



CONVENTION ON BIOLOGICAL DIVERSITY

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REVIEW OF PROCESSES UNDER THE CONVENTION

Note by Executive Secretary

Addendum

REVIEW OF THE PROGRAMMES OF WORK, GUIDANCE AND TOOLS DEVELOPED UNDER THE CONVENTION

I. INTRODUCTION

1. The present addendum to the note by the Executive Secretary on review of processes under the Convention reviews the work undertaken by the Convention, with the exception of the Cartagena Protocol on Biosafety, as it is outside the scope of the Working Group. More specifically, the note assesses how the programmes of work and the tools of the Convention have contributed to its implementation. Section II outlines the work being carried out under the Convention. Section III assesses the thematic programmes of work and Section IV evaluates the tools for implementation developed under the Convention. Recommendations regarding the programmes of work or tools of the Convention are included in the notes by the Executive Secretary on review of processes under the Convention (UNEP/CBD/WG-RI/1/3) and on a framework for monitoring implementation of the Convention and achievement of the 2010 target (UNEP/CBD/WG-RI/1/9).

II. SUMMARY OF WORK BEING CARRIED OUT UNDER THE CONVENTION

2. Since the Convention entered into force, the Conference of the Parties has initiated programmes of work in seven thematic areas:

- (a) Agricultural biodiversity;
- (b) Dry and sub-humid lands biodiversity;
- (c) Forest biodiversity;
- (d) Inland waters biodiversity;

* UNEP/CBD/WG-RI/1/1.

- (e) Island biodiversity;
- (f) Marine and coastal biodiversity;
- (g) Mountain biodiversity.

3. Each programme of work establishes a vision for, and basic principles to guide, future work; sets out key issues for consideration; identifies potential outputs; and suggests a timetable and means for achieving these outputs. Parties, the Secretariat, and relevant organizations contribute to the implementation of the thematic programmes of work, which are periodically reviewed and revised by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the Conference of the Parties.

4. The Conference of the Parties has also initiated work on key cross-cutting issues, which correspond to many of the issues addressed in the Convention's substantive provisions (Articles 6-20) (see table 1). Work on cross-cutting issues serves to support and complement the thematic programmes of work. This work has been undertaken in a variety of ways, through ad hoc working groups, the adoption of programmes of work, or the development of discrete products.

Table 1 Cross-cutting Issues Addressed by the Convention on Biological Diversity

Access to genetic resources and benefit-sharing	Impact assessments
Invasive alien species	Indicators
Biological diversity and tourism	Liability and redress – Article 14(2)
Climate change and biological diversity	Protected areas
Economics, trade and incentive measures	Public education and awareness
Ecosystem approach	Sustainable use of biodiversity
Global Strategy for Plant Conservation	Technology transfer and cooperation
2010 biodiversity target	Traditional knowledge, innovations and practices
Global Taxonomy Initiative	

5. Work on cross-cutting issues has resulted in a number of principles, guidelines, and other tools to facilitate the implementation of the Convention (see table 2). These have been developed on the basis of expert technical and legal advice.

Table 2. Principles, Guidelines, and other Tools Developed under the Convention

<p>Description, Principles, and Operational Guidelines for the Ecosystem Approach (http://www.biodiv.org/programmes/cross-cutting/ecosystem/default.asp)</p> <p>Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization (http://www.biodiv.org/programmes/socio-eco/benefit/bonn.asp)</p> <p>Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (http://www.biodiv.org/programmes/socio-eco/use/addis-principles.asp)</p> <p>Guiding Principles on Invasive Alien Species (http://www.biodiv.org/decisions/?dec=VI/23)</p> <p>Akwé: Kon Voluntary 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 (http://www.biodiv.org/doc/ref/tk-akwe-en.pdf)</p> <p>Guidelines for Incorporating Biodiversity-related Issues into Environmental Impact Assessment Legislation and/or Processes and in Strategic Environmental Assessment (http://www.biodiv.org/decisions/default.aspx?dec=VI/7) further development</p>

Guidelines on Biodiversity and Tourism Development (<http://www.biodiv.org/programmes/socio-eco/tourism/guidelines.asp>)

Proposals for the Design and Implementation of Incentive Measures (<http://www.biodiv.org/programmes/socio-eco/incentives/proposals.asp>) Further Development

Proposals for the Application of Ways and Means to Remove or Mitigate Perverse Incentives (<http://www.biodiv.org/decisions/default.aspx?dec=VII/18>)

2010 Framework (<http://www.biodiv.org/2010-target/default.asp>)

Global Strategy for Plant Conservation (<http://www.biodiv.org/programmes/cross-cutting/plant/default.asp>)

III. ASSESSMENT OF THE PROGRAMMES OF WORK OF THE CONVENTION

6. The thematic programmes of work serve to guide the implementation of the provisions of the Convention by biome. Together, they provide the main framework for implementation of the Convention by Parties; thus, it is important to consider whether they adequately reflect the provisions and objectives of the Convention, as well as whether they effectively contribute to the achievement of those objectives.

