

## SUMMARY OF THE 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) convened from 20-31 March 2006, in Curitiba, Brazil, immediately following the third Meeting of the Parties (COP/MOP-3) to the Cartagena Protocol on Biosafety. Approximately 3,900 delegates representing parties and other governments, UN agencies, intergovernmental, non-governmental, indigenous and local community organizations, academia and industry participated in the meeting.

COP-8 adopted 36 decisions on 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 also addressed 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 (MA); 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 private sector engagement. Participants also discussed the budget for the biennium 2007-2008, and financial resources and mechanism, and addressed 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.

The meeting attracted the largest number of participants in the history of the Convention, with record participation of stakeholders, most notably the private sector, and an unprecedented series of side events. From a substantive point of view, however, negotiations were not as ambitious as in previous COPs. In terms of substantive achievements, the adoption of the new island biodiversity work programme was hailed as a success by SIDS, while the decision to reaffirm the COP-5 ban on field testing of genetic use restriction technologies and reject case-by-

case risk assessments was celebrated by many countries, NGOs and indigenous representatives. However, on the two topics that largely dominated the meeting's agenda, ABS and marine PAs, discussions focused on process. The decision on ABS focused on identifying future steps with regard to the negotiation of an international regime on ABS, while discussions on marine PAs sought to redefine the Convention's role in relation to high seas PAs. These and other decisions served to set priorities for the next biennium. It is now up to the intersessional working groups to move the substantive agenda forward.

### 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, 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.

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**COP-1:** At the first COP (November - December 1994, Nassau, the Bahamas), delegates set the general framework for the Convention's implementation, establishing the CHM and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), and 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) on traditional knowledge 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 the first COP/Meeting of the Parties (MOP). 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, alien species, 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 invasive alien species; 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, protected areas, 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, including targets and indicators, to review implementation of the Convention, its Strategic Plan and progress towards achieving the 2010 target; the Akwé: Kon

guidelines for the conduct of 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 REPORT

On Monday, 20 March 2006, the Conference of the Parties began with the screening of a video on the global biodiversity mission, highlighting the 2010 target to reduce significantly the rate of biodiversity loss as "Action for life on Earth." Delegates then observed an indigenous ceremony led by spiritual leaders blessing Mother Earth.

Carlos Alberto Richa, Mayor of Curitiba, Brazil, welcomed delegates, stressing that in addition to governments' responsibilities, the commitment of local and indigenous communities, civil society and each citizen is crucial to effectively preserving biodiversity.

Roberto Requião, Governor of the Brazilian State of Paraná, emphasized Paraná's environmental commitments and achievements, including biodiversity conservation measures, such as the establishment of biodiversity corridors, private PAs and agro-ecological farms. He also highlighted that Paraná will become the first State in Brazil to adopt a regulation on labeling of LMOs to avoid potential threats from transgenic soybeans and seeds.

COP-7 President Ramantha Letchumanan (Malaysia) highlighted accomplishments since COP-7, including: progress towards an international regime on ABS; continued development of a global network of PAs; and a new work programme on island biodiversity for adoption at this meeting.

CBD Executive Secretary Ahmed Djoghlah stressed the importance of preserving biodiversity, highlighting newly-discovered medicinal and nutritional uses of plants. Bakary Kante, on behalf of UNEP Executive Director Klaus Töpfer, emphasized UNEP's commitment to support the Convention in meeting the 2010 biodiversity target.

Marina Silva, Brazil's Minister of the Environment, referred to COP-8 as an opportunity to gather political and moral commitment to forge a pact for implementing the CBD across all sectors of society. She prioritized ABS, noting that national legislation is insufficient to protect the rights of States and indigenous communities, and that an international regime could become the most effective means to address the three objectives of the Convention in an integrated manner.

Venezuela, on behalf of the Latin American and Caribbean Group (GRULAC), prioritized, *inter alia*, discussions on ABS, participation of indigenous and local communities, PAs and genetic resources in the deep sea. Tuvalu, on behalf of the Alliance of Small Island States (AOSIS), supported the proposed work programme on island biodiversity, and expressed concern regarding the Resource Allocation Framework (RAF) of the GEF, which discriminates against countries with low terrestrial but high marine biodiversity. India, on behalf of the Like-Minded Megadiverse Countries (LMMC), prioritized speedy development of an international regime on ABS and expressed concern about the slow negotiation process. Austria, on behalf of the European Union (EU), and Bulgaria, Romania, Croatia, Macedonia, Albania, Bosnia and Herzegovina, and Serbia and Montenegro, prioritized: national implementation;

PA work programme implementation; development of an international regime on ABS; and progress towards the 2010 biodiversity target. Ethiopia, for Africa, and Kiribati, for Asia and the Pacific, urged developed countries to further contribute to the participation of developing countries and countries with economies in transition (CEITs) in CBD meetings. Africa called for collaboration between the CBD Secretariat and the environmental component of the New Partnership for Africa's Development. Asia and the Pacific supported the work programmes on island biodiversity and PAs, the draft decision on dry and sub-humid lands, and an international regime on ABS. Canada, for JUSCANZ, said the aim of COP-8 should be to achieve the Convention's three objectives. The Russian Federation, for Central and Eastern Europe (CEE), encouraged delegates to work in a spirit of cooperation and compromise.

**ORGANIZATIONAL MATTERS:** Delegates elected Marina Silva as COP-8 President, Oyundari Navaan-Yunden (Mongolia) as Rapporteur for the meeting and Asghar Mohammadi Fazel (Iran) as Chair of SBSTTA-13 and 14.

Delegates then adopted the agenda and organization of work (UNEP/CBD/COP/8/1 and Add.1/Rev.1). Plenary established two working groups and elected Matthew Jebb (Ireland) and Sem Shikongo (Namibia) as Chairs of Working Group I (WG-I) and Working Group II (WG-II), respectively.

During the two weeks, plenary convened on Monday, 20 March, and Friday, 24 March, while the closing plenary was held on Friday afternoon, 31 March. Working groups met: from Tuesday to Friday, 21-24 March; from Monday to Tuesday 27-28 March; and from Thursday to Friday, 30-31 March. Contact groups convened on: ABS, PAs, incentive measures, island biodiversity, biodiversity for food and nutrition, financial resources and mechanism, and the budget. Informal groups addressed numerous issues, including: indigenous participation in the ABS negotiations, NGO accreditation, retirement of decisions, and marine and coastal biodiversity. The high-level segment was held from Monday to Wednesday, 27-29 March.

This report summarizes the meeting's discussions and decisions on each agenda item. Unless otherwise mentioned, all decisions were adopted in plenary on Friday, 31 March 2006.

### CONSIDERATION OF REPORTS

Ethiopia, for Africa, Mongolia, for Asia and the Pacific, and Venezuela, for GRULAC, reported on their regional meetings (18-19 March 2006, Curitiba, Brazil). Croatia reported on the pan-European conference on biodiversity and outlined the meeting's recommendations.

Denmark reported on the brainstorming meeting on avian flu (19 March 2006, Curitiba) (UNEP/CBD/COP/8/INF/47). Brazil reported on the expert workshop on PAs (17-18 March 2006, Curitiba) (UNEP/CBD/COP/8/INF/27). Spain reported on the fourth meeting of the ABS Working Group and the fourth meeting of the Working Group on Article 8(j) (January 2006, Granada, Spain) (UNEP/CBD/COP/8/6 and 7). Malaysia reported on the three meetings of the Biosafety Protocol COP/MOP. Delegates then heard: a report from the GEF (UNEP/CBD/COP/8/10); a report from the Executive Secretary on the administration of the Convention and the budget for its Trust Fund (UNEP/CBD/COP/8/11/Rev.1) and the proposed budget for the programme of work for the biennium 2007-2008

(UNEP/CBD/COP/8/28 and Add.1); and a report on the second edition of the Global Biodiversity Outlook (GBO) (UNEP/CBD/COP/8/12).

### ISSUES FOR IN-DEPTH CONSIDERATION

**ISLAND BIODIVERSITY:** Delegates discussed the work programme on island biodiversity (UNEP/CBD/COP/8/2) in WG-I on Tuesday, 21 March, and a contact group convened during the second week to finalize a list of suggested supporting actions for parties. Delegates welcomed the work programme and strongly encouraged its adoption. Discussions focused on funding, with many developing country delegates calling attention to the RAF of the GEF, and requesting financial assistance for programme implementation. The work programme, with the list of supporting actions, was approved on Thursday, 30 March, with few amendments.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.12), the COP, *inter alia*: adopts the work programme on island biodiversity; recognizes that parties should implement the work programme in the context of nationally determined priorities, capacities and needs; requests the GEF and invites donor country parties and financial institutions to provide support for work programme implementation; requests parties to apply the targets and timeframes as a flexible framework within which national and/or regional targets may be developed; requests the Executive Secretary to identify linkages with all other CBD thematic work programmes and cross-cutting issues; encourages the development of community-based approaches in implementation; and requests parties to regularly monitor implementation progress.

The annex to the decision contains:

- an introduction to the importance and vulnerability of island biodiversity;
- the overall purpose and scope of the work programme, namely to significantly reduce island biodiversity loss by 2010, complementing existing thematic work programmes and other CBD initiatives;
- supporting activities of the Secretariat, including disseminating information on sources of expertise on island biodiversity conservation, sustainable use and benefit-sharing, and facilitating links between parties, partners, experts and other stakeholders and encourage capacity building; and
- working definitions.

The annex also includes a table of targets and timeframes and island-specific priority actions for the parties, for the following five goals:

- conservation of island biodiversity;
- sustainable use of island biodiversity;
- addressing threats to island biodiversity;
- access and benefit-sharing of island genetic resources; and
- increasing capacities and financing for the implementation of the work programme.

An appendix to the decision contains a list of suggested supporting actions for parties, organized by priority actions under each of the above goals.

**DRY AND SUB-HUMID LANDS:** Discussions on biodiversity of dry and sub-humid lands (UNEP/CBD/COP/8/1/ Add.2 and 3) were held in WG-I on: Tuesday, 21 March; from Monday to Tuesday, 27-28 March; and Thursday, 30 March, where the decision was approved.

Delegates highlighted enhanced synergy between the three Rio Conventions, in particular strengthening the Joint Work Programme of the CBD and the Convention to Combat Desertification (CCD), with Botswana calling for additional resources for activities linking dryland biodiversity, climate change and desertification. Some delegates emphasized: wetlands conservation in drylands; rehabilitation and restoration measures; and IAS threats to biodiversity of dry and sub-humid lands. Canada stressed capacity building and indigenous involvement in dryland biodiversity conservation, and the EU the knowledge gap in dryland biodiversity. Australia stressed the limited information available for the work programme review.

Discussions on a draft decision focused on: implementation of relevant sectoral and cross-sectoral plans and programmes; reference to poverty alleviation and the Millennium Development Goals (MDGs); and financial resources for the implementation of the work programme. Delegates discussed incorporating climate change issues into the drylands work programme, for COP-9 consideration, as suggested by Botswana and Namibia.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.16), the COP requests parties to strengthen the synergy between the CBD and CCD in implementing the Joint Work Programme, and implementation of relevant sectoral and cross-sectoral plans and programmes.

The COP: recognizes the urgent need for the systematic collection of dry and sub-humid lands biodiversity data at genetic, species and ecosystem levels as a basis for decision-making for conservation and sustainable use of drylands biodiversity; and encourages parties and relevant organizations to improve national, regional and global data.

The COP also invites parties and relevant organizations and donors to provide technical and financial support for implementation in developing countries, in particular the least developed countries (LDCs) and small island developing states (SIDS), and CEITs.

The COP further: notes the importance of *in situ* and *ex situ* conservation, strengthening local institutional structures, decentralization of management, bilateral and subregional cooperation, policies and instruments, and sustainable livelihoods; and requests parties and relevant organizations to give particular attention to supporting the implementation of these activities. It also requests SBSTTA to develop proposals on the integration of climate-change adaptation considerations into the work programme, for COP-9 consideration.

The COP requests the Executive Secretary to: present proposals for SBSTTA consideration on existing sources of information, and land-use options promoting biodiversity conservation and income generation; promote the implementation of the Joint Work Programme; and continue developing and strengthening collaboration with the UN Food and Agriculture Organization (FAO) and other relevant organizations and promote synergies.

The COP also adopts goals and targets for the work programme, contained in an annex to the decision.

**GLOBAL TAXONOMY INITIATIVE:** Delegates discussed the in-depth review of the implementation of the GTI work programme (UNEP/CBD/COP/8/3) in WG-I and informal consultations on Monday, 20 March, Tuesday, 28 March, and Thursday, 30 March. Issues highlighted in discussions included:

the lack of taxonomic knowledge and capacity in developing countries, with some developing country delegates calling for a special fund for GTI activities; digitalization and dissemination of taxonomic data; collaboration with the CEPA initiative; and work on IAS, island biodiversity, and marine and terrestrial invertebrates. Delegates debated an EU suggestion to refer to financial assistance to countries with a high level of biodiversity, rather than to megadiverse countries, with Africa supporting, and Mexico and Peru opposing. Following informal consultations, the issue still remained unresolved until late Thursday night, 30 March, when delegates agreed to refer to countries “with high levels of biodiversity.”

Prior to adoption of the report in the closing plenary, Malawi and Uganda raised concerns about the undefined modalities of operation of a special fund invited to be established by BioNET International. Uganda called for opening the invitation to other organizations. After further consultations, the text was amended accordingly.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.23), the COP emphasizes the need to build and retain capacity to address the taxonomic impediment and, in this context, invites BioNET International and other relevant organizations, in consultation with the GTI Coordination Mechanism, to establish a special fund for the GTI, and to report on progress at COP-9.

The COP adopts: a target on an accessible checklist of known species, as a step towards a global register of plants, animals, microorganisms and other organisms; and an annexed list of planned activities to support implementation of work programmes on mountain and island biodiversity, IAS and PAs.

The COP urges parties and other governments to, *inter alia*, establish national focal points for the GTI, complete national taxonomic needs assessments and establish priorities for taxonomic work. It also invites parties and relevant organizations to, *inter alia*:

- promote taxonomy and related research as a cornerstone for inventory and monitoring of biodiversity;
- collect and disseminate information on the availability of taxonomic resources;
- mobilize financial and technical resources to assist developing countries, in particular LDCs, SIDS, and CEITs, including those with high levels of biodiversity, to build systems and institutional infrastructures for taxonomic work; and
- promote cooperation and networking at all levels in support of capacity-building activities related to the GTI.

The COP requests the Executive Secretary to:

- consult with relevant organizations and funding agencies regarding the global taxonomic needs assessment;
- continue collaborating with relevant organizations, conventions and initiatives; and
- develop specific taxonomic, outcome-oriented deliverables for COP-9 consideration.

