

### Working Group I

#### **Mountain biodiversity**

Final Decision: In the decision (UNEP/CBD/COP/7/L.29), the COP adopts the annexed work programme on mountain biodiversity, invites Parties to adopt outcome-oriented targets, and encourages governments to enter into partnerships in order to address the need for resources, human, technological and financial capacity to implement the work programme. The COP requests the Executive Secretary to: develop proposals on a small number of global outcome-oriented targets and timeframes relating to the 2010 target; and collect and share information about the role of mountain ecosystems in producing and maintaining freshwater resources, and about the consequences of climate change and desertification on mountain biodiversity.

The annexed work programme contains elements on direct actions for, means for implementing and supporting actions for conservation, sustainable use and benefit-sharing. Element 1: establishes goals to:

- prevent and mitigate the negative impacts of key threats to mountain biodiversity;
- protect, recover and restore mountain biodiversity;
- promote the sustainable use of mountain biological resources;
- promote ABS; and
- maintain genetic diversity in mountain ecosystems, in particular through preserving and maintaining traditional knowledge and practices.

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\* Key decisions taken at the Seventh Conference of Parties to the Convention on Biological Diversity (CBD) which was held in Kuala Lumpur, Malaysia from the February 9-20, 2004.

Element 2 sets goals to:

- enhance the legal, policy, institutional, and economic framework;
- respect, preserve, and maintain traditional knowledge; and
- establish regional and transboundary collaboration.

Element 3 establishes goals to:

- develop work on identification, monitoring and assessment;
- improve knowledge on, and methods for, assessing and monitoring the status of mountain biodiversity;
- improve the infrastructure for accurate assessment and monitoring and develop associated databases;
- improve research, technical and scientific cooperation, and other forms of capacity building;
- increase public education, participation and awareness; and
- promote the development, validation, and transfer of appropriate technologies for mountain ecosystems, including indigenous technologies in accordance with Article 8(j).

### **Protected Areas**

Final Decision: The final document (UNEP/CBD/COP/7/L.32) contains a decision and an annexed work programme.

In the decision, the COP:

- recognizes that the work programme should be implemented in the context of nationally determined priorities, capacities and needs;
- emphasizes: the need for capacity building in developing countries; and that the targets included in the work programme provide a framework within which national and/or regional targets may be developed, and activities prioritized according to national priorities and capacities; and
- underlines the importance to conserve biodiversity not only within but also outside PAs.

The COP calls on Parties to estimate the cost of implementing the necessary activities to meet the targets of the work programme and report back to

COP-8, and integrate PA objectives into their development strategies. Parties are further invited to consider options, such as ecological networks, ecological corridors, buffer zones and other approaches.

The COP requests the GEF to support the implementation of the work programme through various specific actions.

Regarding the work programme's overall objective, the COP adopts the annexed work programme with the objective of establishing and maintaining by 2010 for terrestrial areas, and by 2012 for marine areas, effectively managed and ecologically representative national and regional PA systems that contribute, through a global network, to achieving the three objectives of the Convention and the 2010 target. A definition of global network is footnoted.

The COP further:

- notes that the establishment, management and monitoring of PAs should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations;
- urges Parties to elaborate outcome-oriented targets; and
- decides to: establish an ad hoc open-ended working group on PAs to support and review implementation of the work programme; and assess progress in the implementation of the work programme at each COP meeting until 2010.

The Executive Secretary is requested to, *inter alia*, make arrangements to hold at least one meeting of the working group before COP-8.

The work programme consists of four programme elements, which contain goals, targets and suggested activities for the Parties and the Executive Secretary. Element 1 sets goals to:

- establish and strengthen national and regional PA systems integrated into a global network;
- integrate PAs into broader land- and seascapes and sectors;

- establish and strengthen regional networks, transboundary PAs and collaboration between neighboring PAs across national boundaries;
- substantially improve site-based PA planning and management; and
- prevent and mitigate the negative impacts of key threats to PAs.

Element 2 sets goals to:

- promote equity and benefit-sharing; and
- enhance and secure involvement of communities and relevant stakeholders.

Element 3 sets goals to:

- provide an enabling policy, institutional and socio-economic environment for PAs;
- build capacity for the planning, establishment and management of PAs;
- develop, apply and transfer appropriate technologies for PAs;
- ensure financial sustainability of PAs and national and regional systems of PAs; and
- strengthen CEPA.

Element 4 sets goals to:

- develop and adopt minimum standards and best practices for national and regional PA systems;
- evaluate and improve the effectiveness of PA management;
- assess and monitor PA status and trends; and
- ensure that scientific knowledge contributes to the establishment and effectiveness of PAs and PA systems.

