

CBD COP 9 HIGHLIGHTS: THURSDAY, 22 MAY 2008

Delegates met in two working groups throughout the day. In morning, afternoon and evening sessions, Working Group I (WG I) considered invasive alien species (IAS), protected areas (PAs), dry and sub-humid lands, inland waters and marine and coastal biodiversity. WG II addressed liability and redress, operations of the Convention, and communication, education and public awareness (CEPA), and considered conference room papers (CRPs) on the third edition of the Global Biodiversity Outlook (GBO 3), the gender action plan, and technology transfer and cooperation. An evening plenary was dedicated to celebrating the International Biodiversity Day, focusing on biodiversity and agriculture. Contact and informal groups on financial resources and mechanism, access and benefit-sharing (ABS), Article 8(j), agricultural and forest biodiversity and the budget also convened during the day.

WORKING GROUP I

IAS: Delegates continued to present on initiatives to combat IAS, highlighting: information-sharing; capacity building; collaboration with relevant organizations; avoiding duplication; funding needs; and addressing gaps in the international IAS framework.

On IAS pathways, delegates drew attention to introduction through pets, civil aviation, ballast water and recreational vessel hull fouling. ECUADOR highlighted quarantine lists for monitoring and eradication and GUATEMALA transboundary efforts, with SENEGAL noting that customs services should be reinforced. KENYA and ZAMBIA cautioned about the risks of biological controls. The COUNCIL OF EUROPE noted climate change and biofuel production would increase IAS prevalence, with NIGER calling for more research. The INTERNATIONAL PLANT PROTECTION CONVENTION drew attention to its standards for managing IAS and framework for risk assessment. SWITZERLAND observed that many technical tools exist and the focus should be on action in the field.

PAs: Delegates addressed the recommendations of the PA Working Group (UNEP/CBD/COP/9/8). Many described progress in national and regional implementation of the work programme, stressing the need for capacity building and financial resources, and for full and effective participation of indigenous and local communities in PA designation and management. Many also welcomed the Life Web Initiative.

BRAZIL noted that compensation payments, private-public partnerships and payments for ecosystem services are useful but must remain secondary to international donor support. Saudi Arabia, for the ARAB GROUP, called for a significant increase

in contributions to the GEF biodiversity focal area to ensure implementation. The Bahamas, for SIDS, highlighted funding mechanisms that increase and capture revenues for PAs. The EU and CANADA highlighted innovative financing mechanisms, with the EU emphasizing they complement official development assistance. Many stressed the need for new and additional funding.

ASIA AND THE PACIFIC and the AFRICAN GROUP requested greater recognition of the role of PAs in climate change mitigation and adaptation. JAPAN said PA management effectiveness should be strengthened and gaps identified. The UN PERMANENT FORUM ON INDIGENOUS ISSUES cautioned against establishing PAs on indigenous territories until the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is fully implemented. Several NGOs noted weaknesses in the work programme concerning links to poverty eradication and threats posed by development projects such as dams or mining. The INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENT CONSERVATION ASSOCIATION said the IUCN category system for PAs is not suitable to determine no-go decisions.

DRY AND SUB-HUMID LANDS: Delegates considered SBSTTA recommendation XII/6 (UNEP/CBD/COP/9/2). Many stressed the need for enhanced cooperation among the Rio Conventions. The EU requested the Executive Secretary to develop guidance for addressing identified capacity needs and activities for overcoming gaps towards achieving the 2010 target (UNEP/CBD/COP/9/19). The EU, with CANADA, further requested development of proposals on incorporating climate change considerations into the work programme, for consideration prior to COP 10. YEMEN highlighted the need for an international initiative to maintain dryland biodiversity. THAILAND called for an exploration of the impacts of expanding biofuel production. On the delineation of dry and sub-humid lands, delegates supported moving towards a more inclusive definition.

MALAYSIA called for technologies to make these lands productive. IRAN drew attention to the effects of drought; NAMIBIA to the appropriate use of wildlife; and COLOMBIA to dry forests. The UNCCD stressed the socioeconomic impacts of land degradation and FAO livelihoods sustained by such lands. USC CANADA cautioned against use of the term "marginal lands" in relation to agrofuels.

INLAND WATERS: Delegates considered SBSTTA recommendation XIII/4 (UNEP/CBD/COP/9/3). Many welcomed ongoing cooperation with the Ramsar Convention. Debate centered on bracketed references to international

cooperation on water resources management and on the UN Convention on the Law of the Non-Navigational Uses of International Watercourses. A Chair's text will be prepared.

MARINE AND COASTAL BIODIVERSITY: Delegates considered heavily bracketed SBSTTA recommendation XIII/3 and annexed scientific criteria for identifying significant marine areas in need of protection (UNEP/CBD/COP/9/3). Delegates discussed the appropriate fora for work on scientific criteria, and for addressing political and legal questions regarding biodiversity in areas beyond national jurisdiction. A number of delegates expressed concerns regarding ocean fertilization, with ECUADOR, the PHILIPPINES and GHANA calling for a moratorium. Discussions will continue on Friday.

