



SIXTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: 7 – 19 APRIL 2002

The sixth Conference of the Parties (COP-6) to the Convention on Biological Diversity (CBD) took place from 7-19 April 2002, at the Netherlands Congress Centre in The Hague. Approximately 2000 participants attended, representing 176 governments, as well as UN agencies, non-governmental organizations (NGOs), intergovernmental organizations (IGOs), indigenous and local community organizations, and others. Delegates to COP-6 considered and adopted 36 decisions on the following substantive topics: forest biodiversity; alien species that threaten ecosystems, habitats and species; identification, monitoring, indicators and assessments; the Global Taxonomy Initiative (GTI); the Global Strategy for Plant Conservation (GSPC); the ecosystem approach; sustainable use; incentive measures; liability and redress; progress on ecosystem themes; access and benefit-sharing (ABS); the strategic plan, national reporting, CBD operations, and the multi-year work programme; financial resources and mechanism; scientific and technical cooperation and the Clearing-House Mechanism (CHM); education and public awareness; cooperation with other conventions and international initiatives; a contribution to the ten-year review of Agenda 21; and Article 8(j) on traditional knowledge. A High Level Segment on the World Summit on Sustainable Development, including a Ministerial Round Table, and a multi-stakeholder dialogue were convened during the second week of the meeting.

COP-6 was arguably the busiest COP to date, with afternoon and evening contact groups throughout. Despite contentious debates, the COP's highlights included adoption of a revised forest work programme, the Bonn Guidelines on ABS, the Strategic Plan and guiding principles for alien species. The meeting also served as an opportunity to review the Convention's activities in light of the upcoming World Summit on Sustainable Development (WSSD) and the long-term Strategic Plan. In addition to the substantive discussions, procedural questions were raised about the correlation of the Ministerial Declaration with the COP's decision on forest biodiversity,

as well as the decision-making procedures regarding consensus and adoption of the guiding principles over the objections of some countries. Despite these concerns, most delegates noted the significant amount of work accomplished by COP-6, which sets the stage for national and intersessional activities in the lead up to COP-7.

A BRIEF HISTORY OF THE CONVENTION

The CBD, negotiated under the auspices of UNEP, was opened for signature on 5 June 1992, and entered into force on 29 December 1993. To date, 183 countries have ratified the Convention. The three goals of the CBD are to promote "the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources."

COP-1: The first meeting of the COP (Nassau, the Bahamas, November - December 1994) adopted decisions on: the medium-term work programme; designation of the permanent Secretariat; establishment of the CHM and the Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA); and designation of the Global Environment Facility (GEF) as the interim financial mechanism.

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COP-2: The second meeting of the COP (Jakarta, Indonesia, November 1995) adopted decisions on: designation of Montreal, Canada, as the permanent location for the Secretariat; establishment of the Open-ended *Ad Hoc* Working Group on Biosafety; the programme of work; and marine and coastal biodiversity.

COP-3: At its third meeting (Buenos Aires, Argentina, November 1996), the COP adopted decisions on several topics, including: work programmes on agricultural and forest biodiversity; a Memorandum of Understanding with the GEF; an agreement to hold an intersessional workshop on Article 8(j); application by the Executive Secretary for observer status to the World Trade Organization's (WTO) Committee on Trade and the Environment; and a statement from the CBD to the Special Session of the UN General Assembly to review implementation of Agenda 21.

COP-4: At its fourth meeting (Bratislava, Slovakia, May 1998), the COP adopted decisions on, *inter alia*: inland water ecosystems; marine and coastal biodiversity; agricultural and forest biodiversity; the CHM's pilot phase; Article 8(j); national reports; cooperation with other agreements, institutions and processes; the GEF's activities; incentive measures; ABS; public education and awareness; and the long-term work programme. A Ministerial Round Table was convened to discuss integrating biodiversity concerns into sectoral activities, such as tourism, and private sector participation in implementing the Convention's objectives.

EXCOP: The first Extraordinary COP (Cartagena, Colombia, February 1999) followed the sixth and final meeting of the Working Group on Biosafety, yet was unsuccessful in developing a compromise package on the Biosafety Protocol during its two days of non-stop negotiations. After a decision to suspend the meeting, three sets of informal consultations were held over the following months to address outstanding issues, including: the Protocol's scope; its relation to other agreements; application of the advance informed agreement (AIA) procedure and the precautionary principle; and documentation and identification requirements. The ExCOP resumed a year later (Montreal, January 2000), where delegates finally adopted the Cartagena Protocol on Biosafety.

The Protocol addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have an adverse effect on biodiversity, by establishing an AIA procedure for imports of LMOs for intentional introduction into the environment. It also incorporates the precautionary principle and mechanisms for risk assessment and management, and establishes a Biosafety Clearing-House (BCH) to facilitate information exchange. The Protocol currently has 108 signatories and 14 ratifications.

COP-5: At its fifth meeting (Nairobi, Kenya, May 2000), the COP adopted decisions on: a work programme on dry and sub-humid lands; the ecosystem approach; access to genetic resources; alien species; sustainable use; biodiversity and tourism; incentive measures; the GSPP; the Convention's operations; the GTI; the CHM; financial resources and mechanism; identification, monitoring and assessment, and indicators; and impact assessment, liability and redress. COP-5 also included a High Level Segment on the Cartagena Protocol on Biosafety with a Ministerial Round Table and a special signing ceremony.

SBSTTA-6 & 7: During its sixth meeting (Montreal, March 2001), SBSTTA focused on invasive alien species, including work on guiding principles, and produced additional recommendations on: *ad hoc* technical expert groups; marine and coastal biodiversity; inland water

ecosystems; scientific assessments; the GTI; biodiversity and climate change; and migratory species. SBSTTA-7 (Montreal, November 2001) focused on forest biodiversity and its draft work programme, while also producing recommendations on: agricultural biodiversity, including the International Pollinators Initiative; the GSPP; incentive measures; indicators; and environmental impact assessment (EIA).

INTERGOVERNMENTAL COMMITTEE ON THE CARTAGENA PROTOCOL ON BIOSAFETY (ICCP): The ICCP met twice during the intersessional period. ICCP-1 (Montpellier, France, December 2000) and ICCP-2 (Nairobi, Kenya, October 2001) considered and developed recommendations on: information sharing and the BCH; capacity building; a roster of experts; decision-making procedures; handling, transport, packaging and identification; compliance; monitoring and reporting; guidance to the financial mechanism; liability and redress; the Secretariat; Rules of Procedure; and cooperation with the International Plant Protection Convention (IPPC).

WORKING GROUP ON ACCESS AND BENEFIT-SHARING: At the first meeting of the *Ad Hoc* Working Group on ABS (Bonn, Germany, October 2001), delegates developed the draft Bonn guidelines on ABS and also: identified elements for a capacity-building action plan; called for an open-ended workshop on capacity building for ABS; and considered the role of IPR in implementation of ABS arrangements. Input into the Working Group was provided by the second meeting of the Experts' Panel on ABS (Montreal, March 2001), which addressed user and provider experiences in ABS and the involvement of stakeholders in ABS processes.

MEETING ON THE STRATEGIC PLAN, NATIONAL REPORTS AND IMPLEMENTATION: The Open-Ended Intersessional Meeting on the Strategic Plan, National Reports and Implementation (Montreal, November 2001) considered the strategic plan, the CBD's implementation and operations, national reports and inputs into the WSSD.

WORKING GROUP ON ARTICLE 8(J): The second meeting of the *Ad Hoc* Open-ended Intersessional Working Group on Article 8(j) and Related Provisions (Montreal, February 2002) considered: an outline for the composite report on the status and trends of traditional knowledge; draft guidelines/recommendations for the conduct of cultural, environmental and social impact assessments regarding developments proposed on or impacting the lands of indigenous and local communities; participatory mechanisms; and the effectiveness of existing instruments impacting the protection of traditional knowledge, particularly intellectual property rights.

COP-6 REPORT

COP-6 officially began with an opening ceremony on Sunday, 7 April 2002. Laurens-Jan Brinkhorst, Minister of Agriculture, Nature Management and Fisheries of the Netherlands, welcomed delegates to The Hague. He commented on the need for specific initiatives, funding, timetables, technology transfer, and for global participation in the CBD. COP-5 President Joseph Kamotho (Kenya) noted intersessional progress on the strategic plan and on ABS, called for rapid ratification of the Biosafety Protocol, and highlighted CBD's participatory approach regarding indigenous and local communities and stakeholders. He nominated, and delegates elected Geke Faber, State Secretary of the Ministry of Agriculture, Nature Management and Fisheries of the Netherlands, as COP-6 President. Faber highlighted moving from policy dialogue to implementation and from conservation to



sustainable use. Mayor Willem Deetman described The Hague's cultural diversity and its renown as the international city of peace and justice.

UNEP Executive Director Klaus Töpfer cited the relevance of the upcoming WSSD, emphasized targeted, timetable-oriented and collaborative activities, and mentioned the pressing need to replenish the GEF. CBD Executive Secretary Hamdallah Zedan noted the link between biodiversity loss, economic conditions and social injustice, and emphasized the strategic plan's potential to help focus and prioritize the CBD's work.

Regarding pending issues (Rules of Procedure, 40.1 on voting procedures), COP-5 President Kamotho reminded the Parties of the ICCP's recommendation to reconsider the issue. COP-6 President Faber suggested revisiting the issue at the meeting's end.

Following reports from regional meetings, representatives from several organizations delivered opening statements, including: the UN Convention to Combat Desertification (UNCCD), Convention on Migratory Species (CMS), Ramsar Convention on Wetlands of International Importance, GEF, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), UN Development Programme (UNDP), UN Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization (FAO), Commission on Genetic Resources for Food and Agriculture (CGRFA), World Intellectual Property Organization (WIPO), UN Forum on Forests (UNFF), International Tropical Timber Organization (ITTO), Millennium Ecosystem Assessment, Global Biodiversity Forum, International Indigenous Forum on Biodiversity (IIFB), NGO caucus, and Kids for the Forests.

President Faber introduced and delegates adopted the revised provisional agenda (UNEP/CBD/COP/6/1/Rev.1). Plenary established two working groups, and elected Peter Schei (Norway) as Chair of Working Group I and Elaine Fisher (Jamaica) as Chair of Working Group II. Plenary also elected Alfred Oteng-Yeboah (Ghana) as Chair of SBSTTA-9 and 10 and elected ten new Bureau members for COP-7: Soumayila Bance (Burkina Faso); Sharif Baha El Din (Egypt); Desh Deepak Verma (India); Mahfuzul Haque (Bangladesh); John Ashe (Antigua and Barbuda); Fernando Casas (Colombia); Gordana Beltram (Slovenia); Alexander Shestakov (Russian Federation); Max Kitchell (Australia); and Ines Verleye (Belgium). COP-6 Bureau members included: Suzanne Uwimana (Rwanda), Joseph Kamotho (Kenya), Hassan Hashim (Malaysia), Elaine Fisher (Jamaica), Mitzi Gurgel Valente de Costa (Brazil), Gordana Beltram (Slovenia), Ilona Jepsen (Latvia) and Peter Schei (Norway). The Rapporteur was Esko Jaakkola (Finland).

Delegates then heard reports on intersessional meetings. SBSTTA-6 Chair Cristián Samper (Colombia) and SBSTTA-7 Chair Jan Plesník (Czech Republic) introduced SBSTTA-6's and SBSTTA-7's reports and recommendations, respectively (UNEP/CBD/COP/6/3, UNEP/CBD/COP/6/4). Reuben Olemba (Kenya) presented the Report of the Open-ended Intersessional Meeting on the Strategic Plan, National Reports and Implementation (UNEP/CBD/COP/6/5), and the Report of the Working Group on Article 8(j) (UNEP/CBD/COP/6/7). A representative of Germany introduced the Report of the *Ad Hoc* Open-ended Working Group on ABS (UNEP/CBD/COP/6/6). Amb. Philémon Yang (Cameroon) introduced the Report on the Status of the Cartagena Protocol on Biosafety (UNEP/CBD/COP/6/8). The GEF presented its report (UNEP/CBD/COP/6/9 and Add.1). CBD Executive Secretary Zedan introduced the Report on the Administration and

Budget for the Trust Fund of the Convention (UNEP/CBD/COP/6/10), as well as on the Budget for the Programme of Work for the Biennium 2003-2004 (UNEP/CBD/COP/6/16, Corr.1 and Add.1). The COP took note of these reports.

