

## **CBD COP-8 HIGHLIGHTS: TUESDAY, 21 MARCH 2006**

Delegates to the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP-8) met in two working groups throughout the day. Working Group I (WG-I) addressed island biodiversity, dry and sub-humid land biodiversity, and the Global Taxonomy Initiative (GTI). Working Group II (WG-II) initiated discussions on access and benefit-sharing (ABS).

### **WORKING GROUP I**

**ISLAND BIODIVERSITY:** The Secretariat introduced relevant documents (UNEP/CBD/COP/8/2, 13 and INF/40). Many delegates strongly encouraged adoption of the work programme on island biodiversity. SEYCHELLES and the BAHAMAS emphasized its implementation.

Grenada, for SMALL ISLAND DEVELOPING STATES (SIDS), with many, expressed concern over the resource allocation framework of the Global Environment Facility (GEF), supported text on financial assistance in the draft decision, and called for COP guidance to the GEF on assistance to SIDS. The PHILIPPINES, KENYA and others called for allocation of adequate financial resources for implementation of the work programme. Austria for the EU, Liberia for AFRICA, and others emphasized that the work programme should apply to all countries with islands and not just to SIDS.

BRAZIL suggested including reference to prior informed consent (PIC) in priority actions regarding the documentation of endemic genetic resources and traditional knowledge. CANADA stressed the importance of Arctic island biodiversity and full participation of indigenous and local communities through integrative national programmes. INDONESIA said that not all targets could be accomplished within the timeframe of the 2010 biodiversity target. AUSTRALIA requested that language on the supporting actions be consistent with the Convention, previous decisions, and Article 8(j). GHANA said that the work programme could help protect island biodiversity from the potential threats of avian flu.

THAILAND underscored collaboration between the CBD and the Ramsar Convention. On a global target relating to international trade and island biodiversity, ICELAND suggested deleting reference to sustainable use of wild flora and fauna on islands, noting that CITES has not agreed on the term "sustainable use." The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) called for language on requesting the Article 8(j) Working Group to provide recommendations on the work programme implementation and ensuring the allocation of adequate resources for indigenous participation.

**DRY AND SUB-HUMID LANDS:** The Secretariat introduced SBSTTA-11 recommendations on biodiversity of dry and sub-humid lands (UNEP/CBD/COP/8/3). AFRICA, supported by many, highlighted enhanced synergy between the three Rio Conventions, particularly strengthening the Joint Work Programme of the CBD and Convention to Combat Desertification (CCD). BOTSWANA called for additional resources for activities linking dryland biodiversity, climate change and desertification. AUSTRALIA said the Joint Liaison Group of the CBD, CCD and UN Framework Convention on Climate Change should focus on streamlining work across conventions.

The GAMBIA highlighted wetlands conservation in drylands. THAILAND suggested that the *Ad Hoc* Technical Expert Group (AHTEG) on invasive alien species (IAS) further assess threats to drylands. TURKEY emphasized rehabilitation and restoration measures. CANADA stressed capacity building and indigenous communities' involvement in dryland biodiversity conservation. The EU stressed the knowledge gap in dryland biodiversity.

AUSTRALIA stressed the limited information available for the work programme review. NORWAY encouraged countries to include implementation activities in national development strategies, to mobilize donors' support. The PHILIPPINES said the work programme targets provide a flexible framework for the development of national targets.

The CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH (CGIAR) reported on its work to improve livelihoods in dry and sub-humid lands through crop improvement.

**GLOBAL TAXONOMY INITIATIVE:** On the SBSTTA-11 recommendation on the in-depth review of the GTI work programme, GHANA, supported by many, suggested text inviting BioNET International, in cooperation with the GTI mechanism, to establish a special fund for building and retaining capacity for GTI work. NORWAY recommended further deliberations on the special fund.

Many stressed the lack of taxonomic knowledge in developing countries and called for capacity building and support for establishing GTI national focal points. The REPUBLIC OF KOREA stressed the importance of taxonomic needs assessment in each country. PALAU, the PHILIPPINES and MALAWI supported text on GEF financial support for GTI activities. THAILAND and MALAWI called for collaboration between the GTI and the Global Initiative on Communication, Education and Public Awareness. NEW ZEALAND pointed to a gap in taxonomic knowledge on marine and terrestrial invertebrates.

MEXICO highlighted the digitization and dissemination of taxonomic data. AUSTRALIA supported additional activities regarding IAS and island biodiversity. UKRAINE underscored reviewing existing scientific and research capacity. The

GLOBAL BIODIVERSITY INFORMATION FACILITY reported on its work regarding taxonomic data dissemination and capacity building.

### WORKING GROUP II

**ACCESS AND BENEFIT-SHARING:** The Secretariat introduced the documents on ABS (UNEP/CBD/COP/8/5 and 6, and INF/7, 25, 36 and 37).

#### Process for developing an international regime:

AUSTRALIA recommended that COP-8 mandate the ABS Working Group to identify problems in national implementation. NEW ZEALAND proposed focusing the process on the relationship between national and international regimes.

On the number of intersessional meetings of the ABS Working Group, India for the LIKE MINDED MEGADIVERSE COUNTRIES (LMMC) and Venezuela for GRULAC proposed holding two meetings, with Uganda for AFRICA adding it could be one at least two-week long meeting, to complete negotiations by COP-9. The LMMC suggested negotiations also proceed during COP-8. JAPAN asked to hold only one meeting noting budgetary considerations. The EU and COLOMBIA suggested that the meetings be funded from the core budget and, with SWITZERLAND, that they have two permanent Co-Chairs.

