

New Goals from Nagoya

The Tenth Meeting of the Conference of Parties (COP10) of the Convention on Biological Diversity (CBD) at Nagoya, Japan, made some progress

Approximately 18,650 people, representing State Parties and other governments, United Nations (UN) agencies, representatives of intergovernmental, non-governmental, indigenous peoples and local community organizations, and representatives from academia and industry, participated at the Tenth Meeting of the Conference of Parties (COP10) of the Convention on Biological Diversity (CBD), held in Nagoya, Japan, during 18-29 October 2010.

The CBD, which came into force in 1993, has three main objectives: to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. Currently, 193 States are party to the CBD, making it among one of the most widely ratified Conventions.

COP10 will perhaps be best remembered for the adoption of the 'historic' Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The instrument outlines legally binding international rules for sharing benefits from genetic resources used in food, pharmaceuticals, cosmetics and other products, with countries as well as with local communities and indigenous groups, when such resources are derived from their land or are under their management. The adoption of this protocol addresses a long-held concern of developing countries about biopiracy, though several developing countries, such as Bolivia, Cuba and Ecuador, put on record their disappointment that the adopted

Protocol did not meet their expectations.

After extensive negotiations, COP10 also adopted a revised 10-year Strategic Plan for the period 2011-2020, designed to halt the loss of the world's biological diversity. Parties agreed to take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services, thereby securing the planet's variety of life, and contributing to human well-being and poverty eradication. The Strategic Plan includes 20 targets for 2020, organized under

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five strategic goals. Parties have been invited to set their own targets within this flexible framework, taking into account national needs and priorities (see Box 1 for some targets of direct relevance to small-scale and artisanal fishing communities).

Higher targets

Several States and environmental groups were keen to see higher targets for protected areas, particularly in a marine context, including in marine areas beyond national jurisdiction (ABNJ). However, due to reservations expressed by certain countries, particularly developing countries, the target for marine and coastal protected areas was retained at 10 per cent. Currently, only a little over one per

*This report has been written by **Ramya Rajagopalan** and **Chandrika Sharma** (icsf@icsf.net) of ICSF*

NASEEGH JAFFER



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cent of the world's marine and coastal areas are under such protected areas. Developing countries were insistent in pointing to the need for adequate and timely financing, including through the Global Environment Facility (GEF)—the financial mechanism linked to the CBD—to enable them to meet the targets set.

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Interestingly, a draft decision on “Policy Options Concerning Innovative Financial Mechanisms” outlining a range of market-based mechanisms promoted by developed countries, was not adopted after several developing countries expressed serious reservations. Bolivia, in particular, on behalf of the member countries of the Bolivarian Alternative for the Americas (ALBA), expressed strong objections. Bolivia pointed to the need

for safeguards to prevent financial speculation, the commodification of nature, and the violation of the rights of indigenous peoples and local communities.

Other items on the agenda of COP10 included in-depth consideration on the review and implementation of the Programme of Work (PoW) on marine and coastal biological diversity (agenda item 5.2), protected areas (agenda item 5.4), Article 8(j) and related provisions (agenda item 6.7), sustainable use of biodiversity (agenda item 5.5) and inland water biodiversity (agenda item 5.1).

Parties undertook an in-depth review of the progress made in the implementation of the elaborated PoW on marine and coastal biological diversity (as contained in annex I to decision VII/5).

The draft decision from the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA14) specifically addressed five issues: identification of ecologically or biologically significant areas (EBSAs), and scientific and technical aspects relevant to environmental impact assessment in marine areas; impacts of unsustainable fishing such as destructive fishing practices, overfishing, and illegal, unreported and unregulated (IUU) fishing on marine and coastal biodiversity; impact of ocean fertilization on marine and coastal biodiversity; impact of ocean acidification on marine and coastal biodiversity; and impacts of human activities on marine and coastal biodiversity.

Global inventory

Several Parties intervened during the debate in the Working Group. Mexico and Brazil stressed the central role of the UN General Assembly (UNGA) in ABNJ and in the identification and designation of EBSAs, and opposed the creation of a CBD global inventory of EBSAs in ABNJ. Norway highlighted the need to clarify that the identification of EBSAs is only a scientific and technical step, and that it has no function on the policy and management responsibility. Both Norway and Brazil proposed

Box 1

Strategic Plan for Biodiversity, 2011-2020: Selected Targets

Target 6: By 2020, all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.

Target 8: By 2020, pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity.

Target 9: By 2020, invasive alien species and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment.

Target 10: By 2015, the multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized, so as to maintain their integrity and functioning.

Target 11: By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascapes.

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, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

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deleting reference to a process towards designation of MPAs in ABNJ.

