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FINAL DRAFT

FOR THE 9<sup>TH</sup> MEETING OF THE CONFERENCE OF THE PARTIES TO  
THE CONVENTION OF BIOLOGICAL DIVERSITY: 19<sup>TH</sup> – 30<sup>TH</sup> MAY 2008,  
BONN, GERMANY

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## **I. ORGANIZATIONAL MATTERS**

### **1.1. Opening of the meeting.**

The meeting will be opened at 10 a.m. on Monday, 19 May 2008 by the President of the eighth meeting of the Conference of the Parties.

It is expected that, at the opening session, the Conference will hear addresses of welcome by representatives of the Government of Germany and of local authorities.

The Executive Secretary will address the meeting and highlight the main issues before the Conference of the Parties.

### **1.2. Election of officers.**

#### **Election of the President**

It is expected that, at the opening session, the President of the eighth meeting of the Conference of the Parties will call for the election of a representative of the host country as President of the ninth meeting. The term of office of the President will begin immediately following his or her election at the ninth meeting and will end with the election of a successor at the tenth meeting.

#### **Election of officers other than the President**

In accordance with rule 21 of the rules of procedure (as amended by decision V/20), in addition to the President, ten Vice-Presidents, one of whom acts as Rapporteur, are to be elected from among the representatives of the Parties present at the meeting. The term of office of the Vice-Presidents will commence upon the closure of the ninth meeting of the Conference of the Parties and end at the closure of the tenth meeting of the Conference of the Parties. It will be recalled that, at its eighth meeting, the Conference of the Parties elected nine Vice-Presidents from the following countries for a term that will end at the closure of the ninth meeting: Bahamas, Bhutan, Cameroon, Canada, Croatia, Nigeria, Spain, Ukraine, and Yemen. It will also be recalled that the Latin American and Caribbean Group (GRULAC) was unable to reach agreement on the nomination of one of its two Bureau members. The representative of Chile, Mr. Fernando Perez Egert, was nominated at a later date. Thus, the ninth meeting of the Conference of the Parties will need to elect Mr. Perez Egert from Chile at its opening session. In order to avoid a similar situation in the future, the regional groups are urged to submit their nominations at the opening of the meeting. This will allow the newly elected members of the Bureau to attend, as observers, the Bureau meetings to be held during the current meeting of the Conference in order to ensure a smooth transition between outgoing and incoming Bureau members.

#### **Election of officers of subsidiary bodies and other meetings**

Rule 26 of the rules of procedure, provides that the chairperson of any subsidiary body shall be elected by the Conference of the Parties, while the election of other officers is the responsibility of the body itself. At this meeting, the Conference of the Parties will

therefore need to elect the chair of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) for its fifteenth and sixteenth meetings. Previously elected chairs of SBSTTA have come from following regional groups: first meeting – Africa; second meeting – Western European and Others; third and fourth meetings – Asia and the Pacific; fifth and sixth meetings – Latin America and the Caribbean; seventh and eight meetings – the Central and Eastern European Group; ninth and tenth meetings – Africa; eleventh and twelfth meetings—Western European and Others; thirteenth and fourteenth meetings-Asia and the Pacific.

### **1.3. Adoption of the agenda.**

The provisional agenda (UNEP/CBD/COP/9/1) has been approved by the Bureau of the Conference of the Parties. It was prepared by the Executive Secretary in accordance with rule 8 of the rules of procedure for meetings of the Conference of the Parties, with the guidance of the Bureau, and taking into account the refined multi-year programme of work of the Conference of the Parties up to 2010 contained in annex II to decision VIII/10 on Operations of the Convention and other relevant decisions of the Conference of the Parties.

### **1.4. Organization of work.**

In accordance with established practice, the Conference of the Parties may wish to establish two working groups. A proposed timetable and division of responsibilities between the plenary and the two working groups is contained in annex II below. Should two working groups be established, the Conference of the Parties will need to elect a Chairperson for each working group.

The plenary may also establish a budget contact group to address agenda item 5 on the administration of the Convention and budget for the programme of work for the biennium 2009-2010.

Interpretation will be available for the Working Groups for morning and afternoon sessions only. It will not be available for evening sessions.

### **1.5. Report on the credentials of representatives to the ninth meeting of the Conference of the Parties.**

Rule 18 of the rules of procedure for meetings of the Conference of the Parties states that:

“The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference of the Parties or the representative of the Executive Secretary not later than twenty four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary or his representative. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.”

Rule 19 provides that “the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision”.

In order to assist Parties in fulfilling the requirements of rule 18, the Executive Secretary distributed to national focal points a sample format of appropriate credentials with the letter of invitation to the meeting (see notification 2007-124 of 23 October 2007).

The Conference of the Parties will be invited to consider and adopt the report on credentials submitted to it by the Bureau.

#### **1.6. Pending issues.**

At its first meeting, the Conference of the Parties adopted the rules of procedure for its meetings in decision I/1, with the exception of paragraph 1 of rule 40, relating to the taking of substantive decisions. The Conference of the Parties has considered this outstanding matter at its subsequent meetings but without resolving it conclusively. At the third meeting, consensus was reached concerning some, but not all, of the text in brackets.

By decision I/6, the Conference of the Parties adopted the financial rules for the administration of the Trust Fund for the Convention on Biological Diversity. Paragraphs 4 and 16 of these rules contain bracketed text. Paragraph 4 deals with scale of assessments for the apportionment of contributions by Parties to the Trust Fund. Paragraph 16 deals with adopting decisions regarding the Trust Fund. The paragraphs have been considered at subsequent meetings of the Conference of the Parties, but without any agreement. The text therefore remains bracketed.

Since it is not expected that this matter can be resolved at the ninth meeting of the Conference of the Parties, it is suggested that its consideration be postponed to a future meeting.

#### **Date and venue of the tenth meeting of the Conference of the Parties.**

In accordance with paragraph 2 of rule 4 of its rules of procedure, the Conference of the Parties is to decide on the date and duration of its next ordinary meeting.

At its fifth meeting, the Conference decided to amend rule 4 of its rules of procedure so that ordinary meetings of the Conference of the Parties shall be held every two years. At its eighth meeting, the Conference of the Parties decided to maintain the current periodicity of its ordinary meetings until its tenth meeting, in 2010. Thus, the tenth meeting of the Conference of the Parties shall take place in 2010.

With respect to the venue of the next meeting of the Conference of the Parties, rule 3 of the rules of procedure provides that meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties. In this connection, the Government of Japan has made known its intention to offer to host the tenth meeting of the Conference of the Parties.

Under this item, a decision regarding the date and venue of the tenth meeting of the Conference of the Parties will be required.

Taking into account the need to identify early in advance the host of meetings of the Conference of the Parties, Parties will be encouraged to identify a possible host of their eleventh meeting and to agree on possible dates. It must be noted that the year 2012 will

coincide with the twentieth anniversary of the adoption of the Convention and its opening for signature at the first Earth Summit held in Rio de Janeiro in June 1992.

- **CONSIDERATION OF REPORTS**

Item II of the provisional agenda provides for the presentation of the reports of the regional preparatory meetings for the ninth meeting of the Conference of the Parties; inter-sessional meetings of subsidiary bodies; report of the Global Environment Facility; and report of the Executive Secretary on the administration of the Convention and the budget for the Trust Fund of the Convention (UNEP/CBD/COP/9/10).

The Conference of the Parties is invited to take note of the reports, on the understanding that the substantive issues arising therein will be taken up under the appropriate agenda item, as indicated below. The recommendations contained in the reports will be reflected in the compilation of draft decisions (UNEP/CBD/COP/9/1/Add.2) prepared by the Executive Secretary.

**2.1. Reports of inter-sessional and regional preparatory meetings.**

Under this item, the President will inform the Conference of the Parties of the meetings of subsidiary bodies held during the inter-sessional period and their reports on the understanding that the substantive issues arising therein will be taken up under the appropriate agenda item.

The regional groups may wish to report to the Conference of the Parties on the results of the preparatory meetings to be held immediately prior to the ninth meeting of the Conference of the Parties.

**2.2 Report of the Global Environmental Facility**

**Introduction**

This report has been prepared as part of the country's position for the 9<sup>th</sup> meeting of the Conference of Parties (COP) to the Convention on Biological Diversity (CBD). It reports on the activities of the GEF focal pointing in the area of Biodiversity. The report discusses some of the activities and issues during the 2006-2008 period.

**Project Activities**

GEF financed projects are managed primarily through the implementing agencies; the United Nations Development Program (UNDP), United Nations Environment Program (UNEP) and the World Bank. Projects approved by GEF on the area of Biodiversity focuses on operational programs (OP). Such programs are consistent with the policy, strategy and program priorities decided by the COP. However, at country level these activities must be aligned to the country priorities as outlined in the country's National Biodiversity Strategy and Action Plans (NSBAP). These operational programs cover the following areas; Dryland ecosystems, Coastal, marine and freshwater ecosystems, Forest ecosystems, Mountain ecosystems, Conservation and sustainable use of biological diversity, Other cross cutting issues as approved by COP from time to time.

Within the OP there are strategic priorities and which define major themes and approaches. For the country, two major priorities are being addressed:

- Catalyzing sustainability of protected areas
- Mainstreaming biodiversity in productive landscapes

GEF provides funds to assist recipient countries to develop a project hence the project preparation grant (PPG) which amounts to 10% of the total project funds. According to the above approved projects the total PPG amounts to US \$ 0.128.

#### **GEF's New Framework for Allocating Resources**

In September 2005, the GEF Council adopted the Resource Allocation Framework (RAF), a new system for allocating GEF resources to recipient countries to increase the impact of GEF funding on the global environment. The RAF allocates resources to countries based on each country's potential to generate global environmental benefits and its capacity, policies and practices to successfully implement GEF projects. As such, the RAF builds on GEF's existing country-driven approach and partnerships with Implementing and Executing Agencies, and provides countries with increased predictability in the allocation of GEF funds.

Implementation of the above program began in July 2006 and applied to resources for financing biodiversity and climate change projects. The program provides that the indicative allocations for each country during a replenishment period be publicly disclosed at the outset of each replenishment period. These allocations were to be adjusted every two years to reflect changes in each country's capacity and potential to deliver global environmental benefits. All eligible countries were eligible to access resources for biodiversity and climate change so as to support enabling activities and projects in these areas. Countries were therefore supposed to work with the GEF Implementing and Executing Agencies to develop project proposals to be financed from its indicative allocation. Kenya as a country was allocated US \$ 7.9 Million for biodiversity and US \$ 3.5 Million for climate change projects respectively. So far, Kenya has not utilized all the allocated resources (Table 1). However, several other proposals are lined up for approval having been endorsed by the focal point.

Table 1: RAF GEF-4 Biodiversity Allocations Utilized by Kenya (All amounts in US\$ million)

Project Name	Agency	Transaction Type	Transaction Date	GEF Project Grant	GEF Agency Fee	Total Transaction Amount
Conservation and Management of Pollinators for Sustainable Agriculture through an Ecosystem Approach	UNEP	FP	June 14, 2007	0.48	0.05	0.53
Improved Conservation and Governance for Kenya Coastal Forest Protected Area System	UNDP	MSP	May 14, 2007	0.80	0.07	0.87
SGP Small Grants Program, 4 <sup>th</sup> Operational Phase, RAF Allocations 1	UNDP	FP	June 14, 2007	0.16	0.01	0.17
<b>Total</b>				<b>1.44</b>	<b>0.13</b>	<b>1.57</b>

In addition to the RAF allocations, countries could still receive GEF financing for projects in the other focal areas (international waters, land degradation, ozone layer depletion, and persistent organic pollutants), cross-cutting capacity building projects and the Small Grants Programme

#### Small Grants Program

Small grants are implemented by UNDP on behalf of GEF. Under the COP, GEF Small Grants Program supports the implementation of CBD. This program has been noted to be quick, responsive and flexible and support countries in National Implementation of the convention. This is done through civil society organizations. So far a total of \_ projects amounting to Kshs \_ have been supported through the program in Kenya.

Overall, the following challenges have been experienced in the country on GEF programs:

- Whereas the RAF had good intentions, it has emerged that it has made it difficult for the country to access the GEF resources
- The definition of a programmatic approach and its revision has again made it difficult to access the resources
- Other challenges include; frequent changes by GEF operational strategies, frequent changes of the eligibility criteria and frequent changes of application formats

#### Country's Position on RAF

- That RAF be structured so that it does not limit developing countries from accessing the funds
- That proper definition of the programmatic approach is developed to ensure that proposals developed fit the requirements at the earliest so that proponents are not disappointed on the changes once proposals are ready or rejected on the this basis.

- That GEF operational strategies, eligibility criteria and application formats should not be changed regularly as the case is to ensure that potential proponents are not discouraged on the same.
- That Small Grants

### **2.3 Report of the Executive Secretary on the Administration of the Convention and the Budget for the Trust Fund of the Convention**

The report of the Executive Secretary on the administration of the Convention and the budget for the trust funds of the Convention will be before the Conference of the Parties as document UNEP/CBD/COP/9/10.

Under this item, the Conference of the Parties is invited to take note of the report and to take up the information contained therein in its consideration of agenda item 5 on the budget for the programme of work for the biennium 2009-2010. Consistent with past practice, it is suggested that a budget contact group be established to prepare a budget, which will be submitted to plenary for adoption.



- ISSUES FOR IN-DEPTH CONSIDERATION

### 3.1 In-Depth Review of the Programme of Work on Agricultural Biodiversity

#### I. BACKGROUND

##### *Objective*

During the 8<sup>th</sup> Meeting of the Conference of the Parties to the Convention on Biological Diversity, in paragraphs 2 and 4 of decision VIII/23 D, requested the Executive Secretary, in partnership with the Food and Agriculture Organization of the United Nations (FAO) and in consultation with other relevant international organizations to prepare a full review of the programme of work on agricultural biodiversity, for consideration by the Conference of Parties at its ninth meeting. The in-depth review is also in accordance with decision VII/31 on the multi-year programme of work of the Conference of the Parties up to 2010 and taking into account the guidelines for the review of the programme of work of the Convention (decision VII/15, annex III). The primary aim of the review is to determine the progress made in advancing the objectives of the Convention within the thematic area of agricultural biodiversity. In addition to the reviewing the progress made, the in-depth review was to identify barriers and gaps in implementation and assess them, where relevant, how the Programme addresses major challenges and emerging issues.

An assessment of ongoing activities and existing instruments on agricultural biological diversity has been carried out by the Secretariat and the Food and Agriculture Organization of the United Nations (FAO),

Based on the main findings of the assessment, elements for the further elaboration of the programme of work were identified (SBSTTA recommendation V/9), for consideration by the COP at its fifth meeting, and decision V/5, *Agricultural biological diversity: Review of phase I of the program of work and adoption of a multi-year work programme* was adopted.

At the Seventh Meeting of the COP, milestones and timeframes on element 1 "assessments" of the programme of work were postponed by two years (decision VII/3).

The Conference of Parties also established three international initiatives as a mechanism for the further implementation of the Programme of Work on Agricultural Biodiversity: (i) International Initiative for the Conservation and Sustainable Use of Pollinators (decision V/5, Section II) and its action plan (decision VI/5, annex II); (ii) International Initiative for the Conservation and Sustainable Use of Soil Biodiversity (decision VI/5, paragraph 13) and its framework of action (decision VIII/23 B); and (iii) International Initiative on Biodiversity for Food and Nutrition (decision VII/32 and decision VIII/23 A, annex).

The programme comprises four mutually reinforcing elements:

- (i) **Assessments:** to provide a comprehensive analysis of status and trends of the world's agricultural biodiversity and of their underlying causes, as well of local knowledge of its management;
- (ii) **Adaptive Management:** to identify management practices, technologies and policies that promote the positive and mitigate the negative impacts of agriculture on biodiversity, and enhance productivity and the capacity to sustain livelihoods, by expanding knowledge,

understanding and awareness of the multiple goods and services provided by the different levels and functions of agricultural biodiversity;

(iii) **Capacity Building:** to strengthen the capacities of farmers, and indigenous and local communities, and their organizations and other stakeholders, to manage sustainably agricultural biodiversity so as to increase their benefits, and to promote awareness and responsible action; and

(iv) **Mainstreaming:** to support the development of national plans or strategies for the conservation and sustainable use of agricultural biodiversity and to promote their mainstreaming and integration in sectoral and cross-sectoral plans and programmes.

The programme of work also addresses the following cross-cutting initiatives:

- International Initiative for the Conservation and Sustainable Use of Pollinators
- Cross-cutting Initiative on Biodiversity for Food and Nutrition
- International Initiative for the Conservation and Sustainable Use of Soil Biodiversity
- Genetic Use Restriction Technologies (GURTS).

## **II. KEY ISSUES BROUGHT IN THE IN-DEPTH REVIEW**

- There are a number of completed, ongoing and planned assessments by the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA);
- Pollinator's populations are declining (FAO rapid assessments on status and trends on pollinators);
- A review of a scoping study and key issues on soil biodiversity has been done and work on micro-organisms and invertebrates have also been undertaken by the CGRFA.
- Plant genetic resources and animal genetic resources are conserved in the wild or on-farm and in *ex situ* facilities such as gene banks for short and long-term storage.
- Demand for food, feed and fibre causes expansion the cultivated area and/or intensifying production and affects agricultural biodiversity as follows:
  - *Conversion of natural habitats* to agricultural uses is considered as probably *the greatest threat to biodiversity*;
  - *Specialization* in the cultivated systems to provide food, feed and fibre, degrade other *ecosystem services due to neglect*;
  - Cultivation affects the provision of other services by *conversion of biologically diverse* natural grasslands, wetlands, and native forests into *less diverse agro-ecosystems*;
  - The *choice of crop species grown and the pattern of cropping* in time and space;
  - *Manner of management of crops, soil, and water resources* at both plot and landscape levels;

- *Intensification of food production can lead to water pollution thereby degrading downstream freshwater, estuarine and marine ecosystems and*
- Cultivation has accelerated and modified the spatial patterns in nutrient cycling, leading to biodiversity loss.
- The report of the State of the World's Animal Genetic Resources *concludes that there is urgent need for research, capacity-building and improved management guidelines to promote sustainable utilization and address worrying levels of genetic erosion;*

Conservation of biodiversity through cultivation practices can be achieved in a variety of ways:

- sustaining productivity on existing cropland to limit expansion into new areas;
- Integrated management of agro-ecosystems (landscape level); and
- Diversity within cropping systems. This is inclusive of such practices as agroforestry and reduced tillage.

### III. KEY FINDINGS OF THE IN-DEPTH REVIEW

#### Programme element 1: Assessments

Majority of the Parties reported having undertaken assessments of different components of agricultural biodiversity but only a few with respect to soil biodiversity. Some have developed specific assessments of additional components of agricultural biodiversity that provide ecological services. Only a few Parties provided information on assessment and monitoring tools and indicators.

Many Parties have carried out an assessment of the knowledge, innovations and practices of farmers and indigenous and local communities, in particular on agricultural management practices e.g. on crops, land, manure, water, the use of neglected and underutilized crop species, the impacts of minor crops on the livelihoods of farmers, and indigenous and traditional knowledge and management practices on water, soil fertility, seed conservation and cropping systems. But only a few Parties have addressed the social and economic issues related to agricultural biodiversity.

