



## CBD COP-6 HIGHLIGHTS: MONDAY, 15 APRIL 2002

Delegates met in two Working Groups and contact groups. Working Group I (WG-I) discussed: the ecosystem approach, sustainable use and incentive measures; liability and redress; and Conference Room Papers (CRPs) on dry and sub-humid lands, the Global Taxonomy Initiative (GTI), agricultural biodiversity and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), inland waters, and identification, monitoring, indicators and assessments. Working Group II (WG-II) discussed Article 8(j) and CRPs on: scientific and technical cooperation and the Clearing-House Mechanism (CHM); implementation and operations of the Convention; national reports; and cooperation with other conventions, international organizations and initiatives. Contact groups on invasive alien species, forest biodiversity, access and benefit-sharing (ABS) and the strategic plan also met.

### WORKING GROUP I

**ECOSYSTEM APPROACH, SUSTAINABLE USE AND INCENTIVE MEASURES:** The Secretariat introduced UNEP/CBD/COP/6/1/Add.2; 4; 12, 12/Add.2 and 3; INF/24 and INF/24/Add.1-3.

**Sustainable Use and Tourism:** Reflecting on the intersectoral workshops, CUBA recommended a thematic approach and longer, multi-lingual meetings. Others noted the need for broader and more balanced participation and for involvement of all stakeholders. INDIA and KENYA emphasized women's role. NORWAY and BURKINA FASO suggested synthesis of workshops' results. Spain, on behalf of the EU, welcomed synergies with the CSD and the World Tourism Organization. On tourism, Ethiopia, on behalf of the AFRICAN GROUP, emphasized rural tourism, a broader scope to include natural sites and elements, public awareness and private sector involvement, and participation of local communities. The RUSSIAN FEDERATION recommended further identification of sustainable use practices and, with ARGENTINA, supported workshops to finalize guidelines and principles before COP-7. CAMEROON stressed tourism as a source of livelihood for local communities. The FOREST ALLIANCE OF BRITISH COLUMBIA called for independent third-party forest certification to achieve sustainability. CHINA recommended developing guiding principles for case studies.

**Ecosystem Approach:** The EU recommended operationalization through monographic studies and application at national, regional and international levels. INDONESIA proposed synthesizing case studies and preparing guidelines for COP-7. Brazil, on behalf of GRULAC, recommended further regional and national level developments. SWITZERLAND suggested regional guidelines and stressed mainstreaming into policy making. BURKINA FASO and others called for a practical definition. MALAWI highlighted community based-management. MEXICO said that application of the ecosystem approach should not be a condition for financial support.

**Incentive Measures:** The EU suggested developing proposals for mitigating perverse incentives, while ARGENTINA and AUSTRALIA highlighted their removal. NORWAY recommended evaluating both negative and positive incentives. The AFRICAN GROUP called for information on addressing perverse measures and work on appropriate measures for conservation of natural resources that are a basis of livelihood. The RUSSIAN FEDERATION highlighted the importance of work on perverse incentives for economies in transition. SWITZERLAND advocated certification in the field of ABS. Delegates also underscored capacity building and use of case studies.

WG-I Chair Peter Schei (Norway) said a Chair's text will be drafted.

**LIABILITY AND REDRESS:** The Secretariat introduced UNEP/CBD/COP/6/12/Add.1; 1/Add.2; and INF/5. The Chair of the Workshop on Liability and Redress (Paris, June 2001) reported on the meeting. Many delegates supported the draft decision. The AFRICAN GROUP highlighted the need for studies on restoration and compensation. The EU said work under the CBD Article 14.2 and Biosafety Protocol Article 27 should be based on the same principles and be mutually supportive. NORWAY noted the potential for synergies on definitions.

Regarding convening an expert group, delegates called for balance between technical and legal experts and in geographic representation. KENYA emphasized enforcement of judgments. JAPAN said it was premature to consider proposing elements on damage to biodiversity in existing liability and redress regimes, given current lack of information. Delegates also stressed the need for capacity building and financial resources. Draft text incorporating comments will be prepared.

**DRY AND SUB-HUMID LANDS:** The Secretariat presented UNEP/CBD/COP/6/WG.I/CRP.3. Delegates adopted the document with an amendment on interlinkages with other thematic work programmes.

**GLOBAL TAXONOMY INITIATIVE:** The Secretariat presented UNEP/CBD/COP/6/WG.I/CRP.4. Delegates suggested addressing creation of a permanent post in the Secretariat in the budget discussions and adopted the document.