The COP also requests the GEF to continue to support GTI implementation.

Annexed to the decision are additional planned activities on mountain and island biodiversity, IAS, and PAs, with rationale, outputs, timing, actors, mechanisms, and financial and human resources outlined.

**ACCESS AND BENEFIT-SHARING:** Delegates addressed ABS (UNEP/CBD/COP/8/5 and 6) in WG-II, on Tuesday, 21 March, and Monday, 27 March. A contact group was established on Tuesday, 28 March, which met until Wednesday, 29 March, in the early morning when negotiations continued in a Friends of the Chair group. Informal groups were established to consider: indigenous participation in the ABS negotiations; and the bracketed list of potential rationale, objectives, features and implementation challenges of a certificate of origin/source/legal provenance, prepared by ABS-4. WG-II continued deliberations on the issue during the night of Thursday, 30 March, and into the early hours of Friday, 31 March, to resolve outstanding items, including the deadline for completion of negotiations on an international regime and reference to disclosure requirements in intellectual property right (IPR) applications.

Deliberations focused on: the process for developing an international regime; establishing an expert group on the certificate of origin/source/legal provenance; and measures to support compliance with prior informed consent (PIC) and mutually agreed terms (MAT).

On the process for developing an international regime, delegates initially debated the number of intersessional meetings for the ABS Working Group, and many suggested designating two permanent Co-Chairs. The document to form the basis for negotiations was also subject to intense debate, with most proposing using the ABS-4 outcome document, and others suggesting using also the gap analysis and other inputs. Australia recommended that COP-8 mandate the ABS Working Group to identify problems in national implementation. Norway, supported by others, requested the COP to convene an intergovernmental negotiating body with its own Chair and Bureau, participation of indigenous representatives and a timetable for concluding negotiations by COP-9. Tuvalu and the International Indigenous Forum on Biodiversity (IIFB) called for mechanisms for full and effective indigenous participation in the ABS negotiations.

The contact group debated the document to form the basis of the ABS Working Group negotiations. Two proposals were tabled to transmit to ABS-5: the ABS-4 outcome, the outcomes of the group of technical experts on the certificate of origin/source/legal provenance, and other national, regional and international ABS-related instruments, together with a compilation of information on an analysis of ABS-related instruments; or the ABS-4 outcome, along with other inputs, including the final version of the gap analysis and the matrix, a progress report on the work on genetic resources in national property legislation and other inputs as submitted by parties.

A debate followed on whether more information gathering would delay the negotiation process, and whether the ABS-4 outcome would be annexed or only referred to in the operative paragraphs of the decision. A small group was tasked with reaching agreement on the issue. Delegates finally agreed to annex the ABS-4 outcome to the decision and transmit it to ABS-5, together with the outcome of the group of technical experts on the certificate, a progress report on the gap analysis and the matrix, and other inputs submitted by parties, noting that the annex reflects parties' range of views. They also agreed on information gathering on existing instruments for ABS-5 consideration.

On the certificate, many supported establishing an expert group to provide technical input. Mexico said the expert group should address a description of a certificate's objectives and rationale, set of characteristics, different models, a qualitative and quantitative assessment, and implications for coordination with other forums. Australia said the group's deliberations should not prejudge whether such a certificate is desirable within an international regime. Norway called for indigenous participation in the expert group. Delegates debated the status of the bracketed list of objectives and features prepared by ABS-4, with Mexico and many developing countries noting its usefulness, and Australia, Canada and New Zealand proposing its deletion. Following informal group negotiations, they decided to delete it. In the contact group, delegates agreed to refer to "an internationally recognized certificate," and agreed on the composition and terms of reference of an expert group to address the issue before ABS-5.

On measures to ensure compliance with PIC and MAT, delegates debated references to disclosure of origin in IPR applications as part of the regime negotiations, with Australia, the EU, Japan and Canada opposing, developing countries supporting it, and Norway suggesting finding more precise wording. Delegates also debated reference to derivatives, with Australia and Canada opposing it, and Malaysia, India, Colombia, Peru and others supporting it.

On Friday, 31 March, Malaysia, on behalf of the G-77/China, reported on agreement reached on the deadline for negotiations on the international regime, noting a decision to instruct the Working Group on ABS to "complete its work at the earliest possible time before COP-10." He also noted agreement to urge parties, governments and stakeholders to continue taking appropriate and practical measures to support compliance with PIC in cases where there is utilization of genetic resources or associated traditional knowledge, in accordance with Article 15 of the Convention and national legislation, and with MAT on which access was granted. The COP would also request the Working Group on ABS to ensure compliance with PIC in cases where there is utilization of genetic resources or associated traditional knowledge in accordance with CBD Article 15 and with national legislation, and with MAT on which access was granted. WG-II then approved the revised decision, as amended, as a package.

Following nominations by the G-77/China and the Western European and Others Group, the closing plenary elected by acclamation Fernando Casas (Colombia) and Timothy Hodges (Canada) as Co-Chairs of the ABS Working Group. Peru and Spain announced their intention to co-host the expert group on the certificate in Lima, Peru. The United Nations University announced an initiative to convene a meeting of indigenous representatives to discuss the issue of certificates, immediately prior to the expert group meeting, and Canada indicated financial support for the initiative.

**Final Decision:** The decision (UNEP/CBD/COP/8/L.34) includes sections on: the international regime; the Bonn Guidelines; other approaches, including consideration of a certificate of origin/source/legal provenance; measures to support compliance with PIC and MAT; and ABS indicators in the framework of the Strategic Plan.

On the international regime, the COP welcomes the progress made in the ABS Working Group to elaborate and negotiate an international regime, and decides to transmit the ABS-4 outcome document included in an annex to ABS-5, as well as, *inter alia*, the following inputs: the outcomes of the AHTEG on the certificate; a progress report on the gap analysis, and the matrix; and other inputs submitted by parties relating to ABS. It is noted that the annex reflects the range of parties' views at ABS-4. The COP also invites parties and others to provide information regarding the inputs on an analysis of existing legal and other instruments for ABS-5 consideration. It designates two permanent Co-Chairs for the ABS Working Group, and instructs the Working Group to complete its work at the earliest possible time before COP-10. It invites parties and others to submit to the Secretariat further information relevant to the gap analysis, and on the status of genetic resources in their national law. It finally requests the Executive Secretary to: make the necessary arrangements for the ABS Working Group to meet twice before COP-9; and prepare, for ABS-5, the final version of the gap analysis, bearing in mind that this work will proceed in parallel and not hold up the work on the elaboration and negotiation of the international regime.

On the Bonn Guidelines, the COP urges parties to continue their implementation and share experiences and lessons learned, and invites them to submit reports for ABS-5 consideration.

On a certificate of origin/source/legal provenance, the COP establishes an expert group to explore and elaborate possible options, without prejudging their desirability, for the form, intent and functioning of an internationally recognized certificate, and analyze its practicality, feasibility, costs and benefits, with a view to achieving the objectives of Articles 15 and 8(j) of the Convention. The expert group, which shall be regionally balanced and composed of 25 experts nominated by parties and seven observers, shall provide technical input to the ABS Working Group, in accordance with the following terms of reference: consider the possible rationale, objectives and need for a certificate; define the potential characteristics and features of different options; analyze the distinctions between the options and the implications of each of the options; and identify associated implementation challenges, including mutual supportiveness and compatibility with the Convention and other international agreements. The expert group shall meet at least six months prior to ABS-5.

On measures to ensure compliance with PIC and MAT, the COP reaffirms that disclosure of origin/source/legal provenance of genetic resources in IPR applications is one element in the terms of reference included in Decision VII/19D (international regime), and notes discussions on disclosure in the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO) Doha work programme. It also notes the diversity of views on the possible measures to support compliance with PIC and MAT. It invites relevant forums to address or continue their work on disclosure requirements, taking into account the need to ensure that this work is supportive of, and does not run counter to, the CBD objectives, in accordance with Article 16.5 (influence of intellectual property rights (IPRs) in the implementation of the Convention); urges parties and others to continue taking appropriate and practical measures to support compliance with MAT, and PIC in cases where there

is utilization of genetic resources or associated traditional knowledge, in accordance with CBD Article 15 and national legislation; requests the ABS Working Group to further consider such measures; and requests the Executive Secretary to renew the application for CBD observer status at the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council.

On ABS indicators, the COP invites parties and others to submit their views for consideration of the issue at ABS-5.

**ARTICLE 8(J):** Discussions on Article 8(j) (UNEP/CBD/COP/8/7) were held in WG-II on: Wednesday, 22 March; Tuesday, 28 March; and all night from Thursday to Friday, 30-31 March. A decision was approved by WG-II and adopted by plenary on Friday, 31 March.

Delegates debated mechanisms for full and effective indigenous participation in the work of the Convention, in particular the negotiations of an international ABS regime. While some developing countries asked to apply the Article 8(j) Working Group procedures for indigenous participation, others proposed to have the Article 8(j) Working Group elaborate traditional knowledge elements of the ABS regime. The majority of countries preferred more general references to indigenous participation. A number of delegates recognized indigenous PIC where indigenous resources are being used. Many requested to hold the fifth meeting of the Article 8(j) Working Group immediately prior to ABS-5.

Many delegates welcomed the recommendations of the Article 8(j) Working Group, including on the establishment of a voluntary fund to enable indigenous participation in CBD negotiations. Some developing countries preferred to narrow down selection criteria to indigenous representatives from developing countries and others supported indigenous participation in national delegations, but many asked not to preclude independent indigenous participation also from developed countries. The EU requested to conclude the negotiations on an ethical code of conduct prior to COP-9 and delegates discussed the level of involvement of the UN Permanent Forum on Indigenous Issues (UNPFII).

Some developed countries, opposed by others, suggested changing references to protection of traditional knowledge to the language of Article 8(j) to "respect, preserve and maintain" traditional knowledge. It was agreed to include a preambular paragraph stating that traditional knowledge protection must be interpreted in accordance with Article 8(j).

Australia requested clarifying that *sui generis* systems for the protection of traditional knowledge are not based on IPRs and deleting references to indigenous PIC. The deletion was opposed by many delegates and some also wanted to make establishment of registers subject to indigenous PIC. In late night negotiations, Australia insisted on deleting reference to PIC, and proposed to refer to approval of knowledge holders. Many opposed this as constituting a lower standard and deleted the reference in its entirety.

Delegates also debated the development of traditional knowledge-related indicators by the Article 8(j) Working Group. Some welcomed the contribution of the IIFB Working Group on Indicators.

During the closing plenary, Spain announced support for an expert meeting on indicators under Article 8(j).

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.22), the COP addresses the implementation and in-depth review of the Article 8(j) work programme and integration of relevant tasks into thematic work programmes, underlining continued implementation and taking note of work carried out by other relevant international bodies. The COP requests parties who have not yet submitted information on the implementation of the work programme to do so in consultation with indigenous and local communities, as appropriate. The COP also: requests the Article 8(j) Working Group to address the timeframe to initiate work on the remaining tasks of the work programme at its next meeting and to analyze work on the related provisions; and decides to hold the fifth meeting of the Article 8(j) Working Group prior to COP-9.

On the composite report, the COP requests the Executive Secretary to: further develop phase two of the composite report; explore the possibility of developing technical guidelines for recording and documenting traditional knowledge, and analyze potential threats of such documentation to the rights of traditional knowledge holders; and collaborate with parties in convening workshops to assist indigenous and local communities in capacity-building, education and training. The COP also recommends parties and governments bear in mind that registers are only one approach to the protection of traditional knowledge and that they should only be established with indigenous PIC, and urges countries to take appropriate measures to further advance the elements of the plan of action for the retention of traditional knowledge.

On the international regime on ABS, the COP requests the collaboration and contribution of the Article 8(j) Working Group to the mandate of the ABS Working Group, by providing views on the elaboration and negotiation of an international ABS regime relevant to traditional knowledge and where practicable to make arrangements to have one meeting of the ABS Working Group convened immediately following the Article 8(j) Working Group. The COP also invites parties and governments to increase participation of indigenous representatives in official delegations, without prejudice to the participation of indigenous representatives outside of delegations and, along with donor organizations, to facilitate sufficient preparation and participation of indigenous representatives in meetings of both working groups. The COP invites the Chairs to facilitate the effective participation of representatives of indigenous and local communities and to consult them, as appropriate, on issues related to traditional knowledge and associated genetic resources.

On mechanisms to promote the effective participation of indigenous and local communities, the COP adopted the criteria for the operation of the voluntary funding mechanism annexed to the decision and calls for voluntary contributions to the trust fund. The decision also addresses the role of the thematic focal point under the CHM.

On the development of *sui generis* systems for the protection of traditional knowledge, the COP urges parties and governments to develop, or recognize, national and local *sui generis* models for the protection of traditional knowledge with the full and effective participation of indigenous and local communities. The COP requests the Executive Secretary to further develop as a priority issue the possible elements of *sui generis* systems to be brought to fifth meeting of the Article 8(j) Working Group to

identify priority elements. The COP recognizes the work being done with the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the WIPO and the ongoing discussions at the WTO to examine the relationship between TRIPS and the CBD and the protection of traditional knowledge.

On the elements of the ethical code of conduct to ensure the respect for the cultural and intellectual heritage of indigenous and local communities, the COP invites parties, governments, indigenous and local communities, relevant international organizations and other stakeholders to submit written comments on the draft elements at least six months prior to the fifth meeting of the Working Group on Article 8(j) to seek the collaboration of the UNPFII in development of the code, and make the compilation of views and a revised draft of elements available at least three months prior to the fifth meeting of the Article 8(j) Working Group. The COP requests the Article 8(j) Working Group to further develop the draft elements of an ethical code of conduct and submit these for consideration at COP-9. The decision also contains an annexed list reflecting the views initially exchanged at the fourth meeting of the Article 8(j) Working Group.

On traditional knowledge indicators for assessing progress towards the 2010 biodiversity target, the COP considers that a more structured process is required to guide the Article 8(j) Working Group on further development of indicators for assessing the status of traditional knowledge, and invites the fifth meeting of the Working Group to engage in this activity. It also welcomes the initiative of the IIFB Working Group on Indicators to organize an international expert seminar on indicators relevant for indigenous and local communities and invites parties, the UNPFII, UNDP, UNESCO, IUCN, the 2010 Biodiversity Indicator Partnership and organizations with relevant expertise to support and collaborate with the Article 8(j) Working Group and the IIFB Working Group on Indicators.

The COP welcomes close cooperation between the CBD and the UNPFII.

**COMMUNICATION, EDUCATION AND PUBLIC AWARENESS:** Discussions on CEPA (UNEP/CBD/COP/8/14) were held in WG-II on Wednesday, 22 March, and Thursday, 30 March.

