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CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
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Kuala Lumpur, 9-20 and 27 February 2004
Item 19 of the provisional agenda*

CROSS-CUTTING ISSUES: PROGRESS REPORTS ON IMPLEMENTATION

Note by the Executive Secretary

I. INTRODUCTION

1. The present note describes progress since the sixth meeting of the Conference of the Parties on the following cross-cutting issues that are included under item 19 of the provisional agenda for the seventh meeting of the Conference of the Parties:

- (a) Identification, monitoring, indicators and assessments (Article 7) (item 19.1);
- (b) Global Taxonomy Initiative (item 19.2);
- (c) Global Strategy for Plant Conservation (item 19.3);
- (d) Ecosystem approach (item 19.4);
- (e) Sustainable use (Article 10) (item 19.5);
- (f) Alien species that threaten ecosystems, habitats or species (Article 8 (h)) (item 19.6);
- (g) Biological Diversity and tourism (item 19.7);
- (h) Article 8(j) and related provisions (item 19.8);
- (i) Liability and redress (Article 14, paragraph 2) (item 19.9);
- (j) Incentive measures (Article 11) (item 19.10);
- (k) Access and benefit-sharing (Article 15) (item 19.11);

* UNEP/CBD/COP/6/1 and Corr.1/Rev.1.

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- (l) Biodiversity and climate change (item 17).
2. It also draws attention to the recommendations made for the consideration of the Conference of the Parties by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) at its eighth and ninth meetings and by other inter-sessional bodies:
3. The Conference of the Parties may wish to:
 - (a) Take note of the progress under the cross-cutting issues;
 - (b) Consider and endorse the relevant recommendations on these matters of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), in the reports of its eighth and ninth meetings (UNEP/CBD/COP/7/3 and UNEP/CBD/COP/7/4);
 - (c) Consider and endorse the recommendations contained in the reports of the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to be held from 1 to 5 December 2003 (UNEP/CBD/COP/7/6), and of the third meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, to be held from 8 to 12 December 2003 (UNEP/CBD/COP/7/7).
4. Draft decisions under all these items, incorporating the relevant recommendations of the inter-sessional bodies, will be contained in the compilation of draft decisions for the consideration of the Conference of the Parties (UNEP/CBD/COP/7/1/Add.2).

II. IDENTIFICATION, MONITORING, INDICATORS AND ASSESSMENTS

A. Further development of guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment

5. In paragraph 3 of decision VI/7 A, the Conference of the Parties requested the Executive Secretary to:
 - (a) Compile and disseminate, through the clearing-house mechanism and other means of communication, current experiences in environmental impact assessment and strategic environmental assessment procedures that incorporate biodiversity-related issues, as well as experiences of Parties in applying the guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation or processes and in strategic environmental assessment;
 - (b) Prepare, in collaboration with relevant organizations, in particular the International Association for Impact Assessment (IAIA), proposals for further development and refinement of the guidelines; and
 - (c) Provide a report of this work to the SBSTTA prior to the seventh meeting of the Conference of the Parties.
6. In response to this decision, the Executive Secretary has invited, through a notification to Convention focal points and other means, the submission of relevant case studies that incorporate biodiversity issues into environmental impact assessment and strategic environmental assessment. Only two submissions, from the European Commission and Germany, were received. The Executive Secretary therefore solicited additional case studies, including from participants of recent annual conferences of the

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International Association of Impact Assessment (IAIA). The Executive Secretary, in collaboration with the Biodiversity and Ecology section of IAIA and the Netherlands Environmental Impact Assessment Commission, has compiled and analysed these case-studies and compiled the lessons learned into an information document for the ninth meeting of SBSTTA (UNEP/CBD/SBSTTA/INF/18).

7. Following the adoption of the “Guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment” in decision VI/7 A, the Conference of the Parties to the Ramsar Convention, in resolution VIII.9, also adopted the guidelines (with annotations for the Ramsar context) for the application to impact assessment concerning wetlands. To further develop the guidelines, the Secretariat participated in the 23rd Annual Conference of the International Association of Impact Assessment (IAIA) on Capacity Building in Impact Assessment, held in Marrakech from 17 to 20 June 2003, and organized a joint session with the Ramsar Convention. Proposals for the further development of the guidelines were discussed.

8. In March 2003, the German Federal Agency for the Environment and the Technical University in Berlin had organized a national expert workshop on the further development of the guidelines. The changes and additions proposed by this workshop were considered at the 23rd Annual Conference of IAIA. Participants of this Conference emphasized the increasing need for cross-sectoral and strategic approaches to environmental assessment and therefore urged the relevant bodies ^{1/} entrusted with the further development of guidelines and recommendations for impact assessment prepared within the context of Articles 8(j) and 14 of the Convention on Biological Diversity, to consider the preparation of a consolidated set of guidelines which includes, inter alia, cultural, social, and biodiversity considerations for environmental impact assessment and strategic environmental assessment.

9. The Executive Secretary prepared a note for consideration by the ninth meeting of SBSTTA, which reflects the information and recommendations received on the subject (UNEP/CBD/SBSTTA/9/INF/18). SBSTTA took note of the proposals for further development and refinement of the guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation or procedures and in strategic environmental assessment, as contained in the note, and decided to follow up on decision VI/7 A at one of its future meetings (recommendation IX/1).

B. Indicators

10. In its decision VI/7 B, the Conference of the Parties requested the Executive Secretary to:

(a) Report on the development and use of indicators in all thematic areas and cross-cutting issues to SBSTTA prior to the seventh meeting of the Conference of the Parties (paragraph 1);

(b) Urge the Parties that have not yet done so to respond to the questionnaire on the subject of indicators that was sent in May 2001 so as to update the analysis (paragraph 2);

(c) Convene an expert group meeting to further develop the three annexes on ongoing work on indicators on the following issues (paragraph 3):

(i) Principles for developing national-level monitoring and indicators;

(ii) A set of standard questions for developing national-level indicators; and

^{1/} SBSTTA, the Scientific and Technical Review Panel of the Ramsar Convention, and the Open ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity.

- (iii) A list of available and potential indicators based on a conceptual framework that has qualitative and quantitative approach. In developing the list of indicators, mention was made of the need for harmonization and collaboration with regional and international initiatives, *inter alia*, the Organisation for Economic Co-operation and Development (OECD), the Commission on Sustainable Development, the Ramsar Convention on Wetlands, the Pan-European processes, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Forum on Forests (UNFF) (paragraph 4 (d)); and

(d) Report to a SBSTTA meeting prior to the seventh meeting of the Conference of the Parties (paragraph 4).

11. In response to this decision, the Executive Secretary prepared a note reporting on progress on the development and use of indicators contained in the document on “Monitoring and indicators: designing national-level monitoring programmes and indicators” (UNEP/CBD/SBSTTA/9/10) as well as in the progress report on the implementation of the thematic programmes of work (UNEP/CBD/SBSTTA/9/2) and the progress report on the implementation of the work on cross-cutting issues (UNEP/CBD/SBSTTA/9/3).

12. In November 2002 the Executive Secretary invited those Parties, which had not done so to respond to the questionnaire on available and potential indicators. In addition to the 32 responses received in 2001 another 20 responses were received. The Executive Secretary prepared a detailed analysis of the 52 responses received since May 2001 for consideration by SBSTTA, at its ninth meeting (UNEP/CBD/SBSTTA/9/10).