**AGRICULTURAL BIODIVERSITY AND THE ITPGRFA:** The Secretariat presented UNEP/CBD/COP/6/WG.I/CRP.5-6. Delegates adopted CRP.5 with minor changes, adding reference to "small-holder farmers." Concerns of ARGENTINA and TURKEY over reference to farmers' rights will be reflected in the meeting's report. Delegates also adopted CRP.6 with minor amendments.

**INLAND WATERS:** The Secretariat presented UNEP/CBD/COP/6/WG.I/CRP.7. Delegates adopted the document, with TURKEY making a reservation on the reference to the report of the World Commission on Dams. The section on the financial mechanism will be referred to WG-II's contact group on financial resources and mechanism.

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Jacob Andersen <jacob@iisd.org>, Stas Burgiel <stas@iisd.org>, Teya Penniman <teya@iisd.org>, Charlotte Salpin <charlotte@iisd.org>, Nicole Schabus <nicole@iisd.org> and Elsa Tsioumani <elsa@iisd.org>. The Digital Editor is Francis Dejon <franz@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Operations Manager is Marcela Rojo <marcela@iisd.org> and the On-Line Assistant is Diego Noguera <diego@iisd.org>. The Sustaining Donors of the *Bulletin* are The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2002 is provided by the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministries of Foreign Affairs and Environment of Norway, Swan International, and the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES). The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Director of IISD Reporting Services. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca>. The satellite image was taken above The Hague ©2002 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin* or to arrange coverage of a meeting, conference or workshop, send e-mail to the Director, IISD Reporting Services at <kimo@iisd.org> or call to +1-212-644-0217.



**IDENTIFICATION, MONITORING, INDICATORS AND ASSESSMENTS:** The Secretariat presented UNEP/CBD/COP/6/WG.I/CRP.8. Delegates deleted reference to reviewing potential indicators and adopted the document with other minor corrections.

#### **WORKING GROUP II**

**ARTICLE 8(j):** An elder of the INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) delivered an opening prayer. The Secretariat introduced UNEP/CBD/COP/6/7. The IIFB, supported by ECUADOR, called for support of internationally recognized indigenous rights, including land rights, prior informed consent (PIC), effective participation and protection of intellectual property rights (IPR) according to indigenous laws. Many supported two intersessional meetings of the Working Group on Article 8(j), and effective indigenous participation in consultation mechanisms and decision-making. AUSTRIA, with TOGO, called for universal commitment to indigenous rights including by companies operating in indigenous territories. AUSTRALIA noted the voluntary nature of the Working Group's recommendations and, with MALAYSIA, proposed that they be subject to national legislation and policy. Many countries supported the composite report's outline, while JAMAICA qualified it as ambitious. Delegates prioritized linguistic diversity, protected areas, women, endangered species and the ecosystem approach.

Regarding impact assessment, Brazil, on behalf of GRULAC, and TURKEY noted that some elements are outside the CBD's scope. JAMAICA, with the US, proposed that PIC for impact assessments be in accordance with national legislation. AUSTRALIA, CANADA and MALAYSIA opposed reference to PIC, supporting consultation with indigenous and local communities. INDIA, NORWAY and some NGOs supported retaining PIC. ETHIOPIA, with KENYA and the US, proposed that bracketed language on biotechnology refer to the Biosafety Protocol.

Countries highlighted linkages with the FAO, TRIPS, WIPO and the International Labour Organization. LIBERIA and the PHILIPPINES supported work on approaches and methodologies to develop and maintain registries of traditional knowledge. Several delegates cautioned against developing databases without appropriate protection of traditional knowledge. Many prioritized work on *sui generis* systems.

The AFRICAN GROUP opposed patents based on traditional knowledge and proposed a legally binding international instrument on ABS. Several delegations stressed clarifying the relation between the Working Groups on Article 8(j) and ABS, with SWITZERLAND calling for consideration of ABS guidelines by the Working Group on Article 8(j). Mexico, on behalf of the GROUP OF LIKE-MINDED MEGADIVERSE COUNTRIES, stated that IPR systems should consider traditional knowledge in evaluating patent applications, including determination of origin.