Many highlighted the CEPA initiative as a key means for implementation, with the G-77/China urging allocation of adequate budgetary resources to CEPA activities. The EU and others said CEPA implementation should be adapted to national priorities and built into existing institutions. Australia and New Zealand opposed time-bound and mandatory targets. The IIFB called for the full and effective participation of indigenous peoples and local communities.

During discussion on the draft decision, the G-77/China, Japan and the EU opposed text on exploring the possibility of creating a new financing mechanism. The G-77/China proposed language on establishing a professional post on CEPA from the core budget, while the EU requested ensuring the Secretariat's adequate support to the CEPA work programme. Delegates agreed to the latter option, but kept both bracketed pending budget negotiations. Delegates also agreed that: the CEPA short-list of priority activities and plan of implementation are to be implemented by parties and the Executive Secretary;

the Secretariat will develop and promote the conduct of training programmes at the international level; and indigenous representatives will be part of the CEPA informal advisory committee.

When the closing plenary addressed a draft decision including the two bracketed options on ensuring adequate Secretariat support or establishing a CEPA post within the Secretariat, the Secretariat announced that delegates, in informal consultations, had agreed to retain the first option.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.14), the COP adopts the short-list of priority activities and the CEPA plan of implementation, for implementation by parties and the Executive Secretary, as appropriate, and urges the GEF and other institutions to make available the necessary financial resources for developing countries. It invites parties to fully participate in the implementation of the CEPA work programme, and to coordinate their activities with the corresponding activities of other environmental agreements. It also decides to establish an informal advisory committee as a broader expert group, including indigenous and local community representatives. It requests the Executive Secretary to:

- further develop the goals, targets, actors and tasks for training activities at the international level, with the support of the CEPA Informal Advisory Committee;
- enhance communication, education and public awareness activities and explore linkages with other global initiatives;
- work with other partners, in particular through the Biodiversity Liaison Group, in implementing the tasks in the short list of priority activities; and
- ensure adequate Secretariat support for the CEPA work programme.

It finally invites the UN General Assembly (UNGA) at its 61st session to consider adopting an annexed draft decision on the proclamation of 2010 as the International Year of Biodiversity.

The annexed short-list of priority activities for the CEPA work programme addresses:

- establishing an implementation structure or process for CEPA activities;
- assessing the state of knowledge and awareness on biodiversity and determining capacity for communication;
- developing key messages;
- implementing a media relations strategy;
- elaborating toolkits for the development and implementation of CEPA strategies;
- organizing workshops for the articulation of CEPA strategies;
- developing infrastructure and support for a global network;
- celebrating the International Day for Biological Diversity;
- raising the profile of COP and SBSTTA meetings; and
- strengthening formal and informal education on biodiversity.

The annexed implementation plan includes components on education, communication and public awareness, and training; and identifies goals, activities, targets, tools, main actors and partners at the national, regional and international levels.

### **STRATEGIC ISSUES FOR EVALUATING PROGRESS OR SUPPORTING IMPLEMENTATION**

**REVIEW OF IMPLEMENTATION:** Discussions on progress in implementation of the Convention and implementation of national biodiversity strategies and action

plans (NBSAPs) (UNEP/CBD/COP/8/4/Rev.1, 12 and 15) took place in WG-II on Wednesday, 22 March, Tuesday, 28 March, and Thursday, 30 March, where the draft decision was approved.

Many delegates expressed concern about lack of capacity and the limited number of national reports. Some supported the continuity of the Working Group on the Review of Implementation (WGRI), while New Zealand proposed that each COP decide on the need to convene the WGRI. Many developing countries stressed inadequate financial resources for NBSAP implementation. Delegates agreed that the FAO, UNEP and other organizations take the lead, in collaboration with the Executive Secretary, in developing activities on enhanced technical assistance. Delegates took note of Egypt's concern regarding the revision to the report of the WGRI, contrary to the rules of procedure.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.7), the COP decides: to consider at COP-9 the in-depth review of the implementation of Goals 2 and 3 of the Strategic Plan, including consideration of barriers and consolidated guidance for the development, implementation and evaluation of NBSAPs; and that the results of the review will be used to recommend priority areas for capacity-building and access to technology transfer and cooperation and to provide inputs for the process of revising the Strategic Plan beyond 2010. The COP invites parties to provide an update of their third national report on the status of NBSAPs, the main obstacles for convention implementation and the availability of financial resources. The COP requests the WGRI prior to COP-9: to prepare an in-depth review of the implementation of Goals 2 and 3 of the Strategic Plan, focusing on provision of financial resources, capacity building, and technology transfer, and on the status of NBSAPs; and to develop consolidated guidance on NBSAPs. It also invites: the FAO, UNEP, UNDP and other relevant organizations to take the lead in collaboration with the Executive Secretary in the development and operation of enhanced technical assistance activities; and the GEF to provide funding for review and update of NBSAPs. The decision also contains an annex with proposed voluntary guidelines to parties for review of NBSAPs.

### **MILLENNIUM ECOSYSTEM ASSESSMENT:**

Discussions on implications of the findings of the MA (UNEP/CBD/COP/8/3) were held in WG-II on Wednesday and Thursday, 22-23 March, and Tuesday, 28 March, where the decision was approved.

Delegates urged parties to continue to develop sub-global assessments, and stressed the need to review targets beyond 2010, with Mexico proposing that SBSTTA examine economic drivers of biodiversity change and biodiversity valuation. The EU called for the CHM to disseminate the MA findings. Brazil suggested that parties incorporate the MA findings into national strategies on a voluntary basis. Japan cautioned against duplicating work in a future integrated assessment of biodiversity.

On a draft decision, 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.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.3), the COP takes note of the main findings and key messages of the MA Biodiversity Synthesis Report.

The COP: emphasizes that the MDGs, the 2010 target and other internationally agreed targets related to biodiversity, environmental sustainability and development need to be pursued in an integrated manner; urges parties and relevant organizations to strengthen their efforts and take measures to meet the 2010 target; and invites the GEF to identify gaps and needs in relation to existing financial resources for additional efforts needed to meet the 2010 target. It also urges parties and other governments to meet their commitments under, and to take cognizance of, the provisions of the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol to avoid impacts of global warming.

The COP decides to consider at COP-9 the need to review and update targets as part of the process of revising the Strategic Plan beyond 2010. The COP also decides to consider the MA findings in the implementation and future review of the CBD's work programmes and cross-cutting issues. The COP notes, in particular, the urgent need to address issues relating to: land use change and habitat transformation; over-fishing; desertification and land degradation; drivers of change to inland water ecosystems; increasing nutrient loading in ecosystems; IAS; and impacts of climate change.

The COP urges parties to: promote dialogue among different sectors; mainstream biodiversity at the regional and national levels; and change unsustainable patterns of production and consumption that impact biodiversity. The COP also calls for increased support for and coordinated research to improve the basic understanding of biodiversity and related issues.

The COP requests the Executive Secretary to assist parties in the development of appropriate regionally-based response scenarios within the framework of the CBD's work programmes. It also requests SBSTTA to contribute to the MA evaluation to be undertaken during 2007, and decides to consider at COP-9 this evaluation and the need for another integrated assessment of biodiversity and ecosystems.

**REVIEW OF THE EFFECTIVENESS OF THE CONVENTION BODIES:** Discussions on review of effectiveness of the Convention bodies, including review of processes under the Convention (UNEP/CBD/COP/8/16 and Add.1-4), retirement of decisions and NGO accreditation (UNEP/CBD/COP/8/30) were held in WG-II on Thursday, 23 March, and Thursday, 30 March. On Thursday, 23 March, WG-II Chair Shikongo established an open-ended informal group on the retirement of decisions, which reported to WG-II on Thursday, 30 March. The decision was approved with a number of brackets, and, following informal consultations, adopted by the plenary.

**Operations of the Convention:** Many delegates suggested reducing the number of intersessional meetings, with some opposing establishing a working group on incentives. Delegates endorsed the consolidated SBSTTA *modus operandi*, but requested deleting a provision allowing SBSTTA to set up *ad hoc* technical expert groups (AHTEGs) stressing that they can only be set up by COP. Delegates debated if AHTEG meetings

should be financed from the core budget and if the number of experts should be increased, how they should be appointed and if they should include experts from IGOs and indigenous and local communities. During the closing plenary, the Secretariat announced deletion of a bracketed paragraph noting that all intersessional working groups should be funded from the core budget. New text was inserted in the decision, namely: one paragraph requesting SBSTTA whenever it convenes AHTEGs under the guidance of the COP to provide oversight to ensure that terms of reference clearly indicate their mandate, duration of operation, expected outcomes and that their mandates are limited to the provision of scientific and technical advice and assessments, with Australia noting that the list should also include reporting requirements; and one paragraph endorsing the consolidated *modus operandi* of SBSTTA and deciding to review it at COP-9.

Egypt proposed an amendment stating that the appointment of the Executive Secretary should involve the COP and its Bureau in a manner consistent with paragraph 1 of Decision IV/17, which refers to consultation with the COP through its Bureau before appointing the Executive Secretary and to the authority of the COP to determine the level and terms of office of the Executive Secretary. Nigeria stated the rules do not allow the COP to determine the level, only the term, of office of the Executive Secretary and amended the paragraph accordingly. The decision was approved as amended.

**Retirement and consolidation of decisions:** Many delegates requested deleting all references to future consolidation of decisions, but agreed to retiring decisions that have been fully implemented. An informal group considered the matter accordingly.

**NGO accreditation:** Many delegates expressed concerns over the late consideration of this matter, noting that some NGOs were not able to be accredited to COP-8. An NGO representative requested that NGOs be able to participate in intersessional meetings and that accreditation be open also to NGOs working on benefit-sharing. WG-II Chair Shikongo led closed informal deliberations on the issue and delegates agreed to request the WGRI to consider procedures for admission of bodies and agencies, governmental or non-governmental, at its next meeting.

**Final Decision:** In the decision on operations of the Convention (UNEP/CBD/COP/8/L.21), the COP: recognizes the need to streamline meetings and requests the Executive Secretary, in consultation with the Bureau, to develop a schedule of meetings up to 2010; decides to use the annex containing guidance for priority-setting in the allocation of financial resources by the COP; and adopts the refined MYPOW. The COP takes note of the ongoing review and revision of administrative arrangements between UNEP and the CBD Secretariat and the need for a transparent process for appointing the Executive Secretary, noting that it should involve the COP and its Bureau and that the COP has the authority to determine the term of office of the Executive Secretary.

The COP further requests: SBSTTA, whenever it convenes AHTEGs under the guidance of the COP, to provide oversight to ensure that terms of reference clearly indicate their mandate, duration of operation, reporting requirements, expected outcomes and that their mandates are limited to the provision of scientific and technical advice and assessments; and parties to give priority

to nomination of appropriate scientific and technical experts for participation in AHTEGs. The COP endorses the consolidated *modus operandi* of SBSTTA, decides to review it at COP-9, and notes different possible tasks for national focal points to SBSTTA.

Regarding working groups, the COP decides: to clearly define their mandates; to convene the WGRI, subject to availability of the necessary budgetary resources and/or voluntary contributions, for no more than five days, prior to COP-9 and, if possible, back-to-back with the next meeting of SBSTTA; and that WGRI-2 will undertake in-depth review of the implementation of Goals 2 and 3 of the Strategic Plan relating to NBSAPs, financial resources and the financial mechanism.

The decision also deals with suggested responsibilities and capacity building of national focal points; regional preparatory workshops; and funding for participation of developing country representatives.

On retirement and consolidation of decisions, the COP requests: the WGRI to develop guidance for future review and retirement of decisions; and the Executive Secretary to make proposals to COP-9 regarding retirement of decisions from COP-5, and communicate these to parties at least six months prior so they can submit written comments. The COP further decides to discontinue the process of consolidation of decisions, due to the complexity and far-reaching implications of the process.

On admission of bodies and agencies to Convention meetings, the COP requests the WGRI at its next meeting to consider procedures for admission of bodies and agencies, whether governmental or non-governmental.

The decision also contains annexes on: guidance for priority-setting to guide the allocation of financial resources by the COP; the consolidated *modus operandi* of SBSTTA, and options for facilitating exchange of information and views on the items on the agenda of SBSTTA.

**SCIENTIFIC AND TECHNICAL COOPERATION AND THE CHM:** Discussions on scientific and technical cooperation and the CHM (UNEP/CBD/COP/8/4/Rev.1, 17, 17/Add.1, and 18) took place in WG-II on Thursday, 23 March, and Tuesday, 28 March. A decision was approved by WG-II on 28 March.

On scientific and technical cooperation, delegates highlighted collaboration with other initiatives, with Colombia stressing repatriation of information. Canada urged parties to provide free and open access to information and, supported by the EU, suggested reference to the Global Biodiversity Information Facility. Brazil expressed concern about the cost implications of CHM activities, and delegates agreed to take notes of Brazil's reservation in the decision.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.5), the COP adopts the annexed CHM updated strategic plan for the period 2005-2010 and the CHM work programme up to 2010.

The COP invites parties and other governments, as appropriate, to provide free and open access to all past, present, and future public-good research results, assessments, maps and databases on biodiversity, in accordance with national and international legislation. It also requests parties, and invites other governments and donors, to continue providing financial and technical support to develop national and regional CHMs.

The COP requests the Executive Secretary to prepare a report on progress made in the implementation of the strategic plan of the CHM and its work programme for 2005-2010, for COP-10 consideration.

#### **TECHNOLOGY TRANSFER AND COOPERATION:**

Discussions on technology transfer and technology cooperation (UNEP/CBD/COP/8/19, 19/Add.1 and 2) were held in WG-II on Thursday, 23 March, Tuesday, 28 March, and Thursday, 30 March, where the decision was approved. It was adopted by plenary on Friday, 31 March, with an editorial amendment.

Delegates highlighted the importance of: capacity building; South-South and international cooperation; long-term partnership; conducting a technology needs assessment, and strengthening the role of the CHM in technology transfer and cooperation. Colombia underscored that COP-8 should establish a clear process to operationalize technology transfer. The EU emphasized facilitated access to information whenever IPRs are not exercised.

On the draft decision, Venezuela, for GRULAC, called for establishing a working group on technology transfer, while the EU, Norway and Japan favored reconvening the expert group. Following informal consultations, delegates agreed to set up an AHTEG, subject to availability of resources. Further references were introduced for parties to make submissions on the proposals and options, to be compiled for the AHTEG's consideration. Japan, Australia and New Zealand, opposed by the Philippines, requested removing language on paying due attention to barriers erected by IPRs to technology transfer. Delegates agreed to "increase synergy and overcome barriers" to technology transfer and cooperation.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.19), the COP takes note of the proposals on options to apply measures and mechanisms to facilitate access to and adaptation of technologies, prepared pursuant to Decision VII/29 (technology transfer and cooperation).