13. The Executive Secretary convened an expert group on national-level monitoring and indicators, which met in Montreal from 10 to 12 February 2003. During the meeting and subsequent inter-sessional work, the expert group prepared a document, which was submitted for review by Governments. A set of principles and guidelines on the development of national-level monitoring programmes and indicators including the three elements specifically requested by Conference of the Parties were prepared for consideration by the ninth meeting of SBSTTA (UNEP/CBD/SBSTTA/9/10 and UNEP/CBD/SBSTTA/9/INF/7 and related information documents). At its ninth meeting, SBSTTA considered these documents and made recommendations to the Conference of the Parties (recommendation IX/10).

14. In response to the mandate provided by decision VI/26 of the Conference of the Parties and the Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010, the Executive Secretary, in collaboration with UNEP-WCMC and UNDP convened a meeting on “2010 – The Global Biodiversity Challenge” (London, UK, 21 to 23 May 2003). This meeting recommended the development of a limited number of key indicators to measure the rate of biodiversity loss. Based on this recommendation, the Executive Secretary proposed a format for the integration of outcome-oriented targets into the programmes of work of the Convention and prepared an indicative list of indicators for each target (UNEP/CBD/SBSTTA/9/14).

15. This proposal, together with proposed targets for the revised programme of work on inland water biological diversity (UNEP/CBD/SBSTTA/9/14/Add.1) and the elaborated programme of work on marine and coastal biological diversity (UNEP/CBD/SBSTTA/9/14/Add.3), requested by SBSTTA at its eighth meeting, was considered by SBSTTA at its ninth meeting. In recommendation IX/13, SBSTTA expressed support for the general framework proposed for the integration of outcome-oriented targets into the programmes of work of the Convention and recommended that targets and indicators for specific programmes of work should be consistent with the framework contained in the note by the Executive

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Secretary (UNEP/CBD/SBSTTA/9/14). SBSTTA also recommended the adoption of a limited number of trial indicators for monitoring progress towards 2010.

C. Scientific assessments

16. In its decision VI/7 C, the Conference of the Parties:

(a) Requested SBSTTA to review findings of the Millennium Ecosystem Assessment and provide recommendations to the Conference of the Parties based on the review;

(b) Encouraged the Executive Secretary to facilitate the development and implementation of the assessment of the status of the world's protected areas, in close collaboration with the UNEP World Conservation Monitoring Centre (WCMC) and IUCN.

17. In response to this decision, the Secretariat participated in the Board Meeting of the Millennium Assessment, held in Gland, Switzerland, on 11-12 February 2003, the Biodiversity Cross Cut meeting, held also in Gland, on 13-15 February 2003, the Marine/Coastal Cross Cut in Vancouver, Canada, from 7 to 11 April 2003, which reviewed a draft of the work on marine and coastal biodiversity as well as a chapter on responses related to marine and coastal biodiversity. An effective communication channel with the Millennium Ecosystem Assessment has been established that ensures that review comments from the Convention on Biological Diversity are reflected in the drafting process of relevant sections and chapters of the Assessment. In recommendation IX/2, SBSTTA welcomed the progress report on the Millennium Ecosystem Assessment on Ecosystems and Human Well-being: A Framework for Assessment (UNEP/CBD/SBSTTA/9/INF/20).

18. In the same recommendation, SBSTTA also welcomed progress reports on assessments undertaken by the Food and Agriculture Organization of the United Nations on the Global Forest Resources Assessment (UNEP/CBD/SBSTTA/9/INF/37).

19. The Secretariat reviewed the structure of the report on the assessment of the status of the world's protected areas prepared by UNEP-WCMC, which was launched at the Fifth World Congress on Protected Areas, held in Durban, South Africa, from 7 to 17 September 2003. A prototype database of nationally designated protected areas is also available (http://www.unep-wcmc.org/protected_areas/data/nat2.htm).

20. The outcomes of the Fifth World Parks Congress were considered by the ninth meeting of SBSTTA (UNEP/CBD/SBSTTA/9/6/Add.2), which made a recommendation to the Conference of the Parties, which *inter alia* relates to the assessment of protected areas (recommendation IX/4).

III. THE GLOBAL TAXONOMY INITIATIVE

21. In its decision VI/8 on the Global Taxonomy Initiative, the Conference of the Parties endorsed a programme of work and urged Governments, international and regional organizations, and other relevant organizations, to promote and implement it, as appropriate.

22. In addition, recognizing the importance of supporting and building on existing national, regional and global initiatives, partnerships and institutions, the Conference of the Parties invited the Executive Secretary to encourage the involvement of such entities to support Parties, other Governments and relevant organizations in carrying out the programme of work, including through regional and global workshops on the Global Taxonomy Initiative.

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23. Within the programme of work, the Conference of the Parties called for national, regional and global taxonomic needs assessments, and a global plan of action. The Parties recommended, as a mechanism to this end, the organization of regional meetings of scientists, managers and policy makers to facilitate the formulation of specific regional and national projects.

Regional and global workshops

24. Following decision VI/8, notifications were sent to all organizations and initiatives identified as possible actors in the programme of work, soliciting their involvement in the implementation of the Global Taxonomy Initiative.

25. As a response to paragraph 3 of decision VI/8, which recommended the continuation of workshops to facilitate the implementation of the programme of work, a regional workshop was held Asia in September 2002 in Malaysia, with support from the Governments of Japan and Australia and two workshops focusing on global level taxonomic priorities were organized, one in South Africa in July 2002 and the other in Paris in February 2003. A northern African technical cooperation network for taxonomic capacity building was launched in February 2003, and a planning workshop for a central American network was held in Guatemala in November 2003:

26. The Asia Workshop recognized a number of key issues in implementation for the GTI, and formulated a preliminary programme of work for the region. The four main impediments to adequate taxonomic input to the GTI in Asia were identified as lack of resources for research, inadequate staffing levels, high running costs, and difficulty in accessing taxonomic literature. The results of the Asian meeting have been published as a brief report under the title "Building Capacity: from Bangladesh to Bali and beyond, Report from 1st Global Taxonomy Initiative Regional Workshop in Asia".

27. The South Africa workshop was organized jointly with the Global Network for Taxonomy BioNET-INTERNATIONAL and the Man and the Biosphere programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO-MAB), and in association with the Secretariat of the International Plant Protection Convention. The workshop developed a strategy and action plan for implementing capacity building in the context of the GTI programme of work, and identified organizations and initiatives that could act as partners.

28. Building on the outputs of the Global workshop held in South Africa, the Paris workshop was organized to further examine the actions and obtain commitment from partners in carrying them out. The main findings of these two workshops were circulated as an information document for the ninth meeting of SBSTTA (UNEP/CBD/SBSTTA/9/INF/16).

29. NAFRINET, a technical cooperation network for taxonomic capacity building affiliated to BioNET-INTERNATIONAL, was set up with formal Government endorsement from Egypt, Morocco and Algeria in February 2003. Following the UNDP rules for technical cooperation networks, the network is now formally operational and will focus on implementing the Global Taxonomy Initiative by building taxonomy to meet priority user-needs in the region. Further endorsements are anticipated from the Governments of the Libyan Arab Jamahiriya, Mauritania and Tunisia.