Over the two weeks, Working Group I considered: progress reports on implementation; cross-cutting issues; forest biodiversity; alien species that threaten ecosystems, habitats and species; and preparations for COP-7. Working Group I established contact groups on forest biodiversity and invasive alien species. Working Group II considered: Article 8(j); mechanisms for implementation; cooperation with other conventions; ABS; and the strategic plan. Working Group II established contact groups on ABS, the strategic plan, and financial resources and mechanisms. A contact group on the budget was also established. The working groups convened "Friends of the Chair" groups on several issues. Substantive discussions were generally based on draft decisions compiled in UNEP/CBD/COP/6/1/Add.2). Plenary met on Friday, 12 April, and Thursday, 18 April, to review progress.

The following is the report of decisions considered and adopted at COP-6, according to the meeting's agenda.

THEMATIC WORK PROGRAMMES

FOREST BIODIVERSITY: On Tuesday, 9 April, Working Group I considered forest biodiversity (UNEP/CBD/COP/6/17 and 17/Add.1-3). Most delegates endorsed the work programme recommended by SBSTTA-7. Many emphasized the ecosystem approach, underscored the need for balance between the Convention's objectives, and called for collaboration and synergies with the UNFF. Delegates debated international vs. national priority setting.

Many developing countries called for financing, technology transfer and capacity building, and emphasized the link between poverty alleviation and forest conservation. Some delegates stressed the work programme's applicability to all types of forests, while others prioritized primary forests. Several delegates prioritized combating illegal logging and trade, while some developing countries preferred addressing "irresponsible" or "unsustainable" logging. Australia and others stressed the vital role of indigenous and local communities. The IIFB stressed the role of traditional knowledge, the Global Forest Coalition highlighted underlying causes of deforestation, and Greenpeace International emphasized a focus on ancient forests.

Working Group I then established a contact group, chaired by Alfred Oteng-Yeboah (Ghana), to address the draft decision and the chapeau of the expanded work programme. The contact group met from Tuesday to Thursday, 9-11 April, and Monday to Thursday, 15-18 April.

In the contact group, developing countries opposed a proposed time-bound target to halt forest biodiversity loss, stressing lack of financial resources and capacity. A proposal to list a subset of the work programme's activities for initial international priority was debated. Instead, delegates agreed to request the Executive Secretary to initiate actions in identified focus areas.

Some opposed a proposal for particular attention to certain types of forests, such as primary forests, preferring reference to all types of forests. They agreed on the need for urgent action for forests that are threatened and important for biodiversity. Some opposed reference to "illegal logging" and delegates agreed to use the term "unauthorized harvesting."



On finance, some delegates called for new and additional financial resources, while others emphasized availability of sufficient financial resources. Delegates agreed that availability of new and additional financial resources, technology transfer and capacity building is necessary to facilitate implementation. Some advocated developing a specific format for reporting. Delegates agreed on reporting within national reports, and called for developing a format for the forest biodiversity section. Delegates further agreed to call for a voluntary thematic report. On the proposed establishment of an *ad hoc* technical expert group, delegates debated, *inter alia*, its duration of work, and agreed it should report to COP-8 through SBSTTA.

On the work programme's chapeau, delegates agreed to use the draft decision's language on urgent action for certain types of forests, rather than prioritize primary forests.

On Friday, 19 April, Working Group I considered UNEP/CBD/COP/6/WG.I/CRP.15 on the forest work programme. Indonesia called for consistency between the work programme and the Ministerial Declaration's time-bound target to put in place measures to halt biodiversity loss by 2010. Working Group I adopted the draft decision with minor amendments. In the closing Plenary, Indonesia, supported by others, reiterated its concern. The decision was adopted without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.27) welcomes intersessional activities; underlines the sovereign rights and responsibilities of countries; recognizes that Parties should implement the work programme; and emphasizes the Convention's objectives and traditional knowledge. It expresses the need for urgent action for forests that are threatened, important for biodiversity, and have potential for conservation, sustainable use and benefit-sharing. While emphasizing nationally prioritized activities, the importance of international and regional activities is recognized. The decision also recognizes that availability of new and additional financial resources is necessary to facilitate implementation.

The Executive Secretary is requested to initiate focus areas for regional and international implementation, through:

- carrying out a comparative study clarifying the ecosystem approach in relation to sustainable forest management with the UNFF;
- undertaking an assessment of the relationship between the proposals for action of the Intergovernmental Panel on Forests (IPF) and Intergovernmental Forum on Forests (IFF) and the work programme with UNFF, the Collaborative Partnership on Forests (CPF), and others;
- compiling best practices on integrated approaches;
- preparing and holding an international workshop on protected areas;
- developing case studies on forest law enforcement; and
- providing a service through the CHM to seek and provide support and partnerships.

The decision also requests Parties to report on implementation in their national reports, and the Executive Secretary is to provide a progress report for SBSTTA's review and COP-8's consideration. An *ad hoc* technical expert group is established to provide advice on the review, and report to COP-8. A thematic national report on countries' priority actions, successes, challenges and impediments should be submitted by Parties to COP-7.

At the national level, the decision calls for:

- coordination between agencies;

- effectiveness of forest laws;
- recognition of the role indigenous and local communities and women;
- collaboration regarding transboundary ecosystems, populations and species; and
- recognition of criteria and indicators.

Regarding collaboration on specific issues, the decision: calls for synergies, requesting CBD participation in the CPF; urges the CPF to consider the CBD as a focal point for forest biodiversity; and requests the establishment of a liaison group on non-timber forest resources.

Work Programme: The work programme consists of goals, objectives and activities grouped under three programme elements. The chapeau calls for considering: focus on priorities; the need for urgent conservation of forests that are important for biodiversity; and capacity building and financial, human and technical resources.

Element 1: Conservation, sustainable use and benefit-sharing: Practical methods, guidelines, indicators and strategies to apply the ecosystem approach should be developed. Regarding reducing threats and mitigating threatening processes, the objectives focus on:

- alien invasive species' introduction and their impacts;
- pollution, climate change, fragmentation and conversion; and
- forest fires and fire suppression.

Regarding protection, recovery and restoration of forest biodiversity, the objectives address:

- degraded secondary forests, and forests on former forestlands, including plantations;
- forest management practices furthering conservation of endemic and threatened species; and
- protected forest area networks.

To promote sustainable use of forest biodiversity, the objectives address:

- sustainable use;
- losses caused by unsustainable harvesting;
- indigenous and local communities regarding community-management systems; and
- information systems and strategies.

On ABS, the objective is to promote fair and benefit-sharing.

Element 2: Institutional and socioeconomic enabling environment: To enhance the institutional enabling environment, the objectives focus on:

- understanding causes of forest biodiversity loss;
- integrating conservation and sustainable use into forest and other sector policies and programmes;
- developing good governance; and
- promoting forest law enforcement and addressing related trade.

The goal on socioeconomic impacts seeks to mitigate failures and distortions leading to biodiversity loss. Regarding increase of public education, participation, and awareness, the objective is to increase support for and understanding of the value of forest biodiversity and its goods and services.

Element 3: Knowledge, assessment and monitoring: Regarding forest classification and assessment of status and trends, the objectives are to review and adopt a forest classification systems, and to develop forest ecosystem surveys. On improving knowledge on and methods for assessment of status and trends, the objective is to advance the development and implementation of criteria and indicators. On improving the understanding of the role of forest biodiversity and



ecosystem functioning, the objective is to conduct research programmes. Regarding improving data management for monitoring and assessment, the objective is to enhance and improve technical capacity.

INLAND WATER ECOSYSTEMS: On Wednesday, 10 April, Working Group I considered a progress report on implementation of the work programme on inland water ecosystems (UNEP/CBD/COP/6/11). Most delegates welcomed collaboration with the Ramsar Convention. They adopted UNEP/CBD/COP/6/WGI/CRP.7 on Monday, 15 April, with Turkey making a reservation on reference to the report of the World Commission on Dams. The closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.9) welcomes progress in implementation of the work programme and of the second joint work plan with the Ramsar Convention, including the River Basin Initiative, the importance of which it recognizes for application of the ecosystem approach. It also requests the Executive Secretary to strengthen collaboration with the Bureau of the Ramsar Convention, to facilitate implementation of the third work plan. It takes note of the 2001 report of the World Commission on Dams, and emphasizes implementation of relevant work under the GTI. It urges financial support for implementation.

MARINE AND COASTAL BIODIVERSITY: On Wednesday, 10 April, Working Group I considered a progress report on implementation of the work programme on marine and coastal biodiversity (UNEP/CBD/COP/6/11). Many delegates supported integration of coral reefs under the programme element on marine and coastal living resources, with Malaysia suggesting realistic targets concerning coral bleaching. Bangladesh supported increased cooperation with the FAO on sustainable aquaculture and fisheries. On Friday, 12 April, delegates adopted UNEP/CBD/COP/6/WGI/CRP.2, with minor amendments. The closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.4) takes note of progress in implementation of the work programme, including integration of coral reefs into programme element 2. It requests the Executive Secretary to further facilitate implementation and development of work plans on coral bleaching and on physical degradation and destruction of coral reefs, with emphasis on small island developing States' (SIDS) and least developed countries' (LDCs) needs, and on strengthened collaboration with relevant organizations. It also recognizes the needs of developing countries, in particular LDCs and SIDS, for addressing impacts of coral degradation and destruction-related mortality.

BIODIVERSITY OF DRY AND SUB-HUMID LANDS: On Wednesday, 10 April, Working Group I considered a progress report on implementation of the work programme on dry and sub-humid lands (UNEP/CBD/COP/6/11). The EU and others emphasized cooperation with the UNCCD and the UNFCCC. Some NGOs suggested integration of UNCCD national action plans and CBD national biodiversity strategies and action plans (NBSAPs). On Monday, 15 April, delegates adopted UNEP/CBD/COP/WGI/CRP.3, with an amendment on interlinkages with other thematic work programmes. The closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.5) notes progress on the work programme's implementation, and recognizes interlinkages between biodiversity, desertification/land degradation and climate change. It requests the Executive Secretary, to prepare a proposal for developing a mechanism to coordinate activities in these

areas, and for linking and ensuring integration of CBD NBSAPs and UNCCD national action plans. It also recommends enhanced synergies in implementation with other thematic work programmes of the Convention.

AGRICULTURAL BIODIVERSITY: On Wednesday, 10 April, Working Group I considered a progress report on implementation of the work programme on agricultural biodiversity (UNEP/CBD/COP/6/11). Canada recommended information outreach programmes for farmers, and stressed the need for more economic and scientific data on pollinators. Slovenia suggested further work on the impacts of trade liberalization. Some countries advocated CBD observer status in the WTO's Committee on Agriculture. Regarding genetic use restriction technologies (GURTs), the African Group highlighted participation of all stakeholders and regional balance in the proposed expert group, and supported a precautionary approach to GURTs, with others calling for appropriate scientific data before field testing and commercial application. Colombia suggested incorporating GURT-related work within the Working Group on Article 8(j)'s mandate. Many countries highlighted food security issues and the importance of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Poland emphasized animal genetic resources. The IIFB highlighted the role of ancestral production systems for seed conservation. Chair Schei established a "Friends of the Chair" group to address GURTs. On Monday, 15 April, delegates adopted UNEP/CBD/COP/6/WGI/CRP.5 with minor changes, adding reference to "smallholder farmers." Concerns of Argentina and Turkey over reference to farmers' rights will be reflected in the meeting's report. Delegates also adopted UNEP/CBD/COP/6/WGI/CRP.6 on the ITPGRFA. The closing Plenary adopted the decisions without amendment.

