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CONFERENCE OF THE PARTIES TO THE  
CONVENTION ON BIOLOGICAL DIVERSITY  
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4 to 15 November 1996  
Item 7.1 of the provisional agenda

**THE CONSIDERATION OF ARTICLES 6 AND 8 OF THE CONVENTION**

**Note by the Executive Secretary**

**1. INTRODUCTION**

1. In decision II/7, the COP requested the Executive Secretary to make available through the clearing-house mechanism information on Articles 6 (General Measures for Conservation and Sustainable Use) and 8 (*In-situ* Conservation) and lessons drawn from national experience, and also to make available relevant information on the implementation of Articles 6 and 8 contained in national reports submitted by the Parties in accordance with Article 26 of the Convention and decision II/17 of the COP. It further requested the Executive Secretary (paragraph 4):

- “(a) To compile and disseminate that information as widely as possible, including experience of relevant conventions, United Nations bodies and intergovernmental and nongovernmental organizations in dealing with the provisions of Articles 6 and 8; and
- (b) To prepare, on the basis of available information, suggestions on how the collection and sharing of relevant information and experience might be enhanced”.

2. It also requested the interim financial mechanism under the Convention to facilitate the urgent implementation of Articles 6 and 8 of the Convention by developing country Parties by making available financial resources for projects in a flexible and expeditious manner.

3. Finally, it requested the Executive Secretary to present a report on the implementation of this decision for consideration at its third meeting.

4. This Note responds to that request. Item 5 of the provisional agenda for this meeting, on the assessment and review of the operation of the clearing-house mechanism, and item 6 on financial resources and mechanism, particularly 6.1 (report on the activities of the Global Environment Facility as the interim institutional structure), are also directly relevant. The COP may therefore wish to refer to document UNEP/CBD/COP/3/4, which contains a progress report by the Executive Secretary on the implementation of the pilot phase of the clearing-house mechanism, and document UNEP/CBD/COP/3/5, which contains the report of the Global Environment Facility. Several other items on the provisional agenda of this meeting, including 11.1 (implementation of Article 8(j)), 17 (issues related to biosafety) and 18 (relationship of the Convention with the Commission on Sustainable Development and biodiversity-related conventions and processes), are also relevant to this agenda item.

5. The COP decided (decision II/17, paragraph 4) that the first national reports will be due at the fourth meeting of the COP. Therefore, the Parties have yet to submit their first national reports. Accordingly, the Executive Secretary, in preparing the present Note, has not been in a position to draw on the information contained in national reports regarding the implementation of Articles 6 and 8.

6. At its second meeting, the COP had before it document UNEP/CBD/COP/2/12, entitled "Approaches and experiences related to the implementation of Articles 6 and 8 of the Convention on Biological Diversity". This document drew extensively on the experiences of governments in the kinds of actions and approaches undertaken to meet the provisions of Articles 6 and 8 of the Convention. It also discussed the experiences of relevant conventions, United Nations bodies and intergovernmental and non-governmental organisations in dealing with these Articles. In response to decision II/7, the Executive Secretary has posted this paper on the Internet in an attempt to ensure the widest possible dissemination for it. To avoid duplication, the substantive discussion contained in the previous document on shared experience in the implementation of Articles 6 and 8 is not repeated here.

7. The present document focuses on the response of the financial mechanism to decision II/7 and on the developments of some specific aspects of Articles 6 and 8 in which the Executive Secretary has been involved, particularly with reference to the dissemination of information. In view of the fact that the clearing-house mechanism is still in a pilot phase, the Executive Secretary has endeavoured to find other channels for disseminating this information. It should be remembered that in addition to the activities in which the Executive Secretary has been involved, much additional activity has been carried out in the past year by individual Parties and by a wide range of national, regional and international organisations and bodies, which is of direct relevance to the implementation of Articles 6 and 8. It is expected that much of this will be reported in the first national reports, to be reviewed at the next meeting of the COP.

## 2. THE IMPLEMENTATION OF ARTICLE 6

8. Paragraph 6 of decision II/7 addressed this issue directly by requesting the interim financial mechanism under the Convention to facilitate the urgent implementation of Articles 6 and 8. The Global Environment Facility (GEF), which serves as the interim financial mechanism for the Convention, has submitted a report to the present meeting (document UNEP/CBD/COP/3/5) that sets out its response to guidance from the COP, including that contained in decision II/7.