Many have also undertaken assessments of the interactions between agricultural practices and the conservation and sustainable use of the components of agricultural biodiversity. But few socio-economic studies were carried out to evaluate the capability of farming systems to provide environmental protection and economic viability.

Obstacles to the implementation of this programme element include lack of :

- (i) national assessments and coordinated monitoring of the components of agricultural biodiversity;
- (ii) methodological, technical and financial resources;
- (iii) appropriate and widely accepted agro-environmental indicators;
- (iv) awareness of the goods and services provided by the different levels and functions of agro-biodiversity;

- (v) coordination amongst responsible agencies; and
- (vi) political will to address the challenges and opportunities that local agricultural practices present for the conservation and sustainable use of biodiversity. In addition, technological change and increasing trade are accelerating the loss of traditional agro-ecological knowledge.
- (vii) In general, an increase in the use of participatory approaches implies that indigenous and local knowledge is more often being taken into account in defining the needs of communities and in project formulation.

### **Programme element 2: Adaptive management**

Many Parties have undertaken activities in this area among them, management practices such as economic incentives, agro-environmental measures, training, promotion of traditional farming practices and networks.

Some Parties have identified technologies, mainly genetic tools to improve crop varieties, and some have identified policies related to biodiversity conservation, environmental protection, use and conservation of genetic resources, good professional agricultural practices, use of agrochemicals and manure and use of GMOs.

✍ The main obstacles include:

- (i) lack of technical, technological and financial resources,
- (ii) lack of extension and dissemination programmes,
- (iii) slow progress on policy implementation, and
- (iv) influence of factors such as increased climate variability.

Studies showing the financial value of biodiversity-friendly practices have been reported by many organizations including efforts to develop mechanisms for benefiting poor farmers through payments for ecosystem services.

Most work being carried out in the areas of trade and marketing relate to the promotion of underutilized and new crops, market chain analysis and trade issues relating to plant genetic resources.

In the area of policy as it contributes to adaptive management, there is considerable ongoing work on intellectual property rights, particularly on protecting the rights of local communities to landraces.

### **Programme element 3: Capacity-building**

Most Parties have effectively enhanced capacity-building, in particular, for local and indigenous communities, crop and livestock farmers, farmers' organizations, rural women and other stakeholders including food industries.

The review observes important progress in capacity development activities. Areas and components where capacity has been increased cover agricultural biodiversity management (plant genetic resources and animal genetic resources, water, land and

vegetation), conversion to organic farming, public awareness, agro-forestry and traditional practices.

Few Parties reported having improved the policy environment to support local-level management of agricultural biodiversity.

Some Parties have established benefit-sharing arrangements and some have developed incentives measures.

Only a few Parties reported having promoted opportunities to participate in the development and implementation of national strategies, plans and programmes for agricultural biodiversity, and improved the policy environment to support local-level management of agricultural biodiversity due to lack of relevant implementation for economic incentives and benefit-sharing arrangements, a slow policy change and implementation, and difficulties in integrating policies across different sectors.

#### **Programme element 4: Mainstreaming**

Many Parties reported having mainstreamed national plans or strategies for the conservation and sustainable use of agricultural biodiversity in sectoral and cross-sectoral plans and programmes that deal with rural development, poverty reduction, economic development, desertification, protected areas, science and technology, sport and tourism and soil conservation.

Majority reported being active in supporting the institutional framework and policy and planning mechanisms for mainstreaming agricultural biodiversity in agricultural strategies and action plans, and into wider strategies and action plans for biodiversity. **However, only a few Parties reported an increase in the awareness of farmers and citizens following the implementation of policies or networks, and an increase in collaboration with the private sector, productivity and food security.**

Many also reported having promoted activities related to *in situ* and *ex situ* conservation of the variability of genetic resources for food and agriculture. **However, insufficient attention seems to have been given to the conservation of wild relatives of domesticated species and the conservation of species in their centres of origin, and to awareness-raising activities about the value of *in situ* and *ex situ* genetic resources conservation.**

Few details were provided by Parties on tools developed to promote public awareness of the goods and services derived from agricultural biodiversity and to support the development or adaptation of relevant systems of information, early warning and communication to enable effective assessment of the state of agricultural biodiversity and threats to it, in support of national strategies and action plans.

Most successful activities have been reported to be partly due to the implementation of the National Biodiversity Strategy and Action Plan (NBSAP) and to cooperation and financial support of national and international organizations.

Major obstacles include lack of coordination to improve efficiency of sectoral policies, lack of synergy between legislation on plant protection products, seeds legislation and legislation about genetically modified organisms (GMOs), lack of a long-term vision within government agencies and lack of adequate financial resources.

Synthesis of activities from international organizations shows that a wide range of support is being provided by international organizations, in particular FAO and the CGIAR Centers, to countries to implement international agreements and to harmonize related policies and laws. Information systems on genetic resource for food and agriculture are also becoming well-established.

### **International Initiative for the Conservation and Sustainable Use of Pollinators**

The review indicates that one third of Parties reported having undertaken activities, including monitoring of the status and trends of pollinators, identification of causes of negative impacts on pollinators and management tools that could reduce them, conservation activities and assessment of the goods and services provided by pollinators.

A few Parties provided additional comments on the integration of pollinator conservation into their national biodiversity strategy and action plan and regional collaboration, and on awareness projects on pollinators.

Obstacles in the implementation of the plan of action reported by Parties included:

- (i) lack of expertise and knowledge on pollinators;
  - (ii) adequate financial and technical resources;
  - (iii) lack of coordination in monitoring the status and trends of pollinators; and
  - (iv) lack of long-term vision within government agencies.
- At international level, the review indicates that the establishment of this initiative has facilitated timely and coordinated efforts globally to attain the objectives of the initiative's plan of action.

### **International initiative for the conservation and sustainable use of soil biodiversity**

- The review shows that Parties were not requested to provide information on the implementation of this initiative. Synthesis of activities from international organizations shows that work on soil biodiversity has been conducted in the areas of assessment, monitoring and mainstreaming under programmes and projects conducted by institutions. **But some groups of soil biota had been studied more than others; however there is limited coordination of these efforts.**
- There is still limited coordinated effort to gather data and information specific to soil biodiversity.
- Taxonomic expertise lacks in many countries and efforts to fill these gaps would also make a significant contribution to the efforts of the Global Taxonomy Initiative.
- Technical expertise and capacity development is provided at the technical level and only for some groups of soil organisms. **Nonetheless, there is a need for training on soil biodiversity and function at the farmer level with advocacy material and training manuals.**

- There have been limited activities in strengthening collaboration among actors and institutions and mainstreaming soil biodiversity and biological management into agricultural and land management and rehabilitation programmes.

### **Initiative on Biodiversity for Food and Nutrition**

- At the international level, this initiative, led by FAO and Biodiversity International, has made considerable progress since its inception on developing and documenting knowledge, particular needs have been identified in terms of biodiversity indicators in food composition and nutritional analysis.
- Concerning the integration of biodiversity, food and nutrition issues into research and policy instruments, FAO has initiated the integration of biodiversity concerns into nutrition instruments in the context of its programme of work in nutrition.
- Work is also ongoing in the area of food composition analysis and dietary guidelines, as well as integration of biodiversity for food and nutrition concerns into food security and poverty reduction.
- Conserving and promoting wider use of biodiversity for food and nutrition are being carried out within the framework of the whole programme of work on agricultural biodiversity.
- A range of public awareness materials on the links between biodiversity, food and nutrition, and the importance of biodiversity conservation to meeting health and development objectives have been made available, or are under development.

### **Genetic Use Restriction Technologies (GURTs)**

- More than one quarter of Parties have identified ways and means of addressing GURTs, including through laws and policies, establishment of biosafety committees, establishment of facilities for research on GURTs and implementation of environmental risk assessment

### **Consideration of biofuels in the programme of work on agricultural biodiversity**

- Biofuel production and use can have both beneficial and adverse effects on biodiversity, including agricultural biodiversity, and human well-being. Current data indicate that large-scale production of liquid biofuel can have positive greenhouse gas balances and contribute to the reduction of emissions, an important indirect contribution to the conservation of biodiversity.
- Large-scale biofuel production can also have adverse impacts on biodiversity, by contributing, among others, to habitat loss, fragmentation and degradation, increased greenhouse gas emissions from degraded carbon sinks and deforestation, increased water pollution from chemical inputs, soil degradation and erosion, uncontrolled introduction and spread of GMOs and invasive alien species, and overexploitation and increase in food prices.

Options for promoting sustainable biofuel production include:

- (i) the application of guidelines and standards in the framework of the ecosystem approach;
  - (ii) the application of biodiversity-inclusive guidelines on environmental impact assessment and strategic environmental assessment;
  - (iii) the development of sound policy frameworks that contribute to both the mitigation of greenhouse gas emissions and the conservation and sustainable use of biodiversity; and
  - (iv) the promotion of research to improve the economy and yields of energy biomass and develop technologies for second-generation feedstocks and other materials.
- **There is a need to enhance awareness on issues relating to biofuels among policy makers, farmers, business, and other stakeholders, to enable fully-informed decision making.**

#### **Linkages between the Programme of Work and Climate Change**

- The impact of cultivation on climate regulation can best be viewed in two distinct stages. When natural ecosystems have been converted for cultivation, carbon-based greenhouse gases are generally released and carbon sequestration potential is reduced to an extent dependent upon the original land cover and the means of conversion.
- About 70 per cent of anthropogenic nitrous oxide gas emissions are attributable to agriculture and thereafter, the impact of cultivation on climate regulation is intimately linked to production-system choices and management practices such that sustainable agriculture represents an opportunity for climate-change mitigation.
- Under changing climatic conditions, agricultural biodiversity will become increasingly important. Many of these resources will, however, become more threatened, as climate change erodes biodiversity and destabilizes ecosystems, particularly in drylands. At the same time, the genetic resources used by the agricultural sector will become more crucial in developing strategies to adapt to climate change, so as to ensure the sustained increase that will be necessary to feed the world in 2050.
- The current programme of work presents some gaps in terms of addressing the challenges and shifting needs under climate change. It does not address the role of agricultural biodiversity in climate change adaptation planning or the vulnerability of agricultural biodiversity to the impacts of climate change. Furthermore, there exist significant information gaps on agricultural biodiversity and climate change links with regards to livestock, food and nutrition, soil biodiversity and pollinators.

#### **Applicability of the Addis Ababa Principles and Guidelines to the programme of work on agricultural biodiversity**

All 14 Addis Ababa principles and guidelines for the sustainable use of biodiversity apply to the sustainable use of agricultural biodiversity. Principles 1 to 6, 8, 9, 11, 12, and 14 are applicable without changes. However, participants of the workshops suggested that principles 7, 10, and 13 require adjustments



- (a) Principle 7 (The spatial and temporal scale of management should be compatible with the ecological and socio-economic scales of the use and its impact) should be applied with special consideration of agriculture's vast spatial scale (indeed, cultivated systems alone now account for more than 24 per cent of Earth's terrestrial surface and their management needs surpass the scale of land under use) and relatively short-term temporal scale (the cycle of agricultural practices is continuously changing the natural dynamics of biological communities);
- (b) When applying Principle 10 (International, national policies should take into account: current and potential values derived from the use of biodiversity; intrinsic and other non-economic values of biodiversity; and market forces affecting the values and use) to agricultural biodiversity, the first point could be revised and read as "current and potential values derived from the use of biological diversity, including natural and agricultural systems";
- (c) With regard to the application of Principle 13 (The costs of management and conservation of biological diversity should be internalized within the area of management and reflected in the distribution of the benefits from the use), it should be noted that the cost of some components of agricultural biodiversity (gene banks, maintenance of traditional and wild relatives of crops) can not be fully internalized in the management area of agriculture and requires larger financing mechanisms.

#### **IV. Overall assessment of progress**

The overall assessment of the contributions of the programme of work on agricultural biodiversity to the implementation of the goals of the Convention and the 2010 biodiversity targets and to achieving the Millennium Development Goals and other relevant global goals is as follows:

- i. Information collected from national reports and other reports is insufficient to indicate clearly the extent of progress made to the achievement of the 2010 biodiversity target. It is, however, clear that a broader range of activities are required to reduce significantly the impact of agriculture on biodiversity and ecosystems more broadly, and that this would be promoted by wider application of the ecosystem approach to agriculture.
- ii. The World Summit on Sustainable Development (Johannesburg, 2002) recognized that agriculture plays a crucial role in addressing the needs of a growing global population, and is inextricably linked to poverty eradication, especially in developing countries. This message is reinforced in the World Development Report 2008: "Agriculture for Development".
- iii. The implementation of the programme of work on agricultural biodiversity, together with the wider application of the ecosystem approach, has the potential to contribute to achieving the Millennium Development Goals (MDGs), in particular (i) Goal 1 (Eradicate extreme poverty and hunger) by improving agricultural productivity and the provision of food and services relating to human nutrition, and (ii) Goal 7 (Ensure environmental sustainability), particularly the target "Integrate principles of sustainable development into country policies and programmes and to reverse the loss of environmental resources". The programme of work can also contribute indirectly to several other MDGs: Goal 8 (Develop a global

partnership for development), and Goal 4 (Reduce child mortality), Goal 5 (Improve maternal health) and Goal 6 (Combat HIV/AIDS, malaria, and other diseases) by increasing the diversity and nutritional quality of food production.

- iv. It is necessary to identify or develop indicators and methods to objectively evaluate how the implementation of the programme of work on agricultural biodiversity contributes to the implementation of the Convention objectives and the Strategic Plan of the Convention. , including the reduction of the rate of biodiversity loss and the contribution to poverty alleviation. Goals and targets may also be identified to be integrated into the Strategic plan of the Convention post-2010. There is also a need to gather data to illustrate the linkages between the implementation of the programme of work on agricultural biodiversity and the achievement of the MDGs.

## Conclusions

- i. The review of inputs from Governments and international organizations on the implementation of the four programme elements and the three international initiatives suggests that the programme of work on agricultural biodiversity is a relevant framework to achieve the objectives of the Convention. The review highlighted areas: (i) where gaps have been identified (e.g. knowledge of the status and trends of some components of agricultural biodiversity); (ii) that need to be strengthened in order to contribute effectively to the conservation and sustainable use of agricultural biodiversity (e.g. capacity-building, mainstreaming); and (iii) that require targeted action (e.g. the cross-cutting initiatives). The review also showed that the programme of work has the necessary flexibility to address new and emerging global issues (e.g. climate change, biofuels).
- ii. The international initiatives and their plans of action have proven to be particularly effective in contributing towards the objectives of the programme of work. The case of pollinators has made this very evident, illustrating the impetus that the endorsement of this initiative has had in mobilizing partners. It is proposed to maintain the international initiatives, and capitalize on the momentum they have created.
- iii. Since the adoption of the programme of work on agricultural biodiversity, new internationally agreed instruments and intergovernmental programmes related to agricultural biodiversity have emerged within the United Nations System. Much is to be gained by promoting synergy and coordination with them, and avoiding duplication, in the next phase of implementation of the programme of work. In particular, with the entry into force of the International Treaty on Plant Genetic Resources for Food and Agriculture and the adoption of the multi-year programme of work of the FAO intergovernmental Commission on Genetic Resources for Food and Agriculture, which covers all biodiversity for food and agriculture, FAO is now better placed to further cooperate with the Convention in order to ensure the conservation and sustainable use of agricultural biodiversity, and the sharing of benefits arising of its use, for sustainable agriculture and food security.
- iv. Even if the third national reports did not give a comprehensive overview of all the activities undertaken by the Parties (in particular on tools and indicators used and/or developed to assess and monitor impacts of the implemented activities), the

implementation of the programme of work is well underway, often with the cooperation and the support of relevant international organizations. However, more work remains to be done to reach the conservation and sustainable use of agricultural biodiversity, and biodiversity in general. The analysis suggests the need to strengthen: (i) the use of the ecosystem approach, both at the ground and policy level; (ii) inter-sectoral cooperation, synergy and coordination at the national level, in particular between agriculture and environment sectors; and (iii) the capacity of stakeholders for a better understanding of the importance and sustainable use of agricultural biodiversity in different sectors.

- v. Since the adoption of the programme of work on agricultural biodiversity in 2000, the Strategic Plan and 2010 biodiversity target have been adopted. In order to make the programme of work consistent with the other programmes of work, and the Strategic Plan of the Convention on Biological Diversity, a vision and mission are proposed in the suggested recommendations.

**vi. WHAT KENYA HAS DONE IN THE IMPLEMENTATION OF THE PROGRAMME OF WORK**

Agricultural growth and development is crucial for Kenya's overall economic and social development. Agriculture contributes 24% directly to GDP and 60% of export earnings. Despite this, the sector has been experiencing declining growth over the last decade.

The Government therefore put in place measures to reverse this trend through the Economic Recovery Strategy (ERS) for Wealth and Employment Creation 2003-2008, and the Strategy for Revitalization of Agriculture (SRA) 2004-2014, and now Vision 2030, all of which aim at improving the standard of living of Kenyans by substantially reducing the number of people affected by hunger, famine and starvation. These measures are in line with the first Millennium Development Goal No. 1 of halving extreme poverty and hunger by the year 2015.

**Constraints and challenges:**

- (i) Inappropriate policy and legal framework;
- (ii) inadequate market access opportunities; low agricultural output and productivity;
- (iii) Inadequate affordable credit and input to farmers;
- (iv) poor access to agricultural information;
- (v) lack of an integrated national land policy;
- (vi) inadequate land use practices;
- (vii) weak institutional framework; and
- (viii) weak institutional capacity and coordination in the implementation of activities within the agricultural sector.

**Strategic Objectives:**

**Assessment**

Assessment of the status and trends and threats to biodiversity at the country level has not been comprehensively undertaken. There is urgent need to undertake a comprehensive assessment and trends and threats to agricultural biodiversity.

**Adaptive Management:**

The country is implementing a number of programmes and projects on adaptive management on soil and water conservation activities in areas prone to erosion and degradation, agro-forestry and conservation of pollinators (honey bees) are some of the adaptive management practices being undertaken.

Land terracing, conservation tillage and mulching, and crop rotation and promoting the production and trading opportunities for organic agricultural products are some of the measures being implemented in a varied range of agro-ecosystems in the country.

Promotion of community based nurseries for rehabilitation of degraded areas and incentives for private sector to develop appropriate technologies use of renewable and sustainable energy sources e.g. Solar, wind and biogas are also being promoted and encouraged across the country are also important activities that are ongoing.

The Government, in collaboration with local and international stakeholders, is also promoting organic agriculture, and efficiency in inorganic fertilizers' use to sustain productivity on existing cropland and to limit expansion into new areas, practicing mixed farming where both crops and animal enterprises are carried out within the same farms, integrated management of farm holdings and diversity of cropping systems at the farm level through such practices as inter-cropping (mixed cropping).

The Government is promoting water harvesting and water conservation as well. Water harvesting has been promoted through the construction of water holes, small dams, and water pans. At the farm level, water harvesting is promoted by the harnessing of water from roof catchments.

The Swedish International Development Agency (SIDA) has been providing both technical and financial support to soil and water conservation programmes in the country since 1974 which also includes awareness creation and training on among the youth, community leaders, government officers, school teachers soil and water conservation.

At policy level, Strategic Plan (2006-2010) of the Ministry responsible for agriculture, for example, has set tolerance levels of soil loss of 5-10 tonnes per hectare per year though some parts of the country continue to experience soil loss of over 100 tonnes per hectare per year.

