Secretariat starts operating in Montreal
	Buenos Aires	COP3 (4-15 November)
1997	Montreal	SBSTTA-3 (1-5 September)
1998	Bratislava	COP4 (4-15 May)
1999	Cartagena	EXCOP-1 (22-23 February)
	Montreal	SBSTTA-4 (21-25 June)
2000	Montreal	EXCOP-1a (24-29 January) ↪ Adoption of the <i>Cartagena Protocol on Biosafety</i>
	Montreal	SBSTTA-5 (31 January-4 February)
	Seville	1 st meeting of the Ad Hoc Open-ended Working Group on Article 8(j) (WG8j, 27-31 March)
	Nairobi	COP5 (15-26 May)
2001	Montreal	SBSTTA-6 (12-16 March)
	Bonn	1 st meeting of the Ad Hoc Working Group on Access and Benefit-Sharing (WG-ABS-1, 22-26 October)
	Montreal	SBSTTA-7 (12-16 November)

2002	Montreal The Hague	WG8j-2 (4-8 February) COP6 (7-19 April) → Adoption of the Strategic Plan, the 2010 objective and <i>Bonn Guidelines on ABS</i>
	Johannesburg	Johannesburg Summit (26 August-4 September) → Adoption of the 2010 objective by the Implementation Plan of the World Summit on Sustainable Development
2003	Montreal	SBSTTA-8 (10-14 March) → Entry into force of the Protocol of Cartagena (11 September)
	Montreal	SBSTTA-9 (10-14 November)
	Montreal	WG-ABS-2 (1-5 December)
	Montreal	WG8j-3 (8-12 December)
2004	Kuala Lumpur	COP7 (9-20 February)
	Kuala Lumpur	CRP-1 to the Protocol of Cartagena (23-27 February)
2005	Bangkok	SBSTTA-10 (7-11 February)
	Bangkok	WG-ABS-3 (14-18 February)
	Montecatini	1 st meeting of the Ad Hoc Open-ended Working Group on Protected Areas (WGPA-1, 13-17 June)
	Montreal	1 st meeting of the Working Group on the Review of Implementation (WGRI-1, 5-9 September)
	Montreal Montreal	SBSTTA-11 (28 November-2 December) CRP-2 to the Protocol of Cartagena (30 May-3 June)
2006	Grenada	WG8j-4 (23-27 January)
	Grenada	WG-ABS-4 (30 January-3 February)
	Curitiba	CRP-3 to the Protocol of Cartagena (13-17 March)
	Curitiba	COP8 (20-31 March)
2007	Potsdam	G8 Summit of Environment Ministers (15-17 March) → Potsdam Initiative - Biological Diversity 2010
	Paris	SBSTTA-12 (2-6 July)
	Paris	WGRI-2 (9-13 July)
	Montreal	WG-ABS-5 (8-12 October)
	Montreal	WG8j-5 (15-19 October)
2008	Geneva	WG-ABS-6 (21-25 January)
	Rome	WGPA-2 (11-15 February)
	Rome	SBSTTA-13 (18-22 February)
	Bonn	CRP-4 to the Protocol of Cartagena (12-16 May)
	Kobe	G8 Summit of Environment Ministers (24-26 May) → <i>Kobe Call for Action for Biodiversity</i>
	Bonn	COP9 (19-30 May) → Adoption of the <i>Bonn Roadmap</i> for the negotiations on a regime on the ABS

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2009	Paris	WG-ABS (2-8 April)
	Syracuse	G8 Summit of Environment Ministers (22-24 April) ↳ <i>Syracuse Charter for the protection of the biodiversity</i>
	Montreal Montreal	WG8j-6 (2-6 November) WG-ABS-8 (9-15 November)
2010	Cali	WG-ABS-9 (Cali, 22-28 March)
	Nairobi	SBSTTA-14 (Nairobi, 10-21 May)
	Nairobi	WGRI-3 (Nairobi, 24-28 May)
	Montreal	WG-ABS-9a (Montreal, 10-16 July)
	Nagoya	CRP-5 to the Protocol of Cartagena (11-14 October) ↳ adoption of the <i>Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress</i>
	Nagoya	COP10 (18-29 October) ↳ Adoption of the <i>Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation</i> ↳ Adoption of the Strategic Plan for Biodiversity 2011-2020 and twenty Aichi Targets
2011	Montreal	WG8j-7 (31 October-4 November)
	Montreal	SBSTTA-15 (7-11 November)
	Montreal	1 st meeting of the Ad Hoc Intergovernmental Committee for the Nagoya Protocol on ABS (ICPN-1, 6-10 June)
2012	Montreal	SBSTTA-16 (30 April-5 May 2012)
	Montreal	WGRI-4 (7 to 11 May 2012)
	New Delhi	ICNP-2 (2-6 July 2012)
	Rio	United Nations Conference on Sustainable Development (Rio+20, 20-22 June)

2. CBD BACKGROUND AND PROVISIONS

Negotiated in record time to comply with the deadline of the Rio Conference on Environment and Development, the Convention on Biological Diversity (CBD) entered into force on 29 December 1993. This initiative responded to three major concerns: (i) lawyers, concerned about "rationalising" the conservation of natural resources by assembling under same commitment the principles contained in a multitude of partial agreements, thereby leading to coordinate and effective implementation of legal instruments and existing agreements, (ii) general public and scientists, concerned about responding to the cries of alarm and to giving new impetus to the protection of ecosystems that are home to a large variety of species and (iii) States and private enterprises, concerned about building an ordered system that ultimately governs access to genetic resources, sharing of benefits derived from exploiting these resources and the trade in genetically-modified organisms. The CBD is therefore pursuing three objectives:

1. the conservation of biological diversity
2. the sustainable use of the components of biological diversity
3. the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources

The States naturally tend to want progress towards the objectives that suit their own interests best and which seem clear and feasible; hence the danger of a variable speed implementation. For the Southern countries, however, these objectives go hand in hand and are interdependent. It is precisely this interdependence that gives the CBD its innovative character in their eyes.

The CBD is therefore misnamed to a certain extent. Its scope goes far beyond the conservation of species in their natural environment. It also includes the conservation of wild or domesticated species *ex situ*, the sustainable use of biological resources, the access modalities to genetic resources and sharing of benefits, the handling and transfer in total safety of modified living organisms, the rights of local populations and access to new technologies and appropriate sources of financing.

The CBD advances an ecosystem approach to conservation, in response to approaches centred more on the species or a particular habitat. Its implementation lies basically with the States Parties who must themselves commit to a certain number of legislative and financial measures to apply the articles of the CBD.

The CBD also illustrates a general movement of appropriation of everything natural by the States. This has first and foremost been done by the States themselves. The fleeting principle of "shared heritage of humanity" is clearly forgotten and the phrase used is more that "the conservation of the biodiversity is a concern shared by humanity". Rather than "multilateralising" the sovereignty over resources, Article 3 underlines from the start that "States have the sovereign right to exploit their own resources pursuant to their own environmental policies". This right is however tempered by a duty to make sure that these activities "do not cause damage to the environment of other States or of areas beyond national jurisdiction".

Lastly, the CBD was not born into an environment devoid of agreements on the protection of species or natural environments. Seen initially as an umbrella agreement, it has taken shape as an instrument at best *primus inter pares*, whilst assuming a coordinating role. The adoption of the Strategic Plan 2011-2020 and its Aichi Targets by the COP10 in Nagoya in 2010 conveyed the desire of contracting Parties to provide a working framework common to all biodiversity-related conventions, but the other conventions are free to take account of this in their own work programmes, or not.

2.1. Obligations of States Parties

The CBD is a framework convention, i.e. a legal instrument that sets out principles and general parameters for defining a problem and international cooperation methods to resolve it. Restrictive obligations are very few and even non-existent in an agreement such as this. A framework convention is then defined by negotiating one or more protocols that are signed and ratified separately, such as the Cartagena and Nagoya Protocols for the CBD. Several of the CBD articles are therefore qualified by phrases such as "wherever possible and as appropriate", "based on its own conditions and means" or "depending on its means". These provisions mainly ask the Parties to:

- cooperate with the other Parties (Art. 5)
- prepare national biodiversity strategies and action plans (Art. 6)
- identify and monitor the biodiversity constituent parts (Art. 7)
- establish a system of protected areas (Art. 8(a))
- encourage the protection of ecosystems (Art. 8(d) and restore degraded ecosystems (Art. 8(f))
- regulate, manage or control the risks from the use and release of modified living organisms (Art. 8(g))
- prevent the introduction, control or eradicate invasive alien species (Art. 8(h))
- respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities (Art. 8(j))
- adopt ex situ conservation measures (Art. 9)

- use the biological resources sustainably (Art. 10) and adopt economic and socially-rational measures urging the conservation and sustainable use of the biodiversity (Art. 11)
- adopt procedures to assess the impacts of projects likely to harm the biodiversity (Art. 14)

The rare obligations of the Parties involve reporting to the Conference of the Parties (Art. 26), to facilitate access to genetic resources and conservation technologies (Arts. 15 and 16) and taking miscellaneous measures for awareness-raising, research and the exchange of information (Arts. 12, 13 and 17).

On the other hand, the developing countries and some countries in transition (which assume voluntarily the obligations of developed countries) have agreed to binding additional responsibilities by virtue of the Convention¹. They undertake to provide "new and additional financial resources" so that the developing countries can face up to the "extra costs" forced on them by the CBD implementation. To this end, Article 21 of the CBD creates a financial mechanism to provide financial resources to the developing countries as grants or concessions.

Over the years, the CBD contracting Parties have also sought to clarify the provisions of the CBD by preparing protocols, themed and multisectorial programmes, guidelines or targets.

Aichi Targets

The adoption of the Strategic Plan 2011-2020 gave the CBD twenty targets, christened the "Aichi Targets". Coordinated action by the Parties to the CBD is required if they are to be achieved. Although they aspire to global satisfaction, Decision X/2 urges the governments to help to achieve them by forming coherent national and regional objectives, mainly by incorporating the Aichi Targets in their national biodiversity strategies and action plans. Most of the Aichi Targets include quantified targets that must be achieved by 2020. These include:

- extending the protected areas to 17% of land areas and inland waters and 10% of marine and coastal areas (Target 11);
- restoring 15% of degraded ecosystems, to increase their resilience and contribute to carbon sequestration (Target 15);
- reduce at least by half the loss rate of all natural habitats, including forests, and, if possible, bring it back to near zero (Target 5);
- end overfishing and manage fish and invertebrate stocks sustainably and introduce recovery measures for all depleted species (Target 6);

1. Decision VIII/18 provides an up-to-date list of developed countries and Parties which assume the obligations of developed countries voluntarily.

- manage sustainably the agriculture, aquaculture and forestry areas to ensure the conservation of the biodiversity (Target 7);
- return to sustainable levels the pollution caused by excessive nutrients in the ecosystems (Target 8);
- prevent the introduction and establishment of invasive alien species (Target 9);
- prevent the extinction of endangered species and improve their state of conservation (Target 12);
- maintain the genetic diversity of cultivated plants, farm and domestic animals and their wild relatives by reducing their genetic erosion as much as possible (Target 13);
- incorporate the value of the biodiversity in the strategies and planning processes, national accounting and reporting systems (Target 2);
- eliminate, reduce or reform the incentives and grants that are harmful to the biodiversity and apply positive incentives to promote conservation and sustainable use (Target 3);
- take measures at all levels (government, business and other stakeholders) to ensure sustainable production and consumption (Target 4);
- take into consideration the traditional knowledge, innovations and practices of indigenous and local communities (Target 18);
- increase the financial resources required to implement the Strategic Plan 2011-2020 effectively (Target 20).

Three targets have a shorter deadline (2015):

- reduce the anthropogenic pressures on the coral reefs and the other ecosystems affected by climate change and ocean acidification (Target 10);
- operationalise the Nagoya Protocol on ABS (Target 16);
- prepare, adopt and start to implement - in all the States party to the CBD - national biodiversity strategies and action plans (Target 17).

These targets give an overview of the ambitious CBD programme and the huge number of key players it has to mobilise to achieve them.

2.2. Institutional structure

The text of the Convention creates three bodies: the Conference of the Parties (COP), the Secretariat (SCBD) and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA).

Conference of the Parties

The Conference of the Parties (COP) is the supreme body of the CBD which oversees its implementation, sets out the frequency of communications to be presented and adopts the budget for each financial year. It has the following main functions: (i) ensure the implementation of the Convention; (ii) adopt the budget; (iii) examine the national reports submitted by the Parties; (iv) develop the guidelines for the financial mechanism; and (v) adopt the annexes or protocols relating to the Convention.

The COP meets every two years and is made up of all the States that have signed and ratified the CBD or that have joined it through accession, acceptance, approval or succession. Only the United States, Andorra, the Holy See and South Sudan are still not Parties to the CBD. The non-Party countries and specialised agencies can attend the COP as observers. Governmental and non-governmental organisations with an activity affecting the biodiversity can also be admitted provided that one third of the Parties have no objections.

Secretariat

The main functions of the Secretariat consist of compiling the information required by the Parties and organising the sessions of the COP and its subsidiary bodies. It also coordinates the work of the CBD with that of other international bodies. Located in Montreal, the Secretariat is attached to the United Nations Environment Programme (UNEP).

Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)

The SBSTTA supports the COP and the other Convention bodies with recommendations on the scientific and technical aspects of implementing the Convention. Its members are experts representing the governments in the relevant fields and observers from non-Party governments, the scientific community and other relevant organisations. To take account of the creation of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in April 2012, the COP11 may wish to review the operation of the SBSTTA. This question is examined in greater detail in Section 6 of this guide.

Ad hoc working groups

The CBD also permits the COP to create bodies that can provide it with recommendations on special aspects of its implementation or negotiate the text of protocols². As they are not formal subsidiary bodies, their operation relies on voluntary contributions. So far, the COP has created four *ad hoc*³ working groups, covering respectively:

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2. CBD, Article 23, paragraphs 3 and 4
 3. The Latin *ad hoc* is used in English but not in French.

- the review of the implementation of the Convention;
- the knowledge, innovations and practices of indigenous and local communities (Article 8(j) and related provisions);
- protected areas; and
- access to genetic resources and the sharing of benefits.

Ad Hoc Open-ended Working Group on the Review of Implementation of the Convention (WGRI)

Unlike other multilateral environmental agreements, the text of the Convention does not create a subsidiary implementation body. COP7 only created the WGRI in 2004 following the adoption of its first Strategic Plan, to lighten the SBSTTA agenda. Its status is sometimes precarious and its responsibilities limited⁴. The WGRI has met four times so far. The fourth meeting of the WGRI, held on 7-11 May 2012, was the first chance to review the progress made in implementing the Strategic Plan 2011-2020 adopted two years early by the COP10 in Nagoya. The delegates mainly discussed financial issues likely to contribute to achieving the Aichi Targets and submitted eight recommendations to the COP11.

Ad Hoc Open-ended Working Group on Article 8(j) and related provisions (WG8j)

The COP4 created the WG8j⁵ to provide opinions on how to preserve the knowledge of indigenous and local communities and advise the COP on how to build up their participation and cooperation. The WG8j has met seven times and played an active role in negotiating the Nagoya Protocol by examining the links between biological resources and traditional knowledge and giving its views on the participation of indigenous and local communities. Following the adoption of the Protocol, the seventh meeting of the WG8j focused on how continuing with its tasks could contribute to the implementation of the ABS regime whilst respecting the customary rights of indigenous peoples and local communities. Details of the potential decisions by the COP as recommended by the WG8j can be found in Section 3.6.

Ad Hoc Open-ended Working Group on Protected Areas (WGPA)

The COP7 created the WGPA⁶ to support the implementation of the CBD's Work Programme on Protected Areas (PoWPA), but has only met twice, in 2005 (Montecatini) and 2008 (Rome). This does not mean an interruption in the implementation of the Work Programme on Protected Areas (PoWPA), which is closely

4. Decision VII/30

5. Decision IV/9

6. Decision VII/28

linked to achieving Aichi Target 11. The Secretariat has organised eight capacity building workshops over the last two years and about hundred national action plans for protected areas have thus been prepared.

Ad Hoc Open-ended Working Group on Access and Benefit-Sharing (WG-ABS)

The COP5 created the WG-ABS to define the guiding principles for access and benefit sharing (ABS)⁷. As its work was concluded with the adoption of the Nagoya Protocol, discussions on the ABS now take place within the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP) created by the COP10 to prepare for its first Conference of the Parties sitting as the Meeting of the Parties (MOP-1), by stating the application of certain provisions⁸.

Other expert groups

The COP and the SBSTTA can also set up expert groups or ask the Secretariat to organise liaison groups, workshops and other informal meetings. As unlike the SBSTTA and WG meetings, they are not considered to be intergovernmental meetings, although the participants are normally experts appointed by their governments as well as representatives of international organisations, indigenous and local communities and other bodies.

As such, the COP11 should consider the recommendations of three Ad-Hoc Technical Expert Groups (AHTEG)⁹ convened by the COP10 on:

- the indicators for the Strategic Plan for Biodiversity 2011-2020¹⁰;
- the risks associated with the introduction of alien species as pets, aquarium or terrarium species and as live bait and live food¹¹;
- biodiversity for poverty eradication and development¹².

Other non-technical expert groups have also met over the last two years to (i) identify the common characteristics of local communities and compile opinions on how they participate more effectively in the processes of the Convention¹³ and (ii) formulate, in conjunction with the Ramsar Convention, political messages on maintaining the ability of the biodiversity to maintain the water cycle¹⁴.

7. Decision V/26

8. Decision X/1

9. AHTEG *Ad Hoc Technical Expert Group*

10. Decision X/7

11. Decision X/38 A

12. Convened by virtue of Decision X/6

13. Decision X/43

14. Decision X/28

In-session group

Although it is up to the plenary to adopt the COP decisions, a large part of the negotiation process takes place in more or less formal working groups. The COP adopts, often word for word, their draft decisions. This way of doing things restricts the discussions to the Parties involved, or who believe they are, and makes it easier to reach consensus. With the agreement of the plenary, the Chairman of the COP can convene the following groups:

Working Group

The COP and its subsidiary bodies can set up one or more working groups to examine issues of general interest. The Chairman or the Joint Chairmen of working groups are nominated by the Chairman of the Body that creates the group; delegates from all the Parties may take part. Under established practice, the COP11 can distribute most of the items on its agenda between two working groups that will be responsible with preparing draft decisions for adoption by the plenary.

Contact Group

The contact groups are formed to unravel particular items. The contact groups vary in size and observers have the right to attend at the discretion of the Chairman. The provisional annotated agenda for the COP11 includes the creation of a contact group on the budget, but others could be created by the plenary. These groups do not have simultaneous interpretation and the working language is therefore English.

Friends of the Chairman Group

In some circumstances, the Chairman can bring together an informal and restricted group of Parties whose agreement is essential to untangle an impasse or conclude the negotiations. A Friends of the Chairman Group is normally convened in the last hours of negotiation.

Breakout groups

The Chairman of a working group can form breakout groups to continue to draft a precise section of a recommendation or a draft decision. The expected outcome is that stumbling blocks are resolved and a new version, free of square brackets, is prepared for submission to the working group.

Drafting Group

Informal groups can also be established to put the finishing touches to the drafting of a precise point in a draft decision. Observers are not normally allowed to sit in on drafting group meetings.

Informal Group

Consultations on precise points, within an informal group of two or more Parties, can also be established to seek a compromise on the most sensitive points.

"non-group"

Lastly, faced with an extreme reticence to negotiate, the Chairman can form "non-groups" to encourage the interested Parties to discuss things without being subjected to the pressure of negotiations.

2.3. Country coalitions

To make negotiations possible between the 193 countries party to the CBD, regional groups are created that sometimes form more or less formal negotiating blocks. The United Nations recognises five regional groups that are found in all its bodies: African Group, Asia-Pacific Group, GRULAC, CEEC and WEOG. They have a formal existence and their composition is based on practice. However, countries included in the groups attend and act within other negotiating blocks which can either be formalised and attend the majority of forums (G77/China, EU) or take the form of an ad hoc group linked to a precise negotiation (JUSSCANNZ); their distribution can vary from one negotiation to the next according to the interests at play. These groups fulfil several functions: they can act as a negotiating block, as a way of promoting a precise viewpoint at the negotiating table, as a forum for exchanging information or to nominate members of CBD bodies based on regional representativeness. Belonging to a coalition is therefore not exclusive. Most developing countries belong to several groups depending on their special interests (LMMC, SIDS), their level of development (LDC, BASIC) and their regional affiliation (African Group, Asia-Pacific Group, GRULAC, CEEC) in addition to being part of the G77/China. Similarly, the developed countries (grouped within the WEOG) are split between the JUSSCANNZ and the EU. It is therefore possible for a country to belong to several coalitions defending conflicting positions. Note that in some circumstances, a group of countries can qualify itself as "like-minded". In this way, the Parties in this coalition state that they have agreed to adopt a common position under the negotiations in progress.

G77/China

The Group of 77 and China was created in 1964 under the United Nations Conference on Trade and Development (UNCTAD). Although it has kept its original name, it now has 132 members, i.e. almost all the developing countries and LDC, with the notable exception of Mexico (which joined OECD in 1994) and countries in transition which have joined the European Union. However, as the G77/China represents highly diverse countries with potentially diverging interests, its members often

express their opinions in sub-groups or regional groups. Beyond the negotiations, it is considered today that developing countries have acquired unique experience and know-how in the conservation and sustainable use of the biodiversity and, as such, the South-South cooperation can supplement the North-South and triangular cooperation for the implementation of the Strategic Plan 2011-2020. To achieve this, the G77/China countries have prepared a *Multi-Year Plan of Action for South-South Co-operation on Biodiversity for Development* (AP-SSC); its financing will be raised during the COP11 (see Section 10).

African Group

The African Group, which includes all countries of the African Union plus Morocco, is very active in the CBD negotiations. Four African countries also speak within the Group of Like-Minded Megadiverse Countries.

Western European and Other States Group¹⁵

This regional group unites the Western European countries plus Australia, Canada, New Zealand and the United States. As it also unites both the EU and JUSS-CANNZ countries, the WEOG is not active in the negotiations, although it nominates members of the CBD bodies based on regional representativeness.

Group of Latin American and Caribbean countries (GRULAC)

Just like the African Group with whom it shares several positions, the GRULAC often speaks in the negotiations on the ABS. It includes the following 33 countries: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

Group of Central and Eastern European Countries¹⁶This regional group includes 24 Central and Eastern European Countries, including Russia and four Asian countries (Azerbaijan, Armenia, Georgia and Tajikistan). The other CEEC are: Albania, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Moldavia, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia and Ukraine.

Group of Asia-Pacific developing countries

The Group of Asia-Pacific developing countries includes 53 countries with a wide geographical, economic and cultural diversity. The emerging countries should

15. English acronym WEOG

16. English acronym CEEC

ders with the countries of the Arab peninsula and several SIDS as far away as the Pacific archipelagos and Cyprus, in the Mediterranean (which is a member of the European Union).

JUSSCANNZ

The JUSSCANNZ is a disparate coalition of developed countries formed of Japan, United States, Switzerland, Canada, Australia, Norway and New Zealand. Other countries also take part in the meetings when required: Andorra, South Korea, Iceland, Liechtenstein, Mexico, San Marino, Turkey and sometimes Israel. The JUSSCANNZ is not a negotiating block in the true sense of the word in the CBD, inasmuch as it does not represent a common position. There is sometimes a huge distance between the countries. It does, however, facilitate the sharing of information between its members and allows them, on occasion, to coordinate their position.

Like-Minded Megadiverse Countries

Established in 2002, the group of Megadiverse Countries includes seventeen developing countries with a particularly rich biodiversity and which therefore are especially sensitive to the sharing of benefits from the use of genetic resources. The group includes the following countries: Bolivia, Brazil, China, Colombia, Costa Rica, Democratic Republic of Congo, Ecuador, India, Indonesia, Kenya, Madagascar, Malaysia, Mexico, Peru, Philippines, South Africa and Venezuela. Some developed countries, like the United States and Australia, are also considered as "megadiverse countries" in terms of biodiversity, although they do not belong to the group of Like-Minded Megadiverse Countries.

Least Developed Countries (LDC)

The LDC are especially vulnerable countries to which the UN pays special attention. The United Nations updates the list of LDC every three years based on three criteria: low national revenue, low human development levels and economic vulnerability. Forty-eight countries are currently on this list: 33 are in Africa, fourteen in Asia and just one in Latin America. Although they are not a negotiating block, the LDC nevertheless form a coalition to promote their interests in multilateral negotiations.

Small Island Developing States (SIDS)

The SIDS are a coalition of small islands and low-lying coastal States (Guyana, Belize) vulnerable to natural disasters. Many of them depend on a tourist industry threatened as much by their own development as by the degradation of the environment locally, regionally or globally due to globalisation (of trade) and climate change. The SIDS include 51 States and territories from the Pacific to the Caribbean, but account for only 5% of the world population. The SIDS negotiating group is the Alliance of Small Island Developing States (AOSIS).

European Union (EU)

The Europe of 27 normally speaks with a single voice during the negotiations on the biodiversity. It is recognised as a regional economic integration organisation which gives it, under Article 31 of the Convention, voting rights equal to the number of its Parties that are members of the CBD (when they do not exercise their voting rights). It has also been a Party to the CBD since its entry into force in 1993.

3. PUTTING THE COP11 THEMES INTO PERSPECTIVE

To deal efficiently with a heavy agenda, the work of the CBD will be split between two working groups and at least one contact group.

Some of the most sensitive issues will be dealt with by Working Group II, mainly:

- progress of the Nagoya Protocol (item 2);
- implementation of the Strategic Plan 2011-2020 and progress made towards achieving the Aichi Targets (item 3);
- mobilisation of financial resources to achieve the Aichi Targets (item 4); and
- redefinition of the role of the SBSTTA, following the creation of the IPBES (item 6).

This working group will also examine the question of biodiversity at the service of poverty eradication and development (item 12) and questions relating to the mobilisation of stakeholders (including the private sector and sub-national authorities) and cooperation with the other conventions and international organisations (item 5).

Working Group I will address the majority of themed programmes and multi-sector questions of the CBD on the COP11 agenda¹⁷. Most of them fall under item 13 on "other substantive issues arising from the COP10"¹⁸, but some will be examined under separate items. These include island biodiversity (item 8), marine and coastal biodiversity (item 10), questions about climate change (item 11) and the work programme on Article 8(j) on traditional knowledge, innovations and practices (item 7).

These few elements give a glimpse of the diversity of problems dealt with by the CBD. In addition, the CBD mandate often covers questions also dealt with in other forums, to which the COP sometimes sends suggestions and guidance. As such, several items on the COP11 agenda must be related to the processes conducted by such

17. Except for the biodiversity serving development, agricultural and forest biodiversity, which will be examined by Working Group II.

18. The following questions will be examined under item 13: dry and sub-humid lands, inland waters, protected areas, sustainable use of the biodiversity, Global Strategy for Plant Conservation, biofuels, invasive alien species, Global Taxonomy Initiative and incentive measures. Agricultural and forest biodiversity are also included under item 13 but will be examined by Working Group II jointly with agenda item 5.

bodies as the World Intellectual Property Organisation (WIPO), the United Nations Convention on the Law of the Sea (UNCLOS) or the United Nations Framework Convention on Climate Change.

Under item 7 on Article 8(j), the COP11 should continue to prepare elements of sui generis systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities. Having said that, it could contribute to the discussions on preparing a regime for the protection of genetic resources, traditional knowledge and cultural expressions, including the sui generis protection of traditional knowledge, currently being negotiated at the World Intellectual Property Organisation (WIPO).

Under item 10 on marine and coastal biodiversity, the COP11 should provide guidance on identifying "ecologically and biologically significant marine and coastal areas (EBSA)" in open ocean waters. This guidance could be considered in discussions on preparing a potential UNCLOS implementation agreement on the conservation and sustainable use of the marine biodiversity beyond national jurisdictions.

Under item 11 on biodiversity and climate change, the COP11 should issue advice on the "relevant guarantees for the biodiversity in terms of REDD+¹⁹", to prevent projects to boost stocks of forest carbon under the auspices of the UNFCCC from contributing to the erosion of the biodiversity (by encouraging the afforestation of areas rich in biodiversity or the conversion of natural forests into plantations of fast-growing species) or from applying more pressure to the indigenous territories. Another question relating to the mitigation measures involves the potentially harmful effects of geoengineering techniques planned to combat climate change. This issue will be discussed under item 11, but could also be raised under item 9 on the restoration of ecosystems.

To finish, the "contact group on the budget" will address item 14 on the administrative issues and the work programme for the two-year financial period 2012-2014.

Note that the plenary must meet three times, on 8, 12 and 19 October. Established practice dictates that the opening plenary will adopt the agenda and clarify the organisation of work, the mid-way plenary will examine the progress made by working groups and the contact group on the budget and the closing plenary will adopt the decisions of the COP. In addition, a high-level segment will take place on 17-19 October 2012 under the auspices of the Indian Minister for the Environment. This ministerial segment, which could help to resolve the questions still hanging in the air, should address the means of subsistence connected with the biodiversity, the

19. Reducing emissions from deforestation and degradation of forests and the role of the conservation, sustainable management of forests and the enhancement of forest carbon stocks in developing countries (REDD+)

integration of the value of ecosystems in the planning and national accounting, mobilisation of resources, marine and coastal biodiversity and the operationalisation of the Nagoya Protocol.

Section 3 offers a preliminary insight into the work to be carried out by the COP11 on each of the items on its agenda and places each issue in its historical context. Table 2 also retraces the decisions and the Aichi Targets linked to each of these themes. Lastly, Sections 4 to 10 analyse the following in depth: what happens until the operationalisation of the Nagoya Protocol (Section 4), the implementation of the Strategic Plan 2011-2020 and the development of indicators (Section 5), the examination of existing mechanisms from the viewpoint of the creation of the IPBES (Section 6), the cooperation with the other international organisations and initiatives (Section 7), marine biodiversity in areas beyond national jurisdictions (Section 8), questions relating to climate change (Section 9) and the *Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development* (Section 10).

TABLE 2.
PREVIOUS DECISIONS AND AICHI TARGETS RELATING TO THE COP11 THEMES

Agenda items	Previous decisions	Aichi Target ²⁰
2. ABS and Nagoya Protocol	II/11, II/12, III/15, IV/8, V/26, VI/24, VII/19, VIII/4, IX/12, X/1	Target 16: By 2015, the Nagoya Protocol is in force and operational, consistent with national legislation.
3. Strategic Plan 2011-2020 and Aichi Targets	VII/30, VIII/8, IX/8, IX/9, X/2, X/5, X/7	Target 17: By 2015 each Party has developed, adopted commenced implementing an effective, participatory and updated national biodiversity strategy and action plan. Target 20: By 2020, at the latest, the mobilisation of financial resources for effectively implementing the Strategic Plan 2011-2020 from all sources should increase substantially from the current levels.

20. Some descriptions have been simplified for easier reading

P u t t i n g t h e C O P 1 1 t h e m e s i n t o p e r s p e c t i v e	Agenda items	Previous decisions	Aichi Target
	4. Financial resources and financing mechanisms	Financial mechanism: I /2, II/6, III/5, III/7, III/8, IV/11, IV/13, V/12, V/13, VI/17, VII/20, VII/21, VII/22, VIII/18, IX/31, X/24, X/25, X/26, X/27 Resource mobilisation strategy: VIII/13, IX/11, X/3 Additional financial resources: III/6, IV/12, V/11, VI/16, VII/21	Target 20 (mentioned above)
	5. Cooperation, communication and United Nations Decade on Biodiversity	Cooperation with the other conventions: I/9, II/13, II/14, II/15, III/21, IV/15, V/21, VI/20, VII/26, VIII/16, IX/27, X/20 Business environment: VIII/17, IX/26, X/21 Cities and local authorities: IX/28, X/22 South-South cooperation: IX/25, X/23 United Nations Decade on Biodiversity: X/8	Target 4: By 2020, at the latest, 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.
	6.2 Reinforcement of existing CBD mechanisms and possible develop- ment of additional mechanisms	Global Biodiversity Outlook (GBO): II/1, VI/25, VII/30, VIII/7, VIII/14, IX/10, X/4IPBES: IX/15, X/11, X/1 New and emerging ques- tions: VIII/10, IX/29, X/13	

Agenda items	Previous decisions	Aichi Target
7. Traditional knowledge: Article 8(j) and related provisions	III/14, IV/9, V/16, VI/10, VII/16, VIII/5, IX/13, X/40, X/41, X/42, X/43	Target 18: By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected [...] and fully integrated and reflected in the implementation of the Convention.
8. Insular biodiversity	VIII/1, IX/21	
9. Restoration of ecosystems	X/9	Target 14: By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded [...]. Target 15: By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks have been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems [...].
10. Marine and coastal biodiversity	II/10, IV/5, V/3, VI/3, VII/5, VIII/21, VIII/22, IX/20, X/29	Target 11: By 2020, at least [...] 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved [...].
11. Climate change	VII/15, VIII/30, IX/16, X/33	Target 10: By 2015, the multiple anthropogenic pressures on coral reefs and other vulnerable marine and coastal ecosystems impacted by climate change or ocean acidification are minimised, so as to maintain their integrity and functioning. Target 15 (mentioned above)
12. Development		Target 2: By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes and are being incorporated into national accounting, as appropriate, and reporting systems.
13.1 Dry and sub-humid lands	III/13, V/23, VI/4, VII/2, VIII/2, IX/17, X/35	Target 15 (mentioned above)
13.2 Forests	II/9, III/12, IV/7, V/4, VI/22, VII/1, VIII/19, IX/5, X/36	Target 5: 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 of habitats are significantly reduced.

