



CBD COP-7 HIGHLIGHTS: THURSDAY, 12 FEBRUARY 2004

COP-7 delegates met throughout the day in two Working Groups (WGs). WG-I considered the Strategic Plan, and progress reports on thematic work programmes. WG-II discussed Article 8(j) (traditional knowledge), and scientific and technical cooperation and the Clearing-house Mechanism (CHM). A brief daily Plenary was held in the afternoon. Contact groups on access and benefit-sharing (ABS), the programme budget for the biennium 2005-2006, and protected areas (PAs) also convened.

WORKING GROUP I

STRATEGIC PLAN: The Secretariat introduced documents on the implementation of the Strategic Plan, including targets and indicators (UNEP/CBD/COP/7/20/Add.1 and 3, INF/22 and 33).

Ireland, on behalf of the EU and Acceding Countries, Bulgaria and Romania (EU), proposed establishing an expert liaison group to develop trial indicators. Colombia, on behalf of GRULAC, recommended balanced participation of governmental and non-governmental experts.

Regarding the provisional list of goals and targets, the EU and AUSTRALIA recommended adopting a limited set of provisional targets and indicators. AUSTRALIA requested that they be science-based, realistic and non-mandatory. He expressed reservations regarding quantitative targets and, with NEW ZEALAND and ICELAND, called for a flexible framework within which national and regional targets can be developed. The EU and KENYA called for socioeconomic indicators. SWITZERLAND and CANADA said a monitoring framework should be adopted provisionally, with CANADA stressing the need to clarify SBSTTA's mandate. NORWAY advocated synergies between international initiatives, and called for science-based quantitative targets.

BRAZIL requested clearer references to sustainable use and ABS. The MALDIVES and BRAZIL requested referencing climate change mitigation and, with ARGENTINA, financial and technical resources. ARGENTINA requested references to unsustainable consumption patterns. MEXICO said the goals should be specific and contain only one target and indicator, and BOLIVIA called for measuring benefit-sharing. INDONESIA requested references to shared resources. The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) proposed including indicators on linguistic diversity.

WG-I Chair Hans Hoogeveen (the Netherlands) proposed, and delegates agreed, to establish a contact group.

THEMATIC PROGRAMMES OF WORK: Forest biodiversity: The Secretariat presented documents on the forest work programme (UNEP/CBD/COP/7/4, 11 and 17/Add.7, and INF/7 and 20).

Many delegations stressed the importance of international collaboration, especially through the Collaborative Partnership on Forests. Saudi Arabia, for the ARAB GROUP, underlined linkages

between the different thematic work programmes. The EU, NEW ZEALAND and INDONESIA suggested prioritizing forest law enforcement. FRANCE stressed the need for criteria and indicators for sustainable forest management (SFM). The EU, CANADA and SWITZERLAND suggested streamlining forest-related reporting. SWITZERLAND highlighted the role of the ecosystem approach in SFM.

HAITI recommended that the *Ad Hoc* Technical Expert Group (AHTEG) on forest biodiversity consider indirect threats to forest biodiversity. India, on behalf of the ASIA AND THE PACIFIC GROUP, recommended country-driven implementation and inter-regional capacity building. CAMEROON stressed the need to build government capacity. Liberia, for the AFRICAN GROUP, called for recognizing the role of women, youth and the elderly in implementing the work programme, and noted difficulties in electronic consultations for developing countries. The IIFB called for emphasizing indigenous capacity building and participation.

Dry and sub-humid lands: The Secretariat presented relevant documents (UNEP/CBD/COP/7/3 and 11, and INF/28 to 30, and 34). The ASIA AND THE PACIFIC GROUP suggested emphasizing transboundary areas. The ARAB GROUP called for building capacity for national assessments. The UN CONVENTION TO COMBAT DESERTIFICATION (UNCCD) urged joint efforts to support sustainable livelihoods.

Agricultural biodiversity: The Secretariat presented relevant documents (UNEP/CBD/COP/7/4, 7 and 11, and INF/6, 14, 15 and 31), including recommendations on genetic use restriction technologies (GURTs). MALAYSIA cautioned against the potential adverse impacts of GURTs, and encouraged further research. The PHILIPPINES called for involving local and indigenous communities. CANADA called on Parties to ratify the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR). INDIA noted the importance of reporting on domesticated animal genetic resources.

