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DIVERSITY**

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CONFERENCE OF THE PARTIES TO THE  
CONVENTION ON BIOLOGICAL DIVERSITY

Sixth meeting

The Hague, 7-19 April 2002

Item 7 of the provisional agenda\*

**PREPARATIONS FOR THE SEVENTH MEETING OF THE CONFERENCE OF THE  
PARTIES**

*Note by the Executive Secretary*

**I. INTRODUCTION**

1. The present note has been prepared to assist the Conference of the Parties at its sixth meeting in its consideration of item 7 of the provisional agenda, which relates to the date and venue of, and preparations for, the seventh meeting of the Conference of the Parties.

2. At its fourth meeting, in decision IV/16, annex II, the Conference of the Parties outlined its programme of work for its fifth, sixth and seventh meetings, and selected three themes for in-depth consideration at each meeting. The priority themes for the seventh meeting of the Conference of the Parties are: mountain ecosystems; protected areas; and transfer of technology and technological cooperation.

3. In the present note, the Executive Secretary considers each of these three themes in a preliminary manner and describes how these issues will be considered during the inter-sessional period. For each of the three priority themes, the note presents background, reviews the mandate given by the Parties, and proposes specific activities to realize the outputs required in time for the seventh meeting of the Conference of the Parties.

4. The Conference of the Parties is invited to review and consider the proposals of the Executive Secretary on the three in-depth items, including the means to undertake the work and the expected outputs for its seventh meeting.

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## II. MOUNTAIN BIOLOGICAL DIVERSITY

### A. *Introduction*

5. Mountains occupy about one-fifth of the earth's surface, and provide a variety of goods and services, including water, agricultural and forest resources. It is estimated that mountains provide for the freshwater needs of more than half of humanity, and are, in effect, the water towers of the world. Specially adapted to a wide range of altitudes and climates, mountain ecosystems have produced a wealth of plant and animal species and continue to be important reservoirs for nutritious and underutilized crops – genetic resources that offer tremendous potential for agriculture and medicine. Mountains are areas of high biodiversity, which extends to the level of genes, species and ecosystems; isolated mountain ranges also exhibit an extraordinarily high degree of endemism. In addition, mountains provide a large amount of the world's timber, minerals and grazing land. As noted by in the report of the Secretary-General of the United Nations proclaiming 2002 the "International Year of Mountains", mountains harbour a significant portion of distinct ethnic groups, varied remnants of cultural traditions, environmental knowledge and habitat adaptations. They host some of the world's most complex agro-cultural gene pools and traditional management practices.

6. The specificity of mountains as compared to other terrestrial ecosystems results from their vertical dimensions, which create gradients of temperature, precipitation and insolation. A given mountain slope may include several climatic systems and related biodiversity types– such as tropical, subtropical, temperate and alpine – each of which represents a microcosm of a larger habitat diversity. This complexity is confounded by the fragmentation of the landscape into a multitude of microhabitats and the variety of management practices used by human communities living in mountain areas.

7. Mountains are fragile ecosystems particularly vulnerable to climate change and susceptible to accelerated soil erosion and landslides. They are under severe pressure from a variety of stressors such as agriculture, tourism, <sup>1/</sup> forest clearance, pollution, invasive alien species, and a multitude of other factors relating to over-utilization. Their degradation with the resulting loss of biodiversity poses a serious threat to the world's food security. In light of rapidly growing awareness of the importance of mountain ecosystems, the United Nations General Assembly declared 2002 the International Year of Mountains.

### B. *Mandate*

#### 1. *Articles of the Convention*

8. Mountains are specifically mentioned in the Convention only in paragraph 7 of Article 20, 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, because mountains harbour biodiversity components important for conservation and sustainable use as specified in Annex I to the Convention, all the other articles of the Convention apply to mountain biological diversity. In particular, pursuant to paragraph 4 of Article 23, the Conference of the Parties shall keep under review the implementation of the provisions of Convention as they apply to mountain biodiversity and undertake additional activities that may be required.

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<sup>1/</sup> See also paragraph 20 of the annex to decision V/25 of the Conference of the Parties.

## 2. Decisions of the Conference of the Parties

### *First meeting*

9. At its first meeting, the Conference of the Parties included in its programme priorities projects that promote the conservation of biological diversity and sustainable use of its components in mountainous areas <sup>2/</sup> and requested the Global Environment Facility (GEF) to support programmes, projects and activities consistent with this programme priority. In 1995, the GEF Council approved four programmes for biodiversity, including mountain ecosystems.