### **Capacity Building:**

- Capacity-building, especially for small-scale crop and livestock farmers, indigenous communities, farmers' organizations, rural women and other stakeholders are regularly carried out, particularly through the national agricultural extension service, cooperative societies' outreach programmes.
- Areas and components where capacity is being built cover agricultural biodiversity management on indigenous and non-indigenous plant genetic and animal genetic resources, water, land and vegetation, benefits of organic farming, agro-forestry and traditional conservation practices.
- Training, implementation of policies and providing information and skills and support are regularly used methodologies and strategies to farmers.
- The Government is implementing a programme on indigenous crops that are deemed to be neglected and under-utilized and therefore threatened under what is referred to as "orphan crops programme". The programme involves seed bulking by the Kenya Agricultural Research Institute. The specific crops involved are cowpeas, pigeon peas, sorghums, bulrush millets, sweet potatoes, and cassava.

- Civil Society Organizations are also promoting the production, conservation and sustainable use of indigenous food crops, seed bulking of indigenous crop. For example, to adopt and adapt technologies which promote conservation and sustainable use of agricultural biodiversity, Practical Action (formerly ITGD) has promoted seed bulking technology of indigenous crops in some rural areas. The programme also undertakes capacity building for farmers through agricultural extension outreach activities.
- There is improved the policy environment to support local-level management of agricultural biodiversity focusing on genetic resources conservation, participatory approaches to rural development and poverty reduction, and integrated farm management. The Government has formulated a new agricultural extension policy, the National Agricultural Sector Extension Policy (NASEP), which aims at giving extension a sector-wide dimension and representation in order to enhance capacity through collaboration with other extension services providers, enhancing cooperative extension services, establishing database for extension planning and performance monitoring, and providing farmers with demand-driven extension services.

#### **Mainstreaming:**

- Conservation and sustainable use of agricultural biodiversity is being mainstreamed in national plans or strategies for the in sectoral and cross-sectoral plans and programmes that deal with rural development, poverty reduction, economic development, and desertification, science and technology, among others.
- The National Biodiversity Strategy and Action Plan has integrated agricultural biodiversity as one of the major areas of consideration. The conservation strategies of the Kenya Agricultural Research Institute cover environment, plant genetic resources, sustainable development, rural and agricultural development. The Medium Term Plan (MTP) of Vision 2030 has mainstreamed and integrated the conservation and sustainable use of agricultural biodiversity in both the sectoral and cross-sectoral plans.
- In the agricultural sector, issues of research in terms of crop variety development, soil and water management, irrigation development, soil fertility and plant nutrition, livestock breeding and livestock disease control technology development, animal improvement, information dissemination, among others, have all been mainstreamed in policies and strategies.

#### **International Initiative on the Conservation and Sustainable Use of Pollinators**

Kenya Pollinators Initiative coordinated by the National Museums of Kenya is spearheading the implementation of activities prescribed by the plan of action; the private Sector and Civil Society Organizations are implementing programmes on conservation of pollinators, for example Honeycare Africa Limited and Baraka Institute of Agriculture among others are promoting community conservation of honey bee. But as indicated in the in-depth review, obstacles in the implementation of the plan include: limited expertise and knowledge on pollinators, adequate financial and technical resources, and lack of proper coordination in monitoring the status and trends of pollinators.

*International initiative for the conservation and sustainable use of soil biodiversity*

Limited work on soil biodiversity has been conducted in the areas of assessment, monitoring and mainstreaming under programmes and projects conducted by institutions in the country. As indicated by the in-depth review, in general, only some groups of soil biota such as the nitrogen fixing bacteria, earthworms and other production augmenting biota have been studied more than others. On the objective sharing of knowledge and information and awareness-raising, while some case-studies exist on nitrogen fixing bacteria and its symbiotic relationships with the leguminous plants, new case-studies would allow for the needed updated information on the status of other existing and beneficial soil biota. Indeed, there is still limited coordinated effort to gather data and information specific to soil biodiversity, and much more work is required to enhance public awareness and make relevant information widely available. Capacity-building for the development and transfer of knowledge of soil biodiversity and ecosystem management into land use and soil management practices, the promotion of adaptive management approaches, as well as capacity-building efforts and some targeted participatory research has not been as focused. Furthermore taxonomic expertise is seriously lacking in the country.

### **Cross-cutting Initiative on Biodiversity for Food and Nutrition**

Kenya takes seriously the issue of food and nutrition security, the country being a net-food importing developing country. Although particular needs have not been identified in terms of biodiversity indicators in food composition and nutritional analysis as required under element 1 on developing and documenting knowledge of the cross-cutting initiative, *Integration of biodiversity, food and nutrition issues into research and policy instruments*, has been undertaken. The country has developed a Food and Nutrition Policy which takes into account the need to diversify food and nutrition sources hence enhance conservation and sustainable use of agricultural biodiversity for food and agriculture. FAO has been instrumental in enabling the country formulate the draft policy which is awaiting approval by the Cabinet and parliament. Some work has been done area of food composition analysis and dietary guidelines, as well as integration of biodiversity for food and nutrition concerns into food security and poverty reduction. But as the pointed out by the in-depth review, more efforts are needed to integrate consideration of the role biodiversity for food and nutrition into health policies at the national level.

### **Genetic use restriction technologies (GURTs)**

- Following the decision by the Conference of the Parties to encourage the Parties and Governments to identify ways and means to address the potential impacts of GURTs on the *in situ* and *ex situ* conservation and sustainable use, including food security, of agricultural biodiversity the country has establishment a National Biosafety Committee and formulated a draft National Policy on Biotechnology which takes into account the issues of GURTS. Further, the country has also establishment of facilities for research on biotechnology and GURTs and implementation of environmental risk assessment.

### **Consideration of Biofuels in the Programme of Work on Agricultural Biodiversity**

Kenya has recognised the biofuel production and use can have both beneficial and adverse effects on biodiversity, including agricultural biodiversity, and human well-being despite the gaps in knowledge and information associated with the impact on biodiversity of biofuel production and use. The country is also amenable to the fact that large-scale production of liquid

biofuel can have positive greenhouse gas balances and contribute to the reduction of emissions, an important indirect contribution to the conservation of biodiversity.

The in-depth review also points out that large-scale biofuel production can also have adverse impacts on biodiversity, by contributing, *inter alia*, to habitat loss, fragmentation and degradation, increased greenhouse gas emissions from degraded carbon sinks and deforestation, increased water pollution from chemical inputs, soil degradation and erosion, uncontrolled introduction and spread of GMOs and invasive alien species, and overexploitation and increase in food prices.

The Government, in collaboration with other stakeholders, is set to roll out a National Strategy on Bio-diesel, in addition to promoting the production of other biofuels, through which it hopes to cut national kerosene consumption and significantly reduce its diesel usage.

To prevent competition of the biodiesel crops with food crops for land, the growing of jatropha will be confined to the arid and semi-arid lands which are only marginal for agricultural production.

Production of other biofuels such as bio-ethanol from the by-products of sugarcane processing is already underway in the country by most of the local sugar factories. This means that biofuel production will not interfere so much with the country's food security objectives.

The strategy will promote options for promoting sustainable biofuel production, including

- (a) the application of guidelines and standards in the framework of the ecosystem approach;
- (b) the application of biodiversity-inclusive guidelines on environmental impact assessment and strategic environmental assessment;
- (c) the development of sound policy frameworks that contribute to both the mitigation of greenhouse gas emissions and the conservation and sustainable use of biodiversity; and
- (d) the promotion of research to improve the economy and yields of energy biomass. Enhancing awareness on issues relating to biofuels among policy makers, farmers, business, and other stakeholders, to enable fully-informed decision making is already taking place through workshops/seminars and the mass media.

### **Linkages between the Programme of Work and Climate Change**

The in-depth review (quoting the Millennium Ecosystem Assessment), points out that the impact of cultivation on climate regulation can best be viewed in two distinct stages. When natural ecosystems have been converted for cultivation, carbon-based greenhouse gases are generally released and carbon sequestration potential is reduced to an extent dependent upon the original land cover and the means of conversion. In fact, about 70 per cent of anthropogenic nitrous oxide gas emissions are attributable to agriculture. Thereafter, the impact of cultivation on climate regulation is intimately linked to production-system choices and management practices such that sustainable agriculture represents an opportunity for climate-change mitigation.

The review also elaborates that under changing climatic conditions, agricultural biodiversity will become increasingly important and many of these resources will become more threatened as climate change erodes biodiversity and destabilizes ecosystems, particularly in drylands. At the same time, the genetic resources used by the agricultural sector will become more crucial in

developing strategies to adapt to climate change, so as to ensure the sustained increase that will be necessary to feed the world in 2050.

Although the current programme of work presents some gaps in terms of addressing the challenges and shifting needs under climate change given that does not address the role of agricultural biodiversity in climate change adaptation planning or the vulnerability of agricultural biodiversity to the impacts of climate change as well there exist significant information gaps on agricultural biodiversity and climate change links with regards to livestock, food and nutrition, soil biodiversity and pollinators.

#### IV. KENYA'S POSITION ON THE DRAFT DECISIONS TO COP 9

Kenya,

- Welcomes the recommendations by SBSTTA 12 and SBSTTA 13;

*On Status and trends of agricultural biodiversity:*

- Welcomes the progress and plans made by FAO on preparing the State of the World's Biodiversity for Food and Agriculture (State of Plants, Animal and Aquatic Genetic Resources, rapid assessment of status of pollinators, and reviews on the status and trends on micro-organisms and invertebrates) and the publication of the State of the World's Animal Genetic Resources for Food and Agriculture in 2007.

*On the Implementation of the Programme of Work: Assessment:*

- Draft Decision (5) should be amended as follows:

5. Invites Parties and other governments and relevant organizations to finance and undertake research as appropriate....., and collect and refine the collated data into a coherent information set on best monitoring practices and disseminate it to Parties through the Clearing House Mechanism.

*On the Implementation of activities in the programme of work: Adaptive Management and Capacity Building*

- Kenya supports the draft decisions on adaptive management and capacity building but the draft decision (10) should be amended to read as follows:

10. Invites Parties, governments and relevant international and regional organizations, support and remove constraints to on-farm and in situ conservation of agricultural biodiversity through participatory decision-making processes, financial and technical support in order to.....and related ecosystem functions;

*On the Implementation of activities in the programme of work: Mainstreaming*

- Kenya supports the current draft decisions on mainstreaming

*On the International Initiative for the Conservation and Sustainable Use of Pollinators*

- Kenya supports the current draft decisions on the conservation and sustainable use of pollinators.

*On the International Initiative for the Conservation and Sustainable Use of Soil Biodiversity*



- Kenya supports the draft decisions on the Conservation and Sustainable Use of Soil Biodiversity;

*International Initiative on Biodiversity for Food and Nutrition*

Kenya supports the draft decision on the International Initiative on Biodiversity for Food and Nutrition but with and addition as follows:

24. *Invites* the Food and agriculture organization of the United nations, the World Health Organization, Biodiversity International, other relevant international and regional organizations and the Executive Secretary to support Parties, other Governments and other stakeholders in their implementation of the initiative, including through capacity development and dissemination of good practices and lessons learnt;

Agricultural biodiversity, climate change and biofuels:

- Kenya supports the draft decisions on agricultural biodiversity and climate change and the draft decision (30) on agricultural biodiversity and biofuels.

Addis Ababa Principles and Guidelines on Sustainable Use

- Kenya supports the draft decisions on the Addis Ababa Principles and Guidelines on Sustainable Use.

Research Issues

Kenya supports the draft decisions on research issues with respect the implementation of the programme of work on agricultural biodiversity.

General

- Kenya also supports the draft decisions on the General issues pertaining to the implementation of the programme of work on agricultural biodiversity.

## V. KENYA'S STATEMENT ON BIO-FUELS

### *Biofuel*

Kenya believes that biofuel production and use can have both beneficial and adverse effects on biodiversity, including agricultural biodiversity, reduction of greenhouse gas emissions and human well-being. However, because of gaps in the knowledge and information associated with the impact on biodiversity of biofuel production and use, and the potential adverse impacts on biodiversity and food security, by contributing to, among others, habitat loss, fragmentation and degradation, there is need to only promote sustainable biofuel production such as:

- the application of guidelines and standards in the framework of the ecosystem approach;
- the application of biodiversity-inclusive guidelines on environmental impact assessment and strategic environmental assessment; and
- the development of sound policy frameworks that contribute to both the mitigation of greenhouse gas emissions and the conservation and sustainable use of biodiversity.

### 3.2 Implementation of the Global Strategy for Plant Conservation

Constraints to the national implementation of the Global Strategy in Kenya include limited institutional integration, lack of mainstreaming, and inadequate policies and legal frameworks at the planning stage; and at the operational level, lack of taxonomic capacity, lack of data (taxonomy, biology and conservation), tools and technologies, limited sectoral collaboration and coordination, and limited financial and human resources.

There are several projects and institutions in Kenya that implement different parts of the strategy, including universities and other institutions of higher learning. However, a project that was being developed to address the lack of taxonomic capacity in the region with funding from GEF the proposed BOZONET project for Kenya has contributed to the delay in capacity building for the East Africa region on taxonomy issues. However some universities and institutions such as the National Museums of Kenya continue developing taxonomic capacity albeit slowly.

During COP 9 Kenya is calling for renewed efforts to build this much needed capacity from various donors in addition to using their own resources.

**SEEDS FOR LIFE PROJECT (SFLP)** as an example of GSPC implementation in Kenya:

Summary of achievements of SFLP:

Several species new to science have been collected, described and banked for the first time in-country and at the Millennium Seed Bank in the UK. This is in addition to many Kenyan plant species not new to banking to the Millennium Seed Bank, but new to banking in Kenya have been effectively conserved in-country. Direct conservation and use of plant genetic resources has been achieved through restoration work undertaken by the Kenyan partners especially through institute cross-cutting collaboration involving foresters, agriculturalists and botanists has been actualised in Kenya for the first time.

SFL Project also addresses the following National Legislation and Action Plans: The Guiding Principles of the 1999 National Environmental Management and Coordination Act and the National Biodiversity Strategy and Action Plan (NBSAP), 2000 as they relate to the need to 'prescribe measures for the conservation of biological resources *ex situ* especially for those species threatened with extinction' and to 'increase Kenya capacity for *ex situ* conservation' through the recognition of the importance of "indispensable national, regional and international cooperation". Furthermore the Project's long term and short term objectives directly address the "general objectives" of the NBSAP, & GSPC that is:

The enhancement of *ex-situ* and *in-situ* conservation and sustainable utilisation of PGRs indigenous to Kenya and the enhancement of technical and scientific co-operation nationally and internationally, including the exchange of information, in support of biodiversity conservation while at the same time building capacities in terms of regional trainings and technology transfer.

**During COP 9:**

**Kenya strongly supports calls for further development of the GSPC Strategy beyond 2010 including a review of the current targets.**

Special emphasis on the following in respect to the SBSTTA document UNEP/CBD/COP/9/2:

(d) *Requests* the Executive Secretary, in collaboration with the Global Partnership for Plant Conservation and other relevant organizations:

(i) To develop a toolkit, in pursuance of paragraph 7 of decision VII/10 of the Conference of the Parties, that describes *inter alia* tools and experiences that can help enhance national, sub regional and regional implementation of the Strategy.

(ii) To facilitate the development of capacity-building, technology transfer, and financial support programmes to assist developing countries, in particular least developed countries, small island developing States, and countries with economies in transition to effectively implement or to achieve enhanced implementation of the Strategy;

(iii) To identify regional tools for the exchange of information and capacity-building;

*The Kenyan delegation expresses appreciation* to Botanic Gardens Conservation International for the secondment of a Programme Officer who is a Kenyan Stella Simiyu to the Secretariat of the Convention on Biological to support the implementation of the Strategy.

Also important for Kenya but has not been successful so far are:

GSPC –Target 12 which aims to have 30% of plant-based products derived from sources that are sustainably managed and Target 15 which calls for an increase in the number of trained people working with appropriate facilities in plant conservation increased, according to national needs, to achieve the targets of this strategy. Kenya therefore calls for further efforts in this during COP9.

### **3.3 INVASIVE ALIEN SPECIES.**

Kenya has had serious invasion by some alien invasive species, a few examples are *Salvinia molesta* and *Eichhornea crassipes* (*water hyacinth*), *Azolla nilotica*, *Prosopis juliflora*, *cypress aphid*, and others.

IN Kenya, a number of organizations carry out activities and roles, which are not well coordinated and shared out. Further, each one of them works under various constraints. The key organizations whose activities touch on the invasive alien species include: Kenya Agriculture Research Institute (KARI), Ministry of Environment and natural Resources (MENR), Universities, Kenya Forest Service (KFS), Kenya Wildlife Services (KWS), Department of Resource Surveys and Remote Sensing (DRSRS), National Museums of Kenya (NMK), Fisheries Department (FD), Non Governmental Organisation / Community Based Organisation NGO/CBOs etc.

Despite invasion by the alien species, not much information exists in Kenya on the invasives. *Eichhornea crassipes* (water hyacinth) and *Prosopis juliflora* (Mathenge) have and continue causing the greatest effect on biodiversity and livelihoods in Kenya and various organisations combine efforts in management and control of the species. However Kenya is of the view that prevention is the best method followed by global cooperation and local management.

- Kenya calls for further commitment in both financial and human resources in implementing existing policy and regulation.
- Further emphasizing the need for further efforts to exchange lessons learned from experience in addressing the threats from invasive alien species, and to strengthen capacity to address these threats especially in developing countries, in particular the least developed countries and small island states, as well as countries with economies in transition.

### 3.4. FOREST BIODIVERSITY

✓ Kenya has recently enacted the new Forest Act no. 5 of 2005 which is an Act of Parliament to provide for the establishment, development and sustainable management, including conservation and rational utilisation of forest resources for the socio-economic development of the country.

✓ This new law became operational in 2007 while draft Forest Policy of 2007 has been prepared and is before the Kenya Parliament awaiting debate and enactment.

The new Act has given rise to a Kenya Forest Service, the successor to the Forest Department which is semi-autonomous under a board of management and it is in the process of putting in place mechanisms for better forest management in Kenya.

#### **Summary of the proposed new Forest Policy:**

The Forest Sector plays vital roles in the livelihood of the Kenyan population through provision of invaluable forest related goods and services. The most significant contribution is in the energy supply for domestic and industrial processes, provision of timber for construction and trees for regulation of water flow. It is estimated that 80% of the Kenyan population uses biomass energy while urban development and hydro energy rely heavily on water.

Forests will continue to provide essential goods and services such as timber, poles, fuel-wood, food, medicines, fodder and other non-wood forest products. Forest resources and forestry development activities also contribute significantly to the national economy by supplying raw materials for industrial use and creating substantial employment opportunities and livelihoods.

As important as our forests are to the national economy, their sustainable development and management continues to be hampered by a number of factors, including inadequate financial resources and the lack of an enabling policy and legislation. In addition, the increasing population and poverty continue to exert pressure on the country's forest resources. This pressure is witnessed in the current rampant illegal logging, illegal charcoal making and encroachment for agriculture and settlement.

These challenges have undermined the Government's efforts in achieving sustainable forest management. Kenya is internationally considered to be a low forest cover country as it has less than 10% of its total land area classified as forest.