30. A planning workshop for establishing a technical cooperation network for taxonomic capacity building in the countries of Meso-Central America, organized jointly with the Global Network for Taxonomy BioNET-INTERNATIONAL, was held from 17 to 18 November 2003 in Guatemala City, Guatemala.

Coordination of GTI activities with existing initiatives

31. In response to paragraph 6 of decision VI/8, Parties have designated national focal points for the Global Taxonomy Initiative. Collaboration has continued between the GTI, the clearing-house mechanism of the Convention, the Global Biodiversity Information Facility (GBIF), BioNET-International and other initiatives, as listed in the programme of work. The GTI participated in the outreach and capacity-building science subcommittee meeting in Costa Rica in October 2002. The Executive Secretary was represented by the GTI at the GBIF Governing Body meeting in Costa Rica in October 2002. The Secretariat has developed elements of a Memorandum of Cooperation, including a joint work plan, with the GBIF. The joint work plan includes activities contributing to the implementation of the GTI programme of work. The GTI, the Global Biological Information Facility and the clearing-house mechanism have maintained informal contacts to ensure maximum coordination. Informal linkages have also been maintained with the Global Invasive Species Programme (GISP) in respect of taxonomic needs.

32. Collaboration with other partners such as the Secretariat of the IPPC and UNESCO-MAB was also strengthened through the organization and participation in meetings of common interest.

33. On 10 November 2003, at the margins of the ninth meeting of SBSTTA, a meeting of the GTI coordination mechanism was held, which discussed, *inter alia*, ways to strengthen support for taxonomic work needed to accomplish the thematic and cross-cutting programmes of work and activities under the Convention; a mechanism for monitoring progress in the implementation of the programme of work for the Global Taxonomy Initiative; and the financial requirements for its implementation. In its recommendation IX/3, SBSTTA recommended that the Conference of the Parties consider these issues.

Guide to the Global Taxonomy Initiative

34. A draft guide to the GTI was presented to SBSTTA at its ninth meeting (UNEP/CBD/SBSTTA/9/INF/30). Based on comments received it will be finalized and submitted to the Conference of the Parties for its consideration. The guide provides information concerning the implementation of the Initiative, in particular on the process for developing projects aimed at implementing the programme of work with references to existing guidance from the financial mechanism.

IV. GLOBAL STRATEGY FOR PLANT CONSERVATION

A. Introduction

35. In its decision VI/9, the Conference of the Parties adopted the Global Strategy for Plant Conservation, including outcome-oriented global targets for 2010. In paragraph 10 (b) of decision VI/9, the Conference of the Parties requested the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to develop ways and means, within the Convention's thematic and cross-cutting programmes of work, for promoting implementation of the Global Strategy for Plant Conservation, and for monitoring and assessing progress; and to report to the Conference of the Parties at its seventh meeting.

36. In section E of the annex to decision VI/9, the Conference of the Parties noted that further work was required to develop and implement the Global Strategy, including the clarification of the scope of the targets, development of sub-targets and/or milestones and identification of baseline and indicators for monitoring progress. These would draw upon relevant national and international data sets and make full use of the clearing house mechanism.

37. Accordingly, the Executive Secretary, has, pursuant to paragraphs 14 (b) and 19 of the annex to decision VI/9, organized the following activities, with the active collaboration of a number of initiatives and organizations and a wide range of actors in addition to the Parties to the Convention:

(a) A liaison group meeting on the Global Strategy for Plant Conservation, in Cartagena, Colombia, from 11 to 12 October 2002 (UNEP/CBD/LG-GSPC/1/2),

(b) A series of international stakeholder consultations on 12 targets, with targets 3, 14, 15 and 16 being considered as cross cutting targets, from June 2003 to January 2004; and

(c) An expert meeting on the strategy in Dingle, County Kerry, Ireland, from 5 to 7 October 2003 (UNEP/CBD/SBSTTA/9/INF/24).

38. The expert meeting, organized in collaboration with the Botanic Gardens Conservation International and in partnership with the HSBC "Investing in Nature", prepared advice, *inter alia*, on:

(a) The development of baseline data, sub-targets, milestones and indicators for each target to monitor the progress towards achieving the targets by 2010;

(b) The implementation and monitoring of the Strategy at national level including identification of national targets and their integration in national biodiversity strategies and action plans;

(c) The development of regional components of the Strategy;

(d) The need for the establishment of a flexible coordination mechanism;

(e) Ways and means, within the Convention's thematic and cross-cutting programmes of work, for promoting implementation of the strategy, monitoring and assessing progress; and

(f) Mobilizing resources to facilitate the implementation of the Strategy.

39. A Global Partnership for Plant Conservation, open to all organizations that can contribute to the implementation of the strategy, has been established to facilitate the implementation of the Strategy.

40. A memorandum of cooperation was signed on 20 February 2002 between the Secretariat of the Convention and Botanic Gardens Conservation International (BGCI) to assist in the coordination and support of the development and implementation of decision VI/9 of the Conference of the Parties on the Global Strategy for Plant Conservation. A staff member based in Nairobi has been seconded by BGCI to the Secretariat, with effect from August 2003. Botanic Gardens Conservation International (BGCI), in collaboration with the Executive Secretary, have prepared and distributed a brochure on the Global Strategy for Plant Conservation.

41. Progress on the implementation of the Global Strategy was summarized in a note on the subject prepared for the ninth meeting of SBSTTA (UNEP/CBD/SBSTTA/9/14/Add.2). SBSTTA considered this document and, in its recommendation IX/14 (UNEP/CBD/COP/7/4, annex I), recommended that the Conference of the Parties at its seventh meeting should: (i) welcome the establishment of the Global Partnership for Plant Conservation; (ii) welcome the establishment of a flexible coordination mechanism for the Strategy to facilitate and promote implementation and monitoring at all levels; (iii) encourage Parties to nominate focal points for the strategy or designate from existing ones; (iv) decide to integrate the targets of the Strategy into all thematic and relevant cross-cutting programmes of work of the Convention; and, (v) integrate the Strategy into the reporting framework for the third national reports.

V ECOSYSTEM APPROACH

42. In its decision VI/12, paragraph 2 (c), the Conference of the Parties requested the Executive Secretary to develop proposals for the refinement of the principles and operational guidance of the ecosystem approach on the basis of case-studies and lessons learned, including indicators and strategies for the integration of the ecosystem approach into the programmes of work of the Convention, taking into account regional differences.

43. In addition, in its decisions VI/12, paragraph 2 (b), and VI/22, paragraph 19 (a), the Conference of the Parties requested the Executive Secretary to carry out a comparative study to clarify the conceptual basis of the ecosystem approach in relation to the concept of sustainable forest management with a view to improve, through an integrated approach, the conservation of forest biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the utilization of forest genetic resources.

44. Pursuant to these decisions, the Executive Secretary convened an expert meeting on the ecosystem approach to undertake the following tasks:

- (a) Review the analysis of case-studies and lessons learned on the ecosystem approach;
- (b) Develop proposals for the refinement of the principles and operational guidance of the ecosystem approach on the basis of case-studies and lessons learned, including indicators and strategies for the integration of the ecosystem approach into the programmes of work of the Convention; and
- (c) Clarify the conceptual basis of the ecosystem approach in relation to the concept of sustainable forest management and develop proposals for their integration.

