

THE OPERATIONS OF THE CONVENTION

MEETINGS OF THE CONFERENCE OF THE PARTIES AND SBSTTA TO DATE

Tunisia

“Forests and forest vegetation occupied 3,300,000 hectares at the beginning of the century, but now only cover 970,000 hectares. It has been estimated that between 1890 and 1975, 2,500,000 hectares of forest and 2,700,000 hectares of steppe were turned into agricultural land.”

The Conference of the Parties is the governing body of the Convention, and advances implementation of the Convention through the decisions it takes at its periodic meetings. This chapter explains briefly how meetings are conducted and decisions made, and discusses the main thematic areas covered by decisions to date.¹

It is worth noting at the outset that a key issue confronting the Conference of the Parties is to assess the extent to which the decisions it takes are acted upon. In the case of action to be taken by the bodies established by the Convention (subsidiary bodies, the Secretariat, the financial mechanism) or by other international bodies, procedures for reporting back to the COP, and its review of action taken, are straightforward. In the case of action to be taken by Parties, the COP depends upon the submission of the national reports on implementation called for by the Convention or of voluntary submission of case studies or other information by Parties.

To assist in clarifying expectations and responsibilities, the Conference of the Parties has decided to adopt targeted decisions – identifying who is expected to carry out the action in question – and has begun the process of developing a strategic plan for the Convention until 2010. It has also further elaborated the *modus operandi* of SBSTTA in order to improve the ability of SBSTTA to provide the COP with scientific, technical and technological advice.

To date the Conference of the Parties has held five ordinary meetings, and one extraordinary meeting (the latter, to adopt the Biosafety Protocol, was held in two parts). From 1994 to 1996, the Conference of the Parties held its ordinary meetings annually. Since then these meetings have been held somewhat less frequently and, following a change in the rules of procedure in 2000, will now be held every two years. To date the Conference of the Parties has taken a total of 114 procedural and substantive decisions.

¹ Further information on the conduct of meetings is contained in the Annex to this chapter. Full information on the decisions adopted by the Conference of the Parties can be found in the *Handbook of the Convention on Biological Diversity*.

Table 3.1 Meetings of the Conference of the Parties

Meeting of the Conference of the Parties	Location	Date	No. of decisions
First ordinary meeting (COP-1)	Nassau, Bahamas	28 November – 9 December 1994	13
Second ordinary meeting (COP-2)	Jakarta, Indonesia	4-17 November 1995	23
Third ordinary meeting (COP-3)	Buenos Aires, Argentina	3-14 November 1996	27
Fourth ordinary meeting (COP-4)	Bratislava, Slovak Republic	4-15 May 1998	19
First extraordinary meeting (ExCOP)	Cartagena, Colombia and Montreal, Canada	22-24 February 1999 and 24-29 January 2000	3
Fifth ordinary meeting (COP-5)	Nairobi, Kenya	15-26 May 2000	29

The sixth ordinary meeting (COP-6) will be held in The Hague, The Netherlands from 8 to 19 April 2002.

The agenda of the meetings of the Conference of the Parties is very wide-ranging, reflecting the programme of work the Conference of the Parties has established for itself. At its first meeting, the Conference of the Parties decided on a medium-term programme of work for the period 1995-1997. Implementation of this programme has laid the groundwork for the long-term implementation of the Convention itself. In particular it has seen the development of a number of thematic work programmes, and identified a series of key cross-cutting issues relevant to all work programmes. These are discussed in more detail below.

The fourth meeting of the Conference of the Parties established a programme of work to cover the period from then until the seventh meeting and, more importantly, established a process to review the operations of the Convention and set out a longer-term programme of work. As part of this process, an intersessional meeting on the operations of the Convention was held in 1999, the results of which were reported to the fifth meeting of the Conference of the Parties and formed the basis for a decision on future operations of the Convention.

Table 3.2 Major themes at meetings of the Conference of the Parties

Meeting of the Conference of the Parties	Items for in-depth consideration
First (1994)	Guidance to the financial mechanism Medium-term programme of work
Second (1995)	Marine and coastal biological diversity Access to genetic resources Conservation and sustainable use of biological diversity Biosafety
Third (1996)	Agricultural biodiversity Financial resources and mechanism Identification, monitoring and assessment Intellectual property rights
Fourth (1998)	Inland water ecosystems Review of the operations of the Convention Article 8(j) and related issues (traditional knowledge) Benefit-sharing
Fifth (2000)	Dryland, mediterranean, arid, semi-arid, grassland and savannah ecosystems Sustainable use, including tourism Access to genetic resources
Sixth (2002)	Forest ecosystems Alien species Benefit-sharing Strategic plan 2002-2010
Seventh (2004)	Mountain ecosystems Protected areas Transfer of technology and technology cooperation

Uganda

“Rates of deforestation have recently decreased due to improved political and economic stability. However the biodiversity they contain are still under considerable pressure.”

In this decision the COP set out a series of standing items for the provisional agenda of its meetings, namely:

- Organizational matters;
- Reports from subsidiary bodies, the financial mechanism and the Executive Secretary;
- Review of the implementation of the programme of work;
- Priority issues for review and guidance; and
- Other matters.

The COP has also undertaken to prepare and develop a Strategic Plan for the Convention, with a view to adopting it at its sixth meeting. The plan will initially cover the period 2002-2010. It will be based on the longer-term programmes of work of the COP and SBSTTA and is intended to provide strategic and operational guidance for the implementation of these programmes. It will contain a set of operational goals that the Conference of the Parties wishes to be achieved in the period covered by the plan, relating to the three main

areas of work, these being the thematic programmes, cross-cutting issues and initiatives, and the implementation of the provisions of the Convention.

The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)

SBSTTA has also met five times to date and produced a total of 49 recommendations to the Conference of the Parties, ten of which have been endorsed in full by the latter. Such endorsement makes these recommendations *de facto* decisions of the Conference of the Parties. Parts of other recommendations have also been endorsed, and many others have been taken up in modified form.

The seventh meeting will take place in Montreal from 12 to 16 November 2002.

The Conference of the Parties has recognized the need for an improvement in the quality of scientific, technical and technological advice provided to it and decided at its fifth meeting in 2000 to give further guidance at its next meeting to SBSTTA on ways for the latter to improve its inputs. It decided that SBSTTA should meet every year and gave it more flexibility in the way it carried out its work, for example by allowing it to make requests directly to the Executive Secretary (rather than channelling these through the Conference of the Parties as in the past) and using the clearing-house mechanism to help prepare its meetings.

Ukraine

“Forest covers 14.3% of Ukraine compared with 28% in 1850.”

Table 3.3 Meetings of the Subsidiary Body on Scientific, Technical and Technological Advice

Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)	Location	Date	No. of recommendations
First meeting (SBSTTA 1)	Paris, France	4-8 September 1995	9
Second meeting (SBSTTA 2)	Montreal	2-6 September 1996	12
Third meeting (SBSTTA 3)	Montreal	1-5 September 1997	7
Fourth meeting (SBSTTA 4)	Montreal	21-25 June 1999	7
Fifth meeting (SBSTTA 5)	Montreal	31 January – 4 February 2000	14
Sixth meeting (SBSTTA 6)	Montreal	12-16 March 2001	9



The form and content of decisions

Decisions of the Conference of the Parties cover matters ranging from the date and venue of the next meeting to substantive issues such as the budget of the Convention, adoption of protocols and the establishment of major work programmes. Under Article 29, the Parties may even decide to amend the text of the Convention itself, although this has not yet happened.

Decisions vary greatly in their form and content. However, those concerning substantive issues generally contain some or all of the following:

- Advice to Parties, including:
 - General advice concerning national policies and activities,
 - Advice concerning the Convention processes, such as submission of case studies to the Secretariat, sharing of experiences through the clearing-house mechanism, the form, content and submission date of national reports,
- Instructions to the Secretariat concerning implementation of the decision, including mechanisms for reporting back to the Conference of the Parties,
- Instructions to, and requests for advice from, the Subsidiary Body on Scientific, Technical and Technological Advice,
- Responses to recommendations received from SBSTTA, including noting and full or partial endorsement,
- Establishment of and terms of reference for various other intersessional bodies and activities, including liaison groups, expert groups and working groups,
- Advice to the institution operating the financial mechanism,
- Decisions on the relationship between the Convention and other relevant processes, including transmission of statements from the Conference of the Parties to other processes.

Detailed work programmes, sets of guiding principles and statements for transmission to other processes are generally placed in annexes to the decision.

At its fifth meeting, the Conference of the Parties decided to try to standardise its decisions, by ensuring that as far as possible they identify expected outcomes, activities to achieve those outcomes, those to whom the decisions are directed and timetables for action and follow-up. Previous decisions are to be reviewed periodically to assess their implementation.

The ecosystem approach

The Conference of the Parties decided early on the ecosystem approach should be the primary framework of action to be taken under the Convention. The Convention defines an ecosystem as “a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.”

