The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work for the Convention on Biological Diversity (CBD) up to 2010 (MYPOW) met from 17-20 March 2003, in Montreal, Canada. Over 300 participants from 120 governments, joined by representatives from intergovernmental, non-governmental, and academic organizations, and industry attended the meeting.

Delegates adopted seven recommendations, to be forwarded to COP-7, on: achieving the 2010 target; the multi-year programme of work of the COP up to 2010 (MYPOW-2010); legal and socioeconomic aspects of technology transfer and cooperation; the outcomes of the World Summit on Sustainable Development as it relates to the Convention process; an international regime for access and benefit sharing; future evaluation of progress in implementing the Convention and the Strategic Plan; and the CBD’s contribution to the Millennium Development Goals and the Commission on Sustainable Development process.

Encouraged by the positive outcomes stemming from SBSTTA-8, held immediately prior to MYPOW, delegates managed to overcome disagreements on issues of fundamental importance for the CBD process itself and its contribution to the sustainable development agenda, such as prioritization of issues and the nature of a regime for ABS. In spite of early fears regarding the ambitious agenda of MYPOW, most participants left Montreal satisfied with the modest but solid measures adopted regarding work priorities for the COP up to 2010, definition of initial steps towards an international regime on ABS, and means to assess progress in achieving the CBD’s objectives. In this respect, MYPOW built on the political momentum created by the WSSD regarding biodiversity.

A BRIEF HISTORY OF THE CONVENTION

The CBD, negotiated under the auspices of the UN Environment Programme (UNEP), was opened for signature on 5 June 1992, and entered into force on 29 December 1993. To date, 187 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 TO 4: The COP, which is the governing body of the Convention, has held six meetings to date. From 1994 to 1998, it held four meetings in Nassau, the Bahamas (November – December 1994); Jakarta, Indonesia (November 1995); Buenos Aires, Argentina (November 1996); and Bratislava, Slovakia (May 1998). Major decisions included: establishment of a Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA) and a Clearing-house Mechanism (CHM); designation of the Global Environment Facility (GEF) as the interim financial mechanism; designation of Montreal, Canada, as the permanent location for the Secretariat; establishment of open-ended ad hoc working groups on biosafety and on CBD Article 8(j) (traditional knowledge), and an expert panel on access and benefit sharing (ABS); and adoption of a long term work programme and work programmes on marine and coastal biodiversity, agricultural biodiversity, forest biodiversity and inland waters.

ExCOP: The first Extraordinary COP (Cartagena, Colombia, February 1999) was convened to adopt the Cartagena Protocol on Biosafety, and followed the sixth and final meeting of the Working Group on Biosafety. Delegates were unsuccessful at developing a compromise package that would finalize the Protocol, and the meeting was suspended. Following three sets of informal consulta-

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tions to resolve outstanding issues, the ExCOP resumed in Montreal in January 2000, where delegates finally adopted the Protocol. The Cartagena Protocol on Biosafety addresses the safe transfer, handling and use of living modified organisms that may have an adverse effect on biodiversity, with a specific focus on trans-boundary movements. The Protocol will enter into force 90 days after receipt of the 50th instrument of ratification. To date, 45 countries have ratified the Protocol.

**ISOC:** The Inter-Sessional Meeting on the Operations of the Convention (ISOC) met from 28-30 June 1999, in Montreal, Canada, to consider preparations for, and conduct of, COP meetings, ABS, and the relationship between intellectual property rights (IPR), relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and the CBD.

**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, including the establishment of an Open-ended Ad Hoc Working Group on ABS; alien species; sustainable use; biodiversity and tourism; incentive measures; the Global Strategy for Plant Conservation (GSPC); the Convention’s operations; the Global Taxonomy Initiative (GTI); the CHM; financial resources and mechanism; identification, monitoring and assessment, and indicators; Article 8(j); education and public awareness; and impact assessment, liability and redress. COP-5 also included a high-level segment on the Cartagena Protocol, with a Ministerial Roundtable and a special singing ceremony.

**MSP-1:** The first Open-ended Inter-Sessional Meeting on the strategic plan, national reports and implementation of the CBD took place in November 2001, in Montreal, Canada. Participants adopted recommendations for COP-6 on a Strategic Plan for the Convention, implementation and operations of the Convention, national reporting and inputs to the WSSD.

**COP-6:** The sixth meeting of the COP (The Hague, the Netherlands, April 2002) adopted, _inter alia_; a revised work programme on forest biodiversity; guiding principles for invasive alien species; the Bonn Guidelines on ABS and the Strategic Plan for the Convention. Other decisions were adopted on: the ecosystem approach; sustainable use; incentive measures; liability and redress; financial resources and mechanism; cooperation with other conventions and international initiatives; a contribution to the ten-year review of Agenda 21; Article 8(j); and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR). COP-6 also hosted a high-level segment to discuss inputs to the World Summit on Sustainable Development (WSSD), with a Ministerial Roundtable and a multi-stakeholder dialogue.

**SBSTTA:** Since its establishment, SBSTTA has held eight meetings. SBSTTA-1 (Paris, France, September 1995) adopted recommendations to the COP on: _its modus operandi_; access to, and transfer of, technology; scientific and technical information to be included in national reports; marine and coastal biodiversity; and the creation of working groups, _ad hoc_ technical panels, and rosters of experts. SBSTTA-2 to 7 were held in Montreal, Canada (September 1996, September 1997, June 1999, January-February 2000, March 2001, and November 2001). Procedural, thematic and cross-cutting issues addressed included: monitoring and assessment of biodiversity; access to genetic resources; agricultural biodiversity; terrestrial biodiversity; marine and coastal biodiversity; biosafety; the CHM; inland waters; forest biodiversity; indicators; participation of developing countries; the GTI; biodiversity and climate change; invasive alien species; environmental impact assessments (EIA); sustainable use; dry and sub-humid lands; the ecosystem approach; and _ad hoc_ technical expert groups (AHTEG).

