

EIGHTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: 20-31 MARCH 2006

The eighth Conference of the Parties (COP-8) to the Convention on Biological Diversity (CBD) opens today in Curitiba, Brazil, immediately following the third Meeting of the Parties (COP/MOP-3) to the Cartagena Protocol on Biosafety.

COP-8 will consider a range of priority issues, including: island biodiversity; biodiversity of dry and sub-humid lands; the Global Taxonomy Initiative (GTI); access and benefit-sharing (ABS); Article 8(j) and related provisions (traditional knowledge); and communication, education and public awareness (CEPA). Participants will address strategic issues for evaluating progress or supporting implementation, including: progress towards implementation of the Convention and its Strategic Plan; implications of the findings of the Millennium Ecosystem Assessment; review of the effectiveness and impacts of the Convention bodies, processes and mechanisms; scientific and technical cooperation and the clearing-house mechanism (CHM); technology transfer and cooperation; and cooperation with other conventions and engagement of stakeholders. Participants will also discuss the budget for the biennium 2007-2008, financial resources, and guidance to the financial mechanism, and will address a range of other substantive issues, including: forest, inland water, marine and coastal, and agricultural biodiversity; protected areas (PAs); incentive measures; invasive alien species (IAS); impact assessment; liability and redress; and biodiversity and climate change.

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 188 parties to the Convention, aiming 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 (BSWG)

to elaborate a protocol on biosafety, specifically focusing on transboundary movement of any living modified organism (LMO) that may have an adverse effect on biological diversity.

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 panel of experts on ABS, and adopted a work programme on marine and coastal biodiversity, as well as decisions on: inland water, agricultural and forest biodiversity; Article 8(j); and cooperation with other agreements.

EXCOP: Following six meetings of the BSWG 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, and adopted a work programme on dry and sub-humid lands, and decisions on ABS, Article 8(j), the ecosystem approach, sustainable use, biodiversity and tourism, IAS, incentive measures 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; and decisions on the Global Strategy for Plant Conservation, the GTI, 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.

INTERSESSIONAL HIGHLIGHTS

COP/MOP-1: Biosafety Protocol COP/MOP-1 (February 2004, Kuala Lumpur, Malaysia) agreed on more detailed documentation requirements for LMOs destined for direct introduction into the environment and contained use; reached an interim decision on documentation requirements for LMOs for food, feed or processing (FFPs); and established a Compliance Committee.

SBSTTA-10: SBSTTA-10 (February 2005, Bangkok, Thailand) developed a work programme on island biodiversity, and confirmed the suitability of various indicators for an assessment of progress towards the 2010 target. It also provided advice on the integration of global outcome-oriented targets into the Convention's work programmes; recommended steps for the review of implementation of the GTI work programme; proposed options for a cross-cutting initiative on biodiversity for food and nutrition; and refined proposals for the application of ways and means to remove or mitigate perverse incentives.

ABS WG-3: At its third meeting (February 2005, Bangkok, Thailand), the ABS Working Group initiated negotiations on an international regime on ABS. It also addressed: an international certificate of origin/source/legal provenance; measures to ensure compliance with prior informed consent and mutually agreed terms; and options for indicators for ABS.

COP/MOP-2: Biosafety Protocol COP/MOP-2 (May-June 2005, Montreal, Canada) adopted decisions on capacity building, public awareness and participation, and risk assessment and management. The meeting did not reach agreement on the detailed documentation requirements for LMO-FFPs, even though the Protocol had established a deadline for a decision at COP/MOP-2.

PAWG: The first meeting of the *Ad Hoc* Open-ended Working Group on PAs (June 2005, Montecatini, Italy) adopted recommendations on: options for cooperation for establishing marine PAs beyond national jurisdiction; toolkits for the identification, designation, management, monitoring and evaluation of PA systems; options for mobilizing financial resources for the implementation of the CBD work programme on PAs; and a process for the review of implementation of the work programme.

WGRI: The *Ad Hoc* Open-ended Working Group on Review of Implementation (September 2005, Montreal, Canada) adopted recommendations on: implementation of the Convention and the Strategic Plan; the 2010 target; impacts and effectiveness of Convention processes and bodies; cooperation with other conventions, organizations and initiatives; stakeholder engagement; and monitoring, reporting and evaluation processes.