In deliberations on the ecosystem approach, it has become apparent that there are different interpretations of what the term might actually mean in practice. In order to help try to resolve this, a workshop was held in Malawi in 1998. At its fourth meeting, the Conference of the Parties noted the results of the workshop, which included a set of guidelines, and asked SBSTTA to develop the guidelines further. The resulting document contained a description of the ecosystem approach and a set of twelve guiding principles in its application, together with five points of operational guidance. At its fifth meeting, the Conference of the Parties endorsed the description of the ecosystem approach and the 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.

United Kingdom

“5,200 hectares of trees have been replanted in the country up to 1996/97.”

Table 3.4 **The ecosystem approach** (decision V/6)

Guiding principles	The following 12 principles are complementary and interlinked:
Principle 1	The objectives of management of land, water and living resources are a matter of societal choice.
Principle 2	Management should be decentralized to the lowest appropriate level.
Principle 3	Ecosystem managers should consider the effects (actual or potential) of their activities on adjacent and other ecosystems.
Principle 4	Recognizing potential gains from management, there is usually a need to understand and manage the ecosystem in an economic context. Any such ecosystem-management programme should: <ul style="list-style-type: none"> (a) Reduce those market distortions that adversely affect biological diversity; (b) Align incentives to promote biodiversity conservation and sustainable use; (c) Internalize costs and benefits in the given ecosystem to the extent feasible.
Principle 5	Conservation of ecosystem structure and functioning, in order to maintain ecosystem services, should be a priority target of the ecosystem approach.
Principle 6	Ecosystems must be managed within the limits of their functioning.
Principle 7	The ecosystem approach should be undertaken at the appropriate spatial and temporal scales.
Principle 8	Recognizing the varying temporal scales and lag effects that characterize ecosystem processes, objectives for ecosystem management should be set for the long term.
Principle 9	Management must recognize that change is inevitable.
Principle 10	The ecosystem approach should seek the appropriate balance between, and integration of, conservation and use of biological diversity.
Principle 11	The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.
Principle 12	The ecosystem approach should involve all relevant sectors of society and scientific disciplines.
Operational guidance	In applying the 12 principles of the ecosystem approach, the following five points are proposed as operational guidance:
	Focus on the functional relationships and processes within ecosystems.
	Enhance benefit-sharing.
	Use adaptive management practices.
	Carry out management actions at the scale appropriate for the issue being addressed, with decentralization to lowest level, as appropriate.
	Ensure intersectoral cooperation.

Uzbekistan

“Total area occupied by trees and shrubs in the Kashkadarya river basin has dropped by 12%. Area of Tugai forests has declined by 2 times due to the shrinking of the Aral Sea.”

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.

The Conference of the Parties has asked Parties to strengthen regional, national and local capacities on the ecosystem approach by identifying case studies, by implementing pilot projects and by organizing workshops and consultations to enhance awareness and share experiences. It has asked the Secretariat to collect, analyse and compare case studies and to prepare a synthesis of experiences and lessons learned.

THE MAJOR THEMATIC AREAS COVERED BY COP DECISIONS

The approach adopted by the Conference of the Parties in implementing the Convention has been the development of a series of thematic work programmes on major ecosystem types. To date these cover:

- marine and coastal biological diversity (the Jakarta Mandate),
- forest biological diversity,
- inland water biological diversity,
- agricultural biological diversity,
- biological diversity of dry and sub-humid lands.

The programmes have certain elements in common. They establish basic principles for future work, set out key issues for consideration, identify potential outputs and suggest a timetable and ways and means of producing these outputs. It is envisaged that each programme will have contributions from Parties, the Secretariat and a range of relevant organizations. Through an early emphasis on stocktaking of existing activities, assessments of status and trends, and capacity-building, the outputs from these programmes will include guidelines and manuals of best practice, criteria and indicators, codes of conduct and guidance for the institutions of the Convention. These will facilitate implementation of the specific operative articles of the Convention, as implementation moves into the next phase.

Marine and coastal biological diversity – the Jakarta Mandate

The conservation and sustainable use of marine and coastal biological diversity was one of the first major issues to be addressed by the Conference of the Parties. Following advice from SBSTTA, the second meeting of the Conference of the Parties produced a lengthy decision on the subject. In this it set out guidance on the process to be used to develop a work programme on marine and coastal biological diversity and on key elements to be included in the work programme, as well as providing guidance to Parties. The Ministerial Statement on the Implementation of the Convention at this meeting referred to the global consensus reflected in the decision as the *Jakarta Mandate on Marine and Coastal Biological Diversity*.

Following consultation with a group of experts, and further elaboration by SBSTTA 3, the fourth meeting of the Conference of the Parties adopted a work programme, based on the Jakarta Mandate. This identified five major programme elements:

- integrated marine and coastal area management,
- sustainable use of marine and coastal living resources,

Viet Nam

“During the period 1976 to 1990 the areas of evergreen broad leaved and semi deciduous forests declined rapidly from 8,337,700 hectares to 5,759,500 hectares.”

- marine and coastal protected areas,
- mariculture,
- alien species.

These have been translated into five elements of the work programme, with a sixth added to cover general matters. Each programme element has one, two or three operational objectives. Activities to meet these objectives are set out, along with a time schedule and ways and means of carrying out these activities. The latter involves extensive collaborative linkages, coordinated by the Secretariat, and the use of experts.

Coral reefs and coral bleaching At its fifth meeting, the Conference of the Parties responded to the severe outbreaks of coral bleaching reported from many parts of the world in 1998 and 1999. It decided to integrate coral reefs into the programme element on marine and coastal living resources of the work programme and identified a series of priority areas for action on coral bleaching, based on the results of an expert meeting on the subject held in Manila in 1999. It noted that there was significant evidence that climate change was a primary cause of the recent and extensive coral bleaching and urged the United Nations Framework on Climate Change to take all possible actions to reduce the effects of climate change on water temperature and to address the socio-economic impacts on the countries and communities most affected by coral bleaching.

Forest biological diversity

Early consideration of forest biological diversity by the Conference of the Parties mostly concerned input to and the relationship with the Intergovernmental Panel on Forests established under the UN Commission on Sustainable Development (the precursor of the Intergovernmental Forum on Forests and the future United Nations

Forum on Forests – see chapter 6). At its third meeting, the Conference of the Parties asked the Secretariat to develop a focused work programme on forest biological diversity, working closely with the Intergovernmental Panel on Forests and other relevant institutions. Following input from a liaison group on forest biological diversity, which met in 1997, SBSTTA proposed a draft work programme. This forms the basis of the work programme as endorsed by the Conference of the Parties at its fourth meeting.

The work programme reflects a three-year planning horizon in three phases, so that the whole programme is envisaged to last nine years. The main elements of the work programme are:

- holistic and intersectoral ecosystem approaches,
- comprehensive analysis of the ways in which human activities, in particular forest-management practices, influence biological diversity and assessment of ways to minimize or mitigate negative influences,
- methodologies necessary to advance the elaboration and implementation of criteria and indicators for forest biological diversity,
- promoting the development of scientific and technical local approaches to:
 - ways of minimizing or mitigating the underlying causes of loss of forest biological diversity,
 - 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,
- advancing scientific and technical approaches, including management of biological diversity in production forests, rehabilitation of degraded ecosystems and enrichment of indigenous biological diversity in plantations.

In preparation for its in-depth consideration of forest ecosystems at its sixth meeting in 2002, the Conference of the Parties decided to establish an *ad hoc* technical expert group on forest biological diversity to assist SBSTTA. This expert group met in November 2000 and in April 2001. The Conference of the Parties asked Parties to submit a thematic report on forest ecosystems by 15 May 2001, as part of their national reporting. By 1 August 2001, 28 Parties had submitted this report.

Agricultural biological diversity

The Conference of the Parties established the framework for a work programme on agricultural biological diversity at its third meeting. At that time it asked the Secretariat and FAO, in close collaboration with other relevant organizations, to identify and assess national and international activities and instruments in the field, with the results of this assessment to be reported through SBSTTA. To help define the programme, the COP called for a range of information from Parties, including details of national activities, existing instruments and case studies of experiences relating to:

- conservation and sustainable use of agricultural biological diversity;
- pollinators and soil biota;
- socio-economic and ecological analyses of different land-use management options.

On the basis of this assessment, and SBSTTA's recommendations, a programme of work was adopted at the fifth meeting of the Conference of the Parties.

The programme's objectives are:

- to promote the positive effects and mitigate the negative effects of agricultural systems and practices on biological diversity in agro-ecosystems and their interface with other ecosystems;
- to promote the conservation and sustainable use of genetic resources of actual and potential value for food and agriculture; and
- to promote the fair and equitable sharing of benefits arising out of the use of genetic resources.

It has four elements: assessments; adaptive management; capacity-building; and mainstreaming. For each of these a series of activities is set out, along with ways and means of carrying out these activities and timing of expected outputs.

