

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Prepared by:

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New Delhi– 110021
(INDIA)**

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LIST OF ABBREVIATIONS

AALCO	Asian-African Legal Consultative Organization
ABS	Access and Benefit Sharing
AOSIS	Association of Small Island States
AWG-LCA	Ad Hoc Working Group on Long-term Cooperative Action (relevant to UNFCCC)
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
BCH	Biosafety Clearing House
CBD	Convention on Biological Diversity
CBDR	(Principle of) Common But Differentiated Responsibilities
COP	Conference of Parties
CMP	Conference of Parties serving as Meeting of Parties
CPB	Cartagena Protocol on Biosafety
CRIC	Committee to Review the Implementation of the United Nations Convention to Combat Desertification
CSD	Commission on Sustainable Development
CST	Committee on Science and Technology (of UNCCD)
EEC	European Economic Community
EU	European Union
G-77	Group of 77
GBO	Global Biodiversity Outlook
GEF	Global Environment Facility
GM	Global Mechanism (relevant to UNCCD)
IEG	International Environmental Governance
ILO	International Labour Organization
KP	Kyoto Protocol
LDC	Least Developed Countries
LMO	Living Modified Organisms (relevant to CBD)
MDGs	Millennium Development Goals
MRV	Monitoring, Reporting and Verification
REDD	Reducing emission from deforestation and forest degradation
SBSTTA	Subsidiary Body for Scientific, Technical and Technological Advice (of CBD)
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environment and Development (or the Earth or Rio Summit)
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
WSSD	World Summit on Sustainable Development (or the Johannesburg Summit)

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

I. INTRODUCTION

A. Background

1. The law relating to “Environment and Sustainable Development” constitutes an important item on the work programme of AALCO. The Organization has been following the developments on this topic for over thirty years now, with the present focus being on the implementation of the three Rio Conventions namely, the: United Nations Framework Convention on Climate Change, 1992 (UNFCCC); Convention on Biological Diversity, 1992 (CBD); and United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994 (UNCCD); and Follow-Up on the progress in the Implementation of the outcome of World Summit on Sustainable Development, 2002 (WSSD).

2. The present Secretariat Report attempts to furnish an overview of the Fifteenth Session of the Conference of Parties to the UNFCCC (COP 15) and Fifth Meeting of Parties to the Kyoto Protocol, (CMP 5) held from 7 to 18 December 2009 at Copenhagen, Denmark and briefly refers to the subsequent negotiations on climate change held from 31 May to 11 June 2010 at Bonn, Germany; Ninth Session of the Conference of Parties to the UNCCD, (COP 9) held from 21 September to 2 October 2009 at Buenos Aires, Argentina; developments relating to the International Year for Biological Diversity, 2010 and issues before the forthcoming Tenth Conference of Parties to the CBD (COP 10), scheduled to take place from 18 to 29 October 2010 at Nagoya, Japan; Eleventh Special Session of the Governing Council of United Nations Environment Programme (UNEP) / Global Ministerial Environment Forum, that took place from 24 to 26 February 2010 at Bali, Indonesia; and Eighteenth Session of the Commission on Sustainable Development (CSD), held from 3 to 14 May 2010 at United Nations Headquarters in New York. Finally, it offers some comments and observations on the agenda item under consideration for the Forty-Ninth Annual Session of the Organization.

3. It is proposed to convene a special meeting on “Environment and Sustainable Development” in conjunction with the Forty-Ninth Annual Session of the AALCO, with the joint collaboration of the Government of Tanzania and the International Council of Environmental Law (ICEL).¹ In view of the critical stage of the on-going climate change negotiations for the “full, effective and sustained implementation” of the UNFCCC “through long-term cooperative action now, up to and beyond 2012”²

¹ The International Council of Environmental Law (ICEL) was founded in 1969 in New Delhi as a public interest organization with the aims of promoting the exchange of information on the legal, administrative and policy aspects of environmental conservation and sustainable development, to support new initiatives in this field, and to encourage advice and assistance through its network. It enjoys consultative status with the United Nations Economic and Social Council. ICEL is a member of the International Union for the Conservation of Nature and Natural Resources (IUCN). For details see: <http://www.i-c-e-l.org/indexen.html>.

² COP 13 and CMP 3 that took place in December 2007 in Bali adopted the Bali Action Plan which established the Ad hoc Working Group on Long-term Cooperative Action under the Convention. (AWG-LCA), with a mandate to focus on key elements of long-term cooperation, identified during the Convention Dialogue: mitigation, adaptation, finance, as well as technology and capacity-building. The

and for “further commitments for Annex I Parties under the Kyoto Protocol”³ the focus of the discussion at this meeting would be on “Climate Change” and the Member States may exchange views on building momentum towards Cancun Climate Change Conference to be held at Cancun, Mexico from 29 November to 10 December 2010.

4. In addition, the other two themes identified for deliberations are: (i) the revised version of the African Convention on the Conservation of Nature and Natural Resources that was adopted by the Assembly of the African Union at Maputo on 11 July 2003. The Revision has been qualified as the youngest and most modern amongst the oldest environmental conventions and as the most global amongst the regional. It has not yet entered into force;⁴ and (ii) the third edition of the Draft International Covenant on Environment and Development.⁵ The objective of the latter instrument is to consolidate major existing and emerging legal principles related to environmental conservation and sustainable development into a draft of an internationally binding legal instrument, thus contributing to the progressive development of international environmental law.

B. Issues for focused Deliberations at the Forty-Ninth Annual Session of AALCO

5. Amongst other issues, the following may be considered as issues for focused deliberations at the Forty-Ninth Annual Session of AALCO:

- the building blocks for a fair, effective, comprehensive and legally binding operational architecture to implement effective, collective climate action beyond 2012, that must contain following essentials:
 - ambitious emission reduction targets for developed countries;
 - nationally appropriate mitigation actions of developing countries;
 - scaling up financial and technological support for both adaptation and mitigation; and
 - an effective institutional framework with governance structures that address the needs of developing countries.
- revised version of the African Convention on the Conservation of Nature and Natural Resources; and
- Draft International Covenant on Environment and Development.

AWG-LCA is currently engaged in the preparation of an outcome for presentation to the COP 16 and CMP 6 scheduled later this year at Cancun, Mexico.

³ In 2005, the first COP serving as the Meeting of Parties to the Kyoto Protocol (CMP 1) established the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on the basis of Article 3 (9) which mandates consideration of Annex I Parties further commitments at least seven years before the end of first commitment period, i.e., 2012. The AWG-KP is also expected to present its outcome to COP 16 and CMP 6.

⁴ The text is available from the website of the African Union: <http://www.africa-union.org>. A Summary of the Revised African Convention on the Conservation of Nature and Natural Resources is contained in Annex II (p. 32) of this Secretariat Report.

⁵ The Draft International Covenant on Environment and Development is available on the website of the ICEL at: <http://www.i-c-e-l.org/indexen.html>. The third edition was presented to the Member States of the United Nations on the occasion of the 59th Session of the United Nations General Assembly in 2005. A Summary of the Draft of the International Covenant on Environment and Development is contained in Annex II (pp. 33-35) of this Secretariat Report.

II. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, 1992 (UNFCCC) AND KYOTO PROTOCOL, 1997 (KP)

A. Background

6. The United Nations Framework Convention on Climate Change (UNFCCC), 1992 and its Kyoto Protocol of 1997 contains the response of international community to meet the challenges posed by the threat of climate change. The UNFCCC was concluded on 9 May 1992 and opened for signature at the United Nations Conference on Environment and Development (UNCED) in June 1992. It entered into force on 21 March 1994 and having attained ratification by 194 State Parties Convention, it has reached universality. The Kyoto Protocol (KP) entered into force on 16 February 2005 and as at 30 June 2010, there were 191 countries and 1 regional economic integration organization (the EEC) that have deposited instruments of ratification, accession, approval or acceptance. The total percentage of Annex I Parties emissions is 63.7 %. However, the largest contributor to the global greenhouse gas emissions, the United States of America, remains outside the Kyoto Protocol.⁶

7. The Conference of Parties (COP) to the UNFCCC and the Meeting of Conference of Parties serving as Meeting of Parties to the Kyoto Protocol (CMP), the supreme decision-making bodies of the Climate Change Convention and the Kyoto Protocol, since the entry into force of these legal instruments have been meeting on an annual basis. As such, until December 2009, fifteen COP meetings and five CMP meetings have taken place.

8. The international community is presently engaged in negotiations for elaborating on a framework of action after 2012, when the Kyoto Protocol's first commitment period expires. It may be recalled that in December 2007, negotiators meeting at the United Nations Climate Change Conference in Bali had approved the Bali Action Plan (BAP) and Roadmap setting the Fifteenth meeting of Conference of Parties (COP 15) in December 2009 at Copenhagen as the deadline for agreeing on a framework for action after 2012. The plan laid out the four-fold action roadmap for climate change action – mitigation, adaptation, technology and finance. It was essentially a mandate to finalize two things: one, the emission reduction commitments of industrialized countries for the second phase of the Kyoto Protocol, and two, the global goals for long-term cooperative action until 2050. These negotiations were to conclude at Copenhagen.