### **Strategic plan**

Final Decision: In the decision (UNEP/CBD/COP/7/L.27), the COP recognizes the need to facilitate assessing progress towards the 2010 target, provide a flexible framework within which national and regional targets may be set, and establish a mechanism to review the Convention's implementation.

The COP decides to develop a framework to enhance the evaluation of achievements and progress in implementing the Strategic Plan, and agrees that a limited number of trial indicators be developed. The COP requests SBSTTA, with the assistance of an ad hoc technical expert group (AHTEG), to review the use of annexed indicators and develop additional ones. The COP requests the Working Groups on ABS and on Article 8(j) to explore the need and options for indicators for ABS.

The COP establishes goals and sub-targets to, *inter alia*, help assess progress towards the 2010 target, and promote coherence among the Convention's work programmes. It requests SBSTTA to refine proposals for integrating outcome-oriented targets into work programmes on inland water ecosystems and on marine and coastal biodiversity, and requests the Executive Secretary to prepare proposals for integrating goals and targets into the work programmes. The COP emphasizes the need for capacity building, and invites Parties, governments, and organizations to provide adequate and timely support for implementation.

The COP decides to allocate adequate time in subsequent COP, SBSTTA and Working Group meetings, and establishes an ad hoc open-ended Working Group on Review of Implementation of the Convention.

The decision includes three annexes, containing: provisional indicators for assessing progress towards the 2010 biodiversity targets; a provisional framework for goals and targets; and a general approach for integrating targets into the work programmes.

## **Thematic programmes of work**

### ***Forest biodiversity***

Final Decision: In the decision (UNEP/CBD/COP/7/L.13 A), the COP recommends incorporating relevant indicators into the work programme. It encourages regional-level cooperation, and invites enhancement of cross-sectoral integration and inter-sectoral collaboration. The COP also requests the Executive Secretary to: propose outcome-oriented targets to be integrated into the work programme; continue collaborating with other members of

the CPF on harmonizing and streamlining national reporting; and facilitate the full and effective participation of indigenous and local communities and other relevant stakeholders.

***Dry and sub-humid lands***

Final Decision: In the decision (UNEP/CBD/COP/7/L.13 B), the COP adopts a process for the periodic assessment of the status and trends of biodiversity of dry and sub-humid lands, and welcomes the joint work plan between the CBD and UN Convention to Combat Desertification (UNCCD). The decision requests the Executive Secretary, in consultation with Parties, to develop targets for implementation and, in collaboration with the Secretariats of other relevant conventions, to facilitate their synergistic implementation. It also urges Parties and relevant stakeholders to provide the necessary support

***Agricultural biodiversity***

Final Decision: In the decision (UNEP/CBD/COP/7/L.13 C), the COP takes note of the report of the AHTEG on GURTs, and requests its consideration by SBSTTA-10. It invites mainstreaming agricultural biodiversity into national plans and strategies, with the active participation of indigenous and local communities, and invites NGOs to assist Parties to build capacity to this end. The decision also requests the Executive Secretary to invite the FAO and other relevant organizations to address agricultural biodiversity, and urges ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR).

***Inland and water ecosystems***

In the decision, the COP encourages synergies between the CBD and the Ramsar Convention on Wetlands, and recognizes the need for human, technological and financial resources, and for reliable baseline data and regular national assessments of inland water biodiversity. The COP requests the Executive Secretary to develop, with the Secretariat of the Ramsar Convention, a proposal on streamlining national reporting. It urges Parties to incorporate the objectives and relevant activities of the work programme in their biodiversity strategies by 2005, and to share information and lessons

learned from the application of national and regional policies. The COP invites Parties to formulate and adopt outcome-oriented targets for each activity, including timescales, and requests SBSTTA to review Ramsar's interim classification system.

The work programme consists of goals, objectives and activities grouped under three programme elements.

Element 1 on conservation, sustainable use and benefit-sharing contains goals on: integrating the conservation and sustainable use of biodiversity into all relevant sectors of water resource and river basin management; establishing and maintaining comprehensive, adequate and representative systems of protected inland water ecosystems; enhancing the conservation status of inland water biological diversity; and addressing IAS.

Element 2 on the institutional and socio-economic enabling environment contains goals on: promoting the integration of conservation and sustainable use of inland water biodiversity into existing programmes and legislation, promoting technology and innovative approaches; providing incentives and valuation measures to support the conservation and sustainable use of inland water biodiversity, and to remove any perverse incentives; implementing the work programme for the Global Initiative on CEPA; and promoting participation.

