

## **CBD COP 9 HIGHLIGHTS: THURSDAY, 29 MAY 2008**

Delegates met in two working groups throughout the day and into the night. Working Group I (WG I) considered conference room papers (CRPs) on invasive alien species (IAS), forest biodiversity, island biodiversity, inland waters, marine and coastal biodiversity, protected areas (PAs), and biodiversity and climate change. WG II addressed CRPs on cooperation among multilateral environmental agreements, operations of the Convention, Article 8(j), and financial resources and mechanism. High-level, contact and informal groups were held on numerous issues.

### **WORKING GROUP I**

**IAS:** Delegates continued discussing a CRP. Following informal consultations, the EU agreed to BRAZIL's suggestion that SBSTTA "consider the establishment" rather than "establish" an *ad hoc* technical expert group (AHTEG) on risks of IAS introduced as pets, aquarium and terrarium species, and as live bait and live food. Delegates did not reach consensus on: the footnote regarding Decision VI/23 (IAS); and references to consistency with international obligations, in relation to mechanisms to control pathways for potential IAS, and to studying the impacts of climate change on the establishment and spread of IAS. The CRP was approved with remaining brackets.

**FOREST BIODIVERSITY:** Delegates considered a revised CRP and disagreed on whether to "urge" or "invite" parties to undertake activities related to work programme implementation. Debate on GM trees, impacts of climate change, and undertaking certain activities "consistent with international obligations" was postponed, pending outcomes of high-level and contact group discussions. Several African delegations, with SIDS, supported text on suspending release of GM trees.

BOLIVIA asked that reforestation efforts use indigenous species. On collaborating with the UNFCCC and others, QATAR, opposed by CANADA, NORWAY and GABON, proposed deleting reference to "forest degradation in developing countries" in the context of reducing emissions from deforestation, while MALAYSIA suggested specifying "in the framework of the UNFCCC."

A revised CRP was prepared for WG I consideration. In the evening, delegates were informed that high-level consultations reached agreement on GM trees.

**ISLAND BIODIVERSITY:** Delegates considered a CRP. Brackets remain on references to: the EU conference on strategies to counter climate change and biodiversity loss; climate change adaptation and mitigation; and "access to and" fair and equitable benefit-sharing. The CRP was approved with those brackets.

**INLAND WATERS:** Delegates considered a CRP. The EU, NORWAY, ETHIOPIA and QATAR welcomed the ongoing work of the Ramsar Convention on ecosystem functions, encouraging the use of existing guidance. Text was accepted, but TURKEY requested recording their disagreement in the report of the meeting. CHINA favored deleting a reference to the potential role of the Ramsar Information Sheet for Ramsar Sites. Delegates agreed to a paragraph on the importance of improved international cooperation without specific mention of the UN Convention on the Law of Non-Navigational Uses of International Watercourses and approved the CRP as amended.

**MARINE AND COASTAL BIODIVERSITY:** Delegates considered a revised CRP and agreed to "also note" the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), rather than take it into account, as appropriate. The draft decision was approved as amended.

**PAs:** Delegates addressed a revised CRP and were informed that the Friends of the Chair group reached agreement on financial matters. Debate centered on language concerning indigenous and local community governance systems, and delegates eventually agreed on "and where applicable, taking into account indigenous and local communities' own management systems and customary use." Delegates accepted language on encouraging enhanced research and awareness of the role that PAs and the connectivity of PA networks play in addressing mitigation of and adaptation to climate change. A general reference to exploring funding opportunities for PAs in the context of impacts of climate change mitigation activities was also accepted.

In the evening, following attempts to reopen text, delegates discussed procedure, with AUSTRALIA and others opposing reopening approved text, and BRAZIL reserving the right to return to issues in plenary. On financial support to GEF-funded projects, the EU proposed language on mobilizing co-financing, and BRAZIL preferred retaining language on "new and additional resources." The CRP was approved with remaining brackets.

**BIODIVERSITY AND CLIMATE CHANGE:** Paula Lehtomäki, Finland's Minister of the Environment, informed delegates that consensus had been reached in high-level consultations regarding the use of "impacts of adaptation and mitigation activities." Delegates began addressing a revised CRP but then discussed how to use the ministerial advice. NORWAY, the EU and others favored using it, but AUSTRALIA and BRAZIL noted parties still have the discretion to insert their own text. Discussions were then suspended.

### **WORKING GROUP II**

**COOPERATION:** CANADA presented an agreement reached in informal consultations, namely to invite: the subsidiary bodies of the Rio Conventions to enhance mutual

collaboration; and the scientific bodies of biodiversity-related conventions and their joint liaison group to address options for enhanced cooperation regarding cross-cutting issues; both in a manner consistent with their respective mandates, governance arrangements and programmes. The CRP was approved as amended.

**OPERATIONS OF THE CONVENTION:** Delegates discussed a CRP and agreed to include a proposal by CHINA that parties should take into account previous COP decisions when recommending new ones, to avoid duplication. The BAHAMAS, supported by the G-77/CHINA, suggested urging finalization of the review of the administrative arrangements between UNEP and the CBD Secretariat, including the delegation of authority on personnel and administrative issues, for COP 10 consideration.

