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CBD COP-4 HIGHLIGHTS WEDNESDAY 13 MAY, 1998

On the eighth day of the Fourth Meeting of the Conference of the Parties (COP-4) to the Convention on Biological Diversity (CBD), delegates met throughout the day in contact groups and sub-contact groups. Working Group I (WG-I) reconvened in the afternoon to approve draft text on inland water ecosystems and marine and coastal biodiversity.

WORKING GROUP I

On Wednesday afternoon, WG-I reviewed a draft decision and work programme on Inland Water Ecosystems (UNEP/CBD/COP/4/WG.1/CRP.1). UZBEKISTAN, supported by KAZAKHSTAN proposed making provisions for states with inland water ecosystems suffering from ecological disasters. The SEYCHELLES, SUDAN, SAMOA and CAMEROON opposed linking this to a paragraph on the immediate threats to SIDS. A new paragraph was added based on UZBEKISTAN's proposal.

CAMEROON called on the GEF to "provide necessary funding for inland water biological diversity projects." This was agreed pending approval of the relevant contact group. The US noted Cameroon's interests were addressed elsewhere and that its proposed language would not recognize other important funding needs. BRAZIL made a reservation on all documents under discussion in this WG-I session. ISRAEL deleted language on undertaking environmental impact assessments only in "major" development projects.

WG-I then reviewed a draft decision and a work programme on Marine and Coastal Biological Diversity (UNEP/CBD/COP/4/WG.1/CRP.2). SLOVENIA, on behalf of Central and Eastern European States, urged text on cooperation with the Ramsar Convention on Wetlands and linkages to the Work Programme on inland waters.

On coral reefs, ISRAEL advocated a precautionary approach. AUSTRALIA stressed that coral bleaching is caused by "abnormally" high temperatures instead of "extremely" high, stressing the link to global warming. CHINA criticized the lack of adequate proof and scientific analysis and proposed requesting that SBSTTA make an analysis and provide relevant information to future COP meetings. AUSTRALIA, supported by TANZANIA and JAMAICA stressed that implementation must begin immediately. JAMAICA felt that sending the issue back to SBSTTA would hold up the process. The CHAIR proposed inserting China's request as a new operational paragraph, which was approved.

On the roster of experts, INDONESIA added socioeconomic considerations to the list of issues to be addressed. COLOMBIA added reference to applying Article 8(j)'s provisions to the use of local and indigenous community knowledge. On implementation at the national and local level, SENEGAL, opposed by

NAMIBIA, ICELAND and others, sought an amendment to reflect the differing abilities among parties to develop strategies, plans or programs. The concern was resolved by cross-referencing Article 6 of the CBD to recognize particular conditions and capabilities.

On mariculture, CHINA objected to language on guidance only to avoid its adverse effects and to the two-year timeframe. After some debate, the addition of "and enhance the positive effects of mariculture on marine and coastal productivity" was accepted, along with a three-year timeframe. A proposal by ARGENTINA prompted compromise text promoting research to develop farming of local species that have a net positive effect on biodiversity.

CONTACT GROUPS

Five contact groups continued to meet in several sessions to continue consideration of various versions of draft decisions.

Forests: The group completed its work with a third revision of the Chair's draft decision and work programme. Several items were left pending deliberation in other groups, including: guidance to the GEF and the CBD's financial mechanism; periodicity of reporting obligations; establishment of an intersessional group; and phasing of the work programme.

In the work programme, several countries favored adding "cultural" to "social and economic considerations" in some paragraphs. After one country stressed positive effects of human activities on forest biodiversity, compromise text on enhanced understanding of "positive and negative" human influences was accepted. Language on the impacts of "alien species" was added to a paragraph on the impacts of forest fires. While several countries supported consideration of a timeframe for work, one objected. The Chair noted there would be no direction to the Secretariat regarding financing of the work programme or institutional arrangements. One delegation deleted a paragraph acknowledging the need for more knowledge on the impact of activities considered in the context of the UNFCCC Kyoto Protocol.

Article 8(j): Delegates suggested amendments to a second draft discussion paper on possible elements of a draft decision. A Friends of the Chair group of Parties and indigenous and local community representatives was established to prepare a draft decision. The draft decision included, *inter alia*: the establishment of an *ad hoc* [open-ended] intersessional working group and an amended mandate for it to: provide advice to the COP on the development and implementation of a work programme; develop a work programme based on the structure of elements in the Madrid report; advise on measures to strengthen cooperation at the international level; and advise on means to ensure that traditional knowledge innovations and practices are legally respected, preserved and maintained. The draft decision also provided for, *inter alia*: representation from indigenous and local

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communities; annual working group meetings in conjunction with SBSTTA; direct reporting to the COP, and advising SBSTTA on relevant issues; both a short and medium-term work programme, and provisions for a short-term work programme; and an application for observer status for the CBD to WIPO and negotiation of a Memorandum of Understanding with WIPO. Finally, the draft decision included an annex containing the structure of work programme options from the Madrid report.