Agenda items	Previous decisions	Aichi Target
13.3 Inland waters	III/13, IV/4, V/2, VI/2, VII/4, VIII/20, IX/19, X/28	Targets 11 and 14 (mentioned above)
13.4 Protected areas	II/7, II/8, III/9, VII/28, VIII/24, IX/18, X/31	Target 11: By 2020, at least 17 per cent of terrestrial and inland water [...] are conserved [...].
13.5 Agricultural biodiversity	I/9, II/15, II/16, III/11, IV/6, V/5, VI/5, VI/6, VII/3, VIII/23, IX/1, IX/2, X/34	Target 7: By 2020, areas under agriculture, aquaculture and forestry are managed sustainably [...].
13.6 Sustainable use	I/8, II/7, III/9, IV/4, IV/15, V/24, VI/13, VII/12, VIII/21, X/32	Strategic Goal B (including targets 5 to 10): Reduce the direct pressures on biodiversity and promote sustainable use See also targets 1, 3 and 18
13.7 Global Strategy for Plant Conservation	II/15, V/10, VI/9, VII/10, IX/3, X/17	
13.8 Biofuels	IX/1, IX/2, X/37	
13.9 Invasive alien species	IV/1, V/8, VI/23, VII/13, VIII/27, IX/4, X/38	Target 9: By 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated and measures are in place to manage pathways [...].
13.10 Global taxonomic initiative	IV/1, V/9, VI/8, VII/9, VIII/3, IX/22, X/39	Target 19: By 2020, 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.
13.11 Incentive measures	III/18, V/15, VI/15, VII/18, VIII/25, VIII/26, IX/6, X/44	Target 3: By 2020, at the latest, incentives, including subsidies harmful to biodiversity are eliminated, phased out or reformed [...] and positive incentives for the conservation and sustainable use of biodiversity are developed and applied [...].

3.1. Progress of the Nagoya Protocol and related developments (agenda item 2)

↪ See analysis Section 4 and Aichi Target #16

Adopted at the end of the 10th Conference of the Parties to the CBD (COP10, Nagoya, October 2010), the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation* was opened for signature on 2 February 2011 and will enter into force ninety days after the submission of the fiftieth ratification instrument²¹. To date, 91 countries plus the European Union have signed the protocol, but only five have ratified it²², meaning that it will not enter into force before the COP11. Note also that three world powers - United States, China and Russia - have still not signed it. Therefore, although it would have been good that its first Conference of the Parties sitting as a Meeting of the Parties (MOP-1) took place to coincide with the Hyderabad Conference, this will more than likely take place in 2014 alongside the COP12, if it has entered into force by then.

Failing that, the COP11 should specify what happens until its operationalisation. These discussions will be decisive, as several countries are waiting for the outcome to decide whether or not to ratify the Protocol. The COP11 will examine the recommendations of the second meeting of the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP-2, New Delhi, 2-6 July 2010) relating to the clearing house on the ABS (recommendation 2/4), the capacity-building and development initiatives (recommendation 2/5), the awareness-raising activities aiming to support the ratification of the Protocol (recommendation 2/6) and the additional work in advance of the MOP-1 (recommendation 2/8). In the light of these recommendations, the COP11 could:

- examine a report by the Secretariat on progress made in the pilot phase of the ABS clearing house, rely on its rough working plan and the timetable of activities to be performed by the MOP-1 and request the Executive Secretary to fine tune the draft operating modalities of the clearing house (2/4);
- ask the Secretariat to organise a meeting of experts to prepare a draft strategic framework for the development and building up of capacities which takes account, mainly, of lessons learned from capacity-building initiatives and bilateral cooperation experience linked to the ABS and the summary of viewpoints expressed in the ICNP-2 found in Annex II to the draft decision (2/5);
- invite the Parties, other governments, international organisations and other players involved to carry out awareness-raising activities in support of the ratification, entry into force and implementation of the Protocol, given the strategy described in the annex to the recommendation (2/6); and

21. Decision X/1

22. Gabon, Jordan, Rwanda, Seychelles and Mexico.

- convene a third meeting of the ICNP to settle outstanding questions on its work plan being prepared for the MOP-1 (2/8).

Other recommendations from the ICNP-2 will be examined under agenda item 4 on the financial resources and financial mechanism: recommendation 2/1 relating to the guidelines for the financial mechanism created by the Nagoya Protocol will be dealt with under item 4.3 (p. 66) whereas recommendation 2/2 on the mobilisation of resources to implement the Protocol will be addressed under item 4.1 (p. 65). Lastly, there is no plan for the COP11 to address in depth the ICNP-2 recommendations 2/3 and 2/7, which invite it to continue these discussions in other forums.

On the need for a global benefit-sharing multilateral mechanism - and consensus is still not reached on its possible creation as envisaged by the Protocol -, the ICNP recommends that the COP (recommendation 2/3) requests the Executive Secretary to complete a huge consultation on Article 10²³ of the Nagoya Protocol and, provided funds are available, to convene a meeting of a geographically-balanced group of experts to examine the summary of this consultation and identify the areas that could be examined in greater depth.

As for recommendation 2/7 on the specific cooperation procedures and institutional mechanisms to promote compliance with provisions of the Protocol and to deal with cases of non-compliance (the draft for this in the annex is still full of square brackets), the ICNP-2 invites the COP11 to submit the draft to a future meeting of the ICNP or the first meeting of the MOP so that it can examine and approve it.

Background

The ABS is one of three CBD objectives, to which are also linked its Articles 15 to 21, either fully or partially. To identify the documented options on the ABS, the COP4 (Bratislava, 1998) convened a group of governmental experts²⁴. The result was that the COP5 (Nairobi, 2000) created the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing (WG-ABS). This group prepared the *Bonn Guidelines* adopted two years later by the COP6 (The Hague, 2002). The COP7 (Kuala Lumpur, 2004) added to the initial mandate of the WG-ABS the task of preparing and negotiating a international regime on the ABS so that it could be adopted by the COP10²⁵. The COP10 (Nagoya, 2010) finally adopted the Nagoya Protocol and decided to create an Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP) to prepare for the MOP-1²⁶.

23. "Global benefit-sharing multilateral mechanism"

24. Decision IV/8

25. Decision VII/19

26. Decision X/1

During the first meeting of the ICNP (ICNP-1, Montreal, 6-10 June 2012), the delegates commenced the detailed work on modalities of certain mechanisms, mainly the ABS clearing house mechanism and the strategic framework capacity building and creation. This first meeting also highlighted the need to create a climate of cooperation and trust so that delegates could address the unresolved questions relating to the Nagoya Protocol, such as those regarding the compliance mechanism and the multi-lateral benefit-sharing mechanism. The discussions on these sensitive issues were carried forward to the ICNP-2 (New Delhi, 2-6 July 2012) where they were addressed, without for all that making significant progress, and once more set aside for discussion during a forthcoming meeting of the ICNP (to be convened by the COP11) or possibly a first session of the MOP.

3.2. Strategic Plan 2011-2020 and progress made towards achieving the Aichi Targets (item 3)

↪ Aichi Targets #17 and 20

Following the example of the Nagoya Protocol, the implementation of the Strategic Plan for Biodiversity 2011-2020 and achieving its Aichi Targets are one of the main questions on the agenda of this Conference of the Parties. These questions were examined carefully during the 4th meeting of the Working Group on the Review of Implementation (Montreal, May 2012), which was the first chance to assess the progress made since the adoption of the Strategic Plan two years earlier by the COP10 in Nagoya²⁷. Under this agenda item, the COP should:

- examine the progress made by the Parties in creating national objectives and updating the national biodiversity strategy and action plan to take account of the Strategic Plan 2011-2020 (item 3.1);
- examine the progress made in terms of support for the Parties (item 3.2);
- note indicators prepared over the previous year and ask the Parties to use them to make it easier to monitor implementation (item 3.3).

Under the first item, the COP11 must examine the progress made by the Parties in implementing the Strategic Plan 2011-2020, its corresponding goals and the Aichi Targets. In the light of WGRI-4 recommendation 4/1, the COP should press the Parties and the governments who have not already done so to prepare, revise or update their national biodiversity strategies and action plans to fall in line with the Strategic Plan.

27. Decision X/2

Under the next item, the COP11 should examine the progress made in terms of support for the Parties (item 3.2) in capacity building, public information, education and awareness-raising, consolidating the clearing house mechanism and in the transfer of technology and cooperation. Having examined these items, the COP should provide additional guidelines on strengthening this support based on WGRI-4 recommendation 4/1. By virtue of this recommendation, the COP11 should invite the governments or relevant organisations to continue to assist in revising and updating the national biodiversity strategies and action plans and to give a favourable reception to and continue to examine the adopted work programme on the clearing house mechanism. At the request of the WGRI, the COP11 should also request the Executive Secretary to engage in a process to establish a network for building up the capacities of centres of excellence in developing countries and those in transition. In addition, in accordance with Decision IX/30, the mandate of the informal consultative committee on the clearing house mechanism will be examined during the COP11.

To monitor the advancement of the Strategic Plan 2011-2020, the delegates should examine a list of indicators relating to each of the twenty Aichi Targets to be achieved by 2015 or 2020. Under item 3.3, the COP11 should note, as recommended by its Subsidiary Body on Scientific, Technical and Technological Advice²⁸, the list of *fundamental* and *operational* indicators for each of the twenty Aichi Targets identified in the annex to the SBSTTA-15 recommendation XV/1 (Montreal, 7-11 November 2011). It should also ask the Parties to apply at national level the indicators available at global level and to use them in preparing their national biodiversity strategies and action plans and their national reports.

Indicators covering traditional knowledge and customary sustainable use (Aichi Target 18) were paid special attention during the 7th meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions (WG8j, October-November 2011). Following the WG8j-7 recommendation 7/7, the COP11 could request the WG8j, the SBSTTA, the International Indigenous Forum on Biodiversity (IIFB) and other interested parties to refine, in conjunction with the indigenous and local communities and for examination at the COP-12, the following three indicators identified by the SBSTTA-15: (i) the use of land and land tenures in the traditional territories of indigenous and local communities; (ii) the practice of traditional trades; and (iii) the linguistic diversity and number of speakers of indigenous languages. The COP11 could, for the next meeting of the WG8j, invite UNESCO to compile and analyse data for the indicator on linguistic diversity, the International Labour Organisation (ILO) to monitor the data concerning the practice of traditional trades and the competent organisations and the indigenous and local communities to assemble information on the use of land and the land tenure.

28. SBSTTA-15 recommendation XV/1

Background

Adopted in 2002 by the COP6 of The Hague, the first CBD Strategic Plan contained four strategic goals. Subsequently, the COP7 (Kuala Lumpur, 2004) adopted a multi-year work programme until 2010²⁹ and a provisional work framework³⁰. The COP8 (Curitiba, 2006) revised the provisional framework and refined its indicators³¹. The COP9 (Bonn, 2008) agreed that the COP10 would adopt a revised and updated Strategic Plan³².

The COP10 adopted the *Strategic Plan for Biodiversity 2011-2020 and Aichi Targets*³³ under the title "Living in harmony with Nature"; it included twenty targets grouped under five strategic goals. The COP10 also urged the Parties to make arrangements to apply it and agreed that progress in its implementation would be examined at future COP meetings. This decision urges the Parties to develop national and regional targets and to update their national biodiversity strategies and action plans to take account of the new Strategic Plan. It also requests that the COP11 considers the usefulness of additional mechanisms to allow the Parties to fulfil their commitments. For this purpose, it underlines the need to undertake capacity-building and knowledge-sharing activities to support the countries and the indigenous and local communities and decides, in its multi-year work programme³⁴, to examine the progress in providing assistance to the Parties under the application of the Convention and the Strategic Plan, including, among other things, the mobilisation of resources, capacity building, stakeholder commitment, reporting, education and awareness-raising of the public and strengthening the clearing house mechanism. Note that the COP10 mainly adopted the missions, goals and objectives of the clearing house mechanism for the 2011-2020 period³⁵.

Lastly, the COP10 decided that the fourth *Global Biodiversity Outlook* (GBO-4) would carry out a mid-term assessment of progress made towards achieving the Aichi Biodiversity Targets³⁶.

29. Decision VII/31

30. Decision VII/30, Annex II

31. Decision VII/15, Annexes I and II

32. Decision IX/9

33. Decision X/2

34. Decision X/9

35. Decision X/15

36. Decision X/2

3.3. Financial resources and financial mechanisms (item 4)

↪ Aichi Target #20

The mobilisation of financial resources to help the Parties in achieving the Aichi Targets will more than likely be the most controversial issue at the COP11. Many feel that the lack of resources is the main obstacle to achieving the CBD objectives, but the Parties do not agree on the sums required to implement the Strategic Plan and achieve the Aichi Targets. Under this agenda item, the COP11 should:

- examine the implementation of the resource mobilisation strategy, including the definition of objectives (item 4.1);
- examine the report of the GEF (4.2), provide it with guidelines (4.3) and assess its need for its sixth replenishment (4.4).

Resource mobilisation strategy

The resource mobilisation strategy adopted by the COP9³⁷ identifies eight goals for a considerable increase in the international volume of financial flows and the national financing intended for biodiversity. It is accompanied by a roadmap that states the goals to be examined by each COP and which concludes with an in-depth examination of its implementation by the COP12. The COP11 should therefore examine goals 2, 5, 6, 7 and 8³⁸.

The delegates should also consider recommendation 2/2 of the second meeting of the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP-2, New Delhi, 2-6 July 2012) which invites the COP11 to include resource mobilisation for the Nagoya Protocol in its examination of this agenda item.

Another major question is the possible adoption by the COP11 of an "Efficient Data Reporting Framework". The COP10 adopted a series of fifteen indicators³⁹ in 2010 to facilitate monitoring the application of the strategy based on its mission and its eight goals and stated the decisions that the COP11 should take based on these indicators.

37. Decision IX/11, annex

38. Mobilise domestic financial resources for the Convention's objectives (Goal 2); mainstream biological diversity and its associated ecosystem services in development cooperation plans and priorities (Goal 5); build capacity for resource mobilisation and utilisation and promote South-South cooperation as a complement to necessary North-South cooperation (Goal 6); enhance implementation of access and benefit-sharing initiatives and mechanisms in support of resource mobilisation (Goal 7); and enhance the global engagement for resource mobilisation in support of the achievement of the Convention's three objectives (Goal 8).

39. Decision X/3; note the inclusion among these indicators of aggregated financial flows, the number of countries that have prepared national financial plans for biodiversity, amount of funding provided through the GEF, etc.

Following this decision, the Secretariat prepared methodological guidelines for the application of indicators, including a provisional reporting framework⁴⁰ in the annex. The Working Group on the Review of Implementation examined this document at its fourth session (WGRI-4, Montreal, 7-11 May 2012), but should be examined in greater depth by the COP11. The WGRI recommendation 4/2 is still full of square brackets, mainly because the Parties still do not agree on the fact that the COP11 must *take note of, welcome or adopt* the reporting framework, despite the draft decision stipulating that this is a "flexible and provisional framework". Square brackets are also around the allocation of "additional" funds.

In 2010, the COP10 of Nagoya also reiterated that the national biodiversity strategies and action plans should include a resource mobilisation strategy specific to each country⁴¹. For this purpose, in line with WGRI recommendation 4/2, the COP11 should invite the Parties to consider all sources of financing and, as part of the review of their national biodiversity strategies and action plans, start preparing an institutional mapping/analysis encompassing the range of financing options available for biodiversity.

Global Environment Facility

The COP should also examine the report of the GEF (4.2), provide it with guidelines (4.3) and assess its need for its sixth replenishment (4.4). For this purpose, the COP11 should examine the "four-year outcome-oriented framework of programme priorities" which will be sent to the GEF and implemented under its sixth replenishment (2014-2018). The WGRI-4 recommends that the COP11 adopt a new four-year framework⁴², underlines that the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets provide the global framework for applying the Convention for the decade, including activities carried out during the period covered by the GEF-6 (2014-2018) and sends to the GEF its assessment report on the financing needs for the GEF-6. The WGRI-4 considered a preliminary version of this assessment⁴³ only. It is therefore highly likely that substantive discussions will take place in Hyderabad. The gap that should be plugged by these discussions is huge, as the estimated sums required to pursue the Aichi Targets between 2014 and 2018 vary from US\$17 to 41 billion.

We should add to these considerations the questions relating to the financing of the Nagoya Protocol, which will be all the more complex as some of these mechanisms have yet to be clarified. For this purpose, the COP should consider ICNP-2 recommendation 2/1⁴⁴. The draft decision prepared by the ICPN recommends that the

40. UNEP/CBD/WG-RI/4/6/Add.1, annex

41. Decisions X/2 and X/3

42. WGRI-4 recommendation 4/3

43. UNEP/CBD/WG-RI/4/INF/10

44. The draft decision can be found in Annex II.

COP invites the GEF-6 to support capacity building, mainly to support the introduction of national ABS measures, the control of intellectual property rights and the development of endogenous research. It also asks the GEF to facilitate the participation of developing countries in the ABS clearing house. Lastly, the ICNP-2 recommends that the COP11 welcome the creation of the Nagoya Protocol Implementation Fund and recommend that the GEF supports the attempts targeting the rapid entry into force of the Protocol.

Background

As the GEF acts as the CBD financial mechanism, the COP adopts guidelines on it at each of its sessions. A memorandum of understanding between the COP and the GEF Council, adopted in 1996 by the COP3⁴⁵, regularised the provisional financial arrangements provided for under Article 39 of the CBD and confirmed the role of the GEF as the Convention's financial mechanism.

The COP9 adopted a resource mobilisation strategy to assist the Parties and the other organisations in assembling "sufficient and predictable" financial means to support the achievement of the CBD objectives and to halt the decline in biodiversity⁴⁶. The COP10 subsequently invited the Parties that had not yet done so to nominate a "resource mobilisation contact" in charge of facilitating the national implementation of the Strategy and adopted a series of fifteen indicators to monitor its implementation⁴⁷.

In addition, the COP10 adopted several decisions on the financial mechanism. Decision X/24 provides a consolidated list of guidelines for the financial mechanism including the programme priorities. Decision X/26 adopts the mandate for the assessment of funds required to apply the CBD during the sixth replenishment of the GEF's special allocation fund, whilst Decision X/27 adopts the mandate for the 4th examination of the effectiveness of the financial mechanism.

3.4. Cooperation, outreach and United Nations Decade on Biodiversity (item 5)

↪ See analysis Section 7 and Aichi Target #16

The COP adopts decisions dealing with cooperation at each of its meetings; some address the question from a more global angle, others are linked to particular sectors or themes. The Convention works in conjunction with a dozen international agreements and takes part in several informal forums, including the Joint Liaison Group

45. Decision III/8, annex

46. Decision IX/11, annex

47. Decision X/3

of the Rio Conventions⁴⁸, created in 2001, and the Liaison Group of Biodiversity-related Conventions, created in 1995⁴⁹. It also actively seeks the support of other levels of governance. This is especially true of the indigenous and local communities, which have been a focus of attention since negotiations on the CBD started, whilst other players are a more recent focus of attention. The CBD's Strategic Plan 2011-2020 identifies sub-national governments, cities and local authorities, the private sector and parliamentarians as essential partners in its implementation. In addition, the CBD now views South-South and triangular cooperation as a necessary supplement to North-South cooperation, opening the way to new types of partnership⁵⁰.

The COP11 is going to examine a variety of cooperation aspects under agenda item 5:

- the activities to date under the "United Nations Decade on Biodiversity" and its work programme for the forthcoming biennium (5.1);
- the cooperation with other international conventions, organisations and initiatives (5.2);
- business mobilisation (5.3);
- mobilisation of sub-national governments, cities and other local authorities (5.4);
- and the *Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development* (5.4).

United Nations Decade on Biodiversity

The United Nations General Assembly (UNGA) agreed to the COP10 request and proclaimed the period 2011-2020 as "United Nations Decade on Biodiversity"⁵¹. As a follow-up, the Executive Director prepared a draft Decade strategy⁵² that states the activities to be undertaken to achieve its three objectives: (i) provide a flexible framework for the implementation of the Strategic Plan 2011-2020, (ii) support the regional and international organisations in its implementation and (iii) raise the awareness of populations to biodiversity issues. The COP11 should examine the draft strategy in the light of work by the WGRI-4 which recommends *taking note of it*⁵³.

48. Which groups the CBD, the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention to Combat Desertification (UNCCD).

49. Which groups the CBD, CITES, CMS, WHC and ITPGRFA.

50. UNEP/CBD/COP/DEC/X/2

51. Resolution 65/161 of UNGA-65

52. UNEP/CBD/WG-RI/4/3/Add.2

53. WGRI-4 recommendation 4/1

Cooperation with other international conventions, organisations and initiatives

Under item 5.2, the COP11 is going to address various aspects of the cooperation with the other international conventions, organisations and initiatives. To encourage the development of a coherent national approach, the WGRI-4 participants recommend, among other things, that the COP11 adopts a decision inviting the Parties to incorporate the objectives of other Rio conventions (on climate change and combating desertification) in their revised national biodiversity strategies and action plans⁵⁴.

The COP11 should also examine the SBSTTA recommendation XVI/15 on the collaboration between the CBD and FAO⁵⁵ (biodiversity and agriculture), UNFF⁵⁶ (biodiversity and forest) and WHO (biodiversity and health). This agenda item will be considered by the working group II at the same time under items 13.2 and 13.5 on the substantive questions resulting from the COP10 decisions (see section 3.12 below). In line with recommendation XVI/15, The COP should *welcome with satisfaction* the building up of collaboration with the WHO⁵⁷ and underline the importance of strengthening the collaboration with the FAO. In addition, noting that insufficient funds were available to implement joint activities with the UNFF, the COP *could* reiterate its invitation to those countries in a position to do so to provide funding for a position and co-financed activities. This final paragraph, which involves additional resources, has been placed in square brackets.

Lastly, this agenda item will also create a focus on the biodiversity of the Arctic which is cause of increasing concern due to the impact of climate change on its fragile ecosystems and similarly on the cultural traditions and subsistence modes of indigenous peoples in circumpolar regions. To encourage a better understanding of current transformations, the Arctic Council has initiated an *Arctic Biodiversity Assessment*⁵⁸, which should be completed in 2013. Following the SBSTTA-15 recommendation XV/7, the COP11 should, in particular, invite the governments to support this process and the other relevant assessments of the Arctic Council, by compiling information on the state of Arctic species spending time in their territory and by sharing the information produced by research activities through their national exchange mechanisms. Following this recommendation, the COP should also give a favourable reception to the work by the Arctic Council's working groups on identifying ecologically and biologically significant areas (EBSA) in the Arctic and encourage them to continue this work in conjunction with the similar regional conventions and com-

54. Recommendation 4/6

55. Food and Agriculture Organisation of the United Nations

56. United Nations Forum on Forests

57. World Health Organisation

58. *Arctic Biodiversity Assessment*

mission, including the OSPAR Convention and the North East Atlantic Fisheries Commission (see section 8).

Business and biodiversity

Following the COP10 Decision X/21 inviting the governments and the private sector to engage in a dialogue through a "Global Partnership for Business and Biodiversity", which held its first meeting in December 2011 in Tokyo, the WGRI-4 sought a balance between introducing voluntary standards and restrictive policies to urge businesses to reduce their impact on the biodiversity. The working group recommends especially that the COP invites the businesses to take account of revised performance standards from the International Finance Corporation (IFC), which include sustainability standards, and develop measures in favour of the biodiversity and ecosystems⁵⁹.

Mobilisation of other stakeholders, large groups and sub-national authorities

The discussions on the engagement of other stakeholders, large groups and sub-national authorities (item 5.4) will cover two specific elements:

- sub-national governments, cities and other local authorities for biodiversity; and
- the *Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development*.

The COP11 could decide to monitor the *Action Plan on sub-national governments, cities and other local authorities for biodiversity*⁶⁰ adopted by the COP10 in the light of a note from the Executive Secretary⁶¹ and recommendations from relevant meetings held in the meantime. One way of moving forward would be to persuade the sub-national governments to engage in the financing and creation of new protected areas, in the same way as the States. This could become reality by creating a fund for protected areas governed by their jurisdictions and/or creating a sub-national version of the *LifeWeb*⁶² platform (a CBD portal designed to facilitate the financing of protected areas).

It is now unlikely that the COP11 will adopt the *Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development (AP-SSC)*⁶³ despite the discussions on this topic during the 4th meeting of the WGRI. The COP11 should

59. WGRI recommendation 4/7

60. Decision X/22

61. UNEP/CBD/COP/11/18

62. www.cbd.int/lifeweb/

63. UNEP/CBD/WG-RI/4/10

nevertheless consider its financing, which could give rise to major debate. This question is addressed in Section 10.

Background

The CBD is continuously concerned about the cooperation with other multilateral agreements, which is evolving within a scope already occupied by half a dozen conventions. For this purpose, the COP10 requested the WGRI-4 to improve the coordination, coherence and synergies between the conventions on biodiversity and asked the Secretariat to strengthen the Liaison Group of Biodiversity-related Conventions and the Joint Liaison Group of three conventions⁶⁴.

Although the mobilisation of businesses is also a concern of the CBD since its earliest days (the private sector is mentioned in CBD Articles 10 and 16 and has been the subject of many decisions over the years), it was only in 2006 that the COP8 included a policy of engagement of the private sector⁶⁵. The COP9 subsequently acknowledged the repercussions of activities of this sector on the biodiversity and underlined the role it is called on to play in maintaining it⁶⁶. In the same decision, the COP9 welcomed a framework for priority actions on business, that the Secretariat was expected to implement during the following two years (2008-2010). Lastly, the COP10 encouraged businesses and the private sector to help to implement the convention, its Strategic Plan 2011-2020 and the Aichi Targets, whilst inviting the Parties to promote and facilitate this contribution⁶⁷.

Other issues have more recently been the focus of attention. The first decision on the topic of South-South cooperation goes back to the COP9, which had noted the initiative by developing countries to prepare an action plan on the issue⁶⁸. However, the COP10 did not adopt the first version of the *Multi-Year Plan of Action for South-South Cooperation*, but welcomed it as a significant contribution to implementing the Strategic Plan 2011-2020⁶⁹.

Mobilisation of cities goes back to the COP8 when 24 mayors and senior civil servants adopted the *Curitiba Declaration on Cities and Biodiversity*. The following year, the Mayor of Curitiba organised the meeting "Cities and biodiversity: achieving the 2010 target", followed, three years later, by the second Curitiba meeting on Cities and Biodiversity (Curitiba, 6-7 January 2010). In the meantime, a *Global Partnership on Cities and Biodiversity* was launched with the aim of supporting cities in managing their resources and helping them to implement the national, regional and

64. Decision X/20

65. Decision VIII/17

66. Decision IX/26

67. Decision X/21

68. Decision IX/25

69. Decision X/23

local biodiversity strategies. The COP9 subsequently recognised the crucial role of cities and local authorities in implementing the national biodiversity strategies and action plans⁷⁰. As recommended by the First Summit on Cities and Biodiversity (Nagoya, October 2010), the COP10 approved an *Action Plan on sub-national governments, cities and other local authorities for biodiversity*⁷¹ intended to support the local authorities in implementing the CBD Strategic Plan 2011-2020. It stipulates especially the building up of capacities and the broadcasting of better practices to coordinate the regional implementation of the CBD and increase the commitment of sub-national governments and local authorities.

The "United Nations Decade on Biodiversity" takes its inspiration from the International Year of Biodiversity (IYB) and aims to support the implementation of the Strategic Plan for Biodiversity 2011-2020, mainly by improving public awareness of the importance of biodiversity for human well-being.

3.5. Reinforcement of existing CBD mechanisms and possible development of additional mechanisms (item 6.2)

↪ See analysis Section 6

Under Decision X/2, the COP11 should examine the need for additional mechanisms and their potential development or the possibility of improving the existing mechanisms, such as the SBSTTA and the WGRI, to offer the Parties greater support at this stage of the implementation. In addition, the repercussions from creating the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in April 2012 on the operation of the SBSTTA should also be discussed by the COP11, which should state the modalities and options of potential collaboration.

The SBSTTA-16 recommends that the COP11⁷² welcomes favourably the creation of the IPBES and invites it to examine how it could contribute to the fourth *Global Biodiversity Outlook* (GBO-4) and the execution of the CBD's Strategic Plan 2011-2020, including achieving the Aichi Targets. The COP-11 should also determine if the SBSTTA can entrust specific mandates to the IPBES or if its requests must firstly be approved by the COP. Note that the second option would delay the process considerably, as the COP only meets once every two years. The COP11 should also clarify the SBSTTA mandate to take account of this new institutional environment, requesting it to (i) identify the scientific and technical needs linked to the implementation of the Strategic Plan that could be considered by the IPBES and (ii) to take account of relevant IPBES results in preparing its recommendations for the COP. The Executive Secretary will also be called on to explore the options to formalise the co-

70. Decision IX/28

71. Decision X/22

72. SBSTTA-16 recommendation XVI/1

operation with the IPBES. Lastly, the COP11 should examine SBSTTA recommendation XV/8 on how to increase the effectiveness of the subsidiary body and the note from the Executive Secretary regarding the IPBES⁷³.

The COP11 will examine SBSTTA recommendation XVI/12 in terms of new and emerging issues. The subsidiary body recommends that the COP includes the effects of the ground-level ozone in the work programme under the links between biodiversity and climate change. On the other hand, the delegates did not manage to agree on the relevance of including synthetic biology on the SBSTTA agenda, so that three options were presented to the COP11: (i) do not add synthetic biology; (ii) add this topic and start compiling relevant data on the question; or (iii) start compiling data without including synthetic biology on the SBSTTA agenda.

Background

In its Decision X/4, the COP10 requested the Secretariat to contact the IPBES to establish "complete synergy" between the two processes. The COP10 also asked the Executive Secretary to assess, in conjunction with the SBSTTA, how the Convention could use the platform whilst avoiding duplications and to report on its findings to the COP11⁷⁴.

3.6. Traditional knowledge: Article 8(j) and related provisions (item 7)

↪ Aichi Target #18

Right from the start, the CBD identified the indigenous and local communities as guardians of the biodiversity and, more prosaically, as the holders of traditional knowledge likely to contribute to the well-being of humanity. Article 8(j) on the *in situ* conservation states that knowledge, innovations and practices of indigenous and local communities, or at least some of them, are relevant for the conservation and sustainable use of the biodiversity and, as such, must be *respected, preserved and maintained*. Article 8(j) also asks that the contracting Parties promote the wider application of this traditional knowledge with the approval and involvement of the holders of such knowledge and, to this end, encourage the equitable sharing of the benefits arising from their use (ABS).

Major discussions on implementing this article have ensued since the adoption of the CBD. In 1998, the COP4 created an Ad Hoc Open-ended Working Group on Article 8(j) and related provisions (WG8j)⁷⁵. Its work programme was adopted two

73. UNEP/CBD/COP/11/19/Add.1

74. Decision X/11

75. Decision IV/9

years later⁷⁶ before being revised by the COP10⁷⁷, which added Article 10(c) on the sustainable use. The WG8j has met seven times⁷⁸ since its creation and the implementation of Article 8(j) has been the subject of a decision at each COP session, which is a good indication of the importance given to its work.

The COP11 should therefore consider the recommendations of the seventh meeting of the WT8j (Montreal, October-November 2011)⁷⁹ on:

- the review of tasks 7, 10 and 12 of the revised work programme in the light of recent progress, including the adoption of the Nagoya Protocol;
- the adoption of terms of reference for task 15 aiming at establishing guidelines for the repatriation and recovery of traditional knowledge;
- the launch of a process with a view to preparing an "*action plan on customary sustainable use*" to take account of the inclusion of Article 10(c) in the work programme;
- the elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities;
- specific mechanisms to promote the participation of indigenous and local communities in the work of the Convention, including capacity building, development of communication and the Voluntary Contribution Fund.

Revised multi-year work programme

Following the revision of the multi-year work programme on Article 8(j), the COP10⁸⁰ decided to continue with certain tasks, taking account of the Nagoya Protocol and the Strategic Plan 2011-2020. Tasks 7, 10 and 12 that must be examined in the light of these developments, ask the WG8j to:

- prepare guidelines on preparing mechanisms, laws or other initiatives specifically to ensure that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices (task 7);
- develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources (task 10);

76. Decision V/16

77. Decision X/43

78. By way of comparison, the working groups on the protected areas and the review of implementation have met twice and four times respectively.

79. Except for recommendation 7/7 (on developing relevant indicators for traditional knowledge and sustainable use) which will be addressed under agenda item 3.3.

80. Decision X/43

- develop guidelines that will assist Governments in the development of legislation or other mechanisms to implement Article 8(j) and its related provisions (which could include *sui generis* systems) (Task 12).

Several of these tasks are at least partly addressed by the Nagoya Protocol and could help with its implementation by providing specific advice on the traditional knowledge relating to genetic resources. This is true of tasks 7 and 10. In addition, task 10 could be widened to address traditional knowledge not relating to genetic resources. As for task 12, it should be examined in the light of substantial work already accomplished on certain elements of *sui generis* systems.