Final Decision on Agricultural Biodiversity: The decision (UNEP/CBD/COP/6/L.11) addresses:

- progress in implementation of the work programme;
- soil biodiversity, through establishment of an International Initiative for the Conservation and Sustainable Use of Soil Biodiversity;
- the International Pollinators Initiative;
- animal genetic resources, through a call for developing the first Report on the State of World's Animal Genetic Resources;
- further studies on the impacts of trade liberalization, in cooperation with relevant organizations; and
- the impacts of the application of GURTs on smallholder farmers, indigenous and local communities and Farmers' Rights, through assessment of the need for national regulations, establishment of a multi-stakeholder *ad hoc* technical expert group, further research, study of impacts of GURTs' applications in the ITPGRFA framework and intellectual property.

The decision includes two annexes on: steps for the work programme's further implementation; and an action plan for the International Initiative for the Conservation and Sustainable Use of Pollinators. It also invites submission of case studies and thematic reports, and synthesis by the Executive Secretary before COP-8; and encourages support for the Executive Secretary's observer status in the WTO Committee on Agriculture.

Final Decision on the ITPGRFA: The decision (UNEP/CBD/COP/6/L.12) recognizes the role of the ITPGRFA, calls for its ratification, and requests developing cooperation with the secretariats of the CGRFA and the ITPGRFA.



CROSS-CUTTING ISSUES

ALIEN SPECIES THAT THREATEN ECOSYSTEMS, HABITATS AND SPECIES:

On Wednesday 10 April, delegates considered a draft decision with guiding principles on alien species (UNEP/CBD/COP/6/18 and 18/Add.1/Rev.1). Parties debated: using the term “guidelines” or “guiding principles;” referencing the Rio Declaration, the Cartagena Protocol, or both in the principle on the precautionary approach; and language on States’ rights and responsibilities. Parties also stressed: research and monitoring aspects; international financial cooperation; a genetic-level definition of invasive alien species; and standardized terminology and criteria for assessing risks and impacts on indigenous and local communities.

On border control and quarantine measures, the African Group supported measures to control introduction within States. Regarding intentional introductions, some Parties supported text placing the burden of proof that the introduction is unlikely to threaten biodiversity on the proposer of an introduction. On mitigation of impacts, the Philippines emphasized imposing responsibility for costs of control and restoration on those responsible for the introduction. Sweden and others recommended tools for prevention and eradication of new species, and for eradication and control of established species. Malaysia recommended integration of CBD work with other relevant multilateral environmental agreements (MEAs).

Discussions on the principles continued on Thursday, 11 April. Many favored specifying that States should have appropriate measures to control introductions. Delegates also highlighted exchange of information, regional and international cooperation, and capacity building. A contact group, chaired by András Demeter (Hungary), met over four days and discussed, *inter alia*, risk analysis, indigenous knowledge, implementation and use of terms. On Tuesday, April 16, Working Group I considered and adopted UNEP/CBD/COP/6/WG.I/CRP.14. Delegates agreed to:

- reference Rio Principle 15 and the CBD Preamble regarding language on the precautionary approach;
- consider appropriate measures to control introductions within the State;
- place the burden of proving that a proposed introduction is unlikely to threaten biodiversity on the proposer of the introduction or otherwise be assigned by the recipient State;
- base decisions on intentional introductions on the precautionary approach; and
- place responsibility for costs of control measures, if consistent with national laws, on introducers of invasive alien species that fail to comply with national laws.

During the final Plenary, Australia said it could not support adopting the guidelines, since ambiguous language on the precautionary approach in principles 1 (precautionary approach) and 10 (intentional introduction) could allow countries to avoid obligations under trade agreements. Brazil and others acknowledged Australia’s concerns. Australia opposed merely recording its objections in the meeting report, and proposed a footnote on both the precautionary approach and the definition on risk analysis to indicate lack of agreement, and to call the document “Interim Principles.” President Faber convened a group to resolve the issue, which could not reach agreement. When Plenary reconvened, and discussed new draft text, Turkey expressed concerns about the specialized treatment of Australia’s reservation, noting that its strong objections had only been recorded in the meeting’s report. Colombia, supported by many, stated that the

proposal to adopt text stating that some delegates did not agree constituted an undesirable precedent. Jamaica, also supported by many, opposed saying that reflecting countries’ objections in the report was consistent with COP practice, while blocking agreement was not.

Brazil, Canada, New Zealand and Turkey objected to the decision-making procedure. President Faber finally closed the debate and adopted the decision as originally presented to Plenary, with a note in the report of the objections. Australia raised its formal objection to the decision and, with the EU, made reservations regarding the decision-making process.

Final Decision: The decision (UNEP/CBD/COP/6/L.13):

- recognizes invasive alien species as a primary threat to biodiversity;
- urges the International Maritime Organization to complete preparation of an international instrument on ballast water;
- requests SBSTTA, the Global Invasive Species Programme and others to identify gaps and inconsistencies in the international regulatory framework and to evaluate introduction pathways;
- urges international cooperation and involvement of local and indigenous communities;
- decides to use the CHM to facilitate scientific and technical cooperation and to provide an online educational programme; and
- urges the GEF and other donors to fund development and implementation of relevant strategies and action plans.

An annex contains fifteen guiding principles. Its introduction defines use of terms on alien species, invasive alien species, introduction, intentional introduction, and unintentional introduction; establishes that the principles are non-binding, and that implementation depends upon available resources. The principles address:

- the precautionary approach;
- the three-stage hierarchical approach (prevention, eradication, control);
- the ecosystem approach;
- the role of States;
- research and monitoring;
- education and public awareness;
- border control and quarantine measures;
- exchange of information;
- cooperation, including capacity building;
- intentional introduction;
- unintentional introductions;
- mitigation of impacts;
- eradication;
- containment; and
- control.

IDENTIFICATION, MONITORING, INDICATORS AND ASSESSMENTS:

On Thursday, 11 April, Working Group I considered identification, monitoring, indicators and assessments (UNEP/CBD/COP/6/12). On monitoring and indicators, some delegates emphasized information exchange, increased synergies and, highlighted regional cooperation. The EU stressed development of key global and national level indicators before COP-7. New Zealand suggested developing a menu of indicators, drawing attention to national and regional contexts. Norway called for an overview of indicators used, and supported the OECD’s “Drivers Pressure State Impact Response” model. Turkey highlighted indicators related to thematic areas and cross-cutting issues.



On assessments, the Central and Eastern European Countries underscored sub-global assessments and political and socioeconomic conditions. Canada supported compiling experiences in applying the guidelines and, with India, questioned the value of a SBSTTA work programme before application and assessment of the guidelines. Delegates stressed capacity building, public participation and sharing experiences through national reporting. Bangladesh suggested adding ethnic impact assessment. On Monday 15, April, delegates considered and adopted UNEP/CBD/COP/6/WG.I/CRP.8, after deleting reference to reviewing potential indicators and making other minor corrections. The closing Plenary adopted the decision, without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.8) endorses the annexed draft guidelines for incorporating biodiversity-related issues into environmental impact assessment (EIA) legislation or processes and into strategic impact assessment. It also requests the Executive Secretary to disseminate related experiences, and prepare proposals for developing the guidelines. The draft guidelines and four appendices address:

- biodiversity issues at different stages of EIA, including screening, scoping, impact analysis and assessment, consideration of mitigation measures, reporting through EIA, review, decision-making, monitoring and environmental auditing;
- incorporation of biodiversity considerations in strategic environmental assessments; and
- ways and means, including capacity building, legislative authority, participation, incentives and cooperation.

The decision also addresses designing national-level monitoring programmes and indicators, and scientific assessments.

GLOBAL TAXONOMY INITIATIVE: On Thursday, 11 April, delegates considered a draft decision on the GTI (UNEP/CBD/COP/6/12). Many delegates, NGOs and IGOs expressed support for the GTI, including for a permanent GTI CBD Secretariat programme officer. Delegates emphasized local and regional capacity building, the need for financial resources, pilot projects, regional cooperative programmes, and increased access to information and specimens. Tunisia emphasized implementation at genetic, species and ecosystem levels. The Central African Republic, noting indigenous knowledge of plants and other life forms, emphasized involvement of local communities. China highlighted the need for public awareness campaigns, especially in hotspots. Several countries noted the potential for increased coordination through the GTI, including with the Global Biodiversity Information Facility (GBIF). UNESCO underscored the need to insert the GTI into all thematic activities, as well as into work on Article 8(j) and the African Group requested harmonization with needs assessment and alien species.

On Monday, 15 April, Working Group I considered and adopted UNEP/CBD/COP/6/WG.I/CRP.4. The closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.7):

- endorses the work programme;
- recognizes the value of supporting and building on existing initiatives;
- emphasizes the need for coordination with other initiatives, including GBIF and CHM;
- considers capacity building at national and regional levels as a driving implementation force; and
- decides to establish a permanent GTI programme officer within the Secretariat.

The annexed work programme establishes operational objectives and outlines activities related to:

- assessment of taxonomic needs at national, regional and global levels;
- capacity relevant to taxonomic collections;
- improved access to taxonomic information, particularly by countries of origin; and
- taxonomic information for work in the CBD thematic work programmes and the cross-cutting issues.

GLOBAL STRATEGY FOR PLANT CONSERVATION: On Friday, 12 April, delegates considered a draft decision on the GSPC (UNEP/CBD/COP/6/12/Add.4). They emphasized its flexibility as a framework for regional and national priority setting and implementation, with Brazil highlighting it as a pilot exercise for target setting. The EU encouraged developing national and regional targets. Several delegates stressed the voluntary nature of the strategy's quantitative targets. Many countries called for additional funds for implementation and highlighted capacity building. Cuba and others called for a bottom-up approach. Gabon highlighted *ex situ* plant conservation. New Zealand suggested that threatened plant species-related programmes comprise a separate target and emphasized management plans for most important invasive alien species. The Democratic Republic of Congo emphasized difficulties in conserving plants subject to trade. Turkey suggested the strategy's eventual extension to other taxonomic groups. The Botanic Gardens Conservation International proposed funding for a CBD staff position. In the afternoon, delegates adopted a UNEP/CBD/COP/6/WG.I/CRP.1 with several clarifications. The closing Plenary adopted the decision. A request by Australia to add text welcoming the offer of Botanic Gardens Conservation International will be included in the decision on the budget (UNEP/CBD/COP/6/L.34).

Final Decision: The decision (UNEP/CBD/COP/6/L.3) adopts the GSPC, including outcome-oriented global targets for 2010, as a pilot approach to use of outcome targets under the Convention. It invites international and regional efforts to implement the strategy, and development and incorporation of flexible targets according to national priorities, capacities and biodiversity. It also stresses the role of the strategy in poverty alleviation and sustainable development, and emphasizes the need for capacity building and financial support for LDCs and SIDS. It provides for a progress review by SBSTTA and at COP-8 and 10. The annexed GSPC:

- sets objectives;
- defines rationale, scope and general principles;
- provides for sixteen specific targets in five areas: understanding and documenting plant diversity; conserving it; using it sustainably; promoting education and awareness; and capacity building; and
- sets the strategy as a framework for outcome-oriented targets setting.

It also provides for further work to develop and implement the strategy. An appendix elaborates terms and technical rationale for the targets.

