

CBD COP 9 HIGHLIGHTS: TUESDAY, 27 MAY 2008

Delegates met in two working groups throughout the day and in the evening to consider conference room papers (CRPs): Working Group I (WG I) on the ecosystem approach, dry and sub-humid lands, incentive measures, and marine and coastal biodiversity; and WG II on communication, education and public awareness (CEPA), cooperation with other conventions and engagement of stakeholders, and monitoring, assessment and indicators. Contact and informal groups on access and benefit-sharing (ABS), Article 8(j), financial resources and mechanism, forest biodiversity, and the budget also met.

WORKING GROUP I

ECOSYSTEM APPROACH: Delegates continued deliberations on a CRP. On an invitation to parties to consider land tenure and marine issues, NEW ZEALAND, opposed by the EU, requested deleting mention of “tenure,” and delegates agreed to refer to “land and marine issues, including tenure.” On financial and technical support for indigenous and local communities to apply the approach consistent with customary sustainable use, CHINA asked that support be provided “as appropriate,” and COSTA RICA that application be consistent with national laws. NEW ZEALAND suggested deleting reference to “customary” use, but agreed to refer to “traditional” use. The CRP was approved as amended, with one bracketed reference to climate-change “response” activities pending the outcome of the contact group on climate change.

DRYLANDS: Delegates addressed a CRP. On the restoration and maintenance of native wildlife, CANADA proposed language encouraging parties to enhance wildlife management through improved land use to achieve sustainable consumption, maximize community benefits, and minimize human-wildlife conflicts. Delegates eventually agreed that sustainable wildlife management may have a comparative advantage over other land-use options due to natural adaptations and resilience to predicted impacts of climate change.

On requesting the Executive Secretary to explore the impacts of expanding biofuel production, the EU called for deleting reference to agricultural trade. BRAZIL preferred referring to “expanding agriculture production” and opposed reference to taking into account a decision on biofuels. Delegates considered substituting reference to climate change “adaptation” and “mitigation” with “responses.” This paragraph was bracketed.

Delegates debated a reference to the importance of avoided deforestation and forest degradation. They agreed to a proposal by BRAZIL to reference “sustainable forest management and sustainable land management.” The CRP was approved as amended and bracketed.

INCENTIVE MEASURES: Delegates addressed a CRP and agreed to invite parties, subject to the availability of financial resources, to provide guidance for promoting sustainably produced biodiversity-based products. The EU and NEW ZEALAND requested bracketing text on actions for reducing emissions, pending discussions on climate change. Delegates debated a new paragraph proposed by BRAZIL, supported by ARGENTINA and others, and opposed by the EU and others, on compiling and analyzing information on perverse incentives for agriculture, including for biofuel production and use, and on their negative impacts on the livelihoods of the rural poor and on the biodiversity of other countries. The paragraph remains bracketed. NORWAY, opposed by BRAZIL, suggested using language from COP Decision VIII/26 (incentive measures) on “taking into account other international instruments” to replace references on the need “to be consistent with international obligations or agreements.” The references remain bracketed. The CRP was approved as amended and bracketed.

MARINE AND COASTAL BIODIVERSITY: Delegates considered a CRP. Delegates could not reach consensus on how to refer to the UN Convention on the Law of the Sea and references remained bracketed.

In relation to environmental impact assessments (EIA), CANADA asked for the further development of “scientific and technical guidance” rather than “guidelines,” and BRAZIL for capacity building. JAPAN and others, opposed by the EU and NEW ZEALAND, suggested deleting a paragraph on convening an expert workshop on EIA in areas beyond national jurisdiction. Paragraphs relating to ocean fertilization were set aside pending outcomes of the contact group on climate change. CHINA, opposed by the EU and many others, suggested “taking note of” rather than adopting the scientific criteria and guidance in Annexes I and II, but following consultations agreed to adopt them.

Debate then centered on a suggestion by CUBA to invite parties and others to submit their views and experiences on the use of the annexed scientific criteria, scientific guidance, and steps in the development of representative networks, including proposals on ways and means for coordination, management and control. Many parties opposed, noting that the proposals would be beyond the CBD’s mandate, and agreed to insert a footnote, referring to proposals on coordination, management and control.

Delegates could not reach consensus on paragraphs regarding application of the criteria, guidance and initial steps; further advancing scientific and technical advisory work on areas meeting the scientific criteria; cooperation on pilot projects; and an additional paragraph that the establishment of marine protected areas in areas beyond national jurisdiction should be undertaken with the consent of all parties concerned and by

respecting their mutual rights. These paragraphs were bracketed and along with other outstanding issues referred to an informal consultation group.

WORKING GROUP II

CEPA: Delegates discussed a CRP and agreed to emphasize the need for CEPA integration. CHINA proposed requesting the Executive Secretary to compile information on CEPA implementation, rather than assess its impact. The CRP was approved as amended.

Regarding a CRP on the International Year of Biodiversity 2010, UGANDA suggested that national celebration committees include representatives of indigenous and local communities. The CRP was approved as amended.

