

SECTION VI

GUIDE TO DECISIONS

Guide to Decisions

PREAMBLE

The Contracting Parties,

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Affirming that the conservation of biological diversity is a common concern of humankind,

Reaffirming that States have sovereign rights over their own biological resources,

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,

Concerned that biological diversity is being significantly reduced by certain human activities,

Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,

Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,

Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,

Noting further that the fundamental requirement for the conservation of biological diversity is the *in situ* conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

Noting further that *ex situ* measures, preferably in the country of origin, also have an important role to play,

Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,

Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation,

Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,

Acknowledging that the provision of new and additional financial resources and appropriate access to relevant technologies can be expected to make a substantial difference in the world's ability to address the loss of biological diversity,

Acknowledging further that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,

Noting in this regard the special conditions of the least developed countries and small island States,

Acknowledging that substantial investments are required to conserve biological diversity and that there is the expectation of a broad range of environmental, economic and social benefits from those investments,

Recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries,

Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential,

Noting that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,

Desiring to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components, and

Determined to conserve and sustainably use biological diversity for the benefit of present and future generations,

Have agreed as follows:

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biological resources,” “ecosystem,” “genetic resources,” “habitat,” “*in situ* conservation,” “sustainable use” and “technology.”

CONSIDERATION OF THE PREAMBLE BY THE COP

To date, the COP has not specifically addressed the Preamble. Several decisions make reference to the Preamble of the Convention.

References

OTHER RELEVANT DECISIONS

Decision VI/23,* annex, guiding principles 1 and 10 (Alien species that threaten ecosystems, habitats or species).

ARTICLE 1 | Objectives

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “sustainable use,” “genetic resources” and “technology.”

* One representative entered a formal objection during the process leading to the adoption of this decision and underlined that he did not believe 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 the decision. See UNEP/CBD/COP/6/20, paras. 294-324. This footnote applies to all references to decision VI/23 in this Handbook.

CONSIDERATION OF ARTICLE 1 BY THE COP

Most COP decisions address at least one of the threefold objectives of the Convention. Specific reference to the Convention's objectives can be found in many COP decisions.

References

Relevant decisions have not been listed separately here.

ARTICLE 2 | Use of Terms

For the purposes of this Convention:

"Biological diversity" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"Biological resources" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"Biotechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"Country of origin of genetic resources" means the country which possesses those genetic resources in *in situ* conditions.

"Country providing genetic resources" means the country supplying genetic resources collected from *in situ* sources, including populations of both wild and domesticated species, or taken from *ex situ* sources, which may or may not have originated in that country.

"Domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs.

"Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"Ex situ conservation" means the conservation of components of biological diversity outside their natural habitats.

"Genetic material" means any material of plant, animal, microbial or other origin containing functional units of heredity.

"Genetic resources" means genetic material of actual or potential value.

"Habitat" means the place or type of site where an organism or population naturally occurs.

"In situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"In situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"Protected area" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

"Regional economic integration organization" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

"Sustainable use" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"Technology" includes biotechnology.

Notes

TERMS DEFINED IN ARTICLE 2

Cross-references to terms defined in Article 2 are given as appropriate under the specific articles and thematic areas dealt with in this section of the Handbook.

CONSIDERATION OF ARTICLE 2 BY THE COP

The COP has not specifically considered Article 2; but several COP decisions make reference to Article 2. In addition, the COP has provided a definition of many terms used in several COP decisions, notably concerning the Cartagena Protocol on Biosafety, the rules of procedure, the ecosystem approach, indicators, monitoring and assessment, invasive alien species, traditional knowledge, sustainable use, access to genetic resources and benefit-sharing, liability and redress, and forests.

For the purposes of the rules of procedure, COP 1 defined “Convention,” “Parties,” “Conference of the Parties,” “Meeting,” “regional economic integration organization,” “President,” “Secretariat,” and “subsidiary bodies” [*decision I/1, annex, rule 2*]. In adopting the Cartagena Protocol on Biosafety, the first extraordinary meeting of the COP adopted definitions of the following terms: “Conference of the Parties,” “contained use,” “export,” “exporter,” “import,” “importer,” “living modified organism,” “living organism,” “modern biotechnology,” “regional economic integration organization,” and “transboundary movement” [*decision EM-I/3, annex, Article 3*].

COP 3 endorsed SBSTTA recommendation II/1 concerning indicators, monitoring and assessment of biological diversity. The SBSTTA recommendation accorded definitions and clarification of terms a high priority. COP 3 instructed SBSTTA to provide scientific advice and further guidance, through its thematic work on ecosystems, to the fourth meeting of the Conference of the Parties, and to assist in the national elaboration of Annex I of the Convention, using as guidance the elaboration of the terms as set out in paragraphs 12–29 of document UNEP/CBD/ COP/3/12 [*decision III/10, paragraphs 2 and 9(a)*]. COP 6 adopted definitions of “environmental impact assessment” and “strategic environmental assessment.” It also determined that the definition of the term “environment” in national legislation and procedures should fully incorporate the concept of biological diversity as defined by the Convention, such that plants, animals and micro-organisms are considered at the genetic, species/community and ecosystem/habitat levels, and also in terms of ecosystem structure and function [*decision VI/7, annex, paragraphs 1 and 4*].

In considering the ecosystem approach, COP 5 clarified that its focus on structure, processes, functions and interaction is consistent with the definition of “ecosystem” provided in Article 2. However, it also pointed out that the definition provided in Article 2 does not specify any particular spatial unit or scale, in contrast to the Convention definition of “habitat” [*decision V/6, annex, paragraph 3*]. Thus, the term “ecosystem” does not necessarily correspond to the terms “biome” or “ecological zone,” but can refer to any functioning unit at any scale. It could, for example, be a grain of soil, a pond, a forest, a biome or the entire biosphere.

To elaborate guiding principles for the prevention, introduction and mitigation of impacts of alien species, COP 5 provided definitions for “alien” or “alien species”; and “alien invasive species” [*decision V/8, annex I, preamble*]. COP 6 further provided definitions for the following terms: “alien species,” “invasive alien species,” “introduction,” “intentional introduction,” “unintentional introduction,” “establishment” and “risk analysis” [*decision VI/23, annex*].

COP 5 requested the Working Group on Article 8(j) and Related Provisions of the Convention to develop guidelines that will assist Parties and Governments in the development of definitions of relevant key terms and concepts in Article 8(j) and related provisions [*decision V/16, annex, task 12*]. COP 6 further noted, that to date, no definition of what or who constitutes an indigenous or local community embodying a traditional lifestyle has been advanced for the purposes of the Convention. A possible working definition, and use of terms for the purpose of the composite report to be prepared, must respect the diversity, in all aspects, of indigenous and local communities [*decision VI/10, annex I, paragraph 13*].

With respect to the term “sustainable use,” COP 5 considered that the definition of sustainable use provided in Article 2 is consistent with the concept of sustainable development as elaborated in the Rio Declaration on Environment and Development and Agenda 21, whereby “sustainable development” means meeting the needs and aspirations of the current generations without compromising the ability to meet those of future generations [*decision V/25, annex, paragraph 1*]. Sustainable development cannot be achieved without the sustainable use of the world’s biological resources.

COP 5 noted that there is a particular need for more information regarding clarification of definitions concerning access and benefit sharing. COP 6 decided to reconvene the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to advise the Conference of the Parties on, among others, use of terms, definitions and/or glossary, as appropriate. It was also adopted that the terms as defined in Article 2 of the Convention shall apply to the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising Out of Their Utilization [*decision VI/24/A, paragraph 8, annex, section B*]. COP 7 invited Parties, relevant organizations, indigenous and local communities, and all relevant stakeholders, to provide information to the Secretariat on existing definitions of the following terms: “access to genetic resources,” “benefit-sharing,” “commercialization,” “derivatives,” “provider,” “user,” “stakeholder,” “*ex situ* collection” and “voluntary nature.” They were also invited to provide their views on whether additional terms need to be considered. The Executive Secretary is to compile this information for consideration by the Working Group on ABS at its third meeting [*decision VII/19B*].

Under liability and redress, COP 6 requested the Executive Secretary to convene a group of legal and technical experts to clarify basic concepts, and develop 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”).

COP 6 took note of the report of the Expert Meeting on Harmonization of Forest-related Definitions, held in Rome in January 2002, and decided to review and contribute (from the biodiversity point of view) to stand-forest definitions in

cooperation with the United Nations Forum on Forests and the Collaborative Partnership on Forests, to be used in global and regional reporting to the scale of forest types [*decision VI/2, paragraph 8, and programme element 3, objective 1*].

At COP 7, the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Development 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, were endorsed. For the purpose of the Guidelines, the following terms were defined: “cultural impact assessment,” “cultural heritage impact assessment,” “customary law,” “environmental impact assessment,” “sacred site,” “social impact assessment”, “strategic environmental assessment” and “traditional knowledge” [*decision VII/16, annex, guidelines, section F, section II*].

References

OTHER RELEVANT DECISIONS

Decision I/1, annex, rule 2 (Rules of procedure for the Conference of the Parties)
Decision EM-I/3, annex, Article 3 (Adoption of the Cartagena Protocol and interim arrangements)

Decision II/9, annex, paragraph 12 (Forests and biological diversity)

Decision III/10, paragraphs 2 and 9(a) (Identification, monitoring and assessment)

Decision V/6, annex, paragraph 3 (Ecosystem approach)

Decision V/8, annex I, preamble (Alien species that threaten ecosystems, habitats or species)

Decision V/16, annex, task 12 (Article 8(j) and related provisions)

Decision V/25, annex, paragraph 1 (Biological diversity and tourism)

Decision V/26, paragraph 12(f) (Access to genetic resources)

Decision VI/7, annex, paragraphs 1 and 4 (Identification, monitoring, indicators and assessments)

Decision VI/10, annex I, paragraph 13 (Article 8(j) and related provisions)

Decision VI/11, paragraphs 1(a) and 2 (Liability and redress)

Decision VI/22, paragraph 8, programme element 3, objective 1 (Forest biological diversity)

Decision VI/23, annex, footnote (Alien species that threaten ecosystems, habitats or species)

Decision VI/24 A, paragraph 8; annex, section B (Access and benefit-sharing as related to genetic resources)

Declarations

Argentina (adoption) and Peru (adoption)

Documents

UNEP/CBD/COP/3/12—Options for implementing Article 7 of the Convention.

UNEP/CBD/SBSTTA/3/7—Identification and monitoring of components of biological diversity of inland water ecosystems: consideration of Article 7 and elaboration of terms in Annex I of the Convention.

UNEP/CBD/COP/6/INF/26—Report on the expert meeting on harmonization of forest-related definitions for use by various stakeholders, Rome, 23–25 January 2002.

ARTICLE 3 | Principle

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Notes

CONSIDERATION OF ARTICLE 3 BY THE COP

Article 3 reaffirms two fundamental principles of international law: State sovereignty over natural resources and State responsibility with respect to transboundary environmental harm.

Reference to Article 3 can be found in COP decisions concerning marine and coastal biological diversity, alien species and liability and redress.

In this regard, COP 6 mandated the group of legal and technical experts on liability and redress under the Convention to consider in its work, *inter alia*, preventive measures on the basis of the responsibility recognized under Article 3 of the Convention [*decision VI/11*]. COP 7 invited Parties and other States to identify activities and processes under their jurisdiction or control, which may have significant adverse impact on deep seabed ecosystems and species beyond the limits of national jurisdiction, in order to address Article 3 of the Convention [*decision VII/5*].

References

OTHER RELEVANT DECISIONS

Decision V/8, annex I, guiding principle 4 (Alien species)

Decision VI/11, paragraph 1(e) (Liability and redress (Article 14, paragraph 2))

Decision VI/23, annex, introduction, paragraph 2 (Alien species that threaten ecosystems, habitats or species)

Decision VII/5, paragraph 56 (Marine and coastal biological diversity)

Declarations

Colombia (adoption), France (signature), Sudan (ratification) and UK (signature and ratification)

ARTICLE 4 | Jurisdictional scope

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and

(b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity.”

CONSIDERATION OF ARTICLE 4 BY THE COP

To date, the COP has not specifically addressed this article; although, the COP did reaffirm that human genetic resources are not included within the framework of the Convention [*decision III/11, paragraph 2*]. Also note, that upon ratification, Chile declared that certain exotic species were not within the scope of the Convention.

ARTICLE 5 | Cooperation

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “sustainable use.”

CONSIDERATION OF ARTICLE 5 BY THE COP

The COP has addressed this Article substantively only in relation to marine protected areas (MPAs) beyond national jurisdiction. In this regard, COP 7 mandated the Ad Hoc Working Group on Protected Areas to explore options for cooperation for the establishment of MPAs in marine areas beyond the limits of national jurisdiction, consistent with international law, including UNCLOS, and based on scientific information. The COP has also, through the years, made a number of references to bilateral, regional and international cooperation between Parties in its decisions, particularly at COP 5, COP 6 and COP 7. The list of references below includes only references to cooperation between Parties (directly or, where appropriate, through competent international organizations) in respect of areas beyond national jurisdiction, or on other matters of mutual interest. It does not include COP

decisions on cooperation with other biodiversity-related conventions, processes and organizations, which are addressed in the guide to Article 24 later in this section of the Handbook.

References

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision IV/4, paragraph 7(b); annex I, section A, paragraphs 9(k) and 18 (Inland waters)

Decision IV/5, annex, paragraph 11 (Marine and coastal)

Decision IV/7, annex, paragraph 15 (Forests)

Decision V/23, paragraph 3; annex I, section II, part B, activity 8(d) (Dry and sub-humid lands)

Decision VI/22, paragraphs 18 and 33 (Forests)

Decision VII/28, paragraph 29; annex (Protected areas)

OTHER RELEVANT DECISIONS

Decision III/7, paragraph 2 (Consideration of Articles 6 and 8)

Decision III/9, paragraph 1 (Implementation of Articles 6 and 8)

Decision IV/1 D, annex, paragraph 9 (Taxonomy)

Decision IV/15, paragraph 6 (Cooperation)

Decision V/6, paragraph 7; annex, section C, paragraph 12 (Ecosystem approach)

Decision V/7, paragraph 2 (Identification, monitoring and assessment, and indicators)

Decision V/8, paragraph 7; annex I, section B, guiding principle 9; annex II, paragraph 4(a) (Alien species)

Decision V/20, paragraphs 33 and 40 (Operations of the Convention)

Decision VI/7 A, annex, paragraph 42; decision VI/7 B, paragraph 4(d) (Identification, monitoring, indicators and assessments)

Decision VI/9, annex, paragraph 20 (Global Strategy for Plant Conservation)

Decision VI/11, paragraph 3 (Liability and redress (Article 14, paragraph 2))

Decision VI/23, paragraph 10(g) (Alien species)

Decision VI/27 B, paragraph 11(b) (Operations of the Convention)

ARTICLE 6 | General measures for conservation and sustainable use

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

- (a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, *inter alia*, the measures set out in this Convention relevant to the Contracting Party concerned; and
- (b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Editors' note: Implementation of Article 6(b), in particular with respect to procedures for mainstreaming, is closely linked to the development and implementation of Articles 10(a) and 14.1.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “sustainable use.”

CONSIDERATION OF ARTICLE 6 BY THE COP

Background and status

As part of its medium-term programme of work, the COP decided to address Article 6 for the first time at COP 2 [*decision I/9*], where it adopted decision II/7 entitled “Consideration of Articles 6 and 8 of the Convention.” It urged exchange of information and sharing of experiences on implementation of Articles 6 and 8, and asked the Secretariat to make such information and experiences available through the clearing-house mechanism (CHM) [*decision II/7, paragraphs 1 and 3*]. COP 3 adopted decision III/9 on the implementation of Articles 6 and 8 of the Convention. In adopting the Strategic Plan for the Convention at COP 6, Parties committed to integrating measures for conservation and sustainable use into relevant sectoral plans, programmes and policies, at the regional and global levels [*decision VI/26, annex*]. This commitment was further developed at COP 7, where Parties were invited to integrate goals and targets into these sectoral plans, programmes and policies [*decision VII/30, paragraph 15*].

COP guidance

Guidance to Parties

The COP has provided specific additional guidance to Parties in relation to Article 6. For example, it has encouraged Parties, *inter alia*, to:

- take into account guidelines, such as those provided in *National Biodiversity Planning* published by UNEP, World Resources Institute and IUCN,⁴¹ when preparing and implementing their national strategies and action plans to collaborate with relevant organizations [*decision II/7, paragraph 5*];
- include in their national plans, strategies or legislation measures for *in situ* and *ex situ* conservation, sectoral integration of biodiversity considerations and equitable sharing of benefits from the use of genetic resources [*decision III/9, paragraph 2*];
- set measurable targets to achieve biodiversity conservation and sustainable use objectives [*decision III/9, paragraph 5*];
- develop national strategies, programmes and plans which are in accordance with general principles for sustainable use, and integrate with other plans, programmes and projects relating to the conservation and sustainable use of other terrestrial, freshwater, coastal and marine ecosystems [*decision III/11, paragraph 15*];
- ensure that the conservation and sustainable use of wetlands, and of migratory species and their habitats, are fully incorporated into national strategies, programmes and plans [*decision III/21, paragraph 8*];

41 Miller, K R and Lanou, SM (1995) *National Biodiversity Planning: Guidelines Based on Early Experiences Around the World*. World Resources Institute/UNEP/IUCN, Washington, DC.

- develop national strategies, plans and programmes in order to promote the conservation and sustainable use of marine and coastal biological diversity [*decision IV/5, annex, paragraph 10*];
- support the development of national strategies and programmes, and to promote the integration of biological diversity concerns in sectoral and cross-sectoral plans, programmes and policies for the biological diversity of dry and sub-humid lands, in furtherance of the general principles for sustainable use [*decision V/23, annex 1, paragraph 2(f)*];
- give priority to the integration of the conservation and sustainable use of biological diversity, as well as benefit-sharing, into relevant sectoral or cross-sectoral plans, programmes and policies, in accordance with general principles for sustainable use [*decision VI/27, paragraph 2(b)*];
- initiate a process for the implementation of the Addis Ababa Principles and Guidelines for the sustainable use of biological diversity, in accordance with article 10 of the convention, and in line with the general principles for sustainable use.

The COP has also requested Parties to integrate elements of all the thematic work programmes into their national strategies and sectoral plans, and has also stressed the need for cross-border coordination of national strategies, and the importance of regional and international cooperation for implementation of Article 6 [*decision II/7, paragraph 2; decision III/9, paragraph 1*]. Implementation of Article 6 was the focus of the first national reports by Parties, submitted in accordance with Article 26 [*decision II/17, paragraph 3*].

In addition to urging Parties, who had not already done so, to develop and adopt their national strategies and action plans in accordance with Article 6 [*decision VI/27 A, 2(a)*], COP 6 urged Parties, States, intergovernmental organizations and other organizations, to review their activities, especially their national strategies and action plans, on the basis of the Strategic Plan for the Convention adopted by the meeting [*decision VI/26, paragraph 3*]. The Strategic Plan provides guidance on review and evaluation, and on national implementation and National Biodiversity Strategy and Action Plans (NBSAPS) [*decision VII/30, paragraphs 15, 16, 18 and 24*].

Financial mechanism and resources

COP 2 emphasized the importance of capacity-building and the availability of adequate financial resources, and requested the financial mechanism to facilitate urgent implementation of Article 6 (and Article 8), by making resources available to developing countries in a flexible and expeditious manner [*decision II/6, paragraph 5; decision II/7, paragraph 6*].

Accordingly, the Global Environment Facility (GEF) provides funding for enabling activities. The GEF Operational Strategy defines enabling activities in biodiversity as:

“[Activities] that prepare the foundation to design and implement effective response measures to achieve Convention objectives. They will assist recipient countries to develop national strategies, plans or programs referred to in Article 6 of the Convention on Biological Diversity, and to identify components of biodiversity together with processes and activi-

ties likely to have significant adverse impacts on conservation and sustainable use of biodiversity pursuant to Article 7 of the Convention on Biological Diversity. They will normally involve the review and assessment of information and will assist a recipient country to gain a better understanding of the nature and scope of its biodiversity assets and issues as well as a clearer sense of the options for the sustainable management and conservation of biodiversity. Enabling activities include supporting country-driven activities for taking stock of or inventorying biodiversity based on national programs and relying on studies, without new primary research; identifying options and establishing priorities to conserve and sustainably use biodiversity; preparing and developing biodiversity planning exercises, such as national strategies, action plans and sectoral plans; and disseminating of information through national communications to the Convention on Biological Diversity.”

How this goal is operationalized is laid out in the GEF’s *Operational Criteria for Enabling Activities: Biodiversity*.⁴² In response to the emphasis that the COP placed on capacity-building needs and identifying those needs, the GEF Council revised the operational criteria at its 13th meeting (see *Guidelines for Additional Funding of Biodiversity Enabling Activities (Expedited Procedures)*, GEF, issued in February 2000).⁴³ These were revised again in October 2000 in the light of guidance from COP 5 (see *Revised Guidelines for Additional Funding of Biodiversity Enabling Activities (Expedited Procedures)*),⁴⁴ in particular, to support the production of the second national report of Parties.

The Strategic Plan [*decision VII/3, paragraph 1(g)*] recognizes “mobilizing financial and technical resources” as a focal area for implementing the Convention and the Strategic Plan, and invites developed country Parties to continue to provide support to developing country parties [*decision VII/30, paragraph 21*].

References

DECISIONS ON ARTICLE 6

Decision II/7, (Consideration of Articles 6 and 8)
Decision III/9, (Implementation of Articles 6 and 8)

GUIDANCE TO PARTIES

National action

Decision II/7, paragraph 5 (Consideration of Articles 6 and 8)
Decision II/10, paragraph 3 (Marine and coastal)
Decision III/9, paragraphs 1–3, 5 and 6 (Implementation of Articles 6 and 8)
Decision III/11, paragraphs 15 and 16 (Agriculture)

42 GEF (2000) *Operational Criteria for Enabling Activities: Biodiversity*. Global Environment Facility, Washington, DC.

43 GEF (February 2000) *Guidelines for Additional Funding of Biodiversity Enabling Activities (Expedited Procedures)*. Global Environment Facility, Washington, DC.

44 GEF (October 2000) *Revised Guidelines for Additional Funding of Biodiversity Enabling Activities (Expedited Procedures)*. Global Environment Facility, Washington, DC.

- Decision III/18, paragraph 4 (Incentive measures)
- Decision III/21, paragraph 8 (Cooperation)
- Decisions IV/1 A–D, annex, paragraph 11(j) (Taxonomy)
- Decision IV/1 C, paragraph 4 (Alien species)
- Decision IV/4, paragraph 5; annex I, paragraph 9(a) (Inland water)
- Decision IV/5, annex, section B, paragraph 10 (Marine and coastal)
- Decision IV/10 B, paragraph 1(a) (Public education and awareness)
- Decision V/4, paragraph 8 (Forests)
- Decision V/5, annex, section B, programme element 4 (Agriculture)
- Decision V/6, annex, section C, paragraph 12 (Ecosystem approach)
- Decision V/8, paragraph 6; annex I, section C, guiding principle 11, paragraph 2 (Alien species)
- Decision V/17, paragraph 6 (Education and public awareness)
- Decision V/18 I, paragraph 2(a) (Impact assessment, liability and redress)
- Decision V/26 A, paragraph 3 (Access to genetic resources)
- Decision VI/5, paragraph 3 (Agricultural biological diversity)
- Decision VI/10, paragraphs 16, 27, 33, 41, 42, 43 and 44(b) (Article 8(j) and related provisions)
- Decision VI/9, paragraphs 4 and 9 (Global Strategy for Plant Conservation)
- Decision VI/11, paragraph 3 (Liability and redress)
- Decision VI/12, paragraph 4 (Ecosystem approach)
- Decision VI/15, annex II, paragraphs 5, 6, 7, 8, 12, 13, 16 and 20 (Incentive measures)
- Decision VI/16, paragraph 8 (Additional financial resources)
- Decision VI/20, paragraph 8 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/21, paragraph 4 (Annex to the Hague Ministerial Declaration)
- Decision VI/22, paragraphs 11, 28, 29 and 35 (Forest biological diversity)
- Decision VI/23, paragraphs 10, 12(d), and 18(a) (Alien species)
- Decision VI/25, paragraph 4 (National reports)
- Decision VI/26, paragraph 3 (Strategic Plan)
- Decision VI/27 A, paragraphs 2, 3, 9, 11 and 12 (Implementation of the Convention)
- Decision VI/27 B, paragraphs 11(b) and (d) (Operation of the Convention)
- Decision VII/3, paragraph 10 (Mainstreaming agricultural biodiversity in plans, programmes and strategies)
- Decision VII/4, paragraph 10 (Inland water ecosystems)
- Decision VII/5, paragraphs 26 and 44 (Marine and coastal biodiversity)
- Decision VII/12, paragraph 2 (Sustainable use)
- Decision VII/27, paragraphs 3, 4, 5, 8 and 9 (Mountain biological diversity)
- Decision VII/28, paragraphs 5, 14, 20, 22, 23, 24, 29 and 32 (Protected areas)
- Decision VII/30, paragraphs 15, 16, 18 and 20 (Strategic Plan: future evaluation of progress)

INFORMATION AND CASE-STUDIES

- Decision II/7, paragraph 1 (Consideration of Articles 6 and 8)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision I/2, annex I, paragraph 4(b) (Financial mechanism and resources)
Decision II/6, paragraph 5 (Financial mechanism and resources)
Decision II/7, paragraph 6 (Consideration of Articles 6 and 8)
Decision III/8, annex, paragraph 5.1(d) (Memorandum of understanding between the COP and the GEF Council)
Decision III/9, paragraph 4 (Implementation of Articles 6 and 8)
Decision IV/4, paragraph 6 (Inland water)
Decision IV/13, paragraph 3 (Additional guidance to the financial mechanism)
Decision V/13, paragraph 2(n) (Further guidance to the financial mechanism)
Decision VI/10, paragraphs 18 and 42 (Article 8(j) and related provisions)
Decision VI/12, paragraphs 2(b) and 4 (Ecosystem approach)
Decision VI/16, preambular paragraphs 3 and 7(a) (Additional financial resources)
Decision VI/17, paragraphs 10(a), (k), (m) and (n) (Financial mechanism under the Convention)
Decision VI/21, annex, paragraphs 19, 20 and 23 (m) (Annex to the Hague Ministerial Declaration)
Decision VI/22, annex, programme element 2, goal 1, objective 2(g) (Forest biological diversity)
Decision VI/23, paragraph 34 (Alien species)
Decision VI/26, annex, section C, goal 2 (Strategic Plan)
Decision VI/27 A, paragraphs 4, 5, 6, 8, 10 and 11; annex, section B, paragraphs 11 (c) and 12 (Operations of the Convention)
Decision VII/28, paragraph 12 (Protected areas)
Decision VII/29, annex (Programme of work on technology transfer and technological, and scientific cooperation)
Decision VII/30, paragraphs 3(g) and 21 (Strategic Plan: future evaluation of progress)

Other financial resources

- Decision V/11, paragraph 11 (Additional financial resources)
Decision VII/2, paragraph 7 (Financial technological and human resources)
Decision VII/27, paragraph 7 (Financial assistance, training and support)
Decision VII/29, paragraph 11 (Transfer of technology and technology cooperation)

GUIDANCE TO THE SECRETARIAT

- Decision II/7, paragraphs 3, 4 and 7 (Consideration of Articles 6 and 8)
Decision III/9, paragraph 7 (Implementation of Articles 6 and 8)
Decision III/14, paragraph 10 (Implementation of Article 8(j))
Decision IV/2, paragraph 5(a) (Clearing-house mechanism)
Decision IV/15, paragraph 6 (Cooperation)
Decision VI/4, paragraph 2 (Biological diversity of dry and sub-humid lands)
Decision VI/10 F, paragraph 35 (Article 8(j) and related provisions)
Decision VI/11, paragraph 2 (Liability and redress)
Decision VI/12, paragraphs 2(b) and (c) (Ecosystem approach)
Decision VI/19, paragraph 4(b) (CEPA)

- Decision VI/20, paragraph 21 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/22, paragraphs 19 and 36 (Forest biological diversity)
- Decision VI/25, paragraphs 3(a) and (d)(ii) and (iv) (National reports)
- Decision VI/26, paragraph 4 (Strategic Plan)
- Decision VI/27 A, paragraph 13; Decision VI/27 B, paragraph 11(a) (Operations of the Convention)
- Decision VI/28, paragraph 1 (Multi-year programme of work)
- Decision VII/2, paragraph 4 (Targets for implementation of programme of work on dry and sub-humid lands)
- Decision VII/4, paragraph 14 (Inland water ecosystems)
- Decision VII/28, paragraph 28 (Open-ended working group)
- Decision VII/29, paragraph 15 (Transfer of technology and technology cooperation)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision III/21, paragraph 8 (Cooperation)
- Decision IV/5, annex, section C, operational objectives 1.1 and 1.2 (Marine and coastal)
- Decision IV/7, annex, section II, paragraphs 19 and 20 (Forests)
- Decision IV/15, paragraph 6 (Cooperation)
- Decision V/19, paragraph 10 (National reports)
- Decision V/23, annex I, activity 8(e) (Dry and sub-humid lands)
- Decision VI/4, paragraph 2 (Biological diversity of dry and sub-humid lands)
- Decision VI/6, paragraph 2 (The International Treaty on Plant Genetic Resources for Food and Agriculture)
- Decision VI/10, ninth preambular paragraph, paragraphs 17, 33, 36 and 42 (Article 8(j) and related provisions)
- Decision VI/11, paragraph 3 (Liability and redress)
- Decision VI/12, paragraphs 2(b) and 4 (Ecosystem approach)
- Decision VI/15, annex II, paragraphs 13, 14 and 15 (Incentive measures)
- Decision VI/16, paragraph 8 (Additional financial resources)
- Decision VI/19, paragraph 4(b) (CEPA)
- Decision VI/20, paragraph 8 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/21, annex, paragraphs 15, 23(k), (l) and (m) (Annex to the Hague Ministerial Declaration)
- Decision VI/22, paragraphs 19(b), 29, 35 and 36; annex, subparagraph (f) of the introduction, programme element 2, goal 1, objective 2(h) (Forest biological diversity)
- Decision VI/23, paragraphs 11 and 18(a) (Alien species)
- Decision VI/26, annex, section C, goal 1 (Strategic Plan)
- Decision VI/27 A, paragraphs 3, 4, 10 and 11; Decision VI/27 B, paragraph 11 (Operations of the Convention)
- Decision VII/1, paragraph 8 (Continued collaboration on forest biological diversity)
- Decision VII/2, paragraphs 5 and 6 (Synergistic implementation, review action plans)
- Decision VII/3, paragraph 12 (Third national report)
- Decision VII/4, paragraphs 3 and 5 (Inland water ecosystems)

- Decision VII/5, paragraph 54 (Marine and coastal biological diversity)
- Decision VII/26, (Cooperation with other conventions and international organizations and initiatives)
- Decision VII/27, paragraph 11 (Programme of work on mountain biological diversity)
- Decision VII/28, paragraphs 36 (Implementation programme of work on protected areas) and 37(b) (Roster of experts in collaboration with IUCN)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/9, annex, paragraph 10 (Forests—Statement to IPF)
- Decision II/10, paragraph 3 (Marine and coastal)
- Decision III/11, paragraphs 14–16 (Agriculture)
- Decision III/12, paragraph 6(b); annex, paragraph (b) (Forests)
- Decision IV/7, annex, paragraphs 3(a), 11–13, 18–20 and 37 (Forests)
- Decision IV/4, paragraphs 5 and 6; annex I, section A, paragraph 9(a) (Inland waters)
- Decision IV/5, annex, B, paragraph 10; annex, section C, operational objectives 1.1 and 1.2 (Marine and coastal)
- Decision V/2, paragraph 8 (Inland waters)
- Decision V/4, paragraph 8 (Forests)
- Decision V/5, annex, section A, paragraphs 3(a) and 4; annex, section B, programme element 3, activity 3.3; programme element 4 (Agriculture)
- Decision V/23, annex I, section I, paragraph 2(f); annex I, section II, part B, activity 8, paragraph (e) (Dry and sub-humid lands)
- Decision VI/2 (Inland waters)
- Decision VI/3 (Marine and coastal)
- Decision VI/4 (Dry and sub-humid lands)
- Decision VI/5 (Agriculture)
- Decision VI/8 I, paragraph 4; annex II, section A, paragraph 14 (a) (Global Taxonomy Initiative)
- Decision VI/9, annex, section D, paragraph 14, (a) and (b); annex, section E, paragraph 16, appendix, targets 14 and 16 (Global Strategy for Plant Conservation)
- Decision VI/12 in its entirety, especially third preambular paragraph (Ecosystem approach)
- Decision VI/22 (Forest biological diversity)
- Decision VI/25, paragraph 4 (National reports)

OTHER RELEVANT DECISIONS

- Decision II/17, paragraph 3 (National reports)
- Decision III/10, paragraph 5 (Identification, monitoring and assessment)
- Decision III/19, annex, paragraph 24(b) (Statement to UNGA Special Session)
- Decision IV/14, annex, paragraph 3 (National reports)
- Decision V/15, paragraph 2(e) (Incentive measures)
- Decision V/20, paragraph 38(c) (Operations of the Convention)
- Decision VI/5, annex II, element 4 (Agricultural biological diversity)
- Decision VI/7 A, annex, paragraphs 6, 7, 15 and 24 (Identification, monitoring, indicators and assessments)

- Decision VI/8, annex, operational objectives 1, 1.1(i), (ii), (iii), (vii) and 1.2(v) (Global Taxonomy Initiative)
- Decision VI/10, annex I, paragraphs 3, 5, 11, 15, 21, 22, 26 and 28(c); annex II, paragraph 17 (Article 8(j) and related provisions)
- Decision VI/11, preambular paragraph 3 (Liability and redress)
- Decision VI/13, preambular paragraph 4 (Sustainable use)
- Decision VI/15, paragraph 2; annex I, paragraphs 1(b), 6, 7, 8, 12, 28, 29 and 30 (Incentive measures)
- Decision VI/19, preambular paragraph 5; annex (d)(CEPA)
- Decision VI/21, annex, section A, paragraph 6; annex, section B, paragraph 7, bullets 2 and 7, paragraph 9, table, agenda 21 (chapter 8) and CBD (Article 6), paragraphs 10, 11, 18 and 21; annex, section C, paragraphs 23(g) and (j) (Annex to the Hague Ministerial Declaration)
- Decision VI/22, annex, (f), programme element 1, goal 2, objective 1, (a), objective 2, (c), objective 3, (b), objective 4, (g) and (h), objective 6, (d); goal 3, objective 2, (b); goal 4, objective 2, (ii), objective 4, (b), (d) and (e); programme element 2, goal 1, objective 2, (a), (c), (f) and (g), objective 3, (e); goal 2, objective 1, (h) (Forests)
- Decision VI/23, annex, section B, paragraph 2; annex, section D, guiding principles 12 and 15 (Alien species)
- Decision VI/24 A, annex, paragraphs 12, 18(b) and 22 (Access and benefit-sharing)
- Decision VI/25, paragraphs 6, 7 and 8 (National reports)
- Decision VI/26 in its entirety (Strategic Plan)
- Decision VI/27 A, paragraph 1 (Operations of the Convention)
- Decision VII/12, paragraph 2 (Sustainable use)
- Decision VII/28, annex (Protected areas)
- Decision VII/30 (Strategic Plan: future evaluation of progress)

Declarations

Denmark (ratification), Finland (ratification), Norway and Sweden (adoption)

Documents

- UNEP/CBD/COP/2/12—Consideration of Articles 6 and 8 of the Convention.
- UNEP/CBD/COP/3/11—Implementation of Articles 6 and 8.
- UNEP/CBD/SBSTTA/1/4—Alternative ways and means to start the process of considering the components of biological diversity particularly those under threat, and the identification of action which could be taken under the Convention (priority item).
- UNEP/CBD/COP/6/5—Report of the Open-ended Inter-sessional meeting on the Strategic Plan, National Reports and the Implementation of the Convention on Biological Diversity.
- UNEP/CBD/COP/6/5/Add.1—Draft strategic plan for the Convention on Biological Diversity: planned activities, expected products, the timing of activities and products, actors, implementation mechanisms, and financial, human-resource and other capacity requirements.
- UNEP/CBD/COP/7/15—Financial resources and mechanisms.

UNEP CBD/COP/7/20/Add 3—Implementation of the strategic plan: evaluation of progress towards the 2010 biodiversity target and development of specific targets, indicators and a reporting framework.

ARTICLE 7 | Identification and monitoring

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

- (a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;
 - (b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;
 - (c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and
 - (d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.
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Editors' note: This section deals first with the COP's consideration of Article 7. It then goes on to address the issues of indicators and taxonomy. See also Annex I to the Convention.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “sustainable use.”

CONSIDERATION OF ARTICLE 7 BY THE COP

Background and status

COP 2 considered, in a preliminary fashion, components of biological diversity particularly under threat. It endorsed paragraphs 2, 4 and 5 of recommendation I/3 of SBSTTA [*decision II/8, paragraph 2*], and stressed that it was essential to identify the driving forces determining the status and trends of components of biological diversity [*decision II/8, paragraph 3*].

COP 3 considered options for implementing Article 7 in its discussion on identification, monitoring and assessment. It endorsed SBSTTA recommendation II/1 which provided general advice, identified a number of priority tasks and proposed specific recommendations. The SBSTTA recommendation advocated a two-track approach to assessment and indicator development: in the short-term, assessment of reasonably well-known sectors and components of biological diversity should be carried out; at the same time, longer-term programmes should be developed involving research and capacity-building in areas needing advances in knowledge. It also proposed that indicators, assessment and monitoring should be considered together as a standing item on the agenda of SBSTTA [*decision III/10*].

Discussion of Article 7 at COP 4 was essentially confined to deliberations on SBSTTA's recommendations on indicators, assessments and monitoring [*decision IV/1 A*] and on the programmes of work for agricultural [*decision IV/6*], inland water [*decision IV/4*], forest [*decision IV/7*], and marine and coastal [*decision IV/5*] biological diversity. Part of the programme of work on dry and sub-humid lands, established at COP 5, concerns assessments [*decision V/23, annex I; annex II, part A*].

COP 5 requested the Executive Secretary to carry out pending activities set out in decision IV/1 A [*decision V/7, paragraph 1*].

COP 6 discussed issues pertaining to Article 7 in its decision on identification, monitoring, indicators and assessments. It considered the progress made on the design of monitoring programmes and indicators [*decision VI/7 B*]. The COP also recognized the importance of the assessment of the status of the world's protected areas and encouraged the Executive Secretary to facilitate development and implementation of the assessment in close collaboration with UNEP-WCMC and IUCN [*decision VI/7, paragraph 4*].

COP guidance

Guidance to Parties

The COP has urged Parties to develop innovative methods of implementing Article 7 as a high priority. It has recommended that Parties consider a step-by-step approach to this, beginning with rapid implementation of Article 7(a) and (c) [*decision III/10, paragraphs 1 and 6*]. It has also called on Parties to cooperate on a voluntary pilot project to demonstrate the use of successful assessment and indicator methodologies [*decision III/10, paragraph 6*], and to prepare, where appropriate, reports on experiences on the application of assessment methodologies and results of assessments [*decision III/10, paragraph 7*].

With regard to the identification of threats to biological diversity (Article 7(c)), in its consideration of incentive measures (see the guide to Article 11 later in this section of the Handbook), the COP encouraged Parties, Governments and relevant organizations to identify underlying threats as a first step towards formulating incentive measures [*decision IV/10 A, paragraph 1(c)*]. It further urged them to identify perverse incentives that had negative effects on biological diversity [*decision IV/10 A, paragraph 1(f)*]. States have also been urged to undertake appropriate research and monitoring of alien invasive species, and long-term monitoring and assessment of the impacts of tourism on biological diversity [*decision V/8, annex I, guiding principle 5; decision V/25, paragraph 4(c)*].

The work programme on inland water biological diversity makes several specific recommendations to Parties relevant to Article 7, including the preparation of indicative lists of inland water ecosystems using the criteria set out in Annex I of the Convention [*decision IV/4, annex I, paragraphs 9(e) and 12*].

In its decision, COP 6 encouraged Parties to support the involvement of experts in the Millennium Ecosystem Assessment process, and provide assistance to developing countries and counties with economies in transition that are interested in undertaking national or regional assessments within the framework of the Mil-

lennium Ecosystem Assessment⁴⁵ [*decision VI/7 C paragraph 2*]. COP 7 took note of the outline of the biodiversity synthesis report and provided guidance on the review process of the Millennium Ecosystem Assessment [*decision VII/6*].

Financial mechanism and resources

COP 3 requested the financial mechanism to provide financial resources to developing countries, in order to address the need for capacity-building (including taxonomy) to enable them to develop and carry out an initial assessment for designing, implementing and monitoring programmes in accordance with Article 7, taking into account the special needs of small island States [*decision III/5, paragraph 2(b); decision III/10, paragraph 10*]. COP 3 also decided that the GEF should provide adequate and timely financial support for activities under the forest work programme relevant to Article 7 [*decision III/13, paragraph 4*]. This call was reiterated at COP 4 [*decision IV/7, paragraph 6*]. COP 5 urged the GEF to fund, *inter alia*, projects that enable countries to strengthen capabilities to develop monitoring programmes and suitable indicators for biological diversity, and for the implementation of capacity-building measures for the assessment and monitoring of inland water biological diversity [*decision V/13, paragraphs 2(j) and (n)*].

Guidance to SBSTTA

In decision IV/1 A, the COP encouraged SBSTTA to further cooperate with DIVERSITAS, and with other relevant organizations and institutions on issues such as the scientific research that should be undertaken, *inter alia*, for the effective implementation of Article 7 [*decision IV/1 A, paragraphs 5 and 6*]. COP 5 requested SBSTTA to carry out a number of activities to develop and improve its methodologies for scientific assessment, including a limited number of pilot scientific assessment projects in preparation for COP 6, and in close cooperation with the Millennium Ecosystem Assessment [*decision V/20, section III, paragraph 29; decision V/21, paragraph 10*].

In annex I to decision IV/4, which set out a programme of work on inland water biological diversity, the COP requested SBSTTA, *inter alia*, to develop and disseminate regional guidelines for rapid assessment of inland water biological diversity, paying special attention to early cooperation with small island States and States within which there were inland water ecosystems suffering from ecological disaster [*decision IV/4, annex I, section A, paragraphs 6, 7 and 8(b)*]. It further requested SBSTTA, to work jointly with the Scientific and Technical Review Panel of the Ramsar Convention to achieve desirable convergence between approaches on criteria and classification of inland water ecosystems, between the two conventions [*decision IV/4, annex I, section B, paragraph 12*].

In decision VII/6, the COP requested SBSTTA to review the findings of the Millennium Ecosystem Assessment and to prepare recommendations to COP 8 [*decision VII/6, paragraph 4*].

45 The Millennium Ecosystem Assessment was launched by the United Nations in June 2001. Organized and supported by an array of Governments, United Nations agencies and leading scientific organizations, it is intended to bring the best available information and knowledge on ecosystem goods and services to bear on policy and management decisions.

References

DECISIONS ON ARTICLE 7

- Decision II/8 (Components of biological diversity particularly under threat)
 Decision III/10 (see also SBSTTA recommendations II/1 and II/2) (Identification, monitoring and assessment)
 Decision IV/1 A (see also SBSTTA recommendation III/5) (Report and recommendations of the third meeting of SBSTTA)
 Decision IV/1 D (Taxonomy)
 Decision V/7 (Identification, monitoring and assessment, and indicators)
 Decision VI/5, annex II, element I (International Initiative for the Conservation and Sustainable Use of Pollinators)
 Decision VI/7 (Identification, monitoring, indicators and assessment)
 Decision VII/6 (Assessment processes)

GUIDANCE TO PARTIES

National action

- Decision III/10, paragraphs 1, 4 and 6 (Identification, monitoring and assessment)
 Decision III/11, paragraphs 9, 15(a), (g), (m), (n) and 16 (Agriculture)
 Decision IV/4, paragraph 5; annex I, section A, paragraph 9 (e); annex I, section B, paragraphs 12 and 13; annex I, section C, paragraph 14 (Inland water)
 Decision IV/10 A, paragraphs 1(b) and (f) (Incentive measures)
 Decision V/8, annex I, A, guiding principle 5 (Alien species)
 Decision V/25, paragraph 4(c) (Biological diversity and tourism)
 Decision VI/7 C, paragraph 2 (Scientific assessments)
 Decision VII/6, paragraphs 1 and 3 (Assessment processes)

Information and case-studies

- Decision III/10, paragraphs 6 and 7 (Identification, monitoring and assessment)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision I/2, annex I, paragraph 4(c) and (d) (Financial mechanism and resources)
 Decision III/5, paragraph 2(b) (Additional guidance to the financial mechanism)
 Decision III/10, paragraph 10 (Identification, monitoring and assessment)
 Decision IV/7, paragraph 6 (Forests)
 Decision IV/13, paragraph 4 (Additional guidance to the financial mechanism)
 Decision V/13, paragraphs 2(j) and (n) (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

- Decision III/12, paragraph 6(d) (Forests)
 Decision III/14, paragraph 10 (Implementation of Article 8(j))
 Decision IV/4, annex I, section B, paragraph 12 (Inland water)
 Decision IV/5, annex, section C, operational objectives 1.3 and 2.1 (Marine and coastal)

Decision V/7, paragraph 2 (Identification, monitoring and assessment, and indicators)
Decision V/8, paragraph 14(f) (Alien species)
Decision V/14, annex II, paragraph (h) (Clearing-house mechanism)
Decision V/21, paragraph 7 (Cooperation)
Decision VI/7 C, paragraph 4 (Scientific assessments)
Decision VII/6, paragraph 6 (Assessment process)

GUIDANCE TO SBSTTA

Decision III/10, paragraph 9 (Identification, monitoring and assessment)
Decision III/12, paragraph 10 (Forests)
Decision IV/1 A, paragraph 6 (Report and recommendations of the third meeting of SBSTTA)
Decision IV/4, annex I, paragraphs 5–8 and 12 (Inland waters)
Decision IV/6, paragraph 11 (Agriculture)
Decision V/21, paragraph 10 (Cooperation)
Decision VI/7 C, paragraph 3 (Scientific assessments)
Decision VII/6, paragraph 4 (Assessment process)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision IV/1 A, paragraphs 5 and 6 (Report and recommendations of the third meeting of SBSTTA)
Decision IV/4, annex I, paragraph 12 (Inland water)
Decision IV/5, annex, operational objective 2.1 (Marine and coastal)
Decision V/2, paragraph 7 (Inland waters)
Decision V/8, paragraph 14(f) (Alien species)
Decision V/21, paragraphs 7 and 10 (Cooperation)
Decision VI/7 C, paragraph 4 (Cooperation)
Decision VI/8, annex (GTI)
Decision VII/6 paragraph 5 (Assessment processes)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/9, annex, paragraphs 12, 15 and 17 (Forests—Statement to IPF)
Decision III/11, paragraphs 9, 15(a), (g), (m), (n) and 16 (Agriculture)
Decision III/12, paragraphs 6(d) and 10; annex, related recommendations (b) and (c) (Forests)
Decision IV/4, paragraphs 1 and 5; annex I, paragraphs 6, 7, 8(a), (b), 9(e), 12, 14, 15, 19 and 20 (Inland water)
Decision IV/5, annex, section C, operational objectives 1.3 and 2.1 (Marine and coastal)
Decision IV/6, paragraphs 6 and 11 (Agriculture)
Decision IV/7, paragraph 6; annex, paragraphs 33, 35, 38 and 40–49 (Forests)
Decision V/2, paragraphs 3, 7 and 8 (Inland waters)
Decision V/3, paragraphs 6(b), 8, 10 and 13; annex, section A, and C (Marine and coastal)
Decision V/4, paragraphs 12, 14 and 15; annex, paragraph 2(a) (Forests)
Decision V/5, paragraphs 15(a) and 26; annex, paragraph 5, programme elements 1.4 and 2.1(c) (Agriculture)

- Decision V/23, paragraphs 5 and 7(a); annex I, section II, part A (Dry and sub-humid lands)
- Decision VI/3, paragraph 5 (Marine and coastal)
- Decision VI/5, paragraph 8 (Agriculture)
- Decision VI/22, annex (Forests)
- Decision VII/2, paragraphs 1 and 8, table 1, annex (The biological diversity of dry and sub-humid lands)
- Decision VII/4, paragraph 16; annex, goals 3.1, 3.2 and 3.4 (Biological diversity of inland water ecosystems)
- Decision VII/5, annex I, operational objectives 1.3, 2.2, 3.4 and 6.2, appendix 1, 2(b), appendix 2, 1, appendix 4, B, appendix 5, (a) (Marine and coastal biological diversity)
- Decision VII/27, paragraph 12; annex, goals 3.1, 3.2 and 3.3 (Mountain biological diversity)

OTHER RELEVANT DECISIONS

- Decision V/16, annex, section III, element 3, task 13 (Article 8(j) and related provisions)
- Decision V/25, paragraph 1(b) (Biological diversity and tourism)
- Decision VI/8, annex (GTI)
- Decision VII/15, paragraphs 6, 17 and 19 (Biodiversity and climate change)
- Decision VII/28, annex, goal 4.3 (Protected areas)

INDICATORS

Notes

CONSIDERATION OF INDICATORS BY THE COP

Background and status

The COP first addressed the issue of indicators of biological diversity at its second meeting, when it endorsed paragraph 4 of SBSTTA recommendation I/3 [*decision II/8*], which stated:

“There is a need for each party to start assessing the effectiveness of measures taken under the Convention. However, methods for assessing the effectiveness of measures to conserve or sustainably use biological diversity should be reviewed. The use of indicators of biological diversity and the status of its components is particularly time- and cost-effective. Several indicators are currently being used and developed. They should be reviewed and their use promoted.”

In response to this endorsement, SBSTTA 2 reviewed indicators for assessing the effectiveness of measures taken under the Convention. COP 3 endorsed SBSTTA's resulting recommendation II/1 [*decision II/10*]. This recommendation dealt with, *inter alia*, the review and promotion of indicators of biological diversity and made a number of general observations on indicator development and use. It advocated a two-track approach: in the short-term, use should be made of indicators known to be operational; in areas needing advances in knowledge, longer-term pro-

grammes involving research and capacity-building, should be developed [*decision III/10, paragraph 2; SBSTTA recommendation II/1, paragraphs 9 and 19*].

Among the priority tasks identified in SBSTTA recommendation II/1 was the development of a core set of indicators for national reports, and of indicators in thematic areas, important to the Convention, particularly coastal and marine ecosystems, agricultural biological diversity, forests, and freshwater ecosystems [*SBSTTA recommendation II/1, paragraphs 7 and 12*].

The Executive Secretary was requested to produce, in consultation with a liaison or expert group: a guideline report to assist Parties, particularly in preparation of national reports containing, *inter alia*, information on indicators and monitoring techniques; a listing of current approaches to indicator development, and recommendations for a preliminary core set of indicators of biological diversity, particularly those related to threats; and a list of options for capacity-building in developing countries in the application of guidelines and indicators for subsequent national reports [*SBSTTA recommendation II/1, paragraph 23*]. Accordingly, the Executive Secretary convened a liaison group, which met in Wageningen, the Netherlands, 30 May–2 June 1997. The report and recommendations of this group were considered by SBSTTA 3, resulting in recommendation III/5. The annex to this recommendation contained a preliminary outline of work under the two-track approach, to be undertaken chiefly by the Secretariat and liaison group.

COP 4 endorsed SBSTTA recommendation III/5, and requested the Executive Secretary to undertake the work outlined in the annex, in accordance with the guidance contained in that recommendation, for consideration at SBSTTA 4, noting also that further work on indicators should take account of the development of the ecosystem approach [*decision IV/1 A, paragraphs 3 and 4*]. Recommendation III/5 stressed that the primary role of indicators in this context should be as a tool for management of biological diversity at local and national level and for assessing the implementation of the Convention, but also recognized that they may have a wider role, and further stressed that, that in the future, the development of regional and global indicators would be necessary to address specific aspects of the world's biological diversity [*SBSTTA recommendation III/5, paragraphs 2 and 3*].

COP 5 repeated its request to the Executive Secretary to carry out the programme of work on indicators approved in decision IV/1 A and to present a report on this to COP 6 [*decision V/7, paragraphs 1 and 5*].

The issue of indicators at COP 6 is presented in its decision on designing national-level monitoring programmes and indicators. It requested the Executive Secretary to report on the development and use of indicators in all the thematic areas and cross-cutting issues to the SBSTTA prior to COP 7. COP 6 also requested to the Executive Secretary to convene a meeting of expert group to further develop ongoing work on indicators [*decision VI/7 B paragraphs 1 and 3*]. This meeting was convened in Montreal from 10–12 February 2003. SBSTTA 9 considered the report of the Executive Secretary that summarized progress on the development and use of indicators within the context of the Convention and provided an analysis of existing indicators in national use [*recommendation IX/10*].

COP 7 considered the framework for the development of national-level biodiversity and monitoring, resulting from the meeting of expert group on indicators [*decision VII/7*] and urged Parties to develop a set of biodiversity indicators taking into account this framework and other relevant guidance [*decision VII/7, paragraph 8*].

COP 7 also adopted a limited number of trial indicators for assessing progress towards the target to significantly reduce the current rate of biodiversity loss by 2010 at the global level, and to communicate effectively trends in biodiversity related to the three objectives of the Convention [*decision VII/30, paragraphs 3–10; annex I*]. The COP also established a process for identifying, developing, reviewing and/or testing indicators [*decision VII/30, paragraphs 6 and 7*] and for reporting [*decision VII/30, paragraph 8*].

COP guidance

Guidance to Parties

COP 3 urged Parties to identify indicators of biological diversity as a high priority [*decision III/10, paragraph 1*]. It also called on Parties to cooperate on a voluntary pilot project to demonstrate the use of successful assessment and indicator methodologies [*decision III/10, paragraph 6*]. COP 4 further urged Parties to share relevant experience through the CHM, and other means, and to include in their future national reports specific reference to indicator development activities and their capacity to implement indicators [*decision IV/1 A, paragraph 3, SBSTTA recommendation III/5, paragraph 7(g)*]. COP 3 also encouraged Parties to develop national strategies, programmes and plans that, *inter alia*, study, use and/or develop, and promote the application of indicators to monitor the impacts of agricultural development on biological diversity [*decision III/11, paragraph 15(m)*]. COP 5 invited Parties and Governments to identify indicators and incentive measures for sectors relevant to the conservation and sustainable use of biological diversity [*decision V/24, paragraph 4*]. It also called on Parties and Governments to increase regional cooperation in the field of indicators, and invited Parties, Governments and organizations to assist in capacity-building by other Parties for development and use of indicators [*decision V/7, paragraphs 2 and 4*].

COP 6 requested Parties, that have not yet done so, to respond to the questionnaire on the subject of indicators that was sent by the Executive Secretary in May 2001, so as to enable the Executive Secretary to update the analysis [*decision VI/7 B, paragraph 2*].

COP 7 requested the Executive Secretary to update, complete and make available through the CHM, the indicative list of indicator initiatives and sources of information as provided to SBSTTA 9 [*decision VII/8, paragraph 17*].

Financial mechanism and resources

COP 5 urged the GEF to fund projects that enable countries to strengthen capabilities to develop monitoring programmes and suitable indicators for biological diversity [*decision V/13, paragraph 2(j)*].

COP 7 recognized that the development and use of indicators required a financial and technical commitment from Parties and encouraged bilateral and multilateral funding agencies to provide assistance [*decision VIII/8, paragraph 11*].

References

DECISIONS ON INDICATORS

- Decision III/10 (Identification, monitoring and assessment)
- Decision V/7 (Identification, monitoring and assessment, and indicators)
- Decision VI/7 B (Identification, monitoring, indicators and assessments)
- Decision VI/5, annex I (Agriculture)
- Decision VI/7 B (Designing national-level monitoring programmes and indicators)
- Decision VII/8 (Monitoring and indicators: designing national-level monitoring programmes and indicators)
- Decision VII/30 (Strategic Plan: future evaluation of progress)

GUIDANCE TO PARTIES

National action

- Decision II/17, annex, paragraph (j) (National reports)
- Decision III/10, paragraphs 1 and 6; (Identification, monitoring and assessment)
- Decision III/11, paragraph 15(m) (Agriculture)
- Decision V/7, paragraphs 2 and 4 (Identification, monitoring and assessment, and indicators)
- Decision V/24, paragraph 4 (Sustainable use)
- Decision VI/7 B, paragraph 2 (Designing natural-level monitoring programmes and indicators)
- Decision VII/8, paragraphs 8, 9, 13 and 11 (Monitoring and indicators: designing national-level monitoring programmes and indicators)

Information and case-studies

- Decision IV/1 A, paragraph 3 (see also SBSTTA recommendation III/5, paragraph 7(g)) (Report and recommendations of the third meeting of SBSTTA)
- Decision IV/14, annex, paragraph 3 (National reports)
- Decision VII/8, paragraphs 13 and 14 (Monitoring and indicators: designing national-level monitoring programmes and indicators)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision V/13, paragraph 2(j) (Further guidance to the financial mechanism)
- Decision VII/20, paragraph 4 (Further guidance to the financial mechanism)

Other financial resources

- Decision V/7, paragraph 4 (Identification, monitoring and assessment, and indicators)
- Decision VII/8, paragraph 11 (Monitoring and indicators: designing national-level monitoring programmes and indicators)

Decision VII/20, paragraph 4 (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

Decision III/10, paragraph 2 (see also SBSTTA recommendation III/5, paragraph 17) (Identification, monitoring and assessment)

Decision IV/1 A, paragraph 3 (see also SBSTTA recommendation III/5, paragraphs 4, 7(b), (c), (d) and (e)) (Report and recommendations of the third meeting of SBSTTA) Decision IV/5, annex, section C, operational objective 1.3 (Marine and coastal)

Decision V/4, paragraph 15 (Forests)

Decision V/7, paragraphs 1 and 5 (Identification, monitoring and assessment, and indicators)

Decision VI/7 B, paragraphs 1, 3, and 4 (Designing national-level monitoring programmes and indicators)

Decision VII/8, paragraphs 6 and 14–17 (Monitoring and indicators: designing national-level monitoring programmes and indicators)

Decision VII/25 B, paragraph 3(b) (National reporting)

Decision VII/30, paragraph 8 (Strategic Plan: future evaluation of progress)

GUIDANCE TO SBSTTA

Decision III/10, paragraph 2 (see also SBSTTA recommendation II/1, paragraphs 20 and 26) (Identification, monitoring and assessment)

Decision IV/15 annex, section C, operational objective 1.3 (Marine and coastal)

Decision V/3, annex II, paragraph 10 (Marine and coastal)

Decision V/7, paragraph 5 (Identification, monitoring and assessment, and indicators)

Decision VII/30, paragraphs 5, 6 and 12 (Strategic Plan: future evaluation of progress)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision V/4, paragraph 15 (Forests)

Decision V/21, paragraph 7 (Cooperation)

Decision VI/7 B, paragraph 1 (Thematic and cross-cutting issues)

Decision VII/8, paragraphs 5 and 6 (Monitoring and indicators: designing national-level monitoring programmes and indicators)

Decision VII/30, paragraphs 9 and 10 (Strategic Plan: future evaluation of progress)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/9, annex, paragraph 15 (Forests—Statement to IPF)

Decision III/11, paragraph 15(m) (Agriculture)

Decision III/12, paragraphs 6(d) and 10(a); annex, paragraphs 1(c) and 2(a) (Forests)

Decision IV/4, annex I, paragraphs 9(e)(ii) and 15 (Inland water)

Decision IV/5, annex, section C, operational objective 1.3 (Marine and coastal)

Decision IV/6, paragraph 6 (Agriculture)

Decision IV/7, annex, section II, paragraphs 40–48 (Forests)

Decision V/3 II, paragraph 10 (Marine and coastal)

Decision V/5, annex, section A, paragraph 3(c); annex, section B, programme element 1, activity 1.5(a) (Agriculture)

Decision V/23, paragraph 7(a); annex I, activity 3 (Dry and sub-humid lands)
Decision VI/22, paragraph 34 (Forests)

OTHER RELEVANT DECISIONS

Decision II/8, paragraph 2 (see also SBSTTA recommendation I/3, paragraphs 2, 4 and 5) (Components of biological diversity particularly under threat)
Decision III/10, paragraphs 2 and 6 (Identification, monitoring and assessment)
Decision IV/1 A, paragraphs 3 and 4 (see also SBSTTA recommendation III/5) (Report and recommendations of the third meeting of SBSTTA)
Decision V/25, paragraphs 4(c) and (g) (Biological diversity and tourism)
Decision VI/15 D (Incentive measures: policy-impact indicators)
Decision VI/8, annex (GTI)
Decision VI/9, annex (Global Strategy for Plant Conservation)
Decision VII/12, paragraph 7, annex I, paragraphs 13–22 (Sustainable use)
Decision VII/15, paragraph 13 (Biodiversity and climate change)
Decision VII/16, annex, section B, indicators (Article 8(j) and related provisions)
Decision VII/28, annex (Protected areas)

TAXONOMY

Notes

CONSIDERATION OF TAXONOMY BY THE COP

Background and status

COP 2 asked SBSTTA to address the issue of the lack of taxonomists needed for the national implementation of the Convention, and to advise the COP [*decision II/1, paragraph 7*]. COP 3 endorsed the resulting recommendation of SBSTTA (recommendation II/2), concerning practical approaches for capacity-building for taxonomy [*decision III/10, paragraph 3*]. The COP requested the financial mechanism to provide financial resources for capacity-building, including taxonomy [*decision III/10, paragraph 10* and see below]. SBSTTA recommended that national institutions and regional and subregional networks be established or strengthened, and linkages enhanced with taxonomic institutions in developing and developed countries. It emphasized the importance of training and noted that consideration should be given to information needs and capacity-building specifically for bio-prospecting, habitat conservation, sustainable agriculture and the sustainable use of biological resources, particularly in countries of origin [*SBSTTA recommendation II/2, paragraph 1*].

COP 4 launched a Global Taxonomy Initiative and set out suggestions for action on taxonomy [*decision IV/1 D, annex*]. The annex to decision IV/1 D stressed that the Global Taxonomy Initiative should occur on the basis of country-driven projects at the national, regional and subregional levels, and contains, *inter alia*, a detailed series of recommendations for action addressed to Parties, concerning its implementation, dealing mainly with: maintenance, coordination and development of taxonomic institutions; priority setting; training; and exchange and dissemination of information. COP 5 reviewed the implementation of the initiative and established the Global Taxonomy Initiative coordination mechanism [*decision V/9*]. In

addition to the coordination mechanism, the Global Taxonomy Initiative comprises national focal points, a series of regional meetings, a liaison group, a group of experts, and a roster of experts.

COP 6 endorsed the programme of work for the Global Taxonomy Initiatives (GTI), and the further submissions and elaboration of potential pilot projects [*decision VI/1, paragraph 10*].

COP guidance

The COP has made recommendations for national taxonomic needs assessments and creation of employment opportunities for taxonomists [*decision III/10, paragraph 3; SBSTTA recommendation II/2, paragraphs 4 and 5*].

Government members of the OECD have been advised that they should endorse and support recommendations from the OECD Megascience Forum's Biodiversity Informatics Subgroup regarding the development of a Global Biodiversity Informatics Facility (GBIF) [*decision IV/1 D, annex, paragraph 9*].

COP 6 emphasized the need to coordinate activities with other existing initiatives and requested the Executive Secretary to complete the guide to the GTI, and provide information and clarification, in particular on the process for developing projects aimed at implementing the programme of work [*decision VI/8, paragraphs 4 and 5*].

At COP 7, Parties were requested to report on the status of implementation of the programme of work for the GTI for review at COP 8 [*decision VII/9, paragraph 6*].

Financial mechanism and resources

The COP has requested the GEF to provide financial resources for country-driven activities within the context of its operational programmes to participate in a Global Taxonomy Initiative. Such projects should take into account the elements of the suggestions for action that focus on capacity-building in countries of origin and increasing dissemination of information worldwide, for example by the production and distribution of regional taxonomic guides [*decision IV/13, paragraph 2*].

Development of guidelines and programme priorities for funding should also take into account specific needs for capacity-building in taxonomy, to serve areas such as bioprospecting, habitat conservation and the sustainable use of biological diversity. Such support should recognize the need for adequate, long-term housing of collections and records, and long-term research [*decision III/10, paragraph 3; see also SBSTTA recommendation II/2, paragraph 3*] and should take into account elements of the Suggestions for Action contained in the annex to decision IV/1 D [*decision IV/13, paragraph 2; decision IV/1 D, paragraph 9*].

COP 4 requested the GEF to report at COP 5 on the work already under way in response to decision III/10 [*decision IV/1 D, paragraph 1*].

COP 6 decided that the post of GTI programme officer be made permanent, with funding from the core budget of the Convention, and that adequate operational

funds be provided to carry out the work [*decision VI/8, paragraph 8*]. A GTI programme officer was recruited prior to COP 7.

Thematic work programmes

The importance of taxonomy, and of capacity-building for taxonomy has been stressed in the programmes of work on agricultural biological diversity (particularly with respect to pollinators), inland water biological diversity, marine and coastal biological diversity, and forest biological diversity [*decision IV/4, annex I, paragraph 16; decision IV/5, annex, paragraph 6; decision IV/7, annex, paragraphs 42 and 44; decision V/3, paragraph 6(e); decision V/5, paragraph 15(b)*].

COP 6 recognized that taxonomy is fundamental to the thematic areas of the CBD through discovery, identification and documentation of biological diversity [*decision VI/8, annex*].

COP 7 requested the Executive Secretary, through collaboration with the Coordination Mechanism for the Global Taxonomy Initiative, to develop the process and guidelines for the in-depth review to be finalized during SBSTTA 10 [*decision VII/9, paragraph 7(b)*].

References

DECISIONS ON TAXONOMY

Decision IV/1 D, annex (GTI)
 Decision V/9 (GTI)
 Decision VI/8 (GTI)
 Decision VII/9 (GTI)

GUIDANCE TO PARTIES

Decision III/10, paragraph 3 (see also SBSTTA recommendation II/2) (Identification, monitoring and assessment)
 Decision IV/1 D, annex, paragraphs 2–9 and 11 (GTI)
 Decision V/9, paragraphs 2, 4 and 6 (GTI)
 Decision VI/8, paragraphs 2 and 6 (GTI)
 Decision VII/9, paragraphs 2–6 (GTI)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision III/5, paragraph 2(b) (Additional guidance to the financial mechanism)
 Decision III/10, paragraph 3 (see also SBSTTA recommendation II/2, paragraph 10) (Identification, monitoring and assessment)
 Decision IV/1 D, paragraphs 1 and 9 (GTI)
 Decision IV/13, paragraphs 2 and 4 (Additional guidance to the financial mechanism)
 Decision V/9, paragraph 6 (GTI)
 Decision V/13, paragraph 2(k) (Further guidance to the financial mechanism)
 Decision VI/8, paragraph 8; annex (GTI)

Decision VII/20, paragraph 7 (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

Decision IV/1 D, annex, paragraph 10 (GTI)

Decision V/9, paragraph 3; annex (GTI)

Decision VI/8 paragraphs 3 and 5 (GTI)

Decision VII/9, paragraph 7 (GTI)

GUIDANCE TO SBSTTA

Decision II/8, paragraph 7 (Components of biodiversity particularly under threat)

Decision IV/1 D, paragraph 3 (GTI)

Decision V/9, annex (GTI)

Decision VI/9, paragraph 10 (GSPC)

Cooperation with other conventions and organizations

Decision IV/1 D, paragraph 5 (GTI)

Decision V/8, paragraph 14(g) (Alien species)

Decision V/21, paragraph 7 (Cooperation)

Decision VI/8, paragraphs 2, 3 and 4; annex (GTI)

Decision VII/9, paragraph 7 (GTI)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision III/12, annex, paragraph 2(a) (Forests)

Decision IV/4, paragraph 5; annex I, paragraphs 16 and 21 (Inland waters)

Decision IV/5, annex, paragraph 6, operational objective 6.2 (Marine and coastal)

Decision IV/7, annex, paragraphs 42 and 44 (Forests)

Decision V/3, paragraph 6(e) (Marine and coastal)

Decision V/5 paragraph 15(b); annex, paragraph 3(c) (Agriculture)

Decision V/8, annex (Forest, marine and coastal, dry and sub-humid lands, inland waters, agricultural biodiversity and mountain biodiversity)

Decision VII/9, paragraph 7 (GTI)

Decision VII/10, paragraph 8(a) (Global Strategy for Plant Conservation)

Decision VII/27, paragraph 10(f); annex (Mountain biological diversity)

OTHER RELEVANT DECISIONS

Decision V/8, annex I, guiding principle 8 (Alien species)

Decision V/16, annex, element 3, task 13 (Article 8(j) and related provisions)

Documents

UNEP/CBD/COP/3/12—Options for Implementing Article 7.

UNEP/CBD/COP/3/13—Assessments of biological diversity and methodologies for future assessments.

UNEP/CBD/COP/4/INF.18—Recommendations on Scientific Research that should be undertaken to achieve the implementation of Articles 7, 8, 9, 10 and 14 of the Convention on Biological Diversity, Mexico City, March 1998.

UNEP/CBD/COP/5/12—Progress report on cross-cutting issues.

UNEP/CBD/SBSTTA/1/4—Alternative ways and means to start the process of considering the components of biological diversity, particularly those under

- threat, and the identification of action which could be taken under the Convention (priority item).
- UNEP/CBD/SBSTTA/2/2—Assessment of biological diversity and methodologies for future assessments.
- UNEP/CBD/SBSTTA/2/3—Identification, monitoring and assessments of components of biological diversity and processes which have adverse impacts.
- UNEP/CBD/SBSTTA/2/4—Review and promotion of indicators of biological diversity.
- UNEP/CBD/SBSTTA/2/5—Practical approaches for capacity building for taxonomy.
- UNEP/CBD/SBSTTA/2/INF.9—Submissions received by the Secretariat concerning identification, monitoring and assessment of biological diversity.
- UNEP/CBD/SBSTTA/3/7—Identification and monitoring of components of biological diversity of inland water ecosystems (consideration of Article 7 and elaboration of terms in Annex I of the Convention).
- UNEP/CBD/SBSTTA/3/9—Recommendations for a core set of indicators on biological diversity.
- UNEP/CBD/SBSTTA/3/INF.11—Implementation of Article 7: report of the meeting of a liaison group on biological diversity indicators.
- UNEP/CBD/SBSTTA/3/INF.13—Recommendations on a core set of indicators of biological diversity; background document prepared by the liaison group.
- UNEP/CBD/SBSTTA/3/INF.14—Exploring biodiversity indicators and targets under the Convention on Biological Diversity.
- UNEP/CBD/SBSTTA/4/6 and 6/Corr.1—Further advancement of the Global Taxonomy Initiative.
- UNEP/CBD/SBSTTA/5/4—Review of the Global Taxonomy Initiative.
- UNEP/CBD/SBSTTA/5/12—Development of indicators of biological diversity.
- UNEP/CBD/COP/6/12—Cross-cutting issues: progress reports on implementation.
- UNEP/CBD/COP/6/INF/10—Assessment of the information contained in the second national reports concerning cross-cutting issues under the Convention.
- UNEP/CBD/COP/6/INF/23—The Global Taxonomy Initiative: report on progress and status.
- UNEP/CBD/COP/6/INF/25—Cross-cutting issues: progress reports on implementation assessing the status of the world's protected areas.
- UNEP/CBD/COP/6/INF/38—Identification, monitoring, indicators and assessments. Millennium Ecosystem Assessment: report to the Conference of the Parties to the Convention on Biological Diversity.
- UNEP/CBD/SBSTTA/9/10—Monitoring and indicators: designing national-level monitoring programmes and indicators.
- UNEP/CBD/SBSTTA/9/INF/7—Report of the expert meeting on indicators of biological diversity, including indicators for rapid assessment of inland water ecosystems.
- UNEP/CBD/SBSTTA/9/INF/8—Sustainable use: development of practical principles, operational guidance and associated instruments. Report of the Fourth Open-ended Workshop on Sustainable Use of Biological Diversity.
- UNEP/CBD/SBSTTA/9/INF/19—Biodiversity indicators for national use: preliminary lessons from the GEF project. Progress report by the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-

- WCMC) and the National Institute for Public Health and Environment in the Netherlands (RIVM).
- UNEP/CBD/SBSTTA/9/INF/25—Methods for rapid assessment of marine and coastal biological diversity.
- UNEP/CBD/SBSTTA/9/INF/26—Proposed biodiversity indicators relevant to the 2010 target.
- UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.
- UNEP/CBD/COP/7/20/Add.3—Implementation of the Strategic Plan: evaluation of progress towards the 2010 biodiversity target. Development of specific targets, indicators and a reporting framework.
- UNEP/CBD/COP/7/INF/33—Provisional global indicators for assessing progress towards the 2010 biodiversity target.
- UNEP/CBD/COP/7/INF/34—Report of the Millennium Ecosystem Assessment.

ARTICLE 8 | *In situ* conservation

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- (b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;
- (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- (d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- (e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;
- (f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;
- (g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;
- (h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;
- (i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;
- (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;
- (k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;
- (l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and
- (m) Cooperate in providing financial and other support for *in situ* conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.

Editors' note: Article 8 covers a very wide range of issues linked to in situ conservation of biological diversity. As its work has developed, the COP has begun to address a number of these issues separately, as well as within the context of the thematic work programmes and cross-cutting issues. Each of the issues is treated separately below, and an overview is provided of general deliberations concerning Article 8. The major issues identified are:

- *protected areas (paragraphs a–c);*
- *protection of ecosystems, habitats and viable populations (paragraph d);*
- *buffer zones (paragraph e);*
- *ecosystem restoration and species recovery plans (paragraph f);*
- *biosafety (paragraph g);*
- *alien species (paragraph h);*
- *traditional knowledge, innovations and practices (paragraph j and related provisions);*
- *mitigation of threats (paragraph l).*

Consideration of Article 8 is closely linked to consideration of almost all of the other substantive articles of the Convention, and in particular Article 7 (and Annex I). Reference should also be made to the guide to Article 7 in this section.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biological resources,” “biotechnology,” “ecosystem,” “habitat,” “*in situ* conservation,” “protected area,” and “sustainable use.”

CONSIDERATION OF ARTICLE 8 BY THE COP

Background and status

The COP considered Article 8 at its second and third meetings, and has now adopted two decisions on the article, in each case addressing it together with Article 6 [*decision II/7; decision III/9*].

Decision II/7 dealt with the need for exchange of information and capacity-building. Decision III/9 again stressed the importance of dissemination of information, and recommended the development of a thematic approach in the further compilation and dissemination of information, emphasizing methodologies to evaluate and mitigate threats to biological diversity, alien species, and protected areas, as well as suppression or mitigation of perverse incentives (see Article 11) [*decision III/9, paragraph 9*].

The COP has asked the Executive Secretary to make available, through the CHM, information based on national experience and drawn from national reports on the implementation of Article 8 [*decision II/7, paragraph 3*]. The Executive Secretary has also been asked to compile and disseminate information on the implementation of Article 8, based both on national experiences and experiences of relevant organizations, and to prepare suggestions on how the sharing of information might be enhanced, in particular by involving relevant organizations in a more regular and systematic fashion [*decision II/7, paragraph 4; decision III/9, paragraph 7*].

The COP has made frequent references to *in situ* conservation and sustainable use of biological diversity in its decisions, particularly in the thematic work programmes.

COP guidance

Guidance to Parties

The COP has stressed the importance of regional and international cooperation in the implementation of Article 8, and has urged Parties to exchange relevant information and share experiences [*decision II/7, paragraphs 1 and 2*]. It has also urged Parties to include measures for *in situ* conservation of biological diversity in their national plans, strategies, and legislation [*decision III/9, paragraph 2, and see Article 6*].

The COP has made reference to *in situ* conservation as it relates to: forest biological diversity in decisions II/9 [*annex, paragraph 13*] and IV/7 [*annex, paragraphs 54 and 55*]; dry and sub-humid lands in decision V/23 [*annex I, paragraph 9, activity 7(f)*]; Article 8(j) in decisions III/14 [*paragraph 10*] and V/16 [*annex, section III, element 3, task 13*]; and access to genetic resources in decision V/26 A [*paragraph 11*]. In decision III/10, it stressed that timely implementation of Article 8 should not necessarily wait on the implementation of Article 7 [*decision III/10, paragraph 5*].

Financial mechanism and resources

COP 2 requested the financial mechanism to facilitate urgent implementation of Article 8 by finding projects in a flexible and expeditious manner [*decision II/7, paragraph 6*].

COP 3 requested the mechanism to make resources available to allow urgent incorporation of measures for *in situ* conservation of biological diversity in the national plans, strategies, and legislation [*decision III/9, paragraph 4*].

References

DECISIONS ON ARTICLE 8

Decision II/7 (Consideration of Articles 6 and 8)

Decision III/9 (Implementation of Articles 6 and 8)

GUIDANCE TO PARTIES

National action

Decision II/7, paragraph 2 (Consideration of Articles 6 and 8)

Decision III/9, paragraphs 2 and 6 (Implementation of Articles 6 and 8)

Decision III/10, paragraph 5 (Identification, monitoring and assessment)

Information and case-studies

Decision II/7, paragraphs 1 and 9 (Consideration of Articles 6 and 8)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision I/2, annex I, paragraphs 4(c) and (d) (Financial mechanism and resources)

Decision II/7, paragraph 6 (Consideration of Articles 6 and 8)
Decision III/9, paragraph 4 (Implementation of Articles 6 and 8)

GUIDANCE TO THE SECRETARIAT

Decision II/7, paragraphs 3, 4 and 7 (Consideration of Articles 6 and 8)
Decision III/9, paragraphs 7 and 8 (Implementation of Articles 6 and 8)
Decision III/14, paragraph 10 (Implementation of Article 8(j))
Decision VI/10 (Article 8(j) and related provisions)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision II/9, annex, paragraph 13 (Forests—Statement to IPF)
Decision IV/1 A, paragraph 5 (Report and recommendations of the third meeting of SBSTTA)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/9, annex, paragraph 13 (Forests—Statement to IPF)
Decision IV/7, annex, paragraphs 54 and 55 (Forests)
Decision V/5, paragraph 26; annex, section B, programme element 4, activity 4.4 (Agriculture)
Decision V/23, annex I, section II, part B, paragraph 9; activity 7(f) (Dry and sub-humid lands)
Decision VI/22, annex (Expanded programme of work on forest biological diversity)

OTHER RELEVANT DECISIONS

Decision V/6 (Ecosystem approach)
Decision V/10 (Global Strategy for Plant Conservation)
Decision V/16, annex, section III, element 3, task 13 (Article 8(j) and related provisions)
Decision V/26 A, paragraph 11 (Access to genetic resources)
Decision VI/29 (Global Strategy for Plant Conservation)
Decision VII/15 (Biodiversity and climate change)

Declarations

France (adoption)

Documents

UNEP/CBD/COP/2/12—Consideration of Articles 6 and 8 of the Convention.
UNEP/CBD/COP/3/11—Implementation of Articles 6 and 8.
UNEP/CBD/COP/3/30—Cooperation between the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat and the Convention on Biological Diversity.
UNEP/CBD/COP/4/13—Cooperation with other agreements, institutions and processes relevant to *in situ* conservation.
UNEP/CBD/COP/4/INF.18—Recommendations on Scientific Research that should be Undertaken to Achieve the Implementation of Articles 7, 8, 9, 10 and 14 of the Convention on Biological Diversity, Mexico City, March 1998.

UNEP/CBD/COP/4/INF.22—Linkages and coordination between the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS) and the Convention on Biological Diversity (CBD).

UNEP/CBD/COP/7/19—Cooperation with other organizations, initiatives and conventions.

UNEP/CBD/COP/7/INF/22—Consideration of the results of the meeting on “2010—The Global Biodiversity Challenge.”

ARTICLE 8/a–c | Protected Areas

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biological resources,” “protected area,” and “sustainable use.”