Element 3 on knowledge, assessment and monitoring contains goals on: developing an improved understanding of inland water ecosystems; developing an improved understanding of threats to inland water ecosystems; performing impact assessments on projects and actions that might negatively affect inland water biodiversity, including cultural, environmental, and socioeconomic impact assessments, in accordance with the Akwé: Kon guidelines; and introducing and maintaining appropriate monitoring arrangements.

### ***Marine and coastal biodiversity***

Final Decision: The decision (UNEP/CBD/COP/7/L.31 and Add.1) contains sections on: the review of the work programme on marine and coastal

biodiversity; MCPAs; assessment, monitoring and research priorities; mariculture; deep seabed genetic resources beyond national jurisdiction; and conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction. The decision includes annexes on: the elaborated work programme; guidance for national marine and coastal biodiversity management frameworks; and data for assessing progress towards the global goal.

In the decision, the COP:

- agrees that the work programme should: be applied in accordance with national law, and where applicable, international law, including UNCLOS; and address issues related to biodiversity and climate change;
- extends the time period of the work programme by an additional six years; and
- notes the adoption of the International Maritime Organization's International Convention for the Control and Management of Ships' Ballast Water and Sediments.

Regarding MCPAs, the COP agrees:

- that the goal for work related to MCPAs under the Convention should be the establishment and maintenance of MCPAs that are effectively managed and ecologically based, and that contribute to a global network of MCPAs, building upon national and regional systems, and including a range of levels of protection;
- to develop a strategy to meet WSSD goals related to the conservation and management of oceans; and
- that full indigenous and local participation is important for achieving the global goal and for the establishing and maintaining MCPAs.

Parties are urged to adopt wider marine and coastal management frameworks taking into account the appended elements.

Regarding MPAs beyond national jurisdiction, the COP recognizes that the law of the sea provides a legal framework for regulating activities, and



requests the Executive Secretary to collaborate with the UN Secretary General and relevant bodies to identify mechanisms to establish and manage such MPAs.

Regarding international support for the creation of networks of MCPAs, the COP urges financial and technical support to establish a global system of MCPA networks, including identification and removal of barriers to their creation and removal of perverse incentives for unsustainable activities.

Regarding mariculture, the COP takes note of the negative and some positive effects of mariculture on biodiversity. The COP urges Parties to adopt: relevant techniques, some of which are listed in the decision, to avoid the adverse effects of mariculture; and relevant best management practices and legal and institutional arrangements for sustainable mariculture.

On conservation and sustainable use of deep seabed genetic resources beyond national jurisdiction, the COP requests the Executive Secretary to compile information on methods for identifying, assessing and monitoring deep seabed genetic resources, and report to SBSTTA. Parties are invited to identify activities and processes under their jurisdiction or control, which may have a significant adverse impact on deep seabed ecosystems and species beyond national jurisdiction.

Regarding conservation and sustainable use of biodiversity in marine areas beyond the limits of national jurisdiction, the COP calls on the UN General Assembly and other relevant organizations to urgently take measures to eliminate/avoid destructive practices, including the application of precaution and consideration of interim prohibition of destructive practices.

The elaborated work programme contains sections on: its vision, mission, goals and targets; basic principles; programme elements on integrated marine and coastal area management (IMCAM), marine and coastal living resources, MCPAs, mariculture, IAS, and general matters; enabling activities; and a time schedule. The work programme contains five appendices on: a work plan for coral bleaching; elements of a work plan on

coral reefs; elements of a marine and coastal biodiversity management framework; research priorities for MCPAs; and research and monitoring priorities for mariculture.

### **Monitoring and indicators**

Final Decision: In the decision (UNEP/CBD/COP/7/L.11), the COP, *inter alia*:

- requests SBSTTA to review the findings of the MA;
- recognizes the need to strengthen the scientific base for decisions;
- urges Parties and other governments to contribute case studies on experiences with environmental impact assessments (EIA) and strategic environmental assessments;
- encourages increased collaboration between the CBD and other conventions and organizations;
- encourages bilateral and multilateral funding agencies to assist developing countries and countries with economies in transition; and
- requests the CHM to develop an effective system of information sharing.

### **Biodiversity and climate change**

Final Decision: In the decision (UNEP/CBD/COP/7/L.16), the COP invites Parties to use the report of the AHTEG on Biodiversity and Climate Change to promote synergies between the CBD and UNFCCC. The COP notes that climate change mitigation and adaptation activities can be implemented in ways that are mutually beneficial, and that the ecosystem approach provides a framework for the integrated management of land, water and living resources. The COP invites financial support to developing country Parties, and requests the Executive Secretary to gather relevant material for promoting synergy between climate change mitigation and adaptation activities, and the conservation and sustainable use of biodiversity.

