

Top 10 issues for COP 10

Civil society at the 10th Conference of Parties to the Convention on Biological Diversity

Seeking biodiversity justice for all lives on earth

Nagoya, Japan, October 18-29, 2010

TOP 10 issues for COP 10

This information pack has 10 briefings covering each of the 10 key issues, and is introduced by an overview:

Overview: Biodiversity Justice: the way forward for life on earth

1. Future of the CBD: taking biodiversity from the margins to the centre
2. Finance, economic instruments and biodiversity
3. The Nagoya Access and Benefit Sharing Protocol
4. Climate change, geoengineering and biodiversity
5. Ending deforestation through socially just measures, not markets
6. Fuelling biodiversity loss: biomass for biofuels, bioenergy, biochar and the technologies of the new bioeconomy
7. Urgent political will needed to make sustainable use a reality
8. Agricultural biodiversity feeds the world!
9. Bringing equity to protected areas
10. Upholding Indigenous Peoples rights and supporting traditional knowledge

* CBD Alliance

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Biodiversity Justice: the way forward for life on earth

In 2010, we face compounding biodiversity, food, fuel, economic and climate crises. The conservation and sustainable use of biodiversity is fundamental to addressing these crises, and charting a truly sustainable path for humanity.

In Nagoya, governments are gathering for a critical international negotiation of the Convention on Biological Diversity (CBD), in hope of stemming the ongoing losses of biodiversity – the stuff of life. Since the inception of the CBD in 1992, governments have failed to make much progress, with scientific consensus projecting more habitat loss and high rates of extinctions, including losses of food and livestock varieties, with drastic consequences to human societies. While the CBD is often described as a great compromise between the North and South (so called developed and developing), the North has not lived up to its end of the compromise, especially in terms of financial resources, and also the lack of progress on the critical issue of access and benefit sharing of genetic resources (ABS).

In Nagoya, will governments agree to business as usual economic growth and overconsumption, deferring to market opportunities and techno-fixes? Or will they agree to actually address the root causes of biodiversity loss, and set forward a bold new pathway that will defend and support the custodians of biodiversity - Indigenous Peoples, local communities and small-scale food providers like farmers, fisherfolk, and pastoralists?

Over the past two months, civil society groups from all over the world have been discussing, debating and coming to agreement on what they believe to be the key issues for the Nagoya COP. We call on Parties to strengthen (not weaken) the Convention's core principles – like the ecosystem approach, the precautionary principle, and an understanding that biodiversity cannot be separated from those humans who nurture, defend and sustainably use it. Parties should stay clear of the market approach of other agreements, like the UN Framework Convention on Climate Change, and not permit biodiversity agreements be subservient to other international agreements, including trade.

Instead, Parties should adopt a biodiversity justice approach, which means not only upholding the rights, dignity, and autonomy of all peoples, but also respecting the rights of all living things. A biodiversity justice approach places the custodians of biodiversity at the centre of policy making, and as the most critical beneficiaries of biodiversity policies. These critical communities and their conservation and management systems should be rewarded, not commoditized or forced into neo-liberal economic agendas.

Many civil society groups, from all over the world, have come together to create a set of 10 collective briefings: the “Top 10 issues for COP 10”. On the next page we highlight our key demands..

Information on Briefing Papers

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Civil society groups call for the following commitments in Nagoya:

1. Parties urgently need to fulfil their obligations as signatories to the Convention on Biological Diversity and agree to a strong and ambitious strategic plan; this plan must contain targets that will:

- integrate biodiversity and its pivotal role in ecosystem functioning and resilience in international institutions and agreements, especially trade, and also in national policies, including economic development and accounting
- eliminate subsidies and perverse incentives harmful to biodiversity by 2020 (particularly for oil and gas, agriculture, agrofuels/bioenergy, fishing)
- reduce deforestation and destruction of natural habitats to zero by 2020
- end current unsustainable production and consumption patterns
- end overfishing and destructive fishing practices
- make agriculture, forestry and other land use sustainable and reduce nutrient loading below critical load levels
- achieve a representative system of protected areas based on full and effective participation of Indigenous Peoples and local communities and respect for their rights (including free, prior and informed consent)
- increase public finance tenfold
- defend, and increase genuine representation in decision making of, local conservers, users and developers of biodiversity,

2. Parties need to adopt a legally binding ABS Protocol that will have strong enforcement and compliance measures that can stop biopiracy, respects and protects the rights of Indigenous Peoples and Local Communities, and questions the primacy of intellectual property rules. The ABS Protocol should also ensure real and actual benefits for Indigenous Peoples and local communities and that the Protocol will not result in further privatization of genetic resources and monopolies on technologies.

3. Parties should address the underlying causes of biodiversity loss, starting with eliminating perverse subsidies that promote the expansion of monocultures, bioenergy, biomass and other commodities.

4. Parties should avoid risky, unproven approaches like forest carbon offset markets (e.g. in REDD), biodiversity offsets and the Green Development Mechanisms that lack appropriate safeguards for biodiversity and for Indigenous Peoples rights and Human Rights.

5. Parties should adopt and uphold moratoria on the development, testing, release and use of new technologies which pose potential threats to biodiversity, including geoengineering and synthetic biology.

6. Parties should focus on implementing decisions by developing compliance and enforcement mechanisms.

7. Parties should put the real custodians of biodiversity center stage in the implementation of the Convention and in decision-making, this includes adopting a strong new work programme to enhance customary resource management and sustainable use.

8. Parties should establish a definition of forests and sustainable forest management that excludes monoculture tree plantations and prevents invasion of alien species, in line with the objectives and principles of the CBD that include the rights of communities to access, control, and govern forests;

9. Parties should defend and protect the smallholder and peasant farmers, herders, fishers and other small-scale food providers who conserve and develop agricultural biodiversity thereby securing future food. In so doing, they must prohibit any systems, methods, processes or technologies, which might damage biodiversity and related ecosystem functions in managed ecosystems.

10. Parties should agree to improve support, management and governance of existing protected areas, and ensure that any new protected areas are based on full and effective participation of Indigenous Peoples and local communities and respect for their rights (including free, prior and informed consent).

11. Parties should agree to expand protected areas (terrestrial and marine) to include a greater representation of biodiversity. Any new protected areas must not be part of biodiversity offset or other compensation programmes that allow business-as-usual practices to continue elsewhere.

COP 10 must be turning point for biodiversity policy. We need to strengthen and renew efforts to conserve and sustainably use biodiversity and ensure benefits flow to those who nurture it. We need to strengthen the CBD's role in international policy and to strengthen its implementation at all levels. Civil Society calls upon parties to take heed of these imperatives for the sake of humanity and all living things.

CBD Alliance

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Future of the CBD: taking biodiversity from the margins to the centre

Summary

Governments failed to meet the 2010 biodiversity target. Parties must agree to a strong and ambitious strategic plan, to mainstreaming biodiversity across national policies and practice, and work towards real implementation, including compliance and enforcement aspects. The full and effective participation of society is critical, and in particular Parties must place the real custodians of biodiversity - Indigenous Peoples, local communities and small-scale food providers like farmers, fisherfolk, and pastoralists – at the centre of implementation and decision-making.

What is at stake?

In April 2002, the Parties to the Convention on Biological Diversity (CBD) committed themselves to a new mission, “More effective and coherent implementation of the three objectives of the convention, to achieve by 2010, a significant reduction of the current rate of biodiversity loss at the global, regional and national levels as a contribution to poverty alleviation and to the benefits of all life on earth.”

But despite some advances demonstrated since the Rio Summit and many activities to reduce biodiversity loss, Parties failed to meet the 2010 target.

There are multiple, intersecting reasons for missing the target, including failure to mobilize significant public support and political will to implement already existing biodiversity laws and decisions, to change wholly unsustainable developments and consumption (see Sustainable Use Briefing), lack of financial resources (see Finance, Economic Instruments and Biodiversity Briefing), and inattention to equity and governance (see Protected Areas Briefing). In particular, Parties have yet to implement CBD decisions and mainstream biodiversity policies into national, regional, and international frameworks, into areas like trade policies, economic development, land use policy (i.e. forestry, agriculture, fisheries) and others.

The Post 2010 Biodiversity Road Map is now before us. It is our responsibility to see that this plan addresses the pitfalls of its predecessor, whilst articulating a new approach and innovative mechanisms for implementation, which put the real custodians of biodiversity at centre: Indigenous Peoples, local communities and small-scale food providers like farmers, fisherfolk, and pastoralists.