CONSIDERATION OF ARTICLE 8(a–c) BY THE COP

Background and status

Protected areas form a central element of the various thematic work programmes adopted at the fourth and subsequent meetings of the Conference of the Parties:

- programme element 3 of the programme of work on marine and coastal biological diversity is dedicated to marine and coastal protected areas [*decision IV/5, annex*];
- the programme of work on the biological diversity of inland water ecosystems recommends the sharing of information and experience relevant to conservation and sustainable use of such ecosystems, specifically referring to use of protected areas and their management strategies for conservation and sustainable use of inland water ecosystems [*decision IV/4, annex 1*];
- the use and establishment of additional protected areas is identified as one of the necessary target actions for the implementation of the work programme on dry and sub-humid lands [*decision V/23, annex 1, part B, activity 7(a)*];
- the expanded programme of work on forest biodiversity contains a number of activities related to protected areas, and also calls for work on the role and effectiveness of protected areas [*decision VI/22*];
- the value of taxonomic data in assisting protected areas site selection is recognized in the programme of work for the Global Taxonomic Initiative contained in decision V/8;

- protected areas are also mentioned in connection with identification, monitoring, indicators and assessments [*decision VII/7*].

In the Global Strategy for Plant Conservation [*annex to decision VI/9*], the Conference of the Parties adopted targets 4 and 5, which specify respectively that by 2010 (i) at least 10 percent of each of the world's ecological regions should be effectively conserved, implying increasing the representation of different ecological regions in protected areas, and increasing the effectiveness of protected areas; and (ii) protection of 50 percent of the most important areas for plant diversity should be assured through effective conservation measures, including protected areas.

To facilitate the implementation of Article 8 and related provisions of the Convention, the fourth meeting of the COP decided to consider protected areas as one of the three main themes for its seventh meeting [*decision IV/16*]. In preparing for the theme on protected areas, the COP, in its decision VI/30, encouraged the active collaboration with the Vth World Parks Congress. It also established an Ad Hoc Technical Expert Group (AHTEG) on protected areas, to review methods and approaches for the planning and management of protected areas including options for appropriate policies, strategies, and practices, consistent with the objectives of the Convention.

The AHTEG which met from 10 to 14 June 2003 in Tjärno, Sweden, based on the review of approaches, tools and gaps, elaborated elements for a programme of work on protected areas, which were further, discussed at the Vth World Parks Congress. Following the review at the World Parks Congress, the elements for a programme of work on protected areas were considered by the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in November 2003, in Montreal, Canada. The Subsidiary Body provided its recommendation to the seventh meeting of the COP for consideration.

A programme of work on protected areas was adopted at COP 7 [*decision VII/28, annex*]. COP decided to establish an ad hoc open-ended working group on protected areas to support and review implementation of the programme of work. The Executive Secretary was requested to convene at least one meeting of the group prior to COP 8 [*decision VII/28, paragraphs 25 and 26*].

References

DECISIONS ON PROTECTED AREAS

Decision VII/28 (Protected areas)

GUIDANCE TO PARTIES

National action

Decision V/3, paragraph 6(d); annex, section C (Marine and coastal)

Decision V/4, paragraph 10 (Forests)

Decision VI/5, paragraph 22 (Agriculture)

Decision VI/9, paragraph 4 (GSPC)

Decision VII/28, paragraphs 7, 9, 10, 11, 13, 19, 21, 23, 27, 30 and 31; annex (Protected areas)

Information and case-studies

- Decision III/9, paragraph 9 (Implementation of Articles 6 and 8)
- Decision IV/5, annex, section C, operational objective 3.1 (Marine and coastal)
- Decision IV/15, paragraph 14(f) (Cooperation)
- Decision VI/22, paragraph 19 (Ecosystem approach)

Financial Mechanism and Resources

- Decision VII/20, paragraph 10 (Further guidance to the financial mechanism)

Other financial resources

- Decision IV/5, annex, operational objective 3.1, paragraph (e) and “Budgetary implications” (Marine and coastal)
- Decision VI/30, paragraph 3 (Preparations for COP 7)
- Decision VII/28, paragraphs 9, 10, 26, 28 and 29(b) (Protected areas)

GUIDANCE TO THE SECRETARIAT

- Decision IV/5 C, programme element 3 (Marine and coastal)
- Decision IV/15, paragraph 6 (Cooperation)
- Decision V/21, paragraph 7 (Cooperation)
- Decision V/25, paragraph 2 (Biological diversity and tourism)
- Decision VI/30, paragraph 2 (Cooperation)
- Decision VI/7 C, paragraph 4 (Assessment)
- Decision VI/22, paragraph 19 (Forests)
- Decision VII/28, paragraphs 25, 26 and 33–35; annex (Protected areas)

GUIDANCE TO SBSTTA

- Decision IV/4, annex I, paragraph 8(c)(vii) (Inland waters)
- Decision V/3 III, paragraph 13 (Marine and coastal)
- Decision VII/28, paragraph 24 (Protected areas)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/9, annex, paragraph 13 (Forests—Statement to IPF)
- Decision III/12, annex, paragraphs (a) and (f) (Forests)
- Decision IV/5, annex, section C, programme element 3 (Marine and coastal)
- Decision IV/15, paragraph 6 (Cooperation)
- Decision V/21, paragraph 7 (Cooperation)
- Decision V/25, paragraph 2 (Biological diversity and tourism)
- Decision VI/30, paragraph 2 (Cooperation)
- Decision VI/7 C, paragraph 4 (Cooperation)
- Decision VI/22, paragraph 19(b) (Cooperation with other bodies)
- Decision VII/28, paragraphs 30–34; annex (Protected areas)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/9, annex, paragraph 13 (Forests—Statement to IPF)
- Decision II/10, annex I, paragraph (iv) (Marine and coastal)
- Decision III/12, annex, paragraphs (a) and (f) (Forests)

Decision IV/4, annex I, paragraph 8(c)(iii) (Inland waters)
Decision IV/5, annex, section A, paragraph 1; annex, section C, programme element 3 (Marine and coastal)
Decision IV/7, annex, paragraph 3(h), 17 and 52 (Forests)
Decision V/3, paragraphs 6(d) and 13; annex C (Marine and coastal)
Decision V/4, paragraph 10; annex, 2(b)(i) (Forests)
Decision V/23, annex I, section II, part B, activity 7(a) (Dry and sub-humid lands)
Decision VI/22, paragraph 19 (Forests)
Decision VII/10, paragraph 8(b) (Global Strategy for Plant Conservation)
Decision VII/27, annex, goal 1.2 (Mountain biological diversity)
Decision VII/28, paragraphs 20, 22, 29(a) and 33; annex (Protected areas)

OTHER RELEVANT DECISIONS

Decision IV/16, annex II (Institutional matters and programme of work)
Decision VI/9, annex (Global Strategy for Plant Conservation)
Decision VI/7, annex (Impact assessment)

Documents

UNEP/CBD/COP/6/INF/16—Preparations for the seventh meeting of the Conference of the Parties: the role of protected areas within the Convention on Biological Diversity.
UNEP/CBD/COP/6/INF/25—Assessing the status of the world’s protected areas.
UNEP/CBD/SBSTTA/9/5—Protected areas: proposed programme of work.
UNEP/CBD/COP/7/4—Report of the Subsidiary Body on Scientific, Technical and Technological Advice on the work of its ninth meeting.
UNEP/CBD/COP/7/15—Protected areas.
UNEP/CBD/COP/7/INF/36—Protected areas: message of the Fifth World Parks Congress to the Convention on Biological Diversity.

ARTICLE 8/d | **Protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings**

Each Contracting Party shall, as far as possible and as appropriate:

(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

Notes

TERMS DEFINED IN ARTICLE 2

“Ecosystem” and “habitat.”

CONSIDERATION OF ARTICLE 8(d) BY THE COP

Most of the consideration of this issue is implicitly included in the programme of work on protected areas above. However, some references have been made under

discussion of marine and coastal biological diversity, and in the work programmes for: inland water biological diversity; forest biological diversity; dry and sub-humid lands; and mountain biological diversity. General references to conservation of biological diversity have not been dealt with here. Reference should also be made to the COP's consideration of the ecosystem approach.

With respect to marine and coastal biological diversity, the COP has noted that conservation measures for living marine resources should emphasize the protection of ecosystem functioning in addition to protecting specific stocks [*decision II/10, annex I, paragraph (iv)*]. In the programme of work on dry and sub-humid lands, one of the identified targeted activities is the sustainable management of dry and sub-humid land production systems [*decision V/23, annex I, section II, part B, activity 7(d)*]. Identification of new measures and ways to improve the conservation of forest biological diversity, in and outside protected areas, forms part of the terms of reference of the Ad Hoc Technical Working Group on Forest Biological Diversity, established in decision V/4 to assist with implementation of the programme of work [*decision V/4, annex, 2(b)(i)*].

Parties have been recommended by the COP to encourage the adoption of integrated land and watershed management approaches for the protection, use, planning and management of inland water ecosystems [*decision IV/4, annex I, paragraph 9(a)(i)*].

Activity 1.2.1 of the programme of work on mountain biological diversity enjoins Parties to develop and implement programmes, to restore degraded mountain ecosystems and protect natural dynamic processes of mountain biological diversity [*decision VII/28, annex*].

References

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/10, annex I, paragraph (iv) (Marine and coastal)
- Decision IV/4, annex I, paragraph 9(a)(i) (Inland water)
- Decision V/4, annex, 2(b)(i) (Forests)
- Decision V/23, annex I, activity 7(d) (Dry and sub-humid lands)
- Decision VI/22, annex (Forests)
- Decision VII/27, annex (Protected areas)

OTHER RELEVANT DECISIONS

- Decision V/6, annex, section B (Ecosystem approach)
- Decision VI/12 (Ecosystem approach)
- Decision VII/11 (Ecosystem approach)
- Decision VII/28, annex (Protected areas)

Declarations

Algeria and Niger (adoption)

ARTICLE 8/e | Buffer zones

Each Contracting Party shall, as far as possible and as appropriate:

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

Notes

TERMS DEFINED IN ARTICLE 2

“Protected areas.”

CONSIDERATION OF ARTICLE 8(e) BY THE COP

The COP has explicitly referred to buffer zones in its consideration of forest biological diversity and in the programme of work on protected areas. Programme area 4 of the programme of work on forest biological diversity, on research and technological priorities, identified as a research component, the reduction in gaps in knowledge in the areas of habitat fragmentation and population viability, to include mitigation options such as ecological corridors and buffer zones [*decision IV/7, annex, paragraph 53*]. Under programme of work on protected areas, suggested activity 1.2.3 calls Parties to integrate regional and sub-national systems of protected areas into broader land and seascape, *inter alia*, by establishing and managing ecological networks, ecological corridors and/or buffer zones to maintain ecological processes, taking into account the needs of migratory species [*decision VII/28, annex*].

References

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision IV/7, annex, paragraph 53 (Forests)

OTHER RELEVANT DECISIONS

Decision VII/28, annex (Protected areas)

ARTICLE 8/f | Rehabilitation and restoration of degraded ecosystems and recovery of threatened species

Each Contracting Party shall, as far as possible and as appropriate:

(f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;

Notes

TERMS DEFINED IN ARTICLE 2

“Ecosystem.”

CONSIDERATION OF ARTICLE 8(f) BY THE COP

Background and status

COP 3 requested Parties to take action to restore habitats [*decision III/9, paragraph 6*]. The COP has also referred to habitat restoration in each of the thematic work programmes. Restoration is a major focus of the International Initiative for the Conservation and Sustainable Use of Pollinators (established as a cross-cutting initiative within the programme of work on agricultural biological diversity) and is one of the targeted actions in response to identified needs in the programme of work on dry and sub-humid lands [*decision V/5, paragraphs 15(d) and 16–18; decision V/23, annex I, section II, part B, activity 7(b) and “Ways and means”*].

Recognizing the interlinkages among biodiversity, desertification/land degradation and climate change, COP 6 requested that a mechanism be developed to coordinate activities in these areas, in collaboration with the secretariats of relevant conventions [*decision VI/4, paragraph 2*]. COP 6 also requested that the Executive Secretary continue facilitating the implementation of the specific work plan on physical degradation and destruction of coral reefs, with special emphasis on small island developing States and the least developed States [*decision VI/3, paragraph 2*].

COP guidance

Guidance to Parties

The COP has encouraged Parties to strengthen capacities for restoration of forests, as part of the implementation of the programme of work on forest biological diversity [*decision V/4, paragraph 10*]. With respect to inland water biological diversity, the COP has recommended that Parties encourage the adoption of integrated watershed, catchment and river basin management strategies, to restore or improve the biological diversity and other functions and values of inland water ecosystems [*decision IV/4, annex I, paragraph 9(a)(ii)*]. It has also been recommended that Parties encourage the development of preventative strategies to avoid degradation and promote restoration of inland water ecosystems [*decision IV/4, annex I, paragraph 9(b)(ii)*].

The COP has recommended that Parties raise awareness of the possible problems and costs associated with the deliberate or accidental introduction of alien species and genotypes that adversely affect aquatic biological diversity. Policies and guidelines should be developed to rehabilitate sites where possible [*decision IV/4, annex I, paragraph 9(b) and see alien species (Article 8(h) below)*].

The COP has encouraged Parties to develop national strategies, programmes and plans that encourage the development of technologies and farming practices that increase productivity and arrest degradation as well as reclaim, rehabilitate, restore and enhance biological diversity [*decision III/11, paragraph 15(e)*].

Guidance to the Secretariat

Operational objective 1.2 of the programme of work on marine and coastal biological diversity, concerning integrated marine and coastal area management (IMCAM), includes as one of its activities the promotion of restoration of areas

important for reproduction and other important habitats for marine living resources [*decision IV/5, annex, section C, operational objective 1.2, paragraph(c)*]. Operational objective 1.3 concerns identification of key habitats for marine living resources on a regional basis, and the pursuit of restoration of degraded habitats, including coral-reef systems [*decision IV/5, annex, section C, operational objective 1.3, paragraph (c), “Ways and means”*]. These activities are to be carried out by the Executive Secretary in collaboration with relevant organizations [*decision IV/5, annex, section C, operational objectives 1.2 and 1.3, “Ways and means”*].

Guidance to SBSTTA

In the work programme on inland water biological diversity, the work plan for SBSTTA includes the compilation and dissemination of case-studies on restoration and rehabilitation of degraded inland water ecosystems [*decision IV/4, annex I, paragraph 8(c)(iv)*].⁴⁶

References

GUIDANCE TO PARTIES

National action

Decision III/9, paragraph 6 (Implementation of Articles 6 and 8)
 Decision III/11, paragraphs 15 (e) and 17 (b) (Agriculture)
 Decision IV/4, annex I, paragraph 9(a)(ii), (b)(ii) and (h) (Inland water)
 Decision V/4, paragraph 10 (Forests)

Information and case-studies

Decision V/5 paragraph 18 (Agriculture)

GUIDANCE TO THE SECRETARIAT

Decision IV/5, annex, section C, operational objectives 1.2 and 1.3 (Marine and coastal)
 Decision V/5, paragraphs 15, 16 and 18 (Agriculture)
 Decision VI/3, paragraphs 2, 3 and 4 (Marine and coastal)
 Decision VI/4, paragraph 2 (Dry and sub-humid lands)

GUIDANCE TO SBSTTA

Decision IV/4, annex I, paragraph 8(c)(iv) (Inland water)
 Decision V/5, paragraphs 15 and 18 (Agriculture)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision IV/4, annex I, paragraph 8(c)(iv) (Inland water)
 Decision IV/5, operational objectives 1.2 and 1.3, “Ways and means” (Marine and coastal)

⁴⁶ This decision drew attention to section II.4.b. Rehabilitation and restoration of ecosystems in document UNEP/CBD/COP/4/INF.8 concerning cooperation between the Convention on Biological Diversity and the Convention on Wetlands.

Decision V/5, paragraphs 15 and 17 (Agriculture)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision III/11, paragraphs 15(e) and 17(b) (Agriculture)

Decision IV/4, annex I, paragraphs 8(c)(iv), 9(a)(ii) and (h) (Inland water)

Decision IV/5, annex, C, operational objectives 1.2 and 1.3 (Marine and coastal)

Decision V/4, paragraph 10; annex, 2(b)(iv) (Forests)

Decision V/5, paragraphs 15(d) and 16–18 (Agriculture)

Decision V/23, annex I, activity 7(b) (Dry and sub-humid lands)

Decision VII/4, annex, goal 1.3 (Inland water)

OTHER RELEVANT DECISIONS

Decision VI/7 A, annex (Impact assessment)

Decision VI/9, annex (GSPC)

Declarations

Algeria and Niger (adoption)

ARTICLE 8/g | Biosafety

Each Contracting Party shall, as far as possible and as appropriate:

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

Editors' note: For the COP's consideration of a protocol on biosafety, see the guide to Article 19.3 later in this section of the Handbook.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biotechnology,” and “sustainable use.”

CONSIDERATION OF ARTICLE 8(g) BY THE COP

Virtually all the COP's deliberations on biosafety have concerned Article 19(3) and the need for, and modalities of, a protocol on biosafety, which is discussed under Article 19 below. It has, however, also referred to genetically modified organisms with respect to inland water biological diversity [*decision IV/4, annex I, paragraph 9(b)*] and capacity-building, including for the implementation of the UNEP International Technical Guidelines on Safety in Biotechnology [*decision III/5, paragraph 2(a)*].

The COP has recommended that Parties raise awareness of the possible problems and costs associated with the deliberate or accidental introduction of genetically

modified organisms which adversely affect aquatic biological diversity. Policies and guidelines should be developed to prevent and control such introductions, and to rehabilitate sites where possible [*decision IV/4, annex I, paragraph 9(h)*]. The COP has also recalled Article 8(g) in asking Parties to carry out assessments on ecological, social and economic effects of genetic use restriction technologies (GURTs) [*decision V/5, part III, paragraph 25*].

The COP has stated that the GEF should provide financial resources for capacity-building in biosafety, including for the implementation by developing countries of the UNEP International Technical Guidelines on Safety in Biotechnology [*decision III/5, paragraph 2(a)*].

References

GUIDANCE TO PARTIES

National action

Decision IV/4, annex I, paragraph 9(h) (Inland water)

Decision VI/1, paragraph 7 (Protocol on Biosafety)

Decision VI/5, paragraphs 18 and 19 (Agriculture—GURTs)

Information and case-studies

Decision V/5 III, paragraph 25 (Agriculture)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision III/5, paragraph 2(a) (Additional guidance to the financial mechanism)

Decision VI/1, paragraph 5 (Special Voluntary Trust Fund)

GUIDANCE TO THE SECRETARIAT

Decision VI/5, paragraph 25 (Agriculture—GURTs)

Decision VI/1, paragraph 3 (Protocol on Biosafety)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision VI/5, paragraphs 23, 24 and 25(b) (Cooperation)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision IV/4, annex I, paragraph 9(h) (Inland water)

Decision V/5 III, paragraph 25 (Agriculture)

OTHER RELEVANT DECISIONS

See guide to Article 19(3) below and Cartagena Protocol on Biosafety.

Documents

UNEP/CBD/COP/6/8—Report on the status of the Cartagena Protocol on Biosafety. Status of the preparatory work for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

UNEP/CBD/COP/6/8/Add.2—Report of the Intergovernmental Committee for the Cartagena Protocol on Biosafety on the work of its second meeting.

ARTICLE 8/h | Alien species

Each Contracting Party shall, as far as possible and as appropriate:

(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;

Notes

TERMS DEFINED IN ARTICLE 2

“Ecosystem” and “habitat.”

CONSIDERATION OF ARTICLE 8(h) BY THE COP

Background and status

The COP has referred to invasive alien species in a number of decisions, most importantly decisions IV/1 C, V/8 and VI/23.* In decision IV/1 C, the COP decided that alien species were a cross-cutting issue within the Convention, and recognized the particular importance of geographically and evolutionarily isolated ecosystems, such as small islands, when considering it [*decision IV/10 C, paragraph 1*]. It asked SBSTTA to report on alien species to COP 5, and to examine the Global Invasive Species Programme (GISP) with a view to developing proposals for further action under the Convention on this issue [*decision IV/1 C, paragraph 2*].

SBSTTA considered alien species at both its fourth and fifth meetings. It recommended a format for case-studies, and proposed that the COP adopt a set of guiding principles on the introduction of alien species [*SBSTTA recommendations IV/4 and V/4*]. COP 5 adopted a modified version of these guiding principles [*decision V/8, paragraph 1, annex*]. It urged Parties, other Governments and relevant organizations to apply the guiding principles on an interim basis, noting that the definition of many of the terms was not yet settled. It also called for case-studies to be submitted. The COP stressed the importance of the GISP, calling on the latter to develop a second phase of its activities, and urged financial support for the GISP [*decision V/8, paragraphs 13 and 17*].

COP 4 decided that alien species would be one of three priority issues for COP 6 [*decision IV/16, annex II*]. COP 5 decided that it would consider at COP 6, further options for implementing Article 8(h), including the possibility of developing an international instrument [*decision V/8, paragraph 16*]. SBSTTA also addressed alien species again at its sixth meeting. A roster of experts has also been established.

* One representative entered a formal objection during the process leading to the adoption of this decision and underlined that he did not believe 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 the decision. See UNEP/CBD/COP/6/20, paras. 294-324. This footnote applies to all references to decision VI/23 in this Handbook.

A series of liaison group meetings and regional meetings were also organized to assist with preparations for COP 6.

Invasive alien species are addressed in all the thematic work programmes.

COP guidance

Guidance to Parties

The COP has invited Parties to develop country-driven projects, at both national and supra-national levels to address alien species, and to incorporate the issue into their biodiversity strategies and action plans [*decision IV/1 C, paragraphs 3 and 4*]. Parties have been urged to carry out a number of actions regarding alien species, including application of the interim guiding principles contained in annex I of decision V/8: undertaking of case-studies, development of mechanisms for trans-boundary, regional and multilateral cooperation; and development of education, training and public-awareness measures [*decision V/8, paragraphs 1, 3, 5–9 and 12*].

The COP has made a number of specific recommendations on these issues, as they apply to alien species in inland water ecosystems [*decision IV/4, annex I, paragraphs 9(e)(iv) and 9(h)*].

COP 6 recommended that Parties consider ratifying the revised International Plant Protection Convention, and calls on Parties to actively work to enhance its implementation [*decision VI/23, paragraph 6*]. It also urged Parties to address the threats posed by invasive alien species when developing, revising and implementing national biodiversity strategies and actions plans [*decision VI/23, paragraph 10*].

COP 7 invited Parties and other Governments to take into consideration, as appropriate, the risks associated with the introduction, use and spread, of invasive alien species during the development, expansion, and environmental review of international, bilateral and regional arrangements, such as trade arrangements. Parties and other Governments were also invited to improve communication and cooperation between national environment, plant protection, trade, and other relevant authorities with a view to increasing awareness on invasive alien species issues [*decision VII/13, paragraph 5(d) and (e)*]. At the regional level, the COP invited relevant Parties and other Governments, as well as national, regional and international organizations to improve the coordination, communication and funding of activities addressing invasive alien species [*paragraph 6*].

Financial mechanism and resources

The COP has stated that the GEF should provide adequate and timely support for country-driven projects at national, regional and subregional levels, addressing the issue of alien species in accordance with decision IV/1 C [*decision IV/13, paragraph 1*]. It also requested the GEF and other bodies to provide support to enable the GISP to fulfill the tasks outlined in decision V/8 [*decision V/8, paragraph 17; decision V/13, paragraph 2(m)*]. At its seventh meeting, the COP reiterated its invitation to funding institutions and development agencies to provide financial support to developing countries, in particular the least developed countries and small island developing States among them, and countries with economies in transition, to assist in the improved prevention, rapid response and management measures to address threats of invasive alien species [*decision VIII/13, paragraph 13*].

Guidance to the Secretariat

The COP requested the Executive Secretary to carry out a number of activities regarding alien species in collaboration with a range of other international bodies. These include dissemination of case-studies and comments, assisting Parties in activities concerned with alien species, and preparation of a paper outlining progress to date, existing measures and future options for work on alien species for consideration by SBSTTA 6 [*decision V/8, paragraphs 4, 5, 11, 14 and 15*]. The Executive Secretary or Secretariat is identified as the major actor in the implementation of programme element 5, on alien species, of the work programme on marine and coastal biological diversity [*decision IV/5, annex, programme area 5*].

COP 6 requested that the Executive Secretary explore means to facilitate capacity enhancement for eradication work on alien species on continents and islands, and, in collaboration with GISP, GEF, FAO and OECD, identify mechanism(s) for providing Parties with access to financial support [*decision VI/23, paragraphs 31, and 33*].

At its seventh meeting, the COP requested the Executive Secretary to collaborate, whenever feasible and appropriate, with the Secretariat of the World Trade Organization, with a view to raising awareness of the issues related to invasive alien species, and to promoting enhanced cooperation on this issue. The COP also requested the Executive Secretary to renew his application for observer status in the Committee on Sanitary and Phytosanitary Measures (SPS) of the World Trade Organization, with a view to enhancing the exchange of information. In paragraph 11 of the same decision, the COP requested the Executive Secretary to continue collaboration with the Global Invasive Species Programme, and its participating organizations, and with other relevant organizations.

Guidance to SBSTTA

COP 6 requested SBSTTA, and international organizations such as GISP, to identify and explore, from a technical perspective, the threats of invasive alien species to biological diversity, including various pathways for the transmission of invasive alien species [*decision VI/23, paragraph 9*].

At COP 7, SBSTTA was requested to establish an ad hoc technical expert group to address gaps in the international regulatory frameworks, and to provide SBSTTA with recommendations prior to COP 9 [*decision VII/13, paragraph 9*]. New Zealand offered to fund and host the ad hoc group [*decision VII/13, paragraph 10*].

References

DECISIONS ON ARTICLE 8(h)

- Decision IV/1 C (Alien species)
- Decision V/8 (Alien species)
- Decision VI/23 (Alien species)
- Decision VII/13 (Alien species)

GUIDANCE TO PARTIES

National action

- Decision IV/1 C, paragraphs 3 and 4 (Alien species)
- Decision IV/4, annex I, paragraphs 9(e)(iv) and 9(h) (Inland water)
- Decision V/8, paragraphs 1 and 6–9 (Alien species)
- Decision V/18 I, paragraph 1(a) (Impact assessment, liability and redress)
- Decision V/23, annex I, section II, part B, activity 7(c) (Dry and sub-humid lands)
- Decision VI/23, paragraphs 6, 10, 12, 15, 24 and 27 (Alien species)
- Decision VII/13, paragraphs 5(d), (e) and 6 (Alien species)

Information and case-studies

- Decision V/8, paragraphs 3, 5, 7 and 12 (Alien species)
- Decision V/19, paragraph 8 (National reports)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision IV/13, paragraph 1 (Additional guidance to the financial mechanism)
- Decision V/8, paragraph 17 (Alien species)
- Decision V/13, paragraph 2 (m) (Further guidance to the financial mechanism)
- Decision VII/20, paragraph 9 (Further guidance to the financial mechanism)

Other financial resources

- Decision V/8, paragraph 17 (Alien species)
- Decision VII/13, paragraphs 6(d) and 13 (Alien species)
- Decision VII/20, paragraph 9 (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

- Decision IV/5, annex, programme area 5 (Marine and coastal)
- Decision V/3 IV, paragraph 14 (Marine and coastal)
- Decision V/8, paragraphs 4, 5, 11, 14 and 15 (Alien species)
- Decision VI/23, paragraphs 26, 28, 29, 31 and 33 (Alien species)
- Decision VII/13, paragraphs 4, 5(c), 11 and 12 (Alien species)

GUIDANCE TO SBSTTA

- Decision IV/1 C, paragraphs 2, 5 and 6 (Alien species)
- Decision IV/4, annex I, paragraph 8(c)(vi) (Inland water)
- Decision V/2, paragraph 5 (Inland water)
- Decision VII/13, paragraph 9 (Alien species)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision III/9, paragraph 10 (Implementation of Articles 6 and 8)
- Decision IV/1 C, paragraph 6 (Alien species)
- Decision IV/5, annex, programme area 5 (Marine and coastal)
- Decision V/8, paragraphs 1, 3, 6, 8 and 10–15 (Alien species)
- Decision V/23, annex I, activity 7(c) (Dry and sub-humid lands)

Decision VI/23, paragraphs 6, 8, 26, 28, 29, 31 and 33 (Alien species)
 Decision VII/13, paragraphs 4–6 (Alien species)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/10, annex I, paragraph (xi) (Marine and coastal)
 Decision IV/4, annex I, paragraphs 8(c)(vi) and 9(h) (Inland water)
 Decision IV/5, annex, programme element 5 (Marine and coastal)
 Decision IV/7, annex, paragraphs 32, 35 and 51 (Forests)
 Decision V/2, paragraph 5 (Inland waters)
 Decision V/3 IV, paragraph 14 (Marine and coastal)
 Decision V/5, annex, paragraph 3(c), programme element 2, activity 2.1(d) (Agriculture)
 Decision V/23, annex I, section II, part B, activity 7(c) (Dry and sub-humid lands)
 Decision VI/23, paragraph 7 (Marine and coastal)
 Decision VII/2, annex (The biological diversity of dry and sub-humid lands)
 Decision VII/4, goal 1.4, activity 3.3.5 (Biological diversity of inland water ecosystems)
 Decision VII/5, operational objective (c), programme element 5 (Marine and coastal biological diversity)
 Decision VII/27, annex, paragraph 36 (Article 8(j) and related provisions)
 Decision VII/27, annex, activities 1.1.4 and 2.3.4 (Mountain biological diversity)
 Decision VII/28, annex, activity 1.5.4 (Protected areas (Articles 8(a) to (e)))
 Decision VII/30, paragraphs 1(c); annex II (Strategic Plan: future evaluation of progress)
 Decision VII/31, annex (Multi-year programme of work of the Conference of the Parties up to 2010)

OTHER RELEVANT DECISIONS

Decision III/9, paragraph 9(c) (Implementation of Articles 6 and 8)
 Decision IV/16, annex II (Institutional matters and programme of work)
 Decision VII/10, paragraph 8(c) (Global Strategy for Plant Conservation)
 Decision VII/13, paragraph 7(a) (Alien species that threaten ecosystems, habitats or species (Article 8(h)))
 Decision VII/30, annex II (Strategic Plan)

Documents

UNEP/CBD/COP/5/INF/9—Gaps in existing or proposed legal instruments, guidelines and procedures, to counteract the introduction of and the adverse effects exerted by, alien species and genotypes that threaten ecosystems, habitats or species.
 UNEP/CBD/COP/5/INF/32—Alien species that threaten ecosystems, habitats or species (Implementation of decision IV/1 C), including the question of global plant conservation.
 UNEP/CBD/COP/5/INF/33—Invasive species in Eastern Africa.
 UNEP/CBD/SBSTTA/4/8—Development of guiding principles for the prevention of impacts of alien species, by identifying priority areas of work on isolated ecosystems, and by evaluating and giving recommendations for the further development of the Global Invasive Species Programme, with a view to cooperation.

UNEP/CBD/SBSTTA/5/5—Alien species: guiding principles for the prevention, introduction and mitigation of impacts.

UNEP/CBD/COP/6/18—Alien species that threaten ecosystems, habitats or species
Review and consideration of options for the implementation of Article 8(h), on alien species that threaten ecosystems, habitats or species.

UNEP/CBD/COP/6/INF/28—Alien species that threaten ecosystems, habitats or species: progress report on matters relating to the implementation of paragraph 14 of decision V/8 of the Conference of the Parties, and section B in recommendation VI/4 of the Subsidiary Body on Scientific, Technical and Technological Advice.

UNEP/CBD/SBSTTA/9/15—Invasive alien species: identification of specific gaps and inconsistencies in the international regulatory framework.

UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.

ARTICLE 8/j AND RELATED PROVISIONS

Traditional knowledge, innovations and practices of indigenous and local communities

Each Contracting Party shall, as far as possible and as appropriate:

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

Editors' note: The COP's consideration of Article 8(j) is closely linked to a number of other provisions of the Convention, in particular Articles 10(c), 15, 16, 17(2), 18(4) and 19, and also to the thematic work programmes on marine and coastal, agricultural, inland water and forest biological diversity, and biodiversity of dry and sub-humid lands. Reference should, therefore, also be made to the guides on these articles and themes elsewhere in this section of the Handbook. Decisions explicitly addressing Article 8(j) and related provisions are addressed below, as are references in other decisions relating to traditional knowledge, innovations and practices of indigenous and local communities.

Article 8(j) and most of the relevant COP decisions discussed below, refer to "indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity." By way of abbreviation only, the term "indigenous and local communities" is used throughout the following text.

Notes

TERMS DEFINED IN ARTICLE 2

"Biological diversity," "*in situ* conservation," "sustainable use," and "technology."

CONSIDERATION OF ARTICLE 8(j) AND RELATED PROVISIONS BY THE COP

Background and status

As part of its first medium-term programme of work, the COP decided to address knowledge, innovations and practices of indigenous and local communities and to further advance implementation of Article 8(j) at its third meeting [*decision I/9; decision II/18*]. However, the issue of traditional knowledge, innovations and practices of indigenous and local communities has also arisen frequently in COP discussions on intellectual property rights (IPRs), access to genetic resources and benefit-sharing, and forest biological diversity.

COP 3 adopted decision III/14 on implementation of Article 8(j), which set in motion a process for consideration of further work in this area. As part of this process, the COP agreed upon the need for a workshop to advise the COP on the possibility of developing a work plan on Article 8(j) and related provisions, and to examine the need for an inter-sessional working group, or subsidiary body, to consider the role of traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity [*decision III/14, annex, paragraph 1(g)*].

The Workshop on Traditional Knowledge and Biological Diversity was held in Madrid, Spain, in November 1997, and prepared a report for COP 4 [see document UNEP/CBD/COP/4/10/Add.1]. The report contained recommendations for elements of a work plan.

In decision IV/9, COP 4 decided to establish an Ad Hoc Open-ended Inter-sessional Working Group, to address the implementation of Article 8(j) and related provisions [*decision IV/9, paragraph 1*].

The Working Group held its first meeting in Seville, Spain, in March 2000, and provided a report to COP 5 [see document UNEP/CBD/COP/5/5]. Based on the recommendation of the Working Group, the COP adopted a programme of work on Article 8(j) and related provisions [*decision V/16, paragraphs 1 and 2*]. The programme of work is divided into two phases according to the priority assigned to the tasks. The mandate of the Working Group was extended to undertake specific tasks under the programme of work, to review progress on its implementation, and to make recommendations for further actions [*decision V/16, paragraph 9*].

For each element, a range of specific tasks to be undertaken by the Parties, the Secretariat and/or the Working Group, is identified [*decision V/16, annex*]. Among the tasks of the Working Group is the elaboration of a number of sets of guidelines.

The Working Group held its second meeting in Montreal from 4 to 8 February 2002, and provided a report to COP 6 [see document UNEP/CBD/COP/6/7]. The COP considered progress made in the integration of the relevant tasks of the programme of work on Article 8(j) in the thematic programmes of the Convention, and identified actions to be taken with respect to forest biological diversity, marine and coastal biological diversity, inland water ecosystems, and agricultural biological diversity [*decision VI/10, paragraph 2*]. The COP also requested the preparation of a progress report for the consideration of the Working Group on Article 8(j) and related provisions, at its third meeting [*decision VII/10, paragraph 4*]. The COP also

reviewed progress in the implementation of the priority tasks of the programme of work on Article 8(j), and requested a report on progress for the third meeting of the Working Group.

The COP adopted:

- the outline of the 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, as contained in annex I to decision VI/10. A report on the first phase of the composite report, based upon elements 1 and 2 of the outline, will be considered by the Working Group at its third meeting [*decision VI/10, paragraph 9*];
- recommendations 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 [*decision VI/10, annex II*].

COP 6, however, requested the Working Group at its third meeting, to carry out further work on impact assessment, with the aim of strengthening the social and cultural aspects. This work should complement, and be in conjunction with, the Guidelines for incorporating biodiversity-related issues into environmental assessment legislation and/or processes, and into strategic environmental assessment (endorsed by the COP in its decision VI/7 A) and should address institutional procedural considerations [*decision VI/10, paragraph 13*].

With regard to its assessment of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments that may have implications for the protection of the knowledge, innovations and practices of indigenous and local communities, the COP has requested the Working Group to address the issue of *sui generis* systems for the protection of traditional knowledge, and has identified a number of issues on which to focus [*decision VI/10, paragraph 34*].

COP 6 requested further information on national experiences, case-studies, best practices and lessons learned concerning participatory mechanisms for indigenous and local communities, in relation to the objectives of Article 8(j) and related provisions.

Noting that conditions may vary among countries, a synthesis report of the information is to be prepared for use by Parties and Governments, as a basis for establishing, and/or promoting, participatory mechanisms for indigenous and local communities, particularly women from those communities in the decision-making process, regarding the preservation, maintenance and utilization of traditional knowledge [*decision VI/10, paragraphs 20 and 21*].

COP also addressed the need to secure funds to facilitate indigenous and local community participation in all geographical regions in meetings organized under the Convention [*decision VI/10, paragraph 2*].

COP 6 urged Parties and Governments to strengthen their efforts to support capacity-building for the full and effective participation of indigenous and local communities, and particularly women, in decision-making processes; management of

biological diversity; and for accessing national and international laws for the protection of their traditional knowledge; and to support the development of communications mechanisms, such as the Indigenous Biodiversity Information Network to assist better understanding of indigenous and local communities of the CBD processes and programmes, discussion and invitations to respond [*decision VII/10, paragraphs 23 and 24*].

The third meeting of the Working Group was held in Montreal in December 2003. It approved the draft Akwé: Kon Voluntary Guidelines, intended to provide a framework to ensure the full involvement of indigenous and local communities in the assessment of the cultural, environmental and social concerns of those communities in proposed developments.

COP 7 adopted decision VII/16 F, the Akwé: Kon Voluntary Guidelines, the 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. The Guidelines provide a collaborative framework ensuring the full involvement of indigenous and local communities in the assessment of cultural, environmental and social impact of proposed developments on sacred sites, and on lands and waters they have traditionally occupied. Moreover, guidance is provided on how to take into account traditional knowledge, innovations and practices as part of the impact-assessment processes, and how to promote the use of appropriate technologies.

COP 7 also considered the work on the composite report, on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities [*decision VII/16 E*]. It was decided that further work be undertaken to complete the first phase of the report, on status and trends relating to the retention of traditional knowledge, and that work be initiated on a second phase of the report, with emphasis on the identification of national and local processes that may threaten traditional knowledge, innovations and practices [*decision VII/16 E, paragraph 2 and 6*]. Also, COP 7 requested that the elements for a plan of action for the retention of traditional knowledge, innovations and practices of indigenous and local communities be further developed, with a view to identifying actors and timeframes for its implementation [*decision VII/16 E, paragraph 8*].

COP 7 also considered elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices. In this respect, the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention was requested, in collaboration with relevant international organizations and bodies, such as the United Nations Permanent Forum on Indigenous Issues to further develop as a priority issue, elements for *sui generis* systems.

The Executive Secretary, with the cooperation of Parties, indigenous and local communities and relevant international organizations, was also requested to collect information on the role of databases and registers, in the protection of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity [*decision VII/16 H, paragraph 8*].

The Conference of the Parties invited the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention, to consider at its next meeting, the potential socio-economic impacts of genetic use restriction technologies on indigenous and local communities on the basis of: the report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies; the outcome of the deliberations of the tenth meeting of the Subsidiary Body on Scientific Technical and Technological Advice on this issue; and the study undertaken by the Food and Agriculture Organization of the United Nations, pursuant to decision 5, on potential impacts of genetic use restriction technologies on agricultural biodiversity and agricultural production systems [*decision VIII/16 D*].

COP guidance

Guidance to Parties

The COP has provided guidance to Parties relating to the implementation of Article 8(j) and related provisions, both in its decisions addressing this article, and also in decisions on other articles and thematic areas. It has requested those Parties that have not yet done so, to develop national legislation and corresponding strategies for the implementation of Article 8(j), in consultation with representatives of their indigenous and local communities [*decision III/14, paragraph 1*].

In a number of its decisions, the COP has called for information and case-studies relating to the implementation of Article 8(j) and related provisions. Decision III/14 urged Parties to supply information about the implementation of Article 8 (j) and related provisions, and to include such information in national reports [*decision III/14, paragraph 2*]. The COP also invited Governments, international agencies, research institutions, representatives of indigenous and local communities, and non-governmental organizations (NGOs), to submit case-studies to the Executive Secretary on measures taken to develop and implement the Convention's provisions relating to indigenous and local communities [*decision III/14, paragraph 3*]. COP 4 reiterated a call for case-studies on aspects of implementation of Article 8(j), as background information for the Ad Hoc Open-ended Inter-sessional Working Group established under decision IV/9 [*decision IV/9, paragraph 10; decision V/16, paragraph 15*]. Case-studies submitted to the Secretariat pursuant to these requests are to be disseminated through the CHM, as well as transmitted to the World Intellectual Property Organization (WIPO) [*decision IV/9, paragraph 15*].

The COP has called upon Parties:

- to integrate biological diversity concerns into education strategies, recognizing the particular needs of indigenous and local communities [*decision IV/10 B, paragraph 1(d)*];
- where necessary, to illustrate and translate the provisions of the Convention into the respective local languages, in order to promote public education and awareness-raising of relevant sectors, including local communities [*decision IV/10 B, paragraph 4*].

COP 7 requested Governments to use the Akwé: Kon Voluntary Guidelines, and encouraged them to initiate a legal and institutional review with a view, to exploring options for incorporation of the guidelines into national legislation and

policies. The COP also invited indigenous and local communities to take note of the guidelines, and to request their application in the case of 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 [decision VII/16 F, paragraphs 2 and 12].

Financial mechanism and resources

The COP has provided guidance to the financial mechanism regarding financial support, *inter alia*, for the implementation of priority activities identified in the programme of work on Article 8(j) [decision V/13, paragraph 2(i)]. COP 3 also requested the financial mechanism to examine support for capacity-building projects for indigenous and local communities [decision III/14, paragraph 5; decision III/5, paragraph 5].

COP 7 established a voluntary funding mechanism under the Convention, to facilitate the participation of indigenous and local communities in meetings under the Convention, giving special priority to those from developing countries, countries with economies in transition and small island developing States [decision VII/16, paragraph 10].

Relationship with other agreements and processes

The COP has repeatedly emphasized, that further work is required to help develop a common appreciation of the relationship between Intellectual Property Rights (IPRs), the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement), and the CBD [decision IV/15, paragraph 10]. A particularly important aspect of this relationship is the use of IPRs with respect to the implementation of Article 8(j) and related provisions. The COP has transmitted its decisions to the WTO, and has invited the WTO to explore the interrelationship between the CBD and the TRIPs Agreement [decision V/16, paragraph 14; decision V/26 B, paragraph 2]. The COP has also initiated cooperation with WIPO on this issue. For example, the Secretariat has been asked to transmit submitted compilations of case-studies on implementation of Article 8(j), to WIPO [decision IV/9, paragraph 15]. The COP invited WIPO to take into account the lifestyles and traditional systems of access, and use of the knowledge, technologies and practices of indigenous and local communities in its work [decision IV/9, paragraph 16].

COP 6 invited the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), to continue its efforts to promote more effective indigenous and local community participation in its work, and has also invited the IGC to consider mechanisms, such as the disclosure of origin of relevant traditional knowledge, in applications for intellectual property rights. In this regard, the COP has invited Parties, with the assistance of WIPO, to take into account traditional knowledge in the examination of novelty and inventive step in patent applications. It also invited WIPO to forward all relevant documents of the IGC for inclusion in the documentation for the meetings of the Working Group on Article 8(j) [decision VI/10, paragraphs 31, 48 and 38].

Article 8(j) and forest biological diversity are closely related. The Executive Secretary, at the request of the COP, has acted as the focal point for traditional knowledge, in the United Nations processes on forests [*decision II/9, paragraph 2(a)*]. Many elements of the programme of work on forest biological diversity relate to Article 8(j) and related provisions. The objectives of the programme of work include:

- identify traditional forest systems of conservation and sustainable use of forest biological diversity, and promote the wider application, use and role, of traditional forest-related knowledge in sustainable forest management;
- identify mechanisms that facilitate the financing of activities for the conservation, incorporation of traditional knowledge and sustainable use of forest biological diversity [*decision IV/7, annex, paragraphs 3(d) and (e)*].

Other thematic work programmes also address Article 8(j) and related provisions. For example, the programme of work on marine and coastal biological diversity is to use, and draw upon scientific, technical and technological knowledge of indigenous and local communities [*decision IV/5, annex, paragraph 9; decision II/10, annex II, paragraph 3(d)*].

In relation to agricultural biological diversity, the COP has encouraged Parties to develop national strategies, programmes and plans which empower their indigenous and local communities and build their capacity for *in situ* management of agricultural biological diversity [*decision III/11, paragraph 15(f)*]. The COP has also emphasized the importance of the conservation and sustainable use of agricultural biological diversity, and of respecting the knowledge, innovations and practices deriving from traditional farming systems. To this end, the COP has requested the Executive Secretary to discuss with indigenous and local communities, the impact of the use of GURTs and Farmers' Rights [*decision V/5, paragraph 29*].

COP 6 requested an examination, in collaboration with FAO, of the implication of the International Treaty on Plant Genetic Resources for Food and Agriculture on the issues under Article 8(j) and related provisions [*decision VI/10, paragraph 1*]. COP also reminded Parties of the need for further action in relation to the potential impacts of GURTs on indigenous and local communities and on Farmer's Rights [*decision VI/10, paragraph 5*].

In its decision VI/10, the COP recognizes that the CBD is the primary international instrument with the mandate to address issues regarding the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity. To this effect, COP 6 requested consultation with the environmental and programme counterparts (such as UNCCD, UNFCCC, Convention on Wetlands, CMS and CITES), to explore collaboration with regard to the participation and involvement of indigenous and local communities in relation to the maintenance and application of traditional knowledge. The COP has also requested consultations with the Permanent Forum on Indigenous Issues, and other relevant bodies (such as WIPO, UNCTD and UNESCO), to explore possibilities for coordination and collaboration on matters of mutual concerns [*decision VI/10, paragraphs 25 and 26*].

COP 6 invited the Scientific, Technical and Research Commission of the Organization of African Unity to continue its work, and requested the Executive Secretary to encourage and assist the OAU to facilitate the implementation of the African Model Law for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources [*decision VII/10, paragraph 32*].

COP 7 responded to recommendations that the second session of the Permanent Forum on Indigenous Issues addressed to the Convention on Biological Diversity [*decision VII/16 I*]. The increasing collaboration between the Convention process, and the Permanent Forum on Indigenous Issues on matters pertaining to indigenous and local communities and their knowledge, innovations and practices was recognized and welcomed. Further consultation and coordination between the SCBD and the Forum was requested, with a view to organizing a workshop on cultural, environmental and social impact assessments, based on the Akwé: Kon Voluntary Guidelines and aimed at the further strengthening of the understanding of the link between environment and cultural diversity. In response to the recommendation of the forum, the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions was requested to develop elements of an ethical code of conduct, to ensure respect for the cultural and intellectual heritage of indigenous and local communities, and relevant for the conservation and sustainable use of biological diversity, taking into account task 16 of the programme of work on Article 8(j) and related provisions.

References

DECISIONS ON ARTICLE 8(j) AND RELATED PROVISIONS

- Decision III/14 (Implementation of Article 8(j))
- Decision IV/9 (Implementation of Article 8(j) and related provisions)
- Decision V/16 (Article 8(j) and related provisions)
- Decision VI/10 (Article 8(j) and related provisions)
- Decision VII/16 (Article 8(j) and related provisions)

GUIDANCE TO PARTIES

National action

- Decision III/11, paragraph 15(f) (Agriculture)
- Decision III/14, paragraph 1 (Implementation of Article 8(j))
- Decision IV/4, annex I, paragraphs 9(l) and 14 (Inland water)
- Decision IV/9, paragraph 13 (Implementation of Article 8(j) and related provisions)
- Decision IV/10 B, paragraphs 1(d) and 4 (Public education and awareness)
- Decision V/4, paragraphs 9 and 10 (Forests)
- Decision V/5 annex, section B, programme element 3, activities 3.1-3.4 and 3.6 (Agriculture)
- Decision V/6, annex, section B, principle 11 (Ecosystem approach)
- Decision V/16, paragraphs 3, 4, 10, 12, and 16; annex, section II, element 1, tasks 1, 2 and 4 (Article 8(j) and related provisions)
- Decision V/18 I, paragraph 1(d) (Impact assessment, liability and redress)

- Decision V/24, paragraph 6 (Sustainable use)
- Decision V/25, paragraphs 4(a), (b), (g), (h), and (i) (Biological diversity and tourism)
- Decision V/26 A, paragraphs 4(c) and (d) (Access to genetic resources)
- Decision VI/5, paragraph 22 (Agricultural biological diversity)
- Decision VI/10, paragraphs 2, 3 and 5 (further action) (Article 8(j) and related provisions)
- Decision VI/10, paragraphs 24, 27, 33, 40, 41, 43, 46 and 49 (Article 8(j) and related provisions)
- Decision VI/22, paragraph 32; annex, (b); programme element 1, goal 2, objective 6, (a); goal 3, objective 3, (b); goal 4, objective 1, (a) and (f); objective 3, (a), (b), (c), (d), (e) and (f); goal 5, objective 1, (b); programme element 2, goal 1, objective 2, (f); objective 3, (b); goal 2, objective 1, (f); programme element 3, goal 2, objective 1, (b) (Forest biological diversity)
- Decision VI/23, paragraphs 10(f), 24(d), 24(i) and (j) (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24 A, annex, paragraphs 13, 14(g), (h), 16(a)(vi), (vii), 16(b)(ii), (iii), (ix), 16(d)(ii), 19, 26(d), 31 and 56 (Access and benefit-sharing as related to genetic resources)
- Decision VI/24 B, paragraphs 3 and 9 (Access and benefit-sharing as related to genetic resources)
- Decision VI/24 C, paragraphs 2 and 12 (Access and benefit-sharing as related to genetic resources)
- Decision VI/27, paragraph 2(e) (Operations of the Convention)
- Decision VII/16 C, paragraph 2, D, paragraphs 1 and 3, E, paragraphs 3, 4, 6, 7 and 9; annex, A, paragraph 1, D, paragraphs 15, 16, 19, 22 and 23, E, paragraphs 25, 29, F, paragraphs 2, 3, 5, 6, 9, 10, 13 and 14, annex, G, paragraphs 1 and 7–9, H, paragraphs 2, 7, 9 and 10 (Article 8(j) and related provisions)
- Decision VII/19 A, paragraphs 2 and 3, B, paragraphs 1 and 2; C, paragraphs 1 and 2; D, paragraphs 1–3 and 6–8; annexes (Access and benefit-sharing as related to genetic resources)
- Decision VII/25, B, paragraph 4 (National reporting)
- Information and case-studies**
- Decision III/14, paragraphs 2 and 3 (Implementation of Article 8(j))
- Decision III/17, paragraph 1 (Intellectual property rights)
- Decision IV/9, paragraphs 10 and 15 (Implementation of Article 8(j) and related provisions)
- Decision V/16, paragraphs 12(f), 13 and 15; annex, section II, element 2, task 5 (Article 8(j) and related provisions)
- Decision VI/10, paragraphs 20 and 44 (Article 8(j) and related provisions)
- Decision VII/16 D, paragraph 4; annex, G, paragraph 2, H, paragraphs 1, 3 and 4 (Article 8(j) and related provisions)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision I/2, annex I, paragraph 4(j) (Financial mechanism and resources)
- Decision III/5, paragraph 5 (Additional guidance to the financial mechanism)
- Decision III/14, paragraph 5 (Implementation of Article 8(j))
- Decision IV/8, paragraph 4(d) (Access and benefit-sharing)
- Decision V/13, paragraph 2(i) (Further guidance to the financial mechanism)
- Decision VI/17, paragraph 10(n) (Financial mechanism under the Convention)

Other financial resources

- Decision IV/7, annex, paragraph 3(e) (Forests)
- Decision V/16, paragraphs 7 and 20; annex, section IV (Article 8(j) and related provisions)
- Decision VI/10, paragraphs 11, 18, 19, 22, 29 and 20 (Article 8(j) and related provisions)
- Decision VII/16 E, paragraph 7; annex, F, paragraphs 8 and 10; annex, G, paragraph 10 (Article 8(j) and Related provisions)

GUIDANCE TO THE SECRETARIAT

- Decision II/9, paragraph 2(a) (Forests—Statement to IPF)
- Decision II/10, annex II, paragraph 3(d) (Marine and coastal)
- Decision II/12, paragraphs (b) and (c) (Intellectual property rights)
- Decision III/12, paragraph 6(e) (Forests)
- Decision III/14, paragraphs 4, 6 and 9–11 (Implementation of Article 8(j))
- Decision IV/2, paragraph 10(b) (Clearing-house mechanism)
- Decision IV/5, annex, operational objective 1.2, paragraph (h); operational objective 2.1, paragraph (e) (Marine and coastal)
- Decision IV/9, paragraphs 11, 14, 15 and 17 (Implementation of Article 8(j) and related provisions)
- Decision IV/10 C, paragraph 7 (Impact assessment and minimizing adverse effects)
- Decision V/3, paragraph 11 (Marine and coastal)
- Decision V/4, paragraphs 5 and 15 (Forests)
- Decision V/5 III, paragraph 29 (Agriculture)
- Decision V/8, paragraph 14(c) (Alien species)
- Decision V/16, paragraphs 8, 10 and 19(a); annex, section II, element 2, task 5; element 6, task 17; annex, section IV (Article 8(j) and related provisions)
- Decision V/17, paragraph 7(a) (Education and public awareness)
- Decision V/24, paragraph 1 (Sustainable use)
- Decision VI/5, paragraph 21 and 25(a) (Agricultural biological diversity)
- Decision VI/10, paragraphs 1, 4, 6, 7, 9, 21, 25, 26, 28 and 35 (Article 8(j) and related provisions)
- Decision VI/18, paragraph 5 (Scientific and technical cooperation and the clearing-house mechanism)
- Decision VI/19, paragraph 12(c) (Communication, education and public awareness)
- Decision VI/22, paragraphs 19(d), 19(e), (i), (b), 19(f) and 26(c) (Forest biological diversity)

Decision VI/24 C, paragraph 13 (Access and benefit-sharing as related to genetic resources)

Decision VII/16 B, paragraph 2, C, paragraph 3, D, paragraph 4, E, paragraphs 4, 5 and 8, annex, F, paragraphs 4 and 7, annex, VI, G, paragraphs 2–5, 11 and H, paragraphs 1, 3, 4 and 8 (Article 8(j) and related provisions)

GUIDANCE TO THE AD HOC OPEN-ENDED WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS

Decision VI/10, paragraphs 13, 14 and 34 (Article 8(j) and related provisions)

Decision VII/16, D, paragraph 2; annex, H, paragraph 5 (Article 8(j) and related provisions)

Decision VII/30, paragraph 7 (Strategic Plan)

GUIDANCE TO SBSTTA

Decision IV/9, paragraph 7 (Implementation of Article 8(j) and related provisions)

Decision V/18 I, paragraph 4 (Impact assessment, liability and redress)

Decision VI/5, paragraph 21 (Agricultural biological diversity)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision II/9, annex, paragraphs 8, 16 and 17 (Forests—Statement to IPF)

Decision III/17, paragraph 8 (Intellectual property rights)

Decision III/19, annex, paragraphs 10(iii), 18, 19(e), 20(i) and 24(d) (Statement to UNGA Special Session)

Decision IV/9, paragraphs 14, 16 and 17 (Implementation of Article 8(j) and related provisions)

Decision IV/15, paragraphs 9–11 and 14(c) (Cooperation)

Decision V/8, paragraph 14(c) (Alien species)

Decision V/16, paragraph 14 (Article 8(j) and related provisions)

Decision VII/16, D, paragraph 1, E, paragraphs 3–7 and 9; annex, section F, paragraphs 2, 3 and 6; annex, section H, paragraphs 8, 9 and 11, I (Article 8(j) and related provisions)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/9, paragraph 2(a); annex, paragraphs 8, 16 and 17 (Forests—Statement to IPF)

Decision II/10, annex II, paragraph 3(d) (Marine and coastal)

Decision III/11, paragraph 15(f) (Agriculture)

Decision III/12, paragraph 6(e) (Forests)

Decision IV/4, annex I, paragraphs 9(1) and 14 (Inland water)

Decision IV/5, annex, section B, paragraph 9; annex, section C, operational objective 1.2, paragraph (h), operational objective 2.1, paragraph (e) (Marine and coastal)

Decision IV/6, paragraph 1 (see also SBSTTA recommendation III/4, paragraph 7) (Agriculture)

Decision IV/7, annex, paragraphs 3(d), (e), 14, 15, 21, 30, 34, 38 and 39 (Forests)

Decision V/2, paragraph 8 (Inland water)

Decision V/3, paragraph 11 (Marine and coastal)

Decision V/4, paragraphs 5–7, 9, 10 and 15; annex, 2(b)(v) (Forests)

- Decision V/5, paragraphs 5 and 29; annex, section A, paragraphs 3(c) and 4; annex, section B, programme element 1, activity 1.3; programme element 2, activities 2.2(c)(ii) and 2.3, 3.1, 3.2, 3.3, 3.4 and 3.6 (Agriculture)
- Decision V/23, annex I, section I, paragraph 3; annex I, section II, part A, paragraph 6, activity 6; part B, activity 8, paragraphs (a) and (b) (Dry and sub-humid lands)
- Decision VI/5, paragraphs 21 and 24 (Agricultural biological diversity)
- Decision VI/22, paragraphs 13, 19(d), (e)(i)b. (f), 26 (c), 31 and 32; annex, (b), programme element 1, goal 2, objective 6, (a); goal 3, objective 3, (b); goal 4, objective 1, (a) and (f); objective 3, (a), (b), (c), (d), (e) and (f); goal 5, objective 1, (b); programme element 2, goal 1, objective 2, (f); objective 3, (b); goal 2, objective 1, (f); programme element 3, goal 2, objective 1, (b) (Forests)
- Decision VII/10, paragraph 8(e) (Global Strategy for Plant Conservation)
- Decision VII/27, paragraphs 6 and 4; annex (Mountain biological diversity)

OTHER RELEVANT DECISIONS

- Decision IV/1 D, paragraph 8 (Taxonomy)
- Decision IV/8, paragraph 3 (Access and benefit-sharing)
- Decision IV/10 C, paragraph 1 (Impact assessment and minimizing adverse effects)
- Decision V/15, paragraph 4 (Incentive measures)
- Decision V/20 III, paragraphs 31(b) and (c) (Operations of the Convention)
- Decision V/26 A, paragraphs 11, 12, 14 and 15(e); decision V/26 B, paragraph 1 (Access to genetic resources)
- Decision V/26 B, paragraph 1 (Intellectual property rights)
- Decision VI/7, annex, paragraphs 36 and 40 (Identification, monitoring, indicators and assessments)
- Decision VI/8, annex, section I, paragraph 5; section II, C, 5.1 and 5.3 (Global Taxonomy Initiative)
- Decision VI/9, annex, paragraphs 11(b) and 19(c); appendix, targets 9, 12, paragraph 3 and 13 (Global Strategy for Plant Conservation)
- Decision VI/13, preamble (Sustainable use)
- Decision VI/14, preamble (Biological diversity and tourism)
- Decision VI/15, annex I, paragraphs 7, 8, 21 and 28; annex II, paragraphs 6 and 7(b) (Incentive measures (proposals for the design and implementation of incentive measures))
- Decision VI/19, paragraph 10; annex, programme element 1, proposed actions, paragraph 2 (Communication, education and public awareness)
- Decision VI/20, paragraphs 6, 36, 38 and 39 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/23, paragraph 15(a) (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24 A, annex, paragraphs 11(g), (j), 43(a), 44(g) and 48, appendix II, paragraph 2(g) (Access and benefit-sharing as related to genetic resources)
- Decision VI/24 B, annex, 3(f) and (j), 4(e)(vi) and 5(i) (Access and benefit-sharing as related to genetic resources)
- Decision VI/26, annex, paragraph 11 and 4.3 (Strategic Plan for the Convention on Biological Diversity)
- Decision VII/12, annex I, paragraph 22; annex II (Sustainable use)

Decision VII/14, paragraph 5; annex (Biological diversity and tourism)
Decision VII/28, paragraphs 22 and 29(c); annex (Protected areas)
Decision VII/30, annex II (Strategic Plan)

Declarations

Colombia (adoption), Malawi (adoption) and Peru (adoption)

Documents

- UNEP/CBD/COP/3/19—Implementation of Article 8(j).
UNEP/CBD/COP/3/INF.3—Submissions received by the Executive Secretary concerning knowledge, innovations and practices of indigenous and local communities.
UNEP/CBD/COP/4/10—Implementation of Article 8(j) and related provisions.
UNEP/CBD/COP/5/5: Report of the Ad Hoc Working Group on Article 8(j) and related provisions.
UNEP/CBD/SBSTTA/2/7—Knowledge, innovations and practices of indigenous and local communities.
UNEP/CBD/SBSTTA/2/INF.3—Traditional forest-related knowledge and the Convention on Biological Diversity.
UNEP/CBD/SBSTTA/2/INF.8—Submissions received by the Secretariat concerning knowledge, innovations and practices of indigenous and local communities.
UNEP/CBD/TKBD/1/1/Rev.1—Provisional agenda.
UNEP/CBD/TKBD/1/1/Add.1—Annotated provisional agenda.
UNEP/CBD/TKBD/1/2—Traditional Knowledge and Biological Diversity.
UNEP/CBD/TKBD/1/3—Report of the Workshop on Traditional Knowledge and Biological Diversity.
UNEP/CBD/WG8J/1/1—Provisional agenda.
UNEP/CBD/WG8J/1/1/Add.1—Annotated provisional agenda.
UNEP/CBD/WG8J/1/2—Legal and other appropriate forms of protection, for the knowledge, innovations and practices of Indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.
UNEP/CBD/WG8J/1/3—Proposed programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity at national and international levels.
UNEP/CBD/WG8J/1/4—International cooperation among indigenous and local communities.
UNEP/CBD/WG8J/1/INF/1—Indicative list of activities that could be carried out under the tasks identified in the programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity.
UNEP/CBD/WG8J/1/INF/2—Synthesis of case-studies and relevant information on Article 8(j) and related provisions of the Convention on Biological Diversity.
UNEP/CBD/WG8J/1/INF/3—Briefing note from the Spanish and Colombian Governments on protected areas and indigenous peoples.
UNEP/CBD/WG8J/1/INF/4—Report of the International Conference on Indigenous and Scientific Knowledge on the Sustainable Use of Plants.

- UNEP/CBD/WG8J/1/INF/5—The outcome of the Intergovernmental Forum on Forests (IFF), relevant to the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity.
- UNEP/CBD/WG8J/2/2—Report of progress on the integration of relevant tasks of the programme of work on Article 8(j) and related provisions in the thematic programmes of the Convention on Biological Diversity.
- UNEP/CBD/WG8J/2/3—Review of progress on the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions.
- UNEP/CBD/WG8J/2/4—Participatory mechanisms for indigenous and local communities.
- UNEP/CBD/WG8J/2/5—Outline of composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities.
- UNEP/CBD/WG8J/2/6—Draft guidelines or recommendations for the conduct of cultural, environmental and social impact assessments, regarding developments proposed to take place on sacred sites, and on lands and waters occupied or used by indigenous and local communities.
- UNEP/CBD/WG8J/2/6/Add.1—Explanatory note: background to the draft guidelines or recommendations for the conduct of cultural, environmental and social impact assessments, regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities.
- UNEP/CBD/WG8J/2/7—Assessment of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge innovations and practices of indigenous and local communities.
- UNEP/CBD/WG8J/2/INF/1—Compilation and overview of existing instruments, guidelines, codes of ethics and other activities relevant to the programme of work.
- UNEP/CBD/WG8J/2/INF/2—Report on progress of the integration of relevant tasks of the programme of work on Article 8(j) and related provisions, in the cross cutting areas of the Convention on Biological Diversity.
- UNEP/CBD/COP/6/7—Report of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, on the work of its second meeting.
- UNEP/CBD/COP/7/6—Report of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, on the work of its second meeting.
- UNEP/CBD/COP/7/7—Report of the third meeting of the Ad Hoc Open-Ended Inter-sessional Working Group on Article 8(j) and Related Provision of the Convention on Biological Diversity.
- UNEP/CBD/COP/7/INF/18—The implications of the international treaty on plant genetic resources for food and agriculture on the issues under Article 8(j) and related provisions.

ARTICLE 8/I | Mitigation of threats

Each Contracting Party shall, as far as possible and as appropriate:

(l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and

Editors' note: Readers should also refer to the guides to Articles 7(c), 10(b) and 14(l) in this section of the Handbook.

Notes**TERMS DEFINED IN ARTICLE 2**

“Biological diversity.”

CONSIDERATION OF ARTICLE 8(I) BY THE COP**Background and status**

This aspect of Article 8 is linked to Articles 7(c), 10(b) and 14(l) of the Convention. While the COP has not specifically addressed Article 8(l), it has recommended methodologies to evaluate and mitigate threats to biological diversity, as one of four specific themes, for the compilation and dissemination of information on the implementation of Articles 6 and 8 [*decision III/9, paragraph 9(a)*].

In programme area 2 of the work programme on forest biological diversity, research is intended to promote four activities, one of which is to provide options to minimize or mitigate negative, and to promote positive, human influences on forest biological diversity [*decision IV/7, annex, paragraph 31*]. COP 5 drew attention to the potential impacts of climate change, uncontrolled forest fires and harvesting of non-timber forest resources on forest biological diversity, and asked the SBSTTA to consider these issues [*decision V/4, paragraphs 11, 12 and 14*].

One of the activities under the programme of work on marine and coastal biological diversity, is to promote identification of key habitats for marine living resources on a regional basis, with a view to further developing policies for action to prevent physical alteration and destruction of these habitats, including, *inter alia*, coral-reef systems. This work is to be carried out by the Executive Secretary and SBSTTA, in collaboration with relevant organizations [*decision IV/5, annex, section C, operational objective 1.3, paragraph (c)*].

COP guidance*Guidance to Parties*

COP 5 encouraged Parties to include mitigation measures in environmental impact assessment (EIA) [*decision V/18, paragraph 2(b)*]. It also stressed the importance of minimizing risks to biological diversity in its consideration of biological diversity and tourism [*decision V/25, paragraph 4(b)*].

The COP has urged Parties to take appropriate actions to mitigate impacts upon marine and coastal biological diversity [*decision IV/5, II, paragraph 4*].

The COP has encouraged Parties to develop national strategies, programmes and plans which, *inter alia*, encourage the consideration of introducing necessary measures and/or legislation to encourage appropriate use of, and discourage excessive dependence, on agro-chemicals, with a view to reducing negative impacts on biological diversity [*decision III/11, paragraph 15(l)*]. It has also urged Parties and Governments to identify ways to address the potential impacts of GURTs on agricultural biological diversity [*decision V/5, paragraph 26*].

COP 6 endorsed the draft guidelines for incorporating biodiversity-related issues into environmental impact assessment. At COP 7, Parties were urged to contribute case-studies on current experiences in environmental impact assessment and strategic environmental assessment procedures [*decision VII/6*].

References

GUIDANCE TO PARTIES

National action

Decision III/11, paragraph 15(l) (Agriculture)

Decision IV/5, II, paragraph 4 (Marine and coastal)

Decision V/5, paragraph 26 (Agriculture)

Decision V/18 I, paragraph 2(b) (Impact assessment, liability and redress)

Decision V/25, paragraph 4(b) (Biological diversity and tourism)

Decision VI/7 A, paragraph 2 (Impact assessment)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision IV/13, paragraph 4 (Additional guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

Decision IV/5, annex, section C, operational objective 1.3, paragraph (c) (Marine and coastal)

Decision V/4, paragraph 15 (Forests)

Decision VI/7 A, paragraph 3 (Impact assessment)

GUIDANCE TO SBSTTA

Decision IV/5, annex, operational objective 1.3, paragraph (c) (Marine and coastal)

Decision V/4 paragraphs 11, 12 and 14 (Forests)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision IV/5, annex, operational objective 1.3, paragraph (c) (Marine and coastal)

Decision V/3 I, paragraph 5 (Marine and coastal)

Decision V/4, paragraphs 11 and 15 (Forests)

Decision VII/6 (Environmental impact assessment and strategic environment assessment)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision III/11, paragraph 15 (I) (Agriculture)

Decision IV/5, section II, paragraph 4; annex, operational objective 1.3, paragraph (c) (Marine and coastal)

Decision IV/7, annex, paragraph 31 (Forests)

Decision V/3, paragraph 5 (Marine and coastal)

Decision V/4, paragraphs 11, 12, 14 and 15; annex, paragraph 2(b)(ii) (Forests)

Decision V/5 paragraph 26; annex, section A, paragraph 2(a), annex B, activity 2.3 (Agriculture)

OTHER RELEVANT DECISIONS

Decision V/6 (Ecosystem approach)

Decision V/8, paragraph 15(a); annex I, guiding principles 12–15 (Alien species)

Decision VII/28, annex (Protected areas)

ARTICLE 9 | *Ex situ* conservation

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing *in situ* measures:

(a) Adopt measures for the *ex situ* conservation of components of biological diversity, preferably in the country of origin of such components;

(b) Establish and maintain facilities for *ex situ* conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) Regulate and manage collection of biological resources from natural habitats for *ex situ* conservation purposes so as not to threaten ecosystems and *in situ* populations of species, except where special temporary *ex situ* measures are required under subparagraph (c) above; and

(e) Cooperate in providing financial and other support for *ex situ* conservation outlined in subparagraphs (a)–(d) above and in the establishment and maintenance of *ex situ* conservation facilities in developing countries.

Editors' note: COP decisions on taxonomy are addressed in the guide to Article 7 earlier in this section of the Handbook. COP decisions relating to access to ex situ collections, not acquired in accordance with the Convention are addressed in the guide to Article 15. See also agricultural biodiversity, in particular references to the State of the World's Plant Genetic Resources for Food and Agriculture. and the International Treaty for the Plant Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations, and specific links to access to genetic resources (Article 15) and access to and transfer of, technology (Article 16). Although the COP has not addressed recovery and rehabilitation of threatened species (Article 9(c)) in detail, the COP's deliberations regarding Article 8(f) are relevant here. The Global Strategy for Plant Conservation, and its sixteen targets, are addressed separately after the thematic areas later in this Guide.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biological resources,” “country of origin of genetic resources,” “ecosystem,” “*ex situ* conservation” and “habitat.”

CONSIDERATION OF ARTICLE 9 BY THE COP

Background and status

COP 1 decided to address models and mechanisms, for linkages between *in situ* and *ex situ* conservation at COP 4 [*decision I/9*]. However, this item was not considered at the latter meeting. To date, the COP has not specifically considered Article 9 on *ex situ* conservation. Some issues of relevance have nevertheless arisen, in its consideration of other items on its agenda. At present, the programme of work adopted by the COP for its sixth and seventh meetings, does not provide for the specific consideration of Article 9 [*decision IV/16, paragraph 16, annex II*].

In decision III/10, the COP recommended to Parties that they explore ways to make taxonomic information housed in collections worldwide readily available, in particular to countries of origin (see also Article 17) [*decision III/10, paragraph 8*]. The COP has subsequently adopted two wide-ranging decisions on taxonomy, which include a number of elements of relevance to *ex situ* collections. Decision IV/1 D and decision V/9 are addressed in the guide to Article 7, earlier in this section of the Handbook.

The COP has initiated an information-gathering exercise (as part of its work on access to genetic resources and benefit-sharing) on *ex situ* collections acquired prior to the entry into force of the Convention, and not addressed by the Commission on Plant Genetic Resources for Food and Agriculture. COP 5 invited Parties, Governments and other organizations, to provide capacity-building and technology development and transfer, for the maintenance and utilization of *ex situ* collections [*decision V/26 C, paragraph 4*].

By decision V/26 *ex situ* collections acquired prior to the entry into force of the Convention and not addressed by the Commission on Genetic Resources for Food and Agriculture, the COP decided to continue the information-gathering exercise on *ex situ* collections initiated by decision IV/8.

The COP requested the Executive Secretary to gather available information, as appropriate, from Parties, Governments, relevant organizations and forums, through questionnaires. The COP also invited relevant organizations and forums already involved in consideration of these issues, to provide this information to the Executive Secretary.

In response to decision V/26 C, an International Review of the *Ex Situ* Plant Collections of the Botanic Gardens of the World was prepared by Botanic Gardens Conservation International, with the support of the UK Government and the Secretariat of the Convention on Biological Diversity. The COP noted the report with appreciation [*decision V1/24 D, paragraph 8*].

COP welcomed contributions provided by a DIVERSITAS Working Group of Experts, containing recommendations on scientific research that should be undertaken for the effective implementation of, *inter alia*, Article 9 of the Convention, and transmitted them to SBSTTA for further consideration and use [decision IV/1 A, paragraphs 5 and 6].⁴⁷

Responding to a call from organizations housing *ex situ* collections, including the XVI International Botanical Congress for the development of a Global Strategy for Plant Conservation, COP 5 decided to consider at COP 6 a global strategy for plant conservation. To prepare for this matter, the COP requested SBSTTA to consider the development of such a strategy [decision V/10, paragraphs 3 and 4].

At its seventh meeting, based on a proposal prepared in collaboration with the Gran Canaria Group, SBSTTA recommended a Global Strategy for Plant Conservation, which was further approved by COP 6. COP 6 also decided to review at its eighth and tenth meetings, the progress made in reaching the global targets, and provide additional guidance [decision VI/10, paragraph 8].

References

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision III/11, annex 2, paragraph 3 (Agriculture)

Decision IV/4, annex I, paragraphs 9(f) and (iv) (Inland water)

Decision V/5, paragraph 26; annex, section B, programme element 4, activity 4.4 (Agriculture)

Decision V/23, annex I, paragraph 9; activity 7(f) (Dry and sub-humid lands)

Decision VI/9, annex, paragraph 14(b) (The International Treaty for Plant Genetic Resources for Food and Agriculture)

Decision VII/27, paragraph 5; annex (Mountain biological diversity)

OTHER RELEVANT DECISIONS

Decision III/10, paragraph 8 (Identification, monitoring and assessment)

Decision IV/1 A, paragraphs 5 and 6 (Report and recommendations of the third meeting of SBSTTA)

Decision IV/1 D, annex (Taxonomy)

Decision V/10 (Global Strategy for Plant Conservation)

Decision V/26 A, paragraph 11 (Access to genetic resources)

Decision V/26 C, paragraph 4 (*Ex situ* collections)

Decision VI/6 (The International Treaty for Plant Genetic Resources for Food and Agriculture)

Decision VI/24 D, paragraph 8 (Other issues relating to access and benefit-sharing)

Decision VII/10 (Global Strategy for Plant Conservation)

⁴⁷ The DIVERSITAS recommendations were contained in document UNEP/CBD/COP/4/INF.18, and reprinted in *A Programme for Change: Decision from the Fourth Meeting of the Conference of the Parties to the Convention on Biological Diversity* (UNEP, 1998). The DIVERSITAS experts meeting was held in Mexico City, in March 1998.

Documents

- UNEP/CBD/COP/4/INF.18—Recommendations on scientific research that should be undertaken to achieve the Implementation of Articles 7, 8, 9, 10 and 14 of the Convention on Biological Diversity, Mexico City, March 1998.
- UNEP/CBD/COP/5/INF/32—The Gran Canaria Declaration.
- UNEP/CBD/COP/6/12—Cross cutting issues: progress reports on implementation.
- UNEP/CBD/COP/6/12/Add.4—Cross-cutting issues: progress reports on implementation—the Global Strategy for Plant Conservation of the Convention on Biological Diversity. Technical review of the targets, and analysis of opportunities for their implementation.
- UNEP/CBD/COP/6/INF/21—Global Strategy for Plant Conservation: technical review of the targets, and analysis of opportunities for their implementation; report of the meeting of technical experts on their implementation: Report of the meeting of technical experts on the Global Plant Conservation Strategy, Gran Canaria, 11–13 February 2002.
- UNEP/CBD/COP/6/INF/21/Add.1—A review of the scope, terminology, base-line information, and technical and scientific rationale, of the 16 targets included in the proposed Global Strategy for Plant Conservation, with particular reference to the quantitative elements they contain.
- UNEP/CBD/COP/6/INF/21/Add.2—Opportunities for the implementation of the Global Strategy for Plant Conservation, through the thematic and cross-cutting programme of work of the Convention on Biological Diversity.
- UNEP/CBD/COP/6/INF/21/Add.3—Global Strategy for Plant Conservation: nationally based initiatives that can contribute to the implementation of the Strategy.
- UNEP/CBD/COP/6/INF/21/Add.4—Examples of regional and international initiatives relevant to the 16 targets.
- UNEP/CBD/COP/6/INF/22—Global Strategy for Plant Conservation: European Plant Conservation Strategy.
- UNEP/CBD/SBSTTA/9/14/Add.2—Implementation of the Global Strategy for Plant Conservation.
- UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.

ARTICLE 10 | Sustainable use of components of biological diversity

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- (b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;
- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and
- (e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

Editors' note: As well as being the subject of Article 10, the sustainable use of the components of biological diversity is also one of the three objectives of the Convention (Article 1). In addition, it is referred to either as sustainable use of biological diversity, of the components of biological diversity or of biological resources in Articles 5–8, 11–13, 16–19, 21 and 25, and Annex I of the Convention. General references to sustainable use as they pertain to these parts of the Convention are not included here.

The specific provisions of Article 10 are also, in each case, closely linked to provisions in other articles of the Convention. In particular, Article 10(a) is closely related to Article 6(b), Article 10(b) to Article 8(i) and Article 8(l), Article 10(c) to Article 8(j), and Article 10(d) to Article 8(f). The reader is referred to these for further details.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biological resources” and “sustainable use.”

CONSIDERATION OF ARTICLE 10 BY THE COP

Background and status

COP 4 decided to consider sustainable use, including tourism, at COP 5 [*decision IV/16, annex II*]. COP 5 considered sustainable use as a cross-cutting issue [*decision V/24*], and considered the relationship between biological diversity and tourism within the context of sustainable use [*decision V/25, see below*]. References to sustainable use, or sustainable management of biological resources, have also been made in each of the thematic work programmes.

COP 5 asked the Executive Secretary to invite organizations involved in sustainable-use initiatives, and others, to compile and disseminate case-studies on best practice and lessons learned from the use of biological diversity under the thematic areas of the Convention. It also asked the Executive Secretary to adapt the process being used to develop the ecosystem approach and apply it to relevant work on sustainable use, and to develop appropriate guidance to assist Parties and Governments. The Executive Secretary has been asked to assemble practical principles, operational guidelines and instruments, and guidance specific to sectors and biomes, to assist Parties to achieve sustainable use of biological diversity.

In response to these requests the Secretariat organized three regional workshops on the sustainable use of biological diversity.⁴⁸

At its sixth meeting in April 2002, the COP requested the Executive Secretary to organize a fourth open-ended workshop on the sustainable use of biological diver-

48 The first workshop, held in Maputo, in September 2001, focused on key elements relating to the sustainable use of dryland resources and wildlife utilization in Africa. The second workshop was held in Hanoi, in January 2002 and focused on forest biological diversity, including timber and non-wood forest products, with reference to agricultural biological diversity. The third workshop was held in Salinas, Ecuador, in February 2002, and focused on marine and freshwater fisheries.

sity to: synthesize the outcomes of the three workshops; integrate different views and regional differences; and develop a final set of practical principles and operational guidelines for the sustainable use of biological diversity [*decision VII/13, paragraph 4*]. The fourth open-ended workshop on the sustainable use of biological diversity, held in Addis Ababa, Ethiopia, in May 2003, produced the Addis Ababa Principles and Guidelines for the sustainable use of biodiversity, which were subsequently considered by SBSTTA and adopted at COP 7 [*decision VII/12, paragraph 1*].

COP 7 also requested the Executive Secretary to collect information and experiences on successful efforts made to implement Article 10 of the Convention and, as they are developed, success stories, best practices and lessons learned in the application of the Addis Ababa Principles and Guidelines, including information and experiences on how sustainable use of biodiversity can contribute to the achievement of the target of significantly reducing the rate of biodiversity loss by 2010 [*decision VII/12 paragraph 4*].