The COP decides to establish an AHTEG with a mandate to collect, analyze and identify ongoing tools, mechanisms, systems and initiatives to promote the implementation of CBD Articles 16 to 20 and Decision VII/29. It invites parties to make submissions on the proposals and options to apply measures and mechanisms to technology transfer and cooperation, for consideration by the AHTEG.

On technology transfer, the COP requests the Executive Secretary to continue the compilation of pertinent information on needs assessment methodologies.

On information systems, the COP invites parties, and requests the Executive Secretary, to carry out activities for the enhancement of the CHM as a key mechanism in technology transfer and technological and scientific cooperation. It also invites the GEF, the Digital Solidarity Fund of the World Summit on the Information Society and others to provide financial support to developing countries and countries with economies in transition for work programme implementation.

On enabling environments, the COP: takes note of the progress made in the preparation of a technical study that further explores and analyses the role of IPRs in technology transfer in the context of the CBD; and invites WIPO, the UN Conference on Trade and Development (UNCTAD) and other relevant organizations, and requests the Executive Secretary, to finalize

the study. It also invites relevant international organizations to continue their activities for building or strengthening the capacities of developing countries for the effective transfer and adaptation of technologies of relevance to the CBD. It requests the Executive Secretary to explore the possibilities of developing a biodiversity technology initiative.

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

Discussions on financial resources and mechanism (UNEP/CBD/COP/8/4/Rev.1, 20 and 21) were held in WG-II on Thursday and Friday, 23-24 March. A contact group met throughout the second week, until the early morning of Friday, 31 March. The decision was approved by WG-II.

Many developing country delegates expressed concern regarding availability and accessibility of GEF financing for developing countries, LDCs and SIDS, especially the implications of the RAF, with Africa rejecting it as inconsistent with COP guidance. Others emphasized that the COP should give guidance to the GEF on financing, not vice versa and asked that the CBD be actively involved in the RAF review in two years. Canada supported the RAF, noting that it provides a more equitable and transparent process of resource allocation. Many urged that the fourth GEF replenishment not be delayed and that donor countries contribute. Delegates stressed the need for conducting an in-depth review of the financial mechanism.

Following contact group negotiations, WG-II addressed a draft decision, including bracketed language on synergies between the Rio Conventions to increase the effectiveness of financial resources. Presenting a compromise, Mexico suggested that the in-depth review of the availability of financial resources explore options on how synergy among the financial mechanisms of the three Rio Conventions can be promoted, taking fully into account the respective guidance and priorities of their respective COPs, and each Convention's scope and mandate, while ensuring the integrity of resources available to each convention throughout its respective financial mechanism.

**Final Decision:** In the decision on review of implementation of financial resources and the financial mechanism (UNEP/CBD/COP/8/L.26), the COP notes the GEF's adoption of a new system of allocating resources in the focal areas of biodiversity and climate change, known as the RAF. Realizing that it did not provide guidance to the RAF, the COP recognizes the grave concerns expressed by developing countries, in particular LDCs, SIDS and CEITs about the implications of the RAF in limiting allocation of resources. The COP urges donor governments to contribute to the GEF to achieve a timely and substantial fourth replenishment to ensure adequate and predictable resources; and affirms that countries should decide their own funding priorities based on the Strategic Plan and NBSAPs. The COP decides to conduct an in-depth review of financial resources at COP-9, examining:

- actions needed to address obstacles;
- how financial resources from the financial mechanism and other relevant sources are being used to support achievement of the objectives of the Convention;
- how the RAF would affect the availability of resources to the individual and group allocations to developing countries and CEITs for implementation of the Convention;

- the effectiveness of the GEF Benefits Index for Biodiversity for determining the potential of each country to generate the biodiversity benefits for the purposes of the Convention;
- opportunities available to parties from all sources for the implementation of the Convention, including through innovative mechanisms such as environmental funds; and
- options on how the synergy among the financial mechanisms of the three Rio Conventions can be promoted, while ensuring the integrity of resources available to each convention through its respective financial mechanism.

The COP requests the Executive Secretary to: explore all options for the resource mobilization, including innovative financial mechanisms and develop a draft strategy for resource mobilization to be presented to COP-9 through the WGRI; further collaborate with the Organization for Economic Cooperation and Development (OECD) in data collection and provide regular reports on the status and trends of biodiversity finance; continue updating information on funding activities and sources for effective implementation of the Convention; and make necessary arrangements for an evaluation of the effectiveness of the financial mechanism to be conducted before COP-9.

The COP recommends to governments and funding institutions to promote and foster new national and regional environmental funds and strengthen existing funds, and invites parties to give due consideration to biodiversity in their development-planning systems, including poverty reduction strategy papers.

**GUIDANCE TO THE FINANCIAL MECHANISM:** On Friday, 24 March, WG-II Chair Shikongo introduced relevant documents (UNEP/CBD/COP/8/10), and delegates referred the issue to a contact group. The contact group met from Monday, 27 March, to the early morning hours of Friday, 31 March, dealing with many controversial issues, including: the in-depth review of the availability of financial resources, including the examination of the RAF; GEF procedures and development of special modalities that take into account the special conditions of developing countries, with an additional reference to SIDS, LDCs and CEITs; environmental funds; and a biodiversity finance survey.

When WG-II addressed a draft decision as tabled by the contact group and approved it, delegates decided to ensure consistency across all COP decisions regarding reference to developing country parties, in particular LDCs and SIDS, as beneficiaries of funding from the GEF. In the closing plenary, Georgia asked to include a reference to CEITs in a paragraph dealing with the RAF, and delegates adopted the decision as amended.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.27), the COP adopts the updated list of developed country parties and other parties that voluntarily assume the obligations of developed country parties, as contained in an annex. The COP requests the GEF to include in its regular report to the COP information on: the initial application of RAF to resources allocated in the GEF-4 replenishment; and how the RAF is likely to affect funding available to developing countries and CEITs for the implementation of their obligations under the Convention. The COP: urges the GEF to further simplify and streamline its procedures in consideration of the special

conditions of developing country parties, especially LDCs, SIDS and CEITs and to develop responses to their capacity and access challenges; invites the third GEF Assembly to include in its high-level political discussions the opportunities and challenges of GEF in its role as financial mechanism of the Convention; and requests the GEF to consult the Executive Secretary in relevant review processes undertaken by the GEF that affect the financial mechanism of the Convention. It also requests the Executive Secretary, in consultation with the parties, to explore opportunities for streamlining the guidance provided to the GEF, taking into account the framework for goals and targets.

The COP also provides additional guidance on: the Cartagena Protocol on Biosafety, island biodiversity, the Millennium Ecosystem Assessment, implementation of the Convention, technology transfer and cooperation, CEPA, national reporting, GTI, IAS, and PAs.

#### **MONITORING PROGRESS AND REPORTING**

##### **PROCESSES: Framework for monitoring progress and integration of targets into thematic work programmes:**

Discussions on this issue (UNEP/CBD/COP/8/22) were held in WG-II on Friday, 24 March, and on Thursday, 30 March, when a decision was approved. The closing plenary adopted the decision without discussion. Many delegates wanted to adopt the framework for monitoring progress towards the 2010 target, including goals and targets, without reopening discussions, and highlighted the need to further develop national and regional targets. Others requested revising some of the 2010 goals and targets and adding references to island biodiversity. It was agreed to provisionally endorse the framework and review the goals and targets after 2010 in the framework of the Strategic Plan. Some pointed to the importance of indicators in assessing progress towards the 2010 target, with some calling for further work on indicators, especially on traditional knowledge.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.9), the COP notes that the framework for monitoring implementation of the achievement of the 2010 target is comprised of: the goals and objectives of the Strategic Plan; indicators to measure the implementation of the Strategic Plan; the provisional framework for goals and targets adopted in Decision VII/30 (Strategic Plan); outcome-oriented indicators to measure progress towards the 2010 target; and reporting mechanisms including the Global Biodiversity Outlook (GBO) and national reports.

It decides to consider the process for revising the Strategic Plan at COP-9 with a view to adopting it at COP-10, and also consider, as part of that process, an in-depth review of the global framework of goals and targets and associated indicators, which is therefore to be considered provisional and be used until 2010 in its current form. The COP further: notes the progress in establishing the 2010 Biodiversity Indicators Partnership and its contribution to GBO-2; encourages parties, IGOs and other relevant bodies to support use of existing international data collection systems in relation to reporting the global outcome-oriented indicators; and requests the Executive Secretary, together with the AHTEG on indicators, to develop indicators to measure progress in the implementation of the Strategic Plan and promote further development of global-outcome oriented indicators, especially those closely linked to the MDGs. It endorses the goals and global outcome-oriented targets integrated into the work programmes, and notes they should be viewed as

a flexible framework within which national and regional targets may be developed. The decision also specifically deals with the global-outcome oriented targets for the work programmes on forest, mountain and marine and coastal biodiversity.

The decision contains annexes on: the provisional indicators for assessing progress in implementing the goals and objectives of the Strategic Plan; indicators relevant to the provisional framework of goals and targets; guidelines for the review of the work programmes of the Convention; a table on the application of the provisional framework of goals and targets for 2010 to the thematic work programmes; and a summary of the indicator status and work that needs to be carried out.

**National reporting and the next GBO:** Discussions on national reporting and the next GBO (UNEP/CBD/COP/8/4/Rev.1 and 24) were held in WG-II on Friday, 24 March, and on Tuesday, 28 March, where a decision was approved.

Many delegates requested the reporting process to be streamlined, outcome-oriented and harmonized with other biodiversity-related conventions, with some calling for reducing the number of thematic reports and others for reviewing the Convention's implementation on the basis of national reports.

On the GBO, delegates agreed to mention the preparation of a short summary of actions and indicators needed to achieve the 2010 target. The EU suggested, and Norway opposed, using the CHM, rather than the mass media, for communicating the results of the GBO and delegates agreed to make reference to both.

**Final Decision on National Reporting:** In the decision on national reporting and the next GBO (UNEP/CBD/COP/8/L.2), the COP: recognizes the need to reduce the overall reporting burden and align the national reporting process within the framework for evaluating implementation of the Convention and progress towards the 2010 target; recommends regional or subregional workshops; and invites the GEF to provide financial support in a timely fashion and to establish easier mechanisms for provision of funds. It decides that: future national reports should be outcome-oriented; parties should submit their fourth national reports by 30 March 2009, in view of the review of implementation of the Convention at COP-10; an online facility be established to support national reporting; and GBO-3 is prepared for publication at COP-10 and used to review implementation of the Convention.

The decision further welcomes the initiative of the five biodiversity-related conventions through the Liaison Group to harmonize reporting among the biodiversity-related conventions; and the draft guidelines for the fourth national report. The COP requests the Executive Secretary to: make available a sample fourth national report; organize regional training seminars to promote best practices for reporting; and review the process, outcome and impact of GBO-2 and develop proposals on the scope and format of GBO-3 for SBSTTA and WGRI consideration. The annex contains a schedule for voluntary provision of complementary information on thematic programmes.

**Decision on GBO-2:** In the decision (UNEP/CBD/COP/8/L.4), the COP welcomes GBO-2 and requests the Executive Secretary to communicate its results in all official languages in a strategic and effective way, including the CHM and the mass media. It invites UNEP to use relevant parts of the GBO in further editions of the Global Environment Outlook.

**COOPERATION: Cooperation with other conventions:**

Discussions on cooperation with other conventions (UNEP/CBD/COP/8/25) were held in WG-II on Friday, 24 March, and Monday, 27 March. A draft decision was approved by WG-II on Thursday, 30 March.

Many supported the work of the Biodiversity Liaison Group. Discussions focused on the proposed creation of a global biodiversity partnership, with Asia and the Pacific and the EU supporting it, as an initiative to ensure implementation on the ground, and Australia, Argentina, Colombia, New Zealand and Brazil opposing it, to avoid duplication with other cooperation arrangements and resource diversion from implementation activities.

When delegates approved the draft decision, they decided to delete a request to the Executive Secretary to “explore enforcement activities” in collaboration with other organizations. Text proposed by Nigeria, supported by Gabon and opposed by many developed countries, on securing more resources to fund convention activities, including to joint liaison arrangements between the CCD and CBD, at UN headquarters in New York, was bracketed. Following consultations, the closing plenary decided to retain the reference and remove the brackets.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.10), the COP urges parties to facilitate cooperation among international organizations by coordinating national positions among the various conventions and other international forums; and invites parties to promote coordination among national focal points of the three Rio conventions, to achieve synergies on cross-cutting activities. COP-8 also requests the Executive Secretary to:

- liaise with the conventions, organizations and initiatives with which the Convention has already signed a memorandum of cooperation, to advance the Convention implementation, including the possibility of developing joint work programmes;
- liaise with the WTO Secretariat on relevant issues, to identify options for closer collaboration, including developing a memorandum of cooperation to promote the three objectives of the Convention;
- liaise with the UN Convention on the Law of the Sea (UNCLOS) Secretariat; and
- invite the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) Secretariat to join the Biodiversity Liaison Group.

**Private sector engagement:** WG-II discussed private sector engagement (UNEP/CBD/COP/8/25/Add.1) on Monday, 27 March, and approved a draft decision on Thursday, 30 March. During the closing plenary, WG-II Chair Shikongo noted an amendment, in view of a decision to establish an AHTEG on technology transfer, removing brackets from text inviting this AHTEG to address private sector involvement in the implementation of the Convention’s objectives. The closing plenary adopted the decision.

The EU stressed development of tools and guidelines to improve the private sector’s engagement. India encouraged private sector involvement in technology transfer. NGOs cautioned against emphasizing the role of the private sector over other stakeholders, while a private sector representative cautioned against treating the business sector as a single actor.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.11), the COP notes tools and mechanisms that may be of use in facilitating contributions from business and industry towards Convention implementation and achievement of the 2010 target, including: certification schemes based on companies’ biodiversity performance; internationally agreed standards on activities that impact biodiversity; guidance and tools to assist companies in implementing good practices; guidelines for incorporating biodiversity-related issues into existing environmental impact assessments; and private-public partnerships.

The COP further notes that contributions from business and industry could be facilitated by further work under the Convention to develop, *inter alia*: a private sector guide to the Convention; tools for assessing the value of biodiversity and ecosystem services for their integration into decision making; guidance for potential biodiversity offsets, in line with the objectives of the Convention; and guidance on integrating biodiversity into industry standards and certification schemes.