What needs to happen (at COP 10 and otherwise)?

Governments from both the developed and developing countries must commit – at the highest political level – on the need to prioritize biodiversity conservation, sustainable use, and equitable access and benefit sharing. More resources and benefits need to flow to the custodians of biodiversity.

Adopt a new, strong strategic plan

For this, we need a new, ambitious strategic plan with ambitious, measurable and outcome-oriented goals.

The draft strategic plan contains many well-worded and ambitious targets that meet these criteria, but there are a few issues where stronger commitment is necessary. Parties must commit themselves to:

- a stronger mission, aiming to halt the loss of biodiversity and not just putting “instruments in place”
- integrating biodiversity and its pivotal role in ecosystem functioning and resilience in international institutions and agreements, especially trade, and also in national policies, including economic development and accounting (target 2)
- a stronger target on perverse incentives and subsidies, calling to eliminate those harmful to biodiversity by 2020 (not only reform, and not consistent to international obligations, which would mean it would not touch other agreements even if they are harmful to biodiversity) (target 3)

- a more comprehensive target for forests and ecosystems, aiming to stop deforestation and habitat degradation by 2020 (target 5)
- a strong target on oceans to end overfishing and destructive fishing practices (target 6)
- achieving a representative system of protected areas based on full and effective participation of Indigenous Peoples and local communities and respect for their rights (including free, prior and informed consent) (target 11)
- not only preventing extinction, but also improving the status of all threatened species by at least one category (using IUCN criteria: e.g. from critically endangered to endangered) (target 12)
- ensuring that the loss of genetic diversity, of cultivated plants, domestic farm animals and wild relatives and species, in agricultural ecosystems is halted (target 13), by adding that such approaches should be supported by national public policies
- restoring ecosystems ecologically (target 15)
- supporting the customary sustainable use of biodiversity practiced for centuries by Indigenous Peoples and local communities (target 18) by taking concrete action, such as supportive national public policies and programmes
- increasing public finance tenfold, as contained in brackets in target 20

Effectiveness of the convention – compliance and enforcement measures needed

Good decisions at COPs only go so far, particularly if they continue to be ‘voluntary’. To improve implementation:

- Clear national biodiversity indicators must be established, in order to show what progress has been made, and especially to highlight which Parties must do more. Key information submitted in the national reports must be compiled for better overview and comparison.
- The COP must create international mechanisms for the effective enforcement of the Convention. This includes sanctions or compliance measures for Parties who lag or who go against the spirit and objectives of the CBD, as recommended by experts meeting in Potsdam in 2006. The Secretariat must also be delegated additional powers; CITES could serve as an example for CBD.
- To achieve agreement on such measures, the CBD must not allow a single country or small group of countries to block decisions completely.

Biodiversity needs to matter in all aspects of policy and development!

While the Ministry of Environment (of any certain country) may have the best intentions, it is widely understood and acknowledged that other Ministries (i.e. finance, forestry, agriculture) guide most policy decisions in governments.

- Parties need to strengthen the integration of biodiversity into other national policies, like agricultural, forestry, fisheries, or infrastructure planning.
- At the international level, the CBD and its decisions need to be taken into account by other global institutions such as the WTO and multi-lateral environmental agreements such as the UNCLOS, UNFCCC, and UNCCD. These must be developed and implemented in a mutually reinforcing manner, and the Rio conventions must be given higher priority and status than trade agreements, ensuring environmental integrity.
- Parties must commit – at the highest levels – to integrating biodiversity into relevant portfolios through the establishment of cross-sectoral cabinet committees led by heads of state.

The proposal for a UN Decade for Biodiversity should be adopted

Adopting the Japanese Proposal for UN decade on Biodiversity, especially accompanied with indicators and reporting on progress on implementation, will provide increased political attention. **As the Global Biodiversity Outlook notes, we must act decisively in the next decade for the future of biodiversity, ecosystems and human development.**

Further information:

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Finance, Economic Instruments and Biodiversity

Summary

Strategies to provide financial and other support to biodiversity conservation and restoration should not embrace risky approaches like forest carbon offset markets, biodiversity offsets and the Green Development Mechanism. Parties at COP 10 should agree on an ambitious target for developed countries to provide new and additional public financial resources.

What is at stake?

The North is failing the South

Northern nations have failed to meet their financial commitments as agreed to at Rio, and this is a critical factor in the failure to meet the 2010 targets. New and additional financial resources are necessary for achieving action on biodiversity loss over the next decade. The lack of resources does not stem from inability as some Northern governments attest, but from lack of political will. For example, every year more than 500 billion US dollars are spent on fossil fuel subsidies. It is clear that when governments want to they can bring together huge sums of capital; at height of the global economic crisis in 2008, more than 6.9 trillion US dollars were mobilized by developed country governments to ensure the survival of private banks and other financial institutions that had been engaging in risky, speculative economic practices.

New and Innovative Financial Mechanisms?

Despite the agreement to give more support to biodiversity in the South, many governments are now pushing for the development of what they call 'innovative financial mechanisms' (IFMs) to address the funding shortfall, largely by increasing private sector participation in conservation. On the table in Nagoya are: international payments for ecosystem services, a green development mechanism, and biodiversity offsets. In Nairobi (at WGRI in May 2010), developing countries expressed concern that discussions on "innovative financial mechanisms" distract attention away from the financial obligations of the North. In the absence of a firm and ambitious target to provide new and additional financial resources as agreed in the Convention, any discussion on so-called "innovative financial mechanisms" is premature.

IFMs are untested and unproven ground

While the promise of additional resources outside of strapped government funds seems tempting, there is growing evidence that these "innovative" approaches are no panacea and come with social and environmental risks. The model being promoted as an example for biodiversity is the carbon market, but yet even though carbon is easier to measure and manage, carbon markets are already dealing with crime, corruption, institutional malfeasance and incompetence, compounded by a lack of regulatory oversight. Ecosystems face even more barriers than carbon, due to the non-fungibility and non-exclusivity of the many ecosystem services they provide, sapping all of the so-called efficiency advantage of market-approaches.

Payments for Ecosystem Services: not always win-win! And not always biodiversity!

Much is being made of the 'win-win' scenarios of what is called 'pro-poor' payments for ecosystem services. But yet the empirical outcomes of 'pro-poor' Payments for Environmental Services (PES) policies are decidedly mixed. In Costa Rica, most ecosystem service providers were found to be already relatively well-off landholders. Other researchers are finding that initiatives discriminate against those without formal tenure, increasing inequity. PES can be a very expensive conservation tool, and unaffordable if meant to address some of the most important threats to biodiversity, like soy and oilpalm expansion. Such concerns should be highlighted, and reflected in COP decisions. There is also the on going, and yet to be resolved issue of how biodiversity and ecosystem services relate, and how maximizing one ecosystem service (i.e. carbon sequestration) can be at odds with others, and especially biological diversity, which ostensibly underpins all ecosystem services and is at the core of ecosystem functions.

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Biodiversity offsets: providing license for business to operate?

Biodiversity offsets appear in the COP draft decisions, particularly reference to the Business and Biodiversity Offset Program (BBOP). However, there is little evidence supporting an offset approach to achieving the objectives of the CBD, and there are risks that these offsets simply provide businesses like Rio Tinto easier access to resources, development permits, capital and markets. The “complex, difficult-to-measure, and non-interchangeable” characteristics of biodiversity make it difficult, if not impossible to trade, or offset. Recent research concluded that the delivery of no net loss or net gain through biodiversity trading is “administratively improbable and technically unrealistic”, and concluding that biodiversity offset programs are successful “symbolic policies,” potentially obscuring biodiversity loss and dissipating impetus for action. Furthermore, biodiversity offsets have potential social impacts both from the project itself (e.g. mine development), and from the offset, which often takes the form of a protected area, which could also have negative effects on local communities.

Green Development Mechanism

Some Parties are promoting the advancement of a Green Development Mechanism to increase private financing of biodiversity conservation. While this is proposed as a voluntary, seemingly ‘neutral’ addition to biodiversity conservation finance, those proposing the mechanisms clearly see this as a path towards a more formal (compliance) market in international biodiversity conservation similar to the Clean Development Mechanism (CDM) under the UNFCCC. Given the failures of the CDM and the dangers related to biodiversity offsets, there is not only little evidence that such an approach will work, but the risks are significant. And without a ‘cap’ on biodiversity loss, there is little chance that private sector capital will invest in any significant amounts.