COOPERATION: Delegates addressed a CRP on cooperation among multilateral environmental agreements. CHINA questioned the necessity of the decision, warning that the Convention is losing focus. Delegates debated: proposals by BRAZIL to delete text on welcoming the joint meetings of the scientific bodies of the biodiversity-related conventions, and on the consortium of scientific partners on biodiversity; and a proposal by AUSTRALIA to delete reference to enhanced cooperation with regard to biodiversity and climate change. These issues will be addressed in an informal group.

Regarding a CRP on business engagement, including an annexed framework of priority actions, the Secretariat reported that an informal group reached agreement to delete a priority area on facilitating business participation in Convention processes, and to add a priority activity regarding the compilation, specifically in relation to small and medium size enterprises, of practices fostering the sustainable use of biological resources. The CRP was approved as amended.

Delegates also approved a CRP on South-South cooperation as agreed upon in informal discussions.

MONITORING, ASSESSMENT AND INDICATORS:

Delegates addressed a CRP, with discussions focusing on the intergovernmental and multi-stakeholder approach to strengthening the science-policy interface on biodiversity and ecosystem services. Delegates agreed to invite parties to ensure that appropriate science and policy experts attend, and to encourage participation of experts from various regions and disciplines. Following proposed changes by BRAZIL, delegates agreed to: refer to degradation of ecosystems and ecosystem services; emphasize the importance of promoting application of the Millennium Ecosystem Assessment (MA); and take into account the conceptual framework and results of the MA. The EU proposed and delegates agreed to make a general reference to SBSTTA recommendation XII/3 (implications of the findings of the MA) as necessary and delete the sub-paragraphs referencing specifics of that recommendation. Discussions will continue on Thursday.

OPERATIONS OF THE CONVENTION: Delegates addressed a CRP containing bracketed language on criteria for identifying new and emerging issues, and two options specifying that either the Executive Secretary identify the issue for SBSTTA's consideration, or SBSTTA identify it for COP's consideration. An informal group will address these items.

CONSULTATIVE GROUP ON ABS

Delegates considered the draft decision on the process for negotiating the international ABS regime, containing two annexes on its main components and terms of reference for intersessional expert groups. The great majority of parties supported a reference instructing the Working Group to identify which components should be legally binding or non-legally

binding, noting that their agreement to the expert groups' terms of reference is predicated on a clear commitment by all parties to negotiate a regime with at least some legally binding components. One party opposed, noting that any reference to identifying the nature of components would preempt the final COP decision, suggesting alternative language without reference to identifying the nature of components, which was rejected by all but one other party. After informal consultations, delegates agreed to state that the nature of components will be identified after the negotiation of operational text.

Regarding the duration of three ABS Working Group meetings, one regional group and several parties supported five day meetings, while other regional groups called for ten day meetings. Compromise proposals providing for: seven working days or seven consecutive days; or seven days for the first meeting, while allowing extending the duration of subsequent meetings, if needed, did not lead to agreement. One group insisted that any duration exceeding five days would be subject to available funds, triggering a debate on funding commitments. The issue was left pending.

CONSULTATIVE GROUP ON ARTICLE 8(J)

Delegates discussed a non-paper including parts of a draft decision, and removed brackets around references to indigenous prior informed consent by agreeing to a preambular paragraph noting that the decision should be interpreted in accordance with the Convention, in particular Article 8(j). Delegates considered the sixth meeting of the Article 8(j) Working Group being held back-to-back with another meeting, and in time to allow it to provide ABS 8 with detailed and focused views on the reports of the expert groups on traditional knowledge and on compliance. Some opposed referencing specific reports so as not to preclude a decision on what issues the Article 8(j) Working Group would consider.

Delegates debated at length the focus of the Article 8(j) work programme, with some parties, supported by indigenous representatives, insisting on addressing tasks currently foreseen in the work programme. Some alternatively proposed focusing on biodiversity conservation and sustainable use, which was opposed by parties calling for focus on the protection of traditional knowledge and guidelines on repatriation of information. The issue was deferred to informal consultations.

IN THE CORRIDORS

As deliberations on the Bonn Roadmap for the negotiation of the ABS regime neared completion, the only outstanding item – funding the negotiating process – revealed all too familiar differences. While some donors were reluctant to commit to funding additional working days for the ABS Working Group, others made clear what their priorities are, with one delegate stating, “if you ask me, all CBD work programmes can stay in the fridge as long as ABS moves on!” Progress in the ABS group appeared earlier concerns that the ministers might have to attend to that issue. New rumors emerged that the high-level negotiations will focus exclusively on biofuels, which is turning out to be the COP's most unruly item.

Meanwhile, progress is reportedly imminent on another thorn in the CBD's side, namely the status of the guiding principles on invasive alien species. As the delegation which entered a formal objection back at COP 6 expressed its willingness to engage in discussions, many hoped that after years of footnotes and reservations, an acceptable formulation would soon “remove the blemish from the Convention.”