COP 7 also requested the Executive Secretary to undertake further work on issues pertaining to use of terms for sustainable use, adaptive management, monitoring and indicators building on the outcome of the Addis Ababa workshop, for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eighth meeting of the Conference of the Parties and, recalling decisions V/15 and V/24, requested the Executive Secretary to convene a series of technical experts workshops on ecosystem services assessment, financial costs and benefits associated with conservation of biodiversity, and sustainable use of biological resources [*decision VII/12, paragraph 5*].

COP guidance

COP 5 invited Parties to identify indicators and incentive measures for sectors, relevant to the conservation and sustainable use of biodiversity. It also invited Parties to explore mechanisms to involve the private sector, and indigenous and local communities, in initiatives on the sustainable use of biological diversity. It further invited Parties, Governments, and organizations to assist other Parties in capacity-building to implement sustainable-use practices [*decision V/24, paragraphs 4–6*].

COP 7 invited Parties, other Governments and relevant organizations, to initiate a process for the implementation of the Addis Ababa Principles and Guidelines, in accordance with Article 10 and in line with Article 6 of the Convention on Biological Diversity, in order to integrate and mainstream the Addis Ababa Principles and Guidelines into a range of measures including policies, programmes, national legislation and other regulations, sectoral and cross-sectoral plans and programmes addressing consumptive and non consumptive use of components of biological diversity [*decision VII/12, paragraph 2*].

Parties and Governments, in collaboration with other relevant international organizations and agreements, indigenous and local communities, and stakeholders were also invited to undertake further research and report on case-studies and existing literature on sustainable use, consistent with practical principle covering a number of issues, including: the impacts of sustainable use and non-sustainable use on livelihoods, and ecosystems goods and services; the role of indigenous and local

communities, and women in the sustainable use of components of biodiversity; and the relationship between resilience of ecosystems and the sustainable use of biodiversity [*decision VII/12, paragraph 6*].

Tourism

The COP decided to consider the relationship between tourism and biological diversity at its fifth meeting. By way of preparation, the COP asked Parties to submit information on sustainable tourism and biological diversity, for the Executive Secretary to use as a base for inputs to the Commission on Sustainable Development (CSD) [*decision IV/15, paragraphs 14 and 16*].

SBSTTA 4 considered the interlinkages between tourism and biological diversity at length. It prepared an assessment that discussed both the potential benefits of tourism for conservation of biological diversity and sustainable use of its components, and its possible adverse impacts. This assessment, with very minor modifications, was adopted by COP 5 as the annex to decision V/25.

The COP also noted that the United Nations General Assembly (UNGA) had proclaimed 2002 as the International Year of Ecotourism, and accepted an invitation to participate in the international work programme on sustainable tourism development under the CSD, in particular with a view to contributing to international guidelines on sustainable tourism development in areas important for biological diversity. The COP transmitted its assessment of the interlinkages between biodiversity and tourism to the CSD, and recommended to governments, the tourism industry and relevant international organizations, especially the World Tourism Organization, that they use the assessment as the basis for their policies, programmes and activities in the field of sustainable tourism [*decision V/25, paragraphs 3 and 4*]. It encouraged submission of case-studies to enable sharing of knowledge, experience and best practice, through the CHM [*decision V/25, paragraph 5*]. The COP also requested the Executive Secretary to convene a workshop to prepare a proposal for the contribution on the international guidelines [*decision V/25, paragraph 2*].

Pursuant to decision V/25, a workshop on tourism and biodiversity was held in Santo Domingo in June 2001. The workshop resulted in the “Draft International Guidelines on Sustainable Tourism in Vulnerable Ecosystems,” which were forwarded to the tenth session of the Commission on Sustainable Development, serving as the Preparatory Committee for the World Summit on Sustainable Development, as requested by SBSTTA recommendation VII/5. COP 6 requested the Secretariat to submit the draft guidelines to the preparatory process for the World Summit on Ecotourism (WES), held in Québec City in May 2002, and to open an electronic consultation inviting further reactions to the guidelines.

As requested by the COP, the text of the guidelines has been reviewed by the Secretariat, taking into account comments submitted to the Secretariat by Parties and organizations, and the outcome of the World Ecotourism Summit. The reviewed draft was transmitted to SBSTTA for its consideration at a meeting prior to the seventh meeting of the COP, together with available case-studies on the implementation of the guidelines [*decision VI/14, paragraph 3*].

SBSTTA 8 considered the draft guidelines and forwarded them to the seventh meeting of the Conference of the Parties. COP 7 adopted the CBD Guidelines on Biodiversity and Tourism Development [*decision VII/14, paragraph 1, annex*].

COP 7 requested the Executive Secretary to undertake some further work on the Guidelines, to increase clarity and facilitate their detailed understanding of the guidelines and implementation by Parties. It was requested that a user's manual be developed, including a checklists, a streamlined and user-friendly core set of improved voluntary guidelines, and a glossary and definitions of terms used in the Guidelines [*decision VII/14 paragraphs 3, (a) and (b)*].

COP 7 also requested that the clearing-house mechanism be promoted in order to collect and disseminate information on specific case-studies on the implementation of the Guidelines that make clearer reference to the use and application of specific analytical management tools; and on best practices, lessons learned and case-studies on the involvement of indigenous and local communities embodying traditional lifestyles in sustainable-tourism and ecotourism activities and projects [*decision VII/1, paragraph 3(c)*].

The Executive Secretary will report on the progress being made on the implementation and improvement of the Guidelines at COP 8 [*decision VIII/14, paragraph 12*].

COP guidance

COP 7 invited all Governments to integrate the Guidelines in the development or review of their strategies and plans for tourism development, national biodiversity strategies and action plans, and other related sectoral strategies, at appropriate levels in consultation with interested stakeholders, including tourism operators and all members of the tourism sector.

References

DECISIONS ON ARTICLE 10

- Decision V/24 (Sustainable use)
- Decision V/25 (Biological diversity and tourism)
- Decision VI/13 (Sustainable use)
- Decision VI/14 (Biological diversity and tourism)
- Decision VII/12 (Sustainable use)
- Decision VII/14 (Biological diversity and tourism)

GUIDANCE TO PARTIES

National action

- Decision II/10, paragraph 3 (Marine and coastal)
- Decision III/11, paragraph 15(f) (Agriculture)
- Decision III/18, paragraph 4 (Incentive measures)
- Decision IV/4, annex I, paragraph 9(f) (Inland water)
- Decision V/4, paragraph 10 (Forests)
- Decision V/18, paragraph 1(a) (Impact assessment, liability and redress)

- Decision V/23, annex I, activities 9(b), (c), and (d) (Dry and sub-humid lands)
- Decision V/24, paragraphs 4–7 (Sustainable use)
- Decision V/25, paragraphs 4 and 7 (Biological diversity and tourism)
- Decision VI/10, paragraph 3(c), part E, paragraph 23 (Article 8(j))
- Decision VI/15, paragraph 3; annex II, paragraph 6 (Incentive measures)
- Decision VI/16, paragraph 7(b) (Additional financial resources)
- Decision VI/22, paragraph 33; annex, objective 3, paragraph 3 (Forest biological diversity)
- Decision VI/25, paragraph 2(b) (Operations of the Convention)
- Decision VII/12, paragraphs 2, 6 and 8 (Sustainable use)
- Decision VII/14, paragraphs 6–8 (Biological diversity and tourism)

Information and case-studies

- Decision IV/6, paragraph 6 (Agriculture)
- Decision IV/9, paragraphs 10(c) and 15 (Implementation of Article 8(j) and related provisions)
- Decision IV/15, paragraph 14 (Cooperation)
- Decision V/23, annex I, section II, part B, activities 9(b), (c) and (d), ‘ways and means’, (c) (Dry and sub-humid lands)
- Decision V/24, paragraph 7 (Sustainable use)
- Decision V/25, paragraph 5 (Biological diversity and tourism)
- Decision VI/13, paragraph 6 (Sustainable use)
- Decision VI/22, paragraph 19(f); annex, objective 3, paragraph (f) (Forest biological diversity)
- Decision VII/12, paragraph 6 (Sustainable use)
- Decision VII/14, paragraph 3(c) (Biological diversity and tourism)

FINANCIAL MECHANISM AND RESOURCES

Other financial resources

- Decision V/24, paragraph 5 (Sustainable use)
- Decision VI/13, paragraph 5 (Sustainable use)
- Decision VII/20, paragraph 8 (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

- Decision III/14, paragraph 10 (Implementation of Article 8(j))
- Decision IV/15, paragraph 16 (Cooperation)
- Decision V/21, paragraph 7 (Cooperation)
- Decision V/23, annex I, section II, part B, activities 9(b), (c) and (d) and ‘ways and means’ (Dry and subhumid lands)
- Decision V/24, paragraphs 1–3 (Sustainable use)
- Decision V/25, paragraphs 2 and 6 (Biological diversity and tourism)
- Decision VI/10, part E, paragraph 21 (Article 8(j))
- Decision VI/13, paragraphs 4 and 7 (Sustainable use)
- Decision VI/14, paragraph 3 (Biological diversity and tourism)
- Decision VI/16, paragraph 11(f) (Additional financial resources)
- Decision VII/12, paragraphs 4–7 (Sustainable use)

GUIDANCE TO SBSTTA

- Decision IV/1 A, paragraph 6 (Report and recommendations of the third meeting of SBSTTA)
- Decision IV/15, paragraph 14(f) (Cooperation)
- Decision V/3, paragraph 13 (Marine and coastal)
- Decision V/4, paragraph 14 (Forests)
- Decision V/25, paragraphs 5 and 6 (Biological diversity and tourism)
- Decision VI/13, paragraph 4 (Sustainable use)
- Decision VI/14, paragraph 3(b) (Biological diversity and tourism)
- Decision VII/12, paragraph 3 (Sustainable use)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision I/8, annex (Statement to CSD)
- Decision IV/1 A, paragraphs 5 and 6 (Report and recommendations of the third meeting of SBSTTA)
- Decision IV/15, paragraphs 14 and 16 (Cooperation)
- Decision V/21, paragraph 7 (Cooperation)
- Decision V/23, annex I, activities 9(b), (c) and (d) (Dry and sub-humid lands)
- Decision V/24, paragraphs 1–3, 5 and 6 (Sustainable use)
- Decision V/25, paragraphs 2–7 (Biological diversity and tourism)
- Decision VI/10, paragraph 25 (Article 8(j))
- Decision VI/15, annex II, paragraph 14 (Incentive measures)
- Decision VI/19, paragraph 19 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/22, paragraphs 19(b), (c) and 39(a) (Forests)
- Decision VII/12, paragraphs 2, 6 and 8 (Sustainable use)
- Decision VII/14, paragraphs 6–9 (Biological diversity and tourism)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/9, annex, paragraphs 8 and 12 (Forests—Statement to IPF)
- Decision II/10, paragraph 3; annex I, paragraph (vii); annex II, paragraph 4 (Marine and coastal)
- Decision III/11, paragraph 15(f) (Agriculture)
- Decision III/12, annex, paragraph (g) (Forests)
- Decision IV/4, annex I, paragraphs 9(f) and 17 (Inland water)
- Decision IV/5, annex, section C, operational objective 2.1 (Marine and coastal)
- Decision IV/7, annex (Forests)
- Decision V/4, paragraphs 10 and 14; annex, paragraphs 2(a) and (b) (Forests)
- Decision V/5, annex, paragraph 3(a) (Agriculture)
- Decision V/23, annex I, section II, part B, activities 9(b), (c) and (d) (Dry and sub-humid lands)
- Decision VI/7, annex, appendix I (Identification, monitoring, indicators and assessment)
- Decision VI/8, annex, objectives 3, 4 and 5 (Global Taxonomy Initiative)
- Decision VI/9, annex, objectives A and B (Global Strategy for Plant Conservation)
- Decision VI/10, part C, annexes I and II (Article 8(j))
- Decision VI/15, annex I, paragraphs 1 and 23 (Incentive measures)

- Decision VI/26, annex, paragraphs 2 and 18 (Strategic Plan)
Decision VII/10, paragraph 8(d) (Global Strategy for Plant Conservation)
Decision VII/27, annex, goal 1.3, programme elements 2 and 3 (Mountain biological diversity)

OTHER RELEVANT DECISIONS

- Decision IV/9, paragraph 1(c); annex, section C (Implementation of Article 8(j) and related provisions)
Decision IV/16, annex II (Institutional matters and programme of work).
Decision VI/22, paragraph 13; annex (Forest biological diversity)
Decision VII/16 E (Article 8(j) and related provisions)
Decision VII/19, annexes (Access and benefit-sharing as related to genetic resources)
Decision VII/30, annex II (Strategic Plan)

Documents

- UNEP/CBD/COP/5/INF/13—Tourism and the sustainable use of biological diversity: a survey of ongoing international initiatives.
UNEP/CBD/COP/5/INF/35—International Workshop: Case-Studies on Sustainable Tourism and Biodiversity.
UNEP/CBD/COP/4/INF.18—Recommendations on Scientific Research that should be Undertaken to Achieve the Implementation of Articles 7, 8, 9, 10 and 14 of the Convention on Biological Diversity, Mexico City, March 1998.
UNEP/CBD/COP/4/INF.21—Biological diversity and sustainable tourism: preparation of global guidelines.
UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.
UNEP/CBD/COP/5/20—Sustainable use, including tourism.
UNEP/CBD/SBSTTA/4/11—Development of approaches and practices for the sustainable use of biological resources, including tourism.
UNEP/CBD/SBSTTA/4/INF.9—Sustainable Tourism as a Development Option: practical guides for Local Planners, Developers and Decision Makers. Submitted by the German Federal Ministry for Economic Co-operation and Development.
UNEP/CBD/SBSTTA/5/13—Sustainable use of the components of biological diversity: identification of sectoral activities that could adopt biodiversity-friendly practices and technologies.
UNEP/CBD/COP/6/INF/24—Ecosystem approach: sustainable use and incentive measures. Reports of the regional workshops on the sustainable use of biological diversity.
UNEP/CBD/COP/6/INF/24/Add.1—Report of the Maputo workshop on sustainable use of biological diversity, 24–27 September 2001.
UNEP/CBD/COP/6/INF/24/Add. 2—Report of the second regional workshop on sustainable use of biological diversity, 9–12 January 2002, Hanoi.
UNEP/CBD/COP/6/INF/24/Add. 3—Report of the third regional workshop on sustainable use of biological diversity, 18–21 February 2002, Salinas, Ecuador.
UNEP/CBD/WS-Tourism/4—Report of the Workshop on Biological Diversity and Tourism.

- UNEP/CBD/COP/6/12/Add. 2—Results of the electronic consultation on the draft international guidelines for activities related to sustainable tourism development.
- UNEP/CBD/SBSTTA/8/11—Biological diversity and tourism: draft guidelines for activities related to sustainable tourism development and biological diversity and case-studies on the implementation of the guidelines.
- UNEP/CBD/SBSTTA/8/INF/8—Synopsis of existing case-studies on the implementation of the draft guidelines on sustainable tourism development in vulnerable ecosystems.
- UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.

ARTICLE 11 | Incentive measures

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “sustainable use.”

CONSIDERATION OF ARTICLE 11 BY THE COP

Background and status

The COP has adopted five decisions on incentive measures: decision III/18, decision IV/10 A, decision V/15, decision VI/15, and decision VII/18.

At its third and fourth meetings, COP provided policy guidance to the Parties on the design and implementation of incentive measures, including on biodiversity valuation as well as on perverse incentives and the removal or mitigation of their negative effects on biodiversity (see below for details). More detailed policy guidance was subsequently endorsed by COP 6 in form of the Proposals for Design and Implementation of Incentive Measures. The process leading to this guidance is described below.

In decision III/18, COP 3 resolved that incentive measures should be integrated into the sectoral and thematic items of its work programme, and requested SBSTTA to provide scientific, technical and technological advice to the COP on the implementation of Article 11 in the relevant thematic areas.

At COP 5, a programme of work on incentive measures was established in order to support Parties in developing practical policies and projects, and to develop practical guidelines to the financial mechanism for effective support and prioritization of these policies and projects [*decision V/15, paragraph 1*]. The programme of work is to result in:

- (a) the assessment of representative existing incentive measures, review of case-studies, identification of new opportunities for incentive measures, and dissemination of information through the CHM and other means;
- (b) the development of methods to promote information on biodiversity in consumer decisions;
- (c) the assessment, as appropriate, of the values of biodiversity;
- (d) a consideration of biodiversity concerns in liability schemes;
- (e) the creation of incentives for integration of biodiversity concerns in all sectors [*decision VI/15, paragraph 2*].

Pursuant to the request by COP [*decision VI/15, paragraph 2*], proposals for the design and implementation of incentive measures were developed in the first phase of the programme of work. These proposals were endorsed by COP 6, as far as they are consistent with Parties' national policies and legislation, as well as their international obligations. They identify essential steps in designing and implementing incentive measures, and also provide indicative guidelines for selecting appropriate and complementary measures [*decision VI/15, annex I*]. COP invited Parties to take these proposals into consideration when designing and implementing incentive measures.

In its decision VI/15, COP also adopted a number of recommendations for further cooperation on incentive measures, which revolve around the following elements: information; the involvement of stakeholder, including indigenous and local communities; capacity-building; valuation; interlinkages between multilateral environmental agreements; linking biodiversity to macro-economic policies; categories of incentive measures; ecosystem focus; pilot projects/case-studies/workshops; the role of international organizations; and financial support [*decision VI/15, annex II*].

COP 6 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, and requested the Secretariat to elaborate proposals for the application of ways and means to remove or mitigate perverse incentives, for consideration by SBSTTA at a meeting prior to COP 7 [*decision VI/15, paragraphs 4 and 7*].

Further to the request by COP 6, such proposals were elaborated on by a workshop on incentive measures, held in Montreal in June 2003, and subsequently considered by SBSTTA 9 and COP 7. COP 7 acknowledged that the proposals contain valuable and useful elements, that provide a general framework to address the removal or mitigation of perverse incentives in different economic sectors and ecosystems, however, they need further refinement and consideration before adoption [*decision VII/18*]. COP 7 requested the SBSTTA at its tenth meeting, as a matter of priority, to further refine and consider, with a view to recommending adoption by the Conference of the Parties, the proposals, giving adequate time for a substantive and conclusive review. COP 7 also encouraged Parties and Governments, as appropriate, to use the proposals as voluntary interim guidance.

To further implement the programme of work on incentive measures, COP 7 requested the Secretariat to: (i) prepare an analysis of existing and new instruments that provide positive incentives, and to develop proposals on the application of such positive incentive measures and their integration into relevant policies, programmes or strategies; and (ii) explore existing methodologies for valuation of biodiversity, as well as other tools for prioritization in decision-making, and to prepare proposals for the application of such tools. Both sets of proposals are to be considered by the SBSTTA at a meeting prior to COP 8 [*decision VII/18, paragraphs 11 and 12*].

COP has repeatedly encouraged Parties, Governments and relevant organizations, to submit case-studies and other information on incentive measures, and has requested the Secretariat to compile and disseminate such case-studies and the other information [*decision III/18, paragraph 7; decision IV/10 A, paragraphs 1(g) and 5(a); decision V/15, paragraph 3; decision VI/15 paragraphs 5 and 6; decision VII/18, paragraphs 6, 8, and 9*]. An electronic database containing case-studies, and other information on incentive measures, is available on the Convention's Website <www.biodiv.org>, as well as on CD-ROM.

COP guidance

Guidance to Parties

The Conference of the Parties, at its third and fourth meetings, provided policy guidance to the Parties on the design and implementation of incentive measures (see Decision III/18 and Decision IV/10). Parties, Governments and international organizations, have been encouraged to promote the design and implementation of appropriate incentive measures and, in particular, to:

- review existing policies to identify and promote incentive for the conservation and sustainable use of components of biological diversity;
- identify perverse incentives and consider the removal or mitigation of their negative effects on biological diversity;
- undertake value addition and enhancement of naturally occurring genetic resources, based on the participatory approach;
- ensure adequate incorporation of market and non-market value of biodiversity into plans, policies and programmes, including national accounting systems and investment strategies;
- incorporate biodiversity considerations into impact assessments;
- develop training and capacity-building programmes, and promote private sector initiatives in this area.

More detailed policy guidance was subsequently developed in form on the Proposals for Design and Implementation of Incentive Measures that were endorsed by COP 6. COP 6 has invited Parties to take these proposals into consideration when designing and implementing incentive measures for the conservation and sustainable use of biological diversity [*decision VI/15, paragraph 3*].

In addition, the Conference of the Parties adopted specific guidance to Parties relating to incentive measures on a wide range of matters, including, for example, the thematic work programmes (see below for detailed references).

Parties have been urged to explore ways and means by which incentive measures, promoted through the 1997 Kyoto Protocol on climate change, can support the objectives of the Convention [*decision V/15, paragraph 6*].

The COP has decided that Parties should include information on incentive measures, and on the progress made in removing or mitigating perverse incentives, in their national reports, submitted under Article 26 [*decisions IV/10 A, paragraph 2, VII/18, paragraph 7*].

Financial mechanism and resources

Incentive measures were identified as a programme priority for the financial mechanism at COP 1 [*decision I/2, annex I, section III, paragraph 4(i)*]. Decision III/5 reconfirmed the importance of the GEF's support for incentive measures [*decision III/5, paragraph 3*]. The request to the financial mechanism to provide support for the implementation of incentive measures (including the capacity-building necessary for their design and implementation) was reiterated at COPs 4, 5, and 6 [*decision IV/13, paragraph 7; decision V/13, paragraph 2(b); decision VII/17, paragraph 10(j)*]. COP 7 invited competent international organizations and agencies to provide technical and financial support, to the efforts of Parties and Governments to apply the proposals on the application of ways and means to remove or mitigate perverse incentives [*decision VII/18, paragraph 5*].

References

DECISIONS ON ARTICLE 11

Decision III/18 (Incentive measures)
 Decision IV/10 A (Incentive measures)
 Decision V/15 (Incentive measures)
 Decision VI/15 (Incentive measures)
 Decision VII/18 (Incentive measures)

GUIDANCE TO PARTIES

National action

Decision III/11, paragraphs 15(b), (c) and (d) (Agriculture)
 Decision III/18, paragraphs 1 (see also SBSTTA recommendation III/9, paragraph 3) and 3–6 (Incentive measures)
 Decision IV/4, annex I, paragraphs 9(f) and (m) (Inland water)
 Decision IV/10 A, paragraph 1 (Incentive measures)
 Decision V/4, paragraph 13 (Forests)
 Decision V/6, annex, principle 4, paragraph 9 (Ecosystem approach)
 Decision V/11, paragraph 16 (Additional financial resources)
 Decision V/15, paragraph 6 (Incentive measures)
 Decision V/24, paragraph 4 (Sustainable use)
 Decision V/25, paragraphs 4(a), (d) and (g) (Biological diversity and tourism)
 Decision VI/7, annex, paragraph 14(b) (Identification, monitoring, indicators and assessment: guidelines for incorporating biodiversity related issues into

environmental impact assessment legislation and/or process and in strategic impact assessment)

Decision VI/15, paragraph 3, annex I (Incentive measures)

Decision VII/24 A, annex, paragraph 51 (Access and benefit sharing: Bonn Guidelines)

Decision VII/2, annex B(d) and (g) (Biological diversity of dry and sub-humid lands)

Decision VII/4, annex, goals 2.3.1.(a) and (c); goals 2.3.6.(d) and (e) (Biological diversity of inland water ecosystems)

Decision VII/5, annex, operational objective 3.4(a) (Marine and coastal biological diversity)

Decision VII/11, annex I, table 1, principle 4 (Ecosystem approach)

Decision VII/12, paragraph 2(a); annex II, paragraph 8(c); principles 1, 3, 11, 12 and 13 (Sustainable use (Article 10))

Decision VII/13, paragraph 6(f) and 7(h) (Alien species that threaten ecosystems, habitats or species (Article 8(h)))

Decision VII/14, annex, paragraph 57(k) (Biological diversity and tourism)

Decision VII/16, annex, section C, paragraphs 23 and 24; annex F (Article 8(j) and related provisions)

Decision VII/18, paragraphs 2, 4 and 7 (Incentive measures (Article 11))

Decision VII/27, annex, activities 2.1.1 and 2.1.2 (Mountain biodiversity)

Decision VII/28, annex, activities 3.1.5, 3.1.6, 3.1.8 and 3.1.9 (Protected areas)

Decision VII/29, annex, activity 3.2.6 (Transfer of technology and technology cooperation)

Information and case-studies

Decision III/14, paragraphs 2 and 3 (Implementation of Article 8(j))

Decision III/18, paragraph 7 (Incentive measures)

Decision IV/6, paragraph 6 (Agriculture)

Decision IV/10 A, paragraphs 1(g) and 2 (Incentive measures)

Decision IV/10 C, paragraph 1(f) (Impact assessment and minimizing adverse effects)

Decision V/24, paragraph 7 (Sustainable use)

Decision VI/15, paragraph 5 (Incentive measures)

Decision VII/4, annex, goals 2.3.2. and 2.3.6.(a) (Biological diversity of inland water ecosystems)

Decision VII/5, operational objective 3.5.(c) (Marine and coastal biological diversity)

Decision VII/12, annex II, principle 6 (Sustainable use Article (10))

Decision VII/16, annex, section A, paragraph 4 (Article 8(j) and related provisions)

Decision VII/18, paragraphs 6, 8 (Incentive measures (Article 11))

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision I/2, annex I, paragraph 4(i) (Financial mechanism and resources)

Decision III/5, paragraph 3 (Additional guidance to the financial mechanism)

Decision IV/8, paragraph 4(b) (Access and benefit-sharing)

Decision IV/10 A, paragraph 3 (Incentive measures)

Decision IV/13, paragraphs 7 and 8(b) (Additional guidance to the financial mechanism)

Decision V/13, paragraph 2(h) (Further guidance to the financial mechanism)

Decision VI/17, paragraph 10(j) (Financial mechanism under the Convention)

Decision VII/5, paragraph 35 (Marine and coastal biological diversity)

Decision VII/18, paragraphs 5 and 10 (Incentive measures (Article 11))

Decision VII/28, programme elements 3.2.5. and 3.4.1 (Protected areas (Articles 8(A) to (E)))

Decision VII/29, paragraph 15(c) (Transfer of technology and technology cooperation (Articles 16 to 19))

Other financial resources

Decision V/11, paragraph 16 (Additional financial resources)

Decision VI/16, paragraph 7(b) (Additional financial resources)

GUIDANCE TO THE SECRETARIAT

Decision III/14, paragraph 10 (Implementation of Article 8(j))

Decision III/18, paragraphs 7–9 (Incentive measures)

Decision IV/10 A, paragraph 5 (Incentive measures)

Decision V/15, paragraphs 3 and 5 (Incentive measures)

Decision VI/10, annex I, element 2.2 (Article 8(j) and related provisions; outline of composite report)

Decision VI/15, paragraph 6 and 7 (Incentive measures)

Decision VII/4, annex, activity 2.3.6 (Inland waters biodiversity)

Decision VII/16 E, paragraph 4(b) (Article 8(j) and related provisions)

Decision VII/18, paragraphs 6, 9, 11 and 12 (Incentive measures)

Decision VII/28, programme elements 3., 3.1.12., 3.1.13. and 3.1.14 (Protected areas (Articles 8(A) to (E)))

Decision VII/29, paragraph 7(a)(ii) (Transfer of technology and technology cooperation (Articles 16 to 19))

GUIDANCE TO SBSTTA

Decision III/18, paragraph 10 (Incentive measures)

Decision IV/4, annex I, paragraph 8(d) (Inland water)

Decision V/3, paragraph 13 (Marine and coastal)

Decision V/15, paragraph 3(c) (Incentive measures)

Decision VI/15, paragraph 7 (Incentive measures)

Decision VII/15, paragraph 13 (Biodiversity and climate and change)

Decision VII/18, paragraphs 3, 6, 9, 11 and 12 (Incentive Measures (Article 11))

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision III/18, paragraph 9 (Incentive measures)

Decision IV/6, paragraph 6 (Agriculture)

Decision IV/10 A, paragraphs 4 and 5(b) (Incentive measures)

Decision V/15, paragraphs 3, 5 and 6 (Incentive measures)

Decision V/2, paragraph 3 (Cooperation)

Decision VI/15, annex II, paragraphs 14, 22 and 23 (Incentive measures)

- Decision VI/20 paragraph 8 (Cooperation with other organizations, initiatives and conventions)
- Decision VII/4, annex, goals 2.3.4. and 2.3.6. (Biological diversity of inland water ecosystems)
- Decision VII/5, appendix 3, F 18(b) (Marine and coastal biological diversity)
- Decision VII/13, paragraph 6(g)
- Decision VII/18, paragraphs 11 and 12 (Incentive measures)
- Decision VII/26, paragraph 4 (Cooperation with other conventions and international organizations and initiatives)
- Decision VII/28, programme elements 3. and 3.1.12. (Protected areas (Articles 8 (A) to (E)))
- Decision VII/29, annex, 4.4.1.(c) (Transfer of technology and technology cooperation (Articles 16 to 19))

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/10, annex I, paragraph(vii) (Marine and coastal)
- Decision III/11, paragraphs 15(b), (c) and (d) (Agriculture)
- Decision IV/4, annex I, paragraphs 8(d), 9(f) and (m) (Inland water)
- Decision IV/5, annex, section C, operational objective 3.2, activity (c) (Marine and coastal)
- Decision IV/6, paragraph 6 (Agriculture)
- Decision IV/7, annex, paragraph 56 (Forests)
- Decision V/3, paragraph 13 (Marine and coastal)
- Decision V/4, paragraph 13 (Forests)
- Decision V/5, paragraphs 5 and 15(c); annex, section B, programme element 2, activity 2.2(c); programme element 3, activity 3.4 (Agriculture)
- Decision V/23, annex I, paragraph 11, activities 7(g) and 9 (Dry and sub humid lands)
- Decision VI/5, annex I, programme element 3.4, annex II, programme elements 2.2 and 3.2 (Agricultural biological diversity)
- Decision VI/22, annex I, programme element 1, goal 4, objective 3, activities (a) and (d); programme element 2, goal 2, objective 1, activities (d), (e) and (f) (Forests)
- Decision VII/2, annex B(d) and (g) (The biological diversity of dry and sub-humid lands)
- Decision VII/4, annex, goal 2.3.1. (a) & (c); goal 2.3.2.; goal 2.3.4.; goal 2.3.6. (a),(d) & (e) (Biological diversity of inland water ecosystems)
- Decision VII/5, paragraph 35; annex, operational objectives 3.4.(a) and 3.5.(c); appendix 3, F 18(b) (Marine and coastal biological diversity)
- Decision VII/27, annex, activities 2.1.1 and 2.1.2 (Mountain biodiversity)

OTHER RELEVANT DECISIONS

- Decision III/9, paragraph 9(b) (Implementation of Articles 6 and 8)
- Decision IV/8, annex, paragraph 6 (Access and benefit-sharing)
- Decision V/16, annex, element 3, task 14 (Article 8(j) and related provisions)
- Decision V/26 A, paragraph 12 (Access to genetic resources)
- Decision VI/10, annex I, element 2.2 (Article 8(j) and related provisions: outline of composite report)

- Decision VI/26, appendix, paragraph 4(c) (Strategic Plan)
- Decision VII/11, annex I, table 1, principle 4 (Ecosystem Approach)
- Decision VII/12, paragraph 2(a); annex II, paragraph 8(c); principles 1, 3, 6, 11, 12 and 13 (Sustainable use (Article 10))
- Decision VII/13, paragraphs 6(f), (g) and 7(h) (Alien species that threaten ecosystems, habitats or species (Article 8(h)))
- Decision VII/14, annex, paragraph 57(k) (Biological diversity and tourism)
- Decision VII/15, paragraph 13 (Biodiversity and climate change)
- Decision VII/16 E, paragraph 4(b); annex, section A 4; annex C, paragraphs 23 and 24; annex F (Article 8(j) and related provisions)
- Decision VII/26, paragraph 4 (Cooperation with other conventions and international organizations and initiatives)
- Decision VII/28, programme element 3.; 3.1.12.; 3.1.13.; 3.1.14; Programme element 3.2.5. and 3.4.1; annex, activities 3.1.5, 3.1.6, 3.1.8 and 3.1.9 (Protected areas)
- Decision VII/29, paragraphs 7(a)(ii) & 15(c); annex, activities 3.2.6 and 4.4.1.(c) (Transfer of technology and technology cooperation (Articles 16 to 19))

Documents

- UNEP/CBD/COP/3/24—Sharing of experiences on incentive measures for conservation and sustainable use.
- UNEP/CBD/COP/4/18—Design and implementation of incentive measures.
- UNEP/CBD/COP/5/15—Further analysis of the design and implementation of incentive measures.
- UNEP/CBD/SBSTTA/2/13—Economic valuation of biological diversity.
- UNEP/CBD/COP/6/12/Add.3—Incentive measures: synthesis report on case-studies and best practices on incentive measures, as well as information on perverse incentives received from Parties and relevant organizations.
- UNEP/CBD/WS-Incentives/2/2—Elaboration of proposals for the application of ways and means to remove or mitigate perverse incentives.
- UNEP/CBD/WS-Incentives/2/INF/1—Perverse incentives in selected economic sectors.
- UNEP/CBD/SBSTTA/9/INF/34—Perverse incentives in biodiversity loss: submission by the Organization for Economic Co-operation and Development (OECD).
- UNEP/CBD/COP/7/INF/13—Synthesis report on information on incentive measures received from Parties and organizations.

ARTICLE 12 | Research and training

The Contracting Parties, taking into account the special needs of developing countries, shall:

- (a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries;
- (b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, *inter alia*, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and
- (c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biological resources,” and “sustainable use.”

CONSIDERATION OF ARTICLE 12 BY THE COP

The COP has not, as yet, addressed the issue of research and training under Article 12 as a separate agenda item. However, references to research and training are included in numerous COP decisions. A preliminary attempt has been made to list these references below. Readers should also refer to the guides to Articles 13, 16 and 18, below in this section of the Handbook.

A DIVERSITAS group of experts put forward at COP 4, a set of recommendations on scientific research that should be undertaken for the effective implementation of Articles 7, 8, 9, 10 and 14 of the Convention.⁴⁹ The COP welcomed this contribution, and decided to transmit the recommendations to SBSTTA for further consideration [*decision IV/1 A, paragraphs 5 and 6*].

References

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Research

- Decision II/9, annex, paragraph 15 (Forests – Statement to IPF)
- Decision II/10, annex I, paragraph (v) (Marine and coastal)
- Decision III/11, paragraph 15, (i), (j) and (k) (Agriculture)
- Decision III/12, paragraphs 5, 6, 9 and 10; annex (Forests)
- Decision IV/4, paragraph 7(c), annex I, paragraphs 1, 9(d) and (m)(iv) (Inland water)
- Decision IV/5, annex, paragraph 5, operational objectives 1.3, 3.1 and 3.2 (Marine and coastal)
- Decision IV/7, annex, paragraphs 1, 2 and 11–56 (Forests)
- Decision V/3, paragraph 6(f); annex, sections A and B (Marine and coastal)
- Decision V/4, annex, paragraph 1 (Forests)
- Decision V/5, paragraph 25; annex, section B, programme element 3.1 (Agriculture)
- Decision V/23, annex I, paragraph 7(b), activity 7(k) (Dry and sub-humid lands)
- Decision VI/5, paragraph 20 (Agricultural biological diversity)
- Decision VI/8, 1.2 planned activity (v) (Global Taxonomy Initiative)
- Decision VI/9, annex, paragraphs 5(iv), 10(c) and 12(iii), appendix, target 3 (Global Strategy for Plant Conservation)
- Decision VI/22, paragraph 40; annex, programme element 1(h), objectives 2(i) and 3(a) (Forests)
- Decision VI/23, paragraph 24; annex, guiding principles 5 and 9(d) (Alien species that threaten ecosystems)

Training

- Decision II/9, annex, paragraph 15 (Forests—Statement to IPF)

49 UNEP/CBD/COP/4/INF.18.

- Decision IV/5, annex, operational objective 1.3 (Marine and coastal)
 Decision V/5, annex, programme elements 2.2(c)(vi) and 3.1 (Agriculture)
 Decision V/23, annex I, activity 7(i) (Dry and sub-humid lands)
 Decision VI/5, paragraph 1(c), annex II; element 3, rationale, element 3, activities, paragraphs 3.3 and 3.4, element 4, activities, paragraph 4.4 (Agriculture)
 Decision VI/9, annex, appendix, target 15 (Global Strategy for Plant Conservation)
 Decision VI/22, annex, goal 1, objective 2, goal 3, objective 1, goal 4, objective 1 (Forests)
 Decision VI/23, under guiding principle 9, paragraph (c) (Alien species)

OTHER RELEVANT DECISIONS

Research

- Decision II/3, paragraph 5(a) (Clearing-house mechanism)
 Decision III/5, paragraph 6(a) (Additional guidance to the financial mechanism)
 Decision III/15, paragraph 1(c) (Access to genetic resources)
 Decision IV/1 A, paragraphs 5 and 6 (Report and recommendations of the third meeting of SBSTTA)
 Decision IV/1 D, annex, paragraph 11(d) (Taxonomy)
 Decision IV/8, paragraph 4(d) (Access and benefit-sharing)
 Decision IV/10 A, paragraph 4(b) (Incentive measures)
 Decision IV/13, paragraph 8(d) (Additional guidance to the financial mechanism)
 Decision IV/14, annex, paragraph 3 (National reports)
 Decision IV/16, annex I, paragraph 15 (Institutional matters and programme of work)
 Decision V/8, annex I, section A, guiding principle 5 (Alien species)
 Decision V/14, annex I, paragraph (g)(iii) (Clearing-house mechanism)
 Decision VI/10, paragraph 2(a); annex 1, paragraph 2 (Article 8(j) and related provisions)
 Decision VI/15, paragraph 10(d) (Incentive measures)
 Decision VI/19, programme element 2, paragraph 3 (CEPA)
 Decision VI/24 A, annex, paragraphs 11(i), 16(b)(viii), 23, 34, 36(f), (g), (h), (i), (k), 41, 42(e), 43(c), 44(f), 50 and 55; appendix I (b2), appendix II, items 2(a), (b) and (m) (Bonn Guidelines)
 Decision VI/25, paragraph 22 (National reports)
 Decision VI/26, appendix, item 2(e)
 Decision VII/16, annex, section C. Research ethics, section D. Research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge, innovations and practices (Article 8(j) and related provisions)

Training

- Decision II/3, paragraphs 5(a), (i) and (c) (Clearing-house mechanism)
 Decision III/5, paragraphs 2(d) and (i) (Additional guidance to the financial mechanism)
 Decision III/18, paragraph 5 (Incentive measures)
 Decision IV/1 D, paragraph 7; annex, paragraphs 3, 5 and 11 (Taxonomy)
 Decision IV/2, paragraph 9(c) and (b) (Clearing-house mechanism)

- Decision IV/10 B, paragraph 6 (Public education and awareness)
- Decision IV/13, paragraph 5(b) (Additional guidance to the financial mechanism)
- Decision V/7, paragraph 4(a) (Identification, monitoring and assessment, and indicators)
- Decision V/8, annex I, section B, guiding principle 9(c) (Alien species)
- Decision V/14, annex I, paragraphs (g) and (v) (Clearing-house mechanism)
- Decision V/18, section I, paragraph 1(e) (Impact assessment, liability and redress)
- Decision V/25, paragraph 4(f) (Biological diversity and tourism)
- Decision VI/7 A, annex, paragraph 37 (Identification, monitoring, indicators and assessments)
- Decision VI/10, annex I, paragraph 5, item 4.3 (Article 8(j) and related provisions)
- Decision VI/15, annex I, paragraph 27, annex II paragraphs 10(a), (b) and 22 (Incentive measures)
- Decision VI/18, paragraph 4 (Scientific and technical cooperation and the CHM)
- Decision VI/19, annex, programme element 2, proposed action 1(a), programme element 3, proposed actions 1, expected result 4 (CEPA)
- Decision VI/24 A, annex, appendix II, items 2(d) and (j) (Bonn Guidelines)
- Decision VI/24 B, annex, paragraphs 3(w), 4 and 5(w) (Other approaches, including the development of an action plan for capacity-building)
- Decision VI/25, paragraphs 12(a) and 19 (National reports)
- Decision VII/16, annex, E (Capacity-building, education and training (Article 8(j) and related provisions))
- Decision VII/28, annex (Protected areas)

ARTICLE 13 | Public education and awareness

The Contracting Parties shall:

- (a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and
- (b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “sustainable use.”

CONSIDERATION OF ARTICLE 13 BY THE COP

Background and status

The COP addressed Article 13 for the first time at its fourth meeting, under the agenda item Measures for Implementing the Convention. Public education and awareness is addressed in decision IV/10 B and, subsequently, in decision V/17.

COP 4 decided that public education and awareness issues will be integrated into, and become an integral component of, all sectoral and thematic items under the

programme of work of the Convention [*decision IV/10 B, paragraph 5*]. This approach was reiterated at COP 5 [*decision VI/17, paragraph 5*].

COP 4 invited UNESCO to consider launching a global initiative on biodiversity education, training and public awareness, and requested the Executive Secretary to explore the feasibility of such an initiative and report to COP 5 on progress [*decision IV/10 B, paragraph 6*]. COP 5 requested the Executive Secretary, in cooperation with UNESCO, to convene a consultative working group of experts to identify priority activities for the proposed global initiative on biological diversity education and public awareness. The working group was to take into account priorities developed by the COP and priorities identified in the Strategic Plan, which was to be prepared for the Convention.⁵⁰ The first meeting of the CBD/UNESCO Consultative Working Group of Experts was held in Paris, in July 2000. The report of that meeting is document UNEP/CBD/GEEPA/1/3. The second meeting was held in November 2000, in Bergen, Norway. The report of that meeting is in document UNEP/CBD/GEEPA/2/3. The third meeting was held in Bilbao, Spain, in November 2001. The report of that meeting is in document UNEP/CBD/GEEPA/3/3.

At its sixth meeting, COP addressed Article 13 for the third time and adopted decision VI/19 on Communication, Education and Public Awareness (CEPA), adding communication to the issue of education and public awareness. Annex to the decision, is a programme of work for the Global Initiative on Communication, Education and Public Awareness (CEPA), consisting on the following three programme elements:

- programme element 1: “Towards a global communication, education and public awareness network”. Stimulating and coordinating networks composed of new information technologies and traditional communication mechanisms;
- programme element 2: “Exchange of knowledge and expertise”. Exchanging of knowledge and expertise among professionals, enhancing development and innovation on CEPA;
- programme element 3: “Capacity building for communication, education and public awareness”. Developing capacity of the Parties to market biodiversity to other sectors, and mainstream biodiversity into the work of other sectors. In addition, decision VI/19, paragraph 4(e), requests the Executive Secretary to develop a communication strategy for the Secretariat.

COP guidance

The COP has urged Parties to place special emphasis on Article 13, in the development of their national strategies and action plans. It has also urged Parties to:

- promote education on biodiversity through relevant institutions, including NGOs;
- allocate resources for the use of education and communication instruments;
- allocate appropriate resources for the strategic use of education and communication instruments, at each phase of policy formulation, planning, implementation and evaluation;

⁵⁰ See the guide to Article 23 in this section of the Handbook.

- integrate biodiversity concerns into education strategies;
- support relevant initiatives by major groups which foster stakeholder participation in biodiversity conservation and sustainable use [*decision IV/10 B, paragraph 1*].

The COP has encouraged Parties to make use of the media to promote public education and awareness about the importance of, and appropriate methods for, the conservation and sustainable use of biodiversity. Where necessary, provisions of the Convention should be illustrated and translated into local languages [*decision IV/10 B, paragraphs 3 and 4*].

The COP has recognized the importance of public awareness and education in relation to each of the thematic work programmes, and has urged Parties to strengthen education and awareness programmes, in relation to agricultural biological diversity, inland water biological diversity, and marine and coastal biological diversity. Although the COP has noted that the implementation of forest conservation and sustainable use policies depends, *inter alia*, on the level of public awareness and policies outside the forest sector [*decision III/12, Preamble*], and that attention needs to be paid to the further raising of public awareness and the understanding of the importance of biological diversity through educational programmes and information [*decision III/19, paragraph 24(a)*], public awareness and education does not appear to be explicitly addressed in the programme of work on forest biological diversity adopted in decision IV/7 of the COP. Decision VI/22 of the COP does, however, explicitly address the issue of public education and awareness in its annex, that contains the expanded programme of work on forest biological diversity [*decision VI/22, annex, programme element 1, goal 4, objective 3(e); programme element 2, goal 1, objective 2(i); programme element 2, goal 3*].

In relation to Article 8(j) and related provisions, the COP has urged Parties, *inter alia*, to use means of communication other than the internet, including newspapers, bulletins and radio, and increasing the use of local languages [*decision V/16, paragraph 12(e)*]. The COP also requested Parties and Governments to undertake education and awareness raising, and develop communication strategies that allows indigenous and local communities, and the public at large, to be made aware of the recommendations related to Article 8(j) [*decision VI/10, paragraph 16*].

Parties have been urged by the COP to propose projects to the financial mechanism which promote measures for implementing Article 13 [*decision IV/10 B, paragraph 9*].

COP 6 requested the Executive Secretary, in consultation with UNESCO, UNEP, the IUCN, Commission for Education and Communication (CEC), and other members of the consultative working group of experts established by decision V/17, as well as any relevant institutions, to:

- monitor and evaluate the implementation of the Global Initiative, according to the conditions established in the annex to the present decision for its start-up phase, and report regularly on its implementation to the meetings of the COP;
- review the communication, education and public-awareness dimensions of existing and new cross-cutting issues and thematic areas, and specifically those priorities and action plans established in the Strategic Plan for the Convention;

- (c) promote, in collaboration with the relevant agencies, the development and implementation of demonstration projects that can serve as models to initiate similar projects that can be adopted by Parties, and to report to COP 7;
- (d) seek the submission of relevant case-studies on biodiversity communication, education and public awareness from relevant sources;
- (e) develop and implement a corporate communication strategy for the Secretariat [*decision VI/19, paragraph 4*].

COP 7 requested the Executive Secretary to convene an informal advisory committee on communication, education and public awareness, that would meet at SBSTTA 10 to develop a CEPA work programme and report to COP 8. This informal advisory committee would meet at subsequent SBSTTA and COP meetings [*decision VII/24, paragraph 4*].

The COP further requested the Executive Secretary to produce, subject to financial support, the second edition of the Global Biodiversity Outlook and the third edition of the Handbook on the Convention [*decision VII/24, paragraphs 7 and 8*].

References

DECISIONS ON ARTICLE 13

- Decision IV/10 B (Public education and awareness)
- Decision V/17 (Education and public awareness)
- Decision VI/19 (Communication, education and public awareness)
- Decision VII/24 (Education and public awareness)

GUIDANCE TO PARTIES

National action

- Decision III/11, paragraph 13 (Agriculture)
- Decision IV/4, annex I, paragraph 9(i) (Inland water)
- Decision IV/10 B, paragraphs 1, 3, 4, 8 and 9 (Public education and awareness)
- Decision V/3 I, paragraph 6(c) (Marine and coastal)
- Decision V/5, paragraph 10; annex, section B, programme element 3, activity 3.5; programme element 4, activity 4.3 (Agriculture)
- Decision V/8, paragraph 9; annex I, section A, guiding principle 6 (Alien species)
- Decision V/14, annex I, paragraph (i) (Clearing-house mechanism)
- Decision V/16, paragraph 12(e) (Article 8(j) and related provisions)
- Decision V/17, paragraph 6 (Education and public awareness)
- Decision V/18 I, paragraph 1(e) (Impact assessment, liability and redress)
- Decision V/25, paragraph 4(f) (Biological diversity and tourism)
- Decision VI/19, paragraph 3(a) and 11 (Communication, education and public awareness)
- Decision VII/24, paragraphs 3 and 7 (Education and public awareness)

Information and case-studies

- Decision IV/10 B, paragraph 2 (Public education and awareness)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision IV/10 B, paragraph 9 (Public education and awareness)
- Decision V/13, paragraph 2(l) (Further guidance to the financial mechanism)
- Decision VI/17, paragraph 10(o) (Financial mechanism under the Convention)
- Decision VI/19, paragraph 5 (Communication, education and public awareness)
- Decision VII/20, paragraph 18 (Further guidance to the financial mechanism)

Other financial resources

- Decision IV/10 B, paragraph 8 (Public education and awareness)
- Decision VI/19, paragraphs 9(a) and (b) (Communication, education and public awareness)
- Decision VII/20, paragraph 18 (Further guidance to the financial mechanism)
- Decision VII/24, paragraphs 5–7 (Education and public awareness)

GUIDANCE TO THE SECRETARIAT

- Decision IV/5 annex, section C, operational objectives 1.2(g) and 3.2(d) (Marine and coastal)
- Decision IV/10 B, paragraph 6 (Public education and awareness)
- Decision V/17, paragraphs 2 and 7 (Education and public awareness)
- Decision V/21, paragraphs 7–9 (Cooperation)
- Decision VI/19, paragraph 4 (Communication, education and public awareness)
- Decision VII/24, paragraphs 4, 7 and 8 (Education and public awareness)
- Decision VII/32, paragraph 6 (The programme of work of the Convention and the Millennium Development Goals)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/9, annex, paragraph 14 (Forests—Statement to IPF)
- Decision IV/10 B, paragraphs 6 and 7 (Public education and awareness)
- Decision V/17, paragraphs 2 and 4 (Education and public awareness)
- Decision V/21, paragraphs 7 and 9 (Cooperation)
- Decision VI/19, paragraphs 3, 5, 7, 8, 9, 10 and 13 (Communication, education and public awareness)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/9, annex, paragraph 14 (Forests—Statement to IPF)
- Decision III/11, paragraph 13 (Agriculture)
- Decision III/12, preamble (Forests)
- Decision IV/4, annex I, paragraph 9(i) (Inland water)
- Decision IV/5, annex, operational objectives 1.2(g) and 3.2(d) (Marine and coastal)
- Decision IV/7, annex, paragraph 29 (Forests)
- Decision V/2, paragraph 8 (Inland water)
- Decision V/3, paragraph 6(c); annex, section B (Marine and coastal)
- Decision V/5, paragraph 10; annex, section B, programme elements 3.5 and 4.3 (Agriculture)
- Decision V/23 annex I, activity 7(i) (Dry and sub-humid lands)

Decision VI/5, paragraph 1(c) (Agriculture)

Decision VI/22, annex, programme element 2: Institutional and Socio-Economic Enabling Environment (Forests)

Decision VII/10, paragraph 8(f) (Global Strategy for Plant Conservation)

RELEVANT ASPECTS OF CROSS-CUTTING ISSUES

Decision IV/9, paragraph 1 (Article 8(j) and related provisions)

Decision V/6, paragraph 3 (Ecosystem approach)

Decision V/8, paragraphs 9 and 12 (Alien invasive species)

Decision V/9, paragraph 6 (GTI)

Decision V/16, annex II, task 8 (Article 8(j) and related provisions)

Decision VI/8, annex, planned activity 4 (GTI)

Decision VI/9, annex, paragraph 5(d) and 12(d) (Global Strategy for Plant Conservation)

Decision VI/23, annex, guiding principle 6 (Alien invasive species that threaten ecosystems, habitats or species)

OTHER RELEVANT DECISIONS

Decision III/19, annex, paragraph 24(a) (Statement to UNGA Special Session)

Decision V/14, annex II, (d) (Scientific and technical cooperation and clearing-house mechanism (Article 18))

Decision V/18, paragraph 1(e) (Impact assessment, liability and redress)

Decision VII/11, paragraph 10(f) (Ecosystem approach)

Decision VII/12, annex, practical principle 14 (Sustainable use)

Decision VII/14, annex, section D (Biological diversity and tourism)

Decision VII/28, annex (Protected areas)

Documents

UNEP/CBD/COP/4/19—Public education and awareness: implementation of Article 13.

UNEP/CBD/COP/4/INF.15—Education, Training and Public Awareness on Biological Diversity: an additional contribution by UNESCO on Agenda Item 15.2.

UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.

UNEP/CBD/GEEP/1/1—Report of the CBD: UNESCO Consultative Group of Experts on Biological Diversity Education and Public Awareness, on the work of its first meeting.

UNEP/CBD/GEEP/2/3—Report of the CBD: UNESCO Consultative Group of Experts on Biological Diversity Education and Public Awareness, on the work of its second meeting.

UNEP/CBD/GEEP/3/3—Report of the CBD: UNESCO Consultative Group of Experts on Biological Diversity Education and Public Awareness, on the work of its third meeting.

UNEP/CBD/COP/7/17/Add.4—Implementation of the Global Initiative on Communication, Education and Public Awareness (CEPA). Report on CEPA activities during the inter-sessional period.

UNEP/CBD/COP/7/INF/10—Report of the fourth meeting of the consultative working group of experts on biological diversity education and public awareness.

ARTICLE 14 | Impact assessment and minimizing adverse impacts

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and

(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

Editors' note: The notes below address Article 14(1) and Article 14(2) separately. Article 14(1) is related to Articles 7(c), 8(l) and 10(b). COP decisions explicitly addressing Article 14(1) are considered below, along with other decisions that address procedures for EIA of projects, policies and programmes. Decisions regarding scientific assessment for the COP, or other bodies of the Convention, are addressed in the guide to Article 7.

Identification by Parties of processes and categories of activities that have, or are likely to have, significant adverse impacts on the conservation and sustainable use of biological diversity is addressed in the guide to Article 7(c). The management and regulation by Parties of such activities, once identified, are addressed in the guide to Article 8(l). The adoption of measures relating to use of biological resource, to avoid or minimize adverse impacts on biological diversity, is addressed in the guide to Article 10(b). Readers should, therefore, also refer to guidance on these articles above in this section of the Handbook.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “regional economic integration organization.”

CONSIDERATION OF ARTICLE 14 BY THE COP

Background and status

The COP has adopted six decisions on Article 14: decision IV/10 C, decision V/18, VI/7, VI/11, VII/7 and VII/17. Relevant references in other decisions relate

principally to Article 14(1). Article 14(1), which contains provisions on impact assessment, is addressed below, followed by Article 14(2) on liability and redress for damage to biological diversity.

IMPACT ASSESSMENT (ARTICLE 14(1))

Background and status

COP 4 asked for information on:

- impact assessments that consider environmental effects and interrelated socioeconomic aspects, relevant to biological diversity;
- strategic environmental assessments;
- reports relating to existing legislation on EIA;
- reports and case-studies relating to EIA in the thematic areas, including in respect of activities with transboundary implications [*decision IV/10 C, paragraph 1*].

The COP requested the Secretariat to prepare a synthesis report, based on these submissions, for the consideration of SBSTTA [*decision IV/10 C, paragraph 2*]. It also asked SBSTTA to identify actions to promote implementation of Article 14, and to consider whether there was a need to develop guidelines on the incorporation of biodiversity considerations into EIA. SBSTTA 4 considered this issue and submitted recommendation IV/6 to COP 5. COP 5 requested SBSTTA to develop guidelines for incorporating biodiversity-related issues in legislation and/or processes on strategic EIA, with a view to completing this work by COP 6 [*decision V/18, paragraph 4*]. This issue will be considered at SBSTTA 7.

COP 5 also reiterated the call for information and case-studies on impact assessment, and requested the Executive Secretary to disseminate case-studies and existing guidelines, procedures and provisions, for EIA through, *inter alia*, the CHM [*decision V/18, paragraphs 3 and 5*]. The COP has recommended that appropriate issues related to EIA should be integrated into, and become an integral component of, relevant sectoral and thematic items under its programme of work [*decision IV/10 C, paragraph 4*].

COP 6 endorsed the draft guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes, and into strategic environmental assessment [*decision VI/7 A, paragraph 1*]. It also requested the Executive Secretary to compile and disseminate current experience in environmental impact assessment and strategic environmental assessment procedures that incorporate biodiversity-related issues, and prepare proposals for further development and refinement of the guidelines, taking into account the ecosystem approach [*decision VI/7 A paragraph 3*]. This request was reiterated by COP 7 [*decision VI/7*].

COP 7 requested Parties and Governments to use the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments 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 [*decision VIII/16, part F*], as appropriate, in

conjunction with the guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes, and in strategic environmental assessment [*decision VI/7, part A*].

COP guidance

COP 5 invited Parties, Governments and other organizations, to take certain actions at the national level to address biodiversity concerns in EIA [*decision V/18, paragraph 1*]. The COP has also emphasized the need to ensure involvement of interested and affected stakeholders in all stages of the assessment process, including indigenous and local communities embodying traditional lifestyles and NGOs [*decision IV/10 C, paragraph 7; decision V/18, paragraph 1(d)*]. Parties have also been encouraged to assess not only impacts of individual projects, but also their cumulative and global effects through strategic environmental assessment, incorporating biodiversity considerations at the decision-making and/or environmental planning level [*decision V/18, paragraph 2(a)*].

Guidance to Parties related to EIAs has been included in the work programmes on inland water biological diversity and agricultural biological diversity [*decision IV/4, annex I, paragraph 9(g); decision III/11, paragraphs 9 and 15(g)*]. As part of the marine and coastal biodiversity work programme, the consequences of mariculture for marine and coastal biodiversity will be assessed, and techniques to minimize adverse impacts promoted [*decision IV/5, annex, programme element 4*]. Another element of the work programme on marine and coastal biological diversity, is to achieve a better understanding of the causes of the introduction of alien species and genotypes, and the impacts of such introductions on biological diversity [*decision IV/5, annex, programme element 5, operational objective 5.1*]. The work programme on forest biological diversity, adopted at COP 4, includes reference to some activities of relevance to Article 14(1). For example, the work programme is to promote activities to assemble management experiences and information, to provide for the sharing of approaches and tools that lead to improved forest practices with regard to forest biological diversity [*decision IV/7, annex, paragraph 30*].

COP 6 urged Parties, other Government and organizations, to apply the guidelines, as appropriate, in the context of their implementation of paragraph 1 of Article 14 of the Convention, and share their experiences, *inter alia*, through the clearing-house mechanism and national reporting [*decision VI/7 A, paragraph 2*]. This request was reiterated by COP 7 [*decision VI/7*].

LIABILITY AND REDRESS (ARTICLE 14(2))

Background and status

COP 4 invited submissions on national and international measures on liability and redress applicable to damage to biodiversity, and information on experiences in implementation, as well as information on access by foreign citizens to national courts in cases of transboundary harm [*decision IV/10 C, paragraph 8*]. At the request of the COP, the Secretariat prepared a synthesis report based on these submissions, for COP 5 [*see document UNEP/CBD/COP/5/16, decision IV/10 C, paragraph 10*].

The call for information was renewed at COP 5, and the Secretariat was asked to update the synthesis report, based on submissions as well as developments in other international fora [*decision V/18, paragraphs 6 and 7*]. At COP 5, France offered to organize a workshop on liability and redress in the context of the Convention. This workshop was held on 13–15 July 2001, in Paris. In addition, by decision V/18, the COP decided to consider a process for reviewing Article 14(2), including the establishment of an ad hoc technical expert group, taking into account the outcome of the workshop, and the consideration of these issues within the framework of the Cartagena Protocol on Biosafety⁵¹ [*decision V/18, paragraph 9*].

At its sixth meeting, the COP took note of the report of the Paris Workshop, and requested the Executive Secretary to convene a group of legal and technical experts, with the mandate to review the information gathered by the Executive Secretary, and conduct further analysis of pertinent issues relating to liability and redress in the context of paragraph 2 of Article 14 of the Convention. The COP also requested the Executive Secretary, with the cooperation of Parties, Governments and relevant international organizations, to continue information gathering and undertake an analysis of specific issues [*decision VI/11, paragraphs 1 and 2*]. The COP also recognized the importance of capacity-building and cooperation, with respect to the prevention of damage to biological diversity, and the establishment of national legislative regimes, and urged Parties, Governments and international organizations to cooperate, with a view to strengthening such national capacities [*decision VI/11, paragraph 3*]. The meeting of the group of legal and technical experts on liability and redress, in the context of the Convention, did not take place as programmed, due to lack of funds.

At its seventh meeting, the COP, by decision VII/17, took note of the preparations made by the Executive Secretary for the meeting and renewed its request to the Executive Secretary to convene the group of legal and technical experts. It also urged Parties and Governments to make the necessary voluntary financial contributions to facilitate the convening of the group.

References

DECISIONS ON ARTICLE 14

- Decision IV/10 C (Impact assessment and minimizing adverse effects)
- Decision V/18 (Impact assessment, liability and redress)
- Decision VI/5, paragraphs 17, 21 and 25 (Agriculture)
- Decision VI/7 A (Further development of guidelines for incorporating biodiversity-related issues into environmental-impact-assessment legislation or processes and in strategic impact assessment)
- Decision VI/10, paragraph 13; annex II (Article 8(j))
- Decision VI/11 (Liability and redress)
- Decision VII/7 (Environmental impact assessment and strategic environment assessment)
- Decision VII/17 (Liability and redress (Article 14, paragraph 2))

51 See Article 27, Cartagena Protocol on Biosafety.

GUIDANCE TO PARTIES

National action

- Decision III/11, paragraphs 9 and 15(g) (Agriculture)
- Decision III/18, paragraph 6 (Incentive measures)
- Decision IV/4, annex I, paragraphs 9(e) and (g) (Inland water)
- Decision V/5, paragraph 23 (Agriculture)
- Decision V/8, annex I, guiding principles 7, 10 and 11 (Alien species)
- Decision V/18, paragraphs 1 and 2 (Impact assessment, liability and redress)
- Decision V/25, paragraph 4(g) (Biological diversity and tourism)
- Decision VI/7 A, paragraph 2 (National reports)
- Decision VI/11, paragraph 3 (Liability and redress)
- Decision VII/7 (Environmental impact assessment and strategic environment assessment)
- Decision VII/17, paragraph 3 (Liability and redress)

Information and case-studies

- Decision IV/10 C, paragraphs 1 and 8 (Impact assessment and minimizing adverse effects)
- Decision V/18, paragraphs 3 and 6 (Impact assessment, liability and redress)
- Decision VI/11, paragraph 2 (Liability and redress)
- Decision VII/7 (Environmental impact assessment and strategic environment assessment)

GUIDANCE TO THE SECRETARIAT

- Decision IV/10 C, paragraphs 2, 5, 6 and 10 (Impact assessment and minimizing adverse effects)
- Decision V/18, paragraphs 5 and 7 (Impact assessment, liability and redress)
- Decision VI/11, paragraph 2 (Liability and redress)
- Decision VII/17, paragraphs 1 and 2 (Liability and redress)

GUIDANCE TO SBSTTA

- Decision IV/4, annex I, paragraph 8(c)(iii) (Inland water)
- Decision IV/5, annex, programme element 4 (Marine and coastal)
- Decision IV/10 C, paragraph 3 (Impact assessment and minimizing adverse effects)
- Decision V/2, paragraph 5 (Inland water)
- Decision V/18, paragraph 4 (Impact assessment, liability and redress)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/9, annex, paragraph 10 (Forests—Statement to IPF)
- Decision IV/10 C, paragraph 6 (Impact assessment and minimizing adverse effects)
- Decision V/8, paragraph 10 (Alien species)
- Decision V/18, paragraph 4 (Impact assessment, liability and redress)
- Decision VI/7 A, paragraph 3 (Cooperation)
- Decision VI/7 A, annex, paragraph 43 (Cooperation)
- Decision VII/7 10, paragraph 13 (Article 8(j))
- Decision VI/11, paragraph 2 (Liability and redress)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/9, annex, paragraph 10 (Forests—Statement to IPF)
- Decision III/11 paragraphs 9 and 15(g) (Agriculture)
- Decision IV/4, annex I, paragraphs 8(c)(iii), 9(e), (g) and 20 (Inland water)
- Decision IV/5, annex, programme element 4 (Marine and coastal)
- Decision IV/7, annex, paragraphs 30, 31 and 51 (Forests)
- Decision V/2, paragraph 5 (Inland water)
- Decision V/5, paragraph 23; annex, paragraph 2.2(b) (Agriculture)
- Decision VI/5, paragraph 17 (Agriculture)
- Decision VII/3, paragraph 5 (Marine and coastal)
- Decision VII/4, paragraph 24; annex, goals 2.1 and 3.3 (Biological diversity of inland water ecosystems)
- Decision VII/5, annex I, operational objective 4.1, appendix 5(a) (Marine and coastal biological diversity)
- Decision VII/27, annex, goals 1.1 and 2.1 (Mountain biological diversity)

OTHER RELEVANT DECISIONS

- Decision IV/1 A, paragraph 5 (Report and recommendations of the third meeting of SBSTTA)
- Decision V/15, paragraph 2(d) (Incentive measures (Article 14(2)))
- Decision V/16, annex, section II, element 6, task 9; annex, section III, element 3, task 13 (Article 8(j) and related provisions)
- Decision VI/12 (Ecosystem approach)
- Decision VI/23, paragraph 24 (Alien invasive species)
- Decision VII/11 annex, principle 3 (Ecosystem approach)
- Decision VII/14, annex (Biological diversity and tourism)
- Decision VII/15, paragraph 13 (Biodiversity and climate change)
- Decision VII/16, section F, annex (Article 8(j) and related provisions)
- Decision VII/28, annex, goal 1.5 (Protected areas)
- Decision VII/29, annex, operational targets 1.2 and 4.2 (Transfer of technology and technology cooperation)

Declarations

India (adoption) and USA (adoption)

Documents

- UNEP/CBD/COP/4/20—Impact assessment and minimizing adverse effects: implementation of Article 14.
- UNEP/CBD/COP/4/INF.18—Recommendations on Scientific Research that should be Undertaken to Achieve the Implementation of Articles 7, 8, 9, 10 and 14 of the Convention on Biological Diversity, Mexico City, March 1998.
- UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.
- UNEP/CBD/COP/5/16—Impact assessment, liability, and redress (Article 14).
- UNEP/CBD/SBSTTA/4/10—Synthesis of reports and case-studies relating to environmental impact assessment.

- UNEP/CBD/WS-L&R/2—Liability and Redress under the Convention on Biological Diversity: review of relevant international legal instruments and issues for consideration.
- UNEP/CBD/COP/6/12—Cross-cutting issues: progress reports on implementation.
- UNEP/CBD/COP/6/11/Add.1—Report on the impacts of the application of genetic use restriction technologies on indigenous and local communities and farmers' rights.
- UNEP/CBD/COP/6/INF/1/Rev1—Potential impacts of genetic use restriction technologies (GURTs) on agricultural biodiversity and agricultural production systems.
- UNEP/CBD/COP/6/INF/2—Assessing the impact of trade liberalization on the conservation and sustainable use of agricultural biological diversity.
- UNEP/CBD/COP/6/INF/10—Assessment of the information contained in the second national reports, concerning cross-cutting issues under the Convention.
- UNEP/CBD/SBSTTA/9/INF/18—Proposals for further development and refinement of the guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation or procedures, and in strategic impact assessment: report on ongoing work.
- UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.

ARTICLE 15 | Access to genetic resources

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.
2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.
3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.
4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.
5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.
6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.
7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

Editors' note: The COP's consideration of Article 15 is closely linked to its consideration of a number of other issues, in particular Articles 8(j), 11, 16, 17, 18 and 19, and also to the thematic work programmes, particularly those on agricultural biological diversity and decision VI/6 on the International Treaty for Plant Genetic

Resources for Food and Agriculture. Reference should, therefore, also be made to the guides on these articles and themes elsewhere in this section of the Handbook.

Notes

TERMS DEFINED IN ARTICLE 2

“Country of origin of genetic resources,” “country providing genetic resources,” “genetic material” and “genetic resources.”

The COP has reaffirmed that human genetic resources are not included within the framework of the Convention [*decision III/11, paragraph 2*].

CONSIDERATION OF ARTICLE 15 BY THE COP

Background and status

COP 1 decided to address the question of access to genetic resources at COPs 2 and 3, and the question of benefit-sharing at COP 4. It also decided to consider the Convention’s relationship with the FAO Global System for Plant Genetic Resources for Food and Agriculture at COP 2 [*decision I/9*]. At COP 4, a programme of work for COP was adopted, under which access to genetic resources would be addressed at COP 5, and benefit-sharing at COP 6 [*decision IV/16*].

To date, the COP has adopted six decisions specifically on access to genetic resources: decisions II/11, III/15, IV/8, V/26, VI/24 and VII/19. In addition, a number of decisions have been adopted relating to the FAO Global System for the Conservation of Plant Genetic Resources for Food and Agriculture.

The initial focus of the COP, in relation to Article 15, was on promoting the development of relevant measures, gathering information on national and regional approaches to regulating access to genetic resources, and disseminating this information. Thus, the COP has called on Parties to submit information on national legislative, administrative and policy measures, to implement Article 15 to the CBD Secretariat [*decision II/11, paragraph 3; decision III/15, paragraph 1; decision VII/24 D, paragraph 6; decision VII/19E, paragraph 10*] and has requested the Executive Secretary to compile surveys and summaries of this information [*decisions II/11, III/15, IV/8, VI/24 D and VII/19E, paragraph 10*].⁵²

COP 4 decided to establish a panel of experts to develop a common understanding of basic concepts, and to explore all options for access and benefit-sharing, on mutually agreed terms, including guiding principles, guidelines, and codes of best practice for access and benefit-sharing arrangements [*decision IV/8, paragraph 3*].

The first meeting of the Panel of Experts on Access and Benefit-sharing was held in October 1999. The Inter-Sessional Meeting on the Operations of the Convention (ISOC), in June 1999, considered options for access and benefit-sharing mechanisms, made recommendations for future work, and provided some preliminary advice to guide the work of the Panel [*decision IV/8, paragraph 1*]. COP 5 considered both

52 These surveys are contained in documents UNEP/CBD/COP/2/13; UNEP/CBD/COP/3/20; UNEP/CBD/COP/4/21; UNEP/CBD/COP/4/22; UNEP/CBD/COP/4/23; and UNEP/CBD/COP/4/INF.7. Copies of case-studies are also available on the CHM Website.

the report of the Panel (UNEP/CBD/COP/5/8) and recommendations 2, 3 and 4 of ISOC. It decided to reconvene the Panel to conduct further work on outstanding issues from COP 1, especially:

- (a) assessment of user and provider experience in access to genetic resources and benefit-sharing and study of complementary options;
- (b) identification of approaches to involvement of stakeholders in access to genetic resources and benefit-sharing processes [*decision VI/26 A, paragraph 10*].

COP 5 also decided to establish an Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to develop guidelines and other approaches for consideration by COP 6, and to assist Parties and stakeholders in addressing a list of elements relevant to access and benefit-sharing. The elements listed are: terms for prior informed consent and mutually agreed terms; roles, responsibilities and participation of stakeholders; relevant aspects relating to *in situ* and *ex situ* conservation and sustainable use; mechanisms for benefit-sharing, for example through technology transfer and joint research and development; and means to ensure the respect, preservation and maintenance, of knowledge, innovations and practices of indigenous and local communities. The Working Group is open to all stakeholders [*decision VI/26 A, paragraph 11*].

The Panel held its second meeting in March 2001, in Montréal. It considered examples of user and provider experience on access and benefit-sharing, and identified elements that may serve as a basis for the development of international guidelines and other approaches on access and benefit-sharing. At its first meeting, in Bonn Germany, in October 2001, the Working Group adopted the draft Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization. It also adopted a draft recommendation on other approaches, including the development of an action plan for capacity-building, and considered the role of intellectual property rights in access and benefit-sharing arrangements. COP 6 adopted the Bonn Guidelines [*decision VI/24 A*] and decided to convene an Expert Workshop on access and benefit-sharing to further develop draft elements of an Action Plan for capacity-building on Access and Benefit-sharing [*decision VI/24 B*]. The workshop, held in Montreal, from 2 to 4 December 2002, agreed on a draft Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing. The Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing was adopted by COP 7.

The role of intellectual property rights for access and benefit-sharing was also considered at COP 6 and COP 7 [*decision VI/24C; VII/19E*]. Further details are provided in the guide to Article 16, in this section of the Handbook, addressing IPRs.

Following developments at the World Summit on Sustainable Development, related to access to genetic resources and benefit-sharing and, more specifically, the call for action to negotiate, within the framework of the Convention on Biological Diversity, an international regime to promote the fair and equitable sharing of benefits arising out of their utilization, COP 7 decided to mandate the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to negotiate an international regime on access and benefit-sharing. The COP also agreed on the terms of reference for such negotiation, including the process, nature, scope and elements

for consideration in the elaboration of the regime. The Executive Secretary is requested to make necessary arrangements for the Working Group on ABS to be convened twice before the eighth meeting of the Conference of the Parties, and to report on progress made at this eighth meeting [*decision VII/19 D*].

The Ad Hoc Open-ended Inter-sessional Working Group on the implementation of Article 8(j) and related provisions, established under decision IV/9, has been considering issues of relevance to access to genetic resources and benefit-sharing from the perspective of Article 8(j) [*decision IV/9, annex; decision V/16, annex; decision VI/10; decision VII/16 see the guide to Article 8(j) in this section of the Handbook*]. The Working Group met for the third time in December 2003.

Relationship with other processes

The COP has acknowledged that there are close links between provisions of the Convention on access and benefit-sharing, and the WTO, in particular with respect to IPRs and benefit-sharing. The COP has requested the Executive Secretary to cooperate with the WTO through the WTO's Committee on Trade and Environment, to explore the extent to which there may be linkages between Article 15 and relevant articles of the TRIPs Agreement⁵³ [*decision III/15, paragraph 8*]. It has also emphasized that further work is needed to help develop a common appreciation of the relationship between the TRIPs Agreement and the Convention, with regard to, *inter alia*, the fair and equitable sharing of benefits arising out of the use of genetic resources [*decision III/17, paragraph 8; decision IV/15, paragraph 10; decision V/26 B; decision VI/24 D*]. The COP's consideration of this issue is addressed in the guide to Article 16, in this section of the Handbook.

The COP has also recognized the role of WIPO in the implementation of Article 15. For example, at COP 6, the COP invited WIPO to prepare a technical study related to the disclosure, within patent applications, of the source of genetic resources and related traditional knowledge and to report its findings to COP 7 [*decision VI/24 C, paragraph 4*]. COP 7 noted with appreciation, the technical study prepared by WIPO [*preamble decision VII/19 E*]. It also invited WIPO to examine issues regarding the interrelation of access to genetic resources and disclosure requirements in intellectual property rights applications, as set out in decision VII/19 E, paragraph 8, and to regularly provide reports to the Convention on its work.

COP 2 requested the Secretariat to consult with the United Nations Office for Ocean Affairs and the Law of the Sea, to undertake a study on the relationship between the Convention and the United Nations Convention on the Law of the Sea, with regard to the conservation and sustainable use of genetic resources on the deep seabed [*decision II/20, paragraph 12*]. The study was prepared for SBSTTA 8.

SBSTTA 8 examined the issue on the basis of a joint study prepared by the Executive Secretary and UNDOALOS. The recommendations of SBSTTA 8 on the issue were transmitted to COP 7, and decision VII/5, adopted at that meeting, requested

53 Decision III/17 (Intellectual Property Rights) requested the Executive Secretary to apply for observer status in the WTO Committee on Trade and Environment.

the Executive Secretary, in consultation with the International Seabed Authority, to compile information on the methods for the identification, assessment and monitoring of genetic resources of the deep seabed, and on their status and trends, and the technical options for their protection. The decision also requested the United Nations General Assembly to further coordinate work relating to the conservation and sustainable use of genetic resources of the deep seabed beyond national jurisdiction.

Issues of access to genetic resources and benefit-sharing have been incorporated, to some extent, into the thematic work programmes adopted by the COP (see list of references below). Article 15 is also related to the COP's work on incentive measures under Article 11, and particularly closely linked to the consideration of traditional knowledge (Article 8(j) and related provisions), and IPRs. The COP has adopted a number of decisions on these issues, of particular relevance to benefit-sharing, for example: decisions III/14, IV/9, V/16, VI/10F, paragraph 34 and VII/16H, paragraph 6 (Traditional knowledge); decisions II/12 and III/17 (Intellectual property rights); and decision VI/6 (The International Treaty for Plant Genetic Resources for Food and Agriculture).

COP guidance

Guidance to Parties

The COP has encouraged Governments to explore, develop and implement, guidelines and practices, in collaboration with relevant stakeholders, to ensure benefit-sharing [*decision III/15, paragraph 5*], and to include in their national plans or strategies and legislation, measures for the equitable sharing of benefits arising out of the use of genetic resources [*decision III/9, paragraph 2(c)*]. The COP has also urged recipient countries to adopt measures to support efforts made by provider countries, to ensure that access to genetic resources is subject to Articles 15, 16 and 19 of the Convention [*decision V/26 A, paragraph 4(c); decision VI/24A, annex (Bonn Guidelines); decision VII/19E, paragraph 2*]. COP 6 invited Parties and Governments to use the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, when developing and drafting legislative, administrative or policy measures, on access and benefit-sharing, and on contracts and other arrangements under mutually agreed terms for access and benefit-sharing. The COP also invited Parties to provide financial and technical assistance to support developing countries in implementing the Bonn Guidelines [*decision VI/24A, paragraphs 4 and 5*]. COP 7 recognised that the Guidelines are making a useful contribution to the development of national regimes and contractual arrangements for access and benefit-sharing, and encouraged Parties, Governments, indigenous and local communities, and all relevant stakeholders, to further submit information on relevant experience and lessons learned in their implementation [*decision VII/19A*].

With respect to the issue of the role of intellectual property rights in access and benefit-sharing arrangements, COP 6 invited Parties and Governments to encourage the disclosure of the country of origin of genetic resources, or related traditional knowledge, innovations and practices, in applications for intellectual property rights, where the subject matter of the application concerns, or makes use, of

genetic resources or related traditional knowledge in its development [*decision VI/24 B, paragraphs 1 and 2*].

The COP has requested Parties to identify and communicate to the Secretariat, details of their focal points and competent national authorities responsible for granting access to genetic resources [*decision III/15, paragraph 6; decision V/26 A, paragraph 2*]. It also urged Parties and Governments to nominate experts for inclusion in the roster of experts on access and benefit-sharing, taking into account gender balance, involvement of representatives of indigenous and local communities and relevant disciplines and expertise [*decision VI/24 B, paragraph 9*].

With respect to the decision by COP 7 to negotiate an international regime on access and benefit-sharing, Parties were invited to submit, to the Executive Secretary, their views, information and analysis on the elements of the international regime, in preparation for the third meeting of the Working Group on Access and Benefit-sharing [*decision VII/19D*].

Financial mechanism and resources

Guidance to the financial mechanism on this issue has been adopted in decision III/5, decision IV/8,⁵⁴ decision V/13, decision VI/17 and decision VII/20. COP 3 urged the GEF to support capacity-building for the development and implementation of measures and guidance on access to genetic resources [*decision III/5, paragraph 4*]. It also requested the secretariats of the Convention and the GEF to collaborate in preparing a proposal on the means to address fair and equitable sharing of benefits arising out of genetic resources, including assistance to developing country Parties, for consideration at COP 4 [*decision III/5, paragraph 7*]. COP 6 and 7 urged the GEF to support the implementation of the Action Plan on Capacity-building for Access and Benefit-sharing [*decision VI/24, paragraph 7; decision VI/17, paragraph 10(m); decision VII/20, paragraph 19*].

The COP has also invited support from Governments, regional economic integration organizations, international, regional and national organizations, and private sector to support and implement capacity-building programmes (including the Action Plan for capacity-building) to promote the development and implementation of measures on access to genetic resources, and efforts by Parties and Governments to develop and promote measures which facilitate the distribution of benefits arising from the use of genetic resources on mutually agreed terms and to implement the Bonn Guidelines on Access and Benefit-sharing [*decision III/15, paragraph 3; decision IV/8, paragraph 5; decision VI/24 A, paragraph 5; decision VI/24 B, paragraph 7; decision VII/19E, paragraph 3*].

