

**Eighth Meeting of the Conference of the Parties (COP-8) to the Convention
on Biological Diversity, March 20 – 31, 2006, Curitiba, Brazil**
Canadian Delegation Report

The Canadian delegation to the eighth meeting of the Conference of the Parties (COP-8) to the Convention on Biological Diversity (CBD) was led by Cassie Doyle, Associate Deputy Minister, Environment Canada. Robert McLean, Director General, Integrated Ecosystem Management, Environment Canada; and Keith Christie, Director General, Environment, Energy and Sustainable Development Bureau, Foreign Affairs and International Trade Canada; served as assistant heads of the delegation, which also included representatives of the Government of Quebec, Fisheries and Oceans Canada, Natural Resources Canada, Justice Canada, Agriculture and Agri-Food Canada, Industry Canada, Indian and Northern Affairs Canada, Canadian Heritage, Assembly of First Nations, Inuit Circumpolar Conference (Canada), Métis National Council, Université Laval, and the Canadian Environmental Network.

COP-8 is thought to have been the largest-ever international meeting focused on biodiversity. The High Level Segment was well attended, with 130 countries represented, including 45 ministers. The ordinary meeting of the COP drew over 4000 participants from 160 countries, and finalized 34 decisions covering a broad range of issues.

Canada continues to provide leadership in CBD bodies and processes, in line with its status as host of the Secretariat in Montreal. Robert McLean was re-elected as one of the Vice Presidents of the Convention for a second term and will represent the "JUSCANZ" nations (Japan, United States, Canada, Australia, and New Zealand) within the Western Europe and Others Group (WEOG) on the "COP Bureau". Canada will also help guide negotiations of an international regime on Access and Benefit Sharing (ABS). In the closing plenary, Tim Hodges (Environment Canada) was elected as one of the Co-Chairs of the ABS Working Group, along with Fernando Casas (Colombia).

Canada; along with Finland, France, Ireland, the Netherlands, Norway, Sweden, and Switzerland; pledged funding for a second meeting of the ABS Working Group between COP-8 and COP-9. Even though this meeting is being funded voluntarily, the amounts pledged will ensure that it takes place. After Peru and Spain announced their intention to co-host an expert group on certificates of origin, the United Nations University (UNU) announced that it would convene a meeting of stakeholders immediately prior to this expert group meeting, and Canada indicated financial support for this UNU initiative.

In Working Group 1, Canadian delegation member Renée Sauvé (Fisheries and Oceans) chaired a contact group that successfully negotiated difficult text on high seas marine protected areas. Anne Daniel (Environment Canada, Legal Bureau)

who had chaired a Legal and Technical Experts' meeting on Liability and Redress, summarized the report of the meeting and its recommendations. In general, the Canadian delegation played a constructive role throughout COP-8.

Canada held three side events at COP-8: one on Aboriginal languages in Canada, hosted by the Department of Canadian Heritage; one on climate change, biodiversity and desertification synergies, hosted by Environment Canada; and a presentation of preliminary results from the International Expert Workshop on Criteria for Identifying Ecologically or Biologically Significant Areas Beyond National Jurisdiction (December 2005, Ottawa), hosted by Fisheries and Oceans Canada.

Good progress was made on all of Canada's main objectives for COP-8: clarifying the future of the Working Groups on ABS and Article 8(j), finalizing a framework for monitoring and reporting on implementation consistent with Canada's domestic work on biodiversity outcomes, advancing work on climate adaptation as a key issue for synergies with the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention to Combat Desertification (UNCCD), and maintaining momentum towards global markets for ecosystem goods and services.

Opening Session

COP-8 opened with a short video on the 2010 target, followed by an indigenous ceremony in honour of Mother Earth. Carlos Alberto Richa, Mayor of Curitiba (Brazil), welcomed delegates and noted the importance of local communities in implementation of the CBDn. Roberto Requião, Governor of the State of Paraná (Brazil), gave a long and fiery speech emphasizing Paraná's environmental leadership, including becoming the first Brazilian State to require labeling of living modified organisms. His government had placed billboards on the route to the ExpoTrade convention centre with the message "Welcome to GMO Resistance Land".

COP-7 President Ramantha Letchumanan (Malaysia) presided over the opening of the meeting. After a short speech highlighting inter-sessional work on ABS, protected areas, and island biodiversity, he passed the gavel to incoming COP-8 President Marina Silva (Brazil's environment minister). Her speech also emphasized the CBD's work on ABS, noting that national legislation is insufficient to protect the rights of States and indigenous communities. She will lead the CBD during the next inter-sessional period through to COP-9 in Germany.

Statements were made by representatives of the CBD's regional groups (Africa, Asia & the Pacific, Latin America and the Caribbean, Central and Eastern Europe). For the Western Europe and Others Group, separate statements were made by Austria (for the European Union) and Canada (for JUSCANZ).

Statements were then made by representatives of the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), and the Global Environment Facility (GEF, the Convention's financial mechanism). Additional details were provided on meetings that took place during the inter-sessional period between COP-7 and COP-8. The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) Chair Christian Prip of Denmark summarized the outputs of the tenth and eleventh meetings of the CBD's permanent subsidiary body on scientific and technical matters. Spain, as host of the fourth meetings of the CBD Working Groups on ABS and Article 8(j), described the outputs of these meetings. There were also brief interventions from the Alliance of Small Island States, and the Like Minded Megadiverse Countries.