This could help to prepare the Parties in ratifying the Nagoya Protocol. However, some countries believe it would be premature to address them before the ABS regime enters into force and negotiations are finalised with the World Intellectual Property Organisation (WIPO) on the protection of genetic resources, traditional knowledge and cultural expressions and the *sui generis* protection of traditional knowledge.

To consider these various viewpoints, the COP11 should decide, following recommendation 7/3, to advance with tasks 7, 10 and 12, starting with identifying how their implementation could contribute to the work of the CBD, its Nagoya Protocol and the WIPO Intergovernmental Committee. Furthermore, it should decide on more in-depth studies of these tasks, for examination by the WG8j at its eight session.

The COP11 will also review work programme task 15, whereby the working group must:

- prepare guidelines that would facilitate repatriation of information, including cultural property, in order to facilitate the recovery of traditional knowledge of biological diversity.

This point raises several questions on the duplication of UNESCO legal instruments and the availability of its knowledge. Following recommendation 7/4, the COP11 could adopt the *terms of reference* of task 15 (annexed) on establishing guidelines for the repatriation and recovery of traditional knowledge. Several elements in the draft terms of reference remain in square brackets and should be discussed further by the COP. This is especially true of paragraph 2 that stipulates the recovery of knowledge should not hinder their on-going use and of paragraph 3 on the extent of knowledge to be repatriated. If these discussions succeed, the COP11 will ask the Executive Secretary to prepare draft guidelines on the basis of terms of reference agreed by the Parties.

Article 10(c)

Recommendation 7/6 of the WG8j is a follow-up to the COP10 decision to include CBD Article 10 (*sustainable use*) and more especially its paragraph (c) in the

Article 8(j) work programme⁸¹. By virtue of this article, each contracting Party, wherever possible and as appropriate "protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with their conservation or sustainable use". In the light of the report of the meeting on Article 10(c) (Montreal, May-June 2011)⁸², the WG8j recommends that the COP11 launches a process to develop an *action plan on the customary sustainable use* as a new component of the Article 8(j) work programme. The Secretariat should be entrusted with preparing this action plan based on an indicative list of tasks. Although the preparation of an action plan has met with consensus so far, some tasks listed in the annex to recommendation 7/6 have been placed in square brackets and could be removed from the final decision. They cover: the development of guidelines for the preparation and writing of mechanisms, laws or other suitable initiatives to assist the Parties in respecting and promoting the customary sustainable use and traditional knowledge (task 3); examine the national and sub-national policies of the customary sustainable use (task 4); and study the value of the customary sustainable use and traditional knowledge for adapting to these changes (task 9).

***Sui generis* systems**

The COP11 should continue to prepare elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities; These systems can be considered as a means of succeeding with task 7 (and tasks 10 and 12), as task 7 aims to ensure that the indigenous and local communities obtain their fair share of benefits resulting from the use of their traditional knowledge. This process should also be connected with the work of the WIPO. At its 20th General Meeting (Geneva, September-October 2011), it was decided to accelerate the negotiating of the text for an internal legal instrument for the effective protection of genetic resources, traditional knowledge and cultural expressions and the *sui generis* protection of traditional knowledge.

Following the WG8j-7 recommendation 7/5, the COP11 should decide to widen the dialogue on the *sui generis* systems to include the conservation and promotion of biodiversity-related traditional knowledge and ask the Executive Secretary to revise and expand his note on the question⁸³ for examination by the WG8j-8. To follow up on the adoption of the Nagoya Protocol, the COP11 should also invite the governments to report on regional measures implemented to protect the traditional knowledge of indigenous and local communities held either side of borders. Lastly, the COP11 should set up, provided funds are available, an Ad Hoc Technical Expert Group (AHTEG) specifically to prepare a report on the *sui generis* systems.

81. Decision X/43

82. UNEP/CBD/WG8J/7/5/ADD1

83. UNEP/CBD/WG8J/7/3

Elements of sui generis systems

The sui generis systems aim to preserve and promote the knowledge, innovations and practices of indigenous and local communities. They are based on the acknowledgment that knowledge and the related resources are "collective property" and must be protected against the demands for intellectual property rights expressed by third parties. To make sure that the indigenous and local communities obtain fair and equitable benefits from the use of their traditional knowledge, and that such use is based on their prior informed consent, *sui generis* systems could:

- recognise and register the ownership of their traditional knowledge by indigenous and local communities;
- control access to, disclosure and use of this knowledge;
- require the prior informed consent for any use of this knowledge;
- protect this knowledge against the intellectual property requests issued by third parties;
- guarantee that the indigenous and local communities obtain fair and equitable benefits from the wider application of their knowledge;
- and make sure that the obligations resulting from the customary right are passed on to potential users of traditional knowledge (via community protocols and mutually-agreed conditions).

The *sui generis* protection must have a local nature (based on the customary right) to be effective and be supported by national and international frameworks or guidelines that establish minimum standards.

Specific mechanisms to encourage the participation of indigenous and local communities

Following on from Decision X/40 on the mechanisms to promote the effective participation of indigenous and local communities in the work of the CBD and following WG8j recommendation 7/2, the COP11 should ask the Secretariat to continue with the current processes aiming to: increase the number of indigenous and local community representatives, especially women, participating in the work of the CBD; build up their capacities (by organising regional and sub-regional workshops); and prepare electronic and conventional means of communication. To this end, the COP should invite the governments to facilitate and provide an environment that encourages access to and use of these tools. The COP11 should also invite the governments, donor bodies and financing institutions and mechanisms in a position to contribute

to the Voluntary Contribution Fund to facilitate the participation of indigenous and local communities (VB Trust Fund) set up by the COP8⁸⁴.

In addition, following recommendation 7/1 on the implementation of Article 8(j), the COP11 should urge the Parties and request the Global Environment Facility (GEF), mainly through its micro-financing programme, to support the organisation efforts of the indigenous and local communities, so that they can take an active part in the national and international dialogues associated with the Convention.

To follow up these decisions, the COP should decide, following recommendation 7/1, to hold an either WG8j meeting before the COP12.

Background

The COP4 set up the WG8j and the COP5 approved its work programme⁸⁵. The COP10 revised the *Programme of work on the implementation of Article 8(j) and its related provisions*. Completed and obsolete tasks were deleted and a new component on Article 10(c)⁸⁶ was added. The COP10 also added a new item to the WG8j agenda entitled "in-depth dialogue on thematic areas and other cross-cutting issues".

The CBD also seeks to give itself a *plan of action for the retention of traditional knowledge that embodies traditional ways of life relevant to the conservation and sustainable use of the biodiversity*. To this end, the COP7 approved provisional elements, following which the COP9 ratified certain elements to be included⁸⁷.

Lastly, the COP7 mandated the WG8j with developing the elements of *sui generis* systems to protect the traditional knowledge, innovations and practices of indigenous and local communities⁸⁸. As a follow-up to this decision, the COP8 asked the working group to identify the priority elements and the COP9 acknowledged that the elements identified in the note of the Executive Secretary on the question (UNEP/CBD/WG8J/5/6) were elements to be considered when governments were preparing *sui generis* systems⁸⁹. The COP10 subsequently asked the Executive Secretary to update his note (UNEP/CBD/WG8J/7/3) in the light of case studies and experiences submitted to him, for examination by the WG8j-7, and encouraged those Parties who had yet to do so to envisage or prepare *sui generis* systems⁹⁰.

Remember that the COP7 adopted the *Akwe: Kon Voluntary Guidelines* to conduct studies on the cultural, environmental and social impacts of projects likely to

84. Decision VIII/5

85. Decisions IV/9 and V/16

86. Decision X/43

87. Decisions VII/16 E and IX/13

88. Decision VII/16 H, annex

89. Decisions VIII/5 E and IX/13

90. Decision X/41

affect sacred sites and lands or waters occupied or used traditionally by the indigenous and local communities and that the COP10 adopted the *Tkarihwaïé:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities*⁹¹.

3.7. Marine and coastal biodiversity (item 10)

↪ See analysis Section 8 and Aichi Target #11

Marine and coastal biodiversity is difficult to address under the CBD, as the mandate for the convention is restricted to living organisms and areas falling under the national jurisdiction, whereas successful action in conserving the marine and coastal biodiversity also depends on areas beyond national jurisdictions. It is therefore essential to coordinate measures taken inside and beyond areas of national jurisdiction. These international areas are governed by the United Nations Convention on the Law of the Sea (UNCLOS)⁹² which has embarked on a process on the conservation and sustainable use of the marine biodiversity that could lead to the adoption of an implementation agreement.

To support this process, the COP11 should provide guidelines on identifying ecologically and biologically significant areas (EBSA). In the light of SBSTTA recommendation XVI/4 (April-May 2012), the COP11 could approve the description of EBSA identified during four regional workshops organised under the auspices of the CBD, with a view to describing the EBSA of the regions of the Western South Pacific (Fiji, November 2011), the Caribbean and Western Mid-Atlantic (Brazil, 28 February-March 2012), the Southern Indian Ocean (Mauritius, July-August 2012) and the Eastern Tropical and Temperate Pacific (Ecuador, August 2012).

In addition, the SBSTTA is preparing two draft decisions covering respectively:

- marine spatial planning and the *Voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas* (recommendation XVI/6); and
- sustainable fisheries and addressing adverse impacts of human activities on marine and coastal biodiversity (recommendation XVI/5).

On the marine spatial planning, the delegates could *take note with satisfaction* of the revised version of the *Voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas*. However, this SBSTTA recommendation⁹³ remains very much in square brackets given the vagueness over applying guidelines to areas beyond national jurisdictions.

91. Decisions VII/16 and X/42

92. See Sheet 11, Annex I

93. SBSTTA-16 recommendation XVI/6

Lastly, recommendation XVI/5 concerning the harmful effects of anthropogenic activities on the marine and coastal biodiversity calls on the COP11 to recognise the role of regional organisation in fisheries management, take note of the need to update the coral bleaching work plan and underline the negative effect of noise on the marine biota. It also requests the Secretariat to compile and summarise the observations on the impact of marine debris on the marine biodiversity and to organise a workshop of experts to prepare a guide for this purpose.

Background

The marine and coastal biodiversity has been a concern of the CBD from the start. The COP1 (Nassau, 1994) mandated the SBSTTA to provide an opinion on the conservation and sustainable use of the marine and coastal biodiversity⁹⁴. The following year, the COP2 (Jakarta, 1995) adopted the "Jakarta Mandate on Marine and Coastal Biodiversity"⁹⁵ which led to the adoption of marine and coastal biodiversity work programme⁹⁶ by the COP4 in Bratislava (1998). The COP7 (Kuala Lumpur, 2004) subsequently adopted an extended version of this work programme⁹⁷ as well as a work programme on the protected areas, mainly aiming to create and maintain national and regional protected marine areas by 2012⁹⁸. It has to be said that it did not deliver the anticipated outcome when this objective was assessed. Between 2004 and 2010, the protected marine areas increased from slightly less than 1% to slightly more than 1% of the surface area of oceans, whilst protected land areas jumped from 11% to 15% over the same period. Aichi Target #11 aiming to protect 10% of marine and coastal areas by 2020 is therefore extremely ambitious.

The CBD is however well aware of this situation and the COP8 in Curitiba in 2006 underlined the worrying situation of deep seabed ecosystems not falling under any national jurisdiction⁹⁹. To increase their protection, the COP9 (Bonn, 2008) adopted scientific criteria to identify EBSA that should be protected in open ocean waters and deep seabed habitats (Annex I), called the "Azores Criteria" and scientific guidelines on designing representative networks of protected marine areas (Annex II). It also requested the Executive Secretary to draft summary reports on the impact of destructive fishing practices, fishing that is intolerable, illegal, unreported and unregulated and on the impact of fertilisation and acidification of oceans on the marine biodiversity¹⁰⁰.

94. Decision I/7

95. Decision II/10

96. Decision IV/5

97. Decision VII/5

98. Decision VII/28

99. Decision VIII/21

100. Decision IX/20

3.8. Ecosystem restoration (item 9)

↪ Aichi Targets #14 and 15

As the specific means and methods to support ecosystem restoration have only been examined so far on the fringes of CBD work programmes, the COP10 decided to focus on this question at its eleventh session¹⁰¹. The CBD has listed 240 guidance or guidelines (including over half focusing on particular ecosystems) and more than one thousand tools and technologies on ecosystem restoration. In the light of the interim report written by the Executive Secretary¹⁰², the SBSSTA-15 recommends that the COP studies the need to prepare practical guidance and underline the relevance of creating an Ad Hoc Technical Expert Group (AHTEG) for this purpose¹⁰³.

This approach reflects the apprehensions raised by the restoration of ecosystems, given the possible use of cutting-edge technologies with potentially unrecognised harmful effects. This is especially true of geo-engineering (which is no longer mentioned in the SBSTTA recommendation at the request of the United Kingdom) and synthetic biology (placed in square brackets). It is feared especially that restoration is used to "optimise" certain ecosystem services, like carbon sequestration, to the detriment of the biodiversity¹⁰⁴. To avoid this pitfall, China, supported by several developing countries, has requested and obtained the deletion of references to climate change.

The backdrop to these discussions is the debate between those who advocate a proactive approach to restoration and those who recommend conservation due to a fear of negative externalities of restoration activities. Recommendation XV/2 mirrors the concerns of the second group by inviting the COP11 to note that "ecosystem restoration is not a substitute for conservation, nor is it a conduit for allowing intentional destruction or unsustainable use. Rather, ecosystem restoration is the last resort for ameliorating degraded ecosystems".

Background

CBD Article 8(f) stipulates that all Parties must try hard to rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies. The COP10 has backed up this responsibility by adopting Aichi Targets

101. Decision X/9 "Multi-year work programme of the Conference of the parties for the 2011-2020 period and meeting frequency!"

102. UNEP/CBD/COP/11/21

103. Recommendation XV/2

104. IISD (2011). "Fifteenth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) under the Convention on Biological Diversity (CBD)" in *Earth Negotiations Bulletin*. www.iisd.ca/biodiv/sbstta15/

14 and 15¹⁰⁵, whereby 15% of degraded ecosystems should be restored by 2020. Ecosystem restoration is also raised by targets 4 and 8¹⁰⁶ of the Global Strategy for Plant Conservation updated for the 2011-2020 period. Lastly, the COP10 decided to focus, at its eleventh session, on identifying specific means and methods for supporting ecosystem restoration¹⁰⁷.

3.9. Climate change and related issues (item 11)

↪ Aichi Target #10 and 15, see additional analysis p. 23

Following Decision X/33, the COP11 should issue an opinion on the REDD+, although this mechanism for reducing emissions from deforestation and forest degradation initially falls under the United Nations Framework Convention on Climate Change (UNFCCC). The COP11 will focus on ways of directing the measures for reducing emissions from deforestation and forest degradation (REDD+) so that they combine with maintaining the biodiversity. To this end, the SBSTTA-16 delegates examined the "relevant guarantees for the biodiversity in terms of REDD+"¹⁰⁸ which the COP11 could adopt. The countries nevertheless failed to agree on whether the COP should *approve, take note of or welcome* the national guarantees listed in the annex to the draft decision¹⁰⁹, so that this is still in square brackets. SBSTTA-16 recommendation XVI/7 nevertheless invites the COP11 to note the possible synergies between the REDD+ and the Strategic Plan 2011-2020. It also suggests using the list of indicators defined in SBSTTA-15 recommendation XV/1 to assess the REDD+ contribution to achieving the CBD objectives and invites the countries and competent organisations to continue and intensify their efforts so that the REDD+ activities benefit the biodiversity and the indigenous and local communities.

The COP11 will also examine SBSTTA-16 recommendation XVI/9 dealing with the technical and regulatory questions associated with geo-engineering. The delegates agreed in this recommendation that there were several ways of defining geo-engineering: 1) any technology that deliberately reduces solar insolation or increases the sequestration of the CO₂ from the atmosphere on a large scale (which excludes carbon sequestration before its release); 2) deliberate intervention in or manipulation of the planetary environment; or 3) technological efforts to stabilise the climate system by

105. Decision X/2: Target 14 recently adopted (by 2020, ecosystems that provide essential services, especially water, and contribute to health, livelihoods and well-being, are restored) and Target 15 (By 2020, restoration of at least 15 per cent of degraded ecosystems)

106. (protect at least 15% of each ecological region or type of vegetation) and Target 8 (at least 20% of threatened plant species are available for use in regeneration and restoration)

107. Decision X/9

108. REDD+ safeguards for biodiversity

109. Based on SBSTTA-16 recommendation XVI/7

direct intervention in the energy balance of the Earth. They recommend however prioritising the reduction at source of emissions of anthropogenic origin, but do not agree on how this should be described. Two options in square brackets have therefore been submitted to the COP11. Lastly, they recommend that the COP11 *notes the relevance of or recognises the need* for a global, transparent scientific mechanism on climatic geo-engineering.

Background

Remember that in 2011, the Joint Liaison group of three Rio conventions had been created to deal with, among other things, links between the biodiversity and climate change. An Ad Hoc Technical Expert Group (AHTEG) produced a report on the subject in 2003¹¹⁰. In 2006, under the COP7, the AHTEG produced a second report on the synergies between conservation and biodiversity, the degradation of lands and desertification and climate change. The COP8 reiterated the need to promote the synergies between the three conventions (CBD, UNFCCC and UNCCD) and to include biodiversity in all national programmes, policies and plans for climate change. Two years later, ahead of the in-depth review of work affecting biodiversity and climate change, the COP9 set up a new AHTEG with the mandate to develop scientific and technical recommendations relating to the biodiversity, the mitigation and adaptation to climate change. The goal was to encourage the synergies with the Bali Action Plan and the *Nairobi Work Programme on the impacts, vulnerability and adaptation of the UNFCCC*¹¹¹.

3.10. Island biodiversity (item 8)

To follow up the implementation of the work programme on island biodiversity, the COP9 requested the SBSTTA to examine it in depth by the COP11¹¹². Following SBSTTA recommendation XVI/3, the COP11 should urge the Parties to boost its implementation.

Background

The COP8 adopted the work programme on island biodiversity¹¹³ to reduce substantially the loss of biodiversity in islands by 2010 and beyond. This work programme is of crucial importance for the CBD, as 80% of extinctions of known species have taken place on islands and over 40% of currently threatened vertebrates are island species.

110. SCBD (2003). Interlinkages between biological diversity and climate change. CBD Technical Series No. 15, 143 p. www.cbd.int/doc/publications/cbd-ts-10.pdf

111. Decision IX/16

112. Decision IX/21

113. Decision VIII/1

3.11. Biodiversity and development (item 12)

↪ Aichi Target #2

The loss of the biodiversity increases the vulnerability of poor populations, whilst the protecting ecosystems and maintaining their services can help to eradicate this loss. The inclusion of biodiversity and ecosystem services in the planning and national accounting is therefore crucial for the developing countries. This question should also be raised by the Indian Minister for the Environment during the high-level segment. To study the links between the three CBD objectives and the eradication of poverty and to identify the most efficient approach in creating a capacity-building framework on the question, the COP10 convened an Ad Hoc Technical Expert Group (AHTEG) on the biodiversity for poverty eradication and development. The AHTEG met in Dehradun in December 2011 and adopted a series of recommendations known as the *Dehradun Recommendations*, whereby it invites the Parties and international organisations to do whatever is necessary to (i) integrate biodiversity into policies and programmes targeting poverty eradication and development; (ii) assess the economic and non-economic value of biodiversity and ecosystem services for poverty eradication and development, by building on the possibilities offered by the implementation of the Nagoya Protocol and payment programmes for the ecosystem services; (iii) integrate the priorities and existing indicators in terms of poverty and development in the national biodiversity strategies and action plans; and (iv) build up capacity on these issues. These recommendations were revised in the light of work by the WGRI-4 and communications submitted by the Parties. The COP11 should examine the new version of the *Dehradun Recommendations* contained in the Executive Secretary's summary report¹¹⁴ and decide whether to *approve* or *take note of* them, which could give rise to some debate between developed and developing countries. This new version mainly recommends that the COP11 encourages the international organisations to promote biotrade and sustainable supply chains, urges the Parties to follow up progress made in estimating the value of the biodiversity and ecosystem services by using biodiversity indicators and requests the Executive Secretary to ensure effective inclusion of concerns over poverty eradication and development in all the Convention's work programmes. To this end, the question of biodiversity serving poverty eradication and development should be considered as an intersectorial issues in all the relevant CBD work programmes.

Following WGRI-4 recommendation 4/4, the COP11 could also decide to continue the work of the AHTEG with a view to preparing a roadmap on including biodiversity serving poverty eradication and development in the context of the Strategic Plan 2011-2020¹¹⁵ and encourage the customary use of biological resources, in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements¹¹⁶.

114. UNEP/CBD/COP/11/33

115. Recommendation 4/4

116. WGRI-4 recommendation 4/4

Background

COP10 Decision X/6 acknowledges the urgent need to improve the ability to include the three CBD objectives in the poverty eradication strategies and plans and in the development processes. The COP has therefore decided to set up an AHTEG on biodiversity for poverty eradication and development responsible for studying the links between the three CBD objectives and poverty eradication and to identify the most efficient approach in creating a capacity-building framework on the question.

3.12. Substantive issues arising from the COP10 decisions (item 13)

The COP11 agenda also features other questions arising from the decisions of the COP10. They mostly involve the implementation of themed programmes and multisectorial questions of the CBD. The elements below will be examined by virtue of agenda item 13 and are discussed in detail in the next pages:

- Biodiversity of dry and sub-humid lands (item 13.1)
- Forest biodiversity (item 13.2)
- Inland waters biodiversity (item 13.3)
- Protected areas (item 13.4)
- Agricultural biodiversity (item 13.5)
- Sustainable use of biodiversity (item 13.6)
- Global Strategy for Plant Conservation (item 13.7)
- Biofuels and biodiversity (item 13.8)
- Invasive alien species (item 13.9)
- Global Taxonomy Initiative (item 13.10)
- Incentive measures (item 13.11)

Biodiversity of dry and sub-humid lands (item 13.1)

↪ Aichi Target #15

The COP11 should examine the interim report prepared by the Executive Secretary on biodiversity, climate change and dry and sub-humid lands¹¹⁷. Section III of this report is specific to the activities performed in response to COP10 Decision X/35 on the biodiversity of dry and sub-humid lands. The Executive Secretary lays out the lack of financial and human resources required to implement the memorandum of understanding signed between the United Nations Convention on Combating Desertification (UNCCD) and the CBD in September 2011.

117. UNEP/CBD/COP11/25

Background

The COP5 adopted the work programme on dry and sub-humid lands¹¹⁸ and the COP8 its goals and objectives¹¹⁹. As this question calls directly on the UNCCD, the COP7 welcomed the joint work programme between the two conventions¹²⁰. Through its Decision X/35, the COP asked the Executive Secretary to cooperate with the UNCCD, especially to publish a report on the value of dry and sub-humid lands, prepare guidance on the use of water and land and on the threats weighing on the biodiversity of dry and sub-humid lands and identify the common indicators of the UNCCD Ten-Year Strategy and the Strategic Plan 2011-2020. The COP10 also asked the Executive Secretary to identify, in conjunction with FAO and UNCCD, the best practices to resolve the conflicts between the conservation of the biodiversity, pastoralism and agriculture in dry and sub-humid lands.

Forest biodiversity (item 13.2)

↪ Aichi Target #5

Forest biodiversity will be dealt with under agenda item 5.2, which covers the cooperation with the other conventions and the international organisations and initiatives. The COP11 should especially follow up COP10 Decision X/36 which asks the Secretariat to identify and undertake, with the United Nations Forum on Forests (UNFF), targeted joint activities to support the developing countries in implementing the expanded work programme on forest biodiversity and non-legally-binding instruments involving all types of forest. Based on the stage report for these joint activities¹²¹, the SBSSTA-16 noted a lack of sufficient funds available to carry out the activities requested. Following recommendation XVI/15, the COP11 *could* reiterate its invitation to countries in a position to do so to provide financing for one position and for co-financed activities. This final paragraph, which involves additional resources, has nevertheless been placed in square brackets.

Another paragraph in recommendation XVI/15 *invites* the FAO to take into account the relevant indicators of the Strategic Plan 2011 2020 to assess global forest resources and provide data and useful analyses to monitor these indicators.

Background

The Parties have addressed the question of forest biodiversity since the COP2, during which they issued a statement on the biodiversity and the forests intended for the Intergovernmental Panel on Forests¹²². The COP4 adopted the work programme

118. Decision V/23

119. Decision VIII/2

120. Decision VII/2

121. UNEP/CBD/SBSTTA/16/16, section II

122. Decision II/9

on forest biodiversity¹²³. The COP5 set up an Ad Hoc Technical Expert Group (AHTEG) on the forest biodiversity with the task of identifying priority actions for the conservation and sustainable use of forests¹²⁴. The COP6 adopted an expanded version of the work programme on forest biodiversity, whilst mandating a new AHTEG to prepare the examination of the implementation of this work programme¹²⁵. The COP7 and the COP8 renewed and extended the mandate of this AHTEG. The COP9 underlined the anthropogenic threats to the forest biodiversity, requested reinforced implementation of the work programme, mainly through capacity building, and requested the Executive Secretary to explore the options of preparing a joint work plan between the CBD and the UNFF¹²⁶.

Inland waters biodiversity (item 13.3)

↪ Aichi Targets #11 and 14

Although the CBS has had a work programme on biodiversity of inland waters since the COP4¹²⁷ and that this question features often in the Strategic Plan 2011-2020 (mainly in Aichi Target 14), some Parties would like to raise the "status" of water within the CBD. This issue should therefore feature between the lines of the COP discussions.

In the light of SBSTTA recommendation XV/5, the COP11 should *note* that the term "wetland", as defined in the Ramsar Convention, offers a flexible national interpretation of links between inland, coastal and marine areas. Having concluded that the repercussions of the hydrological cycle and fresh water resources are very extensive and affect all CBD themed and intersectorial work programmes, the SBSTTA-15 recommended that the COP11 examines the possibility of including "biodiversity and water" in the CBD multisectorial questions.

The discussions should also cover the synergies with the Ramsar Convention and the regional initiatives for integrated water resource management. At its 15th session, the SBSTTA asked the Executive Secretary and *invited* the Ramsar Convention Secretariat to include an assessment of possibilities to boost cooperation in their joint work plan to seek solutions to the water problems. To this end, a report on the options identified will be presented to the delegates.

In addition to SBSTTA recommendation SV/5, a rough draft of a recommendation produced by the Secretariat, including the answers to requests formulated by the SBSTTA, will also be examined by the COP. This recommendation especially in-

123. Decision IV/7

124. Decision V/4

125. Decision VI/22

126. Decision IX/5

127. Decision IV/4; a revised version was produced from COP-7 Decision VII/4

vites the COP11 to consider setting up an awareness-raising and capacity-building initiative on the ecosystem management of water-related problems (quality management, floods, etc.).

Background

The Ramsar Convention on wetlands is a leading partner in implementing the work programme on inland water ecosystems¹²⁸. The COP7 agreed that the SBSTTA and the Executive Secretary would work with the Ramsar Convention Scientific and Technical Review Panel so that the naming of Ramsar sites takes account of the largest number of biodiversity elements¹²⁹. Two years later, the COP8 took two decisions on the ecosystems of inland waters, in which it invited the two conventions to work together to supervise the preparation of national reports on the biodiversity of inland water ecosystems¹³⁰ and agreed that the COP10 would examine the work programme on biodiversity of inland water ecosystems¹³¹. It must be added that the two Secretariats gave themselves a joint work programme; the latest version was adopted by the COP9¹³².

In its Decision X/28, the COP10 urges the governments and competent organisations to redouble its efforts to implement the work programme on biodiversity of inland water ecosystems, taking the Aichi Targets into account. It also invites the SCBD and the Ramsar Convention, among others, to convene a group of experts on maintaining the ability of the biodiversity to support the water cycle. The COP11 will examine the conclusions of this group of experts.

Protected areas (item 13.4)

↪ Aichi Target #11

The question of protected areas is closely linked to achieving Aichi Target 11 on the conservation by 2020 of at least 17% of land areas and inland waters and 10% of marine and coastal areas. So far, 12.7% of the land area is protected, against only 4% of marine areas under national jurisdiction (and less than 0.5% of international marine areas). To help to achieve this target, the CBD is inviting the countries to prepare national protected area action plans, based on the Work Programme on Protected Areas (PoWPA)¹³³. To help them in this task, the Secretariat has organised eight capacity-building workshops over the last two years, which have prepared a hundred or

128. Decision IV/4

129. Decision VII/4

130. Decision VIII/20

131. Decision VIII/10, according to the criteria of Decision VIII/15

132. Decision IX/19

133. Decision X/31

so national action plans¹³⁴. If they are fully implemented, the global target for the terrestrial areas will almost have been achieved, but there will still be a great deal to do to protect 10% of marine and coastal areas (unless the exclusive economic areas and international areas are excluded). What is more, their implementation is not guaranteed and relies on several factors, including on-going capacity-building activities and the mobilisation of adequate funds. The Executive Secretary's note on the protected areas¹³⁵ that should be examined by the COP11 mentions that these action plans offer the countries the chance to identify their financing requirements and prepare national, sub-regional and regional financing strategies. To this end, and based on the recommendation in this note, the COP11 could especially:

- *invite* the Parties to include their PoWPA action plans in their revised national biodiversity strategies and action plans, adopt them as national policy instruments and use them as a main action framework for implementation and as a basis for ensuring the necessary financial support from national budgets and bilateral, multilateral and other sources;
- *invite* the partners involved to harmonise their activities and their financial programmes in support of the implementation of the PoWPA action plans;
- *invite* the GEF and its implementation agencies to facilitate the harmonisation of the development and implementation of protected area projects with the actions identified in the action plans;
- *encourage* the Parties to use the *LifeWeb*¹³⁶ platform to communicate their financing requirements and encourage private and public donors to respond to these needs; and
- ask the Executive Secretary to continue, in partnership with the organisations involved, to support the implementation of the PoWPA action plans by organised regional and sub-regional workshops and online courses and instructor training, among other things.

Background

The Work Programme on Protected Areas was adopted at the COP7, where it was agreed that its implementation would be examined at each COP until 2010¹³⁷. Subsequently, the COP9 decided that the COP10 would examine the work programme in depth¹³⁸. In Decision X/3, the COP asks the Executive Secretary to conti-

134. As at 26 June 2012, 105 countries had forward their PoWPA action plans. They can be consulted here: www.cbd.int/protected/implementation/actionplans/

135. UNEP/CBD/COP/11/26

136. www.cbd.int/lifeweb/

137. Decision VII/28

138. Decision IX/18

nue to hold regional and sub-regional capacity-building workshops to boost the implementation of the Work Programme on Protected Areas. The COP also invites the Parties to encourage the setting up of regional initiatives and to formulate regional action plans. Through Decision X/31, the COP12 invites the Parties to prepare a long-term action plan or to reshape the relevant existing plans for implementing the Work Programme on Protected Areas, by stating activities, timetables, a budget and the responsibilities. It also asks the Executive Secretary to present a progress report on the preparation of these plans at the COP11. In addition, Decision X/31 invites the Parties to increase the coverage, quality, representativeness and connectivity of protected areas in order to preserve all the biomes.

Agricultural biodiversity (item 13.5)

↪ Aichi Target #7

Like the forest biodiversity, this agenda item will be dealt with under item 5.2 on cooperation with the other international conventions, organisations and initiatives. The COP11 should especially examine paragraph 2 of SBSTTA recommendation XVI/15 which underlines the importance of boosting collaboration between the CBD and FAO. The SBSTTA recommends that the COP11 *takes note* of the joint revised work plan¹³⁹ of the Secretariats of the CBD, the FAO and its Commission on Genetic Resources for Food and Agriculture (CGRFA). This work plan covers the period 2011-2020 and should highlight (i) the assessments of the biodiversity of relevance to food and agriculture; (ii) targets and indicators; (iii) best practices for the management of agricultural biodiversity; (iv) micro-organisms and invertebrates including the international initiatives on soil biodiversity and pollinators; (v) access and benefit sharing; (vi) enhancing implementation of the Strategic Plan 2011-2020 at national level; and (vii) climate change and genetic resources for food and agriculture.

Background

The CBD has been collaborating with the FAO on issues affecting agriculture since it was created. The COP3 created the multi-year work programme on agricultural biodiversity¹⁴⁰. The COP subsequently adopted decisions on the agricultural biodiversity at each of its sessions and launch three cross-disciplinary initiatives on (i) pollinators¹⁴¹, (ii) soil biodiversity¹⁴² and (iii) biodiversity for food and nutrition¹⁴³. The COP9 embarked on an in-depth review of the work programme on the biodiversity and welcomed the FAO's *Global Plan of Action for Animal Genetic Resources*¹⁴⁴.

139. UNEP/CBD/WG-RI/16/INF/33

140. Decision III/11

141. Decisions V/5 section II and VI/5, Annex II

142. Decisions VI/5 and VIII/23 B

143. Decisions VII/32 and VIII/23 A

144. Decision IX/1

COP10 Decision X/34 was pleased to note the cooperation between the CBD and FAO and requested that a second phase of their joint work plan be prepared. At the same time, the COP recognised the importance of agricultural ecosystems, especially oasis and rice paddy systems, for the conservation and sustainable use of biodiversity and invited the FAO to carry out additional studies to estimate the value of the biodiversity and services provided by these ecosystems.