Who controls biodiversity?

Finally, the move to private sector, voluntary and offset approaches to conservation (i.e. like the GDM) is part of a larger trend of moving governance and decisions away from governments and communities. It is part of a trend in which various international NGOs, consulting firms, intergovernmental entities are positioning themselves to profit as brokers, middle-men, certifiers, and/or actual project proponents/ investors. As such, the move to market approaches is not only a way to ‘find more funds’, as is commonly articulated by Northern delegates, but it is also about privatizing and commodifying people’s commons, bypassing governance systems in the South, all in order to achieve ‘northern’ style conservation with access to resources through private, or ‘voluntary’ means. Further, based on these concerns, there is growing opposition to market approaches from social movements, worldwide.

Proposals for COP 10 and beyond

The CBD should take a different path than the UNFCCC, a path focused on its core principles.

Parties must:

Agree to targets for financial resources

Any Strategic Plan to implement the CBD will be unrealistic, and a violation of the Convention, if it does not include a firm and ambitious target for the mobilization of new and additional financial resources. Such a target should take into account the ecological debt of developed countries and the accumulated debt of countries that have failed to comply with the financial commitment of the Convention until now.

Prioritize any existing and new funds towards community initiatives

Perverse incentives and subsidies that contribute to biodiversity loss must be redirected towards measures that help protect biodiversity. Instead of taking a narrow, mercantilist approach that “pays” for environmental “services”, we urge governments to provide a broad range of social, cultural, legal and economic incentives for biodiversity conservation, restoration and sustainable use, especially by women, Indigenous Peoples, local communities and small-scale food providers like farmers, fisherfolk, and pastoralists. Such incentives must also recognize and respect the historical territorial and use rights of Indigenous Peoples and local communities and support the significant contribution of Indigenous territories and community conserved areas.

Critically analyse any new Innovative Financial Mechanisms

The COP must not endorse risky and untested mechanisms and policies, particularly offsetting mechanisms such as the Business and Biodiversity Offset Program and the proposed Green Development Mechanism. Schemes (like REDD) that pay for ecosystem services must be critically analysed, not blindly endorsed.

Focus on removing perverse incentives and subsidies that contribute to biodiversity loss

These must be redirected towards measures that help protect biodiversity.

Further information

REDD Monitor: www.redd-monitor.org

Global Forest Coalition: www.globalforestcoalition.org

Sinks Watch: www.sinkswatch.org

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The Nagoya Access and Benefit Sharing Protocol

Summary

Parties have failed to implement the legally binding rules of the Convention on Biological Diversity (CBD) related to access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation (ABS) of genetic resources. They must finalise the ABS negotiations and adopt rules that can stop biopiracy, increase the incentives and financial means to protect and sustainably use biological diversity as well as protect the rights of indigenous and local communities.

What is at stake?

The legally binding ABS rules of the CBD have not been implemented by industrialised countries - who are the main users of genetic resources. Voluntary guidelines, such as the Bonn Guidelines, especially promoted by industrialised countries, have proven non-effective. The effective cross-border enforcement of the ABS laws of many developing countries has been severely hampered by the opposition of the main user countries. After more than 10 years of national and international discussions regarding how to implement the ABS provisions of the CBD, and stop biopiracy, it is due time to finalise the ABS negotiations. Only recently, industrialised country Parties, except Canada, joined the majority of other Parties to decide that the outcome must be a legally binding ABS Protocol under the CBD which they intend to adopt at COP-10 in Nagoya in October 2010.

Issues at COP-10 and beyond

While Civil Society Organisations (CSOs) remain hopeful that Canada agrees to, or at least does not block negotiations on a legally binding treaty, many more issues are still contentious and agreement on a coherent and effective text cannot be taken for granted. Since 2001 at the first meeting on ABS, CSOs following the negotiations have developed common positions and demands; we urge CBD Parties to consider the following in their deliberations in Nagoya:

1) Human Rights:

In the context of the overarching UN human rights agreements, specifically the 2007 UN Declaration on the Rights of Indigenous Peoples, the ABS Protocol must recognize and protect the exercise of these rights. In this regard, the most salient being "the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora". Domestically, Parties must also consider unresolved issues of land rights when, for example, drafting provisions for the free PIC of indigenous and local communities.

2) Scope:

Parties' positions on the scope of the ABS regime (current Art. 3) will be the litmus test on their will to effectively stop biopiracy.

The **scope** of the ABS Protocol needs to be the same as that of the CBD. The ABS Protocol might allow for specific and appropriate access rules under emergency situations while securing the benefit sharing obligations.

Technically, the scope will be set by the definition of "utilisation of genetic resources" in Art. 2 or 4. It must be broad enough to include all those cases which are generally regarded as typical ABS-relevant utilisation of genetic resources and associated traditional knowledge (eg. the development of vaccines from pathogens, of drugs from biochemicals, of nutraceuticals from plant extracts as indicated in the current Annex II). Such a definition would implicitly exempt the utilisation of genetic resources as commodities for final processing or consumption (eg. the use of timber for furnitures, or of fish for food).

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A restriction of the **temporal scope** to the date of the 50th ratification (current Art. 28) will allow biopiracy to continue for many more years. While industrialised countries argue that the benefit sharing provisions of the Protocol should only apply to genetic resources accessed after the entry into force of the treaty, we see it as crucial that any new use of a genetic resource after the entry into force of the CBD falls under the Protocol.

The **geographical scope** of the ABS Protocol must cover all territories of its Parties; ABS rules for genetic resources outside of national territories must be in accordance with the ABS Protocol.

3) Associated traditional knowledge:

The ABS Protocol must deal with associated traditional knowledge as a crosscutting issue. Access to such associated traditional knowledge and benefit sharing has to be dealt with at the same level as that related to genetic resources. The ABS Protocol also has to ensure compliance with its provisions on associated traditional knowledge which therefore has to be included inter alia in Art.1 (Objective), Art.12 (Compliance) and Art.13 (Tracking and Monitoring).

4) Compliance mechanism:

The ABS Protocol must set up clear and binding rules for a compliance regime. The compliance measures as specified under the current Art. 12 and 13 must ensure that only legally acquired genetic resources and associated traditional knowledge can be used and marketed. This would, amongst others, include the establishment of a system of checkpoints and disclosure requirements that captures any utilisation of genetic resources at all stages of research, development and commercialisation. Such compliance could happen in already existing national administrative structures such as Intellectual Property examination offices, plant variety offices, authorities dealing with product registrations and approvals, etc. To capture the increasingly important activities of private research and public-private partnerships that aim to utilise genetic resources, institutions that - besides direct public funding - also receive incentives and subsidies should be included in the draft article. All the mentioned checkpoints need to be mandatory for all users of genetic resources. Furthermore, a comprehensive certificate of compliance must be developed in the intersessional period before the entry into force of the Protocol and be adopted at its first meeting of the Parties. None of the issues in a minimal information list such as the one given by the current Art. 13.4 must be held confidential. Without such a tracking and monitoring system, and publicly available information on existing ABS contracts, it would be impossible to follow the utilisation of a genetic resources and associated traditional knowledge. Biopiracy could continue without being discovered thus perpetuating historical and current injustices.

5) Non-parties:

The non-Party provisions as currently contained in Art. 18 need to ensure that ABS activities and transactions between Parties and non-Parties including the users and providers in the territory of non-Parties are consistent with the ABS Protocol.

Further information

Berne Declaration: www.evb.ch/en/p5360.html (English),
www.evb.ch/fr/p17212.html (French),
www.evb.ch/f25001839.html (German)

Third World Network: www.twinside.org.sg (English),
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Climate Change, Geoengineering and Biodiversity

Summary

The role of biodiversity in climate change policy is receiving increased attention: both how the loss of biodiversity worsens climate change and how the protection of biodiversity needs to be central to any effective adaptation or mitigation strategy. Parties must ensure that the CBD principles (e.g. precautionary principle, ecosystem approach, Indigenous Peoples' rights) are upheld and applied in all strategies for combating climate change. The conservation of biodiversity will not be accomplished through the market mechanisms and techno-fixes that are dominant amongst contemporary public policy options—indeed there is a danger that over reliance on market approaches and unproven technologies might worsen the protection of biodiversity.

What is at stake?

Will the global response to climate change protect biodiversity and strengthen community and ecosystem resilience, or will it actually make the situation worse by promoting false solutions?

Geoengineering ourselves out of a planet?