SBSTTA-8 was held immediately prior to MYPOW from 10-14 March 2003, in Montreal, Canada. It adopted recommendations on: mountain biodiversity; inland waters; marine and coastal biodiversity; dry and sub-humid lands; biodiversity and tourism; and SBSTTA operations. The recommendations will be forwarded to COP-7, to be held in March 2004 in Kuala Lumpur, Malaysia.

**MYPOW REPORT**

On Monday, 17 March, CBD COP President Hans Hoogeveen (the Netherlands) opened the MYPOW meeting and highlighted the challenge to meet the CBD and WSSD 2010 target to significantly reduce the current rate of biodiversity loss. He welcomed the shift from policy development to implementation. CBD Executive Secretary Hamdallah Zedan noted biodiversity’s role in sustainable development and poverty eradication, and outlined the meeting’s agenda, stressing its importance for the Convention’s future, and the need for a strategic approach.

Paul Chabeda, on behalf of UNEP Executive Director Klaus Töpfer, stressed SBSTTA-8’s recommendations as a foundation for achieving the 2010 target. He said equitable benefit sharing is a way of addressing poverty without undermining ecosystem integrity, and called on MYPOW to provide guidance to COP-7 on an international regime for ABS. He expressed hope that the Biosafety Protocol would enter into force before the International Day for Biodiversity, on 22 May 2003.

Mark Collins, UNEP-World Conservation Monitoring Centre, reported on the meeting “Biodiversity after Johannesburg,” held in London, 2-4 March 2003. Shakeel Bhatti, World Intellectual Property Organization (WIPO), reported on the work of WIPO’s Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, and on cooperation with the CBD on intellectual property issues, including ABS and technology transfer.

**ORGANIZATIONAL MATTERS:** Delegates elected Hans Hoogeveen as Chair of the meeting and Diann Black-Layne (Antigua and Barbuda) as the meeting’s rapporteur. They adopted the provisional agenda (UNEP/CBD/MYPOW/1), established two working groups, as proposed in the annotated agenda (UNEP/CBD/MYPOW/1/Add.1 and Corr.1), and agreed that legal and socioeconomic aspects of technology transfer and cooperation would be considered by Working Group I (WG-I) instead of Working Group II (WG-II), which would instead address the WSSD outcome, along with the Strategic Plan and MYPOW-2010. Delegates then elected Desh Deepak Verma (India) Chair of WG-I, and Gordana Beltram (Slovenia) Chair of WG-II.

Throughout the week, delegates met in two working groups. WG-I considered: an international regime for ABS; legal and socioeconomic aspects of technology transfer and cooperation; and the CBD’s contribution to the Millennium Development Goals (MDGs) and the UN Commission on Sustainable Development (CSD) process. WG-II addressed: information on future evaluation of progress in implementing the Strategic Plan and the Convention; MYPOW-2010; and ecological networks and corridors. Two brief Plenary sessions were held on Tuesday and Wednesday, 18-19 March, to review progress. The closing Plenary met on Thursday, 20 March, to adopt the recommendations and consider other matters.

The following report is organized by agenda item.
**WSSD OUTCOMES**

The analysis of the WSSD’s outcome as it relates to the Convention process (UNEP/CBD/MYPOW/2) was taken up by Plenary on Monday. Following preliminary statements, the COP Bureau decided that the item would be divided, and that WG-I would also address the CBD’s contribution to the MDGs and the CSD process, and WG-II would address ecological networks and corridors.

**WSSD OUTCOMES:** Chair Hoogeveen stressed the importance of the Johannesburg Declaration and the WSSD Plan of Implementation for the Strategic Plan and MYPOW-2010, and noted WSSD commitments on negotiating an international regime for fair and equitable benefit sharing, and promoting hot spot areas, ecological networks and corridors.

Cameroon, on behalf of the African Group, highlighted the New Partnership for Africa’s Development and, with Norway, technology transfer and capacity building. Greece, on behalf of the European Union (EU), stressed the need for: a mechanism for CBD’s leadership on biodiversity issues; a holistic approach; and implementation of Decision VI/23 on invasive alien species. Many called for additional, and better utilization of, financial resources, and scientific and technical support to implement WSSD biodiversity-related outcomes. Several countries supported synergies between trade and biodiversity-related fora, with Canada adding development aspects. Canada and Norway highlighted links with the MDGs, with the UN Food and Agriculture Organization highlighting goals on halving hunger and poverty by 2015. Friends of the Earth called for reviewing the WTO TRIPS Agreement. The EU, Ethiopia and Kenya supported developing indicators and monitoring performance towards the 2010 target. Several countries stressed poverty eradication.

Bangladesh and Australia called for further discussion of marine and coastal biodiversity, while the EU stressed establishing marine and coastal protected areas. Mauritius stressed the importance of controlling invasive alien species and halting marine biodiversity loss. Several countries supported an ecosystem approach. Mexico called for preserving ecological networks and corridors. Japan and Switzerland said COP-7 should address the topic under protected areas. UNESCO reported on its network of biosphere reserves, including ecological corridors, and recommended these be discussed at SBSTTA-9.