Sustainable use of biodiversity (item 13.6)

↪ Aichi Targets #5 to 10

Under this point, the COP11 should examine two facets of the sustainable use of biodiversity, i.e. the exploitation of bushmeat and the landscape-level approaches to sustainability.

The question of bushmeat is particularly complex, as hunting is both a means of subsistence which provides, in some tropical countries, between 30% and 70% of the protein intake of rural populations and a fast-growing commercial activity. This trade is made easier by the extractive industries that are opening roads to areas that were previously inaccessible. The demand from national and even international urban markets emphasises the pressure on the wildlife in tropical and sub-tropical countries and contributes to the accelerated erosion of forest biodiversity.

Raised in this way, the sustainable use of bushmeat is reliant on the development of other sources of protein and revenue, at small scales, that are acceptable culturally and economically viable for the populations who will have to alter their means of subsistence. It also necessitates introducing a range of measures to manage, monitor and control captures and trade in regions that can be huge and isolated¹⁴⁵. To take account of this, the COP10 requested the Executive Secretary to prepare a revised version of recommendations for the Liaison Group on Bushmeat¹⁴⁶ which were prepared in the light of the joint meeting of the CBD and CITES (Nairobi, June 2011). They list some twenty measures to be implemented locally and internationally to end the overuse of these species. The SBSTTA-15 recommends that the COP *welcomes* these revised recommendations and *invites* the Parties to apply the solutions listed¹⁴⁷. The phrase proposing to "formalise" the current bushmeat market to make it easier to manage, that featured in the initial version, has however been removed at the request of some Latin American countries¹⁴⁸.

145. UNEP/CBD/SBSTTA/15/12

146. Decision X/32

147. Recommendation XV/6; the revised recommendations of the Liaison Group on Bushmeat can be found in the annex

148. UNEP/CBD/SBSTTA/15/12, Annex I

In addition, based on a note prepared by the Executive Secretary at the request of the SBSTTA-15¹⁴⁹, the COP11 should envisage developing a "partnership on sustainable wildlife management". This could include CITES, CMS, FAO and IUCN, hunter associations and ecology groups.

The COP11 should also consider the guidance given in the Executive Secretary's note on how to improve the sustainable use of the biodiversity in terms of landscape¹⁵⁰ and guidance on applying the *Addis Ababa Principles and Guidelines* to agriculture¹⁵¹, which it could note as recommended by the SBSTTA-15.

Background

Note that sustainable use is one of three Convention objectives and ties in with all the themed programmes and multisectorial questions of the CBD. Following the COP5 Decision V/24 which recognised sustainable use as a multisectorial problem, the COP7 adopted the *Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity*¹⁵². In 2010, the COP10 acknowledged the value of natural environments fashioned by Man (like agricultural land and secondary forests) and postulated that their presence is essential in maintaining these ecosystems. To this end, the COP10 recognised the "potential" usefulness of the *Satoyama Initiative*, promoted by the Japanese Government, as a tool for understanding better, supporting or improving socio-ecological landscapes for the benefit of biodiversity and the well-being of humanity. Its Decision X/32 also invites the Parties to implement the (initial) recommendations of the Liaison Group on Bushmeat and asks the Executive Secretary to compile information on the means of increasing landscape-level sustainable use.

Global Strategy for Plant Conservation (item 13.7)

Following SBSTTA-16 recommendation XVI/10, the COP11 could *encourage* the governments to provide, on a voluntary basis, information on progress made towards achieving the objectives of the Global Strategy for Plant Conservation and, in this context, envisage applying the indicative list of indicators of the Strategic Plan 2011-2020 to the Global Strategy for Plant Conservation¹⁵³. The COP11 could also *request* the Executive Secretary to assist the Parties in establishing links between monitoring national implementation of the Global Strategy and reviewing their revised national biodiversity strategies and action plans.

149. UNEP/CBD/COP/11/29

150. UNEP/CBD/SBSTTA/15/13

151. UNEP/CBD/WG-RI/14/INF/34

152. Decision VII/12

153. Annex II to document UNEP/CBD/SBSTTA/16/11 lists the adaptations necessary to apply the Strategic Plan indicators to the Global Strategy for Plant Conservation.

Background

The COP6 adopted the Global Strategy for Plant Conservation to end the loss of plant diversity¹⁵⁴. At the request of the COP9, the COP10 adopted the consolidated update to the Global Strategy 2010-2020 and invited the Parties and the other governments to prepare or update, if necessary, their objectives, plans, programmes and initiatives¹⁵⁵.

Biofuels and biodiversity (item 13.8)

The COP10 noted the speed which the new technologies to convert the biomass into biofuel were developing and was worried about the potential consequences on the conservation of the biodiversity and its customary use by the indigenous and local communities. By increasing the pressure on the biomass, the rolling out of these technologies could exacerbate the biodiversity loss factors such as changes in land use, the introduction of invasive alien species and overconsumption of resources. On the other hand, it was also underlined that the biofuel technologies could have a positive effect on mitigating climate change and represent a source of additional revenues for rural populations. To face up to these uncertainties, the COP10 *invited* the Parties to develop and implement policies to promote the positive effects of biofuels and reduce or prevent their negative consequences¹⁵⁶.

Following this decision, the Executive Secretary invited the governments to communicate their experiences in producing and using biofuel. An examination of communications received from the Parties revealed that progress had been made in preparing and applying tools and approaches to promote the positive effects of biofuels and reduce or prevent their negative effects, but that shortfalls still remain. The lack of coherence in analysing the life cycle, the lack of a recognised international framework to apply sustainability criteria and the difficulty in addressing the cumulative impact of biofuel-related activities stand out in particular.

Having familiarised itself on the Executive Secretary's note¹⁵⁷ on the question, the SBSTTA-16 recommends that the COP11 to *invites* the Parties to take into account the biofuel-related questions when updating and implementing their national strategies and action plans and envisage using miscellaneous voluntary tools to assess and mitigate the impacts of producing and using biofuels on the biodiversity¹⁵⁸.

154. Decision VI/9

155. Decisions IX/3 and X/17

156. Decision X/37

157. UNEP/CBD/SBSTTA/16/14

158. Recommendation XVI/13

Background

The question of biofuels was addressed for the first time during the COP9 and gave rise to a great deal of attention. The COP9 included the production and use of biofuels in its work programme on agricultural biodiversity in order to consider their production based on commodities¹⁵⁹ and encouraged the exchange of information on their effects¹⁶⁰. The COP10 subsequently urged the governments to apply the precautionary approach to the introduction and use of biological elements, synthetic cells or genomes in unconfined environments, recognised the right of States to suspend the release of such elements into the environment and invited the Parties to develop and implement policies to promote the positive effects of biofuels and reduce or prevent the negative effects of producing and using biofuels¹⁶¹.

Invasive alien species (item 13.9)

↪ Aichi Target #9

Invasive alien species are a major concern for the CBD Parties who, by virtue of Aichi Target 9, have given themselves until 2020 to control or eradicate the most harmful invasive alien species and introduce measures to manage their penetration pathways. The introduction of animal and plant species beyond their natural range is viewed as a direct factor of biodiversity loss. It can nevertheless be difficult to control invasive alien species due to the increasing numbers of introduction pathways and a range of measures is required. These include setting up border controls and quarantine, prior authorisation for the intentional introduction of alien species, cooperation between the sectors likely to act as a pathway or vector for the accidental transfer of invasive alien species or rapid detection and, if appropriate, the control or eradication of newly-introduced species¹⁶².

The COP10 focused more specifically on the invasive alien species introduced as pets, including aquarium and terrarium species, or as live bait or food and created an Ad Hoc Technical Expert Group on addressing the risks associated with their introduction (AHTEG-IAS)¹⁶³. In February 2011, the AHTEG-IAS noted the lack of guidelines on specific pathways introducing these species. On this basis, the SBSTTA-15 recommends that the COP11 *encourages* the governments to cooperate efficiently, calling on all existing standards, to protect against the risks from introducing invasive alien species such as domestic pets and live bait and food and asks the Executive Se-

159. Decision IX/1

160. Decision IX/2

161. Decision X/37

162. "Guiding principles for the prevention, introduction and mitigation of impacts of alien species that threaten ecosystems, habitats or species" can be found in Annex to Decision VI/23.

163. Decision X/38

cretary to prepare more detailed guidance on preparing and implementing national measures to this end, for consideration by the COP12¹⁶⁴. It also recommends that the COP *recognises* that the trade, especially the sale and purchase of live animals on the Internet, is one of the major penetration pathways for invasive alien species and, to this end, *asks* the Secretariat to compile and broadcast control instruments used by police forces, customs and inspection bodies.

In addition, to plug the gaps in the international standards relating to invasive alien species, the COP11 should *encourage* the conventions involved¹⁶⁵ to continue with the efforts in this respect. Lastly, it should ask the Executive Secretary to prepare a "practical, non-normative toolbox" for the application of existing standards, guidance and international recommendations.

Background

The CBD has been concerned about invasive alien species for a long time. The COP4 recognised the importance of considering their impacts as early as 1998¹⁶⁶. Four years later, the COP6 adopted guiding principles on the prevention, introduction and mitigation of effects of alien species that were threatening ecosystems, habitats or species¹⁶⁷. The COP7 noted introduction pathways for invasive alien species with gaps in the regulatory framework, especially for species which are invasive without being considered harmful under other international agreements¹⁶⁸. Lastly, the COP8 identified measures to deal with these introduction pathways¹⁶⁹. The COP10 urged the parties to apply the precautionary approach to prevent invasions by agricultural species or those used to produce biomass, including forage species and those used for carbon sequestration, and created the Ad Hoc Technical Expert Group on addressing the risks associated with invasive alien species introduced as pets, including aquarium and terrarium species, or as live bait or food (AHTEG-IAS)¹⁷⁰.

Global Taxonomy Initiative (item 13.10)

The COP11 should examine the comprehensive capacity-building strategy for the Global Taxonomy Initiative (GTI) prepared by the Executive Secretary and revised at the request of the SBSTTA. Following recommendations XV/3 and XVI/11, the COP11 should *welcome* the comprehensive capacity-building strategy. The strategy

164. Recommendation XV/4

165. World Health Organisation (WHO), International Plant Protection Convention (IPPC) of the FAO and the World Organisation for Animal Health (OIE).

166. Decision IV/1

167. Decision VI/23

168. Decision VII/13

169. Decision VIII/27

170. Decision X/38

includes six strategic actions with a timetable until 2020, to raise the obstacles to the broadcasting of scientific knowledge, data and information on the biodiversity and enable their use at all levels of society in support of decision-making on biodiversity-related questions.

Background

The COP4 set up the GTI¹⁷¹, then the COP6 adopted its work programme¹⁷² and the COP8 updated it for the first time¹⁷³. In Bonn, the COP9 identified the deliverables centred on the results of each of the work programme activities and requested the Executive Secretary to prepare scheduled activities on island biodiversity and protected areas¹⁷⁴. Following COP10 Decision X/39, a draft comprehensive capacity-building strategy for the GTI was prepared.

Incentive measures (item 13.11)

↪ Aichi Target #3

Aichi Target 13 stipulates that by 2020, the incentives, including grants that are harmful for the biodiversity, must be eliminated, gradually reduced or reformulated in order to reduce as much as possible or prevent the unfavourable impacts and that positive incentives for the conservation and sustainable use of the biodiversity will be prepared and applied. Although a few positive incentive measures seem to have met with some success, little progress has been made in eliminating harmful incentive measures. The only progress is in analysing and listing measures with perverse effects, but as countries involved have themselves confessed, the reforms have not commenced. Having familiarised itself with the Executive Secretary's analysis of information communicated by the governments¹⁷⁵, the SBSTTA-16 recommends that the COP11 *invites* the governments to develop and apply tools to identify potentially damaging incentives for the biodiversity and methods to monitor progress in achieving Aichi Target 3 and to take account, when preparing their policies, of links between the elimination of harmful incentive measures and the promotion of incentive measures for the conservation and sustainable use of the biodiversity¹⁷⁶.

Background

The incentive measures are mentioned in Article 11 of the Convention where the Parties recognise their role in the conservation and sustainable use of the biodiversity. In 2000, the COP5 adopted a work programme for the preparation and implemen-

171. Decision IV/1

172. Decision VI/8

173. Decision VIII/3

174. Decision XI/22

175. UNEP/CBD/SBSTTA/16/15

176. Recommendation XVI/14

tation of social, economic and legal incentive measures¹⁷⁷. As a multisectorial question, the incentive measures were then incorporated into the CBD themed work programmes. The COP9 identified the characteristics that these measures should have¹⁷⁸ and requested an international workshop on the withdrawal and mitigation of incentive measures with perverse effects and the promotion of positive incentive measures. The discussions on incentive measures raise doubts over the relationship between the CBD and the international economic agreements; the Parties have diverging views on this relationship. The COP10 nevertheless recognised that some incentive measures harm the biodiversity and urged the governments to increase their efforts to list, eliminate or reformulate them¹⁷⁹.

177. Decision V/15

178. Decision IX/6

179. Decision X/44

4. NAGOYA PROTOCOL: WHAT HAPPENS UNTIL ITS OPERATIONALISATION?

The implementation modalities of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation* and the scheduling of tasks for its operationalisation will take centre stage in the Hyderabad discussions. Successful negotiations within the COP could encourage some countries to ratify it, whilst failure could inhibit its entry into force. Only five countries have ratified the Nagoya Protocol, which must enter into force ninety days following the lodging of the fiftieth instrument of ratification. Although this low accession level can be explained by the extremely cumbersome national procedures and that several ratifications are expected by the end of the year, this process should speed up considerably to acquire the 45 missing instruments by the COP12, when the first COP sitting as Meeting of the Parties (MOP-1) to the Nagoya Protocol could take place.

The COP11 should therefore create a climate of trust, by setting out the interpretation of certain provisions of the Nagoya Protocol and by making sure that the mobilisation of resources gives all Parties the chance to benefit from the positive fallout of the ABS. The text of the Protocol remains vague on certain aspects of its implementation. The question of derivatives of genetic resources has been by-passed by adopting an inclusive definition (commodities are thus excluded, at the insistence of the developed countries). The resources acquired prior to the Protocol entering into force are not dealt with, but could be through a "global benefit-sharing multilateral mechanism" which would target the benefits from cross-border resources or those to which the prior informed consent does not apply and which could, once established, cover the case of genetic resources acquired before the entry into force of the Protocol. Lastly, the adopted text provides for the setting up of check points, designated by the Parties and intended to monitor the use of genetic resources, but remains flexible on the information that should be divulged.

Due to the vagueness over the application of certain provisions, the COP10 created an Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP) entrusted with preparing the MOP-1 by looking into the questions hanging in the air¹⁸⁰. The ICNP was given especially the task of examining:

180. Decision X/1

- the need for and modalities of a global benefit-sharing multilateral mechanism (Nagoya Protocol, Article 10);
- the operating modalities of the access and benefit-sharing clearing house (Art. 14, paragraph 4);
- measures for the creation and building up of capacities (Art. 22) and raising public awareness (Art. 21);
- guidance for the financial mechanism and for the mobilisation of resources (Art. 25);
- cooperative procedures and institutional mechanisms to promote compliance with provisions and address cases of non-compliance (i.e. the compliance mechanism) (Art. 30).

The ICNP has met twice, in Montreal (ICNP-1, 6-10 June 2011) and New Delhi (ICNP-2, 2-6 July 2012) and has prepared several recommendations to submission to the COP11 for examination and, prior to the entry into force of the Nagoya Protocol, to the MOP-1. The following recommendations will be addressed by the COP11:

- Guidance for the financial mechanism (ICNP recommendation 2/1)
- Guidance for resource mobilisation for implementation of the Nagoya Protocol (2/2)
- Modalities of operation of the ABS clearing house (2/4)
- Measures to assist in capacity building and capacity development (2/5)
- Awareness-raising measures to support the ratification of the Protocol (2/6)
- Convening of a third ICNP meeting (2/8)
- Global benefit-sharing multilateral mechanism (2/3)
- Cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non compliance (2/7)

Whereas most of these recommendations should be discussed in depth in Hyderabad, recommendations 2/3 and 2/7 invite the COP11 to defer the discussions on the "global benefit-sharing multilateral mechanism" and "compliance" to the next session of the ICNP. It is nevertheless anticipated that in-depth discussions will be held at the request of developing countries. Many of them who did not attend meetings of the Intergovernmental Committee see the COP as an essential negotiating platform. The African Group and the Group of Like-Minded Megadiverse Countries could especially request the "re-opening" of discussions on the global multilateral mechanism during plenary sessions or working groups. If this is the case, the COP11

should issue guidance to steer the discussions taking place during the ICNP-3 (the COP11 could decide on whether it was to be held) or during the MOP-1.

Although some items are still controversial, the previous meetings of the ICNP made substantial progress in the application of the provisions of the Nagoya Protocol. Listed below, for each of the ICNP recommendations, are the developments that should be considered by the COP11.

4.1. Financial mechanism

Financing is a key to the ratification and implementation of the Protocol. The ICNP discussed, among other things, providing guidelines for the financing of the GEF intended for the ABS, programme priorities, the eligibility for financing and the Nagoya Protocol Implementation Fund. Eligibility for this fund has made debated many times. The African countries especially have pointed out their problems in accessing its financing. Although the Fund is intended to support the signatory countries of the Protocol and those in the process of becoming signatories, it seems that in practice is intended more for the ABS projects carried out in partnership with the private sector. This means that it is not currently available to assist the Parties with their national activities to encourage the ratification process, as wished by the developing countries. Thus, the capacity-building and field consultation activities are neglected by the Fund, which prefers to finance activities involves a transfer of technology with commitment from the private sector and bilateral ABS agreements between users and suppliers. On this subject, the ICNP-2 delegates manage to agree to recommend to the COP11 that the Fund be used to support these ratification "preparation" projects. The delegates also discussed continuing to implement the Fund beyond the GEF-5.

To follow up these considerations, the COP11 should examine especially the programme priorities relating to the ABS that must be included in the Convention programme for the 2014-2018 period, in addition to examining Annex II of ICNP-2 recommendation 2/1 which invites the COP11 to:

- welcome favourably the creation of the Nagoya Protocol Implementation Fund;
- recommend that the Fund supports projects targeting the rapid entry into force of the Protocol;
- invite the GEF-6 to support the capacity building of Parties to instigate national ABS measures and their participation in the ABS clearing house; and
- recommend to the GEF to simplify the procedures to access the Fund.

However, the request for an extension of the Fund has been removed from the text of the recommendation. To this end, several delegates underlined that the recommendation was far from clear on this subject; it is therefore likely that some Parties will wish to raise this question during the COP11.

Remember that the Protocol Implementation Fund was created by the GEF thanks to an initial contribution of US \$12.5 million from the Japanese Government which chaired the COP10. The fund is intended to help the developing countries to implement the results obtained during this COP.

4.2. Resource mobilisation

The main questions addressed by the ICNP-2 on resource mobilisation include how this should be incorporated in national implementation of the Protocol and in the context of the CBD Resource Mobilisation Strategy (RMS).

Having reviewed ICNP-2 recommendation 2/2, the COP11 should consider the possibility of including the examination of resource mobilisation for the Protocol in the RMS in support of three Convention objectives for the period 2008-2015. It could especially:

- encourage the Parties to consider the mobilisation of resources for the Protocol in the implementation of the CBD Resource Mobilisation Strategy and include it in the national strategies and action plans;
- request the Secretariat to examine the resource mobilisation in the regional and sub-regional workshops in support of the Resource Mobilisation Strategy, whilst taking account of indigenous and local communities.

Regarding paragraph 3 of the annex to recommendation 2/2 (draft decision for examination at the MOP-1), which encourages the Parties to allocate national resources to the implementation of the Protocol, depending on national circumstances, the Megadiverse Countries have suggested deleting the specific reference to the circumstances resulting from the successful implementation of ABS-related agreements. They fear that this reference may dilute the obligations of transfer of technology and the granting of financial resources to the developing countries. The paragraph has however been left in square brackets at the request of Cuba and the EU.

4.3. ABS clearing house

Article 14 of the Nagoya Protocol provides for the creation of an ABS clearing house, under the CBD clearing house mechanism, to broadcast the information provided by the Parties in application of the Protocol. This information mainly includes the legislative, administrative and political measures for ABS, those concerning the competent national authorities and the permits or equivalent documents issued at the time of access to attest to the decision to grant the prior informed consent (PIC) and the conclusion of mutually-agreed terms (MATs).

Having familiarised itself with the report on the meeting of experts dedicated to the ABS clearing house (Montreal, April 2011), the ICNP-1 requested the introduction of a pilot phase as quickly as possible. The ICNP-2 then reviewed the progress made under the pilot phase, considering that the clearing house should be fully open-

rational as soon as the Protocol entered into force. Draft operating modalities (annexed to document UNEP/CBD/ICNP/2/9) has been prepared based on the provisions of Article 14, guidelines in ICNP recommendation 1/1 and operating modalities of the clearing house for the prevention of biotechnological risks¹⁸¹ which is already in operation. The adoption of operating modalities is therefore at the heart of negotiations on the ABS clearing house.

The questions still hanging in the air include the need for mutual understanding on the notification of permits or their equivalent, updating of internationally-recognised compliance certificates, determination of the material or genetic resources covered by the certificate and the processing of confidential information. The ICNP is asking the MOP-1 to review the items on the ABS clearing house which could be examined in greater depth and to suggest how to reach consensus, based on the lessons learnt from implementation of the pilot phase.

Remember that paragraph 2 of Article 17 of the Protocol, on monitoring the use of genetic resources, provides for a permit or its equivalent issued in accordance with paragraph 3(e) of Article 6 and made available to the ABS clearing house constitutes an internationally-recognised certificate of compliance. Paragraph 3 goes further by stating that an internationally-recognised certificate of compliance shall serve as evidence that the genetic resource which it covers has been accessed in accordance with prior informed consent and that mutually agreed terms have been established, as required by the domestic access and benefit-sharing legislation or regulatory requirements of the Party providing prior informed consent. The internationally-recognised certificate of compliance contains at least information on the issuing authority, the issue date, the supplier, the unique identifier of the certificate, the person or entity to whom the PIC was given and the subject or the genetic resources covered by the certificate. Article 17 paragraph 4 mentions, nevertheless, that this information appears on the certificate "when it is not confidential"¹⁸², which raises certain questions over the information to be provided.

Following ICNP-2 recommendation 2/4, the Secretariat should prepare a report on progress under the pilot phase, including a work plan, a timetable of activities and an estimation of resources required to set it up. In the light of this document, the COP11 should in particular:

- examine the Secretariat's report on progress made in implementing the clearing house pilot phase;
- support the rough work plan and timetable of activities that will take place before the MOP-1;

181. Created by virtue of the Cartagena Protocol on Biosafety.

182. Arbour, J.-M., S. Lavallée, H. Trudeau (2012). "La biodiversité" in *Droit international de l'environnement*, 2nd edition, Cowansville, Éditions Yvon Blais (to be published).

- decide whether an informal consultative committee mandated to assist the Executive Secretary to implement the pilot phase will be set up; and
- ask the Executive Secretary to fine tune the draft operating modalities, once progress has been made in implementing the pilot phase, and present it to the ICNP-3 and/or the MOP-1.

Intellectual property and negotiation of the Nagoya Protocol

The questions relating to the intellectual property were debated during the Nagoya Protocol negotiations, especially under discussions on checkpoints included in Article 17. Under this article, the Parties are required to designate one or more checkpoints to monitor the use of genetic resources. These checkpoints must compile or receive the relevant information on obtaining the prior informed consent, the source of the genetic resource, the existence of mutually-agreed terms and/or the use of genetic resources. As proposed by some countries, the Parties could designate the patent offices as checkpoints where a patent request relates to a product based on genetic resources.

In addition, the intellectual property rights can play a major role in negotiating ABS bilateral agreements between the users and the suppliers of genetic resources, for example when sharing fees from marketing a product base on genetic resources. The annex to the Protocol contains a sample list of monetary and non-monetary benefits.

On the other hand, the aspects involving intellectual property and traditional knowledge will mainly be addressed by the World Intellectual Property Organisation (WIPO), which has undertaken to negotiate a legal instrument for the effective protection of genetic resources, traditional knowledge and cultural expressions along with the sui generis protection of traditional knowledge (see Section 3.6).

4.4. Specific measures to facilitate the creation and building up of capacities

Effective capacity building is a prerequisite for compliance with the Protocol provisions. The Nagoya Protocol stands out from other multilateral environmental agreements by addressing capacity building in depth and from several angles, mainly by specifying a few essential target areas for creating and building up capacities¹⁸³ and by naming several examples of concrete measures that could be taken to promote the development and building up of capacities¹⁸⁴. Article 22, dedicated to capacities, also re-

183. Article 22 "Capacity", paragraph 4

184. Article 22, paragraph 5

presents the link between compliance with the provisions of the Protocol, both in setting up compliance measures and measures for monitoring this compliance, and the capacity building.

In its recommendation 2/5, the ICNP-2 agreed that a "strategic framework" should guide the capacity development and building policies and actions of Parties, donors and other key players. Following this recommendation, the COP11 could in particular:

- ask the Secretariat to organise a meeting of experts to prepare a draft strategic framework which takes account, mainly, of lessons learnt from capacity-building initiatives and bilateral cooperation experience linked to the ABS and the summary of viewpoints expressed in the ICNP-2, as contained in Annex II;
- submit this draft strategic framework to the MOP-1 for consideration or during a future ICNP meeting;
- invite the Parties to provide financial support and any other form of aid to support the capacity building and development initiatives, with a view to encouraging the rapid entry into force and implementation of the Protocol.

Lastly, it will be up to the MOP-1 to adopt the strategic framework and invite the Parties to ensure its compatibility with the implementation of capacity development and building activities.

4.5. Public awareness-raising measures

Although it is not numbered in the issues of the Nagoya Protocol, awareness-raising remains an important aspect, mainly because the questions associated with the ABS are often ignored both by the general public and governments and stakeholders who are directly concerned by the Protocol. Many delegates are concerned by this situation as they consider that effective implementation must be based on national awareness-raising efforts.

This is why the ICNP-2 has prepared recommendation 2/6 on the measures to raise awareness to the importance of genetic resources and associated traditional knowledge. This recommendation includes in its annex a draft awareness-raising strategy for the Nagoya Protocol. Following this recommendation, the COP11 could in particular:

- invite the governments, international organisations and other players involved to carry out awareness-raising activities in support of the ratification, rapid entry into force and implementation of the Protocol, given the strategy described in the annex to the recommendation; and
- invite the governments, international organisations, GEF, regional development banks and other financial institutions to provide financial resources in support of the Nagoya Protocol awareness-raising initiatives.

As recommended by the ICNP-2, the MOP-1 could adopt the revised Nagoya Protocol awareness-raising strategy proposed in the annex to the ICNP recommendation.

4.6. Benefit-sharing multilateral mechanism

Dealing with genetic resources that are found in several countries, in international territory or where it is impossible to grant or obtain prior informed consent (PIC) poses a particular problem under the Nagoya Protocol, as this regime is based on national measures. The *ex situ*¹⁸⁵ collections, the genetic resources from open ocean waters or deep seabeds and those from Antarctica are not governed by the Nagoya Protocol nor by the other specialised ABS regimes.

Article 10 faces up to this problem by suggesting that the Parties examine the need and the modalities for a "global benefit-sharing multilateral mechanism" to deal with the fair and equitable sharing of benefits from genetic resources and associated traditional knowledge found in cross-border situations or where a PIC cannot be granted or obtained, which could extend the scope of the Protocol to the *ex situ* collections¹⁸⁶. The Parties are nevertheless divided over creating such a mechanism and its operation. For example, the Parties do not agree on whether this mechanism must operate in parallel or replace the cooperation efforts linked to the cross-border genetic resources addressed under Article 11¹⁸⁷.

Note that Article 10 does not call for the establishment of such a mechanism but asks rather that the Parties examine the "need" to establish it. Some countries believe that usefulness must be assessed before dwelling on the details, whereas others, including the members of the African Group, consider that it should firstly be examined as to whether it can fill the gaps in the CBD "bilateral" approach. The African countries, which were behind mentioning the multilateral mechanism in the Protocol¹⁸⁸, believe that creating it is the best way of ensuring its equity. On the other hand, several countries are wary of this mechanism possibly competing with the approach that recommends establishing ABS contracts between users and suppliers based on

185. Outside their natural environment, i.e. in museums, botanical gardens and zoos, seed or gene banks, etc.

186. Oberthür, S. et al. (2012). "*The intellectual property rights on genetic resources and the fight against poverty*", Directorate-General for External Policies of the Union, European Parliament, pp. 7 and 58

187. Article 11 on cross-border cooperation stipulates that, when the same genetic resources are located in situ on the territory of more than one Party, they try hard to cooperate, as appropriate, with a view to applying this Protocol, with the participation if necessary of indigenous and local communities involved.

188. Nijar, G. S. (2011). *The Nagoya Protocol on Access and Benefit Sharing of Genetic Resources: An Analysis*. CEBLAW Brief, CEBLAW, p. 31

national legislation and international law. Rather than engage in a bilateral negotiating process (as recommended by Canada), the suppliers, who are not normally compensated by the users, could prefer a global mechanism.

Despite the interest raised by this question, the ICNP has still not managed to agree on the need for the mechanism nor for the situations that could be covered. A list of questions to facilitate future deliberations on the many ways in which Article 10 could be operationalised is only thing to have been prepared¹⁸⁹. The diverging interpretations and the uncertainty surrounding Article 10 could have a negative effect on the ratification and implementation of the Protocol. Remember that ICNP-2 recommendation 2/3 on the multilateral mechanism could be dealt with during the COP11, despite not being on the agenda. The ICNP-2 recommends especially that the COP11:

- requests the Secretariat to carry out an extensive consultation on Article 10 (benefit-sharing multilateral mechanism);
- invites the Parties and other stakeholders to contribute to the consultation, taking account especially of the indicative list of questions (Part A of the annex to recommendation 2/3); and
- asks the Secretariat to prepare a summary of the consultation and convene a meeting of a group of experts which will analyse this summary and submit the conclusions of its work to the MOP-1 or a future meeting of the ICNP for review.

Apart from any guidelines that may be provided by the COP11 on the multilateral mechanism, the operationalisation of Article 10 will continue to be studied within the ICNP.

This complex question is cause for a good deal of concern within the Parties. The limited geographical and temporal scope of the Protocol and the potential benefits from using resources worry several developing countries, mainly on the status of genetic resources acquired before the entry into force of the Protocol and the status of resources located beyond areas of national jurisdiction. Note that most ex situ genetic resources in botanical gardens and genetic data banks in developed countries were acquired before the entry into force of the CBD and are expressly excluded from its scope. The CBD regime and the Protocol are only targeting the resources provided by the country of origin or those acquired under the CBD¹⁹⁰.

189. This list in the annex to ICPN-2 recommendation 2/3 is divided into two parts: Part A has nine questions (*Indicative list of questions*) and Part B has twenty questions (*Additional questions raised by Parties to the ICNP-2*).

190. Arbour, J.-M., S. Lavallée, H. Trudeau (2012). "La biodiversité" in *Droit international de l'environnement*, 2nd edition, Cowansville, Éditions Yvon Blais (to be published).

4.7. Compliance mechanism

At all stages in the Protocol negotiation, mainly through the Group of Like-Minded Megadiverse Countries and the GRULAC, the developing countries have underlined the importance of adopting firm arrangements for compliance with provisions¹⁹¹. The discussions on the cooperative procedures and institutional mechanisms to promote compliance and address cases of non-compliance have demonstrated a clear division among the Parties on the scope and the measures that must be included or otherwise in the compliance mechanism, which creates another "hot" item on the COP11 agenda. This is particularly true in terms of provisions for indigenous and local communities and their tradition knowledge, which are especially complex. Among other things, the Parties should focus on how the compliance mechanism will address the non-compliance with the Protocol provisions on traditional knowledge and the role of indigenous and local communities along with the question of indigenous and local communities participating in the compliance mechanism and committee.

This latter aspect still divides the Parties. Japan has stated that the mechanism should concentrate on the compliance with provisions by the Parties rather than by the holders and users of traditional knowledge. The acceptance of requests formulated by the indigenous and local communities to a potential "compliance committee" is a cause for some concern: some fear that the indigenous and local communities use the committee responsible for compliance with provisions to override the national institutions, whereas others fear an overabundance of requests from indigenous and local communities. Several options promoting the participation of indigenous and local communities were raised by the ICNP-2 delegates, mainly:

- triggering the procedure by the communities;
- participation of indigenous and local community representatives in the committee responsible for compliance with provisions as either members or observers;
- presentation of indigenous and local community information directly to the compliance committee;
- direct consultation of communities interested by the committee;
- creation of an ABS mediator to assist the developing countries and the indigenous and local communities to identify cases of non-compliance and to present submissions to the committee (this proposal was presented in certain drafts of the Protocol but disappeared from the compromise text adopted in Nagoya);

191. Nijar, G. S. (2011).

- establishment of criteria for the acceptance of requests addressed to the committee by the indigenous and local communities.