WORKING GROUP II

LIABILITY AND REDRESS: Delegates welcomed the synthesis report (UNEP/CBD/COP/9/20/Add.1). The EU, THAILAND and the AFRICAN GROUP pointed to ongoing work on rules and procedures on liability and redress under the Cartagena Protocol on Biosafety, as a reference point for future work under the CBD. The EU requested parties consider liability and redress when deciding on work beyond 2010. GABON requested continuing work in an *ad hoc* technical expert group on valuation of damage to biodiversity and restoration, taking into account effects on human health. CAMBODIA called for respect of the polluter pays principle. AUSTRALIA noted that liability and redress should be addressed at the national level and, with CANADA and JAPAN, considered it premature to conclude that any kind of international regime on liability and redress is needed.

OPERATIONS OF THE CONVENTION: Delegates addressed: periodicity of meetings; administrative arrangements with UNEP; SBSTTA *modus operandi*; promotion of CBD tools and principles; retirement of decisions; and admission of observers (UNEP/CBD/COP/9/3, 4, 22 and 22/Add.1, INF/2 and INF/35). On periodicity of meetings, many supported the current practice. AUSTRALIA and BRAZIL preferred triennial COPs. The EU called for an intersessional process to examine the proposed options and, with NORWAY, for a greater role for ministers in COP decision making.

On SBSTTA *modus operandi*, NORWAY, SWITZERLAND and AUSTRALIA supported using new evidence of unexpected and significant impacts on biodiversity as a criterion for identifying new and emerging issues, which BRAZIL opposed. Delegates also noted their preferred options with regard to the process for identifying new and emerging issues. On admission of observers, CANADA called for flexibility to ensure broad participation, and CHINA requested the list of observers be submitted to parties four weeks prior to the meeting.

CEPA: Delegates addressed work programme implementation and the International Year of Biodiversity (IYB) (UNEP/CBD/COP/9/25 and Add.1, INF/3 and INF/23). Many requested inclusion of CEPA in other CBD work programmes and national biodiversity strategies and action plans, and focus on ABS, agricultural biodiversity and the IYB. Many requested sustained funding for CEPA implementation and related capacity building.

STRATEGIC PLAN: Delegates addressed a CRP on GBO 3. The EU requested an indication of the financial implications, in line with a COP 8 decision. Delegates discussed text on the 2010 Biodiversity Indicators Partnership and agreed to encourage it to contribute to GBO 3 and welcome the establishment of its scientific advisory body responsible for input to GBO, with SBSTTA involvement. The draft was approved as amended.

COOPERATION: Delegates approved a CRP on the gender plan of action, deleting reference to the creation of a gender focal point within the Secretariat, which will be considered by the budget group.

TECHNOLOGY TRANSFER: Delegates addressed a CRP. The EU suggested to "adopt" the annexed strategy for implementing the technology transfer work programme, opposed

by many who noted that the strategy had not been negotiated in detail. Delegates agreed to "welcome" the strategy as a preliminary basis for future work and agreed with BRAZIL to reiterate the need for immediate implementation of the work programme. Deliberations will continue on Friday.

CONSULTATIVE GROUP ON ABS

Delegates considered a revised "Bonn roadmap" for the process on ABS, presented by the ABS Working Group Co-Chairs. Discussion focused on questions to be considered by the expert meetings. Provider countries suggested that expert consideration of compliance include questions on disclosure requirements, measures to prevent misappropriation, sanctions and remedies, and the status of collections established before the CBD's entry into force. Other questions concerned international access standards, and the role of private and public law in compliance, and enforcement of judgments in user countries. On definitions, one delegate suggested that "products" be considered in conjunction with derivatives, while another asked to consider different understandings of derivatives and their implications for benefit-sharing. On traditional knowledge, many cautioned against duplicating the work of the Article 8(j) Working Group. Some suggested that the expert groups consider model ABS contracts or clauses, opposed by others who maintained that such clauses are already contained in the Bonn Guidelines and that their use in the international regime is a political issue to be discussed in the ABS Working Group.

In the afternoon, delegates considered a non-paper compiling the questions and decided, after extended debate, to convene a small group to draft the expert groups' terms of reference. The drafting group met in the evening and into the night.

CONSULTATIVE GROUP ON ARTICLE 8(J)

Following a late night meeting on Wednesday, the group on Article 8(j) met to consider a non-paper containing bracketed provisions of the draft decision. Delegates agreed to references to indigenous prior informed consent throughout the draft decision, and to a provision on considerations for guidelines for documenting traditional knowledge. Regarding the Article 8(j) work programme, delegates debated alternative proposals: one foreseeing focus on CBD thematic areas; and another suggesting to develop a strategy for conservation and sustainable use, and guidelines in conservation decision making and sustainable resource management, with some warning that the latter proposal does not reflect indigenous peoples' priorities. Bilateral consultations on these issues will continue. Delegates agreed to postpone the debate on whether the Article 8(j) Working Group should meet back-to-back with the ABS Working Group or SBSTTA, pending the outcome of ABS discussions on the timing of the meetings of the ABS Working Group.

IN THE CORRIDORS

International Biodiversity Day celebrations were anything but relaxed as COP reached top speed, having to be sandwiched between rapidly proliferating contact and informal groups and extended working group sessions. Informals on Article 8(j) received a boost by the imminent change in one party's position regarding the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the great majority of countries at the UN General Assembly. Noting that only three CBD parties had voted against UNDRIP, one delegate exclaimed: "One down, two to go!"

A few tongues were wagging in WG I when proceedings were adjourned briefly in order to convene a Friends of the Chair group right on the podium. The hot topic: how to make progress on biofuels – maintain it under the agenda item on agricultural biodiversity, or consider it separately. One delegate sighed: "When will biofuels stop being a procedural headache and fuel a substantive debate instead?"