The failure to adopt effective policies to reduce emissions has resulted in increased support in some wealthy countries for extremist geoengineering approaches (large-scale technological attempts to intentionally manipulate the climate) that will have devastating consequences on biodiversity:

- **Ocean fertilisation** (stimulating the growth of algae to absorb excess atmospheric CO₂) threatens marine ecosystems as well as the livelihoods of fisherfolk and coastal peoples.
- **Shooting sulphates into the stratosphere** (to mask global warming by reflecting sunlight back to outer space) will wreak havoc the ozone layer and global precipitation patterns.
- **Biochar** (burnt/charred biomass supposedly to sequester carbon in soil and improve soil fertility) is touted as a solution for climate, food security and energy but will in fact result in further pressures on the land and food supplies of people who are already hungry and landless.

In all cases the alleged “carbon sequestration” or “cooling effect” is scientifically disputed and very high risk, but the threat to biodiversity and related livelihoods are real and tangible. Geoengineering represents an unprecedented threat to biodiversity and the ability of local communities and indigenous peoples to equitably enjoy its benefits; the CBD should strengthen the role it has already played on this issue.

Anything goes for climate mitigation, except cutting emissions

In pursuit of rapid fuel shifting (away from fossil fuels), new technologies and questionable energy sources are proliferating. For example,

- Huge corporate-owned monocultures of agrofuels (e.g. sugar cane, soya, jatropha, oil palm) are destroying rich bio-diverse ecosystems and depriving local and indigenous peoples of their livelihoods, while increasing the use of petrochemicals and fertilizers, two of the main contributors to global warming (see Briefing #6 on bioenergy).
- GM biotechnology industry sees climate change as a big opportunity to ‘contribute’ to climate change adaptation and mitigation, using technologies that have risks to biological diversity and communities (i.e. GE trees, synthetic biology).
- The establishment of large-scale dams that devastate water and land biodiversity over entire areas –expelling local peoples from their homelands. Meanwhile, dams and reservoirs, particularly in the lowland tropics are also significant sources of methane, a powerful greenhouse gas.

CBD Alliance

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The UNFCCC is the wrong path to follow

So far, the dominant approach for climate change mitigation has been the market imperatives of the UNFCCC – which thus far have proved to be a failure in terms of reducing CO₂ emissions and achieving the holy grail of sustainable development. The UNFCCC has not only failed to reduce greenhouse gas emissions (current concentration levels is about 390ppm compared to 350ppm at 1990) but has actually endorsed some policies that disrupt ecosystem functions without delivering tangible climate benefits. This is especially the case for the Clean Development Mechanism, which has largely failed to achieve significant emissions reductions and has not contributed to sustainable development.

Now REDD and REDD+ - with their overwhelming focus/emphasis on market-based approaches (i.e. REDD-based carbon trading) - may result in the largest corporate land grab ever witnessed and yet another a novel way of privatizing "air".

The experience of the CDM, and the less than ideal outcomes of other payments for ecosystem services, should give us plenty of reason to pause and consider alternative policy paths (see Briefing #5 for more detail on REDD and the Briefing #2 on financial resources).

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Proposals for COP 10 and beyond

While the market-oriented approach of the UNFCCC is seeping into the CBD, Parties must take a different path, as there is little evidence that the market based approach will work (see Briefing #2 on financial resources). The protection of biodiversity and those who protect and nurture it are key elements in the fight against climate change.

Parties must:

- Adopt a moratorium on geoengineering and synthetic biology as proposed in SBSTTA 14.
- Ensure that any measure adopted by UNFCCC (or other international organizations) respects biodiversity conservation as well as the associated livelihoods that maintain it, and that all the necessary measures that need to be taken to avoid biodiversity and cultural diversity loss are adopted as a matter of urgency. This includes reaffirming the importance of the UN Declaration of the Rights of Indigenous Peoples (UNDRIPs).
- Reject approaches that reduce forests to carbon stocks (and trades), including biodiversity offsets and market-based REDD approaches that lack appropriate safeguards for biodiversity and human/Indigenous rights, and have yet to demonstrably reduce carbon emissions (e.g. CDM).
- Reject land-grabbing and monoculture plantations for biofuels and biochar (see Briefing #6 on bioenergy).
- Promote and support the role that community conserved and Indigenous lands play in climate mitigation.
- Uphold previous moratoria, as the threats recognized have not diminished. In particular the moratorium on GURTs (Terminator technology) and GE trees.

Further information

ETC Group: www.etcgroup.org

World Rainforest Movement: www.wrm.org.uy/actors/CCC/index.html

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Ending deforestation through socially just measures, not markets

Summary

The world's forests face many threats. Parties to the CBD must take serious, immediate action on deforestation, addressing the drivers of deforestation, in line with the rights of Indigenous Peoples. Parties must not blindly accept the terms of market-based REDD (Reducing Emissions from Deforestation and Forest Degradation), and should establish a definition of forests in line with the objectives and principles of the CBD.

What is at stake?

Deforestation and climate change

The world's forests are critical ecosystems for the peoples who depend on them, but also for global regulation of rainfall and climate, and, of course, biodiversity. However, they are disappearing. Deforestation is mainly caused by (often) subsidized commodity production, a problem compounded by the growing demand for agrofuels/ biofuels and meat, amongst others.

High biodiversity forests have been suffering continued aggression from corporations and governments involving indiscriminate displacement of forest people in the name of so-called sustainable forest management (SFM), protected areas, and critical wildlife habitat. Further, the climate crisis represents a major growing threat to the world's forests. If not stopped, major changes will occur in forest ecosystems and their biodiversity with huge negative impacts on local communities including livelihood destruction and abrupt social changes. The impacts from the loss of the biodiversity and climate regulation provided by forests would affect the whole world population, adding to the unpredictable extremes of weather that we are already beginning to experience.

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False solutions to conserving forest biodiversity – market based REDD+ and offsets

Whereas a healthy synergy between the CBD and UNFCCC would be beneficial to both biodiversity and climate, a dangerous convergence between these two conventions is being concocted, led by those who want to profit from the climate crisis through commercial mechanisms such as carbon offsets, carbon trading, and REDD+ schemes. Current REDD+ approaches do not distinguish between forests and plantations (see point below); they ignore safeguards for biodiversity and Indigenous Peoples'/human rights, and refuse independent monitoring. In its present manifestation, REDD+ does not adequately deal with the direct and underlying causes of deforestation and also does not lead us to the real solution: cutting fossil fuel emissions at source.

As such, we are concerned that these approaches risk/erode the collective rights of Indigenous Peoples and forest communities and put biodiversity in peril, both at the global level (through climate change) and the local level (through "sustainable logging," biofuel production, etc.).

In particular, Indigenous Peoples' rights, protected by international treaties, could be imperilled by the ownership claims of carbon or biodiversity by organizations dictating the use of the forest they are paying to "save." Further, some corporations also hope to maintain access to other resources, i.e.: minerals, by zoning forests and by offsetting destruction in one area with "protection" of high value biodiversity "hotspots" in another.

Plantations are not forests

Plantations are not forests; they do not fulfil the same functions in maintaining biodiversity, soils, water and regulating climate, and they also impact negatively on local ecosystems and on forest-dependent peoples' livelihoods. Plantation establishment and replacement also has a devastating impact on soils. The notion that young fast growing trees sequester more carbon than standing forest is false. Moreover, plantations rarely provide livelihoods to forest peoples; in most cases they cause an array of social problems, including loss of livelihoods and conflict. Yet, disguised as forests, monoculture stands of timber are progressively replacing biodiversity rich forest ecosystems.

Genetically engineered trees

The use of genetically modified trees would aggravate the problems associated with industrial tree plantations further and add new threats with far reaching consequences to forests and forest ecosystems. Additional to the intended trait, genetic engineering introduces unpredictable and unintended changes into a tree, which might only become evident years into the growth of a tree or generations later. Genetic engineering could increase the competitiveness or invasiveness of trees, change their interaction with other organisms such as soil microbes, insects, and other plants, or might affect their response to biotic or abiotic stress, e.g. they might be more vulnerable to storms, fire, or pathogens. They might also decrease the number of beneficial organisms, including predators. Escape via seed or outcrossing via pollen with resulting genetic contamination of natural forests is a major risk associated with field trials and commercial plantations of GM trees.

What needs to happen? What should CBD do?

