



## MYPOW HIGHLIGHTS TUESDAY, 18 MARCH 2003

Delegates convened in two working groups throughout the day. Working Group I (WG-I) considered modalities for an international regime on access and benefit-sharing (ABS), legal and socioeconomic aspects of technology transfer and cooperation, and the CBD contribution to the Millennium Development Goals (MDG) and the Commission on Sustainable Development (CSD) process. Working Group II (WG-II) addressed the multi-year programme of work for the Conference of the Parties (COP) up to 2010 (MYPOW-2010), and the Strategic Plan.

A brief Plenary session was held in the afternoon to review progress. A Friends of the Chair group met in the evening to further discuss MYPOW-2010, and informal consultations were held on ABS.

### WORKING GROUP I

WG-I Chair Verma (India) explained that, following a decision by the COP Bureau, WG-I would address CBD's contribution to the MDG and the overall CSD process as new agenda items.

**ACCESS AND BENEFIT SHARING:** BURKINA FASO and IRAN said the regime should include both access and benefit-sharing. EL SALVADOR said it should recognize sovereign rights over natural resources, and the right to adopt relevant national legislation. INDIA stressed that conflicts with intellectual property rights (IPR) and the WTO Agreement on Trade Related Aspects of Intellectual Property Rights' impact on national action for benefit-sharing, and DENMARK called for mutual supportiveness between IPR systems and ABS under the CBD. Many underscored capacity building and the role of indigenous and local communities. TURKEY said the regime should address *ex situ* genetic resources, interlinkages with technology transfer, and consistency with relevant international instruments. GUINEA called for indigenous and local communities' prior informed consent (PIC).

NEW ZEALAND called for focusing on the regime's scope rather than its nature. Many developing countries called for a legally binding regime based on the Bonn Guidelines, noting that a voluntary regime would not guarantee fair and equitable benefit-sharing. MALAYSIA stressed the need for a compliance mechanism. While Cameroon, on behalf of the AFRICAN GROUP, noted that COP-6 adopted the Bonn Guidelines on ABS as the first step towards a legally binding instrument, the US recalled that WSSD delegates purposefully avoided reference to a "binding" regime. AUSTRALIA noted that negotiations for a legally binding instrument could compromise work under the World Intellectual Property Organization (WIPO) and result in uncertainty for industry.

The US stressed mutual supportiveness between the CBD and relevant organizations, and a stepwise approach to identify gaps in implementation of the Bonn Guidelines. FRANCE prioritized implementing existing instruments, and GERMANY and AUSTRALIA suggested assessing the Bonn Guidelines' implementation. The NETHERLANDS urged ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture.

INDIA, MALAYSIA and the AFRICAN GROUP recommended that the ABS Working Group further discuss the regime, with the AFRICAN GROUP suggesting that COP-7 establish an intergovernmental committee to initiate negotiations on an international legally binding instrument. NEW ZEALAND requested that the Secretariat analyze information on national ABS measures. DENMARK said the ABS Working Group should promote compliance with the Bonn Guidelines, and ITALY suggested that discussion focus on identified gaps.

The UNITED NATIONS UNIVERSITY stressed lack of information on measures adopted by user countries. The FAO highlighted developments in the framework of its Commission on Genetic Resources for Food and Agriculture. The INTERNATIONAL CHAMBER OF COMMERCE said that negotiating an international regime may discourage the Guidelines' application.

**TECHNOLOGY TRANSFER:** The Secretariat introduced a document on legal and socioeconomic aspects of technology transfer and cooperation (UNEP/CBD/MYPOW/5).

CANADA emphasized that funding requests should originate in recipient countries. INDIA proposed a financial mechanism to compensate owners of technology and a fund to assist with access to patented technologies. SWITZERLAND opposed the GEF providing funds, and suggested restructuring the recommendations using a stepwise approach.

