

NINTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: 19-30 MAY 2008

The ninth Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD) opens today in Bonn, Germany, immediately following the fourth Meeting of the Parties (COP/MOP 4) to the Cartagena Protocol on Biosafety.

During the two-week meeting, the COP will consider: agricultural biodiversity, including biofuels; the Global Strategy for Plant Conservation; invasive alien species (IAS); forest biodiversity; incentive measures; the ecosystem approach; progress in implementation of the Strategic Plan and towards the 2010 target and relevant Millennium Development Goals; and financial resources and the financial mechanism.

Other substantive and strategic issues to be addressed include: access and benefit-sharing (ABS); Article 8(j) and related provisions; technology transfer and cooperation; monitoring, assessment and indicators; biodiversity and climate change; biodiversity of dry and sub-humid lands; protected areas (PAs); biodiversity of inland waters; marine and coastal biodiversity; island biodiversity; the Global Taxonomy Initiative (GTI); liability and redress; cooperation with other conventions and engagement of stakeholders; operations of the Convention; scientific and technical cooperation and the clearing-house mechanism (CHM); guidance to the financial mechanism; and communication, education and public awareness (CEPA). The meeting will also address administrative matters and the budget for the biennium 2009-2010.

The COP 9 high-level ministerial segment will be held from 28-30 May 2008. Other parallel events include: a mayors conference on local action for biodiversity, to be held from 26-28 May 2008; a fair on experiences and best practices in CEPA; and numerous side events, including many focusing on business and biodiversity, and biodiversity for development.

A BRIEF HISTORY OF THE CBD

The CBD, negotiated under the auspices of the UN Environment Programme (UNEP), was adopted on 22 May 1992, and entered into force on 29 December 1993. There are currently 191 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

COP 1: At the first COP (November - December 1994, Nassau, the Bahamas), delegates set the general framework for the Convention's implementation, by establishing the CHM and

the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), and by designating the Global Environment Facility (GEF) as the interim financial mechanism.

COP 2: At the second COP (November 1995, Jakarta, Indonesia), delegates adopted a decision on marine and coastal biodiversity (the Jakarta Mandate) and established the Open-ended *Ad Hoc* Working Group on Biosafety to elaborate a protocol on biosafety, specifically focusing on transboundary movement of any living modified organism (LMO) that may have an adverse effect on biodiversity.

COP 3: At its third meeting (November 1996, Buenos Aires, Argentina), the COP adopted work programmes on agricultural and forest biodiversity, as well as a Memorandum of Understanding with the GEF, and called for an intersessional workshop on Article 8(j) and related provisions.

COP 4: At its fourth meeting (May 1998, Bratislava, Slovakia), the COP established a Working Group on Article 8(j) and a panel of experts on ABS, and adopted the GTI and a work programme on marine and coastal biodiversity, as well as decisions on: inland water, agricultural and forest biodiversity, and cooperation with other agreements.

ExCOP: Following six meetings of the Biosafety Working Group between 1996 and 1999, delegates at the first Extraordinary Meeting of the COP (ExCOP) (February 1999, Cartagena, Colombia) did not agree on a compromise package that would finalize negotiations on a biosafety protocol, and the meeting was suspended. The resumed ExCOP (January 2000, Montreal, Canada) adopted the Cartagena Protocol on Biosafety, and established the Intergovernmental Committee for the Cartagena Protocol on Biosafety to undertake preparations for COP/MOP-1. The Protocol addresses the safe transfer, handling and use of LMOs that may have an adverse effect on biodiversity, taking into account human health, with a specific focus on transboundary movements.

COP 5: At its fifth meeting (May 2000, Nairobi, Kenya), the COP reviewed the work programme on agricultural biodiversity, established a Working Group on ABS, and adopted work programmes on dry and sub-humid lands, and incentive measures, and decisions on Article 8(j), the ecosystem approach, sustainable use, biodiversity and tourism, IAS and the GTI.

COP 6: At its sixth meeting (April 2002, The Hague, the Netherlands), the COP adopted the Convention's Strategic Plan, including the target to reduce significantly the rate of biodiversity loss by 2010. The meeting also adopted: an expanded work programme on forest biodiversity; the Bonn Guidelines on ABS; guiding principles for IAS; the Global Strategy for Plant Conservation; a work programme for the GTI; and decisions on incentive measures and Article 8(j).

COP 7: At its seventh meeting (February 2004, Kuala Lumpur, Malaysia), the COP adopted work programmes on mountain biodiversity, PAs, and technology transfer and cooperation, and mandated the Working Group on ABS to initiate negotiations on an international regime on ABS. The COP also adopted: a decision to review implementation of the Convention, its Strategic Plan and progress towards achieving the 2010 target; the Akwé: Kon Guidelines for cultural, environmental and social impact assessments; the Addis Ababa Principles and Guidelines for sustainable use; and decisions on CEPA, incentive measures, inland waters, and marine and coastal biodiversity.

COP 8: At its eighth meeting (March 2006, Curitiba, Brazil), the COP adopted a work programme on island biodiversity and decisions on a range of issues including Article 8(j), CEPA, cooperation with other conventions and private sector engagement, PAs, including high seas PAs, incentive measures, biodiversity and climate change, and forest, marine and coastal, and agricultural biodiversity. COP 8 reaffirmed the COP 5 ban on the field testing of genetic use restriction technologies, and instructed the ABS Working Group to complete its work with regard to an international regime on ABS at the earliest possible time before COP 10, to be held in 2010.