### *Third meeting*

10. In decision III/13 on the future programme of work for terrestrial biological diversity, the Conference of the Parties recognized the need for an integrated approach to the planning and management of land resources and reaffirmed the central importance of biological diversity to sustainable development terrestrial ecosystems, in particular montane areas. In paragraph 1(b) of this decision, the Conference of the Parties requested the Executive Secretary “to contact those agencies and networks working on sustainable mountain development with a view to examining forms of cooperation on matters relating to biological diversity and mountains” so as to avoid unnecessary duplication of efforts and foster complementarity, and to make the results of these activities available to the third meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). The Conference of the Parties informed the special session of the United Nations General Assembly in 1997 of its starting work in the area of terrestrial biodiversity, including in relation to mountain biodiversity. <sup>3/</sup>

11. In paragraph 7 of annex I to decision III/11, the Conference of the Parties noted that expansion of unsustainable agricultural practices to frontier areas, including, *inter alia*, mountains, combined with overgrazing, and inadequate crop management and pest control strategies, contributes to degradation of biological diversity, as well as to the loss of the cultural diversity of traditional communities.

### *Fourth meeting*

12. At its fourth meeting, the Conference of the Parties decided on the items for in-depth consideration at its fifth, sixth and seventh meetings and to consider mountain ecosystems as one of the main themes of its seventh meeting.

### *Fifth meeting*

13. In paragraph 2 of its decision V/25, the Conference of the Parties accepted the invitation to participate in the international work programme on sustainable tourism development under the Commission on Sustainable Development process with regard to biological diversity, in particular, with a view to contributing to international guidelines for activities related to sustainable tourism development in vulnerable ecosystems and habitats of major importance for biological diversity, including mountain ecosystems. The Conference of the Parties requested the Executive Secretary to prepare a proposal for its contribution to the guidelines.

14. In paragraph 7 of the same decision, the Conference of the Parties encouraged Parties, other Governments, the tourism industry and relevant organizations to undertake activities including local capacity-building, that would be supportive of the preparations *inter alia* for the International Year of Mountains. In particular, the Conference of the Parties urged the tourism industry to work in partnership with all stakeholders and to commit to work within principles and guidelines for sustainable tourism

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<sup>2/</sup> Paragraph 3 and annex I to decision I/2 on financial resources and mechanism

<sup>3/</sup> Decision III/19, paragraph 12.

development; and encouraged Parties and other Governments to complement voluntary efforts by establishing enabling policies and legal frameworks for the effective implementation of sustainable tourism.

15. In its assessment of the role of tourism in the sustainable use of biodiversity and its impacts on biodiversity contained, respectively, in paragraphs 2 and 16 of the annex to decision V/25, the Conference of the Parties noted that, by definition, sustainable tourism includes sustainable use of biological resources and that it minimizes environmental, ecological, cultural and social impacts while maximizing the benefits. For sustainable patterns of consumption and production in the tourism sector, particularly in fragile ecosystems, it is essential to strengthen national policy development and enhance capacity in the areas of physical planning, impact assessment, and the use of economic and regulatory instruments, as well as in the areas of information, education and marketing.

16. In addition to decisions relating directly to mountain ecosystems, all the other decisions relating to forest biodiversity, inland water biodiversity, dry and sub-humid lands and agricultural biodiversity are also relevant to mountains, which usually host forests, agricultural lands, water resources and dry and sub-humid lands.

### *3. Recent recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice*

17. Noting that the Conference of the Parties established the GTI specifically to support its work programmes including mountain biological diversity, SBSTTA recommended at its sixth meeting to include in the activities of the Global Taxonomy Initiative (GTI) activities on mountain biological diversity. <sup>4/</sup> It was also suggested that the GTI Coordination Mechanism could play an important role in proactively defining taxonomic needs related to this planned thematic activity.

18. In response to paragraph 6 of decision V/25, the Executive Secretary convened in June 2001 in Santo Domingo, an international workshop on biological diversity and tourism that produced elements for guidelines for activities related to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas. SBSTTA considered these elements at its seventh meeting and requested the Executive Secretary to present them for consideration at one of its meetings prior to the seventh meeting of the Conference of the Parties.

19. At the same meeting, SBSTTA recommended to consider mountain biodiversity as the main theme of its eighth meeting to facilitate the consideration of this item at the seventh meeting of the Conference of the Parties. Pursuant to its mandate in Article 25 of the Convention on Biological Diversity, SBSTTA shall provide:

(a) An assessment of the status and trends of, and major threats (e.g. unsustainable agricultural practices and unsustainable tourism) to, mountain biodiversity, including an assessment of the effects of types of measures taken in accordance with the provisions of then Convention;

(b) Advice on targeted actions for the conservation and sustainable use of biodiversity, including technologies and know-how relating to these actions, and taking into account the integrated approach to the planning and management of land resources recommended by the Conference of the Parties in decision III/13; and

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<sup>4/</sup> Planned activity 13 of the programme of work contained in the annex to SBSTTA recommendation VI/6.

(c) Advice on enabling activities such as the strengthening of capacity; identification and application of incentive measures; revision of legal and administrative measures; and cooperation with those agencies and networks working on sustainable mountain development.

### *C. Means*

20. At its seventh meeting, the Conference of the Parties will review in-depth the implementation of the provisions of the Convention with regards to mountain biodiversity and consider and undertake any additional action that may be required for the achievement of the purposes of the Convention, partly in the light of SBSTTA recommendations at its meetings prior to the meeting of the Conference of the Parties.