TURKEY called for categorizing technologies according to their importance for conservation and sustainable use. CANADA said a list of technologies may not respond to adaptation to local circumstances. GREECE, on behalf of the EU, highlighted the need for: a broader scope and definition of technology transfer; financial and non-financial support to recipient countries; and facilitation of access to patents, including through the Clearing-house Mechanism (CHM). CANADA and the EU stressed the need for incentives, including IPR protection. KENYA called for assistance to develop IPR legislation and empowering local technologies. The US noted that lack of IPR protection is an impediment to technology transfer. SPAIN highlighted patents as a means of information on technology. MEXICO suggested analyzing the differences between public domain and private technologies, and convening regional workshops for information exchange. NEW ZEALAND highlighted public domain technologies that benefit

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Karen Alvarenga <karen@iisd.org>; Ritesh Bhandari <ritesh@iisd.org>; Charlotte Salpin <charlotte@iisd.org>; Nicole Schabus <nicole@iisd.org>; and Elsa Tsioumani <elsa@iisd.org>. The Digital Editor is Francis Dejon <franz@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the Bulletin are The Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the Bulletin during 2003 is provided by the United Nations Environment Programme (UNEP), the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministries of Foreign Affairs and Environment of Norway, Swan International, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI), and the Ministry for Environment of Iceland. Specific funding for coverage of this meeting has been provided by the Governments of Canada (DFAIT and Environment Canada) and the United Kingdom (Department of Environment, Food and Rural Affairs - DEFRA). The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-212-644-0217 or 212 East 47th St.#21F, New York, NY 10017, USA.



conservation and sustainable use. WIPO highlighted its relevant work and offered contributing to the review of IPRs' impacts on technology transfer.

COLOMBIA recommended that: the ABS Working Group consider options for discussion by COP; the Secretariat propose transfer mechanisms; and matters related to technology adaptation, including biotechnology, be addressed by relevant CBD structures. NORWAY highlighted use of the CHM, ways for technology transfer on preferential terms, and including the private sector in CBD's work. The AFRICAN GROUP called for adaptive and country-driven technology transfer, capacity building, and an information exchange mechanism. CHINA suggested analyzing and drawing upon technology transfer and cooperation mechanisms under other conventions, selecting best practical technologies for developing a technology transfer programme, and helping developing countries to identify technology needs. CAMEROON highlighted partnerships and joint research programme focusing on custodians' rights. IRAN raised concerns over considering traditional technologies and knowledge as economic assets, noted the benefits of patentability, said user countries should encourage technology transfer, and stressed the need for preferential rules. BURKINA FASO suggested encouraging cooperation from regional donors.

**CONTRIBUTION TO THE MILLENNIUM DEVELOPMENT GOALS AND THE CSD PROCESS:** The Secretariat noted absence of CBD documents on the issue, noting that it had been added to the meeting's agenda by the COP Bureau at its morning session. Several delegates welcomed the opportunity to discuss the item. ARGENTINA and COLOMBIA opposed considering the issue at this meeting, noting its late inclusion on the agenda. CAMEROON and the NETHERLANDS highlighted the links between the MDG and biodiversity. The NETHERLANDS stressed the need for a monitoring process and for continuing participation of the CBD Executive Secretary in the CSD. BURKINA FASO recommended considering some MDG and issues under the CSD process as new themes for future CBD work programmes. KENYA and NORWAY suggested the Executive Secretary prepare a paper on this item for discussion at COP-7. DENMARK suggested that MYPOW highlight and formalize CBD participation in the CSD process and implementation of the MDG.

## WORKING GROUP II

**MYPOW-2010:** The Secretariat introduced the documents on MYPOW-2010 (UNEP/CBD/MYPOW/4 and Add.1). Many supported a SBSTTA-8 recommendation not to add any new items to the COP's agenda, with exception of island biodiversity, which the SEYCHELLES proposed as an item for in-depth review at COP-8. MOZAMBIQUE suggested considering capacity building at COP-7. BANGLADESH proposed that climate change be considered at COP-8, rather than COP-10. NORWAY stressed addressing health and, with CANADA, poverty reduction in a ministerial segment. ARGENTINA, AUSTRALIA and the RUSSIAN FEDERATION recommended focusing on issues of common interest to all Parties up to COP-10. GERMANY, supported by ETHIOPIA and FIJI, recalled that review of the implementation of the forest work programme should be completed by COP-8. The EU proposed addressing biodiversity, poverty, and human health in a ministerial session.