At its fifth meeting, the Conference of the Parties recognized two cross-cutting issues of particular importance for emphasis in the work programme: pollinators and genetic use restriction technologies.

The Conference of the Parties has recognized the contribution of farmers, indigenous and local communities to the conservation and sustainable use of agricultural biodiversity and the importance of this to their livelihoods. It has emphasized the importance of their participation in the implementation of the programme of work and recognized the need for incentives, capacity-building and information exchange to benefit farmers, indigenous and local communities.

It has also decided to consider, at its sixth meeting, the establishment of a global strategy for plant conservation.

The Conference of the Parties has emphasised the linkages between its work on agriculture and that relating to access to genetic resources, and particularly the ongoing revision of the FAO International Undertaking on Plant Genetic Resources, in harmony with the Convention. In this context, the Conference of the Parties has recognized the special nature of agricultural biodiversity, its distinctive features and problems needing distinctive solutions. It has also recommended collaboration and consultation with the World Trade Organization to develop a better appreciation and understanding of the relationship between trade and agricultural biological diversity in the context of trade liberalization.

Pollinators The Conference of the Parties noted the worldwide decline in pollinator diversity and established an International Initiative for the Conservation and Sustainable Use of Pollinators as a cross-cutting initiative within the work programme on agricultural biological diversity. The aims of this initiative are to: monitor pollinator decline; address the lack of taxonomic information on pollinators; assess the economic value of pollination; and promote conservation, restoration and sustainable use of pollinator diversity in agriculture and related ecosystems.

Genetic use restriction technologies The Conference of the Parties also decided to continue its consideration of the impacts of genetic use restriction technologies² under the umbrella of, and integrated into, the four elements of the work programme. It emphasised the current absence of reliable data on such technologies, and the consequent difficulty in assessing the risks involved in their use. It recommended that Parties did not approve products incorporating such technologies for field-testing until appropriate scientific data could justify such testing. The Conference of the Parties also recognized the need to understand better the implications with respect to intellectual property rights of use of such technologies, and

how they might relate to Farmers' Rights and the implementation of Article 8(j) on the knowledge, innovations and practices of indigenous and local communities. Whilst possible socio-economic impacts of such technologies can be considered under the work programme on agricultural biological diversity, the possible biosafety implications will fall under the scope of the Cartagena Protocol on Biosafety.

Biological diversity of inland waters

The third meeting of SBSTTA considered inland water ecosystems in some depth. Its subsequent recommendation formed the basis of a work programme adopted by the Conference of the Parties at its fourth meeting. The programme addresses the following areas:

- assessment of the status and trends of the biological diversity of inland water ecosystems and identification of options for conservation and sustainable use,
- 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,
- review of methodologies for assessment of biological diversity, as pertaining to inland water ecosystems,
- the urgency of needed action in taxonomy.

The Conference of the Parties noted that while the implementation of the programme of work was subject to 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.

² Technological means that rely on genetic transformation of plants to introduce a genetic switch mechanism which prevents unauthorised use of either particular plant germplasm, or trait(s) associated with that germplasm and which are designed to provide a genetic, in-built protection against unauthorised reproduction of the seed or the added-value trait.

Zambia

“About 80% of the country is potential forest and woodland but 20% has been converted to agriculture.”

As well as adopting its own work programme on inland water biological diversity, the Conference of the Parties has endorsed a joint work plan on wetlands with the Convention on Wetlands (the “Ramsar Convention”), put forward by its secretariat (the Ramsar Bureau).

Biological diversity of dry and sub-humid lands

A programme of work on the biological diversity of dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems (known as the work programme on dry and sub-humid lands) was established at the fifth meeting of the Conference of the Parties. The programme is divided into two parts, “assessments” and “targeted actions in response to identified needs,” to be implemented in parallel.

Under assessments, six activities are identified, all concerning assessments in dry and sub-humid lands:

- assessment of the status and trends of biological diversity,
- identification of specific areas of value for biological diversity, with reference to the criteria in Annex I to the Convention,
- further development of indicators,
- building knowledge on ecological, physical and social processes,
- identification of local and global benefits derived from biological diversity,
- identification and dissemination of best management practices, including knowledge, innovation and practices of indigenous and local communities.

These activities are to be carried out through: 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.

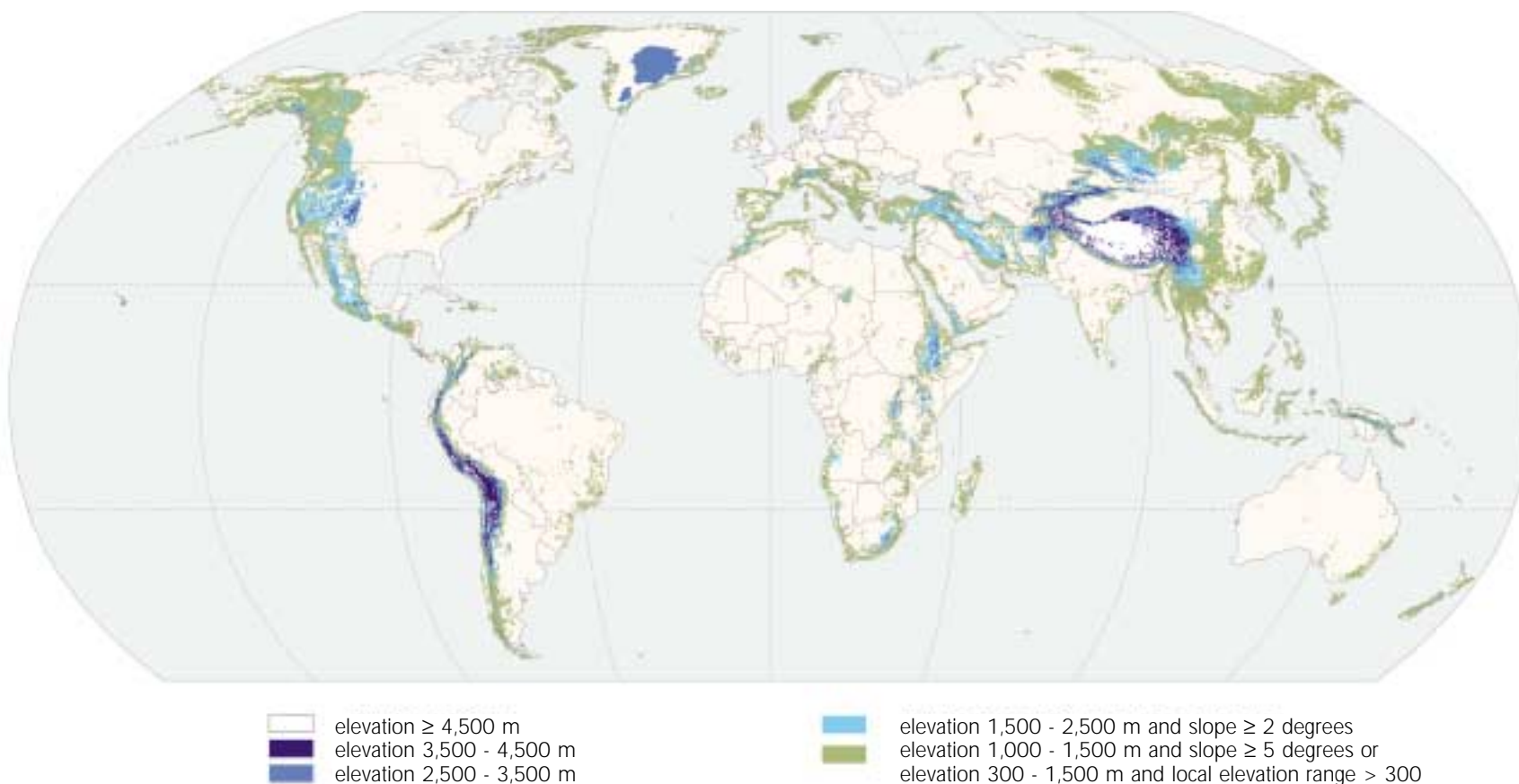
Under targeted actions, three clusters of activities are identified:

- promotion of specific measures for the conservation and sustainable use of biological diversity through, for example, use and establishment of additional protected areas, appropriate management and sustainable use of water resources and management of invasive alien species,
- promotion of responsible resource management, at appropriate levels, applying the ecosystem approach, through and enabling policy environment,
- support for sustainable livelihoods, through diversifying sources of income, promotion of sustainable harvesting including of wildlife: exploring innovative sustainable use of biological diversity.

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 the development of a joint work programme with the Convention to Combat Desertification. The Conference of the Parties requested the Secretariat to collaborate with the Secretariat of the Convention to Combat Desertification to develop possible elements of such a joint work programme on the basis of a proposal prepared by the two secretariats for the fifth meeting.

Mountain biological diversity

As noted in Table 3.2, the Conference of the Parties will consider the biological diversity of mountain ecosystems in-depth at its seventh meeting (2004). To prepare for this, mountain biological diversity will be the main issue for the eighth meeting of SBSTTA (late 2002). 2002 is the International Year of Mountains. Map19 shows the mountains of the world.