9. That document reports on the steps that have been taken, chiefly with respect to enabling activities. These are activities that 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 activities likely to have significant adverse impacts on conservation and sustainable use of biodiversity pursuant to Article 7 of the Convention on Biological Diversity" (*GEF Operational Strategy*, p 21).

10. These steps include: the preparation of operational criteria for enabling activities in the area of biological diversity; approval of an expedited process for approving enabling activities project proposals consistent with the operational criteria; approval of an initial allocation of US\$ 30 million for enabling activities in support of biodiversity and climate-change conventions; the informing of eligible countries by the GEF and secretariats of the conventions (the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change) that financial resources are available to assist the implementation of enabling activities.

11. During the period from 1 July 1995 to 30 June 1996, fifteen project proposals for enabling activities were approved, fourteen of them under expedited procedures. In addition, ten proposals for project-preparation financing were approved. To date, the GEF has provided enabling assistance to forty-one countries, with project-preparation financing approved for a further five. Recognising the urgency of activities for enabling developing-country Parties to implement the Convention, the Implementing Agencies expect to submit an additional forty enabling-activity project proposals during the period from 1 July 1996 to 30 June 1997.

12. In addition, document UNEP/CBD/COP/3/24, concerning Article 11 of the Convention (incentive measures) and prepared by the Executive Secretary to assist the COP in its consideration of item 15.1 of the provisional agenda, discusses ways and means of incorporating the conservation and sustainable use of biological diversity into sectoral plans and programmes at the national level, as required by Article 6(b), chiefly by addressing the elimination of perverse incentives and the propagation of positive incentives. Document UNEP/CBD/COP/3/14 on agricultural biological diversity, an earlier version of which was considered at the second meeting of the SBSTTA (as document UNEP/CBD/SBSTTA/2/10), specifically addresses the implementation of Article 6(b) in one major sector, that of agriculture.

### **3. THE IMPLEMENTATION OF ARTICLE 8**

#### **3.1 Articles 8(a) and 8(b): The Design and Management of Protected-area Systems**

13. Experience in the design, establishment and management of protected-areas systems was discussed at some length in UNEP/CBD/COP/2/12. In addition, the Jakarta Mandate on Marine and Coastal Biological Diversity includes marine and coastal protected areas as one of its five major thematic areas, as discussed in document UNEP/CBD/SBSTTA/2/14.

14. The Memorandum of Cooperation established between the Convention and the Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention) calls for the regular exchange and dissemination of information in their respective fields of action. In the case of the Ramsar Convention this includes the designation and management of wetland protected areas in countries that are Contracting Parties to that Convention. The report by the Bureau of the Ramsar Convention, which forms the annex to document UNEP/CBD/COP/3/30, describes the Ramsar Convention's involvement in protected-area design and management in some detail. The Memorandum of Cooperation currently being developed with the UNESCO World Heritage Convention (in full) will similarly allow for the enhanced sharing of experience in the design and implementation of an internationally coordinated protected-areas system.

#### **3.2 Article 8(c): The Management of Biological Resources**

15. Document UNEP/CBD/COP/3/16 on biological diversity in forests was prepared by the Executive Secretary in response to decision II/9 for the consideration of the present meeting under item 10.2. of the provisional agenda. An earlier version of this paper, which discusses issues relevant to several parts of Article 8, including paragraphs (c), (d), (i) and (l), was considered by the second meeting of the SBSTT (as document UNEP/CBD/SBSTTA/2/11). In addition, the Memorandum of Cooperation signed in March 1996 by the Secretariats of the Convention and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) includes articles concerned with the exchange of information and experience as well as joint conservation actions and has thereby initiated the process of enhancing information sharing in the implementation of important aspects of Article 8(c) concerned with international trade. Management to ensure the sustainable use of coastal and marine living resources is one of the major themes identified under the Jakarta Mandate, and the sustainable use of inland aquatic resources will be a key area in forthcoming considerations of the biological diversity of inland water ecosystems, to be addressed at the fourth meeting of the COP.