NEW ZEALAND, supported by many, suggested the proposed agenda items be considered in three-year's cycles, allocating six items to each COP, and four to each SBSTTA meeting. NEW ZEALAND proposed reviewing the Strategic Plan's and the Convention's implementation at each COP. MEXICO requested assessing implementation costs of each theme up to 2010. The EU proposed: a standardized format for work programmes; avoiding duplicating work programmes; and with IRAN and NORWAY, streamlining COP's agenda and cross-cutting issues. KENYA requested that capacity building become a cross-cutting issue and, supported by CANADA and NORWAY, progress towards the 2010

target be discussed by each COP. HUNGARY proposed evaluating the status and trends of biodiversity at each COP and SBSTTA meeting. INDONESIA called for partnerships between developed and developing countries, and for building public awareness. The CANADIAN INDIGENOUS BIODIVERSITY NETWORK said indigenous and local communities should be involved at all levels of decision making, and their interests be taken into account within all agenda items.

In the afternoon, delegates considered a Chair's paper on MYPOW-2010, including: issues for in-depth consideration and in-depth review; and development and strategic issues to be incorporated into existing work programmes. ERITREA and TURKEY, opposed by BRAZIL and MEXICO, requested that agricultural biodiversity be considered at COP-8. ARGENTINA, BRAZIL and COLOMBIA suggested postponing forest biodiversity to COP-9. CHINA recommended dividing COP's issues into comprehensive and specialized issues, and addressing environmental impact assessment at COP-7 or COP-8, while deleting climate change from the COP-10 agenda. A Friends of the Chair group was formed to further discuss the issue.

**STRATEGIC PLAN:** The Secretariat introduced a Chair's text on the implementation of the Convention and the Strategic Plan. A number of Parties suggested minor editorial and structural amendments. The RUSSIAN FEDERATION requested reference to countries with economies in transition, and the MALDIVES to small island developing states in text on national reporting. JAMAICA highlighted promotion of stakeholders' involvement, and CANADA emphasized indigenous and local communities. CANADA said references to the extension of the mandate of the expert working group on indicators and to the liaison group on progress in implementation should be kept separate. NORWAY said that a small liaison group could help developing targets for implementation, with UNEP providing support mechanisms for implementation.

## PLENARY

WG-I Chair Verma reported on progress in WG-I deliberations, highlighting preparations of a conference room paper (CRP) on ABS and a Chair's text on technology transfer and cooperation. WG-II Chair Beltram (Slovenia) reported that WG-II had considered a Chair's summary on the Strategic Plan and that a Friends of the Chair group was scheduled to meet in the evening to further discuss MYPOW-2010.

## IN THE CORRIDORS

As MYPOW entered full speed, working group discussions were overshadowed by the prospects of a war in Iraq, many delegates noting that they may have to depart before the end of the meeting. This, added to frustrations over unexpected last minute inclusion of new items to the meeting's agenda, generated concerns regarding the quality of contributions to the discussions on issues of crucial importance for the CBD's future. Some noted that this was likely to undermine the preparation of a solid foundation for CBD's work for the next decade.

Discouraged WG-II participants noted that discussions on MYPOW were spinning a vicious circle, despite SBSTTA-8 recommendation not to add any new issues up to 2010.

On the positive end, late evening consultations on an international regime on ABS left delegates cautiously optimistic that a compromise at this meeting would lay the foundation for substantial advances on the issue by the ABS Working Group.

## THINGS TO LOOK FOR TODAY

**WORKING GROUP I:** WG-I will convene at 10:00 am to consider a CRP on ABS, a Chair's text on technology transfer, and further discuss the CBD's contribution to the MDG and CSD process.

**WORKING GROUP II:** WG-II will convene at 10:00 am to consider Chair's papers on the Strategic Plan and MYPOW-2010.

**PLENARY:** Plenary will meet at 5:30 pm to review progress.