Mountains of the world

A global elevation model was used to generate slope and local elevation range on a fine-scale world grid, and these values were combined with elevation data to define mountain areas for assessment and planning purposes. Areas between 300 metres and 2,500 m are classed as mountainous where slope and/or local elevation range is marked; all areas above 2,500 m are classed as mountainous.

Source: simplified from analysis and original map by UNEP-WCMC, published in M.F. Price and N. Butt (eds). 2000 *Forests in mountain development*. CAB International, Wallingford; topographic data from GTOPO30 global digital elevation model, USGS EROS Data Centre.

Latvia

“Populations of many species inhabiting natural meadows and seminatural grasslands decreased due to changes in landuse.”

CROSS-CUTTING ISSUES COVERED BY COP DECISIONS

Identification, monitoring and assessment, and indicators including the Global Taxonomy Initiative

At the request of the Conference of the Parties, SBSTTA considered these subjects at its second meeting, and produced a lengthy recommendation subsequently endorsed by the Conference of the Parties. The recommendation provided general advice and identified a number of priority tasks and proposed specific recommendations. It 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, making use of indicators known to be operational; at the same time longer-term programmes should be developed involving research and capacity-building in areas needing advances in knowledge. The recommendation also proposed that indicators, assessment and monitoring be considered together as a standing item on the agenda of SBSTTA.

The importance of indicator development has subsequently been stressed in each of the thematic work programmes. In addition, following the SBSTTA recommendation, the Executive Secretary, in consultation with a liaison group, produced a guideline report to assist Parties, particularly in the 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 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 these. From this preliminary report, SBSTTA developed a proposed work programme, using the two-track approach, that was adopted by

the Conference of the Parties, who also emphasised that further work on indicators should take into account the ecosystem approach. The SBSTTA recommendation that was endorsed by the Conference of the Parties 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 implementation of the Convention. However, it also recognized that they may have a wider role and noted that in future the development of regional and global indicators would be necessary to address specific aspects of the world's biological diversity.

Taxonomy and the Global Taxonomy Initiative The Conference of the Parties recognized early on that lack of taxonomic knowledge was a key obstacle in the implementation of the Convention. SBSTTA considered the matter at its second meeting and produced a recommendation on practical approaches for capacity-building in taxonomy, which was endorsed by the Conference of the Parties. This recommendation stressed the need to strengthen national institutions, to build links between institutions in developing and developed countries and to explore ways to make taxonomic information more readily available, in particular to countries of origin. It established a Global Taxonomy Initiative (GTI) to help meet these goals, and requested the GEF to provide financial resources to developing countries for capacity-building, including taxonomy, to help in the implementation of Article 7.

The GTI is specifically designed to address the lack of taxonomic information and expertise available in many parts of the world, and thereby to improve decision-making in conservation, sustainable use and equitable sharing of the benefits derived from genetic resources. It is specifically intended to support implementation of the work programmes of the Convention on thematic and cross-cutting issues.

Given the many competing demands for capacity building in taxonomy, activities under the GTI must be clearly linked to the implementation of Convention.

Knowledge, innovations and practices of indigenous and local communities

Article 8(j) of the Convention concerns the knowledge, innovations and practices of indigenous and local communities as they relate to biological diversity. Under the Convention, this has been discussed both as a separate issue and also as it relates to intellectual property rights, access to genetic resources, benefit-sharing and the various thematic work programmes.

At its third meeting, the Conference of the Parties decided to hold a workshop on traditional knowledge and biological diversity that would include representation of indigenous and local communities. The workshop was held in Madrid in November 1997. Its report set out possible elements of a work programme on traditional knowledge and biological diversity that could be undertaken under the Convention. At its fourth meeting, the Conference of the Parties decided on the basis of this to establish an Ad Hoc Open-ended Intersessional Working Group that would address the implementation of Article 8(j) and related provisions. The group reports directly to the Conference of the Parties but can also offer advice to SBSTTA on relevant issues. The first meeting of the Working Group was held in Spain in March 2000. The meeting was attended by representatives of 92 Parties and Governments, and of 74 indigenous people and local community organizations. The Working Group adopted a recommendation that formed the basis for a decision taken at the fifth meeting of the Conference of the Parties, which included a work programme on the implementation of Article 8(j) and related provisions of the Convention.

The work programme recognizes a set of five general principles concerning: full and effective participation of indigenous and local communities, including women, in the work programme; an holistic approach consistent with cultural and spiritual values; valuing of traditional knowledge; the ecosystem approach; prior informed consent or prior informed approval for access to traditional knowledge, innovations and practices. It also identifies a series of tasks to be undertaken in two phases. In the first phase, twelve tasks are divided among six elements, namely:

- participatory mechanisms for indigenous and local communities,
- status and trends in relation to Article 8(j) and related provisions,
- equitable sharing of benefits,
- exchange and dissemination of information,
- monitoring elements,
- legal elements.

The first element is directed at Parties and involves enhancing the capacity at national level of indigenous and local communities to participate in implementation of the provisions of the Convention and particularly in carrying out the programme of work.

The Conference of the Parties extended the mandate of the Working Group and requested it to review progress in the implementation of the priority tasks of its programme of work, to recommend further action, and to further explore ways for increased participation by indigenous and local communities in the thematic work programmes of the Convention. It recognised the role played by the International Indigenous Forum on Biodiversity and called upon Parties to support this and other relevant organizations in providing advice on implementation of the programme of work.

The work programme is to take into account the work of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and to be carried out as far as possible in collaboration with other relevant organizations, including the World Intellectual Property Organization (WIPO). The Working Group will meet in February 2002.

Alien species

The potential threat caused by alien species to ecosystems, habitats and species, as recognized in Article 8(h) of the Convention, has been the subject of considerable attention under the Convention. It has been specifically mentioned as a problem to be addressed in the work programmes on marine and coastal biological diversity, forest biological diversity and inland water biological diversity. One of the five programme elements in the work programme on marine and coastal biological diversity is entirely devoted to alien species.

The Conference of the Parties discussed alien species at its fourth meeting and asked SBSTTA to report back to it on the matter. SBSTTA considered the subject at both its fourth and fifth meetings. It recommended a format for case studies and proposed that the Conference of the Parties adopt a set of guiding principles on introduction of alien species.

At its fifth meeting, the Conference of the Parties urged Parties, Governments and relevant organizations to apply a modified version of these guiding principles for the interim, noting that the definition of many of the terms was not yet settled. It also called for case studies to be submitted. The Conference of the Parties stressed the importance of the Global Invasive Species Programme (see chapter 6), calling on the latter to develop a second phase of its activities and urging that the programme be supported financially. It also decided that it would

consider at its next meeting further options for implementing Article 8(h), including the possibility of developing an international instrument. To assist in these deliberations, the Conference of the Parties asked Parties to submit a thematic report on alien species by 30 September 2000, following a standardised format. By August 2001, 53 Parties had done so.

Tourism

The Conference of the Parties has discussed the relationship between biological diversity and tourism in its deliberations on sustainable use. The latter is the subject of Article 10 of the Convention, but is also one of the three objectives of the Convention, and is referred to in many of the operative articles.

The fourth meeting of SBSTTA 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 minor modifications, was adopted by the Conference of the Parties at its fifth meeting.

In the context of the United Nation's proclamation of 2002 as the International Year of Ecotourism, 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, in particular with a view to contributing to international guidelines on sustainable tourism development in areas important for biological diversity. It transmitted the assessment to the Commission and simultaneously recommended to Governments, the tourism industry and relevant international organizations, in particular the World Tourism

Mozambique

“Protected areas have shown massive declines in large mammal populations, except for Niassa Reserve in northern Mozambique. This decimation is directly linked to the long period of internal conflict in the country.”

Organization, that they use the assessment as the basis for their policies, programmes and activities in the field of sustainable tourism.

The Conference of the Parties also:

- encouraged submission of case studies to enable sharing of knowledge, experience and best practice through the clearing-house mechanism;
- requested the Executive Secretary to convene an international workshop to develop international guidelines on biological diversity and tourism;
- encouraged Governments, the tourism industry and relevant international organizations to support the International Year of Ecotourism, the International Year of Mountains (also 2002) and the International Coral Reef Initiative by local capacity-building, a commitment to work within principles and guidelines for sustainable tourism and by establishing enabling policies and legal frameworks.

The Workshop on Biological Diversity and Tourism was held in June 2001. It approved draft international guidelines for sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas. The guidelines will be considered by SBSTTA in November 2001, and by the Conference of the Parties in April 2002.