The International Indigenous Forum on Biodiversity (IIFB) urged Parties to recognize traditional knowledge related to marine and coastal areas as equal to Western scientific knowledge; guarantee full and effective participation of indigenous peoples in marine and coastal policy design, development, implementation and monitoring at all levels; and maintain the rights of indigenous peoples to traditional lifestyle and sustainable management of marine and coastal resources in accordance with their traditional knowledge. Drawing attention to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Articles 8(j) and 10(c) of CBD and other international instruments, IIFB further urged Parties to recognize traditional water management systems of indigenous peoples and to make every effort to implement comprehensive measures, including studies, on the

impacts of climate change and ocean acidification on bioresources and their livelihoods. The IIFB also put on record its opposition to ocean fertilization, and called for clearly defining 'open oceans and deep seas', as indigenous peoples have a different understanding of the terminology.

Target-driven efforts

The World Forum of Fisher Peoples (WFFP) and the International Collective in Support of Fishworkers (ICSF) expressed concern about current, target-driven efforts to establish marine and coastal protected areas and associated human rights violations. They called on Parties to bindingly involve, recognize and build on existing local and traditional knowledge and governance systems and respect principles of sustainable use consistent with Programme Element 2 of the Programme of Work on Protected Areas (PoWPA) and the UNDRIP. They also called for regular reporting

on the progress in implementing Programme Element 2 on governance, participation, equity and benefit-sharing. The Statement further urged Parties to discourage intensive forms of aquaculture and the introduction of genetically modified and exotic species in aquaculture. Several of these issues were further elaborated during the ICSF-WFFP side event on 21 October 2010 (see Box 2).

The Food and Agriculture Organization of the United Nations (FAO), pointing out that marine

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of biodiversity in marine areas beyond national jurisdiction". It recognizes the key role of the CBD in the "provision of scientific and, as appropriate, technical information and advice relating to marine biological diversity, the application of the ecosystem approach and the precautionary approach". Noting the slow progress in establishing MPAs in ABNJ, and the absence of a global process for designation of such areas, it invites the UNGA to request the Secretary-General to convene, during 2011, a meeting of the Ad Hoc Open-ended Informal Working Group to expedite its work on approaches to promote international co-operation and co-ordination for the conservation and sustainable use of marine biological diversity in ABNJ, and consideration of issues of MPAs, and urges Parties to take action to advance the work of the Working Group.

On the issue of EBSAs, the decision recognizes that the scientific criteria for the identification of EBSAs presents a tool which Parties and competent intergovernmental organizations may choose to use to progress towards the implementation of ecosystem approaches in relation to areas both within and beyond national jurisdiction, emphasizing that the application of the EBSA criteria is mainly a scientific and technical exercise. It requests the CBD to collaborate with other organizations to establish a repository for scientific and technical information and experience related to the application of the scientific criteria on the identification of EBSAs, as well as other relevant compatible and complementary nationally and intergovernmentally agreed scientific criteria that shares information and harmonizes with similar initiatives, and to develop an information-sharing mechanism with similar initiatives, such as FAO's work on vulnerable marine ecosystems (VMEs).

Climate change

Regarding climate change, delegates agreed to request the Secretariat to include the interaction between oceans and climate change, and alternatives for mitigation and adaptation strategies, in

protected areas (MPAs) are one among several available tools in the fisheries management tool box, called for MPAs to be established within the framework of a broader ecosystem approach. The United Nations University (UNU) pointed to the social and environmental benefits linked to community-based initiatives, such as the locally managed marine areas in the Pacific and Satoumi in Japan.

The Chair of the Working Group announced that further discussions on bracketed text in the draft decision would take place in a Contact Group under the Chairmanship of Renee Sauve of Canada, to further discuss on the proposed establishment of a CBD global inventory of EBSAs, designation of MPAs in areas beyond national jurisdiction and an expert workshop on marine biodiversity and climate change. The discussions in the Contact Group and in the subsequently established Friends of the Chair group were contentious, long and protracted, taking place over several sessions, some of which went late into the night.

A key issue under discussion was the mandate of the CBD in ABNJ. The text finally adopted reflects the consensus reached. It reiterates the "central role of UNGA in addressing issues relating to the conservation and sustainable use

the proposal to develop joint activities among the Rio Conventions, and hold an expert workshop on marine biodiversity and climate change, inviting collaboration with the United Nations Framework Convention on Climate Change (UNFCCC).

Another issue highlighted was the need to ensure balance between the different elements of the PoW on marine and coastal biodiversity. Brazil pointed to the need for greater focus on the other elements of the PoW (invasive alien species, integrated coastal management, MPAs within national jurisdiction, and aquaculture), balancing the emphasis in the current draft decision on ABNJ. The text adopted thus notes the need for “a balanced approach to all elements of the PoW on marine and coastal biodiversity, as contained in annex I to decision VII/5”. The need to improve MPA implementation in areas within national jurisdiction and to address issues of climate change and coral bleaching was stressed by Indonesia. Indonesia also called for guidance in the use of marine spatial planning, in particular on ecological, economic, social, cultural and other principles used to guide such planning.