The COP also:

- urges national focal points to engage companies in the development of NBSAPs, encouraging them to adopt practices supporting their implementation;
- encourages national focal points to include private sector representatives on national delegations to SBSTTA and COP meetings, and nominate them to participate in the technical expert group;
- requests the Executive Secretary to compile information on the business case for biodiversity, and to include the private sector as a target audience in CEPA;
- invites business to align its policies and practices more explicitly with the Convention’s three objectives;
- invites the AHTEG on technology transfer to address the role of the private sector in achieving the Convention’s objectives; and
- decides to consider at COP-9 further ways and means to promote business engagement, emphasizing the Convention’s role in facilitating such engagement.

**OTHER SUBSTANTIVE ISSUES**

**FOREST BIODIVERSITY:** Discussions on implementation of the work programme on forest biodiversity (UNEP/CBD/COP/8/3) began in WG-I on Wednesday, 22 March, and continued on Tuesday, 28 March. The issue was revisited on Thursday, 30 March, and the final text was approved after informal consultations. Main points of contention were on genetically modified (GM) trees and references to the forest law enforcement and governance (FLEG) and related trade (FLEGT) processes. WG-I approved the decision on Thursday, 30 March, and the closing plenary adopted it without discussion.

In preliminary discussions, many invited collaboration and harmonization with the UN Forum on Forests (UNFF), FAO, regional FLEG processes, and the International Tropical Timber Organization (ITTO). When the text was revisited, Brazil, opposed by Indonesia and Canada, requested deletion of references to FLEG and FLEGT processes, stating that the many references to FLEG caused an imbalance in the text and shifted the focus away from sustainable forest management (SFM). Indonesia strongly opposed, and after consultations delegates agreed to language on strengthening efforts to promote SFM to

improve forest law enforcement and address its related trade. Specific reference to FLEG was placed in a footnote listing processes with which to collaborate.

Emphasizing national sovereignty in ensuring forest law enforcement, Chile, Colombia and Peru requested deletion of text inviting international and national organizations and NGOs to provide information on forest law enforcement and related trade, and delegates agreed to only invite Parties to do so.

Ghana, the EU and Kenya advocated a precautionary approach to the use of GM trees, while Liberia opposed their use before thoroughly assessing risks and until SBSTTA provides advice on the issue. Several NGOs called for a moratorium on their use. The EU presented compromise text recommending parties to take a precautionary approach when addressing the issue of GM trees and requesting the Executive Secretary to collect and collate existing information to allow SBSTTA to consider the impacts of GM trees. After a Friends of the Chair consultation, delegates agreed to the text, with some amendments.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.17), the COP, *inter alia*: invites parties to strengthen their efforts to promote SFM to improve forest law enforcement and address related trade, and to provide information for the review of the expanded work programme; and requests the Executive Secretary to strengthen collaboration with Collaborative Partnership on Forests (CPF) member organizations and regional forest-related processes, to improve implementation, and to develop a toolkit on cross-sectoral, integrated approaches to reduce negative impacts of other sectoral policies.

On GM trees, the COP recommends parties to take a precautionary approach when addressing this issue, and requests the Executive Secretary to collect and collate existing information, including peer-reviewed published literature, to allow SBSTTA to consider the potential impacts of GM trees on forest biodiversity, and to report to COP-9.

On the review of implementation, the COP, *inter alia*: requests the Executive Secretary to carry out an in-depth review of the expanded work programme, and to convene at least one AHTEG meeting on review of implementation, requesting the Executive Secretary to increase representation for bio-geographical regions with little or no current representation in the AHTEG; and encourages parties to access existing information on forest-related reporting when completing the third and fourth national reports.

**INLAND WATERS:** Discussions on inland water ecosystems (UNEP/CBD/COP/8/26/Add.3) were held in WG-I on Wednesday, 22 March, and Thursday, 30 March, where a decision was approved.

Delegates highlighted strengthening collaboration with the Ramsar Convention and specialized regional bodies, and harmonizing national reporting under the CBD and the Ramsar Convention. India and Zambia emphasized the lack of information, in particular on the extent and distribution of inland waters beyond Ramsar sites.

On the draft decision, Cuba and the EU proposed that COP-8 invite the Ramsar Convention Secretariat to explore further ways and means for a strategic approach to stakeholder involvement for SBSTTA consideration.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.13), the COP invites governments and relevant organizations to promote the recognition and implementation of the work programme by relevant stakeholders, and to contribute, on a voluntary basis and in accordance with identified needs, financial and other resources to continue assisting the work of the Executive Secretary and the Secretary-General of the Ramsar Convention on these matters. It calls upon parties to ensure the fullest cooperation and communication between national focal points for the biodiversity-related conventions, as well as between national focal points and representatives of sectors and groups “responsible for the drivers of change” in inland water biodiversity.

The COP requests the Executive Secretary to review the technical requirements under the work programme and compare them with the ongoing and planned activities of the Scientific and Technical Review Panel of the Ramsar Convention and propose to SBSTTA ways and means to address them. It also requests the Executive Secretary to invite the Secretariat of the Ramsar Convention to: take the lead in developing a draft national reporting framework on inland water ecosystems; explore further ways and means to improve mechanisms for assessing the extent, distribution and characteristics of inland water ecosystems; and develop proposals on further ways and means for a strategic approach to identify key stakeholders and promote, where appropriate, their full involvement in reducing drivers of negative changes and increasing drivers of positive changes. It further requests the Executive Secretary to invite bodies responsible for, or representing, the drivers of inland water biodiversity change to fully implement the work programme.

**MARINE AND COASTAL BIODIVERSITY:** Marine and coastal biodiversity was discussed on Wednesday and Thursday, 22-23 March, in WG-I (UNEP/CBD/COP/8/3 and 26/Add.1). On Friday, 31 March, WG-I agreed to separate the elements of the draft decision into two separate decisions on: marine genetic resources beyond areas of national jurisdiction; and integrated marine and coastal area management (IMCAM).

**Marine genetic resources:** During initial discussions, Colombia requested text on benefit-sharing. Tuvalu suggested referring to genetic resources “of great interest for the conservation and sustainable use of biodiversity.” Indonesia called for a holistic and integrated approach to genetic resources in the UN. Cuba called for increased access to existing information and technology. Palau, supported by Greenpeace, called for text calling for a moratorium on high seas bottom trawling.

On Friday, 31 March, WG-I Chair Jebb suggested to revert to the original wording of the SBSTTA recommendation XI/8 (deep seabed genetic resources). Norway preferred requesting the Executive Secretary, in collaboration with the UN Division on Ocean Affairs and Law of the Sea, to “further collate and analyze information on biodiversity beyond national jurisdiction and the threats to it,” rather than “further analyze and explore options for preventing and mitigating impacts of some activities to selected seabed habitats,” as in the SBSTTA-11 recommendation. Many delegates expressed reluctance to reopen the SBSTTA wording at this late stage. Norway expressed disappointment that COP-8 had not engaged in any substantive discussions on marine genetic

resources, and reserved the right to introduce a footnote into the document and make a statement in plenary for inclusion in COP-8 report. Mexico requested inserting text from the chapeau of the SBSTTA-11 recommendation, suggesting that the COP should be aware of a preliminary range of options that parties or other States may utilize for the protection of deep seabed genetic resources beyond national jurisdiction. WG-I approved the draft decision containing the original SBSTTA recommendation, as amended. The closing plenary adopted the decision without discussion.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.32), the COP:

- recognizes that there is an urgent need to enhance scientific research and cooperation for the conservation and sustainable use of deep seabed genetic resources, in the context of the precautionary approach;
- invites governments to make available information on research activities related to deep seabed genetic resources beyond national jurisdiction, and ensure that marine scientific research and analysis are effectively disseminated through international channels;
- is aware of a preliminary range of options for the protection of deep seabed genetic resources beyond national jurisdiction, and emphasizes the need for further work in developing these and other options, in particular within the UN framework;
- recognizes that the UN Convention on the Law of the Sea (UNCLOS) regulates activities in marine areas beyond national jurisdiction;
- requests the Executive Secretary, in collaboration with UNCLOS and other relevant organizations, to further analyze options for preventing and mitigating impacts of some activities on selected seabed habitats; and
- emphasizes the urgent need, especially in developing countries, to build capacity relating to deep seabed biodiversity.

#### **Integrated marine and coastal area management**

**(IMCAM):** Malaysia called for capacity building, and proposed postponing full implementation of IMCAM to 2015. Thailand called for the findings of the AHTEG on IMCAM to be integrated with the island biodiversity work programme. Australia and Argentina suggested text noting that parties are at different stages in developing marine and coastal management frameworks and that IMCAM can assist in informing these existing processes, where relevant. Supported by many, the EU suggested inviting funding agencies to enter into partnerships with developing country parties, according to their national priorities.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.33), COP-8 notes that parties will be at different stages in developing national IMCAM frameworks, and IMCAM can assist in informing these processes, where relevant. COP-8 also invites parties and other governments to:

- facilitate effective implementation of IMCAM by, *inter alia*, encouraging participation of indigenous and local communities in considering the integration of IMCAM recommendations into national and regional processes, and developing and adopting national IMCAM legislation; and
- with the help of coastal-management practitioners and relevant organizations, encourage indigenous and local

communities to use resources sustainably, undertake valuation of natural resources and their economic significance and use this information in decision-making, and significantly improve capacity building for coastal managers and coastguards on IMCAM.

COP-8 also urges countries to support initiatives to improve participation of stakeholders and indigenous and local communities in the implementation of management decisions, and to design adaptive IMCAM programmes. COP-8 further invites funding agencies to enter into partnerships with developing countries, according to their national priorities, to support national and regional capacity-building efforts.

**AGRICULTURAL BIODIVERSITY:** Delegates discussed agricultural biodiversity (UNEP/CBD/COP/8/26/Add.2) in WG-I on Thursday and Friday, 23-24 March, and Thursday, 30 March, and in a contact group on 30 March. The decision was finalized and approved by WG-I following late night negotiations on 30 March. Delegates considered draft decisions on: the cross-cutting initiative on biodiversity for food and nutrition; the International Initiative for the Conservation and Sustainable Use of Soil Biodiversity; genetic use restriction technologies (GURTs); and the in-depth review of the work programme on agricultural biodiversity.

**Initiative on Biodiversity for Food and Nutrition:** Delegates welcomed the Initiative and called for FAO and the International Plant Genetics Resources Institute (IPGRI) to continue to lead its implementation. Delegates inserted language on: broadening the genetic base of cultivated crops; conducting research on under-utilized species and use of indigenous crops; and calling for case studies on biodiversity and nutrition. Turkey called for references to the conservation and sustainable use of medicinal plants, but after some debate, the references were deleted.

Australia, opposed by Brazil, Kenya, Peru and the EU, requested deletion of a paragraph on identifying and promoting crop diversification and creation of markets for biodiverse food crops. In contact group discussions, Australia offered to retain the paragraph with the addition of the phrase “while avoiding trade-distorting measures,” but the proposal was rejected by the EU, and the paragraph remained bracketed. Prior to the closing plenary, consensus was reached in informal discussions to delete the list of ways to promote crop diversification and create markets for biodiverse food crops, and to replace the paragraph with “identifying and promoting crop diversification for biodiverse food crops to be used for food and nutrition.”

**Soil biodiversity initiative:** Delegates proposed text on: a database on soil biodiversity important for food and agriculture; soil erosion in land management and rehabilitation programmes; reference to household agriculture in text on promoting entrepreneurship and marketing strategies for agro-production; and a new goal on traditional application of local practices.

**Genetic restriction use technologies:** During the initial discussion on GURTs, New Zealand, Australia and Switzerland supported text on allowing a case-by-case risk assessment of GURTs, as recommended by the Article 8(j) Working Group. They were supported by representatives of Industry and the Foundation for Public Research and Regulation, who pointed to multiple benefits of gene-switching technologies. They were, however, strongly opposed by several delegations, and international and civil society organizations. A Friends of

the Chair group was established, and agreement was reached to revert to the original SBSTTA-10 recommendation, thus deleting the case-by-case risk assessment, and to insert a reference to respecting the mandate of Decision V/5 (agricultural biodiversity) with regard to future research on the impacts of GURTs.

**In-depth review:** The EU, opposed by Canada, Brazil and Gabon, suggested deleting text requesting the Executive Secretary to prepare a schedule for the review and to notify parties. After consultations, delegates agreed to language requesting the Executive Secretary, in partnership with FAO and relevant organizations, to prepare for the full review of the work programme for consideration at COP-9.

**Final Decision:** The COP decision (UNEP/CBD/COP/8/L.6) contains sections on the cross-cutting initiative on biodiversity for food and nutrition, the International Initiative for the Conservation and Sustainable Use of Soil Biodiversity, GURTs, and the review of the work programme.

On biodiversity for food and nutrition, the COP:

- adopts the annexed framework for the initiative;
- decides to integrate the framework elements into the work programme on agricultural biodiversity at its in-depth review at COP-9;
- urges parties and other governments to integrate biodiversity, food and nutrition considerations into their NBSAPs and other national plans, including those for achievement of the MDGs;
- requests the Executive Secretary to continue to collaborate with the FAO, IPGRI, and others in implementation of the initiative;
- requests the Executive Secretary to make available the outcomes of the Conference on Health and Biodiversity; and
- invites the ITPGR governing body to collaborate in the initiative's implementation.

The annexed proposed framework contains the rationale, aim, general considerations, key partners and initiatives, and elements of the initiative. The elements are:

- developing and documenting knowledge;
- integration of biodiversity, food and nutrition issues into research and policy instruments;
- conserving and promoting wider use of biodiversity for food and nutrition; and
- public awareness.

On the soil biodiversity initiative, the COP:

- endorses the annexed framework for action;
- calls upon parties to integrate soil biodiversity conservation and sustainable use into their NBSAPs and to put in place multi-sectoral programmes;
- decides to integrate the framework for action into the agricultural biodiversity work programme at COP-9; and
- invites governments and relevant stakeholders to support and implement the Initiative and supply further case studies on soil biodiversity to the Initiative.

The annexed framework for action contains: strategic principles, including focusing on improving farmers' livelihoods and integrating holistic solutions and technical adaptation to local contexts, and using participatory technology development and adaptive approaches to develop agricultural systems for specific situations; implementation guidance; and goals, including objectives on sharing knowledge and awareness-raising, capacity

building, strengthening collaboration and mainstreaming soil biodiversity into agricultural management and rehabilitation programmes.

On GURTs, the COP reaffirms Decision V/5, and encourages parties and others to:

- respect traditional knowledge and farmers' rights to seed preservation;
- continue to undertake further research, within the mandate of Decision V/5, on the impacts of GURTs, including their impacts, particularly on indigenous and local communities; and
- continue to disseminate the results of these studies.

The COP invites the Governing Body of the ITPGR to examine the potential impacts of GURTs, especially on indigenous and local communities and associated traditional knowledge, and small-holder farmers and breeders, and notes that the issues related to GURTs should be disseminated in appropriate language and simplified form through the CHM and other means.