The Government will therefore put in place measures to significantly increase the area under forest cover, with the aim of attaining at least 10% within the next decade. To attain this level of forest cover, the Government will promote farm forestry, intensify dryland forest management, involve the private sector in the management of industrial plantations and also promote community participation in forest management and conservation.

**The key elements of the new policy are: -**

1. A new forest legislation to implement the policy.
2. Expanded mandate in the management of all types of forests.
3. Involvement of forest adjacent communities and other stakeholders in forest management and conservation.
4. Forest management planning will be based on an eco-system approach.
5. Appropriate incentives will be provided to promote sustainable use and management of forest resources.
6. Proposed institutional transformation of the Forest Department into a semi-autonomous Kenya Forest Service.

This policy will address local and global forestry issues and challenges to ensure fair contribution of the forestry sector in economic development. The implementation of this policy is expected to improve the social welfare of the Kenyan population without compromising environmental conservation.

### **Forest Biodiversity during COP 9**

51. In decision VI/22, the Conference of the Parties adopted the expanded programme of work on forest biological diversity. The refined multi-year programme of work of the Conference of the Parties up to 2010, adopted by decisions VII/31 and VIII/10, provides for an in-depth review of the expanded programme of work on forest biological diversity at the ninth meeting of the Conference of the Parties.

### **Comments on the Implementation of the Forest Programme of work in Kenya:**

- Despite efforts to implement the Forest programme of work in Kenya, the loss of forest biodiversity continues at a highly alarming rate mainly due to a lack of capacity and coordination;
- Implementation efforts need to be strengthened considerably to meet the 2010 target, in particular through the strengthening of the management of protected areas and by reducing threats and mitigating impacts of drivers of biodiversity loss such as climate change, unsustainable use, land conversion, habitat fragmentation, forest fires, and invasive alien species (programme element 1, goal 2), and through forest biodiversity monitoring (programme element 3);
- Deforestation and forest degradation are the most significant causes of forest biodiversity loss in Kenya and are mainly driven by an increasing population and demand for land for agricultural purposes

- Protected areas in Kenya often lack connectivity. The lack of funding hampers the protection, recovery and restoration of forest biodiversity.
- On genetically modified trees, Kenya is of the view that they should not be introduced at this time and the precautionary approach should be applied.

**An in-depth review of the implementation of the expanded programme of work on forest biological diversity the Kenyan delegation calls for the following:**

Some suggestions to remove brackets and delete some of the sections/decision are:

Kenya proposes for the adoption of (UNEP/CBD/COP/9/3) especially:

Page 31: 1. Urges Parties to:

(a) Strengthen the implementation of the expanded programme of work on forest biodiversity by addressing, as necessary, the obstacles identified in the report of the review and reports associated with the programme of work on forest biodiversity, and address as a matter of priority major human-induced threats to forest biodiversity, including unsustainable use, climate change, desertification and desert creep, illegal land conversion, habitat fragmentation, environmental degradation, forest fires, and invasive alien species, as well as lack of monitoring systems, and impacts of extreme storms and hurricanes;

(e) Strengthen efforts to establish, maintain and develop national or regional forest protected area networks and ecological connectivity, where appropriate, and identify areas of particular importance to forest biodiversity, taking into account the target of having at least 10% of each of the worlds forest types effectively conserved, as contained in decision VIII/15, as a contribution to the programme of work on protected areas, and explore possibilities for sustainable financing and innovative financial mechanisms for the establishment and the effective management of forest protected areas;

Agree with the following:

(l) Fully involve and where appropriate, partner with the private sector and other relevant stakeholders, including indigenous and local communities, in the implementation of the programme of work, and encourage them to undertake efforts that reduce deforestation and degradation, including voluntary commitments and agreements between private sector and non-governmental organizations-

On page 33, For genetically modified trees Kenya opts for the option:

(r) Apply the precautionary principle to the use of genetically modified trees [and suspend any release of genetically modified trees pending sufficient and appreciable assessment of their potential impacts on forest biodiversity and on indigenous and local communities, including potential environment, cultural and socio-economic impacts; and until risk assessment criteria have been developed and findings reported to and agreed by the Conference of the Parties. In the interim, the matter should be referred to the Cartagena Protocol on Biosafety for consideration and advice;

## KENYA MAY AGREE WITH MOST OF THE OTHER DRAFT TEXT AFTER CONSULTING THE AFRICA GROUP AND G77 & CHINA)



### 3.5 In-depth review of the Incentive measures

This issues is in response to the decision VIII/26, on incentive measures, whereby the Conference of the Parties decided “to initiate a structured, transparent and inclusive preparatory process for the in-depth review of work on incentive measures with a view to identify, for consideration by the Conference of the Parties at its ninth meeting, the further outcomes that would be required from a revised programme of work on incentive mechanisms to meet obligations under the Convention and the requirements of Parties, and possible options for a future programme of work.”

The review covered a range of aspect among them; positive incentive measures, inclusion of biological values in plans, policies and programmes and mitigation of perverse incentives.

Natural resource valuation has become an important tool in providing national-level decision makers with a clear and simple indicator of how sustainable their country’s investment policies are. While standard measures of “savings” and “investment” reflect changes in the value of certain limited set of assets, a more inclusive and realistic definition of what constitutes an asset can lead to a correspondingly more realistic picture of how a nation invests. Natural resource accounts (NRAs) are one way to explicitly incorporate environmental and resource information into an accounting framework. Environmental accounts are an extension of national accounts (NA) through environmental accounting, also known as “green accounting”. Environmental accounts use concepts, classifications and methods from the NA to construct accounts for the environment and natural resources in both physical and monetary units consistent with national accounts. Environmental accounts have been codified by the UN in the Handbook for the System of Integrated Environmental and Economic Accounting (SEEA; UN et al., 2003). The aim is to provide a comprehensive assessment of the wealth of nations, the scope and coverage of economic accounting needs to include the marketed goods and services and use of non-marketed natural assets.

## INCENTIVE MEASURES

### 1.0 Introduction

#### *States*

*“Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.”*

#### *and Calls for*

- Links to the question of the economic and other valuation of biological diversity
- Links to “market and non-market values of biological diversity”
- Links to social, cultural and ethical valuation
- Case studies and other information on incentive measures

## 2.0 Programme of Work

- a) The assessment of representative existing incentive measures, review of case-studies, identification of new opportunities for incentive measures, and dissemination of information through the CHM and other means.
- b) The development of methods to promote information on biodiversity in consumer decisions.
- c) The assessment as appropriate, of the values of biodiversity.
- d) A consideration of biodiversity concerns in liability schemes.
- e) The creation of incentives for integration of biodiversity concerns in all sectors.

## 3.0 Consideration of Relevant COP Decisions

In decision VIII/26, the Conference of the Parties decided to initiate a structured, transparent and inclusive preparatory process for the in-depth review of work on the incentive measures. To this end, the Conference of the Parties invited Parties, other Governments, international organizations and stakeholders to communicate to the Executive Secretary their experiences in the implementation of the programme of work on incentive measures contained in decisions V/15, VI/15 and VII/18, and to provide their views on, inter alia, lessons learned and key challenges identified, and priorities for a future programme of work.

Under this item, the Conference of the Parties will have before it a note by the Executive Secretary, including a summary of options provided.

The 9<sup>th</sup> Conference of the Parties will also have before it an updated synthesis report of information on incentive measures provided by Parties in the third national reports (UNEP/CBD/COP/9/12/Add.1). As requested by the Conference of the Parties in paragraph 10 (d) of decision VIII/25, on the application of tools for the valuation of biodiversity and biodiversity resources and functions, terms of reference for a study on how monitoring can support the implementation of valuation tools and positive incentive measures will be before the meeting as an information document (UNEP/CBD/COP/INF/9).

## 4.0 Highlights and Synthesis of 3<sup>rd</sup> National Reports

- a) 122 third national reports received by the Secretariat (5 questions on Incentive Measures)
  - Challenges and obstacles in implementing the Convention in whole
  - Lack of (economic) incentive measures as a challenge in implementing the other Articles of the Convention.
  - Challenges identified by Parties in implementing Article 11.



- b) Level of priority of implementing Article 11; 29 Parties (High priority) 53 Parties (Medium Priority) 41 Parties (Low priority).
- c) Establishment of programmes to identify and adopt incentive measures; 10 Parties (some programmes in place).
- Creation of markets for biodiversity-based goods and services.
  - Valuation of biodiversity and biodiversity resources and functions
  - Monetary positive measures more pronounced in agriculture and agri-environmental programmes.
- d) Incorporating biodiversity values into plans, policies and programmes.
- Market and non-market values of biodiversity into relevant plans, policies and programmes
  - Biodiversity valuation
  - Promotion of markets for biodiversity-based goods and services
  - Other mechanisms for the incorporation of biodiversity values
- e) Removing or mitigating perverse incentives
- Identification of perverse incentives such as land policy issues; land titles, land-use zoning, system of land taxes, infrastructure particularly road construction.
  - Means and mechanisms for the identification and removal or mitigation perverse incentives (Review of tax system, EIA, Commissions)
- f) Needs for Country Proposals for the Design and Implementation of Incentive Measures
- Consistency with national policies and legislation and international obligations
  - NBSAPs coherency
  - Involvement of stakeholders
- g) Identification of Challenges and Obstacles of implementing Article 11

#### **KENYA NEEDS TO**

1. Review existing policies to identify and promote incentives for the conservation and sustainable use of components of biological diversity.
2. Ensure adequate incorporation of market and non-market values of biodiversity into plans, policies and programmes, including national accounting systems and investment strategies.
3. Incorporate biodiversity considerations into impact assessments.

#### **Specific Tasks**

1. Promote the design and implementation of appropriate incentive measures.
2. Identify threats to biological diversity and underlying causes of reduction or loss of biological diversity and relevant actors, as a step in the formulation of incentive measures.
3. Develop supportive legal and policy frameworks for the design and implementation of incentive measures.
4. Carry out participatory consultative processes at the relevant level to define incentive measures to address the identified underlying causes of biodiversity reduction or loss and unsustainable use.
5. Identify perverse incentives and consider the removal or mitigation of their negative effects on biological diversity.
6. Undertake value addition and enhancement of naturally occurring genetic resources, based on the participatory approach.



### 3.6 ECOSYSTEM APPROACH

*UNEP/CBD/COP/9/1 Add.2  
SBSTTA.12*

In decision VII/11, the Conference of the Parties requested the Executive Secretary to assess the application of the ecosystem approach, in the light of experiences gained, for the consideration of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) prior to the ninth meeting of the Conference of the Parties. In annex II to decision VIII/10, the Conference of the Parties decided to undertake the in-depth review of the application of the ecosystem approach at its ninth meeting. The application of the ecosystem approach was considered by SBSTTA at its twelfth meeting.

As a country we have considerably implemented the Ecosystem approach with a good number of pilot activities spread throughout the country such as say Kenya Wildlife Service managing the Tsavo National parks as one ecosystem with one management plan, the Kenya Forest Service has also started managing its protected areas using the ecosystem approach.

KWS and KFS are adopting the Minimum Viable conservation area (MVA) system to guide their management decisions.

Some achievements from pilot projects:

1. Mt. Elgon Regional Ecosystem Conservation programme implemented by NMK and IUCN regional office
2. Man and Biosphere programmes by KWS at Mt Kenya, Mt Kulal, Mt Elgon
3. Nile Basin Programmes looking management options for sustainable use of resources around L. Victoria (implemented by institutional stakeholders-KWS, NMK, L. Victoria Basin authority, Ministry of water and irrigation)
4. RAMSAR sites management. Nakuru, Naivasha, Elmentatita, Bogoria
5. Important Bird areas –which involve over 60 sites implemented by NMK, Nature Kenya, KFS, KWS.

**Support on the above programmes came from:**

Assisted by IUCN, WWF, GEF, USAID, AWF, Birdlife International UK, Smithsonian Institutions

**Constraints to the implementation of the Ecosystem approach in Kenya:**

1. Inadequate human capacity
2. Infrastructure
3. Financial
4. Poor institutional linkages
5. Lack of clear boundary of ecosystems(e.g. extent of Mt Kenya ecosystem)

**During COP 9 Kenya calls for the following interventions:**

- ④ More financial support to improve on the implementation and development of management plans for the ecosystems that are not yet covered.
- ④ Funding is particularly required to develop monitoring and evaluation criteria to assess the success and progress of the above pilot programmes. This is critical before we embark on large scale implementation of the ecosystem approach (from pilot to implementation phase.
- ④ Finances are required to develop indicators such as species richness, forest cover, population size & dynamics, water quality etc, to be used in the evaluation.

**SBSTTA Document UNEP/CBD/COP/9/2:**

The Subsidiary Body on Scientific, Technical and Technological Advice *recommends* that the Conference of the Parties at its ninth meeting:

- (a) *Urges* Parties, other Governments and relevant organisations, as appropriate, and subject to funding and availability of technical capacity, to:

- Strengthen the promotion of the ecosystem approach in ongoing communication, education and public awareness activities;
- Further promote the use of the ecosystem approach in all sectors and enhance inter-sectoral cooperation, as well as promote the establishment of concrete national and/or regional initiatives and pilot projects;
- Implement further capacity-building initiatives to applying the ecosystem approach, using, inter alia, the tools made available through the sourcebook and other sources of information, as appropriate;
- Recalling decisions VI/12, paragraph 2 (a), and VII/11, paragraph 9 (d), of the Conference of the Parties, urge Parties, other Governments and relevant organizations to continue submitting case-studies and lessons learned and provide further technical input to the Source Book;
- Further facilitate the full and effective participation of indigenous and local communities in the development of tools and mechanisms for the application of the ecosystem approach;

Strengthen and promote the use of the ecosystem approach more widely and effectively as a useful tool for formulation of national biodiversity strategies and action plans and in other relevant policy mechanisms; and

(b) *Invites* Parties to:

- (i) Take into account the application of the ecosystem approach in the achievement of the Millennium Development Goals;
- (ii) Develop effective cooperation at all levels for the effective application of the ecosystem approach;
- (iii) To provide a framework for the promotion of the ecosystem approach, as appropriate;
- (iv) Give consideration to the challenge of incorporating land and marine tenure in the application of the ecosystem approach; and
- (v) Provide information on outcomes and progress in these activities through the national reporting process and their national clearing houses;

(c) *Acknowledges* the efforts of the Food and Agriculture Organization of the United Nations in advancing the ecosystem approach within its areas of competence and *invite* the Food and Agriculture Organisation of the United Nations to further apply, in cooperation with other relevant organizations, the ecosystem approach; and

(d) *Invites* the United Nations Educational, Scientific and Cultural Organization and the Ramsar Convention on Wetlands to further their activities in relation to the ecosystem approach in particular, *inter alia*, within the World Network of Biosphere Reserves, and Wetlands of International Importance (Ramsar sites) as appropriate, as ecosystem-approach research and demonstration sites.

### **3.7 Review of progress towards Implementation of goals 2 and 3 of the Strategic Plan**

#### **Background**

The importance of the biodiversity challenge was universally acknowledged at the United Nations Conference on Environment and Development, which met in Rio de Janeiro in 1992, and through the development of the Convention on Biological Diversity. In ratifying the Convention, the Parties have committed themselves to undertaking national and international measures aimed at its achieving three objectives: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

In 2002, 10 years after Convention on Biological Diversity was opened for signature, the Parties have developed this Strategic Plan in order to guide its further implementation at the national, regional and global levels.

The purpose is to effectively halt the loss of biodiversity so as to secure the continuity of its beneficial uses through the conservation and sustainable use of its components and the fair and equitable sharing of benefits arising from the use of genetic resources.

This was in recognition that the rate of biodiversity loss was increasing at an unprecedented rate, threatening the very existence of life as it is currently understood. The maintenance of biodiversity is a necessary condition for sustainable development, and as such constitutes one of the great challenges of the modern era.

Addressing the threats to biodiversity requires immediate and long-term fundamental changes in the way resources are used and benefits are distributed. Achieving these adjustments will require broad-based action among a wide range of actors.

### **Challenges the implementation of the Convention on Biological Diversity**

- The implementation of the Convention on Biological Diversity has been impeded by many obstacles, as outlined in the appendix hereto. A fundamental challenge for the Convention lies in the broad scope of its three objectives. The need to mainstream the conservation and sustainable use of biological resources across all sectors of the national economy, the society and the policy-making framework is a complex challenge at the heart of the Convention. This will mean cooperation with many different actors, such as regional bodies and organizations. Integrated management of natural resources, based on the ecosystem approach, is the most effective way to promote this aim of the Convention.
- The scope of the Convention means that the provision by developed country Parties of resources to implement the Convention is critical and essential.
- The Strategic Plan can promote broad-based action by bringing about a convergence of actions around agreed goals and collective objectives.

### **Strategic goals and objectives of the Strategic Plan**

**Goal 1:** The Convention is fulfilling its leadership role in international biodiversity issues.

**Goal 2:** Parties have improved financial, human, scientific, technical, and technological capacity to implement the Convention.

**Goal 3:** National biodiversity strategies and action plans and the integration of biodiversity concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the Convention.

**Goal 4:** There is a better understanding of the importance of biodiversity and of the Convention, and this has led to broader engagement across society in implementation.

### **Review of implementation of Strategic Plan**

- The Strategic Plan was to be implemented through the programmes of work of the Convention on Biological Diversity, implementation of national biodiversity strategies and action plans, and other national, regional and international activities.
- Better methods were to be developed to objectively evaluate progress in the implementation of the Convention and the Strategic Plan.
- In decision VIII/8, the Conference of the Parties decided to conduct an in-depth review of the implementation of goals 2 and 3 of the Strategic Plan and requested the Working Group on Review of Implementation of the Convention to prepare for the in-depth review of the

implementation of goals 2 and 3 of the Strategic Plan by the Conference of the Parties, focusing in particular on:

- (i) the provision of financial resources, capacity-building, access to and transfer of technology and technology cooperation; and
- (ii) the status of national biodiversity strategies and action plans, their implementation and updating, and the extent to which biodiversity concerns are effectively integrated into relevant sectors and have been effectively mainstreamed in accordance with Article 6 (b) of the Convention.

### **Status of implementation of goals 2 and 3 of the Strategic Plan**

The review revealed that there is poor progress towards implementation of these two goals. Several parties are yet to develop their National Biodiversity Strategies and Action Plans (NBSAP). Lack of progress is mainly attributed to the following factors:

- Most NBSAPs were developed before the 2010 target to significantly reduce the rate of biodiversity loss was set. As a result only a few of the most recent ones respond directly to the 2010 target.
- Number of stakeholders consulted in the development of NBSAPs was not large and broad enough to ensure effective ownership and mainstreaming of NBSAP (Biodiversity) beyond the environment community.
- Most of the NBSAPs make no reference to the ecosystem approach.

### **Status in Kenya**

- Kenya Developed NBSAP in 1999. This was before CBD Strategic Plan and 2010 Biodiversity target.
- The NBSAP does not have comprehensive national targets and indicators of progress.
- There is no national framework for spearheading its implementation.
- There is no national framework for monitoring and reporting implementation.
- No strategies for integration into other sectors.
- No framework/strategies for mobilizing financial resources.