7. In general, the programmes of work reflect the objectives and most of the substantive Articles of the Convention (Articles 6-20). While many of the cross-cutting issues are integrated directly into the programmes of work, others, such as access and benefit-sharing (Article 15), respecting, preserving and maintaining traditional knowledge, innovations and practices (Article 8(j)) and biosafety (Article 19), are addressed specifically by working groups (which provide more focused guidance on their implementation) or, in the case of biosafety, through a protocol. The main issues not well addressed by the thematic programmes of work are national biodiversity strategies and action plans (Article 6), liability and redress (Article 14 paragraph 2), public education and awareness (Article 13) and, to a lesser extent, *ex situ* conservation (Article 9), rehabilitation of degraded ecosystems (Article 8(f) and capacity-building (Articles 12, 17 and 18). Although these issues should be integrated into programmes of work, work being undertaken by the Convention on these cross-cutting issues could also be enhanced or prioritized. This is particularly true for national biodiversity strategies and action plans, which have not been comprehensively addressed or assessed, despite being the primary mechanisms for implementation of the Convention (see UNEP/CBD/WG-RI/1/2).

8. The overlap between thematic programmes of work and cross-cutting issues has led some Parties to propose removing all cross-cutting issues from the thematic programmes of work, while others have suggested fully integrating cross-cutting issues into the programmes of work instead of initiating separate work on cross-cutting issues under the Convention. While the viability of each proposal likely varies according to the particular cross-cutting issue, Parties may wish to consider the effectiveness of the system of thematic programmes of work and work on cross-cutting issues once the Convention is further along in its implementation phase and the utility of the system becomes more apparent.

9. The system of thematic programmes of work supports the ecosystem approach to the implementation of the Convention. Programmes of work are organized according to biome. While these programmes address the threats to biodiversity in their particular biome, they often fail to consider the threats from other biomes, including potential future threats, and the impacts activities being undertaken in their biome might have on biodiversity in other biomes. SBSTTA could be requested to identify such threats based on the findings of the Millennium Ecosystem Assessment ^{1/} and as part of the in-depth reviews of thematic programmes of work (see UNEP/CBD/WG-RI/1/9).

10. In order to address the causes of threat, each programme of work must, among other things, seek to engage the sectors operating in, or that impact, their biome, such that sectors are undertaking the activities defined by the programmes of work. While experience suggests that, at the national level, implementation of most of the programmes of work has been undertaken only by national focal points and

^{1/} www.maweb.org.

government environment departments, a few programmes of work, such as the forest programme, have had some success in engaging relevant sectors. Sectoral implementation of the programmes of work could be facilitated by integrating biodiversity considerations into sectoral policies or through collaboration with relevant government agencies, businesses, industry associations and relevant civil-society organizations.

11. A frequently identified obstacle to implementation of the programmes of work is lack of capacity and resources at the national level. This is particularly relevant when considering that many of the programmes of work have grown in size since they were first adopted. Making programmes of work more comprehensive has enabled them to better reflect the provisions and objectives of the Convention and set the global research agenda, but it has also led to competition for limited resources. Although it is ultimately up to Parties to decide how to implement programmes of work, it may be useful for the Conference of the Parties to provide guidance on prioritisation of goals and activities in each programme of work. Such guidance may be easier to develop once goals and targets have been identified for each programme of work.

12. In order to prioritize activities in a thematic programme of work, a gap analysis could be conducted to determine what activities are already being undertaken through other mechanisms, processes and agreements, and where gaps exist. Based on this assessment, as well as consideration of the status and trends of, and threats to, biodiversity, priorities could be defined for the Convention. Prioritization by gap analysis could also help to guide the research and activities of other organizations, institutions and processes. Furthermore, Parties could choose to acknowledge the role of other activities in contributing to the goals of the programme of work and focus primarily on activities that fill gaps. This would help to optimize resource use, reduce the implementation burden on Parties and strengthen cooperation with other international conventions, organizations and processes. Gap analyses could be conducted as part of the in-depth reviews of programmes of work leading up to 2010 (see UNEP/CBD/WG-RI/1/9).