B. Fifteenth Conference of Parties to the UN Framework Convention on Climate Change and Fifth Meeting of Parties to the Kyoto Protocol (7 to 18 December 2009, Copenhagen, Denmark)

9. With a heightened expectation, for the shaping of an effective response to climate change, the Copenhagen United Nations Climate Change Conference met in the Danish capital from 7 to 19 December 2009. 119 world leaders attended the meeting, making it the largest gathering of heads of state and governments in the

⁶ The status of ratification of these instruments is drawn from the website: <http://treaties.un.org/Home.aspx> (last accessed on 29 June 2010). For participation of AALCO Member States in the Climate Change regime see Table 1 in Annex I.

history of the United Nations.⁷ This amply demonstrates that climate had moved to the top of international political agenda. In addition, more than 40,000 people representing governments, non-governmental organizations, intergovernmental organizations, media and UN agencies registered for the Conference, making Copenhagen one of the largest environmental meetings in the history. The highlight of the Conference was the political agreement entitled “Copenhagen Accord” of 18 December 2009, of which the Conference of the Parties took “note of”. By the Copenhagen Accord countries have agreed to cap the global temperature rise by committing to significant emission reductions, and to raise finance to kickstart action in the developing world to deal with climate change. It was supported by a majority of countries. This section of the Secretariat Report seeks to present a brief overview of the COP-15 and CMP-5.⁸

10. Ms. Connie Hedegaard, the Danish Minister for the United Nations Climate Change Conference in Copenhagen 2009 was elected as the President of the Conference. At the start of the high-level segment, Mr. Lars Løkke Rasmussen, the Prime Minister of Denmark replaced Ms. Hedegaard. Following were elected as the Vice-Presidents **Mr. Lumumba Stanislaus-Kaw Di-Aping (Sudan)**, **Mr. Mohammad Al-Sabban (Saudi Arabia)**, **Mr. Rae-Kwon Chung (Republic of Korea)**, Mr. Philip Weech (Bahamas), Mr. Luis Alfonso de Alba Góngora (Mexico), Mr. Oleg Shamanov (Russian Federation), and Mr. Collin Beck (Solomon Islands).⁹

11. **High-Level Event:** The High-Level Event of the Meeting took place from 15 to 19 December 2009 and was chaired by Lars Løkke Rasmussen, the Prime Minister of Denmark. At the opening of the high-level segment, on 15 December, Rasmussen, said the presence of so many distinguished guests shows promise for an ambitious, fair and effective climate deal. He noted that “the world is literally holding its breath” and called on world leaders to translate the current political momentum into “a decisive moment of change.” UN Secretary-General Ban Ki-moon noted the long road to this “defining moment” and said that “we are here today to write a different future.” He called for a fair, ambitious and comprehensive agreement, specifying that this means: more ambitious mid-term mitigation targets from industrialized countries; more action by developing countries to limit emissions for all countries; financing and technology support; and transparent and equitable governance. He stressed financing as a key, welcoming the emerging consensus among developed countries to provide approximately US\$10 billion annually for the next three years to the Copenhagen Launch Fund. He underlined that the goal is to lay the foundation for a legally-binding climate treaty as early as possible in 2010, and said that until such an agreement is reached “the Kyoto Protocol remains the only legally-binding instrument that captures reduction commitments” and that “as such it must be maintained.”

⁷ “Copenhagen United Nations Climate Change Conference ends with political agreement to cap temperature rise, reduce emissions and raise finance”, *UNFCCC Secretariat Press Release*, 19 December 2009.

⁸ This section of the Report is based upon information drawn from: UNFCCC, *Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009*, FCCC/CP/2009/11 and Add. 1, dated 30 March 2010; the “Summary of the Copenhagen Climate Change Conference: 7-19 December 2009, *Earth Negotiations Bulletin*, vol. 12, no. 459, dated 22 December 2009, available online at <http://www.iisd.ca/climate/cop15/>.

⁹ The names of the representatives of AALCO Member States are indicated in bold.

12. Wangari Maathai, Nobel Peace Laureate and UN Messenger of Peace, noted that no conference ends with “a perfect document” and stressed the need to find common ground based on fairness, honesty, transparency and responsibility. She called on delegates to overcome “a legacy of mistrust,” highlighting the need for a Copenhagen agreement to provide a governance structure based on accountability between donors and beneficiaries.

13. The announcement, on 16th December by the Presidency of plans to table a package for the outcome, consisting of two texts led to the raising of points of order by several parties, as the texts proposed by the *Ad hoc* Working Group on Long-Term Cooperative Action (AWG-LCA’s report) had not been considered by the COP Plenary. Brazil, supported by China, said preparing new texts and focusing subsequent discussions on how to take them forward created the impression that text negotiated by parties would not form the basis of further work. China identified the issue as “one of trust between the host country and parties,” noting that the procedure had not been transparent. He stressed that “the only legitimate basis” for an outcome from Copenhagen is an outcome from the AWGs and the Presidency could not “put forward text from the sky.” India underscored that only the AWG-LCA and *Ad hoc* Working Group on Kyoto Protocol’s (AWG-KP) texts negotiated by parties should guide further negotiations. The Maldives proposed moving forward by considering the new texts proposed by the COP Presidency.

14. Sudan, for the G-77/China, emphasized that parties had agreed on a two-track, party-driven, transparent negotiating process and were not ready to “rubber stamp text coming out of the blue.” Ecuador drew attention to “serious procedural problems,” highlighting lack of transparency and inclusiveness. South Africa recalled the COP Presidency’s undertaking to ensure a party-driven process. Bolivia said the problem was one of substance, not just procedure, highlighting that the Danish texts did not reflect the outcome of a democratic or participatory process.

15. During the high-level segment, statements were made by 167 Parties, of which 85 were given by Heads of State or Government, 13 were given by either Vice-Presidents or Deputy Prime Ministers, 58 were given by ministers, 11 were given by Party representatives, and one was given by an observer entity.¹⁰

16. Sudan, for the G-77/ China, stressed the need to maintain a two-track outcome under the AWG-KP and AWG-LCA, establish a second commitment period under the Kyoto Protocol on the basis of comparable and ambitious emission reductions, and respect the Convention’s principles of equity and common but differentiated responsibilities and respective capabilities.

17. Ethiopia, for the African Group, noted the importance of Africa speaking with one voice, and outlined a short-term finance proposal that includes: US\$10 billion per year for 2010-2012; a board of trustees with representatives from an equal number of

¹⁰ Representatives of following AALCO Member States made statements: Bahrain, Bangladesh, Botswana, Cameroon, Cyprus, Egypt, Gambia, Ghana, India, Indonesia, Islamic Republic of Iran, Japan, Jordan, Malaysia, Kenya, Kuwait, Lebanon, Mauritius, Myanmar, Nepal, Nigeria, Pakistan, Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Sudan, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Syrian Arab Republic, Yemen, Turkey, Uganda, and United Republic of Tanzania.

donor and recipient countries; 40% of funds earmarked for Africa; and a committee of experts to facilitate the launch of the fund. On long-term financing he said, inter alia, that US\$100 billion per year by 2020 would be required with at least 50% earmarked for the LDCs and SIDS, and that Africa's share should be administered by the African Development Bank.

18. Grenada, for Association of Small Island States (AOSIS), called on all countries to work together to ensure that the Copenhagen outcomes fulfill the hopes and aspirations of millions of people "depending on us to do the right thing to help them stay alive." It stressed that all countries must take "strong measures" to achieve needed emission reductions to achieve the goal of limiting temperature increase to well below 1.5°C and atmospheric greenhouse gas concentrations to below 350 ppm, in accordance with their common but differentiated responsibilities.

19. Lesotho, for the Least Developing Countries (LDCs), noted progress by LDCs in developing their National Adaptation Programme of Action (NAPAs) and called for scaling up accessible, predictable and sustainable finance for LDCs that is additional to official development assistance.

20. Sweden, for the European Union (EU), urged parties not to leave Copenhagen without a legally-binding, ambitious, global and comprehensive agreement for all countries, including actions from developed countries and emerging economies. It called on the United States of America to adopt legally-binding, economy-wide emission reduction commitments and on China to adopt binding actions, urging these countries to "unleash their full potential" to enable the world to achieve the objective of limiting the global temperature increase to below 2°C.

21. Australia, for the Umbrella Group, called for an agreement delivering an environmental outcome and with legally-binding commitments for all major economies in order to realize a 50% reduction in global emissions by 2050. It highlighted the core element of mobilizing US\$120 billion from public and private sources, including carbon markets, particularly for vulnerable and LDCs.

22. **Host Government informal high-level event:** On Friday, 18 December, at the invitation of the host country, an informal high-level event was convened by the Prime Minister of Denmark, at which the Secretary-General of the United Nations and a limited number of Heads of State and Government, representing all groups and regions, spoke on global issues. Statements were made by Mr. Rasmussen and Mr. Ban ki-Moon followed by: **Mr. Wen Jiabao, Premier of the State Council, China;** Mr. Luiz I. Lula da Silva, President, Brazil; Mr. Barack Obama, President, United States of America; Mr. Pakalitha Bethuel Mosisili, Prime Minister, Lesotho; Mr. Alvaro Uribe Velez, President, Colombia; **Mr. Manmohan Singh, Prime Minister, India;** Mr. Dmitry A. Medvedev, President, Russian Federation; **Mr. Myung-Bak Lee, President, Republic of Korea;** Mr. Meles Zenawi, Prime Minister, Ethiopia; **Mr. Jacob Zuma, President, South Africa;** **Mr. Yukio Hatoyama, Prime Minister, Japan;** Mr. Tillman Thomas, Prime Minister, Grenada; Mr. Fredrik Reinfeldt, Prime Minister, Sweden; **Mr. Nafie Ali Nafie, Assistant President, Sudan;** Mr. José Manuel Barroso, President, European Commission; Mr. Juan Evo

Morales Ayma, President, Bolivia (Plurinational State of); and Mr. Hugo Chávez Frías, President, Venezuela (Bolivarian Republic of).¹¹

23. **Adoption of Copenhagen Accord:** On 18–19 December, the President informed the Parties that he had held consultations with a broad group of Heads of State and Government and other heads of delegation attending the conference during the high-level segment. Through these consultations, the Copenhagen Accord, as contained in document FCCC/CP/2009/L.7, was developed. In presenting this document, the President noted that the text of the COP and CMP versions of the Copenhagen Accord was the same and he invited Parties to reflect on the proposals contained therein in their respective regional groups. He requested Parties to report back to him with a view to determining what action to take on the Copenhagen Accord. Following the proposal by the President, statements and some points of order were made by 40 Parties, including one speaking on behalf of the African Group, one speaking on behalf of AOSIS, one speaking on behalf of the European Union and its member States and one speaking on behalf of the least developed countries.

24. Many Parties expressed concerns regarding the process by which the Copenhagen Accord was negotiated and presented. A number of Parties expressed their formal objection to the Copenhagen Accord, either for reasons of its substantive content or the process of its negotiation. Many Parties stated their support for the Copenhagen Accord. Having heard the statements by Parties, the President noted that there was no consensus to adopt the Copenhagen Accord and proposed a brief suspension to hold informal consultations with Parties.

25. Following extensive informal consultations with Parties, the President proposed that the COP adopt a decision whereby the COP takes note of the Copenhagen Accord of 18 December 2009.¹² The President also stated that attached to the decision would be the Copenhagen Accord itself and that the list of those agreeing to the Copenhagen Accord would be specified in the title. On this basis, the COP adopted this decision.

26. On the basis of proposals by Parties and at their request, the UNFCCC Secretariat summarized its understanding of the discussion with a view to clarifying the way forward. Firstly, the names of Parties agreeing to the Copenhagen Accord or wishing to be associated with it would be listed in the chapeau of the Copenhagen Accord. Secondly, this list of countries would remain open until the finalization of the report on the session, after which an up-to-date list would be maintained on the UNFCCC website. Thirdly, no Party's name should be included in the list without that Party having confirmed the inclusion in writing.¹³

¹¹ The names of Head of State or Government of AALCO Member States is indicated in bold.

¹² The Conference was unable to “adopt” the Accord due to objections by a group of countries led by Sudan, Venezuela, Bolivia and Nicaragua, which refused to join the consensus, arguing that the negotiation of the Copenhagen Accord by a smaller group represented a “coup d’etat” against the United Nations because it bypassed the formal meetings.

