

CBD COP-8 HIGHLIGHTS: TUESDAY, 28 MARCH 2006

Delegates met in two working groups throughout the day. Working Group I (WG-I) addressed draft decisions on: dry and sub-humid lands; the Global Taxonomy Initiative (GTI); forest biodiversity; and protected areas (PAs). Working Group II (WG-II) considered draft decisions on: Article 8(j); implementation of the Convention and its Strategic Plan; the Global Biodiversity Outlook (GBO); national reporting; the Millennium Ecosystem Assessment (MA); and the Clearing-House Mechanism (CHM). Contact groups met on island biodiversity and the financial mechanism, while informal groups addressed indigenous participation in the negotiations on access and benefit-sharing (ABS), NGO accreditation, and retirement of decisions. The High-level Segment held two panels on biodiversity and trade, and ABS, and a plenary session on meeting the CBD objectives and the 2010 biodiversity target.

WORKING GROUP I

DRY AND SUB-HUMID LANDS: Austria, for the EU, PERU, ALGERIA, CHILE and MEXICO opposed a proposal by Australia to delete a paragraph on implementation of sectoral and cross-sectoral drylands conservation plans and programmes, with a view to the role of drylands biodiversity in poverty alleviation. AUSTRALIA agreed to retain the paragraph, with deletion of references to the Millennium Development Goals and the MA findings.

Noting the proliferation of indicators, the EU, supported by NEW ZEALAND, opposed references to indicators. The EU opposed a proposal by G-77/China to establish an expert group on dry and sub-humid lands. NAMIBIA and BOTSWANA opposed deleting text on transboundary and community-based natural resource management networks, as proposed by Brazil.

GTI: The EU suggested including additional language on collecting and disseminating information to maximize the use of existing resources; and deleting reference to the GEF and its implementing agencies when requesting the Secretariat to convene a project development seminar.

AFRICA suggested that parties not only provide guidance but also support GTI focal points, and advocated a special fund for GTI capacity building. The IIFB stressed that GTI activities be consistent with Article 8(j) and respect indigenous prior informed consent (PIC).

Delegates debated a suggestion by the EU to make reference to countries with a high level of biodiversity, rather than to megadiverse countries, with AFRICA supporting, and MEXICO and PERU opposing. ALGERIA called for language on countries that either lack capacity for taxonomy or have high diversity. The draft decision was approved, while agreement on this issue is pending.

FOREST BIODIVERSITY: AUSTRALIA suggested: urging countries to provide information specifically on bushmeat and illegal logging for the review of work programme elements; opposed by NORWAY, synthesizing and evaluating published literature on the impact of genetically modified (GM) trees, rather than collecting and collating existing information; and, supported by NEW ZEALAND, reviewing the geographical balance in the *ad hoc* technical expert group on review of implementation of the work programme.

BRAZIL, opposed by INDONESIA and CANADA, requested deletion of references to Forest Law Enforcement and Governance (FLEG), and Trade (FLEGT) processes. The EU noted that FLEG is one of the focal areas under Decision VI/22 (forest biodiversity), requested text on strengthening efforts to combat illegal logging and related trade, and called for work programme implementation to contribute towards the time-bound global objectives of the UNFF-6 resolution. Emphasizing national sovereignty in ensuring forest law enforcement, CHILE, supported by COLOMBIA and PERU, requested deletion of text urging countries to provide information on forest law enforcement and related trade. GHANA, supported by the EU and KENYA, requested text on a precautionary approach to using GM trees. LIBERIA suggested that the COP recommends that parties not release GM trees until SBSTTA provides advice on the issue.

PROTECTED AREAS: High seas PAs: On threats to biodiversity beyond national jurisdiction, PALAU, opposed by JAPAN, requested language on an interim prohibition on high seas bottom trawling. The EU, supported by JAPAN and CANADA, proposed text on the UN General Assembly (UNGA) review of implementation of its resolution on destructive fishing practices. TUVALU supported participation of indigenous and local communities in the identification and management of marine PAs.

On institutional cooperation, TUVALU, the EU and VENEZUELA requested text stating that UNGA has "a" central role, rather than "the" central role, in addressing issues relating to marine biodiversity beyond national jurisdiction. The EU suggested text calling on: the UNGA to establish a formal follow-up process on marine biodiversity beyond national jurisdiction; and COP-9 to consider progress and further work on marine biodiversity. MEXICO suggested recognizing CBD's supporting role to the UNGA work and in providing scientific, but not technical, information on marine biodiversity.

On the CBD future work, TUVALU requested addressing knowledge gaps on customary use of biological resources in accordance with traditional cultural practices. AUSTRALIA questioned language on a spatial database of biodiversity in marine areas, while the EU stressed its importance. CANADA proposed consolidating the scientific role of the CBD.

On options for cooperation, AUSTRALIA, supported by NORWAY, CANADA and MEXICO, suggested deleting the entire section, noting that the role of the CBD should be limited to providing scientific and technical advice. The EU requested retaining a reference that existing instruments are insufficient, as they do not provide for an integrated approach to marine PAs.

WORKING GROUP II

ARTICLE 8(J): AUSTRALIA, CANADA and NEW ZEALAND, opposed by the EU, the PHILIPPINES, BOLIVIA, MALAYSIA and the IIFB, requested aligning all references to traditional knowledge protection with Article 8(j) language to “respect, preserve and maintain” traditional knowledge. Following consultations, delegates agreed to a preambular paragraph stating that traditional knowledge protection must be interpreted in accordance with Article 8(j).