Socioeconomic issues of relevance to indigenous and local communities were conspicuous by their near absence in the draft decision on marine and coastal biodiversity that came from SBSTTA14. It was, therefore, positive that the proposal by non-Parties to include two paragraphs, on participation and traditional knowledge, was accepted, with modifications. Their insertion was proposed and supported by Fiji, Granada, Brazil and Palau. The European Union (EU) asked to remove the reference to UNDRIP, while South Africa and Canada asked to insert “where appropriate”, in the context of poverty alleviation. Brazil proposed, and Canada supported, the reference to traditional knowledge. The adopted paragraphs are:

13 (b): Further efforts on promoting full and effective participation of indigenous and local communities, in line with Programme Element 2 of the Programme of Work on Protected Areas (decision VII/28), ensuring that



The ICSF side event on incorporating social aspects into MPA planning and implementation drew attention to the resource management initiatives of fishing communities

the establishment and management of marine and coastal protected areas aims to make a direct contribution, where appropriate, to poverty alleviation (decision VII/5, annex I, paragraph 8);

34. Recalling decision IX/20, identification of ecologically or biologically significant areas (EBSAs) should use the best available scientific and technical information and, as appropriate, integrate the traditional scientific, technical, and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention.

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There was also consensus on the need to ensure that no ocean fertilization takes place, consistent with the earlier COP9 decision.

The decision on PoWPA had specific components on MPAs, and Programme Element 2 on governance, participation, equity and benefit-sharing. Brazil, in its intervention in the Working Group, called for inclusion of new text encouraging Parties to establish MPAs as fisheries management tools. Palau

Box 2

ICSF-WFFP Side Event

Getting it Right: Incorporating Social Aspects into MPA Planning and Implementation

The side event on MPA planning and implementation, jointly organized by ICSF and WFFP on 21 October, was chaired by Naseegh Jaffer, Chairperson of WFFP. Chandrika Sharma, Executive Secretary, ICSF, drew attention to resource management initiatives of fishing communities, including the struggles and campaigns they have undertaken to effectively check the destruction of coastal and marine habitats and resources.

Jorge Varela shared experiences from Honduras, stressing that despite local communities successfully mobilizing to designate the Gulf of Fonseca as a Ramsar site in 1999, wetlands are increasingly degraded by industrial expansion of shrimp farms, which undermines local livelihoods and accelerates biodiversity loss and poverty.

Antonio Garcia Allut of the Fundación Lonxanet para la Pesca Sostenible, Spain, described the initiative taken by the Cofradía de Os Miñarzos to set up an MPA, an initiative that has already yielded positive social and biological outcomes.

Ravadee Prasertcharoensuk of the Sustainable Development Foundation, Thailand, pointed to overlapping legal and institutional frameworks, and the need for better harmonization. She stressed the importance of recognizing the rights of fishing communities to manage resources.

Jorge Luis Andreve Díaz of the Kuna tribe of Panama, shared the indigenous worldviews of natural systems as interconnected, collective and dynamic. He stressed that MPAs must integrally involve local communities, ensure their free, prior and informed consent, and appropriately take into account equity and linkages between biodiversity and culture.

Antonio Carlos Diegues, an anthropologist from Brazil, drew attention to locally declared marine extractive reserves along the coast of Brazil, which are based on the notion of sustainable use.

In the discussion that ensued, the following issues were flagged: the need for governments to report on their obligations under PoWPA, particularly Element 2; the need to ensure participation of local fishing communities in CBD processes, perhaps through a voluntary fund; the need to prepare best-practice guidelines on MPAs in time for the World Parks Congress in 2014; and the need to ensure that large conservation NGOs change their policies and approaches to involve local communities in decision-making processes.

highlighted the need to recognize the commitment and sacrifices made by local communities within protected areas for the benefits of humankind and the planet. Canada, supported by EU, called for effective partnership with indigenous peoples and local communities in the establishment of protected areas, and stressed the need to manage marine reserves in co-operation with local communities. Indonesia drew attention to its recognition of community conservation areas and customary areas where sustainable use of resources is allowed. Japan highlighted that any enlargement of protected areas should

be considered only after consultation with local communities. Madagascar called for strengthening the capacity of local communities to manage protected areas.