#### **3.3 Article 8(d): The Protection of Ecosystems, Habitats and Species in Natural Surroundings**

16. Many of the background documents prepared by the Executive Secretary in the past year, and many of the activities in which the Executive Secretary has been involved, have a direct bearing on Article 8(d). These include the papers on biological diversity in forests referred to under Article 8(c) above, as well as those on the assessment of biological diversity and the use of indicators of biological diversity (documents UNEP/CBD/SBSTTA/2/2, UNEP/CBD/SBSTTA/2/4 and UNEP/CBD/COP/3/13 and annexes). Work undertaken within the remit of the Jakarta Mandate addresses this issue, as will

forthcoming work on biological diversity of inland water ecosystems.

### **3.4 Article 8(e): Sustainable Development in Areas Adjacent to Protected Areas**

17. The Jakarta Mandate for Marine and Coastal Biological Diversity specifically encourages the use of integrated marine and coastal-area management as the most suitable framework for addressing human impacts on marine and coastal biological diversity and for promoting the conservation and sustainable use of this biodiversity (decision II/10, paragraph 2).

### **3.5 Article 8(f): Restoration Ecology and Species Recovery Plans**

18. These issues have been addressed in document UNEP/CBD/COP/2/12. Mechanisms for monitoring and assessing the effectiveness of actions taken in these fields are discussed in UNEP/CBD/COP/3/13 and annexes.

### **3.6 Article 8(g): Biosafety**

19. In 1996, UNEP published the *International Technical Guidelines for Safety in Biotechnology*, which address Article 8 (g). The guidelines were adopted by the Global Consultation of Government-designated Experts, hosted by the government of Egypt in Cairo from 11 to 14 December 1995. The guidelines were the product of a consensus-building process involving a wide spectrum of stakeholders, including the public and private sectors (including the biotechnology industry), the Secretariat of the Convention, relevant United Nations bodies, intergovernmental and non-governmental organisations, and others.

20. The COP, in its decision II/5, noted that the guidelines (at that time not finalised) could contribute to the development and implementation of a protocol on biosafety. The guidelines could also serve both as an interim mechanism during the development of the protocol and as a complement to it after its completion.

21. These guidelines have now been widely disseminated, having been distributed at the first meeting of the Open-ended Ad Hoc Working Group on Biosafety, instigated by the COP in its decision II/5 and hosted by the government of Denmark in Aarhus, Denmark, from 22 to 26 July 1996. In addition, these guidelines were distributed as document UNEP/CBD/SBSTTA/2/Inf.16 at the second meeting of the SBSTTA, and are included as a document for consideration by the present meeting (UNEP/CBD/COP/3/27). The consideration of a summary report of the Open-ended Ad Hoc Working Group on biosafety (document UNEP/CBD/COP/3/26) is included as item 17.1 of the provisional agenda for this meeting.

### **3.7 Article 8(h): Alien Species**

22. In July 1996, the Norway/United Nations (UN) Conference on Alien Species was hosted in Trondheim, Norway, by the Norwegian Ministry of the Environment in collaboration with the Secretariat of the Convention, UNEP, UNESCO, IUCN - the World Conservation Union, and the Scientific Committee on Problems of the Environment (SCOPE) of the International Council of Scientific Unions (ICSU). This conference addressed itself directly to Article 8(h) of the Convention and was intended as a contribution to and a concrete step in facilitating the implementation of the Convention. Participants from over sixty countries discussed and shared experiences related to the control of invasive alien species. The proceedings of the conference and the Chairman's Report are expected to be available at the present meeting and represent an important contribution to the dissemination of information regarding the implementation of Article 8(h). In addition, the consideration of alien species is one of the five main themes of the Jakarta Mandate on Marine and Coastal Biological Diversity, discussed under Articles 8(a) and 8(b) above.

### **3.8 Article 8(i): The Compatibility of Present Use, Conservation, and Sustainable Use**

23. As well as presenting case studies, in document UNEP/CBD/COP/3/24, on the implementation of Article 11, which has direct bearing on Article 8(i), the Secretariat has also addressed this issue in its papers on the economic valuation of biological diversity (UNEP/CBD/SBSTTA/2/13) and biological diversity in agricultural ecosystems (UNEP/CBD/SBSTTA/2/10), which were considered at the second meeting of the SBSTTA; a modified version of the latter document is contained in UNEP/CBD/COP/3/14 to assist the consideration of item 9 of the provisional agenda for this meeting.