LIABILITY AND REDRESS: On Monday, 15 April, Working Group I considered a draft decision on liability and redress (UNEP/CBD/COP/6/12/Add.1). The Chair of the Workshop on Liability and Redress (Paris, June 2001) reported on the meeting. The African Group highlighted the need for studies on restoration and compensation. The EU said work under the CBD Article 14.2 (Liability and



Redress) and Biosafety Protocol Article 27 (Liability and Redress) should be based on the same principles and be mutually supportive. Regarding convening an expert group, delegates called for balance between technical and legal experts and geographic representation. Stressing lack of information, Japan said it was premature to consider proposing elements on damage to biodiversity in existing liability and redress regimes. Delegates adopted a UNEP/CBD/COP/6/WG.I/CRP.10 on Tuesday, 16 April. The closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.14) takes note of the recommendations of the Paris Workshop on Liability and Redress and recognizes the importance of capacity building and cooperation measures. It requests the Executive Secretary to convene a legal and technical experts group to review information on and conduct further analysis of issues relating to liability and redress in the context of CBD Article 14.2, in particular clarifying and developing relevant definitions and to report to COP-7. It further requests the Executive Secretary to: consider introduction of elements addressing liability and redress related to damage to biodiversity into existing regimes; examine the appropriateness of a liability and redress regime under the CBD, including restoration and compensation; and consider preventive measures. The decision also urges international cooperation on: strengthening national capacities regarding prevention of damage to biodiversity; establishment and implementation of national regimes; and financial resources.

ECOSYSTEM APPROACH: On Monday, 15 April, Working Group I considered progress on the ecosystem approach (UNEP/CBD/COP/6/12). The EU and the Latin American and Caribbean Group (GRULAC) recommended application at national, regional and international levels. Indonesia proposed synthesizing case studies and preparing guidelines for COP-7. Switzerland suggested regional guidelines and stressed mainstreaming into policy making. Several countries 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. Delegates adopted UNEP/CBD/COP/6/WG.I/CRP.13 on Tuesday, 16 April. The closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.15) notes financial impediments to implementation of the ecosystem approach for many countries. It recognizes the need to integrate the approach in thematic and cross-sectoral programmes of the Convention and other relevant fora. It urges submission and dissemination of case studies, and requests preparation of a report by the Executive Secretary. It also convenes an experts' meeting to: compare the ecosystem approach with sustainable forest management; develop proposals for integration of the approach in other work programmes; and refine its principles. It invites provision of technical and financial resources for regional workshops to promote exchange of experiences, capacity building and awareness enhancement.

SUSTAINABLE USE AND TOURISM: On Monday, 15 April, delegates considered progress on sustainable use and tourism (UNEP/CBD/COP/6/4, 12 and 12/Add.2). Reflecting on the intersessional workshops, Cuba recommended a thematic approach and longer, multilingual meetings. Others noted the need for broader and more balanced participation and for involvement of all stakeholders. Norway and Burkina Faso suggested synthesis of workshops' results. The African Group emphasized rural tourism, a broader scope to include natural sites and elements, public awareness and private sector

involvement, and local communities' participation. India and Kenya highlighted the role of women. The Russian Federation recommended further identification of sustainable use practices and, with Argentina, supported workshops to finalize guidelines and principles before COP-7. China recommended developing guiding principles for case studies. On Tuesday, 16 April, delegates adopted UNEP/CBD/COP/6/WG.I/CRP.11 on sustainable use and UNEP/CBD/COP/6/WG.I/CRP.12 on biodiversity and tourism, the latter with an amendment proposed by Germany requesting the Executive Secretary to gather and compile case studies on guidelines for implementation for SBSTTA review before COP-9. The closing Plenary adopted the decisions without amendment.

Final Decision on Sustainable Use: The decision (UNEP/CBD/COP/6/L.16) recognizes the cross-cutting nature of sustainable use, the need for further investigation of the relationship between conservation and sustainable use, and the role of women. It welcomes the regional workshops' outcomes and requests organization of a fourth open-ended workshop to synthesize previous outcomes and develop guidelines to be considered by SBSTTA before COP-7. It invites financial support for the organization of the workshop and submission and dissemination of case studies.

Final Decision on Biodiversity and Tourism: The decision (UNEP/CBD/COP/6/L.17) recognizes the need for public awareness, education on the benefits of sustainable tourism, involvement of the private sector, and enhancement of participation of local and indigenous communities in planning and managing sustainable tourism activities. It also welcomes cooperation on an international work programme on sustainable tourism and takes note of progress in developing guidelines for activities related to sustainable tourism development and biodiversity in vulnerable terrestrial, marine and mountain ecosystems. It requests the Executive Secretary to transmit the guidelines to the World Ecotourism Summit, review the draft guidelines, and compile case studies on implementation.

INCENTIVE MEASURES: On Monday, 15 April, delegates considered a draft decision on incentive measures (UNEP/CBD/COP/6/4, 12, 12/Add.2 and 3). The EU suggested developing proposals for mitigating perverse incentives, while Argentina and Australia highlighted their removal. Norway recommended evaluating negative and positive incentives. The African Group called for work on measures for conservation of natural resources that are a basis of livelihoods. The Russian Federation highlighted work on perverse incentives for economies in transition. Delegates also underscored capacity building and use of case studies. On Tuesday, 16 April, delegates adopted UNEP/CBD/COP/6/WG.I/CRP.6. The closing Plenary adopted the decision.

Final Decision: The decision (UNEP/CBD/COP/6/L.18) recognizes the importance of incentive measures for other cross-cutting issues. Subject to their compatibility with national and international obligations, it endorses annexed proposals for their design and implementation, which contain sections on: identification of the problem; design of incentive measures; provision of capacity building and support for implementation; management, monitoring and enforcement; and selection of appropriate and complementary measures. It also endorses annexed recommendations for further cooperation, including sections on: information; involvement of stakeholders; capacity building; valuation; interlinkages between MEAs; linkages between biodiversity and macroeconomic policies; categories of incentive measures; ecosystem focus; and pilot projects/case studies/



workshops. The decision also recognizes the need for further work on both positive and perverse incentives and encourages submission and dissemination of case studies and information. It requests identification of ways and means to remove or mitigate perverse incentives.

ACCESS AND BENEFIT-SHARING: On Tuesday, 9 April, Working Group II considered progress on ABS, the draft Bonn guidelines, IPR and capacity building (UNEP/CBD/COP/6/6, 19 and 19/Add.1). GRULAC proposed convening another working group meeting to finalize the guidelines, while several countries supported their adoption. Ethiopia and the Philippines supported an internationally binding instrument on ABS, while others emphasized the voluntary nature of the guidelines and that they are not a substitute for national legislation. Regarding outstanding items, many developing countries supported further work on definitions, with some suggesting referring them back to the expert group. Switzerland proposed an appendix listing definitions, while Canada and Norway suggested definition in national legislation. On derivatives and products, several developing countries supported retaining them within the guidelines' scope, while the EU suggested their inclusion in elements for mutually agreed terms (MATs).

The IIFB proposed consideration of the guidelines by the Working Group on Article 8(j). 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. The EU suggested discussion on incentives.

On IPRs, many stressed mandatory disclosure of the country of origin in patent applications, while the EU and Norway supported voluntary disclosure. Kenya suggested further work on the impacts of IPR on indigenous and local communities.

Several countries supported observer status for the CBD within the WTO's TRIPS Council and welcomed the adoption of the ITPGRFA.

On capacity building, many supported convening a workshop. Jamaica suggested a survey of Parties' requirements and national measures. Delegates also supported full involvement of stakeholders, especially indigenous and local communities, in ABS arrangements.

A contact group was established, co-chaired by Brendan Tobin (Peru) and Alwin Kopse (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 from 10-15 April. Delegates discussed additional provisions for user responsibilities and agreed to encourage disclosure of the country of origin and of traditional knowledge in IPR applications. On derivatives and products, delegates agreed to include them in the indicative list of MATs and remove them from the provision on scope, adding a reference to benefits arising from the commercial and other utilization of genetic resources. They also agreed on references to indigenous and local communities throughout the guidelines. Delegates debated appropriate roles for the CBD and WIPO, and discussed the identity of "providers," and the process to address use of terms, without reaching agreement.

On Tuesday, 16 April, Working Group II discussed UNEP/CBD/COP/6/WG.II/CRP.6. The contact group Co-Chairs tabled a proposal containing provisions on: reconvening the Working Group on ABS to address the use of terms, continue work on other approaches and explore measures to support compliance with PIC and MATs; and

noting that nothing should affect the sovereign rights of States over their natural resources or be interpreted as affecting rights and obligations relating to genetic resources arising from the MATs under which the resources were obtained from the country of origin. With the EC suggesting that COP-7 consider reconvening a Working Group, Chair Fisher referred further discussion to a "Friends of the Chair" group, which resulted in a corrigendum to CRP.6. Among other amendments included in the corrigendum, the Working Group on ABS would additionally address capacity-building needs. Working Group II delegates applauded adoption of the document, including the Bonn Guidelines on ABS. Cameroon, on behalf of the African Group, called for developing a legally binding instrument.

The closing Plenary on Friday, 19 April, adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.19) addresses sections on: the Bonn Guidelines on ABS; other approaches, including capacity building; the role of IPR in the implementation of ABS arrangements; the relationship with TRIPS; cooperation with other relevant intergovernmental organizations; information related to ABS arrangements; and *ex situ* collections acquired prior to the CBD's entry into force and not addressed by the CGRFA.

Bonn Guidelines: In this section of the decision, the COP:

- invites governments to use the Guidelines when developing measures and contractual arrangements;
- invites financial and technical assistance;
- keeps them under review;
- reconvenes the Working Group on ABS to work on use of terms, other approaches, measures to support compliance with PIC and MATs, and capacity-building needs; and
- requests the Working Group on Article 8(j) to consider the Guidelines.

The Bonn Guidelines contain sections on:

- general provisions, including key features, use of terms, scope, relationship with relevant international regimes and objectives;
- roles and responsibilities in ABS, including national focal point, competent national authorities, and responsibilities of: Contracting Parties that are countries of origin of genetic resources, or other Parties that acquired resources in accordance with the Convention; users, in the implementation of MATs; providers; and Contracting Parties having users in their jurisdiction, taking measures to support compliance with PIC and MATs;
- participation of stakeholders;
- steps in the ABS process, including: an overall strategy; identification of steps; PIC, containing competent authorities, timing and deadlines, specification of use, procedures for obtaining PIC and process; MATs, containing basic requirements and an indicative list of typical MATs; and benefit-sharing, mentioning types, timing and distribution of benefits and mechanisms for benefit-sharing; and
- other provisions, including incentives, accountability in implementing ABS arrangements, national monitoring and reporting, means for verification, dispute settlement and remedies.

Appendix I suggests elements for material transfer agreements, while Appendix II outlines monetary and non-monetary benefits.

Other Approaches, including Capacity Building: In this section of the decision on capacity building, the COP decides to:



- convene an expert workshop on ABS capacity building and requests preparation of a report on national priorities and existing activities;
- welcome the UNEP complementary initiative;
- invite the financial mechanism to support the action plan's implementation; and
- request establishing a roster of experts on ABS.

The annexed draft elements for an action plan for ABS capacity building include: objective, key areas, processes, means for implementation, and coordination.

In the section on other approaches, the COP recognizes that other approaches could be considered to complement the Guidelines and requests compiling relevant information.

Role of IPRs: In this section of the decision, the COP:

- invites Governments to encourage disclosure of the country of origin of genetic resources or traditional knowledge in IPR applications, where the subject matter of the application concerns or makes use of either of them in its development;
- requests information gathering and analysis on the role of customary laws and practices, and the feasibility of an internationally recognized certificate of origin as evidence of PIC and MAT;
- requests information on national mechanisms for obtaining PIC of indigenous and local communities;
- invites WIPO to prepare a technical study on methods for requiring disclosure of genetic resources, the country of origin, traditional knowledge and its source, and evidence of PIC; and
- encourages participation of indigenous and local communities.

Other Items: Regarding the section on the relationship with TRIPS, the COP requests the CBD Executive Secretary to renew the application for observer status in the TRIPS Council. The COP acknowledges cooperation with relevant intergovernmental organizations, stressing the role of the ITPGRFA. It also requests information and case studies on ABS arrangements.