21. Specifically, it is suggested that the following steps be taken in preparation for the seventh meeting of the Conference of the Parties:

(a) At its sixth meeting, the Conference of the Parties may wish to decide to establish an ad hoc technical expert group on mountain biological diversity to assist the Subsidiary Body on Scientific, Technical and Technological Advice in its work on this topic. The Conference of the Parties may also wish to approve the proposed terms of reference for the expert group, as contained in the annex I below.

(b) Following the sixth meeting of the Conference of the Parties, the Executive Secretary will request nominations from Parties of experts on the subject of mountain biological diversity, including scientific, technical, policy and traditional knowledge experts. The Executive Secretary will then select experts and prepare background material for the group, in collaboration with relevant international organizations and agencies, and with assistance of a possible liaison group;

(c) The first meeting of the ad hoc technical expert group on mountain biological diversity will take place during the summer of 2002, prior to the eight meeting of SBSTTA. The expert group will assist in finalizing the documentation to be considered by SBSTTA at its eight meeting;

(d) At its eighth meeting, SBSTTA will consider mountain biological diversity as its main theme, and is thus the main preparatory meeting for the seventh meeting of the Conference of the Parties on this subject. SBSTTA will prepare recommendations for the seventh meeting of the Conference of the Parties, and may also wish to make some specific requests to the Executive Secretary on activities to be carried out prior to the seventh meeting of the Conference of the Parties.

(e) Following SBSTTA 8, the ad hoc technical expert group will meet for a second time, in order to complete the work mandated in its terms of reference, and finalize documentation for the seventh meeting of the Conference of the Parties, based on the recommendations of SBSTTA. This documentation may, as appropriate, address policy and socioeconomic issues, such as access to genetic resources and benefit sharing, incentive measures and implementation of Article 8(j) and related provisions in the context of mountain biological diversity;

(f) The Executive Secretary will utilize the Convention's clearing-house mechanism to better promote technical and scientific cooperation on mountain biodiversity conservation and sustainable use, and update the web page on mountain biodiversity, including linkages to web sites of ongoing global and regional initiatives on mountain biological diversity;

(g) At its seventh meeting, the Conference of the Parties will discuss mountain biological diversity as one of its three main topics.

22. The Executive Secretary will develop and strengthen cooperation with relevant organizations and global and regional networks working on sustainable mountain development such as *inter alia* the Convention on the Protection of the Alps, signed in 1991, and its Protocol on Tourism, the Global Mountain Biodiversity Assessment of DIVERSITAS, the International Centre of Integrated Mountain Development (ICIMOD), the Swiss Academy of Sciences, the IUCN World Commission on Protected Areas (WCPA) and the IUCN Inter-Agency Group on Mountains, the Global Environment Facility (GEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations and indigenous and local community organizations. The Executive Secretary will also participate in activities relating to the International Year of Mountains.

#### ***D. Expected outputs***

23. The preparatory work for the seventh meeting of the Conference of the Parties will yield the following:

- (a) A draft programme of work on mountain biodiversity, including proposals on priorities, targets, timeframes, potential actors and partners, and indicators in implementation;
- (b) An assessment of the status and trends of mountain biodiversity; management practices for its conservation and sustainable use of its components, including best practices, tools and approaches; and the enabling environment for the implementation of plans and programmes on mountain biodiversity;
- (c) A compilation of case studies and national thematic reports on mountain biodiversity

### **III. PROTECTED AREAS**

#### ***A. Introduction***

24. Protected areas present one of the most powerful tools contributing to the conservation of the world's natural and cultural resources. Whether it be as reservoirs of biological diversity, sources of clean air and water, buffers from storms, sinks for carbon or places to escape and reconnect with nature, protected areas are vitally important to our individual and collective futures. Their values range from the protection of natural habitats and associated flora and fauna to the maintenance of environmental stability of surrounding regions. They can provide opportunities for rural development and rational use of marginal lands through the provision of a wide range of goods and services, generating income and creating jobs. They also provide opportunities for research and monitoring, conservation education, recreation and tourism.

25. The more than 30,000 protected areas currently cover over 13 million km<sup>2</sup> of the land surface of the world, although a much smaller proportion of the world's seas are protected (barely 1 per cent). Even though the number of protected areas has grown in the past century, many problems relating to their establishment and management still remain, and many protected areas have not fulfilled expectations due to a variety of causes, including lack of consideration of human dynamics in their management, creating a need to critically review their effectiveness. However, protected areas are now needed more than ever due to the escalating human impacts on natural resources due to development, climate change and other factors. Protected areas may, in fact, play a crucial role in the monitoring of and adaptation to climate change.

26. The central role of protected areas in conservation and sustainable use of biological diversity has been repeatedly emphasized in decisions of the Conference of the Parties. In addition, Parties themselves

have consistently identified that their efforts to develop and maintain their national protected area systems is a central element of their strategy to implement the Convention. Experience shows that a well-designed and managed system of protected areas can form the pinnacle of national efforts to protect and sustainably use biological diversity. Such a system compliments other measures taken towards conservation and sustainable use of biological diversity outside protected areas.