SPECIFIC ISSUES ARISING UNDER ARTICLE 15

Decisions on, or related to, access to genetic resources and benefit-sharing, have made frequent references to the FAO International Undertaking on Plant Genetic Resources, and following its adoption to the International Treaty on Plant Genetic Resources for Food Agriculture, and to the question of genetic resources in *ex situ*

⁵⁴ See also decision IV/13.

collections. These references are addressed here. Decisions relating to other FAO activities, and the Global System for Plant Genetic Resources for Food and Agriculture, are addressed in the guide to agricultural biological diversity under thematic work programmes, later in this section of this Handbook.

(a) International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

Resolution 3 of the Nairobi Final Act on the adoption of the Convention, recognized the need to '*seek solutions to outstanding matters concerning plant genetic resources within the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Sustainable Agriculture, in particular (a) access to ex situ collections not acquired in accordance with this Convention; and (b) the question of farmers' rights.*'

By way of response, Resolution 7/93 of the FAO Conference recognized the importance and urgency of revising the International Undertaking in harmony with the CBD, on a step-by-step basis, starting with the integration of the Undertaking and its annexes. It requested the Director General of the FAO to provide a forum for negotiations for the adaptation of the International Undertaking in harmony with the Convention, for consideration of the issue of access to plant genetic resources on mutually agreed terms, including *ex situ* collections not addressed by the Convention, and for the issue of realization of Farmers' Rights.

The COP urged Governments and regional economic integration organizations, to finalize the negotiation for the adaptation of the International Undertaking on Plant Genetic Resources for Food and Agriculture, in harmony with the CBD, in particular providing solutions to access to *ex situ* collections not acquired in accordance with the Convention [*decision III/15, paragraph 7; decision V/26 A, paragraph 8*]. The COP has also affirmed its willingness to consider a decision by the FAO Conference, that the revised Undertaking should take the form of a legally binding instrument with strong links to the Convention [*decision III/11, paragraph 18; decision V/26 A, paragraph 8*]. It has called upon Parties to coordinate their positions in both forums [*decision V/26 A, paragraph 8*].

The COP recognized that several issues require further work in the context of the FAO Global System, in particular: 'financing; the realization of Farmers' Rights as discussed in the Global Plan of Action; as well as terms of technology transfer to developing countries and access and benefit-sharing arrangements, in accordance with relevant provisions of the Convention' [*decision III/11, paragraph 19*].

Negotiations for revision of the International Undertaking were completed in November 2001, with the adoption of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) by the FAO Conference. The COP has recognized the important role that the ITPGRFA will have, in harmony with the Convention, for facilitated access to plant genetic resources for food and agriculture, and for the fair and equitable sharing of benefits arising out of their utilization [*decision VI/24 D, paragraph 5; decision VI/6*].

(b) *Ex situ* collections of genetic resources

Article 15(3) excludes from the Convention's provisions on access to genetic resources and benefit-sharing, those resources which were collected prior to the entry into force of the Convention for a particular Party, by providing that the genetic resources referred to in Articles 15, 16 and 19 are "only those that are provided by Contracting Parties that are countries of origin of such resources, or by the Parties that have acquired the genetic resources in accordance with this Convention."

As noted above, *ex situ* collections of genetic resources covered by the FAO Global System for Plant Genetic Resources for Food and Agriculture, were considered in the context of the revision of the International Undertaking. In addition, the COP has begun to raise the question of whether, and if so, how, pre-existing *ex situ* collections of genetic resources (other than those under the FAO Global System) might be treated under the Convention, with due regard to the provisions of the Convention. COP 4 requested the Executive Secretary to invite information from Parties and relevant organizations, in time for the ISOC on *ex situ* collections which were acquired prior to the entry into force of the CBD and which are *not* addressed by the Commission on Genetic Resources for the FAO [*decision IV/8, paragraph 2*]. This issue was addressed again in decision V/26 C, in which the COP decided to continue the information-gathering exercise, and requested the Executive Secretary to report again on this issue at COP 6. At its sixth meeting, the COP noted with appreciation, the report "International Review of the *Ex Situ* Plant Collections of the Botanic Gardens of the World: Reviewing the Plant Genetic Resource Collections of Botanic Gardens Worldwide", prepared by Botanic Gardens Conservation International with the support of the UK Government and the Convention Secretariat [*decision VI/24 D, paragraph 8*].

References**DECISIONS ON ARTICLE 15**

- Decision II/11 (Access to genetic resources)
- Decision III/15 (Access to genetic resources)
- Decision IV/8 (Access and benefit-sharing)
- Decision V/26 A (Access to genetic resources)
- Decision V/26 C (*Ex situ* collections)
- Decisions VI/24 A–D (Access and benefit-sharing as related to genetic resources)
- Decision VII/19 (Access and benefit-sharing as related to genetic resources)

GUIDANCE TO PARTIES**National action**

- Decision III/9, paragraph 2(c) (Implementation of Articles 6 and 8)
- Decision III/15, paragraphs 5 and 6 (Access to genetic resources)
- Decision IV/6, paragraph 6 (Agriculture)
- Decision V/5, annex, section B, programme element 3, activity 3.4 (Agriculture)
- Decision V/26 A, paragraphs 1, 4(a), (c), (d), 6 and 7; annex, section C, paragraph 4 (Access to genetic resources)

Decision VI/24 A, paragraphs 4 and 5; annex, section B, paragraphs 3 and 9; annex, section C, paragraphs 1 and 2 (Access and benefit-sharing as related to genetic resources)

Decision VII/19 A, paragraph 2; annex, section D, paragraph 6; annex, section E, paragraphs 2–5, section F, paragraphs 2–5 (Access and benefit-sharing as related to genetic resources)

Information and case-studies

Decision II/11, paragraph 3 (Access to genetic resources)

Decision III/15 paragraphs 1 and 4 (Access to genetic resources)

Decision III/17, paragraphs 1(b) and (d) (Intellectual property rights)

Decision IV/8, paragraph 2 (Access and benefit-sharing)

Decision V/26 A, paragraphs 2 and 15(a) (Access to genetic resources)

Decision VI/24 D, paragraphs 6 and 7 (Access and benefit-sharing as related to genetic resources)

Decision VII/19, section A paragraph 3, section B paragraphs 1(a) and (b); section B, paragraph 2; section C, paragraph 1; section D, paragraph 8; section E, paragraph 10; section F, paragraph 6; annex, section F (Action plan); section D, paragraphs 12 and 13 (Access and benefit-sharing as related to genetic resources)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision III/5, paragraph 4 (Additional guidance to the financial mechanism)

Decision III/15, paragraph 3 (Access to genetic resources)

Decision IV/8, paragraph 4 (Access and benefit-sharing)

Decision IV/13, paragraph 8 (Additional guidance to the financial mechanism)

Decision V/13, paragraph 2(g) (Further guidance to the financial mechanism)

Decision VI/24 B, paragraph 7 (Access and benefit-sharing as related to genetic resources)

Decision VI/17, paragraph 10(m) (Financial mechanism under the Convention)

Decision VII/19, annex, section F (Action plan), section C, paragraph 7(f); section D, paragraph 11; annex, section F (Action plan), appendix , paragraphs A 6 and C 2 (Access and benefit-sharing as related to genetic resources)

Decision VII/20, paragraph 19 (Further guidance to the financial mechanism)

OTHER FINANCIAL RESOURCES

Decision III/15, paragraph 3 (Access to genetic resources)

Decision IV/8, paragraph 5 (Access and benefit-sharing)

Decision VI/24 A, paragraph 5 (Access and benefit-sharing as related to genetic resources)

Decision VI/24 B, paragraph 7 (Access and benefit-sharing as related to genetic resources)

Decision VII/19 F, paragraph 3 (Access and benefit-sharing as related to genetic resources)

GUIDANCE TO THE SECRETARIAT

- Decision II/10, paragraph 12 (Marine and coastal)
- Decision II/11, paragraphs 1 and 4 (Access to genetic resources)
- Decision II/12, paragraph (c) (Intellectual property rights)
- Decision III/5, paragraph 7 (Additional guidance to the financial mechanism)
- Decision III/14, paragraph 10 (a) (Implementation of Article 8(j))
- Decision III/15, paragraphs 2, 8 and 9 (Access to genetic resources)
- Decision IV/8, paragraphs 2 and 6 (Access and benefit-sharing)
- Decision V/5, paragraph 29 (Agriculture)
- Decision V/26 A, paragraphs 13, 15(b), (c) and (f); decision V/26 C, paragraphs 2 and 5 (Access to genetic resources)
- Decision VII/19 A, paragraph 4; annex, section B, paragraphs 3–4; annex, section C, paragraphs 2–3; annex, section D, paragraph 9; annex, section E, paragraph 10; annex, section F, paragraph 7; annex, (Action plan) and appendix (Access and benefit-sharing as related to genetic resources)
- Decision VII/33, paragraph 4 (Operations of the Convention)

GUIDANCE TO SBSTTA

- Decision II/8, paragraph 7 (Components of biological diversity particularly under threat)
- Decision II/10, paragraph 12 (Marine and coastal)
- Decision IV/4, annex I, paragraphs 8(c) and (v) (Inland water)
- Decision V/3, paragraph 12 (Marine and coastal)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/9, annex, paragraph 9 (Forests—Statement to IPF)
- Decision II/10, paragraph 12 (Marine and coastal)
- Decision II/15, paragraph 2(1) (FAO Global System)
- Decision II/16, annex, paragraphs 8(h) and 9 (Statement to FAO International Technical Conference)
- Decision III/5, paragraph 7 (Additional guidance to the financial mechanism)
- Decision III/11, paragraphs 18 and 19 (Agriculture)
- Decision III/15, paragraphs 8 and 9 (Access to genetic resources)
- Decision IV/6, paragraph 6 (Agriculture)
- Decision V/16, paragraph 14 (Article 8(j) and related provisions)
- Decision V/26 A, paragraphs 8 and 15(c), (d), (e), part C, paragraph 3 (Access to genetic resources)
- Decision VII/19, B, paragraph 1; C, paragraphs 1 and 2; D, paragraphs 1, 5–8; Annex, section D, paragraph xxiii; Annex., section E, paragraphs 7, 8, 9 and 10; section F, paragraph 2, 3, 4 and 7; Annex (Action Plan), paragraphs 7 and 9; Annex (Action Plan), paragraphs 10–12; Annex, Action Plan, Appendix, section C, paragraph 4 (Access and benefit-sharing as related to genetic resources)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/9, annex, paragraph 9 (Forests—Statement to IPF)
- Decision II/10, paragraph 12 (Marine and coastal)
- Decision III/11, paragraphs 1, 18 and 19 (Agriculture)

- Decision IV/4, annex I, paragraphs 8(c) and (v) (Inland water)
- Decision IV/5, annex, programme element 2, operational objective 2.2 (Marine and coastal)
- Decision IV/6, paragraph 6 (Agriculture)
- Decision V/3, paragraph 12 (Marine and coastal)
- Decision V/5, paragraph 29; annex, section A, paragraphs 2(c), 3(b) and 4; annex, section B, programme element 2, activity 2.2(c) and (iv); programme element 3, activity 3.4 (Agriculture)
- Decision V/23, annex I, activity 9(e) (Dry and sub-humid lands)
- Decision VII/3, paragraph 14 (Agricultural biodiversity)
- Decision VII/4, paragraph 9(d) (Inland waters biodiversity)
- Decision VII/5, paragraphs 54 and 55, operational objective 2.2, appendix 3A (Marine and coastal)
- Decision VII/27, annex, goals 1.4 and 1.5 (Mountain biological diversity)

OTHER RELEVANT DECISIONS

- Decision III/17, paragraph 8 (Intellectual property rights)
- Decision III/19, annex, paragraph 24(c) (Statement to UNGA Special Session)
- Decision IV/9, paragraphs 1(d), 10(e); annex (Implementation of Article 8(j) and related provisions)
- Decision IV/16, paragraph 2 (Institutional matters and the programme of work)
- Decision V/16, paragraph 5; annex, element 1, task 2; element 4, task 7 (Article 8(j) and related provisions)
- Decision V/19, paragraph 8 (National reports)
- Decision VII/8, paragraph 15 (Monitoring and indicators)
- Decision VII/10, paragraph 12 (Global strategy for plant conservation)
- Decision VII/12, paragraph 5(j) (Sustainable use)
- Decision VII/14, paragraph 71 (Biological diversity and tourism)
- Decision VII/16, annex, paragraph 56; annex, G, paragraph 8, annex H, paragraphs 4,5 and 6; annex (draft elements), paragraphs 4–8 (Article 8(j))
- Decision VII/28, annex, paragraph 1; annex II paragraph 8; programme element 8, goal 2.1 (Protected areas)
- Decision VII/29, paragraphs 6(a),7 and 11; annex, programme elements 1, 2 and 3 (Transfer of technology and technology cooperation)
- Decision VII/30, annex I, paragraphs 1(f) and 8; annex II, goals 9 and 10 (Strategic Plan: future evaluation of progress)
- Decision VII/31, annex II, A(c) (Multi-year programme of work of the COP up to 2010)
- Decision VII/33, paragraph 4 (Operations of the Convention)

Declarations

Malawi (adoption) and Switzerland (signature)

Documents

UNEP/CBD/COP/2/13—Access to genetic resources and benefit-sharing: legislation, administrative and policy information.

- UNEP/CBD/COP/2/18—FAO Global System for Plant Genetic Resources for Food and Agriculture.
- UNEP/CBD/COP/3/15—Progress under the Food and Agriculture Organization's Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.
- UNEP/CBD/COP/3/20—Access to genetic resources.
- UNEP/CBD/COP/3/22—The impact of intellectual property rights systems on the conservation and sustainable use of biodiversity, and on the equitable sharing of benefits from its use.
- UNEP/CBD/COP/3/23—The Convention on Biological Diversity and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs): relationships and synergies.
- UNEP/CBD/COP/3/INF.5—Submissions received by the Executive Secretary concerning the possible influence that intellectual property rights may have on the implementation of the Convention.
- UNEP/CBD/COP/4/21—Measures to promote and advance the distribution of benefits from biotechnology, in accordance with Article 19.
- UNEP/CBD/COP/4/22—Addressing the fair and equitable sharing of benefits arising out of genetic resources: options for assistance to developing countries Party to the CBD.
- UNEP/CBD/COP/4/23—Review of national, regional and sectoral measures and guidelines, for the implementation of Article 15.
- UNEP/CBD/COP/4/INF.7—Synthesis of case-studies on benefit-sharing.
- UNEP/CBD/COP/4/INF.10—Report of the international workshop 'Best Practices' for Access to Genetic Resources, Cordoba, 16–17 January 1998.
- UNEP/CBD/COP/4/INF.16—Access to genetic resources and means for fair and equitable benefit sharing: a case-study, April 1998.
- UNEP/CBD/COP/4/INF.20—Report of the Fourth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture, Rome, 1–5 December 1997.
- UNEP/CBD/COP/4/INF.25—Benefit-sharing case-studies: *Ancistrocladus korupensis* and *Prunus africana*. Submission by UNEP.
- UNEP/CBD/COP/5/8—Report of the Panel of Experts on Access and Benefit-Sharing.
- UNEP/CBD/COP/5/21—Access to genetic resources.
- UNEP/CBD/SBSTTA/2/15—Bio-prospecting of genetic resources of the deep seabed.
- UNEP/CBD/WG-ABS/1/3—Elements of draft international guidelines on access to genetic resources and benefit-sharing.
- UNEP/CBD/WG-ABS/1/4—The role of intellectual property rights in access and benefit-sharing arrangements.
- UNEP/CBD/WG-ABS/1/INF/1—Results of the pilot project for botanical gardens: principles on access to genetic resources and benefit-sharing, common policy guidelines to assist with their implementation, and explanatory text. Text submitted by the Government of the United Kingdom.
- UNEP/CBD/WG-ABS/1/INF/2—Access and benefit-sharing and the Global Taxonomy Initiative.

- UNEP/CBD/WG-ABS/1/INF/3—Implementing the Convention on Biological Diversity: analysis of the links to intellectual property and the international system for the protection of intellectual property. Submission by the Federal Republic of Germany.
- UNEP/CBD/WG-ABS/1/INF/4—Regulating access and benefit sharing: basic issues, legal instruments and policy proposals. Submission by the Federal Republic of Germany.
- UNEP/CBD/WG-ABS/1/INF/5—Building a new partnership: draft guidelines on access and benefit-sharing regarding the utilisation of genetic resources. Submission by Switzerland.
- UNEP/CBD/ABS/EW-CB/1/2—Capacity-building for access to genetic resources and benefit-sharing: synthesis of submissions received on needs, priorities and existing initiatives, and additional elements for consideration in the development of an action plan.
- UNEP/CBD/ABS/EW-CB/1/INF/1—Scoping meeting on capacity-building approaches for access to genetic resources and benefit-sharing.
- UNEP/CBD/ABS/EW CB/1/INF/2; Add.1–Add.3—Compilation of submissions on needs and priorities of Parties, and information on existing initiatives on capacity-building for access and benefit-sharing.
- UNEP/CBD/ABS/EW CB/1/3—Report of the open-ended expert workshop on capacity-building for access to genetic resources and benefit-sharing.
- UNEP/CBD/COP/6/6—Report of the ad hoc open-ended working group on access and benefit-sharing.
- UNEP/CBD/COP/6/19—Access and benefit-sharing as related to genetic resources: progress report on the implementation of Decisions V/26 A–C.
- UNEP/CBD/COP/6/19/ADD1—Recent developments on access and benefit-sharing.
- UNEP/CBD/COP/6/INF/40—Access and benefit-sharing as related to genetic resources: compilation of submissions by experts on the use of terms.
- UNEP/CBD/WG-ABS/2/2—Further consideration of outstanding issues related to access and benefit-sharing: use of terms, other approaches, and compliance measures.
- UNEP/CBD/WG-ABS/2/3—The role of intellectual property rights in access and benefit-sharing arrangements, including national and regional.
- UNEP/CBD/WG-ABS/2/4—An international regime on access to genetic resources and benefit-sharing: compilation of views on the process, nature, scope, elements and modalities.
- UNEP/CBD/WG-ABS/2/INF/1—Compilation of submissions on access and benefit-sharing as related to genetic resources, received by the Secretariat pursuant to decision VI/24 A–D of the Conference of the Parties.
- UNEP/CBD/WG-ABS/2/INF/2—Disclosure of origin and prior informed consent for applications of intellectual property rights based on genetic resources: a technical study of implementation issues.
- UNEP/CBD/WG-ABS/2/INF/3—An international regime on access to genetic resources and benefit-sharing: compilation of views on the process, nature, scope, elements and modalities.
- UNEP/CBD/WG-ABS/2/INF/3/ADD1—Other approaches, as set out in Decision VI/24 B, including considerations of the process, nature, scope, elements and

modalities. Submission by the International Union for the Protection of New Varieties of Plants.

Study on the Inter-Relations between Intellectual Property Rights Regimes and the Conservation of Genetic Resources (Institute for International and European Environmental Policy).

Access and Benefit-sharing (ABS)—An Instrument for Poverty Alleviation—Proposals for an International Regime (German Development Institute).

UNEP/CBD/MYPOW/6—International regime on access and benefit-sharing: proposals for an international regime on access and benefit-sharing.

UNEP/CBD/COP/7/5—Report of the open-ended inter-sessional meeting on the multi-year programme of work of the Conference of the Parties up to 2010.

UNEP/CBD/COP/7/6—Report of the ad hoc open-ended working group on access and benefit-sharing on the work of its second meeting.

UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.

UNEP/CBD/COP/7/INF/17—Technical study on disclosure requirements related to genetic resources and traditional knowledge. Submission by the World Intellectual Property Organization (WIPO).

UNEP/CBD/COP/7/INF/39—Letter from the International Union of Biological Sciences to the Executive Secretary of the Convention on Biological Diversity.

ARTICLE 16 | Access to and transfer of technology

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs 1, 2 and 3 above.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

Editors' note: The issues addressed in Article 16 are linked to other articles of the Convention, in particular Articles 8(j), 12, 15, 17, 18, 19, 20 and 21, and also to

the thematic work programmes. Reference should also be made to the guides on those articles elsewhere in this section of the Handbook.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biotechnology,” “genetic resources” and “technology.”

CONSIDERATION OF ARTICLE 16 BY THE COP

The COP’s practice, to date, has been to address: (i) access to, and transfer of, technology; and (ii) IPRs in separate decisions. These issues are, therefore, addressed separately below.

ACCESS TO AND TRANSFER OF TECHNOLOGY

Background and status

As part of its medium-term programme of work, the COP decided to consider access to, and transfer and development of, technology, as envisaged in Articles 16 and 18 of the Convention, at COP 2 and COP 3. COP 2 took note of SBSTTA recommendation I/4 [*decision II/4, paragraph 1*], and asked SBSTTA to submit a detailed report to COP 3 [*decision II, paragraph 4*]. COP 3 took note of SBSTTA recommendation II/3 [*decision III/16, paragraph 1*], and endorsed the recommendation that SBSTTA conduct its work on technology transfer within sectoral themes related to the priority issues under its programme of work, as set out in SBSTTA recommendation II/12 [*decision III/16, paragraph 3*]. Further to this decision, technology transfer is referred to in the COP decisions on the thematic work programmes (see references below).

The COP has viewed technology transfer and cooperation as one of the critical elements in access and benefit-sharing arrangements. Further to paragraph 2 of decision III/16, technology transfer, as related to access and benefit-sharing, has been taken up by the Conference of the Parties at its fourth, fifth and sixth meetings. COP 4 decided that the Panel of Experts on Access and Benefit-sharing should also address the role of technology transfer in access and benefit sharing [*decision IV/8, paragraph 3; annex*]. COP 5 decided that technology transfer, as a mechanism for benefit-sharing, should be taken up by the Ad Hoc Open-ended Working Group on Access and Benefit-sharing [*decision V/26, paragraph 11*]. The role of technology transfer as a mechanism to share benefits, is reflected in the Bonn Guidelines on access and benefit-sharing adopted by COP 6.

COP 4 decided that, as part of its long-term programme of work, transfer of technology and technology cooperation would be subject for in depth consideration at its seventh meeting [*decision IV/16*]. Mandated by COP decision VI/30 on the preparatory work for COP 7, the issue was subsequently taken up by the Open-ended Inter-sessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010, in March 2003, and by SBSTTA 9, in November 2003. Recommendation IX/3 of the SBSTTA included draft elements of a pro-

gramme of work on technology transfer, and technological and scientific cooperation, for consideration by COP 7.

By decision VII/29, COP 7 adopted a programme of work on technology transfer, and technological and scientific cooperation. This programme of work spells out a number of strategic considerations to be taken into account in its implementation by Parties, other governments, international organizations, the Secretariat, and other relevant actors. Grouped under four programme elements, it also spells out a number of operational targets and related activities required from the various actors. The four programme elements are: Technology Assessments; Information Systems; Creating Enabling Environments; and Capacity-building and enhancement. Parties and relevant international organizations are invited to carry out the activities under their respective responsibilities, as spelled out in the programme of work [*decision VII/29, paragraph 3*].

COP 7 foresees the establishment of an expert group on technology transfer, and scientific and technical cooperation, balanced regionally as well as in respect to expertise, to assist the Secretariat in carrying out the activities under its responsibility as spelled out in the programme of work [*decision VII/29, paragraph 7*]. Moreover, the informal advisory committee of the clearing-house mechanism is mandated to assist the Secretariat in its activities under programme element 2, on information systems [*decision VII/29, paragraph 6*].

COP guidance

Relevant guidance on technology transfer, and technological and scientific cooperation, is provided in the programme of work adopted by COP 7.

Guidance to Parties

Element 1 of the programme of work on technology transfer, and technological and scientific cooperation, addresses technology assessments. Under this programme element, Parties to the Convention shall prepare technology assessments addressing: (a) technology needs, opportunities and barriers in relevant sectors; and (b) related needs in the building of capacity (activity 1.1.1). They shall also prepare and disseminate, as appropriate, transparent impact assessments and risk analysis of the potential benefits, risks and associated costs with the introduction of technologies, including new technologies (activities 1.2.1 and 1.2.2).

Element 2 of the programme of work addresses national, regional and international information systems. Parties to the Convention shall develop or improve national systems of information exchange on technology transfer and technology cooperation with a view to fostering dialogue between technology holders and prospective users (activities 2.2.2 and 2.3.1), and to identify and implement measures to develop or strengthen appropriate regional and international information systems (activity 2.4.3).

Element 3 of the programme of work addresses enabling environments. Activities under this programme element seek to identify and put in place, institutional, administrative, legislative and policy frameworks conducive to private and public sector technology transfer and cooperation, also taking into account existing work

of relevant international organizations and initiatives. Under this programme element, national Governments shall, consistent with relevant international obligations and national priorities, and in synergy with activities foreseen under the programme areas and cross-cutting issues of the Convention:

- implement institutional, administrative, legislative and policy measures and mechanisms, to foster an enabling environment in developing countries and countries with economies in transition (activity 3.2.5);
- adopt legal and regulatory frameworks where appropriate and provision of incentives to private-sector actors, as well as public research institutions in developed country Parties (activity 3.2.6);
- encourage and facilitate community-to-community sharing and transferring, of knowledge and technologies (activity 3.2.7);
- promote and advance priority access for Parties to the results and benefits arising from technologies based upon genetic resources provided by those Parties, in accordance with Article 19, paragraph 2, of the Convention, and to promote the effective participation in related technological research by those Parties (activity 3.2.8);
- encourage scientific and technical research, including joint research programmes with associated jointly held patents or other protection of intellectual property rights as well as other mechanisms (activity 3.2.9);
- promote cooperation and technology transfer through innovative approaches, such as Type 2 partnerships or transfers among actors (activity 3.2.10);
- strengthen national research institutions for the adaptation and further development of imported technologies (activity 3.2.11);
- disseminate related experiences at national and international levels (3.2.12).

In a first, preparatory phase up to the eighth meeting of the Conference of the Parties, national Governments shall:

- identify relevant stakeholders and sources on information (activity 3.2.1);
- design and implement mechanisms for effective involvement and participation of indigenous and local communities and all relevant stakeholders (activity 3.2.2);
- review, as appropriate, in collaboration with indigenous and local communities and all relevant stakeholders, existing policies and programmes and identify possible impediments to the transfer of technology of relevance for the Convention on Biological Diversity, capacity-building needs and priority areas for policy action (activity 3.2.3);
- identify and support community-based opportunities and initiatives, for the development of sustainable livelihood technologies for local application, and facilitate the pursuit of those opportunities at the local community level (activity 3.2.4).

Under programme element 4, on capacity building or enhancement, developing country Parties, and Parties with economies in transition, shall assess capacity-building needs and opportunities for the development or strengthening, and effective operation, of national information systems for technology transfer and technology cooperation, including risk analysis and impact assessment (activity 4.2.1).

Guidance to the Secretariat

To support the activities of Parties, the programme of work foresees a number of activities to be undertaken by the Secretariat of the Convention, in collaboration with relevant organizations and with input by Parties and Governments. The Secretariat shall:

- collect information on technology needs assessment methodologies, analyse their applicability and adaptation needs, and disseminate this information through the clearing-house mechanism, or other means, as appropriate (activity 1.3.1);
- compile and synthesize information on national, regional, and international information systems for technology transfer and cooperation, including the identification of best-practices and of needs for further improvements (activity 2.2.1 and 2.4.2);
- develop proposals to enhance the clearing-house mechanism, including its national nodes as a key mechanism for exchange of information on technologies, and as a core element in its role to promote and facilitate scientific and technical cooperation (activity 2.1.2);
- develop advice and guidance on the use of new information exchange formats, protocols and standards to enable interoperability among relevant existing systems of national and international information exchange, including technology and patent databases (activity 2.1.3);
- prepare, in collaboration with WIPO, UNCTAD and other relevant international organizations, technical studies that further explore and analyse the role of intellectual property rights in technology transfer, in the context of the Convention on Biological Diversity, and identify potential options to increase synergy and overcome barriers to technology transfer and cooperation (activity 3.1.1);
- compile and synthesize information, including case studies and preparation of guidance on institutional, administrative, legislative and policy frameworks, that facilitate access to, and adaptation of, technologies in the public domain, and to proprietary technologies (activity 3.1.2).

The Secretariat is also requested to consult with multilateral financial institutions, regional banks and other relevant funding bodies, to consider ways and means of involving them in the work of the Convention, and in the efforts of Parties in its implementation, in particular to identify mechanisms for financial support of capacity development [*decision VII/29, paragraph 15*].

Financial mechanism and financial resources

Article 16 is among the programme priorities for financial resources adopted by COP 1 [*decision I/2, annex I, paragraph 4(f)*]. COP 7 decided that, based on needs and priorities identified by developing country Parties and countries with economies in transition, the Global Environment Facility, in accordance with its mandate and in collaboration with other interested funding agencies, shall, as appropriate, provide adequate and timely financial support for the implementation of the programme of work on technology transfer and technological and scientific cooperation [*decision VII/20, paragraph 12*]. Moreover, COP 7 urged Parties, Governments and relevant international and regional organizations, to provide finan-

cial and technical support and training, as appropriate, in order to assist in the implementation of the programme of work. COP 7 also urged Parties, Governments, relevant international and regional organizations, and the private sector, to remove any unnecessary impediments to funding of multi-country initiatives for technology transfer and for scientific and technical cooperation [*decision VII/29, paragraphs 13 and 14*].

References

DECISIONS ON ACCESS TO AND TRANSFER OF TECHNOLOGY

Decision II/4 (Access to, and transfer and development of, technology) (retired: paragraphs 2–4)

Decision III/16 (Access to, and transfer and development of, technology) retired

Decision VII/29 (Transfer of technology and technology cooperation)

GUIDANCE TO THE PARTIES

National action

Decision IV/1 D, annex, paragraph 3 (Taxonomy)

Decision IV/4, annex I, paragraph 9(c) (Inland water)

Decision V/8, annex I, guiding principle 9(c) (Alien species)

Decision V/14, annex I, paragraph (g)(ii) (Clearing-house mechanism)

Decision V/24, paragraph 5(d) (Sustainable use)

Decision V/26 A, paragraphs 4(a) and (c) (Access to genetic resources)

Decision V/26 C, paragraph 4 (*Ex situ* collections)

Decision VI/24 A, annex, paragraph 16(b)(ix), appendix II, paragraph 2(g) (Access and benefit-sharing as related to genetic resources)

Decision VII/27, paragraphs 4 and 15; annex (Mountain biological diversity)

Decision VII/29, paragraphs 3, 5 and 8–10; annex, activities 1.2.1, 1.2.2, 2.2.2, 2.3.1, 3.2.1–3.2.11 and 4.2.1. (Transfer of technology and technology cooperation)

Information and case-studies

Decision VII/29, annex, activities 1.3.1, 2.2.1, 2.4.2 and 3.1.2 (Transfer of technology and technology cooperation)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision I/2, annex I, paragraph 4(f) (Financial mechanism and resources)

Decision IV/2, paragraph 9(c) (Clearing-house mechanism)

Decision VII/20, paragraph 12 (Further guidance to the financial mechanism)

Decision VII/29, paragraphs 8, 13, 14 and 15; annex, activity 4.2.2, 4.3.1. and 4.4.1 (Transfer of technology and technology cooperation)

GUIDANCE TO THE SECRETARIAT

Decision II/3, paragraph 5(a)(iii) (Clearing-house mechanism)

Decision II/10, annex II, paragraph 3(c) (Marine and coastal)

Decision IV/2, paragraph 10(e) (Clearing-house mechanism)

- Decision V/14, annex II, paragraph (f) (Clearing-house mechanism)
Decision VI/5, paragraph 25; annex I, table 1 (Agricultural biological diversity)
Decision VI/30, paragraph 1 (Preparations for the seventh meeting of the Conference of the Parties)
Decision VII/29, paragraphs 3, 6, 7 and 15; annex, activities 1.3.1., 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.4.2, 3.1.1 and 3.1.2 (Transfer of technology and technology cooperation)

GUIDANCE TO SBSTTA

- Decision VII/29, paragraph 11 (Transfer of technology and technology cooperation)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision III/11, paragraph 19 (Agriculture)
Decision III/19, annex, paragraph 24(e) (Statement to UNGA Special Session)
Decision VI/5, paragraphs 21 and 24; annex 2 (Agricultural biological diversity)
Decision VII/29, paragraphs 4, 7(b), 11 and 15 (Transfer of technology and technology cooperation)

RELEVANT ASPECTS OF THE THEMATIC PROGRAMMES

- Decision II/10, annex II, paragraph 3(c) (Marine and coastal)
Decision III/11, paragraphs 1(f), 8 and 19; annex 3 (Agriculture)
Decision IV/4, annex I, paragraphs 5 and 9(c) (Inland water)
Decision IV/6, paragraph 1 (see also SBSTTA recommendation III/4, paragraph 11) (Agriculture)
Decision IV/7, annex, paragraphs 3(g), 7(d), 15 and 28 (Forests)
Decision V/4, annex, paragraph 2(c) (Forests)
Decision V/5, paragraph 23 (Agricultural biological diversity)
Decision VI/5, paragraphs 21 and 23–25 (Agricultural biological diversity)
Decision VI/10, annex, targets 8 and 16 (Global Strategy for Plant Conservation)
Decision VI/22, paragraphs 16 and 19(g); annex, goal 4, objective 1(c) (Forest biological diversity)
Decision VI/23, annex, guiding principle 9, sub-paragraph (c) (Alien species that threaten ecosystems, habitats or species)
Decision VI/25, annex II, III elements of the plan, element 3, paragraph 3.5(a) (Agricultural biological diversity)

OTHER RELEVANT DECISIONS

- Decision II/5, annex, paragraph 5(d) (Consideration of the need for and modalities of a protocol for the safe transfer, handling and use of LMOs)
Decision III/14, paragraph 10(a) (Article 8(j))
Decision IV/8, annex, paragraph 4 (Access and benefit-sharing)
Decision IV/16, annex II (Institutional matters and programme of work)
Decision V/4, annex, paragraph 2(c) (Forests)
Decision V/8, annex I, guiding principle 9(c) (Alien species)
Decision V/20, paragraph 32 (Operations of the Convention)
Decision V/26 A, paragraphs 4(a) and (c) and 11 (Access to genetic resources)
Decision VI/9, annex, targets 8 and 15 (Global Strategy for Plant Conservation)

- Decision VI/24 A, annex, paragraph 16(b)(ix); appendix II, paragraph 2(g)
 Decision VI/26, annex, objective 2.3 (Strategic Plan for the Convention on Biological Diversity)
 Decision VI/30, paragraph 3 (Preparations for the seventh meeting of the COP)
 Decision VII/19, annex (Access to benefit-sharing as related to genetic resources)
 Decision VII/28, annex (Protected areas)

Documents

- UNEP/CBD/COP/3/21—Promoting and facilitating access to, and transfer and development of, technology.
 UNEP/CBD/COP/3/INF/10—Factors affecting transfer of environmentally-sound technology.
 UNEP/CBD/COP/3/INF.4—Submissions received by the Executive Secretary concerning ways and means to promote and facilitate access to, and transfer and development of, technology.
 UNEP/CBD/MYPOW/5—Legal and socio-economic aspects of technology transfer and cooperation.
 UNEP/CBD/SBSTTA/9/7—Technology transfer and cooperation: proposals for the development of a programme of work on technology transfer and cooperation.
 UNEP/CBD/SBSTTA/9/7/ADD2—Review of the status of the implementation of decisions on technology transfer and cooperation.
 UNEP/CBD/SBSTTA/9/INF/13—Technology transfer and cooperation: indicative list of technologies for conservation and sustainable use of biological diversity.
 UNEP/CBD/COP/7/16—Transfer of technology and technology cooperation.
 UNEP/CBD/COP/7/INF/9—Technology transfer and cooperation: synthesis of information contained in thematic reports on technology transfer and cooperation.
 UNEP/CBD/COP/7/INF/32—Transfer of technology and technology cooperation: patents as a source of technological information in the technology transfer process.

INTELLECTUAL PROPERTY RIGHTS

Background and status

Decisions of the COP, with respect to IPRs, have focused on gathering information on the impacts of IPRs on the objectives of the Convention, and on exploring the relationship between the provisions of the Convention and the WTO-TRIPs Agreement, as well as measures that could be implemented by WIPO in support of the Convention and its work.

COP 2 adopted decision II/12 on IPRs. It requested the Executive Secretary to liaise with the WTO, and to undertake a preliminary study of the impacts of IPR systems on the conservation and sustainable use of biological diversity, and the equitable sharing of benefits derived from its use, in order to gain a better understanding of the implications of Article 16(5) of the Convention.

COP 3 called for case-studies on the impacts of IPRs on the achievement of the Convention's objectives [*decision III/17, paragraph 1*]. It also addressed the relationship and cooperation between the Convention, the WTO and WIPO.

In decision IV/15, the COP again addressed the relationship between the Convention and the WTO agreements, including the TRIPs Agreement [*decision IV/15, paragraph 9*]. The COP has emphasized that further work is required to help develop a common appreciation of the relationship between IPRs and the relevant provisions of the TRIPs Agreement, and the CBD, in particular on issues relating to technology transfer [*decision III/17, paragraph 8; decision IV/15, paragraph 10*]. COP 4 stressed the need to ensure consistency in implementing the CBD and the WTO agreements, including the TRIPs Agreement. It invited the WTO to consider how to achieve these objectives in the light of Article 16(5) of the Convention, taking into account the planned review of Article 27(3)(b) of the TRIPs Agreement in 1999 [*decision IV/15, paragraph 9*]. It requested ISOC to consider this issue [*decision IV/8, paragraph 1*]. Based on the recommendations of the Panel of Experts on Access and Benefit-sharing, and ISOC, COP 5 addressed IPRs in decision V/26 B. It reaffirmed the importance of *sui generis* and other systems for the protection of traditional knowledge, and invited the WTO to acknowledge relevant provisions of the Convention, and to explore the interrelationship between relevant provisions of TRIPs Agreement and of the Convention [*decision V/26 B, paragraphs 1 and 2*]. The COP also renewed its request to the Executive Secretary to apply for observer status in the TRIPs Council of the WTO [*decision V/26 B, paragraph 4*].

At its sixth meeting, in decision VI/24 D, the COP, considering the relationship between the WTO-TRIPs Agreement and the CBD, noted that the relationship between the TRIPs Agreement and the CBD was being examined by the TRIPs Council, in conformity with Article 19 of the Doha Declaration, adopted in November 2001, and that the Secretariat had still not been granted observer status on the TRIPs Council. The COP, therefore, requested the Executive Secretary of the CBD to renew its request for observer status, and to follow discussions and developments in the WTO Committee on Trade and Environment, and the Council for TRIPs [*decision VI/24 D, paragraph 1; decision VI/20, paragraph 30*].

With respect to the role of IPRs in implementing access and benefit-sharing arrangements, COP 5 noted that the Panel of Experts was not able to come to any conclusions, although it had identified a number of specific issues that require further study. These include: the effectiveness of IPRs (relative to other measures) with respect to reinforcing prior informed consent; the role of IPRs in protecting traditional knowledge; and the scope of IPRs and their impact on the legitimate interests of other stakeholders. The COP called for information on these issues to be provided to the Secretariat. The COP further invited relevant organizations, including WIPO and UPOV, to analyse and take account of the relationship between IPRs and the provisions of the Convention in their work [*decision V/26 A, paragraphs 15(d) and (e)*].

A report on the role of IPRs for access and benefit-sharing arrangements was prepared by the Executive Secretary (UNEP/CBD/WG-ABS/1/4), in conformity with decision V/26 A, paragraph 15, and was considered by the Ad Hoc Open-ended Working Group on ABS, at its meeting in Bonn, in October 2001. Based on the recommendations of the Working Group, the COP addressed the role of IPRs in ABS arrangements in decision VI/24 C. In this section, under paragraphs 1 and 2,

the COP invites Parties and Governments to encourage the disclosure of the country of origin of genetic resources, and of related traditional knowledge, in applications for intellectual property rights where the subject matter of the application concerns, or makes use of, genetic resources in its development. This may be considered as a major development, although the COP also recognized that further work on these issues needed to be carried out. The COP has invited a number of organizations, including WIPO, WTO, FAO, UNCTAD, UNHCR and regional forums, to contribute to the further analysis of these issues [*decision VI/24 C, paragraphs 3 and 8*]. WIPO was specifically invited to prepare a technical study related to the disclosure, within patent applications, of the source of genetic resources and related traditional knowledge and to report its findings to COP 7 [*decision VI/24 C, paragraph 4*].

COP 7 noted with appreciation, the technical study prepared by WIPO (preamble decision VII/19E). It also invited WIPO to examine issues regarding the interrelation of access to genetic resources and disclosure requirements in intellectual property rights applications, as set out in decision VII/19E, paragraph 8, and to regularly provide reports to the Convention on its work.

Intellectual property rights have also been considered in the context of work carried out under Article 8(j) and related provisions. COP 6 has invited the Intergovernmental Committee of Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), to continue its efforts to promote more effective indigenous and local community participation in its work, and has invited the IGC to consider mechanisms, such as the disclosure of origin of relevant traditional knowledge in applications for intellectual property rights. In this regard, the COP has invited Parties, with the assistance of WIPO, to take into account traditional knowledge in the examination of novelty and inventive step in patent applications. It has also invited WIPO to forward all relevant documents of the IGC for inclusion in the documentation for the meetings of the Working Group on Article 8(j) [*decision VI/10, paragraphs 31, 48 and 38*].

Cooperation with the World Intellectual Property Organization is also addressed under decision VI/20, on cooperation with other organizations, initiatives and conventions.

The COP further invited relevant organizations, including WIPO and UPOV, to analyse, and take account of, the relationship between IPRs and the provisions of the Convention in their work [*decision V/26 A, paragraph 15(d) and (e)*].

In the programme of work on technology transfer, and technological and scientific cooperation, COP 7 has requested the Secretariat to prepare, in collaboration with WIPO, UNCTAD and other relevant international organizations, technical studies that further explore and analyse the role of intellectual property rights in technology transfer (in the context of the Convention on Biological Diversity), and identify potential options to increase synergy and overcome barriers to technology transfer and cooperation, consistent with paragraph 44 of the Johannesburg Plan of Implementation. The benefits, as well as the costs, of intellectual property rights should be fully taken into account [*decision VII/29, annex, activity 3.1.1*].

References

DECISIONS ON INTELLECTUAL PROPERTY RIGHTS

- Decision II/12 (Intellectual property rights)
- Decision III/17 (Intellectual property rights)
- Decision V/26 B (Intellectual property rights)
- Decision VI/24 C (Role of IPRs in ABS arrangements)
- Decision VI/24 D (Other issues relating to ABS)

GUIDANCE TO THE PARTIES

Information and case-studies

- Decision III/17, paragraph 1 (Intellectual property rights)
- Decision IV/9, paragraphs 10(b) and 15 (Implementation of Article 8(j) and related provisions)
- Decision VI/10, paragraphs F 33, 39, 40, 44(c), 46, 47 and 48 (Article 8(j) and related provisions)
- Decision VI/24 C, paragraphs 1, 2, 6 and 8 (Role of IPRs in ABS arrangements), Decision VI/24 D, paragraph 6 (Other issues related to ABS)

GUIDANCE TO THE SECRETARIAT

- Decision II/12 (Intellectual property rights)
- Decision III/14, paragraph 10(a) (Implementation of Article 8(j))
- Decision III/15, paragraph 8 (Access to genetic resources)
- Decision III/17, paragraphs 3, 4 and 6 (Intellectual property rights)
- Decision IV/9, paragraphs 15 and 17 (Implementation of Article 8(j) and related provisions)
- Decision IV/15, paragraph 11 (Cooperation)
- Decision V/26 B, paragraphs 3 and 4 (Intellectual property rights)
- Decision VI/26 C, paragraphs 3, 5 and 13 (Role of IPRs in ABS arrangements)
- Decision VI/26 D, paragraphs 1, 2, 4 and 7 (Other issues related to ABS)
- Decision VI/26 D, paragraphs 3, 4 and 5 (Other issues related to ABS)
- Decision VI/10, paragraph 45 (Article 8(j) and related provisions)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/12, paragraph 1(a) (Intellectual property rights)
- Decision III/15, paragraph 8 (Access to genetic resources)
- Decision III/17, paragraphs 3–6 (Intellectual property rights)
- Decision IV/15, paragraphs 9–11 (Cooperation)
- Decision V/26 B, paragraphs 2, 3 and 4 (Intellectual property rights)
- Decision VI/24 C, paragraphs 3, 8, 9, 10 and 11 (Role of IPRs in ABS arrangements)
- Decision VI/10, paragraphs 31, 32, 33, 36, 38, 42 and 48 (Article 8(j) and related provisions)
- Decision VI/20, paragraphs 30 and 35–39 (Cooperation with other organizations, initiatives and conventions)
- Decision VII/12, paragraph 8 (Sustainable use)

RELEVANT ASPECTS OF THE THEMATIC WORK PROGRAMMES

Decision V/5, annex, section B, programme element 2, activity 2.2(c)(iv) (Agriculture)

OTHER RELEVANT DECISIONS

Decision IV/8, annex, paragraph 4 (Access and benefit-sharing)

Decision V/16, annex, element 7, tasks 11 and 12 (Article 8(j) and related provisions)

Decision V/26 A, paragraph 15 (Access to genetic resources)

Decision VI/8, annex C.3.ii (Global Taxonomy Initiative)

Decision VI/10, paragraph 31, 34(d), 28, 46 and 48; annex II, paragraph 20 (Article 8(j) and related provisions)

Decision VI/20, paragraph 30, 35, 37 and 39 (Cooperation with other organizations, initiatives and conventions)

Declarations

European Community (ratification), France (ratification), Ireland (ratification), Liechtenstein (ratification), Malaysia (adoption), Switzerland (signature and ratification) and USA (adoption)

Documents

UNEP/CBD/COP/2/13—Item 7.1 of the Provisional Agenda Access to Genetic Resources and Benefit-sharing: Legislation, Administrative and Policy Information.

UNEP/CBD/COP/2/17—Intellectual property rights, and transfer of technology which makes use of genetic resources.

UNEP/CBD/COP/3/20—Access to Genetic Resources.

UNEP/CBD/COP/3/21—Promoting and facilitating access to, and transfer and development of, technology.

UNEP/CBD/COP/3/22—The impact of intellectual property rights systems on the conservation and sustainable use of biological diversity, and on the equitable sharing of benefits for its use (a preliminary study).

UNEP/CBD/COP/3/23—The Convention on Biological Diversity and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs): relationships and synergies.

UNEP/CBD/COP/3/INF.5—Submissions received by the Executive Secretary concerning the possible influence that intellectual property rights may have on the implementation of the Convention.

UNEP/CBD/COP/3/INF/9—Environment and the TRIPs agreement.

UNEP/CBD/COP/3/INF/12—Intellectual property rights in Germany.

UNEP/CBD/COP/3/INF/16—The Global Strategy for the management of farm animal genetic resources: links to the Convention on Biological Diversity.

UNEP/CBD/COP/3/INF/17—Report of the state of the world's plant genetic resources.

UNEP/CBD/COP/3/INF/18—Report on the international technical conference on plant genetic resources.

UNEP/CBD/COP/3/INF/19—Access to microbial genetic resources.

- UNEP/CBD/COP/3/INF/20—Biological diversity and intellectual property rights: issues and considerations.
- UNEP/CBD/COP/4/22—Addressing the fair and equitable sharing of benefits arising out of genetic resources: options for assistance to developing country Parties to the CBD.
- UNEP/CBD/COP/4/INF.7—Synthesis of case-studies on benefit-sharing.
- UNEP/CBD/COP/4/INF/10—Report of the International Workshop “Best Practices” for Access and Genetic Resources. Submission by the European Commission and the Government of Germany.
- UNEP/CBD/COP/4/INF/25—Benefit-Sharing Case-Studies. Submission by UNEP.
- UNEP/CBD/COP/5/4—Report of the Inter-Sessional Meeting on the Operations of the Convention.
- UNEP/CBD/COP/5/8—Report of the Panel of Experts on Access and Benefit-sharing.
- UNEP/CBD/COP/5/21—Item 23 of the provisional agenda Access to Genetic Resources.
- UNEP/CBD/COP/5/INF/21—Access to Genetic Resources: draft Guidelines on Access and Benefit-sharing regarding the utilization of Genetic Resources.
- UNEP/CBD/COP/5/INF/25—Access to Genetic Resources: abstract of “Guidelines for Access and Benefit-sharing-Initiatives and Perspectives for implementing the CBD.
- UNEP/CBD/COP/6/6—Report of the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing.
- UNEP/CBD/COP/6/12/ADD3—Incentive Measures Synthesis: report on case-studies and best practices on incentive measures, as well as information on perverse incentives, received from Parties and relevant organizations.
- UNEP/CBD/COP/6/19—Access and benefit-sharing as related to genetic resources: progress report on the implementation of decisions V/26 A–C.
- UNEP/CBD/COP/6/19/ADD1—Recent developments on access and benefit-sharing.
- UNEP/CBD/MYPOW/6—International regime on access and benefit-sharing: proposals for an international regime on access and benefit-sharing.
- UNEP/CBD/WG ABS/1/2—Report of the Panel of Experts on Access and Benefit-Sharing, on the work of its second meeting.
- UNEP/CBD/WG ABS/1/2/Corr.1—Report of the Panel of Experts on Access and Benefit-Sharing, on the work of its second meeting-Corrigendum.
- UNEP/CBD/WG-ABS/1/4—The role of intellectual property rights in access and benefit-sharing arrangements.
- UNEP/CBD/WG-ABS/1/INF/3—Implementing the Convention on Biological Diversity: analysis of the links to intellectual property and the international system for the protection of intellectual property. Submission by the Federal Republic of Germany.
- UNEP/CBD/WG8J/2/7—Assessment of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge, innovations and practices of I/LC.
- UNEP/CBD/WG8J/2/INF.1—Compilation and overview of existing instruments, guidelines, codes of ethics and other activities, relevant to the programme of work.

UNEP/CBD/WG8J/2/INF.2—Report on progress on the integration of relevant tasks of the programme of work on article 8(j) and related provisions in the cross-cutting areas of the Convention on Biological Diversity.

UNEP/CBD/COP/7/6—Report of the ad hoc open-ended working group on access and benefit-sharing, on the work of its second meeting.

ARTICLE 17 | Exchange of information

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “sustainable use” and “technology.”

CONSIDERATION OF ARTICLE 17 BY THE COP

Background and status

COP 7 addressed Article 17 for the first time in conjunction with Articles 16, 18 & 19, reiterating that work on technology transfer under the Convention shall be conducted in an integrated matter. A programme of work was adopted on technology transfer, and technological and scientific cooperation [*decision VII/29, paragraph 1; annex*]. Information exchange is also an integral component found in most programme areas and cross-cutting issues. The need for information was also highlighted in the Strategic Plan of the Convention VII/30, particularly with regard to assisting in achieving the 2010 target [*decision VII/30, paragraphs 9–10*].

COP guidance

The COP has referred to repatriation of information in a number of its decisions. COP 3 recommended that Parties explore ways to make taxonomic information housed in collections worldwide readily available, in particular to countries of origin [*decision III/10, paragraph 8*]. In decision IV/1 D, on the Global Taxonomy Initiative, the COP suggested that Parties should report on measures adopted to make information housed in collections available to countries of origin [*decision IV/1 D, annex, paragraph 7, decision V/14, annex I, paragraph (g)(iv)*].

In the second phase of its programme of work, the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and related provisions is to develop guidelines to facilitate the repatriation of information, including cultural property, in order to facilitate the recovery of traditional knowledge of biological diversity [*decision V/16, annex, section III, element 3, task 15*]. The information gathering exercise on

ex situ collections, acquired prior to the entry into force of the Convention, is to gather information on, *inter alia*, policies relating to repatriation of information and of duplicates of germplasm samples [decision VI/26 C, annex I, paragraph 4].

References

DECISIONS ON EXCHANGE OF INFORMATION

Decision VII/29 (Transfer of technology and technology cooperation)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/10, annex I, paragraph (iii) (Marine and coastal)

Decision III/11, paragraphs 1(e) (f), 4, 10 and 11 (Agriculture)

Decision IV/4, annex I, paragraphs 5 and 8(c) (Inland water)

Decision IV/5, annex, operational objectives 2.1(b), 3.2(c), 4(b), 5.1(a) (c), 5.2, 5.3(b), 6.1 and 6.2 (Marine and coastal)

Decision IV/6, paragraphs 3, 4 and 5 (Agriculture)

Decision IV/7, annex, paragraphs 7(d), 16, 17, 30, 34, 35 and 37 (Forests)

Decision V/3, paragraph 7 (Marine and coastal)

Decision V/4, paragraph 7 (Forests)

Decision V/5, paragraphs 5, 9, 18, 22, 23 and 25; annex, section B, programme elements 1.5(c); 2.1 and 3.6 (Agriculture)

Decision V/23, annex I, paragraphs 5, 7(c), (d), activities 6 and 7(j) (Dry and sub-humid lands)

Decision VI/5, paragraphs 3, 4 and 6 implementation of the programme of work, paragraph 15 and 16 animal genetic resources; annex II, element 2, activity 2.2; annex II, element 3, activity 3.5(b), element 4, activities 4.2 and 4.3(d) (Agricultural biological diversity)

Decision VI/9, appendix, target 1 (Global Strategy for Plant Conservation)

Decision VI/22, paragraph 19(d) (Forest biological diversity)

OTHER RELEVANT DECISIONS

Decision II/1, paragraph 4 (see also SBSTTA recommendation I/6) (Report of the first meeting of SBSTTA)

Decision II/2 (Publication and distribution of scientific and technical information)

Decision II/3, paragraph 5(a) (Clearing-house mechanism)

Decision II/7, paragraphs 1 and 4 (Consideration of Articles 6 and 8)

Decision II/11, paragraph 3 (Access to genetic resources)

Decision II/12, paragraph (c) (Intellectual property rights)

Decision III/4, paragraph 7 (Clearing-house mechanism)

Decision III/9, paragraphs 7 and 9 (Implementation of Articles 6 and 8)

Decision III/10, paragraphs 7 and 8 (Identification, monitoring and assessment)

Decision III/14, paragraphs 2 and 3 (Implementation of Article 8(j))

Decision III/15, paragraphs 1, 2 and 4 (Access to genetic resources)

Decision III/17, paragraph 1 (Intellectual property rights)

Decision III/18, paragraph 7 (Incentive measures)

Decision IV/1 D, paragraphs 6 and 8; annex, paragraphs 1, 6, 7, 9, 10 and 11 (Taxonomy)

- Decision IV/2, paragraph 10(e) (Clearing-house mechanism)
- Decision IV/8, paragraphs 2 and 6 (Access and benefit-sharing)
- Decision IV/9, paragraphs 10 and 15; annex, paragraph E (Implementation of Article 8(j) and related provisions)
- Decision IV/10 A, paragraph 1(g) (Incentive measures)
- Decision IV/10 B, paragraph 2 (Public awareness and education)
- Decision IV/10 C, paragraphs 1 and 8 (Impact assessment and minimizing adverse effects)
- Decision IV/15, paragraphs 14 and 15 (Cooperation)
- Decision V/6, paragraph 3; annex, section B, principle 11 (Ecosystem approach)
- Decision V/7, paragraphs 2 and 4(c) (Identification, monitoring and assessment and indicators)
- Decision V/8, paragraphs 2, 3, 4, 7 and 12; annex I, section B, guiding principle 8; annex II (Alien species)
- Decision V/9, paragraph 2(d) (Global Taxonomy Initiative)
- Decision V/14, annex I, paragraph (g)(iv); annex II, paragraph (h) (Clearing-house mechanism)
- Decision V/15, paragraphs 2(a), 3(a) and (b) (Incentive measures)
- Decision V/16, paragraphs 12(f), 13, 15 and 19; annex, section II, element 1, task 4(d); annex, section III, element 3, task 15, element 5, task 16 (Article 8(j) and related provisions)
- Decision V/18 I, paragraph 5 (Impact assessment, liability and redress)
- Decision V/20, paragraph 32 (Operations of the Convention)
- Decision V/24, paragraphs 1 and 5(d) (Sustainable use)
- Decision V/25, paragraphs 4(f) and 5 (Biological diversity and tourism)
- Decision V/26 A, paragraph 13 (Access to genetic resources)
- Decision V/26 C, annex I, paragraph 4 (*Ex situ* collections)
- Decision VI/5, paragraph 25(b) (Impacts of the application of genetic use restriction technologies on smallholder farmers, indigenous and local communities, and farmers' rights (Agricultural biological diversity))
- Decision VI/7 B, paragraph 2 (Designing national-level monitoring programmes and indicators)
- Decision VI/8, paragraphs 6(a), (b) and (c) (Global Taxonomy Initiative)
- Decision VI/10, paragraphs 2(d), 24, 39 and 43 (Article 8(j) and related provisions)
- Decision VI/12, paragraph 3 (Ecosystem approach)
- Decision VI/16, paragraphs 7(a) and 11(c) (Additional financial resources)
- Decision VI/18, paragraph 5 (Scientific and technical cooperation and the clearing-house mechanism)
- Decision VI/19, paragraph 12(a) (Communication, education and public awareness)
- Decision VI/20, paragraph 24 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/24 A, paragraphs 2(g) and 3 (Implementation of the Convention, in particular implementation of priority actions in national biodiversity strategies and action plans)
- Decision VI/24 C, paragraph 3 (Role of the intellectual property rights in the implementation of access and benefit-sharing arrangements)
- Decision VI/24 D, paragraph 7 (Other issues relating to access and benefit-sharing)

Decision VI/27 B, paragraph 11(c) (Operation of the Convention)
Decision VII/28, annex (Protected areas)

Documents

UNEP/CBD/COP/7/INF/9—Technology transfer and cooperation: synthesis of information contained in thematic reports on technology transfer and cooperation.

ARTICLE 18 | Technical and scientific cooperation

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.
 2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, *inter alia*, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.
 3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.
 4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.
 5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this Convention.
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Editors' note: The COP has adopted a number of specific decisions on, and issued specific instructions to, the CHM provided for under paragraph 3 of Article 18. The CHM (Article 18(3)) is, therefore, addressed separately below. However, the development of the CHM is an integral part of the implementation of Article 18 on technical and scientific information. In its Statement to the Special Session of the UNGA, the COP noted that a number of articles of the Convention address the issues of technical and scientific cooperation and capacity-building, in which the CHM will play a key role [decision III/19, annex, paragraph 14]. The specific consideration of the CHM by the COP has been dealt with separately here, simply for ease of reference.

Aspects of Article 18(4) related to indigenous and traditional knowledge are addressed in the guide to Article 8(j) and related provisions: aspects of Article 18 related to the transfer of technology are addressed in the guide to Article 16.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “sustainable use” and “technology.”

CONSIDERATION OF ARTICLE 18(1), (2), (4) AND (5) BY THE COP

Background and status

Aside from its consideration of the CHM, the issue of technical and scientific cooperation, and the related issue of capacity-building, has been referred to frequently in COP decisions.

In its decision on the medium-term programme of work for 1996–1997, COP 2 noted that treatment of the items on the programme of work should reflect the importance of capacity-building as one of the elements of successful Convention implementation [*decision II/18, annex, paragraph 4*].

The Strategic Plan of the Convention, adopted at COP 6, identified the need for improved financial, human, scientific, technical, and technological capacity, to implement the Convention as a strategic goal and objective to be met by 2010 [*decision VI/26, annex, section C*]. Indeed, the COP identified the lack of resources related to institutional, technical and capacity-related issues were among the major obstacles influencing the implementation of the Convention [*decision VI/26, appendix, item 2*].

COP 7 addressed Article 18 for the first time in conjunction with Articles 16, 17 and 19, reiterating that work on technology transfer under the Convention shall be conducted in an integrated matter. A programme of work was adopted on technology transfer and technological and scientific cooperation [*decision VII/29, paragraph 1; annex*].

References

Note: Most of the references listed below are references in COP decisions to capacity-building.

DECISIONS ON ARTICLE 18(1), (2), (4) AND (5)

Decision VII/29 (Transfer of technology and technology cooperation)

GUIDANCE TO PARTIES

National action

Decision III/18, paragraph 5 (Incentive measures)

Decision V/3, paragraph 6(e) (Marine and coastal)

Decision V/4, paragraph 10 (Forests)

Decision V/5, paragraphs 9 and 23 (Agriculture)

Decision V/6, paragraph 3; annex, C, paragraphs 9 and 10 (Ecosystem approach)

Decision V/7, paragraph 4 (Identification, monitoring and assessment and indicators)

Decision V/8, annex I, section B, guiding principle 9(c) (Alien species)

Decision V/9, paragraphs 2(b) and (d) (Global Taxonomy Initiative)

Decision V/16, paragraphs 12(a), (b), (c) and (d); annex, section II, element 1, task 1 (Article 8(j) and related provisions)

Decision V/17, paragraph 6 (Education and public awareness)

Decision V/24, paragraph 5 (Sustainable use)

- Decision V/25, paragraphs 4(f) and 7 (Biological diversity and tourism)
- Decision V/26 C, paragraph 4 (*Ex situ* collections)
- Decision VI/5, paragraph 1(c); annex II, section III, elements 3 and 4, activity 4.3(d) (Plan of Action for the International Initiative for the Conservation and Sustainable Use of Pollinators)
- Decision VI/7, annex, 4(a)(36–38) (Identification, monitoring, indicators and assessments)
- Decision VI/8, paragraph 7; annex, I, 3(b), II(A) (2) (13), II(A) (3) (15), II(A) (3) (17), II(B) (1) (1.1–1.3), II(C) (2–3), II(C) (4)(4.1)(vi) (4.2)(vi) (4.3)(vi) (4.4)(vi) (4.5)(vi) (4.6)(vi), II (C) (5) (5.1)(i) (vi) (5.4)(vi) (Global Taxonomy Initiative)
- Decision VI/9, paragraph 6; annex A(5)(e); appendix (E), target 15 (Global Strategy for Plant Conservation)
- Decision VI/10; A, paragraphs (2)(d) and (3)(c), E(23); annex I(I)(B)(5)(5.6); annex II, (II)(18) (Article 8(j) and related provisions)
- Decision VI/15, Annex I(C)(27–31) (D) (32); Annex II (9–10) (Incentive measures)
- Decision VI/19, paragraph 3(b), programme element 3 (Communication, education and public awareness)
- Decision VI/22, annex (e); programme element 1, goal 4, objective 1(c), goal 4, objectives 3(a) and (b), goal 5, objective 1(b); programme element 2, goal 1, objectives 2(i), and (c); programme element 3, goal 4, objective 1 (Forest biological diversity)
- Decision VI/23, paragraph 12(a); annex, guiding principle 9(c) (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24 A, paragraph 8(e); annex (I) (E) (11) (e), (II) (C) (16) (a) (vii), (III) (20) (b); B(I)(1, 3–4, 9); annex (1–2) (1–6,8) (Access and benefit-sharing as related to genetic resources)
- Decision VI/25, paragraph 4 (National reports)
- Decision VI/26; annex C, goal 2, (2.1–2.5); appendix (2)(a)–(e) (Strategic Plan for the Convention on Biological Diversity)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision I/2, annex I, paragraph 4(e) and (h) (Financial mechanism and resources)
- Decision II/3, paragraph 9 (Clearing-house mechanism)
- Decision II/6, paragraph 11 (Financial mechanism and resources)
- Decision II/7, paragraph 6 (Consideration of Articles 6 and 8)
- Decision III/5, paragraphs 2(a), (b), (d), (i), 4 and 5 (Additional guidance to the financial mechanism)
- Decision III/10, paragraph 10 (Identification, monitoring and assessment)
- Decision III/14, paragraph 5 (Implementation of Article 8 (j))
- Decision III/15, paragraph 3 (Access to genetic resources)
- Decision III/20, paragraphs 2(b) and (c) (Issues related to biosafety)
- Decision IV/1 D, paragraph 7 (Taxonomy)
- Decision IV/2, paragraphs 9(b) and (c) (Clearing-house mechanism)
- Decision IV/6, paragraph 12 (Agriculture)
- Decision IV/8, paragraphs 4(a) and (c) (Access and benefit-sharing)
- Decision IV/10 A, paragraph 3 (Incentive measures)

Decision IV/13, paragraphs 4, 5, 7, 8 (Additional guidance to the financial mechanism)

Decision V/13, paragraphs 1, 2(d), (j), (k), (l) and (n) (Further guidance to the financial mechanism)

Decision VI/17, paragraphs 10(d), (e), (f), (h), (k), (m) and (n)

Other financial resources

Decision III/4, paragraphs 4 and 5 (Clearing-house mechanism)

Decision III/15, paragraph 3 (Access to genetic resources)

Decision IV/6, paragraph 12 (Agriculture)

Decision V/5, paragraph 9 (Agriculture)

Decision V/6, paragraph 6 (Ecosystem approach)

Decision V/11, paragraph 11 (Additional financial resources)

Decision V/23, paragraph 11 (Dry and sub-humid lands)

Decision VI/10, paragraph 42 (Article 8(j) and related provisions)

Decision VI/12, paragraph 3 (Ecosystem approach)

Decision VI/21, annex, paragraphs 20 and 23(w) (COP contribution to WSSD)

Decision VI/23, paragraph 34 (Alien species that threaten ecosystems, habitats or species)

Decision VI/27 B, paragraphs 11(c), 12 and 16 (Operations of the Convention)

GUIDANCE TO THE SECRETARIAT

Decision II/3, paragraphs 3, 5(a) and (i) (Clearing-house mechanism)

Decision II/4, paragraph 2 (Access to, and transfer and development of, technology)

Decision II/10, annex II, paragraph 3(c) (Marine and coastal)

Decision III/17, paragraph 3 (Intellectual property rights)

Decision IV/5, annex, operational objectives 1.2(e), 2.1(e) and 5.2(d) (Marine and coastal)

Decision V/9, paragraph 3(b) (Global Taxonomy Initiative)

Decision V/14, annex II, paragraph (d) (Clearing-house mechanism)

Decision VI/5, annex I, 3 (3.1–3.6) (Agricultural biological diversity)

Decision VI/22, paragraph 19(g) (Forest biological diversity)

Decision VI/22, paragraphs 19(c) and (g) (Forest biological diversity)

Decision VI/23, paragraph 31 (Alien species that threaten ecosystems, habitats or species)

Decision VI/24 B, paragraphs 2, 6 and 8 (Other approaches to ABS)

GUIDANCE TO SBSTTA

Decision IV/1 D, paragraph 3 (Taxonomy)

Decision V/3, paragraph 13 (Marine and coastal)

Decision V/18, section I, paragraph 4 (Impact assessment, liability and redress)

Cooperation with other conventions and organizations

Decision II/16, annex, paragraph 8(e) (Statement to FAO International Technical Conference)

Decision III/17, paragraph 3 (Intellectual property rights)

Decision IV/5, annex, operational objectives 2.1(e) and 5.2(d) (Marine and coastal)

- Decision V/19, paragraph 10 (National reports)
Decision VI/19, paragraph 7(b) (Communication, education and public awareness)
Decision VI/23, paragraphs 16 and 33 (Alien species that threaten ecosystems, habitats or species)
Decision VI/27 B, paragraph 11 (Implementation of the Convention)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/10, annex II, paragraph 3(c) (Marine and coastal)
Decision IV/5, annex, section C, operational objectives 1.2(e), 2.1(e) and 5.2(d) (Marine and coastal)
Decision IV/6, paragraph 12 (Agriculture)
Decision IV/7, annex, paragraphs 1 and 47 (Forests)
Decision V/2, paragraph 8 (Inland water)
Decision V/3, paragraphs 6(e) and 13; annex, section B (Marine and coastal)
Decision V/4, paragraph 10 (Forests)
Decision V/5, paragraphs 5, 9 and 23; annex, section B, programme elements 2.2(c)(vi) and 3 (Agriculture)
Decision V/23, paragraph 11; annex I, paragraph 7(d), activity 7(k) (Dry and sub-humid lands)
Decision VI/5, annex II, section III, element 3 (Plan of action for the international initiative for the Convention and sustainable use of pollinators)
Decision VI/8, annex, II (A) (3) (15), II (B) (1) (1.1–1.3), II (C) (4) (4.1)(vi) (4.2)(vi) (4.3)(vi) (4.4)(vi) (4.5)(vi) (4.6)(vi), II (C) (5) (5.1)(i) (vi) (5.4)(vi) (Global Taxonomy Initiative)
Decision VI/10, A (2)(d) (3)(c) (Article 8(j) and related provisions)
Decision VI/22, annex, programme element 1, goal 4, objectives 1(c), 3(a) and (b), goal 5, objective 1(b); programme element 2, goal 1, objective 2(i); programme element 3, goal 4, objective 1 (Forests)
Decision VI/25, paragraph 4 (National reports)

OTHER RELEVANT DECISIONS

- Decision II/8, paragraph 5 (Components of biological diversity particularly under threat)
Decision II/18, annex, paragraphs 4, 7 and 5 (Medium-term programme of work)
Decision III/10, paragraphs 2, 3 and 10 (see also SBSTTA recommendations II/1 and II/2) (Identification, monitoring and assessment)
Decision III/19, annex, paragraph 14 (Statement to UNGA Special Session)
Decision III/20, paragraph 2 (Issues related to biosafety)
Decision IV/1 A, paragraph 3 (see also SBSTTA recommendation III/5, paragraph 7(h)) (Report and recommendations of the third meeting of SBSTTA)
Decision IV/1 D, paragraph 2 (Taxonomy)
Decision V/7, paragraph 3 (Identification, monitoring and assessment and indicators)
Decision V/20, paragraph 32 (Operations of the Convention)
Decision V/26 A, paragraphs 11 and 14 (Access to genetic resources)
Decision VI/23, paragraph 12(a), guiding principle 9(c) (Alien species that threaten ecosystems, habitats or species)
Decision VI/26, annex, goal 2, appendix, items 2(a)–(e) (Strategic Plan for the Convention on Biological Diversity)

Documents

- UNEP/CBD/COP/3/21—Promoting and facilitating access to, and transfer and development of technology.
- UNEP/CBD/COP/3/22—Intellectual property rights.
- UNEP/CBD/COP/3/INF.4—Submissions received by the Executive Secretary concerning ways and means to promote and facilitate access to and transfer and development of technology.
- UNEP/CBD/COP/3/INF.5—Submissions received by the Executive Secretary concerning the possible influence that intellectual property rights may have on the implementation of the Convention.
- UNEP/CBD/COP/4.22—Means to address the fair and equitable sharing of benefits.
- UNEP/CBD/COP/4/INF.7—Synthesis of case-studies on benefit-sharing.
- UNEP/CBD/COP/5/4—Report of the Inter-sessional Meeting on the Operations of the Convention.
- UNEP/CBD/COP/5/8—Report of the Panel of Experts on Access and Benefit-sharing.
- UNEP/CBD/SBSTTA/1/5—Ways and means to promote and facilitate access to, and transfer and development of, technologies, as envisaged in Articles 16 and 18 of the Convention (priority item).
- UNEP/CBD/SBSTTA/2/6—Ways and means to promote and facilitate access to, and transfer and development of, technology, including biotechnology.
- UNEP/CBD/SBSTTA/2/INF.2—Submissions received by the Secretariat concerning the transfer and development of technologies.
- UNEP/CBD/COP/6/5—Report of the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementaiton of the Convention on Biological Diversity.
- UNEP/CBD/COP/6/5/Add.1—Draft Strategic Plan for the Convention on Biological Diversity: planned activities, expected products, the timing of activities and products, actors, implementation mechanisms, and financial, human-resource and other capacity requirements.
- UNEP/CBD/COP/6/5/Add.3—Assessment of information contained in the second national reports.
- UNEP/CBD/COP/6/9—Report of the Global Environment Facility.
- UNEP/CBD/COP/6/13—Progress report on the mechanisms for implementation.
- UNEP/CBD/COP/6/13/Add.1—Executive summary of the report of the independent evaluator for the review of the effectiveness of the financial mechanism.
- UNEP/CBD/COP/6/INF/10—Assessment of the information contained in the second national reports concerning cross-cutting issues under the Convention.
- UNEP/CBD/MYPOW/5—Legal and socio-economic aspects of technology transfer and cooperation.
- UNEP/CBD/SBSTTA/9/7—Technology transfer and cooperation: proposals for the development of a programme of work on technology transfer and cooperation.
- UNEP/CBD/SBSTTA/9/7/ADD2—Review of status of implementation of decisions on technology transfer and cooperation.
- UNEP/CBD/SBSTTA/9/INF/13—Technology transfer and cooperation: indicative list of technologies for conservation and sustainable use of biological diversity.
- UNEP/CBD/COP/7/16—Transfer of technology and technology cooperation.

UNEP/CBD/COP/7/INF/9—Technology transfer and cooperation: synthesis of information contained in thematic reports on technology transfer and cooperation.
 UNEP/CBD/COP/7/INF/32—Transfer of technology and technology cooperation: patents as a source of technological information in the technology transfer process.

ARTICLE 18/3 | Clearing-house mechanism

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

Notes

CONSIDERATION OF ARTICLE 18(3) BY THE COP

Background and status

As part of its first medium-term programme of work, the COP decided to consider the CHM as a standing item on its agenda [*decision I/9*]. COP 1 decided that a CHM should be established to promote and facilitate technical and scientific cooperation. It also decided that the activities of the CHM should be funded through the regular budget of the Convention as well as from voluntary contributions [*decision I/3, paragraph 6*].

COP 2 decided that establishment of the CHM should start with a pilot phase for 1996–97, the implementation of which would be reviewed at COP 3 [*decision III, paragraph 4*]. The COP subsequently decided [*decision III/4, paragraph 1*] to extend the pilot phase until December 1998. The COP has given certain specific guidance as to the nature and content of the CHM [*decision III, paragraph 4; decision III/4, paragraphs 6 and 7; decision IV/2, paragraphs 5, 6 and 7*] and decided that the Secretariat should act as a focal point [*decision III/3, paragraph 5; decision IV/2, paragraph 10(b)*].

The CHM is assisted in its functioning by an Informal Advisory Committee, constituted and coordinated by the Executive Secretary. The committee is to guide and integrate the development of pilot phase activities, and endeavour to ensure that all Parties can participate in the CHM [*decision III/4, paragraph 10; decision IV/2, paragraph 10(c)*]. COP 5 clarified the objectives of the Informal Advisory Committee [*decision V/14, paragraph 7*]. It also decided that the continuation and mandate of the Informal Advisory Committee, as well as operational procedures, would be reviewed at COP 7 [*decision V/14, paragraph 9*].

Four clearing-house mechanism regional workshops and two expert meetings were held in 1997 and 1998. The regional workshops were held in October 1997 in Colombia, for the Latin American and Caribbean region; in October 1997 in Hungary, for the Central and Eastern European region; in December 1997 in Malaysia, for the Asian region; and in March 1998, in Kenya, for the African region. The expert meetings were held in June 1997 in Germany and in July 1998 in Italy. Their

purpose was to attain a clear definition of national and regional-level scientific and technical information needs and priorities, as well as modalities to deliver information and evaluate national capacities for the implementation of the Convention. Their main recommendation was that the CHM required a global strategic plan for the implementation of the clearing-house mechanism immediately. This was considered by the fifth meeting of SBSTTA.

Two clearing-house mechanism regional workshops were held in 2001, the first being the African regional meeting on the Biosafety Clearing-house and the clearing-house mechanism held, in Nairobi, Kenya, on 26–28 February 2001. The Latin America and Caribbean regional meeting on the clearing-house mechanism, held in Lima, Peru, on 7 September 2001, constituted the second regional workshop. An additional Southern Africa regional training workshop on the Commonwealth Knowledge Network/clearing-house mechanism was held in Zomba, Malawi, on 26 November 2001.

In 2003, three CHM regional workshops were held, two of which were organized jointly with other organizations. The first regional workshop was held in Africa from 31 March to 2 April. The second regional workshop for Latin American and the Caribbean was organized with the Inter-American Biodiversity Information Network, and was held from 12–14 August 2003. The third regional workshop for Central and Eastern Europe was organized with the European Environment Agency and was held from 9 to 11 September 2003. Finally, a technical workshop was organized with the Government of Belgium, and held in Ouagadougou, Burkina Faso, from 16–18 December 2003.

In 1999, an independent review of the pilot phase of the CHM was undertaken for SBSTTA [*decision IV/2, paragraph 10*]. The review process also developed a strategic plan and a longer-term programme of work for the CHM. SBSTTA considered the review and the longer-term programme of work at its fifth meeting and adopted recommendation V/2, which was subsequently considered by COP 5. COP 5:

1. Noted the report of the independent review of the pilot phase (document UNEP/CBD/COP/5/INF/2);
2. Endorsed a longer-term programme of work for the CHM (contained in document UNEP/CBD/COP/5/INF/4), and supported the implementation of a strategic plan for the CHM, which will become a component of the Strategic Plan for the Convention (document UNEP/CBD/COP/5/INF/3) (see section on Article 23) [*decision V/14 paragraphs 1, 2, 4 and 5*].

The review identified key achievements of the pilot phase.

The Strategic Plan proposed 3 goals to guide the further development of the CHM, which were:

1. Cooperation—the promotion and facilitation of scientific and technical cooperation;
2. Information exchange—the development of a global mechanism for exchanging and integrating information on biodiversity;

3. Network development—the development of the CHM Focal Points and their Partners.

As of 16 August 2004, there were 151 CHM national focal points, 138 of which have e-mail and 67 of which have Websites.

COP 5 also set out measures and activities to be undertaken, in relation to the development of the CHM, by:

- (a) Parties and Governments at the national level;
- (b) the Secretariat in consultation with the informal advisory committee [*decision V/14, annexes I and II*].

The COP has highlighted the importance of cooperation with other organizations in the development of the CHM. It invited all organizations to cooperate as active partners in the operation of the CHM [*decision II/3 paragraph 8*], and welcomed the offer of the FAO to link its information systems to the CHM [*decision II/16 paragraph 2*]. COP 4 instructed the Executive Secretary to improve synergy, with regard to information exchange with other biodiversity-related conventions and ongoing information initiatives [*decision IV/2 paragraph, 10(g)*]. COP 5 highlighted the objectives of the informal advisory committee [*decision COP 5, paragraph 7*], and decided that the informal advisory committee shall facilitate and encourage cooperation with other relevant international and regional information networks and initiatives.

The COP has given substantial guidance, both in its decisions on the CHM and in decisions on thematic areas and other Articles, on the types of information which should be made available through the CHM. This guidance is listed in the references below, under the heading “Information to be disseminated through the CHM.”

The Executive Secretary, in consultation with the IAC, was asked to monitor and review the operation of the CHM, and report to COP 6 on any recommended adjustments to its operation or to the Strategic Plan [*decision V/14, paragraph 3*]. At COP 7, the Executive Secretary was requested to update the strategic plan of the clearing-house mechanism to 2009, in collaboration with the informal advisory committee, for consideration by the eighth meeting of the Conference of the Parties.

COP 6 requested the Executive Secretary to commission a review to assess the current and potential role of the clearing-house mechanism in promoting technical and scientific cooperation [*decision VI/18, paragraph 2*]. COP 7 called on the informal advisory committee to assess the results of the independent review and assist the Executive Secretary on measures and actions to be undertaken to strengthen the clearing-house mechanism’s role in promoting technical and scientific cooperation. [*decision VII/23, paragraph 8*].

It also recommended that the Executive Secretary update and further develop the clearing-house mechanism toolkit, incorporating use of guidelines, best practices and new information formats, protocols and standards [*decision VI/18, paragraph 3*]. COP 7 requested the Executive Secretary to update the CHM Toolkit to be used as a meta-toolkit, linking different existing toolkits with a view to optimize their resources and assist users to choose the most appropriate technology [*decision VII/23, paragraph 7(c)*].

The Executive Secretary was also requested to convene additional capacity-building workshops at the national, subregional and regional levels [*decision VI/18, paragraph 4*]. COP 6 urged the Executive Secretary, in collaboration with existing international networks of indigenous and local communities, and, as appropriate, national focal points, to assist in the further development of communication networks for use by these communities [*decision VI/18, paragraph 5*]. Finally, COP 7 requested the Executive Secretary to convene regional workshops as a catalyzing mechanism to allow for the interaction of international thematic focal points, with the national focal points to further enhance the scientific and technical cooperation goal of the CHM, and to build capacities at the national level with regard to use of, and access to, new information technologies [*decision VII/23, paragraph 7(b)*].