ARTICLE 8(j): On Monday, 15 April, Working Group II discussed the Report of the *Ad Hoc* Open-ended Intersessional Working Group on Article 8(j) and Related Provisions (UNEP/CBD/COP/6/7). The IIFB, supported by others, called for recognition of universal indigenous rights, including land rights, PIC, participation and protection of IPR according to indigenous laws. France noted the special nature of indigenous rights arising from prior occupation. Delegates called for effective indigenous participation in decision-making. Many supported the outline of the composite report and prioritized work on *sui generis* systems. Several delegations stressed clarifying the relation between the Working Groups on Article 8(j) and ABS, with Switzerland calling for consideration of the Bonn guidelines by the Article 8(j) Working Group.

On PIC of indigenous and local communities, a number of countries opposed its inclusion, and others insisted on retaining unconditional PIC. On Wednesday, 17 April, delegates considered UNEP/CBD/COP/6/WG.II/CRP.9. It was amended after several countries proposed that: where a national legal regime requires consultation or PIC, the assessment process should consider whether such consultation has taken place or PIC has been obtained. Many opposed the proposal. Some countries supported developing registries of traditional knowledge with many expressing concerns and calling instead for disclosure of origin. Delegates agreed to examine the feasibility of establishing mechanisms to protect traditional knowledge.

On Thursday, 18 April, delegates considered UNEP/CBD/COP/6/WG.II/CRP.9/Rev.1, and agreed to replace the concept of compensation with benefit-sharing to ensure consistency with the Convention and to add reference to small indigenous groups into the outline of the composite report. Delegates agreed to urge examination of relevant CBD provisions with respect to PIC and MATs where traditional knowledge is used. On PIC, Canada proposed withdrawing reference to consultation and only including PIC where subject to the national regime. The draft decision was accepted and on Friday, 19 April, adopted by the closing Plenary.

Final Decision: The decision (UNEP/CBD/COP/6/L.25) requests the Executive Secretary to:

- develop a report on the integration of Article 8(j) and related provisions into the CBD's thematic programmes;
- review implementation of the work programme on Article 8(j); and
- conduct the first phase of the composite report for consideration at the third meeting of the Working Group on Article 8(j).

It requests the Working Group on Article 8(j) to further work on guidelines for cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites, and on lands and waters traditionally occupied or used by indigenous and local communities based on the recommendations adopted as an annex to the decision. The Working Group is also asked to address *sui generis* systems for the protection of traditional knowledge and the equitable sharing of benefits arising from its utilization, while also inviting WIPO to consider IPR mechanisms to protect traditional knowledge.

The decision also calls for funding, improved communication and capacity building for participation of indigenous and local communities through the establishment of a thematic focal point in the CHM, and cooperation with other environmental conventions, the Permanent Forum on Indigenous Issues, WIPO, GEF and other relevant organizations. The Decision contains annexes on the outline of the composite report and recommendations for impact assessments.

MECHANISMS FOR IMPLEMENTATION

STRATEGIC PLAN: On Wednesday, 10 April, delegates considered a draft strategic plan (UNEP/CBD/COP/6/5, 5/Add.1 and Add.3). Delegates emphasized the need for a clear framework focusing on action-oriented priorities and national implementation, with many highlighting NBSAPs. The EU and the Seychelles expressed concerns over lack of a strategic focus. Delegates also highlighted ABS, the ecosystem approach, human health, food security and tropical forests. GRULAC and the Like-Minded Megadiverse Countries opposed adding new themes before implementing those currently on the agenda. The African Group and Poland stressed stakeholder participation, and several developing countries stressed the need for financial resources. Chair Fisher established a contact group to address outstanding issues and a process to develop an action plan for implementation.

On Thursday, 11 April, the contact group, chaired by David Brackett (Canada) and Mary Fosi Mbatankhu (Cameroon), gathered suggestions on the structure and consolidation of the strategic plan, with one group suggesting an ambitious vision and others preferring an operational and realistic plan. The Co-Chairs generated a draft text for discussions. On Friday, 12 April, the contact group agreed on the chapeau, but encountered difficulties in defining the mission. On



Monday, 15 April, delegates fine-tuned language under strategic goals and objectives, particularly the CBD's leadership role and capacity for implementation. On Tuesday, 16 April, a "Friends of the Chair" group met to review outstanding strategic goals and objectives. The contact group considered a revised draft in the afternoon, including: goals and objectives on NBSAPs as a framework for CBD implementation and improving understanding of the CBD; and the section on review.

On Wednesday, 17 April, Working Group II addressed UNEP/CBD/COP/6/WG.II/CRP.7. Co-Chair Brackett highlighted a pending issue regarding the review of implementation. Many delegates supported inserting language into the COP decision requesting the Executive Secretary to develop a proposal for future evaluation of implementation progress at an intersessional meeting. Argentina, Australia, Brazil and Chile opposed the text. Delegates agreed to request the Executive Secretary to provide information at an intersessional meeting for consideration of the future evaluation of progress in the implementation of the Convention and the strategic plan. With other amendments, Working Group II adopted the strategic plan.

On Friday, 19 April, the closing Plenary adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.21) adopts the Strategic Plan; urges States to review their activities, especially NBSAPs, in light of the Strategic Plan; and requests the Executive Secretary to provide information for an intersessional meeting to consider future evaluation of progress in implementation. An annex contains the Strategic Plan, which includes sections on the issue, mission, strategic goals and objectives, and review.

The Plan's mission is to achieve a significant reduction of the current rate of biodiversity loss. Strategic goals, each of which includes a number of particular objectives, include: a leadership role for the CBD on international biodiversity issues; improved financial, human, scientific, technical and technological capacity of Parties for implementation; NBSAPs and integration of biodiversity into relevant sectors as an effective framework for implementing the CBD's objectives; and better understanding of the importance of biodiversity and the CBD, and broader social engagement in implementation. The section on review notes that the Plan will be implemented through the CBD's work programmes, NBSAPs and other activities, and that better methods should be developed to evaluate progress in implementation. The Plan also includes an appendix listing obstacles to the CBD's implementation in areas of: political/societal obstacles; institutional, technical and capacity-related obstacles; lack of accessible knowledge/information; economic policy and financial resources; collaboration/cooperation; legal/juridical impediments; socio-economic factors; and natural phenomena and environmental change.

NATIONAL REPORTS: On Wednesday, 10 April, Working Group II discussed national reporting (UNEP/CBD/COP/6/5, 5/Add.3 and Add.5). Several countries noted the small number of reports submitted, with some noting the need for timely financial and technical support. Some countries asked that Parties provide reasons for not meeting reporting requirements. The African Group stressed the need to enhance national focal points' capacity. The Asia and Pacific Group supported requesting information on NBSAPs and their implementation. Delegates discussed the value of harmonizing and simplifying versus obtaining specific data. Delegates proposed adding stakeholder participation, and including indicators. New Zealand said

reports should support SBSTTA's preparatory work. The IIFB supported reporting requirements on measures to protect traditional knowledge.

On Monday, 15 April, delegates considered UNEP/CBD/COP/6/WG.II/CRP.1. They debated delaying submissions of reports on mountain ecosystems and agreed that the COP and SBSTTA Bureaus would consider the matter. The EU requested that the Executive Secretary, not the technical expert group, conduct work on the third national report's format. With these and other amendments, Working Group II approved the draft decision. The decision was adopted in the closing plenary on Friday 19 April, without comment.

Final Decision: The decision (UNEP/CBD/COP/6/L.10) urges Parties to submit outstanding reports and thematic reports for mountain ecosystems, protected areas, technology transfer and technology cooperation, according to specific draft formats provided in an annex. It requests the Executive Secretary to analyze the received reports and the reasons why others were not received, prepare a draft format for the third national reports, and with the GEF to look for financial resources for developing countries experiencing difficulties in meeting their reporting requirements. It also welcomes the publication of the Global Biodiversity Outlook requesting a second edition in 2004, and UNEP's initiative to harmonize environmental reporting.

IMPLEMENTATION OF THE CONVENTION: On Wednesday, 10 April, Working Group II discussed the draft decision on implementation of the Convention (UNEP/CBD/COP/6/5). Peru supported a legal group to review retirement of COP decisions, while others proposed review by the CBD Secretariat. Regarding implementation, countries proposed examining the private sector's impacts and role and identifying obstacles. Several developing countries emphasized the need for adequate financial and technical assistance. The African Group proposed support for developing country NGOs and two delegates per government at CBD meetings. New Zealand endorsed financial support for CBD and SBSTTA Bureau members from developing countries and requested reference to regional strategies.

On 15-16 April, delegates discussed UNEP/CBD/COP/6/WG.II/CRP.2 and /Rev.1. On a reference to establish a monitoring system for CBD implementation, they decided to wait for the outcome of deliberations on the strategic plan. They also discussed establishing an NGO liaison unit or focal point in the Secretariat. On Wednesday, 17 April, delegates considered UNEP/CBD/COP/6/WG.II/CRP.2/Rev.2. Delegates decided to repeat agreed language from the strategic plan stating that the Executive Secretary would provide information at an intersessional meeting. With these and other minor amendments, delegates adopted the document.

In the closing Plenary on Friday, 19 April, the decision was adopted without major amendments.

Final Decision: The decision (UNEP/CBD/COP/6/L.22) stresses the importance of NBSAPs and urges their adoption, revision, implementation, prioritization of certain actions, and consideration of the needs of indigenous and local communities. It encourages donors to support these initiatives and asks the GEF to develop a strategic approach to capacity building. Regarding operations of the Convention, the COP decides to review the status of implementation of COP decisions and retires a number of decisions included in a table in the decision. The decision requests the Executive Secretary to review SBSTTA recommendations to improve the quality of its advice for COP-7's assessment, and to retire rosters of experts on completed



tasks. The decision also calls for a report on the potential of existing regional and subregional instruments and invites governments and other organizations to strengthen their support and coordination. On participation of developing countries, the decision: recognizes the need to support COP and SBSTTA Bureau members; requests the Executive Secretary to identify potential support for NGO participation; and decides to consider support for participation of two delegates per developing country Party at COP-7.

MULTI-YEAR PROGRAMME OF WORK: On Thursday, 18 April, Working Group II addressed the multi-year work programme up to 2010 (UNEP/CBD/COP/6/5/Add.2/Rev.1). The EU and Mexico highlighted the need for conformity between the work programme and the strategic plan. Many developing countries proposed addressing the work programme at COP-7, whereas some developed countries supported discussion at COP-6. GRULAC did not support proposed activities for COP-8, 9 and 10, highlighting the need to address implementation of existing items first. Mexico and others supported an intersessional meeting to discuss the work programme prior to COP-7. Chair Fisher then convened a "Friends of the Chair" group to consider a process to determine the future programme of work.

On the evening of Thursday, 18 April, Working Group II considered UNEP/CBD/COP/6/WG.II/CRP.12 arising from the "Friends of the Chair" group's discussions, which: requests the Executive Secretary to prepare a multi-year programme, taking into account the strategic plan and submissions from Parties; and decides to hold an intersessional meeting to consider the item. Delegates then adopted the draft decision.

The closing Plenary on Friday, 19 April, adopted the decision without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.29) requests the Executive Secretary, taking into account the Strategic Plan and input from the SBSTTA Bureau, to prepare a multi-year work programme for the COP up to 2010. It requests Parties to submit input, and decides to hold an open-ended intersessional meeting in conjunction with SBSTTA-8 to consider the work programme.

FINANCIAL RESOURCES AND MECHANISM: On Thursday, 11 April, Working Group II considered draft decisions on financial resources and mechanism (UNEP/CBD/COP/6/9, 9/Add.1, 13, 13/Add.1 and 14). Regarding additional resources, numerous countries proposed identifying other sources of funding, including bilateral and multilateral funds and the private sector.