45. The expert meeting was held from 7 to 11 July 2003 at the premises of the Secretariat of the Convention on Biological Diversity in Montreal, Canada, with financial support from the Government of the Netherlands. The meeting addressed the tasks as follows:

- (a) The case-studies and lessons learned were considered in the context of the deliberations on the principles, guidelines and specific programmes of work. Participants selected a number of illustrative case-studies to exemplify implementation of particular guidelines. Further details on these case-studies are available in the report of the meeting. Participants also emphasized the need to develop a searchable database of case-studies to enhance their utility in implementing the ecosystem approach;
- (b) Guidelines for implementation of the ecosystem approach were drafted, but the principles, rationale and operational guidance were not modified. Additional explanatory material for the principles, in the form of annotations to the rationale, was drafted in order to provide clarification to the user community. Similarly, additional explanatory notes on the cross-cutting issues relating to the operational guidance of the ecosystem approach were also produced. Furthermore, the experts decided to provide an initial list of tools for the implementation of the ecosystem approach;
- (c) Regarding the conceptual relationship between sustainable forest management and the ecosystem approach, the experts concluded that while the two approaches are not identical, they are similar in many respects, and their provisions are compatible.

46. The expert meeting reviewed the thematic programmes of work and concluded that the majority of these work programmes adequately address the implementation of the ecosystem approach. Existing tools for applying the ecosystem approach in various sectors and biomes were considered, gaps in the

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availability of such tools identified, and further recommendations for their development provided. Strategies of how to best achieve sectoral integration of the ecosystem approach were discussed, by simultaneously reviewing the integration of the ecosystem approach into various programmes of work of the Convention. The results of the meeting were presented to the ninth meeting of SBSTTA (UNEP/CBD/SBSTTA/9/8).

47. At that meeting, SBSTTA drew on those results and the full report of the meeting (UNEP/CBD/SBSTTA/9/INF/4) and adopted recommendation IX/6 for consideration by the Conference of the Parties. It recommended, *inter alia*, that the Conference of the Parties should: (i) endorse the implementation guidelines and annotations to the rationale of the ecosystem approach; (ii) note that sustainable forest management can be considered as a means of applying the ecosystem approach to forests; and (iii) recommend that Parties and other Governments continue or start implementation of the ecosystem approach, specifying targeted actions.

VI. SUSTAINABLE USE

48. In decision VI/13, the Conference of the Parties requested the Executive Secretary to organize a fourth open-ended workshop on the sustainable use of biodiversity to synthesize the outcomes of the three regional workshops, integrate different views and regional differences and develop a set of practical principles and operational guidelines to be submitted to SBSTTA prior to the seventh meeting of the Conference of the Parties.

49. The Fourth Open-Ended Workshop on the Sustainable Use of Biodiversity was held in Addis Ababa, Ethiopia, from 6 to 8 May 2003. As requested in decision VI/13, the Workshop synthesized the outcomes of previous regional meetings, integrated different views and regional differences and produced the draft Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity. It also elaborated on a series of associated instruments that would assist Parties in the implementation of the guidelines.

50. At its ninth meeting, SBSTTA recommended that the Conference of the Parties adopt the draft Addis Ababa Principles and Guidelines and that Parties and relevant organizations initiate a process for their implementation at the national and local levels, including the development of pilot projects. SBSTTA also made recommendations on the need for further research and work to be undertaken on a series of issues pertaining to the sustainable use of biodiversity and the implementation of the principles and guidelines (e.g. use of terms, adaptive management, resilience, monitoring and indicators, achievement of 2010 target, etc.). To this end, SBSTTA requested the Executive Secretary and invited Parties and relevant organizations to undertake studies addressing the issues identified.

51. In addition, as already requested in decision VI/13, SBSTTA reiterated the call for case-studies on sustainable use of biodiversity. In order to provide useful feedback for the implementation and review of the principles and guidelines, SBSTTA suggested to focus on those case studies which illustrate the relevance of the principles and guidelines to different thematic areas and geographical contexts and, for ease of reference, invite the Executive Secretary to develop a common format for the submission of lessons learned.

VII. ALIEN SPECIES THAT THREATEN ECOSYSTEMS, HABITATS OR SPECIES (ARTICLE 8 (h))

52. In decision VI/23,* the Conference of the Parties adopted the guiding principles for the prevention, introduction and mitigation of impacts of invasive alien species and requested the Executive Secretary to:

(a) Carry out specific activities with the Global Invasive Species Programme (GISP) and other relevant organizations including developing a joint programme of work among the Convention on Biological Diversity, the GISP, the Convention on Wetlands (Ramsar, Iran, 1971), the International Maritime Organization, the International Plant Protection Convention and other relevant bodies (paragraph 26);

(b) Support the development and dissemination of technical tools and related information (paragraph 28);

(c) Integrate invasive alien species considerations into thematic work programmes of the Convention and when reporting on the thematic work programmes to report specifically on how the threats and impacts of invasive alien species will be addressed (paragraph 29);

(d) Explore means to facilitate capacity enhancement for eradication work on alien species on continents and islands (paragraph 31); and

(e) In collaboration with the Global Invasive Species Programme (GISP), the Global Environment Facility (GEF), the Food and Agriculture Organization of the United Nations (FAO) and the Organisation for Economic Co-operation and Development (OECD), identify mechanism(s) for providing Parties with access to financial support for rapidly responding to new incursions by alien species (paragraph 33).

53. The Conference of the Parties also invited relevant organizations and bodies, in particular GISP, to integrate biodiversity considerations in their ongoing work (paragraph 8); assist governments in the development and implementation of invasive alien species strategies and action plans (paragraphs 11 and 14) and promote international cooperation in considering and addressing the impacts of invasive alien species (paragraphs 15 to 23, 26 and 28).

54. In response to the above-mentioned requests, the following progress has been made:

(a) *Collaboration with the Global Invasive Species Programme*

55. An expert consultation was organized by GISP in collaboration with the Convention Secretariat and United States Agency for International Development (USAID) in Hawaii from 18 to 19 October 2002 to initiate the pilot assessment requested by SBSTTA in paragraphs 6 (d) and 8 of recommendation VI/5 and in paragraph 1 of recommendation VII/2 on the impacts of invasive alien species on island ecosystems. The Executive Secretary commissioned GISP to prepare a draft document on impact of invasive alien species on island biodiversity. The document underwent a peer-review in August and September 2003 and was submitted to SBSTTA at its ninth meeting (UNEP/CBD/SBSTTA/9/INF33).

* One representative entered a formal objection during the process leading to the adoption of this decision and underlined that he did not believe that the Conference of the Parties could legitimately adopt a motion or a text with a formal objection in place. A few representatives expressed reservations regarding the procedure leading to the adoption of this decision (see UNEP/CBD/COP/6/20, paras. 294-324)

56. Similarly, an expert consultation on the impacts of invasive alien species on inland water ecosystems was organized by The Nature Conservancy. The meeting was hosted by the Smithsonian Institution and GISP, and co-sponsored by the Convention on Biological Diversity, the United States Environmental Protection Agency, The Nature Conservancy and the Smithsonian Institution from 13 to 15 July at Smithsonian Institution, Natural History Museum, Washington, D.C., to initiate the drafting of the assessment of the impact of invasive alien species on inland water biodiversity. The Ramsar Convention Bureau and other partners participated in the consultation. Subsequently, the Executive Secretary commissioned the GISP and The Nature Conservancy to continue the drafting, including extending the inputs of the working group and broadening its composition. The group operated mainly by e-mail and internet and using a restricted web-site hosted by the Secretariat. The working group has compiled case-studies on the impacts of invasive alien species from a wide variety of experts and organizations and has prepared a draft report which is currently being edited by the Secretariat.