¹³ The chapeau of the Copenhagen Accord lists the following Parties agreeing to the Accord: Albania, Algeria, Armenia, Australia, Austria, Bahamas, **Bangladesh**, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, **Botswana**, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Central African Republic, Chile, **China**, Colombia, Congo, Costa Rica, Côte d’Ivoire, Croatia, **Cyprus**, Czech Republic, Democratic Republic of Congo, Denmark, Djibouti, Eritrea, Estonia, Ethiopia, European Union, Fiji, Finland, France, Gabon, Georgia, Germany, **Ghana**, Greece, Guatemala, Guinea, Guyana,

27. Following the adoption of the decision and the clarification on the Copenhagen Accord, statements were made by representatives of 27 Parties, including one speaking on behalf of the African Union, one speaking on behalf of AOSIS and one speaking on behalf of the European Union and its member States. A statement was also made by the Secretary-General of the United Nations, Mr. Ban ki-Moon.

28. **Copenhagen Accord:** The Copenhagen Accord of 18 December 2009 is a political rather than a legal document, negotiated by a group of about twenty-five heads of state, heads of government, ministers, and other heads of delegations, of which the Conference of Parties took “note of”.¹⁴ The Accord is in pursuit of the ultimate objective of the Convention as stated in its Article 2, i.e., “stabilization of greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It is guided by the principles of the Convention, and has become “operational immediately”. Key elements of the Accord include the following:

29. *Long-term vision* – The Copenhagen Accord underlines that “climate change is one of the greatest challenges of our times” and emphasizes upon “strong political will” to “urgently combat climate change in accordance with the principle of common but differentiated responsibilities”. It recognizes the scientific view that the increase in global temperature should be below 2 degrees Celsius, and take action to meet this objective consistent with science and on the basis of equity.

30. *Developed country mitigation* – The Copenhagen Accord establishes a process by which each Annex I party commits to implement individually or jointly the quantified economy-wide emission targets. They can set out their own target level, base year and accounting rules, and to submit its target in a defined format, for compilation by the UNFCCC Secretariat.¹⁵ Under the terms of the Accord, the

Hungary, Iceland, **India**, **Indonesia**, Ireland, Israel, Italy, **Japan**, **Jordan**, Kazakhstan, Kiribati, Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxemburg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Monaco, Mongolia, Montenegro, Morocco, Namibia, **Nepal**, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, **Republic of Korea**, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, **Senegal**, Serbia, **Sierra Leone**, **Singapore**, Slovakia, Slovenia, **South Africa**, Spain, Sweden, Swaziland, Switzerland, The Former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Tunisia, **United Arab Emirates**, United Kingdom of Great Britain and Northern Ireland, **United Republic of Tanzania**, United States of America, Uruguay, Zambia. Since the issuance of the report of the COP on its fifteenth session, the UNFCCC Secretariat has received communications from the following Parties expressing their intention to be listed as agreeing to the Accord: Afghanistan, Antigua and Barbuda, Barbados, Belize, **Brunei Darussalam**, Burundi, **Cameroon**, Cape Verde, Chad, Gambia, Guinea-Bissau, Jamaica, **Kenya**, Liberia, **Mauritius**, Mozambique, **Nigeria**, Timor-Leste, Togo, **Uganda**, Ukraine, Viet Nam. The names indicated in bold are of AALCO Member States.

¹⁴ UNFCCC, *Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009* (Part Two: Action taken by the Conference of Parties at its fifteenth session), FCCC/CP/2009/11/Add. 1, dated 10 March 2010, pp. 4-7.

¹⁵ Appendix I of the Copenhagen Accord provides the format for the “Quantified economy-wide emissions targets for 2020 for Annex I Parties. Until 30 June 2010, Australia, Belarus, Canada, Croatia, EU and its Member States (Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland, Sweden, United Kingdom) acting in common and Denmark, Iceland, Japan, Kazakhstan, Liechtenstein, Monaco, New Zealand, Norway, Russian Federation, Switzerland, Ukraine and United States of America. It may be noted that currently, not all

commitment to implement their targets, individually or jointly, is subject to international monitoring, reporting and verification (MRV).

31. *Developing country mitigation* – As with developed country emissions targets, the Copenhagen Accord establishes a process by which developing countries will submit their mitigation actions in a defined format, for compilation by the UNFCCC Secretariat.¹⁶ It provides that developing countries will submit greenhouse gas inventories every two years, that developing country mitigation action will be subject to domestic MRV, and that the results of this domestic MRV will be reported in biennial national communications, which will be subject to “international consultations and analysis under clearly defined guidelines.” The Copenhagen Accord also establishes a registry for listing nationally appropriate adaptation and mitigation actions (NAMAs) for which international support is sought, and provides that supported NAMAs will be subject to international MRV in accordance with COP guidelines.

32. *Financial assistance* –The Copenhagen Accord creates a “collective commitment” for developed countries to provide “new and additional resources . . . approaching \$30 billion” for the 2010-2012 period, with balanced allocation between adaptation and mitigation, and sets a longer-term collective “goal” of mobilizing \$100 billion per year by 2020 from all sources, but links this money to “meaningful mitigation actions and transparency on implementation”. It also calls for governance of adaptation funding through equal representation by developing and developed country parties. Finally, it calls for the establishment of a Copenhagen Green Climate Fund as an operating entity of the UNFCCC’s financial mechanism, as well as a High Level Panel to consider potential sources of revenue to meet the \$100 billion per year goal.

33. *Forestry* –The Copenhagen Accord recognizes the crucial role of reducing emission from deforestation and forest degradation and the need to enhance removals of greenhouse gas emissions by forests and agrees on the “need to provide positive incentives,” to such actions through the “immediate establishment” of a mechanism to help mobilize resources known as REDD-plus, to enable the mobilization of financial resources from developed countries.

34. *Monitoring, reporting and verification (MRV)* – The Copenhagen Accord calls for “rigorous, robust and transparent” MRV of Annex I emissions reductions and financing, “in accordance with existing and any further guidelines adopted by the COP.” Likewise, the NAMAs developing countries will also be subject to

EU Member States are Annex I Parties. The above information is compiled from: <http://unfccc.int/home/items/5264.txt.php> (last accessed on 30 June 2010).

¹⁶ Appendix II of the Copenhagen Accord provides for format for reporting the “Nationally appropriate mitigation actions of developing country Parties”. Until 30 June 2010, following non Annex I Parties had provided information to the UNFCCC Secretariat: Afghanistan, Antigua and Barbuda, Armenia, Benin, Bhutan, **Botswana**, Brazil, **Cameroon**, Central African Republic, **China**, Congo, Costa Rica, Cote d’Ivoire, Ethiopia, Eritrea, Gabon, Georgia, **Ghana**, **India**, **Indonesia**, Israel, **Jordan**, Madagascar, Maldives, Marshall Islands, Mauritania, Mexico, **Mongolia**, Morocco, Papua New Guinea, Peru, **Republic of Korea**, Republic of Moldova, San Marino, **Sierra Leone**, **Singapore**, **South Africa**, The former Yugoslav Republic of Macedonia, Togo and Tunisia. The above information is compiled from: <http://unfccc.int/home/items/5265.txt.php> (last accessed on 30 June 2010). The names of AALCO Member States are indicated in bold.

international MRV “in accordance with guidelines adopted by the COP,” while the “autonomous” mitigation actions will be verified nationally and reported in national communications every two years and subject to “international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected.”

35. **Decisions adopted by COP-15:** The meeting adopted the following decisions: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention; Copenhagen Accord; Amendment to Annex I to the Convention Methodological guidance for activities relating to reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries; Work of the Consultative Group of Experts on National Communications from Parties not included in Annex I to the Convention; Fourth review of the financial mechanism; Additional guidance to the Global Environment Facility; Capacity-building under the Convention; Systematic climate observations; Updated training programme for greenhouse gas inventory review experts for the technical review of greenhouse gas inventories from Parties included in Annex I to the Convention; Administrative, financial and institutional matters; Programme budget for the biennium 2010–2011; and Dates and venues of future sessions.

36. **Decisions adopted by CMP-5:** The meeting adopted the following decisions: Outcome of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol; Further guidance relating to the clean development mechanism; Guidance on the implementation of Article 6 of the Kyoto Protocol; Report of the Adaptation Fund Board; Review of the Adaptation Fund; Compliance Committee; Capacity-building under the Kyoto Protocol; Updated training programme for members of expert review teams participating in annual reviews under Article 8 of the Kyoto Protocol; Administrative, financial and institutional matters; Programme budget for the biennium 2010–2011.

37. **Dates and venue of future sessions:** COP-16 and CMP-6 would take place in Cancun, Mexico from 29 November to 10 December 2010. COP-17 and CMP-7 would take place in South Africa from 28 November to 9 December 2011. In keeping with the rotation among regional groups, the President of COP 18 and CMP-8 (to be held in 2012) will come from the Asian group, therefore interested State Parties have to make offer in this regard.

C. Bonn Climate Change Talks (31 May to 11 June 2010, Bonn, Germany)

38. The Bonn Climate Change Talks took place from 31 May to 11 June 2010 in Bonn, Germany. The meeting included the 32nd sessions of the Subsidiary Bodies of the UNFCCC, the tenth session of the *Ad Hoc* Working Group on Long-term Cooperative Action under the UNFCCC (AWG-LCA) and the twelfth session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP). The focus of the work of the AWG-LCA was to draft a negotiating text for long-term global solution to the climate challenge. It undertook detailed discussions on reducing greenhouse gases, adapting to the inevitable effects of climate change, the transfer of clean technology, reducing emissions from deforestation and capacity building, along with financial and institutional

arrangements. A revised version of the negotiating text would be considered by the next negotiating session. The focus of AWG-KP work was on emission reduction commitments for the 37 industrialized countries that have ratified the Kyoto Protocol for the period beyond 2012. The group commenced work on turning the emission reduction pledges that developed countries made since Copenhagen into targets that can be formally compared in a UN negotiating text. The next UNFCCC negotiating session is scheduled to take place from 2 to 6 August 2010 in Bonn, followed by a second one-week intersessional meeting (precise location and date yet to be agreed) before the UN Climate Conference to be held from 29 November to 10 December in Cancun.¹⁷

¹⁷ Information mentioned in this section is drawn from *UNFCCC Press Releases*, “Second round of Bonn UN Climate Change Talks in 2010 designed to pave way for full implementation of climate change action across the globe”, 31 May 2010; “Bonn climate talks make progress on fleshing out specifics of global climate change regime”, 11 June 2010 and “Summary of Bonn Climate Change Talks: 31 May -11 June 2010”, *Earth Negotiations Bulletin*, vol. 12, no. 472, available online at <http://www.iisd.ca/climate/sb32/>.

III. UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA, 1994 (UNCCD)

A. Background

39. The United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and Desertification, Particularly in Africa (UNCCD or CCD) was adopted on 17 June 1994 and opened for signature at Paris in October 1994. The Convention entered into force on 26 December 1996 and as at 30 June 2010, there were 194 State Parties to the UNCCD.

40. The Convention provides for an integrated approach to combat desertification and mitigate the effects of drought in the countries, especially in Africa, by advocating effective action at all levels supported by regional and international co-operation. The Convention also contains “Regional Implementation Annexes” for Africa, Asia, Latin America and the Caribbean, and the Northern Mediterranean. A fifth annex for Central and Eastern Europe was adopted at COP-4 in December 2000.

41. The Conference of Parties (COP) is the supreme body of the Convention. A Committee on Science and Technology (CST), established under the Convention as a subsidiary body of the COP is entrusted with the task of providing information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought, while another subsidiary body is the Committee for the Review of the Implementation of the Convention.

B. Ninth Session of the Conference of Parties to the UNCCD (21 September to 2 October 2009, Buenos Aires, Argentina,)

42. The ninth session of the Conference of the Parties (COP 9) to the United Nations Convention to Combat Desertification (UNCCD) convened in Buenos Aires, Argentina, from 21 September to 2 October 2009, along with the eighth session of the Committee for the Review of the Implementation of the Convention (CRIC 8) and the ninth session of the Committee on Science and Technology (CST 9). This was the first COP following the adoption of the ten-year strategic plan and framework for the implementation of the Convention (2008- 2018) in 2007 at COP-8 held in Madrid, Spain.¹⁸

43. The Conference elected, by acclamation, H.E. Mr. Homero Máximo Bibiloni, Secretary for Environment and Sustainable Development of Argentina, as President of the ninth session of the Conference of the Parties. Following were elected as Vice-Presidents: **Mr. Stephen Muwaya (Uganda)**, Mr. Sandjima Dounia (Chad), **Mr. Xian Liang Yi (China)**, **Mr. Naser Moghaddasi (Islamic Republic of Iran)**, Mr. Yuriy Kolmaz (Ukraine) Mr. Giorgi Kolbin (Georgia) Mr. Alejandro Jacques

¹⁸ Information mentioned in this section is drawn from UNCCCD, *Report of the Conference of the Parties on its ninth session, held in Buenos Aires from 21 September to 2 October 2009*, ICCD/COP (9)/18, and ICCD/COP (9)/18/Add. 1 dated 18 November 2009 and “Summary of the Ninth Conference of Parties to the UN Convention to Combat Desertification: 21 September – 2 October 2009”, *Earth Negotiations Bulletin*, vol. 4, no. 229, dated 5 October 2009, available online at <http://www.iisd.ca/desert/cop9/>.

(Mexico) Ms. Christine Dawson (United States) Mr. Franz Breitweiser (Austria) and Vice-President-cum-Rapporteur: Mr. Naser Moghaddasi (Islamic Republic of Iran). The Conference also elected **Mr. Klaus Kellner (South Africa)** as Chairman of the Committee on Science and Technology.¹⁹

44. **High-Level Segment:** The high-level segment of COP-9 was held on 28 and 29 September 2009 in Buenos Aires, Argentina. It presented itself as a demonstration of the Parties' commitment to defining the axes of the UNCCD, as it marked the launching pad for the implementation of the 10-year strategic plan and framework to enhance the implementation of the Convention (The Strategy). The vision of the Parties that is sought to be realized through the implementation of the Strategy is stated as follows: "The aim for the future is to forge a global partnership to reverse and prevent desertification/land degradation and to mitigate the effects of drought in affected areas in order to support poverty reduction and environmental sustainability".

45. On the occasion of the high-level segment, Ministers and heads of delegation and international organizations held a plenary session in the form of three ministerial round tables in a participative mode. Political authorities introduced matters and discussed real responses to emerging challenges as they relate to desertification/ land degradation and drought. There were three round-table discussions:

- (a) Round table 1: The global trends of desertification, land degradation and drought - liaison with other problems and challenges for decision makers and stakeholders;
- (b) Round table 2: Desertification/land degradation and climate change - what role for the land in the ongoing negotiations for a new climate change regime at Copenhagen?
- (c) Round table 3: Partnerships and institutions for combating desertification, land degradation and drought - the path to improvement.

46. These themes can be successfully addressed only by taking an integrated approach, which addresses the physical, biological, socio-economic and cultural aspects of drylands. The UNCCD is a unique instrument in that it incorporates both environmental and social elements. It is therefore paramount that a robust scientific underpinning, based on expertise from relevant scientists, has to be supported in the context of efforts to implement the Convention.

47. The speakers during the High Level Segment agreed that the UNCCD and the 10-year Strategy offer a unique opportunity for the consolidation and convergence of United Nations entities towards a cooperative partnership to address drylands. Addressing desertification issues is one of the most important ways to combat climate change. Potential synergies and benefits from future adaptation strategies should focus on land and soils. Linkages between desertification and climate change should be fully recognized through adaptation and soil carbon sequestration, bearing in mind the specific mandates of each convention.

48. Building on the outcome and recommendations from the UNCCD 1st Scientific Conference, a more robust and regionally balanced scientific underpinning should be based on expertise from multiple relevant scientific, social-scientific and

¹⁹ The names of representatives of AALCO Member States is indicated in bold.

economic disciplines. Future science-policy work should address the key topics of poverty eradication, water scarcity, food security and forced migration. Measurable monitoring and assessment systems should be developed that support early warning and drought monitoring systems.

49. Food security remains an increasingly urgent and critical problem on the international agenda. Strategies to address food security, energy security, water security, poverty alleviation, climate change and biodiversity require an integrated approach to sustainable land management issues that addresses both environmental and social elements. Sustainable use of drylands should serve multiple functions for the global good. The challenges linked to the sustainability of drylands should be encouraged by the creation of innovative approaches to medium- and long-term financial arrangements that include public-private-community partnerships.

50. Drylands should be viewed from a new value system. This requires a strengthened synergy and cooperation with UNFCCC and CBD. Renewable energy is an important potential tool to solve development problems, climate change, desertification and food security. Promoting investment, combined with a renewed synergy of Rio conventions can produce holistic and robust strategies, strategic partnerships and cooperative frameworks.

51. The highlights of COP-9 include, the agreement amongst the Parties on 4-year Work Plan and 2-year Work Programme. Further, the Committee on Science and Technology met for the first time as the UNCCD Scientific Conference. The adoption of message by the High-Level Segment to the Copenhagen Climate Change was noteworthy, as it sought to convey the message on the relevance of land within the new climate regime. Further, the decision to monitor progress in the implementation of the 10-year Strategy by adopting eleven impact indicators to monitor and assess the UNCCD's strategic objective is significant. These eleven indicators include two mandatory indicators, one, proportion of population in affected areas living above the poverty line; and two, land cover status. The nine optional indicators are likely to be refined further. The tenth session of the Conference of the Parties shall be held in Changwon City, Gyeongnam Province, Republic of Korea in autumn 2011.

IV. CONVENTION ON BIOLOGICAL DIVERSITY, 1992 (CBD) AND CARTAGENA PROTOCOL ON BIOSAFETY, 2000 (CPB)

A. Background

52. The Convention on Biological Diversity (the Convention or CBD) entered into force on 29 December 1993 and as of 30 June 2010, the Convention has 193 State Parties and 168 signatories. The CBD has three objectives; one, the conservation of biological diversity; two, the sustainable use of its components; and three, fair and equitable sharing of benefits arising out of the utilization of the genetic resources. As per the language of the Convention, the term ‘equitable sharing’ includes appropriate access to genetic resources, as well as appropriate transfer of technology, taking into account all rights over those resources and to technologies, and by appropriate funding.²⁰ The CBD has a two-fold approach, wherein apart from providing for access to genetic resources and transfer of technologies that are relevant to the conservation and sustainable use of biological diversity; it also intends to ensure the development of appropriate procedures to enhance safety of biotechnology in the context of its objective to eliminate potential threat to biological diversity.

53. Since its entry into force, nine sessions of the Conference of Parties (COP) and two Extraordinary sessions of the COP to the CBD have been held and a number of important decisions on different topics such as establishment of the Clearing-House Mechanism (CHM) and the Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA); designation of the Global Environment Facility (GEF) as the interim financial mechanism; designation of Montreal, Canada as the permanent location for the Secretariat; access and benefit sharing (ABS); programme of work on marine and coastal biodiversity; inland water ecosystems; agricultural and forest biodiversity national Reports; access to genetic resources; alien species; biodiversity and tourism etc., have been adopted.

54. The Second Extraordinary Meeting of the COP in January 2000 adopted the Cartagena Protocol on Biosafety (the Protocol or CPB). The Protocol addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have an adverse effect on biodiversity by establishing an advanced informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment. It also incorporates the precautionary principle and mechanisms for risk assessment and management, and establishes a Biosafety Clearing House (BCH) to facilitate information exchange. The Protocol entered into force on 11 September 2003 and as on 30 June 2010 has 159 State Parties.

B. International Year for Biological Diversity, 2010

55. The International Day of Biodiversity (IDB) is celebrated on May 22 worldwide. The theme for year’s IDB was “Biodiversity for Development and Poverty Alleviation: Recognizing the role of Biodiversity for Human Well-Being”. The Year 2010 is being celebrated as the International Year for Biological Diversity and it was explained by the Executive Secretary of the CBD, that the objective was ‘to establish a global alliance for protecting life on Earth with the full engagement of all

²⁰ Article 1 of the Convention on Biological Diversity, 1992.

stakeholders without exception'.²¹ For realizing the same, a summit of Heads of State and Government would meet during the sixty-fifth session of the United Nations General Assembly on 22 September 2010.

56. The year 2010 marked as the International Year of Biodiversity holds significance in terms of being the edifice for formulating a global strategy for addressing the issue of biodiversity over the next decade and a biodiversity vision for the coming fifty years. The two major events, that would champion this agenda would be when the world leaders meet for the United Nations General Assembly in September, and then later in Nagoya, Japan for the Tenth Conference of the Parties to the Convention on Biological Diversity. Further, this theme is particularly pertinent in 2010 because Parties to the CBD had in 2002 committed to achieve by 2010 a significant reduction of the current rate of biodiversity loss as a contribution to poverty alleviation and to the benefit of all life on Earth. This was termed as 2010 Biodiversity Target and due to the importance in poverty alleviation, it was incorporated in the Plan of Implementation of the World Summit on Sustainable Development (WSSD) adopted in Johannesburg in September 2002 and subsequently endorsed by the United Nations General Assembly. Thereafter, the 2010 Biodiversity Target was incorporated as a new target under Goal 7 (to “ensure environmental sustainability”) of the Millennium Development Goal (MDG).