### **Global taxonomy initiative**

Final Decision: In the decision (UNEP/CBD/COP/7/L.12), the COP invites Parties to support taxonomic initiatives to attain the 2010 target, provide all necessary support to taxonomic centers of research and expertise, and

appoint national focal points. The COP urges Parties and the GEF to provide support to developing countries, and invites developed country Parties to support the GTI's Coordination Mechanism. The COP requests: Parties to report on the status of implementation of the GTI work programme; and the Executive Secretary to develop guidelines for in-depth review, undertake gap analyses regarding the taxonomic components of the existing work programmes, and facilitate synergistic cooperation between existing initiatives.

### **Global strategy for plant conservation**

Final Decision: In the decision (UNEP/CBD/COP/7/L.15), the COP encourages Parties to nominate focal points, and requests the Executive Secretary to develop a toolkit to assist Parties in integrating the GSPC targets into their strategies. The COP decides to integrate the GSPC targets into the CBD's thematic and relevant cross-cutting work programmes, and into the reporting framework for the third national reports.

### **Ecosystem approach**

Final Decision: In the decision (UNEP/CBD/COP/7/L.14), the COP calls on Parties to implement the ecosystem approach, noting that the guidelines need to be considered as voluntary instruments, adapted to local conditions and implemented in accordance with national legislation. It notes that SFM, ecosystem based management, integrated river basin management, integrated marine and coastal area management and responsible fisheries approaches may support implementation of the ecosystem approach. The COP requests the Executive Secretary to, *inter alia*, identify gaps in the coverage of existing tools and approaches, and recommends that Parties provide feedback on their experiences, share their expertise, and promote better understanding of the ecosystem approach. The decision includes annexes on the refinement and elaboration of the ecosystem approach, and consideration of the relationship between SFM and the ecosystem approach.

The implementation guidelines contained in Annex I relate, *inter alia*, to:

- decentralizing management;
- considering the effects of ecosystem management on adjacent ecosystems;

- managing ecosystems in an economic context;
- prioritizing the conservation of ecosystem structure and functioning;
- managing ecosystems within the limits of their functioning;
- setting long-term objectives to ecosystem management;
- seeking the appropriate balance between biodiversity conservation and management;
- considering all forms of relevant knowledge, including scientific and indigenous knowledge; and
- involving all sectors of society and scientific disciplines.

Annex II defines the conceptual basis of the ecosystem approach in relation to SFM, outlines proposals for integrating the ecosystem approach with SFM, and addresses the integration of the ecosystem approach into sectors and biomes corresponding to the Convention's thematic programmes

### **Sustainable use**

Final Decision: In the decision (UNEP/CBD/COP/7/L.17), the COP stresses the interlinkages between the Addis Ababa Principles and Guidelines for Sustainable Use and the ecosystem approach, which it identifies as the primary framework for action under the CBD. It recognizes the need to further elaborate the Principles and Guidelines, specifically with respect to domesticated species, breeds and varieties in the context of the work programme on agricultural biodiversity, and emphasizes the need for technology transfer and cooperation, and for capacity building.

The COP, *inter alia*, invites Parties to implement the Addis Ababa Principles and Guidelines at the national and local levels, taking into account obligations under other international agreements and existing frameworks of sustainable use. It requests SBSTTA to explore the applicability of the Principles and Guidelines to agricultural biodiversity, prior to COP-9.

The COP requests the Executive Secretary to:

- collect information and experiences on success stories, best practices and lessons learned;
- undertake further work on the use of terms for sustainable use, adaptive management, monitoring and indicators; and

- convene a series of technical experts workshops on ecosystem services assessment, financial costs and benefits of biodiversity conservation, and sustainable use of biological resources; and
- invite further research, transfer of technologies and financial support to assist in the implementation of the Principles and Guidelines at the national level.

The decision contains two annexes: a note on sustainable use, prepared for SBSTTA-9, and the Addis Ababa Principles and Guidelines.

### **Biodiversity and tourism**

Final Decision: In the decision (UNEP/CBD/COP/7/L.10), the COP adopts the annexed guidelines, notes their voluntary nature, and requests the Executive Secretary to develop a user manual and checklist, and make available a streamlined and user-friendly core set of improved voluntary guidelines. The COP emphasizes consistency with the Akwé: Kon Guidelines, and invites Parties to provide indigenous and local communities with capacity building and financial resources to support their active participation in tourism policy making. The COP calls for additional efforts to increase awareness on the Guidelines, and invites the Executive Secretary to report on progress made in their implementation and improvement.