On the in-depth review of the work programme, the COP requests the Executive Secretary, in partnership with the FAO, and in consultation with other relevant organizations, to prepare the full review of the work programme for COP-9 consideration.

**PROTECTED AREAS:** Discussions on PAs concerned: review of implementation, high seas PAs, options for mobilizing financial resources, and toolkits.

**Review of implementation:** Delegates discussed the review of implementation of the PA work programme (UNEP/CBD/COP/8/8) in WG-I on Thursday, 23 March, and in a contact group on Wednesday, 29 March. Several countries highlighted the limited number of national reports, requesting a more flexible reporting system. India emphasized identifying challenges and obstacles in the reporting process. Discussions then focused on the future work of the PAs Working Group, and many stressed holding a second meeting. Micronesia proposed focusing on financial issues and the EU on progress evaluation, improved implementation, funding and ecosystem services evaluation.

**High seas PAs:** Discussion on high seas PAs (UNEP/CBD/COP/8/8) dominated consideration of this agenda item, taking place initially in WG-I on Thursday and Friday, 23-24 March. A Friends of the Chair group was established on Friday, 24 March, and a draft decision was debated in WG-I on Tuesday, 28 March. A Chair's text was taken up by a contact group on Wednesday and Thursday, 29-30 March.

Discussions centered on the question of the CBD mandate vis-à-vis the UN General Assembly (UNGA), particularly in light of the UNGA *Ad Hoc* Working Group on biodiversity in areas beyond national jurisdiction.

Asia and the Pacific, Mexico and Norway argued that the CBD could assist the UNGA by providing scientific information, with Australia emphasizing that institutional, jurisdictional and governance issues be addressed by UNCLOS. Canada, Malaysia, Colombia, the EU and Argentina suggested the CBD provide scientific and technical advice. Venezuela held that the CBD is the lead instrument regulating activities in the high seas.

On the future activities of the CBD, Australia suggested that the CBD prioritize national capacity building. The EU proposed the CBD: develop scientific criteria for selection of high seas PAs, recognizing the role of other international organizations



and regional seas conventions; elaborate a special database on high seas PAs; and monitor progress in implementation of the work programme on marine biodiversity. New Zealand suggested that the CBD focus on: implementation of the work programme and achievement of the 2010 target; integration of science; and cooperation with the UNGA process and other international and regional organizations. Canada proposed focusing on selection criteria for significant areas, biogeographical delineation, development of tools and cooperation with other organizations. Australia proposed that the CBD recognize the competence of UNGA processes on high seas governance issues and prioritize national capacity building.

During the closing plenary, Mexico made a statement against the need for a new UNCLOS implementation agreement, and noted that CBD technical advice on high seas PAs should not refer to policy or legal issues. Mexico also announced an independent scientific expert workshop on ecological criteria and biogeographical classification systems, with funding from Australia.

**Options for mobilizing financial resources:** Discussions on options for mobilizing financial resources (UNEP/CBD/COP/8/8) were held on: Friday, 24 March, in WG-1; Wednesday, 29 March, in a contact group; and Thursday, 30 March, again in WG-1.

Delegates debated text on exploring options for linking PA funding to the UNFCCC Clean Development Mechanism, with Peru, Mexico and Ghana supporting, and Australia, New Zealand and Brazil opposing it. Delegates also discussed whether to focus a future meeting of the PA Working Group on financial resources, or to hold a meeting on long-term financing back-to-back with the PA Working Group meeting or COP-9. Peru and Mexico urged development banks to ensure that their institutional policy address biodiversity conservation and sustainable use, and indigenous communities' consent. New Zealand stressed focusing on impediments to national implementation and resources to address such impediments.

**Toolkits:** WG-1 briefly addressed the further development of toolkits for the identification, designation, management and evaluation of national and regional PA systems (UNEP/CBD/COP/8/8) on Friday, 24 March.

**Final Decision:** The decision on protected areas (UNEP/CBD/COP/8/L.25 and Add.1) comprises four sections on: review of implementation of the work programme on PAs for the period 2004-2006; options for cooperation for the establishment of marine protected areas (MPAs) in areas beyond national jurisdiction; options for mobilizing financial resources for the implementation of the work programme; and further development of tool kits for the identification, designation, management, monitoring and evaluation of national and regional PA systems.

On review of implementation, COP-8:

- recognizes that a major shortcoming in the current review has been the limited availability of relevant information on activities of the work programme;
- urges countries and multilateral funding bodies to provide the necessary financial support to developing countries to build capacity and implement the work programme and national reports;

- agrees that reporting should concentrate mostly on outputs and processes;
- agrees on the importance of undertaking consultation processes, including with indigenous and local communities and relevant stakeholders on reporting on the implementation of the work programme;
- requests the Executive Secretary to organize, subject to availability of necessary funds, regional workshops with the participation of countries, relevant organizations and indigenous and local communities to build capacity and review the implementation of the programme of work; and
- decides to convene the second meeting of the Working Group on PAs prior to COP-9, for evaluating progress and elaborating recommendations to improve implementation.

On high seas PAs, COP-8 urges parties to take urgent action to implement paragraphs 66-69 of UNGA resolution 59/25 on destructive fishing practices; and fully cooperate in the UNGA-61 review of implementation of its resolution on destructive fishing practices, taking into account the precautionary approach provisions in the Fish Stocks Agreement, the FAO Code of Conduct for Responsible Fisheries, and developments under the CBD. COP-8 also:

- notes the work and the report of the UNGA Working Group on marine biodiversity beyond areas of national jurisdiction and the possible options and approaches identified by the Co-Chairs, including assessing the need for an UNCLOS implementation agreement;
- invites UNGA-61 to establish a timely follow-up process on marine biodiversity beyond areas of national jurisdiction, and requests the Executive Secretary to continue to provide relevant CBD input into this process;
- recognizes that the CBD has a key role in supporting UNGA work on MPAs beyond national jurisdiction, by focusing on the provision of scientific and, as appropriate, technical information and advice relating to marine biodiversity, application of the ecosystem and precautionary approaches and in delivering the 2010 target; and
- agrees to consider at COP-9 progress on the work on marine biodiversity beyond national jurisdiction, including MPAs, and consider further supporting action, if appropriate. COP-8 requests the Executive Secretary to work actively and take into account scientific information available to:
  - synthesize with peer review the best available scientific studies on priority areas for biodiversity conservation beyond national jurisdiction;
  - refine, consolidate and, where necessary, develop further scientific and ecological criteria for the identification of MPAs in need of protection;
  - collaborate in the further development of the spatial database containing information on marine areas beyond national jurisdiction;
  - facilitate work relating to scientific issues; and
  - collate information on customary use of biological resources in accordance with traditional cultural practices that are compatible with the conservation and sustainable use of biodiversity in areas beyond national jurisdiction.

COP-8 also decides to convene a scientific expert workshop on ecological criteria and biogeographical classification systems, with terms of reference annexed to UNEP/CBD/COP/8/L.25/Add.1, to be hosted by Portugal.

On options for mobilizing financial resources, COP-8 invites parties to, *inter alia*:

- organize national and regional PA financing roundtables of donors and recipient countries;
- consider prioritizing the need to undertake immediately a national PA value and benefit initiative, and design and elaborate financial plans to meet the costs to effectively and sustainably implement and manage national and regional PA systems; and
- establish an ongoing dialogue on financing, including a meeting on long-term financing to be held back-to-back with the second meeting of the PA Working Group or COP-9.

It invites the GEF, *inter alia*, to maintain the proportion of funding for PAs in the biodiversity envelope in the GEF-4 business plan.

On toolkits, COP-8: invites governments to use the toolkits, as appropriate; urges parties and organizations to support a “Tools Outreach Programme,” and national and regional training workshops; and urges financial support for workshops focusing on the use and further development of toolkits, particularly regarding co-managed PAs and community conserved areas.

The decision also contains an annex on the provisional agenda of the second meeting of the PA Working Group covering: review of implementation of the work programme, including a Secretariat’s progress report on refinement and consolidation of scientific criteria for the identification of marine areas in need of protection; and exploring options for mobilizing, as a matter of urgency, through different mechanisms adequate and timely financial resources for the work programme implementation.

**INCENTIVE MEASURES:** The decision on incentive measures (UNEP/CBD/COP/8/2, 3 and 27/Add.1) was discussed on Monday, 27 March in WG-I, in a contact group and a Friends of the Chair group on Wednesday, 29 March, and finalized in late night negotiations on Thursday, 30 March. Delegates discussed: application of positive incentive measures, ways and means to remove or mitigate perverse incentives, and application of tools for valuation of biodiversity and biodiversity resources and functions.

At the outset of discussions, Australia, Argentina, Brazil, Canada, and New Zealand proposed focusing on a preparatory process for the in-depth review of the work programme on incentive measures at COP-9, noting that discussions to date had been ineffective in developing a work programme. This was opposed by the EU, Africa and El Salvador, who favored finalizing and adopting a decision at COP-8. WG-I Chair Jebb prepared a draft decision based on SBSTTA-10 and 11 recommendations, but during a brief meeting of a contact group, delegates agreed to delete the appendices on proposals for the application of positive incentive measures, and ways and means to remove or mitigate perverse incentives, and decided to only address text on preparation for the in-depth review of the work programme. A number of amendments were tabled on preparation for the in-depth review, which were the basis for negotiations in the Friends of the Chair group.

**Final Decision on Preparation for the in-depth review:** In the decision (UNEP/CBD/COP/8/L.28), the COP, *inter alia*:

- decides to initiate a structured, transparent and inclusive preparatory process for the in-depth review of work on incentive measures, to identify outcomes required from a revised work programme to meet Convention obligations, and possible options for a future work programme, for consideration by COP-9;
- requests the Executive Secretary to synthesize and facilitate access to information provided by parties from the third national reports; and
- invites parties, other governments and stakeholders to communicate their experiences in work programme implementation to the Executive Secretary.

On positive incentive measures, the COP encourages relevant organizations to strengthen capacity building and research extension mechanisms on the design, implementation and review of positive incentive measures, and strengthen research activities on, *inter alia*: comparative analyses of the effectiveness and cost-efficiency of individual positive incentive measures; development of innovative measures; and development of mechanisms that ensure the fair and equitable benefit-sharing from positive incentive measures. The COP further invites UNCTAD, through initiatives such as BioTrade, to continue to support the work programme.

**Final Decision on Valuation:** In the decision (UNEP/CBD/COP/8/L.18), the COP, *inter alia*:

- invites parties and other governments, taking into account other international instruments, to consider the annexed options for the application of valuation tools;
- encourages extension of capacity building and training on valuation;
- invites institutions that support web-based information systems and databases to include valuation cases;
- invites funding institutions to identify gaps and needs to enhancing capacity for undertaking valuation of biodiversity resources and functions; and
- requests the Executive Secretary to continue to compile and disseminate information on valuation methods, explore options for the design and application of innovative valuation and assessment tools, and prepare the terms of reference for a study on how monitoring can support the implementation of valuation tools and positive incentive measures.

The decision contains an annex on options for the application of tools for valuation of biodiversity and biodiversity resources and functions, including valuation tools, institutional considerations, capacity building and training, and further research, and an appendix on main valuation techniques, adapted from the MA.

**INVASIVE ALIEN SPECIES:** Delegates discussed further considerations of gaps and inconsistencies in the international regulatory framework on IAS (UNEP/CBD/COP/8/3) in WG-I on Friday, 24 March, and Thursday, 30 March, as well as in informal consultations.

In initial discussions, delegates highlighted: the need for risk analyses and assessments on species that are subject to export and potentially invasive; capacity building and additional funding; and information and experience exchange. Debates focused on: a proposal by Australia to note the outstanding

procedural and substantive issues related to Decision VI/23 (IAS); and text on invasive alien trees used for sink-related provisions under the UNFCCC and its Kyoto Protocol.

The EU, with Norway, proposed text on avoiding the introduction of potentially invasive alien tree species when implementing the sinks-related provisions under the UNFCCC and its Kyoto Protocol. New Zealand, Canada and Brazil opposed, stating that the language of the SBSTTA recommendation had been carefully negotiated. The bracketed text was deleted following informal consultations prior to the closing plenary.

Bracketed text proposed by Australia and supported by Argentina, to consider the outstanding procedural issues related to Decision VI/23 (IAS) at COP-9, was also deleted following informal consultations prior to the closing plenary.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.24), the COP:

- encourages parties to build capacity for action at the national level for addressing the various pathways for introduction and spread of IAS, and appeals to funding institutions and development agencies to support developing countries and centers of origin in improved prevention, rapid response and implementation of measures to address threats of IAS;
- encourages the development of regional guidance under appropriate regional bodies or institutions to address particular gaps in the international regulatory framework;
- calls on Parties to share experiences; and
- urges parties to communicate to potential importing countries relevant information about potentially invasive species subject to export.

On conveyances as pathways for IAS, the COP: invites parties to share national experiences through the CHM, and relevant bodies and institutions to further study conveyance pathways and to conduct risk assessments for potential future introductions; and encourages training of border control officials and development of regional guidance for particular conveyances as pathways for IAS.

On aquaculture/mariculture, the COP: encourages regional bodies and conventions to consider developing cooperative arrangements and certification schemes; and urges parties to implement, among others, the UN Convention on the Law of the Non-Navigational Uses of International Watercourses, and the FAO Code of Conduct on Responsible Fisheries.

On ballast water, the COP invites the Regional Seas Conventions and Action Plans to support implementation of the International Convention on the Control and Management of Ships' Ballast Water and Sediments, and urges parties to: ratify this Convention; address domestic translocation of ballast water in their national legislation; and increase communication and coordination between national agencies responsible for the CBD and the International Maritime Organization (IMO).

Regarding marine biofouling, particularly hull-fouling, the COP encourages: implementation of controls at the national level; harmonization of national legislation within regions; and consideration of the issue at the IMO Marine Environment Protection Committee, and the Antarctic Treaty Consultative Meeting.

On civil air transport, the COP encourages collaboration between the CBD Secretariat and the Secretariat of the International Civil Aviation Organization. On military activities, it encourages promotion of good practices by governments and development of guidance and codes of practice by UN bodies.

On emergency relief, aid and response, the COP urges governments and donors to take measures to prevent and minimize the introduction and spread of IAS.

On international development assistance, the COP urges parties to consider national controls or codes of practice.

On scientific research, the COP: urges parties to raise awareness among scientific organizations of existing measures, and put in place measures to prevent or minimize associated risks; encourages relevant organizations to develop codes of practice and carry out risk assessments on proposed species introductions; and emphasizes the need for taxonomic studies to deal with IAS.

On tourism, the COP decides to consider, as appropriate, in its future work relating to sustainable tourism, the issue of tourism as a pathway for IAS.