Several countries noted difficulties in accessing GEF funds and stressed funding for capacity building, national reports, and implementation of NBSAPs and the Biosafety Protocol. Delegates also highlighted the special needs of SIDS and countries affected by war. Several countries stressed the need to address debt and poverty alleviation. The EU and Switzerland supported work on financial incentives. Switzerland also suggested developing a global initiative on banking and biodiversity.

On Tuesday and Wednesday, 16-17 April, a contact group co-chaired by Linda Brown (UK) and Desh Deepak Verma (India) discussed Chair's texts on additional financial resources and the financial mechanism. Concerning additional financial resources, delegates agreed to review national budgets and monetary policies in relation to biodiversity conservation and sustainable use. Delegates agreed to request the Executive Secretary to explore developing a global initiative on banking and biodiversity; gather information regarding conservation trust funds and negative impacts of external debt; address donor

coordination; and follow up on WSSD outcomes relevant to additional financial resources. Delegates agreed to address funding modalities for the preparation of national and thematic reports in the decision on the financial mechanism, and to reference positive incentives and their performance, as well as perverse incentives and ways and means for their removal or mitigation.

On Thursday, 18 April, Working Group II adopted UNEP/CBD/COP/6/WG.II/CRP.10 on additional financial resources. Delegates met in the contact group to discuss outstanding issues on the financial mechanism. They also discussed the status of countries with economies in transition, which, according to CBD Articles 20 (Financial Resources) and 21 (Financial Mechanism) are not entitled to financial resources. Related reference remained bracketed after Working Group II's adoption of UNEP/CBD/COP/6/WG.II/CRP.11/Rev.1.

The closing Plenary adopted the decision on additional financial resources with no amendments. On the financial mechanism, language was added to accommodate the concerns of countries with economies in transition, welcoming the continuation of GEF's efforts in providing financial resources to those Parties. The document was adopted with this amendment.

Final Decision on Additional Financial Resources: The decision (UNEP/CBD/COP/6/L.24) supports the third replenishment of the GEF. It invites governments to:

- share experiences on financial measures for supporting NBSAPs;
- review national budgets to promote biodiversity conservation and sustainable use;
- integrate biodiversity considerations in international development initiatives;
- request the GEF to promote co-financing; and
- encourage the OECD to provide financial flow statistics.

The decision also requests the Executive Secretary to: promote synergies in financing for biodiversity, make available funding information through the CHM, explore development of a global initiative on banking and biodiversity, follow up on the WSSD's outcomes and compile information on the impacts of external debt.

Final Decision on the Financial Mechanism: The decision (UNEP/CBD/COP/6/L.28) welcomes the GEF's efforts to assist Parties with economies in transition, and requests balance between national and regional projects, particularly for SIDS. It also provides additional guidance to the GEF for:

- elaboration of NBSAPs and preparation of national reports;
- capacity building for biosafety, taxonomy, participation in development of the report on the state of world's animal genetic resources, and mechanisms to protect traditional knowledge;
- implementation of: the GSPC; work programmes on forest biodiversity, inland water ecosystems and incentive measures; the action plan for the International Pollinators Initiative; invasive alien species strategies and action plans; and the action plan on capacity building for ABS;
- the impacts of destruction of coral reefs; and
- the prioritization of the Global Initiative on Communication, Education and Public Awareness.

SCIENTIFIC AND TECHNICAL COOPERATION AND THE CHM: On Thursday, 11 April, Working Group II considered a draft decision on mechanisms for implementation (UNEP/CBD/COP/6/13). Delegates supported establishing or strengthening national and regional focal points for the CHM. They stressed the need for training,



including developing a CHM toolkit and guidelines to assist national focal points. Canada, with the IIFB, called for development of communication means for indigenous communities.

On Friday, 12 April, delegates discussed UNEP/CBD/COP/6/WG.II/CRP.3. Brazil opposed text on a CHM focal point for indigenous and local communities, while Morocco, with Canada, proposed adding collaboration with national focal points, and Brazil opposed the provision. Canada also suggested reference to information-sharing formats, protocols and standards on ethical issues relating to traditional knowledge. On Monday, 15 April, delegates discussed UNEP/CBD/COP/6/WG.II/CRP.3/Rev.1, including revised language on communication networks for use by indigenous and local communities. Following consultations, agreed text incorporates both existing networks and focal points, and states that these networks should not be used to exchange or disclose traditional knowledge. The draft decision was adopted with these amendments.

The closing Plenary on Friday, 19 April, adopted the decision without amendments.

Final Decision: The decision (UNEP/CBD/COP/6/L.6) invites Parties to use the CHM's central portal to establish or strengthen national, subregional or regional focal points. It calls upon the Executive Secretary to: commission a review to assess the CHM's role in promoting cooperation; update and further develop the CHM toolkit; convene additional capacity-building workshops; and assist in the development of communication networks for the use by indigenous and local communities.

EDUCATION AND PUBLIC AWARENESS: On Thursday, 11 April, Working Group II considered the Global Initiative on Education and Public Awareness (UNEP/CBD/COP/6/13/Add.2). Several delegates noted links with CBD implementation and the need for technical capacity, demonstration projects, and use of existing initiatives such as those of IUCN, UNEP and UNESCO. Delegates also stressed involving local NGOs, using local languages and targeting various audiences. Numerous countries requested alternatives to Internet communication.

On Wednesday, 17 April, delegates accepted UNEP/CBD/COP/6/WG.II/CRP.8, adding a funding provision to the programme element on capacity building, as suggested by Norway. The closing Plenary, on Friday, 19 April, adopted the decision without amendment.

Final Decision: The document (UNEP/CBD/COP/6/L.20) contains a decision and an annexed work programme for the Global Initiative on Communication, Education and Public Awareness. The decision requests governments to support activities prioritized by the Initiative. It requests the Executive Secretary to:

- report on the Initiative's implementation;
- review the dimensions of communication, education and public awareness in cross-cutting and thematic areas;
- promote demonstration projects and case studies;
- develop a communication strategy for the Secretariat and partnerships for publication exchange;
- establish liaison with schools of environmental education;
- make publications available in the UN languages; and
- promote their translation in the languages of indigenous and local communities.

It also invites:

- UNEP and the World Bank to reflect the Initiative in their funding policies and, with GEF, to include expertise on communication, education and public awareness in project evaluation;

- the private sector to mobilize resources for the Initiative;
- UNEP to promote activities and capacity building for communication, education and public awareness, and to develop international mechanisms for access to information, environmental justice and public participation;
- UNESCO to develop a plan to integrate biodiversity to formal education; and
- indigenous, community and non-governmental organizations to include for communication, education and public awareness in their activities.

The work programme contains three elements aiming at: establishing a global network for communication, education and public awareness; enhancing exchange of knowledge and expertise among professionals; and building capacity for communication, education and public awareness. All elements propose actions and reference beneficiaries, expected results, lead organizations, partners, a time frame and a budget provision.

COOPERATION

COOPERATION WITH OTHER CONVENTIONS, INTERNATIONAL ORGANIZATIONS AND INITIATIVES: On Friday, 12 April, Working Group II addressed cooperation with other bodies (UNEP/CBD/COP/6/15). Delegates generally supported the joint work programmes with the CMS and Ramsar Convention. Many delegates called for increased collaboration with the UNCCD, UNFCCC and CITES, and supported joint workshops and UNEP activities on streamlining reporting. Defenders of Wildlife recommended inviting the UNFCCC to consider CBD work on forests and invasive alien species. Several countries highlighted CBD observer status in relevant WTO bodies, and some suggested a memorandum of understanding with WIPO. New Zealand stressed collaboration with the IPPC.

On 15-16 April, Working Group II discussed UNEP/CBD/COP/6/WG.II/CRP.4. Delegates debated language on consistency between the Biosafety Protocol and the WTO's Agreements on the Application of Sanitary and Phytosanitary Measures (SPS) and Technical Barriers to Trade (TBT). The issue was referred to informal consultations. Delegates also discussed: WIPO's role on matters related to IPR and genetic resources; the joint liaison group between the CBD, UNCCD and UNFCCC; cooperation with the UN Permanent Forum on Indigenous Issues; and regional initiatives.

On Wednesday, 17 April, delegates considered UNEP/CBD/COP/6/WG.II/CRP.4/Rev.1, and added a provision on CITES, and preambular language on cooperation with conventions and organizations referenced in other COP-6 decisions. On reference to the Biosafety Protocol and WTO agreements, delegates agreed to emphasize the need for mutual supportiveness. Delegates also clarified references to WIPO and IPR issues arising from ABS and Article 8(j), and adopted the draft decision.

The decision was adopted in the closing Plenary on Friday, 19 April, without amendment.

Final Decision: The decision (UNEP/CBD/COP/6/L.23) recognizes the need for cooperation with the FAO, UNFF and the UN Permanent Forum for Indigenous Issues; urges Parties to harmonize national policies and programmes among MEAs and regional initiatives; requests SBSTTA and the Executive Secretary to cooperate with the UNFCCC and its subsidiary bodies; and recognizes the need to address impacts of climate change on coral reefs and associated socioeconomic effects. It welcomes the joint liaison group among the CBD,



UNCCD and UNFCCC Secretariats, and endorses the third joint work plan with the Ramsar Convention and calls for cooperation with CITES and the IPPC. It also endorses the joint work programme with the CMS and invites the Executive Secretary to develop guidance on integrating migratory species into NBSAPs and future work programmes.

Regarding the WTO, the decision recognizes the need to ensure mutual supportiveness between the Biosafety Protocol and the WTO's SPS and TBT Agreements, and requests the Executive Secretary to apply for observer status in the TRIPS Council and WTO's SPS and TBT Committees. It invites WIPO to address IPR in the implementation of ABS arrangements and encourages development of a memorandum of understanding.

CONTRIBUTION TO THE TEN-YEAR REVIEW OF

AGENDA 21: On Friday, 12 April, Working Group II considered the ten-year review of Agenda 21 (UNEP/CBD/COP/6/15). Many called for a single and consistent message to the WSSD, and for aligning the COP Statement with the Ministerial Declaration and the strategic plan. The EU supported including concrete action-oriented proposals to generate political will for CBD implementation. Many stressed the need to address the role of conservation and sustainable use in poverty alleviation. Delegates highlighted the WSSD as an opportunity to renew political commitments referencing: capacity building; technology transfer; financial assistance; traditional knowledge; sustainable use; and equitable benefit-sharing. Peru proposed emphasis on integrating biodiversity considerations into all economic and social sectors, and the private sector's importance. Countries said biodiversity should be a cross-cutting issue in national development and impact assessments, and prioritized the ecosystem approach, the precautionary principle and increased recognition of MEAs in the WTO system.

On Thursday, 18 April, Working Group II considered UNEP/CBD/COP/6/WG.II/CRP.5/Rev.1, with the EU proposing to call the annex a "contribution" instead of a "statement" to the WSSD. Delegates adopted the draft decision and agreed to forward it as an annex to the Ministerial Declaration to the WSSD. The decision was adopted at the final plenary on Friday, 19 April, without amendment.

Draft Decision: The decision (UNEP/CBD/COP/6/L.30) calls for the CBD's active participation in the WSSD to ensure the consideration of the CBD's objectives. It encourages governments to promote partnership initiatives and involve CBD national focal points in WSSD processes. It also requests the COP President to analyze the WSSD's outcome and report to COP-7.

COP-6's contribution to the WSSD is annexed to the decision. It contains sections on:

- an introduction on the CBD and Agenda 21, referencing increased threats to and loss of biodiversity, and the CBD's objective;
- experience gained and lessons learned in CBD implementation, regarding the Cartagena Protocol, NBSAPs and involvement of indigenous and local communities; and
- ideas and proposals for the further implementation of Agenda 21, through biodiversity conservation, cooperation, mainstreaming of biodiversity objectives, and public education and awareness-raising.