13. Reviewing the impacts and effectiveness of each programme of work is extremely challenging, as implementation occurs at the national level and national reports, when submitted, are often too broad to provide the detailed information necessary to review implementation. In addition, some programmes of work lack goals and targets against which they can be evaluated. Although this situation will improve with the integration of goals, targets and indicators into programmes of work in the lead up to 2010, there is a clear need for guidance on reviewing thematic programmes of work and a revised mechanism for data collection. This issue is more fully addressed in the note by the Executive Secretary on a framework for monitoring and achievement of the 2010 target and review of the thematic programmes of work (UNEP/CBD/WG-RI/1/9).

IV. ASSESSMENT OF THE TOOLS OF THE CONVENTION

14. The principles, guidelines and other tools developed under the Convention aim to facilitate implementation of the Convention by Parties. While there is evidence that the provisions and principles that the tools reflect are being implemented, the degree to which the tools have facilitated such implementation is unclear. This is partially due to the fact that many of the tools have only recently been developed and, it may therefore be premature to assess their effectiveness, and also to the fact that no mechanism for assessing the effectiveness of tools developed under the Convention has been defined.

15. A preliminary analysis of the tools developed prior to the seventh Conference of the Parties (see the annex to the present note), however, suggests that most tools are being used by at least some Parties and have helped to guide the work of biodiversity-related bodies, organizations and institutions.

16. The analysis also suggests that, in many cases, the process of developing principles, guidelines and other tools has helped to develop understanding, clarify misunderstandings and build consensus on how to approach complex problems amongst Parties, as well as amongst relevant institutions, organizations and processes. The tools have also served to raise awareness about biodiversity-related issues and catalyse action outside the formal Convention process. This is particularly true for the 2010

target and framework, which have succeeded in mobilizing individuals, organizations, Governments and other biodiversity stakeholders around a common goal.

17. Conducting gap analyses prior to the development of tools under the Convention could help Parties to determine the need for new tools. It could also assist them to identify useful existing tools that they may wish to endorse instead of developing new ones. This would contribute to optimizing the use of the limited resources available to achieve the objectives of the Convention and to promoting cooperation towards the 2010 target and beyond.

18. In some cases, existing guidelines and tools developed through other processes may be highly useful, but may not adequately reflect the objectives of the Convention. While trying to influence such tools may require ceding ownership over them, for some issues or target audiences, it may have more of an impact on the implementation of the Convention than creating new tools. Integrating biodiversity considerations into existing guidelines and tools, particularly ones developed for, and used by, other sectors, would also contribute to mainstreaming biodiversity.

19. In other cases, however, new tools developed under the Convention will serve to fill a void or help to provide a guiding framework within which more specific tools can be developed or housed.

20. The Conference of the Parties has frequently invited other institutions and organizations to make use of the principles, guidelines and other tools developed under the Convention; however, it has rarely taken measures to actively promote the use of such tools or determine how they are being used by organizations. Principles and guidelines developed under the Convention have the potential to act as international standards. The need for, and potential utility of, such biodiversity-related standards was identified by a number of companies, organizations and institutions, including international financial institutions, at the Business and the 2010 Biodiversity Challenge meeting in London, 20-21 January (see UNEP/CBD/B2010/1/3) and the OECD Workshop on Multilateral Environment Agreements and Private Investment in Helsinki on 16-17 June 2005. Thus, Parties may wish to bear this need in mind when developing and revising principles and guidelines, and request the Executive Secretary to identify ways and means of more actively promote the use of tools developed under the Convention among international organizations and institutions.

21. While there is evidence that the principles, guidelines and other tools developed under the Convention are being used, the Conference of the Parties may wish to conduct a more thorough assessment of the effectiveness of the tools once Parties have had more experience with the tools and time to apply them. Such an assessment could consider, among other things, whether principles and guidelines are being used as international standards by international organizations and institutions, including international financial institutions, and international dispute resolution processes. It could be undertaken with a view to improving existing guidelines, if necessary, and identifying any obstacles to their implementation.

