

CBD

Fifth Conference of the Parties

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Introduction

The Fifth Conference of the Parties (COP-5) to the Convention on Biological Diversity (CBD) took place from 15-26 May 2000 at the Headquarters of the United Nations Environment Programme (UNEP) in Nairobi, Kenya.¹

COP-5 was attended by approximately 1500 participants representing Parties, observer States, intergovernmental and non-governmental organizations. During the two week meeting the delegates discussed and adopted decisions on a wide range of issues. COP-5 had to deal with a particularly heavy workload. Delegates addressed the implementation of the four existing thematic work programmes; the various cross-cutting issues and mechanisms for implementation of the Convention; and important proposals related to the operations of the Convention. For the first time the COP also considered a single thematic area (the new thematic area on dry and sub-humid lands) and two cross-sectoral issues (sustainable use and access to genetic resources) in-depth. The delegates managed to cope successfully with all of these issues in a positive and efficient manner.

Opening Plenary Session

The meeting was opened on 15 May 2000 by the President of COP-4, László Miklós (Slovakia). In his opening statement he outlined the achievements made since COP-4, in particular the successful negotiation of the Cartagena Protocol on Biosafety. He also pointed out that the preparations for COP-5 were the best so far, something that would facilitate dealing with the heavy agenda of the meeting.

The Executive Secretary of the CBD, Hamdallah Zedan, also noted that the meetings that had been convened in the inter-sessional period had been particularly productive. They had provided important contributions to advancing the implementation of the Convention, moving towards agreement on key concepts and mapping out direction for future actions.

The Executive Director of UNEP, Klaus Töpfer, stated that a renewed positive and cooperative approach was essential to the success of the Convention. Referring to Africa, he reminded delegates of the interrelation between biodiversity and poverty and the urgent need for cooperation between developed and developing countries in areas such as debt relief, capacity building, technology transfer and benefit-sharing.

In his address to the COP, Kenyan President Daniel arap Moi noted that biodiversity provided the natural resource base for socio-economic development for present and future generations. He said that there was a need to develop realistic levels of international action and sub-

stantial flows of aid in the form of investments towards sustainable activities to enable the Convention to play an effective role in this respect.

Statements were also made during the opening session by representatives of several organizations, including the Food and Agricultural Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Ramsar Convention on Wetlands, the World Intellectual Property Organization (WIPO) and the Convention on Migratory Species. The representative of the Global Biodiversity Forum presented the results of its 15th session, held immediately before COP-5. The Forum had focused on three key themes: biodiversity for poverty alleviation; instruments for access and benefit-sharing from genetic resources; and dryland ecosystems as an illustration of agricultural biodiversity and sustainable livelihoods. A statement was also made by the representative of the International Indigenous Forum, urging the delegates to support continuation of the work of the *Ad Hoc* Working Group on Article 8(j) and Related Provisions and to guarantee full and effective participation of indigenous peoples in all Convention processes.

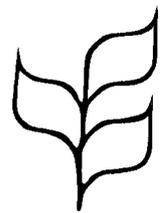
Francis Nyenze, the Minister of Environment and Natural Resources of Kenya, was elected by acclamation as the President of COP-5.

Organizational Matters

In the following two weeks the delegates at COP-5 met in several Plenary and working group meetings. Two working groups were established.

Working Group I, chaired by Peter Schei (Norway), considered the issues relating to the thematic areas on inland water ecosystems; marine and coastal biodiversity; forest biodiversity; agricultural biodiversity and the priority issue of dryland and sub-humid ecosystems. It also considered the cross-cutting issues of the ecosystem approach; alien species; the Global Strategy for Plant Conservation; the Global Taxonomy initiative; sustainable use and incentive measures.

Working Group II, chaired by Elaine Fisher (Jamaica), dealt with the issues of access and benefit sharing; identi-



* Netherlands Institute for the Law of the Sea.

¹ See also web site at <http://www.biodiv.org/Cop5/> and the *Earth Negotiations Bulletin*, Volume 9, Nos. 150-160.

² CBD Decisions adopted at the Fifth Conference of the Parties, Nairobi, 15-26 May 2000 to be printed in "International Protection of the Environment" (Oceana Publications, INC. Dobbs Ferry, New York)

fication, monitoring and assessment, and indicators; operations of the Convention; financial resources and mechanism; scientific and technical cooperation and the Clearing House Mechanism; Article 8(j) and related provisions; education and public awareness; impact assessment, liability and redress; and national reporting.