BUDGET FOR THE 2003-2004 WORK PROGRAMME

On Monday, 8 April, the Secretariat introduced the administration and the budget for the work programme for 2003-2004 (UNEP/CBD/COP/6/10, 16, 16/Corr.1 and 16/Add.1). Noting financial constraints on Convention activities, President Faber formed a contact group chaired by Amb. John Ashe (Antigua and Barbuda). The group met three times over the course of COP-6, deciding that the Secretariat's proposed budgetary increase of 40% was too high. Of particular concern to the budget group's discussions, was the allocation of funding for specific intersessional meetings.

On Friday, 19 April, the closing Plenary approved language noting the offer of Botanic Gardens Conservation International to second a staff member to the Secretariat for the GSPC. The Plenary recorded comments by Argentina, Brazil and the Russian Federation on issues regarding country contributions. With some discussion, New Zealand, with Brazil, recorded concerns about lack of financing for developing country SBSTTA Bureau members and problematic aspects of budgetary discussions. The budget was then adopted. UNEP Executive Director Klaus Töpfer noted later a contribution of US\$40,000 from UNEP to support SBSTTA Bureau activities.

Final Decision: The decision (UNEP/CBD/COP/6/L.34) approves budgets of US\$10,742,500 for 2003, and US\$11,214,300 for 2004. The Special Voluntary Trust Fund (BE) for additional voluntary contributions in support of approved activities is US\$4,186,800 for 2003, and US\$2,366,900 for 2004. The Special Voluntary Trust Fund (BA) for facilitating participation of Parties in the Convention process is US\$3,148,200 for 2003, and US\$2,391,100 for 2004. It approves a total of 62 staff positions for the Secretariat. The decision also welcomes Canada's annual contribution of US\$1,000,000.

PREPARATIONS FOR COP-7

On Friday, 19 April, Working Group I discussed preparations for COP-7 (UNEP/CBD/COP/6/2). The US encouraged use of work by other intergovernmental and non-governmental organizations. Delegates welcomed Malaysia's proposal to host the meeting. Working Group I Chair Schei urged Parties to provide funding for the proposed *ad hoc* expert groups. In the closing Plenary on Friday, 19 April, delegates adopted a decision without amendment.

Final Decisions: The decision (UNEP/CBD/COP/6/L.26) invites governments to provide financial support for expert groups on mountain biodiversity, protected areas and technology transfer, and encourages the Executive Secretary to collaborate with the fifth World Congress on Protected Areas and other relevant organizations. A separate decision (UNEP/CBD/COP/6/L.35) welcomes the offer of Malaysia to host COP-7 in Kuala Lumpur in the first quarter of 2004.

MINISTERIAL ROUND TABLE

On 17-18 April, approximately 130 ministers and heads of delegations attended the Ministerial Round Table. Opening statements were given by Wim Kok, Prime Minister of the Netherlands, two representatives from the Youth Conference, COP-6 President Faber and CBD Executive Secretary Zedan. Ministers then commented on the draft Ministerial Declaration. Highlighting the CBD's role for achieving sustainable development and the need for a strong commitment, they agreed on sending a clear message to the WSSD through a concise and focused Declaration. Interventions addressed:

- the link between poverty alleviation, biodiversity conservation and sustainable use;
- causes of environmental degradation;



- integration of biodiversity considerations into all policies and support for CBD observer status in the WTO;
- a possible 2010 year-target to stop and reverse biodiversity loss, with developing countries and SIDS emphasizing their specific needs;
- ratification of the Biosafety Protocol and the ITPGRFA;
- environmental ethics;
- identification of responsibilities and sharing of costs of biodiversity loss;
- technical and technological transfer, and capacity building;
- international environmental governance, including synergies with the UNFF, UNCCD and UNFCCC;
- the GEF's replenishment and additional financial resources for developing countries and countries with economies in transition;
- education, awareness raising and public participation, including that of indigenous people, youth and women; and
- a possible international legal instrument on ABS.

Ministers also debated outstanding forest issues. They emphasized an action-oriented forest work programme, and discussed specific targets and mechanisms for implementation and monitoring, reference to illegal logging and trade, capacity building for law enforcement, holistic forest management, and evaluation of non-timber forest services. They also debated prioritization of certain forest types. President Faber convened a "Friends of the Chair" group to draft a paragraph on forests for the Ministerial Declaration and consider giving political guidance to the contact group on forests. The revised Ministerial Declaration was adopted on Thursday, 18 April. UNEP Executive Director Klaus Töpfer characterized the broad Ministerial participation in the High Level Segment as a breakthrough for the CBD, placing it on equal footing with the UNFCCC.

In the closing Plenary on Friday, 19 April, Indonesia highlighted absence of targets in the decision on forests and, supported by others, recommended deleting text in the Declaration on a 2010 target to put in place measures to halt biodiversity loss. President Faber noted the impossibility for the COP to amend the Ministerial Declaration, saying that concerns would be reflected in the report of the meeting.

The Declaration will be transmitted to the WSSD.

Final Ministerial Declaration: The Declaration (UNEP/CBD/COP/6/L.33):

- acknowledges the importance of biodiversity for humans' well being;
- notes a shift from policy development to implementation, the equal footing of the CBD's objectives, and the link between biodiversity and sustainable development;
- recognizes the need for timetables, review mechanisms and targets, including a year 2010 target for adoption of measures to halt biodiversity loss;
- underlines actions based on ethics;
- urges synergies with biodiversity-related conventions;
- reconfirms commitment to halt deforestation and unsustainable use of forest-related resources and to implement the expanded forest work programme; and
- resolves to develop and implement mechanisms for equitable benefit sharing and to organize youth and other stakeholders meetings.

It also calls upon the WSSD to:

- reaffirm CBD's primacy for biodiversity-related issues;

- recognize linkages between biodiversity and other policy fields;
- urge States to ratify and implement the CBD, the Biosafety Protocol and other biodiversity-related international instruments;
- welcome the Monterrey Consensus;
- urge developed countries to increase financial efforts;
- reaffirm the need for capacity building, transfer of technology and financial resources, and protection of traditional knowledge and communities' rights;
- create and strengthen partnerships at all levels and with relevant partners; and
- enable stakeholders to contribute to the implementation of the CBD, in particular youth, women and local communities.

MULTI-STAKEHOLDER DIALOGUE

On Thursday, 18 April, President Faber and María José López (Sobrevivencia) co-chaired the multi-stakeholder dialogue. The morning session considered involvement of women in conservation and sustainable use, and, in the afternoon, benefit-sharing. On women and biodiversity, Lorena Aquilar, IUCN, gave a presentation on mainstreaming gender and environment on the institutional, political and field levels. Representatives from the Youth Conference called for legal measures to ensure equitable benefit-sharing. Three delegates, one NGO representative, an indigenous representative and several youth offered comments. Speakers emphasized: environmental impacts of globalization; involvement of women, youth, and all cultures; financing for women's participation in meetings; the need for responsible, community-driven resource use; access to education to ensure women's participation; and the impacts of detrimental forest activities.

Given agenda changes with the continuation of the forest contact group, the Ministerial Round Table and working groups, the dialogue was only able to reconvene in the late afternoon for a brief period of time. Regarding benefit-sharing, the keynote speaker, Nobel Peace Prize Laureate Rigoberta Menchu Tum, declined to read her statement, objecting to lack of time and the absence of a true dialogue. Five NGOs spoke, highlighting: the roles of indigenous peoples and local communities in maintaining seed and crop diversity; and deficiencies in the Bonn guidelines, including a failure to define indigenous and farmers' rights. One NGO said Parties had been favoring nationalism over the environment, while another contrasted action at the local level with the CBD's slow pace in addressing environmental destruction. President Faber thanked participants, lamented the inadequate time for discussion and closed the meeting.

CLOSING PLENARY

On Friday afternoon, 19 April, President Faber opened the closing Plenary session. Ilona Jepsen (Latvia) delivered the report on credentials, noting that 152 delegations, including 146 Parties had submitted credentials, of which 127 were in good order. Working Group I Chair Schei and Working Group II Chair Fisher reported on progress and outcomes of their working groups.

President Faber then introduced the decisions for adoption. Most were accepted without amendments. Delegates addressed the relation of the Ministerial Declaration's 2010 target on halting biodiversity loss and the forest decision and an objection raised by Australia to elements of the guiding principles for alien species that threaten ecosystems, habitats and species (see relevant discussions in the topical summaries). The latter issue resulted in adjournment of the Plenary for



informal consultations and raised significant questions about the COP's decision-making procedures regarding adoption of decisions by consensus.

Under other matters, the COP adopted decision on a tribute to the Government and people of the Netherlands for their hospitality (UNEP/CBD/COP/6/L.36). Malaysia confirmed its offer to host COP-7 in Kuala Lumpur in the first quarter of 2004. President Faber suggested that holding high level segments and multi-stakeholder dialogues during COP meetings become a tradition. Rapporteur Esko Jaakola (Finland) introduced the COP-6 draft report (UNEP/CBD/COP/6/L.1 and L.1/Add.1). Delegates adopted it without amendments.

Kenya, on behalf of the African Group, Malaysia, on behalf of the Asia and Pacific Group, Slovenia, on behalf of the Central and Eastern Europe Group, Spain, on behalf of the EU, and Brazil, on behalf of GRULAC, highlighted the meeting's successes and shortcomings and thanked President Faber, the Secretariat, Chairs, conference staff, interpreters and the host government.

The IIFB reaffirmed the rights of indigenous peoples to self-determination and participation, stressing that adoption of guidelines that subordinate PIC to national legislation is contrary to existing and emerging international law regarding indigenous peoples. The NGO Caucus stated that COP-6 failed to achieve any substantive agreements to take any action to preserve biodiversity, and stressed the need for binding commitments on ABS and alien invasive species. Greenpeace International said the meeting failed to take measures to address destruction of ancient forests and provided Brazil with the Golden Chainsaw Award for being the biggest impediment to the forest work programme. In response, Brazil noted that she would convey such concerns to her capital, while highlighting positive NGO contributions from the Instituto Socio-Ambiental, the IIFB and the Lawyers Environment Action Team.

Paul Chabeda, on behalf of UNEP Executive Director Klaus Töpfer, stated that the meeting was a success with its finalization of such a complex agenda, and emphasized decisions reflecting mutually supportive partnerships and cooperation with a number of MEAs. CBD Executive Secretary Hamdallah Zedan stated that the process had taken a hard look at difficult issues, and expressed optimism about future discussions.

President Faber noted record-level participation at COP-6 and highlighted the meeting as a shift from dialogue to action. After thanking all participants and staff, Faber gavelled the meeting to a close at 11:50 pm.

A BRIEF ANALYSIS OF COP-6

As COP-6 President Faber noted in her opening remarks, the CBD is at a fundamental crossroads in moving from policy development to implementation. Such a shift from words to actions is necessary to validate the Convention ten years after its inception, as well as to validate its future. However, COP-6 revealed the difficulties in making this shift, given the tension between developing global priorities and targets to stem biodiversity loss, while preserving national sovereignty over such efforts. Additionally, the short-term focus on developing a message to the World Summit on Sustainable Development (WSSD) contrasted with the Strategic Plan's long-term perspective, and raised questions about whether and how the COP should monitor and review its own progress. This brief analysis will examine these issues by focusing on difficulties faced in negotiations on the strategic plan,

forests, access and benefit-sharing and Article 8(j). Then, after a discussion of the implications of the closing Plenary's heated debate over the decision-making process on invasive alien species, this analysis will close by addressing the next steps for the CBD.

THE WSSD AND THE STRATEGIC PLAN

With the WSSD rapidly approaching, the need to identify and confirm the CBD's progress over the past ten years was an undercurrent to the meeting. Discussions on the message to the WSSD, as well as deliberations in the Ministerial Round Table, highlighted the need to send a strong message to Johannesburg, with many making the comparison of building the CBD's international stature to that of the UNFCCC. Regarding the Strategic Plan, participants who had hoped for a visionary plan to motivate the public and those implementing the CBD, expressed disappointment with a mission statement that merely addresses reducing the rate of loss and a number of objectives that are arguably normative reiterations of existing obligations.