INTERSESSIONAL HIGHLIGHTS

SBSTTA 12: At its twelfth meeting (July 2007, Paris, France), SBSTTA addressed: strategic issues relating to the conservation and sustainable use of biodiversity, including improving SBSTTA's effectiveness; scientific and technical issues of relevance to achieving the 2010 target, focusing on biodiversity and climate change, and dry and sub-humid lands; and the new and emerging issue of liquid biofuel production. A number of issues with regard to climate change and biofuels remained outstanding and, as a result, recommendations contain bracketed language.

WGRI 2: The second meeting of the Working Group on Review of Implementation (July 2007, Paris, France) adopted recommendations on: the implementation of goals 2 and 3 of the Strategic Plan (concerning national biodiversity strategies and action plans, and capacity building, access to and transfer of technology and technology cooperation); options and a draft strategy for resource mobilization; opportunities for streamlining guidance provided to the GEF; and operations of the Convention.

ABS 5: At its fifth meeting (October 2007, Montreal, Canada), under the co-chairmanship of Fernando Casas (Colombia) and Timothy Hodges (Canada), the ABS Working Group considered substantive elements of an international regime on ABS, including: access to genetic resources; fair and equitable sharing of benefits; compliance with prior informed consent and mutually agreed terms; an internationally recognized certificate of origin/source/legal provenance; traditional knowledge and genetic resources in the context of ABS; and capacity building. Delegates also discussed two informal documents tabled by the Co-Chairs, the Co-Chairs' notes on proposals made at the meeting and their reflections on progress made, and agreed they would be circulated to parties as information documents.

ARTICLE 8(J) WG 5: At its fifth meeting (October 2007, Montreal, Canada), the Working Group on Article 8(j) adopted recommendations on: the UN Permanent Forum on Indigenous Issues; the composite report on the status and trends of traditional knowledge; the traditional knowledge action plan; *sui generis* systems for traditional knowledge protection; and an ethical code of conduct. Delegates did not reach agreement on a recommendation on inputs from the Working Group to the negotiation of an international regime on ABS, due to divergence of views with regard to both procedural and substantive issues.

ABS 6: At its sixth meeting (January 2008, Geneva, Switzerland), the ABS Working Group focused on the main components of the international regime, including fair and equitable sharing of benefits, access to genetic resources, compliance, traditional knowledge and genetic resources, and capacity building. The Working Group made considerable progress in producing a short and concise working document on the international regime, consisting of sections on the main components and lists of items "to be further elaborated with the aim of incorporating them in the international regime" in the case of agreement in principle, or "for further consideration," in the case of disagreement or need for further clarification.

WGPA 2: At its second meeting (February 2008, Rome, Italy), the Working Group on PAs adopted two heavily bracketed recommendations on the review of implementation of the work programme and on options for mobilizing financial resources for its implementation. Concerns were voiced with regard to the lack of full consideration of financing needs and the low level of political impetus in the context of PAs, as well as to procedural shortcomings.

SBSTTA 13: At its thirteenth meeting (February 2008, Rome, Italy), SBSTTA conducted in-depth reviews of the work programmes on agricultural and forest biodiversity; addressed scientific and technical issues of relevance to the implementation of the 2010 target relating to marine and coastal biodiversity, inland waters, IAS, and biodiversity and climate change; and considered the *modus operandi* for addressing new and emerging issues. Several issues remained unresolved and the recommendations contain bracketed language regarding: biofuels in the context of agricultural and forest biodiversity; options for the consideration of genetically modified trees; several issues relating to marine and coastal biodiversity; the possible establishment of an expert group on biodiversity and climate change; and references to climate change mitigation measures.

COP/MOP 4: Held from 12-16 May 2008, in Bonn, Germany, Biosafety Protocol COP/MOP 4 was dominated by discussions on liability and redress. While the meeting did not complete its mandate to adopt an international regime on liability and redress in the context of the Protocol, it achieved a political compromise that will pave the way towards adopting a legally binding regime, hailed by most participants as a major step forward. The compromise envisions a legally binding supplementary protocol focusing on an administrative approach but including a provision on civil liability to be complemented by non-legally binding guidelines on civil liability. The meeting also established an *ad hoc* technical expert group on risk assessment and risk management.

OTHER MEETINGS: Among the other intersessional meetings were those addressing issues including: the Global Strategy for Plant Conservation (October 2006, Dublin, Ireland); South-South cooperation (November 2006, Montreal, Canada); an internationally recognized certificate of origin/source/legal provenance (January 2007, Lima, Peru); biodiversity and climate change (March 2007, Montreal, Canada); cities and biodiversity (March 2007, Curitiba, Brazil); the review of implementation of the work programme on forest biodiversity (May-June 2007, Rome, Italy); technology transfer and scientific and technological cooperation (September 2007, Geneva, Switzerland); ecological criteria and biogeographic classification systems for marine areas in need of protection (October 2007, Azores, Portugal); and opportunities and challenges of responses to climate change for indigenous and local communities, their traditional knowledge and biodiversity (March 2008, Helsinki, Finland).