27. International experience, traditional practice and science all point to the need to work at the ecosystem scale in establishing systems of protected areas. This approach places protected core areas as components of greater landscapes where agriculture, forestry, and other land uses are managed to also maintain the characteristic biodiversity of the region. Wildlife corridors provide linkages among the protected cores while buffer zones ensure adequate transitions and the management of conflicts between wild areas and domestic land uses. International cooperation can be established to manage those critical core areas that cross international boundaries, such as "Peace Parks".

28. Drawing on global experience, IUCN has developed six categories of protected areas. This tool provides a range of strategic options designed to meet local, national, and global conservation goals. On the one hand, the category system provides options for the strict protection of wild nature required to maintain biodiversity, while, on the other, there are options for the management of settled or managed landscapes where biodiversity warrants conservation to the extent possible within the context of sustainable use. Thus, the IUCN category system provides a framework for policy and practice to both conserve and sustainably utilize biodiversity and biological resources.

29. The Convention on Biological Diversity works with many partner organizations, conventions and initiatives in facilitating conservation and sustainable use via protected areas. These include the IUCN WCPA; the UNEP World Conservation Monitoring Centre (UNEP-WCMC); the World Resources Institute (WRI), the UNESCO Man and the Biosphere Programme (MAB); the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage; the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention); the Convention on the Conservation of Migratory Species of Wild Animals and the associated agreements, the Global Environment Facility, and various regional agreements and programmes. As an example of ongoing collaboration, input for this section has been received from IUCN-WCPA, UNEP-WCMC, UNESCO's MAB and World Resources Institute.

30. The IUCN Vth World Congress on Protected Areas and the preparations for it will provide important input to the work of the Convention, in particular in the development of specific information and options on protected areas for consideration at the seventh meeting of the Conference of the Parties. This Congress, which will be held in Durban, South Africa, from 8 to 17 September 2003, is being organized by IUCN-WCPA.

## ***B. Mandate***

### *1. Articles of the Convention*

31. The term "protected area" is defined in Article 2 of the Convention as "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives". Paragraphs (a), (b), (c) and (e) of Article 8 contain specific references to protected areas and provide that Parties should:

(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; and

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

32. In addition, Article 8(j) and many other articles of the Convention, such as, for example, Articles 6, 7, 10, 11, 12 and 13 are relevant to protected areas.

## 2. *Decisions of the Conference of the Parties*

### *Second and third meetings*

33. The Conference of the Parties has specifically considered Article 8 at its second and third meetings, where it emphasized the importance of regional and international cooperation, stressed the importance of disseminating relevant experience and requested the Executive Secretary to provide suggestions on how the collection and sharing of relevant information and experience might be enhanced (decisions II/7 and III/9).

### *Fourth meeting*

34. In paragraph 6 of its decision IV/15, the Conference of the Parties called upon the Executive Secretary to “develop relationships with other processes with a view to fostering good management practices in areas such as: methods and approaches to deal with protected areas; ecosystem and bioregional approaches to protected areas management and sustainable use of biological diversity; mechanisms to enhance stakeholder involvement; methods for developing systems plans and integrating biological diversity considerations into sectorial strategies and plans; and transboundary protected areas”.

35. Programme element 3 of the programme of work on marine and coastal biological diversity 5/ is dedicated to marine and coastal protected areas. The two aims of this programme element are to facilitate research and monitoring activities related to the value and the effects of marine and coastal protected areas or similarly restricted management areas on sustainable use of marine and coastal living resources; and to develop criteria for the establishment of, and for management aspects of, marine and coastal protected areas. An Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas is currently operational, as mandated by decision IV/5.

36. The programme of work on the biological diversity of inland water ecosystems 6/ 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. The Conference of the Parties also specifically encouraged the implementation of the joint work plan with the Convention on Wetlands. 7/

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5/ Decision IV/5, annex.

6/ Decision IV/4, annex I.

7/ Decision IV/4, paragraph 4.

37. The work programme for forest biological diversity <sup>8/</sup> lists as one of its objectives the identification of the contribution of networks of protected areas to the conservation and sustainable use of forest biological diversity. The work programme also indicates the following as research objectives: “Assessing ecological landscape models, the integration of protected areas in the ecosystem approach to sustainable forest management, and the representativeness and adequacy of protected areas networks”. In addition, the annex of decision II/9 stresses the importance of protected areas in the achievement of biological diversity goals for sustainable forest management, while the annex to decision III/12 highlights the importance of the ecosystem approach in this respect.