A Ministerial Roundtable and a High-Level segment on the Cartagena Protocol on Biosafety, including a special signing ceremony, were convened during the second week of the meeting.

The following contains a summary of the main decisions adopted at COP-5 in order of the meeting's agenda.

Reports from Inter-sessional Meetings

COP-5 took note of the reports and recommendations resulting from the various meetings that were convened in the inter-sessional period. These included the two meetings of the Subsidiary Body for Scientific, Technical and Technological Advice that were convened in Montreal, Canada from 21-25 June 1999 (SBSTTA-4) and from 31 January – 4 February 2000 (SBSTTA-5). An Inter-sessional Meeting on the Operations of the Convention (ISOC) was convened, pursuant to COP-4 decision IV/16, in Montreal directly after SBSTTA-4 from 28-30 June 1999. ISOC considered possible arrangements to improve preparations for and conduct of COP meetings and also held preparatory discussions on the issue of access to genetic resources.

Other inter-sessional meetings included several working group and expert panel meetings. These included, in particular, the Panel of Experts on Access and Benefit Sharing, which met in Costa Rica from 4-8 October 1999 and the *Ad Hoc* Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, convened in Spain from 27-31 March 2000. The COP took note of the reports and recommendations resulting from these and other meetings.

The delegates also considered the report on the status of the Cartagena Protocol prepared by the Open-ended *Ad Hoc* Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP). This Committee was established at the Extraordinary Meeting of the COP for the Adoption of the Protocol on Biosafety to the CBD (see *infra*). The ICCP's task is to prepare for the first meeting of Parties to the Protocol. A proposed work plan for the Committee was drawn up by the Bureau of the ICCP in collaboration with the Executive Secretary. This work plan was the subject of considerable debate among the delegates, in particular regarding the question whether the Committee should merely deal with preparatory work or also initiate substantive discussions on more contentious issues. In the decision² that was adopted on this issue (V/1), the COP emphasized the preparatory character of the Committee and endorsed the work plan for the ICCP. The work plan is contained in the Annex to the decision. It specifies the issues to be considered by the Committee at its first and second meeting. The first meeting will be convened from 11 to 15 December 2000 in Montpellier, France.

Thematic Areas

The implementation of the Convention has thus far been initiated in four thematic areas: biodiversity of inland waters; marine and coastal biodiversity; forest biodiversity; and agricultural biodiversity. At COP-5 a fifth thematic work programme was launched for biodiversity of dry and sub-humid lands (see *infra* at priority issues).

Inland Water Ecosystems

On this agenda item the delegates considered a progress report prepared by the Secretariat on the implementation of the work programme contained in decision IV/4 and a SBSTTA recommendation. The COP adopted a decision (V/2) which in particular recognizes the need for continued cooperation between the CBD and other conventions and bodies dealing with different aspects of inland water biological diversity. It endorses the new joint work plan for the period 2000-2001 between the CBD and the Ramsar Convention on Wetlands, which includes a River Basin Initiative. The decision contains specific actions for Parties, the Executive Secretary and SBSTTA.

Parties are encouraged to address the lack of information on the status of inland water biodiversity and to include this information in their national reports. The Executive Secretary is requested to report before COP-7 on the ways and means to implement the programme of work and obstacles encountered; to compile systematically relevant information and to report on his efforts to SBSTTA.

SBSTTA is requested to consider the recommendations contained in the forthcoming report of the World Commission on Dams and to make recommendations to COP-6 for the introduction of suitable elements into the work programme on inland water ecosystems. It is also requested to include in its review before COP-7 advice on the further elaboration and refinement of this programme of work. With regard to the latter, SBSTTA is to have due regard to issues such as water supply, land use and tenure, pollution, alien invasive species, the effects of El Niño, and environmental impact assessment.

The decision also invites relevant organizations and activities, in particular the Global International Waters Assessment, to contribute to the assessment of inland water biological diversity and to integrate a biological diversity component fully in their methodology protocols. Finally, it urges the implementation of capacity-building measures for comprehensive assessments, capacity-building programmes for monitoring the implementation of the work programme and for information-gathering and dissemination among the riparian communities.