The annexed guidelines consist of four parts regarding: scope; the policy making, development planning and management process; notification process and information requirements; and education, capacity building and awareness raising.

### **Invasive alien species**

Final Decision: In the decision (UNEP/CBD/COP/7/L.18), the COP notes the adoption of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, and requests the Executive Secretary to promote fuller consideration of issues relating to IAS in other international fora, and further collaborate with relevant organizations and initiatives. It invites the WTO to give consideration to risks from IAS in its deliberations, and requests the Executive Secretary to collaborate with the WTO

Secretariat to raise awareness on IAS-related issues, and renew his application for observer status in the WTO SPS Committee.

The COP invites Parties and organizations to, *inter alia*: improve coordination of regional measures to address transboundary issues; support national and regional decision-making; incorporate IAS considerations into regional agreements; allocate adequate financial resources to developing countries; and consider the introduction of positive incentive measures. It is noted that implementation of the paragraph on incentive measures should not promote incentives that negatively affect biodiversity of other countries.

The COP notes specific gaps in international regulatory frameworks and the potential for application of existing methodologies for assessment and analysis, and requests SBSTTA to establish an AHTEG to address these gaps and inconsistencies.

It requests the Executive Secretary to: address the priorities for practical actions identified in the COP decisions; and facilitate the development of practical processes to allow Parties to share best practices and lessons learned. It invites the GEF and other institutions to provide support to developing countries.

## **Working Group II**

### **Technology transfer**

Final Decision: In the decision (UNEP/CBD/COP/7/L.20), the COP adopts the annexed work programme on technology transfer and technological and scientific cooperation, and:

- decides that implementation of the work programme should be undertaken in close coordination with relevant activities of the Convention;
- invites Parties to convene national, subregional and regional workshops to exchange information and enhance capacity;
- requests the Executive Secretary to convene the informal advisory committee of the CHM to assist the Executive Secretary with

- providing advice on the CHM's possible role as a central mechanism for information exchange and facilitation of technology transfer;
- requests the Executive Secretary to establish an expert group on technology transfer and scientific and technological cooperation to assist with preparing proposals on measures and mechanisms to facilitate access to, and adaptation of, technologies;
  - invites Parties' development of innovative approaches and means of technology transfer and cooperation;
  - urges financial and technical support and training to assist in the implementation of the work programme; and
  - decides to provide further guidance to the GEF for capacity building, facilitating access to proprietary technologies, and providing incentives for technology diffusion.

The draft work programme contains four programme elements, which include objectives, operational targets, activities, main actors and timelines.

Programme Element 1 on technology assessments establishes targets on: national technology needs assessments; impacts and risk assessments; and dissemination of information and methodologies for assessments through the CHM.

Element 2 on information systems sets targets on: the development of the CHM as a central mechanism for information exchange and facilitating technology transfer and cooperation; national information systems and their linkages to international information systems; and further cooperation in the development of information systems.

Element 3 on enabling environments contains targets on: facilitation of access to, and transfer of, relevant technologies; and national frameworks to facilitate cooperation and access to, and adaptation and absorption of, relevant technologies.

Element 4 on capacity building and enhancement includes operational targets addressing capacity building for national technology assessments, information systems, national policy reviews and enabling environments.

### **CBD work programme and the millennium development goals**

Final Decision: In the decision (UNEP/CBD/COP/7/L.9), the COP urges the implementation of development activities in ways that are consistent with, and do not compromise, the achievement of the objectives of the CBD and the 2010 target. The COP invites integration of the MDGs into the Convention's work programmes, and requests the Executive Secretary to bring forward options for consideration at COP-8 for a cross-cutting initiative on biodiversity for food and nutrition.

### **Multi-year programme of work**

Final Decision: In the decision (UNEP/CBD/COP/7/L.7), the COP decides to:

- adopt the annexed MYPOW and the ToR for the AHTEG on Island Biodiversity;
- consider items identified as priorities by the WSSD when undertaking in-depth reviews of existing thematic areas and cross-cutting issues;
- identify, for each upcoming meeting, ways to address issues of overarching importance, particularly relevant socio-economic issues identified by the WSSD;
- assess progress in achieving the goals of the Convention's Strategic Plan, 2010 target and relevant MDGs at each of its meetings until 2010; and
- consider a maximum of six items for in-depth review at any COP.

The COP requests the Executive Secretary to develop a preparatory process for SBSTTA's work on island biodiversity, which includes electronic forums, an AHTEG and a liaison group, and allows for the widest possible input.