COP guidance

Guidance to Parties

The COP has adopted certain guidance to Parties with regard to the development of the CHM. COP 2 called on Parties that had not already done so, to designate their national focal point for the CHM [*decision III/3 paragraph 7*]. COP 4, *inter alia*:

- recommended that each Party organize an appropriate multidisciplinary national CHM steering committee or working group [*decision IV/1, paragraph 3*];
- recommended that in building up the content of information in the CHM at the national, subregional, and regional level, the following be included: country profiles; biodiversity strategies and action plans; appropriate legislation; scientific and technological information; and financial sources [*decision IV/2, paragraph 5(a)*]; and
- requested Parties to link their national Clearing-house Mechanism to the Secretariat CHM under the Convention, via the Internet where possible [*decision IV/2, paragraph 6*].

As noted above, annex I to decision V/14 contains further specific guidance to Parties with regard to the development of the CHM.

COP 6 invited Parties to use effectively, the central portal of the CHM, and to establish or strengthen national sub-regional or regional focal points for the CHM, if they have not done so already [*decision VI/18, paragraph 1*].

Guidance pertaining to the CHM is also found in COP 7, including calls to:

- (a) use the clearing-house mechanism toolkit to establish clearing-house mechanism national focal points and websites, if they have not done so already;
- (b) contribute resources for the translation and maintenance, in the six official languages of the United Nations, of the content of the website of the Secretariat for the Convention and of the clearing-house mechanism toolkit;
- (c) use the controlled vocabulary for the Convention on Biological Diversity to facilitate interoperability of information among national clearing-house mechanisms [*decision VII/23, paragraph 3(a-c)*].

In addition, COP 7 invited developed country Parties to assist developing country Parties, through the clearing-house mechanism, in their efforts to implement and use new information technologies, including the establishment of websites [*decision VII/23, paragraph 4*]. Finally, COP 7 also invited Parties to develop regional clearing-house mechanisms, to further promote and facilitate technical and scientific cooperation and the exchange of information on technology transfer at the regional and national levels [*decision VII/23, paragraph 5*].

Financial mechanism and resources

At its third meeting, the COP requested the financial mechanism to support capacity-building in developing countries, including training in information system technologies and country-driven pilot projects to enable developing countries to begin to implement the main features of the pilot phase of the CHM [*decision III/4, paragraph 2*]. It also requested the financial mechanism to implement its revised operational criteria for enabling activities in relation to the CHM, to give effect to these activities [*decision III/4, paragraph 3*]. Further guidance to the financial mechanism was adopted by COP 4 and COP 5 [*decision IV/2, paragraph 9; decision IV/13, paragraph 5; decision V/13, paragraph 2(f)*].

The COP has requested Governments, and other bilateral and multilateral funding institutions, to provide funding for capacity-building for the implementation of the CHM. It has further requested Governments and financial, scientific and technical institutions to facilitate, including through funding, regional workshops to identify needs and priorities and modalities for implementation of the CHM [*decision III/4, paragraphs 4 and 5; decision IV/2 paragraph 1*].

References

DECISIONS ON ARTICLE 18(3)

- Decision I/3 (Clearing-house mechanism)
- Decision II/3 (Clearing-house mechanism)
- Decision III/4 (Clearing-house mechanism)
- Decision IV/2 (Clearing-house mechanism)
- Decision V/14 (Clearing-house mechanism)
- Decision VI/18 (Scientific and technical cooperation and the clearing-house mechanism)
- Decision VII/23 (Scientific and technical cooperation and the clearing-house mechanism)
- Decision VII/29 (Transfer of technology and technology cooperation (Articles 16 to 19))

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision II/3, paragraph 9 (Clearing-house mechanism)
- Decision II/6, paragraph 11 (Financial mechanism and resources)
- Decision III/4, paragraphs 2 and 3 (Clearing-house mechanism)
- Decision III/5, paragraph 2(d) (Additional guidance to the financial mechanism)

- Decision IV/2, paragraph 9 (Clearing-house mechanism)
- Decision IV/7, paragraph 6 (Forests)
- Decision IV/13, paragraph 5 (Additional guidance to the financial mechanism)
- Decision V/13, paragraph 2(f) (Further guidance to the financial mechanism)

Additional financial resources

- Decision III/4, paragraphs 4 and 5 (Clearing-house mechanism)
- Decision IV/2, paragraph 1 (Clearing-house mechanism)
- Decision VI/16, paragraph 7(a) and 11(b) (Additional financial resources)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision I/8, annex, paragraph 13 (Statement to CSD)
- Decision II/3, paragraphs 3, 4(g), (h), 5(a) and 8 (Clearing-house mechanism)
- Decision II/16, paragraph 2 (Statement to FAO International Technical Conference)
- Decision III/4, paragraph 13 (Clearing-house mechanism)
- Decision III/19, annex, paragraph 14 (Statement to UNGA special session)
- Decision IV/2, paragraph 10(g) (Clearing-house mechanism)
- Decision IV/8, paragraph 6(a) (Access and benefit-sharing)
- Decision V/14, paragraph 7(e); annex II, paragraph (c) (Clearing-house mechanism)
- Decision VI/20 paragraph 20 (Cooperation with other organizations, initiatives and conventions)

INFORMATION TO BE DISSEMINATED THROUGH THE CHM

- Decision II/7, paragraph 3 (Consideration of Articles 6 and 8)
- Decision II/17, paragraph 10 (National reports)
- Decision III/10, paragraph 7 (Identification, monitoring and assessment)
- Decision III/11, paragraph 10 (Agriculture)
- Decision III/15, paragraph 2(b) (Access to genetic resources)
- Decision III/17, paragraph 1 (Intellectual property rights)
- Decision III/18, paragraph 7 (Incentive measures)
- Decision IV/1 A, paragraph 3 (see also SBSTTA recommendation III/5, paragraph 7(g)) (Report and recommendations of the third meeting of SBSTTA)
- Decision IV/2, paragraph 5 (Clearing-house mechanism)
- Decision IV/4, annex I, paragraphs 5 and 8(c) (Inland water)
- Decision IV/5, annex, section C, operational objectives 1.3(e), 3.2(c), 5.3(b), 6.1(c) and (6.2)(b) (Marine and coastal)
- Decision IV/7, annex, paragraph 37 (Forests)
- Decision IV/8, paragraph 6 (Access and benefit-sharing)
- Decision IV/9, paragraph 15 (Implementation of Article 8(j) and related provisions)
- Decision IV/10 A, paragraph 5(a) (Incentive measures)
- Decision IV/10 B, paragraph 2 (Public awareness and education)
- Decision IV/10 C, paragraph 5 (Impact assessment and minimizing adverse effects)
- Decision IV/16, annex I, paragraph 19 (Institutional matters and programme of work)
- Decision V/2, paragraph 6 (Inland water)
- Decision V/3, paragraphs 7 and 11 (Marine and coastal)
- Decision V/5, paragraphs 18, 22, 23, 25 and 27; annex, section B, programme element 1.5(c) (Agriculture)

- Decision V/6, paragraph 3 (Ecosystem approach)
Decision V/8, paragraphs 4 and 12; annex I, section B, guiding principle 8 (Alien species)
Decision V/11, paragraph 1 (Additional financial resources)
Decision V/14, annex I, paragraph (g) (Clearing-house mechanism)
Decision V/15, paragraph 2(a) (Incentive measures)
Decision V/18 I, paragraph 5(d) (Impact assessment, liability and redress)
Decision V/19, paragraphs 5 and 9(a) (National reports)
Decision V/20, paragraph 34 (Operations of the Convention)
Decision V/23, paragraph 10 (Dry and sub-humid lands)
Decision V/24, paragraph 1 (Sustainable use)
Decision V/25, paragraph 5 (Biological diversity and tourism)
Decision V/26 A, paragraph 13 (Access to genetic resources)
Decision VI/5, paragraph 3 (Agriculture)
Decision VI/8, paragraphs 4 and 6 (Global Taxonomy Initiative)
Decision VI/10, paragraph 44 (Article 8(j) and related provisions)
Decision VI/13, paragraph 7 (Sustainable use)
Decision VI/15, paragraph 6 (Incentive measures)
Decision VI/22, paragraphs 19(b)(g) and 23–24 (Forest biological diversity)
Decision VI/23, paragraphs 13 and 28 (Alien species that threaten ecosystems, habitats or species)
Decision VI/24 A, paragraph (Access and benefit-sharing as related to genetic resources)
Decision VI/25, paragraph 3(c) (National reports)
Decision VI/27 A, paragraph 2(g) (Implementation of the Convention)
Decision VII/11, paragraphs 9(c) and (d); annex I, paragraph 7 (Ecosystem approach)
Decision VII/12, paragraph 2(b) (Sustainable use)
Decision VII/16, annex, paragraph 9(c) (Article 8(j) and related provisions)
Decisions VII/19 B, paragraph 3; annex, section C, paragraph 2; annex, section D, paragraph 9; annexes (Access and benefit-sharing as related to genetic resources)
Decision VII/25 B, paragraph 9 (National reporting)
Decision VII/27, paragraphs 10(e) and 14; annex (Mountain biological diversity)
Decision VII/32, paragraph 6 (The programme of work of the Convention and the Millennium Development Goals)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision II/10, annex II, paragraph 3(e) (Marine and coastal)
Decision III/11, paragraphs 8, 10 and 13 (Agriculture)
Decision IV/4, annex I, paragraphs 5 and 8(c) (Inland water)
Decision IV/5, annex, section C, operational objectives 1.3(e), 3.2(c), 5.3(b), 6.1(c) and 6.2 (Marine and coastal)
Decision IV/7, paragraph 6; annex, paragraphs 7, 18 and 37 (Forests)
Decision V/2, paragraph 6 (Inland water)
Decision V/3, paragraphs 7 and 11 (Marine and coastal)
Decision V/5, paragraphs 18, 22, 23, 25 and 27; annex, section B, programme element 1.5 (c) (Agriculture)
Decision V/23, paragraph 10 (Dry and sub-humid lands)

Decision VI/10, paragraphs 24 and 27–28 (Article 8(j) and related provisions)
 Decision VI/22, paragraph 23; annex, programme element 3, goal 4, objective 1
 (Forests)

Decision VI/23, paragraphs 25 and 32 (Alien species that threaten ecosystems, habitats or species)

OTHER RELEVANT DECISIONS

Decision I/9, annex, paragraph 2.5 (Medium-term programme of work)

Decision II/4, paragraph 2 (Access to, and transfer and development of, technology)

Decision II/18, annex, paragraph 2.5 (Medium-term programme of work)

Decision IV/1 D, annex, paragraph 10 (Taxonomy)

Decision V/9, annex (Global Taxonomy Initiative)

Decision V/16, paragraph 19(a); annex, II, element 5, task 8 (Article 8(j) and related provisions)

Decision V/17, paragraphs 7(a) and (b) (Education and public awareness)

Decision V/20, paragraphs 22 and 32 (Operations of the Convention)

Decision VII/28, annex (Protected areas)

Documents

UNEP/CBD/COP/1/8—Clearing-house mechanism for technical and scientific cooperation.

UNEP/CBD/COP/2/6—Clearing-house mechanism.

UNEP/CBD/COP/3/4—Report on the assessment and review of the operation of the clearing-house mechanism.

UNEP/CBD/COP/4/8—Implementation of the pilot phase of the clearing-house mechanism.

UNEP/CBD/COP/4/INF.6—Reports of the regional workshops on the clearing-house mechanism.

UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.

UNEP/CBD/COP/5/INF.2—Report of the independent review of the pilot phase of the clearing-house mechanism.

UNEP/CBD/COP/5/INF.3—Clearing-house mechanism's Strategic Plan.

UNEP/CBD/COP/5/INF.4—Clearing-house mechanism's longer-term programme of work.

UNEP/CBD/SBSTTA/2/9—Role of the clearing-house mechanism in facilitating and promoting technical and scientific cooperation in research and development.

UNEP/CBD/SBSTTA/3/3—Report on the implementation of the pilot phase of the clearing-house mechanism in facilitating and promoting technical and scientific cooperation.

UNEP/CBD/SBSTTA/3/INF.12—Report on the International Expert Meeting on Building the Clearing-house (June 1997, Germany).

UNEP/CBD/SBSTTA/5/3—Pilot phase of the clearing-house mechanism.

UNEP/CBD/BCH/1/2—Report of the African regional meeting on the Biosafety Clearing-House and the Clearing-house Mechanism

UNEP/CBD/CHM/LAC.Reg/1/2—Report of Latin America and Caribbean regional meeting on the Clearing-house Mechanism.

- UNEP/CBD/COP/6/INF/18—Informal Meeting on Formats, Protocols and Standards for Improved Exchange of Biodiversity-Related Information.
- UNEP/CBD/COP/6/INF/19—Report of the Southern Africa regional training workshop on the Commonwealth knowledge network/Clearing-house Mechanism.
- UNEP/CBD/SBSTTA/9/7—Technology transfer and cooperation: proposals for the development of a programme of work on technology transfer and cooperation.
- UNEP/CBD/COP/7/4—Report of the Subsidiary Body on Scientific, Technical and Technological Advice, on the work of its ninth meeting.
- UNEP/CBD/COP/7/5—Report of the open-ended inter-sessional meeting on the multi-year programme of work of the Conference of the Parties up to 2010.
- UNEP/CBD/COP/7/7—Report of the third meeting of the ad hoc open-ended inter-sessional working group on Article 8(j) and related provisions of the Convention on Biological Diversity.
- UNEP/CBD/COP/7/16—Transfer of technology and technology cooperation (Articles 16 and 18).
- UNEP/CBD/COP/7/17—Progress report on the mechanisms for implementation.
- UNEP/CBD/COP/7/17/Add.1—Clearing-house Mechanism activities during the inter-sessional period.
- UNEP/CBD/COP/7/17/Add.6—Operational procedures for the Informal Advisory Committee of the Clearing-House Mechanism.
- UNEP/CBD/COP/7/INF/3—Report of the Africa regional meeting on the Clearing-House Mechanism.
- UNEP/CBD/COP/7/INF/4—Report of the joint Latin America and Caribbean regional meeting on the Clearing-House Mechanism and the Inter-American Biodiversity Information Network: building partnerships through effective networking.
- UNEP/CBD/COP/7/INF/5—Report of the Convention on Biological Diversity Clearing-House Mechanism and European Community Clearing-house Mechanism joint regional meeting for Central and Eastern Europe.
- UNEP/CBD/COP/7/INF/9—Technology transfer and cooperation: synthesis of information contained in thematic reports on technology transfer and cooperation.
- UNEP/CBD/COP/7/INF/11—Usage analysis of the Convention on Biological Diversity Website.
- UNEP/CBD/COP/7/INF/12—Scientific and technical cooperation and Clearing-House Mechanism Results of the independent review of the Clearing-house Mechanism of the Convention on Biological Diversity.
- UNEP/CBD/COP/7/INF/32—Transfer of technology and technology cooperation (Articles 16 and 18) Patents as a source of technological information in the technology transfer process.

ARTICLE 19 | Handling of biotechnology and distribution of its benefits

ARTICLE 19/1 AND 19/2: PARTICIPATING IN BIOTECHNOLOGICAL RESEARCH AND PROMOTING ACCESS TO THE RESULTS AND BENEFITS

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1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting

Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

Editors' note: Article 19, paragraphs 1 and 2, are closely linked to other provisions of the Convention, particularly Articles 8(j), 15, 16 and 18. Readers should make reference to the guides on these articles above in this section of the Handbook. "Article 19, paragraphs (3) and (4) are addressed separately under the heading 'Consideration of the need for and modalities of a protocol on biosafety.'"

Notes

TERMS DEFINED IN ARTICLE 2

"Biotechnology" and "genetic resources."

CONSIDERATION OF ARTICLE 19(1) AND (2) BY THE COP

Background and status

As part of its first medium-term programme of work, the COP decided to consider measures to promote and advance the distribution of benefits from biotechnology, in accordance with Article 19 at COP 4 [*decision I/9, decision II/18*]. COP 3 noted that the issue of technology would be dealt with at COP 4 and technology transfer and technology cooperation at COP 7 [*decision IV/16, annex II*].

Certain developments on access to genetic resources, and particularly, benefit-sharing under Article 15 of the Convention, may be relevant to the issue of access to technology, including biotechnologies.

Readers should refer to the guide to Article 15 for further details on these discussions.

COP 5 urged Parties to pay particular attention to their obligations under Articles 15, 16 and 19 of the Convention and requested them to report to the COP on measures taken to this effect [*decision V/26 A, paragraph 4(a)*].

See references in the guides to Articles 15 and 16 earlier in this section of the Handbook.

Documents

UNEP/CBD/COP/3/21—Promoting and facilitating access to and transfer and development of technology.

UNEP/CBD/COP/3/22—Intellectual property rights.

UNEP/CBD/COP/3/INF.4—Submissions received by the Executive Secretary concerning ways and means to promote and facilitate access to, and transfer and development of, technology.

UNEP/CBD/COP/4/21—Measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19.

UNEP/CBD/MYPOW/5—Legal and socio-economic aspects of technology transfer and cooperation.

UNEP/CBD/SBSTTA/9/7—Technology transfer and cooperation: proposals for the development of a programme of work on technology transfer and cooperation.

UNEP/CBD/COP/7/16—Transfer of technology and technology cooperation (Articles 16 and 18).

UNEP/CBD/COP/7/INF/9—Technology transfer and cooperation: synthesis of information contained in thematic reports on technology transfer and cooperation.

UNEP/CBD/COP/7/INF/32—Transfer of technology and technology cooperation (Articles 16 and 18): patents as a source of technological information in the technology transfer process.

ARTICLE 19/3 AND 19/4: CONSIDERATION OF THE NEED FOR AND MODALITIES OF A PROTOCOL ON BIOSAFETY

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “biotechnology,” and “sustainable use.”

CONSIDERATION OF ARTICLE 19(3) AND (4) BY THE COP

Background and status: The Cartagena Protocol on Biosafety

COP 1 decided to establish an Open-ended Ad Hoc Group of Experts, nominated by Governments, to consider the need for and modalities of, a protocol under Article 19(3) [*decision I/9, paragraph 3*]. It also decided that the Secretariat would establish a panel of 15 government-nominated experts to prepare a background document for the meeting of the Open-ended Ad Hoc Group of Experts [*decision I/9, paragraph 7*]. The expert panel met in Cairo from 1 to 5 May 1995. The Open-ended Ad Hoc Group of Experts met in Madrid from 24 to 28 July 1995, and presented a report to COP 2.⁵⁵

Having considered the report of the Open-ended Ad Hoc Group of Experts, COP 2 adopted decision II/5, by which it established the Open-ended Ad Hoc Working Group (commonly referred to as the Biosafety Working Group (BSWG)) under the COP to develop a draft protocol on biosafety [*decision II/5, paragraphs 1 and 2*]. Terms of reference for the BSWG were set out in the annex to decision II/5. The

15 UNEP/CBD/COP/2/7.

terms of reference indicated, *inter alia*, that the BSWG should endeavour to complete its work in 1998.

The BSWG met six times between July 1996 and February 1999:

- Aarhus, Denmark, 22–26 July 1996
- Montréal, Canada, 12–16 May 1997
- Montréal, Canada, 13–17 October 1997
- Montréal, Canada, 5–13 February 1998
- Montréal, Canada, 17–28 August 1998
- Cartagena, Colombia, 14–22 February 1999

In 1996, the BSWG presented a report to COP 3, which adopted certain decisions relating to the Bureau of the BSWG and future meetings [*decision III/20*]. COP 3 endorsed SBSTTA recommendation II/5, in particular the realization of activities to promote the application of the UNEP International Technical Guidelines for Safety in Biotechnology and the importance of funding for capacity-building in biosafety. In this regard, the COP requested the financial mechanism to provide financial resources to developing country Parties for capacity-building in biosafety [*decision III/20, paragraph 2; decision III/5, paragraph 2(a)*]. The COP also noted that guidelines on biosafety, including the UNEP guidelines, may be used as an interim mechanism during the development of the protocol, and to complement it after its completion for the purposes of: facilitating the development of national capacities to assess and manage risks; establishing adequate information systems; and developing expert human resources in biotechnology [*decision II/5, preamble; decision III/20, paragraph 2; see also SBSTTA recommendation II/5, paragraph 2*].

The BSWG held three further meetings between COP 3 and COP 4. COP 4 considered the report of the fourth meeting of the BSWG, and accepted the recommendation in the report that the BSWG should hold two further meetings to complete its work, and that the final meeting should be convened not later than February 1999 [*decision IV/3, paragraph 1*]. It also decided that an extraordinary meeting of the COP would be held in February 1999 to address all matters relating to the adoption of the protocol on biosafety and preparation for the first meeting of the Parties to the protocol [*decision IV/3, paragraphs 3 and 4*].

The first extraordinary meeting of the COP was held from 22 to 23 February 1999 in Cartagena, Colombia, immediately after the sixth meeting of the BSWG. Since a number of issues remained unresolved, the COP decided that its extraordinary meeting should be suspended, to be resumed as soon as practicable, and in any event, no later than COP 5 [*decision EM-I/1, paragraphs 1 and 2*]. The COP decided that the protocol would be called the Cartagena Protocol on Biosafety to the Convention on Biological Diversity [*decision EM-1/1, paragraph 3*].

Informal consultations on the protocol were held in Montreal in July 1999, in Vienna from 15 to 19 September 1999, and in Montreal in January 2000. The resumed session of the extraordinary meeting of the COP was held in Montreal from 24 to 28 January 2000, (following further informal consultations from 20 to 22 January 2000) and the Cartagena Protocol on Biosafety was adopted on 29 Jan-

uary 2000 [*decision EM-3/1*]. The text of the Protocol is reproduced in section II of this Handbook.

The Protocol was opened for signature on 15 May 2000 in Nairobi, Kenya, on the occasion of COP 5. It remained open for signature in Nairobi until 26 May 2000. Thereafter, it was open for signature at United Nations Headquarters in New York, from 5 June 2000 to 4 June 2001.

In decision EM-I/3, the COP established an Open-ended Ad Hoc Intergovernmental Committee for the Cartagena Protocol (ICCP) to undertake the preparations necessary for the first meeting of the Parties. Parties and other States were requested to designate a focal point for the ICCP, and inform the Secretariat [*decision EM-I/3, paragraph 11*].

COP 5 adopted decision V/1, which endorsed a work plan for the ICCP over two meetings [*decision V/1, paragraph 1; annex*]. The first meeting of the ICCP took place from 11 to 15 December 2000, in Montpellier, France. The second meeting took place from 1 to 5 October 2001, in Nairobi, Kenya.

The extraordinary meeting of the COP requested the Executive Secretary to commence preparatory work on the functioning of the Biosafety Clearing-House, referred to in Article 20 of the Protocol [*decision EM-I/3, paragraph 13*]. In accordance with paragraph 3 of decision V/1, the Secretariat convened a meeting of technical experts in Montreal from 11 to 13 September 2000. The report of this meeting was submitted to the first meeting of the ICCP (document UNEP/CBD/ICCP/1/3). The COP further decided to establish a regionally balanced roster of experts, nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol, to, *inter alia*, provide advice and support, as appropriate and upon request, to developing country Parties and Parties with economies in transition [*decision EM-I/3, paragraph 14*].

COP 5 welcomed the decision of the GEF Council to request the GEF Secretariat, in consultation with the GEF Implementing Agencies and the CBD Secretariat, to develop an initial strategy for assisting countries to prepare for the entry into force of the biosafety protocol [*decision V/13, paragraph 1*]. It has also emphasized the importance of financial support for capacity-building for implementation of the Protocol [*decision V/11, paragraph 11*].

In accordance with paragraph 3 of decision V/1 and recommendations of the first meeting of ICCP, the Secretariat developed a pilot phase of the BCH.

COP 6 endorsed a third meeting of the ICCP, and decided, in the event that the Protocol enters into force in less than one year's time after the COP 6 meeting, to hold the first meeting of the Conference of the Parties, serving as the meeting of the Parties to the Protocol (COP-MOP 1), in conjunction with an extraordinary meeting of the Conference of the Parties. In the event that this could not happen, the COP requested the Executive Secretary, in consultation with the bureaus of the COP and the ICCP, to keep the situation under review and make appropriate arrangements to hold COP-MOP 1 in conjunction with COP 7, and, in the interim, to convene further meetings of the ICCP, as appropriate.

The third meeting of the ICCP took place from 22 to 26 April 2002, in The Hague, Netherlands, back-to-back with COP 6. It took up those items of its work plan, approved by COP 5, that still clearly needed further consideration in order to facilitate decision-making by COP-MOP 1.

The Protocol entered into force on 11 September 2003 (the ninetieth day after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, therefore making it possible to convene the first meeting of the COP-MOP in conjunction with COP 7. COP 7 noted the reports of the third meeting of the ICCP, as well as the report of the Executive Secretary on the status of the Protocol, with the understanding that the substantive recommendations would be taken up at COP-MOP 1.

The first meeting of the COP-MOP was held from 23 to 27 February 2004, in Kuala Lumpur, Malaysia. This meeting dealt with the following issues, among others: procedures and mechanisms for facilitating decision-making by Parties of import (Article 10, paragraph 7); information sharing and the Biosafety Clearinghouse (Article 20); capacity-building (Article 22 and Article 28, paragraph 3); liability and redress (Article 27); compliance (Article 34); handling, transport, packaging and identification of living modified organisms (Article 18); monitoring and reporting (Article 33); and Secretariat (Article 31, paragraph 3). It also adopted a medium-term programme of work specifying the issues to be addressed by the COP-MOP from its second to its fifth meetings. The report and decisions of the meeting can be found on the Protocol home page located at: <<http://www.biodiv.org/biosafety/default.aspx>>

Further information on the content and development of the Protocol, together with documentation for the meetings of the ICCP and of COP-MOP 1, and the status of ratification, is available on the Convention website.

References

DECISIONS ON ARTICLE 19(3) AND (4)

Decision I/9, paragraphs 3–8 (Medium-term programme of work)

Decision II/5 (Consideration of the need for, and modalities of, a protocol for the safe transfer, handling and use of LMOs)

Decision III/20 (Issues related to biosafety)

Decision IV/3 (Issues related to biosafety)

Decision EM-I/1 (Decision on the continuation of the first extraordinary meeting of the COP)

Decision EM-I/3 (Adoption of the Cartagena Protocol and interim arrangements)

Decision V/1 (Work plan of the ICCP)

Decision VI/1 (Intergovernmental Committee for the Cartagena Protocol on Biosafety)

GUIDANCE TO THE FINANCIAL MECHANISM

Decision VII/20, paragraphs 20–26 (Further guidance to the financial mechanism)

OTHER RELEVANT DECISIONS

- Decision II/10, annex I, paragraph (xi) (Marine and coastal)
- Decision III/5, paragraph 2 (Additional guidance to the financial mechanism)
- Decision III/19, paragraph 13 (Statement to UNGA Special Session)
- Decision IV/10 C, paragraph 11 (Impact assessment and minimizing adverse effects)
- Decision V/11, paragraph 11 (Additional financial resources)
- Decision V/13, paragraph 1 (Further guidance to the financial mechanism)
- Decision V/18, II, paragraph 9 (Impact assessment, liability and redress)
- Decision VI/10, annex II, paragraph 10 (Article 8(j) and related provisions)
- Decision VI/17, paragraph 10(b) (Financial mechanism under the Convention)
- Decision VI/20, paragraphs 25, 27–29 and 31–34 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/21, annex, paragraphs 6, 7, 9, 17, 23(d) and (f) (Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity)
- Decision VI/26, paragraphs 7 and 11, objectives 1.3, 2.3, 2.4, 3.2 and 4.2 (Strategic Plan for the Convention on Biological Diversity)
- Decision VII/19, annex (Access to benefit-sharing as related to genetic resources)
- Decision VII/34, paragraphs 10, 11 and 22 (Administration of the Convention and the budget for the programme of work for the biennium 2005–2006)

Declarations

Malaysia (adoption) and Peru (adoption)

Documents

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- UNEP/CBD/COP/2/7—Report of the Open-ended Expert Group on Biosafety.
- UNEP/CBD/COP/3/26—Report of the First Meeting of the Open-Ended Ad Hoc Working Group on Biosafety.
- UNEP/CBD/COP/3/27—Report on the Elaboration of a Protocol on Biosafety.
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- UNEP/CBD/ExCOP/1/1/Rev.2—Provisional revised agenda.
- UNEP/CBD/ExCOP/1/1/Add.1/Rev.1—Annotated provisional agenda.
- UNEP/CBD/ExCOP/1/1/Rev.2/Add.1—Annotations to the provisional revised agenda.
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- UNEP/CBD/ExCOP/1/3—Report of the Extraordinary Meeting of the Conference of the Parties for the Adoption of the Protocol on Biosafety to the Convention on Biological Diversity.
- UNEP/CBD/ExCOP/1/INF.1—Documentation containing draft text of the Protocol for the resumed session: explanatory note by the Secretariat.
- UNEP/CBD/ExCOP/1/INF.2—*Aide-memoire*: Chairman's summary of informal consultations held in Montreal on 1 July 1999.
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- UNEP/CBD/BSWG2/5—Glossary of terms relevant to a biosafety protocol: results of a preliminary survey.
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- UNEP/CBD/ICCP/2/13—Compliance (Article 34): synthesis of views regarding elements and options for a compliance regime.
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- UNEP/CBD/ICCP/3/3—Liability and redress for damage resulting from transboundary movements of living modified organisms.
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- UNEP/CBD/ICCP/3/INF/1—Liability and redress (Article 27): compilation of information on national, regional, and international measures and agreements, in the field of liability and redress for damage, resulting from the transboundary movements of living modified organisms.
- UNEP/CBD/ICCP/3/INF/2—Liability and redress (Article 27): compilation of views on the terms of reference for the open-ended ad hoc group of legal and technical experts under Article 27 of the Protocol.
- UNEP/CBD/ICCP/3/INF/3—Compliance (Article 34): compilation of views on compliance procedures and mechanisms under the Cartagena Protocol on Biosafety.
- UNEP/CBD/ICCP/3/INF/4—Capacity-building (Articles 22 and 28, paragraph 3): compilation of views on capacity-building (Article 22) under the Cartagena Protocol on Biosafety.

- UNEP/CBD/ICCP/3/INF/5—Handling, transport, packaging and identification (Article 18): compilation of views and relevant information on Article 18 of the Cartagena Protocol on Biosafety.
- UNEP/CBD/ICCP/3/INF/6—Monitoring and reporting (Article 33): compilation of views on monitoring and reporting under the Cartagena Protocol on Biosafety.
- UNEP/CBD/ICCP/3/INF/7—Consideration of other issues necessary for the effective implementation of the Protocol (e.g., Article 29, paragraph 4): compilation of views on other issues necessary for the effective implementation of the Cartagena Protocol on Biosafety.
- UNEP/CBD/ICCP/3/INF/8—Information-sharing (Article 20): report of the Central and Eastern Europe regional meeting on the Biosafety Clearing-House.
- UNEP/CBD/ICCP/3/INF/9—Information-sharing (Article 20): report of the Asian and Pacific regional meeting on the Biosafety Clearing-House.
- UNEP/CBD/ICCP/3/INF/10—Information-sharing (Article 20): independent review of the pilot phase of the Biosafety Clearing-House.
- UNEP/CBD/ICCP/3/INF/11—Capacity-building (Articles 22 and 28, paragraph 3). UNEP/GEF Project on the development of national biosafety frameworks.
- UNEP/CBD/ICCP/3/INF/12—Information-sharing (Article 20): OECD guidance for the designation of a unique identifier for transgenic plants.
- UNEP/CBD/ICCP/3/INF/13—Comments by Japan on the recommendations of the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting.
- UNEP/CBD/ICCP/3/INF/14—Handling, transport, packaging and identification (Article 18): example templates submitted by Norway.
- UNEP/CBD/COP/7/8—Report of the status of the Cartagena Protocol on Biosafety Status, of the preparatory work for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.
- UNEP/CBD-MOP/1/3/Add.3—Report of the Intergovernmental Committee on the work of its third meeting.

ARTICLE 20 | Financial resources

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.
2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.
3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.

4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.
5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.
6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.
7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “technology.”

CONSIDERATION OF ARTICLE 20 BY THE COP

Background and status

Article 20 of the Convention makes provision for financial resources, and to a great extent is linked to delivery mechanisms as provided in Article 21. At COP 1 and COP 2, one decision was adopted on financial resources and mechanism. However, the practice since COP 2 has been to address in separate decisions (i) the financial mechanism and resources provided through the financial mechanism in accordance with Article 20(2) and Article 21; and (ii) other financial resources and financial institutions related to the implementation of the Convention which are *not* provided through the financial mechanism (such as resources from bilateral, regional, or multilateral funding agencies). The latter decisions are generally entitled as “additional financial resources”, and have been concentrated on paragraphs 1, 2 and 3 of Article 20. Other decisions often contain financial provisions in respective areas, including these identified in paragraphs 4, 5, 6 and 7 of Article 20.

At its fifth meeting, the COP decided to retire certain decisions and elements of decisions taken at its first and second meetings. This retirement exercise continued at the sixth and seventh meetings of the COP. As a result, relevant provisions in decisions I/2, II/6, III/6, and the whole decision IV/12, were retired.

COP 7 decided that financial mechanism and resources would be included in the multi-year programme of work of the Conference of the Parties up to 2010 [*decision VII/31, annex*]. It also decided to mobilize financial support for the implementation of the programme of work on marine and coastal biological diversity [*decision VII/5, appendixes 1 and 2*] laid out a detailed plan on financing for access and benefit-sharing [*decision VII/19, annex, section F*].

Financial support and incentives for national activities (Article 20(1))

Under Article 20(1), each Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities

intended to achieve the objectives of the Convention in accordance with its national plans, priorities, and programmes.

COP 2 invited countries to report on their budgets for the plan of action [*decision II/17, annex, paragraph(i)*]. In decision III/11, in relation to agricultural biological diversity, the COP drew the attention of Parties to this provision in the context of support and incentives for the conservation and sustainable use of biological diversity important to agriculture.

COP 4 encouraged Governments to make available appropriate resources for:

- implementation of the suggestions for action in relation to Global Taxonomy Initiative [*decision IV/1, section D various paragraphs*];
- development and implementation of the clearing-house mechanism [*decision IV/2, paragraph 1*];
- facilitation of participation in meetings related to biosafety [*decision IV/3, paragraph 7*];
- implementation of the programme of work arising from Jakarta Mandate on Marine and Coastal Biological Diversity) [*decision IV/5, paragraph 3*];
- activities that advance the objectives of the Convention in respect of forest biological diversity [*decision IV/7, paragraph 5*];
- active participation of the indigenous and local communities in meetings related to Article 8(j) [*decision IV/9, paragraph 12*];
- strategic use of education and communication instruments and public education and awareness initiatives [*decision IV/10, paragraphs 1(c) and 8*].

COP 4 also requested the Executive Secretary to develop proposals for monitoring financial support for the implementation of the Convention [*decision IV/12, paragraph (a)*].

COP 5 highlighted the importance of considering financial resources in a number of decisions, for example, decisions V/1, V/3, V/5, V/11, V/14, V/16, V/20 and V/23. It invited Parties to provide support for:

- implementation of the activities of the programme of work on agricultural biological diversity [*decision V/5, paragraph 9*];
- implementation of the ecosystem approach [*decision V/6, paragraph 6*];
- the Global Invasive Species Programme [*decision V/8, paragraph 17*];
- implementation of the programme of work on Article 8(j) and related provisions [*decision V/16, paragraph 7*];
- national and regional activities to implement the programme of work on dry and sub-humid lands [*decision V/23, paragraph 3*].

It further requested the Executive Secretary to further develop a database on biodiversity related funding information [*decision V/11, paragraph 1*] and invited Parties to establish a process to monitor financial support to biodiversity and to provide further information in their national reports on financial support to biodiversity [*decision V/11, paragraph 4*], as well as on the involvement of the private sector [*decision V/11, paragraph 14*]. In particular, the COP urged Parties to promote the consideration of tax exemptions in national taxation systems for biodiversity related donations [*decision V/11, paragraph 16*].

COP 6 identified further financial requirements for implementing the Convention, such as for the Plan of Action for the International Initiative for the Conservation and Sustainable Use of Pollinators [*decision VI/5, annex I*], the programme of work for the Global Taxonomy Initiative [*decision VI/8, annex*], preparation of the composite report on the status of traditional knowledge [*decision VI/10, annex I, paragraph 29*], expanded programme of work on forest biological diversity [*decision VI/22, annex, paragraph (e)*], and strategies on invasive alien species [*decision VI/23, section IV, preamble*].

It invited Parties to support:

- the implementation of the Plan of Action for the International Initiative for the Conservation and Sustainable Use of Pollinators [*decision VI/5, paragraph 12*];
- participation in the preparatory process for the first Report on the State of World's Animal Genetic Resources and its follow-up implementation [*decision VI/5, paragraph 16*];
- national or regional assessments within the framework of the Millennium Ecosystem Assessment [*decision VI/7, C paragraph 2*];
- implementation of the Global Strategy for Plan Conservation [*decision VI/9, paragraph 7*];
- enhancement of national capacities for the establishment and maintenance of mechanisms to protect traditional knowledge and building the capacity of indigenous and local communities to develop strategic and systems for the protection of traditional knowledge [*decision VI/10, paragraph 42*];
- measures for the prevention of damage to biological diversity, establishment and implementation of national legislation regimes, and policy and administrative measures on liability and redress [*decision VI/11, paragraph 3*];
- organization of regional workshops on the ecosystem approach [*decision VI/12, paragraph 3*] and the Fourth Workshop on the Sustainable Use of Biological Diversity [*decision VI/13, paragraph 5*];
- the programme of work on incentive measures [*decision VI/15, paragraph 8*];
- programmes of public education and awareness [*decision VI/21, annex, paragraph 23(i)*];
- the programme of work on forest biological diversity [*decision VI/22, paragraphs 19(g) and 20*];
- activities to reduce the threat of invasive alien species [*decision VI/23, paragraph 12(b)*];
- implementation of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefit Arising out of their Utilization [*decision VI/24, paragraph 5*].

It also suggested Parties to apply the guidelines for incorporating biodiversity related issues into environmental impact assessment legislation and/or process and in strategic environmental assessment [*decision VI/7, paragraph 2*]. COP 7 urged Parties and other Governments to contribute case-studies on current experiences in environmental impact assessment and strategic environmental assessment procedures [*decision VII/6*].

In the Strategic Plan for the Convention, COP 6 established the following as one of the four goals to be achieved by 2010: “Parties have improved financial, human, scientific, technical, and technological capacity to implement the Convention” [*decision VII/26, goal 2*]. COP 7 further elaborated this provision and adopted official development assistance provided in support of the Convention as one of the indicators for assessing progress towards the 2010 biodiversity target [*decision 30, annex*].

It commended the efforts made by some governments and organizations to develop partnerships aiming at promoting financial investments in biodiversity [*decision VI/16, paragraph 2*], and invited Parties to share information regarding their funding, eligibility criteria and programme priorities in relation to biological diversity as well as their experience in mainstreaming biodiversity into funding operations [*decision VII/16, paragraph 6*], review national budgets and monetary policies [*decision VI/16, paragraph 7(b)*], share the experiences on developing and implementing financial measures for supporting national biodiversity strategies, and action plans [*decision VI/16, paragraph 7(a)*].

At its seventh meeting, the COP invited Parties and Governments to provide financial support:

- for the establishment of a global system of marine and coastal protected area network [*decision VII/5, paragraph 35*];
- in the implementation of the Global Taxonomy Initiative, and for integrating taxonomic capacity-building activities, for the operations of the Coordination Mechanism of the Global Taxonomy Initiative [*decision VII/9, paragraphs 2 and 5*];
- to assist in the implementation of the Addis Ababa Principles and Guidelines at the national level to ensure that the use of biological diversity is sustainable [*decision VII/12, paragraph 8*];
- to build capacity for effective mitigation, border control, and quarantine measures [*decision VII/13, paragraph 6(d)*];
- to support active participation of indigenous and local communities in tourism policy-making, development planning, product development, and management [*decision VII/14, paragraph 8*];
- for the completion of phase one and activities under phase two of the preparation of the composite report [*decision VII/16, part E, phase 2, paragraph 7*];
- to enable indigenous and local communities to participate fully in all aspects of national impact assessment [*decision VII/16, part E, annex, paragraph 70*];
- to formulate indigenous and local communities’ own community development and biodiversity conservation plans [*decision VII/16, part E, paragraph 10*];
- to facilitate the convening of the group of legal and technical experts [*decision VII/17, paragraph 3*];
- to support the preparation and compilation of case-studies and best practices on incentive measures [*decision VII/18, paragraph 10*];
- to implement the Action Plan for access and benefit-sharing and the resulting national, regional and sub-regional plans and strategies [*decision VII/19, section E, paragraph 3*];

- towards the cost of the production of the second education of the Global Biodiversity Outlook [*decision VII/24, paragraph 7*];
- to strengthen the various capacities of Parties to prepare their future national and thematic reports [*decision VII/25, part A, paragraph 4*];
- to facilitate Parties to meet their reporting obligations [*decision VII/25, part B, paragraph 5*];
- to implement the programme of work on mountain biological diversity [*decision VII/27, paragraph 15*];
- for the implementation of the programme of work on protected areas [*decision VII/28, paragraph 9*];
- in the implementation of the programme of work on transfer of technology and technology cooperation [*decision VII/29, paragraph 13*];
- for the implementation of activities to achieve and monitor progress towards the goals and targets [*decision VII/30, paragraph 18*].

COP 7 urged Parties and Governments to take timely action to ensure the effective implementation of the programme of work as well as the Strategic Plan of the Convention and associated targets [*decision VII/21, paragraph 1*], and to analyze the progress of Parties in implementing the Convention [*decision VII/25, part A, paragraph 5*]. It invited Parties and Governments to make their funded biodiversity-related projects publicly available on their respective Websites, and to notify the Executive Secretary of the list of such projects [*decision VII/21, paragraph 5*]; to enhance the integration of biological diversity into their sectoral development and assistance programmes [*decision VII/21, paragraph 7*]; to integrate within their development strategies protected area objectives [*decision VII/28, paragraph 11*]; to develop and encourage biodiversity-related partnership arrangements [*decision VII/21, paragraph 8*]; to explore opportunities to utilize various initiatives including debt-relief instruments to promote conservation and sustainable use of biodiversity [*decision VII/21, paragraph 9*]; to remove any unnecessary impediments to funding of multi-country initiatives for technology transfer and for scientific and technical cooperation [*decision VII/29, paragraph 14*]. It also invited Parties and Governments to conduct comparative studies on legislation, economic, and financial mechanisms for regulating mariculture activity, to provide guidance to financial institutions, including the GEF, to support marine and coastal biological diversity, and to create scholarship trust funds in each region of the regional seas programmes [*decision VII/5*]. The COP also urged all Parties and Governments to contribute to the trust funds of the Convention and the Cartagena Protocol [*decision 34, paragraph 22*].

In the programme of work on protected areas [*decision VII/28*], the Conference of the Parties suggested a range of activities to the Parties, including:

- conduct a national-level study by 2005 of the effectiveness in using existing financial resources, and of financial needs, related to the national system of protected areas and identify options for meeting these needs through both national and international resources, taking into account the whole range of possible funding instruments, such as public funding, debt for nature swaps, elimination of perverse incentives and subsidies, private funding, taxes and fees for ecological services;

- establish and begin to implement country-level sustainable financing plans by 2008 that support national systems of protected areas, including necessary regulatory, legislative, policy, institutional and other measures;
- support and further develop international funding programmes to support the implementation of national and regional systems of protected areas in developing countries, countries with economies in transition, and small island developing States;
- collaborate with other countries to develop and implement sustainable financing programmes for national and regional systems of protected areas;
- provide financing for regular information on protected areas to relevant institutions and mechanisms, including through future national reports under the Convention on Biological Diversity, and to the World Database on Protected Areas;
- encourage integration pertaining to the needs of protected areas into national and, where applicable, regional development and financing strategies and development cooperation programmes.

NEW AND ADDITIONAL FINANCIAL RESOURCES COMMITTED BY DEVELOPED COUNTRY PARTIES (ARTICLE 20(2))

COP's consideration of this paragraph has been concentrated on the list of developed country Parties and obligations of both developed and developing countries.

At its first meeting, the COP established a list of developed country Parties, and other Parties, which voluntarily assume the obligations of developed country Parties [*decision I/2, paragraph 1*].

For developed countries

At its third meeting, the COP urged developed country Parties to cooperate in the development of standardized information on their financial support for the objectives of the Convention and submit such information to the Secretariat in their national reports [*decision III/6, paragraph 4*].

COP 4 urged developed country Parties to include in their national reports information, in a standardised form, on their financial support for the objectives of the Convention [*decision IV/4, paragraph 4*]. COP 5 urged developed country Parties to establish a process to monitor financial support to biodiversity and to provide such information in their national reports [*decision V/11, paragraph 4*]. It also urged developed country Parties to promote support for the implementation of the objectives of the Convention in the funding policy of their bilateral funding institutions and those of regional and multilateral funding institutions [*decision V/11, paragraph 9*].

COP 6 urged donor countries to replenish the Global Environment Facility to substantially higher levels than the current [*decision VI/16 paragraph 5*].

For developing countries

COP 3 invited contracting parties to relevant biological diversity-related conventions to explore opportunities for accessing funding through the Global Environ-

ment Facility for relevant projects, including projects involving a number of countries [*decision III/21, paragraph 12*].

COP 4 invited Parties to develop country-driven projects to address the issue of alien species for funding by the financial mechanism [*decision IV/1, part C, paragraph 3*], to request funding for projects related to inland water ecosystems [*decision IV/4, paragraph 7*], to propose projects which promote the implementation of the programme of work on marine and coastal biological diversity [*decision IV/5, paragraph 3*], projects to promote the implementation of the focused work programme on forest biological diversity [*decision IV/7, paragraph 7*], activities under Article 8(j) and related provisions [*decision IV/9, paragraph 13*], and projects which promote measures for implementing the provisions of the Convention on public education and awareness [*decision IV/10 B, paragraph 9*].

COP 5 urged eligible Parties and consortia of eligible Parties to seek resources through the financial mechanism to implement the Global Taxonomy Initiative [*decision V/9, paragraph 6*], and to incorporate the ways and means of supporting the implementation of the objectives of the Convention into their dialogue with funding institutions [*decision V/11, paragraph 10*].

COP 6 encouraged Parties to avail themselves of the assistance available through the financial mechanism for preparation of a national capacity self-assessment [*decision VI/27 A, paragraph 9*].

At its seventh meeting, the Conference of the Parties urged Parties to fully implement the Monterrey Consensus on financing for development and conclude successfully the Doha Development Negotiation Round process [*decision VII/21, paragraph 3*].

FINANCIAL RESOURCES PROVIDED THROUGH BILATERAL, REGIONAL AND OTHER MULTILATERAL CHANNELS (ARTICLE 20(3))

COP 1 requested the Secretariat to provide a study on the availability of financial resources in addition to those provided through the financial mechanism, and on ways and means of mobilising and channelling these resources in support of the Convention's objectives [*decision I/2 paragraph 7*].

COP 2 requested the Executive Secretary to explore further possibilities of identifying additional financial resources to support the objectives of the Convention, to continue to monitor the availability of additional financial resources, and further identify where and how country Parties might gain access to these resources [*decision II/6, paragraph 9*]. It directed the Executive Secretary to cooperate with other organizations [*decision II/20, paragraph 9*], and to seek voluntary contributions for regional and subregional meetings for Parties to the Convention [*decision II/22, paragraph 2*]. COP 2 called upon the international community to contribute to the implementation of the pilot phase of the clearing-house mechanism [*decision II/3, paragraph 6(b)*], to the organization of workshops on cooperation [*decision II/14, paragraph 2*], and to consider conservation and sustainable use of marine and coastal biological diversity [*decision II/10, paragraph 11*].

COP 3 requested bilateral and multilateral funding institutions to provide funding for capacity-building related to the implementation of the clearing-house mechanism [*decision III/4, paragraph 4*].

COP 4 identified a number of areas that require mobilizing financial resources from other sources, such as the Global Taxonomy Initiative [*decision IV/1 D, annex*], inland water ecosystems [*decision IV/4, annex I, paragraph 11*], programme of work on marine and coastal biological diversity [*decision IV/5 annex*]. It requested bilateral and multilateral funding institutions to provide funding for the development and implementation of the clearing-house mechanism [*decision IV/2, paragraph 1*]; to contribute to the implementation of specific elements of the programme of work on marine and coastal biological diversity [*decision IV/5, paragraph 2*]; to give high priority to the activities that advance the objectives of the Convention in respect to forest biological diversity [*decision IV/7, paragraph 5*]; to support efforts to develop and promote legislative or administrative measures, policies and programmes related to benefit-sharing [*decision IV/8, paragraph 5*]; to support public education and awareness initiatives [*decision IV/10, paragraph 8*]. COP 4 requested the Executive Secretary to develop proposals for exploring possibilities for additional financial support for elements in the programme of work and examining the constraints to, opportunities for, and implications of, private sector support for the implementation of the Convention [*decision IV/12, paragraphs (c) and (d)*].

ExCOP 1 requested the Executive Secretary to explore ways and means to make full use of the roster of experts on biosafety [*decision EM-I/3, paragraph 15*].

COP 5 requested the ICCP to consider multilateral, regional and bilateral cooperation and the need for common understanding and harmonisation in relation to biodiversity capacity-building [*decision V/1, annex, paragraph 3*]. It identified the need for mobilizing international programmes and mechanisms for financial assistance to coral bleaching [*decision V/3, annex*], and programme of work on agricultural biodiversity [*decision V/5, annex*], and the programme of work on dry and sub-humid lands [*decision V/23, annex*]. It invited funding agencies to support the implementation of the programme of work on agricultural biodiversity [*decision V/5, paragraph 9*], the ecosystem approach [*decision V/6, paragraph 6*], the Global Invasive Species Programme [*decision V/8, paragraph 17*], the programme of work on Article 8(j) and related provisions [*decision V/16, paragraph 7*], the programme of work on dry and sub-humid lands [*decision V/23, paragraphs 3 and 11*], to contribute to the trusts funds of the Convention [*decision V/22, paragraph 15*].

COP 6 identified financial needs from funding institutions in the Plan of Action for the International Initiative for the Conservation and Sustainable Use of Pollinators [*decision VI/5, annex II*] and the programme of work for the Global Taxonomy Initiative [*decision VI/8, annex*], development of a composite report on the status and trends regarding traditional knowledge [*decision VI/10, annex I*]. It requested funding institutions to apply the guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or process, and in strategic environmental assessment [*decision VI/7, paragraph 2*], and invited them to reflect in their funding policies the Global Initiative on Communication,

Education and Public Awareness according to the conditions established in the annex to the present decision, and to include expertise on communication, education and public awareness when evaluating projects for funding approval [*decision VI/19, paragraph 9*].

COP 6 urged funding institutions to support the implementation of the programme of work on the following: biological diversity of inland water ecosystems as well as the River Basin Initiative [*decision VI/2, paragraph 6*]; implementation of the Plan of Action for the International Initiative for the Conservation and Sustainable Use of Pollinators [*decision VI/5, paragraph 12*]; preparation for the first report on the State of World's Animal Genetic Resources and implementation of its follow-up actions [*decision VI/5, paragraph 16*]; the Global Strategy for Plant Conservation [*decision VI/9, paragraph 7*]; incorporation into policies and processes of the recommendations 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 lands and waters traditionally occupied or used by indigenous and local communities, as well as conduct of cultural, environmental and social impact assessments, enhancement of national capacities for the establishment and maintenance of mechanisms to protect traditional knowledge [*decision VI/10, paragraphs 18, 19 and 42*]; strengthening capacities for the prevention of damage to biological diversity, establishment, and implementation of national legislative regimes and policy and administrative measures on liability and redress [*decision VI/11, paragraph 3*]; organization of regional workshops related to ecosystem approach [*decision VI/12, paragraph 3*] and related to sustainable use [*decision VI/13, paragraph 5*]; programme of work on incentive measures [*decision VI/15, paragraph 8*]; priorities for forest biodiversity [*decision VI/22, paragraphs 16, 19(g) and 20*]; promotion of activities aiming to reduce the harmful effects of invasive alien species [*decision VI/23, paragraphs 17, 19 and 34*]; implementation of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefit Arising out of their Utilization and the Action Plan on Capacity-building for Access and Benefit-sharing [*decision VI/24 A, paragraph 5; decision VI/24 B, paragraph 7*]; priority actions of national and regional biodiversity strategies and action plans [*decision VI/27 A, paragraphs 4 and 5*]; the work of existing regional coordination mechanisms and the development of regional and subregional networks or processes [*decision VI/27 B, paragraph 11(c)*]; and organization of ad hoc technical expert groups [*decision VI/30, paragraph 3*].

At its seventh meeting, the COP recognized the need for financial support to implement effectively the activities under the revised programme of work on inland water ecosystems [*decision 4, paragraph 9*]; and developed an ambitious action plan on access and benefit-sharing, including with respect to financial resources [*decision 19, section F, annex*].

COP 7 invited financial institutions and development agencies, as well as other donors, to provide financial resources to give support for the following: the development and use of agricultural biodiversity [*decision VII/3, paragraph 11*]; the implementation of the elaborated programme of work on marine and coastal biological diversity, and its annexes and appendices [*decision VII/5, paragraph 9*]; development and implementation of effective biodiversity indicators [*decision*

VII/8, *paragraph 11*]; the implementation of the Global Taxonomy Initiative and for integrating taxonomic capacity building activities [*decision VII/9, paragraph 2*]; the implementation of the ecosystem approach [*decision VII/11, paragraph 13*]; the improved prevention, rapid responses, and management measures to address threats of alien invasive species [*decision VII/13, paragraph 13*]; the implementation of the Guidelines and paying due regard to the Guidelines when preparing, approving, and funding tourism development projects having potential implications on biological diversity [*decision VII/14, paragraph 9*]; addressing the gaps in biodiversity and climate change [*decision VII/15, paragraph 11*]; the prevention and mitigation of negative impacts and risk factors of proposed projects and policies [*decision VII/16, part E, paragraph 8*]; enabling indigenous and local communities to participate fully in all aspects of national impact assessments [*decision VII/16, part E, annex, paragraph 70*]; applying these proposals with a view to removing or mitigating perverse incentives [*decision VII/18, paragraph 5*]; the implementation of the identified priority activities in the CEPA programme of work and for the implementation of national CEPA programmes and activities [*decision VII/24, paragraphs 5 and 6*]; strengthening the various capacities of Parties to prepare their future national and thematic reports and in implementing the Convention [*decision VII/25, part A, paragraphs 4 and 5*]; the effective implementation of the programme of work on mountain biological diversity [*decision VII/27, paragraph 7*]; the implementation of the programme of work on protected areas [*decision VII/28, paragraph 9*]; the implementation of activities to achieve and monitor progress towards the goals and targets [*decision VII/30, paragraph 18*].

COP 7 noted with appreciation the publication, “Aid activities targeting the objectives of the Rio Conventions 1998–2000,” released by the Development Assistance Committee of the Organization for Economic Cooperation and Development, and invited the Organization for Economic Cooperation and Development to provide information on financial flow statistics relating to the objectives of the Convention to the Conference of the Parties at its eighth meeting [*decision VII/21, paragraph 4*].

COP guidance

Guidance to Parties and funding institutions

COP has invited Parties and funding institutions to support the following areas of work:

- national and regional biodiversity strategies and action plans [*decision VII/27 A, paragraphs 4 and 5; decision VII/30, paragraph 18*];
- the ecosystem approach [*decision V/6, paragraph 6; decision VI/12, paragraph 3*];
- marine and coastal biological diversity [*decision III/10, paragraph 11; decision IV/5, paragraphs 2 and 3; decision VII/5, paragraph 35 and appendices*];
- inland water ecosystems as well as the River Basin Initiative [*decision VI/2, paragraph 6*]*—dry and sub-humid lands* [*decision V/23, paragraph 3 and 11*];
- forest biological diversity [*decision IV/7, paragraph 5; decision VI/22, paragraphs 16, 19(g) and 20*];
- mountain biological diversity [*decision VII/27, paragraph 15*];

- agricultural biological diversity [*decision V/5, paragraph 9*], *pollinators*; *decision VI/5, paragraph 12 animal genetic resources*; *decision VII/5, paragraph 16*];
- plant conservation [*decision VI/9, paragraph 7*];
- national or regional assessments [*decision VII/7 C, paragraph 2*];
- Global Taxonomy Initiative [*decision IV/1 D, various paragraphs*; *decision VII/30, paragraphs 2 and 5*];
- invasive alien species [*decision V/8, paragraph 17*; *decision VI/23, paragraphs 12(b), 17, 19 and 34*; *decision VII/13, paragraph 6(d)*];
- Article 8(j) [*decision IV/9 paragraph 12*; *decision V/16, paragraph 7*; *decision VI/10, paragraphs 18, 19 and 42*; *decision VII/16, part F*];
- sustainable use of biological diversity [*decision VII/13, paragraph 5*; *decision VII/12, paragraph 8*];
- incentive measures [*decision VI/15, paragraph 8*; *decision VII/18, paragraph 10*];
- public education and awareness [*decision IV/10, paragraphs 1(c) and 8, and decision VI/21, annex, paragraph 23(i)*; and *decision VII/24, paragraph 7*];
- liability and redress [*decision VI/11, paragraph 3*; *decision VII/17, paragraph 3*];
- access and benefit-sharing [*decision IV/8, paragraph 5*; *decision VI/24 A, paragraph 5 and VI/24 B, paragraph 7*; *decision VII/19, section F, paragraph 3*];
- protected areas [*decision VII/28, annex, paragraphs 9 and 11*];
- national reporting [*decision VII/25, part A, paragraphs 4 and 5*; *part B, paragraph 5*];
- transfer of technology and technology cooperation [*decision VII/29, paragraphs 13 and 14*];
- biological diversity and tourism [*decision VII/14, paragraph 8*];
- clearing-house mechanism [*decision II/3, paragraph 6(b)*; *decision III/4, paragraph 4*; *decision IV/2, paragraph 1*];
- biosafety [*decision IV/3, paragraph 7*; *decision EM-II/3, paragraph 15*];
- cooperation [*decision II/14 paragraph 2*] and regional and subregional networks or processes [*decision VI/27 B, paragraph 11(c)*];
- trusts funds of the Convention [*decision V/22, paragraph 15*; *decision VII/34, paragraph 22*] and ad hoc technical expert groups [*decision VI/30, paragraph 3*].

Financial Mechanism

COP 5 invited the GEF to assist the Executive Secretary to convene a workshop on financing for biodiversity with a view to sharing knowledge and experience among funding institutions, and to explore the potential of the GEF to act as a funding catalyst [*decision V/11, paragraph 2*].

COP 6 requested the GEF to explore opportunities to develop further, and enhance and strengthen its catalytic role in identifying and promoting co-financing resources, and to take definitive actions to explore and examine innovative and creative financing modalities to leverage increased funds from the private sector and non-traditional sources of funding [*decision VI/16, paragraph 9*].

At its seventh meeting, the COP acknowledged the project funded by the GEF on biodiversity indicators in national use [*decision VII/8, paragraph 12*], invited the

GEF to contribute information on its relevant activities to the review of the Global Taxonomy Initiative [*decision VII/9, paragraph 6*], and considered the GEF as one of main actors in the implementation of the programme of work on the transfer of technology and technology cooperation [*decision VII/29, annex*].

References

DECISIONS ON ARTICLE 20

Decision I/2, paragraphs 2 and 7 (Financial resources and mechanism)

Decision II/6, paragraph 9 (Financial resources and mechanism)

Decision III/6 (Additional financial resources)

Decision IV/12 (Additional financial resources)

Decision V/11 (Additional financial resources)

Decision VI/16 (Additional financial resources)

Decision VII/21 (Additional financial resources)

GUIDANCE TO PARTIES AND FUNDING INSTITUTIONS

Decision II/10, paragraph 11 (Conservation and sustainable use of marine and coastal biological diversity)

Decision II/14, paragraph 2 (Convening of an open-ended intergovernmental workshop on cooperation between the Convention on Biological Diversity and other international conventions on related issues)

Decision II/17, annex, paragraph (i) (Form and intervals of national reports by Parties)

Decision III/4, paragraphs 4 and 5 (Clearing-house mechanism to promote and facilitate technical and scientific cooperation)

Decision III/5, paragraph 4 (Additional guidance to the financial mechanism)

Decision III/6, paragraph 4 (Additional financial resources)

Decision III/11, paragraphs 21 and 22 (Conservation and sustainable use of agricultural biological diversity)

Decision III/14, paragraph 12 (Implementation of Article 8(j))

Decision III/15, paragraph 3 (Access to genetic resources)

Decision IV/1 D, paragraph 6, annex, paragraphs 2, 3, 5, 8 and 11(d) (Global Taxonomy Initiative)

Decision IV/2, paragraph 1 (Review of the operation of the clearing-house mechanism)

Decision IV/3, paragraph 7 (Issues related to biosafety)

Decision IV/5 I, paragraphs 2 and 3 (Conservation and sustainable use of marine and coastal biological diversity, including a programme of work)

Decision IV/6, paragraph 12 (Agricultural biological diversity)

Decision IV/7, paragraph 5 (Forest biological diversity)

Decision IV/8, paragraph 5 (Access and benefit-sharing)

Decision IV/9, paragraph 12 (Implementation of Article 8(j) and related provisions)

Decision IV/10 B, paragraphs 1(c) and 8 (Public education and awareness: Consideration of measures for the implementation of Article 13)

Decision IV/14, paragraph 4 (National reports by Parties)

- Decision V/5, paragraph 9 (Agricultural biological diversity: Review of phase I of the programme of work and adoption of a multi-year work programme)
- Decision V/6, paragraph 6 (Ecosystem approach)
- Decision V/8, paragraph 17 (Alien species that threaten ecosystems, habitats or species)
- Decision V/11, paragraphs 4, 5, 9, 10, 14, 15 and 16 (Additional financial resources)
- Decision V/16, paragraphs 7, 19(b), and 20 (Article 8(j) and related provisions)
- Decision V/22, paragraph 15 (Budget for the programme of work for the biennium 2001–2002)
- Decision V/23, paragraphs 3 and 11 (Consideration of options for conservation and sustainable use of biological diversity in dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems)
- Decision VI/2, paragraph 6 (Biological diversity of inland waters)
- Decision VI/5, paragraphs 12 and 16 (Agricultural biological diversity)
- Decision VI/7 C, paragraph 2 (Scientific assessments)
- Decision VI/8, paragraph 8 (Global Taxonomy Initiative)
- Decision VI/9, paragraph 7 (Global Strategy for Plant Conservation)
- Decision VI/10, paragraphs 18, 19, 29, 42, and annex I, paragraph 29 (Article 8(j) and related provisions)
- Decision VI/11, paragraph 3 (Liability and redress (Article 14, paragraph 2))
- Decision VI/12, paragraph 3 (Ecosystem approach)
- Decision VI/13, paragraph 5 (Sustainable use)
- Decision VI/15, paragraph 8 (Incentive measures)
- Decision VI/16, paragraphs 5, 6, 7, 8 and 10 (Additional financial resources)
- Decision VI/21, annex, paragraph 23(m) (Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity)
- Decision VI/22, paragraphs 16 and 20 (Forest biological diversity)
- Decision VI/23, paragraph 12(b), 15(c), 17, 19 and 34 (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24 A, paragraph 5 and VI/24 B, paragraph 7 (Access and benefit-sharing as related to genetic resources)
- Decision VI/25, paragraph 3(d)(vii) (National reports)
- Decision VI/27 A, paragraphs 4, 5, 6 and 11 and VI/27 B, paragraphs 11(c) and 12 (Operations of the Convention)
- Decision VI/29, paragraph 19 (Administration of the Convention and the budget for the programme of work for the biennium 2003–2004)
- Decision VI/30, paragraph 3 (Preparation for the seventh meeting of the Conference of the Parties)
- Decision VII/27, paragraph 15 (Mountain biological diversity)
- Decision VII/28, paragraphs 9, 10 and 29(b); annex (Protected areas)
- Decision VII/3, paragraph 11 (Agricultural biological diversity)
- Decision VII/4, annex (Biological diversity of inland water ecosystems)
- Decision VII/5, paragraphs 9 and 35, annex and appendices (Marine and coastal biological diversity)
- Decision VII/8, paragraph 11 (Monitoring and indicators: designing national-level monitoring programmes and indicators)
- Decision VII/9, paragraphs 2, 5 and 6 (Global Taxonomy Initiative)

- Decision VII/11, paragraph 13 (Ecosystem approach)
Decision VII/12, paragraph 8 (Sustainable use (Article 10))
Decision VII/13, paragraphs 6 and 13 (Alien species that threaten ecosystems, habitats or species (Article 8(h)))
Decision VII/14, paragraphs 8, 9 and annex (Biological diversity and tourism)
Decision VII/15, paragraph 11 (Biodiversity and climate change)
Decision VII/16, part E (Article 8(j) and related provisions)
Decision VII/17, paragraph 3 (Liability and redress (Article 14, Paragraph 2))
Decision VII/18, paragraphs 5 and 10 (Incentive measures (Article 11))
Decision VII/19, section F (Access and benefit-sharing as related to genetic resources (Article 15))
Decision VII/21, paragraphs 1, 3, 4, 5, 7, 8 and 9 (Additional financial resources)
Decision VII/24, paragraphs 4, 5 and 6 (Education and public awareness (article 13))
Decision VII/25, part A, paragraph 4 and part B, paragraph 5 (National reporting)
Decision VII/27, paragraphs 7 and 15 (Mountain biological diversity)
Decision VII/28, paragraphs 9 and 11, annex (Protected areas (Articles 8 (A) to (E)))
Decision VII/29, paragraph 9 and 13, annex (Transfer of technology and technology cooperation (Articles 16 to 19))
Decision VII/30, paragraph 18 (Strategic Plan: future evaluation of progress)
Decision VII/32, paragraph 1 (The programme of work of the Convention and the Millennium Development Goals)
Decision VII/34, paragraph 22 (Administration of the Convention and the budget for the programme of work for the biennium 2005–2006)

GUIDANCE TO THE FINANCIAL MECHANISM

- Decision V/11, paragraph 2 (Additional financial resources)
Decision VI/16, paragraph 9 (Additional financial resources)
Decision VI/17, paragraph 6 (Financial mechanism under the Convention)
Decision VII/8, paragraph 12 (Monitoring and indicators: designing national-level monitoring programmes and indicators)
Decision VII/9, paragraph 6 (Global Taxonomy Initiative)
Decision VII/29, annex (Transfer of technology and technology cooperation (Articles 16 to 19))

GUIDANCE TO THE SECRETARIAT

- Decision II/6, paragraphs 9 and 12 (Financial Resources and Mechanism)
Decision II/20, paragraph 9 (Financing of and budget for the Convention)
Decision II/22, paragraph 2 (Convening of regional and subregional meetings for Parties to the Convention)
Decision III/6, paragraphs 2, 3 and 6 (Additional financial resources)
Decision III/26, paragraph 2 (Convening of regional and subregional meetings for Parties to the Convention)
Decision IV/2, paragraph 10(k)(ix) (Review of the operation of the clearing-house mechanism)
Decision IV/12, paragraphs (a), (b), (c) and (d) (Additional financial resources)
Decision IV/16, paragraph 5 (Institutional matters and the programme of work)
Decision EM-I/3, paragraph 15 (Roster of experts)

- Decision V/11, paragraphs 1, 7, 8 and 17 (Additional financial resources)
 Decision VI/16, paragraphs 1 and 11 (Additional financial resources)
 Decision VI/22, paragraph 19(g) (Forest biological diversity)
 Decision VI/27 B, paragraph 18 (Operations of the Convention)
 Decision VII/16, part G, paragraph 11(c) (Article 8(j) and related provisions)
 Decision VII/19, section F, paragraph 6 (Access and benefit-sharing as related to genetic resources (Article 15))
 Decision VII/20, paragraph 1 (Further guidance to the financial mechanism)
 Decision VII/21, paragraphs 2 and 6 (Additional financial resources)
 Decision VII/22, annex, part D (Arrangements for the third review of the effectiveness of the financial mechanism)
 Decision VII/28, annex, programme element 3 (Protected areas (Articles 8(A) to (E)))
 Decision VII/29, paragraph 15 (Transfer of technology and technology cooperation (Articles 16 to 19))
 Decision VII/33, paragraph 4 (Operations of the Convention)

INFORMATION AND CASE-STUDIES

- Decision VII/7 (Environmental impact assessment and strategic environment assessment)

GUIDANCE TO SBSTTA

- Decision IV/16, paragraph 13 (Institutional matters and the programme of work)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/3, paragraph 6(b) (Clearing-house mechanism)
 Decision II/14, paragraph 2 (Convening of an open-ended intergovernmental workshop on cooperation between the Convention on Biological Diversity and other international conventions on related issues)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

- Decision IV/4, annex I, paragraph 11 (Status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use)
 Decision IV/5, annex, operative objective 1.3, budgetary implications; operative objective 2.1, budgetary implications; operative objective 3.1, budgetary implications; programme element 4, budgetary implications; and operative objectives 5.1 and 5.2, budgetary implications (Conservation and sustainable use of marine and coastal biological diversity, including a programme of work)
 Decision V/3, annex, D (Progress report on the implementation of the programme of work on marine and coastal biological diversity)
 Decision V/5, annex, programme elements 1, 2, 3 and 4, ways and means, (Agricultural biological diversity: Review of phase I of the programme of work and adoption of a multi-year work programme)
 Decision VII/4, paragraph 9 (Biological diversity of inland water ecosystems)
 Decision VII/5, paragraphs 36 and 53, and appendices (Marine and coastal biological diversity)

OTHER RELEVANT DECISIONS

- Decision II/4, paragraph 1 (Ways and means to promote and facilitate access to, and transfer and development of technology)
- Decision II/8, paragraph 5 (Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention)
- Decision II/17, annex, paragraph (i) (Form and intervals of national reports by Parties)
- Decision III/4, paragraphs 4 and 5 (Clearing-house mechanism to promote and facilitate technical and scientific cooperation)
- Decision III/18, paragraph 5 (Incentive measures)
- Decision III/19, annex, paragraph 15 (Special Session of the General Assembly to review implementation of Agenda 21)
- Decision III/20, paragraph 2(b) (Issues related to biosafety)
- Decision IV/2, paragraph 5 (Review of the operation of the clearing-house mechanism)
- Decision V/1, annex, A, paragraphs 2 and 3 (Work plan of the Intergovernmental Committee for the Cartagena Protocol on Biosafety)
- Decision V/11, paragraphs 3, 6, 11, 12 and 13 (Additional financial resources)
- Decision V/14, annex I, paragraph (g)(i) (Scientific and technical cooperation and the clearing-house mechanism (Article 18))
- Decision V/16, annex, part IV (Article 8(j) and related provisions)
- Decision V/20, paragraph 15(f) (Operations of the Convention)
- Decision V/23, annex, paragraphs 7(b), (c) and part B, ways and means, paragraph (a) (Consideration of options for conservation and sustainable use of biological diversity in dryland, Mediterranean, arid, semi-arid, grassland, and savannah ecosystems)
- Decision VI/5, paragraphs 1(c) and annex II, elements 1, 2, 3 and 4 (Agricultural biological diversity)
- Decision VI/7 A, annex (Further development of guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation or processes and in strategic impact assessment)
- Decision VI/8, annex, paragraph 9(f), activities 1.1(vi), 1.2(vi), 1.2(vii), 1.3(vi), 1.3(vii), 1.4(vi), 1.4(vii), 2.1(iv), 2.1(vi), 2.1(vii), 2.2(vi), 2.2(vii), 3.1(vi), 3.1(vii), 4.1(vi), 4.2(vi), 4.2(vii), 4.3(vi), 4.3(vii), 4.5(iv), 4.5(vi), 4.5(vii), 5.1(vi), 5.3(vi), and 5.4(vi)(Global Taxonomy Initiative)
- Decision VI/9, paragraph 19(Global Strategy for Plant Conservation)
- Decision VI/15, annex I, paragraph 31 (Incentive measures)
- Decision VI/16, paragraphs 2, 3, and 4 (Additional financial resources)
- Decision VI/21, annex, paragraphs 7 and 18 (Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity)
- Decision VI/22, paragraph 17 and annex, preambular paragraph (e) (Forests)
- Decision VI/23, section IV, preamble, and annex, guiding principle 9, paragraphs (c), (d) (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24, annex, paragraphs 5(f) and (j) (Access and benefit-sharing as related to genetic resources)

- Decision VI/26, annex, paragraphs 9, goals 2.2 and 2.3, appendix, paragraph 4(a)
(Strategic Plan for the Convention on Biological Diversity)
- Decision VI/27 B, paragraphs 16 and 17 (Operations of the Convention)
- Decision VII/28, paragraph 28; annex (Protected areas)
- Decision VII/11, annex (Ecosystem Approach)
- Decision VII/16, part E and part G (Article 8(j) and related provisions)
- Decision VII/18, annex (Incentive Measures (Article 11))
- Decision VII/19, section F (Access and benefit-sharing as related to genetic resources (Article 15))
- Decision VII/28, paragraphs 4, 28 and 29 (Protected Areas (Articles 8(A) to (E)))
- Decision VII/29, annex, paragraph 2 (Transfer of technology and technology cooperation (Articles 16 to 19))
- Decision VII/30, paragraph 1 and annexes (Strategic Plan: future evaluation of progress)
- Decision VII/31, annex (Multi-year programme of work of the Conference of the Parties up to 2010)
- Decision VII/34, paragraph 22 (Administration of the Convention and the budget for the Programme of work for the biennium 2005–2006)

Declarations

Denmark, Finland, Sweden and Norway (upon adoption), Switzerland (upon signature), and the UK (upon signature and ratification).

Documents

- UNEP/CBD/COP/1/7—List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties.
- UNEP/CBD/COP/2/10—Study on the availability of additional financial resources
- UNEP/CBD/COP/3/6—Financial resources and mechanism.
- UNEP/CBD/COP/3/7—Characteristics specific to biological diversity and suggestions to funding institutions on how to make their activities more supportive of the Convention.
- UNEP/CBD/COP/4/17—Additional financial resources.
- UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.
- UNEP/CBD/COP/5/14—Additional financial resources.
- UNEP/CBD/COP/6/14—Additional financial resources.
- UNEP/CBD/COP/7/17—Progress report on implementation.
- UNEP/CBD/COP/7/18—Financial resources and mechanism (Articles 20 and 21)
Additional financial resources.

ARTICLE 21 | Financial mechanism

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the

Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation with the institutional structure entrusted with the operation of the financial mechanism.

3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.

4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity.”

CONSIDERATION OF ARTICLE 21 BY THE COP

Background and status

Article 21 is closely linked to Articles 20 and 39. At COP 1 and COP 2, one decision was adopted on financial resources and mechanism. However, the practice since COP 2 has been to address in separate decisions the following: (i) the financial mechanism and resources provided through the financial mechanism in accordance with Article 20 (2) and Article 21; and (ii) other financial resources and financial institutions related to the implementation of the Convention which are *not* provided through the financial mechanism (such as resources from bilateral, regional or multilateral funding agencies). As part of its medium-term programme of work, the COP has considered the financial mechanism as a standing item on its agenda [*decisions I/9, II/18 and III/22*].

At its fifth meeting, the COP decided to retire certain decisions and elements of decisions taken at its first and second meetings. This retirement exercise continued at the sixth and seventh meetings of the COP. As a result, relevant provisions in decisions III/5 and IV/11, as well as the whole decision III/7, were retired.

DESIGNATION OF THE INSTITUTIONAL STRUCTURE OPERATING THE FINANCIAL MECHANISM (ARTICLE 21(1))

COP 1 indicated that COP 2 would take a decision on which institutional structure shall be designated in accordance with Article 21 of the Convention [*decision I/2, paragraph 8*].

COP 2 further decided that the GEF shall continue to serve as the institutional structure on an interim basis until a decision will be taken on which institutional

structure is to be designated in accordance with Article 21 of the Convention, and the COP 3 shall endeavour to make such a decision [*decision III/6 paragraph 1*].

COP 3 adopted a memorandum of understanding to make provision for the relationship between the COP and the GEF Council in order to give effect to the provisions of Article 21(1) of the Convention and paragraph 26 of the GEF Instrument and, on an interim basis, in accordance with Article 39 of the Convention [*decision III/8, annex, paragraph 1*].

POLICY, STRATEGY, PROGRAMME PRIORITIES AND ELIGIBILITY CRITERIA AND ADDITIONAL GUIDANCE (ARTICLE 21(1) AND 21(2))

COP 1 adopted the policy, strategy, programme priorities and eligibility criteria for access to, and utilisation of, financial resources [*decision I/2 paragraph 1*], and instructed the GEF to take prompt measures to support programmes, projects and activities consistent with the policy, strategy, programme priorities and eligibility criteria [*decision I/2, paragraph 3*].

COP 2 requested the GEF to explore the modalities of providing support for capacity-building in relation to the operation of the clearing-house mechanism [*decision II/3, paragraph 9*]. Further guidance includes:

- urgent implementation of Article 6 of the Convention [*decision II/6, paragraph 5*];
- decision II/3 on clearing-house mechanism [*decision II/6, paragraph 11*];
- decision II/7 on consideration of Articles 6 and 8 of the Convention [*decision II/6, paragraph 11; decision II/7, paragraph 6*];
- decision II/8 on preliminary consideration of components of biological diversity, particularly under threat and action which could be taken under the Convention [*decision II/6, paragraph 11*];
- decision II/17 on form and intervals of national reports by Parties [*decision II/6, paragraph 11; decision II/17, paragraph 12*];
- decision II/10 on conservation and sustainable use of marine and coastal biological diversity [*decision II/10, paragraph 11*].

COP 3 provided additional guidance in the following areas:

- clearing-house mechanism [*decision III/4, paragraphs 2 and 3; decision III/5, paragraph 2(d)*];
- biosafety [*decision III/5, paragraph 2(a); decision III/20, paragraph 2(c)*];
- monitoring and taxonomy [*decision III/5, paragraph 2(b); decision III/10, paragraph 10*];
- agricultural biodiversity [*decision III/5, paragraph 2(c); decision III/11, paragraph 22*];
- incentive measures [*decision III/5, paragraph 3*];
- access to genetic resources [*decision III/5, paragraph 4; decision III/15, paragraph 3*];
- targeted research [*decision III/5, paragraph 6(a)*];
- public awareness [*decision III/5, paragraph 6(b)*];
- implementation of Articles 6 and 8 of the Convention [*decision III/9, paragraph 4*].

COP 3 also requested the Secretariat and the GEF to prepare a proposal on the means to address the fair and equitable sharing of the benefits arising out of genetic resources, including assistance to developing country Parties [*decision III/5, paragraph 7*].

COP 4 provided the further guidance on:

- alien species that threaten ecosystems, habitats or species [*decision IV/1 A, paragraph 3; decision IV/13, paragraph 1*];
- Global Taxonomy Initiative [*decision IV/1 D, paragraph 9; decision IV/13, paragraph 2*];
- clearing-house mechanism [*decision IV/2, paragraph 9; decision IV/13, paragraph 5*];
- inland water ecosystems [*decision IV/4, paragraph 6; decision IV/13, paragraph 3*];
- forest biological diversity [*decision IV/7, paragraphs 5 and 8; decision IV/13, paragraph 4*];
- access and benefit-sharing [*decision IV/8, paragraph 4; decision IV/13, paragraph 8*];
- incentive measures [*decision IV/10 A, paragraph 3; decision IV/13, paragraph 7*];
- national reports [*decision IV/14, paragraph 5; decision IV/13, paragraph 6*].

In reviewing the effectiveness of the financial mechanism, COP 4 also requested the Executive Secretary to advise the Parties on matters relating to recommendations for further guidance to the financial mechanism [*decision IV/11, paragraph 4*]. COP 4 decided that while the SBSTTA should consider the financial implications of its proposals, its recommendations will only include advice to the COP regarding financial matters, including guidance to the financial mechanism, when the COP has so requested [*decision IV/16, paragraph 13*].