The IIFB called on Parties to effectively recognize and promote indigenous knowledge, innovations and farming practices. The ETC GROUP urged developing regulatory mechanisms to prohibit field testing and commercialization of GURTs. The INTERMEDIATE TECHNOLOGY DEVELOPMENT GROUP supported calls for a legally binding agreement on livestock keepers' rights and a ban on GURTs. The INTERNATIONAL PLANT GENETIC RESOURCES INSTITUTE stressed the need to strengthen the relevant knowledge base. FAO outlined its activities to implement the CBD's work programmes.

WORKING GROUP II

ARTICLE 8(j): The Secretariat introduced recommendations of the third meeting of the Article 8(j) Working Group (UNEP/CBD/COP/7/7). Many delegates welcomed the Working Group's outcomes, especially the draft Akwé: Kon guidelines on impact assessments. The PHILIPPINES invited the COP to consider making the guidelines binding. The IIFB stressed that prior informed consent (PIC) is an inherent right of indigenous peoples

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Nienke Beintema <nienke@iisd.org>; Stefan Jungcurt <stefan@iisd.org>; Dagmar Lohan, Ph.D. <dagmar@iisd.org>; Charlotte Salpin <charlotte@iisd.org>; Nicole Schabus <nicole@iisd.org>; and Elsa Tsioumani <elsa@iisd.org>. The Digital Editor is Franz 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 Sustaining Donors of the *Bulletin* are the Government of the United States of America (through the Department of State Bureau of Oceans and International Environmental and Scientific Affairs), the Government of Canada (through CIDA), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID), the Danish Ministry of Foreign Affairs, and the Government of Germany (through the German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2004 is provided by the United Nations Environment Programme (UNEP), the Government of Australia, Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs of Norway, Swan International, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES) and the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI). Specific funding for coverage of COP-7 has been provided by UK DFID. Funding for translation of the *Earth Negotiations Bulletin* in French has been provided by the International Organization of the Francophonie (IOF) and the French Ministry of Foreign Affairs. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-212-644-0217 or 212 East 47th St. #21F, New York, NY 10017, USA. The ENB team can be reached in Kuala Lumpur at our offices in the Exhibition Space and by phone at +60 (0)3 2629334.



and not subject to national legislation. AUSTRIA called for respecting indigenous territorial rights, noting that they are integral to the conservation of traditional knowledge and to *sui generis* systems.

The IIFB, supported by many, called for developing *sui generis* systems for traditional knowledge protection on the basis of customary laws and traditional practices, with BRAZIL requesting their prioritization. Supported by NAMIBIA, the IIFB requested that *sui generis* systems be considered under the CBD, and not under WIPO. JAPAN said protection of traditional knowledge through intellectual property rights (IPR) has to be consistent with IPR regimes. WIPO reported on its efforts to develop legal and policy options for the protection of traditional knowledge. Egypt, on behalf of the AFRICAN GROUP, highlighted the need for national legislation to preserve traditional knowledge.

MALAYSIA, opposed by the EU, proposed to remove bracketed preambular references to international law in the context of *sui generis* systems. Delegates agreed to resolve this issue through informal consultations.

Regarding GURTs, the IIFB opposed field testing and commercialization and, with AUSTRIA, called for a precautionary approach. Supported by the EU, the IIFB requested considering socioeconomic impacts. NORWAY emphasized that the moratorium on GURTs mandated by COP-5 remains valid until a new decision is made. TANZANIA suggested that COP-7 take a position on GURTs' potential adverse effects on communities and farmers' rights. KENYA requested that a ban be declared. CANADA and INDONESIA said the issue should be addressed at SBSTTA-10. TURKEY suggested that GURTs be discussed in the framework of agricultural biodiversity. The ETC GROUP said delays in considering the AHTEG's report allow corporations to further develop a technology jeopardizing food security, and promote it as a biosafety tool. Delegates agreed to add language expressing their concerns over GURTs.