Ending deforestation is a critical part of ending biodiversity loss, and the CBD (not the UNFCCC nor carbon markets) should lead the task of protecting forests

As such Parties must:

Agree to reduce deforestation to zero by 2020

- Address the direct and underlying causes of deforestation, starting with perverse subsidies such as those for biofuels (see Briefing #6 on Bioenergy) and other commodities like soy and meat.
- Pursue an ecosystem-based approach for forest protection that prioritizes primary forests, contains biodiversity safeguards, and acknowledges the rights of forest communities to access, control, and govern forests as well as the major role of women in forest governance and protection.

Reject approaches that reduce forests to carbon stocks and trades

- This includes biodiversity offsets and market-based REDD approaches that lack appropriate safeguards for biodiversity and human/Indigenous Peoples' rights, and have yet to demonstrably reduce carbon emissions.
- Strengthen its dialogue with the UNFCCC to ensure that any policy related to climate and forests takes into due account the full spectrum of forest values, including the key role of Indigenous Peoples and ICCAs play in carbon mitigation efforts, by ensuring the proper conservation and respect of forest biodiversity while pursuing Indigenous Peoples' rights.

Establish a definition of forests in line with the objectives and principles of the CBD

- Lead a comprehensive process to establish a universally accepted definition of forests and sustainable management of forests inspired through an ecosystem approach that includes the rights of communities to access, control, and govern forests; such a definition should exclude monoculture tree plantations as well as prevent invasion of alien species.
- Agree to a binding moratorium on all field trials or releases of GE trees.

Further information

World Rainforest Movement: www.wrm.org.uy

Friends of the Earth International:

<http://www.foei.org/en/what-we-do/forest-and-climate-change>

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Fuelling Biodiversity Loss:

Biomass for Biofuels, Bioenergy, Biochar and the Technologies of the new Bioeconomy

Summary

Industrial scale biofuels and bioenergy, with their new demands for wood, agricultural products and other plant biomass, are having serious and irreversible impacts on biodiversity, especially forests. Driven by overseas investment, large tracts of land are changing to bioenergy feedstocks in the global south, undermining the rights of Indigenous Peoples, food sovereignty, agrarian reform and land rights. CBD language “to promote the positive and minimise the negative impacts of biofuel production” must be replaced by a call to end all perverse incentives that promote the further expansion of industrial bioenergy production.

What is at stake?

Industries come together to form the new bioeconomy

Biofuels and bioenergy generally are emerging as the energy basis of the “knowledge based bioeconomy (KBBE)”, based on the idea of replacing fossil oil as a source of energy and other products with biomass. Major industries, including GM biotechnology, agribusiness, petroleum, timber, pulp and paper industries all see profit potential in the “new bioeconomy” and the development of plant-based chemistries. The EU and the US continue to promote the bioeconomy, while India, Brazil and China are among those exploring it. Expanding large-scale, industrial bio-energy (biofuels and biomass) is part of a political agenda that claims to address climate change and energy security, but seriously compromises small-scale, traditional uses.

Bioenergy targets in the US and the EU alone are increasing demand so dramatically that already large regions of the global south are being converted to industrial monoculture plantations and energy crops for export. While this is done in the name of reducing greenhouse gas emissions, lifecycle accounting for most bioenergy processes including transportation fuels and burning for electricity indicates a net increase in emissions. The promotion of biochar (turning biomass to charcoal) to supposedly 'sequester carbon' and thus provide offsets for emissions would further increase biomass demand.

Impacts on biodiversity

Since the last CBD COP in 2008, a number of reports have further illuminated and documented the impacts of industrial bioenergy. These include:

(1) As subsidised bioenergy demand grows, biodiversity is destroyed

Bioenergy demand is driving further conversion of natural ecosystems to industrial plantations, and also has significant impact on water resources, chemical and pesticide contamination, and forests. In the EU and the U.S., new industrial scale wood burning facilities are creating a major new source of demand for wood, which seriously compromises policies to conserve and restore forest biodiversity.

(2) Industrial bioenergy competes with food production and worsens hunger

Industrial bioenergy competes with food production for crops, water and land. Yet diversion to energy ‘crops’ continues to escalate, displacing other crops to replace biodiversity and forest elsewhere. Promoters claim that future technologies that exploit cellulose, non-food plants and trees will avert this conflict, but the underlying requirements for land, soil and water remain. Crops that are sources of both biofuel and animal feed such as soya and maize add to the pressures. Further, studies have shown that there is not sufficient land for biofuel production to meet the current demand for energy.

(3) Industrial bioenergy is fuelling global speculation and investment in land, resulting in a new era of colonization and “land grabs”

Investors are taking over large areas of lands around the globe, to meet expanding demand for both food and bioenergy crops. According to the International Food Policy Research Institute (IFPRI), foreign investors are negotiating deals on up to 20 million hectares (49 million acres) of land in Africa, Asia and Latin America. It is often claimed that such land is “marginal, abandoned and degraded” whereas in fact it may be used by pastoralists, small food producers, indigenous peoples and local communities.

The impacts are clear: people are expelled from their land and become food insecure, women and their families lose access to traditional bio-energy for local use, ecosystems are degraded, fragmented and lose their resilience and capacity to regenerate, water supplies are damaged and depleted, biodiversity is lost and bioenergy plantations effectively prevent regeneration of native ecosystems on these lands.

(4) Industrial bioenergy is increasing the development and use of new crops and potentially dangerous technologies

Genetically engineered crops and trees are proposed as solutions to everything from increasing the speed of growth, to making crops and trees easier to process for energy production. Eucalyptus, poplar and other tree varieties are being developed and tested to grow faster and contain reduced lignin (a structural material in wood that interferes with processing), and newly developed corn varieties have been engineered so that both grain and stalks can be converted to ethanol, among many other examples. Modified trees and crops have the potential to contaminate wild relatives and seriously threaten biodiversity.

Synthetic biology promises the construction of “synthetic” microbes to aid in digesting plant cellulose for industrial refining and conversion to biofuel and “bioproducts”. However, synthetic biology is largely unregulated and the consequences of releasing synthetic organisms on ecosystems are entirely unknown.

Invasive species: many biofuel crops are known to be invasive species, e.g.: switchgrass, miscanthus, jatropha, moringa, eucalyptus, willow, yet cultivation of these plants is being widely encouraged and supported.

What should happen at COP 10 and beyond?

Despite all these increasing impacts and threats to biodiversity, language in the CBD actually encourages biofuel development by speaking of the “need to promote the positive and minimize the negative impacts of biofuel production and its use on biodiversity”. Rather, Parties must stick close to the fundamental principles of the CBD, especially those related to Indigenous Peoples’ rights, the precautionary principle and ecosystem approach.

Parties at COP 10 must:

- Reaffirm that biodiversity and ecosystems are basic to our survival and their resilience and restoration is fundamental. All forms of government incentives for industrial bio-energy should be classified as perverse incentives and must be removed.
- Support a moratorium on commercial use and environmental releases of synthetic organisms as partly proposed by SBSTTA 14.
- Not give any incentive to large-scale biofuel production.

Further information

EcoNexus: www.econexus.info

Global Justice Ecology Project: www.globaljusticeecology.org

Friends of the Earth: www.foe.org

ETC Group: www.etcgroup.org

Global Forest Coalition: www.globalforestcoalition.org

Biofuelwatch: www.biofuelwatch.org.uk

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Urgent political will needed to make Sustainable Use a reality

Summary

Unsustainable use of natural resources remains the norm rather than the exception in many economic sectors. One of the three objectives of the Convention and uncontested as fundamental to the achievement of conservation and equitable sharing of benefits, sustainable use has, however, been hardly implemented. Making sustainable use of biodiversity a reality is possible, but it needs political will.

What is at stake?

Unsustainable use is the norm

The Ecological Footprint indicates that humankind is consuming 44% more natural resources than what the Earth is biologically producing – the equivalent of 1.4 planets worth of resources and ecological services. By the end of 2010 we are projected to have consumed 150% of what the Earth has produced during the year, further deepening our overconsumption. Most of this consumption is done by a wealthy minority of the world's population. We are faced with a direct contradiction: the sustainability of human development depends on whether we modify our behaviour to live within the limits of ecosystems, yet our economic systems are based on the exploitation of natural resources and the current model of economic growth entails increasing that exploitation. This situation is deeply unsustainable ecologically and socially.