The African Group and Mexico, on behalf of the Like-Minded Megadiverse Countries (LMMC), called for an international legally binding instrument on benefit sharing, with the latter highlighting recognition and protection of indigenous and local communities’ rights, and their participation in decision making. Brazil and Kenya suggested that COP-7 provide a negotiating mandate to develop a protocol to the CBD. Argentina said the legal status of an international regime should not be determined before its content is known. Switzerland prioritized implementation of the Bonn Guidelines. Australia and Canada said the WSSD Plan does not require a legally binding regime. The Philippines said a voluntary international regime would not achieve the aim of combating biopiracy. The Canadian Indigenous Biodiversity Network (CIBN) said an international regime on ABS must have clear procedures to guarantee the prior informed consent (PIC) of indigenous peoples.

**CONTRIBUTION TO THE MILLENNIUM DEVELOPMENT GOALS AND THE CSD PROCESS:** WG-I considered CBD’s contribution to the MDGs and the CSD process on Tuesday and Wednesday.

On Tuesday, several delegates welcomed the opportunity to discuss the issue despite lack of official documentation. Argentina and Colombia opposed considering the issue at this meeting, noting its late inclusion on the agenda. The Netherlands stressed the need for a monitoring process and continued participation of the CBD Executive Secretary in the CSD. 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 MDGs.

The EU stressed the contribution of WSSD partnerships to the CBD’s implementation. Pakistan proposed drawing upon the UN Water, Energy, Health, Agriculture and Biodiversity (WEHAB) initiative and WSSD outcomes to implement CBD work programmes.

On Wednesday afternoon, delegates considered a Chair’s text. Australia, supported by many, proposed deleting recommendations related to issues addressed by WG-II. Australia, the EU and Norway proposed that the Executive Secretary prepare a report on MYPOW discussions on the MDGs for the upcoming CSD meeting. Colombia made reservations regarding including new agenda items to the meeting’s agenda without Parties’ prior agreement. Argentina, Canada and Kenya opposed discussing the matter, and wanted their opposition be recorded in the meeting’s report. Chair Verma established a drafting group to incorporate delegates’ comments.

Later, Australia introduced a significantly shortened text from the drafting group, which highlighted streamlining and reflection of the mutual supportiveness between the MDGs and CSD with the CBD’s objectives. The document was approved as amended.

On Thursday, the closing Plenary adopted the recommendation without amendment.

**Final Recommendation:** The final document (UNEP/CBD/MYPOW/L.5) requests the Executive Secretary to:

- strengthen cooperation with the CSD, and report on progress made in implementing the Convention, particularly focusing on contribution of the CBD’s objectives to poverty eradication;
- inform the CSD of the MYPOW’s recommendation;
- prepare a report on the MDGs’ relevance to the CBD’s work programmes, exploring links between biodiversity and the MDGs for COP-7; and
- identify modalities for consistency between achieving the MDGs and the CBD’s objectives.

**ECOLOGICAL NETWORKS AND CORRIDORS:** On Wednesday, WG-II addressed ecological networks and corridors. Argentina, Brazil and Colombia prioritized biodiversity loss and suggested further studies before in-depth consideration. Several countries observed that ecological networks are broader than protected areas, and include corridors, habitat and species protection, and managed areas for conservation and sustainable use. Many called for a holistic and intersectoral approach.

The EU and Switzerland recommended building upon WSSD provisions on protected areas, the work programme on forest biodiversity, and SBSTTA’s recommendations on coastal and marine biodiversity. The EC, supported by the Russian Federation and Slovakia, but opposed by Cameroon, proposed that the AHTEG on protected areas provide SBSTTA with recommendations on ecological corridors, and prepare a report to be forwarded to the IUCN World Parks Congress. Antigua and Barbuda and others proposed that the AHTEG on protected areas investigate the role of hot spots, ecological networks and corridors in reducing biodiver-
sity loss. The EC and others recommended that the expert group, SBSTTA-9 and COP-7 address the WSSD outcome on hot spots, ecological networks and corridors under protected areas.

Colombia suggested referencing national biodiversity strategies and actions plans (NBSAPs). Mexico suggested that SBSTTA prepare recommendations for consideration at COP-9. The EC noted the WSSD’s call for synergies between multilateral environmental agreements (MEAs) and endorsed an EU proposal for a global partnership on biodiversity.

On Thursday, the closing Plenary adopted the recommendation with minor editorial amendments.

Final Recommendation: The final document (UNEP/CBD/ MYPOW/L.8) recommends that: the AHTEG on protected areas, SBSTTA-9 and COP-7 consider WSSD outcomes relating to hotspots, ecological networks and corridors, and other areas essential for biodiversity under the work on protected areas; and COP-7 request the Executive Secretary to develop a global partnership on biodiversity between the CBD and major international biodiversity-related organizations to enhance synergies and improve implementation of biodiversity-related agreements.

INTERNATIONAL REGIME FOR ACCESS AND BENEFIT SHARING

WG-I delegates discussed an international regime for ABS (UNEP/CBD/MYPOW/6), on Monday, Tuesday and Wednesday. Informal consultations were also held on Tuesday and Wednesday.

During preliminary discussions, Algeria, Brazil, Cameroon, Egypt, Kenya, Liberia, Mexico, Tanzania and Togo called for a legally binding regime, based on the Bonn Guidelines, noting that a voluntary regime would not guarantee fair and equitable benefit sharing. 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 WIPO and result in uncertainty for industry.

Colombia and Mexico stressed ensuring PIC when granting access, and benefit sharing with an emphasis on technology transfer and capacity building. China said the regime should include basic principles, norms and rules, without being limited to a legally binding instrument.

Canada said the regime’s main elements are already included in the CBD and its decisions, the Bonn Guidelines, the ITPGR and WIPO’s work, and stressed ensuring that governments adopt ABS regimes. With Jamaica, Japan, Norway and Switzerland, he called for completing work on and applying the Bonn Guidelines before starting negotiations. The EU stressed coherence with the ITPGR, the TRIPS Agreement and WIPO. She stressed the need for further work on ABS, including a progress report on implementing COP Decision VI/24 on ABS, and assessing capacity-building needs and traditional knowledge. India highlighted potential conflicts where IPR and the TRIPS Agreement might impact national action for benefit sharing.