Biodiversity and climate change

At its fifth meeting the Conference of the Parties noted the interactions between climate change and the conservation and sustainable use of biological diversity in a number of thematic and cross-cutting areas including coral bleaching, forest biodiversity, and incentive measures. Specifically it:

- noted that there is significant evidence that climate change is a primary cause of the recent and severe extensive coral bleaching, and that this evidence is sufficient to warrant remedial measures being taken in line with the precautionary approach;
- urged the United Nations Framework Convention on Climate Change (UNFCCC) to take all possible actions to reduce the effect of climate change on water temperatures and to address the socio-economic impacts on the countries and communities most affected by coral bleaching;
- urged the UNFCCC, including its Kyoto Protocol, to ensure that future activities of the UNFCCC, including forest and carbon sequestration, are consistent with and supportive of the conservation and sustainable use of biological diversity;
- urged Parties and other Governments to explore possible ways and means by which incentive measures promoted through the Kyoto Protocol under the United Nations Framework Convention on Climate Change can support the objectives of the Convention on Biological Diversity; and
- urged strengthened cooperation with the UNFCCC, on these matters and on biological diversity in dry and sub-humid lands.

SBSTTA was requested to consider the impact of climatic change on forest biological diversity and to prepare scientific advice in order to integrate biodiversity considerations, including biodiversity conservation, into the implementation of the UNFCCC and its Kyoto Protocol. In both cases, the Conference of Parties has called for this

Norway

“About 2,500 fish stocks in southern Norway have been lost.”

work to be carried out in collaboration with the appropriate bodies of the UNFCCC and the Intergovernmental Panel on Climate Change (IPCC), where appropriate and feasible.

The decisions of the Conference of the Parties were considered by the Subsidiary Body on Scientific and Technological Advice of the United Nations Framework Convention on Climate Change (UNFCCC) at the second part of its thirteenth session (November 2000). At its sixth meeting (March 2001), SBSTTA decided to undertake an assessment of the interlinkages between biological diversity and climate change, in order to develop comprehensive scientific advice on integrating biodiversity considerations into the implementation of the UNFCCC and its Kyoto Protocol. A technical expert group was established to undertake a pilot assessment to:

- analyse possible adverse effects on biological diversity of measures that might be taken or are being considered under the UNFCCC and the Kyoto Protocol;
- identify factors that influence biodiversity's capacity to mitigate climate change and contribute to adaptation and the likely effects of climate change on that capacity; and
- identify options for future work on climate change that also contribute to the conservation and sustainable use of biological diversity.

At its fourteenth session (July 2001), the UNFCCC's SBSTA welcomed the assessment, endorsed the proposal for a joint liaison group between the secretariats of the UNFCCC and the CBD, and invited the Secretariat of the United Nations Convention to Combat Desertification (UNCCD) to participate.

In April 2001, the Intergovernmental Panel on Climate Change (IPCC) agreed to contribute to the assessment by preparing a technical paper on the interlinkages between biological diversity and climate change and in September 2001 it approved.

Migratory species

At its third meeting, the Conference of the Parties requested the Executive Secretary, in consultation with the Secretariat of the Convention on Migratory Species of Wild Animals (CMS), to evaluate how implementation of the CMS could complement the implementation of the CBD. A study prepared for the fifth meeting concluded that the CMS Instruments (CMS, its Range States' agreements and integrated conservation, management and action plans) provide the basis for Parties to deepen their treatment of migratory species through specific conservation and management plans for individual migratory species and groups of migratory species, and for them to do this within global and regional legal frameworks that encourage and support cooperative action. It suggested that this approach would provide a link between individual and groups of migratory species, their habitat needs, the other components of biodiversity they depend upon and interact with, as well as the various threats facing these species.

The fifth meeting of the Conference of the Parties has asked the Secretariat, in collaboration with the CMS Secretariat, to develop a proposal on how migratory species could be integrated into the work programme of the CBD and the role that the CMS could play, particularly with regard to the ecosystem approach, the Global Taxonomy Initiative, indicators, assessment and monitoring, protected areas, public education and awareness, sustainable use, and tourism.

Armenia

"20,000 hectares of marsh and wetland have been drained and converted to agricultural use over the last 50 years."

Incentive measures and economic valuation of biological diversity

Article 11 of the Convention determines that each Party shall, as far as is 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.

The issue of incentive measures has been closely linked to the deliberations of the Conference of the Parties on the economic and other valuation of biological diversity, first considered in depth at the second meeting of SBSTTA and the third meeting of the Conference of the Parties. At this and its two subsequent meetings, the Conference of the Parties has discussed both the development of positive incentives to promote the conservation and sustainable use of the components of biological diversity and the need to eliminate perverse incentives, that is incentives that encourage the destruction of biological diversity.

The Conference of the Parties has decided that incentive measures should be incorporated as appropriate into the various thematic and sectoral work programmes under the Convention. It asked SBSTTA to provide further advice on this, and encouraged the submission of case studies by Parties. Only twelve countries had submitted case studies by the fifth meeting of the Conference of the Parties. A number of others had been received from the United Nations Environment Programme, IUCN – the World Conservation Union and the Organization for Economic Co-operation and Development.

The fifth meeting of the Conference of the Parties established a work programme on incentive measures in order to support Parties, Governments and organizations 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. It requested the Executive Secretary to elaborate proposals for the design and implementation of incentive measures, for consideration by SBSTTA and the sixth meeting of the Conference of the Parties.

Public education and awareness

Article 13 of the Convention urges Parties to promote and encourage understanding of issues surrounding biological diversity through the media and in their educational programmes, and also to cooperate with other States and international organizations in the development of educational and public awareness programmes.

The Conference of the Parties considered public education and awareness in some depth at its fourth meeting, and decided that these should become an integral component of all sectoral and thematic items under the Convention's work programme. It urged Parties to implement a number of actions, including promotion of education on biological diversity through relevant institutions including non-governmental organizations and integration of biodiversity concerns into education strategies. It also suggested illustrating and translating the provisions of the Convention into local languages.

As a result of a request at that meeting, the Secretariat and the United Nations Educational, Cultural and Scientific Organization (UNESCO) considered the feasibility of launching a global initiative on biological diversity education and public awareness. At its fifth meeting, the Conference of the Parties asked the Executive Secretary to convene a working group of experts from a range of organizations, including UNESCO, UNEP, the World Bank, IUCN and WWF, to advance this idea further and set priorities for such an initiative. This group was established and is developing a set of strategic recommendations for

the implementation of the Initiative, including operational elements and options for action, for consideration by the Conference of the Parties in 2002.

In 1994 the General Assembly of the United Nations declared 29 December, the date of the entry into force of the Convention in 1993, as the International Day for Biological Diversity. In 2000, in light of the difficulties experienced in attracting public attention on a date that coincides with a holiday period in most countries, the General Assembly changed the date of the International Day for Biological Diversity to 22 May, the date of the adoption of the Convention in 1992. It is hoped that this change will enable countries to undertake more effective public education and awareness activities on this day, around a theme to be designated each year by the Executive Secretary. The theme for 2001 was "Biodiversity and Management of Alien Invasive Species."

Access to genetic resources

The Conference of the Parties has considered Article 15 at each of its meetings to date. The initial focus of considerations has been on promoting the development of measures on access to genetic resources and benefit-sharing, on gathering information on national and regional approaches to regulating access and on the dissemination of information. The Conference of the Parties has noted that all countries are providers and recipients of genetic resources. It has urged countries to put in place the necessary legal and other measures to support the efforts of provider countries to ensure that access to their genetic resources and traditional knowledge is subject to the provisions of the Convention regarding access to genetic resources, transfer of technology, and the handling and distribution of the benefits of biotechnology.

Two specific issues that have arisen are a) the relationship between the Convention and the FAO International Undertaking on Plant Genetic Resources for Food and Agriculture and b) *ex situ* collections of genetic resources. With regard to the former, governments, in the forum of the FAO Commission on Genetic Resources for Food and Agriculture, are currently negotiating the revision of the International Undertaking, in harmony with the Convention, following Resolution 3 of the Nairobi Final Act, and in this process addressing the question of access to *ex situ* collections of plant genetic resources for food and agriculture. The Conference of the Parties has made a number of statements regarding *ex situ* collections of plant genetic resources not addressed by the FAO Commission on Genetic Resources for Food and Agriculture.

The Conference of the Parties has considered at some length the relationship between intellectual property rights and benefit-sharing. It has requested the Executive Secretary to cooperate with the World Trade Organisation through the latter's Committee on Trade and

Finland

"Finland's mireland has been reduced from 10.4 million hectares to 6 million hectares, due to drainage for timber production. An additional 1 million hectares is being used for agricultural purposes."

Impact assessment, liability and redress

The Conference of the Parties considered Article 14 of the Convention at its fourth and fifth meetings and recommended that appropriate issues related to environmental impact assessments become an integral part of the relevant sectoral and thematic areas under the Convention's programme of work. It also asked SBSTTA to further develop, in cooperation with a range of organizations, guidelines for incorporating biodiversity-related issues into legislation and processes concerning strategic environmental impact assessment. With regard to liability and redress, the Conference of the Parties has asked the Executive Secretary to prepare, and subsequently to update a synthesis report on liability that reviews developments in other international fora. The Conference of the Parties also decided to consider mechanisms for further reviewing this issue at its sixth meeting, including the establishment of an *ad hoc* technical expert group.