Delegates also debated questions surrounding the legal scope of the mechanism (legally restrictive or facilitating and cooperative), the sanctions for cases of non-compliance and the establishment of a mediator (ombudsman). The ICNP discussions identified the main stumbling blocks and proposed several detailed options. Remember that ICNP-2 recommendation 2/7 (specific cooperative procedures and institutional mechanisms to promote compliance with the Protocol provisions and address the cases of non-compliance) does not address the substantive questions relating to the establishment of the compliance mechanism. The ICNP recommends that the COP11 sends the draft compliance mechanism to the MOP-1 or a future ICNP meeting. The draft, in the annex to recommendation 2/7, mainly addresses the objectives, principles, institutional mechanisms, functions of the compliance committee, cooperative procedures and specific measures to promote compliance with the Protocol and to address the cases of non-compliance. Several sections of this draft remain in square brackets. In any event, the real negotiations on the compliance committee will take place during the MOP-1.

5. IMPLEMENTATION OF THE 2011-2020 STRATEGIC PLAN AND INDICATORS¹⁹²

The COP10 adopted a new Strategic Plan 2011-2020¹⁹³ in the light of the experience of the first Strategic Plan 2002-2010 to stimulate collective action to encourage biodiversity. The new plan aims to promote more effective implementation of the Convention. The Plan sets out a vision, describes its mission and lists twenty joint objectives known as the Aichi Targets, grouped into five strategic goals. The mission of the Strategic Plan 2011-2020 is to halt the loss of biodiversity by 2020. This is more ambitious than the previous plan. However, there are only eight years left in which to achieve the Aichi Targets. By adopting the Strategic Plan, the Parties have committed themselves, given the special national circumstances of each one of them, to developing national and regional targets and to updating their national strategies and action plans. These should be implemented by the COP12 in 2014.

Three different questions are therefore raised: (i) progress in implementing the strategy nationally (agenda item 3.1); (ii) measuring the Aichi Targets; and (iii) the means adopted to assist the Parties to implement the Strategic Plan nationally and worldwide. These questions have been dealt with mainly by the Subsidiary Body on Scientific, Technical and Technological Advice at its fifth session (OSASTT/SBSTTA-15, November and by the Working Group on the Review of Implementation (WGRI-4, May 2012).

5.1. National implementation of the strategy (agenda items 3.1 and 3.2)

The Strategic Plan has mainly been addressed with a view to its national implementation, mainly the incorporation of Aichi Targets in the revised national strategies and action plans, by the WGRI-4. The Plan will above all be implemented through national and sub-national activities with the support of regional and global measures, mainly capacity building, the clearing-house mechanism and transfer of technology, financial resources, partnerships and initiatives to encourage cooperation and support mechanisms for monitoring research and assessment.

192. This question will be dealt with under agenda item 3.

193. Decision X/2

WGRI recommendation 4/1 (Implementation of the Strategic Plan for Biodiversity 2011-2020 and progress towards the Aichi Biodiversity Targets) also addresses the question of means adopted to assist the Parties in implementing the Strategic Plan at global and national level. These two points will therefore be dealt with simultaneously here.

National biodiversity strategies and action plans (NBSAP) (even the forty or so revised since 2010) linked explicitly to specific elements of the Strategic Plan are rare. However, thanks to the support of the Japanese Government, which has created the Japan Biodiversity Fund, the Secretariat has organised seventeen regional or sub-regional workshops designed to help the Parties to initiate the revision of their NBSAP by identifying national objectives in line with the Aichi Targets. Document UNEP/CBD/COP/11/12 reports on progress made based on information provided by the Parties. Although 175 Parties (out of 193, i.e. 91 %) have adopted a national strategy and action plan, only fourteen (7 %) have revised them since the adoption of the new Strategic Plan 2011-2020 of the CBD, whilst about forty more have embarked on the revision process. The draft decision (based on WGRI recommendation 4/1) *strongly urges* the parties to update their national strategies and action plants in line with the Strategic Plan.

The question of means adopted to assist the Parties in implementing the Strategic Plan at global and national level gives rise to more opinions and discussions, on the other hand. This question has three sections: (i) scientific and technical cooperation; (ii) support for capacity-building; and (iii) the financial resources. The third section will be highly controversial and could dominate the discussions at the COP11.

Recommendation 4/1 addresses at length the role that should be played by the CBD Secretariat in terms of scientific and technical cooperation and capacity building, whereas the role of Parties, especially the Northern countries, is touched on only briefly. The SCBD is asked, among other things, to facilitate the on-going exchange of lessons learnt from updating NBSAPs, reinforcing the South-South and triangular cooperation, developing a substantial, coordinated and coherent scientific and technical cooperation model, undertaking a process to create a capacity-building network of national and regional centres of excellence for biodiversity, studying the introduction of regional or infraregional themed pilot projects and studying the short- and long-term impact of natural disasters and conflicts on achieving Objectives. These responsibilities are added to those identified by SBSTTA recommendation 15/1 in terms of the indicators.

The WGRI-4 was unable to resolve the question of mobilising financial resources and this promises to be one of the major discussion areas of the COP11, under agenda items 3 (Strategic Plan), 4.1. (Strategy for Resource Mobilisation) and 14 (Administrative and Budgetary Matters). Several countries have attributed the lukewarm progress in revising their NBSAPs to lack of financing and have asked for "on-going", "additional" and/or "increased" support. As no conclusion was reached during the

discussions, the final WGRI recommendation contains four options which should be resolved by the COP.

On this point, WGRI recommendation 4/1 asks the Parties, especially the developed countries, to support enhanced technical and scientific cooperation and the clearing house mechanism (paragraph 15) and to continue to support the revision of NBSAPs (paragraph 2) to facilitate the implementation of the Strategic Plan; paragraph 20, however, is still in square brackets. This paragraph covers the needs of developing countries and the commitment to be made by the countries in terms of providing financial resources, transfer of technology and benefit sharing. The disagreements mainly occur over the reference to Article 20 of the Convention (Financial Resources), the single mention of responsibilities of developed countries and the reference to benefit sharing.

5.2. Measuring the Aichi Targets: which indicators should be chosen or developed? (item 3.3)

The question of indicators has been dealt with mainly by the SBSTTA, which adopted recommendation XV/1 (framework of indicators of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets). Recommendation XVI/2, which deals basically with the report on the GBO¹⁹⁴ is also relevant insofar as the SBSTTA hopes that the fourth edition of this report states progress made in achieving Aichi Targets. At its seventh meeting (WG8j-7, October-November 2011), the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions also contributed to this discussion point through recommendation 7/7 on the preparation of relevant indicators for the traditional knowledge and customary sustainable use.

As measuring is also a political act, anything that seems technical can sometimes give rise to legitimate questions that involve not only the relevance of the indicator and the reliability of the data it represents, but also the comparability of data, the potential use of the indicator and the political impacts of its use. An indicator reflects a certain definition of the problem and its use impacts the distribution of power (between areas of knowledge, groups, organisations, etc.). One example of this are the discussions surrounding the development of an indicator that would focus not only on the status and trends in land-use change and land tenure (adopted by the COP10, Decision X/43), but also on "land safety". This last question could raise its head again despite the WG8j recommendation 7/7 being restricted to the terms of the COP10 Decision X/43.

The SBSTTA-15 recommends, among other things, that the COP11 takes note of the indicative list of available indicators to assess the progress made in pursuing the goals of the Strategic Plan that are given in Annex I of recommendation XV/1. The

194. Global Biodiversity Outlook.

list includes two types of indicator: those intended to assess progress at global level (sets A and B) and those made available to Parties for national use according to their national priorities and circumstances (set C, 39 indicators). Set A has 22 indicators ready for use at global level (none for strategic goal E), whilst set B lists 36 indicators that have to be completed or simply developed afresh before they can be used.

The SBSTTA-15 also recommends that the COP11 (i) urges the Parties to envisage using the flexible framework and the indicative list of indicators and requests them to establish priorities for applying at national level those indicators that are ready for use at global level and (ii) decides that the framework of indicators for the Strategic Plan should be monitored.

In addition, recommendation XV/1 allocates a not insignificant role to the Secretariat in monitoring and building up capacities of Parties to use these indicators. For this purpose, the SCBD should, among other things, compile technical guidance materials, help the Parties to install and apply, initially, simple indicators for priority questions, list shortfalls in capacity building, develop practical information on the indicators, continue to develop global indicators, suggest a limited number of simple, easy-to-apply and cost-effective indicators that can, if appropriate, be applied by all the Parties and develop a toolkit to explaining each of the Aichi Biodiversity Targets, including the possible approaches to measure the progress achieved in achieving these targets.

6. EXAMINATION OF EXISTING MECHANISMS AND POSSIBLE DEVELOPMENT OF ADDITIONAL MECHANISMS

In paragraph 15 of its Decision X/2, the Conference of the Parties decided to consider at its eleventh meeting the need for and possible development of additional mechanisms or the option of enhancing existing mechanisms. Agenda item 6.2 will deal with the operation of its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in the light of the creation of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), recommendations by the Working Group on the Review of Implementation (WGRI) and the possible creation of additional mechanisms. These questions will also be debated as part of the discussions on the budget.

6.1. SBSTTA

Article 25.2 of the Convention, which defines the SBSTTA's mandate, requires it to fulfil three main functions, which under other circumstances, for example the Framework Convention on Climate Change, fall under the responsibility of different organisations: consultancy (responsibility of the scientific subsidiary body on both cases), assessment (responsibility of the IPCC¹⁹⁵ in the case of climate change) and development of methodologies (more the responsibility of Parties in the case of the climate). Performing this very broad mandate has been made more complicated by the complexity of biodiversity-related issues and by the diversity of the CBD objectives.

Questions and criticism have therefore been levelled at the general operation of the SBSTTA since the entry into force of the Convention. The problem of its extremely heavy workload and its relationship with the COP has been partly resolved with the creation of the WGRI and by routine meetings of the COP and SBSTTA boards. However, other questions remain, focusing mainly on the place of science and the political role of the subsidiary body. In addition, the SBSTTA has been unable to identify or prioritise the main research requirements to promote the implementation of the Convention and its Strategic Plan. It has also not been in a position to assess the effectiveness of measures adopted under the Convention¹⁹⁶.

195. Intergovernmental Panel on Climate Change.

196. See the note from the Executive Secretary "Means of improving the effectiveness of the Subsidiary Body on Scientific, Technical and Technological Advice (UNEP/CBD/SBSTTA//16/2).

As the IPBES will take on the assessment function and armed with the experience of its own operation, the role of the SBSTTA is gradually being redefined around its advisory function and the implementation of the Strategic Plan and Aichi Targets. This will involve constructing political consensus around the definition of the problem and the extent of possible solutions. However, several recommendations by the SBSTTA and the WGRI allocate a major catalytic role to the Secretariat under the implementation of the Strategic Plan, whereas the subsidiary body could itself perform this function (which the Parties would prefer). However, this redefinition implies that the IPBES can meet the specific needs of the CBD, hence the need for close collaboration whilst respecting the autonomy of each organisation.

Following several years of negotiation since the idea was put forward by President Jacques Chirac in January 2005, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) was created formally on 21 April 2012. The IPBES will hold its first plenary meeting early in 2013. The aim of the Platform is to boost the science-policy interface for biodiversity and the ecosystem services for the conservation and sustainable use of the biodiversity, the long-term well-being of humanity and sustainable development. The IPBES should serve the agencies and organisations involved in the conservation and sustainable use of the biodiversity as part of the fight against poverty and of sustainable development. Its secretariat will be based in Bonn, but it is not yet known which institutions will house it. The joint proposal¹⁹⁷ put together by UNESCO, UNEP, UNDP and FAO did not satisfy all delegates, who entrusted UNEP with the temporary management and asked the four institutions to continue to elaborate on their joint proposal for discussion at the first plenary meeting. Clarifications are expected in particular on the commitment of these institutions and the rules that would apply to recruitment and financing.

The IPBES has four main functions:

- identify and prioritise key scientific information needed for policymakers and to catalyse efforts to generate new knowledge;
- perform regular and timely assessments of the state of knowledge on biodiversity and ecosystem services and their interactions at global, regional and, if appropriate, sub-regional level as well as assessments of themed questions at appropriate scales and assessments of new aspects identified by science and determined by the Plenary;
- support policy formulation and implementation by identifying policy-relevant tools and methodologies;
- prioritise key capacity-building needs to improve the science-policy interface and to provide and call for financial and all other support for the highest-priority needs at the appropriate levels.

197. UNEP/IPBES.MI/2/6

The IPBES includes a plenary assembly which is the Platform's policymaking body, a board, a secretariat and a multidisciplinary expert panel to carry out scientific and technical functions.

The relationship between the IPBES and the CBD, especially the SBSTTA, was a question raised at the start of negotiations. COP Decision X/11 requests the Executive Secretary "to consider [...], once the arrangements and modalities for the intergovernmental platform are decided, how the Convention could make full and effective use of the platform, seeking complementarity and avoiding duplication between the work of the Convention ...".

The relationship between the SBSTTA and the IPBES was addressed during the SBSTTA fifteenth and sixteenth sessions under the broader context of improving the effectiveness of the subsidiary body. The IPBES will not in fact only serve the CBD. In addition, possible duplications of mandates and activities are feared along with negative financial impacts for the operation of the SBSTTA. The planned annual budget for the IPBES is more or less equivalent to the CBD budget.

The questions raised cover:

- The definition of formal terms for the collaboration between the CBD and the IPBES. For the moment, the IPBES Plenary has simply decided that the Chairman of the SBSTTA would be invited to participate as an observer within the Multidisciplinary Expert Panel;
- The future of the *Global Biodiversity Outlook* (GBO) report, where the mandate is now to assess progress in implementing Aichi Targets. To avoid duplication, the SBSTTA has invited the IPBES to investigate how it could contribute to the GBO-4 and to other assessments in pursuing the Aichi Targets.
- The ability of the IPBES to contribute to furthering the "Vision 2050"¹⁹⁸ of the Strategic Plan and achieving the Aichi Targets. The question thus raised is to what extent will the IPBES be able to respond in timely and predictable fashion to the CBD requests and what form should these requests take.

The various functions of each organisation could potentially cause tension. Assessment is at the heart of IPBES and is a process for constructing scientific consensus around the type of problem and the possible solutions. But unlike global assessment processes, the role of a scientific subsidiary body is not to resolve disagreements between experts but to present to the policymakers the diversity of credible research on a certain subject. This function may have to be confirmed again to the IPBES.

198. According to this 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".

SBSTTA recommendation XVI/1 suggests that the COP should decide that the SBSTTA should itself identify the scientific and technical needs of implementing the Strategic Plan that could be submitted to the IPBES and, conversely, take the work of the IPBES into account, supplementing it as necessary. The Executive Secretary is also requested to explore the options for formal collaboration with the IPBES and to report on this to the COP12.

6.2. WGRI

Although this has never been formally debated, the question of creating a new subsidiary implementation body has featured between the lines in the work of the COP since the late 1990s. Other conventions have this type of instrument. The creation of the WGRI in 2004 lightened the burden of the SBSTTA and its subsequent work has demonstrated its usefulness. Nevertheless, questions are raised about its permanence and therefore its status. Its meetings are financially dependent on voluntary contributions as it is not a subsidiary body. Another question is raised over its remit. The Strategic Plan allocates a significant monitoring role to the Secretariat. This could lead to a broadening of the WGRI's responsibilities, converted in reality into a subsidiary body to implement provisions adopted by the COP and aiming to facilitate the Parties' compliance with commitments. With the national reports, the clearing house mechanism and the Strategic Plan, the creation of a subsidiary implementation body would put the finishing touches to a genuine Convention implementation review system. Creating such a mechanism could be acceptable if it was seen as a means of promoting transparency, identifying the obstacles to implementation and mobilising non-coercive means for overcoming them rather than as a compliance control body (with powers to sanction).

6.3. Secretariat

Some countries fear an increasing operational role and transfer of power from the COP to the SCBD, which, in their view, should not be a source of independent expertise. They feel it should be limited to serving the administrative needs of the COP and its subsidiary bodies, facilitating the exchange of information and promotion of the collective action and awareness-raising of the importance of the biodiversity. Although the Parties are still seemingly not prepared to allocate a direct and active role in the SCBD in the implementation of the Convention (mainly in terms of advise and assessing national performances, the summary of existing knowledge or the promotion of certain methodologies), WGRI recommendation 4/1 restates nevertheless its catalytic role in implementing the Strategic Plan.

7. COOPERATION WITH OTHER INTERNATIONAL CONVENTIONS, ORGANISATIONS AND INITIATIVES¹⁹⁹

The CBD saw the light of day in an institutional landscape already populated by miscellaneous biodiversity management mechanisms. As the newcomer and, what is more, with a very broad mandate and calling on new or less widespread political principles (ecosystem approach, role of indigenous and local communities, etc.), the question of cooperation with the other conventions was raised as soon as the Convention entered into force. This question took on a new dimension with the considerations over the reform of international environmental governance which aims, among other things, to overcome the perceptions of inefficiency linked to the fragmentation of the governance of the biodiversity. The latter could encourage the rivalries, duplicate efforts, generate contradictory policies and impose too heavy a burden on the Parties that must face up to a variety of obligations. The proposed solutions, that revolve frequently around greater centralisation, are an additional incentive to the multilateral environmental agreements to move closer together, explore their synergies and minimise the potential inconsistencies. Lastly, the lack of real progress in environmental protection and sustainable development during the major planetary encounters like the "Earth Summit" has increased the feeling that progress is more likely to be made in the multilateral environmental agreements (MEA), provided they can develop a joint action.

There are several dimensions to the question of cooperation:

Internationally, it is raised differently according to the CBD's circles of organisational environment. The other main biodiversity-related conventions are found in the first circle, forming a "cluster" of biodiversity-related conventions (*biodiversity cluster*) including the CBD, the Convention on International Trade of Endangered Species (CITES), the Convention on the Conservation of Migratory Species (CMS), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITP-

199. This question will be dealt with under agenda item 5.2.

GRFA), the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention) and the Convention Concerning the Protection of World Cultural and Natural Heritage (WHC). Cooperation is mainly through the Joint Liaison Group of six biodiversity-related conventions and by signing and implementing memoranda of understanding (MoU) or joint action plans. In September 2011, the executive heads of secretariats of six biodiversity-related conventions signed an agreement on the operating mode of the Liaison Group²⁰⁰. The Group is aiming to promote the exchange of information and to improve the implementation and synergy between the national objectives of different conventions. The chairpersons of consultative scientific bodies of biodiversity-related conventions thus meet on a regular basis.

In the second circle are found the other MEA and the relevant divisions of intergovernmental organisations (IGO), such as FAO and UNESCO. The three Rio conventions, which deal *mutatis mutandis* with sustainable development, initiated cooperation via the Joint Liaison Group of the three Rio Conventions (CBD, UNFCCC and UNCCD). Their collaboration was particularly obvious during the Rio+20 Summit.

Lastly, the third circle includes the other IGOs whose action has an impact on that of the CBD, such as the WTO. Depending on the circle, the cooperation can take a variety of forms, such as information exchange mechanisms (liaison groups), joint working groups, signing of MoU or joint action plans, or the participation in the COPs as an observer (like WTO).

The question under agenda item 5.2 mainly covers the cooperation with the other biodiversity-related conventions and with the Rio conventions. The national issue is cooperation in the implementation of various conventions. Significant progress has been made in this direction. The Executive Secretary has created a partnership with the Secretariat of the Global Environmental Facility (GEF) with a view to developing and implementing joint activities between the Rio conventions at national level. In addition, the Strategic Plan is not simply designed as the CBD action plan, but also as a plan that thus engages the other biodiversity-related conventions to support its actions, based on their own priorities.

The first issue focuses on the role of the CBD and the development of a biodiversity "cluster". It now seems accepted that the CBD can only be *primus inter pares* and cannot claim the role of "umbrella" convention, i.e. coordinating the existing institutions, as some hoped when it was adopted. The fact remains that the Convention was a driving force for this collaboration through the catalyst of joint programmes. In this respect, paragraph 89 of the Rio+20 Declaration²⁰¹ encourages "parties to multi-lateral environmental agreements to consider further measures, in these and other

200. UNEP/CBD/WG-RI/4/INF/18

201. A/CONF.216/L.1

clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication, and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field."

The second issue is the collaboration between institutions to move international cooperation forwards, in a context of global loss of impetus. At Rio+20, the three Rio conventions, for example, had re-stated their desire for national cooperation to move sustainable development forward.

Recommendation 4/6 submitted by the Working Group on the Review of Implementation (WGRI) to the COP11, welcomed several cooperation initiatives whilst remaining prudent. Among other things, it strongly urges the Parties to improve the cooperation and synergies between the focal points and encourages them to incorporate the objectives of biodiversity-related conventions and the Rio conventions in their national strategies and action plans. It also requests the Executive Secretary to draft a report on the impact of the Joint Liaison Group of biodiversity-related conventions on improving the national coordination, coherence and synergies between the biodiversity-related conventions and to broadcast, through the clearing house mechanism, the lessons learnt from the cooperation achieved and synergies created nationally.

8. MARINE BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTIONS

The oceans are the missing piece in world biodiversity governance. The CBD mandate is in fact limited to living organisms and areas falling under the jurisdiction of States, whereas successful action for the conservation of the marine and coastal biodiversity also depends on "areas beyond national jurisdictions". These include open ocean waters and the seabed and the subsoil thereof at more than 200 nautical miles from coasts²⁰². These areas are marked out by the United Nations Convention on the Law of the Sea (UNCLOS²⁰³), which governs all activities carried out in the oceans without providing a rigid framework for the conservation and sustainable exploitation of the marine biodiversity. At least 0.5% of these areas are now protected whereas they cover 64 % of the surface area of oceans and account for 90 % of its volume²⁰⁴.

The CBD has nevertheless been seeking for several years to increase the protection of these fragile ecosystems whilst acknowledging that the creation of protected marine areas in non-jurisdictional waters falls under UNCLOS. Often qualified as the "ocean constitution", UNCLOS is setting up a legal framework governing all facets of the law of the sea: sovereignty of coastal States over their territorial waters, exclusive economic area, limit of the continental shelf, right of navigation, deep-water prospection and extraction, pollution of the marine environment, scientific research at sea, settling of differences, etc. The 1982 Convention shows its era as it makes very little case for the conservation of biological resources which it addresses from a viewpoint of managing fish stocks. It confirms, however, that open ocean waters, declared "common heritage of humanity" (unlike the biodiversity), must be exploited in the interests of all humanity. As a result, no State can exercise its jurisdiction at the expense of the rights of other States, whether or not they are coastal. Adherence by a large majority of States is therefore a practical necessity to identify and establish effectively EBSAs²⁰⁵ in open ocean waters.

202. I.e. the exclusive economic area of coastal States.

203. See Sheet 11, Annex I

204. FIELD (2012). *Protecting the marine environment in areas beyond national jurisdiction*, p. 12

205. Ecologically and Biologically Significant Marine Areas

It is therefore the United Nations General Assembly (UNGA), not the CBD, that set up an "Ad Hoc Working Group on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction"²⁰⁶. At its fourth meeting (May-June 2011), the working group submitted a series of recommendations²⁰⁷ inviting the UNGA to embark on a process to identify shortfalls in the current legal framework and ways of improving it by applying the existing instruments or preparing a new UNCLOS implementation agreement. This process was also expected to focus on:

- marine genetic resources (and the fair and equitable sharing of benefits from their exploitation)
- management tools per area, including protected marine areas
- environmental impact assessments
- capacity building
- transfer of marine technologies

For the first time, the development of a potential agreement on protecting marine biodiversity beyond national jurisdictions figures on the global agenda, but it is far from being adopted, even negotiated. Although a majority of States support the establishment of this instrument, several are worried about the potential impacts on the fishing activities.

During the Rio+20 conference (June 2012), the member States did not commit to negotiating a formal treaty, although the door was left open to preparing a potential legal agreement by deciding to address this question urgently by the end of the UNGA-69 (in 2015)²⁰⁸.

Despite the importance of this process for the protection of the biodiversity, the role of the CBD has not been clearly defined and is restricted to supplying scientific and technical opinions. To this end, the COP11 should provide guidance on the description of the EBSA in the light of SBSTTA-16 recommendation XVI/4 (April-May 2012). Remember that the COP9 (Bonn, 2008) adopted scientific criteria to identify EBSA that should be protected in open ocean waters and the habitats of deep seabeds, known as the "Azores Criteria"²⁰⁹, following which the COP10 in Nagoya (2010) requested the Executive Secretary to organise a series of regional workshops to facilitate the identification of these areas.

206. Resolution A/RES/59/24

207. A/66/119

208. *The future we want* (A/CONF.216/L.1)

209. COP9 Decision IX/20

So far, four regional workshops have been organised to describe the EBSA of the regions of the Western South Pacific (Fiji, November 2011), the Caribbean and Western Mid-Atlantic (Brazil, 28 February-March 2012), the Southern Indian Ocean (Mauritius, July-August 2012) and the Eastern Tropical and Temperate Pacific (Ecuador, August 2012). The workshops aimed to identify EBSA that satisfied the "Azores Criteria" and the gaps to be plugged, like the lack of scientific data. The workshop conclusions will be sent to the UNGA working groups on marine biodiversity beyond national jurisdictions, but the potential follow-up is poorly defined.

For this purpose, the SBSTTA-16 discussions proved difficult as the delegates were not in a position to decide whether or not the COP should approve the summary report presenting the EBSA identified during the regional workshops (annexed to the draft decision). The African Group, in particular, expressed its concerns over the reliability of criteria used. To overcome these reservations, the delegates agreed that it was an open process that would be updated as and when information became available for each region. By virtue of recommendation XVI/4, the COP11 should:

- approve (or otherwise) the description of EBSA that meet the "Azores Criteria" and ask the Executive Secretary to continue to cooperate with the governments and competent organisations to facilitate the description of these areas, mainly by organising additional regional and sub-regional workshops;
- prepare further the prototype for the EBSA documentation and exchange centre;
- continue scientific capacity building on EBSA of countries;
- welcome the inclusion of traditional scientific, technical and technological knowledge of indigenous and local communities in the criteria used to identify EBSA.

The current discussions on the identification of areas beyond national jurisdictions will also influence the examination of SBSTTA recommendation XVI/6 on marine spatial planning. By virtue of this recommendation, the Parties could *take note with satisfaction of Voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas*. A revised version will be sent to the COP11. However, the Parties remain divided over how to address the areas beyond national jurisdictions. Some caution against applying guidelines to international areas, whereas others believe that they should be revised prior to concluding the UNCLOS implementation agreement.

Contribution of protection regimes for the maritime and fishing environment

There are two types of highly-relevant agreements for the CBD efforts in the context of EBSA: (i) conventions on the protection of the maritime environment and (ii) conventions on managing and conserving fisheries. In the first category, the references to the EBSA are a recent development, with the notable exception of the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention). The most committed of these regimes in identifying EBSA are the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic and the Barcelona Convention, which have adopted objectives to establish EBSA networks and made significant progress towards achieving them.

Fishery management regimes can be broken down into two categories. Whereas certain govern the fishing activities in a specific region, others apply to a single species, like the miscellaneous conventions on the conservation of tuna. Although protecting the biodiversity plays a major role in these specific regimes, they are less able to help to identify and manage EBSA given their restricted mandate. The regional fishery management regimes, on the other hand, are far better placed to address these questions. Some organisations have thus introduced mandatory moratoriums on the exploitation of certain areas, the catching of particular species or unsustainable fishing practices. In addition, the Northwest Atlantic Fisheries Organisation (NAFO) and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) have introduced EBSA identification processes.

A collaboration process between the CBD, the regimes for the protection of the maritime environment and the regimes for the management of fisheries was initiated in 2008, mainly as cooperation agreements between OSPAR and the North East Atlantic Fisheries Commission (NEAFC) along with the holding of regional EBSA identification workshops.

9. CLIMATE CHANGE

It is widely acknowledged that biodiversity and climate change are interrelated. In 2005, the *Millennium Ecosystem Assessment* concluded that climate change could well become one of the most significant factors in the loss of biodiversity by the end of the century. This is already forcing species to adapt by changing their habitats and life cycles or by developing new physical characteristics. Poorly-managed biodiversity, for example when forest clearance is uncontrolled, can generate carbon dioxide, thereby contributing to the greenhouse effect with harmful effects on human well-being. The biodiversity can however work towards adaptation and mitigation through the ecosystem services it provides, for example when mangroves, kept intact, reduce the impact of floods and storms. It is therefore essential to preserve the biodiversity and use it sustainably to counteract climate change. Lastly, it is important to ensure that the mitigation and adaptation measures taken or envisaged by the UNFCCC do not contradict the CBD objectives (REDD+, geoengineering).

The Conference of the Parties (COP) drew attention to the interrelationship between the biodiversity and climate change as early as its 5th session in Nairobi in 2000. It included this topic in the cross-cutting questions of the CBD and was then backed up by the work of the Intergovernmental Panel on Climate Change (IPCC) and the Ad Hoc Technical Expert Group established by its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in 2001, in order to identify the potentially negative effects on the biodiversity of the measures taken under the United Nations Framework Convention on Climate Change (UNFCCC) as well as the factors affecting the ability of the biodiversity to mitigate climate change²¹⁰. Subsequently, the COP has frequently asked the Executive Secretary to strengthen the collaboration with the UNFCCC Secretariat. During the COP6 in The Hague in 2002, it suggested creating a Joint Liaison Group (JLG) of three Rio conventions with the task of facilitating national and international cooperation, identifying possible areas for joint activity and strengthening their coordination²¹¹. This proposal was backed by the United Nations Convention to Combat Desertification (UNCCD)²¹² and by the UNFCCC²⁰⁴. At all its meetings, the COP has encouraged the strengthening collaboration between the implementation of three conventions and asked its Executive Secretary to submit its relevant decisions to the COP of the UNFCCC.

210. SBSTTA-6 Decision VI/7 (Montreal, March 2001)

211. CBD Decision VI/20

212. UNCCD Decision 12/COP.6

213. UNFCCC Decision 13/CP

At the COP11 in Hyderabad, the question of the relationship between biodiversity and climate change will be addressed under agenda item 11. The discussions will revolve around the following three themes:

- 1) advice on the application of relevant guarantees for the biodiversity in terms of reducing emissions from deforestation and degradation of forests and the role of the conservation, sustainable management of forests and the enhancement of forest carbon stocks in developing countries²¹⁴;
- 2) geoengineering studies; and
- 3) other questions relating to biodiversity and climate change.

The discussions will be based on SBSTTA recommendations XVI/7 to 9 and the revised version of opinions on the application of REDD+ guarantees, at the request of the SBSTTA-16 (Montreal, April-May 2012), using viewpoints supplied by the governments and competent organisations. Other SBSTTA recommendations are also relevant, mainly those relating to:

- the need to increase and harmonise the efforts of the Rio conventions and other multilateral agreements relating to ecosystem restoration (recommendation XV/2);
- the importance of wildlife in preserving ecosystems and ecological services in good conditions and ensure lasting stocks of forest carbon and the ability of forests to adapt (recommendation XV/6);
- the in-depth review of the work programme on island biodiversity that identifies the activities to mitigate climate change and adapt it as a priority (recommendation XVI/3);
- combat the harmful effects of human activities on marine and coastal biodiversity, mainly the effects of climate change on coral reefs (recommendation XVI/5);
- the effects of the ground-level ozone as a greenhouse gas and potential contribution of its reduction to the mitigation of climate change (recommendation 7/1 of the Working Group on Article 8(j)); and
- the possible topic of the in-depth dialogue that will take place at the eight meeting of the WG8j on its priority tasks (WG8j recommendation 7/6).

In addition, in its results document entitles *The future we want*²¹⁵, the final document adopted by the Conference of Rio+20 contains several messages that the COP should take into account, mainly relating to the synergy in implement the three Rio Conventions, namely the CBD, the UNFCCC and the UNCCD.

214. REDD+ safeguards for biodiversity

215. *The future we want* (A/CONF.216/L.1)

9.1. Advice on the application of relevant guarantees for the biodiversity in terms of REDD+

In paragraph 2 of Annex I to its Decision 1/CP.16²¹⁶, the UNFCCC adopted several guarantees on the REDD+ mechanism, mainly:

- that actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- that there are transparent and effective national forest governance structures;
- that there is respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the *United Nations Declaration on the Rights of Indigenous Peoples*;
- that there is full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the REDD+ actions²¹⁷;
- that actions are consistent with the conservation of natural forests and biological diversity, ensuring that the REDD+ actions are not used for the conversion of natural forests, but are instead used to incentivise the protection and conservation of natural forests and their ecosystem services and to enhance other social and environmental benefits;

A month earlier, in its Decision X/33, the COP10 of the CBD (Nagoya, October 2010) had asked the Executive Secretary to collaborate with the Parties and the partners to give their opinions on these guarantees for the biodiversity so that they could be examined by the COP11. In the same decision, the COP asked the Executive Secretary (i) to list, in conjunction with the Parties and the Collaborative Partnership of Forests, the indicators that could be used to assess the impacts of REDD+ on pursuing the CBD objectives and (ii) to identify the possible mechanisms for monitoring the consequences of ecosystem-based approaches and other climate change mitigation approaches on the biodiversity, without ruling out any future decision by the UNFCCC.

Following the request of the COP, the Executive Secretary presented his report on its activities on the questions of guarantees to the SBSTTA-16. This report served as a basis for the recommendations forwarded to the COP11.