The INDIGENOUS WOMEN'S BIODIVERSITY NETWORK, the IIFB and the SOUTH ASIA INDIGENOUS WOMEN FORUM supported a workshop on CBD-related issues for indigenous women. The IIFB and NAMIBIA stressed the need for a voluntary fund for indigenous participation. Delegates agreed that particular attention be given to funding for indigenous participation from developing countries, countries with economies in transition and Small Island Developing States. SPAIN supported a network of focal points for Article 8(j)-related issues. The EU stressed the need for enhanced participatory mechanisms for communities and, supported by AUSTRALIA, for close linkages between the Article 8(j) Working Group and WIPO. SWITZERLAND reiterated the need for better cooperation between the Article 8(j) and ABS Working Groups. The Russian Federation, for the CENTRAL AND EASTERN EUROPEAN COUNTRIES, suggested a global initiative for traditional lifestyle conservation. ARGENTINA suggested training communities to protect their knowledge and negotiate their own benefit-sharing arrangements. The UN PERMANENT FORUM ON INDIGENOUS ISSUES called for an international ethics board on bioprospecting to uphold indigenous rights and PIC.

SCIENTIFIC AND TECHNICAL COOPERATION AND

THE CHM: The Secretariat introduced relevant documents (UNEP/CBD/COP/7/17, 17/Add.1 and Add.6, and INF/3, 4, 5, 11 and 12). IRAN and PALAU requested the Executive Secretary to organize their regional CHM meetings. The EU called for strengthening national focal points, achieving inter-operability, and translating the CHM toolkit. NORWAY called for targeting further development of the CHM to CBD implementation, and noted that the recommendations of its independent review are not reflected in the documentation.

PLENARY

WG Reports: WG-I Chair Hoogeveen and WG-II Chair Desh Dapaak Verma (India) reported on progress made in their respective WGs.

Statements: The FAO said the ITPGR covers essential parts of agricultural biodiversity, urging Parties to ratify it. The UN FRAMEWORK CONVENTION ON CLIMATE CHANGE said its Subsidiary Body for Scientific and Technological Advice has encouraged Parties to use the report of the AHTEG on Biodiversity and Climate Change as a source of information.

CONTACT GROUPS

PAs: Delegates adopted the work programme's elements as recommended by SBSTTA. Regarding the goals, they debated whether indigenous involvement in PA establishment and management should be "encouraged" or "enhanced and secured," and agreed on the latter. On the targets, Friends of the Chair groups were established to reach compromise on: full and effective indigenous and local communities' participation; securing resources to meet PA costs; and establishing monitoring systems at various levels by 2010.

BUDGET: Delegates initiated discussions on the Executive Secretary's report, sanctions for delayed contributions, the procedure of adoption of the Convention's and the Biosafety Protocol's budgets, and allocation of Convention activities to the core budget and Trust Fund.

ABS: Participants initiated discussions on the heavily bracketed terms of reference for the ABS Working Group that will negotiate the international ABS regime. Informal drafting groups were formed to suggest revised terms on the process and scope of the regime.

IN THE CORRIDORS

Half-way through the first week of COP-7, some delegates feared that the relatively rapid consideration of agenda items in the two working groups might be offset by prolonged contact group discussions. Remarking that preliminary statements on PAs on Tuesday had warranted convening a contact group earlier in the week, some expressed skepticism about COP-7's success to adopt a strong and operational work programme. One delegate noted that the work programme's numerous references to the work of the IUCN World Commission on Protected Areas may become the center of a thorny debate.

On the other hand, while the ABS contact group spent long hours attempting to reduce the number of bracketed options on the table, one participant was cautiously optimistic. Despite noting that the breakthrough was still far away, he said the group was slowly but firmly getting closer to producing a clear mandate for the ABS Working Group to initiate negotiations.

THINGS TO LOOK FOR TODAY

WORKING GROUP I: WG-I will convene at 10:00 am in the Dewan Nerdeka Hall to discuss thematic programmes and mountain biodiversity. Look for a Chair's text on the Strategic Plan, and on the thematic programmes' progress review.

WORKING GROUP II: WG-II will meet at 10:00 am in Room TR4 to continue addressing scientific and technical cooperation and the CHM, and discuss: communication, education and public awareness; financial resources and mechanism; and national reporting. Look for the outcome of informal consultations on outstanding issues regarding Article 8(j), and circulation of a conference room paper.

CONTACT GROUPS: The contact group on the programme budget for 2005-2006 will meet at 11:00 am and 3:00 pm in the VIP Room. The contact groups on ABS and PAs are also expected to meet.