On process, 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 International Chamber of Commerce said that negotiating an international regime may discourage the application of the Guidelines. The United Nations University stressed lack of information on measures adopted by user countries. The US stressed mutual supportiveness between the CBD and relevant organizations, and a stepwise approach to identify gaps in implementation of the Bonn Guidelines. Australia and Germany suggested assessing the Bonn Guidelines’ implementation. Several countries highlighted the role of capacity building.

On Wednesday, delegates considered UNEP/CBD/MYPOW/ WGI/CRP.1, including recommendations on: providing information on measures taken to implement the Bonn Guidelines; and submitting views on the process, scope, elements and modalities of an international regime on ABS, for a synthesis to be prepared and considered at the next meeting of the ABS Working Group.

Regarding the preamble, the LMMC suggested prioritizing the mandated international regime, while the EC stressed including WSSD references to the Bonn Guidelines. Canada recommended input from indigenous and local communities, and reference to the Working Group on Article 8(j). The African Group, supported by others, called for reference to regional initiatives. The African Group and the LMMC, opposed by Canada, suggested recommending that COP-7 take action to fulfill the WSSD mandate to negotiate an international benefit-sharing regime.

Many noted that the regime’s scope should include both access and benefit sharing. Delegates then debated whether the ABS Working Group should consider Parties’ views on the nature of the regime, with the African Group, El Salvador, Iran and the LMMC supporting, and Canada and New Zealand opposing, such action. The EC suggested that the ABS Working Group discuss a compilation of Parties’ views and COP-7 consider a synthesis. The EC and Norway stated that the Working Group should fully address all items included in its mandate under Decision VI/24 on ABS.

In the afternoon, delegates considered UNEP/CBD/MYPOW/ WGI/CRP.1/Rev.1, including calls for information on experience gained in the use of the Bonn Guidelines, and views on the process, nature, scope, elements and modalities of an international ABS regime, to be compiled and discussed at the next meeting of the ABS Working Group, and considered at COP-7. Many called for adopting the document as a package. The CIBN expressed concern about the lack of mechanisms for indigenous participation and invited voluntary funding for indigenous peoples’ participation in the process. The EC suggested deleting language on the ABS Working Group providing recommendations to COP-7 regarding ways to address the issue. Following consultations, delegates approved the document, agreeing that the ABS Working Group should provide advice to COP-7, and that the regime should address both access and benefit sharing.

On Thursday, the closing Plenary adopted the recommendation without amendment.

Final Recommendation: The final document (UNEP/CBD/ MYPOW/L.6) recalls:

- paragraph 44(o) of the WSSD Plan of Implementation, calling for negotiating within the CBD framework, an international benefit-sharing regime, bearing in mind the Bonn Guidelines;
- paragraph 44(n), calling for action to promote the implementation of the Bonn Guidelines; and
- the UN General Assembly resolution 57/260 inviting the COP to take appropriate steps with regard to the regime.

It recognizes:
- the Bonn Guidelines as a useful first step towards the implementation of CBD provisions related to ABS.
Norway highlighted use of the CHM, means to transfer technology; and matters related to technology adaptation, of the impacts of IPR on technology transfer. It also notes the mandate of the ABS Working Group to advise the COP on outstanding issues, including other approaches. The recommendation also:

- invites Parties to provide information on experience gained in the use of the Bonn Guidelines;
- invites countries, organizations, and indigenous and local communities to submit views on the process, nature, scope, elements and modalities of an international regime on ABS prior to the second meeting of the ABS Working Group, to be compiled by the Executive Secretary; and
- recommends that the Working Group consider the process, nature, scope, elements and modalities of the international regime in its consideration of other approaches, and provide advice to COP-7.

LEGAL AND SOCIOECONOMIC ASPECTS OF TECHNOLOGY TRANSFER

WG-I considered legal and socioeconomic aspects of technology transfer and cooperation (UNEP/CBD/MYPOW/5) on Tuesday and Wednesday, and a Friends of the Chair group was established on Wednesday.

On Tuesday, 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.

Canada said a list of technologies may not be appropriate to adapt transferred technologies to local circumstances. 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 CHM. Canada and the EU stressed the need for incentives, including IPR protection. Kenya called for assistance to develop the CHM. Canada proposed reference to specific CBD wording from Articles 8(j); and related work of other international fora.

On Wednesday, delegates considered a Chair’s text. The EC called for consistency of mechanisms to access public domain and proprietary technologies. Regarding a compendium of relevant technologies, the EC requested it be made available through the CHM, and Argentina proposed including the ownership status of such technologies.

The NGO Caucus and CIBN suggested referencing developing countries’ priorities. New Zealand suggested the use of traditional technologies and benefiting from their transfer, and called for preventing or mitigating the negative impacts of technology transfer on cultures and traditional lifestyles.

Delegates later considered a conference room paper (CRP). Colombia suggested preambular reference to the CBD’s objectives, Canada proposed reference to specific CBD wording from Articles 16 (Access to and Transfer of Technology) and 19 (Handling of Biotechnology and Distribution of its Benefits). WG-I approved the CRP with these amendments.

On Thursday, the closing Plenary adopted the recommendation with minor amendments.