57. The contribution of biodiversity towards human and economic well-being is significant, because it supports the development of sectors like agriculture, fisheries, forestry and tourism. Sustainable use of them would be beneficial to people across the globe with ways to reduce poverty and economic development. The conservation, sustainable use, and equitable sharing of the benefits of biodiversity require integration across policy reforms and institutional strengthening. The main thrust of these claims is on the need for the government to incorporate their sustenance through adequate developmental and biodiversity conservation policies and strategies. Briefly, the intention of International Year of Biodiversity is to raise awareness of the importance of biodiversity, to communicate the human costs of its ongoing loss, and to get people, and in particular young people and children, involved in efforts to conserve and sustainably use our natural heritage.

C. Issues before the forthcoming Tenth Conference of Parties to the CBD (18 to 29 October 2010, Nagoya, Aichi Prefecture, Japan)

58. Looking forward to the Tenth Conference of Parties (COP-10) to the CBD scheduled to be held in Nagoya, Japan during October 2010, the issues which are pertinent for meeting the objectives of the CBD are mainly categorized as: (i) International Regime on Access and Benefit-sharing, (ii) Progress toward the 2010 biodiversity target, including national reports and the Global Biodiversity Outlook, and (iii) Revised Strategic Plan, biodiversity target and indicators. The issues for in-depth discussion during the COP would be (i) Inland waters biodiversity, (ii) Marine and coastal biodiversity, (iii) Mountain biodiversity, (iv) Protected areas, (v) Sustainable use of biodiversity, and (vi) Biodiversity and climate change. The other substantive issues arising from the decisions of the COP that would be deliberated are

²¹ Statement by Mr. Ahmed Djoghlaif, the Executive Secretary of the Convention on Biological Diversity on the occasion of the International Day for Biodiversity, 22 May 2010, Nairobi, Kenya.

(a) Agriculture biodiversity, (b) Biodiversity of dry and sub-humid lands, Forest biodiversity, (c) Biofuels and biodiversity, (d) Invasive alien species, (e) Global Taxonomy Initiative, (f) Article 8(j) and related provisions, (g) Incentive measures, and (f) New and emerging issues.

59. *International Regime on Access and Benefit-sharing*: Pursuant to the ninth meeting of the *Ad Hoc* Open-ended Working Group on Access and Benefit-sharing (ABS) of the CBD held in March 2010, in Santiago de Cali, Colombia, it was decided to put forth for the consideration of the forthcoming Nagoya Summit on Biodiversity a “Revised Draft Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From their Utilization to the CBD” (Draft Protocol on ABS)²². Since, there was a deadlock in this matter, the session would be resumed in July 2010 and the Draft Protocol on ABS would be forwarded²³. The key issues that were discussed were in relation to benefit-sharing, derivatives, technology transfer, compliance, temporal application of benefit-sharing, relationship with other agreements, non-parties, and financial mechanisms/ financial resources.

60. The preamble of the Draft Protocol on ABS states that it recognizes the diversity of circumstances in which traditional knowledge (TK) associated with genetic resources is owned, held and developed by Indigenous and Local Communities (ILCs); and gives importance to attain legal certainty. Also, taking into account ILCs’ existing rights to genetic resources and associated TK, and when TK associated with genetic resources is accessed; ILCs have the right to identify the rightful knowledge holders, consistent with their laws, customary laws, community protocols and procedures, as appropriate.

61. *Excerpts from Global Biodiversity Outlook 3 (GBO-3)*: The Global Biodiversity Outlook 3 observes that the 2010 biodiversity target set up in the year 2002 during the Johannesburg Summit (WSSD) has not been met at the global level. It has been stated in the GBO-3 that according to most indicators, despite an increase in conservation efforts, the state of biodiversity continues to decline, largely because the pressures on biodiversity continue to increase. There is no indication of a significant reduction in the rate of decline in biodiversity, nor of a significant reduction in pressures upon it. However, negative trends have been slowed or reversed in some ecosystems. There are several indications that responses to biodiversity loss are increasing and improving, although not yet on a scale sufficient to affect overall negative trends in the state of biodiversity or the pressures upon it.

62. With regard to biodiversity beyond 2010 in the 21st century, the GBO-3 reiterates that ‘there is a high risk of dramatic biodiversity loss and accompanying degradation of a broad range of ecosystem services if the ecosystems are pushed beyond certain thresholds or tipping points’²⁴. According to GBO-3, one of main

²² For the text of the document see UNEP/CBD/WG-ABS/9/L.2. Also available at UNEP/CBD/WG-ABS/9/3 from pages 44-64.

²³ See “Summary of the Ninth Meeting of the Working Group on Access and Benefit-Sharing of the Convention on Biological Diversity: 22-28 March 2010”, *Earth Negotiations Bulletin*, vol. 9, no. 503, dated 31 March 2010, available online at <http://www.iisd.ca/biodiv/abs9/>.

²⁴ Global Biodiversity Outlook is the flagship publication of the Convention on Biological Diversity. Drawing on a range of information sources, including National Reports, biodiversity indicators information, scientific literature, and a study assessing

reasons for the failure to meet the 2010 Biodiversity Target at the global level is because the focus was on measures that mainly responded to changes in the state of biodiversity, such as protected areas and programmes targeted at particular species, or which focused on the direct pressures of biodiversity loss, such as pollution control measures. There was no effort to subscribe to the underlying causes of biodiversity loss and actions were not directed to ensure receiving the benefits from ecosystem services over the long term. Remedy to this has been suggested to ensure that biodiversity is effectively conserved, restored and wisely used, and that it continues to deliver the benefits essential for all people, action must be expanded to additional levels and scales as it continues to provide the ecosystem services essential to human wellbeing.

63. The impact of continued loss of biodiversity on society and people should be considered as a core issue. Sustained use of the biodiversity could ensure reduction of poverty, improvement in the health conditions, prosperity and security of present and future generations, and effective means to deal with climate change.

64. *Revised Strategic Plan:* The COP-10 in Nagoya, Japan, in October 2010 is due to adopt a revised and updated Strategic Plan for the Convention including new biodiversity targets for the post-2010 period. In September 2010, a special high-level one day meeting of the United Nations General Assembly (UNGA), with the participation of heads of State and Government, will address biodiversity for the first time in its history, focusing on the post-2010 targets and the role of biodiversity and ecosystem services in addressing the challenges of climate change, poverty reduction and economic development.

biodiversity scenarios for the future the third edition of Global Biodiversity Outlook (GBO-3) summarizes the latest data on status and trends of biodiversity and draws conclusions for the future strategy of the Convention. It is available on the website: <http://gbo3.cbd.int/>. See Global Biodiversity Outlook 3, p.72.

V. FOLLOW-UP ON THE PROGRESS IN THE IMPLEMENTATION OF THE OUTCOME OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

A. Background

65. The debate on the linkages between the environment protection and development, paved the way for recognition of the concept of ‘sustainable development’. The 1972 Stockholm Conference on Human Environment recognized the need of protecting environment and adopted an Action Plan for Human Environment and Stockholm Declaration consisting of 26 principles as a guide for the development of environmental law. United Nations Environment Programme (UNEP) was established as a follow-up to coordinate the environment activities of the UN agencies. In 1992, United Nations Conference on Environment and Development was held in Rio de Janeiro. It adopted Rio Declaration and Agenda 21, a comprehensive programme of action. The Conference also established the Commission on Sustainable Development (CSD). An evaluation of the implementation of the Agenda 21 was carried out at the Special Session of the General Assembly in 1997.

66. The 2002 World Summit on Sustainable Development, held at Johannesburg provided another opportunity to make an appraisal of the implementation of the Agenda 21. *Johannesburg Declaration on Sustainable Development* and the *Johannesburg Plan of Implementation* (JPOI) were the substantive outcome of the Summit. The Plan of Implementation had dealt with poverty eradication; changing unsustainable patterns of consumption and production; protecting and managing the natural resource base for economic and social development; sustainable development in a globalising world; health and sustainable development; sustainable development of small island developing states; sustainable development for Africa; means of implementation; and institutional framework for sustainable development.

B. Eleventh Special Session of the Governing Council/Global Ministerial Environment Forum (24 to 26 February 2010, Bali, Indonesia)

67. The eleventh special session of the Governing Council/Global Ministerial Environment Forum was held in Bali, Indonesia from 24 to 26 February 2010. At the Governing Council/Global Ministerial Forum, decisions were taken²⁵ on ongoing international environment governance (IEG), enhanced coordination across UN System, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), Environmental Law, Environmental situation in Gaza Strip, Oceans, Financing Options for Chemicals and Wastes, and Environmental Situation in Haiti. The key issue for this session was international environmental governance (IEG).

68. The Governing Council adopted the Nusa Dua Declaration²⁶ which addressed the concerns of the States and dealt with the issues of climate change; sustainable development; IEG and sustainable development; green economy; and biodiversity and ecosystems. On climate change, the Governing Council reaffirmed that as per the

²⁵ See UNEP/GCSS.XI/L.5.

²⁶ See UNEP/GCSS.XI/L.6.

fourth assessment report it was required to undertake commitment for deep cuts in global emissions to hold the increase in global temperatures below 2° C, and in that regard importance of tackling climate change issues in accordance with the principle of common but differentiated responsibilities and respective capabilities is essential.²⁷ Full cooperation and support was extended to UNEP and Commission on Sustainable Development (CSD) to conduct the 2012 United Nations Conference on Sustainable Development. The Declaration stated that the advancement of the concept of a green economy in the context of sustainable development and poverty eradication could significantly address current challenges and deliver economic development opportunities and multiple benefits for all nations.

C. Eighteenth Session of the Commission on Sustainable Development (3 to 14 May 2010, UN Headquarters, New York)

69. The Eighteenth Session of the United Nations Commission on Sustainable Development convened in May 2010, at UN Headquarters in New York focussed thematic discussion on transport; chemicals; waste management; mining; and sustainable consumption and production patterns. The delegates also conducted a one-day preparatory committee meeting for the five-year high-level review of the Mauritius Strategy for the Implementation of the Barbados Plan of Action for the Sustainable Development of Small Island Developing States (SIDS), which will take place in September 2010, and participated in a High-Level Segment.