Fundamental questions about accountability also were highlighted since the plan does not include concrete indicators or targets, or an immediate review process. In this regard, many praised the GSPC as a potential model for setting global targets to be matched by options for national action. While concerns were raised about which countries might bear the largest burden while still lacking the necessary resources, the GSPC approach could serve as a precedent for future discussions and a key tool for moving towards implementation. Finally, some delegates noted that, despite its immediate shortcomings, the Strategic Plan may provide a means to focus an increasingly unmanageable CBD process, not across thematic and cross-cutting work programmes, but through the identification and implementation of specific priorities set out in NBSAPs.

FOREST BIODIVERSITY

Under the major ecosystem theme, forest biodiversity, delegates had a mandate from COP-5 to develop an expanded and more action-oriented work programme. While most initially viewed the early success of accepting the dense and detailed SBSTTA work programme as the major hurdle, the subsequent protracted debates over priorities and process were a telling indication that substance on its own has limited value. Similar to discussions on the GSPC, the debate over priority-setting at the national vs. international level illustrated the difficulty of balancing global priorities with the sovereign prerogatives of forest-rich countries. Additionally, heated debates over whether or not to have an expert group raised questions about the necessary mechanisms for operationalizing the work programme.

Discussions within the contact group reflected an all too classical North-South debate, most explicitly characterized by the polarized positions of the EU and Brazil and by the trade-off of conserving primary forests in developing countries for firm commitments of additional resources from developed countries. Also, while the CBD's relations to the IPF/IFF/UNFF process have been slightly adversarial in the past, the adopted work programme's significant emphasis on collaboration with the UNFF may be turning point in developing a more cooperative relationship, which many hope will strengthen both processes. The CBD's access to GEF funds provides another incentive for the collaboration, since the UNFF has no dedicated resources for implementation. It remains to be seen how countries will integrate the 130 activities from the CBD's work programme and the more than 270 IPF/IFF proposals for action on forests, such that the overlaps are used to promote mutual supportiveness and action on the ground.



ACCESS AND BENEFIT-SHARING

Discussions on ABS also entailed a high level of sensitivity to sovereign rights, especially those of countries of origin. Many viewed adoption of the ABS guidelines as a major step in balancing the CBD's three objectives. However, others saw the debate over the guidelines not so much about facilitating development of regulatory frameworks for those lacking legislation, as about the struggle between countries with ABS regulations already in place and those users accessing genetic resources. Thus, some developed countries pushed for a more harmonized and facilitated approach to access genetic resources, while countries of origin, particularly from GRULAC, tried to ensure greater security over benefit-sharing from use of their genetic resources.

Many highlighted the accompanying value of the elements for a capacity-building action plan, noting similar efforts in the development of biosafety frameworks. Language on disclosure of the country of origin and use of traditional knowledge in IPR applications, as well as a certification system, represent a substantial step forward. While issues of competence still arose, most specifically regarding the appropriate role for WIPO on such issues, the CBD now has a firmly established mandate within the contentious area of IPR over genetic resources.

TRADITIONAL KNOWLEDGE

Related discussions on Article 8(j) highlighted the primacy of PIC, although some countries sought a clear distinction between PIC for indigenous and local communities in impact assessments vs. PIC for States in granting access to genetic resources. The fundamental discussion on the PIC of indigenous and local communities regarding access to genetic resources and traditional knowledge has yet to be discussed by the Working Group on Article 8(j) and its input to the Bonn Guidelines remains to be seen. Deferring the discussions on traditional knowledge to the second week led some to believe that the issue was being slighted. Others also noted that divisions within the indigenous caucus itself had compromised its effectiveness, although last-minute pressure was ultimately successful in ensuring that PIC regarding impact assessments remained within the decision.

ALIEN SPECIES THAT THREATEN TRADE

The specter of trade conflicts arose once again, most explicitly within the contact group and closing Plenary's discussions on alien species, where Australia noted the unacceptability of text on the precautionary approach and risk analysis. Such trade sensitivities had arisen elsewhere within COP-6's discussions, most particularly around the Biosafety Protocol's relation to other agreements and IPR issues. However, in those cases, careful language, which has become all too familiar within international environmental discussions, averted overly contentious debates.

Events in the final Plenary also raised a larger issue regarding establishment of precedents within the CBD process on the notion of consensus. Bending to the will of one country could allow for hijacking of other issues in the future, whereas the final decision to override the formal objections of a few, sets the precedent that consensus is not unanimity. The issue highlighted the CBD's continued inability to resolve language in the Rules of Procedure on voting practices where there is lack of consensus. At the close of discussions, several delegates regretted the fact that such debates in the closing Plenary had cast a negative cloud over what most considered a strong and improved set of guiding principles on alien species.

THE LIMITS OF TIME, SPACE AND MONEY

Leaving with a significant load of paper and decisions, delegates expressed concern about the availability of necessary resources, both financial and technical, for moving forward from policy-making to implementation. Calls for additional resources and capacity building are not new, but become more pressing as the CBD introduces more work programmes, initiatives and areas for implementation. Lower prospects for the GEF's replenishment and the Secretariat's budget have implications for intersessional and national level work. Such important constraints, combined with a lack of time to fully address issues such as the use of terms for the Bonn Guidelines and issues regarding the Strategic Plan, left delegates in a bind as to how to prioritize intersessional work.

Overall, COP-6 was arguably the busiest of COPs with afternoon and evening sessions from the start, and final days characterized by a chaotic array of working groups, contact groups, plenary sessions, and ministerial and multi-stakeholder processes. Some viewed this as the inevitable consequence of an overburdened agenda, whereas others noted the tendency of political negotiations to expand to fill any and all time and space available. These issues ultimately require the CBD process to address the constraints and physics of an expanding work programme.

NEXT STEPS

Despite Strategic Plan's adoption, questions remain about the CBD's future work programme. While COP-7 will focus on protected areas, mountain ecosystems and technology transfer, discussions on the multi-year work programme revealed differences over whether the CBD should engage in new areas, such as island and polar ecosystems, or whether it should concentrate on existing areas. Also, with the adoption of the Bonn Guidelines, delegates pondered what the CBD's next major focus should be. Although proposals for protocols on invasive species, important biodiversity areas and ABS were floated at COP-6, none generated significant impetus to have an impact on the discussions at COP-7. Looking forward to the ICCP meeting, others said that ratification and implementation of the Biosafety Protocol has to be the priority.

These questions reflect recognition of the importance of moving from policy development to implementation. Reflecting on COP-6's overloaded agenda, most reiterated calls from past COPs to streamline work. Delegates left The Hague with definite feelings of accomplishment, most especially forests and ABS, yet it will take time to process the COP's multiple outcomes. Growing political and public attention, as shown in the Ministerial Round Table, the multi-stakeholder dialogue and the parallel youth conference, are putting the process under scrutiny. As one delegate noted, the fact that the ministers accepted a target on halting biodiversity loss by 2010, which some delegates later tried to remove in Plenary, may be a telling sign that the CBD's professional negotiators have yet to see the forests for the trees. Ultimately, political will is the underlying motivator for moving the CBD process from its first decade of development into a new decade of effective action. COP-7 will be the measure of whether the high level of interest in COP-6 and the upcoming WSSD will turn commitments into action.



THINGS TO LOOK FOR BEFORE COP-7

THIRD MEETING OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY: ICCP-3 will take place from 22-26 April 2002, in The Hague, the Netherlands. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org>

FIRST ANNUAL SESSION OF THE PERMANENT FORUM ON INDIGENOUS ISSUES: This meeting will take place from 13-24 May 2002, in New York. For more information, contact the Office of the UN High Commissioner for Human Rights; tel: +41-22-917-9000; fax: +1-212-963-4097; e-mail: temp1@un.org; Internet: <http://www.unhchr.ch/indigenous/forum.htm>

FOURTH SESSION OF THE PREPARATORY COMMITTEE FOR THE WSSD: PrepCom IV will take place from 24 May - 7 June 2002, in Bali, Indonesia. Regional group consultations are scheduled for 24 May and informal-informals for 25-26 May. PrepCom IV will also include Multi-Stakeholder Dialogues and a Ministerial Segment, and is expected to complete the document on review of Agenda 21, with recommendations for further action, and develop a concise political document, to be submitted to the WSSD. For more information, contact: Andrey Vasilyev, DESA; tel: +1-212-963-5949; fax: +1-212-963-4260; e-mail: vasilyev@un.org; Major groups contact: Zehra Aydin-Sipos, DESA; tel: +1-212-963-8811; fax: +1-212-963-1267; e-mail: aydin@un.org; Internet: <http://www.johannesburgsummit.org>

GEF ROUND TABLE ON FINANCING FOR ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: This meeting will take place in May, in Indonesia, in conjunction with WSSD PrepCom IV. For more information, contact: GEF Secretariat; tel: +1-202-473-0508; fax: +1-202-522-3240; e-mail: secretariat@worldbank.org; Internet: <http://www.gefweb.org>

WORLD FOOD SUMMIT: FIVE YEARS LATER: This meeting will take place from 10-13 June 2002, in Rome, Italy. For more information, contact the FAO; tel: +39-06-5705-3852; fax: +39-06-5705-55249; e-mail: food-summit@fao.org; Internet: <http://www.fao.org/worldfoodsummit>

THIRD MEETING OF THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE: This meeting will take place in Geneva, Switzerland, from 13-21 June 2002. For more information, contact Francis Gurry, Assistant Director-General, WIPO; tel: +41-22-338-9428; fax: +41-22-733-5428; e-mail: francis.gurry@wipo.int; Internet: <http://www.wipo.org>

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT:

The World Summit on Sustainable Development will take place from 26 August - 4 September 2002, in Johannesburg, South Africa. For more information, contact: Andrey Vasilyev, DESA; tel: +1-212-963-5949; fax: +1-212-963-4260; e-mail: vasilyev@un.org; Major groups contact: Zehra Aydin-Sipos, DESA; tel: +1-212-963-8811; fax: +1-212-963-1267; e-mail: aydin@un.org; Internet: <http://www.johannesburgsummit.org>

NATURE INTERPRETATION AS A TOOL IN PROMOTING SUSTAINABLE DEVELOPMENT: This meeting will take place from 9-13 September 2002, in Elsinore, Denmark. For more information, contact: the Conference Secretariat; tel: +45-33-79-00-79; fax: +45-33-79-01-79; e-mail: conf2002@friluftsradet.dk; Internet: <http://www.interpretation2002.dk>

SEVENTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON MIGRATORY SPECIES: COP-7 to the CMS will take place from 18-24 September 2002, in Bonn, Germany. For more information, contact the CMS Secretariat; tel: +49-228-815-2401/2; fax: +49-2228-815-2449; e-mail: cms@unep.de; Internet: <http://www.wcmc.org.uk/cms>

TWELFTH MEETING OF THE CONFERENCE OF THE PARTIES TO CITES: This meeting will take place in Santiago, Chile, from 3-15 November 2002. For more information, contact: the CITES Secretariat; tel: +41-22-917-8139; fax: +41-22-797-3417; e-mail: cites@unep.ch; Internet: <http://www.cites.org>

EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE RAMSAR CONVENTION: This meeting will take place in Valencia, Spain, from 18-26 November 2002. For more information, contact: Dwight Peck, Executive Assistant for Communications, Ramsar Convention Secretariat; tel: +41 22 999 0170, fax: +41 22 999 0169; e-mail: peck@ramsar.org; Internet: <http://www.ramsar.org>

EIGHTH MEETING OF THE CBD'S SBSTTA: This meeting is scheduled to take place in Montreal, Canada, in March 2003. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org>

SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CBD: This meeting is scheduled to take place in Kuala Lumpur, Malaysia, in the first quarter of 2004. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org>