Reports were given on three special workshops or forums held in Curitiba during the weekend prior to COP-8: a brainstorming meeting on impacts of avian flu on wildlife, a forum on the role of local communities in implementing the Convention, and an EU-funded workshop on implementation of the protected areas programme of work. The results of the avian flu meeting were translated into a COP decision, which takes note of the meeting's findings and invites Parties to request the Executive Secretary to initiate similar consultations when other emerging issues arise. The protected areas workshop focused on an implementation matrix aimed at providing a strategic assessment of progress made, challenges/obstacles, and capacity-building needs. Its results were considered under the protected areas agenda item.

The opening session was extended for all of Monday, allowing time for speeches by representatives of non-governmental organizations (NGOs), youth, the International Indigenous Forum on Biodiversity (IIFB), and industry (International Chamber of Commerce). However, some major intergovernmental organizations such as the Food and Agriculture Organization of the United Nations (FAO) did not have time to speak before adjournment, and had to make their interventions in the Working Groups, which began promptly on Tuesday morning.

Matthew Jebb (Ireland) was chosen as Chair of Working Group 1, and Sem Shikongo (Namibia) as Chair of Working Group II. Oyundari Navaan-Yunden (Mongolia) was chosen as Rapporteur for the meeting. Asghar Mohammadi Fazel (Iran) was chosen as Chair of SBSTTA-13 and SBSTTA-14.

Working Group 1 (WG1)

Island biodiversity

Adoption of a comprehensive new programme of work on island biodiversity was acclaimed as one of the major outcomes of COP-8, and was welcomed in particular by the Small Island Developing States, who believe this will facilitate access to GEF resources. This is the last of the CBD's seven "thematic" work programmes that address biodiversity of major biomes and sectors (inland

waters, mountains, marine and coastal, forests, agriculture, and dry and sub-humid lands). By participating in a contact group that negotiated a list of supporting activities for Parties, Canada ensured consistency with agreed language in the CBD's other work areas (notably Article 8(j) and ABS).

Biological diversity of dry and sub-humid lands

Parties completed an in-depth review of implementation of the CBD's programme of work on dry and sub-humid lands. They recognized that the review had been hampered by insufficient information on activities undertaken by Parties in implementing the work programme, and by gaps in data on status and trends of drylands. They agreed nonetheless that lack of precise information should not prevent implementation of targeted activities.

Parties welcomed a decision by COP-7 of the UN Convention to Combat Desertification (UNCCD) inviting the CBD and UNCCD Secretariats to strengthen their Joint Work Programme. Parties agreed to strengthen synergies between these two Conventions, and to consider the Joint Work Programme as a basis for national activities to achieve the objectives of the Rio Conventions. The CBD's SBSTTA will develop proposals for incorporation of climate change adaptation considerations into the CBD programme of work on dry and sub-humid lands, and will report on progress at COP-9.

Parties discussed the possible need for a CBD ad hoc technical expert group (AHTEG) on implementation of the drylands programme of work. They eventually agreed as an alternative to prepare a document that identifies priority activities, capacity needs, and obstacles to implementation; drawing on results of regional synergy workshops organized jointly by the three Rio Conventions.

Global Taxonomy Initiative

An in-depth review of the Global Taxonomy Initiative (GTI) at COP-8 focused on implementation and capacity-building needs. Some Parties, both developing and developed, reported that they had made significant progress related to activities in the GTI programme of work. Parties welcomed the offer of BioNET International to establish a special fund for the GTI, and invited BioNET to proceed with this initiative in consultation with the GTI Coordination Mechanism.

Finalization of the GTI decision was surprisingly difficult owing to a debate on special recognition for "mega-diverse" countries in the context of mobilizing financial and technical resources. The phrase "countries... with high levels of biodiversity" was finally agreed. Canada's call for completion of the Guide to the GTI was supported by other Parties and is reflected in the final decision.

Forest biological diversity

Canada's initial intervention identified forest law enforcement as a key issue for debate at COP-8, and many Parties echoed this theme. Parties agreed to "Strengthen collaboration on issues regarding the promotion of sustainable forest

management, including, as appropriate, forest law enforcement, governance and related trade.” The COP-8 decision notes the outcomes of sixth session of the United Nations Forum on Forests (UNFF-6), and welcomes in particular the four shared Global Objectives on Forests. Text proposed by Canada helped resolve a lengthy debate on the issue of potential environmental, cultural and socio-economic impacts of genetically modified trees. The decision recommends Parties take a precautionary approach in this matter and asks SBSTTA to assess impacts and report to COP-9.

Parties agreed to a process for in-depth review of implementation of the CBD programme of work on forest biological diversity, which will take place during the next inter-sessional period and culminate at COP-9. Subject to availability of resources, a final meeting of the ad hoc technical expert group (AHTEG) on implementation will be convened to allow it to complete its original mandate.

Biological diversity of inland water ecosystems

Recalling that CBD COP-3 recognized the Ramsar Convention as the “lead implementing partner on wetlands” (broadly defined to encompass the full range of inland water ecosystems), COP-8 asked the CBD’s Executive Secretary to review the technical requirements of the CBD programme of work on inland water ecosystems in conjunction with Ramsar’s Scientific and Technical Review Panel, to invite the Ramsar Convention to “to take the lead in developing a draft national reporting framework” for this issue, and to invite the Ramsar Secretariat, subject to available resources, to explore ways and means “for assessing the extent, distribution and characteristics of inland water ecosystems... including for wetlands not designated as Ramsar sites.” A representative of the Ramsar Convention secretariat indicated his willingness to consider these requests.