Final Recommendation: The final document (UNEP/CBD/MYPOW/L.4) requests the Executive Secretary to analyze the information contained in thematic reports on technology transfer, identify possible gaps and report to COP-7. It further recommends that COP-7 request the Executive Secretary to:

- gather additional information on possible gaps;
- develop or improve international information exchange systems and their interoperability in cooperation with relevant organizations;
- develop proposals on options for facilitating mechanisms to access public domain and proprietary technologies by developing countries, and report to COP-8; and
- collaborate with relevant organizations to develop and make available, through the CHM, a compendium of relevant technologies arising from the use of indigenous and local communities’ knowledge and practices.

It invites WIPO to further analyze the role of IPR in technology transfer in the context of the CBD.

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indigenous and local communities;

• adopt policy measures providing financial and non-financial incentives to the private sector and public research institutions to implement technology transfer-programmes or joint ventures in developing countries; and

• encourage joint patents and joint research programmes to facilitate transfer of technologies that make use of genetic resources; and promote technology transfer through WSSD Type II partnerships.

The recommendation also invites:

• developing countries to create an enabling environment providing incentives for, and facilitating, foreign investment and the diffusion of relevant technologies, and for promoting South-South cooperation; and

• donors to provide support to developing-countries Parties, based on their needs and priorities, on issues, including design and implementation of policy measures for national IPR regimes, capacity building and empowerment of indigenous and local communities.

The document further recommends that the COP consider the need for further guidance to the financial mechanism on this issue.

EVALUATION OF PROGRESS IN IMPLEMENTING THE CONVENTION AND THE STRATEGIC PLAN

WG-II addressed the implementation of the Convention and the Strategic Plan (UNEP/CBD/MYPW/3) on Monday, Tuesday and Wednesday and a drafting group was formed to finalize the recommendation.

On Monday, the EU suggested developing a framework of indicators on biodiversity and performance. Some suggested a nationally and regionally differentiated system of indicators, while others stressed integration at the international level. The EU proposed, and Australia and Canada opposed, an independent expert group for reviewing national reports. Many supported reviewing national implementation plans, with some calling for voluntary review mechanisms, while Brazil recalled that SBSTTA already had the mandate to assess the status and trends of biodiversity. Switzerland proposed a liaison group on biodiversity to regularly report to SBSTTA on achieving the 2010 target. Some requested a global assessment of the Convention’s effectiveness. Mexico requested that the MYPOW focus on outstanding issues before addressing new ones. Birdlife International stressed civil society’s key role in implementing national plans.

Poland emphasized identifying the reasons for a decreasing number of national reports. Many suggested that national reports: be shortened; employ more user-friendly language; and prioritize issues related to the 2010 target. Others requested simplifying the reporting format. Some delegates noted that the reports require input from various sectors and financial resources for participatory processes, and others called for increased cooperation to build reporting capacity. Switzerland highlighted strengthening synergies among MEAs.

On Tuesday and Wednesday morning, delegates considered a Chair’s text. Regarding stakeholder participation, Canada emphasized indigenous and local communities, and others called for additional resources for countries with economies in transition and small island developing States (SIDS) to enable a more participatory approach.

Canada said references to the extension of the mandate of the expert 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 develop targets for implementation, with UNEP providing supporting mechanisms for implementation. Regarding indicators, Mexico requested emphasis on biodiversity loss, and Colombia suggested reference to CBD Article 7 (Identification and Monitoring).

China and Mexico stressed the need to revise NBSAPs. Argentina recommended adding consultation with national focal points to the Executive Secretary’s mandate. Japan stressed the need for intersessional supporting activities on reporting. New Zealand said the Chair’s summary increased the reporting burden without improving implementation. Ukraine requested ensuring synergies in reporting for various biodiversity-related conventions. WG-II forwarded the recommendations prepared by a drafting group to Plenary, with added reference to SIDS. The closing Plenary adopted the document with minor editorial changes.

Final Recommendation: The final document (UNEP/CBD/ MYPW/L.7) includes recommendations on: national reporting processes; national implementation and NBSAPs; and review and evaluation. On national reporting processes, the recommendation:

• requests the Executive Secretary to revise the existing national reporting formats;

• encourages the Executive Secretary to participate in efforts to harmonize and streamline national reporting with other biodiversity-related conventions;

• invites Parties to promote wider participation of stakeholders and indigenous and local communities, and developed country Parties to provide technical capacity development and financial resources for developing country Parties, Parties with economies in transition and SIDS;

• decides to further reduce the reporting burden on Parties by using other means to gather information when assessing implementation of the Convention and the Strategic Plan.

Regarding national implementation and NBSAPs, the recommendation:

• requests the Executive Secretary to expand support for developing countries and countries with economies in transition to develop, revise and implement NBSAPs that should include relevant aspects of the Strategic Plan’s goals; and report to the COP to allow further work on supporting the review of national implementation, according to Decision V/20 on voluntary reviews of national programmes and implementation needs; and

• invites support for developing countries and countries with economies in transition to develop national level indicators.

Regarding review and evaluation, the recommendation requests the Executive Secretary to: develop a framework for evaluation, including indicators, of the Strategic Plan’s implementation; make full use of other global assessments and regional mechanisms; participate in relevant processes arising from the 20th session of the UNEP Governing Council; and provide an overview of existing mechanisms and processes for reviewing national implementation for consideration at COP-7. It requests SBSTTA to evaluate changes in trends and status of biodiversity, possibly by convening a liaison group to facilitate coordination with international and regional processes.

Finally, the text recommends:

• establishing a schedule for evaluating and reviewing the Strategic Plan and allocate sufficient time for COP, SBSTTA, and inter-sessional meetings to consider progress in implementing the Convention and the Strategic Plan;

• establishing additional intermediate targets and timeframes up to 2010 to enhance evaluation of progress towards the 2010 target;
• addressing the need to provide focused support and improve existing support mechanisms where obstacles have been identified; and
• developing mechanisms to review existing processes’ impacts and effectiveness for improving the operations of the Convention.