Marine and Coastal Biodiversity

The documents prepared for the meeting on this agenda item included a progress report on the implementation of the work programme contained in decision IV/5 and several information documents prepared by the Secretariat. The delegates considered the relevant SBSTTA recommendation and adopted a decision (V/3), which recalls the need to address the implementation of the work programme in a holistic manner and stresses the importance

of regional approaches. It contains general actions concerning the application of tools used for the implementation of the work programme and specific actions to further the work with regard to coral reefs; integrated marine and coastal area management; marine and coastal living resources; alien species and genotypes; expert groups; and cooperation.

The decision endorses the integration of a new work element on coral reefs into the programme element on marine and coastal living resources of the work programme, which will have a minimum duration of three years. The decision also endorses the priority areas for action on coral bleaching identified by the Expert Consultation on Coral Bleaching convened in Manila from 11-13 October 1999, which are contained in the Annex to the decision. It requests the Executive Secretary to develop and implement a specific work plan on coral bleaching in cooperation with the UN Framework Convention on Climate Change (FCCC) and in liaison with other relevant international organizations and bodies.

With regard to the programme element of integrated marine and coastal area management, it was decided that future work should focus on coastal areas. The decision endorses further work on the development of guidelines for such areas. SBBSTA is encouraged to continue work on ecosystem evaluation and assessment.

On marine and coastal living resources, the decision requests the Executive Secretary to gather and disseminate information on local and indigenous communities' management approaches and SBSSTTA to analyze and provide advice on marine and coastal genetic resources. Significantly, the decision also calls on SBSTTA to consider and prioritize several issues that have thus far received limited attention, most notably the use of sustainable fishing practices (including the effects on biodiversity of discard of by-catch). Other issues to be considered and prioritized include: the lack of use of marine and coastal protected areas in the context of marine living resources management and conservation; the economic value of marine and coastal resources, including sea grasses, mangroves and other coastal ecosystems; and capacity building for undertaking stock assessment and for evaluations.

With regard to alien species, the Executive Secretary is requested to make use of existing information, expertise and best practices in the implementation of this programme element.

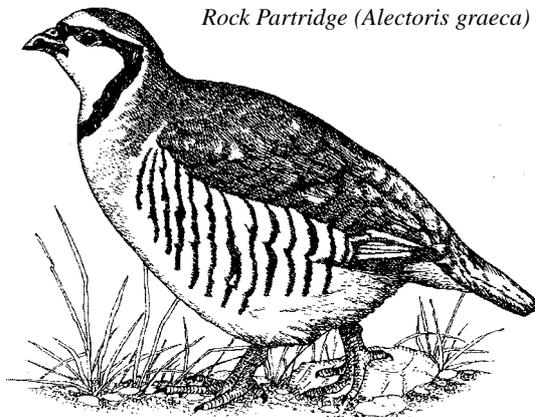
The decision also provides for the establishment of two *ad hoc* technical expert groups, one on marine and coastal protected areas and the other on mariculture and approved their terms of reference and the duration of work. On cooperation, the decision invites UNESCO to continue its strong involvement in the implementation of the work

programme; the Executive Secretary to further strengthen cooperation with other global conventions and to coordinate with regional seas conventions and action plans to explore further collaboration.

Forest Biodiversity

The delegates discussed progress in implementing the work programme on forest biodiversity contained in decision IV/7 and considered the relevant SBBSTA recommendation. They adopted a decision (V/4) urging Parties, Governments and relevant organizations to advance implementation of the work programme. Despite the fact that there was considerable support for expanding the focus of the work programme from research to practical action, the decision only states that this will be given consideration at COP-6.

The decision provides for the establishment of an *ad hoc* technical expert group on forest biological diversity to assist the SBSTTA in its work on this thematic issue. During the meeting proposals were made to establish also



Rock Partridge (*Alectoris graeca*)

Courtesy: Netzwerkinfo Alpenschutzgebiete

a policy oriented working group, but no consensus could be reached on such a group. According to the terms of reference, which are specified in the annex to the decision, the technical expert group is to provide advice on scientific programmes and international cooperation in research and development. It is also directed to carry out a review of available information on the status and trends of, and major threats to, forest biodiversity and identify options and suggest priority actions, timeframes and relevant actors, as well as innovative, efficient and state-of-the-art technologies and know-how

relating to assessment, planning, valuation, conservation and sustainable use of forest biodiversity. The working group is expected to complete its work not later than SBSTTA-7, in time for COP-6 when forest biodiversity will be considered as a priority issue.

Furthermore, the decision includes a request to the Parties and other relevant bodies and organizations to provide information on the implementation of the work programme. It requests SBSTTA to consider before COP-6 the impact of climate change on forest biodiversity; the causes and effects of human induced uncontrolled forest fires and the impact of harvesting non-timber forest resources, including bushmeat and living botanical resources. It also calls for stronger collaboration with other competent organizations.