Marine and coastal biological diversity

Under this agenda item Parties considered two issues: deep seabed genetic resources beyond the limits of national jurisdiction, and integrated marine and coastal area management (IMCAM). Negotiations were closely linked to a third issue, high seas marine protected areas, which was addressed under a separate agenda item on protected areas. Parties agreed to the recommendations drafted by SBSTTA11 that focused on deep seabed genetic resources beyond national jurisdiction, and finalized a decision on that basis. While the compromise reached at SBSTTA was considered by many to be imperfect, it was widely understood to be a fairly balanced text and Parties agreed not to reopen discussions. A separate decision addressing IMCAM was finalized with little controversy.

Agricultural biodiversity

Parties adopted a 4-part decision on agricultural biodiversity that includes a new cross-cutting initiative on biodiversity for food and nutrition, an International Initiative for the Conservation and Sustainable Use of Soil Biodiversity, genetic use restriction technologies (GURTs), and guidance for the in-depth review of the

programme of work scheduled for COP-9. The key role of the FAO, including its Commission on Genetic Resources and the International Treaty on Plant Genetic Resources (for which FAO provides the secretariat), was recognized in all four parts of the decision. The issue of potential impacts of GURTs attracted considerable media attention, and was the focus of demonstrations inside and outside the conference facility. Parties reached consensus by agreeing to drop a reference to a “case-by-case approach”, and by reaffirming their COP-5 decision on this matter. Parties welcomed a recommendation of FAO’s Commission on Genetic Resources that “FAO work closely with the Executive Secretary of the Convention, and play a leading role in the in-depth review of the Convention’s programme of work on agricultural biological diversity.”

Protected areas

Long and difficult negotiations on protected areas concluded on the last day of COP-8 with adoption of a 2-part text in WG1. The first part deals with review of implementation of the programme of work, options for mobilizing financial resources, and “tool kits”; and is based largely on outputs of the first meeting of the Protected Areas Working Group (PAWG-1) held in Montecatini, Italy in June 2005. The second part, “Options for cooperation for the establishment of marine protected areas in marine areas beyond national jurisdiction,” was the subject of difficult negotiations. It takes into account developments since PAWG-1, particularly outputs of the February 2006 ad hoc informal open-ended working group on biodiversity in marine areas beyond national jurisdiction, created by the United Nations General Assembly (UNGA).

The portion of the decision dealing with “Review of implementation of the programme of work on protected areas for the period 2004-2006”:

- acknowledges that a significant shortcoming in the review of progress is the extremely low level of reporting by Parties;
- stresses the need for future reporting efforts to focus on providing for “a strategic assessment of progress made, challenges / obstacles, and capacity building needs”, as indicated by Canada and others;
- recognizes the importance of, and need for, regional capacity-building workshops as a means to advance the programme of work; and
- requests the Executive Secretary to report on progress in implementation to PAWG-2, with a focus on (1) regional technical workshops; (2) status, trends, and threats to protected areas; (3) collaboration with other organizations; and (4) development of a roster of protected areas experts to respond to requests from Parties.

The portion of the decision dealing with “Options for mobilizing financial resources for the implementation of the programme of work by developing countries” invites Parties to organize protected areas financing roundtables, and to convene a meeting on long-term financing (back-to-back with PAWG-2 or COP-9) focusing on financial sustainability of national and regional systems of protected areas. Controversial text regarding linkages between protected areas

funding and Kyoto's Clean Development Mechanism was omitted and replaced with linkages to "potential regulatory and voluntary mechanisms". Text inviting the Global Environment Facility (GEF, the Convention's financial mechanism) to continue to support protected areas funding was significantly reworked from the PAWG-1 language, and now invites the GEF to "maintain the proportion of funding for protected areas in the biodiversity envelope of the business plan of the fourth phase of the GEF."

By far the most difficult negotiations on protected areas related to marine protected areas (MPAs) beyond national jurisdiction. After an unsuccessful initial effort to develop consensus text through a "Friends of the Chair" process, the WG1 Chair produced a short, readable document that clearly departed from the original document from PAWG-1. To attempt to reach a consensus text between Parties, the Chair struck a contact group and approached Canada to chair it. The Department of Fisheries and Oceans (DFO/Sauvé) agreed to serve this function. As a result of 17 hours of negotiation, the Contact Group managed to produce a consensus text by the early morning of the last day.

Two issues were particularly divisive: calls for a moratorium on bottom trawling, and the CBD's role in areas beyond national jurisdiction. Negotiations revealed a significant divide between countries wanting a widespread ban on bottom trawling and those opposed; and between countries seeing little to no role for CBD in areas beyond national jurisdiction and those wanting a substantive role. In the end, references to bottom trawling were based on previously agreed United Nations resolution text. The CBD's role was described as "provision of scientific and, as appropriate, technical information and advice related to marine biological diversity, the application of the ecosystem approach and the precautionary approach, and in delivering the 2010 target." The final decision captures many of the key marine-related outcomes of COP-8 for Canada.