### **Recommendations**

- There is need for continued and enhanced support from the financial mechanism for the development updating and implementing NBSAPs. This would enable countries to include emerging issues as well as take into consideration the CBD strategic Plan and the 2010 Biodiversity target into their NBSAPs.
- The review would also enable countries to
  - set national targets and indicators.
  - identify and/or develop national strategies for resource mobilization.

- The COP adopted the Strategic Plan 2002 at the 6<sup>th</sup> COP.
- Parties committed themselves to more effective and coherent implementation of the convention at national, regional and global levels.
- The Strategic Plan has 4-goals and several objectives (4-6).

### **Revision of the Strategic Plan beyond 2010**

In 2004, the COP (7) adopted a framework for the evaluation of progress in implementing the Strategic Plan. It also established a set of outcome – oriented goals, targets and related indicators for use in the exercise.

The framework consists of:-

- a) The 4 goals and 19 objectives of the Strategic Plan;
- b) Provisional framework for goals and targets consisting of seven focal areas with 11 goals and 21 targets.
- c) Outcome oriented indicators as adopted in (VII/30)
- d) Reporting Mechanisms including Global Biodiversity Outlook and National reports.

### **View of Parties**

- Discussion on post – 2010 premature
- Revision should be based on thorough assessment of progress made towards achievement of the Strategic Plan and 2010 target.
- There is need to retain current goals, objectives and indicators and targets.
- Need to balance between the 3 objectives of the convention.
- Need to guide against proliferation of indicators.
- Greater focus on mainstreaming biodiversity into broader development and poverty eradication strategies.
- Few parties have set national goals and target process of implementation while those of by evaluating progress focus on outcomes (conservation, sustainable use and benefit sharing)
- None of the goals and targets have been fully met thus remain relevant beyond 2010.

### **Obstacles to implementation**

- Lack of financial, human and technical resources.
- Lack of incentives
- Lack of effective monitoring and evaluation.

### **Country Position**

The proposals for process of revising the Strategic Plan including a third meeting of the Working Group on Review of Implementation of the Convention should be adopted.

- There is need to start the process of developing a post 2010 Strategic Plan;

- The revised Strategic Plan should build on the elements of the current plan.
- The goals and targets should be further refined to make them easier to implement.
- Streamline the goals and targets of the Strategic Plan and evaluation framework.
- Parties should set their own national goals, objectives and targets guided by those of the strategic plan and evaluation framework.
- Parties should be assisted to build capacity to domesticate and implement the Strategic Plan.
- Parties should set up national frameworks for coordinating development, implementation and monitoring.

### 3.8 Financial Resources and the Financial Mechanism

During COP 8 decision VIII/13, paragraph 3, the Conference of the Parties decided carry out an in-depth review of the *availability of financial resources* based on:

- i. Previous reviews;
- ii. Focus on what action has been taken or needs to be taken to address identified obstacles;
- iii. Examine how financial resources from the financial mechanism and from other relevant sources are being used to support the achievement of the objectives of the Convention;
- iv. Examine how the Resource Allocation Framework adopted by the Global Environment Facility (GEF) would affect the availability of resources given the individual and group allocations to developing countries and countries with economies in transition for the implementation of the Convention;
- v. Examine the effectiveness of the GEF Benefits Index for Biodiversity (GBIBio) for determining the potential of each country to generate the global biodiversity benefits for the purposes of this Convention;
- vi. Identify opportunities available to Parties from all sources for the implementation of the Convention, including through innovative mechanisms, such as environmental funds as referred to in paragraph 7 of decision VIII/13;
- vii. Explore options on how the synergy among the financial mechanisms of the three Rio conventions can be promoted, taking fully into account the respective guidance and priorities of their respective conferences of the parties, each Convention's scope and mandate, while ensuring the integrity of resources available to each convention through its respective financial mechanism.

The review identified a number of constraints regarding past reviews as follows:

There has been no inter-sessional support process, and no expert-group meetings or workshops have been organized;

There have been no regional and national meetings on finance and biodiversity organized by the Secretariat;

No strategic vision, targets and implementation plans have been developed to advance the implementation of Articles 20 and 21;



Different financial issues regarding biodiversity have never been considered in any in-depth level;

Financing for thematic areas and cross-cutting issues has never been reflected on collectively;

Budgetary allocations to the work related to finance and biodiversity have been decreased substantially over time;

On resource utilization, the review revealed various ways to use available resources to support the convention, directly or indirectly such as.

1. Funding from the Global Environment Facility
2. Government budgets for the focal points and other small-scale biodiversity programmes in some governments;
3. National and regional environmental funds provide a focus of national and regional funding sources on thematic areas and cross-cutting issues of the Convention;
4. Tax-exemption measures for biodiversity activities;
5. Bilateral development assistance etc

The financial resources available under biodiversity-related conventions serve specific purposes, i.e., to support implementation of respective conventions, and can deliver desired outcomes related to certain programmes of work of the Convention, for instance, the World Heritage Fund for protected areas, the Ramsar small grants for inland water biodiversity, and the Global Mechanism of UNCCD for dryland biodiversity;

(k) Innovative financing offers a range of options to support biodiversity activities, and the most common innovations such as debt-for-nature initiatives traditionally have a focus on conservation. However, public-private partnerships have increasingly been developed to address access to genetic resources and benefit-sharing.

One of the most controversial issues in the financial mechanism is related to the resource Allocation Framework which was adopted in the third replenishment of the GEF Trust Fund.

*"The GEF Secretariat to work with the Council to establish a system for allocating scarce GEF resources within and among focal areas with a view towards maximizing the impact of these resources on global environmental improvements and promoting sound environmental policies and practices worldwide", and that "the system should establish a framework for allocation to global environmental priorities and to countries based on performance. Such a system would provide for varied levels and types of support to countries based on transparent assessments of those elements of country capacity, policies and practices most applicable to successful implementation of GEF projects. This system would ensure that all member countries could be informed as to how allocation decisions are made."*

**Main issue:** Accessing funding for implementing convention related activities remain a major challenge for the country. The introduction of the Resource Allocation Framework has in particular introduced 'red tape' in accessing funding. This framework has been responsible to inequity in resource accessibility considering that 25% of the countries receive 75% of the total resources. The other 75% share the remaining 25% of the resources in the form of a group allocation.

#### **Country Position:**

The recommendations of the secretariat do not suggest ways to overcome the existing impediments and Kenya call for simplification, transparency, comprehensiveness, and equity in the allocation of financial resources to developing countries by the financial mechanism.

- **OTHER SUBSTANTIVE ISSUES ARISING FROM DECISIONS OF THE CONFERENCE OF THE PARTIES AND STRATEGIC ISSUES FOR EVALUATING PROGRESS**

#### **4.1. ACCESS AND BENEFIT-SHARING**

##### **1) Introduction**

The Open-ended Working Group continued the elaboration and negotiation of the international regime on access and benefit-sharing, in accordance with decision VIII/4 A of the Conference of the Parties during its fifth and sixth meetings in Montreal from 8 to 12 October 2007, and in Geneva, from 21 to 25 January 2008 respectively. The reports of the Working Group are contained in documents UNEP/CBD/COP/9/5 and UNEP/CBD/COP/9/6, and will be presented before the 9<sup>th</sup> Conference of the Parties scheduled for 18<sup>th</sup> -30<sup>th</sup> May, 2008 for its consideration. In addition, a compilation of written submissions on the main components of the international regime submitted at the sixth meeting of the Working Group is available in document UNEP/CBD/COP/9/INF/16.

##### **2) Country Position (for Detailed position see attached position paper on ABS)**

Kenya notes that there are gaps in existing national, regional and international legal and other instruments relating to access and benefit-sharing especially those relating to the legal status of genetic resources in national law, including property law, where applicable in a selection of countries and even in report submitted by the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance but urges parties to continue fostering for bottom-up international regime that would empower local communities during contractual agreement negotiations.

Under compliance; Kenya would like to see measures that can support compliance with prior informed consent and mutually agreed terms; internationally recognized certificate of origin/source/legal provenance; and measures for monitoring, enforcement and dispute settlement incorporated in the international regime.

Issues of traditional knowledge and genetic resources are usually interwoven and should be discussed together to enable local communities embodying traditional lifestyles and cultural expressions to draw benefits from their indigenous knowledge.

Kenya supports the "back-to-back meetings of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and the Ad Hoc Open-ended Working Group on Article 8(j).

It is noted that there are likely to be two Ad Hoc Open-ended Working Groups on Access and Benefit-sharing while only one meeting of the Ad Hoc Open-ended Working Group on Article 8(j). The delegation wishes to equally propose two meetings of Ad Hoc Open-ended Working Groups on Article 8(j) so that we have two "back-to-back meetings before the COP 10 in 2010.

### **3) General Statement**

Kenya wishes to thank the Bureau, the Secretariat of the Convention on Biological Diversity, its Executive Secretary and all Parties for their contributions to the preparatory work of COP 9 and affirms its commitment to complete negotiation of an international regime on access to genetic resources and benefit-sharing.

Kenya would like to join the African Group in the process of negotiating an international regime on access to genetic resources and benefit-sharing. We would like to see a system that has fair and equitable sharing of benefits measured with conditions to promote and safeguard benefit sharing from the use of biological resources (BR), genetic resources (GR), their derivatives, products and associated TK. It should have minimum conditions and standards for sharing of benefits and access should be linked to minimum benefit sharing arrangements. There should be multilateral benefit sharing options for BR and GR whose origin is not clear or transboundary BR and GR. Monetary and non-monetary benefits for every use, in line with elements listed under appendix 2 of the Bonn Guidelines. The regime should facilitate access to and transfer of appropriate technology by parties/ private sector on concessional and preferential terms. Benefits should be directed towards conservation and sustainable use of biodiversity and socio-economic development in countries of origin. If possible trust funds for trans-boundary genetic resources and associated TK should be established. Kenya would like a regime that encourages effective participation, involvement and inclusion of indigenous and local communities through PIC, MAT and benefit sharing processes.

We recognize that proper control of access and benefit-sharing of genetic resources can generate significant economic and social benefits to the Kenyan people. But we need to strike a balance while providing incentives to bioprospectors to use genetic resources at the same time maximizing benefits to countries of origin and indigenous and local communities, for conserving and maintaining those genetic resources over generations. There is a need to go back to where we went wrong in the first place and reconsider some of our positions on the issues of ABS so that all parties can negotiate with a clean heart and elaborate on our views and concerns regarding the issue of access and benefit-sharing.

For instance, the scope of benefit-sharing should be broad to include the derivatives and products of genetic resources as well as commercial and non-commercial uses. Kenya would like a regime that includes both monetary and non-monetary forms of benefits, including royalty payments, technology transfer, capacity-building and participation in product development and to make sure that indigenous peoples and local communities were included as the primary parties to

benefit-sharing agreements, especially where genetic resources were being accessed on indigenous peoples' lands.

Despite the fact that issues of intellectual property and traditional knowledge fell within the mandate of WIPO, Kenya supports indigenous peoples' rights related to access and benefit-sharing to genetic resources and traditional knowledge, and acknowledges the standards set by the United Nations General Assembly's adoption of the Declaration on the Rights of Indigenous Peoples. We support the use of the United Nations Declaration on the Rights of Indigenous Peoples as an international standard and urge parties to domesticate a legally binding instrument that has legal effect in their countries and will continue to take effective action, at home and abroad, to promote and protect the rights of indigenous peoples based on existing human rights obligations and commitments. Kenya believes that the rights of indigenous peoples should be recognised in all decisions of the Convention on Biological Diversity relating to genetic resources and the associated traditional knowledge must be built into the regime, any implementation of decisions under the Convention must be consistent with those rights in international law. The regime must guarantee the recognition and protection of indigenous peoples' rights, including rights to lands, territories, resources and identity. The indigenous peoples are the owners of their genetic resources and associated knowledge, which are not subject to any national legislation. Indeed, traditional knowledge and genetic resources are closely interrelated and can not be separated.

The international regime needs to respect national laws that recognized customary rights to land and there is need to include measures to ensure compliance with the prior informed consent and mutually agreed terms provisions of Article 15 of the Convention on Biological Diversity. We need to prioritize capacity-building and technology transfer as necessary mechanisms for the regime, especially those that will ensure adequate financing for the developing countries and economies in transition. But this is impossible if the regime does not include measures that support capacity-building and technology transfer so that they can be implemented effectively and in a timely manner at national, regional and international levels,

While we support views presented by the representative of Switzerland on issues of using the existing instruments for those elements not covered at the international level, we stress that a legally binding international regime will work best for both providers as well as users of the genetic resources. Although we support the Swiss proposal that the competent international organizations adopt specific measures to ensure access to, and the fair and equitable sharing of benefits to integrate the declaration of source of genetic resources and traditional knowledge in patent applications, made under the Patent Cooperation Treaty of the World Intellectual Property Organization, we would like these measures to be included in other competent international organizations such as WTO-TRIPs Agreement and UPOV. The International Regime should be all inclusive and one which will take account the main relevant existing international instruments, such as the International Treaty for Plant Genetic Resources for Food and Agriculture.

## 4.2. ARTICLE 8 (J) AND RELATED PROVISIONS

### 1) Introduction

The Conference of Parties to the Convention of Biological Diversity (CBD) appointed an Ad Hoc Open-ended Working Group (WG) on Article 8 (j) and related provisions to look at issues emanating from Article and other provisions associated thereof. Pursuant to decision VIII/5, the Working Group held its fifth meeting, in Montreal from 15 to 19 October 2007. The Working Group considered salient issues and reviewed progress in the priority tasks of the work programme and their integration into the thematic programmes; considered the second phase of the composite report on status and trends regarding traditional knowledge (TK) relevant to the conservation and sustainable use of biodiversity, as well as sections B and D of the plan of action for the retention of traditional knowledge.

Other issues that were considered by the Working Group include: its contribution to the negotiation of an international regime (IR) on access and benefit sharing (ABS); mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions; *sui generis* systems for the protection of traditional knowledge, innovations and practices; a code of ethical conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities; indicators for assessing progress towards the 2010 biodiversity target; and the recommendations of the United Nations Permanent Forum on Indigenous Issues (UNPFII).

Accordingly, the Conference of Parties has been invited to consider the recommendations of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions as contained in document UNEP/CBD/COP/9/7. The decisions taken at these meetings will have an impact on the work of the World Intellectual Property Organization (WIPO), which is banking on the outcome of the COP 9 meeting.

### 2) General Statement

The Kenyan Delegation would like to join the African Group in reiterating the importance of Article 8(j) and related provisions because we think it provides a good platform for the positive contribution of indigenous and local communities to the effective conservation and sustainable utilization of biological diversity at the local community level. Like other African countries, Kenya looks forward to engaging in constructive negotiations and dialogue, and would like to do so in a conciliatory spirit. By doing so, we would expect others to reciprocate when difficult issues are being discussed. We affirm that the participation of representatives of indigenous and local communities is very critical to the success of the meeting.

### 3) *Sui generis* System

Kenya recognises the importance of traditional knowledge in the life of majority of its citizens in their religious, agricultural, tourism and medical practices. Unfortunately, traditional knowledge remains far from recognition in many national development strategies and action plans. There are no international instruments and national statues,

thus exposing it to theft, *biopiracy* and misappropriation by those who have little stake in it. We note that the rights of local communities over their knowledge are not protected by the current international instruments, especially with respect to intellectual property but regrets that we continue to witness “bad patent” granted on crops and medicinal plants based on traditional knowledge and originating from local communities that do not benefit from commercialisation of such inventions. As such, it is important for Parties to develop their *sui generis* regimes for the protection of traditional knowledge but such regimes should complement the proposed international regime on access and benefit-sharing and associated traditional knowledge. We also note that it is necessary to protect the rights of local communities to their knowledge through national legislation and through the principle of prior informed consent, and create mechanisms for the effective participation of local communities in addressing threats such as climate change, which is an issue of special importance to vulnerable local communities.

The Government of Kenya attaches a lot of importance on the role of indigenous knowledge and practices in contributing to the conservation and sustainable use of biological diversity, sustainable development and in achieving the 2010 target for reducing significant loss of biological diversity. In the realm therefore, the government has put in place legislations in a number of areas, including land restitution, biological diversity, forestry, agriculture and health, to ensure the respect, preservation and maintenance of the knowledge, access and benefit sharing, protection of intellectual property rights, innovations and practices of indigenous and local communities. The Kenyan government is also putting in place traditional medicine and medicinal plants policy and protection of traditional knowledge and genetic resources policy that recognizes the principle that indigenous peoples and local communities must be treated fairly and be adequately compensated for research activities and outcomes involving their knowledge. That policy also recognized the pivotal role women and youth play as important users of natural resources and repositories of indigenous knowledge.

As a member of the Like Minded Megadiverse Countries (LMMC), Kenya would like Parties to include measures that ensure the recognition and protection of the rights of indigenous and local communities over their TK associated with biological material in general, and genetic resources and their derivatives, in particular dating prior to the signing of the Convention on Biological Diversity. We would to see measure that outline fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources and their derivatives, subject to national legislation, and measures to ensure prior informed consent of indigenous and local community where their traditional knowledge associated with genetic resources and their derivatives is involved, subject to national legislation.

#### **4) International Regime**

The Kenyan delegation wish to emphasise that there is need to identify effective and legally binding means to preserve traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity. We feel that the only possible way out is through establishment of one legally binding international regime that allows access to all biological material with effect from inception of the Convention of Biological Diversity.

Kenya would like a regime that includes benefit-sharing measures related to the use of associated traditional knowledge and use of such traditional knowledge should be based on prior informed consent and mutually agreed terms. The proposed international regime must include compliance measures, including disclosure of legal provenance. We support the proposal that intellectual property rights applications whose subject matter concerned or made/ use of genetic resources derivatives and/or associated traditional knowledge shall disclose the country of origin or source of such genetic resources, derivatives and/or associated traditional knowledge, as well as evidence that provisions regarding prior informed consent and benefit-sharing have been complied with, in accordance with the national legislation of the country providing the resources.

In addition, we would like to support Brazil that the international regime should include provisions on capacity-building, including:

- (a) the building and enhancement of capacity in developing countries, least developed countries and small-island developing States, as well as countries with economies in transition, for the implementation of the international regime at national, regional and international levels;
- (b) Measures for effective technology transfer and cooperation so as to support the generation of social, economic and environmental benefits; and
- (c) the building of human, institutional and scientific capacities including for putting in place legal mechanism, taking into account Articles 18, 19 and 20, paragraph 4, of the Convention.

We recommend that the process of selecting stakeholders to provide technical support need to be inclusive and to commit Parties to the exercise, as have already occurred when Parties expressed their commitment to negotiate the international regime in decision VIII/4.

Finally, we would like to stress that Kenya is, not in a position to support the proposal made on behalf of the European Community to set up an ad hoc technical experts group or any other party opposed to mandatory and legally binding international regime for access and benefit-sharing and associated traditional knowledge.

### 4.3 TECHNOLOGY TRANSFER AND COOPERATION

The COP / 9 / 18 reports on the previous attendance. Unfortunately Kenya was not represented (cop / 9 / 18) Pg.14. After submitting the county's positions, the sitting committee came up with the current decisions as per CBD: UNEP/CBD/COP/9/18. The summary on article 16-19 in COP/18/19/add 2.

**Suggested strategy for the practical implementation of the program of work on technology transfer and scientific and technological cooperation.**

Kenya suggests the following;

- Insertion of long term or short term scientific and technological cooperation on paragraph 3.