COP 5 welcomed the decision of the GEF Council to develop an initial strategy for assisting countries to prepare for the entry into force of the Cartagena Protocol [*decision V/13 paragraph 1*], and decided to provide further guidance to the financial mechanism on the following programmes/projects:

- International initiative for the Conservation and Sustainable Use of Pollinators [*decision V/5, paragraph 18; decision V/13, paragraph 2(c)*];
- Global Invasive Species Programme [*decision V/8, paragraph 17; decision V/13, paragraph 2(m)*];
- Global Taxonomy Initiative [*decision V/9, paragraph 6; decision V/13, paragraph 2(k)*];
- Ecosystem approach [*decision V/13, paragraph 2(a)*];
- agricultural biodiversity [*decision V/13, paragraph 2(b)(i)*];
- biodiversity of dry and sub-humid lands [*decision V/13, paragraph 2(b)(ii)*];
- programme of work on forest biodiversity [*decision V/13, paragraph 2(b)(iii)*];
- coral bleaching [*decision V/13, paragraph 2(d)*];
- national reports [*decision V/13, paragraph 2(e)*];
- clearing-house mechanism [*decision V/13, paragraph 2(f)*];

- access and benefit-sharing [*decision V/13, paragraph 2(g)*];
- incentive measures [*decision V/13, paragraph 2(b)*];
- programme of work on Article 8(j) and related provisions [*decision V/13, paragraph 2(i)*];
- monitoring programmes and indicators [*decision V/13, paragraph 2(j)*];
- education, public awareness and communication [*decision V/13, paragraph 2(l)*];
- inland water ecosystems [*decision V/13, paragraph 2(n)*].

COP 5 decided that guidance to the financial mechanism should be incorporated into a single decision, including the identification of priority issues which will provide support for cross-cutting issues and capacity-building, especially for developing countries, in a manner that is transparent, allows participation, and allows full consideration of its other decisions [*decision V/20, paragraph 8*].

COP 6 identified several areas for which support should be provided through the financial mechanism, including the following:

- biodiversity of inland waters [*decision VI/2, paragraph 6*];
- the International Pollinators Initiative [*decision VI/5, paragraph 12; and decision VI/17, paragraph 10(g)*];
- First report on the State of World's Animal Genetic Resources [*decision VI/5, paragraph 16; decision VII/17, paragraph 10(b)*];
- Global Strategy for Plant Conservation [*decision VI/9, paragraph 7; decision VI/17, paragraph 10(d)*];
- national biodiversity strategies and action plans [*decision VI/17, paragraph 10(a)*];
- biosafety [*decision VI/17, paragraph 10(b)*];
- forest biological diversity [*decision VI/17, paragraph 10(c)*];
- coral bleaching and degradation [*decision VI/17, paragraph 10 (e)*];
- capacity-building to maximize taxonomic capacity-building [*decision VI/17, paragraph 10(f)*];
- inland water ecosystems [*decision VI/17, paragraph 10(i)*];
- incentive measures [*decision VI/17, paragraph 10(j)*];
- invasive alien species [*decision VI/17, paragraph 10(k); decision VI/23, paragraph 19*];
- national reports [*decision VI/17, paragraph 10(l); decision VI/25, paragraph 5*];
- access and benefit-sharing [*decision VI/17, paragraph 10(m); decision VI/24, section B, paragraph 7*];
- traditional knowledge [*decision VI/17, paragraph 10(n)*];
- Global Initiative on Communication, Education and Public Awareness [*decision VI/17, paragraph 10(o)*].

At its seventh meeting, the COP determined the following additional priorities:

- marine and coastal biological diversity [*decision VII/20, paragraph 3*];
- monitoring and indicators [*decision VII/20, paragraph 4*];
- ecosystem approach [*decision VII/20, paragraph 5*];
- biological diversity and climate change [*decision VII/20, paragraph 6*];

- global taxonomy initiative [*decision VII/20, paragraph 7*];
- sustainable use [*decision VII/20, paragraph 8*];
- invasive alien species [*decision VII/20, paragraph 9*];
- protected areas [*decision VII/20, paragraph 10*];
- strategic plan [*decision VII/20, paragraph 11*];
- technology transfer and cooperation [*decision VII/20, paragraph 12*];
- millennium development goals [*decision VII/20, paragraph 13*];
- national reporting [*decision VII/20, paragraphs 14, 15, 16 and 17*];
- education and public awareness [*decision VII/20, paragraph 18*];
- access to genetic resources and fair and equitable sharing of benefits [*decision VII/20, paragraph 19*];
- biosafety [*decision VII/20, paragraphs 20–26*].

RELATIONSHIP BETWEEN THE COP AND THE GEF COUNCIL (ARTICLE 21(2))

At its first meeting, the COP adopted interim guidelines for monitoring and evaluation of the utilization of financial resources [*decision I/2, paragraph 5*], and authorized the Secretariat, on behalf of the COP, to consult with the restructured GEF on the content of a Memorandum of Understanding (MoU) [*decision I/2 paragraph 4*].

COP 2 took note of a draft MoU prepared jointly by the Convention Secretariat and the GEF Secretariat, and requested the Convention Secretariat to continue consultations and submit a revised draft to COP 3 [*decision II/6, paragraph 4*]. It decided on reciprocal participation of scientific bodies of the CBD and GEF [*decision II/6, paragraph 8*].

A revised Memorandum of Understanding was presented to COP 3, and the COP adopted the Memorandum of Understanding as contained in the annex to decision III/8 [*decision III/8, paragraph 1*]. The COP requested the Executive Secretary to transmit decision III/8 to the GEF Council [*decision III/8, paragraph 2*].

Broadly, the Memorandum of Understanding provides for the following:

- communication of guidance, and any revisions to guidance, from the COP to the GEF on the following matters: (a) Policy and strategy; (b) Programme priorities; (c) Eligibility criteria; (d) An indicative list of incremental costs; (e) A list of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties; (f) Any other matter relating to Article 21, including periodic determination of the amount of resources needed;
- submission of a report by the GEF Council to each ordinary meeting of the COP, with specific information on the application and implementation of COP guidance;
- monitoring and evaluation;
- determination of funding requirements;
- reciprocal representation of the GEF at meetings of the COP, and likewise, of the Convention at meetings of the GEF;
- cooperation between the Convention Secretariat and the Secretariat of the GEF.

COP 4 requested the GEF to report on its experiences in supporting taxonomy [*decision IV/1, paragraph 1*].

COP 6 requested the GEF to provide information on activities and processes, including information on the criteria for eligibility and access to project funding [*decision VI/10, paragraph 29*].

At its seventh meeting, the COP decided that the report from the Council of the GEF to the COP should be made available three months prior to an ordinary meeting of the COP, as well as with updates as appropriate, and in accordance with rules 28 and 54 of the Rules of Procedure for the COP meetings, the Executive Secretary should make it available in all six United Nations languages [*decision VII/20, paragraph 1*]. It also invited the GEF to contribute information on its relevant activities to the review of the Global Taxonomy Initiative (GTI) [*decision VII/9, paragraph 6*].

REVIEW OF EFFECTIVENESS OF THE FINANCIAL MECHANISM (ARTICLE 21(3))

COP 1 requested the Secretariat to report to the COP on the financial mechanism so that it could adopt decisions on the timetable and nature of the review of the financial mechanism [*decision I/2, paragraph 6*].

COP 2 requested the GEF to fully incorporate guidance from the COP on an ongoing basis, into the further development of the Operational Strategy and programmes to ensure that the objectives of the Convention are addressed [*decision II/6, paragraph 6*]. It has also asked the GEF to take steps to expedite the project preparation and approval process with a view to implementing fully the guidance set out in annex I to decision I/2 [*decision II/6, paragraph 7*]. It recommended that the GEF explore the possibility of promoting diverse forms of public involvement and more effective collaboration between all tiers of government and civil society [*decision II/6, paragraph 10*]. COP 2 decided to undertake the first review of the effectiveness of the financial mechanism at its fourth meeting and a review every three years [*decision II/6, paragraph 2*], and requested the Executive Secretary to further develop guidelines of the review [*decision II/6, paragraph 3*].

COP 3 requested the GEF to examine the support of capacity-building projects for indigenous and local communities [*decision III/5, paragraph 5; decision III/14, paragraph 5*], and urged the implementing agencies to enhance cooperation to increase efforts to improve the processing and delivery systems of the GEF [*decision III/5, paragraph 1*]. COP 3 adopted the guidelines for the review, and decided at its third meeting that the review of effectiveness should be conducted under the authority of the COP, and that based on the results of the review, the COP would take appropriate action to improve the effectiveness of the mechanism if necessary [*decision III/7*].

COP 4 determined to further improve the effectiveness of the financial mechanism and requested the GEF to take action identified in an annex to the decision with a view to also improving effectiveness [*decision IV/11, paragraphs 1 and 2*]. COP 4 urged for the early completion of the operational policy framework on agricultural biodiversity [*decision IV/6, paragraph 13*].

COP 5 adopted the terms of reference for the second review of the financial mechanism to be conducted in time for COP 6 [*decision VI/12*].

COP 6 identified the following areas for action to be taken by the GEF:

- give special consideration in funding to projects that clearly contain elements of participation of indigenous and local communities, and to continue to apply the GEF's policy on public involvement to support the full and effective participation of indigenous and local communities [*decision VI/10, paragraph 30*];
- continue expansion of the Small Grants Programme [*decision VI/17, paragraph 2*];
- continue the efforts to provide financial resources to Parties with economies in transition [*decision VI/17, paragraph 3*];
- improve and further streamline processes for increased flexibility and improve access to resources [*decision VI/17, paragraph 4*];
- consider the benefits of an appropriate balance between national and regional projects [*decision VI/17, paragraph 5*];
- explore funding modalities for facilitating the preparation of future national reports and thematic reports from Parties [*decision VI/17, paragraph 6; decision VI/25, paragraph 9*];
- initiate a dialogue to more effectively implement the guidance to the financial mechanism, and explore opportunities for streamlining the guidance [*decision VI/17, paragraph 7*];
- take into consideration the recommendations of the second review of the effectiveness of the financial mechanism [*decision VI/17, paragraph 8*];
- explore possible synergies between the review processes of the Convention and the GEF, and make suggestions on the arrangements for the third review of the effectiveness of the financial mechanism [*decision VI/17, paragraph 9*];
- include expertise relating to communication, education, and public awareness when evaluating projects for funding approval and to strengthen its involvement in, and support of, the national implementation of the Global Initiative [*decision VI/19, paragraph 5*];
- consider that a strategic approach to capacity-building for the global environment at the national level is urgently needed and that promoting cross-convention synergies, national policy integration, national institutional development and cooperation among stakeholders in capacity-building activities is a priority in order to promote efficiency and quality [*decision VII/27 A, paragraph 8*];
- consider how regional support for biodiversity planning and capacity-building can be enhanced through core financial support by the Implementing Agencies [*decision VI/27 A, paragraph 10*].

At its seventh meeting, the COP adopted the arrangements for the third review of the financial mechanism to be completed prior to COP 8, including the guidelines for the review [*decision VII/22*].

Existing financial institutions (Article 21(4))

Article 21 provides that the Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity (*Article 21(4)*).

In decision II/6, the COP requested the Executive Secretary to study characteristics specific to biodiversity activities, in order to allow the COP to make suggestions to funding institutions on how to make their activities in the area of biodiversity more supportive of the Convention [*decision II/6, paragraph 9*]. COP 2 forwarded its decision on marine and coastal biological diversity to funding agencies and other relevant international bodies to be taken into account in consideration of activities related to the conservation and sustainable use of marine and coastal biological diversity [*decision II/6, paragraph 9*].

COP 3 urged all funding institutions to strive to make their activities more supportive of the Convention [*decision III/6 paragraph 1*], and requests the Executive Secretary to explore ways of collaborating funding institutions to facilitate their efforts to achieve greater support for the Convention and invite all funding institutions to provide information on ways in which their activities support the Convention [*decision III/6, paragraphs 2 and 5*]. It further urged the Secretariat to seek additional voluntary contributions for regional and subregional meetings for parties to the Convention [*decision III/26, paragraph 2*].

COP 3 drew the attention of international funding agencies to the urgent need to support the conservation and sustainable use of biological diversity important to agriculture, and invited them to provide information and feedback [*decision III/11, paragraph 22*]. It also urged them to support and implement human and institutional capacity-building programmes to promote the successful development and implementation of legislative, administrative and policy measures, and guidelines on access [*decision III/5, paragraph 3*].

COP 4 suggested that funding agencies should join efforts to identify and promote sustainable agricultural practices, integrated landscape management of mosaics of agriculture and natural areas, as well as appropriate farming systems [*decision IV/6 paragraph 4*], and reiterated its previous decision on agricultural biodiversity [*decision IV/6 paragraph 12*]. It requested the Executive Secretary to develop proposals for possible collaboration with international organizations, institutions, conventions and agreements of relevance [*decision IV/12, paragraph (b)*].

COP 5 decided to convene a workshop on financing for biodiversity with a view to sharing knowledge and experience among funding institutions [*decision V/11, paragraph 2*], and invited funding institutions to designate focal points, to develop a reporting relationship with the Convention, and to provide information to the Executive Secretary on their activities in support of the objectives of the Convention [*decision V/11, paragraph 5*]. It requested the Executive Secretary to further develop a database on biodiversity-related funding information [*decision V/11, paragraph 1*], and to further develop collaboration with funding mechanisms of relevant conventions and agreements, and with relevant biodiversity-related programmes of international and regional organizations, and assist them in defining their funding strategies and programmes, and in the promotion of capacity-building [*decision V/11, paragraph 8*].

COP 5 invited UNEP through its financial-sector initiatives and financial institutions to promote consideration of biological diversity by the financial sector [*decision V/11, paragraph 15*]. It urged developed country Parties to promote sup-

port for the implementation of the Convention in the funding policy of their bilateral funding institutions and those of regional and multilateral funding institutions, and developing country Parties to incorporate ways and means to support implementation of the Convention into their dialogue with funding institutions [*decision VI/11, paragraphs 9 and 10*].

COP 6 requested funding agencies to provide information on activities and processes, including information on the criteria for eligibility and access to project funding to indigenous and local communities [*decision VI/10, paragraph 29*], and also invited them to communicate to the Executive Secretary their funding procedures, eligibility criteria, and programme priorities in relation to biological diversity as well as their experience in mainstreaming biodiversity into funding operations [*decision VI/16, paragraph 6*].

It invited the Organization for Economic Co-operation and Development to provide information on financial flow statistics relating to the objectives of the Convention on Biological Diversity [*decision VI/16, paragraph 10*].

COP 6 urged funding institutions to take concrete action to review and further integrate biodiversity considerations in the development and implementation of major international development initiatives, as well as in national sustainable development plans and relevant sectoral policies and plans [*decision VI/16, paragraph 8*], and to simplify their administrative procedures [*decision VII/27, A paragraph 6*]. It also suggested a longer-term approach and a country driven process [*decision VI/21, paragraph 20*].

COP 6 requested the Executive Secretary to promote coordination, coherence, and synergies in financing for biological diversity, to address the need for centralizing information on biodiversity related activities of funding institutions and other donors, and to explore with interested partners opportunities of developing a global initiative on banking, business and biodiversity [*decision VI/16, paragraph 11*].

At its seventh meeting, the COP invited financial institutions and development agencies, as well as other donors, to contribute information on their relevant activities to the review of the Global Taxonomy Initiative [*decision VII/9, paragraph 6*], to be involved in biological diversity and tourism activities [*decision VII/14, annex, paragraph 10*], to take into consideration the need to incorporate and implement the Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment [*decision VII/16, part E, paragraph 8*], to integrate within their development strategies protected area objectives and reflect the contributions of protected areas [*decision VII/28, paragraph 11*], to be main actors in the implementation of the programme of work on transfer of technology and technology cooperation [*decision VII/29, annex*], to implement development activities in ways that are consistent with, and do not compromise, the achievement of the objectives of the Convention and the 2010 target [*decision VII/32, paragraph 1*], to be collaborators in the implementation of the programme of work on inland water biological diversity with respect to communication, education and public awareness [*decision VII/4, annex*], to enhance activities on technology assessments, on information systems, on creating enabling environments and on capacity-building based on partnership and cooperation [*decision VII/29, annex, paragraph 2*].

COP 7 urged financial institutions and development agencies, as well as other donors, to take timely action to ensure the effective implementation of the programme of work as well as the Strategic Plan of the Convention and associated targets, to make their funded biodiversity-related projects publicly available on their respective websites and to notify the Executive Secretary of the list of such projects, and to further explore opportunities to utilize various initiatives including debt-relief instruments, to promote conservation and sustainable use of biodiversity [*decision VII/21, paragraphs 1, 5 and 9*].

References

DECISIONS ON ARTICLE 21

- Decision I/2 (Financial resources and mechanism)
- Decision III/6 (Financial resources mechanism)
- Decision III/5 (Additional guidance to the financial mechanism)
- Decision III/7 (Guidelines for the review of the effectiveness of the financial mechanism)
- Decision III/8 (Memorandum of understanding between COP and GEF Council)
- Decision IV/11 (Review of the effectiveness of the financial mechanism)
- Decision IV/13 (Additional guidance to the financial mechanism)
- Decision V/12 (Second review of financial mechanism)
- Decision V/13 (Further guidance to the financial mechanism)
- Decision VI/17 (Financial mechanism under the Convention)
- Decision VII/20 (Further guidance to the financial mechanism)
- Decision VII/22 (Arrangement for the third review of the effectiveness of the financial mechanism)

Guidance to Parties and financial institutions

- Resolution 1, paragraph 2 (Interim financial arrangements)
- Decision III/6, paragraphs 1 and 5 (Additional financial resources)
- Decision III/21, paragraph 12 (Relationship of the Convention with the Commission on Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes of relevance)
- Decision IV/1 C, paragraph 3 (Alien species that threaten ecosystems, habitats or species)
- Decision IV/4, paragraph 7 (Status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use)
- Decision IV/15, paragraph 3 (Conservation and sustainable use of marine and coastal biological diversity, including a programme of work)
- Decision IV/6, paragraph 4 (Agricultural biological diversity)
- Decision IV/7, paragraph 7 (Forest biological diversity)
- Decision IV/9, paragraph 13 (Implementation of Article 8(j) and related provisions)
- Decision IV/10 B, paragraph 9 (Public education and awareness)
- Decision V/9, paragraph 6 (Global Taxonomy Initiative: implementation and further advance of the suggestions for action)
- Decision V/11, paragraphs 5, 14 and 15 (Additional financial resources)

- Decision VI/7 A, paragraph 2 (Further development of guidelines for incorporating biodiversity-related issues into environmental-impact-assessment legislation or processes and in strategic impact assessment)
- Decision VI/10, paragraphs 18 and 29 (Article 8(j) and related provisions)
- Decision VI/16, paragraphs 5, 6, 7, 8 and 10 (Additional financial resources)
- Decision VI/19, paragraphs 6 and 9 (Communication, education and public awareness)
- Decision VI/21, annex, paragraph 23(m) (Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity)
- Decision VI/23, paragraphs 15(c) and 19 (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24 B, paragraph 7 (Other approaches on ABS)
- Decision VI/27 A, paragraphs 6, 9 and 11 (Implementation of the Convention)
- Decision VII/8, paragraph 13 (Monitoring and indicators)
- Decision VII/21, paragraphs 1, 2, 5 and 7–9 (Additional financial resources)
- Decision VII/4, annex (Biological diversity of inland water ecosystems)
- Decision VII/9, paragraph 6 (Global Taxonomy Initiative)
- Decision VII/14, annex, paragraph 10 (Biological Diversity and Tourism)
- Decision VII/16, part F, paragraph 8 (Article 8(j) and related provisions)
- Decision VII/21, paragraphs 1, 5 and 9 (Additional financial resources)
- Decision VII/28, paragraph 11 (Protected areas (Articles 8(A) to (E)))
- Decision VII/29, annex (Transfer of technology and technology cooperation (Articles 16 to 19))
- Decision VII/32, paragraph 1 (The programme of work of the Convention and the Millennium Development Goals)

Guidance to the financial mechanism

- Resolution 1, paragraph 1 (Interim financial arrangements)
- Decision I/2, paragraph 3 (Financial resources and mechanism)
- Decision II/3, paragraph 9 (Clearing-house mechanism)
- Decision II/6, paragraphs 5, 6, 7, 10 and 11 (Financial resources and mechanism)
- Decision II/7, paragraph 6 (Consideration of Articles 6 and 8 of the Convention)
- Decision II/10, paragraph 11 (Conservation and sustainable use of marine and coastal biological diversity)
- Decision II/17, paragraph 12 (Form and intervals of national reports by Parties)
- Decision III/4, paragraphs 2 and 3 (Clearing-house mechanism to promote and facilitate technical and scientific cooperation)
- Decision III/5 (Additional guidance to the financial mechanism)
- Decision III/9, paragraph 4 (Implementation of Articles 6 and 8 of the Convention)
- Decision III/10, paragraph 10 (Identification, monitoring and assessment)
- Decision III/11, paragraph 22 (Conservation and sustainable use of agricultural biological diversity)
- Decision III/14, paragraph 5 (Implementation of Article 8(j))
- Decision III/15, paragraph 3 (Access to genetic resources)
- Decision III/20, paragraph 2(c) (Issues related to biosafety)
- Decision IV/1 C, paragraph 3 (Alien species that threaten ecosystems, habitats or species)

- Decision IV/1 D, paragraphs 1 and 9 (Global Taxonomy Initiative)
- Decision IV/2, paragraph 9 (Review of the operations of the clearing-house mechanism)
- Decision IV/4, paragraph 6 (Status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use)
- Decision IV/6, paragraphs 12 and 13 (Agricultural biological diversity)
- Decision IV/7, paragraphs 5, 6 and 8 (Forest biological diversity)
- Decision IV/8, paragraph 4 (Access and benefit sharing)
- Decision IV/10 A, paragraph 3 (Incentive measures)
- Decision IV/11, paragraph 2 (Review of the effectiveness of the financial mechanism)
- Decision IV/13, (Additional guidance to the financial mechanism)
- Decision IV/14, paragraph 5 (National reports by Parties)
- Decision V/5, paragraph 18 (Agricultural biological diversity: review of phase I of the programme of work and adoption of a multi-year work programme)
- Decision V/8, paragraph 17 (Alien species that threaten ecosystems, habitats or species)
- Decision V/9, paragraph 6 (Global Taxonomy Initiative: implementation and further advance of the suggestions for action)
- Decision V/11, paragraph 2 (Additional financial resources)
- Decision V/13, (Further guidance to the financial mechanism)
- Decision VI/2, paragraph 6 (Biological diversity of inland waters)
- Decision VI/5, paragraphs 12 and 16 (Agricultural biological diversity)
- Decision VI/9, paragraph 7 (Global Strategy for Plant Conservation)
- Decision VI/10, paragraphs 29 and 30 (Article 8(j) and related provisions)
- Decision VI/16, paragraph 9 (Additional financial resources)
- Decision VI/17, paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 (Financial mechanism under the Convention)
- Decision VI/19, paragraph 5 (Communication, education and public awareness)
- Decision VI/23, paragraph 19 (Alien species that threaten ecosystems, habitats or species)
- Decision VI/24 B, paragraph 7 (Other approaches on ABS)
- Decision VI/25, paragraphs 5 and 9 (National reports)
- Decision VI/27 A, paragraphs 8 and 10 (Implementation of the Convention)
- Decision VII/9, paragraph 6 (Global Taxonomy Initiative)
- Decision VII/19 (Further guidance to the financial mechanism)
- Decision VII/22, annex (Arrangement for the third review of the effectiveness of the financial mechanism)

Guidance to the Secretariat

- Decision I/2, paragraphs 4, 6, 7 and 8 (Financial resources and mechanism)
- Decision II/6, paragraphs 3, 4 and 12 (Financial resources and mechanism)
- Decision III/6, paragraphs 2, 3 and 6 (Additional financial resources)
- Decision III/8, paragraph 2 (Memorandum of understanding between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility)
- Decision IV/11, paragraph 4 (Review of the effectiveness of the financial mechanism)

- Decision IV/12 (Additional financial resources)
- Decision V/11, paragraphs 16 and 17 (Additional financial resources)
- Decision VI/8, paragraph 5 (Global Taxonomy Initiative)
- Decision VI/16, paragraph 11 (Additional financial resources)
- Decision VI/17, paragraph 9 (Financial mechanism under the Convention)
- Decision VI/25, paragraph 9 (National reports)
- Decision VII/19 (Further guidance to the financial mechanism)
- Decision VII/21, paragraphs 2 and 6 (Additional financial resources)
- Decision VII/22, annex (Arrangement for the third review of the effectiveness of the financial mechanism)
- Decision VII/33, paragraph 4 (Operations of the Convention)

Guidance to SBSTTA

- Decision II/6, paragraph 8 (Financial resources and mechanism)
- Decision IV/16, paragraph 13 (Institutional matters and the programme of work)

Other relevant decisions

- Decision I/9, annex, paragraph 2.1 (Medium-term programme of work of the Conference of the Parties)
- Decision II/18, annex, paragraph 2.1 (Medium-term programme of work of the Conference of the Parties for 1996–1997)
- Decision III/19, annex, paragraphs 16 and 17 (Special Session of the General Assembly to review implementation of Agenda 21)
- Decision III/22, annex, paragraph 2.1 (Medium-term programme of work for 1996–1997)
- Decision IV/4, annex I, paragraph 10 (Status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use)
- Decision V/1, annex, section B, item 4 (Work plan of the Intergovernmental Committee for the Cartagena Protocol on Biosafety)
- Decision V/11, paragraphs 6, 12 and 13 (Additional financial resources)
- Decision V/15, paragraphs 1(b) and 2(c) (Incentive measures)
- Decision V/20, paragraph 8 (Operations of the Convention)
- Decision VI/3 paragraph 5 (Marine and coastal biological diversity)
- Decision VI/8, annex, part B, subsections 1.1(i), 1.1(v), 1.1(vii), 1.2(iv), 1.3(iv), 2.1(v) and 4.5(iv) (Global Taxonomy Initiative)
- Decision VI/9, annex, paragraph 19 (Global Strategy for Plant Conservation)
- Decision VI/16, paragraphs 1, 2, 3 and 4 (Additional financial resources)
- Decision VI/21, annex, paragraphs 7, 19 and 20 (Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity)
- Decision VI/24 B, annex, paragraphs 5(f) and 5(j) (Other approaches on ABS)
- Decision VI/26, appendix, paragraph 4(b) (Strategic Plan for the Convention on Biological Diversity)
- Decision VII/5, paragraphs 36 and 53 (Marine and coastal biological diversity)
- Decision VII/11, annex (Ecosystem approach)
- Decision VII/19, section F, annex (Access and benefit-sharing as related to genetic resources (Article 15))

Declarations

Australia *et al* (adoption), Denmark *et al* (adoption), France (signature and ratification), India (adoption), Italy (signature and ratification), Saudi Arabia (adoption), Switzerland (signature), UK (signature and ratification), and USA (adoption).

Documents

UNEP/CBD/COP/1/5—Policy, strategy, programme priorities and eligibility criteria regarding access to and utilization of financial resources.

UNEP/CBD/COP/1/6—Institutional structure to operate the financial mechanism under the Convention.

UNEP/CBD/COP/1/7—List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties.

UNEP/CBD/COP/2/8—Report of the Global Environment Facility.

UNEP/CBD/COP/2/9—Report of the Secretariat on the financial mechanism under the Convention.

UNEP/CBD/COP/2/11—Memorandum of understanding between the COP and the GEF.

UNEP/CBD/COP/3/5—Report of Global Environment Facility.

UNEP/CBD/COP/3/6—The Executive Secretary on financial resources and mechanism.

UNEP/CBD/COP/3/8—Review of the effectiveness of the financial mechanism under the Convention.

UNEP/CBD/COP/3/9—Designation of the institutional structure to operate the financial mechanism.

UNEP/CBD/COP/3/10—Memorandum of understanding between the Conference of the Parties and the Council of the Global Environment Facility.

UNEP/CBD/COP/3/INF.1—Submissions received by the Executive Secretary concerning guidelines for the review of the effectiveness of the financial mechanism.

UNEP/CBD/COP/3/INF.2—Submissions received by the Executive Secretary concerning the “Draft Memorandum of Understanding Between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility, regarding the Institutional Structure Operating the Financial Mechanism of the Convention.”

UNEP/CBD/COP/4/15—Report on the activities of the Global Environment Facility.

UNEP/CBD/COP/4/16—Review of the effectiveness of the financial mechanism.

UNEP/CBD/COP/4/INF.23—Review of the Effectiveness of the Financial Mechanism: information received at the Secretariat.

UNEP/CBD/COP/5/7—Report of the Global Environment Facility.

UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.

UNEP/CBD/COP/6/9—Report of the Global Environment Facility.

UNEP/CBD/COP/6/9/Add.1—Second council performance study of the Global Environment Facility.

UNEP/CBD/COP/6/13—Progress report on the Mechanisms for Implementation.

UNEP/CBD/COP/6/13/Add.1—Executive summary of the report of the independent evaluator for the review of the effectiveness of the financial mechanism.

UNEP/CBD/COP/6/INF/3—Compilation of previous guidance given to the Financial Mechanism by the Conference of the Parties.

UNEP/CBD/COP/6/INF/4—The report of the independent evaluator for the review of the effectiveness of the financial mechanism.

UNEP/CBD/COP/7/9—Report of the Global Environment Facility.

UNEP/CBD/COP/7/17/Add.5—Financial resources and mechanism (Articles 20 and 21) Arrangements for the third review of the effectiveness of the financial mechanism.

UNEP/CBD/COP/7/18—Financial resources and mechanism (Articles 20 and 21) Additional financial resources.

UNEP/CBD/COP/7/INF/1—Financial resources and mechanism (Articles 20 and 21) Compilation of previous guidance given to the financial mechanism by the Conference of the Parties.

ARTICLE 22 | Relationship with other international conventions

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.

2. Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity.”

CONSIDERATION OF ARTICLE 22 BY THE COP

Background and status

The COP has so far not explicitly and substantively addressed Article 22. However, the question of the legal relationship between the Convention and specific international legal instruments has arisen in the consideration of a number of thematic and cross-cutting issues. In general, the COP has adopted a wide range of decisions that underline the need for mutual supportiveness between the Convention and other relevant international legal instruments and call for cooperation in order to buttress such supportiveness. Most of these decisions are referenced under the heading ‘Cooperation’ in the guides on each article and the thematic work programme in this section of the Handbook.

With respect to the relationship between the Convention and the WTO-TRIPS Agreement (see the guide to Articles 15 and 16), the COP has invited the WTO to acknowledge relevant provisions of the Convention and to take into account the fact that the provisions of the TRIPS Agreement and the Convention are interrelated and to further explore this interrelationship [*decision V/26B*]. Similarly, the COP has invited WIPO to examine key intellectual property rights issues raised by the Convention’s work on access to genetic resources, benefit-sharing, the pro-

tection of traditional biodiversity-related knowledge, and the implications of these issues and work to WIPO administered international treaties [*decision V/26A*; *decision VI/24C*; *decision VII/19E*].

With regard to UNCLOS, COP 2 requested the Executive Secretary, in consultation with the United Nations Office for Ocean Affairs and the Law of the Sea, to undertake a study on the relationship between the Convention and the United Nations Convention on the Law of the Sea with regard to the conservation and sustainable use of genetic resources on the deep seabed [*decision II/10, paragraph 12*]. The study was submitted to SBSTTA 8, which developed recommendations on the issue for the consideration of COP 7. The recommendations of SBSTTA 8 and the study formed the basis of decision-making at COP 7 regarding the conservation and sustainable use of deep seabed genetic resources beyond the limits of national jurisdiction and the establishment of marine protected areas beyond national jurisdiction [*decision VII/5*; *decision VII/28*].

Finally, with regard to the Cartagena Protocol on Biosafety, COP 6 underlined the importance of cooperation with the WTO with regard to matters that are relevant to the Protocol and the need to ensure mutual supportiveness with relevant agreements under the WTO, in particular with the Agreement on Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade, with a view to achieving sustainable development [*decision VI/20*].

References

Decision II/10, paragraph 12 (Marine and coastal biological diversity)
 Decision V/26 A (Access to genetic resources)
 Decision V/26 B (Access to genetic resources)
 Decision VI/20 (Cooperation with other organizations, initiatives and conventions)
 Decision VI/24C (Access and benefit-sharing as related to genetic resources)
 Decision VII/5 (Marine and coastal biological diversity)
 Decision VII/19 E (Access and benefit-sharing as related to genetic resources)
 Decision VII/28 (Protected areas)

Declarations

Argentina (ratification), Chile (adoption), Colombia (ratification), India (adoption), Papua New Guinea (ratification), and USA (adoption).

ARTICLE 23 | Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

4. The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 26 and consider such information as well as reports submitted by any subsidiary body;

(b) Review scientific, technical and technological advice on biological diversity provided in accordance with Article 25;

(c) Consider and adopt, as required, protocols in accordance with Article 28;

(d) Consider and adopt, as required, in accordance with Articles 29 and 30, amendments to this Convention and its annexes;

(e) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(f) Consider and adopt, as required, in accordance with Article 30, additional annexes to this Convention;

(g) Establish such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention;

(h) Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them; and

(i) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity” and “sustainable use.”

MEETINGS OF THE COP

To date, seven ordinary meetings of the COP have been held:

- 1 Nassau, Bahamas, 28 November–9 December 1994.
- 2 Jakarta, Indonesia, 6–17 November 1995.
- 3 Buenos Aires, Argentina, 4–15 November 1996.
- 4 Bratislava, Slovakia, 4–15 May 1998.
- 5 Nairobi, Kenya, 15–26 May 2000.
- 6 The Hague, Netherlands, 7–19 April 2002.
7. Kuala Lumpur, Malaysia, 9–20 February 2004.

COP 8 will be held in Brazil, in the first half of 2006. One extraordinary meeting of the COP has been held, for the adoption of the Cartagena Protocol on Biosafety (see the guide to Article 19(3)). The extraordinary meeting was held in two sessions, in Cartagena, Colombia, from 22 to 23 February 1999, and in Montreal, Canada, from 24 to 28 January 2000 [*decision EM-I/1, paragraphs 1 and 2*].

COP 5 decided that ordinary meetings of the COP shall be held every two years, and adopted an amendment to the rules of procedure to this effect [*decision V/20, paragraph 1*].

BUDGET

The administrative costs of the COP, its subsidiary bodies—SBSTTA, the Ad Hoc Working Groups, and the Convention Secretariat are met through a biennial budget adopted by the COP at each meeting. Contributions to this budget are made each year by Parties on the basis of an indicative scale of assessments for the apportionment of the expenses, based on the United Nations scale of assessment.

RULES OF PROCEDURE AND FINANCIAL RULES

Rules of procedure

In decision I/1, COP 1 adopted the rules of procedure contained in the annex to that decision, with the exception of paragraph 1 of rule 40 (which relates to voting on matters of substance). For ease of reference, the rules of procedure (as amended at COP 5, see below) have been reproduced separately in Section III of this Handbook.

COP 3, COP 4, COP 5 and COP 6 considered paragraph 1 of rule 40 further, under the agenda item ‘Pending issues’. On each occasion, the COP decided to invite the President to conduct informal consultations with a view to considering this matter at its next meeting. These consultations have not resolved the issue. As a result there is still no rule of voting with respect to substantive decisions of the COP.

COP 5 adopted decision V/20 on the operations of the Convention, which included a number of precisions relating to the functioning of future meetings [*decision V/20, section I*] and certain formal amendments to its rules of procedure. The formal amendments addressed:

- periodicity of COP meetings [*decision V/20, paragraph 1*];
- term of office of the COP Bureau [*decision V/20, paragraph 5(a) and (b)*];
- presidency of the COP [*decision V/20, paragraph 5(c)*].

COP 6 urged Parties to renew efforts to facilitate agreement on paragraph 1 of rule 40 in light of the potential implications for the effective operation of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety [*decision VI/1, paragraph 6*].

COP 7 recalled the changes made to rule 21 of the rules of procedure through decision V/20, and decided to review the effectiveness of these changes at its eighth meeting [*decision VII/33, paragraph 7*]. It also decided to review at that meeting rule 4 of the rules of procedure relating to the periodicity of its meetings [*decision VII/33, paragraph 8*].

COP 7 did not reach any consensus regarding the resolution of the pending issues relating to both the rules of procedure (paragraph 1 of rule 40) and the financial rules (paragraphs 4 and 16). The COP mandated the President to hold further

consultations inter-sessionally with a view to resolving these issues before COP 8 [*Report of the Meeting, paragraphs 48 and 49*].

Financial rules

COP 1 adopted the Financial Rules for the Administration of the Trust Fund for the Convention on Biological Diversity, which are annexed to decision I/6, to apply in conjunction with the general procedures governing the operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations. It designated UNEP as the Trustee of the Trust Fund for the Convention. For ease of reference, the financial rules have been reproduced separately in Section V of this Handbook.

Paragraphs 4 and 16 of the Financial Rules adopted at COP 1 contained text that remained in square brackets. At COP 2, these paragraphs were transmitted to COP 3 for further consideration [*decision II/20, paragraphs 11 and 12*]. COP 3 considered paragraphs 4 and 16 of the financial rules and transmitted them to COP 4 for further consideration [*decision III/1, paragraphs 1 and 2*], having made certain amendments to paragraph 4 [*decision III/1, paragraph 1; annex*]. However, elements of paragraphs 4 and 16 remain in square brackets. The latest version of the Financial Rules is contained in the appendix to decision III/1 and reproduced in Section V of this Handbook. No decision was taken on this issue at COP 4, COP 5, COP 6 or COP 7.

REVIEW OF OPERATIONS OF THE CONVENTION

As part of its first medium-term programme of work, the COP decided to review the operations of the COP and subsidiary organs and to consider a longer-term programme of work at COP 4 [*decision I/9; decision II/18; decision III/22, paragraph 2*]. Accordingly, COP 4 considered these issues and adopted decision IV/16. It decided to hold an inter-sessional meeting to consider possible arrangements to improve preparations for, and conduct of, the meetings of the COP, taking into account proposals made at COP 4, and to consider the results at COP 5 [*decision IV/16, paragraphs 2 and 4*]. Decision IV/16 also gave specific guidance to the Executive Secretary, Parties, and SBSTTA in relation to improving preparations for COP meetings.⁵⁶ Furthermore, it adopted a programme of work for the period between COP 4 and COP 7.

In accordance with decision IV/16, an inter-sessional meeting on the Operations of the Convention (ISOC) was held in Montreal in June 1999.⁵⁷ The recommendations of the ISOC were considered at COP 5, which adopted decision V/20 on the operations of the Convention. COP 5 decided that it was necessary to enhance the review and facilitation of implementation of the Convention [*decision V/20 V, paragraph 37*]. It decided to hold another inter-sessional meeting, to assist with preparations for COP 6.

The Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention was held in Montreal from 19–21 November

⁵⁶ In relation to the decisions of the COP related to the *modus operandi* of the SBSTTA, see the guide to Article 25 in this section of the Handbook.

⁵⁷ The report of the meeting is contained in UNEP/CBD/COP/5/4.

2001, and considered issues relating to the Strategic Plan for the Convention (see below), national reports and means to support implementation of the Convention, in particular priority actions in national biodiversity strategies and action plans.

COP 5 also decided to enhance the functions of subregional and regional processes in preparing for COP meetings and in promoting regional, subregional, and national implementation of the Convention [*decision V/20, paragraph 40*; see also *decision V/20, paragraph 33*].

COP 6 reviewed issues relating to the operations and implementation of the Convention. The COP in decision VII/27 A and B stressed that the development and implementation of national biodiversity strategies and action plans constitute the cornerstone of national implementation of the Convention; decided to review the status of implementation of its decisions at COP 7; acknowledged the important role that regional and subregional mechanisms and networks play in promoting the implementation of the Convention and requested the Executive Secretary, with the assistance of UNEP and Parties, to identify and assess the potential of existing regional and subregional instruments, mechanisms, and networks in various regions as a basis for enhancing the implementation of the Convention; and requested the COP Bureau and SBSTTA to develop proposals for the further improvement of existing procedures for conducting meetings in order to allow a more effective participation of one-person delegations.

COP 7 took a number of decisions regarding the operations of the Convention: these relate to the review and consolidation of previous decisions of COP, options for a mechanism for setting priorities during consideration of agenda items by COP, the revision of the administrative arrangements between UNEP and the Secretariat of the Convention, and the review of the effectiveness of the changes to rule 21 of the rules of procedure at its eighth meeting [*decision VII/33*]. COP 7 also established the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention to review the impacts and effectiveness of existing processes under the Convention, as part of the overall process for improving the operations of the Convention and implementation of the Strategic Plan [*decision VII/30*].

COOPERATION

Pursuant to paragraph 4(h) of Article 23, the Conference of the Parties has considered cooperation as a standing item on the agenda of its meetings. As a result, several Memorandum of Understanding or Co-operation as well as work programmes have been developed with various organizations as a result. As the nature of this cooperation is cross-cutting this cooperation is elaborated further later in this Handbook after the Thematic Work Programmes.

STRATEGIC PLAN

In decision V/20, COP 5 decided to prepare a Strategic Plan for the Convention with a view to adopting the Strategic Plan at COP 6 [*decision V/20, paragraphs 10, 11*]. The preparation of the Strategic Plan was considered by the Open-ended Inter-sessional Meeting on the Plan, National Reports and Implementation of the Conven-

tion held in Montreal, from 19–21 November 2001. COP 6 adopted the text of the Strategic Plan for the Convention on Biological Diversity in decision VI/26.

COP 7 established a process for the future evaluation of progress in the implementation of the Strategic Plan and the assessment of progress towards the 2010 target [*decision VII/30*].

As the Strategic Plan and the 2010 target deal with all areas of the Convention, these items are considered jointly in more detail later further on in this handbook after the Thematic Work Programs.

References

DECISIONS ON ARTICLE 23

Decision V/20 section I (Operations of the Convention)

Decision VI/27 A (Implementation of the Convention)

Decision VI/27 B (Operations of the Convention)

Decision VII/30 (Strategic Plan: future evaluation of progress)

Decision VII/33 (Operations of the Convention)

Note: Only those decisions specifically relating to the provisions of Article 23 and the functioning of the COP are listed below. The headings are provided for ease of reference only.

Date and venue of COP meetings (Article 23(1) and (2))

Decision II/21 (Date and venue of COP 3)

Decision III/25 (Date and venue of COP 4)

Decision IV/16, paragraph 1 (Institutional matters and the programme of work)

Decision IV/18 (Date and venue of COP 5)

Decision V/29 (Date and venue of COP 6)

Decision VI/31 (Date and venue of COP 7)

Decision VII/35 (Date and venue of COP 8)

Financing and budget (Article 23(3))

Decision I/6, parts I and II (Financing of and budget for the Convention)

Decision II/20 (Financing of and budget for the Convention)

Decision III/24 (Budget of the Trust Fund for the Convention on Biological Diversity)

Decision IV/17 (Programme budget for the biennium 1999–2000)

Decision V/22 (Budget for the programme of work for the biennium 2001–2002)

Decision VII/34 (Administration of the Convention and the budget for the programme of work for the biennium 2005–2006)

Rules of procedure and financial rules (Article 23(3))

[For decisions relating to the *modus operandi* of the SBSTTA, see the guide to Article 25 later in this section of the Handbook]

Decision I/1 (Rules of procedure for the COP)

Decision I/6, sections I and II (Financing of and budget for the Convention)

- Decision I/10, paragraph 6 (Location of the Secretariat)
 Decision III/1 (Pending issues arising from the work of the second meeting of the COP)
 Decision IV/16 (Institutional matters and the programme of work)
 Decision EM-I/3, paragraph 7 (Adoption of the Cartagena Protocol and interim arrangements)
 Decision V/1, annex, section B, item 5 (Work plan of the ICCP)
 Decision V/20, section I (Operations of the Convention)
 Decision VI/1, paragraph 6
 Decision VI/27 B, paragraphs 14 and 15
 Decision VII/33, preamble, paragraphs 7 and 8 (Operations of the Convention)

Programme of work

- Decision I/9 (Medium-term programme of work)
 Decision II/18 (Medium-term programme of work of the COP for 1996–1997)
 Decision III/22 (Medium-term programme of work for 1996–1997)
 Decision IV/16 (Institutional matters and the programme of work)
 Decision VI/28 (Multi-year programme of work of the COP up to 2010)
 Decision VII/31 (Multi-year programme of work of the COP up to 2010)
 Decision VII/32 (The programme of work of the Convention and the Millennium Development Goals)

Establishment of subsidiary bodies (Article 23(4)(g))

- Decision I/9, paragraphs 3 and 7 (Medium-term programme of work)
 Decision II/5, paragraph 2 (Consideration of the need for and modalities of a protocol for the safe transfer, handling and use of LMOs)
 Decision IV/8, paragraph 3 (Access and benefit-sharing)
 Decision IV/9, paragraph 1 (Implementation of Article 8(j) and related provisions)
 Decision IV/16 (Institutional matters and the programme of work)
 Decision EM-I/3, section II (Adoption of the Cartagena Protocol and programme of work)
 Decision V/3, paragraph 15 (see also SBSTTA recommendation V/14, annex II) (Marine and coastal)
 Decision V/4, paragraph 4; annex (Forests)
 Decisions V/23, paragraph 7 (Dryland and sub-humid lands)
 Decision V/26 A, paragraphs 10 and 11 (Access to genetic resources)
 Decision VII/30, paragraph 23
 Decision VII/31, paragraph 8(a) and annex II (Multi-year programme of work of the COP up to 2010)

Requests for voluntary funding for Convention meetings

- Decision I/9, paragraph 8 (Medium-term programme of work)
 Decision I/11, paragraph 2 (Preparations for COP 2)
 Decision II/22, paragraph 2 (Regional and subregional meetings)
 Decision III/14, paragraph 12 (Implementation of Article 8(j))
 Decision III/26, paragraph 2 (Regional and subregional meetings)
 Decision IV/3, paragraph 7 (Issues related to biosafety)

Decision EM-I/3, paragraph 18 (Adoption of the Cartagena Protocol and interim arrangements)

Decision V/1, paragraph 3 (Work plan of the ICCP)

Decision V/22, paragraphs 16 and 17; tables 3 and 4 (Budget for the programme of work for the biennium 2001–2002)

Decision VII/22 (Arrangements for the third review of the effectiveness of the financial mechanism)

Documents

UNEP/CBD/COP/1/1—Provisional agenda.

UNEP/CBD/COP/1/1/Add.1—Annotated provisional agenda.

UNEP/CBD/COP/1/10—Draft Financial Rules governing the funding of the Secretariat of the Convention on Biological Diversity.

UNEP/CBD/COP/1/13—Medium-term programme of work on the Conference of the Parties.

UNEP/CBD/COP/1/14—Budget for the Secretariat of the Convention.

UNEP/CBD/COP/2/1—Provisional agenda.

UNEP/CBD/COP/2/1/Add.1/Rev.1—Annotated provisional agenda.

UNEP/CBD/COP/2/3 and 3/Add.1—Proposed budget for the Convention.

UNEP/CBD/COP/2/4—Pending issues arising from COP 1.

UNEP/CBD/COP/3/1—Provisional agenda.

UNEP/CBD/COP/3/1/Add.1—Annotated provisional agenda.

UNEP/CBD/COP/3/2—Pending issues arising from the Second Meeting of the Conference of the Parties.

UNEP/CBD/COP/3/31—Medium-term programme of work of the Conference of the Parties for 1996–1997.

UNEP/CBD/COP/3/33—Proposed budget of the trust for the Convention on Biological Diversity.

UNEP/CBD/COP/4/3—Pending issues arising from the work of the Third Meeting of the Conference of the Parties.

UNEP/CBD/COP/4/1—Provisional agenda and annotations, including suggestions for the organization of work.

UNEP/CBD/COP/4/14—Synthesis of views on the operations of the Convention.

UNEP/CBD/COP/4/25—Proposed budget for the Trust Fund of the Convention.

UNEP/CBD/COP/4/25/Add.1—Proposed supplementary budget for the activities related to the Biosafety Protocol.

UNEP/CBD/COP/4/INF.2—Review of the operations of the Convention: submission by the Government of the United Kingdom.

UNEP/CBD/COP/4/INF.12—Programme budget of the Convention for the Biennium 1999–2000: programmes of work.

UNEP/CBD/COP/5/1—Provisional agenda.

UNEP/CBD/COP/5/1/Add.1—Annotated provisional agenda.

UNEP/CBD/COP/5/4—Report of the Inter-sessional Meeting on the Operations of the Convention.

UNEP/CBD/COP/5/17—Operations of the Convention.

UNEP/CBD/COP/5/18—Proposed budget for the programme of work for the biennium 2001–2002.

- UNEP/CBD/COP/6/1/Rev. 1—Provisional agenda.
- UNEP/CBD/COP/6/1/Add. 1/Rev. 1—Annotations to the provisional agenda.
- UNEP/CBD/COP/6/5 Report of the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity.
- UNEP/CBD/COP/7/4—Report of the Subsidiary Body on Scientific, Technical, and Technological Advice on the work of its ninth meeting.
- UNEP/CBD/COP/7/5—Report of the Open-ended Inter-Sessional Meeting on the Multi-the Multi-Year Programme of Work of the Conference of the Parties up to 2010.
- UNEP/CBD/COP/7/10—Report of the Executive Secretary on the financial and administrative performance of the Secretariat and the budget for the trust funds of the Convention.
- UNEP/CBD/COP/7/20—Follow-up to world summit on sustainable development, multi-year programme of work of the Conference of the Parties up to 2010, the Strategic Plan and operations of the Convention.
- UNEP/CBD/COP/7/20/Add.1—The programme of work of the Convention and the Millennium Development Goals.
- UNEP/CBD/COP/7/20/Add.2—Operations of the Convention Review and consolidation of the decisions of the Conference of the Parties; proposals by the Executive Secretary pursuant to Decision VI/27 B on Operations of the Convention.
- UNEP/CBD/COP/7/20/Add.3—Implementation of the Strategic Plan: evaluation of progress towards the 2010 biodiversity target: development of specific targets, indicators and a reporting framework.
- UNEP/CBD/COP/7/20/Add.4—Draft outcome oriented targets for the implementation of the revised programme of work on inland water ecosystem biological diversity.
- UNEP/CBD/COP/7/20/Add.5—Outcome-oriented targets for the implementation of the elaborated programme of work on marine and coastal biological diversity.
- UNEP/CBD/COP/7/INF/18—The implications of the international treaty on plant genetic resources for food and agriculture on the issues under Article 8(j) and related provisions.
- UNEP/CBD/COP/7/INF/22—Consideration of the results of the meeting on “2010—The Global Biodiversity Challenge.”
- UNEP/CBD/COP/7/INF/23—The programme of work of the convention and the millennium development goals Summary of the analysis of linkages between the programmes of work of the Convention and the Millennium Development Goals.
- UNEP/CBD/COP/7/INF/33—Provisional global indicators for assessing progress towards the 2010 biodiversity target.
- UNEP/CBD/COP/7/INF/38—Implementation of the Convention on Biological Diversity in the Pan European Region: statement by the Council of the Pan European Biological and Landscape Diversity Strategy (PEBLDS).

ARTICLE 24 | Secretariat

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1. A secretariat is hereby established. Its functions shall be:
 - (a) To arrange for and service meetings of the Conference of the Parties provided for in Article 23;
 - (b) To perform the functions assigned to it by any protocol;
 - (c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;
 - (d) To coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (e) To perform such other functions as may be determined by the Conference of the Parties.
 2. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.
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Editors' note: With regard to staffing of the Secretariat, reference should also be made to decisions of the COP on the financing and budget of the Convention (see the guide to Article 23 above). See also Article 40 on Secretariat interim arrangements. Cooperation with other biodiversity-related conventions, processes and organizations is addressed separately further along in the Guide after the Thematic Work Programmes.

Notes**CONSIDERATION OF ARTICLE 24 BY THE COP****Background and status***Designation of the Secretariat and administrative arrangements*

COP 1 designated UNEP to carry out the functions of the Secretariat while ensuring its autonomy to discharge the functions referred to in Article 24 [*decision I/4, paragraph 1*]. The COP welcomed the willingness demonstrated by international organizations to support and cooperate with the Secretariat, and requested the Executive Secretary to coordinate with those organizations with a view to entering into arrangements to make effective such offers [*decision I/5, paragraphs 1 and 2*].

In decision III/23, the COP invited the Executive Director of UNEP and the Executive Secretary of the Convention to develop procedures with regard to the functioning of the Secretariat to clarify and make more effective their respective roles and responsibilities [*decision III/23, paragraph 1*]. COP 4 endorsed the administrative arrangements between UNEP and the Secretariat, and requested the Executive Secretary to report regularly to the COP, through its Bureau, on their implementation [*decision IV/17, paragraph 1*].⁵⁸ COP 7 invited the Executive Director UNEP and the Executive Secretary CBD to review and revise the administrative arrangements and to report thereon to COP 8 (decision VII/33, paragraph 6).

The COP has instructed the Executive Secretary to enter into direct administrative and contractual arrangements with Parties and organizations in response to offers

⁵⁸ The administrative arrangements are contained in annex III to document UNEP/CBD/COP/4/24 and are reproduced in section X.

of human resources and other support to the Secretariat to ensure effective discharge of the functions of the Secretariat [*decision V/22, paragraph 20*].

In decision VII/30, the COP established the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention to review the impacts and effectiveness of existing processes under the Convention, such as meetings of COP, SBSTTA, national focal points and the Secretariat, as part of the overall process for improving the operations of the Convention and implementation of the Strategic Plan [*decision VII/30, paragraph 23*].

Location of the Secretariat

COP 1 decided to consider the location of the Secretariat at COP 2, and decided upon a procedure for taking the decision on this issue [*decision I/10, paragraphs 1 and 6*]. COP 2 decided to accept the offer of the Government of Canada to host the Secretariat in Montreal [*decision II/19, paragraph 2*].

In May 2004, the Canadian Government committed to the long-term funding of the Secretariat over a renewable 10-year basis.

References

DECISIONS ON ARTICLE 24

Decision I/4 (Selection of a competent international organization to carry out the functions of the Secretariat)

Decision I/5 (Support to the Secretariat by international organizations)

Decision I/10 (Location of the Secretariat)

Decision II/19 (Location of the Secretariat)

Decision III/23 (Administrative matters)

Decision IV/17, paragraph 1 (Programme budget for the biennium 1999–2000)

Decision V/22, paragraph 20 (Budget for the programme of work for the biennium 2001–2002)

Decision VI/29 (Administration of the Convention and the budget for the programme of work for the biennium 2003–2004)

Decision VII/30, paragraph 23 (Strategic Plan: future evaluation of progress)

Decision VII/33, paragraph 6 (Operations of the Convention)

Documents

UNEP/CBD/COP/1/9—Selection of a competent international organization to carry out the functions of the Secretariat of the Convention.

UNEP/CBD/COP/1/12—Preparation of the participation of the Convention on Biological Diversity in the Third Session of the Commission on Sustainable Development.

UNEP/CBD/COP/2/2/Rev.1—Location of the Secretariat.

UNEP/CBD/COP/2/15 and 15/Corr.1—Report on the administration of the Convention.

UNEP/CBD/COP/3/25—Submission to the Special Session of the General Assembly to review implementation of Agenda 21.

- UNEP/CBD/COP/3/32—Report of the Executive Secretary on the administration of the Convention.
- UNEP/CBD/COP/4/12—Implications of the outcome of the Special Session of the General Assembly.
- UNEP/CBD/COP/4/24—Administration of the Convention.
- UNEP/CBD/COP/4/INF.13—Report of the Pan-European Biological and Landscape Diversity Strategy to the Fourth Meeting of the Conference of the Parties.
- UNEP/CBD/COP/4/INF.14—Outcome of the Special Session of the General Assembly (A/RES/S-19/2, 28 June 1997).
- UNEP/CBD/COP/5/9—Report of the Executive Secretary on the administration of the Convention and budget for the Trust Fund of the Convention.
- UNEP/CBD/SBSTTA/2/12—Future programme of work for terrestrial biological diversity in light of the outcome of the Third Session of the Commission on Sustainable Development.
- UNEP/CBD/COP/6/16—and Corr.1 Proposed budget for the programme of work of the Convention for the biennium 2003–2004.
- UNEP/CBD/COP/6/16/Add.1—Report on programme and subprogramme activities and resources required.
- UNEP/CBC/COP/7/2—Proposed budget for the programme of work of the Convention on Biological Diversity and its Cartagena Protocol on Biosafety for the biennium 2005–2006.
- UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.
- UNEP/CBD/COP/7/INF/22—Consideration of the results of the meeting on “2010 –The Global Biodiversity Challenge.”
- UNEP/CBD/COP/7/INF/41—Budget for the programme of work for the biennium 2005–2006: outline of decision-making for the adoption of the budget for the Convention and the Protocol.
- UNEP/CBD/COP/7/INF/42—Procedures for the receipt, expenditure and reporting on assessed contributions to the Convention on Biological Diversity and the Cartagena Protocol on Biosafety.

ARTICLE 25 | Subsidiary Body on Scientific, Technical and Technological Advice

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1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.
 2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:
 - (a) Provide scientific and technical assessments of the status of biological diversity;
 - (b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;
 - (c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;

- (d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and
- (e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.
3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

Editors' note: Only the functioning of the SBSTTA is addressed here. COP requests for specific advice from the SBSTTA have not been listed separately: see list of references headed 'Guidance to the SBSTTA' in the guides on specific thematic work programmes and articles in this section of the Handbook.

Notes

TERMS DEFINED IN ARTICLE 2

“Biological diversity,” “sustainable use” and “technology.”

MEETINGS OF THE SBSTTA

To date, the SBSTTA has held nine meetings:

1. Paris, France, 4–8 September 1995.
2. Montréal, Canada, 2–6 September 1996.
3. Montréal, Canada, 1–5 September 1997.
4. Montréal, Canada, 21–25 June 1999.
5. Montréal, Canada, 31 January–4 February 2000.
6. Montréal, Canada, 12–16 March 2001 (Main theme: invasive alien species).
7. Montréal, Canada, 12–16 November 2001 (Main theme: forest biological diversity).
8. Montréal, Canada, 10–14 March 2003 (Main theme: mountain biological diversity).
9. Montréal, Canada, 10–14 November 2003 (Main themes: protected areas, and technology transfer and cooperation).

SBSTTA 10 is scheduled to be held in Bangkok, Thailand, from 7 to 11 February 2005.

Modus operandi of SBSTTA

Readers should consult the text of the *modus operandi* of the SBSTTA, as adopted and subsequently amended by the COP, which is reproduced in Section IV of this Handbook.

In accordance with rule 26, paragraph 5 of the rules of procedure, and unless otherwise decided by the COP, the rules of procedure of the COP apply *mutatis mutandis* to the proceedings of subsidiary bodies (subject to exceptions specified in rule 26 (5)) [*decision I/1, annex*].

CONSIDERATION OF ARTICLE 25 BY THE COP

Background and status

COP 1 decided that the *modus operandi* of SBSTTA should be considered at SBSTTA 1 [*decision I/7, paragraph 1(d)*]. COP 2 endorsed recommendation I/1 of SBSTTA on the *modus operandi*, and requested SBSTTA to keep this under review with a view to improving its functioning on the basis of experience gained [*decision III/1, paragraphs 2 and 3*]. SBSTTA 2 reviewed its *modus operandi* and, in recommendation II/11, recommended certain revisions. COP 3 noted this recommendation and decided to consider it further at COP 4 as part of the longer-term review of the programme of work and the operations of the COP and subsidiary organs [*decision III/2, paragraph 2*]. In decision IV/16, COP 4 adopted a revised *modus operandi* of SBSTTA [*decision IV/16, paragraph 11; annex I*]. In decision V/20, the COP adopted further conclusions relating to improving the operations of SBSTTA. It decided that meetings of SBSTTA should take place every year, so that there will be two meetings of SBSTTA between each ordinary meeting of the COP [*decision V/20 III, paragraph 17*]. It adopted a further amendment to the *modus operandi* of SBSTTA, to allow SBSTTA to establish ad hoc technical expert groups and adopt terms of reference for them under the guidance of the COP [*decision V/20 III, paragraph 21*].

Following the COP's request in decision IV/16, the SBSTTA made recommendations to COP 5 on terms of reference for ad hoc technical expert groups on thematic areas [*decision IV/16, paragraph 21*]. In its decisions on certain thematic areas, COP 5 approved terms of reference for ad hoc technical expert groups to assist SBSTTA on the following:

- marine and coastal protected areas [*decision V/3, paragraph 15*];
- mariculture [*decision V/3, paragraph 15*];
- forest biological diversity [*decision V/4, paragraphs 4–6*];
- biodiversity of dry and sub-humid lands [*decision V/23, paragraph 7*].

The COP has also established a roster of experts in the following areas:

- access and benefit-sharing
- agricultural biodiversity
- dry and sub-humid lands
- forest biological diversity
- Global Taxonomy Initiative
- biodiversity indicators
- marine and coastal biodiversity
- inland waters
- biosafety.

The experts on these rosters have been invited to make available upon request their specific expertise in order to contribute to the development of issues of the work programme of the Convention. It is anticipated that such requests may take the form of peer reviews, questionnaires, clarifications or examinations of issues, specific contributions to the compilation of documents, participation in workshops, and assisting in connecting the Convention process to other relevant

processes (see the *modus operandi* in section IV of this Handbook). COP 6 decided that the Executive Secretary should retire the roster of experts nominated by Parties for specific tasks or activities once those tasks or activities have been completed [*decision VI/27 B, paragraph 10*].

COP 5 recognized that there is a need to improve the quality of scientific, technical and technological advice provided to the COP, and to undertake sound scientific and technical assessments on issues critical for the implementation of the Convention. It requested SBSTTA to continue to improve the way it conducts its work [*decision V/20 III, paragraphs 25 and 26*], and asked SBSTTA *inter alia* to identify and develop methods for undertaking or participating in scientific assessments, undertake a limited number of pilot scientific assessment projects, identify and regularly update assessment priorities and information needs [*decision V/20 III, paragraph 29*].

In recommendation VI/5, the SBSTTA provided guidance on the procedures for initiating, preparing, carrying out, using and reporting on scientific assessments, and listed criteria and approaches to be considered (paragraphs 1 to 5). In paragraph 6 of the same recommendation, the SBSTTA decided to test a range of methods and modalities for assessments and to initiate, and later review, assessments on the following issues:

- (a) status and trends of forest biological diversity;
- (b) rapid assessment methods for the biodiversity of inland water ecosystems;
- (c) rapid assessment methods for marine and coastal biological diversity;
- (d) impacts of invasive alien species;
- (e) interlinkages between biological diversity and climate change;
- (f) evaluation of the effectiveness of the pilot assessments will be carried out at SBSTTA 10.

Regarding the assessment of the recommendations made to it by the SBSTTA, and with a view to providing guidance to the SBSTTA on ways to improve its inputs [*decision V/20 III, paragraph 23*], COP 6 decided to undertake the review at its seventh meeting and requested the SBSTTA to make proposals to COP 7 on how to improve the quality of its advice [*decision VI/27 B, paragraphs 6–8*].

At its eighth meeting, the SBSTTA considered a draft strategic plan (UNEP/CBD/SBSTTA/8/12) prepared by its Bureau that would ensure that the programme of work of the SBSTTA is coherent, realistic and responds fully to the needs of the Conference of the Parties. In paragraph 1 of its recommendation VIII/6, SBSTTA requested its Bureau to review the strategic plan, to be referred to herein after as the “Operational Plan of the SBSTTA,” for consideration by the Subsidiary Body at its tenth meeting. In paragraph 23 of its decision VII/30, the COP decided *inter alia* to allocate adequate time in subsequent meetings of the SBSTTA, and established an Ad Hoc Open-ended Working Group on Review of Implementation of the Convention *inter alia* to review the impacts and effectiveness of existing processes under the Convention, including the SBSTTA, as part of

the overall process for improving the operations of the Convention and implementation of the Strategic Plan, and to consider ways and means of identifying and overcoming obstacles to the effective implementation of the Convention.

Cooperation with other bodies

As part of the *modus operandi* of the SBSTTA, the COP has encouraged the development of cooperative arrangements at the scientific and technical level with appropriate biodiversity-related conventions and institutions through the SBSTTA [*decision III/21, paragraph 5*]. With regard to the financial mechanism, the COP requested reciprocal representation at meetings of the SBSTTA and the Scientific and Technical Advisory Panel of the GEF [*decision II/6, paragraph 8*]. COP 5 decided that the Chair of the SBSTTA, or any other members of the SBSTTA Bureau authorized by the Chair, may represent the SBSTTA at meetings of scientific bodies of other conventions and relevant biodiversity-related conventions, institutions, and processes [*decision V/20 III, paragraph 18*]. It further encouraged the SBSTTA Bureau to hold meetings with equivalent bodies of other biodiversity-related conventions, institutions and processes [*decision V/20, paragraph 19*].

References

DECISIONS ON ARTICLE 25

Decision I/7 (SBSTTA)

Decision II/1 (Report of the first meeting of SBSTTA)

Decision II/2 (Publication and distribution of scientific and technical information)

Decision III/2 (Report and recommendations of the second meeting of SBSTTA)

Decision III/3 (Use of languages in meetings of SBSTTA)

Decision IV/1 A (Report and recommendations of the third meeting of SBSTTA)

Decision IV/16, paragraphs 11–15, 20–21; annex I (Institutional matters and the programme of work)

Decision V/20, (Operations of the Convention)

Decision VI/27 B (Operations of the Convention)

Decision VII/30 paragraph 23 (Strategic Plan)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision V/3, paragraphs 15 and 16 (Marine and coastal)

Decision V/4, paragraphs 4–6; annex (Forests)

Decision V/23, paragraph 7 (Dry and sub-humid lands)

Decision VI/22, paragraph 25 (Forest biological diversity)

Decision VII/4, paragraph 28 (Inland waters)

Decision VII/13, paragraph 9 (Alien species)

Decision VII/28, paragraphs 25 and 29 (Protected areas)

Decision VII/29, paragraph 11 (Transfer of technology and technology development (Article 16–19))

Decision VII/31, paragraph 8 (Multi-year programme of work of the Conference of the Parties up to 2010)

Documents

- UNEP/CBD/COP/1/1—Provisional agenda.
- UNEP/CBD/COP/1/1/Add.1—Annotated provisional agenda.
- UNEP/CBD/COP/1/11—Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/COP/1/16—Report of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, including the agenda for scientific and technological research.
- UNEP/CBD/COP/2/1/Rev.1—Provisional agenda.
- UNEP/CBD/COP/2/1/Add.1/Rev.1—Annotated provisional agenda.
- UNEP/CBD/COP/2/5—Report of the First Meeting of SBSTTA.
- UNEP/CBD/COP/3/—Provisional agenda.
- UNEP/CBD/COP/3/1/Add.1—Annotated provisional agenda.
- UNEP/CBD/COP/3/3—Report of the Second Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice.
- UNEP/CBD/COP/4/1/Rev.1—Provisional agenda.
- UNEP/CBD/COP/4/1/Add.1—Annotated provisional agenda.
- UNEP/CBD/COP/4/2—Report of the third meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/COP/5/1—Provisional agenda.
- UNEP/CBD/COP/5/1/Add.1—Annotated provisional agenda.
- UNEP/CBD/COP/5/2—Report of the Fourth Meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/COP/5/3—Report of the Fifth Meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/SBSTTA/1/2—Matters related to the *modus operandi* of the SBSTTA.
- UNEP/CBD/SBSTTA/1/3—Programme of work of the SBSTTA for 1995–1997.
- UNEP/CBD/SBSTTA/1/INF.1—Written submissions by Governments and international organizations on the *modus operandi* of the SBSTTA.
- UNEP/CBD/SBSTTA/2/16—*Modus operandi* of the Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/SBSTTA/2/17—Review of the medium-term programme of work of the Subsidiary Body on Scientific, Technical, and Technological Advice, 1995–1997.
- UNEP/CBD/SBSTTA/3/10—Overall assessment of the Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/SBSTTA/4/5—Terms of reference for the ad hoc technical expert groups.
- UNEP/CBD/SBSTTA/5/15—Ad hoc technical expert groups: terms of reference, and rosters of experts and proposal on a uniform methodology for their use.
- UNEP/CBD/SBSTTA/6/9/Add.1—Scientific assessments: report of the brainstorming meeting on scientific assessment, Oslo, 17–19 November 1999.
- UNEP/CBD/COP/6/3—Report of the Sixth Meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice.
- UNEP/CBD/COP/6/4—Report of the Seventh Meeting of the Subsidiary Body on Scientific, Technical, and Technological Advice.

UNEP/CBD/SBSTTA/8/120—Strategic Plan of the Subsidiary Body on Scientific, Technical, and Technological Advice.

UNEP/CBD/SBSTTA/8/13—Operations of the Subsidiary Body on Scientific, Technical, and Technological Advice Review of SBSTTA recommendations made to the Conference of the Parties.

UNEP/CBD/COP/7/3—Report of the Subsidiary Body on Scientific, Technical, and Technological Advice on the work of its eighth meeting.

UNEP/CBD/COP/7/4—Report of the Subsidiary Body on Scientific, Technical, and Technological Advice on the work of its ninth meeting.

ARTICLE 26 | Reports

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

Notes

CONSIDERATION OF ARTICLE 26 BY THE COP

Background and status

Article 26 requires the Parties to present reports to the COP on measures taken to implement the Convention and the effectiveness of those measures in meeting the Convention's objectives. Article 23(4)(a) of the Convention requires the COP to establish the form and intervals for the transmission of information under Article 26 and to consider such information.

The COP decided to address the form and intervals for national reports at COP 2 [*decision I/9*]. It was therefore decided that SBSTTA 1 should consider, as a priority item, what kind of scientific and technical information should be contained in national reports under Article 26 [*decision I/7, annex, paragraph 5.5.1*]. The SBSTTA subsequently submitted recommendation I/5.

COP 2 adopted decision II/17 on the form and intervals of national reports by Parties, which provided that first national reports should be submitted by COP 4 in 1997 [*paragraph 4*], and preferably by 30 June 1997 [*paragraph 11*], and that these should focus on measures taken for the implementation of Article 6 of the Convention [*paragraph 3*]. The deadline for submission of first national reports was subsequently extended to 1 January 1998 [*decision III/9, paragraph 11*]. An annex to decision II/17 sets out suggested guidelines for national reporting on Article 6.

With regard to the consideration of information in national reports, the COP requested the Secretariat to prepare a synthesis of information contained in national reports and other relevant information for consideration of the COP [*decision II/17, paragraph 9*].

By the end of COP 4, 107 national reports had been received in final or draft form. COP 4 adopted a further decision on national reports, which welcomed the number of first national reports received so far and urged those Parties which had not

yet done so to submit their reports by 31 December 1998 [*decision IV/14, paragraph 1*]. It also requested the Secretariat to prepare for SBSTTA a revised version of the synthesis of information contained in national reports [*decision IV/14, paragraph 2*]. The COP requested the SBSTTA to consider the Secretariat's synthesis report and to provide COP 5 with advice as to the form and intervals of subsequent national reports by Parties [*decision IV/14, paragraph 3*]. SBSTTA's advice was to cover the following:

- the nature of information needed from Parties, in order to assess the state of implementation of the Convention;
- recommendations on improving the reporting process (through guidance on format, style, length, and treatment) with a view to ensuring comparability between reports;
- identification of ways and means to further facilitate national implementation of the Convention.

SBSTTA 5 considered guidelines for future national reporting that had been developed by the Secretariat through a pilot project, which was carried out with the collaboration of a number of Parties, to identify a methodology for assessing the state of implementation of the Convention, and the adoption of recommendation V/13. COP 5 endorsed a format for future national reports (contained in annex I to document UNEP/CBD/COP/5/13/Add.2), and requested the Secretariat to further develop this format and make it available to Parties by 30 September 2000 [*decision V/19, paragraphs 2 and 3*]. Accordingly, the Secretariat revised the format for national reporting and made it available to Parties on 11 September 2000. The format was also made available on the Convention Website. In accordance with decision V/19, the deadline to submit second national reports, in both hard copy and electronic format, was 15 May 2001. Thereafter, national reports are to be submitted for consideration at alternate ordinary meetings of the COP [*decision V/19, paragraph 5*]. The COP recommended that Parties prepare their national reports through a consultative process involving all relevant stakeholders [*decision V/19, paragraph 6*].

COP 5 also invited Parties to prepare detailed thematic reports on items due to be considered in depth at future COP meetings. For COP 6, reports on forest ecosystems, alien species and benefit-sharing, were invited. Formats for these detailed reports were prepared by the Secretariat and made available to Parties. The formats were also made available on the Convention Website.

COP 6 considered a full assessment of information contained in the second national reports received by the end of January 2002 (UNEP/CBD/COP/6/5/Add.3), and requested the Executive Secretary to prepare a draft format for the third national reports for the consideration of COP 7 [*decision VI/25, paragraph 3*]. Building on the methodology and format used for the second national reports, the format for the third national reports will, among other things, include questions on strategic objectives and goals established under the Strategic Plan, focus on allowing the Parties to provide information on the experience of implementing their national biodiversity strategies and action plans, and facilitate the identification of obstacles and impediments to implementation.

COP 6 further requested the Executive Secretary to prepare for the consideration of COP 7, draft formats for thematic reports on agricultural biodiversity [*decision VI/5, paragraph 5*] and another on forest biodiversity for inclusion in the third and subsequent national reports [*decision VI/22, paragraph 22*].

In addition to the above thematic reports, the Executive Secretary was also requested to prepare, in collaboration with the Collaborative Partnership on Forests members, a draft format for a voluntary thematic report on the implementation of the work programme for forest biodiversity, and urged Parties to submit their reports by a date that would permit consideration by COP 7 [*decision VI/22, paragraph 27*].

An assessment of information contained in the thematic reports on alien species, forest ecosystems, and access and benefit-sharing was also taken up by COP 6. Parties were invited to submit three additional thematic reports on mountain ecosystems, protected areas, and transfer of technology and technology cooperation by the respective deadlines of 31 October 2002, 30 March 2003, and 30 March 2003 [*decision VI/25, paragraphs 4 and 10*].

In addition to its specific decisions on national reports, the COP issued guidance to Parties in other decisions as to further information to be included in national reports on particular issues. These references are listed below under the heading 'Guidance to Parties.' Such guidance will be incorporated into the guidelines for the third national reports.

Following the guidance of the COP, support for the preparation of national reports by developing country Parties is provided through the financial mechanism [*decision II/17, paragraph 12; decision II/6, paragraph 11; decision IV/13, paragraph 6; decision IV/14, paragraph 5; decision V/13, paragraph 2(e); decision VI/17, paragraph 10(l)*].

The COP has devoted some attention to the possibility of harmonizing reporting requirements of the Convention and other biodiversity-related conventions. In this regard, the Executive Secretary was asked to coordinate with secretariats of other biodiversity-related conventions with a view to, *inter alia*, exploring the possibility of harmonizing reporting requirements [*decision II/13, paragraph 4(b); decision III/21, paragraph 3; decision IV/15, paragraph (b)*]. COP 6 welcomed the work of the United Nations Environment Programme on the harmonization of reporting and encouraged its continuation. Meanwhile, it recognized the need to ensure that this does not affect the ability of the Conference of the Parties to adjust national reporting procedures under the Convention in order to better meet the needs of the Parties [*decision VI/25, paragraph 8*].

COP 7 expressed its concern over the delay in submission of national reports by some Parties and noted the difficulty this delay may pose to the assessment of the implementation of the Convention if enough reports are not received [*decision VII/25, paragraph 2*].

COP endorsed the format for the third national report and requested the Executive Secretary to further develop the format, taking into consideration the comments received from Parties to make the reports more concise and better targeted to reduce the reporting burden [*decision VII/25 B, paragraph 3*].

The draft Global Biodiversity Outlook (GBO) was distributed to Parties and participants at SBSTTA 6 for review and comments. The complete and published version was endorsed by the back-to-back meetings of SBSTTA 7 and the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention (MSP). The MSP recommended that the next edition of the Global Biodiversity Outlook be prepared by the Executive Secretary for publication in 2004, on the basis of the information contained in the second national reports, thematic reports referred to in decision V/19, and review of progress in the implementation of the Strategic Plan to be undertaken in 2003. This format was later adopted by COP 6 [*decision VI/25, paragraph 7*].

The seventh meeting of the Conference of the Parties, in its consideration of the recommendations of the Inter-sessional Meeting on the Multi-Year Programme of Work and SBSTTA 9, provided clear guidance on the way forward for the production of the second edition of the Global Biodiversity Outlook (GBO-2) report. In particular, COP 7 requested the Executive Secretary, with the assistance of UNEP-WCMC and other relevant international organizations, to prepare the second GBO report for publication prior to COP 8 following peer review, and review, by SBSTTA 9 and SBSTTA 10 [*decision VII/30, paragraph 8(a)*]. The COP stressed the need for the second GBO to provide an assessment of progress towards the 2010 biodiversity target at the global level and communicate effectively trends in biodiversity related to the three objectives of the Convention, based on the focal areas (listed in paragraph 1 of decision VII/30), and making use of the indicators (listed in annex I of the same decision) that are successfully developed and tested, information provided in the national reports, as well as information provided by international organizations.