The annexed MYPOW identifies island biodiversity as the new issue for in-depth consideration, issues for in-depth review, and strategic issues for evaluating progress in implementation for COP-8, COP-9 and COP-10.

The annexed ToR for the AHTEG on Island Biodiversity contain a mandate to, *inter alia*:

- review the status of, and major threats to, island biodiversity;
- review how ongoing work under the Convention and other processes



is contributing to the implementation of the Convention's objectives regarding island ecosystems;

- identify significant gaps and constraints;
- develop proposals for a work programme; and
- develop global outcome-oriented targets pertaining to priority actions.

## **Operations of the convention**

### ***Review and consolidation of COP decisions***

Final Decision: In the decision (UNEP/CBD/COP/7/L.21), the COP retires COP-3 and COP-4 decisions listed in an annex, and adopts a phased process of consolidation of COP decisions to be undertaken under the guidance of the Bureau. The COP invites the UNEP Executive Director and the CBD Executive Secretary to review and revise the administrative arrangements between UNEP and the CBD Secretariat and report thereon to COP-8.

### ***Rule 21***

Final Decision: In the decision (UNEP/CBD/COP/7/L.21/Add.1), the COP notes that there has not been enough experience with the operation of the new arrangements, and decides to review at COP-8 the effectiveness of the changes to Rule 21, and Rule 4 of the Rules of Procedure relating to the periodicity of its ordinary meetings. The COP requests the Executive Secretary to seek the views of Parties on options for a mechanism for setting priorities during the COP.

## **Access and benefit-sharing**

Final Decision: The decision (UNEP/CBD/COP/7/L.28) provides for the following:

- Bonn Guidelines on ABS: The COP calls for promoting their implementation and encourages submission of information on experience and lessons learned.
- Use of terms: The COP requests submission to the ABS Working Group of a compilation of information
- Definitions of: access to genetic resources; benefit-sharing; commercialization; derivatives; provider; user; stakeholder; *ex-situ* collection; and voluntary nature.

- Other approaches: The COP requests a report on the basis of submissions on other approaches to complement the Bonn Guidelines, for consideration by the ABS Working Group.
- International ABS regime: The COP decides to mandate the ABS Working Group, with the collaboration of the Working Group on Article 8(j), to elaborate and negotiate an international ABS regime, with the aim of adopting an instrument/instruments. It calls for the necessary arrangements for the ABS Working Group to convene twice before COP-8.

It further: invites the cooperation of FAO, WTO, WIPO, and the International Union for the Protection of New Varieties of Plants (UPOV); encourages community participation; and requests the Executive Secretary to compile submissions on the regime's elements.

The annexed ToR for the ABS Working Group to negotiate an ABS regime includes terms on process; nature; scope, and elements. The ABS Working Group is called upon to: elaborate and negotiate the nature, scope and elements of an international ABS regime, drawing on, *inter alia*, an analysis of existing instruments; and examine whether the identified elements are part of these instruments, and address the gaps.

It is noted that the international regime could be composed of one or more instruments within a set of principles, norms, rules and decision-making procedures, legally-binding and/or non-binding. The regime's scope covers access to genetic resources and promotion and safeguarding of benefit-sharing and traditional knowledge, innovations and practices in accordance with Article 8(j).

A list of elements to be considered by the ABS Working Group includes, *inter alia*:

- measures ensuring: collaborative scientific research and sharing of its results; sharing of benefits arising from the utilization of genetic resources and their derivatives and products; compliance with national legislations on ABS, PIC and MAT; and compliance with PIC of

indigenous and local communities holding associated traditional knowledge;

- measures preventing unauthorized access to genetic resources;
- the issue of derivatives;
- certificates of origin/source/legal provenance;
- disclosure requirements in IPR applications;
- protection of community rights over their traditional knowledge and customary law;
- instruments to ensure benefit-sharing with communities;
- monitoring, compliance and enforcement;
- dispute settlement and/or arbitration; and
- relevant elements of existing instruments and processes.

Regarding measures to support compliance with PIC and MAT, the COP, *inter alia*, invites Parties to: establish national mechanisms to ensure compliance, when required by domestic law, with the obtaining of communities' PIC; and establish mechanisms to ensure benefit-sharing at the national level with relevant stakeholders and indigenous and local communities. The COP also requests the ABS Working Group to address issues related to an international certificate of origin/source/legal origin, and to identify issues related to disclosure requirements in IPR applications. The COP invites WIPO to examine issues regarding the interrelation of access to genetic resources and disclosure requirements in IPR applications, and requests the Executive Secretary to gather information on compliance-related issues and make the compilation available for the ABS Working Group's consideration.