MULTI-YEAR PROGRAMME OF WORK UP TO 2010

On Tuesday and Wednesday, WG-II addressed the multi-year programme of work of the COP up to 2010 (UNEP/CBD/MYPOW/4/Add.1). On Tuesday, many supported the SBSTTA-8 recommendation not to add any new items to the COP’s agenda, with the exception of island biodiversity. The Seychelles proposed it 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.

The EU and 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 the review of the forest work programme’s implementation should be completed by COP-8. Kenya requested that capacity building be a cross-cutting issue.

New Zealand, supported by many, suggested that the proposed agenda items be considered in three-year cycles, allocating six items to each COP, and four to each SBSTTA meeting. New Zealand proposed reviewing the implementation of the Strategic Plan and the Convention at each COP. Mexico requested assessing implementation costs of each theme up to 2010. The EU proposed standardizing the format for work programmes, avoiding duplication and, with Iran and Norway, streamlining COP’s agenda and cross-cutting issues. Kenya, supported by Canada and Norway, said progress towards the 2010 target should be discussed at each COP. Hungary proposed evaluating the status and trends of biodiversity at each COP and SBSTTA meeting. The CIBN said indigenous and local communities should be involved at all levels of decision-making, and their interests should be taken into account within all agenda items.

In the afternoon, delegates considered a Chair’s paper including: issues for in-depth consideration and review; and development of 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 issues into comprehensive and specialized issues, and addressing EIA 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.

On Wednesday, delegates considered a Friends of the Chair’s text (UNEP/CBD/MYPOW/WG.II/CRP.1). The EU, opposed by Brazil and New Zealand, suggested that in-depth reviews be based on a standard format ensuring that cross-cutting issues are dealt with consistently. Brazil, Canada, the EU and Norway supported a paragraph reflecting the WSSD outcomes, the WEHAB initiative and the MDGs. Kenya proposed analyzing impediments to achieving the Strategic Plan’s goals. The African Group, opposed by Brazil, suggested that COP-7 invite Parties to submit thematic reports on forest biodiversity at COP-9, when the theme would be reviewed. Brazil and New Zealand opposed a ministerial level assessment of progress in achieving the Strategic Plan’s goals and the 2010 target. Chair Beltram observed that this assessment was in SBSTTA-8’s recommendations. Delegates then adopted the draft recommendation with these amendments. On Thursday, the closing Plenary adopted the document with minor amendments.

Final Recommendation: The final document (UNEP/CBD/MYPOW/L.3) requests the Executive Secretary to seek the views of Parties and relevant organizations, and to present recommendations to COP-7 on means to use the CBD’s work programme to support the WEHAB initiative, the MDGs and the WSSD’s goals.

It also recommends that the COP, inter alia:
• consider WSSD outcomes, especially poverty alleviation, human health, sustainable communities and livelihoods, and hotspots, ecological networks and corridors when undertaking in-depth reviews of existing work programmes;
• identify appropriate ways to address, including within the Ministerial Segment, WSSD issues;
• address the state of progress and obstacles to achieving the Strategic Plan’s goals, CBD’s 2010 target and the MDGs at each meeting;
• consider, when feasible, a maximum of six items for in-depth review at each meeting;
• retain some flexibility in MYPOW-2010 to accommodate urgent issues; and
• adopt the MYPOW annexed to the recommendation.

The annex contains the MYPOW-2010 and recommends that:
• each COP up to 2010 address progress in implementing the Strategic Plan and the MDGs, and consider refining mechanisms to support implementation;
• COP-8 address island biodiversity as a new issue for in-depth consideration, as well as dry and sub-humid lands, the GTI, education and public awareness, Article 8(j), and depending on COP-7’s outcome, ABS;
• COP-9 carry out in-depth reviews of agricultural biodiversity, the GSPC, invasive alien species, forest biodiversity, incentives and the ecosystem approach;
• COP-10 carry out in-depth reviews of inland water biodiversity, marine and coastal biodiversity, sustainable use, protected areas, mountain biodiversity and, depending on COP-7’s outcome, climate change.

CLOSING PLENARY

On Thursday, Chair Hoogeveen opened the closing Plenary, calling on the Chairs of WG-I and WG-II to report on their work. WG-I Chair Verma and WG-II Chair Beltram introduced, and delegates adopted, the working groups’ recommendations.

Delegates then adopted WG-I’s report (UNEP/CBD/MYPOW/L.1/Add.1) and WG-II’s report (UNEP/CBD/MYPOW/L.1/Add.2), with minor amendments. Rapporteur Black-Layne introduced the meeting’s report (UNEP/CBD/MYPOW/L.1). Chair Hoogeveen suggested that a draft recommendation on achieving and measuring progress regarding the 2010 target (UNEP/CBD/MYPOW/L.2/Rev.1) be incorporated into the report. The text welcomes the Executive Secretary’s initiative to organize a meeting from 21-23 May 2003, on “2010 – the Biodiversity Challenge”; invites Parties and others concerned to participate in, and contribute to this initiative; requests the Executive Secretary to report on the meeting’s outcome to SBSTTA-9 to provide advice on follow-up for COP-7; and urges Parties and others to contribute to the achievement of the 2010 target and to report thereon, through the Secretariat, at other meetings organized in the CBD framework prior to COP-7, and thereafter, at each COP meeting. Delegates adopted the report with this amendment.
Under other matters, Malaysia, the host country for COP-7, said it was co-organizing a High Level Roundtable with the Netherlands, on protected areas and ecological networks and corridors.