70. In the opening statement, Assistant Secretary-General for Economic Development, on behalf of UN Under-Secretary-General for Economic and Social Affairs, stressed, *inter alia* that significant new challenges have arisen since transport was last considered by the CSD; chemicals issues remain under-resourced; the dearth of quality data is a global obstacle for waste management; subsidies for mining decrease incentives for green activities; and capacity building is needed at national and local levels to achieve sustainable consumption.²⁸

71. The discussions on the thematic cluster transport surrounded on a modal shift and greater development and use of public transport; integration of transport into urban development policies; development of cleaner, affordable and sustainable energy systems, including renewables; strengthening infrastructure; and improvement of safety and security. The topic chemicals concerns were on full implementation of existing arrangements, including Strategic Approach to International Chemicals Management (SAICM); new financing arrangements; preventing transfer of obsolete technologies to developing countries; better education and information on chemical safety matters; sanctioning countries for illegal export; a global system for communicating risk and hazards; and strengthening national legislation. The thematic discussion on waste management was on having integrated approaches through reducing, recycling and reusing waste and materials; enforcement of existing

²⁷ See “Summary of the Simultaneous Extraordinary COPS to the Basel, Rotterdam and Stockholm Conventions and the 11th Special Session of the UNEP Governing Council/Global Ministerial Environment Forum: 22-26 February 2010”, *Earth Negotiations Bulletin*, vol. 16, no. 84, dated 1 March 2010, available online at <http://www.iisd.ca/unepegc/unepps11/>.

²⁸ See “Summary of the Eighteenth Session of the Commission on Sustainable Development: 3-14 May 2010”, *Earth Negotiations Bulletin*, vol. 5, no. 292, dated 17 May 2010, available online at <http://www.iisd.ca/csd/csd18/>.

conventions and bringing mercury into the “synergies” process; criminal provisions for violation of hazardous waste regulations; and addressing e-waste.

72. With respect to mining, mainly labour regulatory framework were emphasised like respect for human rights, relevant International Labour Organisation (ILO) conventions and creating regulatory frameworks, like health and safety; sharing benefits with local communities; support for artisanal and small-scale miners; no-go areas for mining and rehabilitation; and a global initiative for sustainable mining. The need to build on Marrakech Process with stronger linkages to eradicating poverty; placing sustainable consumption and production within the context of green economy; packages of policies and measures; multi-stakeholder partnerships; and life-cycle and cradle-to-cradle approaches etc., were emphasised.

VI. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT

73. The Copenhagen Climate Conference met with the goal of adopting a legally binding instrument; however, even the political agreement Copenhagen Accord though negotiated by several world leaders, could not be adopted by consensus at the Conference. Despite that the Accord represents a significant achievement as it is demonstrative of the commitment by most of the nations on a collective, long-term response to climate change, and a set of measures to implement global climate action. It represents a letter of political intent to limit the global temperature rise, it asks countries to record national emission reduction pledges and promises defined short and long-term finance to the developing world. The forthcoming Cancun Climate Change Conference presents a unique opportunity to translate this political intent into legally binding mandate.

74. It may be noted that as of now serious differences exist between developing and developed countries on the legal form of outcome that is to be considered at COP 16 / CMP 6 that is whether the outcome should be an amendment to the Kyoto Protocol or a new single agreement. More clarity as to the legal form of the outcome is expected to be achieved as negotiations progress. Further, from the ongoing negotiation it is apparent that mitigation remains one of the contentious issues. The level of ambition reflected in the pledges for mid-term emission reductions by Annex I countries does not match science. The main sticking points being: engaging the United States of America and ensuring the comparability of Annex I countries emission reductions efforts; agreeing on the fate of Kyoto Protocol; and finding a legal framework for mitigation and monitoring, reporting and verification that is acceptable to both developed and developing countries.

75. Be that as it may be, to combat the threat posed to the planet Earth by climate change a fair, effective, comprehensive and legally-binding framework on stronger international action on climate change beyond 2012 is the need of hour. The building blocks for such an outcome should certainly include concepts such as historical responsibility, justice, equity, principle of common but differentiated responsibility, as well as the effective implementation of developed countries commitments and support for developing countries. One hopes that through collective action Cancun can deliver a full, operational architecture to implement effective, collective climate action.

76. Although, the climate change remains the dominant issue on international political agenda, the human face of climate change is most evident in the livelihoods of the drylands people. Important in this context, is imperative of ensuring food security in drylands, wherein the convergence of the fuel, food, financial and economic crisis, against the backdrop of climate change has devastating effects on the world's poorest and most vulnerable. The UNCCD seeks to alleviate the suffering of these people; however, limited financial commitment hampers the effective combating of desertification.

77. Conservation of biological diversity post-2010 is very essential not only for states, but also peoples at large for the human well-being. Every species, ecosystems, biological reserves across the globe must be preserved and sustainably used. In this

regard, the forthcoming Nagoya Summit on CBD would be very significant for developing countries of Asian-African region, since two major decisions for the sustainable use would be negotiated and deliberated upon, one, post-2010 Biodiversity Target and the other, Draft Protocol on ABS. The significance for developing countries, Small Island Developing States, least developed states of both Asian and African regions is more because: (i) of the strategic location which has higher amount of biological diversity; (ii) therefore, indigenous communities that depend on them for the livelihood and sustenance is more, (ii) need for development alongside protection and conservation should be simultaneously happening rather than allowing exploitation of them. In this backdrop, States must be cautious while negotiating on post-2010 biological diversity target. More care must be attributed to the Draft Protocol on ABS because the terms, language, implications and implementation strategies shall not be, in future, against the welfare of the peoples at the cost of biodiversity loss.

78. On the issue of sustainable development, adoption of Nusa Dua Declaration is highly significant, as among other things, concepts like green economy, mitigating climate change issues, conservation of biodiversity and ecosystems in relation to sustainable development were addressed. Efforts were to link it with human well-being, poverty eradication, and welfare of the peoples and nations as a whole.

ANNEX I

STATUS OF AALCO MEMBER STATES PARTICIPATION IN UNFCCC, UNCCD & CBD

Table I: Status of participation of AALCO Member States in the United Nations Framework Convention on Climate Change and its Kyoto Protocol

S. NO	MEMBER STATE	UNFCCC		KYOTO PROTOCOL	
		SIGNATURE	RATIFICATION ACCESSION (a) ACCEPTANCE (A) APPROVAL (AA)	SIGNATURE	RATIFICATION ACCESSION (a) ACCEPTANCE (A) APPROVAL (AA)
1.	Arab Republic of Egypt	9 June 1992	5 December 1994	15 March 1999	12 January 2005
2.	Bahrain	8 June 1992	28 December 1994	—	31 January 2006
3.	Bangladesh	9 June 1992	15 April 1994	—	22 October 2001 a
4.	Botswana	12 June 1992	27 January 1994	—	8 August 2003 a
5.	Brunei Darussalam	—	7 August 2007(A)	—	20 August 2009 a
6.	Cameroon	14 June 1992	19 October 1994 (R)	—	28 August 2002 (Ac)
7.	Cyprus	12 June 1992	15 October 1997	—	16 July 1999 a
8.	Democratic Peoples' Republic of Korea	11 June 1992	5 December 1994 (AA)	—	27 April 2005 Ac
9.	Federal Republic of Nigeria	13 June 1992	29 August 1994	—	10 December 2004
10.	Gambia	12 June 1992	10 June 1994	—	1 June 2001 a
11.	Ghana	12 June 1992	6 September 1995	—	30 May 2003 a
12.	Hashemite Kingdom of Jordan	11 June 1992	12 November 1993	—	17 January 2003 a
13.	India	10 June 1992	1 November 1993	—	26 August 2002 a
14.	Indonesia	5 June 1992	23 August 1994	13 July 1998	3 December 2004
15.	Islamic Republic of Iran	14 June 1992	18 July 1996	—	22 August 2005 Ac
16.	Japan	13 June 1992	28 May 1993 (A)	28 April 1998	4 June 2002 A
17.	Kenya	12 June 1992	30 August 1994	—	25 February 2005
18.	Lebanon	12 June 1992	15 December 1994	—	13 November 2006 (Ac)
19.	Libyan Arab Jamahriya	29 June 1992	14 June 1999	—	24 August 2006 (Ac)

20.	Malaysia	9 June 1993	13 July 1994	12 March 1999	4 September 2002
21.	Mauritius	10 June 1992	4 September 1992	—	9 May 2001 a
22.	Mongolian Peoples' Republic	12 June 1992	30 September 1993	—	15 December 1999 a
23.	Myanmar	11 June 1992	25 November 1994	—	13 August 2003 a
24.	Nepal	12 June 1992	2 May 1994	—	16 September 2005
25.	Pakistan	13 June 1992	1 June 1994	—	11 January 2005
26.	Palestine	—	—	—	—
27.	People's Republic of China	11 June 1992	5 January 1993	29 May 1998	30 August 2002 AA
28.	Republic of Iraq	—	28 July 2009 a	—	26 October 2009
29.	Republic of Korea	13 June 1992	14 December 1993	25 September 1998	8 November 2002
30.	Republic of Singapore	13 June 1992	29 May 1997	—	12 April 2006 (Ac)
31.	Republic of Uganda	13 June 1992	8 September 1993	—	25 March 2002 a
32.	Republic of Yemen	12 June 1992	21 February 1996	—	15 September 2004
33.	Saudi Arabia	—	28 December 1994 a	—	31 January 2005 Ac
34.	Senegal	13 June 1992	17 October 1994	—	20 July 2001 a
35.	Sierra Leone	11 February 1993	22 June 1995	—	10 November 2006 (Ac)
36.	Somalia	—	11 September 2009	—	—
37.	South Africa	15 June 1993	29 August 1997	—	31 July 2002
38.	Sri Lanka	10 June 1992	23 November 1993	—	3 September 2002 a
39.	State of Kuwait	—	28 December 1994 a	—	11 March 2005 Ac
40.	State of Qatar	—	18 April 1996 a	—	11 January 2005
41.	Sudan	9 June 1992	19 November 1993	—	2 November 2004
42.	Sultanate of Oman	11 June 1992	8 February 1995	—	19 January 2005 Ac
43.	Syrian Arab Republic	—	4 January 1996 a	—	27 January 2006 (Ac)
44.	Thailand	12 June 1992	28 December 1994	2 February 1999	28 August 2002
45.	Turkey	—	24 February 2004 a	—	26 August 2009
46.	United Arab	—	29 December 1995	—	26 January 2005

	Emirates		a		
47.	United Republic of Tanzania	12 June 1992	17 April 1996	—	26 August 2002 a

Note

1. Information stated in the above table has been compiled from Status of Ratification of the United Nations Framework Convention on Climate Change and its Kyoto Protocol, available on the website of United Nations Treaty Collection (Chapter XXVII: Environment): <http://treaties.un.org/pages/ParticipationStatus.aspx>, (last accessed on 30 June 2010).