### **3.9 Article 8(j): The Knowledge, Innovations and Practices of Indigenous and Local Communities**

24. The COP has included the consideration of the implementation of Article 8(j) of the Convention as a separate item (11.1) on its provisional agenda. As noted under that agenda item, the Executive Secretary has prepared two substantive documents concerning Article 8(j). These are: document UNEP/CBD/SBSTTA/2/7, entitled "Knowledge, innovations and practices of indigenous and local communities", prepared by the Executive Secretary to assist the second meeting of the SBSTTA in its deliberations on this issue; and document UNEP/CBD/SBSTTA/2/Inf.3, entitled "Traditional Forest-related Knowledge and the Convention on Biological Diversity", which was the contribution of the Executive Secretary to the preparation of the Report of the Secretary-General on traditional forest-related knowledge presented at the third session of the Intergovernmental Panel on Forests.

25. Both these documents draw extensively on the experience of non-governmental and intergovernmental organisations, United Nations bodies, relevant conventions and treaties, and national experience in dealing with issues related to the implementation of Article 8(j). The latter paper includes, as Annex 3 ("Network Access Points"), contact details for groups concerned with indigenous knowledge and related issues. Both papers have been widely disseminated. A modified version of the former

(document UNEP/CBD/COP/3/19) will be before the meeting to assist discussion on the implementation of Article 8(j) under item 11.1 of the provisional agenda.

### **3.10 Article 8(k): Threatened-species Legislatio**

26. As noted above, the Memorandum of Cooperation between the Convention and CITES has initiated the process of sharing of information and experiences concerned with the implementation of legal controls on the international trade in threatened species. Similarly, the Memorandum of Cooperation between the Convention and the Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention) should enable information on the legal protection of migratory species, included in Appendix I of the Bonn Convention, to be more widely disseminated.

### **3.11 Article 8(l): The Regulation of Adverse Processes Identified Pursuant to Article 7**

27. The implementation of Article 8(l) is dependent on the successful implementation of Article 7 in that processes and categories of activities that have or may have adverse impacts on biological diversity must be identified before they can be regulated and managed. At its second meeting, the SBSTT addressed the issue of identifying these processes. To assist it in its deliberations, the Executive Secretary prepared a background document (UNEP/CBD/SBSTTA/2/3). This document forms the basis of document UNEP/CBD/COP/3/12, which has been prepared to assist the COP in its discussion of item 8.1 of the provisional agenda (options for implementing Article 7 of the Convention). The Executive Secretary also prepared the document "Indicators for assessing the effectiveness of measures taken under the Convention" for the second meeting of the SBSTTA (UNEP/CBD/SBSTTA/2/4). This document draws on a wide range of experience in discussing the use, to date, of indicators of biological diversity, particularly those related to pressures on biological diversity and those related to responses to those pressures. To ensure the wide dissemination of this information, the document has been included as an Annex to UNEP/CBD/COP/2/13.

28. In addition, document UNEP/CBD/COP/3/24, already referred to in paragraph 12 above, discusses experiences in the elimination, or mitigation, of the effects of perverse incentives (i.e., those incentives that lead to processes and activities that have adverse effects on biological diversity). It draws together a number of examples and describes some cases in detail.

### **3.12 Article 8(m): Financial and Other Support for *In-situ* Conservatio**

29. Paragraph 6 of decision II/7 addressed this issue directly by requesting the interim financial mechanism under the Convention to facilitate the urgent implementation of Articles 6 and 8. The report of the GEF notes that, to date, the GEF has approved fifty-five project proposals addressing *in-situ* conservation in pursuance of Article 8. During the period from 1 July 1995 to 30 June 1996, the GEF approved three project proposals and twenty-four proposals for project-preparation financing that contained elements addressing *in-situ* conservation. The three approved projects were for the Biodiversity Enterprise Fund in Latin America, Comoros Island Biodiversity, and Viet Nam Protected Areas. Further details are provided in document UNEP/CBD/COP/3/5.