#### *Fifth meeting*

38. 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. <sup>9/</sup> In addition, the programme of work on Article 8(j) includes a component on protected areas. <sup>10/</sup>

### *3. Recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)*

39. SBSTTA has recognized the importance of protected areas on several occasions. In recommendation I/8, paragraph 11 (c), SBSTTA recommended exploring means to incorporate marine and coastal protected areas within a broader framework for multiple-use planning, as exemplified by UNESCO MAB biosphere reserves. Recommendation VII/6, on forest biological diversity, includes, in the expanded programme of work, elements designed to ensure adequate and effective protected forest area networks. Protected areas also play a role in the activities relating to the specific work plan on coral bleaching (recommendation VI/2). The value of taxonomic data in assisting protected areas site selection is recognized in recommendation VI/6, relating to the programme of work of the Global Taxonomy Initiative. In its recommendation VI/4, SBSTTA invited the collaboration of several protected areas programmes and initiatives to promote further the implementation of Article 8(h) within their mandates, through, *inter alia*, the development of guidance, best practices and pilot projects that address the threats of invasive alien species to particular sites or habitats, including means to enhance the capacity of ecosystems to resist or recover from alien species invasions. In addition, protected areas are mentioned in connection with sustainable tourism (recommendation VII/5), the Global Strategy for Plant Conservation (recommendation VII/8) and environmental impact assessment (recommendation VII/10).

40. More detailed information on this topic will be contained in an information document to be presented to the sixth meeting of the Conference of the Parties, which discusses the role of protected areas within the Convention. An additional information document discusses proposed activities on assessing the status of world's protected areas.

### *C. Means*

41. In its decision IV/16, the Conference of the Parties decided that protected areas would be one of three main topics for its seventh meeting. As a result, protected areas will be the focus of the work of subsidiary bodies of the Convention in the period between the sixth meeting of the COP and its seventh meeting. In preparation for the seventh meeting of the Conference of the Parties, the Executive

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<sup>8/</sup> Decision IV/7, annex.

<sup>9/</sup> Decision V/23, annex I, II, part B, activity 7(a).

<sup>10/</sup> Decision V/16, annex, part II, task 2.

Secretary, in collaboration with other institutions, organizations and processes, will carry out studies relating to protected areas, compile case studies and information, develop databases, and organize and service scientific and technical meetings as appropriate. Fostering collaboration, in particular with protected area programmes and the Vth World Congress on Protected Areas in 2003, is a vital part of this process. It is expected that the main result of this process will be a programme of work on protected areas, as well as guidelines on best practices in the establishment and management of protected areas.

42. Specifically, it is suggested that the following steps be taken in preparation for the seventh meeting of the Conference of the Parties:

- (a) At its sixth meeting, the Conference of the Parties may wish to:
  - (i) Agree that SBSTTA should consider protected areas as its main theme at its ninth meeting;
  - (ii) Call for thematic reports on protected areas and agree on a format and timetable;
  - (iii) Approve the convening of an Ad Hoc Technical Expert Group on Protected Areas and a budget for its meetings;

(b) The Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas meets for the second time in May 2002. This meeting will finalize the work of the Group, as mandated in decisions IV/5 and V/3. The results will be presented at the eighth meeting of SBSTTA, and incorporated into the preparatory process on protected areas for the seventh meeting of the Conference of the Parties;

(c) At its eighth meeting, which is to be held in November 2002, would adopt terms of reference for the Ad Hoc Technical Expert Group on Protected Areas. Draft terms of reference are presented in annex II to this document. The terms of reference would address protected area priority issues for the seventh meeting of the Conference of the Parties, and should be based on decision IV/15 paragraph 6, in which the Conference of the Parties encouraged the Executive Secretary to develop relationships with other processes with a view to fostering good management practices in areas such as:

- (i) Methods and approaches to deal with protected areas;
- (ii) Ecosystem and bioregional approaches to protected area management and sustainable use of biological diversity;
- (iii) Mechanisms to enhance stakeholder involvement;
- (iv) Methods for developing systems plans and integrating biological diversity considerations into sectoral strategies and plans; and
- (v) Transboundary protected areas.

Based on its consideration of these items, the Ad Hoc Technical Expert Group may propose actions required for effective establishment and management of protected areas;

(d) The development of background documentation for the Ad Hoc Technical Expert Group on Protected Areas will begin as soon as possible, but at the latest after the eighth meeting of SBSTTA. Assistance from a liaison group will be sought in this process;

(e) The Ad Hoc Technical Expert Group will meet in the second quarter of 2003 to review status and trends, develop guidelines on best practices, and propose actions required for effective establishment and management of protected areas, as mandated in the terms of reference;

(f) The Vth World Congress on Protected Areas will take place in Durban, South Africa, in September 2003, and will provide important input and options for the seventh meeting of the Conference of the Parties on the implementation of the protected areas provisions and its decisions related to protected areas. A liaison group meeting will be arranged in conjunction with the Congress. The liaison group will consider how best to incorporate the results of the Congress, the results of the work of the Ad Hoc Technical Expert Group on Protected Areas, and other appropriate processes, in preparation for the ninth meeting of SBSTTA;

(g) At its ninth meeting, which is scheduled for November 2003, SBSTTA will consider protected areas as its main theme. This meeting will therefore be the main preparatory meeting for the discussion of the item at the seventh meeting of the Conference of the Parties;

(h) The Conference of the Parties will discuss protected areas as one of the three main topics of its seventh meeting.