Other issues addressed include: pets, aquarium species, live bait, live food and plant seeds; biocontrol agents; *ex situ* animal breeding programmes; inter-basin water transfer and navigational canals; and unintended protection of IAS. Regarding preparations for the in-depth review at COP-9, the COP requests the Executive Secretary to review implementation of all decisions related to IAS.

**IMPACT ASSESSMENT:** Discussions on the refinement of guidelines for biodiversity-inclusive impact assessment (UNEP/CBD/COP/8/27/Add.2) took place in WG-I on Monday, 27 March, and Thursday, 30 March, where a draft decision was approved.

Several delegates called for collaboration with the International Association for Impact Assessment. The EU called for countries to contribute to the case studies database on national experiences and best practices, and the IIFB noted that disclosure of information gathered from indigenous and local communities should occur with their PIC.

On the draft decision, Ghana suggested that the COP endorse, rather than take note of, the draft guidance on biodiversity-inclusive strategic environmental assessment, and requested including the introduction of IAS in the annexed list of processes that influence the composition and structure of biodiversity.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.8), the COP notes that the Akwé: Kon Guidelines on cultural, environmental and social impact assessments should be used in conjunction with the voluntary guidelines on biodiversity-inclusive environmental impact assessment (EIA) and draft guidance on biodiversity-inclusive strategic environmental assessment (SEA).

On EIA, the COP: endorses the annexed voluntary guidelines on biodiversity-inclusive EIA; emphasizes that these voluntary guidelines are intended to serve as guidance for parties in the development and implementation of their impact assessment instruments and procedures; and urges parties to apply them, as appropriate. It also encourages the Ramsar Convention and the Convention on Migratory Species and invites other environmental agreements to take note of and, if appropriate, endorse these voluntary guidelines. It also requests the Executive

Secretary to continue to collaborate with relevant organizations and compile information on the experiences made by parties and relevant organizations.

On SEA, the COP endorses the annexed draft guidance on biodiversity-inclusive SEA and encourages parties and others to take the draft guidance into account in the context of the implementation of Article 14 (impact assessment). It invites other environmental agreements to take note of the draft guidance and consider its application within their respective mandates. It also requests the Executive Secretary to, *inter alia*: facilitate capacity development activities focusing on the translation of the draft guidance into practical national, subregional, regional or sectoral approaches and guidelines; continue collaborating with UNEP's Economics and Trade Branch and relevant organizations in developing practical guidance on assessing impacts of trade on biodiversity; and prepare proposals on complementing this guidance, for SBSTTA consideration.

The decision contains two annexes: voluntary guidelines on biodiversity-inclusive EIA; and draft guidance on biodiversity-inclusive SEA.

**LIABILITY AND REDRESS:** Discussions on liability and redress (UNEP/CBD/COP/8/27/Add.3) took place in WG-I on Friday, 24 March, and Thursday, 30 March, where a decision was approved. Canada reported on the Group of Legal and Technical Experts' meeting and its recommendations.

On a draft decision, the EU, opposed by Brazil, proposed deleting a request to SBSTTA to develop proposals on evaluation, valuation and restoration of damage to biodiversity. Delegates agreed to: request the Executive Secretary to gather relevant information, focusing on the issues identified in the expert group's conclusions, for COP-9 consideration; and invite parties to submit relevant information, including on approaches to valuation and restoration of damage.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.15), the COP welcomes the expert group's report. The COP invites governments to submit examples of national/domestic legislation and case studies relating to liability and redress for damage to biodiversity, including approaches to valuation and restoration, and requests the Executive Secretary to compile this information and disseminate it through the CHM. It also requests the Executive Secretary to gather and compile relevant technical information, focusing in particular on issues identified in the conclusions of the expert group, and prepare a synthesis report for examination by COP-9.

**BIODIVERSITY AND CLIMATE CHANGE:** Discussions on biodiversity and climate change, including guidance to promote synergy among biodiversity conservation, mitigating or adapting to climate change and combating land degradation (UNEP/CBD/COP/8/1/Add.2 and 3) were held in WG-I on Monday, 27 March, and Thursday, 30 March, where a decision was approved.

Delegates discussed activities that interlink biodiversity, climate change and land degradation, including adaptation to climate change. The EU requested that the COP recognize the UNFCCC's five-year work programme on adaptation, and encouraged parties to integrate biodiversity considerations into national policies for adaptation to, and mitigation of, climate change. Switzerland called for activities that contribute to

reducing greenhouse gas emissions. Canada encouraged efforts on incentives and policy mechanisms strengthening ecosystem resilience.

After informal consultations, delegates agreed on a heavily amended draft decision, including language inviting parties to consider the needs of the most vulnerable regions and ecosystems and indigenous and local communities for enhancing synergies in the national implementation of the three Rio Conventions.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.20), the COP encourages governments to: integrate biodiversity considerations into all relevant national policies and plans in response to climate change, taking into account the maintenance and restoration of the resilience of ecosystems; and involve indigenous and local communities and relevant stakeholders when addressing research needs and activities on the impacts of climate change on biodiversity. It further encourages parties, relevant organizations and research institutions to develop rapid assessment tools for the design and implementation of biodiversity conservation and sustainable use activities that contribute to adaptation to climate change.

The COP invites parties and relevant organizations to promote research on climate change response-related activities related to biodiversity, in the context of the ecosystem approach and sustainable use. It also invites parties to consider the needs of the most vulnerable regions and ecosystems, and their indigenous and local communities to enhance synergies in the national implementation of the three Rio Conventions.

The COP requests SBSTTA to develop draft guidance on how to integrate relevant climate change impact and response activities into the CBD work programmes, taking into account: vulnerable regions, subregions and ecosystem types; characterization of tools and methods in terms of effectiveness, costs, and ecosystem vulnerability; best practices based on the analysis of case studies; and contributions that PAs can make in this context.

The COP also requests the Executive Secretary to transmit this decision to relevant bodies of relevant multilateral environmental agreements to ensure the follow-up through the Joint Liaison Group of the Rio Conventions.

#### **ADMINISTRATIVE AND BUDGETARY MATTERS**

On Monday, 20 March, COP-8 President Silva established a contact group on the budget, chaired by Ositadinma Anaedu (Nigeria). During the closing plenary, Anaedu reported on the contact group's deliberations and presented a draft decision. He outlined priorities identified with regard to intersessional meetings, regarding convening: SBSTTA-12 back-to-back with WGRI-2, and the fifth meeting of the Article 8(j) Working Group back-to-back with ABS-5, in 2007; and SBSTTA-13 back-to-back with the Working Group on Protected Areas, and ABS-6, in 2008. COP-9 will also convene in 2008. He highlighted that although ABS-6 is not funded by the core budget, voluntary contributions are already guaranteed following pledges from Canada, Finland, France, Norway, the Netherlands, Ireland and Switzerland. The plenary adopted the decision as presented.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.36), the COP: approves a core programme budget of US\$11,012,400 for 2007, and US\$11,390,600 for 2008; adopts the annexed scale of assessments; and approves a Secretariat staffing table. It

notes with concern the high vacancy rate in staff positions, and requests that all positions be filled expeditiously. It decides that, with regard to contributions due from 1 January 2001 onwards, parties whose contributions are in arrears for two or more years will not be eligible to become Bureau members and will not receive any hard copies of Secretariat documents, unless they are LDCs or SIDS, or they have entered into arrangements with regard to a schedule of payments with the Executive Secretary.

The COP decides to fund, upon request, from the core budget the participation of Bureau members in their Bureau meetings and urges governments and organizations to contribute to the Convention trust funds. It agrees to share the costs for Secretariat services between those that are common to the CBD and the Biosafety Protocol on an 85:15 ratio for the biennium 2007-2008, and authorizes the Executive Secretary to review the terms of reference of posts in the Secretariat to adjust the staffing to meet the new challenges facing the Convention, and to fill a P-2 position in his office through, *inter alia*, the adjustment of the staffing in the Secretariat.

### HIGH-LEVEL SEGMENT

The high-level segment was held on Monday and Tuesday, 27-28 March, at the Estação Embratel Convention Center, and on Wednesday, 29 March, at the ExpoTrade Conference Center. Brazil's President Luis Inácio Lula da Silva called for adopting an international regime on ABS, noting that biodiversity is our planet's greatest treasure and that opposition to benefit-sharing is a threat to life on earth. Plenary sessions addressed: progress and challenges in mainstreaming biodiversity; and meeting the CBD objectives and the 2010 biodiversity target. Panels were held on: biodiversity, food and agriculture; biodiversity, development and poverty eradication; biodiversity and trade; and ABS. On Wednesday, a plenary session heard statements from ministers and high-level representatives.

### OTHER MATTERS

**AVIAN INFLUENZA:** During the closing plenary, COP-8 President Silva presented a draft decision on the potential impact of avian influenza on wildlife, which was adopted without discussion.

**Final Decision:** In the decision (UNEP/CBD/COP/8/L.35), the COP takes note of the brainstorming meeting report and invites parties to request the Executive Secretary to initiate similar consultations as and when emerging issues that may impact the implementation of the Convention arise.

### CLOSING PLENARY

COP-8 President Silva convened the closing plenary on Friday, 31 March, at 8:15 pm. She highlighted the objectives of the high-level segment, including: identifying ways to strengthen the Convention and ensure its implementation; and reviving the global commitment to multilateral cooperative action for sustainable development. She noted that the 2010 biodiversity target and the MDGs should be mutually supportive and stressed the opportunity to explore with the UN Secretary-General the establishment of the 2010 target as an interim milestone in achieving MDG-7 on ensuring environmental sustainability by 2015.

Working Group Chairs Jebb and Shikongo presented the reports of WG-I (UNEP/CBD/COP/8/L.1/Add.2) and WG-II (UNEP/CBD/COP/8/L.1/Add.3), respectively. Delegates took note of Egypt's concerns regarding the revision to the WGRI report contrary to the rules of procedure. Egypt requested deletion of references to the revised WGRI report throughout WG-II report, and the plenary adopted the report as amended. The WG-I report was adopted with an editorial amendment. The plenary then adopted the COP-8 report (UNEP/CBD/COP/8/L.1 and Add.1).

The plenary elected the following regional representatives as Bureau members to serve until the end of COP-9: Volodymyr Domashlinets (Ukraine) and Andrea Stefan (Croatia), for CEE; Donald Cooper (the Bahamas) and Fernando Casas (Colombia), for GRULAC; Karma Nyedrup (Bhutan) and Abdul Haqim Aulaiah (Yemen), for Asia and the Pacific; Mary Fosi Mbantenkhu (Cameroon) and Ositadinma Anaedu (Nigeria), for Africa; and Robert McLean (Canada) and José Luis Sanz (Spain), for the Western European and Others Group.

Germany reiterated its Minister's offer to hold COP-9 in Germany in 2008, and the plenary adopted a decision (UNEP/CBD/COP/8/L.30) welcoming the offer and calling on donors to provide adequate financial resources to ensure full participation of parties.

Representatives from the EU, G-77/China, LMMC, SIDS, CEE, Asia and the Pacific, Africa, Canada and UNEP delivered statements of appreciation. Asia and the Pacific expressed hope that the funding process for participation will be improved. The LMMC announced that Kenya assumes the group's chairmanship and Canada expressed appreciation to the IIFB for its contribution. Ukraine expressed concern that a number of GEF projects in the country have been suspended by the World Bank. Greenpeace expressed concern about industry's impacts on biodiversity, and noted that Australia, Canada, New Zealand and the US have obstructed meaningful decisions. The Ban Terminator Campaign expressed appreciation to parties for reaching a common understanding on maintaining the COP-5 moratorium on GURTs. The IIFB expressed serious concern about the readiness by some parties to undermine the human rights of indigenous peoples in the negotiation process on ABS.

Highlighting the biggest number of participants ever, Executive Secretary Djoghlaif said the meeting initiates a new era of implementation and will be remembered as an historical landmark. COP-8 President Silva gavelled the meeting to a close at 12:59 am on Saturday, 1 April 2006.

### A BRIEF ANALYSIS OF COP-8

Brazil, one of the most megadiverse countries in the world and the birthplace of the Convention on Biological Diversity, provided an appropriate setting for COP-8, attracting the largest number of participants in the history of the Convention, with record participation of stakeholders, most notably the private sector, and an unprecedented series of side events. Negotiations were not, however, as ambitious as in previous COPs, at least from a substantive point of view. The adoption of the new island biodiversity work programme was a significant exception, and was hailed as a success by the small island developing states. Another exception was the decision to reject case-by-case risk assessments and field testing on GURTs, an issue surrounded

by intense public mobilizations and forceful statements by developing countries, NGOs and indigenous representatives. Reaffirming the COP-5 ban on GURTs constituted an important, albeit temporary, victory for those opposing such a divisive issue with possibly severe socioeconomic impacts, bridging initially entrenched positions between those interested in pursuing GURTs research and those rejecting them as a breach of human rights.

As for the rest, participants agreed that COP-8 was all about procedure, a disappointment for NGOs and eager ABS negotiators. Others were pleased that the focus on “how” to carry out the future work of the Convention helped move forward the two topics that largely dominated the Conference: ABS and high seas protected areas. Procedural decisions were indeed necessary to refine the upcoming negotiations on an international regime on ABS and redefine the CBD role in relation to high seas protected areas. Process, participation and priorities will be the focus of this analysis, which will assess the achievements of the Curitiba COP and its legacy for the immediate future of the CBD.

### **HIGH SEAS PAS – COMPETENCE OR CONFIDENCE?**

For all intents and purposes, discussions on deep sea biodiversity in the framework of the CBD have been kept on hold (both at the Working Group on Protected Areas and at SBSTTA-11) since the General Assembly in 2004 decided to set up an informal working group to consider biodiversity in areas beyond national jurisdiction in the framework of the UN Convention on the Law of the Sea, which took place in February 2006 in New York. COP-8 was therefore the first and much-needed opportunity to take into account such recent “historical developments” and revisit the “Montecatini disagreements,” in WG-I Chair Matthew Jebb’s words, to redefine accordingly the role of the CBD regarding high seas PAs.

Whereas almost all countries support a continuation of these discussions in the framework of UNCLOS, ideas diverged as to the key, complementary or ancillary role left to the Convention. The minimalist approach saw the CBD mainly supporting national PA-related capacity building and providing only scientific input to the UNGA process. This was in the belief that CBD’s technical advice would improperly impinge on policy or legal matters related to oceans governance, which are considered outside of the CBD competence. Others were keen on a combination of scientific and technical input to UNGA, particularly in recognition of the specific role of the CBD with regards to the 2010 target, and the ecosystem and precautionary approaches. In a debate almost dominated by industrialized countries, the G-77/China was notable for its silence: quite a contrast from the vibrant calls for benefit-sharing in the deep sea that were heard in New York only a month ago. This can certainly be ascribed to the developing world’s overriding priorities at COP-8 laying somewhere else, namely ABS and GURTs. It may also be linked to the separate consideration of deep seabed genetic resources – the G-77/China’s priority in oceans affairs – under the marine biodiversity work programme, and to the fact that developing country delegations in New York – UNCLOS experts – were different from those in Curitiba – CBD veterans. Nevertheless, isolated positions of developing countries had an important impact: Venezuela untiringly

defended the “key” role of the CBD, Tuvalu the indigenous peoples’ traditional practices in the high seas, and Palau the call for action against high seas bottom trawling.