57. Regarding the development of joint programmes of work, the Ramsar Bureau and the Convention Secretariat are exploring ways to enhance synergies in future work on invasive alien species, including through the joint work plan. The eleventh meeting of the Ramsar Scientific and Technical Review Panel, held from 8 to 11 April 2003 in Gland, Switzerland, established working groups for the current inter-sessional period. One of the working groups will consider *inter alia* invasive alien species. The Secretariat of the Convention on Biological Diversity is participating in the activities of the working groups.

58. In February, the IPPC secretariat and Secretariat of the Convention on Biological Diversity held a meeting to explore areas for possible joint activities in order to promote synergies between IPPC and the Convention on Biological Diversity. A draft memorandum of understanding was discussed and an agreed text was forwarded to FAO for approval and signature. The meeting considered, *inter alia*, matters arising from decision VI/23 of the Conference of the Parties; participation by the Convention on Biological Diversity in the development by IPPC of a consultation on the role of the IPPC for managing risks of invasive alien species; matters relating to living modified organisms and biosecurity; capacity building and exchange of information including through the clearing-house mechanism and the biosafety clearing house. These discussions were taken further in an International Workshop on "Invasive alien species and the IPCC" (22-26 September 2003 in Braunschweig, Germany) in which the CBD Secretariat participated.

(b) Development and dissemination of technical tools and related information

59. The Executive Secretary is preparing the technical information developed within the Convention on Biological Diversity on invasive alien species for publication in the CBD Technical Publications series in 2004.

(c) Integration of invasive alien species considerations into thematic work programmes of the Convention

60. Invasive alien species issues have been integrated in all the programmes of work on thematic areas and on protected areas under the programme element addressing direct actions for the conservation and sustainable use of biodiversity and for benefit sharing.

(d) Requests to Parties, other Governments and relevant organizations and bodies

61. In May and June 2002, the Executive Secretary sent to all National Focal Points a table highlighting all relevant decisions, including on invasive alien species, requiring the attention of the Parties and other Governments. In addition, the Executive Secretary forwarded relevant paragraphs of

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decision VI/23 to a number of organizations to ensure they were aware of requests related to invasive alien species made by the Conference of the Parties.

(e) Gaps and inconsistencies in the international regulatory framework

62. Regarding the request of the Conference of the Parties in paragraph 9 of decision VI/23, the Executive Secretary prepared, in collaboration with members of GISP, a study identifying further specific gaps and inconsistencies in the international regulatory framework (including binding and non-binding instruments as well as instruments at the regional level and standards) from a technical perspective of the threats of invasive alien species to biological diversity, including consideration of various pathways for the transmission of invasive alien species. The paper was peer-reviewed and submitted to SBSTTA at its ninth meeting (UNEP/CBD/SBSTTA/9/15 and UNEP/CBD/SBSTTA/9/INF/32). SBSTTA recommended ways to address these gaps and inconsistencies for consideration by the Conference of the Parties at its seventh meeting (recommendation IX/15).

VIII BIOLOGICAL DIVERSITY AND TOURISM

63. In response to decision VI/14, the Executive Secretary transmitted the international guidelines for sustainable tourism development in vulnerable ecosystems developed by the Workshop on Biological Diversity and Tourism to the World Ecotourism Summit in May 2002. As also requested in the same decision, the Executive Secretary revised the text of the draft guidelines taking into account the outcome of the World Ecotourism Summit, as well as the results of two rounds of electronic consultations involving Parties and relevant organizations.

64. The “Guidelines for Biodiversity and Tourism Development” were considered at the eighth meeting of the SBSTTA and forwarded to the seventh meeting of the Conference of the Parties for adoption (UNEP/CBD/COP/7/3). In order to increase clarity and facilitate understanding of the guidelines and their implementation, SBSTTA, in its recommendation VIII/5, also proposed that the Executive Secretary develop a user manual, a checklist as well as a streamlined core set of guidelines and a glossary of terms. In addition, SBSTTA suggested that the clearing-house mechanism of the Convention be used to disseminate information on specific case studies and best practices and lessons learned. Parties and relevant organizations were also invited to implement pilot projects to test the applicability of the guidelines and were encouraged to establish monitoring and reporting systems to assess the status of implementation of the guidelines.

65. In this regard, and also in response to decision VI/14, existing case studies on the implementation of the guidelines were already made available to SBSTTA and represent a first assessment of their applicability.

66. SBSTTA also invited Parties and relevant organizations to provide additional assistance, in terms of financial resources, capacity building and public awareness, to support the participation of indigenous and local communities in the relevant decision-making and implementation processes set out in the guidelines, and to take the guidelines into consideration in tourism development projects and into relevant plans and strategies.

IX ARTICLE 8(j) AND RELATED PROVISIONS

67. In decision VI/10, the Conference of the Parties decided to reconvene the Ad Hoc Open-ended Working Group on Article 8 (j) and related provisions in order to ensure further advancement of the implementation of the work programme on Article 8 (j) and related provisions. The Working Group met

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in Montreal, on 8-12 December 2003 to take up the issues examined below. The report of the meeting is contained in document UNEP/CBD/COP/7/7, which includes suggested recommendations on the further implementation of the work programme.

68. In paragraph 4 of decision VI/10, the Conference of the Parties requested the Executive Secretary to prepare a progress report on the integration of the relevant tasks of the programme of work on Article 8(j) into each of the thematic areas, and to take into account the information provided in national reports in response to paragraph 3, for consideration at the third meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions.

69. This report (UNEP/CBD/WG8J/3/2) has been prepared by the Executive Secretary and will be taken up by the Working Group at its third meeting, to be held in Montreal from 8 to 12 December 2003. The report of that meeting, which is expected to include recommendations on the further implementation of the programme of work on Article 8(j) and related provisions, will be submitted to the Conference of the Parties for consideration at its seventh meeting.

70. The Executive Secretary has also prepared a report on progress on the implementation of the programme of work on Article 8(j) and related provisions based on information submitted in national reports, and other relevant information. This report (UNEP/CBD/WG8J/3/3) will be submitted to the third meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions. The purpose of this document is to provide additional information concerning the implementation of the programme of work on Article 8(j) under the Convention and recommendations for further development and progress of the programme of work on Article 8(j) and related provisions.

71. By the same decision, the Conference of the Parties also requested the Ad Hoc Working Group on Article 8(j) to carry out the following projects and further work for discussion at its third meeting, with recommendations to be submitted to the seventh meeting of the Conference of the Parties.

(a) *Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biodiversity*

72. In decision VI/10, the Conference of the Parties to the Convention on Biological Diversity adopted the outline of the composite report on the status and trends regarding the knowledge, innovations, practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.

73. In paragraph 9 of the same decision, the Conference of the Parties requested the Executive Secretary to undertake the first phase of the composite report, based upon elements 1 and 2 in the outline, and to submit the first phase report to the next meeting of the Ad Hoc Open-Ended Inter-Sessional Working Group on Article 8(j) and Related Provisions. The first phase of the report was prepared by a team of consultants in accordance with the terms of references contained in annex I of decision VI/10. The executive summary and the recommendations of the composite report were contained in document UNEP/CBD/WG8J/3/4 and the full text of the composite report together with the regional reports were provided as information documents (UNEP/CBD/WG8J/3/INF/3-10).