Agricultural Biodiversity

Delegates considered the review of phase I of the programme of work on agricultural biodiversity; the relevant SBSTTA recommendations and several information documents. The decision (V/5) that was considered and adopted

contains a multi-year programme of work on agricultural biodiversity. It also provides for the establishment of an International Initiative for the Conservation and Sustainable Use of Pollinators and the integration of the issue of genetic use restriction technologies into the work programme.

The multi-year programme of work that was endorsed by the COP is contained in the Annex to the decision. It restates the objectives of the Convention in this area, as already detailed in COP decision III/1. The work programme consists of four elements, which are intended to be mutually reinforcing. They comprise a comprehensive analysis of status and trends, underlying causes and local knowledge of management of the world's agricultural biodiversity (assessments); identification of management practices, technologies and policies (adaptive management); strengthening of the capacities of stakeholders (capacity-building); and supporting the development of national plans and strategies and promoting their integration in (cross)sectoral plans and programmes (mainstreaming). For each of these programme elements, the decision outlines specific activities; the ways and means they are to be implemented; and the timing of expected outputs. An Appendix to the Annex contains a description of the scope of the term agricultural biodiversity.

Among other issues considered in respect of the programme of work, the decision urges the FAO Commission on Genetic Resources to finalize the International Undertaking on Plant Genetic Resources. In the decision, the COP affirms its willingness to consider a decision by the Conference of the FAO that the International Undertaking become a legally binding instrument with strong links to both the FAO and the CBD.

The COP also decided to establish an International Initiative for the Conservation and Sustainable Use of Pollinators as a cross-cutting initiative within the programme of work on agricultural biodiversity. Its aim is to promote coordinated action worldwide to: (a) monitor pollinator decline, its causes and its impact on pollination services; (b) address the lack of taxonomic information; (c) assess their economic value; and (d) promote the conservation, restoration and sustainable use of pollinator diversity in agriculture and related ecosystems. The FAO is requested to facilitate and coordinate the Initiative.

With regard to genetic use restriction technologies, the COP decided to continue the work on this issue under the umbrella of, and integrated into, each of the four elements of the multi-year programme of work and invited SBSTTA to report to COP-6. They also recommended that products incorporating such technologies should, in accordance with the precautionary approach, not be approved by Parties for field testing until appropriate scientific data is available on the potential risks involved. The decision invites the FAO and other relevant bodies to study the potential implications of genetic use restriction technologies on agricultural biodiversity, to identify policy and socioeconomic issues and to provide information to COP-6. The Executive Secretary is requested to prepare a report on their potential impacts on indigenous and local communities and farmers' rights.

Cross-cutting issues

In addition to the thematic areas, the COP's agenda also consists of several key cross-cutting issues, which are of relevance for all thematic areas and the implementation of the Convention's substantive provisions in general. The cross-cutting issues that were addressed at COP-5 included the following.

Ecosystem Approach

At previous meetings the COP adopted the ecosystem approach as the primary framework for the analysis and implementation of the objectives of the Convention, and the elaboration and implementation of the various thematic and cross-cutting work programmes. At COP-4 it was acknowledged that there is a need for a workable description and further elaboration of the concept. The delegates at COP-5 had before them a recommendation of SBSTTA intended to further refine and develop the concept, as requested by the COP at its fourth meeting. The recommendation contains a description, 12 general principles and five points as operational guidance for the application of the ecosystem approach.

The COP adopted a decision (V/6) endorsing the description of the concept and operational guidance and recommending the application of the principles, as reflecting the present level of common understanding. It encourages further elaboration and practical verification of the ecosystem approach. To this end, Parties, other Governments and international organizations are called upon to apply, as appropriate, the ecosystem approach, and invites them to identify case-studies and implement pilot projects, and to organize workshops and consultations.

The Executive Secretary is requested to prepare a synthesis of case-studies and lessons learned to SBSTTA, which is in its turn requested to review, at a meeting prior to COP-7, the principles and guidelines of the ecosystem approach, to prepare guidelines for its implementation and to review the incorporation of the concept into the various work programmes. The COP decision also contains an invitation to provide technical and financial support and encourages Parties and Governments to promote regional cooperation. It is suggested that such cooperation may involve joint declarations or memoranda of understanding in applying the ecosystem approach across national borders.