43. The steps outlined above ensure that sufficient technical input is brought into the process, that all available information is considered, and that adequate time is made available for the preparatory process. In addition to these steps, the active involvement of the clearing-house mechanism is sought in developing new products to enhance information dissemination regarding protected areas.

#### *D. Expected outputs*

44. The preparatory process will lead to a synthesis of information on the role of protected areas in conservation and sustainable use of biological diversity on the global, regional and national levels. The Convention, as an international legal instrument, can make a critical contribution to existing efforts to promote more effective management of protected areas, including international cooperation in the management of transboundary resources. Ideally, the results of the work would include the following:

(a) Developing the scientific basis for international coordination by Parties of protected areas required in order to facilitate the conservation and sustainable use of biodiversity at the global, regional and national levels;

(b) Fostering the development and adoption of best management principles, tools and practices consistent with the objectives of the Convention;

(c) Identification of options and priority actions for the effective establishment and management of protected areas by Parties;

(d) Fostering improved sharing of information and experience;

(e) Promoting the coordination of the actions of international agreements and programmes that are concerned with protected areas; and

(f) Providing a framework for the management of transboundary ecosystems consistent with the objectives of the Convention.

45. All of the above results will be consolidated into a multi-year programme of work on protected areas, which will include goals, objectives, specific activities, actors and time-frames.

#### **IV. TECHNOLOGY TRANSFER AND COOPERATION**

## A. Introduction

46. The Convention recognizes that access to and transfer of technology is important in the attainment of its three objectives. Transfer of existing technologies and diffusion, particularly in developing countries, are constrained by, *inter alia*, lack of adequate information on their availability; lack of clear terms of transfer and performance; and lack of appropriate regulatory, financial and institutional frameworks.

47. At each meeting, the Conference of the Parties adopts decisions for the implementation of the Convention's need for technology transfer and cooperation. At its fourth meeting, the Conference of the Parties decided to consider in-depth the issue of technology transfer and technology cooperation at its seventh meeting. The Executive Secretary has outlined below the tasks to be undertaken in preparation for that meeting to implement the relevant provisions of the Convention, SBSTTA recommendations and decisions of the Conference of the Parties.

## B. Mandate

### 1. Articles of the Convention

48. Technology transfer is one of the key provisions for the implementation of the Convention, together with access to genetic resources and funding. In the Convention, the term 'technology' includes biotechnology. Article 16 is entirely dedicated to access to and transfer of technology, and Article 19, which led to the development of the Cartagena Protocol on Biosafety, concerns the handling of biotechnology and distribution of its benefits.

49. Technology cooperation is addressed in Article 18 (Technical and scientific cooperation) of the Convention, including the establishment of the clearing-house mechanism for the promotion of international technical and scientific cooperation.

50. Paragraph 1 of Article 16 defines the various obligations of Contracting Parties regarding the access to and transfer of technology, as follows:

“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 to 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.”

51. However, the technologies that are relevant to the conservation of biological diversity and the sustainable use of its components are not specified in the Convention.

52. According to Article 16, conditions for the access to and transfer of technology include:

(a) Access to and transfer of technology to developing countries shall be on fair and most favourable terms, including on concessional and preferential terms where mutually agreed;

(b) For technology that is subject to patents and other intellectual property rights, access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights;

(c) The Parties, in particular developing countries that provide genetic resources, shall be provided access to and transfer of technology, including technology protected by patents and other intellectual property rights, which makes use of genetic resources. Such access and transfer of technology shall be on mutually agreed terms;

(d) The Parties shall take legislative, administrative or policy measures favourable to the private sector facilitating access to, joint development and transfer of technology for the benefit of both governmental institutions and the private sector of developing countries; and

(e) Patents and other intellectual property rights are supportive of and do not run counter to the Convention objectives.

53. Article 18 explicitly calls for establishing and strengthening technological capacity for research and conservation through international technical and scientific cooperation. It provides that each Contracting Party shall promote technical and scientific co-operation with other Contracting Parties, in particular developing countries, in implementing the Convention, *inter alia*, through the development and implementation of national policies. In promoting such cooperation, special attention shall be given to human and institutional capacity development and strengthening. Paragraph 3 of the Article establishes the clearing-house mechanism to promote and facilitate technical and scientific cooperation. In paragraph 4, Parties are therefore requested to encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, and in training of personnel and exchange of experts, while, paragraph 5, they are also requested to promote the establishment of joint research programmes and joint ventures for the development of appropriate technologies.

54. The issues addressed in Article 16 and 18 are linked to other articles of the Convention, in particular Articles 8(j), 12, 15, 17, 19, 20 and 21, and also to the thematic work programmes. 11/

## 2. *Decisions of the Conference of the Parties*

55. At each of its meetings, the Conference of the Parties adopts decisions pertaining to access to, and transfer and development of technology, and technology cooperation. These decisions have been listed in the *Handbook of the Convention on Biological Diversity*. 12/

56. The present note does not attempt to review these decisions but focuses on tasks that the Executive Secretary could undertake to facilitate the consideration by the seventh meeting of the Conference of the Parties of elements for its future work for the full implementation of Articles 16 and 18 and other related articles of the Convention, as well as the Cartagena Protocol on Biosafety.