Annex

ANALYSIS OF THE EFFECTIVENESS OF TOOLS DEVELOPED UNDER THE CONVENTION

TOOL	Use of the Tool	Impact of the Tool
Description, Principles, and Operational Guidelines for the Ecosystem Approach	<ul style="list-style-type: none"> Although the ecosystem approach has been widely applied, it is difficult to determine whether the CBD principles were used to guide application, particularly because of the similarities between different approaches. Out of the 14 case-studies in the case-study database on ecosystem management, only 1 refers explicitly to the use of the CBD principles, but all have been implemented in line with the principles. There are some additional examples of the use of the CBD principles in the application of the ecosystem approach. There are references to the CBD principles in literature on the ecosystem approach. 	<ul style="list-style-type: none"> The impact of the tool is unclear. While there are good examples of the effective implementation and success of the ecosystem approach, the role of the CBD principles in the application of the ecosystem approach is unknown.
Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits	<ul style="list-style-type: none"> Several Parties have reported initiatives taken at the national level to implement the Bonn Guidelines. A number of provider countries are in the process of developing their national access and benefit-sharing (ABS) regimes. It is not always clear, however, whether and to what extent the Bonn Guidelines provided assistance in this process. Countries that are largely users of genetic resources have reported a number of initiatives that relate to awareness -raising, public outreach, information exchange and gathering among national stakeholders to create awareness about ABS in general and the Bonn Guidelines in particular. Practical measures to support compliance with the ABS requirements of provider countries have also been reported by some countries, such as the inclusion of ABS requirements as prerequisites for funding and the inclusion in national patent law of a requirement to disclose the origin of genetic resources in patent applications. 	<ul style="list-style-type: none"> Although the Bonn Guidelines have been recognized as a useful tool by Parties, at this early stage of their implementation it is difficult to measure their impact. A number of Parties are either in the process of developing their national access and benefit-sharing systems or are in the process of creating awareness to ABS at the national level among their stakeholders.
Guiding Principles on Invasive Alien Species	<ul style="list-style-type: none"> The Guiding Principles are referenced and considered by other international bodies, such as the International Plant Protection Convention. There is discussion on the Guiding Principles in relevant literature. 	<ul style="list-style-type: none"> It is too early to tell whether the principles have been operationalized.

Guidelines for Incorporating Biodiversity-related Issues into Environmental Impact Assessment Legislation and/or Processes and in Strategic Environmental Assessment	<ul style="list-style-type: none"> • Informal discussion has suggested that the guidelines are being used to develop legislation and processes. • The disconnect between CBD focal points and impact assessment practitioners suggests that the guidelines do not always reach practitioners. Guidelines are being promoted to, and advertized at meetings of, practitioners. 	<ul style="list-style-type: none"> • The impact of the guidelines is difficult to determine without a significant number of case-studies; however, lack of impact is likely a result of economic or political decisions taking precedence over environmental considerations and not the quality of the guidelines. • It is too early to tell whether legislation developed taking into account the guidelines is having an impact.
Proposals for the Design and Implementation of Incentive Measures	<ul style="list-style-type: none"> • There are several examples of incentive measures that support the objectives of the Convention. While some references to the proposals developed under the Convention have been made, the degree to which those proposals are being used is less clear. 	<ul style="list-style-type: none"> • The process of developing the proposals has helped to enhance understanding of, and build consensus on, how to design and implement incentive measures. • As the proposals were adopted at the sixth meeting of the Conference of the Parties, it is too early to provide a clear picture of their impact on the implementation of the Convention.
2010 Framework (goals, targets, indicators)	<ul style="list-style-type: none"> • The 2010 target was endorsed by Ministers at the World Summit on Sustainable Development and the United Nations General Assembly. • The framework of indicators was adapted for use by the European Union, as part of the Pan-European Biological and Landscape Diversity Strategy and by the Arctic Council through the Conservation of Arctic Flora and Fauna (CAFF). • Many biodiversity-related conventions and civil society organizations are using or building on elements of the framework. • The 2010 target and associated framework have been referenced frequently in relevant literature. 	<ul style="list-style-type: none"> • The 2010 target and framework have served to provide a focus for the conservation community, governments, donor organizations, the public and other institutions and organizations involved in biodiversity-related issues. It has mobilized resources, brought these various groups together and provided a framework and common goal around which they can develop programmes and define activities. • The framework has marshalled information for assessing progress towards the 2010 target. This began immediately following its conception.
Global Strategy for Plant Conservation	<ul style="list-style-type: none"> • A number of countries have developed their own strategies for plant conservation based on the Global Strategy. • Several organizations have joined the partnership and are participating in implementing the strategy. • The International Agenda for Botanic Gardens is in line with the Global Strategy. 	<ul style="list-style-type: none"> • The Global Strategy has brought a diverse range of organizations, institutions, initiatives and governments together to work towards, and focus their resources on, a common set of goals. It has also strengthened links between the work of the botanical community and the objectives of the Convention. • Progress has been made towards targets 1, 2 and 8, as well as some of the other targets that can be achieved through the work of relevant organizations and institutions. • Progress towards targets that require implementation by Parties is unclear.