Bleary-eyed delegates managed to draw the scientific and “where appropriate, technical” boundaries of the CBD work on high seas MPAs for the time being, with the expectation that UNGA-61 will start a follow-up process on deep sea biodiversity and tackle destructive fishing practices. If action by the UN General Assembly is considered insufficient in two years’ time, the EU managed to keep the door open for reconsideration of the CBD role in the high seas at COP-9. It remains to be seen whether parties will be more confident, at that point, to utilize the CBD competence on parties’ activities (Article 4.b) to protect the extremely fragile biodiversity in the deep sea.

### **ABS – WHITHER FROM HERE?**

The ABS negotiations highlighted once more the fundamental differences between those wishing to complete negotiations on an international instrument as soon as possible, those keen on negotiations but still undecided as to their key components, and those more interested in exchanging national experiences than developing an international regime. Norway’s proposal to set up an intergovernmental negotiating body – a shift in its position – took many by surprise at the start of discussions, encouraging the supporters of a legally binding instrument. In the end, the middle-ground proposal by the EU to continue the ABS Working Group with the addition of two permanent Co-Chairs was able to ensure consensus and has still the potential to invigorate future negotiations by providing a formalized negotiating structure.

A few were actually hoping to make a leap forward in the ABS negotiations, with Brazil and Malaysia proposing to tackle substance in Curitiba. But many were aware, since the beginning, that a strong decision on the future process was the most the meeting could aim for. Nevertheless, with delegates debating whether to use the ABS-4 outcome as the basis for future negotiations or whether to go back to the less structured ABS-3 text, together with the gap analysis and other inputs, as appropriate, much energy had to be devoted to ensure at least a little progress on process.

The G-77/China, speaking with a single voice for the first time in the ABS process, came to Curitiba determined to speed up negotiations taking advantage of the structure and elements set out by ABS-4 and, at the end, managed to retain the document annexed to the COP decision. Their proposal of setting COP-9 as a deadline for completing negotiations seemed too optimistic, if not completely unachievable, to several developed countries. At the end, however, the time direction given to the ABS negotiations, following long, often nocturnal consultations, is to the satisfaction of at least the G-77/China and the EU. A momentous, and more realistic, 2010 timeline now completes the otherwise open-ended target on ABS set by the World Summit on Sustainable Development. Furthermore, a request to governments to support compliance with prior informed consent, in accordance not only with CBD Article 15 but also with national legislation, and a related request to the ABS Working Group to further consider such compliance measures, were welcomed by developing countries. This indeed pushed forward discussions on disclosure of origin in the CBD framework, in spite of some developed countries’ attempts to confine such discussions in trade-related bodies, such as WIPO and the TRIPS Council. The

establishment of an expert group on the certificate of origin/source/legal provenance completes the “travel package” finalized in Curitiba towards a future international regime on ABS. It is now in the hands of the permanent Co-Chairs – Fernando Casas (Colombia) and Timothy Hodges (Canada) – to bring this journey to completion before COP-10.

#### **PARTICIPATION – AT THE CORE OR IN THE MARGINS?**

Another procedural issue that permeated COP-8 deliberations was participation. Although social movements, civil society and indigenous participation greatly contributed to the color and action at COP-8, one of the frustrations in Curitiba was the decision to address indigenous participation in ABS negotiations and NGO accreditation in closed groups, excluding indigenous communities and NGO representatives from discussing matters of their utmost concern.

In the end, however, the latter group was not too dissatisfied with the outcome: NGO accreditation was simply deferred to the next Working Group on Review of Implementation. As to the former, the outcome was not as far-reaching as in the Article 8(j) Working Group, where indigenous representatives can take the floor on an equal footing with parties. The decision in the end allows for indigenous participation in the ABS negotiations only to a limited – yet acceptable – extent, mostly left to the Co-Chairs’ discretion.

NGOs were, however, quick to complain about the privileged treatment of the industry sector. Coming at a time when participation of other stakeholders in the CBD was under discussion, NGOs expressed concerns with the decision to encourage participation of business representatives in AHTEGs and on national delegations. Other participants, however, highlighted other aspects of the decision, such as the significant text on enhancing corporate responsibility vis-à-vis biodiversity, through the possible use of internationally-agreed standards on business activities that impact biodiversity, and on certification schemes and other tools for facilitating the business contribution to the CBD. Some even see a role for the private sector engagement decision to fill in the gap left by the lack of substantive negotiations on the work programme on incentives. Incentives were indeed another case in which discussion focused purely on the process – preparations for the mandated review of the work programme at COP-9 – as delegates agreed that no agreement would be reached on substance.

#### **PRIORITIES – PROCESS OR PROGRESS?**

In all, COP-8 procedural decisions served to set priorities for the next biennium. The highest priority is clearly assigned to ABS, with core budget and generous voluntary pledges earmarked for two meetings of the ABS Working Group. Those hoping for firm tackling of the proliferation of CBD intersessional meetings in light of the review of implementation were disappointed, as almost the same amount of working group meetings was approved for 2007-2008 as the previous intersessional period. Some have started to question the vicious cycle of intersessional meetings, which leaves substantive decisions to the COP, which in turn limits itself to procedural guidance and sending back outstanding issues to intersessional working groups. Others valued the clearer understanding, coming out of COP-8, of the roles and modalities for the upcoming CBD

meetings, particularly the Working Groups on ABS, PAs and review of implementation, as leading in practice to more focused and effective work.

While the Secretariat rolls up its sleeves for the next busy intersessional period, the September meeting of the General Assembly will not only be relevant for the CBD work on deep sea biodiversity, but also for a possible linkage of the 2010 biodiversity target to the Millennium Development Goals (MDGs). As highlighted by COP President Marina Silva, the opportunity to establish the 2010 target as an interim milestone in achieving MDG-7 (environmental sustainability) should be further explored by the CBD with the UN Secretary-General. With its inclusion in the MDGs, much global media attention, UN system-wide support and international funding could be elicited to achieve the 2010 biodiversity target. And all possible support and attention will be needed, as delegates leave Brazil with the message that the amount of work necessary to preserve biodiversity, and ensure its sustainable use and benefit-sharing, as agreed in Rio, is still significant.

### **UPCOMING MEETINGS**

**EXPERT MEETING ON AVIAN INFLUENZA:** This meeting will take place from 10-11 April 2006, in Nairobi, Kenya. It is organized by UNEP, in collaboration with the Convention on Migratory Species and its African Eurasian Waterbird Agreement. It will investigate the root causes of the spread of avian influenza and identify effective solutions for its containment. For more information, contact: Paola Deda, CMS Secretariat; tel: +49-228-815-2462; fax: +49-228-815-2449; e-mail: [pdeda@cms.int](mailto:pdeda@cms.int); internet: <http://www.cms.int/news/PRESS/nwPR2006/AvianFLu.pdf>

**WIPO IGC-9:** The ninth session of WIPO’s Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore will be held from 24-28 April 2006, in Geneva, Switzerland. It will address issues related to genetic resources and the protection of traditional knowledge. For more information, contact: IGC Secretariat; tel: +41-22-338-8161; fax: +41-22-338-8120; e-mail: [grtkf@wipo.int](mailto:grtkf@wipo.int); internet: [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=9765](http://www.wipo.int/meetings/en/details.jsp?meeting_id=9765)

**FIFTH SESSION OF THE UN PERMANENT FORUM ON INDIGENOUS ISSUES:** This meeting will be held from 15-26 May 2006, in New York. For more information, contact: Elsa Stamatopoulou, Permanent Forum Secretariat; tel: +1-212-963-2775; fax: +1-917-367-5102; e-mail: [stamatopoulou@un.org](mailto:stamatopoulou@un.org); internet: <http://www.un.org/esa/socdev/unpfii>

**INTERNATIONAL DAY FOR BIOLOGICAL DIVERSITY:** The International Day for Biological Diversity will be celebrated on 22 May 2006, under the theme “Protecting biodiversity in drylands.” For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: [secretariat@biodiv.org](mailto:secretariat@biodiv.org); internet: <http://www.biodiv.org/doc/press/2006/pr-2006-01-09-ibd-en.doc>

**REVIEW CONFERENCE FOR THE STRADDLING AND HIGHLY MIGRATORY FISH STOCKS AGREEMENT:** This conference will take place from 22-26 May 2006, at UN headquarters in New York. For more information, contact: UNDOALOS; tel: +1-212-963-3962; fax:

+1-212-963-5847; e-mail: [doalos@un.org](mailto:doalos@un.org); internet: [http://www.un.org/Depts/los/convention\\_agreements/review\\_conf\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/review_conf_fish_stocks.htm)

**FIRST SESSION OF THE ITPGR GOVERNING BODY:**

The first session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture will be held from 12-16 June 2006, in Madrid, Spain. This conference is organized by the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA) acting as the Interim Committee for the International Treaty. For more information, contact: José Esquinas-Alcázar, CGRFA Secretary; tel: +39-6-570-54986; fax: +39-6-570-53057; e-mail: [Jose.Esquinas@fao.org](mailto:Jose.Esquinas@fao.org); internet: <http://www.fao.org/ag/cgrfa/>

**UNICPOLOS-7:** The seventh meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea will take place from 12-16 June 2006, at UN headquarters in New York. UNICPOLOS-7 will focus its discussions on the ecosystem approach and oceans. For more information, contact: UNDOALOS; tel: +1-212-963-3962; fax: +1-212-963-2811; e-mail: [doalos@un.org](mailto:doalos@un.org); internet: <http://www.un.org/Depts/los/>

**16TH MEETING OF THE CITES PLANTS COMMITTEE:**

This meeting will take place from 3-8 July 2006, in Lima, Peru, and is organized by the CITES Secretariat. For more information, contact: CITES Secretariat; tel: +41-22-917-8139; fax: +41-22-797-3417; e-mail: [cites@unep.ch](mailto:cites@unep.ch); internet: <http://www.cites.org/eng/news/meetings/PC16.shtml>

**22ND MEETING OF THE CITES ANIMALS COMMITTEE:**

This meeting will take place from 7-13 July 2006, in Lima, Peru, and is organized by the CITES Secretariat. For more information, contact: CITES Secretariat; tel: +41-22-917-8139; fax: +41-22-797-3417; e-mail: [cites@unep.ch](mailto:cites@unep.ch); internet: <http://www.cites.org/eng/news/meetings/AC22.shtml>

**THIRD GEF ASSEMBLY:**

The third Assembly of the GEF will be held on 29-30 August 2006, in Cape Town, South Africa. For more information, contact the Secretariat: tel: +1-202-473-0508; fax: +1-202-522-3240/3245; e-mail: [secretariat@thegef.org](mailto:secretariat@thegef.org); internet: [http://www.gefweb.org/participants/Assembly/3rd\\_Assembly/3rd\\_assembly.html](http://www.gefweb.org/participants/Assembly/3rd_Assembly/3rd_assembly.html)

**54TH MEETING OF THE CITES STANDING COMMITTEE:**

This meeting will take place from 2-6 October 2006, in Geneva, Switzerland, and is organized by the CITES Secretariat. For more information, contact: CITES Secretariat; tel: +41-22-917-8139; fax: +41-22-797-3417; e-mail: [cites@unep.ch](mailto:cites@unep.ch); internet: <http://www.cites.org/eng/news/calendar.shtml>

**SECOND INTER-GOVERNMENTAL REVIEW OF THE GLOBAL PROGRAMME OF ACTION FOR THE PROTECTION OF MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES:**

This meeting will take place from 16-20 October 2006, in Beijing, China. For more information, contact: UNEP GPA Coordination Office; tel: +31-70-311-4460; fax: +31-70-345-6648; e-mail: [gpa@unep.nl](mailto:gpa@unep.nl) or [igr2@unep.nl](mailto:igr2@unep.nl); internet: <http://www.gpa.unep.org>

**CBD INTERSESSIONAL MEETINGS:** SBSTTA-12 is expected to convene back-to-back with the Working Group on review of implementation in 2007. The fifth meeting of the Article 8(j) Working Group is expected to be held back-to-back with ABS-5 in 2007. SBSTTA-13 is expected to convene back-to-back with the Working Group on Protected Areas in 2008.

ABS-6 will also meet in 2008. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: [secretariat@biodiv.org](mailto:secretariat@biodiv.org); internet: <http://www.biodiv.org>

**BIOSAFETY PROTOCOL COP/MOP-4 AND CBD COP-9:**

The fourth Meeting of the Parties to the Cartagena Protocol on Biosafety and CBD COP-9 are expected to be held back-to-back in 2008, in Germany. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: [secretariat@biodiv.org](mailto:secretariat@biodiv.org); internet: <http://www.biodiv.org>

**GLOSSARY**

ABS	Access and benefit-sharing
AHTEG	<i>Ad hoc</i> technical expert group
BSWG	Biosafety Working Group
CBD	Convention on Biological Diversity
CEPA	Communication, education and public awareness
CHM	Clearing-House Mechanism
COP	Conference of the Parties
EIA	Environmental Impact Assessment
FLEG	Forest Law Enforcement and Governance
FLEGT	Forest Law Enforcement, Governance and Related Trade
GBO	Global Biodiversity Outlook
GEF	Global Environment Facility
GTI	Global Taxonomy Initiative
GURT <sub>s</sub>	Genetic use restriction technologies
IAS	Invasive Alien Species
IIFB	International Indigenous Forum on Biodiversity
IPRs	Intellectual property rights
LDCs	Least developed countries
LMMC	Like-minded Megadiverse Countries
LMO	Living modified organism
MAT	Mutually agreed terms
MDGs	Millennium Development Goals
MOP	Meeting of the Parties
NBSAPs	National biodiversity strategies and action plans
PAs	Protected areas
PIC	Prior informed consent
RAF	Resource Allocation Framework
SIDS	Small island developing states
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SFM	Sustainable forest management
TRIPS	Trade-related Aspects of Intellectual Property Rights
UNFCCC	UN Framework Convention on Climate Change
UNFF	UN Forum on Forests
UNPFII	UN Permanent Forum on Indigenous Issues
WIPO	World Intellectual Property Organization
WGRI	Working Group on Review of Implementation