Canada contributed to this item by presenting results of a "Scientific Experts' Workshop on Criteria for Identifying Ecologically or Biologically Significant Areas beyond National Jurisdiction" (Ottawa, December 2005). Parties agreed that another expert workshop, to be hosted by Portugal, will "compile a consolidated set of scientific criteria for representative networks of marine protected areas, including in open ocean waters and deep sea habitats." The results of this workshop will be provided to the UNGA, and will also be reported to SBSTTA prior to COP-9.

Incentive measures

WG1 Chair Jebb avoided difficult and likely unproductive discussions by suggesting deletion of two highly controversial annexes related to perverse and positive incentives. This paved the way for adoption of two separate decisions: one on valuation tools; the other on positive incentive measures and preparation for the in-depth review of the programme of work at COP-9. Parties agreed to strengthen activities that integrate values of biodiversity resources and

ecosystem services into national accounting and decision-making, and to capture these values “through the careful analysis and design of markets for ecosystem services where appropriate.” They encouraged relevant organizations such as the World Conservation Union (IUCN) and the Organization for Economic Cooperation and Development (OECD) to strengthen research, in consultation with representatives of indigenous and local communities, on “policy, legal and institutional measures... that ensure the fair and equitable sharing of benefits arising from positive incentive measures.” Parties adopted a Canadian proposal that the Executive Secretary prepare terms of reference for a study of “how monitoring can support the implementation of valuation tools and positive incentive measures.”

Although some Parties initially sought an ad hoc technical expert group (AHTEG) on incentives, the final decision invites Parties and others to communicate views, experiences, and options to address the challenges they have identified. The Executive Secretary will compile and summarize these inputs to prepare for the review at COP-9.

Alien species that threaten ecosystems, habitats or species

Parties welcomed the report of the AHTEG on “Gaps and Inconsistencies in the International Regulatory Framework in Relation to Invasive Alien Species” as the main basis for the COP-8 decision on this matter.

The EU proposed, and Parties agreed, that the in-depth review be conducted largely at COP-9, and not include a detailed analysis by SBSTTA of progress. This will lessen SBSTTA’s work burden, and is appropriate given that the COP has never adopted a formal “programme of work”. COP-9 will also consider the results of consultations on how to address the lack of international standards for invasive animal species that are not pests of plants under the International Plant Protection Convention. In the context of cooperative arrangements to address risks of invasive alien species, Canada succeeded in broadening the scope of a request to regional bodies and conventions dealing with aquatic ecosystems to address not only aquaculture, but also “fish stocking and other activities that involve introductions and transfers of live aquatic organisms.”

Impact assessment

Parties endorsed both the voluntary guidelines on biodiversity-inclusive environmental impact assessment (EIA), and the draft guidance on biodiversity-inclusive strategic environmental assessment (SEA). They requested the Executive Secretary to continue collaborating with relevant organizations, particularly the International Association for Impact Assessment, to build capacity for the application of the EIA voluntary guidelines, and to translate the SEA draft guidance into practical approaches.

Liability and redress

Parties welcomed the report of the Group of Legal and Technical Experts on Liability and Redress, and agreed to submit examples of national legislation and

case-studies in this area. The experts' report identifies three areas for further work: damage to biological diversity, and related aspects of valuation and restoration. WG1 Chair Jebb prepared a draft decision that would have had SBSTTA examine all three topics. However, following a suggestion by the EU, Parties instead requested the Executive Secretary to prepare a synthesis report that will go directly to COP-9.

Biodiversity and climate change

Based on interventions by the EU and Canada, Parties requested that the SBSTTA develop draft guidance on how to integrate relevant climate change impacts and response activities into the CBD's programmes of work. This work will take into account "vulnerable regions, sub-regions and ecosystem types" and will build on the findings of the reports of the two CBD AHTEGs on biodiversity and climate change. Canada (Don MacIver/Environment Canada) participated actively in the more recent AHTEG, which focused on adaptation measures, and helped finalize its report during and after its meeting (September 2005, Finland).

Parties asked the CBD's Executive Secretary to work through the Joint Liaison Group of the Rio Conventions to consider options outlined in the more recent AHTEG report, in the context of identifying mutually supportive activities that may be conducted by the secretariats of the Rio Conventions, Parties, and relevant organizations. They also asked the Executive Secretary to transmit the AHTEG report and the COP-8 decision on synergies to the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD), the Ramsar Convention on Wetlands, the World Heritage Convention, the Convention on Migratory Species and other relevant MEAs, and to ensure follow-up through the Joint Liaison Group.

The COP-8 decision welcomes the start of the UNFCCC process to "consider ways and means to reduce emissions from deforestation in developing countries." It notes that the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA) has started its consideration of a five-year work programme on impacts, vulnerability and adaptation to climate change, and that this could "facilitate communication and cooperation between relevant organizations."

Working Group 2

Access and benefit-sharing (ABS)

Candel participated actively in discussions of ABS within the terms of its limited mandate. Debates centered on a few key issues of a process nature. There was intense debate over what would form the basis for continued negotiations. In the end, delegates agreed to annex the ABS-4 outcome to the decision and transmit it to ABS-5, together with the outcome of the group of technical experts on the certificate of origin/source/legal provenance, a progress report on the gap

analysis, the matrix, and other inputs submitted by Parties, noting that the annex reflects Parties' range of views. Debate was also intense over a deadline to complete negotiations. This issue was only resolved on the last day, when agreement was reached to "instruct the Working Group on ABS to complete its work at the earliest possible time before COP-10."