74. The report of the third meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions of the Convention is contained in document UNEP/CBD/COP/7/7 and includes recommendations for the consideration of the Conference of the Parties.

- (b) *Guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities*

75. Further work on the guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities, with the aim of strengthening the social and cultural aspects. This is proposed in the documents prepared by the Executive Secretary, with a view to complement and be in conjunction with the “guidelines for incorporating biodiversity-related issues into environmental assessment legislation and or processes and in strategic environmental assessment, endorsed by the Conference of the Parties in decision VI/7 A. The document (UNEP/CBD/WG8J/3/5) also addresses institutional and procedural considerations, and builds on the recommendations for the conduct of such cultural, environmental and social impact assessments contained in annex II to decision VI/10.

- (c) *Participatory mechanisms for indigenous and local communities.*

76. The Executive Secretary has prepared a note, (UNEP/CBD/WG8J/3/6) to support the discussion by the Ad Hoc Working Group on Article 8(j) on issues raised in decision VI/10, section E, on participatory mechanisms for indigenous and local communities as a basis for Parties and Governments to implement paragraph 21 of decision VI/10. The note addresses issues relating to indigenous and local community participation focussing on capacity-building with respect to decision-making process regarding access to and use of traditional knowledge (paragraph 23); communications mechanisms to support their involvement in discussions concerning aspects of the implementation of the Convention (paragraph 24); the need to facilitate access to information (paragraph 27); and the need to secure potential sources of funding to facilitate participation in meetings of the Convention (paragraph 22).

77. Reports have also been prepared by the Executive Secretary in response to paragraph 25 of decision VI/10, on a multi-convention approach among environment-related conventions and processes to facilitate indigenous and local community participation in the maintenance and application of traditional knowledge (UNEP/CBD/WG8J/3/6/Add.2); and in response to paragraph 28, the development of the roles and responsibilities of the thematic focal point within the clearing-house mechanism of the Convention on issues relating to Article 8(j) and related provisions (UNEP/CBD/WG8J/3/6/Add.1).

- (d) *Sui generis system for the protection of traditional knowledge, innovations and practices of indigenous and local communities*

78. The Executive Secretary has prepared a note addressing the substantive issues identified in paragraph 34 of decision VI/10, taking into account the work carried out by the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The note contains a set of suggested elements for a *sui generis* system for the protection of the knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, taking into account the work to be carried out in the fulfilment of tasks 7 and 12 of the first phase of the programme of work endorsed by the Conference of the Parties in paragraph 1 of decision V/16. (UNEP/CBD/WG8J/3/7)

X. LIABILITY AND REDRESS (ARTICLE 14, PARAGRAPH 2)

79. In decision VI/11, the Conference of the Parties requested the Executive Secretary “to convene a group of legal and technical experts composed of government-nominated experts based on a fair and equitable geographical representation and including observers from relevant international organizations,
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including non-governmental organizations and convention secretariats, and with the mandate to review information and conduct further analysis of pertinent issues relating to liability and redress in the context of paragraph 2 of article 14 of the Convention, and in particular:

- (a) Clarifying basic concepts and developing definitions relevant to paragraph 2 of article 14 (such as the concept of damage to biological diversity, its valuation, classification, and its relationship with environmental damage, the meaning of “purely internal matter”;
- (b) Proposing the possible introduction of elements, as appropriate, to address specifically liability and redress relating to damage to biological diversity into existing liability and redress regimes;
- (c) Examining the appropriateness of a liability and redress regime under the Convention on Biological Diversity, as well as exploring issues relating to restoration and compensation;
- (d) Analysing activities and situations that contribute to damage to biological diversity, including situations of potential concern; and
- (e) Considering preventive measures on the basis of the responsibility recognized under Article 3 of the Convention.

80. The Conference of the Parties further decided that the legal and technical expert group shall report to the seventh meeting of the Conference of the Parties.

81. By the same decision, the Conference of the Parties also requested the Executive Secretary to continue collecting relevant information and to conduct analysis of such information and other relevant issues, with the cooperation of Parties, Governments and relevant organizations, and to make such information and analysis available prior to convening the group of legal and technical experts.

82. The Executive Secretary undertook information gathering and analysis as requested by the Conference of the Parties and prepared relevant documentation for the proposed meeting of the group of legal and technical experts. These documents will be made available to the group of experts when it is convened.

83. In notification 2003-005 of 17 January 2003, the Executive Secretary informed Parties, Governments and relevant international organizations, including non-governmental organizations and convention secretariats, that, subject to availability of funds, the group of legal and technical experts would be convened in the second quarter of 2003 and invited them to submit names and curriculum vitae of qualified legal and technical experts in order to facilitate the selection of members in the group of experts. On the basis of nominations by Parties, Governments and relevant international organizations the Executive Secretary selected the experts for the meeting. In notification, 2003-034 of 1st April 2003, the Executive Secretary announced a change of date for the meeting. In notification 2003-042, of 25 April 2003, the Executive Secretary informed Parties that the meeting had been postponed due to the lack of financial resources and that a new date would be announced if and when adequate funding becomes available. In all three notifications, Parties and governments were invited to provide funding to ensure that the group of experts could meet as requested by the Conference of the Parties. As of December 2003, funds were still unavailable for this meeting.

84. Under this item, the Conference of the Parties may wish to renew its previous request to the Executive Secretary to convene the group of legal and technical experts and urge Parties and Governments to make the necessary voluntary financial contributions to this end.

XI. INCENTIVE MEASURES

85. In its decision VI/15, the Conference of the Parties recognized that further work has to be undertaken on positive incentives and their performance, as well as on perverse incentives and ways and means for their removal or mitigation (paragraph 4). It encouraged Parties and relevant organizations to submit case studies, lessons learnt and other relevant information on incentive measures, especially on positive and perverse incentives, to the Executive Secretary (paragraph 5), and requested the Executive Secretary to continue compiling and disseminating the information on incentive measures, especially on positive and perverse incentives, submitted by Parties and organizations (paragraph 6), and to elaborate proposals for the application of ways and means to remove or mitigate perverse incentives for consideration by SBSTTA before the seventh meeting of the Conference of the Parties (paragraph 7). Furthermore, in annex II to decision VI/15, the Conference of the Parties also endorsed a number of recommendations for further cooperation on incentive measures, *inter alia*, on the establishment or strengthening of biodiversity incentives information systems ^{2/} and on the interlinkages between multilateral environment agreements on incentive measures. ^{3/}

86. In response to this decision, the Secretariat sent notifications 2002-058 and 2002-059 to Parties and relevant organizations, inviting them to submit to the Secretariat case-studies, lessons learnt and other relevant information on incentive measures. As of July 2003, the Secretariat has received ten submissions from Parties and five submissions from international organizations, which have been made available on the Secretariat's website (www.biodiv.org).

87. With assistance of the Government of the Netherlands, the Secretariat convened a workshop on incentive measures in Montreal, in June 2003 to assist in the elaboration of proposals for the application of ways and means to remove or mitigate perverse incentives. Participants in the Workshop were selected from among government-nominated experts from each geographic region with a view to achieving a balanced regional distribution. In addition, representatives of competent intergovernmental and non-governmental organizations participated as observers.