Chair Hoogeveen then invited statements from Parties and observers. The Czech Republic, on behalf of the Central and Eastern European Countries, Bangladesh, on behalf of the Asia and Pacific Region, Australia, on behalf of the JUSCANZ, Colombia, on behalf of GRULAC, Fiji, on behalf of SIDS, and UNEP made general statements of appreciation. Mexico, on behalf of the LMMC, said that an international legally binding regime on ABS would fulfill the WSSD mandate. Cameroon, on behalf of the African Group, stressed that technology transfer should be country driven and recommended that the ABS Working Group be given an additional day to consolidate their work. Greece, on behalf of the EU, called for full and effective implementation of the Bonn Guidelines to be supplemented by ongoing discussions about an international regime. Syria, on behalf of the Arab Group, lamented the attack on Iraq and reiterated Arab countries’ commitment to implement the CBD. Norway invited participants to the Trondheim Conference on Technology Transfer in June 2003. The CIBN called for organizing a meeting of indigenous experts on the ABS process, prior to the next meeting of the ABS Working Group.

CBD Executive Secretary Zedan highlighted the adoption of a solid multi-year programme of work, activities related to the WSSD outcomes, including work on developing an international regime on ABS, and commitments to implement the CBD’s objectives and the 2010 target. Chair Hoogeveen said that in times of war the guidance of nature is needed to find peace, called for a shift from policy making to implementation, and thanked the participants for their effective contributions. He closed the meeting at 12:05 pm.

A BRIEF ANALYSIS OF THE MYPOW

Six months after the WSSD and nearly ten years after the CBD’s entry into force, the MYPOW found itself at a crossroad between the biodiversity and sustainable development agendas. Convened with the main objective of setting out the multi-year programme of work for the CBD up to 2010, the MYPOW faced the challenge of building upon the CBD’s achievements to date on thematic and cross-cutting issues and integrate sustainable development concerns from the WSSD and MDG, all in accord with the Strategic Plan and in view of meeting the 2010 target of significantly reducing biodiversity loss.

By outlining biodiversity’s critical role in sustainable development and poverty eradication, and affirming the CBD as the key instrument for biodiversity, the WSSD clearly contributed to raising CBD’s profile. Additionally, the WSSD’s call for an international benefit-sharing regime further heightened expectations, but increased the burden, for the full operationalization of the Convention’s three objectives.

The meeting celebrated an undisputable success on ABS. However, some felt that such a highly political issue took away focus on strategic planning, which was the overall objective of the meeting. In contrast to SBSTTA-8’s work on specific themes and work programmes, delegates had to keep a broad vision to integrate WSSD outcomes into CBD work, and adopt appropriate measures for an effective shift from policy development to implementation, thereby responding to both COP-6 and the WSSD Plan of Implementation. This brief analysis will examine the meeting’s major substantive outcomes and overall conduct.

MYPOW-2010: THE PATH TO EFFECTIVE IMPLEMENTATION?

Reshuffling issues across COPs to achieve the prioritization that a concrete multi-year programme of work requires proved rather daunting and initially led to fears that WG-II would not fulfill its task. More often than not, prolonged and repetitive debates raised concerns that the meeting lacked the vision required for achieving the 2010 target. Many delegates had to be reminded that their task was not to plan the specific COP agendas, as it is the task of each COP to detail the agenda of the next COP, but rather, structure the overall work programme of all the COPs until 2010.

Following SBSTTA-8’s recommendation not to add any new issues to the existing CBD agenda, with the exception of island biodiversity, delegates managed to streamline the programme of work by prioritizing issues. This prevailed over attempts to promote a mechanical and repetitive distribution of reviewing existing issues every three years. Prioritization will certainly avoid burdening COP meetings and, instead, allow deeper consideration of progress in achieving the 2010 target to significantly reduce biodiversity loss. Such an approach will hopefully allow for a more focused emphasis on and evaluation of implementation. However, some noted that the decision to address WSSD priorities on poverty alleviation, health, and sustainable community livelihoods when undertaking reviews of existing work programmes may fall short of fully integrating sustainable development concerns in the CBD process. With a streamlined agenda, meeting the 2010 goal, incorporating relevant MDGs and fulfilling the WSSD’s social agenda ultimately places the burden on Parties to incorporate these priorities into national biodiversity strategies and action plans.

BENEFIT SHARING: OLD WINE IN NEW BOTTLES?

Access and benefit sharing, once more, took center stage. Deliberations on the mandated establishment of an international regime for benefit sharing were far from smooth. Nevertheless, the meeting reached a satisfactory compromise allowing for a broad, yet fairly predictable, consideration of the issue at the next meeting of the ABS Working Group in December. In spite of entrenched positions on whether the regime should be binding or not, delegates agreed to consider views on the regime’s nature, along with its process, scope, elements and modalities. While the WSSD Plan of Implementation called for a regime on benefit sharing only, MYPOW delegates decided to include access without engaging in any major controversy.

Acknowledging the development of the Bonn Guidelines, some noted that this was only the beginning of a long and winding road. With the Cartagena Protocol nearing its entry into force, access and benefit sharing is now squarely the next major CBD negotiating theme, whether as a protocol or some other type of legal regime. Several CBD veterans paralleled the MYPOW’s discussions to the laborious first days of the biosafety negotiations. Over the week, MYPOW clearly saw the emergence of negotiating positions and groups, touching upon a wide range of complex issues including IPR, sovereignty over natural resources, the protection of traditional knowledge and indigenous participation in benefit sharing. Herein, the Like-Minded Megadiverse Countries and the African Group strove to move the issue forward, building on the WSSD’s momentum. Others, particularly the EU, favored a stepwise, more structured approach, to ensure incorporation of experience gained with the Bonn Guidelines, especially with regard to measures taken by user countries. There is no doubt that such experience is valuable, along with experience gained within the framework of the ITPGR, which balances facilitated access to a list of plant genetic resources with benefit sharing in the areas of information.
exchange, capacity building, commercial use and technology transfer. Just as initial discussions on biosecurity delayed decision on whether to negotiate a binding protocol, it still remains to be seen whether it will be COP-7, COP-8 or COP-18 that ultimately determines the legal nature of the regime.

