

CBD COP 9 HIGHLIGHTS: WEDNESDAY, 21 MAY 2008

Delegates met in two working groups throughout the day. Working Group I (WG I) considered forest biodiversity, the ecosystem approach, incentive measures and invasive alien species (IAS). WG II addressed Article 8(j) and access and benefit-sharing (ABS). The contact group on financial resources and mechanism, the informal consultative group on ABS, the budget group, Friends of the Chair groups on agricultural and forest biodiversity, and informal consultations on Article 8(j) convened during the day.

WORKING GROUP I

FOREST BIODIVERSITY: WG I continued discussion on SBSTTA recommendation XIII/2 (UNEP/CBD/COP/9/3). PERU highlighted illegal exploitation and trade, with HONDURAS also calling for certification schemes and consumer awareness campaigns. GUINEA and URUGUAY requested application of the ecosystem approach. CANADA said the work programme should be applicable to all forest types, including plantations, whilst the GLOBAL FOREST COALITION called for a clear definition of forests, excluding monocultures.

UGANDA underscored lack of knowledge on genetically modified (GM) trees and, with many, stressed the precautionary approach. AUSTRALIA noted the need for risk analysis to address concerns related to GM trees, whilst the INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) called for their total ban and the INTERNATIONAL FORUM OF LOCAL COMMUNITIES raised concerns over their invasive nature. The PUBLIC RESEARCH AND REGULATION INITIATIVE, opposed by the FEDERATION OF GERMAN SCIENTISTS, said a ban is not justified scientifically and safety could be addressed through case-by-case risk assessments. GREENPEACE called for establishing new forest protected areas. A Friends of the Chair group was established.

ECOSYSTEM APPROACH: Delegates considered SBSTTA recommendation XII/1 (UNEP/CBD/COP/9/2). Many parties noted the importance of the ecosystem approach in achieving the CBD objectives.

Malawi, for the AFRICAN GROUP, with others, emphasized the need for capacity building, enhanced public awareness, and financial resources. HAITI suggested involving decision makers, with PAKISTAN asking for better definition of the role of civil society. TANZANIA called for the approach to be mainstreamed into poverty reduction strategies.

Croatia, on behalf of CENTRAL AND EASTERN EUROPE called for guidelines on application of the approach. COLOMBIA suggested establishing indicators for assessment and guidelines on adaptive management. CHINA noted

the approach should be applied in a flexible manner, and cautioned against developing standards, guidelines and tools. EL SALVADOR noted the ecosystem approach may not be applicable to all sectors, and BRAZIL, COSTA RICA and the US said a "one size fits all" approach may not be useful or desirable. KENYA, IRAN and PERU highlighted practical contributions made by international organizations, including under the "Mountains to the Sea" concept. The CIVIL SOCIETY CAUCUS said the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) should be at the core of the approach. A Chair's text will be prepared.

INCENTIVE MEASURES: Delegates addressed the in-depth review of the work programme (UNEP/CBD/COP/9/12, Add.1 and Add.2). NEW ZEALAND called for focus on: biodiversity valuation; further technical exploration of selected market mechanisms; and monitoring and evaluation. The EU stressed that measures to mitigate or adapt to climate change should not create perverse incentives and, with THAILAND, suggested focus on: ecosystem goods and services; valuation; creation of new markets; and consumer information tools. The PHILIPPINES emphasized the need for clearly defined rights to environmental resources as well as improving market access to non timber forest products. The WOMEN'S CAUCUS warned that the poor would not benefit from markets for biodiversity. CANADA recommended further study of whether payments have potential for distorting trade and of whether designating indigenous and local communities as recipients of payments for ecosystem services could address inequity. BRAZIL emphasized: consideration of perverse incentives; building capacity for biodiversity valuation; and incentive measures appropriate to national circumstances.

IAS: Delegates considered SBSTTA recommendation XIII/5 and the in-depth review of the work programme (UNEP/CBD/COP/9/3, 11, and INF/32 and 32/Add.1). THAILAND, JAPAN, the RUSSIAN FEDERATION and ARGENTINA noted the importance of communication, outreach, access to and exchange of information. Many called for capacity building. The EU, supported by NORWAY, identified five priority areas, including closing gaps in the international IAS framework, with the PHILIPPINES pointing to IAS introduced for fisheries and aquaculture. Saint Vincent and the Grenadines, on behalf of SIDS, underscored the need to prioritize guidance for specific pathways like aviation and tourism, and the PACIFIC ISLANDS highlighting invasions by ornamental plants and hull fouling. CHILE requested prioritizing action in highly endemic areas and ARMENIA in mountains. VENEZUELA drew attention to the Global Ballast Water Management Programme. IRAN proposed an international certification system for regulating trade in potentially invasive species. The AFRICAN GROUP highlighted threats to livelihoods of indigenous peoples and

local communities. MALAYSIA asked that IAS be a priority funding area for the GEF. NEW ZEALAND, supported by SEYCHELLES, announced the Pacific Invasives Initiative's expansion. Discussions will continue on Thursday.

WORKING GROUP II

ARTICLE 8(J): Delegates considered the report of the Article 8(j) Working Group (UNEP/CBD/COP/9/7). Many supported full and effective participation of indigenous and local communities, including in the ABS Working Group; and mainstreaming Article 8(j) into all CBD work programmes. Most delegates affirmed their commitment to continue the Article 8(j) Working Group. The EU proposed updating the Article 8(j) work programme, with CANADA, NEW ZEALAND and AUSTRALIA suggesting focus on selected tasks.