Germany

“Between 1950 and 1985, 57% of all wetlands disappeared in West Germany.”

Environment to explore the extent to which there may be linkages between Article 15 and relevant articles of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). It has also emphasised 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. The Conference of the Parties has requested the Executive Secretary to apply for observer status on the Committee on Trade and Environment and on the Council of TRIPS. The WTO has granted this status in the first case, but not in the second.

To assist it in its consideration of issues relating to Article 15, in 1998 the Conference of the Parties established a regionally balanced panel of experts to try to develop a common understanding of basic concepts and explore all options for access and benefit-sharing on mutually agreed terms including guiding principles, guidelines and codes of best practice. At its fifth meeting, the Conference of the Parties decided to reconvene the panel of experts with a concrete mandate and agenda, to work on outstanding issues, namely:

- assessment of user and provider experience in access to genetic resources and benefit-sharing and study of complementary options;
- identification of approaches to involvement of stakeholders in access to genetic resources and benefit-sharing processes.

It also established an Ad Hoc Open-ended Working Group with the mandate to develop guidelines and other approaches for submission to the Conference of the Parties and to assist Parties and stakeholders in addressing a range of relevant issues. This Working Group will meet in October 2001.

Clearing-house mechanism

Under Article 18, on technical and scientific cooperation, the Conference of the Parties was to determine at its first meeting how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation. The second meeting of the Conference of the Parties decided that the clearing-house mechanism would develop starting with a pilot phase for 1996-1997, later extended until December 1998. Since then it has moved into its full implementation phase. The clearing-house mechanism is assisted in its functioning by an informal advisory committee, constituted and coordinated by the Executive Secretary.

A number of regional workshops and expert meetings were held in 1997 and 1998. Their purpose was to attain a clear definition of national and regional scientific and technical information needs and priorities as well as the means to deliver information and evaluate national capacities for the implementation of the clearing-house mechanism. As a result of recommendations arising from these meetings, a strategic plan for the implementation of the clearing-house mechanism has been drawn up. The strategic plan, which drew on an independent review of the clearing-house mechanism carried out in 1999, was adopted at the fifth meeting of the Conference of the Parties, along with a longer-term programme of work for the mechanism, for the period 1999-2004.

The guiding principles of the clearing-house mechanism are to be “neutral, cost-effective, efficient, accessible, independent and transparent.” It is intended to be bottom-up, decentralized and nationally driven with a number of different types of focal points (national, regional, sub-regional and thematic). Each focal point has responsibility for developing its own supporting network, so that the clearing-house mechanism should effectively function as a

meta-system. There are currently around 140 national focal points for the mechanism. Its functioning is supported by the Secretariat in Montreal. Eligible countries receive financial support for national development of the clearing-house mechanism as part of their biodiversity enabling activities from the Global Environment Facility.

The Conference of the Parties has attached considerable importance to the development of the clearing-house mechanism and has consistently called on it to support the thematic and cross-cutting work programmes. The pilot phase saw its development as a mechanism for information exchange mechanism; the coming phase will see increased emphasis on its development as an active tool for technical and scientific cooperation, as called for under Article 18 of the Convention.

National reporting

National reports submitted by Parties play a pivotal role in assessing implementation of the Convention and should also serve as a stimulus for Parties to focus their efforts in implementation. The Conference of the Parties decided early on that the first national reports should concentrate on the implementation of Article 6, and should be submitted by the end of June 1997, subsequently amended to the beginning of January 1998. Parties were also encouraged to identify priority issues specifically related to those components of biodiversity under threat. By the fourth meeting of the Conference of the Parties (May 1998), some 107 national reports had been received in final or draft form. Parties that had not yet submitted were encouraged to do so by the end of that year. By the end of 2000, a further eight Parties had done so.

The form and content of the first national reports varied enormously, making it difficult to assess the overall state of implementation of the Convention. In consequence the Conference of the Parties asked the SBSTTA for further advice on the form and intervals of national reports.

At its fifth meeting, SBSTTA considered guidelines for future national reporting that had been developed by the Secretariat through a pilot project, carried out with the collaboration of a number of Parties, to identify a methodology for assessing the state of implementation of the Convention. This involved (i) identifying the obligations on Parties deriving from the provisions of the Convention and the decisions of the Conference of the Parties and (ii) formulating these as questions designed to elicit responses that would reveal the level of implementation, relative priorities, constraints encountered and issues not yet addressed.

The fifth meeting of the Conference of the Parties endorsed this format as a guide for future national reporting and as a means by which the status of national implementation can be measured. Parties were requested to submit their second national reports by 15 May 2001. By August 2001, 48 countries had done so.³ National reports will be called for on a four-yearly basis and will be considered at alternate meetings of the Conference of the Parties.

Parties were also invited to submit thematic reports on the issues to be considered in depth at meetings of the Conference of the Parties. In the case of the sixth meeting, these will be alien species, forest ecosystems and benefit-sharing. The deadlines were, respectively, 30 September 2000, 15 May 2001 and 30 December 2000.

³ All national reports and thematic reports are available on the website of the Convention (www.biodiv.org).

As previously noted, by August 2001, 53 Parties had submitted thematic reports on alien species. By the same date 14 Parties had submitted reports on benefit-sharing and 28 had submitted reports on forest ecosystems.

ADOPTION OF PROTOCOLS

The Convention provides a legal framework for achieving its objectives and goals. It allows for these to be further developed into binding obligations by additional legal instruments called "protocols."

At the time of negotiation, the only area that was identified as the possible subject of a protocol was the question of biosafety. Since then however, the Conference of the Parties has affirmed its willingness to consider the possibility that a revised International Undertaking on Plant Genetic Resources take the form of a protocol to the Convention, should the FAO so decide. It has also stated that it would consider the option of developing a protocol for the full and effective implementation of the Convention's provisions concerning alien invasive species.

Suggestions for meeting other goals through the form of protocols have also been made by individual Parties and organizations, but have not yet been considered by the Conference of the Parties.

Biosafety

Paragraph 3 of Article 19 of the Convention states that the Parties shall consider the need for a protocol in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have an adverse effect on the conservation and sustainable use of biological diversity.

The Conference of the Parties turned its attention to biosafety at its first meeting, and decided to seek advice from experts on the need for, and possible formulation of, a protocol. A panel of fifteen experts met in May 1995 and a larger group of experts convened in July of that year. Following advice from these, the second meeting of the Conference of the Parties established an Open-ended Ad Hoc Working Group on Biosafety (known as the Biosafety Working Group) to develop a protocol. The Working Group, which was directly answerable to the Conference of the Parties, met six times from July 1996 to February 1999. The main areas of disagreement in the negotiations were: the extent to which the protocol should cover products of living modified organisms, specifically those intended for food or animal feed, or for processing; issues of liability and redress; and the extent to which socio-economic implications of the use of living modified organisms should be addressed.

The final meeting of the Working Group was held in Cartagena, Colombia, in February 1999. An extraordinary meeting of the Conference of the Parties was held immediately after this, on 22 and 23 February 1999 in Cartagena, with the aim of concluding the protocol. However, a number of issues remained outstanding and the Conference of the Parties therefore decided to suspend its extraordinary meeting. Informal consultations on the protocol were held in Vienna in September 1999 and in Montreal in January 2000. The extraordinary meeting was resumed in Montreal immediately after the latter and the protocol was adopted on 29 January 2000.

The Cartagena Protocol on Biosafety specifically focuses on transboundary movements of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity. Those that are to be intentionally introduced into the environment are to be subject to an advanced informed agreement

Finland

“Only 1 to 3% of Finland's waterbodies remain in their natural state. 90% of Finland's original ponds and brooks have disappeared.”

procedure in which the exporter must provide detailed information to each importing country in advance of the first shipment, and the importer may then authorize or refuse the shipment. Shipments of such organisms are to be accompanied by documentation containing information specified in the protocol. Under Article 15 of the Protocol, Parties of import may require the exporter to carry out a risk assessment and may also require that the notifier bear the cost of the risk assessment.

Living modified organisms intended for direct use as food or feed, or for processing, are subject to a simplified procedure in which a Party informs others of its decision regarding domestic use of such organisms via a Biosafety Clearing-House. Documentation accompanying shipments of such organisms must identify that they “may contain” living modified organisms. Other requirements of documentation accompanying these shipments are to be determined in the future by the Conference of the Parties serving as the meeting of the Parties to the Protocol. Living modified organisms that are destined for contained use are exempt from the advanced informed agreement procedure but are also to be labelled with information specified in the protocol. Living modified organisms that are pharmaceuticals for humans are exempt from the protocol.

The issue of liability and redress remains unresolved. Under Article 27 of the protocol, the Conference of the Parties, acting as the Meeting of the Parties to the Protocol (MOP), is to elaborate appropriate rules and procedures, if possible within four years of the protocol entering into force. With regard to socio-economic considerations, the Parties have decided that an individual Party may take into account, consistent with its international obligations, socio-economic considerations arising

from the impact of the use of living modified organisms on biological diversity, when deciding whether to permit an import or not.