Despite the inclusion of sustainable use of biodiversity in the national biodiversity strategies and actions plans of a number of countries, unsustainable use of natural resources remains the norm rather than the exception in many sectors, supported by a wide range of perverse incentives and subsidies. Industrial developments, extractive activities such as logging, mining, and destructive forms of agriculture, fishing and aquaculture are major drivers of biodiversity loss. They cause widespread destruction of natural resources and degradation of habitats across the world, undermining the livelihoods of indigenous peoples, local communities and small scale food providers. These peoples are not just dependent on biodiversity for their food security, livelihoods and their cultural, social and spiritual wellbeing; they also have knowledge vital to the future wellbeing of the whole humankind.

Sustainable Use: unimplemented

Sustainable use is the weak leg of the three-legged treaty, and deserves a much higher attention in the implementation of the CBD at all levels, as it is fundamental to the achievement of the other two objectives. Though still open to varied interpretations, sustainable use entails the utilization of biodiversity to meet current and future human needs and aspirations through the maintenance of healthy ecosystems. It is a tool to promote human wellbeing, particularly for those people who are directly dependent on biological diversity for their livelihoods, to combat poverty, and to achieve the broader goal of sustainable development. But too, sustainable use is vital to all of us, because (whether we know it or not) we all directly depend on biological diversity.

Sustainable use is addressed by Article 10 of the Convention. It is one of the three objectives of the Convention and is reflected in all programmes of work, several cross-cutting issues, in the Strategic Plan and 2010 biodiversity target. Guidance for its implementation is provided by the Addis Ababa Principles and Guidelines for the sustainable use of biodiversity. But effective implementation of Article 10 is hampered, as noted by the CBD secretariat, by a range of obstacles, including: "...lack of human and financial capacity; lack of cross-sectoral integration and coordination; poor operationalisation of the definition of sustainable use; lack of understanding and implementation of the concept of adaptive management; difficulties in establishing thresholds and indicators to measure progress, lack of monitoring capacities; and unsustainable, unauthorized and unregulated activities". While these are important obstacles, the main problem is the lack of political will.

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Article 10(c), which calls upon Parties to protect and encourage the customary use of biological diversity by indigenous peoples and local communities, is mainly hampered by "...lack of progress in securing indigenous peoples and local communities' access to lands and biological resources and by lack of their effective participation at all levels of resource management and decision-making" as well as by lack of recognition and respect for customary law and institutions, imposition of external unsustainable activities (development aggression) and educational policies that marginalize and belittle local languages and traditional knowledge.

Proposals for COP10 and beyond

At COP 10 Parties must

Address consumption

The CBD has identified a number of direct and indirect causes of biodiversity loss. While all of them need to be tackled, a strong political will is urgently needed from COP10 to address the massive level of overconsumption of resources by the wealthy (predominately in the North), which drives the unsustainable level of exploitation of natural resources. This is a challenge not just to governments but to society and individuals too.

Integrate sustainable use into national policies and programmes

All human activities have to be re-aligned to sustainable use objectives if we are to achieve biodiversity conservation. This should start by:

- integrating the sustainable use of biological diversity into sectoral or cross-sectoral plans, programmes and policies at all levels and by regulating unsustainable activities.
- ending perverse subsidies for biodiversity-harmful activities, such as those for industrial agriculture, oil and gas, and overfishing.

Promote and support customary sustainable use

COP-10 should address obstacles and devise solutions to protect and encourage customary sustainable use of biodiversity, prioritizing the recognition and respect of indigenous peoples, local communities' and small scale food providers' rights to their lands and resources and of their customary laws and institutions, and support the full and effective participation of indigenous peoples and local communities in policy-making and management. Parties should:

- establish an Ad Hoc Technical Expert Group (AHTEG) on Sustainable Use as recommended by SBSTTA-14. The terms of reference for the AHTEG should also address (along with agriculture and forestry currently in the draft) customary sustainable use and analyse obstacles and develop recommendations to protect and encourage customary sustainable use of biodiversity by indigenous and local communities (Article 10(c)). The TOR must ensure the participation of indigenous peoples and local communities in the AHTEG.
- support the Satoyama Initiative, to promote customary sustainable use and the objectives of the Convention, but only if it is developed and implemented in line and in synergy with Articles 8(j) and 10(c) of the Convention and in close collaboration with Indigenous Peoples, local communities and small scale food providers.
- Consider the implementation of the recommendations of the Liaison Group on Bush Meat, if carried out in collaboration with and indigenous peoples and local communities and while taking into consideration Article 10(c) as related to customary sustainable hunting practices for the livelihoods of indigenous peoples and local communities.

Strengthen the Ecosystem Approach

Strengthen the application of the ecosystem approach, ecosystem-based adaptation, and the precautionary principle, in particular through adaptive management approaches, including customary management systems by Indigenous Peoples and local communities, and small scale food providers.

Support the full and effective participation of civil society

The CBD will continue to fail the achievement of its objectives unless society in general and active civil society organisations in particular, are fully involved in its implementation. All decisions made at COP 10 must support the full and effective participation of various civil societies in all sustainable use and conservation policies and practices.

Further info

CBD: www.cbd.int/sustainable/

Footprint Network: www.footprintnetwork.org

Forest Peoples Programmes:

www.forestpeoples.org/documents/conservation/bases/10c.shtml

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Agricultural biodiversity feeds the world!

Summary

Agricultural biodiversity is vital for sustainable food production. It is the result of the resilient, biodiverse, ecological farming systems developed by knowledgeable women and men who, at smaller scales, produce or harvest food in terrestrial, aquatic and marine ecosystems. Their dynamic selection, development and exchange of seeds and other planting material, as well as livestock and other food species - genetic resources for food and agriculture - have created the myriad agricultural biodiversity that literally feeds the world. This small-scale food provision feeds at least 70% of the world's population.

Parties at COP10 must defend and protect the smallholder and peasant farmers, herders, fishers and other small-scale food providers who will secure future food. In so doing, they must also commit to regulate, transform or prohibit any systems, methods, processes or technologies, which might damage agricultural biodiversity and related ecosystem functions that underpin our food supplies.

What is at stake?

Agricultural biodiversity, truly the stuff of life

Healthy, productive agroecosystems are very biodiverse. Rice paddy fields, for example, are major repositories of agricultural biodiversity. A single Japanese rice ecosystem has been shown to contain 5668 different species. The biodiversity and variability, embodied in agricultural biodiversity and its related ecosystem functions, provide the resilience necessary to confront threats, such as climate change. Without such rich biodiversity, food futures are bleak. Yet, agricultural biodiversity is being lost at alarming rates. We have lost at least 75% of crop varieties and thousands of livestock breeds over the past century and, according to the 2010 Third Global Biodiversity Outlook (GBO3), their biodiversity continues to decline. Indeed, all agricultural biodiversity (including the critical support species of pollinators, predators and soil microorganisms) are under threat of irreversible and drastic erosion due mainly to the expansion of monoculture industrial production systems using: agrochemicals, and producing effluents, that pollute downstream; uniform seeds and breeds; and over-harvesting of aquatic and marine species.

On-farm / in situ conservation is threatened by expansion of industrial production

Agricultural biodiversity needs human care, wisdom and knowledge to survive, develop and adapt to local ecosystems, cultures and needs. Biodiverse seeds, animal breeds and local aquatic species, and their associated traditional knowledge, have survived because they are continuously being used, enhanced and passed on to successive generations and freely exchanged within and between communities, countries and continents. In line with the CBD decisions, a few Parties (e.g. Philippines) have adopted laws to promote agricultural biodiversity through organic and sustainable agriculture. But the actual implementation of such laws is prevented by a corporate lobby that promotes its chemical inputs and genetically modified organisms (GMOs). Legislation based on the UPOV 91 convention, for example, patents and other intellectual property rights, seed regulations, non-reproducible seeds including hybrids, and Terminator or Genetic Use Restriction Technologies, further undermine agricultural biodiversity by restricting the development and use of farm-saved seed and limiting collective rights. The contribution of alternative large ex-situ genebanks containing a snapshot of earlier diversity is over-valued. Centralized databases offer little to maintain dynamic knowledge systems. They cannot replace location-specific varieties, breeds and associated knowledge, conserved on-farm or in situ, that constantly adapt to changing conditions and demands.

Industrial production is not sustainable

Industrial commodity production systems have reached a tipping point of unsustainability. In contrast to biodiverse systems, they are large-scale, fossil fuel and agrochemical dependent and use a narrow range of largely uniform plant varieties, animal breeds and fish species, including GMOs. Yields are stagnating, pest-resistance is endemic, loss and contamination of water, soil and air is increasing. Trade agreements are contribute to the erosion of biodiversity by promoting these systems. Agrofuel crops, from single-crop monoculture systems dependent on subsidies and fossil fuels for production, are also fuelling loss of the diversity that underpins climate resilience (see briefing #6 on bioenergy).