References

DECISIONS ON ARTICLE 26

- Decision II/17 (National reports)
- Decision IV/14 (National reports)
- Decision V/19 (National reports)
- Decision VI/25 (National reports)
- Decision VII/25 (National reporting)

GUIDANCE TO PARTIES

- Decision II/8, paragraph 6(i) (Components of biological diversity particularly under threat)
- Decision II/17, paragraphs 3, 4, 6, 11 and 13; annex (National reports)
- Decision III/6 (Additional financial resources)
- Decision III/9, paragraphs 3 and 11 (Implementation of Articles 6 and 8)
- Decision III/14, paragraph 2 (Implementation of Article 8(j))
- Decision IV/1 A, paragraph 3 (see also SBSTTA recommendation III/5, 7(g))
(Report and recommendations of the third meeting of SBSTTA)
- Decision IV/2, paragraph 2 (Clearing-house mechanism)
- Decision IV/10 A, paragraph 2 (Incentive measures)
- Decision IV/10 C, paragraph 9 (Impact assessment and minimizing adverse effects)

- Decision IV/14, paragraphs 1 and 4 (National reports)
- Decision V/2, paragraph 3 (Inland water)
- Decision V/4, paragraph 7 (Forests)
- Decision V/11, paragraphs 4 and 14 (Additional financial resources)
- Decision V/18, section I, paragraph 3 (Impact assessment, liability and redress)
- Decision V/19, paragraphs 5–8 (National reports)
- Decision V/23, annexes I and III, paragraph 12(a) (Dry and sub-humid lands)
- Decision VI/5, paragraphs 4 and 15 (Agricultural biological diversity)
- Decision VI/7, paragraph 2 (Identification, monitoring, indicators and assessments)
- Decision VI/10 A, paragraph 3; section E, paragraphs 20 and 21 (Article 8(j) and related provisions)
- Decision VI/20, paragraph 22 (Cooperation with other organizations, initiatives and conventions)
- Decision VI/22, paragraph 21 (Forest biological diversity)
- Decision VI/25, paragraphs 2 and 4 (National reports)
- Decision VII/16, C, paragraph 2; annex, section A, paragraph 1; section F, paragraph 14 (Article 8(j) and related provisions)
- Decision VII/18, paragraph 7 (Incentive measures)
- Decision VII/25 A, paragraphs 3–6; section B, 4, 5 and 8 (National reporting)
- Decision VII/27, paragraphs 3 and 9 (Mountain biological diversity)
- Decision VII/28, paragraph 7 (Protected areas)
- Decision VII/32, paragraphs 4 and 5 (The programme of work of the Convention and the Millennium Development Goals)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision II/6, paragraph 11 (Financial mechanism and resources)
- Decision II/17, paragraph 12 (National reports)
- Decision III/9, paragraph 4 (Implementation of Articles 6 and 8)
- Decision IV/13, paragraph 6 (Additional guidance to the financial mechanism)
- Decision IV/14, paragraph 5 (National reports)
- Decision V/13, paragraph 2(e) (Further guidance to the financial mechanism)
- Decision VI/17, paragraphs 6 and 10(l) (Financial mechanism under the Convention)
- Decision VI/25, paragraphs 5 and 9 (National reports)
- Decision VII/20, paragraphs 14–17 (Further guidance to the financial mechanism)

Other financial resources

- Decision VII/24 B, paragraph 5 (National reporting)

GUIDANCE TO THE SECRETARIAT

- Decision II/7, paragraph 3 (Consideration of Articles 6 and 8)
- Decision II/10, annex II, paragraph 3(e) (Marine and coastal)
- Decision II/13, paragraph 4(b) (Cooperation)
- Decision II/17, paragraphs 9 and 10 (National reports)
- Decision III/21, paragraph 3 (Cooperation)
- Decision IV/1 A, paragraph 3 (see also SBSTTA recommendation III/5, annex) (Report and recommendations of the third meeting of the SBSTTA)

Decision IV/5, annex, section C, operational objective 5.3 (Marine and coastal)
 Decision IV/7, paragraph 10 (Forests)
 Decision IV/14, paragraph 2 (National reports)
 Decision IV/15, paragraph 5(b) (Cooperation)
 Decision V/14, annex II, paragraph (h) (Clearing-house mechanism)
 Decision V/16, annex, III, element 6, task 17 (Article 8(j) and related provisions)
 Decision V/19, paragraphs 3 and 9 (National reports)
 Decision V/20, paragraph 36 (Operations of the Convention)
 Decision VI/5, paragraphs 5 and 6 (Agricultural biological diversity)
 Decision VI/7 B, paragraph 1 (National level monitoring and indicators)
 Decision VI/10, paragraphs 6 and 21 (Article 8(j) and related provisions)
 Decision VI/22, paragraphs 22 and 27 (Forest biological diversity)
 Decision VI/23, paragraph 32 (Alien species)
 Decision VI/25, paragraphs 3 and 9 (National reports)
 Decision VII/25, B, paragraphs 2, 3, 6 and 9 (National reporting)

GUIDANCE TO SBSTTA

Decision I/7, annex, paragraph 5.5.1 (SBSTTA)
 Decision II/17, paragraph 8 (National reports)
 Decision IV/14, paragraph 3; annex (National reports)
 Decision VII/25, A, paragraph 7 (National reporting)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision II/13, paragraph 4(b) (Cooperation)
 Decision III/21, paragraph 3 (Cooperation)
 Decision IV/15, paragraph 5(b) (Cooperation)
 Decision V/19, paragraph 10 (National reports)
 Decision VI/20, paragraph 4 (Cooperation with other organizations, initiatives and conventions)
 Decision VI/22, paragraph 22 (Forest biological diversity)
 Decision VI/25, paragraphs 8 and 9 (National reports)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/10, annex II, paragraph 3(e) (Marine and coastal)
 Decision IV/5, annex, operational objective 5.3 (Marine and coastal)
 Decision IV/7, paragraph 10 (Forests)
 Decision V/2, paragraph 3 (Inland waters)
 Decision V/4, paragraph 7 (Forests)
 Decision V/23, annex I, paragraph 12(a) (Dry and sub-humid lands)
 Decision VI/5, paragraphs 4, 5 and 6 (Agricultural biological diversity)
 Decision VII/25 B, paragraphs 2 and 3 (National reporting)

OTHER RELEVANT DECISIONS

Decision III/10, paragraph 2 (see also SBSTTA recommendation II/1, paragraph 5)
 (Identification, monitoring and assessment)
 Decision V/20, paragraph 38(b) (Operations of the Convention)

Decision VI/8, operational objective 4 and 4.1, (iii) (Global Taxonomy Initiative)
Decision VI/10, preambular paragraph; annex I, paragraph 22 (Article 8(j) and related provisions)

Decision VI/22, paragraph 27 (Forests)

Decision VII/28, annex (Protected areas)

Documents

UNEP/CBD/COP/2/14—Form and intervals of national reports by Parties.

UNEP/CBD/COP/4/11—Synthesis of information contained in national reports on the implementation of the Convention.

UNEP/CBD/COP/5/13—Progress report on the mechanisms for implementation.

UNEP/CBD/COP/5/13/Add.2—Progress report on the mechanisms for implementation: national reporting (Article 26).

UNEP/CBD/SBSTTA/1/6—Scientific and technical information to be contained in national reports of Parties.

UNEP/CBD/SBSTTA/3/INF.15—Strengthening the first set of national reports under the Convention on Biological Diversity: a discussion paper on indicators, targets and other types of information.

UNEP/CBD/SBSTTA/3/INF.16—Further guidelines for the preparation of national reports.

UNEP/CBD/SBSTTA/5/14—Establishment of guidelines for the second national reports, including indicators and incentive measures.

UNEP/CBD/COP/6/5—Report of the Open-Ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity.

UNEP/CBD/COP/6/5/Add.3—Assessment of information contained in the second national reports.

UNEP/CBD/COP/6/5/Add.5—Formats for thematic reports.

UNEP/CBD/COP/6/13—Progress report on the mechanisms for implementation.

UNEP/CBD/COP/6/INF/10—Assessment of the information contained in the second national reports concerning cross-cutting issues under the Convention.

UNEP/CBD/COP/6/INF/11—Assessment of the information contained in the second national reports concerning thematic programmes of work under the Convention.

UNEP/CBD/COP/7/5—Report of the Open-Ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010.

UNEP/CBD/COP/7/17/Add.2—Guidelines for the third national report.

UNEP/CBD/COP/7/17/Add.3—Mechanisms for implementation: national reporting.

UNEP/CBD/COP/7/17/Add.7—Proposals for the review of implementation of the expanded programme of work on forest biological diversity.

UNEP/CBD/COP/7/INF/2—Analysis of information contained in second national reports.

UNEP/CBD/COP/7/INF/6—Mountain biological diversity: synthesis of information in thematic reports on mountain ecosystems.

UNEP/CBD/COP/7/INF/7—Forest biological diversity: synthesis of information contained in voluntary reports on implementation of expanded programme of work on forest biological diversity.

UNEP/CBD/COP/7/INF/—Protected areas: synthesis of information in thematic reports on protected areas.

UNEP/CBD/COP/7/INF/9—Technology transfer and cooperation: synthesis of information contained in thematic reports on technology transfer and cooperation.

UNEP/CBD/COP/7/INF/22—Consideration of the results of the meeting on “2010—The Global Biodiversity Challenge.”

ARTICLE 27 | Settlement of disputes

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.
2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:
 - (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;
 - (b) Submission of the dispute to the International Court of Justice.
4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.
5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

Notes

See also Annex II of the Convention: Arbitration and conciliation.

Since the Biosafety Protocol contains no special provisions on the settlement of disputes, then pursuant to Article 27(5) of the Convention, the provisions of Article 27 of the Convention also apply to the settlement of disputes under the Protocol. It should also be noted that Article 34 of the Protocol makes direct reference to the dispute settlement procedures established under Article 27 of the Convention.

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

References

Declarations

Austria (ratification), Cuba (ratification), Georgia (ratification), and Latvia (ratification).

ARTICLE 28 | Adoption of protocols

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.
 2. Protocols shall be adopted at a meeting of the Conference of the Parties.
 3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.
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Notes

The Cartagena Protocol on Biosafety was adopted by the COP on 29 January 2000. See the guide to Article 19(3), earlier in this section.

ARTICLE 29 | Amendment of the Convention or protocols

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.
 2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
 3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depository to all Parties for ratification, acceptance or approval.
 4. Ratification, acceptance or approval of amendments shall be notified to the Depository in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.
 5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.
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Notes

To date, no amendments have been proposed to the Convention.

Since the Biosafety Protocol contains no special provisions on amendment of the Protocol, the provisions of Article 29 of the Convention apply to the amendment.

ARTICLE 30 | Adoption and amendment of annexes

1. The annexes to this Convention or to any protocol shall form an integral part of the Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to procedural, scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to any protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 29;

(b) Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to subparagraph (c) below;

(c) On the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

4. If an additional annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention or to the protocol concerned enters into force of the Protocol.

Notes

To date, no new annexes have been adopted; nor have any amendments been adopted to the existing annexes of the Convention.

Since the Biosafety Protocol contains no special provisions on the adoption and amendment of annexes, the provisions of Article 30 of the Convention apply to the adoption and amendment of annexes to the Protocol.

ARTICLE 31 | Right to vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Notes

The provisions of Article 31 of the Convention also apply to the right to vote under the Protocol.

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

ARTICLE 32 | Relationship between this Convention and its protocols

1. A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
 2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.
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Notes

In accordance with paragraph 2 of Article 32, the Cartagena Protocol on Biosafety provides in its Article 29, paragraph 2, that Parties to the Convention that are not Parties to the Protocol may participate as observers in the proceedings of any meeting of the COP serving as the meeting of the Parties to the Protocol. It also provides that when the COP serves as the meeting of the Parties to the Protocol, decisions under the Protocol shall be taken only by those that are Parties to it.

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

ARTICLE 33 | Signature

This Convention shall be open for signature at Rio de Janeiro by all States and any regional economic integration organization from 5 June 1992 until 14 June 1992, and at the United Nations Headquarters in New York from 15 June 1992 to 4 June 1993.

Notes

The Convention was signed by 157 States between 5 June 1992, and 14 June 1992 in Rio de Janeiro. It was signed by 11 States between 15 June 1992, and 4 June 1993, at United Nations headquarters in New York.⁵⁹

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

References

Declarations

Denmark (ratification), Finland (ratification), Norway (adoption), and Sweden (ratification).

⁵⁹ For ratification status to date, see Section VII of this Handbook.

ARTICLE 34 | Ratification, acceptance, or approval

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depository.
2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member States being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.
3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depository of any relevant modification in the extent of their competence.

Notes

As of 1 July 2004, 187 States and one regional economic integration organization have become Parties to the Convention.

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

ARTICLE 35 | Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depository.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depository of any relevant modification in the extent of their competence.
3. The provisions of Article 34, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Notes

Since the Convention was closed for signature, 30 States have acceded to it.⁶⁰

Since the Biosafety Protocol contains no special provisions on accession, the provisions of Article 35 of the Convention also apply to accession under the Protocol.

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

60 For ratification status to date, see section VII of this Handbook.

ARTICLE 36 | Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.
 2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.
 3. For each Contracting Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.
 4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Contracting Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Contracting Party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which this Convention enters into force for that Contracting Party, whichever shall be the later.
 5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
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Notes

The Convention entered into force, in accordance with Article 36, paragraph 1, on 29 December 1993.⁶¹

TERMS DEFINED IN ARTICLE 2

“Regional economic integration organization.”

ARTICLE 37 | Reservations

No reservations may be made to this Convention.

ARTICLE 38 | Withdrawals

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Contracting Party may withdraw from the Convention by giving written notification to the Depository.
 2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depository, or on such later date as may be specified in the notification of the withdrawal.
 3. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.
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Notes

No Contracting Parties have withdrawn from the Convention.

⁶¹ For ratification status to date, see section VII of this Handbook.

ARTICLE 39 | Financial interim arrangements

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

CONSIDERATION OF ARTICLE 39 BY THE COP

Background and status

Article 39 of the Convention makes provision for financial interim arrangements, and is directly linked to paragraph 1 of Article 21. The Global Environment Facility (GEF) was invited to operate the financial mechanism of the Convention on an interim basis by the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity [*resolution 1, paragraph 1*].

At COP 1 and COP 2, the COP decided that the restructured GEF would continue to serve as the institutional structure to operate the financial mechanism on an interim basis, in accordance with Article 39 [*decision I/2 paragraph; decision III/6 paragraph 1*]. The Memorandum of understanding between the COP and the Council of the GEF, adopted by the COP at its third meeting, recognized that GEF would operate the financial mechanism of the Convention on an interim basis in accordance with Article 39 of the Convention [*decision III/8, annex*].

References

DECISIONS ON ARTICLE 39

Decision I/2, paragraph 2 (Financial resources and mechanism)

Decision III/6, paragraph 1 (Financial resources and mechanism)

Decision III/8, annex, preambular paragraph 4 (Memorandum of understanding between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility)

Decision III/8, annex, paragraph 1.1 (Memorandum of understanding between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility)

GUIDANCE TO THE SECRETARIAT

Decision I/2, paragraph 8 (Financial resources and mechanism)

OTHER RELEVANT DECISIONS

Resolution 1, paragraph 1 (Interim financial arrangements)

Declarations

India (upon adoption), Malaysia (upon adoption), and United States of America (upon adoption).

Documents

UNEP/CBD/COP/1/6—Institutional structure to operate the financial mechanism under the Convention.

UNEP/CBD/COP/2/11—Memorandum of understanding between the COP and the GEF.

UNEP/CBD/COP/3/9—Designation of the institutional structure to operate the financial mechanism.

UNEP/CBD/COP/3/10—Memorandum of understanding between the Conference of the Parties and the Council of the Global Environment Facility.

UNEP/CBD/COP/3/INF.2—Submissions received by the Executive Secretary concerning the “Draft Memorandum of understanding between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility, regarding the Institutional Structure Operating the Financial Mechanism of the Convention.”

ARTICLE 40 | Secretariat interim arrangements

The secretariat to be provided by the Executive Director of the United Nations Environment Programme shall be the secretariat referred to in Article 24, paragraph 2, on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties.

Notes

See the guide to Article 24 earlier in this section of the Handbook.

ARTICLE 41 | Depositary

The Secretary-General of the United Nations shall assume the functions of Depositary of this Convention and any protocols.

ARTICLE 42 | Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

ANNEX I IDENTIFICATION AND MONITORING

1. Ecosystems and habitats: containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species; of social, economic, cultural or scientific importance; or, which are representative, unique or associated with key evolutionary or other biological processes;

2. Species and communities which are: threatened; wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance; or importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and
 3. Described genomes and genes of social, scientific or economic importance.
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Notes

See the guide to Article 7 earlier in this section of the Handbook.

Documents

UNEP/CBD/SBSTTA/8/8/ADD.4—Provision of scientific advice and further guidance to assist in the national elaboration of Annex I of the Convention.

UNEP/CBD/SBSTTA/8/INF/4—Provision of scientific advice and further guidance to assist in the national elaboration of Annex I of the Convention as pertaining to inland water ecosystems: options for national elaboration of the indicative list of categories of components of inland water biological diversity important for its consideration and sustainable use.

ANNEX II ARBITRATION AND CONCILIATION

PART 1: ARBITRATION

Article 1: The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

Article 2: 1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3: 1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

Article 4: The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.

Article 5: Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6: The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

Article 7: The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8: The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9: Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10: Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11: The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12: Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13: If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14: The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15: The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16: The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17: Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

PART 2: CONCILIATION

Article 1: A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2: In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3: If any appointments by the parties are not made within two months of the date of the request to create a conciliation commission, the Secretary-General of the United Nations shall, if asked to do so by the party that made the request, make those appointments within a further two-month period.

Article 4: If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Secretary-General of the United Nations shall, if asked to do so by a party, designate a President within a further two-month period.

Article 5: The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6: A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

Notes

See Article 27 above.

Thematic work programmes

Forest biological diversity

Notes

CONSIDERATION OF FOREST BIOLOGICAL DIVERSITY BY THE COP

Background and status

COP 1 requested the SBSTTA to consider the ways and means in which the COP could start the process of considering the components of biological diversity, particularly those under threat, and to identify the action which could be taken under the Convention [*decision I/7, annex, paragraph 5.1.1*]. In its consideration of this agenda item, SBSTTA 1 noted, *inter alia*, the establishment of the Intergovernmental Panel on Forests (IPF) and recommended that the COP consider whether an input into the IPF process would be desirable [*SBSTTA recommendation I/3, paragraph 8*]. SBSTTA 1 further suggested the main elements to be considered.

COP 2 adopted a statement from the Convention to the IPF on biological diversity and forests [*decision II/9, paragraph 1, annex*]. It also requested the Executive Secretary to produce a background document on the links between forests and biological diversity to consider at COP 3, and whether further input into the IPF process was required [*decision II/9, paragraph 2(b)*]. The COP also requested the Executive Secretary to provide advice and information on the relationship between indigenous and local Communities, and forests, as invited by the Inter-Agency Task Force of the IPF [*decision II/9, paragraph 2(a)*].

SBSTTA 2 recommended that the COP ask the Executive Secretary to explore ways and means to cooperate with the IPF with a view to developing common priorities for further consideration at SBSTTA 3, taking into account certain research and technical priorities identified by the SBSTTA [*SBSTTA recommendation II/8, paragraph 2*]. It also recommended certain additional inputs to the IPF. COP 3 endorsed recommendation II/8 of SBSTTA regarding further input to the IPF [*decision III/12, paragraph 2; annex*]. COP 3 also requested the Secretariat to develop a focused work programme on forest biological diversity, in accordance with certain guidance provided in that decision [*decision III/12, paragraph 6*]. In developing the work programme, the Executive Secretary was asked to work closely with IPF and other relevant institutions. Parties to the Convention were encouraged to assist with the development of the work programme and SBSTTA was asked to advise on the draft work programme and report back to COP 4 in May 1998 [*decision III/12, paragraphs 7 and 9*]. COP 3 directed SBSTTA, further, in the light of the proposed work programme and the research and technical priorities it had iden-

tified in recommendation II/8, to advance its scientific, technical, and technological consideration of forest biological diversity by initially focusing on the development of criteria and indicators for the conservation of biological diversity and analysing the ways in which human activities, in particular forest management practices, influence biological diversity and assessment of ways to minimize or mitigate negative influences [*decision III/12, paragraph 10*].

In order to be able to draw effectively upon the active assistance of all Parties (as requested in paragraph 7 of decision III/12), the Secretariat has established a roster of experts on forest biological diversity. Drawing on the roster of experts, the Secretariat convened a meeting of a liaison group on forest biological diversity in Helsinki, from 25 to 28 May 1997, on the invitation of the Government of Finland. The liaison group identified a number of potential elements for a work programme on forest biological diversity.

SBSTTA 3 considered a draft work programme on forest biological diversity and the report of the liaison group meeting, and submitted recommendation III/3 to COP 4.

COP 4 endorsed a work programme on forest biological diversity [*decision IV/7, paragraph 1, annex*]. It urged Parties, countries, international and regional organizations, major groups and other relevant bodies to collaborate in carrying out the task identified in the work programme [*decision IV/7, paragraph 2*]. COP 5 reviewed implementation of the work programme and called for its further implementation by Parties, relevant organizations and the Executive Secretary [*decision V/4*]. It also called for the Executive Secretary to contribute to the work of the United Nations Forum on Forests (UNFF) [*decision V/4, paragraph 3*].

COP 6 adopted the expanded programme of work on forest biological diversity, to be implemented by Parties in the context of their national priorities and needs [*decision VI/22, paragraph 10, annex*]. The work programme constitutes a broad set of goals, objectives, and activities aimed at the conservation of forest biodiversity, the sustainable use of its components, and the fair and equitable use of the benefits arising from the utilization of forest genetic resources. It consists of three elements: the first covers largely biophysical aspects, such as the reduction of threats to forest biological diversity through restoration, agroforestry, watershed management, and the establishment of protected areas; the second element deals with the institutional and socio-economic environment that in turn enables the conservation and sustainable use of forest biological diversity; the third element covers assessment and monitoring.

The Conference of the Parties, while leaving countries to set their national priorities, proposed guidance on activities to be carried out urgently at the global and international level to address issues such as the application of ecosystem approach, climate change, non-timber forest resources, forest fires, and collaboration with other bodies.

Further to decision COP VI/22, SBSTTA 9 was requested to consider a lot of issues on forest biodiversity, prior to COP 7, including:

- clarification of the conceptual basis of the ecosystem approach in relation to the concept of sustainable forest management [*decision VI/22, paragraph 19(a)*];

- the relationship between Intergovernmental Panel on Forests/Intergovernmental Forum on Forests (IPF/IFF) proposals for action and the expanded programme of work on forest biodiversity [*decision VI/22, paragraph 19(b)*]. The Conference of the Parties requested that the assessment be reported to the SBSTTA and the UNFF at its fourth session and for information to be disseminated through the clearing-house mechanism;
- forest protected areas [*decision VI/22, paragraph 19(d)*], to be taken up under the item on protected areas;
- management of forest biodiversity and sustainable use to derive products and services, and benefit sharing to be considered by SBSTTA as part of its work on sustainable use [*decision VI/22, paragraph 19(f)*];
- progress report on the implementation of the programme of work for submission at each meeting of SBSTTA [*decision VI/22, paragraph 24*];
- development of recommendations based on the work of the liaison group on non-timber forest resources [*decision VI/22, paragraph 42*];
- proposals for the integration of non-timber forest resources in the forest inventory and management [*decision VI/22, paragraph 43*];
- proposals for the inclusion of forest biodiversity in fire impact assessments [*decision VI/22, paragraph 44*].

Under Item 3.1., Progress in implementation of the thematic programmes of work, SBSTTA 9 analyzed the reports on proposals for the integration of non-timber forest resources in the forest inventory and management and on proposals for the inclusion of forest biodiversity in fire impact assessments [UNEP/CBD/SBSTTA/INF/14 and NEP/CBD/SBSTTA/INF/15].

COP 7 welcomed progress made on the implementation of the expanded programme of work on forest biological diversity as a significant contribution to achieving the 2010 global biodiversity target and achieving sustainable forest management at national, regional, and global levels [*decision VII/1; decision VII/30*].

In this context, the COP in decision VII/1 requested the Executive Secretary to continue to: strengthen its work in the study on the effects on forest biological diversity of insufficient forest law enforcement as requested in paragraph 19(e) of decision VI/22; organize another meeting of the AHTEG prior to the eleventh meeting of the SBSTTA; propose, in collaboration with the Ad Hoc Technical Expert Group on the Review of Implementation of the Programme of Work on Forest Biological Diversity, outcome-oriented targets to be integrated into the work programme for consideration by the SBSTTA prior to the eighth meeting of the Conference of the Parties, taking into account regionally and internationally agreed criteria and indicators for sustainable forest management through intergovernmental processes; continue its collaboration with other members of the Collaborative Partnership on Forests (CPF) in their efforts, *inter alia*, at harmonizing and streamlining forest-related reporting; facilitate the full and effective participation of indigenous and local communities, and other relevant stakeholders, in implementing the expanded programme of work on forest biological diversity by developing local capacities and participatory mechanisms, including women, as well as in assembling, disseminating, and synthesizing information on relevant scientific and traditional knowledge on forest biological diversity.

At the national level, COP invited Parties to provide any further views on the preliminary assessment undertaken by the Executive Secretary on the relationship between the IPF/IFF proposals for action of the UNFF and the activities of the work programme; and to take part in, and develop further cooperation at the regional level in their efforts at implementing the activities contained in the work programme; to enhance cross-sectoral integration and inter-sectoral collaboration on the implementation of the work programme at national and sub national levels; and to enhance their efforts in implementing the programme of work on forest biological diversity as an essential contribution towards advancing the 2010 global biodiversity target.

IMPLEMENTATION OF THE WORK PROGRAMME

At COP 4, the Global Environment Facility (GEF) was urged to give high priority to the allocation of resources for activities that advance the objectives of the Convention in respect to forest biological diversity [*decision IV/7, paragraph 5; decision V/13, paragraph 2(b)(iii)*]. It provided specific guidance to the GEF on financial support for activities relating to the work programme on forest biological diversity [*decision IV/7, paragraph 6; decision IV/13, paragraph 4*] and urged Parties to propose projects that promote the implementation of the work programme [*decision IV/7, paragraph 7*]. The COP also requested the financial mechanism to consider the operational objectives of the work programme as guidance for funding in the field of forest biological diversity, and to assist in implementation of the work programme at the national, regional and sub-regional level [*decision IV/7, paragraph 8*].

In its long-term programme of work the COP decided that forests would form one of the three priority themes for COP 6 [*decision IV/16, annex I*]. COP 5 decided that COP 6 should consider expanding the focus of the programme from research to practical action. It also called on Parties to take a number of practical steps to address urgently the conservation and sustainable use of forest biological diversity, noting that such work should contribute to the future work of the UNFF [*decision V/4, paragraphs 1–3, 7–10 and 13*]. The COP further invited Parties to submit a detailed report on forest ecosystems to the Executive Secretary for consideration at COP 6 [*decision V/19, paragraph 8*].

COP 5 established an ad hoc technical expert group on forest biological diversity to:

- (i) provide advice on scientific programmes and international cooperation in research and development;
- (ii) carry out a review of available information on status, trends and threats to forest biological diversity;
- (iii) identify options and suggest priority actions for the conservation and sustainable use of forest biological diversity;
- (iv) identify innovative, efficient and state-of-art technologies and know-how [*decision V/4, paragraphs 4–6; annex*].

COP 5 asked the SBSTTA for advice on a number of relevant matters, including the impacts on forest biological diversity of climate change, human-induced uncon-

trolled forest fires, and the harvesting of nontimber forest products on forest biological diversity [*decision VI/4, paragraphs 11, 12 and 14*].

Forests were the focus of the work of SBSTTA 7. The Ad Hoc Technical Expert Group on Forests met for the first time in Montreal, from 27 November to 1 December 2000, and for the second time, in Edinburgh, from 23 to 27 April 2001. The Workshop on Forests and Biological Diversity, held in Ghana, from 28 to 30 January 2002, worked towards collaborative efforts between the CBD, the UNFF, and their partners. The SBSTTA was asked by COP 6 to report progress on the implementation of the expanded programme of work on forest biological diversity at COP 8 [*decision VI/22*].

COP 6 made a number of requests to the Executive Secretary to initiate actions relevant to the implementation of the expanded program of work on forest biological diversity [*decision VI/22, paragraph 19*]. This included:

- (i) refining the operational guidelines for implementation of the Ecosystem Approach;
- (ii) preparation of reporting formats for national and voluntary thematic reports;
- (iii) establishment of a liaison group on non-timber forest resources;
- (iv) organization of an international workshop on forest biodiversity and protected areas;
- (v) serving as a focal point for forest biodiversity issues within the Collaborative Partnership on Forests, and
- (vi) developing strategies to streamline and harmonize forest-related reporting with collaborating international agencies.

COP 6 also agreed to establish an ad hoc technical expert group to provide advice to the SBSTTA in the review of the implementation of the programme of work [*decision VI/22, paragraph 26*]. The Ad Hoc Technical Expert Group on the Review of Implementation of the Programme of Work on Forest Biological Diversity was established and held its first meeting in Montpellier, in November 2003. It will meet again in 2005.

At the national level, the COP urged Parties to incorporate relevant objectives of the expanded programme of work into their national biodiversity strategies, action plans, and their national forest programmes [*decision VI/22, paragraph 28*], to address the effectiveness of forest-related laws [*decision VI/22, paragraph 30*] and to recognize the vital role that women in indigenous and local communities play in the sustainable use and conservation of forest biological diversity [*decision VI/22, paragraph 32*].

With regards to collaboration on specific issues, COP requested the Secretariat to continue its support and collaboration to the work of the UNFF and of the Collaborative Partnership on Forests (CPF) [*decision VI/22, paragraph 36 and 37*]. Collaboration with the United Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change, and the International Geosphere-Biosphere Programme was also stressed [*decision VI/22, paragraph 40*]. The COP also urged the CPF to consider the Secretariat of the Convention on Biological Diver-

sity to be the focal point for forest biological diversity within the CPF [*decision VI/22, paragraph 39*].

COP 7 requested the Executive Secretary, in collaboration with the Ad Hoc Technical Expert Group on the Review of Implementation of the Programme of Work on Forest Biological Diversity, to propose outcome-oriented targets to be integrated into the work programme for consideration by the SBSTTA prior to COP 8. It also invited parties and other Governments to enhance cross-sectoral integration and inter-sectoral collaboration on the implementation of the forest work programme.

References

DECISIONS ON FOREST BIOLOGICAL DIVERSITY

Decision II/9 (Forests—Statement to IPF)

Decision III/12 (Forests)

Decision IV/7 (Forests)

Decision V/4 (Forests)

Decision VI/22 (Forests)

Decision VII/1 (Forests)

GUIDANCE TO PARTIES

National action

Decision II/9, paragraph 3 (Forests – Statement to IPF)

Decision III/11, paragraphs 15(e) and (h) (Agriculture)

Decision IV/7, paragraphs 2, 3, 5 and 7; annex, paragraphs 7, 8, 18, 20 and 45 (Forests)

Decision V/4, paragraphs 1, 3, 8–10 and 13 (Forests)

Decision VI/7, appendix 2, category B, (b)(ii); appendix 3; appendix 4, section B, paragraph 4(d) (Identification, Monitoring, Indicators and Assessments)

Decision VI/8, Programme of Work, 4.1 (Global Taxonomy Initiative)

Decision VI/10, paragraph 2(a) (Article 8(j))

Decision VI/15, annex I, paragraphs 11 and 16; annex II, paragraph 10(c) (Incentive Measures)

Decision VI/22, paragraph 21 (Forests)

Decision VII/1, paragraphs 9 and 10 (Forests)

Information and case-studies

Decision IV/7, annex, paragraphs 16, 35 and 37 (Forests)

Decision V/4, paragraph 7 (Forests)

Decision V/19, paragraph 8 (National reports)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision IV/7, paragraphs 5–8 (Forests)

Decision IV/13, paragraph 4 (Additional guidance to the financial mechanism)

Decision V/13, paragraph 2(b)(iii) (Further guidance to the financial mechanism)
 Decision VI/17, paragraph 10(c) (Additional guidance to the financial mechanism)

Other financial resources

Decision IV/7, paragraph 5 (Forests)

GUIDANCE TO THE SECRETARIAT

Decision II/9, paragraph 2 (Forests—Statement to IPF)
 Decision III/12, paragraphs 2, 5–8; annex (see also SBSTTA recommendation II/8, paragraph 2) (Forests)
 Decision IV/7, paragraphs 9–11 and 13; annex, paragraphs 18 and 37 (Forests)
 Decision V/4, paragraphs 5, 6, 15, 17 and 20 (Forests)
 Decision VI/12, paragraph 2(b) (Ecosystem Approach)
 Decision V1/22, paragraphs 19, 22–24, 27, 36, 37, 42 and 45 (Forests)
 Decision VII/1, paragraphs 2, 4, 7, 8 and 11 (Forests)
 Decision VII/33, paragraph 4 (Operations of the Convention)

GUIDANCE TO SBSTTA

Decision I/7, annex, paragraph 5.1.1 (SBSTTA)
 Decision III/12, paragraphs 9 and 10 (Forests)
 Decision IV/7, paragraph 12 (Forests)
 Decision V/4, paragraphs 4, 11, 12, 14 and 18 (Forests)
 Decision VI/22, paragraphs 19(a), 23, 24 and 25 (Forests)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision I/8, annex, paragraph 15 (Statement to CSD)
 Decision II/9 (Forests—Statement to IPF)
 Decision III/12, paragraphs 1–5 and 7; annex (Forests)
 Decision III/19, annex, paragraph 12 (Statement to UNGA Special Session)
 Decision IV/7, paragraphs 4, 9, 11 and 13; annex, paragraphs 7–9, 18–20, 22, 36, 45, 49 and 50 (Forests)
 Decision V/4, paragraphs 3, 6, 7, 11, 13 and 15–20 (Forests)
 Decision V/21, paragraph 3 (Cooperation)
 Decision VI/5, paragraph 25(b); annex II, paragraph 7, element 2, rationale (Agriculture)
 Decision VI/15, annex II, paragraphs 15 and 16 (Incentive Measures)
 Decision VI/19, annex, programme element 1, paragraph (2) (Communication, education and public awareness)
 Decision VI/20, paragraphs 2, 4 and 9 (Cooperation)
 Decision VI/22, paragraphs 19, 22, 36, 37 and 45 (Forests)
 Decision VI/23, International Cooperation, paragraph (b); annex, guiding principle 11, paragraph 2 (Alien species)
 Decision VII/1, paragraphs 3, 8 and 10 (Forests)
 Decision VII/26 (Cooperation)

OTHER RELEVANT DECISIONS

- Decision III/10, paragraph 2 (see also SBSTTA recommendation II/1, paragraphs 14 and 22) (Identification, monitoring and assessment)
- Decision IV/16, annex II (Institutional matters and programme of work)
- Decision V/5, annex, section A, paragraph 3(c) (Agriculture)
- Decision V/6 (Ecosystem approach)
- Decision V/8, paragraph 10 (Alien species)
- Decision V/15, paragraph 4 (Incentive measures)
- Decision V/16, paragraph 8 (Article 8(j) and related provisions)
- Decision V/17, paragraph 5 (Education and public awareness)
- Decision V/18, I, paragraph 1(a) (Impact assessment, liability and redress)
- Decision VI/8, annex, paragraph 14(c); appendix, target 4 and 12, paragraphs 2 and 4, target 16 (Global Taxonomy Initiative)
- Decision VII/10, paragraph 8(g) (Global Strategy for Plant Conservation)
- Decision VII/11, annexes I and II (Ecosystem approach)
- Decision VII/15, paragraph 13 (Biodiversity and climate change)
- Decision VII/28, annex (Protected areas)
- Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16 to 19))
- Decision VII/30, annex III (Strategic Plan)

Documents

- UNEP/CBD/COP/3/16—Forests and biological diversity.
- UNEP/CBD/COP/3/17—Communication of the Secretariat of the Intergovernmental Panel on Forests on progress on issues relevant to forests and biological diversity.
- UNEP/CBD/COP/4/7—Draft programme of work on forest biological diversity.
- UNEP/CBD/COP/4/INF.11—Submissions by Governments on the Proposed Programme of Work on Forest Biological Diversity.
- UNEP/CBD/COP/5/INF.18—Status of forest biological diversity: summary of information from national reports.
- UNEP/CBD/COP/5/INF.22—Report of the Global Workshop to Address the Underlying Causes of Deforestation and Forest Degradation.
- UNEP/CBD/SBSTTA/2/11—Biological diversity in forests.
- UNEP/CBD/SBSTTA/2/INF.5—Submissions received by the Secretariat concerning forests and biological diversity.
- UNEP/CBD/SBSTTA/2/INF.6—Submission by the Government of Sweden on forests and biological diversity.
- UNEP/CBD/SBSTTA/2/INF.7—Submission by the Government of Finland on forests and biological diversity.
- UNEP/CBD/SBSTTA/3/5—Draft programme of work for forest biological diversity.
- UNEP/CBD/SBSTTA/3/INF.5—Report of Meeting of the Liaison Group on Forest Biological Diversity.
- UNEP/CBD/SBSTTA/4/3—Progress report on the implementation of programmes of work on thematic areas.

- UNEP/CBD/SBSTTA/5/8—Forest biological diversity: Status and trends and identification of options for conservation and sustainable use.
- UNEP/CBD/COP/6/17—Forest biological diversity.
- UNEP/CBD/COP/6/17/Add.1—Potential priorities for the proposed expanded programme of work on forest biological diversity.
- UNEP/CBD/COP/6/17/Add.3—Summary report of the workshop on forests and biological diversity held in Accra, from 28 to 30 January 2002.
- UNEP/CBD/COP/6/INF/7—Forest biological diversity: Report of the workshop on forests and biological diversity, Accra, Ghana, 28-30 January 2002.
- UNEP/CBD/COP/6/INF/9—Forest biological diversity: elaboration of elements for an expanded work programme on forest biological diversity—Potential actors, suggested timeframes and performance measures of proposed activities.
- UNEP/CBD/COP/6/INF/26—Forest biological diversity: report on the expert meeting on harmonization of forest-related definitions for use by various stakeholders, Rome, 23–25 January 2002.
- UNEP/CBD/COP/6/INF/27—Forest biological diversity: submission from Parties.
- UNEP/CBD/SBSTTA/7/6—Main theme: Forest biological diversity: Report of the ad hoc technical expert group on forest biological diversity.
- UNEP/CBD/SBSTTA/7/7—Main theme: Forest biological diversity: consideration of specific threats to forest biological diversity.
- UNEP/CBD/SBSTTA/7/8—Main theme: Forest biological diversity: draft revised programme of work on Forest Biological Diversity.
- UNEP/CBD/SBSTTA/7/8/Add.1—Main thematic item: Forests biological diversity: summary of issues, recommendations and programme of work and organization of work for Working Group I.
- UNEP/CBD/SBSTTA/8/2—Progress in the implementation of the thematic programmes of work.
- UNEP/CBD/SBSTTA/9/6/Add.3—Recommendations of the International Workshop on Protected Forest Areas.
- UNEP/CBD/SBSTTA/9/8—Ecosystem approach: further elaboration, guidelines for implementation and relationship with sustainable forest management.
- UNEP/CBD/SBSTTA/9/9/Add.1—Management of forest biodiversity to derive products and services and benefit-sharing.
- UNEP/CBD/SBSTTA/9/9/Add.2—Proposals for the prevention of losses caused by unsustainable harvesting of non-timber forest resources.
- UNEP/CBD/SBSTTA/9/INF/4—Ecosystem approach: further elaboration, guidelines for implementation and relationship with sustainable forest management. Report of the Expert Meeting on the Ecosystem Approach.
- UNEP/CBD/SBSTTA/9/INF/5—Management of forest biodiversity, sustainable use to derive products and services, and benefit-sharing: compilation of the responses to the questionnaire on forest biodiversity submitted by Parties.
- UNEP/CBD/SBSTTA/9/INF/14—Progress in the implementation of the thematic programmes of work. Forest biological diversity: integration of non timber forest resources in forest inventory and management.
- UNEP/CBD/SBSTTA/9/INF/15—Progress in the implementation of the thematic programmes of work. Forest biological diversity: elements for a possible joint work programme on fire prevention and management.

- UNEP/CBD/SBSTTA/9/INF/31—Forest biological diversity: relationships between IPF/IFF proposals for action and activities in the expanded programme of work on forest biological diversity.
- UNEP/CBD/SBSTTA/9/INF/36—The scope of organic agriculture, sustainable forest management and ecoforestry in protected area management. Report submitted by the Food and Agriculture Organization of the United Nations.
- UNEP/CBD/SBSTTA/9/INF/37—Update on the global forest resources assessment: report submitted by the Food and Agriculture Organization of the United Nations.
- UNEP/CBD/SBSTTA/9/INF/39—Report of the International Workshop on Protected Forest Areas.
- UNEP/CBD/COP/7/11—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: forest biological diversity; biological diversity of dry and sub-humid lands; and agricultural biological diversity.
- UNEP/CBD/COP/7/17/Add.7—Proposals for the review of implementation of the expanded programme of work on forest biological diversity.
- UNEP/CBD/COP/7/INF/7—Forest biological diversity: synthesis of information contained in voluntary reports on implementation of expanded programme of work on forest biological diversity.
- UNEP/CBD/COP/7/INF/20—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action. Report of the First Meeting of the Ad Hoc Technical Expert Group on the Review of Implementation of the Programme of Work on Forest Biological Diversity.

Inland water biological diversity

Notes

CONSIDERATION OF INLAND WATER BIOLOGICAL DIVERSITY BY THE COP

Background and status

The COP decided to assess the status and trends of the biodiversity of inland water ecosystems and identify options for conservation and sustainable use at COP 4 [*decision III/18*].

In decision III/10 on identification, monitoring and assessment, the COP instructed SBSTTA to provide scientific advice and further guidance through its thematic work on ecosystems, to assist the national implementation of Annex I of the Convention, using the elaboration of terms set out in paragraphs 12–29 of document UNEP/CBD/COP/3/12 (see the guide to Article 7 earlier in this section of the Handbook). Accordingly, SBSTTA 3 considered this issue within the context of inland water biological diversity, and submitted recommendation III/1 to the COP.

COP 3 also decided to invite the Ramsar Convention to cooperate as a lead partner in the implementation of activities under the Convention related to wetlands. It requested the Executive Secretary to seek input from the Ramsar Convention in preparation of documentation concerning the status and trends of inland water

ecosystems for consideration by COP 4 [*decision III/21, paragraph 7(a)(ii)*]. The Secretariat has signed a Memorandum of Cooperation with the Ramsar Convention Bureau, which has been endorsed by the COP [*decision III/21, paragraph 2*]. At COP 4, the Ramsar Convention Bureau put forward a proposal for a joint work plan on wetlands (document UNEP/CBD/COP/4/INF.8), which has also been endorsed by the COP [*decision IV/15, paragraph 2*]. COP 5 endorsed a further joint work programme with the Ramsar Convention (document UNEP/CBD/SBSTTA/5/INF.12) [*decision V/2, paragraph 2*].

On the basis of SBSTTA recommendation III/1, with modifications, COP 4 adopted a work programme on biological diversity of inland water ecosystems [*decision IV/4, paragraph 1*]. In addition to the programme of work, decision IV/4 also contains other guidance regarding inland water biological diversity addressed to Parties and Governments, the financial mechanism, the SBSTTA, and the Secretariat.

Elements of the work programme on inland water biological diversity

The programme of work adopted under decision IV/4 is set out in annex I to the decision and addresses the following areas:

- (a) assessment of the status and trends of the biological diversity of inland water ecosystems and identification of options for conservation and sustainable use;
- (b) provision of scientific advice and further guidance to assist in the national elaboration of Annex I of the Convention (as pertaining to inland water ecosystems);
- (c) review of methodologies for assessment of biological diversity (as pertaining to inland water ecosystems);
- (d) the urgency of needed action on taxonomy.

The COP has requested the Executive Secretary to facilitate the programme of work [*decision IV/4, paragraph 10*]. It has also requested SBSTTA to undertake activities to implement the programme of work, and to report on progress to COP 5 [*decision IV/4, paragraph 8*]. Annex II to decision IV/4 set out a possible time-frame for the work programme of SBSTTA in this area.

The COP noted that, while the implementation of the programme of work is subject to the availability of financial resources, particular attention should be given to early progress in the development of rapid assessment methodologies, especially in relation to small island States [*decision IV/4, paragraph 11*].

SBSTTA reviewed and further elaborated the programme of work [*Recommendation VIII/2; annex*]. The Proposed Revised Programme of Work on Inland Water Biological Diversity included four programme elements as follows: (1) conservation, sustainable use and benefit sharing (with goals relating to integrating considerations into water resources and river-basin management using the ecosystem approach, protected areas, conservation through restoration and rehabilitation, and preventing the introduction of invasive alien species); (2) institutional and socio-economic enabling environment (with goals relating to integrating relevant considerations into the sectors, technology transfer, incentive and valuation mea-

asures, education and public awareness, and promoting stakeholder involvement); and (3) knowledge, assessment and monitoring (with goals relating to developing an improved understanding of biodiversity in inland waters, inventories and assessments, impact assessments, and the introduction of suitable monitoring arrangements).

[Recommendation VIII/2, annex]

COP 7 adopted the programme of work recommended by SBSTTA8/2 [*decision VII/4, annex*]. The full programme of work is contained in the annex of Decision VII/4, and follows the outline above.

COP guidance

Guidance to Parties

The work programme in annex I to decision IV/4 contains a number of specific recommendations to Parties [*decision IV/4, annex I, paragraphs 9 and 12–20*].⁶²

The COP has urged Parties, when requesting support from the financial mechanism, to give priority to certain projects related to inland water ecosystems [*decision IV/4, paragraph 7*]. It has also urged Parties to integrate elements of the work programme addressing inland water ecosystems into their national and sectoral plans, and to implement these as soon as possible.

COP 5 further encouraged Parties to address the lack of information on inland water biological diversity and to include this information in their national reports and urged capacity-building measures for developing and implementing national and sectoral plans for the conservation and sustainable use of inland water ecosystems [*decision V/2, paragraphs 3 and 8*].

COP 7 urged Parties, other Governments, and organizations to incorporate the objectives and relevant activities of the programme of work in their biodiversity strategies and action plans, wetland policies and strategies, and the integrated water-resources management and water-efficiency plans being developed, by 2005, in line with paragraph 25 of the Plan of Implementation of the World Summit on Sustainable Development, and to implement them and promote further coordination and cooperation between national actors responsible for inland water ecosystems and biological diversity [*decision VII/4, paragraph 10*]. It also urged Parties to share information and lessons learned from the application of national and regional policies, plans and best practices, from the application of water frameworks, including specific examples of successful policy interventions to conserve and sustainably use inland waters, and requests the Executive Secretary to summarize this and related available information for the eighth meeting of the COP [*decision VII/4, paragraph 12*]. COP 7 invited Parties to formulate and adopt outcome oriented targets and identified priorities for each activity, including timescales, taking into account the Strategic Plan of the Convention as well as the Strategic Plan of the Ramsar Convention for the period 2003–2008, the

⁶² Recommendations to the Parties contained in the work programme [*decision IV/4, annex, paragraph 9*], which relate to specific articles of the Convention are addressed in the sections of the Handbook dealing with those articles.

Global Strategy for Plant Conservation and the Plan of Implementation of the World Summit on Sustainable Development [*decision VII/4, paragraph 13*]. It encouraged Parties, other Governments, and relevant organizations to improve national, regional, and global data on inland water ecosystem goods and services, their uses and related socio-economic variables, on species and all taxonomic levels, on basic hydrological aspects and water supply, and on the threats to which inland water ecosystems are subjected [*decision VII/4, paragraph 17*]. COP 7 invited Parties, other Governments, and relevant organizations to use and promote the application of the guidelines, in particular in the circumstances of small island developing States and in the territories of States in which inland water ecosystems suffer from ecological disaster [*decision VIII/4, paragraph 20*]. It encouraged Parties, other Governments, and relevant organizations to ensure opportunities for the active participation of indigenous and local communities in all stages of rapid assessments of biological diversity of inland waters traditionally occupied or used by these communities, consistent with decision VII/16, annex F of the COP on the 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 [*decision VII/4, paragraph 24*]. It requested those Parties, to which this is appropriate, to adopt the Ramsar classification of wetlands as an interim classification system and use it as a framework for the initial inventorying of inland water ecosystems for the purpose of preparing indicative lists of inland water ecosystems important in the framework of the Convention, as requested in paragraph 12 of the programme of work on inland water biodiversity annexed to decision IV/4 [*decision VII/4, paragraph 27*].

Further requests to Parties were made at COP 7 within the adopted programme of work on the biological diversity of inland water ecosystems [*decision VII/4, annex*].

Financial mechanism and resources

COP 4 requested the financial mechanism, in the context of implementing national biodiversity strategies and action plans, to provide support to eligible projects that help Parties develop and implement plans for the conservation and sustainable use of inland water biological diversity [*decision IV/4, paragraph 6*]. This call was repeated at COP 5 [*decision V/13, paragraph 2(n)*].

The COP invited all relevant organizations to support efforts by Parties and Governments to implement national and sectoral plans for the conservation and sustainable use of the biological diversity of inland water ecosystems [*decision IV/4, paragraph 9*].

COP 7 recognized the need for resources, human, technological and financial, to implement effectively the activities under the revised programme of work, including capacity-building in the required fields, and in recognition of Article 20 of the Convention [*decision VII/4, paragraph 9*].

Cooperation with other conventions and processes

As noted above, COP 4 encouraged the implementation of the joint work plan with the Ramsar Convention proposed by the Ramsar Bureau as a framework for enhanced cooperation [*decision IV/4, paragraph 4*]. As part of the implementation of the work programme, the COP has requested the SBSTTA to pursue cooperation with the Scientific and Technical Review Panel of the Ramsar Convention [*decision IV/4, paragraph 8(c)*].

The COP welcomed the recommendations of the Commission on Sustainable Development (CSD) on strategic approaches to freshwater management. It urged Parties and Governments to include information on biological diversity of inland waters in their voluntary communications and reports to the CSD, and to consider inland water biological diversity in the agenda of subsequent CSD meetings to further the recommendations [*decision IV/4, paragraph 2*].

COP 6 welcomed the synergies developed with the Ramsar Convention and encouraged further collaboration, including on the preparation of a third joint work plan and the implementation of the River Basin Initiative [*decision VI/2, paragraphs 1, 4 and 5*].

COP 7 welcomed and encouraged, in particular, the synergy being developed between the CBD and the Ramsar Convention in implementing the programme of work, notes the progress made in the implementation of the joint work plans between the two conventions (UNEP/CBD/COP/7/INF/27) and encouraged further activities aiming at avoiding overlaps in the work of both conventions [*decision VII/4, paragraph 4*]. It also requested the Executive Secretary to continue developing and strengthening collaboration with other organizations, institutions, and conventions as a way to streamline many of the activities contained in the programme of work, promote synergies, and avoid unnecessary duplications and to fully cooperate with all partners in the development and implementation of the International Decade for Action, “Water for Life”, 2005–2015, adopted by the General Assembly in December 2003 [*decision VII/4, paragraph 5*]. COP 7 invited the Secretariat of the Ramsar Convention and the Scientific and Technical Review Panel of the Ramsar Convention, in collaboration with the Executive Secretary and the SBSTTA respectively, and in line with paragraph 30 of resolution VIII.10 of the COP to the Ramsar Convention, to achieve a more comprehensive coverage of components of biological diversity through the designation of Ramsar sites [*decision VII/4, paragraph 29*]. It further invited the Secretariat of the Ramsar Convention, in collaboration with the Executive Secretary of the CBD, to provide guidance, based on experiences, for the interpretation and application of the Ramsar criteria at the national and regional levels [*decision VII/4, paragraph 30*].

COP 7 made many references to cooperation in the adopted revised programme of work [*decision VII/4, annex*].

IMPLEMENTATION OF THE WORK PROGRAMME

COP 5 took note of some of the obstacles to implementing the work plan set out in a note provided to SBSTTA 5 by the Executive Secretary (UNEP/CBD/SBSTTA/5/6)

and asked the Executive Secretary to report further before COP 7. Information on the implementation of the work programme is to be disseminated through the Clearing-house Mechanism (CHM) [*decision V/2, paragraphs 1 and 6*].

COP 5 asked the SBSTTA to consider the recommendations in the report of the World Commission on Dams and to advise COP 6 about/on how these might be taken into consideration in the work plan on inland water biological diversity. It also asked the SBSTTA to provide further advice on elaboration and refinement of the work programme by COP 7, and invited relevant organizations to contribute to the assessment of inland water biological diversity [*decision V/2, paragraphs 4, 5 and 7*].

The COP has further noted in its decisions that work on the following issues should be incorporated into the thematic work programmes, including that for the following: inland water biological diversity, alien species, incentive measures, implementation of Article 8(j), and public education and awareness, and impact assessment [*decision V/8, paragraph 10; decision V/15, paragraph 4; decision V/16, paragraph 8; decision V/17, paragraph 5; decision V/18 I, paragraph 1(a)*].

COP 6 welcomed the progress made in the implementation of the programme of work on biological diversity of inland water ecosystems, and took note of the implications of the report of the World Commission on Dams. It also recognized the importance of the River Basin Initiative for implementation of this programme of work [*decision VI/2, paragraphs 1, 2 and 4*].

COP 7 noted the progress made in the implementation of the programme of work on the biological diversity of inland water ecosystems, as reported in the note by the Executive Secretary (UNEP/CBD/COP/7/12) [*decision VII/4, paragraph 1*]. It recognized that a major shortcoming in the current review has been the limited availability of recent information on each of the activities of the programme of work and the lack of financial resources to generate it, and further recognized the usefulness of the national reports submitted to the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar, Iran, 1971), for a global status of the implementation of the programme of work on the biological diversity of inland water ecosystems, and, accordingly, requested the Executive Secretary to submit, for consideration at its eighth meeting, a proposal on ways and means for making the review more comprehensive [*decision VII/4, paragraph 2*]. COP 7 welcomed and encouraged, in particular, the synergy being developed between the CBD and the Ramsar Convention in implementing the programme of work, noting the progress made in the implementation of the joint work plans between the two conventions (UNEP/CBD/COP/7/INF/27) and encouraged further activities aiming at avoiding overlaps in the work of both conventions [*decision VII/4, paragraph 4*]. COP 7 recognized the presence of inland water ecosystems with agricultural lands, forests, dry and sub-humid lands, and mountains, and the ecological connectedness between inland waters, estuaries and inshore coastal areas and, accordingly, encouraged Parties, other Governments and organizations to ensure cross-referencing to, and coherence with, the other thematic programmes of work while implementing this programme of work [*decision VII/4, paragraph 11*].

COP 7 also made extensive references to implementation of the work programme in the adopted revised programme of work on the biological diversity of inland water ecosystems [*decision VII/4, annex*].

References

DECISIONS ON INLAND WATER BIOLOGICAL DIVERSITY

Decision IV/4 (Inland water)
Decision V/2 (Inland water)
Decision VI/2 (Inland water)
Decision VII/4 (Inland water)

GUIDANCE TO PARTIES

National action

Decision IV/4, paragraphs 3, 5 and 7; annex I, paragraphs 9 and 12–20 (Inland water)
Decision V/2, paragraph 3 (Inland water)
Decision VII/4, paragraphs 10–13, 16, 17, 20, 24 and 27; annex (Inland water)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision IV/4, paragraph 6; annex I, paragraph 10 (Inland water)
Decision IV/13, paragraph 3 (Additional guidance to the financial mechanism)
Decision V/13, paragraph 2(n) (Further guidance to the financial mechanism)
Decision VI/2, paragraph 6 (Inland water)
Decision VI/17, paragraph 10(i) (Additional guidance to the financial mechanism)

Other financial resources

Decision IV/4, paragraph 9; annex I, paragraph 11 (Inland water)

GUIDANCE TO THE SECRETARIAT

Decision III/21, paragraph 7 (Cooperation)
Decision IV/4, paragraph 10; annex I, paragraphs 1, 2, 4–7, 12 and 21; annex II (Inland water)
Decision IV/5, paragraph 4 (Marine and coastal)
Decision V/21, paragraph 5 (Cooperation)
Decision V/25, paragraph 2 (Biological diversity and tourism)
Decision VI/2, paragraph 4 (Collaboration with Convention on Wetlands)
Decision VI/2, paragraph 5 (Third joint work plan with the Convention on Wetlands)
Decision VII/4, paragraphs 2, 3, 5, 14, 16, 17, 21–23, 25 and 26; annex (Inland water)

GUIDANCE TO SBSTTA

Decision III/13, paragraph 2 (Terrestrial)
Decision IV/4, paragraph 8; annex I, paragraphs 6, 7, 8 and 12; annex II (Inland water)

Decision V/21, paragraph 5 (Cooperation)
 Decision VII/4, paragraph 28; annex, paragraphs 1.1.9., 1.3.4. and 2.3.5. (Inland water)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision III/21, paragraphs 1 and 7 (Cooperation)
 Decision IV/4, paragraphs 2, 3, 4 and 8; annex I, paragraphs 1–4, 12, 13 and 18; annex II (Inland water)
 Decision IV/5, paragraph 4 (Marine and coastal)
 Decision IV/15, paragraph 2 (Cooperation)
 Decision V/21, paragraphs 4 and 5 (Cooperation)
 Decision V/23, annexes I and II, part B, activity 7(l) (Dry and sub-humid lands)
 Decision V/25, paragraph 2 (Biological diversity and tourism)
 Decision VI/2, paragraph 4 (Collaboration with Convention on Wetlands)
 Decision VI/2, paragraph 5 (Third joint work plan with the Convention on Wetlands)
 Decision VII/4, paragraphs 3, 5, 10, 11, 14(c), 16, 17, 20–22, 25, 26 and 28–30; annex (Inland water)

OTHER RELEVANT DECISIONS

Decision II/18, annex, paragraph 7.6 (Medium-term programme of work)
 Decision III/10, paragraph 2 (see also SBSTTA recommendation II/1, paragraphs 12 and 22) (Identification, monitoring and assessment)
 Decision III/11, paragraph 15(h) (Agriculture)
 Decision III/19, annex, paragraph 20(a) (Statement to UNGA Special Session)
 Decision III/22, appendix, paragraph 7.6.1 (Medium-term programme of work)
 Decision V/5, annex, section A, paragraph 3(c) (Agriculture)
 Decision V/8, paragraph 10 (Alien species)
 Decision V/15, paragraph 4 (Incentive measures)
 Decision V/16, paragraph 8 (Article 8(j) and related provisions)
 Decision V/17, paragraph 5 (Education and public awareness)
 Decision V/18 I, paragraph 1(a) (Impact assessment, liability and redress)
 Decision V/23, annexes I and II, part A, activity 2; part B, activity 7(e) and (l) (Dry and sub-humid lands)
 Decision VI/8, paragraph 5, annex, section B, paragraph 4.4 (Global Taxonomy Initiative)
 Decision VI/9, annex, paragraph 14(c) (Global Strategy for Plant Conservation)
 Decision VI/10, paragraph 2(c); annex I, paragraph 1.4.6 (Article 8(j))
 Decision VI/21, annex, paragraph 11 (Annex to the Hague Ministerial Declaration)
 Decision VII/11, annex II, part B, Paragraph 22 (Ecosystem approach)
 Decision VII/15, paragraph 13 (Biodiversity and climate change)
 Decision VII/28, annex (Protected areas)
 Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16 to 19))
 Decision VII/30, annex III (Strategic Plan)

Documents

- UNEP/CBD/COP/4/4—Status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use.
- UNEP/CBD/COP/5/10—Progress report on the implementation of programmes of work on inland water ecosystems, marine and coastal, and forest biological diversity.
- UNEP/CBD/SBSTTA/3/2—Biological diversity of inland waters.
- UNEP/CBD/SBSTTA/3/8—Methodologies for the assessment of biological diversity in inland water ecosystems.
- UNEP/CBD/SBSTTA/3/INF.4—Institutions related to inland waters biological diversity.
- UNEP/CBD/SBSTTA/3/INF.18—Workshop on Freshwater Biodiversity, Selbu, Norway, 5–7 June, 1997: draft report submitted by organizing institutes in Norway and Sweden.
- UNEP/CBD/SBSTTA/3/INF.26—Biodiversity of inland waters workshop.
- UNEP/CBD/SBSTTA/4/3—Progress report on the implementation of programmes of work on thematic areas.
- UNEP/CBD/SBSTTA/5/6—Inland waters biological diversity: ways and means to implement the work programme.
- UNEP/CBD/COP/6/11—Progress report on the implementation of programmes of work on the biological diversity of inland water ecosystems, marine and coastal biological diversity, agricultural biological diversity, and the biological diversity of dry and sub-humid lands.
- UNEP/CBD/COP/6/INF/39—Thematic programmes of work: progress reports on implementation: biological diversity of inland waters; marine and coastal biological diversity; biological diversity of dry and sub-humid lands; and agricultural biological diversity. Report of the First Meeting of the Ad Hoc Technical Expert Group on Dry and Sub-humid Land.
- UNEP/CBD/SBSTTA/8/8—Review of the implementation of the programme of work on biological diversity of inland water ecosystems and advice for its further elaboration and refinement.
- UNEP/CBD/SBSTTA/8/8/ADD1—Summary of the status and trends of, and threats to, inland water biodiversity.
- UNEP/CBD/SBSTTA/8/8/ADD2—Biological diversity of inland water ecosystems: elements for the further elaboration and refinement of the programme of work.
- UNEP/CBD/SBSTTA/8/8/ADD3—Work plan for developing methods and techniques for the valuation of goods and services of inland water ecosystems, incentives and policy reform and understanding of ecosystem function.
- UNEP/CBD/SBSTTA/8/8/ADD4—Provision of scientific advice and further guidance to assist in the national elaboration of Annex I of the Convention (as pertaining to inland water biodiversity).
- UNEP/CBD/SBSTTA/8/8/ADD5—Methods and regional guidelines for the rapid assessment of inland water biodiversity for different types of inland water ecosystems.
- UNEP/CBD/SBSTTA/8/INF/4—Provision of scientific advice and further guidance to assist in the national elaboration of Annex I of the Convention as per-

- taining to inland water ecosystems: options for national elaboration of the indicative list of categories of components of inland water biological diversity important for its consideration and sustainable use.
- UNEP/CBD/SBSTTA/8/INF/5—Report of the expert meeting and methods and guidelines for the rapid assessment of biological diversity of inland water ecosystems.
- UNEP/CBD/SBSTTA/8/INF/16—Habitat destruction in the World's waters.
- UNEP/CBD/SBSTTA/9/10—Monitoring and indicators: designing national-level monitoring programmes and indicators.
- UNEP/CBD/SBSTTA/9/14—Integration of outcome-oriented targets into the programmes of work of the Convention, taking into account the 2010 biodiversity target, the Global Strategy for Plant Conservation, and relevant targets set by the World Summit on Sustainable Development.
- UNEP/CBD/SBSTTA/9/14/ADD1—Outcome oriented targets and deadlines for the implementation of the revised programme of work on inland water biological diversity.
- UNEP/CBD/SBSTTA/9/INF/7—Report of the Expert Meeting on Indicators of Biological Diversity, including indicators for rapid assessment of inland water ecosystems.
- UNEP/CBD/COP/7/12/ADD1—Revised programme of work on the biological diversity of inland water ecosystems.
- UNEP/CBD/COP/7/20/ADD4—Draft outcome oriented targets for the implementation of the revised programme of work on inland water ecosystem biological diversity.
- UNEP/CBD/COP/7/INF/27—Cooperation with other conventions and international organizations and initiatives Progress report on the implementation of the third joint work plan (2002–2006) of the Convention on Biological Diversity and the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, Iran, 1971).

Agricultural biological diversity

Editors' note: The COP's consideration of agricultural biological diversity is linked to a number of items on the COP's agenda, including access to genetic resources and benefit-sharing. Decisions on agricultural biological diversity make frequent references to the Food and Agricultural Organization of the United Nations (FAO) International Undertaking on Plant Genetic Resources, further adopted as the International Treaty on Plant Genetic Resources for Food and Agriculture. These references are addressed in the guide to Article 15, earlier in this section of the Handbook. Decisions relating to other FAO activities and the Global System for Plant Genetic Resources for Food and Agriculture are addressed below.

Notes

CONSIDERATION OF AGRICULTURAL BIOLOGICAL DIVERSITY BY THE COP

Background and status

As part of its first medium-term programme of work, the COP decided to consider agricultural biological diversity at COP 3 [*decision I/9*]. It has also addressed issues relevant to agricultural biological diversity in its consideration of other items on its medium-term programme of work, including the relationship with the FAO Global System for Plant Genetic Resources for Food and Agriculture, and access to genetic resources (see guide to Article 15 earlier in this section of the Handbook).

COP 2 adopted a statement for transmission to the International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in June 1996 [*decision II/16, annex*].

SBSTTA 2 considered agricultural biological diversity and submitted recommendation II/7 to the COP. COP 3 adopted decision III/11, on conservation and sustainable use of agricultural biological diversity, which, *inter alia*, decided to establish a multi-year programme of activities on agricultural biological diversity. The aims of the work programme should be to promote:

- positive effects and mitigate the negative impacts of agricultural practices on biological diversity in agro-ecosystems and their interface with other ecosystems;
- conservation and sustainable use of genetic resources of actual or potential value for food and agriculture;
- fair and equitable sharing of benefits arising out of the utilization of genetic resources [*decision III/1, paragraph 1*].

The decision requested the Secretariat and the FAO, in close collaboration with other relevant organizations, to identify and assess relevant ongoing national and international activities and instruments [*decision III/11, paragraph 2; annex 2*]. The results of this assessment were to be reported back through SBSTTA, which at its third meeting reviewed progress to date in initiating the multi-year work programme, and submitted recommendation III/4 to the COP. In decision IV/6, the COP endorsed recommendation III/4, and requested that the SBSTTA develop and provide to advice and recommendations as to the development of the multi-year programme of work to COP 5 [*decision IV/6, paragraph 7*].

The advice and recommendations of the SBSTTA were provided in recommendation V/9. COP 5 adopted a programme of work to further implement decision III/11 [*decision V/5, paragraph 3*].

Much of the work on agricultural biological diversity under the Convention to date has been undertaken in cooperation with the FAO. In addition, the COP has welcomed the contribution that the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources provides to the implementation of the Convention and has endorsed its priorities and policy recommendations, while recognizing the need for further work in the context of the FAO Global System [*decision III/11, paragraph 19*]. The COP has also expressed support for the

Global Strategy for the Management of Farm Animal Genetic Resources under the FAO [*decision III/11 paragraph 20*]. The COP has asked the FAO and other relevant organizations to support implementation of the work programme [*decision V/5, paragraph 6*].

The COP has recommended collaboration and consultation with the World Trade Organization (WTO) in developing a better appreciation of the relationship between trade and agricultural biological diversity [*decision III/11, paragraph 24*]. The COP has requested the Executive Secretary to apply for observer status in the WTO Committee on Agriculture [*decision IV/6, paragraph 9*]. Parties have been encouraged to support this application [*decision V/5, paragraph 14*]. The Executive Secretary was requested to report to the COP on the impact of trade liberalization on the conservation and sustainable use of agricultural biological diversity in consultation with, *inter alia*, the WTO [*decision IV/6, paragraph 10*].

COP 6 decided to establish an International Initiative for the Conservation and Sustainable Use of Soil Biodiversity as a cross-cutting initiative within the programme of work on agricultural biodiversity, and invited the FAO, and other relevant organizations, to facilitate and coordinate this initiative [*decision VI/5, paragraph 13*].

COP 6 encouraged Parties to participate in the development of the first Report on the State of World's Animal Genetic Resources, initiated by FAO, invited Parties, and other Governments, as well as the financial mechanism and funding organization to provide adequate and timely support to enable countries to participate fully in the preparatory process and implement follow-up actions [*decision VI/5, paragraphs 14–16*].

COP 6 requested the Executive Secretary to study further the impacts of trade liberalization on agricultural biodiversity, in cooperation with United Nations Environment Programme (UNEP), FAO, WTO, and other relevant organizations [*decision VI/5, paragraph 17*].

ELEMENTS OF THE WORK PROGRAMME ON AGRICULTURAL BIOLOGICAL DIVERSITY

The programme comprises four mutually reinforcing programme elements:

1. **Assessments:** to provide a comprehensive analysis of status and trends of the world's agricultural biodiversity and of their underlying causes, as well as local knowledge of its management;
2. **Adaptive management:** to identify management practices, technologies, and policies that promote the positive and mitigate the negative impacts of agriculture on biodiversity, and enhance productivity and the capacity to sustain livelihoods by expanding knowledge, understanding, and awareness of the multiple goods and services provided by the different levels and functions of agricultural biodiversity;
3. **Capacity-building:** to strengthen the capacities of farmers, indigenous and local communities, and their organizations and other stakeholders, to manage agricultural biodiversity sustainably so as to increase their benefits and to promote awareness and responsible action;

4. **Mainstreaming:** to support the development of national plans or strategies for the conservation and sustainable use of agricultural biodiversity and to promote their mainstreaming and integration in sectoral and cross-sectoral plans and programmes [*decision V/15, annex B*].

For each of these four elements, an operational objective, rationale, set of activities, ways and means and timing of expected outputs, are provided.

The COP has recognized the contribution of farmers, indigenous and local communities to the conservation and sustainable use of agricultural biodiversity, and the importance of agricultural biodiversity to their livelihoods, emphasizing the importance of their participation in the implementation of the programme of work [*decision V/5, paragraph 5*].

COP 5 further noted that work on the following issues should be incorporated into the thematic work programmes, including for agricultural biological diversity; incentive measures; implementation of Article 8(j); public education and awareness; and impact assessment [*decision V/15, paragraph 4; decision V/16, paragraph 8; decision V/17, paragraph 5; decision V/18, part I, paragraph 1(a)*].

COP 6 noted the progress made in the implementation of the programme of work, and the need for emphasis and further action on several issues within the context of the programme of work [*decision VI/5, paragraph 1*].

COP 7 noted the progress made in the implementation of the work programme and agreed to the postponement of the preparation of the final report on the comprehensive assessment of agricultural biological diversity and related milestones by two years. In view of reporting, the COP requested through that available information on agricultural biodiversity be identified and assessed before the submission of the third national reports [*decision VII/3*].

Additionally, the COP requested the Executive Secretary, in collaboration with FAO and International Plant Genetic Resources Institute (IPGRI), to undertake the necessary consultations and bring forward options for consideration by COP 8 for a cross-cutting initiative on biodiversity for food and nutrition. This is to take place within the framework of the existing programme of work on agricultural biodiversity, and aims to strengthen existing initiatives on food and nutrition. It also aims fully integrate biodiversity concerns with a view to the achievements of the Millennium Development Goals [*decision VII/32*].

COP guidance

Guidance to Parties

The COP has adopted certain policy guidance to Parties in its decisions on this issue and has also called upon Parties to provide information and case-studies on particular issues.

In relation to national action, decision III/11 encourages Parties to develop national strategies, programmes, and plans, which address agricultural biological diversity and provide specific guidance related to agricultural biological diversity, that Parties are encouraged to incorporate into these strategies, programmes, and

plans [*decision III/11, paragraph 15*]. Parties are also encouraged to address specific aspects of plant, animal and microbial genetic resources [*decision III/11, paragraph 16*]. The COP has also given guidance related to agricultural practices [*decision III/11, paragraph 17*] as well as indicators, public awareness and incentives [*decision III/11, paragraphs 9, 13 and 21*].

A central part of the work programme has been the call for a range of information from Parties and others. For example, the COP has asked Parties for case-studies on topics such as GURTs, adaptive management practices, pollinators, and soil biota. A list of topics is provided in decision V/5 [*decision V/5, annex, section B, programme element 2, activity 2.1*]. By adopting these steps for the further implementation of the programme of work by the Executive Secretary, partner organizations and the reporting schedule, COP also asked Parties and other partners for case-studies and other contributions under the four programme elements [*decision VI/5, annex I*]. The COP also invited Parties to submit case-studies related to mainstreaming issues [*decision VI/5, paragraph 3*] and to provide thematic reports on the implementation of the programme of work, as part of the third national reports prior to COP 8 [*decision VI/5, paragraph 5*].

Financial mechanism and resources

The COP has requested the Global Environment Facility (GEF) to give priority to supporting efforts for the conservation and sustainable use of biological diversity important for agriculture [*decision III/11, paragraph 22*]. COP 5 requested the GEF to support the implementation of the programme of work on agricultural biodiversity [*decision V/13, paragraph 2 (b)*]. The COP has drawn the attention of international funding agencies, including the financial mechanism, to the need to support capacity-building in the development and implementation of the work programme on agricultural biological diversity [*decision IV/6, paragraph 12; decision V/5, paragraph 9*]. It has also requested the GEF to provide support for the International Initiative for the Conservation and Sustainable Use of Pollinators [*decision V/5, paragraph 2(c)*].

International Initiative for the Conservation and Sustainable Use of Pollinators

COP 5 also established an International Initiative for the Conservation and Sustainable Use of Pollinators as a cross-cutting initiative within the agricultural work programme. It requested the Executive Secretary to invite the FAO to facilitate and coordinate the initiative in cooperation with other relevant organizations who were invited to support actions in Parties and countries subject to pollinator decline. The Executive Secretary, the SBSTTA, and the financial mechanism were asked to support the Initiative and Parties and Governments were asked to collaborate and compile case-studies and pilot projects and to report to COP 6 when the initiative will be reviewed [*decision V/5, paragraphs 15–18*].

COP 6 adopted and decided to review periodically, as appropriate, the plan of action for the International Initiative for the Conservation and Sustainable Use of Pollinators [*decision VI/5, annex II*] prepared under the lead of the FAO. Parties, other Governments, the financial mechanism and funding organizations were asked to provide adequate and timely support to the implementation of the programme

of work, specially by developing country Parties and Parties with economies in transition, and in particular least developed countries and small island developing States [*decision VI/5, paragraph 11 and 12*].

Genetic use restriction technologies (GURTs)

The COP considered GURTs at COP 4 and at COP 5 [*decision IV/6, paragraph 11*]. COP 5 decided to continue work on GURTs under each of the four elements of the programme of work. It invited relevant organizations to study further the implications for biological diversity of such technologies, and asked them to inform COP 6 of initiatives in this area. It recommended that such technologies should not be approved for field testing by Parties until appropriate scientific data to justify such testing were available. It also urged Parties to carry out scientific studies of such technologies and their impacts and to disseminate the results through the CHM. It further encouraged them to identify both the ways and means of addressing these impacts, including the possible need for national regulations. The Executive Secretary has been asked to prepare a report on the status of GURTs based on information provided by Parties and organizations for the consideration of SBSTTA 7. COP 5 invited the SBSTTA to report to COP 6 on the progress made in the work on GURTs, under the umbrella of, and integrated into, each of the four elements of the programme of work on agricultural biological diversity. The Executive Secretary was also asked to prepare a report for COP 6 on the implications of such technologies for the implementation of Article 8(j) [*decision V/5, paragraphs 19–29*].

The Executive Secretary reported to COP 6 on the potential impacts of genetic use restriction technologies (GURTs) on agricultural biodiversity and agricultural production systems. COP 6 decided to establish an *ad hoc* technical expert group on GURTs to further analyze their potential impact of GURTs on smallholder farmers, indigenous and local communities and on Farmers' Rights, and to report to the Ad Hoc Open-ended Working Group on Article 8(j) and to SBSTTA prior to COP 7. In preparing its advice, the expert group was requested to take into account relevant ongoing work being carried out by the Food and Agriculture Organization of the United Nations (FAO), the International Union for the Protection of New Varieties of Plants (UPOV), the Intergovernmental Committee of Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO), and other organizations, as well as comments from Parties, international organizations, smallholder farmers, indigenous and local communities. COP also invited the Executive Secretary, Parties, other Governments and other organizations to consider relevant issues such as the Global Strategy for Plant Conservation, intellectual property rights, the draft Code of Conduct on Biotechnology as it relates to genetic resources for food and agriculture, and other sectors such as forestry, livestock, aquatic, and other ecosystems. COP invited the Executive Secretary to integrate the issues related to the impacts of GURTs on smallholder farmers, indigenous and local communities and on farmers' Rights in the work under the Convention regarding Article 8(j) and related provisions and Article 14, paragraph 2, on liability and redress [*decision VI/5, paragraphs 18–25*].

COP 7 requested that SBSTTA 10 consider the report from the ad hoc technical expert group on “the impacts of GURTs on smallholders farmers, indigenous and local communities and Farmers’ Rights,” which was prepared for COP 7, and to provide advice on it to COP 8, also taking into consideration decision VII/16 on Article 8(j) and related provisions [*decision VII/3*].

References

DECISIONS ON AGRICULTURAL BIOLOGICAL DIVERSITY

Decision III/11 (Agriculture)

Decision IV/6 (see also SBSTTA recommendation III/4) (Agriculture)

Decision V/5 (Agriculture)

Decision VI/5 (Agriculture)

Decision VI/6 (The International Treaty on Plant Genetic Resources for Food and Agriculture)

Decision VII/3 (Agriculture)

Decision VII/32 (The programme of work of the Convention and the Millennium Development Goals)

GUIDANCE TO PARTIES

National action

Decision III/11, paragraphs 9, 13, 15–17 and 21 (Agriculture)

Decision IV/6, paragraph 11 (Agriculture)

Decision V/5, paragraphs 4, 9, 10, 12–14, 23, 24, 26 and 27; annex, section B (Agriculture)

Decision VI/5, paragraphs 4, 7, 11, 12, 15, 18, 19 and 22; annex, section II (Agriculture)

Decision VI/6, paragraph 3 (The International Treaty of Plan Genetic Resources for Food and Agriculture)

Decision VI/10, paragraph 2(d) (Article 8(j))

Decision VI/15, annex I, paragraph 11; annex II, paragraph 10(c) and (16) (Incentive measures)

Decision VI/22, annex, goal 5, programme element 2, objective 2, paragraph (d) (Forest)

Decision VI/23, paragraph 15(c); annex, guiding principle 11, paragraph 2, guiding principle 12 (Alien species)

Decision VII/3, paragraphs 10, 11 and 13 (Agriculture)

Information and case-studies

Decision III/11, paragraphs 4–6, 10 and 11; annex 2; annex 3 (Agriculture)

Decision IV/6, paragraphs 4–6 (Agriculture)

Decision V/5, paragraphs 25 and 27; annex, section B, programme element 2 (Agriculture)

Decision VI/5, paragraph 3; annex II, element 2 (Agriculture)

Decision VI/22, annex, programme element 1, paragraph (h) (Forests)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision III/5, paragraph 2(c) (Additional guidance to the financial mechanism)
- Decision III/11, paragraph 22 (Agriculture)
- Decision IV/6, paragraph 12 (Agriculture)
- Decision V/5, paragraph 18 (Agriculture)
- Decision V/13, paragraphs 2(b)(i) and 2(c) (Further guidance to the financial mechanism)
- Decision VI/5, paragraphs 12 and 16 (Agriculture)

Other financial resources

- Decision III/11, paragraph 22 (Agriculture)
- Decision V/5, paragraph 9; annex, section B, programme element 3, 'Ways and means' (Agriculture)
- Decision VI/5, paragraphs 12 and 16 (Agriculture)

GUIDANCE TO THE SECRETARIAT

- Decision III/11, paragraphs 2, 7, 8 and 10; annex 2 (Agriculture)
- Decision IV/6, paragraph 1 (see also SBSTTA recommendation III/4, paragraph 11) (Agriculture)
- Decision V/5, paragraphs 6–8, 16, 28 and 29; annex, section B, programme element 2 (Agriculture)
- Decision VI/5, paragraphs 5, 6, 17, 21 and 25; annex I, tables 1 and 2 (Agriculture)
- Decision VI/6, paragraphs 5 and 6 (The International Treaty of Plant Genetic Resources for Food and Agriculture)
- Decision VI/10, paragraph 1; annex I, section IV, paragraph 23 (Article 8(j))
- Decision VI/19, annex, programme element 1, proposed actions, paragraph 2 (Communication, education and public awareness)
- Decision VII/3, paragraphs 11 and 12 (Agriculture)
- Decision VII/32, paragraph 7 (The programme of work of the Convention and the Millennium Development Goals)

GUIDANCE TO SBSTTA

- Decision III/11, paragraphs 2 and 12 (Agriculture)
- Decision IV/6, paragraph 7 (Agriculture)
- Decision V/5, paragraphs 16, 18, 19 and 28; annex, section B, programme element 2 (Agriculture)
- Decision VI/9, paragraph 10; annex (Global Strategy for Plant Conservation)
- Decision VI/6, annex 1, table 2 (Agriculture)
- Decision VII/3, paragraph 4 (Agriculture)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

- Decision II/15 (FAO Global System)
- Decision II/16 (Statement to FAO International Technical Conference)
- Decision III/11, paragraphs 2–20 and 24; annex 2 (Agriculture)
- Decision III/19, annex, paragraph 12 (Statement to UNGA Special Session)

- Decision IV/6, paragraphs 9 and 10 (Agriculture)
- Decision V/5, paragraphs 2, 6, 11–14, 16, 17, 20, 21, 22 and 29, programme element 1, ‘Ways and means’, programme element 4, ‘Ways and means’ (Agriculture)
- Decision VI/5, paragraphs 6, 9, 13, 17, 21, 23, 24 and 25(b) (Agriculture)
- Decision VI/6, paragraphs 3, 6, 11, 13, 15, 17 and 22–24, annex II (Agriculture)
- Decision VI/6, paragraphs 5 and 6 (The International Treaty of Plant Genetic Resources for Food and Agriculture)
- Decision VI/10, paragraph 1; annex I, paragraph 23 (Article 8(j))
- Decision VI/20, paragraphs 7 and 9 (Cooperation)
- Decision VII/3, paragraphs 10–13 (Agriculture)

OTHER RELEVANT DECISIONS

- Decision I/9, annex, paragraph 6.3 (Medium-term programme of work)
- Decision III/10, paragraph 2 (see also SBSTTA recommendation II/1, paragraphs 13, 14 and 22) (Identification, monitoring and assessment)
- Decision V/15, paragraph 4 (Incentive measures)
- Decision V/16, paragraph 8 (Article 8(j) and related provisions)
- Decision V/17, paragraph 5 (Education and public awareness)
- Decision V/18 I, paragraph 1(a) (Impact assessment, liability and redress)
- Decision VI/7, annex, appendix 2, category B; paragraph (b)(i), appendix 4, table, paragraph (d) (Identification, monitoring, indicators and assessments)
- Decision VI/8, annex, paragraph 5, section C, paragraph 2.2(vii), 4.3(ii)(iv), 4.5 and 5.1(iv) (Global Taxonomy Initiative)
- Decision VI/21, annex, paragraph 9, table, 11 (Annex to the Hague Declaration)
- Decision VI/24, annex, part V, section D, paragraph 5 (Access and benefit-sharing as related to genetic resources)
- Decision VII/10, paragraph 8(g) (Global Strategy for Plant Conservation)
- Decision VII/11, paragraphs 23 and 24 (Ecosystem approach)
- Decision VII/15, paragraph 13 (Biodiversity and climate change)
- Decision VII/16, section D (Article 8(j) and related provisions)
- Decision VII/28, annex (Protected areas)
- Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16–19))
- Decision VII/30, annex III (Strategic Plan)

Documents

- UNEP/CBD/COP/2/18—FAO Global System for Plant Genetic Resources for Food and Agriculture.
- UNEP/CBD/COP/3/14—Consideration of agricultural biological diversity under the Convention on Biological Diversity.
- UNEP/CBD/COP/3/15—Report on the Food and Agriculture Organization’s Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.
- UNEP/CBD/COP/4/6—Ongoing instruments and activities on agricultural biodiversity.