## 3. *Recent recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice*

57. At its sixth meeting, SBSTTA recommended support for capacity-building programmes for States that lack the expertise and resources for the prevention of invasive alien species, including financial resources, to assess and reduce the risks and to mitigate the effects when introduction and establishment of alien species has taken place. Such capacity-building may involve technology transfer and the development of training programmes.

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11/ As noted in the *Handbook of the Convention on Biological Diversity*, p. 162

12/ pp. 161-167.

58. At its seventh meeting, SBSTTA recommended, as part of the elements for an expanded work programme on forest biological diversity, that an increased emphasis be placed on capacity building, research and training, public education and awareness, access and transfer of information and technology, technical and scientific cooperation, with focus on capacities required to address forest biodiversity-related issues. <sup>13/</sup>

### C. Means

59. At its seventh meeting, the Conference of the Parties, pursuant to its mandate (in particular, Article 23, paragraph 4), will, among other items, review the implementation of Articles 16 and 18 and consider any additional action that may be required for the achievement of the provisions in these articles. To facilitate the consideration of this item by the Conference of the Parties:

(a) The Executive Secretary will prepare documentation for SBSTTA and the Conference of the Parties; and

(b) SBSTTA will prepare advice on the scientific, technical and technological aspects of technology transfer and technology cooperation at a meeting prior to the seventh meeting of the Conference of the Parties.

60. Specifically, it is suggested that the following steps be taken in preparation for the seventh meeting of the Conference of the Parties:

(a) The Executive Secretary will:

- (i) Prepare a review of the status of implementation of all the decisions taken by the Conference of the Parties relevant to the implementation of Articles 16 and 18 and related provisions, partly based on national thematic reports to be requested by the Conference of the Parties at its sixth meeting, and other national reports. The review will include an assessment of opportunities and obstacles to the implementation of the decisions;
- (ii) Initiate a compilation and assessment of existing technologies for conservation and sustainable use of biodiversity, including from local and indigenous communities, as they are required and applied in the Convention work programmes on thematic areas and cross-cutting issues. This work will build on documents that were prepared for previous meetings of SBSTTA and the Conference of the Parties, in particular the list contained in the report of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, held in Mexico City from 11 to 15 April 1994 (UNEP/CBD/IC/2/11) and the note by the Executive Secretary on promoting and facilitating access to, and transfer and development of technology prepared for the third meeting of the Conference of the Parties (UNEP/CBD/COP/3/21);
- (iii) Draft, on the basis of these reviews, and in collaboration with relevant organizations and bodies, proposals for consideration by SBSTTA and for the future work of the Conference of the Parties. The proposals will address
  - a. Assessment of the needs for specific existing technology;

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<sup>13/</sup> Recommendation VII/6, programme element 2, objective 2, activity (i).

- b. Consideration of the needs for new technologies;
- c. Identification of action required to transfer needed technology; and
- d. Activities for the establishment of an enabling environment for the use and development of technologies, taking into account policy, legal and socio-economic considerations.

(b) SBSTTA, at its ninth meeting, will consider the scientific, technical and technological aspects of technology transfer and cooperation. SBSTTA will adopt a recommendation that will include elements for a programme of work on technology transfer;

(c) SBSTTA will also consider establishing an ad hoc technical expert group with the following mandate:

- (i) Inventory categories of existing technologies, including from local and indigenous communities, for the conservation of biological diversity and sustainable use of its components, in all the thematic areas and cross-cutting issues addressed by the Convention; and assess their potential impacts on biodiversity and their requirements for successful application;
- (ii) Compile success stories on technology transfer and cooperation;
- (iii) Develop proposals on how to improve the role of the clearing-house mechanism in promoting international technical and scientific cooperation;

(d) The Ad Hoc Technical Expert Group will meet as soon as possible after the ninth meeting of SBSTTA, and will finalize its work in time for the seventh meeting of the Conference of the Parties;

(e) The Conference of the Parties will discuss technology transfer and cooperation as one of the three main topics of its seventh meeting.

61. The steps outlined above will ensure that sufficient technical input is brought into the preparatory process, in particular through the work of the ad hoc technical expert group. A major challenge will be to implement Article 18, paragraph 3, to ensure that the clearing-house mechanism promotes international technical and scientific cooperation, i.e., *inter alia*, it disseminates up-to-date information on state-of-the-art technologies, including their sources, environmental risks and the terms under which they may be acquired; and facilitates partnerships for technology development and adaptation.

#### ***D. Expected outputs***

62. An important output from the work prior to the seventh meeting of the Conference of the Parties will be a draft programme of work with a set of recommendations adopted by SBSTTA on the basis of proposals put forward by the Executive Secretary.