2. Syrian Arab Republic has made a declaration relating to the Kyoto Protocol.

Inferences

Following inferences as to the participation of AALCO Member States in the UNFCCC and its Kyoto Protocol may be made from the above Table:

United Nations Framework Convention on Climate Change

(i) As at 30 June 2010, there were 194 Parties to the UNFCCC. It has been ratified/acceded/accepted/approved by 46 AALCO Member States.

Kyoto Protocol

(i) As at 30 June 2010, there were 191 Parties to the Kyoto Protocol. It has been ratified/acceded/accepted/approved to by 45 AALCO Member States.

Table II: Status of the participation of AALCO Member States in the United Nations Convention to Combat Desertification

S. NO	MEMBER STATE	UNCCD	
		SIGNATURE	RATIFICATION ACCESSION (a) ACCEPTANCE (A) APPROVAL (AA)
1.	Arab Republic of Egypt	14 October 1994	7 July 1995
2.	Bahrain	—	14 July 1997 a
3.	Bangladesh	14 October 1994	26 January 1996
4.	Botswana	12 October 1995	11 September 1996
5.	Brunei Darussalam		4 December 2002a
6.	Cameroon	14 October 1994	29 May 1997
7.	Cyprus	—	29 March 2000 a
8.	Democratic Peoples' Republic of Korea	—	29 December 2003a
9.	Federal Republic of Nigeria	31 October 1994	8 July 1997
10.	Gambia	14 October 1994	11 June 1996
11.	Ghana	15 October 1994	27 December 1996
12.	Hashemite Kingdom of Jordan	13 April 1995	21 October 1996
13.	India	14 October 1994	17 December 1996
14.	Indonesia	15 October 1994	31 August 1998
15.	Islamic Republic of Iran	14 October 1994	29 April 1997
16.	Japan	14 October 1994	11 September 1998 A
17.	Kenya	14 October 1994	24 June 1997
18.	Lebanon	14 October 1994	16 May 1996
19.	Libyan Arab Jamahriya	15 October 1994	22 July 1996
20.	Malaysia	6 October 1995	25 June 1997
21.	Mauritius	17 March 1995	23 January 1996
22.	Mongolian Peoples' Republic	15 October 1994	3 September 1996
23.	Myanmar	—	2 January 1997 a
24.	Nepal	12 October 1995	15 October 1996
25.	Pakistan	15 October 1994	24 February 1997
26.	Palestine	—	—
27.	People's Republic of China	14 October 1994	18 February 1997
28.	Republic of Iraq	—	28 May 2010 a
29.	Republic of Korea	14 October 1994	17 August 1999
30.	Republic of Singapore	—	26 April 1999a
31.	Republic of Uganda	21 November 1994	25 June 1997
32.	Republic of Yemen	—	14 January 1997 a
33.	Saudi Arabia	—	25 June 1997 a
34.	Senegal	14 October 1994	26 July 1995
35.	Sierra Leone	11 November 1994	25 September 1997
36.	Somalia	—	24 July 2002 a
37.	South Africa	9 January 1995	30 September 1997
38.	Sri Lanka	—	9 December 1998 a

39.	State of Kuwait	22 September 1995	27 June 1997
40.	State of Qatar	—	15 September 1999a
41.	Sudan	15 October 1994	9 November 1995
42.	Sultanate of Oman	—	23 July 1996 a
43.	Syrian Arab Republic	15 October 1994	10 June 1997
44.	Thailand	—	7 March 2001 a
45.	Turkey	14 October 1994	31 March 1998
46.	United Arab Emirates	—	21 October 1998 a
47.	United Republic of Tanzania	14 October 1994	19 June 1997

Note

Information stated in the above table has been compiled from Status of Ratification and Entry into force of the UNCCD available on the website of United Nations Treaty Collection (Chapter XXVII: Environment): <http://treaties.un.org/pages/ParticipationStatus.aspx>, (last accessed on 30 June 2010).

Inference

As at 30 June 2010, there were 194 State Parties to the UNCCD. It has been ratified/acceded/accepted/approved to by 46 AALCO Member States.

Table III: Status of the participation of AALCO Member States in the Convention on Biological Diversity and Cartagena Protocol on Biosafety

S. NO	MEMBER STATE	CONVENTION ON BIOLOGICAL DIVERSITY		CARTAGENA PROTOCOL ON BIOSAFETY	
		SIGNATURE	RATIFICATION ACCESSION (a) ACCEPTANCE (A) APPROVAL (AA)	SIGNATURE	RATIFICATION ACCESSION (a) ACCEPTANCE (A) APPROVAL (AA)
1.	Arab Republic of Egypt	9 June 1992	2 June 1994	20 December 2000	23 December 2003
2.	Bahrain	9 June 1992	30 August 1996	—	—
3.	Bangladesh	5 June 1992	3 May 1994	24 May 2000	5 February 2004
4.	Botswana	8 June 1992	12 October 1995	1 June 2001	11 June 2002
5	Brunei Darussalam		27 July 2008	—	—
6.	Cameroon	14 June 1992	19 October 1994	9 February 2001	20 February 2003
7	Cyprus	12 June 1992	10 July 1996	—	5 December 2003a
8.	Democratic Peoples' Republic of Korea	11 June 1992	26 October 1994 (AA)	20 April 2001	29 July 2003
9.	Federal Republic of Nigeria	13 June 1992	29 August 1994	24 May 2000	15 July 2003
10.	Gambia	12 June 1992	10 June 1994	24 May 2000	9 June 2004
11.	Ghana	12 June 1992	29 August 1994		30 May 2003
12.	Hashemite Kingdom of Jordan	11 June 1992	12 November 1993	11 October 2000	11 November 2003
13.	India	5 June 1992	18 February 1994	23 January 2001	17 January 2003
14.	Indonesia	5 June 1992	23 August 1994	24 May 2000	3 December 2004
15.	Islamic Republic of Iran	14 June 1992	6 August 1996	23 April 2001	20 November 2003
16.	Japan	13 June 1992	28 May 1993 A	—	21 November 2003a
17.	Kenya	11 June 1992	26 July 1994	15 May 2000	24 January 2002
18.	Lebanon	12 June 1992	15 December 1994	—	
19.	Libyan Arab Jamahriya	29 June 1992	12 July 2001	—	14 June 2005
20.	Malaysia	12 June 1992	24 June 1994	24 May 2000	3 September 2003
21.	Mauritius	10 June 1992	4 September 1992	—	11 April 2002 (a)
22.	Mongolian	12 June 1992	30 September	—	22 July 2003 a

	Peoples' Republic		1993		
23.	Myanmar	11 June 1992	25 November 1994	11 May 2001	13 February 2008
24.	Nepal	12 June 1992	23 November 1993	2 March 2001	—
25.	Pakistan	5 June 1992	26 July 1994	4 June 2001	2 March 2009
26.	Palestine	—	—	—	—
27.	People's Republic of China	11 June 1992	5 January 1993	8 August 2000	8 June 2005
28.	Republic of Iraq	—	28 July 2009 (a)	—	—
29.	Republic of Korea	13 June 1992	3 October 1994	6 September 2000	3 October 2007
30.	Republic of Singapore	12 June 1992	21 December 1995	—	—
31.	Republic of Uganda	12 June 1992	8 September 1993	24 May 2000	30 November 2001
32.	Republic of Yemen	12 June 1992	21 February 1996	—	01 December 2005
33.	Saudi Arabia	—	3 October 2001 (a)		9 August 2007 (a)
34.	Senegal	13 June 1992	17 October 1994	31 October 2000	8 October 2003
35.	Sierra Leone	—	12 December 1994 (a)	—	—
36.	Somalia	—	11 September 2009 (a)	—	—
37.	South Africa	4 June 1993	2 November 1995	—	14 August 2003
38.	Sri Lanka	10 June 1992	23 March 1994	24 May 2000	28 April 2004
39.	State of Kuwait	9 June 1992	2 August 2002	—	—
40.	State of Qatar	11 June 1992	21 August 1996	—	14 March 2007
41.	Sudan	9 June 1992	30 October 1995	—	13 June 2005
42.	Sultanate of Oman	10 June 1992	8 February 1995	—	11 April 2003a
43.	Syrian Arab Republic	3 May 1993	4 January 1996	—	1 April 2004
44.	Thailand	12 June 1992	29 January 2004	—	10 November 2005
45.	Turkey	11 June 1992	14 February 1997	24 May 2000	24 October 2003
46.	United Arab Emirates	11 June 1992	10 February 2000	—	—
47.	United Republic of Tanzania	12 June 1992	8 March 1996	—	24 April 2003

Note

1. Information stated in the above table has been compiled from Status of Ratification to the Convention on Biological Diversity and Cartagena Protocol available on the website of available on the website of United Nations Treaty Collection (Chapter XXVII: Environment): <http://treaties.un.org/pages/ParticipationStatus.aspx>, (last accessed on 30 June 2010).

2. Sudan and Syrian Arab Republic have made Declarations while ratifying the CBD. Syrian Arab Republic has also made a Declaration while ratifying the CPB.

Inferences

Following inferences as to the participation of AALCO Member States in the CBD and its Cartagena Protocol may be made from the above Table:

Convention on Biological Diversity

(i) As at 30 June 2010, there were 193 Parties to the CBD. It has been ratified/acceded/accepted/approved to by 46 AALCO Member States.

Cartagena Protocol on Biosafety

(i) As at 30 June 2010 there were 159 Parties to the Biosafety Protocol. It has been ratified/acceded/accepted/approved to by thirty-six AALCO Member States.

ANNEX II

SUMMARY OF REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES AND DRAFT INTERNATIONAL COVENANT ON ENVIRONMENT AND DEVELOPMENT*

I. REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

1. The African Convention on the Conservation of Nature and Natural Resources was unanimously adopted by the Assembly of the African Union (AU) on 11 July 2003 in Maputo (Mozambique), and is the result of a thorough revision of the original Convention, adopted in Algiers (Algeria) in 1968. The new text succeeds in making the “Maputo Convention” the youngest and the most modern amongst the oldest environmental conventions and translates global commitments into a regionally binding instrument on environment and natural resources.

2. The Maputo Convention encapsulates Africa’s distinctive response to changes in attitudes, legal and policy perspectives, scientific developments and international law. It addresses a continent-wide spectrum of issues including quantitative and qualitative sustainable management of natural resources such as soil and land, air and water, and biological resources, and seeks to integrate conservation and better environmental management strategies into social and economic development aspirations. It also considers processes and activities damaging to the environment and natural resources, introduces procedural rights and provides mechanisms to assist its implementation, including an independent secretariat, a conference of the parties and a financing mechanism. Last but not least, it requires cooperation whenever this is desirable for the implementation of the Convention, and in particular when transboundary effects may occur.