COLOMBIA stressed implementation of Article 8(j) as a cross-cutting issue. The EU, MEXICO, BOLIVIA and ECUADOR urged using UNDRIP as a framework for work on Article 8(j). The AFRICAN GROUP called for *in situ* protection of traditional knowledge. ETHIOPIA suggested support to indigenous and local communities in coping with climate change impacts.

UN UNIVERSITY, FAO and WIPO presented on their work on traditional knowledge, with the UN PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII) urging coordination between all relevant UN programmes dealing with indigenous issues.

Delegates then considered bracketed provisions in the draft decision. COLOMBIA, BRAZIL and the EU supported retaining references to prior informed consent (PIC) of indigenous and local communities. CANADA suggested PIC should be "in accordance with national law," while AUSTRALIA proposed referring to "approval in accordance with national law."

On work programme implementation, delegates debated the provision foreseeing convening the Article 8(j) Working Group back-to-back with the ABS Working Group, with many supporting this arrangement, while the IIFB and CANADA proposed holding it back-to-back with SBSTTA 14.

On the future work of the Working Group, the AFRICAN GROUP and others supported retaining the text, while the EU and CANADA proposed new language. The EU suggested focusing on interlinkages with major CBD thematic areas, starting with biodiversity and climate change, protected areas and agricultural biodiversity. CANADA said focus should be on a global strategy for biodiversity conservation and sustainable use by indigenous and local communities, and on developing guidelines on conservation decision making and sustainable resource management.

On the composite report, the AFRICAN GROUP and NORWAY, requested retention of references to impacts of climate change adaptation and mitigation activities, which BRAZIL and COLOMBIA opposed. AUSTRALIA, opposed by NIGERIA, suggested referring to climate change responses instead.

COLOMBIA, the AFRICAN GROUP and BOLIVIA, opposed by CANADA and AUSTRALIA, supported language recognizing the linkage between *sui generis* systems for traditional knowledge protection and the prevention of misuse and misappropriation of traditional knowledge. CANADA said the language would prejudice outcomes of ABS negotiations, while AUSTRALIA preferred addressing the issue in other fora. An informal group was established.

ABS: ABS Working Group Co-Chairs Fernando Casas (Colombia) and Timothy Hodges (Canada) reported on the intersessional meetings (UNEP/CBD/COP/9/5 and 6), noting the sixth meeting of the Working Group (ABS 6) resulted in a sound basis for further negotiation of an international ABS regime.

Antigua and Barbuda, for G-77/CHINA, called for: a strong and legally binding regime to serve as an incentive for conservation and sustainable use; a clear decision on process; and addressing substance and the budget. Kenya, for the

LIKE-MINDED MEGADIVERSE COUNTRIES, expressed willingness to work on substance, including the ABS 6 annex, and with Namibia, for the AFRICAN GROUP, and Kiribati, for the PACIFIC ISLANDS, supported the Co-Chairs' proposal on the roadmap and workflow. The AFRICAN GROUP called for adopting clear terms of reference for the expert groups proposed by the Co-Chairs. CANADA, also representing Australia, Iceland, Japan, New Zealand, Norway and Switzerland, urged delegates to agree on a process to complete negotiations. Saudi Arabia, for ARAB STATES, called for continuing discussions on legal and technical issues. The EU called for ensuring political momentum, clarifying the submissions to be made before ABS 7, and establishing expert groups on key issues in the process. Many developing countries called for a legally binding regime covering genetic resources and their derivatives, as well as traditional knowledge, and ensuring compliance with national regulations on PIC. Others stressed the regime must respect the sovereign rights of provider countries.

UN UNIVERSITY outlined its research activities on ABS, including capacity-building tools. The UNPFII urged taking into account UNDRIP as the reference for indigenous rights. The INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGR) reported on the use of its standard material transfer agreement and the CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH called for the ABS regime to exempt transactions under the ITPGR. The IIFB urged full and effective indigenous participation in the ABS negotiations and recognition of their PIC. The THIRD WORLD NETWORK called for monitoring compliance and opposed granting intellectual property rights following negotiated access. The INTERNATIONAL CHAMBER OF COMMERCE called for non-discriminatory access to genetic resources.

CONSULTATIVE GROUP ON ABS

Delegates discussed a roadmap for negotiating the international ABS regime, tabled by the Co-Chairs, proposing three ABS Working Group meetings and three expert meetings on technical issues. Most delegates agreed there should be at least three Working Group meetings, with some suggesting that the third could be optional, while others raised concerns about funding.

Delegates then discussed how to ensure that outcomes of the expert meetings are directly relevant to the Working Group. Proposals included: developing criteria for selecting experts; asking experts to develop options, scenarios and questions; establishing a standing committee of experts; and holding expert meetings back-to-back with Working Group sessions. Proposals for issues to be considered include: compliance; traditional knowledge, minimum access conditions; use of international private and public law; certificates; model contracts and clauses; scope; and definitions of genetic resources, use and derivatives.

IN THE CORRIDORS

Despite International Biodiversity Day falling on a bank holiday, money still figures high on COP 9's agenda. After delegates in the ABS group swiftly agreed to the Co-Chairs' road map for the ABS negotiations, consisting of several meetings and regional consultations, a delegate had only one question: "Who will pay for this party?" On Thursday morning, the Co-Chairs have an appointment with their banker -the budget group- to see if the CBD can afford this undertaking, and if not, who could.

Financial expertise also featured in the discussions on incentives, where valuation of biodiversity was highlighted as a tool "to better appreciate what we are losing." Some hoped that a study on the cost of biodiversity loss, to be conducted by Pavan Sakhdev, Head of Global Markets of the Deutsche Bank, will prove to be the turning point in biodiversity conservation efforts.