Delegates also debated the number of intersessional meetings for the ABS Working Group, quickly settling on two meetings before COP-9. Parties elected by acclamation two permanent co-chairs of the ABS Working Group: Fernando Casas (Colombia) and Tim Hodges (Canada). This represents a significant development in the negotiating process. Permanent co-chairs will provide for continuity and facilitate important work in the period between ABS Working Group meetings. It is expected that the co-chairs will act in their capacity at least until COP-9 if not until COP-10..

Most delegations supported the ABS-4 recommendation to establish an AHTEG on the subject of certificates. Parties deleted a bracketed list of objectives and features prepared at ABS-4 and agreed to refer to "an internationally recognized certificate". Agreement was reached on the composition and terms of reference of the AHTEG, which will address this issue before ABS-5. Peru and Spain announced their intention to co-host the AHTEG meeting in Lima, Peru. In accordance with a Canadian proposal, the AHTEG will comprise 25 experts proposed by Parties from each of the CBD's five regions, plus seven stakeholder observers (e.g., industry, botanic gardens, indigenous communities). Canada's support for the meeting of stakeholders prior to the AHTEG meeting, sponsored by the United Nations University (UNU), will ensure that developed country perspectives are better reflected in the AHTEG work.

Discussions were intense on whether disclosure of origin in IPR applications should form part of the regime negotiations. Delegates also debated a reference to derivatives. The two issues remain unresolved and will be a focus of negotiations at future meetings.

WG2 Chair Shikongo quickly established an informal group to consider the question of enhanced indigenous participation in ABS negotiations. It picked up on proposals made by the EU and Canada at the closing of ABS-4. Members of Candel participated actively in this group and were in constant consultation with Aboriginal members of the delegation. After several proposals and counterproposals, Canada, the EU, Brazil and Colombia worked out a mutually agreeable compromise, which was included in the Article 8 (j) decision covering the relationship between the Article 8 (j) and ABS working groups. The International Indigenous Forum on Biodiversity (IIFB) expressed appreciation for those countries most active on the issue and indicated some level of support for elements of the compromise. However, they also expressed some concern and raised some questions about some elements of agreement, making it likely that

the issue will continue to receive attention at future meetings of both working groups.

On ABS indicators, the COP invites parties and others to submit their views for consideration of the issue at ABS-5.

In the final analysis, no delegation appeared keen on making the question of a legally-binding instrument the central issue – perhaps seeing it as a zero sum game. Candel was ultimately pleased with the decisions on ABS reached by the COP, which provide for maximum flexibility in future negotiations, ensure a balanced and productive process through two permanent co-chairs, satisfied developing countries who were looking for forward movement and a decision on timing, and ensured host Brazil was able to claim concrete progress on the issue.

Article 8(j) and related provisions

Parties widely endorsed the WG8j-4 meeting report from Granada. Discussions focused mainly on indigenous participation in the CBD, and particularly in the negotiation of an international ABS regime (see previous section for details).

A chapeau was added to the 8j decision stating that "the protection of traditional knowledge, innovations and practices must be interpreted in accordance with the provisions of Article 8(j)". The COP decision requests the 8j WG to clarify the time frame to initiate work on the remaining tasks of its work program. Parties asked the Executive Secretary to further develop the composite report, and extended the mandate of the advisory group to assist with this. The Executive Secretary also will explore technical guidelines for recording/documenting traditional knowledge (TK).

All delegations welcomed the establishment of a voluntary fund to enable indigenous participation. Selection criteria for beneficiaries of the fund were clarified.

There was considerable discussion on *sui generis* systems for the protection of TK. After extensive debate the meeting agreed on wording that "Urges Parties and Governments to develop, adopt and/or recognize national and local *sui generis* models for the protection of traditional knowledge, innovations and practices with the full and effective participation of indigenous and local communities," and further requests the 8j WG to "identify priority elements of *sui generis* systems."

COP-8 asked the Article 8j WG to further develop the draft elements of an ethical code of conduct to ensure the respect for the cultural and intellectual heritage of indigenous and local communities, and to submit these to COP-9 for consideration and possible adoption.

The final decision welcomes the offer of the International Indigenous Forum on Biodiversity (IIFB) to organize an international expert seminar on indicators relevant for indigenous and local communities and the CBD, taking into account the need to identify practical indicators for assessing the status of traditional knowledge, innovations and practices.

Global initiative on communication, education and public awareness

Parties adopted a short list of priority activities and the plan of implementation for the Global Initiative on Communication, Education and Public Awareness (CEPA). Canada asked that the decision reflect the need to integrate CEPA Strategies into national biodiversity strategies and action plans (NBSAPs), rather than encouraging stand-alone strategies. This was supported by other Parties and incorporated in the final decision. Canada indicated that the primary CBD national focal points should be responsible for CEPA, and questioned designating separate CEPA focal points. While reference to separate focal points remains in the decision document, the final text provides adequate flexibility for national level decision-making on this matter. Canada and other Parties resisted the creation of a dedicated CEPA professional position within the CBD Secretariat and instead requested the Executive Secretary to ensure adequate support to the programme of work on CEPA.