LIABILITY EXPERT MEETING: The group of technical and legal experts on liability and redress under CBD Article 14.2 (October 2005, Montreal, Canada) suggested that the COP could develop guidance relating to damage to biodiversity, its valuation and restoration, and capacity-building at the national level, including the development and implementation of national liability and redress regimes. The meeting concluded that it might be premature to decide whether or not to develop an international liability regime focused on damage to biodiversity.

SBSTTA-11: SBSTTA-11 (November-December 2005, Montreal, Canada) reviewed the programmes of work on the GTI and biodiversity of dry and sub-humid lands, refined the goal and targets regarding ABS adopted by COP-7, and adopted recommendations on: sustainable use; synergy among activities

addressing biodiversity, climate change, land degradation and desertification; and the Millennium Ecosystem Assessment. Recommendations on marine and coastal biodiversity, incentive measures and IAS remained bracketed.

ARTICLE 8(J) WG-4: The fourth meeting of the Working Group on Article 8(j) (January 2006, Granada, Spain) established a process aiming to adopt, by COP-9, an ethical code of conduct for the respect of the cultural and intellectual heritage of indigenous and local communities, and created a voluntary funding mechanism for indigenous representatives to participate in the CBD process. The meeting also discussed indigenous participation in the ABS Working Group, and adopted recommendations on: potential socioeconomic impacts of genetic use restriction technologies; indicators of progress towards the 2010 target linked to Article 8(j); elements for *sui generis* systems of traditional knowledge protection; recommendations to the UN Permanent Forum on Indigenous Issues; and a composite report on status and trends of traditional knowledge.

ABS WG-4: The fourth meeting of the ABS Working Group (January-February 2006, Granada, Spain) continued talks on an international ABS regime and agreed on a recommendation and a draft text to serve as the basis for future negotiations. The draft text, although bracketed almost in its entirety, contains a structure and core issues that may allow for a more formalized negotiation process to take place at COP-8 and beyond.

COP/MOP-3: Biosafety Protocol COP/MOP-3 (March 2006, Curitiba, Brazil) adopted a decision on detailed identification and documentation requirements for LMO-FFPs, which requests parties to take measures to ensure that documentation accompanying LMO-FFPs in commercial production is in compliance with the requirements of the country of import and clearly states: in cases where the identity of the LMO is known through identity preservation systems, that the shipment "contains" LMO-FFPs; and in cases where the identity of the LMOs is not known, that the shipment "may contain" LMO-FFPs. COP/MOP-5 will review experience gained with these provisions, with a view to considering a decision at COP/MOP-6 to ensure that documentation clearly states that the shipment "contains" LMO-FFPs.

EXPERT WORKSHOP ON PAs: The expert workshop on PAs (March 2006, Curitiba, Brazil) facilitated an informed review by COP-8 of the implementation of activities/elements of the work programme on PAs, focusing on difficulties in reporting on progress in implementation. Participants suggested further modifications to the format and "key evaluation questions" of a draft revised evaluation matrix to assess implementation for each goal of the work programme.

OTHER MEETINGS: Numerous other intersessional meetings were held, addressing issues, including: synergy in the implementation of the three Rio Conventions regarding forests (April 2004, Viterbo, Italy); indicators for assessing progress towards the 2010 target (October 2004, Montreal, Canada); outcome-oriented targets for the work programmes on inland water, and marine and coastal ecosystems (October 2004, Montreal, Canada); island biodiversity (December 2004, Puerto de la Cruz, Canary Islands, Spain); business and the 2010 biodiversity challenge (January 2005, London, UK, and November 2005, São Paulo, Brazil); forest biodiversity (March 2005, Montreal, Canada, and July 2005, Bonn, Germany); gaps and inconsistencies in the international regulatory framework on IAS (May 2005, Auckland, New Zealand); implementation of integrated marine and coastal area management (July 2005, Montreal, Canada); and biodiversity and climate change (September 2005, Helsinki, Finland).