Further, Parties have not implemented the CBD decision on limiting pollution, of land and water by pesticides and excess fertiliser, thus eroding soil and water organisms and causing eutrophication. This in turn leads to the disappearance of many nutrient-sensitive species on land and to the collapse of aquatic ecosystems (e.g. in the Baltic Sea).

Proposals for COP 10 and beyond

Many decisions refer to the crucial role of small-scale farmers and others in conserving agricultural biodiversity but little has been done to implement necessary measures e.g. through strengthening the ecosystem approach in agriculture; ensuring farmers' rights through the International Seed Treaty (IT PGRA) or funding the Leipzig Global Plan of Action (GPA) on-farm conservation priority actions.

COP10 will review the CBD programme of work on agricultural biodiversity. We have the following recommendations:

(1) Support Ecological Food Provision

At COP 10, Parties must focus on implementation, explicitly supporting the maintenance and development of small-scale, ecological food provision methods, in the framework of food sovereignty, that sustain agricultural biodiversity at all levels in situ, on-farm, in all regions. This means:

- supporting, through CBD decisions and implementation, the organisations of the small-scale food providers who maintain these systems;
- prioritising policies that promote, support and remove constraints to on-farm and in situ conservation of agricultural biodiversity through participatory decision-making processes, in order to enhance the conservation of plant and animal genetic resources, related components of biodiversity in agricultural ecosystems, and related ecosystem functions;
- protecting and supporting exemplar programmes of small-scale biodiverse food systems. While the Satoyama and GIAHS initiatives should be promoted in order to improve the conservation and sustainable use of agricultural biodiversity, due care should be taken to ensure that these do not provide hidden

subsidies to agricultural commodity producers, especially in industrialised countries;

- regulating, transforming or prohibiting any methods, processes or technologies (e.g. GURTs) that damage agricultural biodiversity and its related ecosystem functions;
- adopting the proposed strategic plan target on reducing excess nutrients (nutrient loading) and pesticides to non-detrimental levels for biodiversity, adopting suitable indicators and suggesting the ways and means to implement it.

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(2) Defend small-scale food providers access to and control over resources

Parties must defend small-scale food providers' access not only to seeds, livestock breeds and aquatic species, that are not restricted in use by IPRs or technologies, nor contaminated by GMOs, but also to territory – land, water, forests and coastal marine resources – in which they practice biodiverse food provision. They are being expelled from their territory through land grabs (for example for agrofuels) or other pressures. Several Parties are contributing to this dispossession, ignoring the rights of small-scale food providers to land and land security.

Parties must include language in the final COP decisions [currently bracketed] that safeguards "land security".

(3) Evaluate impact of IPRs on limiting biodiversity use and development

Parties must insist that programmes of work on agricultural biodiversity include assessments of patent trends and the use of other intellectual property rights, including plant variety protection, over plant, animal, and microbial genetic resources, and propose mitigation of their impacts.

(4) Implement the findings of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD)

Approved by 58 governments, the findings of the IAASTD are highly relevant to the conservation and sustainable use of agricultural biodiversity. Parties must incorporate, and commit to implement – as a priority – the 22 findings, especially those concerning the multi-functionality of agriculture and agroecological approaches built on local knowledge, particularly women's.

Further information

USC Canada: www.usc-canada.org

UK Agricultural Biodiversity Coalition:
www.ukabc.org/cop10.htm

ETC Group: www.etcgroup.org

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Bringing equity to protected areas

Summary

Protected Areas are a central component of the CBD strategy for conservation, protection of ecosystems and combating certain negative effects of climate change. Though Protected Areas extent is increasing globally, biodiversity and ecosystem resilience continue to decline. State parties are not adequately implementing or reporting on their obligations with regards to governance, participation, equity of benefit-sharing and livelihoods, and many protected areas face funding shortfalls and are threatened by extractive developments. Parties must dedicate more attention and support for social policy and social assessment, including the active representation and participation of Indigenous Peoples and local communities whose Free Prior and Informed Consent (FPIC) should be secured before the establishment of any new protected area.

What is at stake?

Unregulated industrial developments, human expansion and consumption (perpetrated mostly by a wealthy minority of the world's population), as well as extractive activities such as logging, mining, and destructive forms of agriculture, fishing and aquaculture are key drivers of biodiversity loss. They are the cause of widespread destruction of natural resources and degradation of sensitive habitats across the world, undermining the survival of Indigenous Peoples and local communities dependent on natural resources for their food security, livelihoods and their cultural, social and spiritual wellbeing. Ecosystem management by Indigenous Peoples, farmers, pastoralists, and fisherfolk is often effective and sustainable, yet overlooked, ignored, or even destroyed by industrial developments. Urgent steps to reverse this trend are essential, consistent with the objectives of the Convention.

Protected Areas an important tool, not a panacea

The Programme of Work on Protected Areas (PoWPA) is one of the CBD's main successes in confronting biodiversity loss. Just over 12 percent of the planet's surface area is covered by protected areas, with 5.9 percent of the territorial waters and 0.5 per cent of the extra territorial seas under marine protected areas.

But the situation is paradoxical—even as global protected area coverage has increased substantially, biodiversity loss has accelerated. Protected areas must be embedded in broader national and regional conservation and sustainability strategies that address the real drivers of biodiversity loss. Furthermore, many protected areas – from community conserved to National Parks - face funding shortfalls, are not always adequately regulated, and continue to face threats from unsustainable developments and activities.

Selection of the most important areas for protection should be seen as a complementary approach to improved effectiveness for protected area networks as a whole. Better management combined with better selection of protected areas makes for more effective networks.

Effectiveness, not just more territory

Though coverage of protected areas has increased, progress towards the goal of improving governance and securing full and effective participation of Indigenous Peoples and local communities in the PoWPA has been limited. Governance – and the issues of who gains and loses from protected areas - remains a critical issue that needs attention if goals of both biodiversity conservation and social justice are to be met. While governments have recognised that there are costs and benefits to establishing Protected Areas, Indigenous Peoples and local communities continue to bear many of the costs of protected area expansion, whether in terrestrial, marine (MPAs) or transboundary protected areas (TBPAs). National legislation and practices on ensuring community rights, including the right to Free Prior and Informed Consent, participation, equity and benefit-sharing under the PoWPA remain uneven amongst member states, despite research demonstrating the positive relationships between improved governance and effective biodiversity conservation. In the case of coastal and marine protected areas, the costs borne by Indigenous Peoples and local fishing communities are often high, given that rights to fishing grounds and to aquatic and fisheries resources are often of a collective nature, rarely recognized in legislation and therefore, less secure. Greater attention needs to be given to legal frameworks, norms and standards of TBPAs and MPAs with regards the rights of Indigenous Peoples and local communities.

There remains an urgent need for improved marine conservation. Marine Protected Areas, following appropriate ethical processes and community involvement, need to be expanded to include a greater representation of marine and coastal biodiversity, prioritising vulnerable areas and species habitats. COP10 will consider the legally complex issue of high seas conservation and protection. Parties need to ensure marine biodiversity protection within a reformed high seas ocean global governance framework.

Protected areas do not equal national parks

Contrary to popular perception, protected areas do not always equal national parks. Indeed there are multiple forms of governance, management and levels of protection and many conserved landscapes are not managed by the State or state agencies. The latter include Indigenous Peoples Conserved Territories and Areas Conserved by Indigenous Peoples and Local Communities (ICCAs), and Sacred Natural Sites which include landscapes conserved for religious, sacred, faith-based and pilgrimage purposes (SNS). In addition there are a growing number of private protected areas, often associated with commercial tourism, hunting or other forms of use. ICCAs are recognised in the decisions at COP 10, but SNS recognition is still under discussion. Some actors remain concerned that by drawing State and private sector attention to the sites it could mean that local governance is undermined and the sites destroyed, desecrated or drawn into commercial ventures which go counter to the local value systems. At the heart of both interest groups is a concern that values-based /culturally-based landscape conservation should be rewarded and not commoditized or forced into neo-liberal economic agendas.

Specific proposals for COP 10 and beyond

(1). Combat root causes of biodiversity loss

Protected area management frameworks should be nested within the ecosystem approach, with a focus on addressing key drivers of biodiversity loss, including perverse subsidies that promote unsustainable patterns of consumption, production and extraction of natural resources.