3. Development of the Maputo Convention clearly shows that conservation of nature and natural resources cannot be fulfilled or guaranteed by either international or regional or national institutions working alone. These are cross-cutting and transboundary issues calling for partnership and collaboration in their conservation. The tripartite partnership between the AU, the United Nations Environment Programme (UNEP) and the International Union for the Conservation of Nature and Natural Resources (IUCN), which led to the development of this revision is a clear testimony of the way forward to achieve sustainable development and reduce poverty through the conservation of nature and natural resources underlined by the Maputo Convention.

4. The new Convention has been updated and improved by Africans for Africa and through African institutions, to meet Africa’s needs for the future. If African states, with the support of the AU, take the necessary steps to increase ratification of the Convention and bring it into force soon, it will signal their renewed and collective commitment to sound environmental governance.

* The AALCO Secretariat acknowledges with gratitude the summary of these documents provided by the International Council of Environmental Law.

II. DRAFT INTERNATIONAL COVENANT ON ENVIRONMENT AND DEVELOPMENT

5. The Draft Covenant is a blueprint for an international framework (or umbrella) agreement consolidating and developing existing legal principles related to environment and development. It is intended to remain a “living document” until – as is the hope and expectation of those who have been involved in the project – it is adopted as a basis for multilateral negotiations. Accompanying the draft articles for an international convention on environment and development is an extensive commentary which explains and provides the legal derivations for each of the provisions of the Draft Covenant.

6. The body of environmental law continues to grow and the underlying legal principles are becoming ever more strongly established. By making sure that these developments are reflected in the text, the Covenant fulfills another important function – namely, to serve as an authoritative reference and checklist for legislators, civil servants and other stakeholders worldwide in their endeavors to ensure that principles and rules of international environmental law are thoroughly addressed when they are drafting new, or updating existing, policies and law. The ever-greater consideration of the environment at the highest political levels is a welcome sign of the role that environmental law and policy has in maintaining international peace and security.

7. Launched in 1995 at the United Nations’ Congress on Public International Law, The first edition of the Draft Covenant – a cooperative effort between the International Union for the Conservation of Nature and Natural Resources Commission on Environmental Law (IUCN-CEL), the International Council of Environmental Law (ICEL) and with the assistance of UNEP’s Environmental Law and Institutions Programme Activity Centre (ELI/PAC) - was the next step in a progression of recommendatory “soft” to legally “hard” legal principles with the Stockholm Declaration, the World Charter for Nature, and later the Rio Declaration from UNCED behind them. In its action plan, Agenda 21, UNCED emphasized the need to integrate “environment and development issues at national, sub-regional, regional and international levels,” including: (a) elaborating the “balance between environmental and developmental concerns;” (b) clarifying the relationships between the various existing treaties; and (c) ensuring national participation in both developing and implementing these legal measures, with particular focus on developing countries. The Draft Covenant is the response to UNCED’s endorsement of the role of environmental law in guiding all nations towards the integration of environment and development.

8. Following the conclusion of several new international agreements on topics as varied as straddling and migratory fish stocks, desertification, and public participation in decision-making, IUCN-CEL and ICEL undertook a review of the text in May 1999, with a view to reflecting these developments. Following the results of a small meeting of legal experts convened under the chairmanship of Ambassador Ramon Piriz-Ballon in the Treaty Signature Room at UN Headquarters, the second edition was presented to the Member States of the UN on the occasion of the closing of the UN Decade of International Law in 2000.

9. Despite the fact that less than five years had elapsed since the publication of the second edition, another small meeting of experts took place in March 2003 to assess the impact on the Covenant of the results of the Johannesburg World Summit on Sustainable Development (WSSD), especially on the matter of implementation of international agreements. As a result of this review, special care was taken to update it with respect to the ‘social and economic pillars’. Consequently, the third edition was published and presented to

the Member States of the UN on the occasion of the 59th Session of the UN General Assembly in 2004.

10. Regarding the fourth edition now in the final stages of preparation, ICCEL was obliged to complete an update following a resolution by the 4th IUCN World Conservation Congress in Barcelona (Spain). Meeting in January 2010 under the chairmanship of Mr. Donald W. Kaniaru, a diverse group of eminent personalities deliberated the incorporation of the newest developments, especially following the decisions of the UN General Assembly and the work of its Specialized Agencies and Programmes. This occasion also resulted in an extensive revision of the section on international responsibility and liability by Ambassador Julio Barboza. The revised articles along with the extensive commentary prepared by Dr. Dinah Shelton will be presented to Member States of the UN on the occasion of the high-level event on biodiversity during the 65th Session of the UN General Assembly.

Origins and History

11. The idea of drafting a Covenant on Environment and Development was first taken up once the World Charter for Nature was adopted and solemnly proclaimed by the UN General Assembly in 1982. Thereafter, the Working Group of IUCN-CEL that had drafted this “soft law” instrument in 1975 perceived the necessity of exploring whether the World Charter should be followed by a “hard law” instrument. This idea was also taken up by the World Commission on Environment and Development (“Brundtland Commission”), which was established in 1983 along with an associated Experts Group on Environmental Law. The Experts Group recommended that the UN prepare a new and legally binding universal Convention on environmental protection and sustainable development. The Brundtland Commission itself in 1986 recommended the preparation of a Universal Declaration and a Convention on environmental protection and sustainable development. Then, in 1988, expressly taking into account the many “soft law” instruments already existing, the IUCN General Assembly in San Jose (Costa Rica), expressed its formal support for IUCN-CEL to continue what it had by then already begun, in preparing elements for an international convention on environment and sustainable development.

12. Subsequently, a new formal IUCN-CEL Working Group was established under the chairmanship of Dr. Wolfgang E. Burhenne and began its first meetings in November 1989. The composition of this group included leading experts from all regions of the globe, including governmental lawyers, judges, academics and private practitioners, all acting in their personal capacities.

13. The second meeting took place in March 1991, under the chairmanship of Dr. Parvez Hassan. The Working Group then sought input from the Preparatory Committee (PrepComm) for the United Nations Conference on Environment Development (UNCED). On the request of Iceland and other States, the then current version of the Draft Covenant was translated by the UN into its six official languages and distributed to PrepComm Working Group III as a background document.

14. The third meeting occurred in the aftermath of UNCED, where a concerted effort was made to incorporate the results of that event into the Draft Covenant. Further, the Working Group decided to expand its membership to include experts who had been significant contributors to the UNCED process. Subsequently, this now expanded Working Group met in September 1993 and the Drafting Committee met in December of that year to incorporate all the comments into the text.

15. The last meeting to finalize the original version of the Draft Covenant took place in September 1994 when a small group of specialists on international liability examined and reformulated those provisions dealing with this complex legal subject. Thereafter, the first edition was launched in 1995 at the United Nations' Congress on Public International Law.

ANNEX III

SECRETARIAT'S DRAFT
AALCO/RES/DFT/49/SP 2
8 August 2010

RESOLUTION ON THE SPECIAL MEETING ON “ENVIRONMENT AND SUSTAINABLE DEVELOPMENT”

The Asian-African Legal Consultative Organization at its Forty-Ninth Session,

Having considered the Secretariat Document No. AALCO/49/DAR ES SALAAM/SD/S 10;

Having heard with appreciation the views expressed by the President, the Secretary-General and the Panelists and the statements of Member States during the Special Meeting on “Environment and Sustainable Development” jointly organized by the Government of Tanzania, the International Council of Environmental Law on 7 August 2010 at Dar Es Salaam, the United Republic of Tanzania;

Being deeply concerned with the deteriorating state of the global environment through various human activities, and unforeseen natural disasters;

Reaffirming that environmental protection constitutes an integral part of sustainable development;

Welcoming the adoption of the Johannesburg Declaration on Sustainable Development and the Plan of Implementation at the World Summit on Sustainable Development, held at Johannesburg in 2002, and hoping that the Plan of Implementation adopted will be effectively implemented within the specified time frame;

Also welcoming the World Summit 2005 Outcome document adopted by the high level Plenary of the Sixtieth Session of the United Nations General Assembly;

Recalling the Nairobi Resolution on Environmental Law and Sustainable Development adopted by the Forty-Fourth Session of AALCO in 2005;

Underlying that climate change is one of the greatest challenges of our time;

Emphasizing that strong political will to combat climate change in accordance with principle of common but differentiated responsibilities and respective capabilities is essential;

Recognizing the importance of the on-going negotiations for an International Agreement on stronger international action on climate change for the period beyond 2012;

Considering the Copenhagen Accord of which the United Nations Climate Change Conference held at Copenhagen, Denmark from 7 to 9 December 2009, took note of;

Hoping that the United Nations Climate Change Conference, scheduled to take place at Cancun, Mexico from 29 November to 10 December 2010 would be able to shape an effective response to climate change;

Recognizing the importance of the Revised version of the African Convention on Nature and Natural Resources adopted by the Assembly of the African Union on 11 July 2003 for the protection of environment and sustainable development;

Appreciating the efforts made by the International Council of Environmental Law in preparing the draft of the International Covenant on Environment and Development;

Conscious of the importance of the conservation of biological diversity for evolution and maintaining life-sustaining systems of the biosphere;

Affirming the importance of the United Nations Convention to Combat Desertification;

1. **Commends** the Government of the United Republic of Tanzania, the International Council of Environmental Law and the AALCO Secretariat for their earnest efforts in organizing this Special Meeting on “Environment and Sustainable Development”;
2. **Expresses gratitude** to the Panelists who have given valuable insight on the important aspects of the topic on the issues of “Climate Change”, the revised version of the African Convention on Nature and Natural Resources and the draft of the International Covenant on Environment and Development;
3. **Urges** Member States to actively participate in the on-going deliberations on the shaping of an effective response to climate change;
4. **Encourages** Member States from the African continent which are not yet party to the Revised version of the African Convention on Nature and Natural Resources adopted by the Assembly of the African Union on 11 July 2003 to consider ratifying/acceding to it;
5. **Welcomes** the draft of the International Covenant on Environment and Development;
6. **Requests** the Secretary-General of AALCO in consultation with ICEL to develop a programme of work in the field of Environmental Law and Sustainable Development within the framework of the Memorandum of Understanding signed between the Secretariat of AALCO and the International Council for Environmental Law;
7. **Directs** the Secretariat to follow the on-going negotiations for an International Agreement on stronger international action on climate change for the period beyond 2012;
8. **Also directs** the Secretariat to continue to follow up the progress in the implementation of the outcome of the Johannesburg Summit as well as the follow up the progress in the implementation of the United Nations Framework Convention on Climate Change, Convention on Biological Diversity and the United Nations Convention to Combat Desertification; and
9. **Decides** to place this item on the provisional agenda of its Fiftieth Annual Session.