**SCIENTIFIC AND TECHNICAL COOPERATION AND THE CHM:** WG-II Chair Elaine Fisher (Jamaica) invited comments on UNEP/CBD/COP/6/WG.II/CRP.3/Rev.1. Delegates debated language on communication networks for use by indigenous and local communities, and suggested use of national focal points, existing networks or indigenous organizations. Following consultations, agreed text incorporates both existing network and focal points, as appropriate, and states that these networks should not be used to exchange or disclose traditional knowledge. The CRP was adopted with these amendments.

**IMPLEMENTATION AND OPERATIONS OF THE CONVENTION:** Delegates discussed UNEP/CBD/COP/6/WG.II/CRP.2. The EU proposed presenting the development of a monitoring system for CBD implementation to SBSTTA-9. NEW ZEALAND requested funding for the SBSTTA Chair and Bureau members. Delegates also discussed establishing an NGO liaison unit or focal point in the Secretariat. The Chair will prepare a revised document.

**NATIONAL REPORTS:** Delegates considered UNEP/CBD/COP/6/WG.II/CRP.1. Delegates debated proposals on delaying submissions of reports on mountain ecosystems and agreed that the COP and SBSTTA Bureaus would consider the matter. On references to protected areas, the EU requested mention of areas where special measures need to be taken, and requested that the Executive

Secretary, not the technical expert group, conduct work on the third national report's format. With these amendments, WG-II approved the CRP.

**COOPERATION WITH OTHER CONVENTIONS, INTERNATIONAL ORGANIZATIONS AND INITIATIVES:** Chair Fisher introduced UNEP/CBD/COP/6/WG.II/CRP.4. Delegates debated language on consistency between the Biosafety Protocol and the relevant WTO agreements. They agreed not to reference consistency, but did not reach consensus on language. The EU suggested urging the joint liaison group with the UNFCCC and the CCD to become fully operational. Discussion on the document will continue.

#### **CONTACT GROUPS**

**INVASIVE ALIEN SPECIES:** Regarding the precautionary approach, delegates agreed to reference risk analysis in accordance with the other guiding principles. On the draft decision, delegates deleted text on standards, guidelines and recommendations, and added text emphasizing the urgency of action concerning the International Maritime Organization's instrument on ballast water. On national biodiversity strategies and action plans, delegates added text urging regional cooperation, and agreed that strategies should consider effects of alien species on populations and naturally occurring genetic diversity. Amendments and additions were made on: regional and global initiatives; the role of indigenous knowledge; capacity building; on-line educational programs for assisting in implementation; implementation of International Plant Protection Convention; and assessment, information and tools. A Chair's draft will be prepared.

**FOREST BIODIVERSITY:** In debating a draft text prepared by the "Friends of the Chair," delegates disagreed on language noting the need for urgent action on certain forest types. On finance and guidance to the GEF, some preferred, and others opposed, urging donors to provide "new and additional" financial resources. Discussions continued into the night.

**ACCESS AND BENEFIT-SHARING:** Delegates discussed a Co-Chairs' text on the draft Bonn guidelines and the role of IPRs, agreeing to most proposed amendments, including alternative language to inventions and patents, and references to indigenous and local communities throughout the guidelines. On the use of terms, the group discussed the identity of "providers," disagreeing over language referencing: countries of origin; Parties holding genetic resources received in accordance with the CBD terms; and reference to mutually agreed terms for third-party transfers. The group was unable to address intersessional steps regarding the use of terms.

**STRATEGIC PLAN:** Delegates fine-tuned language on strategic goals and objectives, particularly defining the CBD's leadership role vis-à-vis other biodiversity-related conventions and on capacity to implement the Convention.

#### **IN THE CORRIDORS**

As the time and patience of delegates were being stretched in the forest and ABS discussions, some noted that negotiations were hitting a low point with some expecting discussions to continue throughout the week. Others highlighted the inevitability of such events to pinpoint fundamental differences in the search for compromise language.

As the Ministerial segment approaches, delegates were on the lookout for a revised ministerial statement addressing concerns expressed about the lack of clarity and focus of the first draft.

#### **THINGS TO LOOK FOR TODAY**

**WORKING GROUP I:** WG-I will convene at 10:00 am in the Prins Willem Alexander Hall to review CRPs on liability and redress, and invasive alien species.

**WORKING GROUP II:** WG-II will convene at 10:00 am in the Van Gogh Hall to resume discussion of the CRP on cooperation with other conventions. The contact group on financial resources and mechanism is also expected to convene.