On the composite report, NEW ZEALAND, opposed by the EU, suggested reference to the “approval and involvement of knowledge holders,” rather than indigenous PIC to the establishment of registers. On the action plan of traditional knowledge retention, INDIA, opposed by BRAZIL, AUSTRALIA and the IIFB, asked to refer to “protection” rather than “retention.” On the voluntary fund, the IIFB proposed that meeting documentation be provided to national focal points for preparations in indigenous communities. ARGENTINA suggested differentiating between main and other criteria for selecting beneficiaries.

The IIFB suggested new language recognizing that *sui generis* systems based on customary law are the best system of traditional knowledge protection. AUSTRALIA and NEW ZEALAND, opposed by BRAZIL, the PHILIPPINES and the IIFB, requested a reference noting that *sui generis* systems be non intellectual property-based. Pending agreement on the issue, the reference was bracketed.

Following consultations, delegates agreed to request the Article 8(j) Working Group to identify priority elements of *sui generis* systems. NEW ZEALAND, opposed by the EU and the IIFB, suggested referring only to the full and effective participation of knowledge holders, thus deleting reference to indigenous PIC. CHINA also expressed concerns regarding indigenous PIC to national and regional development of *sui generis* systems and, following consultations, agreed to refer to PIC as related to access to traditional knowledge. NEW ZEALAND requested time for consideration.

On the elements of an ethical code of conduct, delegates discussed the level of involvement of the UN Permanent Forum on Indigenous Issues.

On indicators, delegates debated how to refer to the goals and targets taking into account the outcome of negotiations on the issue. NEW ZEALAND called for a more structured technical process for development of indicators. CANADA welcomed the contribution of the IIFB Working Group on Indicators. WG-II Chair Sem Shikongo (Namibia) highlighted a WG-I proposal that the Article 8(j) Working Group further develop traditional knowledge indicators with regard to drylands, to be integrated in the revised decision on Article 8(j).

International regime: Argentina presented a GRULAC proposal on collaboration between the Article 8(j) and ABS Working Groups, including new text on: supporting IIFB’s participation in the elaboration of the international regime on ABS; facilitating indigenous participation in the debates through the respective Chairpersons; providing administrative support to indigenous representatives; and facilitating internal indigenous participatory processes to enhance participation in the ABS and Article 8(j) Working Groups. GRULAC also encouraged parties to include indigenous representatives in national delegations, without precluding the right to independent participation.

CANADA and the EU inquired how this discussion would influence the informal consultations on indigenous participation under ABS and WG-II Chair Shikongo said they were separate. The TULALIP TRIBES and the SAAMI COUNCIL welcomed the GRULAC proposal and suggested to mandate the Article 8(j) Working Group to elaborate an element related to genetic resources and associated traditional knowledge. The IIFB called for language to guarantee full and effective participation of indigenous and local communities.

IMPLEMENTATION: On reconvening the Working Group on Review of Implementation (WGRI), NEW ZEALAND proposed each COP decide according to necessity. The EU opposed specific time references and suggested the WGRI meeting be subject to availability of funds. COLOMBIA said it should be funded by the core budget. NORWAY opposed deleting a reference to the UNEP issue-based modules for key biodiversity issues, as suggested by AUSTRALIA. A revised draft decision will be prepared.

GLOBAL BIODIVERSITY OUTLOOK: Delegates agreed to mention the preparation of a short summary of actions and indicators needed to achieve the 2010 target, and delete a similar reference in the draft decision regarding national reporting. The EU suggested, and NORWAY opposed, using the CHM, rather than the mass media, for communicating the results of the GBO. Delegates agreed to make reference to both, and approved the draft as amended.

NATIONAL REPORTING: CANADA suggested reference to other relevant reports as well as the GBO, as basis for reviewing the Convention’s implementation. GHANA suggested, and delegates agreed, requesting the Executive Secretary to make available a sample national report. On promoting capacity building in cooperation with relevant organization, the EU added reference to UNDP, UNEP, and FAO. Delegates approved the draft decision as amended.

MILLENNIUM ECOSYSTEM ASSESSMENT: AUSTRALIA and BRAZIL, opposed by the EU, suggested inviting parties, rather than requesting the Executive Secretary, to consider options on appropriate regionally-based response scenarios within the framework of the CBD work programmes. After informal consultations, delegates agreed to request the Executive Secretary, in collaboration with relevant organizations, to assist parties in the development of appropriate regionally-based response scenarios. Delegates approved the draft decision as amended.

ABS: Delegates were presented with a revised draft decision, and decided to establish a contact group to convene on Wednesday.

CHM: JAPAN proposed “inviting,” rather than “urging,” parties to provide free and open access to publicly funded research results, as appropriate, while MEXICO suggested reference to national legislation. BRAZIL expressed concern about the cost implications of CHM activities listed in the annexes. Delegates approved the draft as amended, taking note of Brazil’s reservation.

IN THE CORRIDORS

While delegates geared up for Wednesday’s High-level plenary session and contact groups on ABS and incentives, some wondered from where to draw the energy to conclude negotiations, since many divisive issues are yet to be successfully tackled. Many pointed to the irony - and some to the impossibility - of resolving participation-related issues in closed groups, excluding indigenous representatives from discussing their participation in the ABS negotiations and NGO representatives from discussing NGO accreditation.