Regarding capacity-building needs, the COP adopts the Action Plan on capacity building for ABS. The annexed Action Plan includes sections on: its objective; key areas requiring capacity building; mechanisms for implementation of capacity building; coordination; and an appendix on possible approaches for implementing identified activities.

### **Article 8(j)**

Final Decision: In the decision (UNEP/CBD/COP/7/L.19/Rev.1), the COP decides to hold one intersessional meeting of the Article 8(j) Working Group,

and requests the Executive Secretary to prepare a progress report on the integration of Article 8(j) into thematic areas.

Regarding GURTs, the COP: invites Parties to build capacity to enable farmers and indigenous communities to effectively participate in decision-making processes related to GURTs; invites comments on the recommendation of the AHTEG on GURTs, and urges the Article 8(j) Working Group to consider the potential adverse socioeconomic impacts of GURTs on communities at its next meeting.

Regarding phase one of the composite report on the status and trends of traditional knowledge, the COP urges Parties and communities to provide information through the CHM, and requests the Executive Secretary to continue work through regional workshops and additional information gathering.

Regarding phase two of the composite report, the COP encourages Parties to support community field studies to determine threats to traditional knowledge. It further calls for financial support for work on both phases and for the development of an action plan. The annexed draft elements of an action plan for the retention of traditional knowledge include: an improved monitoring and reporting process; indicators; research ethics; and capacity building, education and training.

On the Akwé: Kon Guidelines, annexed to the decision, the COP encourages: legal and institutional reviews of impact assessments; Parties to involve indigenous and local communities in impact assessments, take steps to ensure transparency, and provide the necessary capacity and funding to ensure that the measures are implemented; and communities to request application of the Guidelines when developments are proposed in their traditional territories.

Regarding participatory mechanisms, the COP reiterates its invitation to increase indigenous participation on delegations, and requests the Executive Secretary to compile information on indigenous participation in the CBD

and implementation at the national level, and to incorporate practical measures to enhance indigenous participation at SBSTTA and COP meetings. It decides to establish a voluntary funding mechanism under the CBD to facilitate indigenous participation, giving special priority to participation from developing countries, countries with economies in transition and SIDS. The COP also requests the Executive Secretary to further develop the role of the thematic focal point in the CHM, and to assist in developing communication networks for communities.

Regarding the development of elements of *sui generis* systems for the protection of traditional knowledge, the COP requests the Executive Secretary to compile information on customary laws and to develop a glossary of terms relevant to Article 8(j). It further decides on mechanisms for better cooperation between the ABS and Article 8(j) Working Groups. It requests the Article 8(j) Working Group, in collaboration with relevant international organizations, to:

- consider forms of, and develop as a priority issue, elements for *sui generis* systems for the protection of traditional knowledge;
- review the relevance and applicability of the Bonn Guidelines to the Article 8(j) Working Group;
- assess the role of databases and registers; and
- explore the conditions under which the use of existing IPRs can contribute to reaching the objectives of Article 8(j).

An annex contains potential draft elements to be considered in the development of a *sui generis* system for the protection of traditional knowledge.

Regarding recommendations of the UN Permanent Forum on Indigenous Issues (PFII) to the CBD, the COP requests the Executive Secretary to contribute to the preparation of a report on the implementation of Chapter 26 (indigenous peoples) of Agenda 21, and transmit the Akwé: Kon Guidelines to the third session of the PFII.

The COP requests the Article 8(j) Working Group to develop draft elements of an ethical code of conduct to ensure respect for the cultural heritage of

indigenous and local communities for biodiversity conservation and sustainable use.

### **Scientific and technical cooperation and the CHM**

Final Decision: The decision (UNEP/CBD/COP/7/L.6) includes sections on the CHM and operational procedures for the CHM's informal advisory committee.

The COP decides to extend the mandate of the CHM's informal advisory committee and review its mandate at COP-9. The COP calls upon Parties to: use the CHM toolkit to establish national focal points and websites; contribute resources for translation; and use controlled CBD vocabulary to facilitate inter-operability among national CHMs. It invites developed country Parties to develop regional CHMs, and to assist developing country Parties.

The COP requests the Executive Secretary to, *inter alia*: use the CHM to strengthen collaboration with international partners and organizations; update the CHM's strategic plan; convene regional workshops; update the CHM toolkit; and develop a web portal on island biodiversity. It also calls on the CHM's informal advisory committee to assess the results of the independent review of the CHM, and assist the Executive Secretary to strengthen the CHM's role in promoting technical and scientific cooperation.

