

CBD COP 9 HIGHLIGHTS: FRIDAY, 23 MAY 2008

Delegates met in two working groups throughout the day and reviewed progress in an evening plenary. Working Group I (WG I) considered marine and coastal biodiversity, and biodiversity and climate change. WG II addressed conference room papers (CRPs) on technology transfer and cooperation, and scientific and technical cooperation and the clearing-house mechanism (CHM). Contact and informal groups on financial resources and mechanism, access and benefit-sharing (ABS), agricultural biodiversity, and the budget also convened during the day. Groups on ABS, protected areas, agricultural biodiversity, and biodiversity and climate change are expected to meet during the weekend.

PLENARY

WG I Chair Maria Mbengashe (South Africa) and WG II Chair Chaweewan Hutacharearn (Thailand) reported on progress achieved. WG II Chair Hutacharearn said the contact group on financial resources and mechanism agreed on a message on biodiversity for financing for development and the third review of the financial mechanism; and the group on Article 8(j) removed brackets from the text with the exception of those relating to ABS and climate change, pending outcome of discussions in the respective contact groups.

CHINA and BOLIVIA warned against the proliferation of contact groups, and CHINA urged using SBSTTA 12 and 13 recommendations rather than producing new text. SENEGAL stressed better regional coordination before working and contact group sessions, as a solution for small delegations.

ABS Working Group Co-Chairs Fernando Casas (Colombia) and Timothy Hodges (Canada) reported on progress achieved in the informal consultative group on ABS. Budget group Chair Ositadinma Anaedu (Nigeria) reported on progress made in the budget group. He noted that, on the basis of the CRPs reviewed to date, a three-fold increase in voluntary contributions may be required.

Plenary elected Linus Spencer Thomas (Grenada) as the Chair of SBSTTA 15 and 16; heard a report on credentials; and decided that the agenda item on monitoring, assessment and indicators will be addressed by WG II.

The WOMEN'S CAUCUS highlighted the need to resist the drive towards privatization and monopolization.

WORKING GROUP I

MARINE AND COASTAL BIODIVERSITY: Delegates continued considering SBSTTA recommendation XIII/3, including Annex I (scientific criteria for identifying ecologically or biologically significant marine areas in need of protection [in

open-ocean waters and deep-sea habitats]), Annex II (scientific guidance for selecting areas to establish a representative network of marine protected areas, including in [open ocean waters and deep-sea habitats]) and Annex III (four initial steps to be taken in the development of representative networks of marine protected areas).

ICELAND and IRAN supported adoption of Annexes I and II, with ICELAND noting they should be applied to all marine areas. PERU, HONDURAS and JAPAN, opposed by JAMAICA, preferred to "take note" rather than adopt Annex I. The EU supported the three annexes, noting their adoption would enable the CBD to fulfill its scientific and technical support role to the UN General Assembly.

NORWAY proposed including IUCN's representativity criteria in Annex I, suggesting to "adopt" Annex I and II and "take note" of Annex III. The FAO proposed adding human and governance-related criteria to Annex I, and URUGUAY its regular updating. Many highlighted that the UN Convention on the Law of the Sea sets out the legal framework for all activities in oceans and seas.

Many drew attention to the impacts of marine protected areas on the livelihoods of indigenous peoples and local communities. OMAN, IUCN and GREENPEACE, for several NGOs, called for a moratorium on ocean fertilization, which the US noted would limit scientific research. IUCN stressed the need for prior assessment of activities that could impact on biodiversity beyond national jurisdiction.

BIODIVERSITY AND CLIMATE CHANGE: Delegates considered SBSTTA recommendations XII/5 and XIII/6 (UNEP/CBD/COP/9/2 and 3). The PACIFIC ISLANDS and CENTRAL AND EASTERN EUROPE (CEE) supported a bracketed reference to a possible *ad hoc* technical expert group (AHTEG) with the mandate to develop biodiversity-relevant advice for the UNFCCC and Bali Action Plan, with the AFRICAN GROUP welcoming its proposed terms of reference. The EU, supported by NORWAY, proposed convening two AHTEGs on biodiversity and climate change, one on reducing emissions from deforestation and degradation (REDD) and land-use, land-use change and forestry, and the other on adaptation. CHINA said the need for an AHTEG has to be carefully assessed. BRAZIL said the CBD could inform parties on biodiversity aspects of climate change response activities, but that modalities for such work require further consideration.

Many emphasized synergies between the Rio Conventions, with MEXICO stressing the need to recognize their mandates and independence, and CHINA and others to avoid duplication. CEE highlighted regional and international cooperation, including through establishing monitoring systems and scientific models of climate change impacts on biodiversity. The

AFRICAN GROUP requested the CBD, UNFCCC and the Ramsar Convention analyze funding mechanisms for climate change mitigation and adaptation measures.

The AFRICAN GROUP and COSTA RICA welcomed the proposed precautionary approach regarding large scale ocean fertilization, while the EU, NORWAY, VENEZUELA, THE PHILIPPINES and others called for a moratorium on *in situ* ocean fertilization. CANADA called for parties to act in accordance with the London Convention on the prevention of marine pollution, while the ETC GROUP, the NGO CAUCUS and IUCN emphasized the need for extreme caution. A coalition of NGOs warned against this and other "false solutions" to climate change.