Parties agreed to declare 2010 as the International Year of Biodiversity, and invited the United Nations General Assembly (UNGA) at its sixty-first ordinary session to endorse this decision and to invite countries to establish national committees and celebrate the International Year on Biodiversity with appropriate activities.

Implementation of the Convention and its Strategic Plan

COP-8 decided that a second meeting of the Working Group on Review of Implementation of the Convention (WGRI) will initiate a review of goals 2 and 3 of the Strategic Plan. These refer to improved finances and national capacity to implement the Convention, and implementation of NBSAPs and integration of biodiversity concerns in relevant sectors, respectively. Parties will examine barriers to implementation and ways and means to overcome obstacles. WGRI-2 will consider information compiled for the review and provide recommendations to COP-9.

The review will recommend priority areas for capacity-building, and access to and transfer of technology and technological cooperation. It will be based primarily on information in the third national reports (supplemented by updated information provided on a voluntary basis); the experience of the Global Environment Facility (GEF) in contributing to implementation of Goals 2 and 3; and information obtained from regional and/or sub-regional meetings convened for this review.

Canada was successful in ensuring that the review of NBSAPs will make full use of information in the third national reports. Our interventions helped to articulate the purpose of the review, and to focus it on priority actions for implementation.

Millennium Ecosystem Assessment

Other than “acknowledging” rather than “welcoming” the reports of the Millennium Ecosystem Assessment (MA), Parties adopted the SBSTTA recommendation on the MA virtually unchanged. Parties are invited to promote wider dissemination of the MA’s findings, and to use the MA reports to strengthen dialogue with stakeholders, including the private sector. The decision also emphasizes the need for capacity-building to improve understanding of ecosystem goods and services and human well-being.

Parties asked SBSTTA and the Executive Secretary to contribute to the evaluation of the MA during 2007, focusing on its impact on implementation of the Convention. COP-9 will consider this evaluation and the possible need for another integrated assessment of biodiversity and ecosystems. Parties took note of the MA’s finding that “Unprecedented additional efforts will be required to achieve, by 2010, a significant reduction in the rate of biodiversity loss at all levels.” Mindful that loss of biodiversity is continuing, and recognizing the need for longer-term targets, Parties will consider at COP-9 “the need to review and update targets as part of the process of revising the Strategic Plan beyond 2010.”

COP-9 will also consider options for improving the availability of scientific information on biodiversity to the SBSTTA, taking into account the results of other relevant processes such as the French-led consultation on an “International Mechanism of Scientific Expertise on Biodiversity” (IMOSEB). A COP-8 side event on IMOSEB was well attended, and countries appear to be warming to this initiative and ready to accept that it is not aimed at a predetermined conclusion.

Operations of the Convention

Parties adopted a 6-part decision dealing with the Convention’s bodies and processes, largely based on the outputs of the first meeting of the Working Group on Review of Implementation (WGRI-1). They slightly modified the multi-year programme of work of the Convention through COP-10 to place a greater emphasis on implementation issues, and agreed to develop at COP-9 a schedule for CBD meetings after COP-10. Parties agreed to track the costs of proposed draft decisions during COP meetings to better inform budget negotiations. They also asked the Executive Secretary to maintain a list of requests for information, reports, views and compilations proposed during meetings of subsidiary bodies, to better assess work load implications for the Secretariat and Parties.

Parties endorsed a consolidated mode of operation for the SBSTTA. Parties agreed that “a limited number of ad hoc technical expert group (AHTEGs) on specific priority issues on the programme of work of the COP may be established

under the guidance of the COP, as required, for a limited duration, to provide scientific and technical advice and assessments.”

Noting also the need for restraint in creating ad hoc open-ended working groups, Parties agreed to clearly define their mandate, terms of reference, duration of operation, expected outcomes, and reporting requirements.

Canada’s warning about the pitfalls of consolidating decisions convinced Parties to discontinue the process established in paragraph 2 of decision VII/33. WG2 Chair Shikongo also set up a contact group to examine the process of retiring decisions. It decided to suspend this process until COP-9.

The Chair’s introduction of a draft NGO accreditation policy prepared by the COP Bureau caught Parties off guard, and they pleaded for more time to consult with the range of non-government participants (indigenous and local communities, industry and academia as well as “NGOs”) who would be affected by this policy. In the end it was agreed that WGRI-2 would “consider procedures for admission of bodies and agencies, whether governmental or non-governmental.”

Clearing-house mechanism

Parties adopted a strategic plan and programme of work for the Convention’s clearing-house mechanism (CHM), including suggested actions for both the Secretariat and for national CHM nodes. Canada intervened on this item by recalling that Article 17 calls on Parties to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries. Accordingly, the decision invites Parties “as appropriate, to provide free and open access to all past, present and future public-good research results, assessments, maps and databases on biodiversity, in accordance with national and international legislation.”

Technology transfer and cooperation

Under pressure from developing country Parties, COP-8 decided to establish an Ad Hoc Technical Expert Group (AHTEG) on Technology Transfer and Scientific and Technological Cooperation. This supersedes a less formal expert group created at COP-7, which had never met formally. The new AHTEG has the same mandate as the original group (on which Canada was represented). No Party has yet offered to fund the new AHTEG.