- Insertion of “on mutual agreement ”in paragraph 5 after the end of the word “soft”.
- The idea of training the people alone is not enough. The transfer should involve bringing the factory/machinery, probably accompanied by experts for sometime.
- Whereas Kenya calls for technology transfer and open up biotechnological industries, it is important to point out that the industry requires enormous investments, which requires a larger market hence encourage foreign investment.
- There is need for a policy for material transfer and cooperation.

#### **4.4 Monitoring, assessments and indicators**

##### **Progress on 2010 targets and indicators**

##### **Trends in extent of selected biomes, ecosystems, and habitats**

Kenya has defined a comprehensive network of gazetted protected areas that cover over 10% of the Kenya land surface. Further Kenya has recognized that there is significant biodiversity outside protected areas and to fill the gaps, information on birds has been used to define a network of sixty important bird areas (IBAs). Kenya is now in the process of analyzing existing biodiversity and habitat information to further track the occurrence of other taxonomic groups and define Kenya Biodiversity Areas (KBAs). To this end Kenya wishes to acknowledge the significant role played by Birdlife International, Conservation International, the IUCN and Nature Kenya in defining the tools and methods for defining Important Bird Areas (IBAs) and Key Biodiversity Areas (KBAs). The IBAs and KBAs processes have revealed new gaps that relate to ecosystem connectivity and Kenya is in the process of defining corridors to ensure that the wildlife can move between protected areas. To this end local community participation is critical and Kenya has developed appropriate policies and legislation allowing collaborative management of biomes, ecosystems and key habitats.

However, there are serious challenges that must be addressed for this dream to be realized: insufficient capacities for lead institutions; serious funding gaps and insufficient local community structures. To this end, Kenya urges development partners to consider and avail new and additional funding that will:

- Strengthen institutional capacities to management biomes, ecosystems and habitats
- Support surveys to allow the definition and delineation of KBAs
- Build local community capacities to establish and manage community conserved areas



- Develop compensatory mechanisms and systems for local communities considering immense opportunity costs forgone in expanding the protected areas estate.

### **Trends in abundance and distribution of selected species**

Kenya is heaven for all life ranging from the big five to the smallest rare. To ensure that all biodiversity and associated habitats are adequately monitored, Kenya has established natural resources management, coordination and research institutions including Kenya Wildlife Service, Kenya Forests Service, Kenya Marine and Fisheries Research Institute, Kenya Forestry Research Institute and the National Environment Management Authority. To this end, the Kenya government has allocated resources for these institutions to do their work with their mandate.

To track species and habitats responses, pressure and state, Kenya has collaborated with the Birdlife International Partner in Kenya (Nature Kenya) to define and implement a simple robust cheap monitoring framework initially focused on Important Bird Areas. This tool implemented by all government agencies has allowed the production of annual status reports for 2004, 2005 and 2006 and the one for 2007 is being prepared.

The species and habitats monitoring framework shows that responses have increased but unfortunately, pressure continues to be high and the state continues to decline. This shows that the responses are not enough to reduce the pressure significantly enough to keep the state of Kenya's conservation areas on the positive scale.

Key challenges that must be addressed include poverty leading to unsustainable use; food insufficiency leading to more areas being converted into crop lands; high costs of agricultural production due to among other things increasing costs of fertilizers; insufficient personnel to enforce laws; lack of community structures and financing to promote community conserved areas and generally low investment conservation capital at global level. Kenya has done a lot and will continue to do more to maintain conservation areas as national, regional and global heritage.

However, Kenya has special submissions to make to the regional and global conservation partners and funding mechanisms:

- Develop new and additional mechanisms and avail new and additional resources to helping developing and least developed countries and small developing island states to protect biodiversity and habitats
- Request the Global Environment Facility (GEF) to continue the good work but most important more efficiently avail resources to developing countries
- Request developed countries to increase their national commitments to overseas conservation financing to safeguard the global benefits that are quickly being out by lack of resources in those countries that bare the most costs of conserving species and their habitats for global benefits.

### **Coverage of protected areas**

Kenya has more than 10% of land surface gazetted as protected areas.

However, there are major gaps that are being filled through the definition of IBAs and KBAs following methodologies developed by Birdlife, Conservation International and IUCN and their partners

#### **Area of forest, agricultural and aquaculture ecosystems under sustainable management**

Kenya's forest cover is some 1.4 million ha. represented by the indigenous closed canopy forests cover of some 1.24 million ha (or 88.57%) and some 1.06 million ha (or 11.43% ) plantations forests. Vegetation and land use cover in Kenya include: Indigenous forests (2.14%); Plantation (3%); Woodland (3.7 %); Bush land (42.9%); Wooded grassland (18.5%); Mangrove (1%); Grassland (2.1%); Desert (13.7%); Farmland and urban development (16.5%). Kenya's closed canopy forests are estimated to cover 2% of the country.

Key challenges in the conservation of forests in Kenya include the *land situation in Kenya* where an estimated 75% of Kenya's 30 million population live in rural areas and where 2.9 million people, representing around 530,000 households live within 5km of the closed canopy forest and due to poverty, they depend on forests to provide both wood and non-wood products including medicinal plants, honey, thatching grass and fodder.

Kenya has developed appropriate policies and legislation but resources to facilitate their implementation have remained limited. There is urgent need to avail resources to the forests sector if the invaluable national and global goods and services provided by forests are to be maintained.

## **4.5 Biodiversity and climate change**

### **Current status and trends**

Kenya is endowed with a variety of habitats and ecological systems, which makes it a custodian of a unique heritage of biodiversity. This rich biodiversity includes wildlife, forests, farmlands, vegetation, wetlands, marine life forms and microorganisms. Plenty of evidence suggests that many plants and animals in various regions of Kenya have affected by events associated with climate change. Extreme weather effects (floods and droughts) recently experienced in many parts of Kenya is testimony to gross negative impacts on the lively hoods of many rural communities. Floods in the Lake Victoria basin and persistent droughts in Northern parts of Kenya have impact on plant diversity and productivity through changes in flowering patterns, destroyed habitats and ecosystems. This has already been witnessed by shifting of the traditional maturity periods of local plants and unpredictable timing of farming operations. This scenario has direct impact on food security and deterioration of environment services derived from both flora and fauna

of many regions. As a result many birds which were associated with certain plants have since become rare in some regions. Some of these birds were known dispersal agents of specific plants whose ripe fruits formed part of their diet. With the changing weather patterns however, the productivity of and spread of these plants is no longer guaranteed. In addition changes in the environmental stimuli that are associated with plant reproduction have influenced negatively species diversity due to high mortality rates.

#### **Enhancing activities for reforestation and ecosystem rehabilitation**

Temperature increase will alter other factors which influence vegetation type and their morphological characteristics. In addition, soil chemistry and fertility will be affected in response to changes in storm pattern, which influences the leaching and erosion rates. Since soil nutrients become a limiting factor, the potential for rapid growth of plants may not be realized. The current figures modelled by scientists at the University of Nairobi suggest an increase of 20C in by 2020 in parts of Northern Kenya. Many species that are widespread will experience large reductions on their range as a coping mechanism to the increasing temperatures. This is currently witnessed by the reduction of grazing land in parts for the Kenyan ASAL where local inhabitants are solely dependent on livestock. It is unlikely that many species will evolve new tolerance in the required time frame. Climate induced changes will largely influence the distribution of tree pests and pathogens and play an important role in determining future tree distributions as recently witnessed by invasion of Eucalypts plantation by psyllid in Kenya.

#### **Options for further actions**

Any plants or animals which cannot adapt quickly to changing environmental conditions risks extinctions. Examples of such species in Kenya is the *Osiris lanceolata* (African sandal-wood) currently under threat for its demand in the cosmetic industry and coupled with its problematic propagation and limited dispersal. As a mitigation measure a program to safeguard the vulnerable plant genetic resources, in the drylands a plant conservation project is involved in the long-term seed collection and storage of wild plants and forest species. This Programme is being reviewed to include *in-situ* conservation of and exploitation through developing marketable useful products e.g. Efforts to promote the domestication of many other useful plants e.g. local vegetables are likewise being embraced as a way of ensuring food security in the unpredictable scenario that might affect exotic food plants are most likely be more vulnerable to changes in climate patterns. To ensure success in these initiatives the need for linkages with Local and international partners is urgent given that Climate change impacts are here with us and is increasing by the day.

#### **POSITIONS TO THE COP**

1. Recognizing that forests play a key role on the livelihood of many communities and that climate change may have negative impact on the biodiversity and general livelihood of these ecosystems, Kenya supports the decision to enhance the collaboration of all multilateral environment agreements and other relevant partners, to review opportunities for further action to support the conservation and sustainable use of the biodiversity of tropical forests and wetlands

2. In order to implement the conservation and adaptation strategies to combat the impacts of climate change that will guarantee the security of biodiversity in threatened ecosystems. Kenya urges the COP to fast-track the development of new financing mechanisms to support these activities.
3. Kenya welcomes the report on the rapid assessment of the status of pollinators particularly those that are of direct consequence to climate change as prepared by the Food and Agriculture Organization of the United Nations and would urge other parties and the COP to provide further guidance and support for implementation given its importance to food security.
4. Kenya welcomes the suggestion of voluntary guidelines on biodiversity-inclusive impact assessment prepared in collaboration with the Netherlands Commission on Environmental Assessment. This will give parties freedom to exploit local talents and resources to update the impact of climate change and mainstream the findings into National development Plans.

#### **4.6 Dryland Biodiversity**

##### **Introduction**

At the 2<sup>nd</sup> plenary session of the meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) held in July 2007 in Paris, the committee considered draft recommendation UNEP/CBD/SBSTTA/12/12/L.6 on biodiversity of dry and sub-humid lands prepared by the Working Group II dealing with agenda item 5.2 on *Biodiversity of dry and sub-humid lands: guidance on strengthening the assessment of the 2010 targets; and proposals for land-use options combining income generation with biodiversity conservation*. The committee adopted the recommendation as recommendation XII/6 that contains eight sub items that the committee intends to bring to the attention of the Conference of the Parties at its ninth meeting in Bonn, Germany, 2008.

##### **b) Summary of key issues brought out in the relevant document for the meeting**

##### **Consideration of adoption of ecosystem approach**

##### **Ecosystem Approach:**

A wide range of views with respect to its usefulness, applicability especially at the grassroot level to address issues pertaining to sustainable land management and conservation of biodiversity with a view to enhancing the achievement of MDGs, specifically MDG, 1 and 7, are pertinent issues Kenya would be interested to pursue during the COP9.

Kenya appreciates the initiative being undertaken by FAO/UNDP in collaboration with key government ministries, e.g. Livestock, Agriculture and Community based Organizations (CBOs) through the funding from GEF, in the implementation of programs related to Sustainable Land Management (SLM) concept, based on ecosystem approach in selected arid and semi-arid districts of Kenya. This program aims to upscale the successful Farmer Field School (FFS) approach to land degradation into the Arid and

Semi-arid Lands of Kenya in order to link sustainable land management (SLM) to increased agricultural productivity in agro-pastoral and pastoral landscapes. The FFS approach will be modified to agro-pastoral systems by focusing on community-based land use and the testing of supportive methods. Innovative ideas will be taken up by cross-sectoral District Planning and National/District decision-making processes and ultimately absorbed into national development in order to influence policy change on SLM.

#### **Global strategy for plant conservation:**

On plant conservation, Kenya developed a national biodiversity strategy and action plan in 2000 to address issues of plant conservation and management. The plan needs to be reviewed and updated conform to the framework and findings of the Millennium Ecosystem Assessment and other emerging issues like the development of management plans for alien species that threaten major ecosystems.

#### **Integration of climate change activities within work programme of CBD**

Climate Change impacts directly or indirectly on all the inhabitants of the world. But its effects vary disproportionately across countries and within countries. Within countries, it is the disadvantaged poor and marginalized populations at the grassroots (often residing in rural areas) that bear the brunt of the adverse impacts of climate change. They are the ones who suffer the most from adverse impacts of climate change, have the lowest capacity to cope with the damages, and have contributed least to the problem. This situation is exacerbated by several factors including high levels of poverty prevalent in most rural areas. Rural populations are more dependent on the natural ecosystems around them for their livelihoods e.g., for food, agriculture, fishing, forestry products and services, grazing ranges, etc. Consequently, any interference with their surrounding natural ecosystems due to climate change (or otherwise) directly impacts on them.

#### **Land use options**

On promotion of land-use options within dry and humid lands that promote biodiversity and generate income for indigenous communities, Kenya in collaboration with UNDP, National NGOs Coordinating Committee on Desertification in Kenya (NCCD-K) and Capacity 21 of UNDP has been quite supportive in supporting community initiatives geared towards sustainable natural resource management and conservation in dryland areas of northern Kenya. This program is within the framework of the National Action Plan to Combat Desertification (NAP) that addresses alternative livelihoods, e.g. bee-keeping, food security (rainfed agriculture), livestock marketing and eco-tourism. These community initiatives are non-destructive and ensure that community governance structures with respect to biodiversity conservation are adhered to.

#### **Biofuel and dryland biodiversity**

Kenya acknowledges the potential and risks associated with the production of biofuel products and its relationship with food security especially in developing countries. Although Kenya has not as yet embraced large scale production of biofuel as an alternative source for industrial energy, there exist economic benefits to communities in dryland areas where some potential wild species that have potential for biofuel extraction, (*Jatropha* spp) exists, (just as there is in gum Arabica). However, the issue of biofuel seem to have triggered significant interest, which calls for coordination.

### **Status of the issue/issues addressed in the meeting doc. in Kenya**

#### **Alien Invasive Species**

Kenya has had several invasions of alien species that have had negative impacts on biodiversity, agriculture and human development. Kenya, like many other affected countries by the alien invasive species in the world, is faced with problems on the development of strategies for the management of alien invasive species. Although there are few alien species posing ecological, social and economical problems in Kenya, the few that are currently on the focus (*Prosopis juliflora* in ASALs, *Ipomoea kikuensis* in pastureland, *Solanum mauritianum* in forests and *Lantana camara* in marginal and highlands), are a threat to community livelihoods and poses great social and poverty implications.

#### **Stakeholders Engagement**

However, Kenya is in the process of building partnership and collaboration with key stakeholders who are already working towards establishing framework that can address this issue. Some of these institutions include Kenya Forestry Research Institute (KEFRI), KEMPHIS, Food and Agriculture Organization of the UN (FAO), The National Environment Management Authority (NEMA), Kenya Forest Service (KFS), Ministry of Environment and Natural Resources and the Department of Resource Surveys and Remote Sensing (DRSRS).

#### **Country Position**

##### **Capacity Building:**

- **Alien Invasive species**

Kenya calls for other international agencies to come up and assist in capacity building for the development of viable and sustainable management plans for the most problematic alien invasive species afflicting important ecosystems of Kenya and having negative impact on communities in those particular areas.

- **National Biodiversity Assessment**

Kenya supports a proposal by SBSTTA for UNEP to convene a global workshop for practitioners on the preparation of national biodiversity assessments. This effort must consider stakeholders at all levels in order to ensure communities who are the custodian of biodiversity are not left out.

- **Climate change**

It is therefore imperative to conduct workshops/seminars on sustainable practices and/or methods/systems, which are consistent with the ultimate goals of UNFCCC. For example, conducting training activities (with rural communities) that demonstrate why rural development and poverty alleviation policies promoting sustainable agriculture, such as water management and agroforestry, are synergistic with climate change mitigation.

- **Land use options**

Support to community initiatives to address land use options that are non-destructive and ensure that community governance structures with respect to biodiversity conservation are the only remedy to continued land degradation. Kenya therefore calls for further support to such initiatives as the means to addressing biodiversity conservation and management.

- **Biofuel and biodiversity**

Inventory and eco-geographical mapping of the distribution of potential biofuel species in Kenyan arid lands that comprise 88% of the land surface; find it as an important first step in determining their spatial and potential values to the communities. It is on this basis that, Kenya calls for collaboration with other global research institutions and national agencies to assist in this noble exercise.

#### **4.7 PROTECTED AREAS**

In decision VIII/24, paragraph 15, the Conference of the Parties decided to convene the second meeting of the Ad Hoc Open-ended Working Group on Protected Areas to evaluate progress and elaborate recommendations for improved implementation of the work programme on protected areas.

The second meeting of the Ad Hoc Open-ended Working Group on Protected Areas was held at the headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome from 11 to 15 February 2008. The Working Group reviewed the implementation of the programme of work including assessment of progress made and obstacles encountered during the implementation and ways and means to overcome them; reviewed progress report on refinement and consolidation of scientific criteria for the identification of marine areas in need of protection and on compilation of biogeographical and other ecological classification system; and explored options for mobilizing, as a matter of urgency, through different mechanisms adequate and timely financial resources for the implementation of the programme of work.

##### **4.7.1 Review of Implementation of the Programme of Work on Protected Areas for the period 2004-2007**

In general, the programme of work on protected areas has been notably successful in bringing together and stimulating the international conservation community in the

implementation of the programme at the national level. There has been notable progress in achieving the targets under goals:

- 1.1 Establishing and strengthening national and regional protected area systems
- 1.3 Establishing regional networks and transboundary protected areas,
- 1.5 Preventing and mitigating the negative impacts of key threats,
- 3.1 review and revise appropriate policies and
- 3.2 Comprehensive capacity-building.

Since the adoption of the programme of work about 2,300 new terrestrial protected areas and 50 new marine protected areas, covering approximately 50 million hectares have been established

Limited progress was made with respect to the targets under goals;

- 1.2 Integrating protected areas into broader land- and sea-scapes,
- 1.4 Science-based management,
- 2.1 Equity and benefit sharing,
- 2.2 Involvement of indigenous and local communities,
- Sustainable finance,
- Public awareness and participation,
- 4.1 Minimum standards and
- 4.2 Protected-area management effectiveness.

#### **Constraints to the national implementation of the programme of work**

- lack of political commitment,
- institutional and policy impediments,
- insufficient human resources and capacity,
- limited funding, lack of data,
- lack of suitable guidelines and tools, and
- limited stakeholder awareness and involvement.

#### **Country position**

There is need for parties to be assisted to:

- establish of multi-stakeholder mechanisms for increasing political will,
- create enabling institutional mechanisms,
- hold training workshops and create technical support networks,
- coordinate technical support and mobilize additional funding,



- finalize, not later than 2009 the ecological gap analysis with assistance of donors, and
- Promote the application of appropriate tools and policy measures including, as appropriate, integrated spatial planning in order to better integrate protected areas into broader land and seascapes and relevant sectors and plans, including aiming at poverty eradication;

#### **4.7.2 Progress Report on Refinement and Consolidation of Scientific and Ecological Criteria for the Identification of Marine Areas in Need of Protection and on Compilation of Biogeographical and Other Ecological Classification Systems**

##### **Compilation of existing ecological criteria for identification of potential marine areas for protection and biogeographical classification systems**

In paragraph 2 of its recommendation 1/1 (UNEP/CBD/WG-PA/1/6, annex), the Working Group on Protected Areas invited the Executive Secretary to compile a list of existing ecological criteria for identification of potential marine areas for protection and biogeographical classification systems based on submissions received from the Parties, other Governments and organizations.