Most delegates proposed that the outcome of the fourth meeting of the Working Group (ABS-4) be the basis for further negotiations on the regime. JAPAN asked to continue negotiations on the basis of the gap analysis. NORWAY, supported by others, requested the COP to convene an intergovernmental negotiating body with its own Chair and Bureau, participation of indigenous representatives and a timetable for concluding negotiations by COP-9.

**Participation:** CHINA called for increasing the capacity of developing countries to participate in the negotiations. ECUADOR called for equitable country participation and, with COTE D'IVOIRE, for participation of indigenous and local communities. BOLIVIA stressed the need for cooperation between the ABS and Article 8(j) Working Groups. The EU recalled its proposal to ensure indigenous participation for consideration by COP-8. CAMEROON said indigenous participation should be regionally balanced. ARGENTINA preferred indigenous participation in national delegations. MALAYSIA supported participation of mandated indigenous representatives on ABS issues associated with traditional knowledge. NIGERIA called for full recognition of indigenous rights and clearly earmarked funding for participation in the ABS Working Group. To ensure the recognition of international human and indigenous rights, TUVALU, the IIFB and GLOBAL FOREST COALITION called for mechanisms for full and effective indigenous participation in the ABS negotiations. An informal group was established to present a proposal to structure indigenous participation in the ABS negotiations.

**International regime:** Many said the regime should be legally binding. ARGENTINA supported legally binding elements for user country measures. NORWAY favored an international regime with some binding elements, in the form of a protocol, on the certificate of origin/source/legal provenance and user country measures. The EU said the international regime could contain a number of legally and non-legally binding instruments. CANADA suggested postponing consideration of the need for a legally binding instrument to COP-9 to allow for a national decision-making process. EL SALVADOR favored an international regime to complement national frameworks on ABS mainly for users of genetic resources. URUGUAY said that the international regime should regulate, rather than facilitate, access. The UN FOOD AND AGRICULTURE ORGANIZATION, the INTERNATIONAL UNION FOR PROTECTION OF NEW VARIETIES OF PLANTS (UPOV), the WORLD INTELLECTUAL PROPERTY ORGANIZATION, the CGIAR and the UNITED NATIONS UNIVERSITY reported on their ABS-related work.

**AHTEG on the certificate:** Many supported establishing an AHTEG on the certificate of origin/source/legal provenance. AUSTRALIA stressed AHTEG deliberations should not prejudice whether such a certificate is desirable within an international regime. MEXICO, with COSTA RICA and NORWAY, said the AHTEG should provide technical, and not negotiating, input, noting that proposals under consideration should include a description of the certificate's objectives and rationale, set of characteristics, a qualitative and quantitative assessment, and implications for coordination with other forums. He said different models need to be examined, including binding and non-binding, and linked or not to intellectual property.

AFRICA suggested mandating the AHTEG to draft a structure for the certificate, for consideration by the ABS Working Group. CANADA, supported by EGYPT, proposed headings for the proposed terms of reference to include: duration; financing; participation, and substantive mandate, with the latter taking into account economic impacts, practicability, enforceability and costing of the options. NEW ZEALAND asked for practical implementation studies and clarification of the distinction between provider country and country of origin. NORWAY called for indigenous participation in the AHTEG meeting and the IIFB requested nominating its own experts. TUVALU proposed the AHTEG address indigenous rights.

**Elements of the certificate:** Delegates debated a bracketed list of potential rationale, objectives, features and implementation challenges of an international certificate, prepared by ABS-4. MEXICO noted that the list is useful in identifying the necessary expertise for the AHTEG. MALAYSIA and BRAZIL, opposed by NEW ZEALAND, favored removing brackets, considering the list a useful reference for the AHTEG in developing options for model provisions on disclosure requirements. AFRICA, opposed by AUSTRALIA and CANADA, proposed to annex the list to the AHTEG terms of reference. WG-II Chair Sem Shikongo (Namibia) established an informal group on the issue.

**PIC and MAT:** Delegates discussed the draft decision, containing brackets, on measures to ensure compliance with PIC and mutually agreed terms (MAT).

Delegates debated a reference to disclosure of origin in intellectual property rights applications as part of the regime negotiations, with AUSTRALIA, the EU, JAPAN and CANADA opposing, and AFRICA, the PHILIPPINES, PERU, MALAYSIA and INDIA supporting it. NORWAY suggested finding more precise wording on disclosure of origin.

AUSTRALIA and CANADA opposed reference to genetic resource derivatives, with INDIA, INDONESIA, MALAYSIA, COLOMBIA, ECUADOR and PERU requesting retention. JAPAN and SWITZERLAND suggested deleting a paragraph noting discussions on disclosure of origin in the World Trade Organization (WTO), opposed by AFRICA and MALAYSIA. INDIA, supported by others, requested the Executive Secretary to re-apply for observer status in the WTO Council on Trade-related Aspects of Intellectual Property Rights.

**ABS indicators:** Delegates agreed to postpone consideration of the issue to ABS-5.

### IN THE CORRIDORS

As the crowded WG-II plunged into the intricacies of the ABS regime and the brackets in the Granada outcome, delegates felt encouraged by the constructive propositions and the sense of urgency for continuing negotiations on an international regime. Some welcomed the newest proposal of Norway to set up an intergovernmental negotiating body as an indication of some convergence of the positions of developing and certain developed countries.

With the well-informed indicating that genetic use restriction technologies may sow the seeds of a possibly growing controversy at COP-8, delegates were reminded of the concerns of the outside world by protesters calling for a ban on "suicide seeds."