



## CBD COP-6 HIGHLIGHTS: TUESDAY, 9 APRIL 2002

Delegates met throughout the day in two Working Groups. Working Group I (WG-I) considered forest biodiversity and began discussions on invasive alien species. Working Group II (WG-II) considered access and benefit-sharing (ABS). Two contact groups were formed on forest biodiversity and ABS, which met in evening sessions.

### WORKING GROUP I

**FOREST BIODIVERSITY:** The Secretariat presented documents UNEP/CBD/COP/6/17, 17/Add.1-3, 1/Add.2, INF/6, and SBSTTA recommendation VII/6. GHANA presented the results of the workshop on forests and biodiversity held in Accra, Ghana, on 28-30 January 2002 (UNEP/CBD/COP/6/INF/7). He highlighted recommendations to, *inter alia*, develop collaborative actions between the CBD and the UNFF on forests and biodiversity.

Chair Peter Schei (Norway) invited comments on the expanded work programme. Most delegates endorsed the work programme recommended by SBSTTA-7, while some suggested amendments. Many emphasized the ecosystem approach, underscored the need for balance between the Convention's objectives, and called for collaboration and synergies between the CBD and the UNFF as well as with other international agreements and organizations.

Several delegates advocated international priority setting to ensure the work programme's efficiency and effectiveness, while others stressed national sovereignty and advocated national priority setting. AUSTRALIA, NORWAY, Spain on behalf of the EU, and TUNISIA underscored the need for targets and time-frames, and NEW ZEALAND emphasized realistic targets.

Several delegates prioritized combating illegal logging and trade, while MALAYSIA underscored law enforcement as a matter of national discretion. BRAZIL and KENYA stressed the fact that unsustainable logging may not be illegal. LIBERIA stressed the need to address impacts of legal but highly damaging intensive logging in tropical forests, and BURKINA FASO suggested using "irresponsible" instead of "illegal" logging.

Mexico, on behalf of the GROUP OF LIKE-MINDED MEGADIVERSE COUNTRIES (MEGADIVERSE COUNTRIES), supported by Brazil, on behalf of GRULAC, and others, called for measures to ensure financing, technology transfer and capacity building. CAPE VERDE emphasized taxonomic capacity building. JORDAN highlighted public awareness. Many developing countries emphasized the link between poverty alleviation and forest conservation.

Many delegates stressed the work programme's applicability to all types of forests, while AUSTRALIA, CHINA, the EU and others prioritized primary forests. UGANDA and the CONFERENCE ON PROTECTION OF FORESTS IN EUROPE highlighted conservation of forests outside protected areas. Supported by GRULAC, Ethiopia, on behalf of the AFRICAN GROUP, emphasized linkages between traditional knowledge and forest

conservation. GHANA, LIBERIA and TANZANIA called for a definition on forest biodiversity. TURKEY underscored prevention of introduction of alien species and the Solomon Islands, on behalf of the PACIFIC ISLAND STATES, stressed the negative impacts of climate change and invasive species.

AUSTRALIA stressed the vital role of indigenous and local communities, while NORWAY highlighted the cultural and spiritual value of forests to those communities. The INSTITUTE FOR GLOBAL AND ENVIRONMENTAL STRATEGIES and other NGOs noted the need to involve local communities in forest management. The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) stressed the role of traditional knowledge regarding forest biodiversity. The GLOBAL FOREST COALITION highlighted underlying causes of forest degradation. GREENPEACE INTERNATIONAL emphasized illegal harvesting, green procurement policy, focus on ancient forests and other fragile ecosystems, and monitoring and reporting.

Delegates accepted Chair Schei's suggestion to form a contact group on forests, chaired by Alfred Oteng-Yeboah (Ghana). The Chair recommended focusing on modifying the draft decision's language to identify priorities and accommodate countries' concerns. He also highlighted the issue of definitions, international monitoring and evaluation of the work programme.