Cape Verde, for the WEST AFRICAN COUNTRIES, called for the integration of the three CBD objectives into climate change adaptation and REDD projects through a joint programme of work with the UNFCCC. On REDD, the UN PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII) noted that indigenous peoples do not support its top-down approach, and IUCN called for a pilot phase to draw lessons from the field. The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY and the INTERNATIONAL FORUM FOR LOCAL COMMUNITIES cautioned against any climate change adaptation and mitigation measures developed without the full and effective participation of indigenous peoples and local communities. WILDLIFE CONSERVATION INTERNATIONAL and others prioritized preservation of natural forests. The GLOBAL ENVIRONMENT CENTRE and WETLANDS INTERNATIONAL requested urgent action for the sustainable management of peatlands. Several international organizations presented their relevant programmes and projects. A contact group was established to continue discussions on the issue.

WORKING GROUP II

TECHNOLOGY TRANSFER: Delegates continued consideration of a CRP. Delegates addressed Secretariat activities for a prospective biodiversity technology initiative (BTI), and agreed to retain a provision on completing a list of criteria for selecting the host institution. Delegates accepted a proposal by BRAZIL to request the Executive Secretary to explore options for a fast-track mechanism to allow access to technology in the public domain; and a proposal by Antigua and Barbuda, for G77/CHINA, to encourage parties to engage in South-South technology transfer and cooperation.

Delegates discussed a list of research examples on the role of intellectual property rights in technology transfer, with CANADA, opposed by many, suggesting its deletion. Following lengthy debate on several proposed amendments, delegates agreed to reference: open-source-based modes of innovation and studies on the extent of use of patent data information in research and development; analysis of patent clustering on technologies and associated biological materials; and examination, "by relevant international organizations," of the overall trends in the application of the relief provided by the TRIPs Agreement.

Delegates debated language specifying areas for GEF fast-track funding and agreed to request the GEF to continue supporting national programmes for conservation and sustainable use, and consider the possibility of providing funding under enabling activities for the provision of capacity building on, *inter alia*, technologies for conservation and sustainable use, and governance and regulatory frameworks associated with access to and transfer of technology and innovation. The CRP was then approved as amended.

SCIENTIFIC AND TECHNICAL COOPERATION

AND THE CHM: Delegates discussed a CRP. They agreed to a proposal by NORWAY to reference facilitating cooperation between the Informal Advisory Committees on the CHM and on communication, education and public awareness (CEPA) to further develop the CHM as a tool for CEPA. On developing

a link between national CHMs and other existing networks, CANADA supported, while the AFRICAN GROUP opposed, referencing the open standards of the Global Biodiversity Information Facility for biodiversity data exchange. Delegates agreed to delete the specific reference and refer to the use of well-established open standards in general. Delegates further agreed to request continued funding from the GEF and other donors. The CRP was approved with these and other minor amendments.

CONSULTATIVE GROUP ON ABS

Following lengthy deliberations in a drafting group chaired by Sem Shikongo (Namibia) on the terms of reference for intersessional expert meetings, the ABS group considered a draft COP decision contained in the ABS 6 report (UNEP/CBD/COP/9/6). Delegates agreed that: the annex of this report form the basis for future negotiation of an ABS regime; the ABS Working Group meet three times prior to COP 10; and each meeting be preceded by two days of informal consultations. Delegates did not reach agreement on reference to the UN Declaration on the Rights of Indigenous Peoples. While most parties supported "welcoming" the Declaration, two parties preferred "taking note" of it. Regarding the Working Group's mandate, delegates agreed to reference both decision VII/19 D, containing the Working Group's original terms of reference, and VIII/4 containing the outcome of the Working Group's fourth session. Regarding the completion of the negotiations, one delegate suggested specifying that the Working Group should complete its work so as to enable the regime's adoption by COP 10, arguing that the negotiation of a legally binding instrument would have to be completed six months prior to the COP. Many opposed, noting that the original mandate should not be reinterpreted or qualified. The reference remained bracketed. The drafting group reconvened in the evening.

GROUP ON AGRICULTURAL BIODIVERSITY

Following completion of deliberations on the first part of a draft decision on the review of the work programme on agricultural biodiversity, the contact group, chaired by Ole Hendrickson (Canada) initiated consideration of biofuels. During a lengthy discussion over process, several parties questioned the text's length and provenance and agreed to entitle it "Biofuels and biodiversity." Awaiting legal advice concerning reference in the draft decision to SBSTTA recommendation XII/7, which contains brackets, delegates debated reference to technological and financial support necessary to foster sustainable biofuel production and use. Discussions continued into the night.

IN THE CORRIDORS

COP 9's mid-session review plenary was marked by discussions about how many contact groups could possibly be held in parallel without limiting the effective participation of small delegations and non-Anglophones. Some delegates were wondering why consideration of working group items was rushed, with CRPs already prepared on many of the "smaller" issues on the agenda. Others however approved of the strategy, noting it would draw focus to the "big" issues during the second week, namely ABS and the climate-change troika: biofuels, mitigation in protected areas, and mutually supportive action on climate change. Similarly, a number of indigenous and NGO representatives felt their ability to rally and coordinate internally, as critical moments in negotiations arose, was compromised by a lack of dedicated meeting space within the main conference venue. Many lamented the absence of an equivalent to the Kampung at COP 7 and the Taba at COP 8 to generate a community spirit, while some smirked that there is no better bonding experience than spending days and weekends together in small contact groups.