#### **4. RECOMMENDATIONS FOR ENHANCING THE COLLECTION AND SHARING OF EXPERIENCE AND INFORMATION**

30. As envisaged under the Convention, the clearing-house mechanism, when operational, will play the central role in the dissemination of information relevant to the implementation of the Convention. In view of the facts that many parts of the world have, as yet, only partial access to the Internet and that much valuable information already exists in published form and not necessary in electronic versions, the COP may wish to stress that the clearing-house mechanism should not be viewed merely as an electronic system. The proposed development of the Global Biodiversity Outlook as a publication emphasises a commitment to the production and dissemination of information in non-electronic forms.

31. As is evident from the discussion above, many of the documents prepared, and many of the activities undertaken, by the Executive Secretary have a direct bearing on part or all of the provisions of Articles 6 and 8. In addition, many of the activities undertaken worldwide which help to meet the aims of the Convention do so by addressing these Articles without necessarily directly involving the machinery of the Convention. In light of this, the COP may wish to emphasise that the compilation and dissemination under the Convention of information relevant to the implementation of these Articles (or indeed of any other Articles) should complement and enhance existing efforts, rather than duplicate them.

32. To this end, the COP may wish to consider recommending that ways be sought to involve in a more systematic fashion organisations concerned with collecting and disseminating information on the implementation of Articles 6 and 8, such as the World Conservation Monitoring Centre (WCMC), which manages, *inter alia*, the CITES database on international trade in species listed in the CITES appendices, the database used to produce the UN list of national parks and other protected areas, and the database used to produce the IUCN Red Lists of threatened plant and animal species.

33. The COP may also wish to request an analysis of the proposed Biological Conservation Information System (BCIS), currently being developed by BirdLife International, Botanic Gardens Conservation International (BCGI), IUCN TRAFFIC, WCMC and Wetlands International, to determine whether this might contribute usefully to the dissemination of information on the implementation of Articles 6 and 8.

34. The COP may wish to consider recommending that any newsletter produced regularly by the Secretariat contain a section with reviews or listings of recent publications relevant to the implementation of the Convention.

35. The COP may also wish to consider requesting the Executive Secretary to produce a listing, with contact details, of organisations that regularly produce publications of relevance to the Convention. Such organisations would include IIED, IUCN, TRAFFIC, WWF, WCMC, WRI, CI, FAO, UNESCO, UNEP, The World Bank, and others. Such a listing should be made available both on the Internet and as a separate publication. It would have to be made clear that the list is for information purposes only and implied no sanction or approval by the Convention for publications produced by these organisations. Alternatively, the COP may wish to consider whether the publication, *A Sourcebook for Conservation and Biological Diversity Information* (IUCN in collaboration with UNEP INFOTERRA, 1995), adequately meets this

requirement and should be recommended for use in this regard.

36. The COP may wish to encourage the Secretariat to prepare for publication and wider dissemination the background documents prepared for meetings of the SBSTTA and/or the COP that contain substantive discussion of issues relevant to the implementation of Articles 6 and 8.

37. In view of the extremely wide range of provisions in these Articles, particularly in Article 8, the COP may wish to consider recommending the further development of a thematic approach in the compilation and dissemination of information concerning their implementation. It may wish to do this, for example, by encouraging the SBSTTA to consider adopting one of the subject areas dealt with in Article 8 as the theme of one of its future meetings. One area of major importance in the conservation and sustainable use of biological diversity, and which has hitherto been somewhat neglected, is that of alien species, addressed by Article 8(h). The choice of this as a theme for early consideration would enable the valuable work of the Norway/UN Conference on Alien Species, discussed under Article 8(h), to be carried forward in a timely fashion and would also allow opportunities for the collaboration with organisations and processes that are involved in work in this field, such as the Scientific Committee on Problems of the Environment (SCOPE), which has proposed a global strategy for invasive species, and the IUCN Invasive Species Specialist Group.

38. Further appropriate themes might be:

- (a) the design and management of protected areas;
- (b) restoration ecology and species recovery plans;
- (c) the sustainable use of wild resources;
- (d) threatened-species legislation; and
- (e) the assessment and mitigation of threats.