The evening contact group meeting could not reach agreement on the nature of the priorities for the work programme and to what extent priorities should be dealt with at the national or at the international level. Chair Oteng-Yeboah established a group of "friends of the chair" to solve the problem. Discussions on remaining paragraphs in the draft decision continued into the night.

**INVASIVE ALIEN SPECIES:** The Secretariat introduced documents UNEP/CBD/COP/6/3, 18, 18/Add.1/Rev.1, 1/Add.2 and INF/28. In general comments, NORWAY preferred strictly formulated principles. TURKEY and others favored "guidelines" over "guiding principles." Several Parties emphasized the precautionary approach. The PHILIPPINES favored using text based on the Rio Declaration and the Cartagena Protocol, with BRAZIL preferring the former and NORWAY the latter.

Regarding State rights and responsibilities, BRAZIL and others preferred deleting the entire section, while ICELAND and the AFRICAN GROUP favored retaining it. ZIMBABWE stressed research and monitoring aspects, and BRAZIL suggested reference to international financial cooperation. SWEDEN called for a definition of invasive alien species at the genetic level, and INDONESIA supported standardized terminology and criteria for assessing risks and socio-economic impacts on indigenous and local communities.

On border control and quarantine measures, the AFRICAN GROUP supported measures to control alien species' introduction within States. Regarding intentional introductions, some Parties supported text on burden of proof related to proposed introductions. NORWAY suggested further work on unintentional introductions and more detailed risk-management procedures.

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On mitigation of impacts, the PHILIPPINES and the AFRICAN GROUP preferred text establishing responsibility for costs of control and restoration. SWEDEN, supported by JORDAN, TUNISIA and DJIBOUTI, recommended tools for prevention and early eradication of new species, and for eradication and control of established species. MALAYSIA recommended integration of the CBD's work on invasive alien species with the International Plant Protection Convention and the Agreement on the Application of Sanitary and Phytosanitary Measures.

SBSTTA-6 Chair Cristián Samper stressed SBSTTA's emphasis on the principles of cooperation, information exchange and capacity building.

#### **WORKING GROUP II: ACCESS AND BENEFIT-SHARING**

The Secretariat introduced documents UNEP/CBD/COP/6/6, 19/Add.1, 1/Add.2 and INF/40, and delegates discussed the draft Bonn guidelines, intellectual property rights (IPR) and capacity building.

**DRAFT BONN GUIDELINES:** GRULAC proposed convening another working group meeting to finalize the draft Bonn guidelines. Several countries supported their adoption by COP-6. ETHIOPIA and the PHILIPPINES supported an internationally binding instrument on ABS, while others emphasized that the guidelines are voluntary and are not a substitute for national legislation. AUSTRALIA and GERMANY supported their immediate application, noting that they include a review mechanism. PERU underlined the guidelines' importance for countries without national ABS systems. CANADA and GRULAC supported considering approaches other than guidelines, with POLAND proposing work on indicators, stakeholder regimes and technical cooperation.

Numerous developing countries supported further work on definitions, with some suggesting referring them back to the expert group. SWITZERLAND proposed listing definitions in an appendix for further consideration. CANADA and NORWAY noted that terms could be defined in national legislation. Several developing countries supported retaining derivatives and products within the guidelines' scope. The EU suggested addressing derivatives within the elements for material transfer agreements. NORWAY suggested that the status of derivatives be determined within ABS contracts. COLOMBIA stated that the guidelines should not allow third party access without access contracts.

The MEGADIVERSE COUNTRIES stressed the need for rights and obligations on user countries. BOLIVIA called for discussion on monetary and non-monetary benefits, and the EU proposed discussion on incentives. Cameroon, on behalf of the AFRICAN GROUP, proposed references to poverty alleviation and the Model Legislation of the Organization for African Unity, as well as consideration of *ex situ* collections gathered prior to the CBD's entry into force. The US supported inclusion of prior informed consent and hoped the guidelines would reverse the decline in access.