Market-based schemes

The IIFB expressed grave concern about the invasion of “market-based mitigation schemes” from UNFCCC to the CBD, highlighting the danger that protected areas established in the name of climate change mitigation will completely ignore the fundamental rights of indigenous and local communities. It called for better implementation of Programme Element 2 of PoWPA, pointing out that it remains

Box 3

Protected Areas and Indigenous Communities

Excerpts from the final decision on protected areas:

30. *Invites* Parties to:

- (a) Establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of indigenous and local communities, related to protected areas, in accordance with national laws and applicable international obligations;
- (b) Recognize the role of indigenous and local community conserved areas and conserved areas of other stakeholders in biodiversity conservation, collaborative management and diversification of governance types;
- (c) Recalling paragraph 6 of decision IX/18 A, *further Invites* Parties to:
 - (i) Improve and, where necessary, diversify and strengthen protected-area governance types, leading to or in accordance with appropriate national legislation including recognizing and taking into account, where appropriate, indigenous, local and other community-based organizations;
 - (ii) Recognize the contribution of, where appropriate, co-managed protected areas, private protected areas and indigenous and local community conserved areas within the national protected area system through acknowledgement in national legislation or other effective means;
 - (iii) Establish effective processes for the full and effective participation of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, in the governance of protected areas, consistent with national law and applicable international obligations;
 - (iv) Further develop and implement measures for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas and make protected areas an important component of local and global sustainable development consistent with national legislations and applicable international obligations;
- (d) Include indigenous and local communities in multi-stakeholder advisory committees, in consultations for national reporting on the programme of work on protected areas, and in national reviews of the effectiveness of protected-area system;
- (e) Conduct, where appropriate, assessment of governance of protected areas using toolkits prepared by the Secretariat and other organizations, and conduct capacity-building activities for protected area institutions and relevant stakeholders, with support from international organizations, non-governmental organizations and donor organizations, on the implementation of element 2, and especially on governance aspects of protected areas, including issues such as environmental conflicts;

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the least implemented aspect of the PoW.

The IIFB further urged Parties to address the issue of restitution of lands and territories that were taken for protected areas without their free prior informed consent (FPIC).

Finally, the IIFB, pointing out that the recommended reporting framework for PoWPA does not sufficiently encourage governments to report on key issues related to indigenous peoples and protected areas (in the sections on equity and participation), made several proposals to improve the reporting format.

The final decision on protected areas reflects several of the priorities of indigenous and local communities (see Box 3).

Sustainable use

Another notable event at COP10 was the launch of the International Partnership for the Satoyama Initiative (see Box 4). The decision on “sustainable use of biodiversity” adopted recognized this initiative as “a potentially useful tool to better understand and support human-influenced natural environments for the benefit of biodiversity and human well-being”.

Box 4

The Satoyama Initiative<http://satoyama-initiative.org/en>

The International Partnership for the Satoyama Initiative was officially launched at COP10 in October 2010. The Satoyama Initiative, jointly initiated by Japan's Ministry of the Environment and the United Nations University Institute of Advanced Studies (UNU-IAS), is expected to contribute significantly to achieving the three objectives of the Convention. The vision of the Satoyama Initiative is to realize societies in harmony with nature, comprising human communities where the maintenance and development of socioeconomic activities (including agriculture and forestry) align with natural processes. By managing and using biological resources sustainably and thus properly maintaining biodiversity, humans will enjoy a stable supply of various natural benefits well into the future.

The Satoyama Initiative has a three-fold approach aiming to: consolidate wisdom on securing diverse ecosystem services and values; integrate traditional ecological knowledge and modern science to promote innovations; and explore new forms of co-management systems or evolving frameworks of 'commons' while respecting traditional communal land tenure. It is recognized that protecting biodiversity entails not only preserving pristine environments, such as wilderness, but also conserving human-influenced natural environments, such as farmlands and secondary forests and coral reefs, that people have developed and maintained sustainably over a long time.

At COP10, the CBD, for the first time, also adopted a decision of specific relevance to local communities, recognizing their importance in the implementation of the Convention. The decision on the multi-year PoW on the implementation of Article 8(j) and related provisions of the CBD notes that the involvement of local communities in the work of the Convention has been limited for various reasons. It proposes the convening of an ad hoc expert group of local community representatives, bearing in mind geographic and gender balance, with a view to identify common characteristics of local communities and to gather advice on how communities can more effectively participate in CBD processes, including at the national level, as well as how to develop targeted outreach, and to assist in the implementation of the Convention and achievement of its goals.

For more

www.cbd.int/nagoya/outcomes/
COP 10 Outcomes

mpa.icsf.net/icsf2006/jspFiles/mpa/cbdCop10.jsp

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iifb.indigenousportal.com/
International Indigenous Forum on Biodiversity (IIFB)

www.iisd.ca/
Earth Negotiations Bulletin

www.twinside.org.sg/
Third World Network