63. In addition, the following outputs are expected:

(a) A compendium of technologies and their assessments (uses; their role in conservation and sustainable use of biodiversity; opportunities; requirements in terms of capacity; resources; legal aspects; constraints etc.);

(b) Database and links to databases through the clearing-house mechanism;

- (c) Examples of success stories in technology transfer and cooperation;
- (d) Enhanced cooperation between the Secretariat and organizations dealing with technology development and transfer;
- (e) Enhanced cooperation and technology transfer among countries.

*Annex I*

**DRAFT TERMS OF REFERENCE OF THE AD HOC TECHNICAL EXPERT GROUP ON  
MOUNTAIN BIOLOGICAL DIVERSITY**

**A. *Mandate***

Taking into account the ecosystem approach, and relevant decisions of the Conference of the Parties on thematic and cross-cutting issues, in particular Article 8(j) and related provisions, biological diversity and tourism, forest biological diversity, agricultural biological diversity, biological diversity of inland water ecosystems, dry and sub-humid lands biological diversity, and climate change and biological diversity, as well as proposals for action proposed in the framework of the International Year of Mountains, as well as the work of relevant international processes and organizations including, *inter alia*, the Food and Agriculture Organization of the United Nations, the International Centre of Integrated Mountain Development and its Mountain Forum, the Global Mountain Biodiversity Assessment of DIVERSITAS, the IUCN World Commission on Protected Areas and its Inter-Agency Group on Mountains, the Swiss Academy of Science, the Global Environment Facility, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the World Wide Fund for Nature, and the outcome of the International Year of Mountains, and making use of the information contained in available case-studies:

(a) Provide advice on international cooperation in research and development related to conservation and sustainable use of mountain biological diversity;

(b) Review the status and trends of, and major threats to, mountain biological diversity, paying particular attention to areas that are most vulnerable to biodiversity loss and threatened by human-induced factors including climate change;

(c) Review the different thematic areas and cross-cutting issues under the Convention on Biological Diversity to highlight activities with relevance to mountain biodiversity, identify significant related gaps in knowledge and in the implementation of the provisions of the Convention on Biological Diversity and examine how ongoing programmes of work under the Convention can contribute to the implementation of the three objectives of the Convention with regards to mountain biodiversity;

(d) Develop proposals for future work on mountain biological diversity to enhance conservation, sustainable use and benefit sharing of biodiversity in the framework of the Convention, taking into account ongoing programmes of work relevant to mountain biodiversity. This includes identifying options and suggesting priority actions, timeframes and relevant actors for the conservation and sustainable use of mountain biological diversity.

**B. *Duration of work***

The work of the Ad Hoc Technical Expert Group on Mountain Biological Diversity should be initiated immediately after approval of its terms of reference by the Conference of the Parties, and completed no later than the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, in time for the seventh meeting of the Conference of the Parties, at which mountain biodiversity will be considered as one of the main priority issues.

*Annex II*

**DRAFT TERMS OF REFERENCE OF THE AD HOC TECHNICAL  
EXPERT GROUP ON PROTECTED AREAS**

**A. *Mandate***

As reflected in decision IV/15, paragraph 6, of the Conference of the Parties, the Ad Hoc Technical Expert Group on Protected Areas will undertake the following tasks:

- (a) 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;
- (b) Identify ecosystem and bioregional approaches to protected area management and sustainable use of biological diversity;
- (c) Identify mechanisms to enhance stakeholder involvement;
- (d) Propose methods for developing systems plans and integrating biological diversity considerations into sectoral strategies and plans;
- (e) Identify options for management of transboundary protected areas; and
- (f) Based on its consideration of the above, propose options and priority actions required for effective establishment and management of protected areas.

**B. *Duration of work***

The Ad Hoc Technical Expert Group on Protected Areas will start its work after the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, and will complete it no later than the ninth meeting of the Subsidiary Body, at which protected areas will be an item for in-depth consideration.

*Annex III*

**DRAFT TERMS OF REFERENCE OF THE AD HOC TECHNICAL EXPERT GROUP ON  
TECHNOLOGY TRANSFER AND COOPERATION**

**A. *Mandate***

The Ad Hoc Technical Expert Group on Technology Transfer and Cooperation will undertake the following tasks:

- (a) Inventory categories of existing technologies, including from local and indigenous communities, for the conservation of biological diversity and sustainable use of its components, in all the thematic areas and cross-cutting issues addressed by the Convention; and assess their potential impacts on biodiversity and their requirements for successful application;
- (b) Identify obstacles to successful transfer of technology and cooperation, and propose ways to reduce their impact;
- (c) Compile success stories on technology transfer and cooperation; and
- (d) Develop proposals on how to improve the role of the clearing-house mechanism in promoting international technical and scientific cooperation.

**B. *Duration of work***

The Ad Hoc Technical Expert Group on Technology Transfer and Cooperation will begin its work as soon as possible after the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, and will finalize its work in time for the seventh meeting of the Conference of the Parties.

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