The NGO CAUCUS proposed a protocol on indigenous and farmers' rights. The IIFB highlighted the inseparability of traditional knowledge from associated genetic resources and proposed that the Working Group on Article 8(j) consider the guidelines. CANADA and KENYA called for further discussion on the guidelines' implications for indigenous and local communities, and BANGLADESH emphasized examination of customary laws and practices. GRULAC stated that the guidelines do not appropriately address IPR issues.

**IPR:** COLOMBIA, INDIA, JAMAICA and PERU stressed mandatory disclosure of the country of origin in patent applications. The EU and NORWAY supported voluntary disclosure. NICARAGUA proposed certification of the legal origin. UPOV supported disclosure requirements to facilitate examination of a plant variety's distinctness, but not as a condition for IPR protection. KENYA suggested further work on the impacts of IPR on indigenous and local communities. ETHIOPIA and TUNISIA

supported development of a *sui generis* system incorporating collective rights and traditional knowledge, and with the IIFB and the NGO CAUCUS, opposed patents on life forms.

Several countries supported observer status for the CBD within the TRIPS Council, and collaboration with the ITPGRFA, TRIPS, UNCTAD, UPOV and WIPO. Slovenia, on behalf of CENTRAL AND EASTERN EUROPE COUNTRIES, supported further work by WIPO on IPR issues relevant to ABS. Several countries welcomed the adoption of the ITPGRFA. COLOMBIA and TOGO suggested that the CBD take a lead role on ABS and traditional knowledge with support provided by WIPO. The PHILIPPINES called for alternative mechanisms for the protection of genetic resources and associated traditional knowledge.

**CAPACITY BUILDING:** Several countries supported developing the action plan and convening a workshop on capacity building. INDONESIA proposed involving the private sector. JAMAICA supported a survey of Parties' requirements and national measures. The PHILIPPINES stressed approaches and methodologies to enhance participation of stakeholders, and CANADA prioritized indigenous and local communities. TOGO called for information sharing to ensure equality in negotiations, especially on ABS. The EU and NORWAY supported full involvement of stakeholders, especially indigenous and local communities, in ABS arrangements. A number of developed countries noted their initiatives for building capacity in developing countries.

Upon the suggestion of WG-II Chair Elaine Fisher (Jamaica), delegates formed a contact group co-chaired by Brendan Tobin (Peru) and Alwin Kopsch (Switzerland) with a mandate to address: the guidelines, including a process to consider definitions at a later date, outstanding bracketed language, the balance between user and provider responsibilities, incentives and the appendices; and IPR issues relating to the disclosure of genetic resources' origin and certificates of origin.

The contact group met in the evening to address: incentives; Appendix I on suggested elements for material transfer agreements; and Appendix II on monetary and non-monetary benefits, making textual changes, clarifications and additions.

#### **IN THE CORRIDORS**

The discussions on access and benefit-sharing had some delegates expressing increasing confusion and concern about where the process would go and how much could be accomplished by the end of COP-6. Some participants highlighted the crucial timing for completing work on ABS in view of the recently completed ITPGRFA and as a strong signal from the CBD to the upcoming WSSD, as well as to the TRIPS Council and WIPO. The Group of Like-Minded Megadiverse Countries appears to be the new player on the block, although many delegates wondered how the group would shape the dynamics of the access discussions as well as the overall CBD process.

On forests, most delegates were pleasantly surprised that the work programme proposed by SBSTTA was left intact. However, this success has led to splits among both NGOs and governments as to whether priorities should be set within the CBD process or specified at the national level.

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

**WORKING GROUP I:** WG-I will meet at 10:00 am in the Prince Willem Alexander Hall to continue discussing invasive alien species.

**WORKING GROUP II:** WG-II will meet at 10:00 am in the Van Gogh Hall to discuss the strategic plan, national reports and the operations of the Convention.

**CONTACT GROUPS :** The contact group on forest biodiversity will meet at 9:00 am in the Rembrandt Hall. The contact group on ABS is expected to convene during lunch time to finalize work on incentives and the appendices and in the evening to address other issues.