88. The workshop elaborated proposals for the application of ways and means to remove or mitigate perverse incentives. These proposals provide a general framework to address the removal or mitigation of perverse incentives in different economic sectors and ecosystems. They include the following elements: general considerations; identification of policies or practices that generate perverse incentives; design and implementation of appropriate reforms; monitoring, enforcement and evaluation of reforms. The workshop also developed a number of recommendations on the further implementation of the programme of work on incentive measures with regard to the removal or mitigation of perverse incentives.

89. The conclusions of the workshop were submitted to the ninth meeting of SBSTTA. On the basis of these conclusions, SBSTTA adopted recommendation IX/3 by which it takes note of the proposals for the application of ways and means to remove or mitigate perverse incentives as elaborated by the second workshop on incentive measures, and appreciated its work. SBSTTA recommends to the seventh meeting of the Conference of the Parties to further consider the proposals, with a view to endorsing them.

90. Mandated by paragraph 23 of the recommendations for further cooperation on incentive measures endorsed by the sixth meeting of the Conference of the Parties in its decision VI/15, the Secretariat also convened a meeting of the inter-agency coordination committee on incentive measures back-to-back to the workshop incentive measures. The following organizations were represented at the meeting: CITES,

^{2/} See decision VI/15, annex II, paragraph 14.

^{3/} See decision VI/15, annex II, paragraph 14.

FAO, OECD, IUCN, Ramsar Convention on Wetlands, the World Bank. Participants exchanged information on the work carried out by their organizations on incentive measures and related issues.

91. Furthermore, participants also addressed several issues addressed in the recommendations for further cooperation on incentive measures that were endorsed by the Conference of the Parties at its sixth meeting. In particular, participants agreed that further coordinating activities should be undertaken to improve electronic information systems on incentive measures, though, *inter alia*, linking respective web pages and the development of a common portal on incentive measures for biodiversity conservation and sustainable use. Furthermore, there was a general agreement among participants, in particular among representatives of biodiversity-related conventions, that an enhancement of more formal cooperation is desirable.

92. With regard to the recommendation of the Conference of the Parties on the establishment or strengthening of biodiversity incentives information systems, the Secretariat is preparing, with support from the Government of the Netherlands, a brochure and CD-ROM that provides off-line access to relevant information, including submissions from Parties, Governments and organizations, on the design and application of incentive measures for conservation and sustainable use of biodiversity.

93. Within its recommendation on the interlinkages between multilateral environment agreements on incentive measures, the Conference of the Parties, at its sixth meeting, has also encouraged the United Nations Framework Convention on Climate Change to give priority to incentives to avoid deforestation.^{4/} At its fifth meeting, the Conference of the Parties urged Parties and other Governments to explore possible ways and means by which incentive measures promoted through the Kyoto Protocol under the United Nations Framework Convention on Climate Change can support the objectives of the Convention on Biological Diversity. The Ad Hoc Technical Expert Group on Biodiversity and Climate Change addressed these issues and presented its report to the eighth meeting of the Subsidiary Body for Scientific, Technical and Technological Advice.

94. In connection to the recognition of Conference of the Parties contained in decision VI/15, paragraph 4, that further work has to be undertaken on positive incentives and their performance, as well as on perverse incentives and ways and means for their removal or mitigation, the Secretariat prepared a study on domestic support measures in agriculture and their incentive effects for the conservation and sustainable use of agricultural biodiversity. This activity was part of its programme of work to implement paragraph 17 of decision VI/5, on agricultural biological diversity, in which the Executive Secretary was requested to further study the impact of trade liberalization on agricultural biological diversity. All national focal points and competent international organizations were invited for peer review. Reviews submitted by a number of national focal points and international organizations were taken into consideration in finalizing the study.

95. Under this item, the Conference of the Parties may wish to consider recommendation IX/3 of the SBSTTA with a view to endorsing, the proposals for the application of ways and means to remove or mitigate perverse incentives annexed to the recommendation.

^{4/} See decision VI/15, annex II, paragraph 14.

XII. ACCESS AND BENEFIT-SHARING AS RELATED TO GENETIC RESOURCES

A. Follow-up to the adoption of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization

96. In decision VI/24 A, Conference of the Parties adopted the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilization. It also recognized “that the Guidelines are a useful first step of an evolutionary process in the implementation of relevant provisions of the Convention related to access to genetic resources and benefit-sharing;” and “decided to keep under review the implementation of the guidelines and consider the need for their further refinement on the basis of, inter alia, relevant work under the Convention, including work on Article 8(j) and related provisions”.

97. In paragraph 8 of decision VI/24 A, the Conference of the Parties decided “to reconvene the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to advise the Conference of the Parties on:

- (a) Use of terms, definitions and/or glossary, as appropriate;
- (b) Other approaches as set out in decision VI/24 B;
- (c) Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted in Contracting Parties with users of genetic resources under their jurisdiction;
- (d) Its consideration of any available reports or progress reports arising from the present decision;
- (e) Needs for capacity-building identified by countries to implement the Guidelines.”

98. In September 2002, the World Summit on Sustainable Development adopted a Plan of Implementation calling for action to “negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”. In light of this outcome, the issue of an international regime on access and benefit-sharing was addressed as a distinct agenda item by the Inter-sessional meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010, in March 2003. The Inter-Sessional Meeting recommended that “the Ad Hoc Open-ended Working Group on Access and Benefit-sharing should, in its consideration of other approaches, in accordance with its mandate as specified in decision VI/24 A, consider the process, nature, scope, elements and modalities of an international regime and provide advice to the Conference of the Parties at its seventh meeting on how it may wish to address this issue”.

99. The second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing will be held in Montreal, from 1 to 5 December 2003, and its report (UNEP/CBD/COP/7/6) is expected to include recommendations for the consideration of the Conference of the Parties at its seventh meeting.

B. Other approaches, including the development of an action plan for capacity-building

100. Pursuant to the request of the Conference of the Parties in decision VI/24 B, an Open-ended Expert Workshop on Access and Benefit-sharing was held in Montreal from 2 to 4 December 2002, with a view to further developing the draft elements of an Action Plan on Capacity-building for Access and Benefit-sharing (decision VI/24 B, annex). The Workshop developed a draft Action Plan and a draft decision for the consideration of the Conference of the Parties at its seventh meeting (UNEP/CBD/ABS/EW-CB/1/3, annexes I and II).

101. The objective of the draft Action Plan would be to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of provisions of the Convention relating to access to genetic resources and benefit-sharing. The draft identifies key areas for capacity-building and outlines mechanisms for the implementation of capacity-building in these key areas. It also recognizes that in view of the multiplicity of actors undertaking capacity-building initiatives for access to genetic resources and benefit-sharing, mutual information-sharing and coordination at all levels should be promoted to encourage synergies and to identify gaps in coverage.

102. With this objective in mind, the Secretariat has developed a database on capacity-building projects for access and benefit-sharing. This database, established through the clearing-house mechanism, is to provide information to all those interested in ongoing or planned capacity-building activities related to access to genetic resources and benefit-sharing. In particular, it provides an overview of capacity-building activities under way, thereby encouraging synergies among organizations and facilitating the identification of gaps in capacity-building activities.