Parties agreed to “take note of” a document prepared by the Executive Secretary on “proposals and options to apply measures and mechanisms to technology transfer and cooperation,” and to submit views on it prior to the first meeting of the AHTEG. They asked the Executive Secretary, together with the World Intellectual Property Organization (WIPO) and the United Nations Conference on Trade and Development (UNCTAD), to finalize a technical study of the role of intellectual property rights in technology transfer in the context of the Convention. They also asked the Executive Secretary to explore possibilities of developing a

“Biodiversity Technology Initiative”, taking into account the Climate Technology Initiative [a multilateral initiative of the Organisation for Economic Co-operation and Development (OECD) countries and the International Energy Agency established in 1995 with the mission to promote the objectives of the United Nations Framework Convention on Climate Change (UNFCCC)].

Review of implementation of Article 20 (financial resources) and Article 21 (financial mechanism)

Parties discussed preparations for an in-depth review of financial resources at COP-9. Many developing country Parties expressed concerns about the implications of the Resource Allocation Framework adopted by the Council of the Global Environment Facility (GEF), the CBD’s financial mechanism. Parties agreed to request contributions from donors to achieve a timely and successful fourth replenishment of the GEF. They agreed that the in-depth review at COP-9 of the availability of financial resources will examine, among other things:

- how the GEF’s Resource Allocation Framework will affect the availability of resources for implementation of the Convention;
- the effectiveness of the “GEF Benefits Index for Biodiversity”;
- how resources, from GEF and other sources, are currently used to support the achievement of the Convention’s objectives; and
- new opportunities for mobilizing resources.

Parties requested that the Executive Secretary prepare a draft resource mobilization strategy based on this review, for consideration at WGRI-2 and then at COP-9. They recommended promotion and fostering of new national and regional environmental funds. The Executive Secretary is requested to explore further collaboration with the OECD, with a view to promoting consideration of biodiversity-related financial issues through the OECD’s Development Assistance Committee Network.

Parties also requested the Executive Secretary to prepare an evaluation of the effectiveness of the GEF (pursuant to Article 21) for consideration at COP-9, covering the period July 2001-June 2007. They agreed that future reviews of the GEF should be done on a 4-year cycle, coinciding with COP meetings.

Framework for monitoring implementation of the achievement of the 2010 target

Canada’s objectives for this item were all successfully achieved. Despite some initial resistance, Parties agreed to use the provisional global framework of focal areas, goals, targets and indicators for monitoring the implementation of the Convention until 2010. Changes in the framework recommended by SBSTTA 10 and 11 were incorporated. COP-9 will determine a process for review of the Strategic Plan, including the global framework and its associated indicators, with a view to adopting a revised Strategic Plan and global framework at COP-10. Parties are invited to consider the global framework in the development of national and/or regional goals and targets, and related national indicators.

The goals and targets of the global framework were incorporated into the programmes of work for marine and coastal, inland waters, forests, dry and sub-humid lands, mountains and islands. Parties also adopted strategic guidance for review of the programmes of work, focusing particularly on implementation and priorities for capacity-building to address barriers.

The decision acknowledges that various organizations are making important contributions to the development and implementation of global indicators through the 2010 Biodiversity Indicators Partnership (coordinated by the United Nations Environment Programme (UNEP)-World Conservation Monitoring Centre and funded by the GEF).

National reporting and the next Global Biodiversity Outlook

COP-8 addressed several aspects of national reports, including facilitating their development through:

- regional and sub-regional training workshops, improved guidelines for the 4th national report (the deadline for comments has been extended to June 30, 2006), a web portal which links national reports and guidelines for each of the biodiversity related conventions and development of common reporting modules for specific themes and the development of a model report;
- placing greater importance on their use within the Convention decision-making processes. The information in national reports will now be used for review of implementation of the Convention at COP-10 and a review of national biodiversity strategies and action plans at COP-9; and
- a request to the Executive Secretary to produce an updated and more strategic analysis of the information in the third national report.

The Second Global Biodiversity Outlook (GBO2) was released at COP-8. Canada is acknowledged in the report for its contribution. Parties decided to review the process, outcome and impact of GBO2 and consider proposals for the scope, process and format of GBO3 based on lessons learned. This review will include the use of the global indicators. SBSTTA and/or WGRl will consider these proposals prior to COP-9. The Executive Secretary was also asked to produce a short graphic summary of GBO2 for decision-makers.

Canada was successful in elevating the importance of national reports within Convention decision-making processes and ensuring that the GBO3 will take into account lessons learned from GBO2.

Cooperation with other conventions and international organizations and initiatives

Many Parties opposed a proposal arising from the Secretariat to create a "Global Partnership on Biodiversity". They feared it would duplicate other cooperation arrangements (e.g., the Collaborative Partnership on Forests) and divert resources from implementation activities.

The final decision on cooperation underlines the important role of the Joint Liaison Group in supporting cooperation among the Rio conventions, and recognizes the important role and achievements of the Collaborative Partnership on Forests in coordinating and collaborating on forest issues. It encourages the liaison group of the biodiversity-related conventions to address harmonization of national reporting, and to apply the CBD's framework of goals, targets and indicators for evaluating progress across these conventions. Based on a Canadian initiative, the secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture will be invited to join the liaison group of the biodiversity-related conventions. The decision notes that enhanced cooperation among the Rio conventions and the biodiversity-related conventions should occur not only among their secretariats, but also their scientific and technical bodies. It also welcomes ongoing cooperation between the CBD and the Food and Agriculture Organization of the United Nations (FAO) on issues related to agriculture, fisheries and forests.