216. COP16 of Cancún on climate change, November-December 2010

217. These actions are stated in paragraphs 70 and 72 of UNFCCC Decision 1/CP.16.

Under this agenda item the COP11 will examine, for their potential future approval:

- the opinions on the application of relevant guarantees for the biodiversity in terms of REDD+, based on SBSTTA recommendation XVI/7 and the Executive Secretary's note (UNEP/CBD/COP/11/24) presenting the opinions of governments and organisations on the guarantees; and
- the SBSTTA recommendation on the indicators and possible mechanisms for monitoring or assessing the consequences of measures to reduce emissions from the deforestation and degradation of forests on the biodiversity.

SBSTTA recommendation XVI/7 notes that the REDD+ activities contribute to achieving the Aichi Targets of the Strategic Plan for Biodiversity 2011-2020 and vice versa. The general indicators that will be adopted to assess progress in implementing the Aichi Targets could therefore be useful in assessing the REDD+ activities and their guarantees. The list of indicators in paragraph 4(c) of the SBSTTA recommendation targets the REDD+ activities better. However, it should probably be update when the process to examine the impact of REDD+ activities and their guarantees has been completed. This would explain why paragraphs 4(c) and 5 of the SBSTTA are placed in square brackets.

The recommendation also notes that, overall, the REDD+ guarantees comply with the ecosystem approach, the basis for any activity carried out under the CBD. There is however the fear of the following risks for the biodiversity and the indigenous and local communities:

- the conversion of natural forests into plantations and other uses with little value for the biodiversity and low resistance;
- the moving of the deforestation and degradation of forests to areas with low carbon value and high biodiversity value;
- the increased pressure on non-forest ecosystems with high biodiversity value;
- the afforestation of areas with high biodiversity value;
- the loss of ancestral territories and the restriction of rights of indigenous and local communities to access, use and/or own lands and natural resources;
- the lack of concrete advantages for the subsistence of indigenous and local communities and the lack of equitable benefit sharing;
- the exclusion of the preparation and implementation process of policies and measures; and
- the loss of traditional ecological knowledge.

Strategies have therefore been proposed to reduce these risks. This mainly involves encouraging the creation of synergies between the national biodiversity strate-

gies and action plans and the REDD+ national strategies and action plans, assembling these experiences and distributing them in national reports and other communications, including the Executive Secretary's reports to the COP.

If the REDD+ guarantees are applied appropriately, the potential risks will be avoided and the many benefits of the REDD+ will be increased whilst encouraging the credibility and long-term success of its activities.

9.2. Geoengineering studies

There are basically two types of climate-related geoengineering techniques: those based on increasing the reflectivity of the Earth's surface or the atmosphere and those that remove the greenhouse gases from the atmosphere. The common element between these all these measures is the power to generate global cooling, if applied at a sufficiently broad scale. These techniques are at different stages of development and most of them still have to demonstrate their effectiveness.

The solar radiation reflectivity techniques, also called solar radiation management, include methods that involve (i) placing sun-shields in space, to reflect or divert the solar radiation; (ii) injecting sulphates or other types of particle into the upper atmosphere, to increase the scattering of sunlight back to space; (iii) increasing the cloud reflectivity, mainly by increasing the concentration of cloud-condensation nuclei, and increasing the albedo of the land and ocean surfaces.

The techniques for removing carbon dioxide - one of the main greenhouse gases - from the atmosphere include (i) ocean fertilisation using nutrients from the marine environment to stimulating the primary productivity of oceans and therefore increasing the removal of carbon dioxide from the atmosphere and depositing carbon on the seabed.

These geoengineering techniques can reduce the magnitude of climate change and its impact on the biodiversity. However, they can also have unintentional impacts on the biodiversity and present major risks and uncertainties.

As requested by the COP in its Decision X/33, the Executive Secretary has prepared the following reports for examination by the SBSTTA:

- a) the available scientific information on the repercussions of climate-related geoengineering techniques on the biodiversity (UNEP/CBD/SBSTTA/16/INF/28);
- b) the regulatory framework governing the climate-related geoengineering of interest to the Convention on Biological Diversity (UNEP/CBD/SBSTTA/16/INF/29); and
- c) the viewpoints and experiences of indigenous and local communities and other stakeholders on the possible impacts of geoengineering techniques on the biodiversity and the associated social, economic and cultural elements,

the definition and interpretation choices of climate-related geoengineering technical of interest to the Convention on Biological Diversity (UNEP/CBD/SBSTTA/16/INF/30).

Under this point, the COP will examine SBSTTA recommendation XVI/9 contained in document UNEP/CBD/COP/11/3. In this recommendation, the SBSTTA recommends that the COP firstly takes note of the useful documentation submitted to the SBSTTA by the Executive Secretary, that it notes the different definitions of climate-related geoengineering and underlines that the geoengineering must not replace the efforts (i) to reduce in priority greenhouse gas emissions from human activities and (ii) to mitigate the inevitable impacts of climate change. Consensus was not reached on this last recommendation and its formulation.

In its recommendation, the SBSTTA emphasised the important gaps in our knowledge of geoengineering, including on the socio-economic, cultural and ethical questions that may be associated with the geoengineering techniques and the means to remedy them, mainly by including reports on the topic in the five national reports. Whilst recognising that no geoengineering method meets the basic criteria in terms of efficiency, safety and price, and that it can prove difficult to deploy or manage these methods, the SBSTTA noted the usefulness of work in progress by several organisations or under other conventions. It noted in particular that the IPCC will examine various geoengineering options, their scientific bases and associated uncertainties, the potential repercussions on the human and natural systems, the risks, the gaps in research and the suitable nature of existing governance mechanisms. The SBSTTA recommends inviting the IPCC to include an in-depth examination of the biodiversity when it deals with geoengineering in its fifth evaluation report and wishes to receive a mandate from the COP to study the IPCC summary report when it becomes available in September 2014 and report to the COP on the possible impacts for the CBD. Between now and then, the COP should ask the Executive Secretary to continue the documentation work commenced in response to Decision X/33.

The COP should consider paragraphs 10 and 12 that the SBSTTA placed in square brackets because the questions they raise go beyond the scientific framework of the subsidiary body. These paragraphs cover respectively 1) the relevance of customary international law to govern geoengineering activities and 2) the need to be able to count on a science-based mechanism (option 1) or the need for a scientific framework (option 2) for the geoengineering concepts that could have harmful cross-border effects or beyond the limits of national jurisdiction.

9.3. Other questions relating to biodiversity and climate change

In paragraph 13 of Decision X/33, the COP requested increased cooperation between the Rio conventions and listed a series of actions for this purpose. In the same Decision X/33, the COP especially asked the Executive Secretary to prepare pro-

posals for (i) specific measures to manage the obstacles to incorporating biodiversity considerations in climate change activities; and (ii) options to plug the gaps in knowledge and information on the impact of climate change on the biodiversity.

Under this point, the COP will examine SBSTTA recommendation XVI/8 contained in document UNEP/CBD/COP/11/3. This recommendation is basically structured around the importance and the ways and means of improving knowledge and information on the links between the biodiversity, climate change and human well-being. It also encourages incorporating the biodiversity into the relevant actions on climate change and ensuring coherence in the application of UNFCCC and CBD provisions nationally. Paragraph 5, as it refers to the financial resources, is in square brackets.

10. MULTI-YEAR PLAN OF ACTION FOR SOUTH-SOUTH COOPERATION

The work undertaken following Decision X/23 of the Nagoya Conference should have led to the adoption of the *Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development* (AP-SSC)²¹⁸ by the COP11 in Hyderabad. Discussions since the COP10 in Nagoya have nevertheless made this less likely, as the Parties have renounced adopting this action plan under the CBD to take account of reservations by developed countries. A first version of the AP-SSC had however been adopted unanimously in 2010 by the members of the G77/China meeting in a first Forum for South-South Cooperation (Nagoya, 17 October 2010)²¹⁹. The document was then sent to the COP10 for adoption, where it was received as a draft before asking the Working Group on the Review of Implementation (WGRI) to continue its to develop it²²⁰.

Echoing this decision, a revised version of the AP-SSC was prepared by the Executive Secretary in the light of recommendations of the third meeting of experts on South-South cooperation (Incheon, 18-20 May 2011) before being sent to the WGRI-4 for examination (Montreal, 7-11 May 2012). Despite the amendments, this new version did not convince the developed countries. They believe that South-South cooperation is not their business and must be financed by the developing countries themselves.

To get round this obstacle, the Parties agreed that the plan, which had already been adopted by the G77/China, did not need to be adopted again under the CBD. Following WGRI-4 recommendation 4/8 (Montreal, 7-11 May 2012), the COP11 should outline Decision X/23 again, giving it a slightly different meaning. Whereas the COP10 had welcomed the document as a draft (asking the WGRI-4 to continue to develop it), the COP11 should welcome it as a finished document, that does not have to be adopted by the COP. Thus, WGRI recommendation 4/8, which should be adopted as is by the COP, presents the AP-SSC as a tool available to the Parties to promote South-South cooperation and reiterates the invitation to the GEF, in Decision X/23, to examine the possibility of creating a special allocation fund based on volun-

218. UNEP/CBD/WG-RI/4/10

219. IEPF (2010). "1st Forum for South-South Cooperation on Biodiversity for Development" in *Objectif Terre* (Objective Earth). www.objectifterre.ulaval.ca/10751

220. Decision X/23

tary contributions. This compromise relaxes the pressures on the developed countries who do not have to implement decisions taken under the G77/China. However, it does not release them from all liability, as CBD Article 20²²¹ requires the developed countries to provide "new and additional" financial resources so that the developing countries can face up to all the extra costs forced up on them by its implementation. In addition, the "promotion of South-South cooperation as a complement to necessary North-South cooperation" is one of the eight goals²²² of the *Resource Mobilisation Strategy* emanating from Decision IX/11 of the COP9 in Bonn.

The challenge of the COP11 will therefore focus on the level and origin of the South-South cooperation financing. The roadmap started by the participants in the third meeting of experts targeted the launch of the special allocation fund for South-South cooperation by the Hyderabad Conference. This timetable should be deferred for two main reasons: (i) because the GEF has still not set up the fund and (2) because the voluntary contributions are still awaited.

There are several reasons why the GEF has not yet examined the creation of such a fund. Firstly, several members of the GEF Council are opposed to greater numbers of special allocation funds. To overcome these reservations, the GEF has launched a process to prepare "criteria for establishing trust funds"²²³. As these criteria have yet to be adopted, this question will still be on ice during the COP11²²⁴. In addition, once this obstacle has been overcome, the GEF Council should address in priority the regularisation of the Nagoya Protocol Implementation Fund, which will delay the creation of a South-South cooperation fund even more.

Another obstacle is that the resources must be mobilised *before* the creation of a new fund. The proposal to create a South-South cooperation fund will therefore only be considered once one or more countries announce substantial contributions. The intention is to mobilise a first tranche of US\$1 million to justify launching the Fund for South-South Cooperation. This should rise to US\$3-4 million in June 2014 (as the 5th replenishment of the GEF is coming to an end). Until now, only South Korea has committed to making a contribution to the fund, to the tune of US\$250,000, which is a quarter of the amount required. Other countries that are strongly committed to South-South cooperation²²⁵ could make their commitments known during

221. "Financial resources"

222. Goal 6: Build capacity for resource mobilisation and utilisation and promote South-South cooperation as a complement to necessary North-South cooperation

223. GEF (2011). *Highlights of the Council's discussions*, 8-11 November 2011. www.thegef.org/gef/sites/thegef.org/files/documents/Highlights_Revised_11-18-11.pdf

224. The GEF Council will next meet in November 2012, one month after the closure of the work of the COP-11.

225. Brazil, India, Argentina and South Korea are the main countries to support this initiative.

the COP11. Following the example of Japan who, having hosted the Nagoya Conference, had committed the sum of US\$2 billion for the conversation of the biodiversity and set up a *Japanese Biodiversity Fund*, it is expected that India commits to the South-South cooperation.

A final obstacles is the developing countries do not agree on the governing institution. Whereas most Parties believe that the financial mechanism should be placed under the auspices of the GEF, China would prefer to see it administered by the UNEP.

11. SUMMARY OF THE NAGOYA COP10

The 10th Conference of the Parties (COP10) took place in Nagoya, Japan, on 18-29 October 2010 and adopted three crucial decisions for the future of the Convention: the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation*, the Strategic Biodiversity Plan 2011-2020, christened "Living in Harmony with Nature" and its Aichi Targets and the activities, indicators and objectives of the Resource Mobilisation Strategy adopted two years earlier by the COP9 in Bonn.

The adoption of the Strategic Plan confirming the federating role of the CBD. Several decisions adopted are designed to multiply the synergies with other conventions from the perspective of engaging them in the implementation of its Strategic Plan. The adoption of precise targets and objectives henceforth provides a framework around which to structure their actions. After the failure of the 2010 Target, which did nothing to reduce the rate of biodiversity erosion, the COP10 was a new departure for the CBD and its resolutions would have a considerable impact on the next decade. The main decisions adopted by the COP10 are listed below:

Access and benefit sharing (ABS)

As the two meetings under the 9th session of the Working Group on Access and Benefit Sharing (WG-ABS) did not culminate in a consensual text prior to the COP10, the plenary created an Information Consultative Group on the ABS (ICG) to continue drafting the "Nagoya Protocol". At the conclusion of the IGC work, several questions nevertheless remain hanging, mainly over the scope, the relations with other instruments, the emergency situations, the financial mechanism, public access to traditional knowledge and, above, all the concepts of use and derivatives. Rather than submitting a text full of square brackets to the high-level plenary, the Japanese President held several informal ministerial consultations to produce a "take it or leave it" compromise text. This draft protocol was adopted as is, as many Parties calculated that it would be impossible to do any better during an Extraordinary Conference of the Parties, if called. The *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation*, adopted by virtue of Decision X/1, nevertheless remains very vague on the most disputed points. To specify these provisions, Decision X/1 set up an Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP) to prepare the first Conference of the Parties sitting as a Meeting of the Parties (MOP-1) to the Nagoya Protocol.

Strategic Plan 2011-2020

The other major outcome of the COP10 was the adoption of the Strategic Plan 2011-2020 for Biodiversity and the Aichi Targets. Decision X/2 urges the Parties to develop national and regional targets and update their national biodiversity strategies and action plans to take account of the CBD's new Strategic Plan, requests that the COP11 considers the usefulness of additional mechanisms so that the Parties can fulfil their commitments and convenes a meeting of the Ad Hoc Technical Experts Group on the biodiversity indicators (which took place in High Wycombe on 21-24 June 2011).

Resource Mobilisation Strategy

Faced with the difficulty of reaching consensus on the objectives of the Resource Mobilisation Strategy, the Parties agreed to continue to prepare them for adoption by the COP11. Decision X/3 nevertheless sets out a series of fifteen indicators to monitor the implementation of the Strategy. Lastly, the COP10 asked the Working Group on the Review of Implementation (WGRI) to examine, during its 4th session, the implementation of the Resource Mobilisation Strategy. Note that the draft decision on the innovative financial mechanisms was withdrawn, as the discussions broke down over the numerous amendments proposed by the countries of the Bolivarian Alliance for the Peoples of our America (ALBA, from the Spanish), who took exception to the "commercialisation of Nature" and asked for the reference to the TEEB report on the ecosystem economy and the biodiversity to be deleted.

South-South cooperation

Although adopted unanimously by the countries of the G77/China meeting under the first Forum for South-South Cooperation, the *Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development* (AP-SSC) was received as a rough draft by the COP10 which did not adopt it. Decision X/23 "welcomed" the AP-SSC as a major contribution towards implementing the Strategic Plan 2011-2020 and asked the WGRI-4 to "continue" to develop it (instead of implementing it). Similarly, calls to the donor community were widely mitigated in the final decision which "invited" the Global Environment Facility (GEF) to assess the relevance of setting up a special allocation fund for the South-South Cooperation on Biodiversity. It also invited the other Parties and organisations to support the forthcoming forums on South-South cooperation financially.

IPBES

Restating the need to enhance the role of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), Decision X/11 requested the Executive Secretary to assess how the CBD could use the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) avoiding duplications. In ad-

dition, in Decision X/4 on the Global Biodiversity Outlook, the COP10 requested the Secretariat to contact the IPBES to establish "complete synergy" between the two processes.

SBSTTA

Noting that the IPBES could contribute to the enhancement of the SBSTTA, Decision X/12 requested that the SBSTTA emphasise the scientific and technical aspects of the Strategic Plan 2011-2020 and the multi-year work programme 2011-2020. The COP10, in its Decision X/13, added none of the proposed new and emerging questions to the SBSTTA agenda.

Cooperation with the other conventions

Welcoming the initiative of the Executive Secretary to consider the CBD Strategic Plan as a relevant action framework for all biodiversity-related conventions, Decision X/20 asked the Secretariat to organise joint activities with the Rio conventions and to continue working with the other biodiversity-related conventions, including the Convention on International Trade of Endangered Species (CITES), the Convention on the Conservation of Migratory Species (CMS), the Ramsar Convention on Wetlands and with the United Nations Forum on Forests, UNESCO, the World Health Organisation (WHO) and the World Tourism Organisation (UNWTO). To achieve this, the COP10 urged the focal points of biodiversity-related conventions to collaborate closely so that these conventions be implemented in synergy. Lastly, it requested the WGRI-4 to initiate a process to improve the coordination, coherence and synergies between the conventions on biodiversity and asked the Secretariat to strengthen the Liaison Group of Biodiversity-related Conventions and the Joint Liaison Group of the Rio Conventions.

Commitment of the stakeholders

With a view to including all stakeholders in the implementation of the CBD, especially the private sector, the cities and local authorities, Decision X/21 invited the Parties to create conditions that facilitated the participation of the private sector and encourage the businesses to contribute to the Strategic Plan 2011-2020, whereas Decisions X/22 endorsed the *Action Plan on cities and other local authorities for biodiversity* (the Aichi-Nagoya Summit on biodiversity recommended the adoption of this) and encouraged the Parties and governments to implement it.

Financial mechanism

Decision X/24 provided a consolidated list of guidance to the financial mechanism and Decision X/26 adopted the mandate for the full assessment of funds required to apply the CBD during the period corresponding to the sixth replenishment of the GEF Fund (which acts as a financial mechanism for the CBD). Lastly, Decision X/27 adopted the mandate of the fourth review of the performance of the financial mechanism.

Biodiversity and climate change

Concerned by the possible consequences of climate change adaptation and mitigation measures on the biodiversity, Decision X/33 asked the Executive Secretary and the SBSTTA to envisage, for examination by the COP11, the application of relevant guarantees so that the measures for reducing emissions from deforestation and forest degradation (REDD+) combine with maintaining the biodiversity. Decision X/33 also asked the SBSTTA to provide opinions on the possible impacts of climate-related geoengineering techniques on the biodiversity and on the associated social, economic and cultural elements.

Biofuels

Decision X/37 urged the governments to apply the precautionary approach to the introduction and use of biological elements, synthetic cells or genomes in unconfined environments. It also recognised the right of States to suspend the release of such elements into the environment.

Invasive alien species

Decision X/38 set up an Ad Hoc Technical Expert Group on invasive alien species (AHTEG-IAS) to suggest ways of plugging the gaps in the international regulations on the invasive alien species introduced as pets, including aquarium and terrarium species, or as live bait or live food. This AHTEG has met once, in Geneva (16-18 February 2011) and passed on recommendations to the SBSTTA. The COP10 also urged the Parties to apply the precautionary approach to prevent invasions by agricultural species or those used to produce biomass, including forage species and those used for carbon sequestration.

Article 8(j)

Decision X/40 set out the multi-year work programme on Article 8(j), included a new item for future meetings of the WG8j entitled "in-depth dialogue on thematic areas and other cross-cutting issues" and adopted two indicators of the vigour of traditional knowledge. By virtue of its Decision X/42, the COP10 also adopted the Tkarihwaié:ri Code of Ethical Conduct which provides guidelines on interacting with the indigenous and local communities and developing local, national or regional codes of ethical conduct to promote respect, preservation and maintenance of traditional knowledge linked to biodiversity.

Protected areas

With a view to achieving Aichi Target 11 that is aiming to extend by 2020 the protected areas to 17% of land areas and inland waters and 10% of marine and coastal areas, Decision X/31 invited the Parties to increase the surface of protected areas along with their quality, representativeness and connectivity.

Sustainable use

The COP-10 acknowledged the value of natural environments fashioned by Man (like agricultural land and secondary forests) and stated that their presence was essential in maintaining them. To this end, the COP10 recognised the *Satoyama Initiative* as a useful tool for understanding better, supporting or improving socio-ecological landscapes for the benefit of biodiversity and the well-being of humanity. In addition, it invited the Parties to: (i) implement the recommendations of the Liaison Group on Bushmeat whilst taking account of Article 10(c) that calls on the Parties to protect and encourage the customary use of biological resources, in accordance with traditional cultural practices that are compatible with conservation and sustainable use imperatives; (ii) encourage the application of the *Addis Ababa Principles and Guidelines for the sustainable use of the biodiversity*; and (iii) apply the polluter-payer principle and other market instruments with the potential to support the sustainable use of the biodiversity and increase the viability of supply chains.

Other decisions

The COP10 also decided on six out of seven themed programmes (each on relating to a major planetary biome): agriculture, dry and sub-humid lands, forests, inland waters, oceans and mountains²²⁶. Only the island biodiversity programmes was not addressed by the COP10. In its decisions, the CBD approved certain resolutions taken by other forums and clarified its work programme in relation with other international organisations (FAO, UNESCO, UNEP, UNISDR, UNFF, ITTO), the Ramsar Convention, the CMS, the other Rio conventions, the United Nations Convention on the Law of the Sea (UNCLOS), the conventions with a regional scope (inland seas and mountains), regional organisations, IUCN and scientific networks.

Lastly, the COP10 invited the United Nations GA to declare the period 2011-2020 as the "United Nations Decade on Biodiversity"²²⁷, adopted the multi-year work programme for the period 2011-2020²²⁸, the missions, goals and objectives 2011-2020 of the clearing house mechanism²²⁹, the objectives 2011-2020 of the Global Strategy for Plant Conservation²³⁰ and the guidelines for the fifth national reports (which should be submitted by 31 March 2014)²³¹.

226. Decisions X/34 (agriculture), X/35 (dry and sub-humid lands), X/36 (forests), X/28 (inland waters), X/29 (oceans) and X/30 (mountains).

227. Decision X/8

228. Decision X/9

229. Decision X/15

230. Decision X/17

231. Decision X/10

ANNEX I

TECHNICAL SHEETS

Sheet 1

Convention on Biological Diversity (CBD)

Adoption: 22 May 1992

Entry into force: 29 December 1993

Ratification status: 193 Parties, including the European Union²³²

Governing body: Conference of the Parties

Secretariat: Montreal (UNEP)

Other bodies: Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) • Working Group on the Review of Implementation (WGRI) • Working Group on Article 8(j) (WG8j) • Working Group on Protected Areas (WGPA)

Protocols: Nagoya Protocol on ABS • Cartagena Protocol on Biosafety • Additional Protocol of Nagoya-Kuala Lumpur

Although the idea of a global convention on the conservation of living resources was proposed by the International Union for the Conservation of Nature (IUCN) in the early 1980s, formal negotiations only started at the turn of the decade and terminated in 1992, slightly before the Rio Earth Summit, where the Convention on Biological Diversity was opened for signature. The three objectives of the CBD are the conservation of the biodiversity, the sustainable use of its elements and the fair and equitable sharing of benefits arising from their utilisation.

In terms of conservation, the Parties must prepare measures (Art. 6) and identify the components of the biodiversity that are significant for its conservation and sustainable use (Art. 7). They must also establish a system of protected areas and encourage the protection of ecosystems and natural habitats for the conservation *in situ* (Art. 8). The Parties must also adopt measures to conserve *ex situ* components of the biodiversity, for example in museums, botanical gardens and zoos, seed or gene banks. (Art. 9).

232. Note that the United States is not Party to the CBD

However, the CBD is not just a convention on conservation and also covers the sustainable use of the biodiversity. By virtue of its Article 10, the Parties must, in particular, adopt measures to prevent or mitigate the unfavourable effects of exploiting biological resources and encourage their customary uses.

Articles 15, 16 and 19 address the complex questions of access to genetic resources and the transfer and management of biotechnologies, which led to the adoption of the *Cartagena Protocol on Biosafety* and the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits*.

In addition, the developed countries undertake to provide new and additional financial resource" so that the developing countries can face up to all the extra costs forced on them by the implementation of measures required by the CBD. To this end, the COP requested the Global Environment Facility (GEF) to act as the financial mechanism of the CBD.

Site: www.cbd.int

Convention text: www.cbd.int/doc/legal/cbd-fr.pdf

List of the CBD articles

- | | | | |
|-------------------|--|-------------------|---|
| Article 1 | Objectives | Article 23 | The Conference of the Parties |
| Article 2 | Use of Terms | Article 24 | Secretariat |
| Article 3 | Principle | Article 25 | Subsidiary Body on Scientific, Technical and Technological Advice |
| Article 4 | Jurisdictional Scope | Article 26 | Reports |
| Article 5 | Cooperation | Article 27 | Settlement of Disputes |
| Article 6 | General Measures for Conservation and Sustainable use | Article 28 | Adoption of Protocols |
| Article 7 | Identification and Monitoring | Article 29 | Amendment of the Convention or Protocol |
| Article 8 | <i>In-situ</i> Conservation | Article 30 | Adoption and Amendment of Annexes |
| Article 9 | <i>Ex-situ</i> Conservation | Article 31 | Right to Vote |
| Article 10 | Sustainable Use of the Components of Biological Diversity | Article 32 | Relationship between this Convention and its Protocols |
| Article 11 | Incentive measures | Article 33 | Signature |
| Article 12 | Research and Training | Article 34 | Ratification, Acceptance or Approval |
| Article 13 | Public Education and Awareness | Article 35 | Accession |
| Article 14 | Impact Assessment and Minimising Adverse Impacts | Article 36 | Entry into Force |
| Article 15 | Access to Genetic Resources | Article 37 | Reservations |
| Article 16 | Access to and Transfer of Technology | Article 38 | Withdrawals |
| Article 17 | Exchange of Information | Article 39 | Financial Interim Arrangements |
| Article 18 | Technical and Scientific Cooperation | Article 40 | Secretariat Interim Arrangements |
| Article 19 | Handling of Biotechnology and Distribution of its Benefits | Article 41 | Depositary |
| Article 20 | Financial Resources | Article 42 | Authentic texts |
| Article 21 | Financial Mechanism | Annex I | Identification and Monitoring |
| Article 22 | Relationship with Other International Conventions | Annex II | Arbitration and Conciliation |

Sheet 2

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the CBD

Adoption: 29 October 2010

Entry into force: N/A

Ratification status: 5 States Parties

Governing body: Conference of the Parties sitting as the Meeting of the Parties (MOP)

Secretariat: UNEP (Montreal)

Other bodies: N/A

Protocols: N/A

To establish the rules and procedures for implementing the third objective of the Convention on Biological Diversity (CBD), the COP10 adopted the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the CBD*. The Nagoya Protocol will enter into force ninety days after the fiftieth instrument of ratification, acceptance, approval or accession has been deposited. To date, 90 countries in addition to the European Union have signed the Nagoya Protocol, but only five countries have ratified it²³³. Some of its provisions are however vague so that the COP10 decided to create an Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol (ICNP) entrusted with preparing the MOP-1 by looking into the questions hanging in the air.

By virtue of the Nagoya Protocol, access to genetic resources must be subject to prior informed consent of the Party providing these resources under the national legislation for ABS (Art. 6) and the benefits resulting from their use must be shared with it, according to the mutually-agreed terms (Art. 5). The Protocol also provides for a potential global benefit-sharing multilateral mechanism (Art. 10), an ABS clearing house (Art. 14), a financial mechanism (Art. 25) and a provision compliance mechanism (Art. 30). It also includes measures for development and capacity building (Art. 22), awareness-raising (Art. 21) and transfer of technologies (Art. 23) and also provisions relating to traditional knowledge and access to it which must also be subject to the mutually-agreed terms (Arts. 7 and 12).

Site: www.cbd.int/abs

Protocol text: www.cbd.int/abs/doc/protocol/nagoya-protocol-fr.pdf

233. Gabon, Jordan, Rwanda, Seychelles and Mexico.

List of the Nagoya Protocol articles

- | | | | |
|-------------------|---|-------------------|--|
| Article 1 | Objectives | Article 17 | Monitoring the Utilisation of Genetic Resources |
| Article 2 | Use of Terms | Article 18 | Compliance with Mutally-agreed Terms |
| Article 3 | Jurisdictional Scope | Article 19 | Model Contractual Clauses |
| Article 4 | Relationship with International Agreements and Instruments | Article 20 | Codes of Conduct, Guidelines and Best Practices and/or Standards |
| Article 5 | Fair and Equitable Benefit Sharing | Article 21 | Awareness-raising |
| Article 6 | Access to Genetic Resources | Article 22 | Capacity |
| Article 7 | Access to Traditional Knowledge associated with Genetic Resources | Article 23 | Technology Transfer, Collaboration and Cooperation |
| Article 8 | Special Considerations | Article 24 | Non-Parties |
| Article 9 | Contribution to Conservation and Sustainable Use | Article 25 | Financial Mechanism and Resources |
| Article 10 | Global benefit-sharing multilateral mechanism | Article 26 | Conference of the Parties serving as the Meeting of the Parties to this Protocol |
| Article 11 | Transboundary Cooperation | Article 27 | Subsidiary Bodies |
| Article 12 | Traditional Knowledge associated with Genetic Resources | Article 28 | Secretariat |
| Article 13 | National Focal Points and Competent National Authorities | Article 29 | Monitoring and Reporting |
| Article 14 | The Access and Benefit-Sharing Clearing House and Information Sharing | Article 30 | Procedures and Mechanisms to Promote Compliance with this Protocol |
| Article 15 | Compliance with Domestic Legislation or Regulatory Requirements on Access and Benefit Sharing | Article 31 | Assessment and Review |
| Article 16 | Compliance with Domestic Legislation or Regulatory Requirements on Access and Benefit sharing for Traditional Knowledge Associated with Genetic Resources | Article 32 | Signature |
| | | Article 33 | Entry into Force |
| | | Article 34 | Reservations |
| | | Article 35 | Withdrawals |
| | | Article 36 | Authentic texts |
| | | Annex | Monetary and non-monetary benefits |

Sheet 3

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Adoption: 29 January 2000

Entry into force: 11 September 2003

Ratification status: 163 Parties, including the European Union

Governing body: Conference of the Parties sitting as the Meeting of the Parties (MOP)

Secretariat: Montreal (UNEP)

Other bodies: Obligation Compliance Committee

Protocols: Nagoya-Kuala Lumpur Additional Protocol

The risks from introducing genetically modified organisms (GMO), that the CBD describes as "modified living organisms" (MLO) were already raising some questions when the Convention was being negotiated. Faced with the complexity of issues and given the very short negotiating times, the delegates preferred to negotiate later any commitments in framework of a protocol that would define the appropriate procedures in the transfer, handling and safe use of MLO with a potential negative impact on the conservation and sustainable use of the biodiversity (Article 19 of the CBD).

After several years of intense negotiations, the *Cartagena Protocol on Biosafety* was finally adopted in Montreal in 2000 (Decision EM-1/3). The Protocol aims to protect the biodiversity from potential risks posed by the modified living organisms resulting from modern biotechnologies and restates the precautionary (or prudent) approach enshrined in Principle 15 of the *Rio Declaration* (Art. 1). Having said that, it opposes free exchange, advocated by GMO-producing countries and import controls, advocated by the importing countries²³⁴. To guarantee the transparency of exchanges, the importing countries must be in possession of all the relevant information before allowing this type of organism onto their territory. It thus set up a procedure of prior informed consent (Arts. 7-10 and 12) and created a biosafety clearing house (Art. 20).

Following its entry into force, the MOP-3 (Curitiba, 2006) determined how to identify the MLO intended for human and animal consumption or processing,

234. Jean-Maurice Arbour, Sophie Lavallée, Hélène Trudeau, "La biodiversité" in *Droit international de l'environnement*, 2nd edition, Cowansville, Éditions Yvon Blais, 2012 (to be published).

by adopting the list of components required for their documentation and identification. Subsequently, the MOP-5 (Nagoya, 2010) adopted the *Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety* which defines the rules procedures for liability and redress. The need to form a subsidiary body to provide scientific and technical opinions will be examined by the MOP-6 (Hyderabad, 1-5 October 2012).

Site: <http://bch.cbd.int/protocol>

Text of the Protocol: <http://bch.cbd.int/protocol/publications/cartagena-protocol-fr.pdf>

Sheet 4

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety

Adoption: 15 October 2010

Entry into force: N/A

Ratification status: 2 States Parties

Governing body: MOP to the Cartagena Protocol

Secretariat: Montreal (UNEP)

Other bodies: N/A

Protocols: N/A

The *Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress* was adopted by the 5th Conference of the Parties sitting as the Meeting of the Parties to the Cartagena Protocol of the CBD (Nagoya, October 2010). It will enter into force once the fortieth instrument of ratification has been deposited. Although fifty countries plus the European Union have signed so far, only two countries, Latvia and the Czech Republic, have ratified it.