From the submissions received, the most often used ecological criteria included:

- (i) representativeness;
- (ii) importance for threatened, endangered, declining, rare or endemic species and/or habitats;
- (iii) high diversity;
- (iv) uniqueness/rarity/endemism;
- (v) importance for life history stages of species or for migratory species; and
- (vi) naturalness.

##### **Scientific criteria for representative networks of marine protected areas, including in open ocean waters and deep-sea habitats, consisting of five criteria**

A consolidated set of scientific criteria for representative networks of marine protected areas, including in open ocean waters and deep-sea habitats, consisting of five criteria:

- (i) Ecologically and biologically significant areas;
- (ii) Representativity;
- (iii) Connectivity;
- (iv) Replicated ecological features; and
- (v) Adequate and viable sites.

**Options for preventing and mitigating the impacts of some activities to selected seabed**

### **habitats in areas beyond the limits of national jurisdiction**

Various options, which are being applied and/or under development to prevent and mitigate the adverse impacts of human activities to selected seabed habitats, include:

- Codes of conduct, guidelines and principles;
- Permits and environmental impact assessments;
- Area-based management of uses, including through the establishment of marine protected areas, and management measures developed by regional fisheries management organizations; and
- Ecosystem-based and integrated management approach, and some lessons for their further application;

### **Country Position**

The identification and protection of Marine Areas in Need of Protection is a very critical issue that requires urgent action. While recognizing that the criteria/ guidance proposed in the COP documents are based on the best and most upto date scientific information and knowledge their application should be done with caution. They should not be used to undermine other national, regional and international processes but should be complimentary.

#### **4.7.3. Options for mobilizing financial resources for the implementation of the programme of work by developing countries in particular the least developed and small island developing states as well as countries with economies in transition.**

Information on financial needs assessment for implementing the programme of work is available only for few least developed countries, small island developing States, other developing countries and countries with economies in transition. Estimated annual funding gap for implementing the programme of work by these countries as per available information ranged from US\$ 3.28 million to US\$ 142.25 million.

A wide range of innovative financial mechanisms with considerable potential for raising protected area finances is available. There are better opportunities to raise funding for protected areas pursuing innovative financial mechanisms that mix regulatory, voluntary and market-type initiatives, to supplement traditional sources. A majority of the innovative mechanisms are yet to be institutionalized, warranting to foster their development, pilot implementation, adoption and scaling up.

Public-private partnerships in the sectors of ecotourism, watershed services and drinking water provision, offer opportunities for improving the economic sustainability of protected areas, enhancing the quality of services and efficiently leveraging investment in conservation. Innovative mechanisms for the development of public-private partnerships include, *inter alia*, the demonstration and creation of markets for protected area goods, services and benefits, government interventions through the creation of enabling conditions, and the introduction of a tax system to correct market failure.

By combining sound financial planning, improved financial management capacity, transparency, accountability and a diversified financial portfolio (combination of traditional and new financial mechanisms), funding for protected areas can be improved.

### **COUNTRY POSITION**

The Global Environment Facility (GEF) should increase funding for the implementation of the programme of work on protected areas including increasing the size and scope of the UNDP/GEF project to cover additional activities of the programme of work, as well as to extend support to other developing countries and countries with economies in transition. It should also support proposals for the development of innovative financial mechanisms. This support should enable parties to:

- Undertake and complete of country-level sustainable financing plans including the development of necessary legislative, policy and institutional measures to administer and implement such plans;
- Develop a diversified financial portfolio of both traditional and innovative financial mechanisms by strengthening traditional financial mechanisms and considering adoption, development and implementation of one or more new and innovative financial mechanisms;
- Create enabling environments and develop innovative mechanisms for promoting public-private partnerships;
- Identify and remove policy and legislative barriers hindering the diversification of sources of income for protected areas including retention of revenue generated at site level;
- Enhance effectiveness of resource utilization by improving the quality of protected area projects;
- Mainstream and integrate protected areas to development agendas including to the achievement of Millennium Development Goals for raising the funding portfolio for protected areas;
- The Conference of the Parties should set a fund-raising target for implementing the programme of work.

## **4.8 Biodiversity of inland waters**

### **Introduction**

The need to conserve species and their habitats is now more urgent than before as threats to biodiversity has been on the increase. Threats to biological resources are highest in the tropics where biodiversity is also reportedly the highest. Biological diversity within the Inland water ecosystems are faced with various threats and hence the focus regarding their conservation. For instance, wetlands provides a multitude of ecosystem goods and services, including water purification and regulation of flows, fisheries, habitat for plants, animals and micro-organisms, opportunities for recreation and tourism yet they face

serious threats today. The allocation and management of water has a direct impact on the ecological functioning of wetlands. Unsustainable use of water such as extractions from rivers and other water systems translates into biodiversity losses within wetlands and water related ecosystems. This is compounded by the changing climatic conditions as is the case currently. Emerging scenarios include the wetland ecosystems claiming parts of available land and displacing communities in the low-lying land areas. On the extreme also, some water bodies have dried up or the water levels have gone low owing to the droughts experienced. This has implications on wetlands such they dry up and are converted into other uses.

Kenya as a country has made significant progress in her efforts to promote the conservation, management and sustainable use of Inland water resources such as wetlands in line with the provisions and obligations of the Ramsar Convention. One of these is the formulation of a national wetlands policy. This policy has been aligned to conform to the Water Act 2002, Water Policy, and Water Quality Regulations. The national wetlands policy formulation process underwent critical consultative and consensus building stages including all stakeholders and other interest groups covering the whole country. This draft national policy was developed by the National Wetlands Standing Committee (NWSC) composed of 22 government ministries and national universities as well as IUCN which provided technical guidance on wetland conservation matters.

Once approved, the implementation process will be coordinated by a multisectoral committee that includes government sectors, researchers, planners, developers, NGOs and local communities.

The country has also made process in the designation of sites as Ramsar sites. So far three sites are designated as Ramsar sites namely; Lake Nakuru, Lake Naivasha and Lake Baringo and Bogoria. The country is also working towards designating Lake Ol Bolosat as a Ramsar site.

It is also worth noting that various stakeholders are currently involved in the development of management plans for wetlands at community level through District Environment Committees in selected districts.

#### **Gaps in wetland management in Kenya**

There are still gaps in the management of wetlands in the country. These areas include the following;

- Monitoring and management of wetlands
- Management plans
- Mapping and valuation of wetlands
- Poor networking among institution and researchers
- Inadequate database
- Community awareness and participation is inadequate
- Capacity in manpower and equipments

### **Issues that require urgent attention in the Kenya on Inland Waters**

- Siltation of major rivers and lakes
- Planting of unsuitable plant species in the wetland areas such as Eucalyptus trees
- Clearing of vegetation and cultivation along river banks and lake shores
- Invasive species in particular Water Hyacinth and Elephant grass
- Reclamation of wetlands for agriculture and settlements
- Over fishing in the lake waters
- Pollution of the water systems from agro-chemicals and urban effluents
- Massive deforestation in the catchment thus affecting the aquatic systems

### **Country Position**

- Supports the recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) on the need to make clear the roles of the two conventions namely Convention on Biological Diversity (CBD) and RAMSAR convention and have it discussed as part of the in depth review of the program of work at the 10<sup>th</sup> meeting of the Conference of Parties (COP).
- Welcomes and notes the outcomes of the parties to the RAMSAR convention on the wise use of wetlands and maintenance of their ecological character conceptual framework, framework and guidelines for future development of Wetlands of International Importance and the resolution to take into account the cultural values of wetlands.
- Supports the continued review of the criteria for the designation of the RAMSAR sites.
- Welcomes the ongoing work of the RAMSAR on allocation and management of water for maintaining ecological functions and international cooperation on water resources management.
- Appreciates the need for international cooperation on implementation of programs on biological diversity of inland water ecosystems and supports the need for countries and parties to ratify the 1997 United Nations Convention on the Law of the Non-Navigational Uses of international water courses. This will act as a means to achieving improved international cooperation as per the General Assembly's Resolution 51/229, 21 May 1997.
- Recognizes the vulnerability of Inland Water Ecosystems to Climate Change and thus welcome the need to improve their management. It welcomes the ongoing and planned work of the RAMSAR on wetlands and climate change. It supports the call to RAMSAR convention, to at its 10<sup>th</sup> meeting to consider actions in relation to wetlands, water, biodiversity and climate change. Notes that this could be a synergy between RAMSAR and CBD on its climate change work.
- Kenya supports the joint work plan (2007-2010) between the two conventions (CBD&RAMSAR) as highlighted in (UNEP/CBD/SBSTTA/13/5, annex).

#### 4.9 Marine and coastal biodiversity

##### Status and Trends

The Kenyan coastline extending from the boarder with Somali in the north to Tanzania in the south is about 600 km long and is endowed with rich natural resources which support the local as well as the national economy. Some of these resources include terrestrial forests, mangrove forests, fisheries, coral reefs, sandy beaches and seagrass beds. These resources are of immense economic and cultural value to the local people and the nation at large. Additionally, they provide many ecological services, which cannot be marketed and as a result, their really value tends to be underestimated. The coastal environment also supports many industries which significantly contribute to the national income. The two main industries mainly supporting the local economy are shipping (45%) and tourism (15%). Due to the real and potential employment opportunities created by these industries, the coastal urban population has steadily increased over the years leading to demographic pressure on livelihood support systems.

The management of Kenya's coastal and marine resources has for along time been undertaken using sectoral approaches because of the various institutions involved, which operate under often conflicting legislations. This has led to overexploitation of resources and environmental degradation. Under the Environmental Management and Coordination Act (EMCA) 1999, the Kenyan Government envisioned through NEMA the formulation of an Integrated Coastal Zone Management (ICZM) Plan to guide sustainable development of the coastal area. The first step was the preparation of a State of the Coast Report which will inform the ICZM process. Furthermore, Kenya is a party to the Nairobi Convention and consequently, production of this State of the Coast Report serves to deliver part of the country's obligations under the Convention.

The SOC report identifies various root causes of resource overexploitation and environmental degradation including: population pressure, poverty, lack of community involvement in management, lack of enforcement of relevant legislation, and sectoral approaches to management, and proposes mitigation measures under an Integrated Coastal Zone Management framework. It is my sincere hope that this report will go along way in creating awareness on the status of our coastal and marine resources, and in improving their management.

##### Country Position

##### 1. Marine and coastal biological diversity: conservation and sustainable use of deep seabed genetic resources beyond the limits of national jurisdiction

Recognises that deep seabed ecosystems beyond the limits of national jurisdiction, including hydrothermal vent, cold seep, seamount, coldwater coral and sponge reef ecosystems, contain genetic resources of great interest for their biodiversity value and for scientific research as well as for present and future sustainable development and commercial applications. – further recommends for funding to enable the study of the sea bed resources as well as capacity building in exploitation of the resources.

>A  
end like  
Africa station

Emphasizes the urgent need, especially in developing countries, to build capacities relating to deep seabed biodiversity, including taxonomic capacity; to promote scientific and technical cooperation and technology transfer; and to exchange information regarding activities undertaken within the deep seabed beyond the limits of national jurisdiction

Recognises the urgent need, to build capacities relating to deep seabed biodiversity, including taxonomic capacity; to promote scientific and technical cooperation and technology transfer; and to exchange information regarding activities undertaken within the deep seabed beyond the limits of national jurisdiction

## **2. Marine and coastal biological diversity: enhancing the implementation of integrated marine and coastal area management**

Recognises the importance of Integrated Marine and Coastal Area Management and is currently developing on a National ICZM Plan.

Participates fully in international initiatives and agreements, such as regional seas programmes, large marine ecosystem (LME) projects, and river basin initiatives, (ReCoMaP) in order to improve trans-boundary cooperation

Supports developing countries entering into partnership with developing country Parties, according to their national priorities, in order to support national and regional efforts to build long-term capacity in effective implementation of integrated marine and coastal area management, and to ensure that funding is commensurate with national integrated marine and coastal area management needs

## **4:14 – Operations of the Convention**

### **a. Periodicity of meetings and organization of work of the Conference of the Parties**

In section I of its decision VIII/10, the Conference of the Parties decided to maintain the periodicity of its ordinary meetings until 2010, while deciding to consider, at its ninth meeting, the meeting schedule of the Convention after the tenth meeting of the Conference of the Parties in 2010. The Conference of the Parties also requested the Executive Secretary, in consultation with its Bureau, to prepare options for the meeting schedule, including the financial implications of each option, taking into account, *inter alia*, the periodicity of ordinary meetings of the Conference of the Parties and the periodicity and scheduling of meetings of its subsidiary bodies, and to make available a report on those options to Parties, Governments and relevant organizations, for their review and comments at least six months prior to its ninth meeting.

The Conference of the Parties is invited to consider the revised report of the Executive Secretary and decide on the future periodicity of its meetings.

Under this item, the Conference of the Parties will also have before it a tentative schedule of meetings to be held under the Convention for the period 2009-2012.

### **Country position**

The Executive Secretary has done a commendable job in trying to provide the COP with possible options for consideration as the COP decides on the periodicity of its meetings after 2010. 15 options are presented each with an analysis of its strengths weaknesses, implications on the rules of procedure of the convention and the financial implications for the next 12 years.

Table III – B in Document UNEP/CBD/COP/9/22/Add.1 indicates that among the options analyse option 8 variant offers the highest financial savings over the next 12 yrs standing at US\$ 15,478,628.00. This option proposes that:

- COP to meet for 2 weeks after every 3yrs
- SBSTTA to have 2 one week meets. 1 between COPs and 1 at the same time with COP. (concurrent)
- COP and SBSTTA Bureaus hold three joint meetings intersessionally and one back – to - back with COP.

While this proposal is very appealing due to the savings, it poses a major challenge in ensuring effectiveness of SBSTTA as a scientific body to advise COP. Due to financial constraints many parties will opt to send same delegates to SBSTTA and COP if the two are held together. Given the importance of COP to parties, many parties may opt to send policy makers at the expense of scientists and thus deny SBSTTA to play its role of a scientific body.

In this regard then, the current practice of holding meetings of COP after every 2 yrs and for 2 weeks should be maintained. Also the COP should not operate in plenary throughout but should continue break into 2 working groups with interpretation.

### **b. Review and revision of the administrative arrangements between the United Nations Environment Programme (UNEP) and the Secretariat of the Convention**

In section I of its decision VIII/10, the Conference of the Parties took note of the ongoing review and revision of the administrative arrangements between UNEP and the Secretariat. It invited the UNEP Executive Director and the Executive Secretary to finalize the revision of the administrative arrangements for consideration of the Conference of the Parties at its ninth meeting.

Under this item the Conference of the Parties is invited to take note of the Executive Secretary's report on the progress made to date.

### **Country Position**

It is noted that the Executive Director of UNEP is pursuing this issue in response to the COP decision and that he is not yet in apposition to provide specific or detailed comments on the draft submitted on revised administrative arrangements. The Executive Director has indicated that he would inform parties or the bureau as and when



appropriate, on the coherent and integrated measures and actions that he has initiated with UNEP administered MEAs with an objective of having an overarching framework arrangements with all the MEAs.

The Executive Director should speed up matter and if possible provide a timeframe within which it will be finalized.

**c. Consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice**

In decision VIII/10, the Conference of the Parties adopted a consolidated *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which lists among the specific functions that SBSTTA should identify new and emerging issues relating to the conservation and sustainable use of biodiversity. At its twelfth meeting, through recommendation XII/8, SBSTTA requested the Executive Secretary to present to the Subsidiary Body at its thirteenth meeting options for the identification of emerging issues, the conditions for their inclusion in the agenda of relevant meetings, and appropriate ways to respond to new and emerging issues relating to the conservation and sustainable use of biodiversity.

**Country Position**

The agenda items for each SBSTTA should be carefully selected to ensure that priority issues are not neglected. Their number should be limited to give ample time for serious discussions.

With regard to identification of new and emerging issues for consideration by SBSTTA proposals of such items should be accompanied by sufficient information to assist in decision making.

There is a role for COP, SBSTTA, Bureau of SBSTTA and the Executive Secretary in the selection of such issues for inclusion into the SBSTTA agenda. Therefore there should be an option that gives a role to all the key stakeholders.

**d. Retirement of decisions**

In its decision VIII/10 V, the Conference of the Parties requested the Ad Hoc Open-ended Working Group on Review of Implementation to develop guidance for the future review and retirement of the decisions of the Conference of the Parties. It also requested the Executive Secretary to make proposals to its ninth meeting regarding the retirement of decisions and elements of decisions taken at its fifth meeting.

**Country Position**

The COP took a decision to review and retire decisions or parts/elements of decisions eight years after the decisions are adopted. COP 9 therefore will review and retire, as appropriate decisions adopted at its Fifth meeting held in 2000 in Nairobi, Kenya. The eight year interval should be retained as well as the criteria used in the review.

**e. Admission of bodies and agencies to meetings under the Convention**

In section VI of its decision VIII/10, the Conference of the Parties requested the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention to consider procedures for admission of bodies and agencies, whether governmental or non-governmental.

#### **Country Position**

The steps used to admit new bodies and agencies are satisfactory therefore they should be adopted.

### **4.15 Scientific and technical cooperation and the clearing-house mechanism.**

The Clearing-House Mechanism (CHM) of the Convention on Biological Diversity was established further to Article 18.3 of the Convention. Its mission is to contribute significantly to the implementation of the Convention through the promotion and facilitation of technical and scientific cooperation, among Parties, other Governments and stakeholders.

#### ***Strategic Plan of the Clearing-House Mechanism For the Period 2005-2010***

##### **I. MISSION**

To contribute significantly to the implementation of the Convention on Biological Diversity and its programme areas and cross-cutting issues, especially the 2010 target, through the promotion and facilitation of technical and scientific cooperation among Parties, other Governments and stakeholders.

##### **II. STRATEGIC GOALS AND OBJECTIVES**

Goal 1: The clearing-house mechanism promotes and facilitates technical and scientific cooperation.

1.1. The clearing-house mechanism contributes to the implementation of the Convention and particularly the achievement of the 2010 target.

1.2. The clearing-house mechanism facilitates the transfer of technology and technology cooperation.

1.3. The clearing-house mechanism facilitates cooperation among the three Rio conventions and other environmental agreements, organizations and initiatives.

**Goal 2: The clearing-house mechanism promotes and facilitates the exchange of information among Parties, other Governments and stakeholders.**

2.1. The clearing-house mechanism makes information related to the Convention and Convention processes available via electronic and traditional means.

2.2. In collaboration with other relevant initiatives, organizations and partners, the clearing-house mechanism facilitates the access to and repatriation of information on biodiversity.

2.3. The clearing-house mechanism assists Parties and other Governments and relevant organizations in making data and information available in support of activities related to the implementation of the Convention and the achievement of the 2010 target.

2.4. The clearing-house mechanism contributes to the future technical development of the Biosafety Clearing-House established under paragraph 1 of Article 20 of the Cartagena Protocol on Biosafety.

2.5. Parties have established effective mechanisms for facilitating the exchange of information, including as appropriate clearing-house mechanism websites which adhere to common formats, protocols and standards, including metadata standards, as recommended by the clearing-house mechanism.

Goal 3: The clearing-house mechanism is fully operational with participation of all Parties and an expanded network of partners

3.1. All Parties have established and are further developing clearing-house mechanisms.

3.2. Relevant partners participate in an expanded clearing-house mechanism network.

3.3. Parties have established and use effective mechanisms for facilitating scientific and technical cooperation, including thematic networks where appropriate in support of the implementation the Convention and the achievement of the 2010 target.