Private-sector engagement

Parties noted that the private sector is arguably the least engaged of all stakeholders in the implementation of the Convention, yet, the daily activities of business and industry have major impacts on biodiversity, and adopting and promoting good business practice could make a significant contribution to the Convention's objectives. The decision urges national focal points, working with relevant government departments, to communicate the importance of biodiversity to companies in their jurisdiction, to engage companies in the development of national biodiversity strategies and action plans (NBSAPs), and to encourage companies to adopt practices that support the implementation of NBSAPs and the objectives of the Convention.

Guidance to the financial mechanism

Under this decision, Parties requested the GEF to:

- provide, on a regular basis, information on the application of GEF's Resource Allocation Framework and its effects on availability of funding to developing countries;
- develop responses to the particular capacity and access challenges faced by small island developing states, least developed countries, less developed countries and countries with economies in transition, as per the results of the GEF's third Overall Performance Study;
- further simplify and streamline its procedures; and
- consult with the CBD Executive Secretary on GEF review processes that affect the financial mechanism of the Convention.

The COP also adopted decisions on additional guidance to the GEF in the following areas: the Biosafety Protocol; island biodiversity; biodiversity assessments; implementation of the Convention; technology transfer and cooperation; communication, education and public awareness; national reporting; the Global Taxonomy Initiative; invasive alien species; and protected areas.

Administration of the Convention and budget for the 2007-2008 biennium

The COP approved a core programme budget (BY Fund) of US\$11,012,400 for 2007 and US\$11,390,600 for 2008. This represents a 5.9% increase (nominal growth) over the 2005-2006 budget. This increase is mainly due to the fact that the meetings of PAWG-2 and WGRI-2 will now be covered by the core budget (they were financed by the special voluntary fund (BE) in 2005-2006).

The core budget (BY Fund) will now include the following meetings:

- in 2007: SBSTTA-12 and WGRI-2 (to be held back to back); WG8J-5 and ABS-5 (to be held back to back).
- in 2008: SBSTTA-13 and PAWG-2 (to be held back to back); and COP9.

ABS-6 will have to be covered by the special voluntary fund (BE). However, Canada, Finland, France Norway, the Netherlands, Ireland and Switzerland have already pledged funds for that meeting.

The COP established a budget contact group, chaired by Ositadinma Anaedu of Nigeria, early in the first week. During the meetings of the budget contact group, Parties expressed concerns about the high vacancy rate in the Secretariat, which was also the main reason for not approving any new staffing for the Secretariat, as had been requested by the Executive Secretary (ES). The ES was authorized to draw, subject to the agreement of the Bureau, on available cash resources from the BY Fund, to cover shortfalls temporarily in the BZ fund, until such time as these shortfalls can be met with pledges in writing, but which have not yet been received by the ES.

The budget decision also includes a new paragraph 21 requesting the ES to develop procedures for the allocation of funding from the Special Voluntary Fund (BZ). A new paragraph 22 requires that all Parties who requested funding from the BZ Fund within 3 weeks of the official notification, be informed by the ES no later than 4 weeks prior to the relevant meeting, whether funding is available or not.

High Level Segment

COP-8 President Marina Silva defined two main objectives for the High Level Segment (HLS): first, to ensure that the implementation of the CBD and achievement of its objectives “are regarded as no less important than the implementation of other international agreements;” and second, to revive “the spirit of the Earth Summit.”

Ms. Silva’s report from the HLS contains a few general conclusions. It notes consensus around the principle that implementation of the CBD can only be achieved through “cross-cutting policies and actions.” It notes the essential role of education and awareness-raising, so that all major groups can better understand ecosystem services and risks to human society of their loss.

Ministers of Environment are seen as having a double responsibility: to promote the “mainstreaming” of biodiversity within their national governments, and to harmonize the positions of their countries in different inter-governmental forums. Finally, the report states that it is imperative to act more quickly at all levels to achieve the objectives of the Convention and its 2010 target, and it stresses the need to ensure secure, long-term funding for its implementation.

The HLS report also identifies three issues that were most highlighted in country statements:

- advances in protected areas establishment, including marine protected areas (MPAs);
- negotiation of an international Access and Benefit Sharing (ABS) regime; and
- financial support for implementation of the Convention and Global Environment Facility (GEF) replenishment.

Canada’s Head of Delegation, Cassie Doyle, participated actively throughout the HLS, attending panels on biodiversity and agriculture and ABS, and delivering a Canadian statement during the Ministerial Plenary, which was held the final day of the HLS. Canada’s statement highlighted the importance of: mainstreaming biodiversity; defining clear biodiversity outcomes; the “natural capital” approach to valuing ecological goods and services, and; a clear and considered process to developing an international regime on ABS that is built in parallel with and can accommodate domestic regimes.

Closing Session

In the closing session, President Silva summarized the outputs from the High Level Segment. She stressed that the 2010 biodiversity target and the Millennium Development Goals (MDGs) are mutually supportive and that the CBD’s 2010 target should be viewed as a milestone in achieving MDG-7 (ensuring environmental sustainability by 2015).

Germany repeated its offer, announced in the high-level segment, to host COP-9 in 2008. Parties welcomed the offer and called on donors to provide adequate financial resources to ensure full participation of Parties.