The protocol is open only to Parties to the Convention, 103 of which had signed it by August 2001. It will enter into force on the ninetieth day after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

Biosafety Clearing-House

The Protocol established a Biosafety Clearing-House (BCH) under the clearing-house mechanism of the Convention, in order to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and to assist Parties to implement the Protocol. At its first meeting (December 2000), the Intergovernmental Committee for the Cartagena Protocol (ICCP) recommended that the BCH should be established in a phased manner beginning with a pilot phase, guided by the principles of inclusiveness, transparency and equity, and that the pilot phase be open to all governments and address the mechanisms for both electronic and non-electronic information sharing.

The ICCP identified the objectives of the pilot phase as:

- Building experience and providing feedback for the development of a functional and accessible internet based BCH; and identifying alternatives to the electronic system; and
- Identifying and addressing the capacity needs of countries with respect to the BCH.

Ireland

“Shellfish harvesting and aquaculture in shallow bays has damaged sub-littoral communities. Untreated sewage has led to excessive algal growth and eutrophication in bays and inlets adjacent to larger population centers. Sea cliffs and rocky islands are not considered threatened. Many Irish estuarine sites are probably less degraded than those in Britain and mainland Europe. Few pristine examples of sand dunes and machair currently exist, because so many have been degraded.”

It also recognized that the clearing-house mechanism and the Biosafety Clearing-House have distinctly different roles, and recommended that at the technical and operational levels, the Biosafety Clearing-House shall be run as a distinct element.

It requested the Executive Secretary to seek the appropriate administrative arrangements with relevant international organizations, such as the OECD and UNIDO, and Governments and that during the pilot phase use is made of existing information systems, such as the use of the ICGEB database and the OECD/UNIDO databases, including the product database, as models.

The relationship between the Protocol and the WTO

The commercial development of biotechnology has spawned multi-billion-dollar industries for foodstuffs and pharmaceuticals that continue to grow at a dramatic pace. Under World Trade Organization (WTO) regulations, the regulation of trade must be based on “sound scientific knowledge.” Under environmental regimes, the precautionary approach is seen as an indispensable component of sustainable development.

The WTO also does not accept socio-economic concerns, such as the risk that exports of genetically engineered crops may replace traditional ones and undermine local cultures and traditions in importing countries; however, this forms part of the risk assessment under the Biosafety Protocol. The subsidiary agreements of the WTO, including the Sanitary and Phytosanitary Agreement (SPS), Technical Barriers to Trade Agreement (TBT), and the Agreement on Trade-Related Intellectual Property (TRIPs), also contain specific provisions that apply to the biosafety issue.

Among other things, the Preamble to the Protocol:

- Recognizes that trade and environment agreements should be mutually supportive;
- Emphasizes that the Protocol does not change rights and obligations under existing agreements; and
- Understands that the Protocol is not subordinate to other international agreements.

FINANCIAL ARRANGEMENTS AND THE FINANCIAL MECHANISM

Financial arrangements under the Convention cover two very different areas. The first concerns budgetary arrangements for the administration of the Convention itself and the financing of the processes directly associated with it. The second concerns the mechanism by which funds are made available to developing country Parties to enable them to meet their wider obligations under the Convention.

The financing of the Convention

The Conference of the Parties at each of its ordinary meetings approves a budget for the administration of the Convention for the following two-year period or biennium. Funding for activities is provided in three separate trust funds, to which Parties contribute.

The core programme of the Convention is funded by a core budget, known as the BY Trust Fund. Parties are expected to contribute to this according to the UN scale of assessments, a UN-wide system for assessing the relative wealth of each country. Under the Convention, no one Party pays more than 25% of the total contributions of all Parties, and no least developed country (LDC) pays more than 0.01%

of the total contributions. The core budget essentially covers staffing requirements at the Secretariat and the servicing of the major meetings under the Convention (ie. those of the Conference of the Parties and SBSTTA). It also covers a 13% programme support charge levied on all activities by the United Nations Environment Programme under direction from the latter's Governing Council and the United Nations General Assembly. The total core budget allocated for 2001 was just over eight and a half million dollars and that for 2002 just over ten million dollars.

A variety of additional activities in the overall programme of work approved by the Conference of the Parties are funded through a special voluntary trust fund (BE), to which Parties and others are urged to contribute. This fund covers a range of items and activities including: additional meetings envisaged in decisions of the Conference of the Parties, such as those of Panels of Experts, regional meetings and workshops on various issues; additional staff posts at the Secretariat; travel of the president of the Conference of the Parties and the chairperson of SBSTTA; and various subcontracts and consultancies. Items included here will only be funded if the money is made available by voluntary contributions to the BE trust fund. The budget under this fund was just over two and half million dollars for 2001 and just over two million dollars for 2002.

A second voluntary trust fund (BZ) exists to help developing country Parties (particularly least developed countries and small island developing States) and those with economies in transition attend various meetings under the Convention, most importantly those of the Conference of the Parties and SBSTTA. The budget for this fund was just over two million dollars in 2001 and nearly three million dollars in 2002. The Bureau of the fourth meeting of the Conference of the

Parties has also allowed the Executive Secretary to use unspent money from the core (BY) fund to help such countries attend meetings.

Financial resources

The Convention recognizes that fulfilling its obligations will impose a financial burden on Parties. This burden is most acutely felt by developing countries, which hold most of the world's biological diversity but have limited financial resources. Under Article 20 of the Convention, developed country Parties are obliged to provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures that fulfil the obligations of the Convention. Article 21 establishes a system – the so-called financial mechanism – for the provision of these resources.

Article 39 of the Convention determined that the Global Environment Facility, if suitably restructured, would be the institutional structure operating the financial mechanism on an interim basis, for the period between the entry into force of the Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties had decided which institutional structure would operate the financial mechanism.

At its first meeting, the Conference of the Parties decided on a list of developed country Parties that would provide new and additional financial resources to developing country Parties to allow them to meet their obligations under the Convention. The Convention also makes provision for other Parties, including those with economies in transition, to assume voluntarily the obligations of a developed country Party. To date no Parties have done this.

Table 3.5 Developed country Parties ⁴

Australia	Iceland	Norway
Austria	Ireland	Portugal
Belgium	Italy	San Marino
Canada	Japan	Spain
Denmark	Liechtenstein	Sweden
Finland	Luxembourg	Switzerland
France	Monaco	United Kingdom
Germany	Netherlands	
Greece	New Zealand	

Latvia

“Mires occupy 5.6% of the territory of Latvia. 70% of them are relatively undisturbed by human activities. Water quality in 80% of Latvian rivers is estimated as good or satisfactory. About 40% of lakes suffer from heavy anthropogenic influences.”

A Memorandum of Understanding between the Conference of the Parties and the GEF Council (see below) was adopted by the Conference of the Parties at its third meeting and by the GEF Council shortly thereafter. Under the memorandum, the GEF continues to serve as the institutional structure operating the financial mechanism on an interim basis. The memorandum sets out terms for cooperation between the Conference of the Parties and the GEF, in particular specifying the kinds of guidance that the Conference of the Parties may communicate to the GEF. Under the memorandum, the GEF provides a report of its activities to each ordinary meeting of the Conference of the Parties.

Under Article 21 of the Convention, the Conference of the Parties is to review the effectiveness of the financial mechanism not less than two years after the Convention's entry into force and on a regular basis thereafter. The Conference of the Parties carried out its first review at its fourth meeting and decided to carry out such a review every three years thereafter. Terms of reference for the second review were drawn up at the fifth meeting of the Conference of the Parties.

The Global Environment Facility

The Global Environment Facility (GEF) was established in 1991 as a joint programme of the United Nations Development Programme, the United Nations Environment Programme and the World Bank. To begin with, it was a three-year pilot programme whose aim was to provide grants and low-interest loans to developing countries to allow them to implement projects and programmes to relieve pressure on ecosystems. The GEF was restructured in 1994, following the United Nations Conference on Environment and Development (the Earth Summit). It operates in four main focal areas: biological diversity; climate change; international waters; and ozone layer depletion. Projects on land degradation as it is related to the focal areas are also eligible for funding.

⁴ The list adopted by the first meeting of the Conference of the Parties contained twenty-one countries. Belgium, Ireland and Liechtenstein had not yet become Parties. San Marino, although a Party at the time of the first meeting, was not included in the list. Article 20 provides that the Conference of the Parties shall periodically review and, if necessary, amend the list. To date, the Conference of the Parties has not done so. Table 3.5 contains the accepted working list of developed country Parties. For practical purposes, the European Community should also be included.