Technology transfer is also a key element for benefit sharing and the successful implementation of the CBD at the national level. References in the WSSD Plan of Implementation, as well as the Parties’ decision to address technology transfer at COP-7, highlight its significance for developing countries and countries with economies in transition. Delegates considered most major issues related to the legal and socioeconomic aspects of technology transfer, while carefully overcoming controversies on the all-too-familiar extremely sensitive topic of IPR. The invitation to WIPO to “further explore and analyze” its role in the CBD context will hopefully result in a study, assisting Parties for COP-7 deliberations on this complex issue. Financial resources remain one of the decisive factors for technology transfer. However, the meeting did not, and could not, provide any specific guidance to the GEF, as it is for the COP only to decide on financial arrangements. It is striking, though, that the call on other institutions to provide the adequate resources to developing countries was not further highlighted.

**PROSPECTS FOR THE FUTURE**

As delegates headed back home amidst clouds of war, mixed feelings about the meeting’s success were not surprising. MYPOW delegates faced a heavy workload and the challenge of focusing an increasingly unmanageable process through the specific WSSD outcomes and targets. The meeting’s diverse agenda, the items of which, albeit interconnected, had their particularities, did not provide the conditions required for building a strong framework for future action. Many delegates noticed that building MYPOW-2010 required strategic thinking, which could have been compromised by highly political issues such as ABS. Some suggested that a standing implementation body, instead of a series of ad hoc intersessional meetings would be more efficient to streamline CBD action, providing the leeway to address both strategic and operational concerns, and unexpected substantive items. Ultimately, COP-7 will have to follow-up on MYPOW’s recommendations to keep the momentum and build the bridge between ten years of policy development and concrete future action.

**THINGS TO LOOK FOR BEFORE COP-7**

**GLOBAL CLIMATE CHANGE AND BIODIVERSITY:**

This meeting, organized by the Royal Society for the Protection of Birds, will be held from 8-10 April 2003, in Norwich, UK. For more information, contact: Rhys Green; tel: +44-1-767-680551; fax: +44-1-767-692365; Internet: http://www.tyndall.ac.uk/biodiversity

**11TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT:** The 11th session of the Commission on Sustainable Development will take place from 28 April - 9 May 2003, in New York. For more information, contact: Division for Sustainable Development, tel: +1-212-963-3270; fax: +1-212-963-4260; e-mail: dsd@un.org; Internet: http://www.un.org/esa/sustdev/csd11/csd11_2003.htm

**WORKSHOP ON STRATEGIC PLANNING FOR ACHIEVING THE 2010 TARGET FOR BIODIVERSITY:**

This meeting, organized by the CBD Secretariat, will be held from 22-24 May 2003, venue to be determined. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: http://www.biodiv.org

**THIRD SESSION OF THE UNITED NATIONS FORUM ON FORESTS (UNFF-3):** The third session of the UNFF will take place from 26 May - 6 June 2003, in Geneva, Switzerland. For more information, contact: Mia Soderlund, UNFF Secretariat; tel: +1-212-963-3262; fax: +1-212-963-4260; e-mail: unff@un.org; Internet: http://www.un.org/esa/sustdev/forests.htm

**FOURTH TRONDHEIM CONFERENCE ON BIODIVERSITY: TECHNOLOGY TRANSFER AND CAPACITY BUILDING:** This conference will be held from 23-27 June 2003, in Trondheim, Norway. It is organized by the Norwegian Ministry of Environment, in collaboration with UNEP. For more information, contact: Trondheim Conference Secretariat; tel: +47-22-24-5700; fax: +47-73-80-1401; e-mail: publicinf@wipo.int; Internet: http://www.wipo.org/documents/en/meetings/2003/igc/index_5.htm

**SIXTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION TO COMBAT DESERTIFICATION:** UNCCD COP-6 will be held from 25 August-5 September 2003, in Havana, Cuba. For more information, contact: UNCCD Secretariat; tel: +49-228-815-2800; fax: +49-228-815-2899; e-mail: secretariat@unccd.int; Internet: http://www.unccd.int

**FIFTH WORLD PARKS CONGRESS:** This meeting, sponsored by IUCN, will be held from 8-17 September 2003, in Durban, South Africa. For more information, contact: Peter Shadie, IUCN Programme on Protected Areas; tel: +41-22-999-0025; e-mail: pds@iucn.org; Internet: http://wcpa.iucn.org/wpc/wpc.html

**NINTH MEETING OF THE CBD’S SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE:** SBSTTA-9 will be held from 10-14 November 2003, in Montreal, Canada. For more information, contact: CBD Secretariat; tel: +514-288-2220; fax: +514-288-6588; e-mail: secretariat@biodiv.org; Internet: http://www.biodiv.org

**SECOND MEETING OF THE CBD’S AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND BENEFIT SHARING:** This meeting will be held from 1-5 December 2003 (venue to be determined). For more information, contact: CBD Secretariat (see above).

**THIRD MEETING OF THE CBD’S AD HOC WORKING GROUP ON ARTICLE 8(j):** This meeting will be held from 26-30 January 2004 (venue to be determined). For more information, contact: CBD Secretariat (see above).

**SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CBD:** CBD COP-7 will be held from 15-26 March 2004, in Kuala Lumpur, Malaysia. For more information, contact: CBD Secretariat; (see above).