- UNEP/CBD/COP/4/INF.17—Inter-agency Consultation on Wild Plant Genetic Resources of Interest for Food and Agriculture, Paris, February 1998.
- UNEP/CBD/COP/4/INF.20—Report of the Fourth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture, Rome, 1–5 December 1997.
- UNEP/CBD/COP/4/INF.24—Sharing the benefits of agricultural biodiversity.
- UNEP/CBD/COP/5/11—Review of programme of work: phase I and adoption of multi-year programme of work.
- UNEP/CBD/COP/5/INF.10—Summaries of case-studies on soil biota, pollinators and landscape diversity, and of coverage of agricultural biodiversity in national reports.
- UNEP/CBD/COP/5/INF.11—Agricultural biological diversity: review of phase I of the programme of work and adoption of multi-year programme of work: the ecosystem approach: towards its application to agricultural biological diversity.
- UNEP/CBD/COP/5/INF.12—Agricultural biological diversity: report on the negotiations for the revision of the International Undertaking on Plant Genetic Resources.
- UNEP/CBD/SBSTTA/1/7—Contribution to the preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in 1996.
- UNEP/CBD/SBSTTA/2/10—Agricultural biological diversity.
- UNEP/CBD/SBSTTA/2/INF.15—FAO Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture; report of the Fourth International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture, Leipzig, Germany, 17–23 June 1996.
- UNEP/CBD/SBSTTA/3.6—Review of ongoing activities on agricultural biological diversity.
- UNEP/CBD/SBSTTA/3/INF.6—Reports from international organizations on policies, programmes, and activities on agricultural biological diversity (CGRFA-7/97/7 Parts I, II, III and Add. 1, submitted by FAO).
- UNEP/CBD/SBSTTA/3/INF.7—Report from FAO on its policies, programmes, and activities on agricultural biological diversity and progress report on the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (CGRFA-7/97/8.1 and 8.2 and CGRFA-7/97/3, submitted by FAO).
- UNEP/CBD/SBSTTA/3/INF.8—Report of Seventh Session of Commission on Genetic Resources for Food and Agriculture, May 1997, CGRFA-7/97 REP, submitted by FAO.
- UNEP/CBD/SBSTTA/3/INF.9—Compilation of contributions on agricultural biological diversity received from parties.
- UNEP/CBD/SBSTTA/3/INF.10—Report of the Joint FAO-CBD Secretariat Technical Consultations and Technical Workshop, June 1997, Rome.
- UNEP/CBD/SBSTTA/4/3—Progress report on the implementation of programmes of work on thematic areas.
- UNEP/CBD/SBSTTA/4/9/Rev.1—Consequences of the use of the new technology for the control of plant gene expression for the conservation and sustainable use of biological diversity.

- UNEP/CBD/SBSTTA/4/INF.3—Supplementary information to SBSTTA/4/9/Rev.1—Consequences of the use of the new technology for the control of plant gene expression for the conservation and sustainable use of biological diversity.
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- UNEP/CBD/SBSTTA/7/9—Agricultural biodiversity progress report on the implementation of the programme of work, including development of the International Pollinators Initiative.
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- UNEP/CBD/COP/6/11—Progress report on the implementation of programmes of work on the biological diversity of inland water ecosystems, marine and coastal biological diversity, agricultural biological diversity and the biological diversity of dry and sub-humid lands.
- UNEP/CBD/COP/6/INF/1/REV1—Thematic programmes of work: progress reports on implementation: Agricultural Biological Diversity Potential Impacts of Genetic Use Restriction Technologies (GURTs) on agricultural biodiversity and agricultural production systems.
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- UNEP/CBD/SBSTTA/9/2—Progress in the implementation of the thematic programmes of work.
- UNEP/CBD/COP/7/11—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: forest biological diversity, biological diversity of dry and sub-humid lands, and agricultural biological diversity.
- UNEP/CBD/COP/7/INF/14—The impact of trade liberalization on agricultural biological diversity: domestic support measures and their effects on agricultural biological diversity.
- UNEP/CBD/COP/7/INF/15—The impact of trade liberalization on agricultural biological diversity.

UNEP/CBD/COP/7/INF/31—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: agricultural biological diversity potential impacts of genetic use restriction technologies (GURTs) on agricultural biodiversity and agricultural production systems: report submitted by the Food and Agriculture Organization of the United Nations.

Marine and coastal biological diversity

Notes

CONSIDERATION OF MARINE AND COASTAL BIOLOGICAL DIVERSITY BY THE COP

Background and status

The COP identified marine and coastal biological diversity as an early priority. COP 1 requested the SBSTTA to advise on scientific, technical, and technological aspects of the conservation and sustainable use of marine and coastal biological diversity [*decision I/7, annex, paragraph 5.5.3*].

Accordingly, SBSTTA 1 submitted recommendation I/8 to COP 2 on scientific, technical, and technological aspects of the conservation and sustainable use of marine and coastal biological diversity.

COP 2 subsequently adopted decision II/10 on the conservation and sustainable use of marine and coastal biological diversity, supporting some of the SBSTTA's recommendations, subject to additional conclusions by the COP [*decision II/10, annex I*]. Decision II/10 provided certain guidance on the process to be used to develop a work programme on marine and coastal biological diversity, and on key substantive elements of the work programme. It also provided some guidance to the Parties in relation to marine and coastal biological diversity, and on cooperation with related conventions and relevant international and regional organizations. It also requested the Executive Secretary to prepare a study for the SBSTTA on the bio-prospecting of genetic resources of the deep seabed in consultation with the Secretariat of the United Nations Convention on the Law of the Sea (UNCLOS) [*decision II/10, paragraph 12*]. This study has been concluded and was presented to the eighth meeting of the SBSTTA.

Also at COP 2, the Ministerial Statement on the Implementation of the Convention on Biological Diversity referred to the new global consensus on the importance of marine and coastal biological diversity as the 'Jakarta Mandate on Marine and Coastal Biological Diversity.' The Ministerial Statement reaffirmed the critical need for the COP to address the conservation and sustainable use of marine and coastal biological diversity, and urged Parties to initiate immediate action to implement the COP decisions on this issue [*Jakarta Ministerial Statement*].

Decision II/10 also instructed the Executive Secretary to establish a roster of experts on marine and coastal biological diversity. In response to this decision, a roster of experts on marine and coastal biological diversity was established, on the basis of country input. Drawing from the roster of experts, the Executive Secretary con-

vened the First Meeting of the Group of Experts on Marine and Coastal Biological Diversity (Jakarta, March 1997). The outcome of this meeting provided the basis for the elaboration by the Executive Secretary of a draft three-year programme of work on marine and coastal biological diversity. This programme of work was considered and amended by SBSTTA 3 [SBSTTA recommendation III/2].

Based on the recommendations of the SBSTTA, COP 4 adopted decision IV/5 on the conservation and sustainable use of marine and coastal biological diversity. Decision IV/5 contains the programme of work arising from decision II/10 [decision IV/5, section I, annex]. It also specifically addresses the issue of coral bleaching, and related biodiversity loss, and the special needs and considerations of small island developing States in implementation of the work programme [decision IV/5, II and III].

IMPLEMENTATION OF THE WORK PROGRAMME

COP 5 reviewed progress in the implementation of the work programme. It added a work element on coral reefs, specifically on coral bleaching, to be integrated into programme element 2 (Marine and coastal living resources), with a minimum three-year time schedule. It further endorsed the results of the Expert Consultation on Coral Bleaching, held in Manila from 11 to 13 October 1999, which are included as an annex to the decision. The annex contains priority areas for action on coral bleaching under four headings: information-gathering; capacity-building; policy development/implementation; and financing. In response to decision V/3, a specific work plan on coral bleaching and elements of a work plan on physical degradation and destruction of coral reefs were prepared [Recommendation VI/2, annexes], and their continued implementation endorsed in decision VI/3.

COP 5 also made suggestions for further action in each of the existing programme elements and approved the terms of reference and duration of work specified for the Ad Hoc Technical Expert Groups (AHTEG) on Marine and Coastal Protected Areas and on Mariculture as contained in annex II to recommendation V/14 of the SBSTTA, with slight modifications [decision V/3, paragraph 15]. The final results of the work of these experts groups was presented to the eighth meeting of the SBSTTA. It invited the United Nations Educational, Scientific and Cultural Organization (UNESCO) to continue its strong involvement with the work programme, and asked the Executive Secretary to coordinate with the secretariats of the regional seas conventions and action plans with a view to exploring further collaboration [decision V/3, paragraphs 17, 18].

COP 6 noted the progress made in the implementation of the programme of work, including the integration of coral reefs into programme element 2 of the programme of work, and requested the Executive Secretary to continue facilitating the implementation of the specific work plan on coral bleaching and developing further the work plan on physical degradation and destruction of coral reefs [decision VI/3]. Finally, the decision invited the Executive Secretary to strengthen collaboration with regional seas conventions and action plans. The COP also recognized the need for support through the financial mechanism for implementation of the coral-reef work plans.

The COP has urged Parties when requesting assistance through the financial mechanism to propose projects that promote implementation of the programme of work on marine and coastal biological diversity [*decision IV/5 I, paragraph 3*]. It has also urged Parties, countries, relevant organizations and donor agencies to contribute to the implementation of specific elements of the work programme [*decision IV/5 I, paragraph 2*].

The implementation of the programme of work on marine and coastal biological diversity adopted in decision IV/5 was comprehensively reviewed by SBSTTA 8 in March 2003. In the resulting recommendation VIII/3, the SBSTTA stressed that the programme elements of the programme of work still correspond to global priorities, and although much progress has been made, the programme of work has not yet been fully implemented. Therefore, the SBSTTA recommended that the COP extend the time period of the programme of work by an additional six years, and that an elaboration of the programme of work be undertaken by the Executive Secretary in accordance with paragraph 2 of recommendation VIII/3 A for consideration at COP 7.

The SBSTTA also considered the outcomes of the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas and the Ad Hoc Technical Expert Group on Mariculture, which resulted in sections B and C, respectively, of recommendation VIII/3. The SBSTTA recommended that these sections be incorporated into the elaborated programme of work.

SBSTTA 8 adopted recommendation VIII/3 with respect to the review, as well as further elaboration and refinement of the programme of work. It established an Ad Hoc Technical Expert Group on Implementation of Integrated Marine and Coastal Area Management (IMCAM), and drafted terms of reference [*Recommendation VIII/3, part A; annex*].

Based on the recommendations of the SBSTTA, COP 7 adopted decision VII/5 on marine and coastal biological diversity and elaborated the programme of work on marine and coastal biological diversity [*decision VII/5, annex 1*]. The structure (programme elements) of the programme of work remains the same, as it was in decision IV/5, except for the addition of enabling activities designed to assist Parties to overcome obstacles to implementation. Activities in the programme of work adopted in decision IV/5 that have been completed have now been removed. The decision and its annexes contain new material on marine and coastal protected areas, mariculture, conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction, and coral bleaching. An update to the specific work plan on coral bleaching was undertaken, with the aim to make it increasingly action-oriented in undertaking management actions and strategies to support reef resilience, rehabilitation, and recovery [*decision VII/5, appendix 1*]. The amendments to the coral-bleaching work plan recognize the need to manage coral reefs for resistance, as well as resilience to and recovery from, episodes of raised sea temperatures and/or coral bleaching, including taking such factors into account in marine protected areas network design. In addition, relevant activities from the Plan of Implementation of the World Summit on Sustainable Development have been incorporated into the programme of work.

On the topic of marine and coastal protected areas, the COP provided guidance for the development of a national marine and coastal biodiversity management framework [*decision VII, annex II*] and agreed upon a list of research priorities [*decision VII/5, appendix 4*] that represent current knowledge gaps. Similar research and monitoring priorities were also agreed upon for mariculture [*decision VIII, appendix 5*].

Thematic issues, programme elements and operational objectives of the work programme on marine and coastal biological diversity

Five key thematic issues were identified in the Jakarta Mandate. These issues are reflected in the programme elements of the work programme adopted in decision IV/5 and retained in the elaborated programme of work adopted in decision VII/5. This section highlights the operational objectives set out in the work programme. Readers should refer to Annex 1 to decision VII/5 for the full text of the work programme, which sets out specific activities and timeframes for the achievement of these objectives.

PROGRAMME ELEMENT 1. Implementation of integrated marine and coastal area management (IMCAM).

Operational objectives

- 1.1. To apply appropriate policy instruments and strategies, including building of capacity, for the effective implementation of IMCAM.
- 1.2. To undertake direct action to protect the marine environment from negative impacts.
- 1.3. To develop guidelines for ecosystem evaluation and assessment, paying attention to the need to identify and select indicators, including social and abiotic indicators, that distinguish between natural and human-induced effects.

PROGRAMME ELEMENT 2. Marine and coastal living resources.

Operational objectives

- 2.1. To promote ecosystem approaches to the conservation and sustainable use of marine and coastal living resources, including the identification of key variables or interactions, for the purpose of assessing and monitoring, first, components of biological diversity; second, the sustainable use of such components and third, ecosystem effects.
- 2.2. To make available to the Parties information on marine genetic resources in marine areas beyond national jurisdiction and, as appropriate, on coastal and marine genetic resources under national jurisdiction from publicly available information sources.
- 2.3. To gather and assimilate information on, build capacity to mitigate the effects of, and to promote policy development, implementation strategies and actions to address: (i) the biological and socio-economic consequences of physical degradation and destruction of key marine and coastal habitats, including mangrove ecosystems, tropical and cold-water coral-reef ecosystems, seamount ecosystems

and seagrass ecosystems, including identification and promotion of management practices, methodologies and policies to reduce and mitigate impacts upon marine and coastal biological diversity, and to restore mangrove forests and rehabilitate damaged coral reef; and in particular (ii) the impacts of mangrove forest destruction, coral bleaching, and related mortality on coral-reef ecosystems and the human communities which depend upon coral-reef services, including through financial and technical assistance.

2.4. To enhance the conservation and sustainable use of biological diversity of marine living resources in areas beyond the limits of national jurisdiction.

PROGRAMME ELEMENT 3. Marine and coastal protected areas

Operational objectives

3.1. To establish and strengthen national and regional systems of MCPAs integrated into a global network and as a contribution to globally agreed goals.

3.2. To enhance the conservation and sustainable use of biological diversity in marine areas beyond the limits of national jurisdiction.

3.3. To achieve effective management of existing MCPAs.

3.4. To provide support for, and facilitate monitoring of, national and regional systems of MCPAs.

3.5. To facilitate research and monitoring activities that reflect identified global knowledge gaps and priority information needs of MCPA management.

PROGRAMME ELEMENT 4. Mariculture

Operational objectives

4.1. To promote use of techniques that minimize the adverse impact of mariculture on marine and coastal biological diversity.

PROGRAMME ELEMENT 5. Alien species and genotypes

Operational objectives

5.1. To achieve better understanding of the pathways and the causes of the introduction of alien species, and the impact of such introductions on biological diversity.

5.2. To put in place mechanisms to control all pathways, including shipping, trade, and mariculture, for potential alien invasive species in the marine and coastal environment.

5.3. To maintain an incident list on the introduction of alien species.

PROGRAMME ELEMENT 6. General

Operational objectives

6.1. To assemble a database of initiatives on programme elements through a cooperative approach with relevant organizations and bodies, with special emphasis on integrated marine and coastal area management.

6.2. To undertake effective collaboration, cooperation, and harmonization of initiatives with relevant conventions, organizations and agencies while recognising their independent mandates. Activities relating to the six programme elements are implemented on the following levels: national and local, regional, and global. The national and local level is the primary level of implementation for activities in the programme of work. The involvement of all relevant stakeholders in implementation of the programme of work should be promoted. The role of the Secretariat is to promote and facilitate the implementation of the programme of work.

CBD Technical Series 11 on the status and trends of inland water biodiversity was issued for COP 7.

References

DECISIONS ON MARINE AND COASTAL BIOLOGICAL DIVERSITY

- Decision II/10 (Marine and coastal)
- Decision IV/5 (Marine and coastal)
- Decision V/3 (Marine and coastal)
- Decision VI/3 (Marine and coastal)
- Decision VII/5 (Marine and coastal)

GUIDANCE TO PARTIES

National action

- Decision II/10, paragraphs 2 and 4 (Marine and coastal)
- Decision III/11, paragraph 15(h) (Agriculture and coastal)
- Decision V/3, paragraphs 4 and 6 (Marine and coastal)
- Decision V/25, paragraph 7 (Biological diversity and tourism)
- Decision VII/5, paragraphs 8, 20, 26, 28, 35, 44–46, 54, 56 and 62; annex 1 (elaborated programme of work on marine and coastal biological diversity); appendix 1 (specific work plan on coral bleaching); appendix 2 (elements of a work plan on physical degradation and destruction of coral reefs); appendix 3 (elements of a marine and coastal biodiversity management framework); appendix 4 (research priorities, including research and monitoring projects associated with programme element 3: marine and coastal protected areas); appendix 5 (research and monitoring priorities associated with programme element 4: mariculture); and annex II (guidance for the development of a national marine and coastal biodiversity management framework) (Marine and coastal)

Information and case-studies

- Decision V/3, paragraph 7 (Marine and coastal)
- Decision VII/5, operational objective 5.1, activity (a); appendix 1 (specific work plan on coral bleaching) 2(d); appendix 4; priority 3.1, pilot project (a), priority 3.3, pilot project (b) and priority 3.5, pilot project (a) (Marine and coastal)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision I/2, annex I, paragraph 4(k) (Financial mechanism and resources)

Decision II/10, paragraph 11 (Marine and coastal)

Decision V/13, paragraph 2(d) (Further guidance to the financial mechanism)

Decision VI/3, paragraph 5 (Marine and coastal)

Decision VII/5, paragraphs 9 and 36; annex 1, sections on ways and means; and section IV (Marine and coastal)

Decision VII/20, paragraph 3 (Further guidance to the financial mechanism)

Other financial resources

Decision II/10, paragraph 11 (Marine and coastal)

Decision IV/5, I, paragraph 2 (Marine and coastal)

Decision VII/5, paragraphs 9 and 35; Annex 1 sections on ways and means; and Annex I section IV on enabling activities (Marine and coastal)

Decision VII/20, paragraph 3 (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

Decision II/10, paragraphs 7, 8 and 12; annex II (Marine and coastal)

Decision IV/5 I, paragraph 4; section II, paragraph 2; annex A, paragraphs 1, 8, 13 and C32⁶³ (Marine and coastal)

Decision V/3, paragraphs 1, 4, 7, 10, 11, 14 and 16–18 (Marine and coastal)

Decision V/21, paragraph 3 (Cooperation)

Decision V/25, paragraph 2 (Biological diversity and tourism)

Decision VI/3, paragraphs 2–4 (Marine and coastal)

Decision VII/5, paragraphs 7, 31, 33, 37, 39, 47, 49, 50 and 54; annex I; appendices 1–4; annexes II and III (Marine and coastal)

GUIDANCE TO SBSTTA

Decision I/7, annex, paragraph 5.5.3 (SBSTTA)

Decision II/10, paragraph 14 (Marine and coastal)

Decision IV/5 II, paragraph 133⁶⁴ (Marine and coastal)

Decision V/3, paragraphs 1, 8, 10, 12 and 13 (Marine and coastal)

Decision VI/13, paragraphs 3 and 4 (Marine and coastal)

Decision VI/20, paragraph 9 (Cooperation)

Decision VII/5, paragraph 37; annex I; appendices 1–4; annexes II and III (Marine and coastal)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision II/10, paragraphs 4, 5, 10, 12 and 13; annex II, paragraphs 2(c) and 3(b) (Marine and coastal)

Decision III/19, annex, paragraphs 10 and 11 (Statement to UNGA Special Session)

63 All activities in the work programme are to be carried out primarily by the Executive Secretary or Secretariat. See text of the decision for details.

64 SBSTTA is to participate in activities under the following operational objectives listed in part C of the annex: 1.3, 3.1, 3.2, 4 and 5.1.

- Decision IV/5 I, paragraph 4; section II, paragraphs 2 and 3; annex, paragraphs 7, 11, 12, 14 and C34⁶⁵ (Marine and coastal)
- Decision V/3, paragraphs 5–7, 17 and 18 (Marine and coastal)
- Decision V/21, paragraph 3 (Cooperation)
- Decision V/25, paragraph 2 (Biological diversity and tourism)
- Decision VII/5, paragraphs 3, 6, 7, 15, 31, 38, 41, 49, 50, 54, 55, 58, 59 and 61; annex I; appendices 1-4; annex II and III (Marine and coastal)

OTHER RELEVANT DECISIONS

- Decision I/9, annex, paragraph 5.3.1 (Medium-term programme of work)
- Decision III/10, paragraph 2 (see also SBSTTA recommendation II/1, paragraphs 12, 14 and 22) (Identification, monitoring and assessment)
- Decision III/18, paragraph 1 (see also SBSTTA recommendation II/9, paragraph 2) (Incentive measures)
- Decision V/5, annex, section A, paragraph 3(c) (Agriculture)
- Decision V/8, paragraph 10 (Alien species)
- Decision V/15, paragraph 4 (Incentive measures)
- Decision V/16, paragraph 8 (Article 8(j) and related provisions)
- Decision V/17, paragraph 5 (Education and public awareness)
- Decision V/18 I, paragraph 1(a) (Impact assessment, liability and redress)
- Decision VI/8, annex, paragraph 5, section B, 4.2 (Global Taxonomy Initiative)
- Decision VI/9, annex, paragraph 14(c) (Global Strategy for Plant Conservation)
- Decision VI/10, annex I, paragraph 1.4.3 (Article 8(j))
- Decision VI/21, annex, paragraph 9, table 11 (Annex to the Hague Ministerial Declaration)
- Decision VII/4, annex, activity 3.2.3 (Biological diversity of inland water ecosystems)
- Decision VII/11, paragraph 8, annex I (implementation guidelines), annex II, section B (integration of ecosystem approach into sectors and biomes corresponding to the thematic programmes of work of the Convention) (Ecosystem approach)
- Decision VII/12, annex 1 paragraph 4 (Sustainable use (Article 10))
- Decision VII/13, paragraph 7(a) (Alien species that threaten ecosystems, habitats or species (Article 8(h))
- Decision VII/14, annex (Guidelines on Biodiversity and Tourism Development) (Biological diversity and tourism)
- Decision VII/15, paragraphs 13, 18(a) and (c) (Biodiversity and climate change)
- Decision VII/28, paragraph 16, 18, 20 and 29(a); annex (Protected areas)
- Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16 to 19))
- Decision VII/30, paragraph 12(c), annexes I, II and III (Strategic Plan)

65 Activities under the following operational objectives listed in part C of the annex are to be carried out by the Executive Secretary in cooperation with other relevant organizations: 1.1, 1.2, 1.3, 2.1, 3.1, 5.1, 5.2 and 6.2.

Documents

- UNEP/CBD/COP/4/5—Implementation of the programme of work on marine and coastal biological diversity.
- UNEP/CBD/COP/5/INF.6—Review of existing instruments relevant to integrated marine and coastal area management and their implications for the implementation of the Convention.
- UNEP/CBD/COP/5/INF.7—Information on marine and coastal genetic resources, including bioprospecting.
- UNEP/CBD/COP/5/INF.8—Criteria for the selection of marine and coastal protected areas.
- UNEP/CBD/SBSTTA/1/8—Scientific, technical, and technological aspects of the conservation and sustainable use of coastal and marine biological diversity.
- UNEP/CBD/SBSTTA/2/14—Report by the Executive Secretary on marine and biological diversity.
- UNEP/CBD/SBSTTA/2/INF.4—Submissions received by the Secretariat concerning the conservation and sustainable use of marine and coastal biological diversity.
- UNEP/CBD/SBSTTA/2/15—Bioprospecting of genetic resources of the deep seabed.
- UNEP/CBD/SBSTTA/3/4—Conservation sustainable use of marine and coastal biological diversity.
- UNEP/CBD/SBSTTA/3/INF.1—Report of the First Meeting of Experts on Marine and Coastal Biological Diversity.
- UNEP/CBD/SBSTTA/4/3—Progress report on the implementation of programmes of work on thematic areas.
- UNEP/CBD/SBSTTA/5/7—Marine and coastal biological diversity: consideration of implementation tools for the programme of work, and analysis of coral bleaching.
- UNEP/CBD/COP/6/11—Progress report on the implementation of programmes of work on the biological diversity of inland water ecosystems, marine and coastal biological diversity, agricultural biological diversity and the biological diversity of dry and sub-humid lands.
- UNEP/CBD/COP/6/INF/32—Integrated marine and coastal area management and the Convention on Biological Diversity: an analysis of integrated marine and coastal area management documents in relation to the Convention's objectives.
- UNEP/CBD/COP/6/INF/39—Thematic programmes of work: progress reports on implementation: biological diversity of inland waters, marine and coastal biological diversity, biological diversity of dry and sub-humid lands, and agricultural biological diversity: report of the First Meeting of the Ad Hoc Technical Expert Group on Dry and Sub-humid Land.
- UNEP/CBD/COP/6/INF/41—Implementation of the programme of work on marine and coastal biological diversity.
- UNEP/CBD/SBSTTA/8/9—Marine and coastal biodiversity: review, further elaboration and refinement of the programme of work.
- UNEP/CBD/SBSTTA/8/9/Add.1—Summary report of the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas.
- UNEP/CBD/SBSTTA/8/9/Add.1/Corr.1—Summary report of the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas.

- UNEP/CBD/SBSTTA/8/9/Add.2—Summary report of the Ad Hoc Technical Expert Group on Mariculture.
- UNEP/CBD/SBSTTA/8/9/Add.3/Rev.1—Conservation and sustainable use of deep seabed genetic resources beyond national jurisdiction: study of the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea.
- UNEP/CBD/SBSTTA/8/INF/3/Rev.1—Study of the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea with regard to the conservation and sustainable use of genetic resources on the deep seabed [*decision II/10 of the Convention on Biological Diversity*].
- UNEP/CBD/SBSTTA/8/INF/6—Report of the Ad Hoc Technical Expert Group on Mariculture.
- UNEP/CBD/SBSTTA/8/INF/7—Report of the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas.
- UNEP/CBD/SBSTTA/8/INF/11—Technical advice on the establishment and management of a national system of marine and coastal protected areas: paper prepared by the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas.
- UNEP/CBD/SBSTTA/8/INF/12—The value and effects of marine and coastal protected areas on marine and coastal biological diversity: a review of available information.
- UNEP/CBD/SBSTTA/8/INF/13—Rapid assessment of marine and coastal biological diversity: a progress report on the development of methods and guidance.
- UNEP/CBD/SBSTTA/8/INF/14—Community involvement in marine and coastal protected areas: case-studies.
- UNEP/CBD/SBSTTA/8/INF/15—Additional information used in the review of the programme of work on marine and coastal biological diversity.
- UNEP/CBD/SBSTTA/8/INF/16—Habitat destruction in the World's waters.
- UNEP/CBD/SBSTTA/9/2—Progress in the implementation of the thematic programmes of work.
- UNEP/CBD/SBSTTA/9/14/ADD3—Outcome-oriented targets for the implementation of the elaborated programme of work on marine and coastal biological diversity.
- UNEP/CBD/SBSTTA/9/14/ADD3/CORR1—Outcome-oriented targets for the implementation of the elaborated programme of work on marine and coastal biological diversity: corrigendum.
- UNEP/CBD/SBSTTA/9/INF/23—Achieving sustainable management of tropical marine ecosystems: the action statement from the second International Tropical Marine Ecosystems Management Symposium (ITMEMS 2) and its relevance to the Convention on Biological Diversity.
- UNEP/CBD/SBSTTA/9/INF/25—Methods for rapid assessment of marine and coastal biological diversity.
- UNEP/CBD/COP/7/12—Thematic Programmes of Work: review, further elaboration and refinement.
- UNEP/CBD/COP/7/12/Add.2—The elaborated programme of work on marine and coastal biological diversity.

- UNEP/CBD/COP/7/20/Add.5—Outcome-oriented targets for the implementation of the elaborated programme of work on marine and coastal biological diversity.
- UNEP/CBD/COP/7/INF/24—The proposed Ballast Water Convention and its relevance to the Convention on Biological Diversity.
- UNEP/CBD/COP/7/INF/25—Management of risks to the biodiversity of seamounts and cold water coral communities beyond national jurisdiction.
- UNEP/CBD/COP/7/INF/25/CORR1—Management of risks to the biodiversity of seamounts and cold water coral communities beyond national jurisdiction: corrigendum.
- UNEP/CBD/COP/7/INF/26—The International Coral Reef Initiative (ICRI) resolutions on small island developing states and coral reefs and on cold-water coral reefs, and their relevance to the Convention on biological diversity.
- UNEP/CBD/COP/7/INF/27—Cooperation with other conventions and international organizations and initiatives: progress report on the implementation of the third joint work plan (2002–2006) of the Convention on Biological Diversity and the Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, Iran, 1971.

PUBLICATIONS IN CBD TECHNICAL SERIES

- CBD Technical Series 12: Solutions for sustainable mariculture: avoiding adverse effects of mariculture on biological diversity.
- CBD Technical Series 13: Technical advice on the establishment and management of marine and coastal protected areas.
- CBD Technical Series 14: Integrated marine and coastal area management (IMCAM) approaches for implementing the Convention on Biological Diversity.

Biological diversity of dry and sub-humid lands

Notes

CONSIDERATION OF BIOLOGICAL DIVERSITY OF DRY AND SUB-HUMID LANDS BY THE COP

Background and status

Dryland ecosystems were first considered by COP 3 under the agenda item ‘Terrestrial biological diversity’ [*decision III/13*]. COP 4 decided that one of the items for in-depth consideration at COP 5 would be dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems [*decision IV/16, annex II*]. Accordingly, SBSTTA 4 considered an assessment of status and trends, and options for conservation and sustainable use of these ecosystems. As a result of recommendation IV/3 arising from this meeting, SBSTTA 5 considered options for the development of a programme of work and submitted recommendation V/8. This invited the COP to establish a work programme, the proposed first phase of which was included as an annex to the recommendation. The COP adopted a modified version of this work programme, noting that it would be referred to as the programme on ‘dry and sub-humid lands’ [*decision V/23, paragraphs 1, and 2*]. The COP then urged Parties and

organizations and others to implement the programme and to support its activities [decision V/23, paragraphs 3, and 11].

SBSTTA was asked to establish an ad hoc technical group of experts charged with a series of tasks relevant to the work programme [decision V/23, paragraph 7]. The Ad Hoc Technical Expert Group (AHTEG), met twice and presented a first progress report to COP 6 (UNEP/CBD/COP/6/INF/39). The Executive Secretary was asked to review the programme of work, taking into account the suggestions of the expert group, and identify expected outcomes, in close collaboration with the Secretariat of the Convention to Combat Desertification (CCD), and other relevant bodies [decision V/23, paragraph 6]. The COP also asked the Executive Secretary to develop a joint work programme with the CCD and collaborate with it and other relevant bodies in the establishment of a roster of experts [decision V/23, paragraphs 8, 9]. Possible elements of a joint work programme between the secretariats of the two conventions were set out in an information document prepared for COP 5 (UNEP/CBD/COP/5/INF.15). The SBSTTA has been asked to review periodically the status and trends of biological diversity of dry and sub-humid lands on the basis of outputs from the work programme and to make recommendations for the further modification of the work programme in light of this [decision V/23, paragraph 5].

An Ad Hoc Technical Expert Group (AHTEG) on biological diversity of dry and sub-humid lands met twice during 2002 (UNEP/CBD/COP/6/INF/36 and UNEP/CBD/SBSTTA/8/INF/2), and provided inputs into the work of the SBSTTA and on the implementation of the programme of work. SBSTTA 8 discussed various proposals made by the AHTEG. Subsequently, COP 7 adopted a synthesis table of expected outcomes and timeframes, potential actors, and indicators of progress in the implementation of this programme of work, which was first adopted through decision V/23. COP 7 also made a number of requests focusing on furthering work on synergy between the Rio conventions and other biodiversity related conventions. COP 7 welcomed the joint work programme between the UNCCD and CBD, first discussed by COP 5, and encouraged Parties and relevant stakeholders to contribute to the implementation of its components. In line with the multi-year programme of work of the Convention up to 2010, the programme of work on the biodiversity of dry and sub-humid lands will be under in-depth review at the eighth meeting of the Conference of the Parties, and at meetings of the SBSTTA prior to this meeting [decision VIII/2, decision VIII/31].

The Global Environment Facility (GEF) has been asked to fund projects, which implement the work programme through the development, review, and implementation of its operational programmes, in particular the operational programme on arid and semi-arid ecosystems [decision V/13, paragraph 2(b)(ii)].

ELEMENTS OF THE WORK PROGRAMME ON DRY AND SUB-HUMID LANDS

The programme is divided into two parts: ‘assessments’ and ‘targeted actions in response to identified needs,’ to be implemented in parallel [decision V/23, annexes I and II, paragraph 4].

Under assessments, six activities are identified, all concerning assessments in dry and sub-humid lands:

1. Assessment of the status and trends of biological diversity;
2. Identification of specific areas of value for biological diversity, with reference to the criteria in annex I to the Convention;
3. Further development of indicators;
4. Building knowledge on ecological, physical and social processes;
5. Identification of local and global benefits derived from biological diversity;
6. Identification and dissemination of the best management practices, including knowledge, innovation and practices of indigenous and local communities [*decision V/23, annexes I and II, part A, activities 1–6*].

These activities are to be carried out through the following: consolidation of information from existing sources; targeted research; multidisciplinary and interdisciplinary case-studies on management practices, carried out primarily by national and regional institutions; dissemination of information, and capacity-building [*decision V/23, annexes I and II, part A, paragraph 7*].

Under targeted actions, three clusters of activities are identified:

1. Promotion of specific measures for the conservation and sustainable use of biological diversity, through the use and establishment, for example, of additional protected areas, appropriate management, and sustainable use of water resources and management of invasive alien species.
2. Promotion of responsible resource management, at appropriate levels, applying the ecosystem approach, through an enabling policy environment.
3. Support for sustainable livelihoods through diversifying sources of income, promotion of sustainable harvesting, including of wildlife, and exploring innovative sustainable use of biological diversity [*decision V/23, annexes I and II, activities 7–9*].

These activities are to be carried out through capacity-building, particularly at national and local levels, establishment of an international network of designated demonstration sites, case-studies on successful management, partnerships between relevant stakeholders, and enhanced interaction between the work programmes of this Convention and the Convention to Combat Desertification [*decision V/23, annexes I and II, part B, 'Ways and means'*].

Parties and other bodies have been asked to report on implementation through appropriate sections in their national reports to the Convention, and in reports made in the context of the Convention to Combat Desertification and other relevant conventions. The SBSTTA is to review such reports and make recommendations for further prioritization and refinement of the work programme [*decision V/23, annexes I and III, paragraphs 12, 13*].

Annex II of decision V/23 contained an indicative list of levels of implementation of the various activities identified in the programme of work.

The COP further noted in its relevant decisions that work should be incorporated into the thematic work programmes, including that for dry and subhumid lands, on the following issues: alien species; incentive measures; implementation of Article 8 (j); public education and awareness; and impact assessment [*decision V/8, paragraph 10; decision V/15, paragraph 4; decision V/16, paragraph 8; decision V/17, paragraph 5; decision V/18 I, paragraph 1(a)*].

COP 7 adopted the proposed process for the periodic assessment of status and trends of biological diversity in dry and sub-humid lands [*decision VII/2*].

IMPLEMENTATION OF THE PROGRAMME OF WORK

COP 6 noted the progress made in the implementation of the programme of work. Recognizing the interlinkages between biodiversity, desertification/land degradation and climate change, the COP [*decision VI/IV, paragraph 2*], requests the Executive Secretary, in collaboration with the secretariats of relevant conventions, to prepare a proposal for the development of a mechanism to coordinate activities in these areas, and for linking and ensuring integration of the national biodiversity strategies and action plans under the Convention on Biological Diversity and the national action programmes under the Convention to Combat Desertification. Relevant proposals were presented to SBSTTA 8 and adopted by COP 7.

References

DECISIONS ON DRY AND SUB-HUMID LANDS

- Decision V/23 (Dry and sub-humid lands)
- Decision VI/4 (Dry and sub-humid lands)
- Decision VII/2 (Dry and sub-humid lands)

GUIDANCE TO PARTIES

National action

- Decision V/23, paragraph 3; annexes I and II, part A, paragraphs 7(b) and (d); part B, (a), (b), (d) and (f) (Dry and sub-humid lands)
- Decision VI/4, paragraph 3 (Dry and sub-humid lands)
- Decision VI/20, paragraph 14 (Cooperation with the UNFCCC and UNCCD)
- Decision VII/2, paragraphs 4, 7 and 9; annex—all activities, including part B, activities 7, 8 and 9

Information and case-studies

- Decision V/23, annexes I and II, part A, paragraph 7(c), (d); annexes I and III, paragraph 12 (Dry and sub-humid lands)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision I/2, annex I, paragraph (4)(k) (Financial mechanism and resources)
- Decision V/13, paragraph 2(b)(ii) (Further guidance to the financial mechanism)

Other financial resources

Decision V/23, paragraph 3; annexes I and II, part B, paragraph (a) (Dry and sub-humid lands)

Decision VII/2, paragraph 7 (Dry and sub-humid lands)

GUIDANCE TO THE SECRETARIAT

Decision III/13, paragraph 1(a) and 1(c) (Terrestrial)

Decision V/23, paragraphs 6 and 8–10; annexes I and II, part A, paragraph 7(a); part B, paragraph 5(d) and (e) (Dry and sub-humid lands)

Decision VI/4, paragraphs 2 and 3 (Dry and sub-humid lands)

Decision VII/2, paragraphs 3–6 and 9

GUIDANCE TO SBSTTA

Decision V/23, paragraphs 5 and 7; annexes I and III, paragraph 13 (Dry and sub-humid lands)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision III/13, paragraph 1(a) and (c) (Terrestrial)

Decision V/21, paragraph 3 (Cooperation)

Decision V/23, paragraphs 3, 6, 8 and 9; annex I, section I, paragraph 2(c) and (f); section II, part A, paragraph 7(a), (b) and (c); part B, activity 7(l) and (m), paragraphs (a), (d), (e) and (f); section III paragraph 12(b) (Dry and sub-humid lands)

Decision VI/4, paragraph 2 (Dry and sub-humid lands)

Decision VI/20, paragraph 9 (Cooperation with the UNFCCC and UNCCD)

Decision VII/2, paragraphs 5–7 and 9 (Dry and sub-humid lands)

Decision VII/2, annex, paragraph 2(c) and (f); annexes I and II, part A, paragraph 7(a), (b) and (c); part B, activity 7(l) and (m), paragraphs (a), (d), (e) and (f); annex I, section III, paragraph 12(b) (Dry and sub-humid lands)

OTHER RELEVANT DECISIONS

Decision IV/16, annex II (Institutional matters and programme of work)

Decision V/5, annex, section A, paragraph 3(c) (Agriculture)

Decision V/8, paragraph 10 (Alien species)

Decision V/15, paragraph 4 (Incentive measures)

Decision V/16, paragraph 8 (Article 8(j) and related provisions)

Decision V/17, paragraph 5 (Education and public awareness)

Decision V/18 I, paragraph 1(a) (Impact assessment, liability and redress)

Decision VI/5, annex II, paragraph 7 (Agriculture)

Decision VI/8, annex, paragraph 5; section C, paragraph 4.3 (Global Taxonomy Initiative)

Decision VI/9, annex, paragraph 14(c) (Global Strategy for Plant Conservation)

Decision VII/11, annex II, paragraph 25 (Ecosystem approach)

Decision VII/15, paragraph 13 (Biodiversity and climate change)

Decision VII/28, annex (Protected areas)

Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16 to 19))

Decision VII/30, annex III (Strategic Plan)

Decision VII/31 (Multi-year programme of work of the Conference of the Parties up to 2010)

Documents

UNEP/CBD/COP/5/19—Options for conservation and sustainable use of biological diversity in dryland, mediterranean, arid, semi-arid, grassland and savannah ecosystems.

UNEP/CBD/COP/5/INF.15—Consideration of options for conservation and sustainable use of biological diversity in dryland, mediterranean, arid, semi-arid, grassland and savannah ecosystems.

UNEP/CBD/SBSTTA/4/7—Assessment of the status and trends and options for conservation and sustainable use of terrestrial biological diversity: dryland, mediterranean, arid, semi-arid, grassland and savannah ecosystems.

UNEP/CBD/SBSTTA/5/9—Biological diversity of dryland, mediterranean, arid, semi-arid, grassland and savannah ecosystems: options for the development of a programme of work.

UNEP/CBD/SBSTTA/7/4—Reports: biological diversity of dry and sub-humid lands: progress report on the implementation of the programme of work.

UNEP/CBD/COP/6/11—Progress report on the implementation of programmes of work on the biological diversity of inland water ecosystems, marine and coastal biological diversity, agricultural biological diversity and the biological diversity of dry and sub-humid lands.

UNEP/CBD/COP/6/INF/39—Thematic programmes of work: progress reports on implementation: biological diversity of inland waters; marine and coastal biological diversity; biological diversity of dry and sub-humid lands; and agricultural biological diversity: report of the First Meeting of the Ad Hoc Technical Expert Group on Dry and Sub-Humid Land.

UNEP/CBD/SBSTTA/8/2—Progress in the implementation of the thematic programmes of work.

UNEP/CBD/SBSTTA/8/10—Dry and sub-humid lands biodiversity: matters requested by the Conference of the Parties in paragraphs 5 and 6 of its decision V/23 and decision VI/4.

UNEP/CBD/SBSTTA/8/INF/2—Final report of the Ad Hoc Technical Expert Group on the Biological Diversity of Dry and Sub-Humid Lands.

UNEP/CBD/SBSTTA/8/INF/10—Joint work programme on the biological diversity of dry and sub-humid lands between the Convention on Biological Diversity and the United Nations Convention to Combat Desertification.

UNEP/CBD/SBSTTA/8/INF/10—Joint work programme on the biological diversity of dry and sub-humid lands between the Convention on Biological Diversity and the United Nations Convention to Combat Desertification.

UNEP/CBD/SBSTTA/9/2—Progress in the implementation of the thematic programmes of work.

UNEP/CBD/COP/7/11—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: forest bio-

logical diversity; biological diversity of dry and sub-humid lands; and agricultural biological diversity.

UNEP/CBD/COP/7/INF/28—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: biological diversity of dry and sub-humid lands: joint work programme on the biological diversity of dry and sub-humid lands between the Convention on Biological Diversity and the United Nations Convention to Combat Desertification.

UNEP/CBD/COP/7/INF/29—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: biological diversity of dry and sub-humid lands: integration of needs for information on the status and trends of dry and sub-humid lands biodiversity in the context of the mandate of the Global Land Degradation Assessment of Drylands (LADA). Report submitted by the Food and Agriculture Organization of the United Nations (FAO).

UNEP/CBD/COP/7/INF/30—Thematic programmes of work: progress reports on implementation and consideration of proposals for future action: biological diversity of dry and sub-humid lands. Proposals prepared by UNEP-WCMC on assessing areas within dry and sub-humid lands of particular value for biological diversity and/or under particular threat.

UNEP/CBD/COP/7/INF/34—Report of the Millennium Ecosystem Assessment.

Ecosystem approach

TERMS DEFINED IN ARTICLE 2

“Ecosystem.”

CONSIDERATION OF THE ECOSYSTEM APPROACH BY THE COP

COP 2 decided that the ecosystem approach should be the primary framework of action to be taken under the Convention [*decision II/8, paragraph 1*].

In deliberations on the ecosystem approach, it was apparent that there were a wide variety of views as to what exactly it entails. In 1998, the Executive Secretary and the Governments of Malawi and the Netherlands organized a workshop with a view to encouraging clarification of the approach. The results of the workshop were presented to COP 4 in document UNEP/CBD/COP/4/INF.9.

COP 4 noted the results of the Malawi workshop, and asked the SBSTTA to develop principles and other guidance on the ecosystem approach, taking into consideration the results of the workshop [*decision IV/1B, paragraph 2*]. On the basis of a note prepared by the Executive Secretary [UNEP/CBD/SBSTTA/5/11], the SBSTTA submitted recommendation V/10 to the COP. This contained a description of the ecosystem approach, a set of twelve guiding principles in its application, and five points of operational guidance. With minor modifications, this formed the annex to decision V/6, in which the COP endorsed a description and twelve principles of the ecosystem approach, points of operational guidance, and recommended application of the principles as reflecting the present level of common

understanding. It also encouraged further conceptual elaboration and practical verification [*decision V/6, paragraph 1*].

The approach adopted by the COP is based on modern techniques of integrated management. The description of the ecosystem approach stresses that, as defined under the Convention, an ecosystem can be a functional unit at any spatial scale. It also observes that humans are an integral part of many ecosystems, and notes that, because of the often unpredictable nature of ecosystem responses, and our incomplete understanding of ecosystem functioning, application of the ecosystem approach will require adaptive management techniques. It further states that the ecosystem approach does not preclude other management and conservation approaches, such as protected areas and single-species conservation programmes, but could rather integrate all these approaches to deal with complex situations [*decision V/6, annex, section A*]. The five specific points of operational guidance are:

1. Focus on functional relationships and processes within ecosystems.
2. Enhance benefit-sharing.
3. Use adaptive management practices.
4. Carry out management actions at the scale appropriate for the issue being addressed, with decentralization to lowest level, as appropriate.
5. Ensure intersectoral cooperation [*decision V/6, annex, part C*].

The COP called on Parties, and other relevant organizations to apply this approach, encouraging in particular regional cooperation, the identification of case-studies and the implementation of pilot projects, and the provision of technical and financial support for capacity-building [*decision V/6, paragraphs 2, 3, 6 and 7*]. It asked the Executive Secretary to prepare a synthesis of case-studies and lessons learned for presentation to SBSTTA before COP 7 and asked the SBSTTA to review the principles and guidelines of the ecosystem approach, to prepare guidelines for its implementation, and to review its incorporation into the various work programmes. This work is to be carried out before COP 7 [*decision V/6, paragraphs 4 and 5*]. The COP also decided that the GEF should fund projects utilizing the ecosystem approach in accordance with decision V/6 [*decision V/13, paragraph 2(a)*].

COP 6 requested the Executive Secretary to prepare a report drawn from case-studies, to convene a meeting of experts to compare the ecosystem approach with sustainable forest management, and to develop proposals for the refinement of the principles and operational guidance of the ecosystem approach [*decision VI/12, paragraph 2 and decision VII/22, paragraph 19*]. The above study should be reported to SBSTTA 9.

Other COP 6 decisions relevant to the ecosystem approach include: decision VI/2, on biological diversity of inland waters; decision VI/5 on agricultural biological diversity; decision VI/7 on identification, monitoring, indicators and assessments; decision VI/8, on the Global Taxonomy Initiative; decision VI/9 on the Global Strategy for Plant Conservation; decision VI/10, on Article 8(j) and related provisions; decision VI/22, on forest biological diversity; decision VI/23, on alien species that threaten ecosystems, habitats or species; and decision VI/25, on national reports.

Based on the results of the Expert Meeting on the Ecosystem Approach and the resulting SBSTTA recommendation IX/6, the seventh meeting of the Conference of the Parties agreed that the priority at this time should be on facilitating the implementation of the ecosystem approach as the primary framework for addressing the three objectives of the Convention in a balanced way, and that a potential revision of the principles of the ecosystem approach should take place only at a later stage, when the application of the ecosystem approach has been more fully tested [*decision VII/11*]. The COP welcomed implementation guidelines and annotations to rationale in annex 1 of [*decision VII/11*].

The seventh meeting of COP also requested an analysis of the range of existing tools and approaches consistent with the Convention's ecosystem approach, as well as the development of a Web-based "sourcebook" for the ecosystem approach, accessible through the clearing-house mechanism. The sourcebook will include a database of case studies searchable by biome/ecoregion and sector.

References

DECISIONS ON THE ECOSYSTEM APPROACH

- Decision IV/1 B (Ecosystem approach)
- Decision V/6 (Ecosystem approach)
- Decision VI/12 (Ecosystem approach)
- Decision VII/11 (Ecosystem approach)

GUIDANCE TO PARTIES

National action

- Decision IV/4, paragraph 7(b) (Inland water)
- Decision V/4, paragraphs 3 and 8 (Forests)
- Decision V/6, paragraphs 2, 6, 7 (Ecosystem approach)
- Decision V/8, paragraph 8; annex I, guiding principle 3 (Alien species)
- Decision V/16, annex, section II, task 2 (Article 8(j) and related provisions)
- Decision V/25, paragraph 4(b) (Biological diversity and tourism)
- Decision VI/12, paragraph 3 (Ecosystem approach)
- Decision VI/22, annex, paragraph (g) (Forests)
- Decision VI/23, paragraph 12(d); annex, guiding principal 3 (Alien species)
- Decision VII/11, paragraphs 3, 9, 10, 12 and 14 (Ecosystem approach)

Information and case-studies

- Decision V/6, paragraph 3 (Ecosystem approach)
- Decision V/18 I, paragraph 5(b) (Impact assessment, liability and redress)
- Decision VI/12, paragraph 1 (Ecosystem approach)
- Decision VII/11, paragraphs 9(c) and (d) (Ecosystem approach)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

- Decision V/13, paragraph 2(a) (Further guidance to the financial mechanism)

Decision VII/20, paragraph 5 (Further guidance to the financial mechanism)

Other financial resources

Decision V/6, paragraph 6 (Ecosystem approach)

Decision VII/11, paragraph 13 (Ecosystem approach)

Decision VII/20, paragraph 5 (Further guidance to the financial mechanism)

GUIDANCE TO THE SECRETARIAT

Decision V/6, paragraph 4 (Ecosystem approach)

Decision V/7, paragraph 1(b) (Identification, monitoring and assessment, and indicators)

Decision V/18 I, paragraph 5(b) (Impact assessment, liability and redress)

Decision V/21, paragraph 7 (Cooperation)

Decision V/24, paragraphs 2 and 3 (Sustainable use)

Decision VI/7, paragraph 3 (Identification, monitoring, indicators and assessments)

Decision VI/12, paragraph 2 (Ecosystem approach)

Decision VI/22, paragraph 19 (Forests)

Decision VII/11, paragraphs 9, 11, 12 and 14 (Ecosystem approach)

GUIDANCE TO SBSTTA

Decision IV/1 B, paragraph 2 (Ecosystem approach)

Decision V/6, paragraph 5 (Ecosystem approach)

Decision VII/11, paragraph 12 (Ecosystem approach)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision V/6, paragraphs 2, 3 and 6 (Ecosystem approach)

Decision V/8, paragraph 8 (Alien species)

Decision V/21, paragraph 7 (Cooperation)

Decision V/24, paragraph 3 (Sustainable use)

Decision VI/12, paragraphs 2(b) and 3 (Ecosystem approach)

Decision VI/2, paragraph 4 (Inland waters)

Decision VI/22, paragraph 19(a); annex, paragraph (g) (Forests)

Decision VII/11, paragraphs 3, 9, 10, 12 and 14 (Ecosystem approach)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision IV/4, paragraph 7(b) (Inland water)

Decision IV/5, annex, section B, paragraph 2; annex, section C, operational objective 2.1 (Marine and coastal)

Decision IV/7, annex I, paragraph 3(b); annex II, paragraphs 11–27 (Forests)

Decision V/3, paragraph 9 (Marine and coastal)

Decision V/4, paragraphs 3 and 8 (Forests)

Decision V/5, annex, section A, paragraph 4 (Agriculture)

Decision V/23, annex I, paragraph 3; annexes I and II, part B, activity 8 (Dry and sub-humid lands)

Decision VII/11, annex II, B (Ecosystem approach)

OTHER RELEVANT DECISIONS

- Decision II/8, paragraph 1 (Components of biological diversity particularly under threat)
- Decision III/18, paragraph 1 (see also SBSTTA recommendation I/9, paragraph 2) (Incentive measures)
- Decision V/16, annex, I, paragraph 4; III, element 3, task 13 (Article 8(j) and related provisions)
- Decision VI/5, annex, II, paragraph 7; III, paragraphs 4.1 and 4.4 (Agriculture)
- Decision VI/7, annex, paragraphs 5 and 26 (Identification, monitoring, indicators and assessments)
- Decision VI/8, annex, section C, paragraph 5.4 (Global Taxonomy Initiative)
- Decision VI/9, annex, paragraphs 3 and 11 (c); appendix, target 3 (Global Strategy for Plant Conservation)
- Decision VI/10, annex II, paragraph 22 (Article 8(j))
- Decision VI/15, annex I, paragraphs 10 and 14 (Incentive measures)
- Decision VI/22, annex, programme element 1, goals 1 and 3 (Forests)
- Decision VI/26, annex, paragraph 8 (Strategic Plan)
- Decision VII/4 paragraph 7(a); annex (Inland water ecosystems biodiversity)
- Decision VII/5 paragraphs 19 and 60, annex 1, appendices 1 and 2 (Marine and coastal)
- Decision VII/15, paragraphs 19 (Biodiversity and climate change)
- Decision VII/28, annex (Protected areas)
- Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16–19))
- Decision VII/30, annex III (Strategic Plan)

Documents

- UNEP/CBD/COP/3/INF.34—An ecosystem approach to the management of northern coniferous forests.
- UNEP/CBD/COP/4/INF.9—Report of the Workshop on the Ecosystem Approach.
- UNEP/CBD/COP/5/12—Progress report on cross-cutting issues.
- UNEP/CBD/COP/5/INF/11—The ecosystem approach: towards its application to agricultural biodiversity.
- UNEP/CBD/COP/5/INF/27—Ecosystem approach: adoption of principles (Implementation of decision IV/1 section B).
- UNEP/CBD/SBSTTA/5/11—Ecosystem approach: further conceptual elaboration.
- UNEP/CBD/COP/6/INF/24—Ecosystem approach: sustainable use; and incentive measures. Reports of the regional workshops on the sustainable use of biological diversity.
- UNEP/CBD/SBSTTA/9/INF/4—Ecosystem approach: further elaboration, guidelines for implementation and relationship with sustainable forest management. Report of the Expert Meeting on the Ecosystem Approach.
- UNEP/CBD/COP/7/13—Cross-cutting issues: progress reports on implementation.

Mountain Biological Diversity

Notes

CONSIDERATION OF MOUNTAIN BIOLOGICAL DIVERSITY BY THE COP

Background and status

Mountains are specifically mentioned in paragraph 7 of Article 20 of the Convention text, which states that, with regard to funding and transfer of technology, developed country Parties shall take into “consideration the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.” However, due to the significance of mountain ecosystems for biodiversity conservation and sustainable use and because mountains include other ecosystem types such as forests and inland waters, mountain biodiversity is cross-cutting in nature and all the other articles of the Convention and many decisions apply to mountain biological diversity.

At its fourth meeting, in 1998, the Conference of Parties selected mountain biodiversity as one of the three themes for in-depth consideration at its seventh meeting. The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) at its eighth meeting considered mountain biological diversity and adopted the structure, elements and goals of the proposed programme of work on mountain biological diversity. An ad hoc technical expert group on mountain biological diversity further developed actions under relevant programme elements and goals of the proposed work programme for consideration at the ninth meeting of SBSTTA, which adopted recommendation IX/12 for consideration by the Conference of Parties.

At its seventh meeting, the Conference of the Parties adopted the programme of work on mountain biological diversity [*decision VII/27*]. Pursuant to paragraph 4 of Article 23, and in accordance with the multi-year programme of work, the Conference of the Parties shall keep under review the implementation of the provisions of the Convention as they apply to mountain biodiversity, and undertake additional activities that may be required.

At its seventh meeting, the Conference of the Parties adopted the programme of work on mountain biological diversity [*decision VII/27, annex*].

The overall purpose of the programme of work is the significant reduction of mountain biological diversity loss by 2010 at global, regional and national levels through the implementation of the three main objectives of the Convention on Biological Diversity. The implementation of the programme of work aims at making a significant contribution to poverty alleviation in mountain ecosystems, and in lowlands dependent on the goods and services of mountain ecosystems: thereby contributing to the objectives of the Strategic Plan of the Convention on Biological Diversity, the Plan of Implementation of the World Summit on Sustainable Development, and the Millennium Development Goals. The programme of work focuses on addressing characteristics and problems that are specific to mountain biological diversity. The programme of work on mountain biodiversity consists of

three interlinked elements to be mutually reinforcing and cross cutting in their implementation, with specific goals and targets in each element:

- Direct actions for conservation, sustainable use and benefit sharing: this includes prevention and mitigation of negative threats to mountain biological diversity, protection recovering and restoration of mountain biological diversity and promotion of sustainable use and equitable sharing of benefits arising from its use;
- Means of implementation for conservation, sustainable use and benefit sharing: this includes enhancing legal, policy, institutional and economic framework, respecting, preserving and maintaining knowledge, practices and innovations of indigenous and local communities in mountain regions, and establishing regional and transboundary collaboration and cooperative agreements;
- Supporting actions for conservation, sustainable use and benefit sharing: this includes means for identification, monitoring and assessment of mountain biological diversity, improving knowledge on, and methods for assessment and monitoring, infrastructure for data and information management, improving research, scientific and technical cooperation and capacity building, increasing public education, participation and awareness, and promoting the development, validation and transfer of appropriate technologies for mountain ecosystems.

References

DECISIONS ON MOUNTAIN BIOLOGICAL DIVERSITY

Decision VII/27 (Mountain Biological Diversity)

GUIDANCE TO PARTIES

National action

Decision VII/27, paragraphs 2–6, 8, 9 and 15; annex (Mountain biological diversity)

Information and case-studies

Decision VII/27, annex (Mountain biological diversity)

FINANCIAL MECHANISM AND RESOURCES

Guidance to the financial mechanism

Decision VII/27, paragraph 15 (Mountain biological diversity)

Other financial resources

Decision VII/27, paragraph 7 (Mountain biological diversity)

GUIDANCE TO THE SECRETARIAT

Decision VII/27, paragraphs 10–14; annex (Mountain biological diversity)

GUIDANCE TO SBSTTA

Decision VII/27, paragraph 10(a) (Mountain biological diversity)

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS

Decision VII/27, paragraph 11; annex (Mountain biological diversity)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision VII/27, paragraphs 5, 9(f), 12 and 14; annex (Mountain biological diversity)

OTHER RELEVANT DECISIONS

Decision VII/15, paragraph 13 (Biodiversity and climate change)

Decision VII/28, annex (Protected areas)

Decision VII/29, paragraph 2; annex (Transfer of technology and technology cooperation (Articles 16 to 19))

Decision VII/30, annex III (Strategic Plan)

Documents

UNPE/CBD/SBSTTA/8/5—Mountain biological diversity: status and trends of, and threats to, mountain biological diversity.

UNEP/CBD/SBSTTA/8/6—Mountain biological diversity: measures taken for the conservation and sustainable use of mountain biological diversity.

UNEP/CBD/SBSTTA/8/7/ADD.1—Mountain biological diversity: indicative list of technologies relevant to the conservation and sustainable use of mountain biological diversity and other related thematic areas and cross-cutting themes.

UNEP/CBD/SBSTTA/8/INF/9—Synthesis of information in thematic reports on mountain ecosystems.

UNEP/CBD/SBSTTA/9/12—Mountain biodiversity: proposed programme of work.

UNEP/CBD/SBSTTA/9/INF/11—Report of the Ad Hoc Technical Expert Group on Mountain Biodiversity.

UNEP/CBD/COP/7/14—Mountain biological diversity.

UNEP/CBD/COP/7/INF/6—Mountain biological diversity: synthesis of information in thematic reports on mountain ecosystems.

Strategic Plan and the 2010 targets**Notes****Background and status**

In decision V/20, COP 5 decided to prepare a Strategic Plan for the Convention with a view to adopting the Strategic Plan at COP 6 [*decision V/20, paragraphs 10, 11*]. The preparation of the Strategic Plan was considered by the Open-ended Intersessional Meeting on the Plan, National Reports and Implementation of the Convention held in Montréal from 19–21 November 2001. COP 6 adopted the text of the Strategic Plan for the Convention on Biological Diversity through its decision VI/26. In the Plan, Parties commit themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global,

regional and national level as a contribution to poverty alleviation and to the benefit of life on Earth. The four strategic goals of the Plan relate to: the leadership role of the Convention in international biodiversity issues; the improvement of the financial, human, technical and technological capacity of Parties; the role of national biodiversity strategies and action plans as an effective framework for the implementation of the objectives of the Convention; and the enhancement of the understanding of the importance of biodiversity and of the Convention leading to broader engagement across society in implementation.

In decision V/330, COP 7 adopted a framework to facilitate the assessment of progress towards 2010 and communication of this assessment, to promote coherence among the programmes of work of the Convention and to provide a flexible framework within which national and regional targets may be set, and indicators identified. The framework includes seven focal areas. The Conference of the Parties identified indicators for assessing progress towards, and communicating the 2010 target at the global level, and goals and sub-targets for each of the focal areas, as well as a general approach for the integration of goals and sub-targets into the programmes of work of the Convention.

COP guidance

COP 7 invited Parties and Governments to develop national and/or regional goals and targets within the flexible framework provided in decision VII/30, and, as appropriate, to incorporate them into relevant plans, programmes and initiatives, including national biodiversity strategies and action plans [*decision VIII/30, paragraphs 14 and 15*].

COP 7 agreed that in its agenda items on strategic issues, one or more priority themes will be selected for each meeting of the Conference of the Parties, taking into account the importance of that theme for enhancing the implementation of the Strategic Plan and National Biodiversity Strategies and Action Plans [*decision VII/31, paragraph 4(b)*].

FINANCIAL MECHANISM

COP 7 invited the Global Environment Facility, in accordance with its mandate, to provide adequate and timely support to developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, as appropriate for the implementation of activities to achieve and monitor progress towards the goals and targets identified in the framework for evaluation of progress towards implementation of the Strategic Plan of the Convention, in accordance with decision VII/30; [*decision VII/20, paragraph 11*].

References:

- Decision V/14, paragraph 4 (Clearing-house mechanism)
- Decision V/20, paragraph 38(a) (Operations of the Convention)
- Decision VI/26 (Strategic Plan)
- Decision VII/20, paragraph 11 (Further guidance to the financial mechanism)

Decision VII/30 (Strategic Plan: future evaluation of progress)

Decision VII/31 (Multi-year programme of work of the conference of the Parties up to 2010)

Documents:

UNEP/CBD/COP/5/4—Report of the Inter-sessional Meeting on the Operations of the Convention.

UNEP/CBD/COP/6/5—Report of the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity.

UNEP/CBD/COP/7/5—Report of the Open-ended Inter-sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010.

UNEP/CBD/COP/7/20—Follow-up to World Summit on Sustainable Development, Multi-Year Programme of Work of the Conference of the Parties up to 2010, the Strategic Plan and Operations of the Convention.

UNEP/CBD/COP/7/20/Add.3—Implementation of the Strategic Plan: evaluation of progress towards the 2010 biodiversity target: development of specific targets, indicators and a reporting framework.

Global Strategy for Plant Conservation

Notes

CONSIDERATION OF A GLOBAL STRATEGY FOR PLANT CONSERVATION BY THE COP

Background and status

Responding to a call from the XVI International Botanical Congress and various botanical and conservation organizations in the Gran Canaria Declaration for the development of a Global Strategy for Plant Conservation (GSPC), COP 5 decided to consider at COP 6 a global strategy for plant conservation. To prepare for this matter the COP requested the SBSTTA to consider the development of such a strategy [*decision V/10, paragraphs 3 and 4*].

At its seventh meeting, based on a proposal prepared in collaboration with the Gran Canaria Group, SBSTTA recommended a Global Strategy for Plant Conservation, which was further elaborated and then [*decision VI/9*]. The strategy contains sixteen outcome oriented targets for 2010.

AT COP 6, it was decided to consider the GSPC as a pilot approach for the use of outcome targets under the Convention within the context of the Strategic Plan and, also consider the wider application of this approach to other areas under the Convention, including other taxonomic groups [*decision VI/9, paragraph 10*].

COP guidance

Guidance to Parties

COP 6 invited Parties and Governments to develop national and/or regional targets, and, as appropriate, to incorporate them into relevant plans, programmes and

initiatives, including national biodiversity strategies and action plans [*decision VII/9, paragraph 4*].

COP 7 encouraged Parties to nominate focal points for the GSPC in order to promote and facilitate the implementation and monitoring of the Strategy at the national level, promote the participation of national stakeholders, and facilitate communication between national stakeholders, the Secretariat, and the Global Partnership for Plant Conservation [*decision VII/10, paragraph 6*].

COP also decided to integrate the targets of the Strategy into the reporting framework for the third national reports [*decision VII/10, paragraph 10*].

Financial Mechanism

COP 6 invited the financial mechanism to provide adequate and timely support to the implementation of the strategy [*decision VI/9, paragraph 7*].

References:

Decision VI/9 (Global strategy for plant conservation)

Decision VII/10 (Global strategy for plant conservation)

Documents:

UNEP/CBD/COP/5/INF/32—The Gran Canaria Declaration.

UNEP/CBD/COP/6/12/Add.4—“Cross-cutting issues: progress reports on implementation : the Global Strategy for Plant Conservation of the Convention on Biological Diversity. Technical review of the targets and analysis of opportunities for their implementation.”

UNEP/CBD/COP/6/INF/21—“Global Strategy for Plant Conservation: ‘Technical review of the targets and analysis of opportunities for their implementation’: report of the meeting of technical experts on their implementation: report of the Meeting of Technical Experts on the Global Plant Conservation Strategy, Gran Canaria, 11–13 February 2002.”

UNEP/CBD/COP/6/INF/21/Add.1—“A review of the scope, terminology, base-line information, technical and scientific rationale of the 16 targets included in the proposed Global Strategy for Plant Conservation, with particular reference to the quantitative elements they contain.”

UNEP/CBD/COP/6/INF/21/ Add.2—“Opportunities for the implementation of the Global Strategy for Plant Conservation through the thematic and cross-cutting programme of work of the Convention on Biological Diversity.”

UNEP/CBD/COP/6/INF/21/Add.3—“Global Strategy for Plant Conservation: nationally-based initiatives that can contribute to the implementation of the Strategy.”

UNEP/CBD/COP/6/INF/21/Add.4—“Examples of regional and international initiatives relevant to the 16 targets.”

UNEP/CBD/COP/6/INF/22—“Global Strategy for Plant Conservation-European Plant Conservation Strategy.”

UNEP/CBD/SBSTTA/9/14/Add.2—Implementation of the Global Strategy for Plant Conservation.

UNEP/CBD/COP/7/13—Cross cutting issues: progress reports on implementation.

Cooperation with other Conventions, International organisations and Initiatives

CONSIDERATION OF COOPERATION WITH OTHER BIODIVERSITY-RELATED CONVENTIONS, PROCESSES AND ORGANIZATIONS BY THE COP

Background and status

COP 1 decided to consider as a standing item on its agenda the relationship of the Convention with the Commission on Sustainable Development (CSD) and biodiversity-related conventions, other international agreements, institutions and processes of relevance [*decision I/9*].

The COP has consistently recognized the importance of cooperation and synergy with other conventions and organizations. COP 2 stressed the need to make implementation of the Convention and activities of other international and regional conventions mutually supportive, and the need to avoid unnecessary duplication of activities [*decision II/13, paragraphs 2 and 3*]. The COP has requested the Executive Secretary, on behalf of the COP, to consider matters of liaison, cooperation, and collaboration as a key responsibility [*decision IV/15, paragraph 4*]. It has requested the Executive Secretary to coordinate with secretariats of other biodiversity-related conventions, institutions and processes with a view to, *inter alia*, facilitate the exchange of information, explore harmonization or efficiency of reporting requirements, and explore the possibility of coordinating work programmes [*decision III/13, paragraph 4; decision III/21, paragraph 3; decision IV/15, paragraph 5*].

In the light of this request, the Secretariat has entered into memoranda of cooperation with a number of relevant conventions and institutions. This approach has been endorsed by the COP [*decision III/21, paragraph 2; decision IV/15, paragraph 3*]. The Secretariat has also participated in a project on harmonizing reporting requirements of biodiversity-related conventions and has developed joint work programmes [*see for example, decision IV/15, paragraph 5; decision V/19, paragraph 9(c)*].

While the COP has adopted decisions on cooperation at each of its meetings since COP 1, it has also made frequent references to cooperation with other conventions and organizations in its decisions on specific articles, cross-cutting issues and thematic areas.⁶⁶ The COP has endorsed and welcomed joint programmes of work with the Ramsar Convention [*decision IV/15, paragraph 1; decision V/21, paragraph 4*], with the Secretariat of the Convention to Combat Desertification and to support the Convention's programme on biodiversity of dry and sub-humid lands [*decision VII/2 paragraph 2, 5 and 9*] and with the Secretariat of the Convention

66 See references below, and the guides in this section of this Handbook on specific articles under the sub-heading 'Cooperation with other conventions and organizations.'

on Migratory Species to develop a proposal on how migratory species could be integrated into the CBD work programme [*decision V/21, paragraph 7*].

The COP has also requested the Executive Secretary to collaborate, *inter alia*, with: The FAO in the development and implementation of the work programme on agricultural biological diversity [*decision V/5, paragraph 6*]; and the Millennium Ecosystem Assessment, with the view to facilitate and support the undertaking of a number of pilot scientific assessments for the SBSTTA [*decision V/20, section III, paragraph 29(b); decision V/21, paragraphs 10 and 11*].

In addition to cooperation at the inter-secretariat level, the COP has made input to other relevant processes through statements adopted by way of COP decisions and transmitted via the Secretariat to the body concerned [*decision I/8; decision II/9; decision III/16; decision III/19*]. It has also invited the governing bodies of other conventions related to biological diversity to consider their possible contribution to the implementation of the objectives of the Convention [*decision II/13, paragraph 5; decision III/21, paragraph 9*].

The COP has emphasized the importance of cooperation at the scientific and technical level [*decision III/2, paragraph 5; decision III/6, paragraph 8; decision IV/16, annex I, paragraph 14; decision V/20, II, paragraph 19; decision V/21, paragraph 1*].

COP 6 adopted decision VI/20 on cooperation with other organizations, initiatives, and conventions. For the most part, this decision reaffirmed the need for cooperative actions, welcomes developments in establishing and implementing joint cooperative programmes, and calls for further cooperation between the Convention and other conventions, organizations and initiatives with which some form of cooperation already exists based on previous similar decisions. It invites further cooperation with the Convention on Wetlands, the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the World Trade Organization, the World Intellectual Property Organization, and the Food and Agriculture Organization of the United Nations.

The decision also recognized, *inter alia*, the importance of collaborating with the United Nations Forum on Forests, the need for establishing cooperation with the United Nations Permanent Forum for Indigenous Issues, in particular on matters relevant to Article 8(j) and related provisions. It emphasized the importance of enhanced cooperation among the Secretariats of the Convention on Biological Diversity, Framework Convention on Climate Change and Convention to Combat Desertification, and welcomed the establishment of a joint liaison group. The decision called for continued cooperation with the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention. Several other decisions of COP 6 that address thematic and other specific areas also include paragraphs referring to cooperation.

COP 6 adopted decision VI/21, with an annex containing a statement agreed upon to be a contribution to the World Summit on Sustainable Development. In relation to action at the national level, the COP has also called on national focal points of biodiversity-related conventions to cooperate on implementation and to avoid duplication of efforts [*decision III/21, paragraph 10*].

Significant elements on cooperation are also included in the Strategic Plan. Under the strategic goal “The Convention is fulfilling its leadership role in international biodiversity issues,” the COP established the following strategic objectives:

- (a) The Convention is promoting cooperation between all relevant international instruments and process to enhance policy coherence; and
- (b) Other international processes are actively supporting the implementation of the Convention, in a manner consistent with their respective frameworks.

COP 7 requested the Executive Secretary to invite the heads of the other biodiversity-related conventions to form a liaison group to enhance coherence and cooperation in their implementation [*decision VII/26, paragraph 2*].

Further to a recommendation of the Open-ended Inter-sessional Meeting to consider the Multi-Year Programme of Work up to 2010, COP 7 requested the Executive Secretary to examine options for a flexible framework between all relevant actors, such as a global partnership on biodiversity, in order to enhance implementation through improved cooperation [*decision VII/26, paragraph 3*].

References

DECISIONS PERTAINING TO COOPERATION WITH OTHER CONVENTIONS, ORGANIZATIONS, AND PROCESSES

Decision II/13 (Cooperation)

Decision II/14 (Intergovernmental workshop on cooperation)

Decision III/21 (Cooperation)

Decision IV/15 (Cooperation)

Decision V/21 (Cooperation)

Decision VI/20 (Cooperation with other organizations, initiatives and conventions)

Decision VII/26 (Cooperation with other conventions and international organizations and initiatives)

RELEVANT ASPECTS OF THEMATIC WORK PROGRAMMES

Decision II/9, paragraphs 1, 2 and 4; annex (Forests—Statement to IPF)

Decision II/10, paragraphs 4, 5, 10, 12 and 13; annex section I, paragraphs (vi), (viii) and (xi); annex II, paragraphs 2(c) and 3(b) (Marine and coastal)

Decision III/11, paragraphs 1–3, 7, 14, 19, 20, 23 and 24 (Agriculture)

Decision III/12, paragraphs 1–7; annex (Forests)

Decision III/13, paragraph 1 (Terrestrial)

Decision IV/4, paragraphs 2–4, 8(b) and (c); annex I, paragraphs 1–4, 12 and 13 (Inland water)

Decision IV/5 I, paragraph 4; section II, paragraphs 2 and 3; annex, section B, paragraphs 7, 11, 12 and 14; section C, operational objectives 1.3, 2.1, 3.1, 3.2, 5.1 and 6.1 (Marine and coastal)

Decision IV/6, paragraphs 2(b) and 7–10 (Agriculture)

Decision IV/7, paragraphs 2, 4, 9, 11 and 13; annex, paragraphs 3(f), 8, 9, 18, 22, 23, 40, 45, 48, 49 and 50 (Forests)

Decision V/2, paragraphs 2 and 7 (Inland water)

Decision V/3, paragraphs 4, 5, 6(b), 17 and 18; annex, section C (Marine and coastal)

Decision V/4, paragraphs 3, 6, 7, 11, 13 and 15–20 (Forests)

Decision V/5, paragraphs 2, 4, 6, 10–12, 14, 16, 17, 20–22 and 29; annex, section A, paragraph 3(b) and (d); section B, activity 1.1 (Agriculture)

Decision V/23, paragraphs 6, 8 and 9; annex I, section I, paragraphs 2(c) and 7(a); activity 7(l), (m) and paragraph 12(b) (Dry and sub-humid lands)

Decision VI/2, paragraphs 4 and 5 (Inland waters)

Decision VI/3, paragraphs 2 and 4 (Marine and coastal)

Decision VI/4, paragraph 2 (Dry and sub-humid lands)

Decision VI/5, paragraphs 6 and 17 (Agriculture)

Decision VI/6, paragraphs 4 and 5 (Agriculture)

Decision VI/22, paragraphs 19(b), 19(d) and 35 (Forests)

OTHER RELEVANT DECISIONS

Decision I/5 (Support to the Secretariat by international organizations)

Decision I/7, paragraph 1(d) (SBSTTA)

Decision I/8 (Statement to CSD)

Decision II/3, paragraphs 2, 3, 4(g), (h) and 8 (Clearing-house mechanism)

Decision II/6, paragraph 8 (Financial mechanism and resources)

Decision II/7, paragraph 5 (Consideration of Articles 6 and 8)

Decision II/12, paragraphs (a) and (c) (Intellectual property rights)

Decision II/15 (FAO Global System)

Decision II/16 (Statement to FAO International Technical Conference)

Decision II/17, paragraph 13 (National reports)

Decision III/9, paragraphs 7 and 8 (Implementation of Articles 6 and 8)

Decision III/14, paragraph 4; annex, paragraph 2(a) (Implementation of Article 8(j))

Decision III/15, paragraphs 7–9 (Access to genetic resources)

Decision III/17, paragraphs 1(f) and 2–8; annex (Intellectual property rights)

Decision III/18, paragraph 9 (Incentive measures)

Decision III/19 (Statement to UNGA Special Session)

Decision III/20, paragraph 2(a) (Issues related to Biosafety)

Decision IV/1 A, paragraphs 5 and 6 (Report and recommendations of the Third Meeting of SBSTTA)

Decision IV/1 C, paragraph 6 (Alien species)

Decision IV/1 D, paragraph 5; annex, paragraphs 9 and 10 (Taxonomy)

Decision IV/2, paragraph 10(g) (Clearing-house mechanism)

Decision IV/9, paragraphs 14–17 (Implementation of Article 8(j) and related provisions)

Decision IV/10 A, paragraph 5(b) (Incentive measures)

Decision IV/10 B, paragraphs 6 and 7 (Public education and awareness)

Decision IV/10 C, paragraph 6 (Impact assessment and minimizing adverse effects)

Decision IV/12, paragraph (b) (Additional financial resources)

Decision V/7, paragraphs 1, 2 and 4 (Identification, monitoring and assessment, and indicators)

Decision V/8, paragraphs 5 and 10–15 (Alien species)

- Decision V/9, paragraph 5; annex (Global Taxonomy Initiative)
- Decision V/10, paragraphs 2 and 5 (Global strategy for plant conservation)
- Decision V/11, paragraphs 2, 5, 7, 8 and 15 (Additional financial resources)
- Decision V/14, paragraph 7(e); annex I, paragraph (k); annex II, paragraph (c) (Clearing-house mechanism)
- Decision V/15, paragraphs 3, 5 and 6 (Incentive measures)
- Decision V/16, paragraph 14; annex, section IV (Article 8(j) and related provisions)
- Decision V/17, paragraphs 2 and 4 (Education and public awareness)
- Decision V/18 I, paragraph 4; section II, paragraph 6 (Impact assessment, liability and redress)
- Decision V/19, paragraphs 9(c) and 10 (National reports)
- Decision V/20 III, paragraphs 18, 19, 27 and 29(b) (Operations of the Convention)
- Decision V/24, paragraphs 1 and 3 (Sustainable use)
- Decision V/25, paragraphs 2–4, 6 and 7 (Biological diversity and tourism)
- Decision V/26 A, paragraphs 8, 15(c), (d) and (e) (Access to genetic resources)
- Decision V/26 B, paragraphs 2–4 (Intellectual property rights)
- Decision V/27 (Contribution to ten-year review of UNCED)
- Decision VI/7, section B, paragraph 4(d); section C, paragraph 4 (Identification, monitoring, indicators and assessments)
- Decision VI/9, paragraph 20; annex, section E (Global strategy for plant conservation)
- Decision VI/23, paragraphs 15–23 (Alien species)
- Decision VI/24, paragraphs 3 and 4 (Other issues relating to ABS)
- Decision VII/13, paragraph 4 (Alien species)
- Decision VII/15 (Biodiversity and climate change)
- Decision VII/20, paragraph 6 (Further guidance to the financial mechanism)

Documents

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- UNEP/CBD/COP/2/15 and 15/Corr.1—Report on the administration of the Convention.
- UNEP/CBD/COP/3/25—Submission to the Special Session of the General Assembly to review implementation of Agenda 21.
- UNEP/CBD/COP/3/29—Cooperation with other biodiversity-related conventions and processes.
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- UNEP/CBD/COP/4/INF.8—Cooperation with the Convention on Wetlands.
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- UNEP/CBD/COP/4/INF.14—Outcome of the Special Session of the General Assembly (A/RES/S-19/2, 28 June 1997).
- UNEP/CBD/COP/5/9—Report of the Executive Secretary on the administration of the Convention and budget for the Trust Fund of the Convention.
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