The aim of the additional Protocol is to contribute to the conservation and sustainable use of the biodiversity, whilst taking account of risks for human health and provided international rules and procedures in terms of liability and redress linked to the modified living organisms (MLO) (Art. 1). It applies to damage resulting from cross-border movements of MLO intended for human or animal consumption, the use in a confined environment or the intentional introduction into the environment (Art. 3). It stipulates that a causal link must be established between the damage and the targeted MLO, in accordance with national legislation (Art. 4). Once this causality has been checked, the additional Protocol provides for intervention measures to be implemented by one or more operators under conditions laid down by the competent authority (Art. 5). There are provisions for the Parties to insert exemptions, delays or financial limits to the measures provided for by the additional Protocol in their national legislation (Arts. 6 to 8). Other articles outline, especially, the right to recourse, financial safety and implementation of the additional Protocol linked to civil liability and provide for its assessment, review and institutional operation.

Site: <http://bch.cbd.int/protocol/supplementary>

Text of the Protocol: http://bch.cbd.int/protocol/NKL_text.shtml

Sheet 5

Convention on International Trade in Endangered species of Wild Fauna and Flora (CITES)

Adoption: 03 March 1973

Entry into force: 1 July 1975

Ratification status: 176 States Parties

Governing body: Conference of the Parties

Secretariat: Geneva (UNEP)

Other bodies: Standing Committee • Animals Committee • Plants Committee

Protocols: N/A

The Convention on International Trade in Endangered species of Wild Fauna and Flora (CITES), or the Washington Convention, was prepared at the initiative of the International Union for the Conservation of Nature (IUCN) and adopted in 1973, with the aim of preventing the international wildlife trade from endangering their survival.

The CITES controls the trade in wildlife, classifying them into three categories. Annex I includes the species threatened with extinction, where trade is only permitted in exceptional circumstances (including obtaining a non-prejudicial trade opinion). Annex II includes the species likely to be threatened for which the trade must be regulated to avoid exploitation that is incompatible with their survival; they can only be traded if they are covered by a re-export certificate or an export licence, but no import licence is required for these species. Lastly, Annex III provides a list of species included at the request of a State which is already regulating the trade and seeks the cooperation of other countries to prevent its illegal or unsustainable exploitation. The international trade in these specimens is therefore subject to obtaining a licence or a certificate.

Today, CITES protects, in varying degrees, over thirty thousand species of animals and plants marketed as living specimens, fur coats or dried herbs.

Site: www.cites.org/eng/index.php

Text of the Convention: www.cites.org/eng/disc/text.php

Sheet 6

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Adoption: 23 June 1979

Entry into force: 1 November 1983

Ratification status: 117 Parties, including the European Union

Governing body: Conference of the Parties

Secretariat: Bonn (UNEP)

Other bodies: Standing Committee • Scientific Council

Protocols: Seven agreements imposing legal obligations • nineteen memoranda of understanding

The migrating species are particularly vulnerable to a vast range of threats, mainly the loss of habitats in areas of reproduction, excessive hunting along the migration routes and the degradation of feeding sites. International conservation organisations started to draw attention to these problems in the early 1960s and called for the adoption of a convention on the migratory species. In response to these concerns, the Convention on the Conservation of Migratory Species of Wild Animals (CMS) or "Bonn Convention" was adopted in 1979 and entered into force in 1983. Its goal was to ensure the conservation of terrestrial, aquatic and airborne migratory species over their entire range.

Apart from the adoption of measures to protect migratory species threatened with extinction (listed in Annex I to the Convention) and their habitats, the Parties are invited to enter into understandings to protect the species with unfavourable conservation conditions or where the conservation can benefit from the international cooperation (listed in Annex II). During the last few years, the number of agreements in the "CMS family" has shot up, from fourteen to 26 in the space of five years. The CMS family now includes seven binding agreements, nineteen memoranda of understanding and eight action plans for specific species. The rationalisation of sub-agreements specific to threatened species is now a source of concern for the Parties. Although some see this proliferation as a sign of success, others believe that the human and financial burden associated with these instruments jeopardises their operationalisation as well as allowing the States to make voluntary contributions to specific instruments to the detriment of the basic CMS budget.

The Conference of the Parties to the CMS meets every three years.

Site: www.cms.int/about/welcome_en.htm

Text of the Convention: www.cms.int/documents/convtxt/cms_convtxt_fr.htm

Sheet 7

UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC)

Adoption: 16 November 1972

Entry into force: 17 December 1975

Ratification status: 189 States Parties

Governing body: General Assembly of the States Parties

Secretariat: Paris (UNESCO)

Other bodies: World Heritage Committee

Protocols: N/A

The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC - World Heritage Convention) was adopted in 1972 by the UNESCO General Conference. The WHC combines the notions of protection of nature and preservation of cultural assets in the same, unique document.

Articles 1 and 2 define what can be considered as cultural and natural heritage and which can be considered for registration on the world heritage list, in accordance with Article 11. It is however up to each State Party to identify and delimit the various assesses located in its territory (Art. 3), for which he is obliged, by virtue of the WHC, to identify, protect, conserve, enhance and transmit to future generations (Art. 4). To achieve this, the States are encouraged to include the protection of this heritage in general planning programmes, set up heritage protection, conservation and enhancement services and encourage the creation or development of training centres (Art. 5). To assist the States in this task, the WHC establishes a World Heritage Fund (Art. 15) and a system of international cooperation and assistance (Art. 7). The WHC World Heritage Committee is responsible for receiving and studying the requests for assistance formulated by the States Parties (Arts. 8 and 13).

The General Assembly of the States Parties, the governing body of the WHC, meets during the sessions of the UNESCO General Conference.

Site: <http://whc.unesco.org/en/convention>

Text of the Convention: <http://whc.unesco.org/archive/convention-en.pdf>

Sheet 8

Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

Adoption: 02 February 1971

Entry into force: 21 December 1975

Ratification status: 163 States Parties

Governing body: Conference of the Parties

Secretariat: Gland (IUCN)

Other bodies: Standing Committee • Scientific and Technical Review Panel

Protocols: Paris Protocol²³⁵

The Convention on Wetlands of International Importance adopted in Ramsar (Iran) expanded its scope gradually from its initial emphasis on waterfowl to wetlands addressed as ecosystems, rich in biodiversity and essential to human well-being. Its mission is "the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world".

Its main tool is the *Ramsar List*, which includes 2053 wetlands of international importance. The Convention stipulates that the Parties must include appropriate wetlands in their territory (Art. 2), then prepare and apply development plans to encourage the conservation and wise use of these wetlands (Art. 3). The Parties must also encourage the conservation of wetlands and waterfowl by creating natural reserves in the wetlands, whether or not they are included on the List, and make sure that they are monitored adequately. At international level, the Parties must consult each other to coordinate their protection measures for wetlands and cross-border river basins (Art. 5).

Its Conference of the Parties has met every three years since 1984.

Site: www.ramsar.org

Text of the Convention: http://www.ramsar.org/cda/en/ramsar-documents-texts-convention-on/main/ramsar/1-31-38%5E20671_4000_0__

235. The Paris Protocol was adopted in 1982 and entered into force in 1986. It established an amendment procedure for the Convention (Article 10 bis) and adopted official versions of the treaty in German, English, Arabic, Spanish, French and Russian.

Sheet 9

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

Adoption: 03 November 2001

Entry into force: 29 June 2004

Ratification status: 127 Parties, including the European Union

Governing body: Governing body

Secretariat: Rome (FAO)

Other bodies: Provision Compliance Committee

Protocols: N/A

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) is a legally-binding instrument, negotiated under the auspices of the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA). It is mainly aimed at the conservation and sustainable use of phyto-genetic resources intended for food or agriculture (PGRFA) and the equitable sharing of benefits, in harmony with the CBD.

Apart from the questions affecting the rights of farmers, the mobilisation of resources and the setting up of a Fund for the benefit sharing, the Treaty also established a multilateral access and benefit-sharing system to guarantee easier access to the specific list of PGRFA that includes 35 crop genera and 29 forage genera (which account for 80% of our consumption of our vegetable crops).

The Governing Body of the Treaty meets at least once every two years immediately before or after the ordinary sessions of the FAO Commission on Genetic Resources for Food and Agriculture.

Site: www.planttreaty.org

Text of the Treaty: www.planttreaty.org/content/texts-treaty-official-versions

Sheet 10

Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)

Creation: 21 April 2012

Ratification status: 92 member countries

Governing body: Plenary Assembly

Host institution: Bonn (the interim management of the Platform has been entrusted to UNEP, but could be shared between UNESCO, UNEP, UNDP and FAO)

Other bodies: Bureau • Multidisciplinary Expert Panel

After seven years of discussions, the biodiversity group equivalent to the IPCC finally saw the light of day in Panama on 21 April 2012, at the end of the 2nd plenary meeting for an Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). The IPBES has four main functions:

- identify and prioritise key scientific information needed for policymakers and to catalyse efforts to generate new knowledge;
- perform regular and timely assessments of the state of knowledge on biodiversity and ecosystem services and their interactions;
- support policy formulation and implementation by identifying policy-relevant tools and methodologies;
- prioritise capacity-building needs to improve the science-policy interface and to provide financial or other support for the highest-priority needs.

The first and only resolution of the plenary meeting establishes the IPBES as an independent intergovernmental body with its Secretariat located in Bonn (Germany). The resolution also states the functions, guiding principles and institutional provisions (Appendix 1) and the internal plenary rules (Appendix 2). The new platform will be given two subsidiary bodies: a "bureau" of ten members, to supervise the administrative tasks, and a Multidisciplinary Expert Panel (MEP), uniting some thirty participants, where the regional distribution will be stated later on. The first Plenary Assembly of the IPBES should take place in 2013.

IPBES site: www.ipbes.net

Sheet 11

United Nations Convention on the Law of the Sea (UNCLOS)

Adoption: 1982

Entry into force: 1994

Ratification status: 162 Parties (the United States has not ratified it)

Governing body: Meeting of States Parties

Secretariat: Division for Ocean Affairs and the Law of the Sea (DOALOS)

Other bodies: Commission on the Limits of the Continental Shelf • International Seabed Authority • International Tribunal for the Law of the Sea

UNCLOS implementation agreements: Agreement on Part XI (adopted in 1994, entered into force in 1996) • 1995 United Nations Fish Stocks Agreement (adopted in 1995, entered into force in 2001)

Often qualified as the "ocean constitution", UNCLOS is setting up a legal framework governing all facets of the law of the sea: sovereignty of coastal States over their territorial waters, exclusive economic area, limit of the continental shelf, right of navigation, deep-water prospecting and extraction, pollution of the marine environment, scientific research at sea, settling of differences, etc.

The 1982 Convention shows its era as it makes very little case for the conservation of biological resources which it addresses from a viewpoint of managing fish stocks. To maintain or build up stocks of harvested species to levels that ensure the maximum constant yield, it calls on the coastal States to fix the volume of catches permitted in their exclusive economic areas (which can extend up to 200 nautical miles from the coasts) and, where their fishing capacity is less than the permitted volume, to authorise other States to fish their surplus²³⁶.

By extending the jurisdiction of States to 200 nautical miles, UNCLOS has encouraged rational fishery management in the exclusive economic areas but increased the pressure on areas beyond that²³⁷. One of the main obstacles to protecting the marine biota is its Article 87 that it ratifies the principle of "freedom on the high seas" and includes "freedom of fishing" by name. Undoubtedly, UNCLOS sets out guidelines for this right by obliging the States to take

236. UNCLOS, Art. 62

237. Perrings, C. (2009). "Biodiversity Conservation in Sea Areas Beyond National Jurisdiction: The Economic Problem" in *Conserving and Valuing Ecosystem Services and Biodiversity*, directed by K. N. Ninan, Earthscan, p. 73

measures applicable to their nationals to conserve biological resources in open ocean waters²³⁸, but the implementation of these provisions has shown itself to be insufficient, so that several epipelagic and deep water species are now endangered²³⁹.

UNCLOS site: www.un.org/Depts/los/index.htm

UNCLOS text: http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm

238. UNCLOS, Arts. 116-120

239. Perrings, Charles (2009), p. 67

ANNEX II

TERMINOLOGY SHEETS

Glossary²⁴⁰

Addis Ababa Principles and Guidelines for the sustainable use of the biodiversity	Series of fourteen principles, operational guidelines and a few instruments providing assistance to governments, resource managers, indigenous and local communities, the private sector and other interested parties on how to ensure that their use of the components of biodiversity will not lead to the long-term decline of biological diversity. The principles and guidelines are based on the hypothesis that it is possible to use the biodiversity so that the ecological processes, species and genetic variability are maintained above thresholds needed for their long-term viability and that, therefore, all resource managers and users are responsible for ensuring that their use does not go beyond these capacities.
Akwe: Kon Guidelines	Voluntary Guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities (Decision VII/16, Annex).
Alien	Used for a species from a different place. The term "non-native" is also used occasionally to designate them.
Benefit sharing	Redistribution of monetary benefits obtained through the industrial or commercial use of genetic resources or non-monetary benefits (like use privileges and research results). This sharing may be for the benefit of the country of origin of the resources, the supplier country, indigenous and local communities holding associated traditional knowledge or funds intended for conservation.
Biodiversity	See "Biological diversity".
Biological diversity	The variety and variability of living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (CBD Art. 2).
Biological resources	Genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity (CBD Art. 2).

240. When this involves official definitions, the source is provided in brackets.

Biome	Type of plant formation or ecosystem (conifer forest, savannah, steppe, etc.) defined from very general characteristics linked to the similarities of the physical and climatic environment.
Bio piracy	Obtaining of benefits or privileges from the use of genetic resources without respecting the rights and expectations of the country of origin or traditional users of these resources or associated traditional knowledge.
Biosphere	Layer formed around the Earth's crust by all living beings and their living environments.
Biotechnology	Any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use (CBD Art. 2 and Nagoya Protocol Art. 2).
Buffer zone	Region adjacent to a protected area.
Clearing house	Mechanism intended to facilitate transactions like exchanges of information and technical and scientific cooperation between several parties. Term used originally in the business sector.
Competent National Authorities	Ministry or government body responsible for carrying out the administrative functions required by the Convention or Protocol, in the name of a Party. Under the ABS, the competent national authorities are responsible for compliance with access procedures according to the conditions established by the Parties.
Conference of the Parties (COP)	Governing body of the CBD
Conservation	Maintenance or sustainable use of Earth's resources in order to preserve the diversity of ecosystems, species and genes along with the evolving and other phenomena that shape them.
Contained use	Any operation, undertaken within a facility, installation or other physical structure, which involves living modified organisms that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment (Cartagena Protocol, Art. 3).
"Cornerstone" species or "key species"	Species strongly connected to many others in an ecosystem; its disappearance ends in disruption (disorganisation) to this ecosystem.
Country of origin of genetic resources	Country which possesses those genetic resources in in situ conditions (CBD Art. 2).

Country providing genetic resources	Country supplying genetic resources collected from in situ sources, including populations of both wild and domesticated species, or taken from ex situ sources, which may or may not have originated in that country (CBD Art. 2). CBD Article 15(3) states, however, that genetic resources being provided by a Contracting Party under the access must be resources where the Party is a country of origin or that have been acquired by this Party in compliance with the principles of the CBD.
Derivative	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 (Nagoya Protocol Art. 2).
Derivative products	Molecule, combination or mix of natural molecules, including the extracts of biological organisms from the metabolism of living beings. Reference can also be made to "synthesis products" which include, among other things, the substances obtained from genetic information or other biological molecules as the result of an artificial process.
Domesticated or cultivated species	Species in which the evolutionary process has been influenced by humans to meet their needs (CBD Art. 2).
Ecological corridor	Term used to designate the measures taken to ensure normal migration of populations and species. This can involve physical corridors or management practices.
Ecological footprint	Calculation of the extent of lands required to supply populations in a country and to absorb their waste sustainably.
Ecological network	Term employed in certain countries and regions to designate the application of the ecosystem approach that incorporates protected areas to ensure effective conservation of the biodiversity.
Ecological niche	Represents the place and function of the species in the ecosystem. It can be characterised by the sum of conditions necessary to the survival of a population (temperature interval, amount of food, size of the vital area, etc.).
Ecological service	Service drawn by humans from ecological functions (pollination, photosynthesis, climate regulation, water purification, etc.).
Ecologically or biologically significant marine area (EBSA)	Clearly-defined geographical or oceanic area, that provides significant services to one or more species/populations of an ecosystem or to the ecosystem as a whole, when compared with neighbouring areas with similar ecological characteristics, or which otherwise satisfies the scientific criteria given in Annex I to Decision IX/20, known as the "Azores Criteria".

Ecologically or biologically significant marine zone (EBSZ)	See "Ecologically or biologically significant marine area (EBSA)"
Ecosystem	A dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit (CBD Art. 2).
Ecosystem approach	Strategy for the integrated management of lands, waters and living resources in view of the conservation and sustainable and equitable use that takes account of the functions and interactions between the organisms and their environment. The approach also recognises that humans with their cultural diversity are an essential component of ecosystems.
Endangered species	Species threatened with extinction or disappearance if the pressures on it are not reversed.
Endemic	Species or variety specific to a single location or a single special geographical region.
Environmental Impact Assessment	Process whereby the consequences of an environmental project can be assessed.
Eradication	Local extinction of a species.
Ex-situ Conservation	Conservation of components of biological diversity outside their natural habitats (CBD Art. 2). The most frequently quoted examples of ex situ conservation are botanical gardens and zoos and seed or gene banks.
Externalities	Positive or negative effects on the environment (or any other exploited system) of activities that are not taken into account in the economic transactions.
Extinction debt	Difference between the initial and final levels of biodiversity, the final level being achieved a long time after the disturbance affecting the initial level.
Genetic material	Any material of plant, animal, microbial or other origin containing functional units of heredity (CBD Art. 2).
Genetic resources	Genetic material of actual or potential value (CBD Art. 2).
Genetic Use Restriction Technologies (GURT)	Technology that genetically modifies a seedling to produce sterile grains.

Genetically modified organism (GMO)	Organism for which the genetic information has been modified by a given technique, mainly a natural phenomenon or genetic engineering.
Geoengineering	The definition of geoengineering has yet to be fixed by the COP. The SBSTTA envisages four definitions: (i) any technology that deliberately reduces solar insolation or increases carbon sequestration from the atmosphere on a large scale (excluding carbon capture and storage before it is released into the atmosphere); (ii) deliberate intervention in the planetary environment of a nature and scale intended to counteract anthropogenic climate change and/or its impacts; (iii) deliberate large-scale manipulation of the planetary environment; (iv) technological efforts to stabilise the climate system by direct intervention in the energy balance of the Earth for reducing global warming (recommendation XVI/9).
Habitat	Place or type of site where an organism or population naturally occurs (CBD Art. 2).
<i>In situ</i> conditions	Conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties (CBD Art. 2).
<i>In situ</i> Conservation	Conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties (CBD Art. 2).
Invasive alien species (IAS)	Species that if introduced and/or disseminated beyond their area of natural distribution threatens the biodiversity.
L.docs	Documents for the plenary that contain rough draft decisions for adoption by the COP.
Like-Minded Countries	In some circumstances, a coalition can qualify itself as "like-minded". In this way, the Parties in this coalition state that they have agreed to adopt a common position under the negotiations in progress.
Living organism	Any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids (Cartagena Protocol Art. 3).
Modified living organism (MLO)	Any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology (Cartagena Protocol Art. 3).

Mutation	Any genetic change undergone by an organism.
Mutually-agreed terms (MAT)	Understanding between suppliers and users of genetic resources, governing the access and use conditions for the resources and the sharing of benefits between the two Parties.
National correspondent	Top civil servant mandated by a Party to act as the link, in its name with the Secretariat.
National focal points	See "National correspondent"
Non paper	Document for the plenary issued informally and serving to facilitate the negotiations.
Non-native	See "alien"
Population	Group of organisms of the same species living in the same environment at the same time.
Precautionary principle	Principle whereby the lack of scientific certainty must not, in the event of risks of severe or irreversible environmental damage, serve as a pretext for delaying the adoption of effective measures to prevent the degradation of the environment.
Prior informed consent (PIC)	Approval given by the Competent National Authority of a supplier country and by other parties involved in the access process to an individual or institution seeking to obtain access to genetic resources, in the context of a suitable national legal and institutional framework.
Protected area	A geographically defined area which is designated or regulated and managed to achieve specific conservation objectives (CBD Art. 2).
Protected zone	See "Protected area"
Protocol	Additional agreement linked to a convention, but with an independent ratification process, which enhances it by adding more detailed undertakings.
REDD+	UNFCCC mechanism to reduce emissions from deforestation and degradation of forests and the role of the conservation, sustainable management of forests and the enhancement of forest carbon stocks in developing countries.
Regional economic integration organisation	An organisation constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it (CBD Art. 2).

Rehabilitation	Return to health and in a functioning state of a species, population or ecosystem.
Relevant guarantees for the biodiversity in terms of REDD+	Advice that may be provided by the COP-11 to the CBD on the application of "guarantees relating to the implementation of the REDD+ mechanism" adopted in 2010 by the Conference of Cancún to the UNFCCC.
Restoration	Return of a species, population or ecosystem to the state in which it was found before the deterioration suffered.
Satoyama Initiative	Initiative to implement measures to support and, where necessary, revitalise or rebuild socio ecological production landscapes including through broader global recognition of their value and maintain their contribution to human well-being and the three objectives of the CBD (Paris Declaration on the Satoyama Initiative, Annex).
Session document	Category of documents containing proposals for the plenary session.
Socio-ecological production landscapes	Dynamic mosaics of habitats and land uses that have been shaped over the years by the interactions between people and nature in ways that maintain biodiversity and provide humans with goods and services needed for their well-being. These landscapes have proven sustainable over centuries and are considered living examples of cultural heritage (Paris Declaration on the Satoyama Initiative, Annex).
Speciation	Appearance of a new species from an ancestral species.
Species	Fundamental unit of classification, consisting of one or more populations of closely-related and similar organisms.
<i>Sui generis</i> systems	In the context of the ABS, the expression <i>sui generis</i> refers to a special form of protection adapted specifically to the customs and traditions of indigenous and local communities.
Suppliers	See "Country providing genetic resources".
Sustainable development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
Sustainable use	Use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations (CBD Art. 2).
Taxonomy	Science of the classification of living beings.
Technology	All technology, including biotechnology (CBD Art. 2)

Threatened species	Species that will be threatened with extinction or disappearance if the pressures on it are not reversed.
Tkarikwhaié:ri Code of Ethical Conduct	Specific code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity (Decision XI/42, Annex).
Traditional knowledge	Knowledge, innovations and practices of indigenous and local communities.
Transboundary movement	By virtue of the Cartagena Protocol, the movement of a living modified organism from one Party to another Party, save that for the purposes of Articles 17 and 24 "transboundary movement" extends to movement between Parties and non-Parties (Cartagena Protocol, Art. 3).
Trophic	Relating to nutrition. A trophic network is an assembly of species united by their relationship of eaters to eaten. A trophic "species" is an assembly of individual with the same type of prey.
Use of genetic resources	To conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology (Nagoya Protocol, Art. 2).
Users of genetic resources	Individuals or organisation who wish to access genetic resources for a wide range of goals, from fundamental research to the development of new products. This can mainly involve botanical gardens, research institutes, research laboratories in the pharmaceutical, agricultural and cosmetics sectors or collectors. It is up to the users to share with the suppliers the benefits they gain from genetic resources.
Vulnerable species	Species in danger because of its low numbers or because it is confined to restricted areas.

Abbreviations and acronyms

French - English

French		English	
ADPIC	Accord sur les Aspects des droits de propriété intellectuelle qui touchent au commerce	TRIPS	<i>Agreement on Trade-related Aspects of Intellectual Property Rights</i>
AE	Approche écosystémique	EA	<i>Ecosystem Approach</i>
AGNU	Assemblée générale des Nations unies	UNGA	<i>United Nations General Assembly</i>
ANC	Autorités nationales compétentes	CNA	<i>Competent National Authorities</i>
AIEB ou ZIEB	Aire marine d'importance écologique ou biologique	EBSA	<i>Ecologically and biologically significant marine areas</i>
AMP	Aire marine protégée	MPA	<i>Marine protected area</i>
AP	Aires protégées	PA	<i>Protected Areas</i>
APA	Accès aux ressources génétiques et partage des avantages découlant de leur utilisation	ABS	<i>Access and Benefit-sharing</i>
APEID	Alliance des petits États insulaires en développement	AOSIS	<i>Alliance of Small Island States</i>
BCH	Centre d'échange sur la biosécurité	BCH	<i>Biosafety Clearing-House</i>
BADJN	Biodiversité marine dans les zones situées au-delà de la juridiction nationale	BBNJ	<i>Marine biodiversity in areas beyond national jurisdiction</i>
CAL	Communautés autochtones et locales	ILCs	<i>Indigenous and local communities</i>
CC	Comité de contrôle du respect des dispositions (Comité de conformité)	CC	<i>Compliance Committee</i>
CCNUCC	Convention-cadre des Nations unies sur les changements climatiques	UNFCCC	<i>UN Framework Convention on Climate Change</i>
CDB	Convention sur la diversité biologique	CBD	<i>Convention on Biological Diversity</i>
CDD	Commission du développement durable	CSD	<i>Commission on Sustainable Development</i>
CESP	Communication, éducation et sensibilisation du public	CEPA	<i>Communication, Education and public awareness</i>
CHM	Centre d'échange d'information	CHM	<i>Clearing-House Mechanism</i>
CIIC	Consultation interrégionale informelle	CIIC	<i>Co-Chairs Informal Inter-regional Consultation</i>

French		English	
CIN	Comité intergouvernemental de négociation	<i>INC</i>	<i>Intergovernmental Negotiating Committee</i>
CIPN	Comité intergouvernemental spécial à composition non limitée pour le Protocole de Nagoya	<i>ICNP</i>	<i>Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol</i>
CITES	Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction	<i>CITES</i>	<i>Convention on International Trade in Endangered species of Wild Fauna and Flora</i>
CLD	Convention des Nations unies sur la lutte contre la désertification	<i>CCD</i>	<i>United Nations Convention to Combat Desertification</i>
CMC	Conditions mutuellement convenues	<i>MAT</i>	<i>Mutually agreed terms</i>
CMS	Convention sur la conservation des espèces migratrices appartenant à la faune sauvage	<i>CMS</i>	<i>Convention on the Conservation of Migratory Species of Wild Animals</i>
CNUCED	Conférence des Nations unies sur le commerce et le développement	<i>UNCTAD</i>	<i>United Nations Conference on Trade and Development</i>
CNUDD	Conférence des Nations unies sur le développement durable	<i>UNCSD</i>	<i>United Nations Conference on Sustainable Development</i>
CNUDM	Convention des Nations unies sur le droit de la mer	<i>UNCLOS</i>	<i>United Nations Convention on the Law of the Sea</i>
CNUED	Conférence des Nations unies sur l'environnement et le développement	<i>UNCED</i>	<i>United Nations Conference on Environment and Development</i>
CdP	Conférence des Parties	<i>COP</i>	<i>Conference of the Parties</i>
CRP	Conférence des Parties siégeant en tant que Réunion des Parties	<i>COP/MOP</i>	<i>Conference of the Parties serving as the Meeting of the Parties</i>
CPCC	Consentement préalable en connaissance de cause	<i>PIC</i>	<i>Prior informed consent</i>
CPM	Convention sur le patrimoine mondial	<i>WHC</i>	<i>World Heritage Convention</i>
DPI	Droits de propriété intellectuelle	<i>IPRs</i>	<i>Intellectual property rights</i>
EEE	Espèces exotiques envahissantes	<i>IAS</i>	<i>Invasive Alien Species</i>
EES	Évaluations environnementales stratégiques	<i>EIA</i>	<i>Environmental impact assessment</i>
EIE	Évaluation des impacts environnementaux	<i>EIA</i>	<i>Environmental Impact Assessment</i>
EM	Évaluation des écosystèmes pour le Millénaire	<i>MA</i>	<i>Millenium Ecosystem Assessment</i>

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French		English	
ExCdP	Conférence extraordinaire des Parties	<i>ExCOP</i>	<i>Extraordinary meeting of the Conference of the Parties</i>
FAO	Organisation des Nations unies pour l'alimentation et l'agriculture	<i>FAO</i>	<i>Food and Agriculture Organisation of the United Nations</i>
FEM	Fonds pour l'environnement mondial	<i>GEF</i>	<i>Global Environment Facility</i>
FIAB	Forum International des Autochtones sur la Biodiversité	<i>IIFB</i>	<i>International Indigenous Forum on Biodiversity</i>
FNUF	Forum des Nations unies sur les forêts	<i>UNFF</i>	<i>United Nations Forum on Forests</i>
G77/ Chine	Groupe de négociation des pays en développement	<i>G-77/China</i>	<i>Group of 77 and China</i>
GIE	Gouvernance internationale de l'environnement	<i>IEG</i>	<i>International Environment Governance</i>
GIEC	Groupe d'experts intergouvernemental sur l'évolution du climat	<i>IPCC</i>	<i>Intergovernmental Panel on Climate Change</i>
GPA	Programme d'action mondial pour la protection du milieu marin contre la pollution due aux activités terrestres	<i>GPA</i>	<i>Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities</i>
GRULAC	Groupe des pays d'Amérique latine et des Caraïbes	<i>GRULAC</i>	<i>Groupe des pays d'Amérique latine et des Caraïbes</i>
GSET	Groupe spécial d'experts techniques	<i>AHTEG</i>	<i>Ad Hoc Technical Expert Group</i>
GT	Groupes de travail spéciaux à composition non limitée	<i>WG</i>	<i>Ad Hoc Open-ended Working Group</i>
GT8j	Groupe de travail spécial à composition non limitée sur l'article 8 j) et les dispositions connexes	<i>WG8j</i>	<i>Ad Hoc Open-ended Working Group on Article 8(j) and related provisions</i>
GTAP	Groupe de travail spécial à composition non limitée sur les aires protégées	<i>WGPA</i>	<i>Ad Hoc Open-ended Working Group on Protected Areas</i>
GTAPA	Groupe de travail spécial à composition non limitée sur l'accès aux ressources génétiques et le partage des avantages	<i>WG-ABS</i>	<i>Ad Hoc Open-ended Working Group on Access and Benefit-sharing</i>
GTEA	Groupe de travail spécial à composition non limitée sur l'examen l'application de la Convention	<i>WGRI</i>	<i>Ad Hoc Open-ended Working Group on the Review of Implementation of the Convention</i>
GTR&R	Groupe de travail spécial à composition non limitée d'experts juridiques et techniques sur la responsabilité et la réparation dans le cadre du protocole de Cartagena	<i>WGL&R</i>	<i>Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress in the context of the Protocol</i>

French		English	
IATF	Équipe spéciale inter-organisations	<i>IATF</i>	<i>Inter-Agency Task Forces</i>
IBAN	Initiative sur la biodiversité pour l'alimentation et la nutrition	<i>IBFN</i>	<i>Initiative on Biodiversity for Food and Nutrition</i>
IIBS	Initiative internationale sur la biodiversité des sols	<i>IICUSB</i>	<i>International Initiative for the Conservation and Sustainable Use of Soil Biodiversity</i>
GNI	Groupe de négociation interrégionale	<i>ING</i>	<i>Interregional Negotiating Group</i>
IPBES	Plateforme intergouvernementale sur la biodiversité et les services écosystémiques	<i>IPBES</i>	<i>Intergovernmental Platform on Biodiversity and Ecosystem Services</i>
ITM	Initiative taxonomique mondiale	<i>GTI</i>	<i>Global Taxonomy Initiative</i>
JUSS-CANNZ	Japon, États-Unis, Suisse, Canada, Australie, Norvège et Nouvelle-Zélande	<i>JUSS-CANNZ</i>	<i>Japan, USA, Switzerland, Canada, Australia, Norway and New Zealand</i>
MoC	Mémorandum de coopération	<i>MOC</i>	<i>Memorandum of Cooperation</i>
MoU	Mémorandum d'entente	<i>MOU</i>	<i>Memorandum of Understanding</i>
NAMA	Actions d'atténuation nationales appropriées	<i>NAMA</i>	<i>Nationally appropriate mitigation actions</i>
NCSA	Évaluations des capacités nationales	<i>NCSA</i>	<i>National Capacity Self-Assessment</i>
OCDE	Organisation de coopération et de développement économiques	<i>OECD</i>	<i>Organisation for Economic Co-operation and Development</i>
OGM	Organisme génétiquement modifié	<i>GMO</i>	<i>Genetically Modified Organism</i>
OMC	Organisation mondiale du commerce	<i>WTO</i>	<i>World Trade Organisation</i>
OMD	Objectifs du Millénaire pour le développement	<i>MDG</i>	<i>Millenium Development Goals</i>
OMPI	Organisation mondiale de la propriété intellectuelle	<i>WIPO</i>	<i>World Intellectual Property Organization</i>
ONG	Organisation non gouvernementale	<i>NGO</i>	<i>Non-Governmental Organisation</i>
ONUDI	Organisation des Nations unies pour le développement industriel	<i>UNIDO</i>	<i>United Nations Industrial Development Organisation</i>
ORGP	Organisation régionale de gestion des pêches	<i>RFMO</i>	<i>Regional fisheries management organization</i>
OSASTT	Organe subsidiaire chargé de fournir des avis scientifiques, techniques et technologiques de la CDB	<i>SBSTTA</i>	<i>Subsidiary Body on Scientific, Technical and Technological Advice</i>