The COP decides to adopt the annexed operational procedures for the CHM's informal advisory committee. The operational procedures include sections on: objectives, operational procedures, membership, Chair, and meetings.

### **Communication, education and public awareness**

Final Decision: In the decision (UNEP/CBD/COP/7/L.22), the COP invites Parties to take into consideration the need to communicate the 2010 target and to establish appropriate linkages to the Decade on Education for Sustainable Development in the implementation of national CEPA programmes.

It further requests the Executive Secretary to:

- allocate a specific CEPA post in the Secretariat;
- convene an informal advisory committee on CEPA at the next SBSTTA meeting to further develop the CEPA work programme; and
- continue collaborative efforts with CEPA programmes of other relevant organizations, including the Rio Conventions.

The COP also invites financial support for the implementation of the CEPA work programme and national CEPA programmes, and requests Parties to contribute to the second edition of the Global Biodiversity Outlook.

### **Financial resources and mechanism**

Final Decision on additional financial resources: In the first decision (UNEP/CBD/COP/7/L.24), the COP welcomes the replenishment of the GEF, and urges Parties to: take action to ensure effective implementation of the work programmes, the Strategic Plan, and associated targets; and implement the Monterrey Consensus on Financing for Development. The COP encourages Parties to further explore opportunities to utilize debt relief instruments, and invites them to enhance the integration of biodiversity into their sectoral development and assistance programmes. The COP requests the Executive Secretary to continue compiling and disseminating biodiversity-related funding information.

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Final Decision on arrangements for the third review of the effectiveness of the financial mechanism: In the decision (UNEP/CBD/COP/7/L.25), the COP adopts the annexed guidelines for the third review of the effectiveness of the GEF, containing the objectives, methodology, criteria and procedures of the review, which is to be conducted prior to COP-8 by an independent evaluator and under the authority of the COP. It further decides to take appropriate action to improve the effectiveness of the mechanism, if necessary, on the basis of the review.

Final Decision on further guidance to the GEF: In the decision (UNEP/CBD/COP/7/L.26), the COP decides that the GEF shall provide financial resources to developing country Parties for country-driven activities and programmes, consistent with national priorities and objectives, and taking fully into consideration all relevant decisions from the Conference of the Parties. The decision further contains specific guidance related to COP-7 decisions.

### **National reporting**

Final Decision: In the decision (UNEP/CBD/COP/7/L.8), the COP requests Parties to facilitate the preparation of the third national report and, along with donors, to strengthen Parties' capacities in implementing the Convention. The COP further requests the GEF to expedite and simplify its procedures for allocating funds to prepare national reports. The COP also requests Parties to submit as much information as available for evaluating the CBD's implementation and progress towards the 2010 target

### **Liability and redress**

Final Decision: In the decision (UNEP/CBD/COP/7/L.5), the COP: renews its request to the Executive Secretary to convene a group of legal and technical experts on liability and redress; and urges Parties to make the necessary voluntary financial contributions.

### **Incentive measures**

Final Decision: In the decision (UNEP/CBD/COP/7/L.33), the COP encourages Parties to use the annexed draft proposals as voluntary interim



guidance for ways to mitigate perverse incentives, and requests SBSTTA-10 to further refine them.

Regarding implementation of the work programme on incentive measures, the COP invites Parties and international organizations to submit case studies on non-monetary positive incentives for the conservation and sustainable use of biodiversity. The COP requests the Executive Secretary to: prepare a synthesis report and an analysis of instruments that provide positive incentives, for consideration by SBSTTA prior to COP-8; and explore existing methodologies for the valuation of biodiversity by preparing a compilation of existing valuation tools. The annexed draft proposals for ways to mitigate perverse incentives remain in brackets. The proposals contain sections on: general considerations, identification of policies or practices that generate perverse incentives; design and implementation of appropriate reforms; and monitoring, enforcement and evaluation of reforms.

### **Cooperation with other conventions**

Final Decision: In the decision (UNEP/CBD/COP/7/L.23), the COP recognizes the leading role of UNEP in environmental issues, the role of the Joint Liaison Group for coordination between the Rio Conventions and the CPF in forestry issues. It urges enhanced cooperation and reduction of inefficiencies between the CBD and all relevant international conventions. It requests the Executive Secretary to invite the Secretariats of the biodiversity-related conventions to form a liaison group to enhance coherence, examine options for a flexible framework between all relevant actors, such as a global partnership on biodiversity, and report to COP-8 on possible ways forward. It further requests the Executive Secretary to renew his application for observer status in relevant WTO bodies, and to inform the Working Group on the Review of the Implementation of the Convention on ongoing work on cooperation.

*Source: Earth Negotiation Bulletin.*