Parties should establish multi-sectoral advisory committees to facilitate the integration of protected areas into larger national and economic development plans, ensuring that such committees have adequate representation of Indigenous Peoples and local communities

(2) Improve governance of protected areas

Parties should focus on improving governance of existing protected areas particularly by implementing Programme Element 2 of the PoWPA on governance, participation, equity and benefit-sharing in transboundary, marine and terrestrial protected areas.

This includes:

- Conducting, in cooperation with Indigenous Peoples, local communities and civil society organizations, an analysis of the impediments to implement and report on Element 2, for discussion during the next COP
- Developing, prioritizing and financing training and capacity-building, particularly of government agencies, for improving governance of protected areas,
- Ensuring that the United Nations Declaration on the Rights of Indigenous Peoples informs the implementation of the PoWPA.

(3) Recognize and Support ICCAs and SNS.

Parties must ensure enabling policies to recognise and support Indigenous Peoples Conserved Territories and Areas Conserved by Indigenous Peoples and Local Communities (ICCAs) and Sacred Natural Sites and landscapes conserved for spiritual, religious, sacred, faith-based and pilgrimage purposes (SNS). Such policies should be based on Free Prior and Informed Consent (FPIC) of relevant Indigenous Peoples and local communities and respect the customary governance systems that have maintained ICCAs and SNS over time

(4) Develop sound and participatory processes for social assessments in protected areas

Parties should adopt a range of social assessment methodologies to address the gap in governance and transparency of reporting. Such reporting should use appropriate indicators to assess the various aspects relating to governance, equity and participation, and build on the work already done by various civil society organizations in this regard. Gender issues should be integrated into these indicators and assessment methods.

Further information

See the publication page of the ICCA Consortium:
www.ICCAforum.org

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Upholding Indigenous Peoples rights and supporting traditional knowledge

Summary

National reports show that Parties have barely implemented the Programme of Work on Article 8(j) and Related Provisions, underlining a need to mainstream support for Indigenous Peoples and local communities in CBD national implementation. Yet CBD implementation would fail without the full and effective participation of Indigenous Peoples and local communities, who live with, manage and nurture biodiversity in forests, drylands, mountains and other ecosystems. Their customary rights to land, territories and resources must be upheld. Parties must take legislative, policy and administrative measures to give effect to their commitments to promote traditional knowledge, while protecting the rights of Indigenous Peoples and local communities in the national implementation of the CBD's Strategic Plan and post-2010 Biodiversity Targets.

A new work programme to enhance customary resource management and sustainable use must be adopted. CBD implementation, including any expansion of Protected Areas, as well as Access and Benefit-sharing arising from the utilization of Genetic Resources and Associated Traditional Knowledge, requires the free, prior, informed consent of the relevant Indigenous Peoples and local communities, and must be consistent with the UN Declaration on the Rights of Indigenous Peoples.

What is at stake?

A crisis of biological and cultural diversity

The integral links between biological and cultural diversity that are central to the customary ways of life of Indigenous Peoples and local communities are becoming increasingly well-documented and understood by policy-makers and practitioners alike. However, pressures ranging from expansion of industrial agriculture, extractive industries, and climate change to urban migration and sedentarisation are having a profoundly negative effect on both biological and cultural diversity.

What is the CBD doing about it?

The CBD explicitly recognizes the role of “indigenous and local communities” in conserving and sustainably using biodiversity, and obliges States to ensure the in situ conservation of the traditional knowledge, innovations, and practices of these communities (Article 8(j)) and to protect and encourage the traditional cultural practices underpinning the customary use of biological resources (Article 10(c)). In doing so, the CBD makes an explicit link between Indigenous Peoples and local communities and the conservation and sustainable use of biodiversity.

The task of articulating and operationalising the rights of Indigenous Peoples and local communities is primarily undertaken by the WG8(j). The WG8(j) is eliciting resolutions and guidelines that are gradually creating a discourse of community rights to their territories, biodiversity, and ways of life. The Akwé: Kon Guidelines on the conduct of social, cultural and environmental impact assessments on developments on the lands of Indigenous Peoples and local communities, as well as the draft Tkarihwaí:ri Ethical Code of Conduct for respecting the cultural and intellectual heritage of Indigenous Peoples and local communities, are prime examples of the emerging discourse on community rights within the CBD.

The WGABS is currently negotiating the International Protocol on Access and Benefit Sharing, which is expected to be adopted at COP 10. While there are still some major outstanding issues, there is a general agreement that Indigenous Peoples and local communities have rights over their knowledge, innovations and practices.¹ Some Parties' domestic legislation also recognize the rights of communities over genetic resources and to give or withhold consent to any use of such knowledge by research or business and the right to share in any benefits that could accrue from the commercial and other utilization of their knowledge.

1 - The traditional knowledge referred to here is 'traditional knowledge associated with genetic resources' which is the dominant interpretation by State Parties of the term 'knowledge, innovations and practices' referred to in Article 8(j) of the CBD.

The WG8(j) and WGABS, among other processes under the CBD, establish strong links between the rights of Indigenous Peoples and local communities to their traditional knowledge and their rights to their lands, ways of life, and natural resources. Procedural and substantive rights such as the right to free, prior and informed consent (FPIC) are increasingly referenced in CBD negotiations, in mutually reinforcing international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples, and in precedent-setting case law rulings such as the recent Endorois Case in Kenya. In doing so, these rights are becoming emerging principles of customary international law.

Information on Briefing Papers

These briefings – the Top 10 Issues for COP 10 - were developed by representatives of civil society and Indigenous Peoples' organizations, facilitated by the CBD Alliance. It should not be understood as representing the position of the CBD Alliance nor civil society in general. Rather it is meant to provide background and current information, as well as some viewpoints on key issues for COP 10. The viewpoints represented in this paper are those of its contributors. As the space for the printed briefings was limited, please find the full-length (referenced) papers, at Undercover COP (www.undercovercop.org)

Stay connected with the negotiations – www.undercovercop.org

Undercovercop is your portal to civil society views and analysis of the CBD negotiations, and will feature up to the minute breaking news and civil society analysis during COP 10. At UndercoverCOP you can download the ECO, the daily newsletter published by the civil society community that cuts right through the bureaucratic United Nations language to the issues and politics at hand, and read other updates and analysis.

On the ground media contacts in Nagoya

Those seeking an on-the-ground contact in Nagoya can find contacts for each issue at the end of each briefing page. Media can also contact the co-coordinator of the CBD Alliance, Jessica Dempsey, who can direct you to appropriate contacts and experts from all over the world. She can be reached on email [jdempsey@interchange.ubc.ca] any time or by phone in Nagoya: 080 5191-6947 (or from outside Japan ++81 080-5191-6947)

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Proposals for COP 10 and beyond

In Nagoya, Parties should:

- Adopt the Multi-year Programme of Work of WG8j, with a focus on Implementation of Article 10c.
- Inclusion of Traditional Knowledge in the CBD Strategic Plan, post-2010 targets and Indicators Relevant for Indigenous Peoples.
- Ensure that the ABS protocol contains explicit recognition that: 1) Indigenous peoples and local communities have rights to determine access to and use of their genetic resources and associated traditional knowledge and these rights are recognized in international law and not entirely subject to national law; and 2) Parties to ensure that Indigenous peoples and local communities prior informed consent (PIC) and mutually agreed terms (MAT) can be enforced through effective compliance mechanisms and access to legal remedies.
- Adopt the draft Tkarihwaí:ri Ethical Code of Conduct and mandate the WG8(j) to further elaborate measures for implementation of the cross-cutting theme of traditional knowledge, innovations, and practices.
- Ensure that the draft joint programme between the CBD and UNESCO fully represents the rights and principles enshrined within Articles 8(j) and 10(c), the Tkarihwaí:ri Ethical Code, and other international instruments such as the UN Declaration on the Rights of Indigenous Peoples.
- Ensure that all negotiations and workshops include Indigenous Peoples and local communities, including establishing National Focal Points to facilitate communications with Indigenous Peoples and local communities, and give special consideration when developing communication, education and public awareness tools.

Further information

International Indigenous Forum on Biodiversity (IIFB): www.iifb.net

Forest Peoples Programme (FPP): www.forestpeoples.org

Natural Justice: www.naturaljustice.org

Third World Network (TWN): www.twinside.org.sg

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