One Party requested that observers be excluded from draft-text negotiations. Another Party asked whether this would establish a precedent for the working group, and the Chair clarified that this was a "special case."

Four representatives of indigenous and local communities addressed the contact group. One representative said that while messages of support for full participation in the working group had been expressed, this principle is being eroded to the point that indigenous peoples and local communities are left voiceless. He opposed exclusion, said only indigenous peoples and local communities could effectively voice their concerns, and stressed that this act violated the spirit of the Convention. A representative of NGOs from one country cited national legal precedent that exclusion of civil-society from negotiations impacting on their environmental interests is inconsistent with legal and political traditions. Upon being excluded, observers were permitted to watch the proceedings outside the room on television.

A majority of Parties expressed their regret over the exclusion of observers, after which the contact group negotiated the draft decision text into the early morning hours.

SBSTTA: The group discussed the Chairman's draft text. After minor amendments to text on the Global Taxonomy Initiative, the group focused discussion on alien species. It was agreed that alien species would remain under thematic programs, but with the need for complementary and consolidated action, especially regarding endemic biodiversity of geographically or evolutionarily-isolated regions.

Modus Operandi: On the relationship of the Convention with the CSD, biodiversity-related conventions and other international agreements, institutions and processes, delegates considered a draft informal decision proposal from a sub-contact group providing for, *inter alia*: endorsement of the Joint Work Plan with the Ramsar Convention on Wetlands and of the Memoranda of Cooperation between the CBD and the FAO, IUCN, UNCTAD and UNESCO, among others; continued cooperation with the Secretariats of other biodiversity-related conventions; development of cooperation with other processes; ensured consistency in implementing the CBD and the WTO agreements, including the TRIPs agreement; Party submissions of information on sustainable tourism for synthesis and submission to the CSD; and Parties' provision of information on biodiversity-related activities of the CSD.

One regional group, supported by other delegations, supported including text requesting coordination between the UNFCCC and the CBD to ensure that they are mutually supportive.

One delegation added text calling for information gathering and exchange on sustainable tourism within the CBD framework. Another delegation proposed deleting text on elaboration of guidelines on sustainable tourism as possible future work under the CSD. A delegate stressed that any effort towards guidelines on sustainable tourism must be based on a grassroots approach.

The draft decision on national reports under negotiation: encourages Parties to submit their reports by 31 December 1998; requests SBSTTA to prepare guidelines taking into account

elements included in an Annex to the decision; provides for an implementation support assessment; and includes a bracketed request for financial assistance from the GEF. A proposal calling for financial and technical support for national implementation of the Convention was supported by several delegations, although opinions on execution varied. Views also varied as to whether the use of indicators and stakeholder involvement should be included in the draft decision's Annex.

On institutional matters and the work programme, delegates discussed options for improving preparations for the COP, including: establishment of a preparatory working group of the COP; consideration of mechanisms; a review of the COP; or an open-ended intersessional body charged with making recommendations and preparing draft decisions and, upon request from the COP, implementation of the Convention. A delegate noted that decisions on several elements depended on agreement on other elements.

The contact group worked into the evening incorporating proposed text and considering successive drafts.

Budget: The contact group on budget discussed the provisions and incomplete tables of an enabling decision on the programme budget for the biennium 1999-2000. Outcomes of discussions included, *inter alia*: extending the duration of the current three trust fund structure by two years rather than ten; entering the Reserve as "0" in the budget table; urging Parties, non-Party States and other organizations to contribute to the special trust funds; drawing from surpluses other than the identified surplus, for the additional activity related to the biosafety protocol; not transferring interest accrued from the core fund to the special fund for Party participation in the Convention process; transferring "the unspent balance of special additional voluntary contributions received prior to 1997" from the core fund to the Special Trust Fund for Additional Activities; and identifying a budget contribution figure of 5.7 million (a 7-8% increase) as a basis for completing the Programme budget table. A number of delegates registered reservations and difficulties with process in terms of interdependencies with other contact group deliberations, inconsistencies in figures, and need for further consultations. Left outstanding, was the question of whether Parties from countries with economies in transition would be added to the reference to developing countries in the special voluntary trust fund.

IN THE CORRIDORS

After the exclusion of observers from the contact group on Article 8(j), some delegates expressed concern that indigenous peoples and local communities may not only lose faith in the Convention, but find it difficult to recover their confidence in the ability of existing international instruments to defend their rights.

Clouds of comedy hung above today's proceedings as delegates scampered from room to room covering mutually-unreinforcing contact and sub-contact groups. Plaintive voices across the conference simultaneously declared the interdependence of group deliberations. One observer suggested that walkie-talkies and global positioning devices should have been included in the conference welcoming kit.

THINGS TO LOOK FOR TODAY

Contact groups on Article 8(j) and *modus operandi* will continue to meet in the morning. Working Groups will convene to continue approval of draft decisions.