There are 166 States participating in the GEF, including some that are not Parties to the Convention. Representatives of all the Member Countries constitute the GEF Assembly, which meets every three years to review general policies and evaluate the operation of the facility. The GEF Council functions as an independent board of directors, with primary responsibility for developing, adopting, and evaluating GEF programmes. Council members representing 32 constituencies (16 from developing countries, 14 from developed countries, and two from countries with transitional economies) meet twice each year. All decisions are by consensus although a voting mechanism is in place if consensus cannot be reached. The Scientific and Technical Advisory Panel (STAP) provides advice to the council. It consists of twelve experts appointed by the Executive Director of the United Nations Environment Programme and can also call upon a roster of experts.

GEF-funded projects and programmes are country driven and respond to national priorities. As determined by Article 20, the GEF funds the incremental costs of these activities needed to meet global benefits. There are currently four operational programmes in the biological diversity focal area: arid and semi-arid zone ecosystems; marine, coastal and freshwater ecosystems; forest ecosystems; and mountain ecosystems. An operational programme on agricultural ecosystems is currently under development. There is also an operational programme on integrated ecosystem management, which embraces three of the focal areas (biological diversity, climate change and international waters). In funding activities related to biological diversity, the GEF follows advice from the Conference of the Parties, both that contained in specific decisions addressed to the GEF and in the more general guidance issued by the Conference of the Parties.

Broadly speaking, GEF-funded projects and programmes can be divided into three categories: full projects, medium-sized projects, and enabling activities. Funding for any given activity ranges from a few tens of thousands of dollars to many tens of millions.

Enabling activities are primarily concerned with capacity-building and are chiefly to allow individual countries to develop comprehensive national biodiversity strategies and action plans. Expedited procedures allow fast track approval for enabling activities requests of up to US\$ 450,000. Medium-sized projects (those with up to one million dollars of GEF funding) and full projects may cover one or more countries. The two are chiefly distinguished by the funding approval process, which is much simpler for the former than the latter. As well as normal projects, medium-sized and full projects may also be short-term response measures or targeted research. A short-term response measure is a project that is designed to respond quickly to urgent needs or to seize a promising country-driven opportunity. A targeted research project is a research activity aimed at providing information, knowledge and tools to improve the quality and effectiveness of GEF projects and programmes. It has to be within the context of the operational programmes.

The GEF attaches great importance to leveraging cofinancing for projects and programmes wherever possible. Such additional funding may be in cash or in kind. By January 2001, the GEF had allocated over 1.3 billion dollars to 416 biodiversity projects and enabling activities in 136 countries (Annex 3). This was around 40% of the GEF's overall funding allocation during this period. Cofinancing for these projects was over 2.3 billion dollars. The main contributors to the GEF's overall budget are the United States of America (a non-Party to the Convention), Japan, Germany, France and the United Kingdom, who together provided two thirds of funding for the second replenishment period (1998-2002).

Additional financial resources

The Convention also encourages developed country Parties to provide financial resources through channels other than the financial mechanism, to help developing countries implement the Convention. This subject has been a focus of the Conference of the Parties since its first meeting, when it asked the Secretariat to provide a study on the availability of such financial resources. This call was repeated at the second and third meetings, with a request that the Executive Secretary report to the fifth meeting. The subsequent decision of the Conference of the Parties reflected the observations made in the Executive Secretary's report that, although it appeared that a number of funding institutions had increased funding support to biodiversity projects and activities, the absence of standardised reporting systems and the lack of comprehensive information made it extremely difficult to assess just how much funding for biodiversity was available.

In the decision of its fifth meeting, the Conference of the Parties asked the Executive Secretary to further develop a database on biodiversity-related funding mechanisms and urged developed country Parties to establish a process to monitor financial support to biodiversity and to provide further information on this in their second national reports. It also invited the GEF to assist the Secretariat to convene a workshop on financing for biodiversity with relevant international organizations and funding institutions.

Progress on this issue, which has been slow to date, is clearly crucial in order to determine the extent to which the global community shows commitment to meeting the objectives of the Convention. Although funding through the GEF can be clearly monitored, until overall funding for biodiversity-related activities can be identified with precision, it will not be clear to what extent funding through the Convention's financial mechanism actually represents the new and additional financial resources called for under Article 20.

Annex to Chapter 3

The conduct of meetings

Meetings of the Conference of the Parties are conducted following rules of procedure that have been decided on by the Conference of the Parties. Officers are elected from amongst the Parties to form the Bureau of the meeting, comprising a President, eight Vice-Presidents and a Rapporteur. The Bureau is geographically balanced with two representatives from each of the five UN regions (see below) and remains in office between meetings, its function at this time being to guide the Secretariat in preparations for and conduct of forthcoming meetings, and to officiate at extraordinary meetings.

When, as is normally the case, a meeting is hosted by a Party, rather than being held at the seat of the Secretariat in Montreal, a representative of that Party is traditionally elected President of the meeting. According to the rules of procedure, the offices of President and Rapporteur should normally rotate among the five regions. Between the second and sixth meetings of the Conference of the Parties, each region will have hosted one meeting.

The Bureau of SBSTTA is constituted in essentially the same way, although the officers are referred to as Chairman and Vice-Chairman. The roles of Chairman and Rapporteur of SBSTTA are also intended to rotate regionally.

Voting

Provision is made in the rules of procedure for Parties to vote on both procedural issues, such as the election of officers, and on substantive issues. However Rule 40, which sets out the procedure for voting on matters of substance, has not to date been agreed on by

Norway

“Since 1988, the sulphur content of precipitation, rivers and lakes in southern Norway has dropped by about 35%, and certain species of aquatic invertebrates are now recovering. However inputs of nitrogen have not been reduced. In Western and Central Norway, 86% of the total area of land formerly covered by 15 river deltas has been used for infrastructure development of agriculture.”

the Parties. The disagreement concerns the procedure for voting on matters concerning the financial mechanism (Article 21). Because Rule 40 has not yet been agreed, all decisions on matters of substance must currently be reached by consensus.

Regional coordination and representation

Much of the Convention's business is conducted on a regional basis. Most important are the five major divisions recognized by the General Assembly of the United Nations in 1972 in the resolution that established the United Nations Environment Programme (UNEP). These divisions constituted the regional groups that would make up the Governing Council of UNEP. They are currently referred to within the UN system as:

- The African Group
- The Asian Group
- The Group of Countries with Economies in Transition (formerly Eastern European States)
- The Group of Latin America and the Caribbean (GRULAC)
- The Western Europe and Others Group (WEOG)

For some purposes, the Western Europe and Others Group divides itself into the European Union (its fifteen member States) and the group known as JUSSCANNZ (Japan, the United States of America (a non-Party), Switzerland, Canada, Australia, Norway and New Zealand).

Two other groupings are also of importance. These are the Group of 77 and Small Island Developing States.

The Group of 77

The Group of 77 comprises the largest coalition of developing countries within the United Nations system. It was established in 1964 by seventy-seven developing countries at the first session of the United Nations Conference on Trade and Development. Its membership now comprises some 133 countries, but it has retained its original name. It serves as the principal means by which the developing world articulates and promotes its collective economic interests within the United Nations system. Under the Convention the group normally presents a single viewpoint on matters concerning financial resources and particularly advice to the financial mechanism. China, whilst not formally a member of the Group of 77, participates in the grouping which is then referred to as the “Group of 77 and China.”

Small Island Developing States

In 1994, as part of the implementation of Agenda 21, a Global Conference on the Sustainable Development of Small Island Developing States (SIDS) was held in Barbados. The conference highlighted the economic and ecological vulnerabilities of such States and set out a programme of action to address sustainable development in them (the Barbados Programme of Action).

The special conditions of small island States are noted in the preamble to the Convention, and small island developing States are singled out in Article 20 on financial resources. The Conference of the Parties has also drawn attention to these in a number of its decisions, for example those concerning alien species and the programmes or work on inland water, forest and marine and coastal biological diversity.

The following list (Table 3.6) of countries and territories is that used by the United Nations Department of Economic and Social Affairs to monitor the progress of the Barbados Programme of Action for the sustainable development of small island developing States.

Table 3.6 Small Island Developing States (Parties to the CBD in **bold**)

Antigua and Barbuda	Haiti	Saint Lucia
Aruba ¹	Jamaica	Saint Vincent and the Grenadines
Bahamas	Kiribati	Samoa
Bahrain	Maldives	Sao Tome and Principe
Barbados	Malta	Seychelles
Cape Verde	Marshall Islands	Singapore
Comoros	Mauritius	Solomon Islands
Cook Islands	Micronesia (Federated States of)	Tokelau ²
Cuba	Nauru	Tonga
Cyprus	Netherlands Antilles ¹	Trinidad and Tobago
Dominica	Niue	Tuvalu ³
Dominican Republic	Palau	US Virgin Islands ⁴
Fiji	Papua New Guinea	Vanuatu
Grenada	Saint Kitts and Nevis	

¹ non-self-governing dependency of the Netherlands, a Party; ² non-self-governing dependency of the New Zealand, a Party; ³ non-Party; ⁴ non-self-governing dependency of the United States of America, a non-Party.