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French		English	
OVM	Organisme vivant modifié	<i>LVM</i>	<i>Living Modified Organism</i>
PA-CSS	Plan d'action pluriannuel sur la coopération Sud-Sud sur la biodiversité pour le développement		<i>Multi-Year Plan of Action on South-South Cooperation</i>
PANA	Programme d'action national d'adaptation	<i>NAPA</i>	<i>National Adaptation Programme of Action</i>
PCB	Protocole de Cartagena sur la prévention des risques biotechnologiques	<i>CPB</i>	<i>Cartagena Protocol on Biosafety (Biosafety Protocol)</i>
PECO	Pays d'Europe centrale et orientale	<i>CEE</i>	<i>Central and Eastern Europe</i>
PED	Pays en développement	<i>DC</i>	<i>Developing country</i>
PEID	Petits États insulaires en développement	<i>SIDS</i>	<i>Small Island Developing States</i>
PMA	Pays les moins avancés	<i>LDCs</i>	<i>Least Developed Countries</i>
PMB	Perspectives mondiales de biodiversité	<i>GBO</i>	<i>Global Biodiversity Outlook</i>
PMDVS	Pays mégadivers de même avis	<i>LMMC</i>	<i>Like-Minded Megadiverse Countries</i>
PMEE	Programme mondial sur les espèces envahissantes	<i>GISP</i>	<i>Global Invasive Species Programme</i>
PNUD	Programme des Nations unies pour le développement	<i>UNDP</i>	<i>United Nations Development Programme</i>
PNUE	Programme des Nations unies pour l'environnement	<i>UNEP</i>	<i>United Nations Environment Programme</i>
PNUE-CMSCN	Centre mondial de surveillance de la conservation de la nature	<i>UNEP-WCMC</i>	<i>World Conservation Monitoring Center</i>
PS	Plan stratégique	<i>SP</i>	<i>Strategic Plan</i>
PT	Programme de travail	<i>POW</i>	<i>Programme of work</i>
PTPA	Programme de travail pluriannuel	<i>MYPOW</i>	<i>Multi-Year Program of Work</i>
R&R	Responsabilité et réparation	<i>L&R</i>	<i>Liability and Redress</i>
REDD+	Réduction des émissions causées par le déboisement et la dégradation des forêts dans les PED plus la conservation, la gestion durable des forêts et le renforcement des stocks de carbone forestiers	<i>REDD-plus</i>	<i>REDD and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks</i>
RG	Ressources génétiques	<i>GR</i>	<i>Genetic Resources</i>

French		English	
RGM	Ressources génétiques marines	<i>MRG</i>	<i>Marine genetic resources</i>
RMIEE	Réseau mondial d'informations sur les espèces envahissantes	<i>GISIN</i>	<i>Global Invasive Species Information Network</i>
SCDB	Secrétariat de la CDB	<i>SCBD</i>	<i>Secretariat of the CBD</i>
SMCP	Stratégie mondiale pour la conservation des plantes	<i>GSPC</i>	<i>Global Strategy for Plant Conservation</i>
SMDD	Sommet mondial sur le développement durable	<i>WSSD</i>	<i>World Summit on Sustainable Development</i>
SMIB	Système mondial d'information sur la biodiversité	<i>GBIF</i>	<i>Global Biodiversity Information Facility</i>
SPANB	Stratégies et plans d'action nationaux pour la diversité biologique	<i>NBSAPs</i>	<i>National Biodiversity Strategies and Action Plans</i>
ST	Savoirs traditionnels	<i>TK</i>	<i>Traditional knowledge</i>
TEEB	L'économie des écosystèmes et de la biodiversité	<i>TEEB</i>	<i>The Economics of Ecosystems and Biodiversity</i>
TIRPG	Traité international sur les ressources phylogénétiques destinées à l'alimentation et à l'agriculture	<i>ITPGR</i>	<i>International Treaty on Plant Genetic Resources for Food and Agriculture</i>
TRURG	Technologies de restriction de l'utilisation des ressources génétiques	<i>GURTs</i>	<i>Genetic Use Restriction Technologies</i>
TT	Transferts de technologie	<i>TT</i>	<i>Technology Transfers</i>
UE	Union européenne	<i>EU</i>	<i>European Union</i>
UICN	Union internationale pour la conservation de la nature	<i>IUCN</i>	<i>International Union for Conservation of Nature</i>
UNDRIP	Déclaration des Nations Unies sur les droits des peuples autochtones	<i>UNDRIP</i>	<i>UN Declaration on the Rights of Indigenous Peoples</i>
UNESCO	Organisation des Nations unies pour l'éducation, la science et la culture	<i>UNESCO</i>	<i>United Nations Educational, Scientific and Cultural Organization</i>
WEOG	Groupe d'Europe orientale et autres	<i>WEOG</i>	<i>Western European and Other States Group</i>
ZADJN	Zone située au-delà de la juridiction nationale	<i>ABNJ</i>	<i>Area beyond national jurisdiction</i>
ZIEB ou AIEB	Zone marine d'importance écologique ou biologique	<i>EBSA</i>	<i>Ecologically and biologically significant marine area in need of protection</i>

Abbreviations and acronyms English - French

English		French	
ABS	<i>Access and Benefit-sharing</i>	APA	Accès aux ressources génétiques et partage des avantages découlant de leur utilisation
AHTEG	<i>Ad Hoc Technical Expert Group</i>	GSET	Groupe spécial d'experts techniques
AOSIS	<i>Alliance of Small Island States</i>	APEID	Alliance des petits États insulaires en développement
BBNJ	<i>Marine biodiversity in areas beyond national jurisdiction</i>	BADJN	Biodiversité marine dans les zones situées au-delà de la juridiction nationale
BCH	<i>Biosafety Clearing-House</i>	BCH	Centre d'échange sur la biosécurité
CBD	<i>Convention on Biological Diversity</i>	CDB	Convention sur la diversité biologique
CC	<i>Compliance Committee</i>	CC	Comité de contrôle du respect des dispositions (Comité de conformité)
CCD	<i>United Nations Convention to Combat Desertification</i>	CLD	Convention des Nations unies sur la lutte contre la désertification
CEE	<i>Central and Eastern Europe</i>	PECO	Pays d'Europe centrale et orientale
CEPA	<i>Communication, Education and public awareness</i>	CESP	Communication, éducation et sensibilisation du public
CHM	<i>Clearing-House Mechanism</i>	CHM	Centre d'échange d'information
CIIC	<i>Co-Chairs Informal Inter-regional Consultation</i>	CIIC	Consultation interrégionale informelle
CITES	<i>Convention on International Trade in Endangered species of Wild Fauna and Flora</i>	CITES	Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction
CMS	<i>Convention on the Conservation of Migratory Species of Wild Animals</i>	CMS	Convention sur la conservation des espèces migratrices appartenant à la faune sauvage
CNA	<i>Competent National Authorities</i>	ANC	Autorités nationales compétentes
COP	<i>Conference of the Parties</i>	CdP	Conférence des Parties
COP/MOP	<i>Conference of the Parties serving as the Meeting of the Parties</i>	CRP	Conférence des Parties siégeant en tant que Réunion des Parties
CPB	<i>Cartagena Protocol on Biosafety (Biosafety Protocol)</i>	PCB	Protocole de Cartagena sur la prévention des risques biotechnologiques

English		French	
CSD	<i>Commission on Sustainable Development</i>	CDD	Commission du développement durable
DC	<i>Developing country</i>	PED	Pays en développement
EA	<i>Ecosystem Approach</i>	AE	Approche écosystémique
EBSA	<i>Ecologically and biologically significant marine area in need of protection</i>	AIEB	Aire marine d'importance écologique ou biologique
EIA	<i>Environmental Impact Assessment</i>	EIE	Évaluation des impacts environnementaux
EU	<i>European Union</i>	UE	Union européenne
ExCOP	<i>Extraordinary meeting of the Conference of the Parties</i>	ExCdP	Conférence extraordinaire des Parties
FAO	<i>Food and Agriculture Organisation of the United Nations</i>	FAO	Organisation des Nations unies pour l'alimentation et l'agriculture
G-77/China	<i>Group of 77 and China</i>	G77/ Chine	Groupe de négociation des pays en développement
GBIF	<i>Global Biodiversity Information Facility</i>	SMIB	Système mondial d'information sur la biodiversité
GBO	<i>Global Biodiversity Outlook</i>	PMB	Perspectives mondiales de biodiversité
GEF	<i>Global Environment Facility</i>	FEM	Fonds pour l'environnement mondial
GISIN	<i>Global Invasive Species Information Network</i>	RMIEE	Réseau mondial d'informations sur les espèces envahissantes
GISP	<i>Global Invasive Species Programme</i>	PMEE	Programme mondial sur les espèces envahissantes
GMO	<i>Genetically Modified Organism</i>	OGM	Organisme génétiquement modifié
GPA	<i>Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities</i>	GPA	Programme d'action mondial pour la protection du milieu marin contre la pollution due aux activités terrestres
GR	<i>Genetic Resources</i>	RG	Ressources génétiques
GRULAC	<i>Latin American and the Caribbean Group</i>	GRULAC	Groupe des pays d'Amérique latine et des Caraïbes
GSPC	<i>Global Strategy for Plant Conservation</i>	SMCP	Stratégie mondiale pour la conservation des plantes
GTI	<i>Global Taxonomy Initiative</i>	ITM	Initiative taxonomique mondiale

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English		French	
<i>GURTs</i>	<i>Genetic Use Restriction Technologies</i>	TRURG	Technologies de restriction de l'utilisation des ressources génétiques
<i>IAS</i>	<i>Invasive Alien Species</i>	EEE	Espèces exotiques envahissantes
<i>IATF</i>	<i>Inter-Agency Task Forces</i>	IATF	Équipe spéciale inter-organisations
<i>IBFN</i>	<i>Initiative on Biodiversity for Food and Nutrition</i>	IBAN	Initiative sur la biodiversité pour l'alimentation et la nutrition
<i>ICNP</i>	<i>Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol</i>	CIPN	Comité intergouvernemental spécial à composition non limitée pour le Protocole de Nagoya
<i>IEG</i>	<i>International Environment Governance</i>	GIE	Gouvernance internationale de l'environnement
<i>IICUSB</i>	<i>International Initiative for the Conservation and Sustainable Use of Soil Biodiversity</i>	IIBS	Initiative internationale sur la biodiversité des sols
<i>IIFB</i>	<i>International Indigenous Forum on Biodiversity</i>	FIAB	Forum International des Autochtones sur la Biodiversité
<i>ILCs</i>	<i>Indigenous and local communities</i>	CAL	Communautés autochtones et locales
<i>INC</i>	<i>Intergovernmental Negotiating Committee</i>	CIN	Comité intergouvernemental de négociation
<i>ING</i>	<i>Interregional Negotiating Group</i>	GNI	Groupe de négociation interrégionale
<i>IPBES</i>	<i>Intergovernmental Platform on Biodiversity and Ecosystem Services</i>	IPBES	Plateforme intergouvernementale sur la biodiversité et les services écosystémiques
<i>IPCC</i>	<i>Intergovernmental Panel on Climate Change</i>	GIEC	Groupe d'experts intergouvernemental sur l'évolution du climat
<i>IPRs</i>	<i>Intellectual property rights</i>	DPI	Droits de propriété intellectuelle
<i>ITPGR</i>	<i>International Treaty on Plant Genetic Resources for Food and Agriculture</i>	TIRPG	Traité international sur les ressources phylogénétiques destinées à l'alimentation et à l'agriculture
<i>IUCN</i>	<i>International Union for Conservation of Nature</i>	UICN	Union internationale pour la conservation de la nature
<i>JUSS-CANNZ</i>	<i>Japan, USA, Switzerland, Canada, Australia, Norway and New Zealand</i>	JUSS-CANNZ	Japon, États-Unis, Suisse, Canada, Australie, Norvège et Nouvelle-Zélande
<i>L&R</i>	<i>Liability and Redress</i>	R&R	Responsabilité et réparation
<i>LDCs</i>	<i>Least Developed Countries</i>	PMA	Pays les moins avancés

English		French	
LMMC	<i>Like-Minded Megadiverse Countries</i>	PMDVS	Pays mégadivers de même avis
LVM	<i>Living Modified Organism</i>	OMV	Organisme vivant modifié
MA	<i>Millenium Ecosystem Assessment</i>	EM	Évaluation des écosystèmes pour le Millénaire
MAT	<i>Mutually agreed terms</i>	CMC	Conditions mutuellement convenues
MDG	<i>Millenium Development Goals</i>	OMD	Objectifs du Millénaire pour le développement
MGR	<i>Marine genetic resources</i>	RGM	Ressources génétiques marines
MOC	<i>Memorandum of Cooperation</i>	MoC	Mémorandum de coopération
MOU	<i>Memorandum of Understanding</i>	MoU	Mémorandum d'entente
MPA	<i>Marine protected area</i>	AMP	Aire marine protégée
MYPOW	<i>Multi-Year Program of Work</i>	PTPA	Programme de travail pluriannuel
NAMA	<i>Nationally appropriate mitigation actions</i>	NAMA	Actions d'atténuation nationales appropriées
NAPA	<i>National Adaptation Programme of Action</i>	PANA	Programme d'action national d'adaptation
NBSAPs	<i>National Biodiversity Strategies and Action Plans</i>	SPANB	Stratégies et plans d'action nationaux pour la diversité biologique
NCSA	<i>National Capacity Self-Assessment</i>	NCSA	Évaluations des capacités nationales
NGO	<i>Non-Governmental Organisation</i>	ONG	Organisation non gouvernementale
OECD	<i>Organisation for Economic Co-operation and Development</i>	OCDE	Organisation de coopération et de développement économiques
PA	<i>Protected Areas</i>	AP	Aires protégées
PIC	<i>Prior informed consent</i>	CPCC	Consentement préalable en connaissance de cause
POW	<i>Programme of work</i>	PT	Programme de travail
REDD-plus	<i>REDD and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks</i>	REDD+	Réduction des émissions causées par le déboisement et la dégradation des forêts dans les PED plus la conservation, la gestion durable des forêts et le renforcement des stocks de carbone forestiers

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English		French	
<i>RFMO</i>	<i>Regional fisheries management organization</i>	ORGP	Organisation régionale de gestion des pêches
<i>SBSTTA</i>	<i>Subsidiary Body on Scientific, Technical and Technological Advice</i>	OSASTT	Organe subsidiaire chargé de fournir des avis scientifiques, techniques et technologiques de la CDB
<i>SCBD</i>	<i>Secretariat of the CBD</i>	SCDB	Secrétariat de la CDB
<i>SIDS</i>	<i>Small Island Developing States</i>	PEID	Petits États insulaires en développement
<i>SP</i>	<i>Strategic Plan</i>	PS	Plan stratégique
<i>TEEB</i>	<i>The Economics of Ecosystems and Biodiversity</i>	TEEB	L'économie des écosystèmes et de la biodiversité
<i>TK</i>	<i>Traditional knowledge</i>	ST	Savoirs traditionnels
<i>TRIPs</i>	<i>Agreement on Trade-related Aspects of Intellectual Property Rights</i>	ADPIC	Accord sur les Aspects des droits de propriété intellectuelle qui touchent au commerce
<i>TT</i>	<i>Technology Transfers</i>	TT	Transferts de technologie
<i>UNCED</i>	<i>United Nations Conference on Environment and Development</i>	CNUED	Conférence des Nations unies sur l'environnement et le développement
<i>UNCLOS</i>	<i>United Nations Convention on the Law of the Sea</i>	CNUDM	Convention des Nations unies sur le droit de la mer
<i>UNCSD</i>	<i>United Nations Conference on Sustainable Development</i>	CNUDD	Conférence des Nations unies sur le développement durable
<i>UNCTAD</i>	<i>United Nations Conference on Trade and Development</i>	CNUCED	Conférence des Nations unies sur le commerce et le développement
<i>UNDP</i>	<i>United Nations Development Programme</i>	PNUD	Programme des Nations unies pour le développement
<i>UNDRIP</i>	<i>UN Declaration on the Rights of Indigenous Peoples</i>	UNDRIP	Déclaration des Nations Unies sur les droits des peuples autochtones
<i>UNEP</i>	<i>United Nations Environment Programme</i>	PNUE	Programme des Nations unies pour l'environnement
<i>UNEP-WCMC</i>	<i>World Conservation Monitoring Center</i>	PNUE-CMSCN	Centre mondial de surveillance de la conservation de la nature
<i>UNESCO</i>	<i>United Nations Educational, Scientific and Cultural Organization</i>	UNESCO	Organisation des Nations unies pour l'éducation, la science et la culture
<i>UNFCCC</i>	<i>UN Framework Convention on Climate Change</i>	CCNUCC	Convention-cadre des Nations unies sur les changements climatiques

English		French	
UNFF	<i>United Nations Forum on Forests</i>	FNUF	Forum des Nations unies sur les forêts
UNGA	<i>United Nations General Assembly</i>	AGNU	Assemblée générale des Nations unies
UNIDO	<i>United Nations Industrial Development Organisation</i>	ONUDI	Organisation des Nations unies pour le développement industriel
WEOG	<i>Western European and Other States Group</i>	WEOG	Groupe d'Europe orientale et autres
WG	<i>Ad Hoc Open-ended Working Group</i>	GT	Groupes de travail spéciaux à composition non limitée
WG8j	<i>Ad Hoc Open-ended Working Group on Article 8(j) and related provisions</i>	GT8j	Groupe de travail spécial à composition non limitée sur l'article 8 j) et les dispositions connexes
WG-ABS	<i>Ad Hoc Open-ended Working Group on Access and Benefit-sharing</i>	GTAPA	Groupe de travail spécial à composition non limitée sur l'accès aux ressources génétiques et le partage des avantages
WGL&R	<i>Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress in the context of the Protocol</i>	GTR&R	Groupe de travail spécial à composition non limitée d'experts juridiques et techniques sur la responsabilité et la réparation dans le cadre du protocole de Cartagena
WGPA	<i>Ad Hoc Open-ended Working Group on Protected Areas</i>	GTAP	Groupe de travail spécial à composition non limitée sur les aires protégées
WGRI	<i>Ad Hoc Open-ended Working Group on the Review of Implementation of the Convention</i>	GTEA	Groupe de travail spécial à composition non limitée sur l'examen l'application de la Convention
WHC	<i>World Heritage Convention</i>	CPM	Convention sur le patrimoine mondial
WIPO	<i>World Intellectual Property Organization</i>	OMPI	Organisation mondiale de la propriété intellectuelle
WSSD	<i>World Summit on Sustainable Development</i>	SMDD	Sommet mondial sur le développement durable
WTO	<i>World Trade Organisation</i>	OMC	Organisation mondiale du commerce
ABNJ	<i>Area beyond national jurisdiction</i>	ZADJN	Zone située au-delà de la juridiction nationale

Lexicon French - English

French	English
Aires protégées	<i>Protected Areas</i>
Approche écosystémique	<i>Ecosystem Approach</i>
Biodiversité agricole	<i>Agricultural Biodiversity</i>
Biodiversité des eaux intérieures	<i>Inland Waters Biodiversity</i>
Biodiversité des forêts	<i>Forest Biodiversity</i>
Biodiversité des îles	<i>Island Biodiversity</i>
Biodiversité des montagnes	<i>Mountain Biodiversity</i>
Biodiversité des terres arides et semi-arides	<i>Dry and Sub-Humid Lands Biodiversity</i>
Biodiversité des zones côtières et marines	<i>Marine and Coastal Biodiversity</i>
Biodiversité et développement	<i>Biodiversity for Development</i>
Boîte à outils	<i>Toolbox</i>
Centre d'échange	<i>Clearing House</i>
Changements climatiques et biodiversité	<i>Climate Change and Biodiversity</i>
Code de conduite éthique Tkarihwai:ri	<i>Tkarihwai:ri Code of Ethical Conduct</i>
Communication, éducation et sensibilisation du public	<i>Communication, Education and Public Awareness</i>
Connaissance traditionnelle	<i>Traditional Knowledge</i>
Connaissances, innovations et pratiques traditionnelles	<i>Traditional Knowledge, Innovations and Practices</i>
Conservation et utilisation durable	<i>Conservation and Sustainable use</i>
Économie, commerce et mesures d'incitation	<i>Economics, Trade and Incentive Measures</i>
Égalité de sexes et biodiversité	<i>Gender and Biodiversity</i>
Élimination de la pauvreté et le développement	<i>Poverty Eradication and Development</i>
Empreinte écologique	<i>Ecological Footprint</i>
Espèce en danger de disparition	<i>Endangered Specie</i>
Espèce vulnérable	<i>Vulnerable Specie</i>
Espèces exotiques envahissantes	<i>Invasive Alien Species</i>
Espèces exotiques introduites en tant qu'animaux de compagnie, espèces d'aquarium ou de terrarium, et en tant qu'appâts et aliments vivants	<i>Alien species introduced as pets, aquarium and terrarium species, and as live bait and live food</i>
Évaluation d'impact	<i>Impact Assessment</i>
Garanties pertinentes pour la diversité biologique en ce qui concerne la REDD+	<i>REDD+ safeguards for biodiversity</i>

French	English
Groupe africain	<i>African Group</i>
Groupe des pays en développement de l'Asie-Pacifique	<i>Asia-Pacific Group of Developing Countries</i>
Identification, surveillance, indicateurs et évaluation	<i>Identification, Monitoring, Indicators and Assessments</i>
Indicateurs du Plan stratégique 2011-2020 pour la biodiversité	<i>Indicators for the Strategic Plan for Biodiversity 2011-2020</i>
Indice de biodiversité urbaine (ou indice de Singapour)	<i>City Biodiversity Index (Singapore Index)</i>
Initiative mondiale pour la taxonomie	<i>Global Taxonomy Initiative</i>
Initiative <i>Satoyama</i>	<i>Satoyama Initiative</i>
Lignes directrices	<i>Guidelines</i>
Lignes directrices Akwé: Kon	<i>Akwé: Kon Guidelines</i>
Liste d'experts	<i>Roster of Experts</i>
Mesures d'incitation	<i>Incentive Measures</i>
Objectif de 2010	<i>2010 Biodiversity Target</i>
Objectifs d'Aichi pour la biodiversité	<i>Aichi Biodiversity Targets</i>
Organisme vivant	<i>Living organism</i>
Partage des avantages	<i>Benefit-sharing</i>
Pays de même avis	<i>Like-Minded Countries</i>
Paysages de production socio-écologiques	<i>Socio-ecological production landscapes</i>
Principes et directives d'Addis-Abeba pour l'utilisation durable de la diversité biologique	<i>Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity</i>
Produits contenant du matériel génétique	<i>Products containing genetic material</i>
Produits de base	<i>Commodities</i>
Produits dérivés	<i>Derivatives</i>
Programme thématique	<i>Thematic Programme</i>
Questions multisectorielles	<i>Cross-Cutting Issues</i>
Questions nouvelles et émergentes	<i>New & Emerging Issues</i>
Réseau écologique	<i>Ecological Network</i>
Responsabilité et réparation	<i>Liability and Redress</i>
Ressources génétiques, dérivés et produits	<i>Genetic resources, derivatives and products</i>
Stratégie mondiale actualisée pour la conservation des plantes	<i>Global Strategy for Plant Conservation</i>
Surveillance et indicateurs	<i>Indicators and Monitoring</i>
Synergie entre les conventions	<i>Synergy among conventions</i>
Systèmes sui generis	<i>Sui generis systems</i>

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French	English
Tourisme et Biodiversité	<i>Tourism and Biodiversity</i>
Transfert de technologie et coopération	<i>Technology Transfer and Cooperation</i>
Utilisation durable de la biodiversité	<i>Sustainable Use of Biodiversity</i>
Zone tampon	<i>Buffer Zone</i>

Lexicon English - French

English	French
<i>2010 Biodiversity Target</i>	Objectif de 2010
<i>Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity</i>	Principes et directives d'Addis-Abeba pour l'utilisation durable de la diversité biologique
<i>African Group</i>	Groupe africain
<i>Agricultural Biodiversity</i>	Biodiversité agricole
<i>Aichi Biodiversity Targets</i>	Objectifs d'Aichi pour la biodiversité
<i>Akwé: Kon Guidelines</i>	Lignes directrices Akwé: Kon
<i>Alien species introduced as pets, aquarium and terrarium species, and as live bait and live food</i>	Espèces exotiques introduites en tant qu'animaux de compagnie, espèces d'aquarium ou de terrarium, et en tant qu'appâts et aliments vivants
<i>Asia-Pacific Group of Developing Countries</i>	Groupe des pays en développement de l'Asie-Pacifique
<i>Benefit-sharing</i>	Partage des avantages
<i>Biodiversity for Development</i>	Biodiversité et développement
<i>Buffer Zone</i>	Zone tampon
<i>City Biodiversity Index (Singapore Index)</i>	Indice de biodiversité urbaine (ou indice de Singapour)
<i>Clearing House</i>	Centre d'échange
<i>Climate Change and Biodiversity</i>	Changements climatiques et biodiversité
<i>Commodities</i>	Produits de base
<i>Communication, Education and Public Awareness</i>	Communication, éducation et sensibilisation du public
<i>Conservation and Sustainable use</i>	Conservation et utilisation durable
<i>Cross-Cutting Issues</i>	Questions multisectorielles
<i>Derivatives</i>	Produits dérivés
<i>Dry and Sub-Humid Lands Biodiversity</i>	Biodiversité des terres arides et semi-arides
<i>Ecological Footprint</i>	Empreinte écologique
<i>Ecological Network</i>	Réseau écologique
<i>Economics, Trade and Incentive Measures</i>	Économie, commerce et mesures d'incitation
<i>Ecosystem Approach</i>	Approche écosystémique
<i>Endangered Specie</i>	Espèce en danger de disparition
<i>Forest Biodiversity</i>	Biodiversité des forêts
<i>Gender and Biodiversity</i>	Égalité de sexes et biodiversité
<i>Genetic resources, derivatives and products</i>	Ressources génétiques, dérivés et produits
<i>Global Strategy for Plant Conservation</i>	Stratégie mondiale actualisée pour la conservation des plantes

English	French
<i>Global Taxonomy Initiative</i>	Initiative mondiale pour la taxonomie
<i>Guidelines</i>	Lignes directrices
<i>Identification, Monitoring, Indicators and Assessments</i>	Identification, surveillance, indicateurs et évaluation
<i>Impact Assessment</i>	Évaluation d'impact
<i>Incentive Measures</i>	Mesures d'incitation
<i>Indicators and Monitoring</i>	Surveillance et indicateurs
<i>Indicators for the Strategic Plan for Biodiversity 2011-2020</i>	Indicateurs du Plan stratégique 2011-2020 pour la biodiversité
<i>Inland Waters Biodiversity</i>	Biodiversité des eaux intérieures
<i>Invasive Alien Species</i>	Espèces exotiques envahissantes
<i>Island Biodiversity</i>	Biodiversité des îles
<i>Liability and Redress</i>	Responsabilité et réparation
<i>Like-Minded Countries</i>	Pays de même avis
<i>Living organism</i>	Organisme vivant
<i>Marine and Coastal Biodiversity</i>	Biodiversité des zones côtières et marines
<i>Mountain Biodiversity</i>	Biodiversité des montagnes
<i>New & Emerging Issues</i>	Questions nouvelles et émergentes
<i>Poverty Eradication and Development</i>	Élimination de la pauvreté et le développement
<i>Products containing genetic material</i>	Produits contenant du matériel génétique
<i>Protected Areas</i>	Aires protégées
<i>REDD+ safeguards for biodiversity</i>	Garanties pertinentes pour la diversité biologique en ce qui concerne la REDD+
<i>Roster of Experts</i>	Liste d'experts
<i>Satoyama Initiative</i>	Initiative <i>Satoyama</i>
<i>Socio-ecological production landscapes</i>	Paysages de production socio-écologiques
<i>Sustainable Use of Biodiversity</i>	Utilisation durable de la biodiversité
<i>Synergy among conventions</i>	Synergie entre les conventions
<i>Technology Transfer and Cooperation</i>	Transfert de technologie et coopération
<i>Thematic Programme</i>	Programme thématique
<i>Tkarihwai:ri Code of Ethical Conduct</i>	Code de conduite éthique Tkarihwai:ri
<i>Toolbox</i>	Boîte à outils
<i>Tourism and Biodiversity</i>	Tourisme et Biodiversité
<i>Traditional Knowledge</i>	Connaissance traditionnelle
<i>Traditional Knowledge, Innovations and Practices</i>	Connaissances, innovations et pratiques traditionnelles
<i>Vulnerable Specie</i>	Espèce vulnérable

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UNIVERSITÉ
LAVAL

Institut Hydro-Québec en environnement
développement et société

Crossroads of knowledge for sustainable development

Armed with the considerable experience developed at Université Laval for over four decades on miscellaneous aspects of sustainable development and faced with the growing urgency of its related issues, the *Institut Hydro-Québec en environnement, développement et société* (*Institut EDS* - Hydro-Quebec Institute for environment, development and society) has the task of promoting a complete and cross-cutting vision of environmental problems and identifying innovative solutions to the challenges to society raised by sustainable development.

Group of researchers and units from ten faculties

The role of the *Institut EDS* since 2005 has been as a driving force, catalyst and crossroads, to encourage the coordination of activities of Université Laval in this field and encourage research, interdisciplinary dialogue and political action, both in the relations between the natural, economic and social systems and in the impact of their respective dynamics on defining and pursuing the common good. The *Institut EDS* has, in a decentralised base, over fifty regular professors, chairs and research groups and nearly two hundred students.

Mandates

- Support and catalyse interdisciplinary research to develop a science of sustainability
- Develop and broaden the training of students, practitioners and participants
- Introduce miscellaneous knowledge-sharing and -broadcasting instruments
- Coordinate scientific action in this field

Institut Hydro-Québec en environnement, développement et société (Institut EDS)

Pavillon des Services

2440 boul. Hochelaga, Room 3800

Université Laval

Quebec City (Quebec) G1V 0A6

CANADA

Telephone: 418 656-2723

ihqeds@ihqeds.ulaval.ca/www.ihqeds.ulaval.ca

The International Organisation of La Francophonie (OIF) is an institution founded on sharing a language - French - and common values. It currently groups 75 States and governments, including 56 members and nineteen observers, totalling a population of 890 million people. The *Report on the French language 2010* sets the number of French speakers at 220 million.

The OIF carries out political and cooperation actions on all five continents in the following priority areas: French language and cultural and linguistic diversity; peace, democracy and human rights; education and training; sustainable development and solidarity. OIF pays special attention in all its actions to young people and women and to access to information and communication technologies.

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INTERNATIONAL ORGANIZATION OF LA FRANCOPHONIE

19-21 avenue Bosquet, 75007 Paris, France

Tel.: +33 (0)1 44 37 33 00

www.francophonie.org



Institut de l'énergie et de l'environnement
de la Francophonie
IEPF

The *Institut de l'énergie et de l'environnement de la Francophonie* (IEPF - Energy and Environment Institute of the French-speaking World) was born in 1988 from a desire of Heads of State and Government for cooperative action to develop the energy sector in member countries. This action was expanded to the environment in 1996.

Based in Quebec City, the Institute today is assisting in:

- training and capacity-building in sustainable development of various categories of development players in French-speaking countries in the energy and environment sectors;
- developing partnerships in the energy and environment sectors for sustainable development.

Its 2010-2013 programme, in synergy with other programmes of the International Organization of La Francophonie, especially under mission D of the Ten-year strategic framework of the Francophonie - "Developing cooperation to ensure sustainable development and solidarity" - IEPF:

- helps to prepare national sustainable development policies and strategies and implement them in the energy and environment sectors; trains and enhances the ability of supervisors and professionals to use and master environmental management tools for sustainable development.
- supports the participation of countries in international negotiations on the environment and sustainable development and the implementation of conventions, through discussions, technical support and mobilization of experts.
- develops partnerships, publishes guides, specialist journals and scientific and technical works in French in the energy and environment sectors.
- coordinates information and expertise networks for sustainable development.
- carries out any other function entrusted to it by the competent OIF bodies.

Institut de l'énergie et de l'environnement de la Francophonie (IEPF)

56 rue Saint-Pierre, 3rd floor

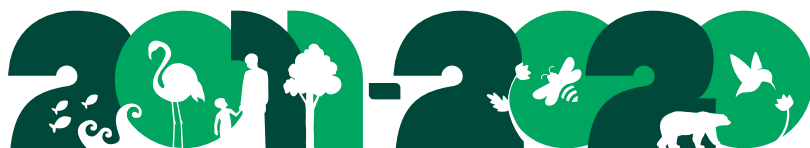
Quebec City (Quebec) G1K 4A1

CANADA

Telephone: (1 418) 692 5727/Fax: (1 418) 692 5644

iepf@francophonie.org

www.iepf.org



United Nations Decade on Biodiversity

This *Guide to the Negotiations of the eleventh session of the Conference of the Parties to the Convention on the Biological Diversity* is addressed to the delegates to the eleventh session of the Conference of the Parties (COP-11) of the CBD as well as to observers following the multilateral negotiations on the environment who wish to keep up with the discussions in the capital of the Indian State of Andhra Pradesh on 8-19 October 2012.



INSTITUT DE L'ÉNERGIE ET DE L'ENVIRONNEMENT DE LA FRANCOPHONIE (IEPF)
56, RUE SAINT-PIERRE, 3E ÉTAGE, QUÉBEC (QUÉBEC) G1K 4A1 CANADA

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