103. The issue of other approaches, complementary to the Bonn Guidelines, which could assist Parties and stakeholders with the implementation of access and benefit-sharing arrangements, will be addressed at the second meeting of the Working Group on Access and Benefit-sharing, on the basis of a note by the Executive Secretary on further consideration of outstanding issues related to access and benefit-sharing: use of terms, other approaches and compliance measures (UNEP/CBD/WG-ABS/2/2), which provides an overview of existing approaches and possible future approaches to assist with the implementation of access and benefit-sharing arrangements.

C. Role of intellectual property rights in the implementation of access and benefit-sharing arrangements

104. As requested by the Conference of the Parties, in paragraphs 3 and 7 of decision VI/24 C, on the role of intellectual property rights in the implementation of access and benefit-sharing arrangements, the Executive Secretary carried out further information gathering and analysis on a number of issues related to the disclosure of the country of origin of genetic resources and relevant traditional knowledge in applications for intellectual property rights, where the subject matter of the application concerns or makes use of genetic resources and relevant traditional knowledge in its development. The Executive Secretary has prepared a note on the role of intellectual property rights in access and benefit-sharing arrangements, including national and regional experiences UNEP/CBD/WG-ABS/2/3 was prepared for the Working Group on Access and Benefit-sharing. In addition, an analytical study on the feasibility and efficacy of requirements for disclosure of origin and prior informed consent in intellectual property rights applications in monitoring compliance with access provisions (UNEP/CBD/WG-ABS/2/INF/2) was also made available as an information document.

105. The role of intellectual property rights in the implementation of access and benefit-sharing arrangements will be addressed by the Working Group on Access and Benefit-sharing when considering

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possible measures by Contracting Parties with users under their jurisdiction to ensure compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted. The Working Group is being invited to make recommendations to the Conference of the Parties on how to make further progress on this issue.

106. Finally, following the invitation of the Conference of the Parties in paragraph 4 of decision VI/24 C, the World Intellectual Property Organisation has carried out a technical study on methods consistent with obligations in treaties administered by the World Intellectual Property Organization for requiring the disclosure within patent applications of, *inter alia*:

- (a) Genetic resources utilized in the development of the claimed inventions;
- (b) The country of origin of genetic resources utilized in the claimed inventions;
- (c) Associated traditional knowledge, innovations and practices utilized in the development of the claimed inventions;
- (d) The sources of associated traditional knowledge, innovations and practices; and
- (e) Evidence of prior informed consent.

107. A draft technical study on disclosure requirements related to genetic resources and traditional knowledge was prepared by WIPO for consideration by the Intergovernmental Committee on Intellectual Property, and Genetic Resources, Traditional Knowledge and Folklore, at its fifth session in July 2003. The Committee commented on the draft study and transmitted it to the WIPO General Assembly in September 2003. The WIPO General Assembly approved the transmission of the study as a technical reference document to the seventh meeting of the Conference of the Parties of the Convention on Biological Diversity.

D. Other issues related to access and benefit-sharing

108. With respect to the relationship between the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization and the Convention on Biological Diversity, as requested by the Conference of the Parties in decision VI/24 D, paragraph 1, the Executive Secretary renewed its application for observer status in the Council for Trade-related Aspects of Intellectual Property Rights of the World Trade Organization (the TRIPs Council). The request is still pending.

109. With respect to information related to access and benefit-sharing arrangements, in decision VI/24 D, the Conference of the Parties recognized that access to information is an essential instrument in the development of national capacity for dealing with access and benefit-sharing arrangements and in enhancing the necessary bargaining power of stakeholders in access and benefit-sharing arrangements. In paragraph 6 of the same decision, the Conference of the Parties requested that Parties and relevant organizations, as appropriate make available to the Executive Secretary detailed information on the measures adopted to implement access and benefit-sharing arrangements, including the text of any legislation or other measures developed to regulate access and benefit-sharing. In response to paragraph 7 of decision VI/24 D requesting the Executive Secretary to compile information received and to make it available, the Executive Secretary has developed a database on access and benefit-sharing measures. This database, established within the clearing house mechanism, is to include measures related to access and benefit-sharing taken by Governments or relevant organizations to assist with the implementation of the access and benefit-sharing provisions of the Convention.

XIII. BIODIVERSITY AND CLIMATE CHANGE

110. In response to requests of the Conference of the Parties at its fifth meeting (in particular, decision V/4, paras. 11 and 16-20), SBSTTA, at its sixth meeting established an Ad Hoc Technical Expert Group (AHTEG) on Biological Diversity and Climate Change to examine the interlinkages between biodiversity and climate change and provide advice on integration of biodiversity considerations into the implementation of the United Nations Framework Convention on Climate Change and its Kyoto Protocol. SBSTTA also invited the International Panel on Climate Change (IPCC) to contribute to this process by developing a technical paper. A first meeting of the Expert Group was held Helsinki in January 2002.

111. At its sixth meeting the Conference of the Parties welcomed the first report of the Ad Hoc Technical Expert Group and further requested the group to consider issues relating to forest biodiversity (decision VI/22, para. 41). The Conference of the Parties also welcomed the consideration of the report by UNFCCC SBSTA and the establishment of the Joint Liaison Group, and encouraged further cooperation between the Convention on Biological Diversity and the UNFCCC, as well as the United Nations Convention to Combat Desertification (decision VI/20, paras. 12 and 13 and decision VI/22, para. 9)).

112. Following the sixth meeting of the Conference of the Parties, the IPCC released the Technical Paper on Biodiversity and Climate Change. The Ad Hoc Technical Expert Group has met two times: in Montreal in September 2002, and again in Helsinki, in May 2003. Additionally, a small-group inter-session meeting was held among lead report authors in Washington, DC, in January 2003. During all these meetings the group reviewed relevant literature, including but not limited to, the IPCC Third Assessment Review, the IPCC Technical Paper on Climate Change and Biodiversity, and the Special Report on Land Use, Land-Use Change and Forestry (LULUCF). Between February and May 2003 a draft report was posted on the website of the Convention on Biological Diversity and circulated for peer-review by Parties, other Governments, non-governmental organizations, and the scientific community at large. The views and comments derived from the review process were considered at the third meeting of the Expert Group. Additional inputs were received during a side-event that was held at the eighteenth session of the UNFCCC Subsidiary Body for Scientific and Technological Advice in June 2003.

113. In response to its mandate, the Ad Hoc Technical Expert Group produced a report (UNEP/CBD/SBSTTA/9/INF/12), together with an executive summary (UNEP/CBD/SBSTTA/9/11), were considered by SBSTTA at its ninth meeting. The full report of the Ad Hoc Technical Expert Group is being made available to the Conference of the Parties in the CBD Technical Series.

114. At its ninth meeting, SBSTTA welcomed the report of the Ad Hoc Technical Expert Group on Biodiversity and Climate Change and commended it to the Conference of the Parties as scientific advice provided in response to paragraphs 11 and 18 of decision V/4, as a basis for future work, and made a number of recommendations to the Conference of the Parties for follow up activities.

115. SBSTTA also requested the Executive Secretary and the Chair of SBSTTA to contact, respectively, the UNFCCC Secretariat and Chair of SBSTA, with a view to bringing the report of the Ad Hoc Technical Expert Group to the attention of the SBSTA of the UNFCCC at its nineteenth session, in December 2003, in order that it may consider its contents.