3.4. The clearing-house mechanism contributes to the development of the global communication, education and public awareness network.

Decisions of the Conference of the Parties

The implementation of the Clearing-House Mechanism has been guided by several decisions of the Conference of the Parties.

### **COP 8 Decision VIII/11:Curitiba, 20 - 31 March 2006**

The COP adopted the updated strategic plan of the clearing-house mechanism for the period 2005-2010, and the programme of work of the clearing-house mechanism up to 2010. Parties and other Governments, as appropriate, were requested to provide free and open access to all past, present and future public-good research results, assessments, maps and databases on biodiversity, in accordance with national and international legislation; and to continue providing financial and technical support to develop national and regional clearing-house mechanisms.

### **COP 7 Decision VII/23:**

Parties were called upon to

- (a) Use the clearing-house mechanism toolkit to establish clearing-house mechanism national focal points and websites;
- (b) Contribute resources for the translation and maintenance in the six official languages of the United Nations of the content of the website of the Secretariat for the Convention and of the clearing-house mechanism toolkit;
- (c) Use the controlled vocabulary for the Convention on Biological Diversity to facilitate interoperability of information among national clearing-house mechanisms;
- (d) The COP requested the Executive Secretary to use the clearing-house mechanism, in collaboration with the informal advisory committee, to continue to strengthen collaboration with international partners and organizations for review at the eighth meeting of the Conference of the Parties and to report on that collaboration, including an elaboration of the relative roles of the clearing-house mechanism and information facilities dealing in particular with taxonomic databases including, IABIN (Inter-American Biodiversity Information Network) hubs, BioNet LOOPs (Locally Owned and Operated Partnerships), NatureServe CDCs (Centres for Data Conservation), nodes of the Global Biodiversity Information Facility and Species 2000 and the Integrated Taxonomic Information System's Catalogue of Life;

### **COP 6 Decision VI/18: The Hague, 7 - 19 April 2002**

The Conference of the Parties

1. Requested the Executive Secretary to commission a review to assess the current and potential role of the clearing-house mechanism in promoting technical and scientific cooperation, including its role in facilitating the transfer of technology and know-how and capacity-building to support implementation of the Convention at the national level, and to report on this review to the Conference of the Parties at its seventh meeting;
2. Recommended that the Executive Secretary update and further develop the clearing-house mechanism tool kit referred to in decision IV/2 of the Conference of the Parties, incorporating the use of guidelines, best practices and new information formats, protocols and standards to assist Parties in the establishment or improvement of national, subregional or regional focal points for the clearing-house mechanism;
3. Urged the Executive Secretary, in collaboration with existing international networks of indigenous and local communities and, as appropriate, national focal points, to assist in the further development of communication networks for use by these communities, with an initial emphasis on information-sharing formats, protocols and standards, having regard to ethical issues pertaining to traditional knowledge. These networks would not be used to exchange or disclose traditional knowledge.

## COP 5 Decision V/14:Nairobi, 15 - 26 May 2000

### The Conference of the Parties,

1. Decided that the strategic plan for the clearing-house mechanism shall become a component of the Strategic Plan of the Convention on Biological Diversity;
2. Decided that the informal advisory committee referred to in decision III/4 shall have the following objectives:
  - (a) Provide advice on matters relating to the clearing-house mechanism and, in particular, on how to improve the effectiveness of the clearing-house mechanism;
  - (b) Facilitate the implementation of guidance from the Conference of the Parties concerning the clearing-house mechanism;
  - (c) Facilitate greater input of Parties into the development of the clearing-house mechanism;
  - (d) Advise on ways and means to facilitate the development of the clearing-house mechanism network;
  - (e) Facilitate and encourage cooperation with other relevant international and regional information networks and initiatives;

### COP 4 Decision IV/2:Bratislava, 4 - 15 May 1998, The COP:

1. Recommended that each Party organize an appropriate national clearing-house mechanism steering committee or working group composed of multisectoral and interdisciplinary representatives, to achieve broad participation of different stakeholders in the implementation process of the clearing-house mechanism;
2. Invited the Parties and other partners to use the clearing-house mechanism logo as a unifying element creating a clearing-house mechanism identity;
3. Recommended that, in building up the content of information in the clearing-house mechanism either at the secretariat or other level, the following major content elements, among others, be used:
  - (a) National, subregional and regional levels: country profiles, biodiversity strategy and action plans, appropriate legislation, scientific and technological information, financial sources;
  - (b) Secretariat level: Convention on Biological Diversity and its implementation, national focal points, international themes, financial sources;
4. Requested the Global Environmental Facility:
  - (a) To be a catalyst in the development and implementation of the clearing-house mechanism;
  - (b) To support capacity-building activities and country-driven pilot projects focused on priority areas;
  - (c) To provide by all possible means, as appropriate, increased support for country-driven projects to establish and strengthen biodiversity information systems such as, inter alia, training, technology and processes related to the collection, organization, maintenance

and updating of data and information and its communication to users through the clearing-house mechanism;

### **COP 3 Decision III/16: Buenos Aires, 4 - 15 November 1996.**

The COP discussed ways to promote and facilitate access to and transfer and development of technology, as envisaged in Articles 16 and 18 of the Convention

Emphasizes the importance of technology transfer in the achievement of each of the three objectives of the Convention.

### **COP 3 Decision III/4: Buenos Aires, 4 - 15 November 1996**

Requested the **Global Environment Facility** to support the clearing-house mechanism at the national, subregional and regional levels, including in the pilot phase;

Emphasized that the key characteristics of the clearing-house mechanism are, *inter alia*, that it should be **compatible with national capacities, needs-driven and decentralized in nature, should provide access to meta-data**, should provide support to the decision-making process, and should to the extent possible involve the private sector;

Recognized that ownership of all information made available through the clearing-house mechanism **shall remain with the provider of the information**;

Requested all Parties to designate their clearing-house mechanism national focal points and make them operational as soon as possible;

### **COP 2 Decision II/3: Jakarta, 6 - 17 November 1995**

Decided, as a contribution to the implementation of the objectives of the Convention, that the clearing-house mechanism, established by decision I/3 adopted at its first meeting in accordance with Article 18, paragraph 3 of the Convention, should be developed by enhancing networking between existing national, regional, subregional and international centres of relevant expertise, as well as governmental and non-governmental institutions and the private sector;

### **COP 1 Decision I/3: Nassau, 28 November - 9 December 1994**

#### The Conference of the Parties

Decided to implement the provisions of Article 18, paragraph 3, of the Convention on the establishment of a clearing-house mechanism to promote and facilitate technical and scientific cooperation, operating under the authority of the Conference of the Parties.

#### **Implementation**

Today the Clearing-House Mechanism consists of the following components:

- The CBD website, including its Information Centre;
- The network of National Clearing-House Mechanisms;

- Various partner institutions.

The Clearing-House Mechanism is currently in the process of being improved to better contribute to the enhanced implementation phase of the Convention and the achievement of the 2010 biodiversity target. The first step of this process was the launch of the new CBD website on 22 May 2007 on the occasion of the International Biodiversity Day. Technology and needs have evolved and the need to develop options to face this new challenge is urgent.

### ***Summary of comments made on draft document UNEP/CBD/COP/9/23***

The breadth of the mandate should be directly related to the amount of resources available. Therefore, there needs to be a decision to find additional resources or to narrow the scope;

The gap in the feedback on implementation on the ground;

The challenges associated with the lack of capacity of both country Parties and the Secretariat need to be strengthened in the document;

Find a way to solicit feedback through NBSAP or reporting process - perhaps through setting targets;

Paragraph 10 is very important. It should include the notion of making the CHM more focused

In section V, the table of services should be prioritised;

The document should resist asking other Parties to identify and submit information.

Rather, we should build up on regional approaches using common tools based on common software e.g. through a pilot phase or programme;

It could be useful to include a summary of prior COP decisions related to the CHM;

For the CHM-IAC, the following are possible options:

- Business as usual.
- Possibilities with a small budget.
- Possibilities with an increased budget.

The Strategic Plan should be operationalized into a one page action plan so it looks more like a work programme related to available resources;

The CHM-IAC should focus on what is most needed to improve the IAC, e.g. more fund for meetings and other ideas;

The CHM-IAC could have a role in capacity-building e.g. helping the Secretariat help developing countries;

The CHM should promote sharing of success stories and link to technology transfer;  
The priorities for a Strategic Plan/Action Plan should be in this order:

- Each Party has a CHM.
- Knowledge Base.
- Planning and Reporting Facility.
- National Information & Websites.
- Collaboration tools

Merging the CHM-IAC with another committee is not a viable option because CHM is based more on technology so these are two different issues (HK).

Websites are considered a communication tool. Therefore, perhaps CHM-IAC could be a part of CEPA.

Merging should not be recommended as CHM is primarily a tool for knowledge sharing and under climate change this is seen as both an emerging issue and a stand alone issue

There are three reasons for agreeing:

- Questions whether such a merger would increase capacity of both.
- CEPA concentrates on Biodiversity message to all stakeholder groups whereas the CHM role is to assist parties.
- Under CHM, this is a role of the focal points

#### **Clearing House Mechanism - Kenya**

NEMA has established a Clearing House Mechanism which offers information pertaining to the CBD. This CHM which is linked to the CBD secretariat is rather limited by lack of sufficient resources to disseminate information to stakeholders within the country. The NCST has established a Biosafety Clearing House Mechanism in line with the objectives of the Cartagena Protocol on Biosafety. However this BCH is faced with similar problems to the CHM as it is not linked to other local institutions.

A review of the past Decisions indicates that Kenya has not implemented most of the Decisions pertaining to the CHM and that the country is lagging behind in all areas of the CHM Strategic Plan.

Funding is cited as a major constraint in maintaining a fully functional CHM.

#### **4.16 Guidance to the financial mechanism.**

In decision VIII/18, paragraph 6, the Conference of the Parties requested the Executive Secretary, in consultation with the Parties, to explore opportunities for streamlining the guidance provided to the Global Environment Facility and to present the results through the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention.

Accordingly, the Executive Secretary prepared a note on the subject (UNEP/CBD/WG-RI/2/5) for the consideration of the Working Group. In its recommendation 2/3, the Working Group proposed that the Conference of the Parties adopt a four-year (2010-2014) framework for programme priorities related to utilization of GEF resources for biodiversity coinciding with the fifth replenishment of GEF. The Working Group further invited Parties and Governments, relevant organizations and GEF to submit their views



on these matters, and requested the Executive Secretary to prepare elements of the framework and recommendations for consideration by the Conference of the Parties, and to organize a dialogue session among the Parties with participation of the Chief Executive Officer of GEF.

The Conference of the Parties is invited to adopt a decision on the guidance provided to the Global Environment Facility, in light of the following: (i) recommendation 2/3, paragraph 1, of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention; (ii) Elements for the four-year (2010-2014) framework for programme priorities related to utilization of GEF resources for biodiversity, as well as recommendations to the process of formulating and consolidating guidance to the financial mechanism, as contained in the note by the Executive Secretary on the subject (UNEP/CBD/COP/9/24); (iii) results of the dialogue session among the Parties, with participation of the Chief Executive Officer of the GEF, in Bonn on 17 May 2008, on the four year (2010-2014) framework for programme priorities related to utilization of GEF resources for biodiversity, as well as the procedures for streamlining guidance to GEF; (iv) additional guidance that may be provided by the Conference of the Parties.

#### **4.17 Communication, Education and Public Awareness**

##### **Background**

The Conference of Parties identified Communications, Education and Public Awareness (CEPA) as an important tool in supporting the programmes of the convention. In the Conference of Parties (COP) 4, it was decided that CEPA, should be integrated as an integral component of all sectoral and thematic items under the programme of work of the Convention. In COP 5, this was again reiterated as an important component. At its sixth meeting, the Conference of the Parties adopted the Global Initiative on Communication, Education and Public Awareness and the related programme of work (decision VI/19). The programme of work comprised three programme elements (towards a global communication, education and public awareness network; exchange of knowledge and expertise; and capacity-building for communication, education and public awareness), each with operational objectives and proposed actions to guide implementation by key partners.

At its seventh meeting, the Conference of the Parties adopted decision VII/24, in which it invited Parties to take into consideration the need to communicate the various elements of the 2010 biodiversity target and to establish appropriate linkages to the Decade on Education for Sustainable Development in the implementation of their respective national CEPA programmes and activities. It also requested the Executive Secretary to convene an informal advisory committee on communication, education and public awareness to further develop the CEPA work programme for in-depth consideration by the Conference of the Parties at its eighth meeting; and, to continue the collaborative efforts with the CEPA programmes of other relevant organizations, including the Rio conventions, to enhance coordination and maximize synergies.

At its eighth meeting (COP 8), a decision (VIII/6) was adopted which outlined a strategy for the implementation of programme of work for CEPA. This was done through Prioritization of activities.

As a follow up to COP 8, an Informal Advisory Committee (IAC) for CEPA convened and discussed on ways and means of implementing the priority activities. IAC came up with a road map for implementation of the activities of CEPA in the short run as well as long run. The report identifies the importance of each activity and how it relates to CEPA potential partners and a timetable for realization as well as gaps in resources and actions.

### **The Status of Implementation of CEPA in Kenya**

Though the decision to adopt CEPA was adopted in COP 6 and 8 respectively with the later coming up with a road map for implementation, not much has been done in Kenya. However, some effort has been put towards communication education and public awareness on biodiversity conservation.

- **National Biodiversity Strategy and Action Plans (NBSAPs)**

During the preparation of the above document through a series of workshops in the country, a lot of biodiversity issues were discussed and communicated to the populace. Though no specifics were targeted towards CEPA, awareness on biodiversity and its status in the country was achieved. For Kenya, the area of Wildlife Management is key to attracting tourism. This has created some level of awareness towards wildlife and currently a number of people rely on tourism for their livelihoods. Indeed, adjacent to protected areas are privately or communally owned conservation areas where many derive their livelihoods.

- **Other Conventions**

Biodiversity is a cross cutting issue in all conventions. In their implementation therefore, the importance of biodiversity is highlighted. Information and communication materials are availed during importance events as outlined in the various conventions all geared towards conservation of biodiversity. Brochures, fliers, Bulletins, press releases and video shows are shown during their commemoration. For example the country commemorates the World Wetlands Day (WWD), World Environment Day (WED) and World Day to Combat Desertification (WDCD) among others. During such events, communities, schools and leaders are sensitized on the importance of the day and by extension importance of biodiversity.

- **International Biodiversity Day**

Though the commemoration of the above date is relatively new, the country did celebrate the 2007, International Biodiversity Day. This was made possible through coordination of UNEP and the generous contribution from private sector. This year, preparations for the day are ongoing and is hoped to be celebrated on the 22<sup>nd</sup> of May. Already, different stakeholders have met and chosen the site for the celebration to address the theme of *Biodiversity and Agriculture*. The CBD Brochure is being translated into the national language so that more people can understand. Also planned is a series of press releases and talk shows in the various media houses. It is hoped that in future the national focal

point will be able to budgets funds for this event so that it can be commemorated countrywide as is the case for the other international days. This will elevate the celebration into a major communication tool at the national level.

- **Decade on Education for Sustainable Development (DESD)**

At its seventh meeting, the Conference of the Parties adopted decision VII/24, in which it invited Parties to take into consideration the need to communicate the various elements of the 2010 biodiversity target and to establish appropriate linkages to the Decade on Education for Sustainable Development in the implementation of their respective national CEPA programmes and activities.

Kenya like other countries of the world is in the process of implementing the objectives of the DESD (2005 - 2014). To this end, several activities have been undertaken since the year 2003 which have culminated in the development of the ESD strategy. Some of these include several multi-sectoral consultative fora involving government, civil society, and private sector and development partners.

A national ESD steering Committee with membership drawn from government, civil society and private sector has since been formed to spearhead the process with UNESCO-Nairobi providing leadership and technical support.

The strategy provides an avenue for the realization of the DESD and Vision 2030 as it embraces the participation of a broad spectrum of stakeholders involved in sustainable development and the core values of the vision. In addition, the strategy seeks to improve the interventions by diverse stakeholders in education through emphasis on improving quality of education, reorienting education towards sustainable development, enhancing public awareness and capacity building. This provides for an avenue for the achievement of the K-University in the country.

The development of the ESD strategy IN Kenya provides a smooth landing for the CEPA strategy because all that is required at the moment is to realign it to have the biodiversity component taking into consideration the 2010 targets.

### **Country's Position**

Kenya supports the activities of the Executive Secretary towards implementation of programme of work for CEPA and thus:

- *Calls on international organizations and other partners to support her to come up with a comprehensive strategy for CEPA implementation.*
- *Dedicates herself and calls for support to integrate CEPA during its review of the National Biodiversity Strategies and Action Plan.*

- *Notes the importance of the International Biodiversity Day and hopes coordinate its efforts for the celebration of the international year on Biodiversity in 2010 and submit the report accordingly.*

## V. ADMINISTRATIVE AND BUDGETARY MATTERS

### 5.1. Administration of the Convention and budget for the Trust Fund of the Convention for the biennium 2009-2010.

Under this item, the Conference of the Parties is invited to adopt a programme budget for the biennium 2009-2010 to meet the core administrative costs of the Conference of the Parties, SBSTTA, the meetings of other subsidiary bodies and the Secretariat.

The Conference of the Parties will have before it, for consideration and approval, a proposed budget for the BY, BE and BZ Trust Funds for the Convention (UNEP/CBD/COP/9/27). As in the past, the levels of contributions to the budget by individual Parties, which are annexed to the document, have been based on the United Nations scale of assessments for the apportionment of expenses. Detailed information on activities and resource needs by programme and subprogramme are explained in the note by the Executive Secretary on detailed sub-programme activities and resources required (UNEP/CBD/COP/9/INF/13). In addition, the Conference of the Parties will also have before it a proposed Secretariat strategy in support of the enhanced implementation of the Convention and achievement of the 2010 target (UNEP/CBD/COP/9/27/Add.1).

The Cartagena Protocol on Biosafety provides that, “[t]o the extent that they are distinct, the costs of the Secretariat services for the Protocol shall be met by the Parties hereto”. Therefore, there is a need to identify those Secretariat costs that are distinct to the Protocol and those that are common to the Convention and the Protocol. Given that the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will immediately precede the ninth meeting of the Conference of the Parties to the Convention, the latter will be informed of the budget adopted for the Protocol for the next biennium as distinct costs.

In decision VIII/31, paragraph 21, the Conference of the Parties requested the Executive Secretary to develop, as an interim arrangement pending endorsement by the Conference of the Parties at its ninth meeting, procedures for the allocation of funding from the Special Voluntary Trust Fund for Facilitation Participation of Parties in the Convention process, to developing countries, in particular the least developed countries and small island developing States, as well as Parties with economies in transition, to secure adequate representation from each region. A draft interim policy was developed by the Executive Secretary and approved by the Bureau at its meeting in Brasilia, on 5 December 2006. A revised interim policy was subsequently approved by the Bureau at its meeting in Montreal, on 14 October 2007. The interim policy will be submitted for the consideration of the Conference of the Parties in document UNEP/CBD/COP/9/27.

## **VI. FINAL MATTERS**

- 6.1. Other matters.**
- 6.2. Adoption of the report.**
- 6.3. Closure of the meeting.**