On two options regarding a process for identifying new and emerging issues, BRAZIL, ARGENTINA and COLOMBIA supported that SBSTTA review proposals and identify emerging issues to be considered by COP; while the EU and CANADA preferred that the Executive Secretary, in consultation with the SBSTTA Bureau, identify emerging issues to be considered by SBSTTA, but expressed readiness to delete both options. MEXICO proposed requesting SBSTTA to review and discuss the proposals and, as appropriate, identify the emerging issue and present options for COP consideration. Regarding criteria for emerging issues, delegates did not agree on whether to retain a reference to new evidence of unexpected and significant impacts on biodiversity.

In the evening, delegates were informed that no consensus was reached on the process and criteria for emerging issues and approved the CRP with remaining brackets, adding the Mexican proposal as one of the options on process.

**ARTICLE 8(J):** Delegates discussed a CRP and agreed to take note of the UNDRIP in a preambular reference. In a section on the work programme, AUSTRALIA agreed to refer to "protection" of traditional knowledge, rather than to "respect, preservation and maintenance." Regarding the composite report, the EU, opposed by SOUTH AFRICA, proposed a preambular reference to the international expert meeting on responses to climate change for indigenous and local communities in the Arctic. Delegates agreed to "take it into account." The CRP was approved with these amendments. Bracketed references to climate change "mitigation" will be resolved in plenary pending high-level consultations.

#### **FINANCIAL RESOURCES AND MECHANISM:**

Delegates considered two CRPs on review of implementation of Articles 20 and 21 (financial resources and mechanism), with sections on: in-depth review of the availability of financial resources; a strategy for resource mobilization; the message on finance and biodiversity; the third review of the effectiveness of the financial mechanism; input to the fifth replenishment of the financial mechanism; and additional guidance to the financial mechanism. Contact group Co-Chair Izabella Koziell (UK) explained the latter section remained incomplete pending review of all CRPs, and reported on agreement on: underlining that an international ABS regime could support sustainable use and protection of biodiversity and its associated ecosystem services; and recognizing that local communities and developing countries may be subject to high conservation opportunity costs.

Regarding the strategy on resource mobilization, the mission remained bracketed and NEW ZEALAND noted that reference to positive incentives taking into account international obligations, to replace references to trade-distortion or WTO obligations, was still under consideration. Outstanding matters were referred back to the contact group.

#### **DISCUSSIONS ON ABS**

A small group, co-chaired by René Lefeber (the Netherlands) and Sem Shikongo (Namibia), convened to discuss Annex I of the draft decision containing the international ABS regime's

main components. The Co-Chairs asked delegates to identify which components for further consideration (bullets) could be turned into components for further elaboration and inclusion in the international regime (bricks). On compliance, many delegates pushed for identifying as bricks: access to justice, dispute settlement, enforcement of judgments, and a number of tools to encourage and monitor compliance. Several indicated that they were not in a position to identify further bricks, arguing that the link between compliance and access should be resolved first. After a lengthy discussion, these parties stated they preferred to await the report of the expert group on compliance.

On benefit-sharing, delegates agreed to turn a bullet on directing benefits towards conservation and sustainable use of biodiversity into a brick; and to move a bullet on model clauses for inclusion in material transfer agreements to a section on capacity building, where it was turned into a brick after deleting reference to "standardized benefits." Delegates then considered a Co-Chair's text on scope consolidating options that had been suggested at ABS 6. The text was bracketed and included in the annex, along with two original options.

The informal consultative group convened briefly in the evening to approve the revised CRP with an amendment reflecting the changes that had been made to the annex by the small group.

#### **GROUP ON AGRICULTURAL BIODIVERSITY**

Delegates made progress on the CRP, having taken on board high-level guidance to the effect that: there is common ground on the need for biofuel production to be sustainable; there is a role for the CBD relating to biodiversity-related aspects of biofuels; and the CBD should respect differing national circumstances. Delegates negotiated several "packages," regarding sustainability tools and trade distortions, integration of the biofuel issue into the work of the Convention, and next steps. Delegates accepted language on integrating the biofuel issue into the agricultural biodiversity work programme, but bracketed references to the forest biodiversity work programme. References to establishing an AHTEG, or referring the issue to SBSTTA, prior to COP 10 or COP 11, and to the mandate of a possible AHTEG, remained bracketed.

In the evening, WG I was informed that high-level consultations would address biofuels.

#### **BUDGET GROUP**

Delegates agreed on compromise text authorizing the use of surplus and savings from the core budget to cover temporary shortfalls in the Special Voluntary Trust Fund for Facilitating Participation of Developing Country Parties, subject to certain conditions. Several announced voluntary contributions to cover meeting costs and staffing.

#### **IN THE CORRIDORS**

As many delegates were getting ready for all night discussions to resolve outstanding matters, attitudes ranged from "guarded optimism" to "slight panic," with the latter gaining precedence as time went on. A number of delegates commented that there had never been so many "big" items discussed in parallel processes until the last moment, while still being held up by the many interlinkages among them. With the decision on agriculture depending on an outcome on biofuels, in turn linked to the decisions on forests, climate change, and incentives, and all of these decisions awaiting the outcome on the financial mechanism and the budget, many were wondering if there would be enough time to disentangle the CRPs and turn them into decisions.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of COP 9 will be available on Monday, 2 June 2008, online at: <http://www.iisd.ca/biodiv/cop9/>