Identification, Monitoring and Assessment, and Indicators

The decision (V/7) that was adopted at COP-5 concerning these issues requests the Executive Secretary to carry out the pending activities set out in the work programme on indicators of biodiversity and, in particular, to develop a set of principles for designing national-level monitoring programmes and indicators and a key set of standard questions and a list of available and potential indicators covering the main biodiversity levels that may be used by Parties at their national level and in national reporting. The Executive Secretary is requested to produce an interim report on progress, including the ongoing work on incentives, for review by SBSTTA and to submit

a final report on the conclusions of this initiative to COP-6. The decision encourages Parties and Governments to establish or increase regional cooperation in this field and invites them to assist other Parties to increase their capacity to develop and use indicators.

Alien Species

The delegates discussed two SBSTTA recommendations on this issue containing, *inter alia*, a set of interim guiding principles for the prevention, introduction and mitigation of impacts of alien species. There was support for the interim guiding principles, but disagreement as to future directions with regard to this issue. Proposals were made to consider the development of an international instrument under the Convention. Several States opposed such action, but the option was retained for consideration at COP-6 in the decision that was adopted (V/8). COP-6 will also consider the possibilities for further developing the guiding principles, as well as other options.

The decision urges Parties, Governments and relevant organizations to apply the guiding principles, which are contained in Annex I. It also contains requests to submit case-studies and written comments on the principles to the Executive Secretary (an outline for case-studies is contained in Annex II). It urges them to give priority to the development and implementation of alien invasive species strategies and action plans; mechanisms for trans-boundary, regional and multilateral cooperation; to prioritize geographically and evolutionarily isolated ecosystems; and to use the ecosystem, precautionary and biogeographic approaches, as appropriate.

The Global Invasive Species Programme is requested, in developing a global strategy to deal with alien invasive species, to ensure consistency with the relevant provisions of the CBD and decisions taken within its framework, and is invited to report to SBSTTA on the first phase of its work. The Executive Secretary is requested to cooperate with other international bodies and relevant instruments and to assist, in collaboration with other competent organizations, Parties to the Convention, and to develop a paper for consideration by SBSTTA and COP-6 containing a comprehensive review on efficiency and efficacy of existing measures; a progress report; and all options for future work on alien invasive species under the Convention.

The issue of alien species will be considered in-depth at COP-6.

Global Taxonomy Initiative

At previous meetings the COP has acknowledged that the lack of taxonomic knowledge is one of the key obstacles in the implementation of the Convention. In order to implement and further advance action in respect of the Global Taxonomy Initiative (GTI), the delegates decided at COP-5 to establish a GTI coordination mechanism to assist the Executive Secretary to facilitate international cooperation and coordinate activities in respect of this initiative.

The nature and terms of reference for the coordination mechanism were the subject of some debate among

the delegates. The Annex to the decision (V/9) containing the terms of reference provides that as short-term activities the mechanism is to assist the Executive Secretary in developing a work programme for the GTI and convening regional meetings to prioritize the most urgent global taxonomic needs for consideration by SBSTTA. The decision provides that the work programme is to define time-tables, goals, products and pilot projects. Membership of the coordination mechanism is to be based on regional representation and includes participation by some of the leading relevant organizations.

The decision also contains a list of priority activities for States Parties and Governments to further the GTI and it requests them to designate national focal points by 31 December 2000.

Global Strategy for Plant Conservation

This issue was added to the agenda at the beginning of COP-5 and discussed with the agenda item on alien species. The delegates adopted a decision (V/10) stating that plant diversity is a common concern of humankind and an essential resource for the planet. It expresses the concern that as many as two thirds of the world's plant species may be in danger of extinction in nature during the course of the twenty-first century. While recognizing the cross-cutting nature of plant conservation and the important role of other existing initiatives in this field, the COP has decided to consider at COP-6 the establishment of a global strategy for plant conservation. To this end SBSTTA is requested to make recommendations to the COP based on information provided by the Executive Secretary, which is requested to solicit the views of Parties and to liaise with relevant organizations.

Mechanisms for Implementation

Financial Resources and Mechanisms

Three decisions were adopted by the COP on the financial mechanism of the Convention, which continues to be operated by the Global Environment Facility (GEF), and additional financial resources.

With regard to additional financial resources, the COP adopted a decision (V/11) requesting the Executive Secretary to further develop a database on biodiversity-related funding information and to convene, with the assistance of GEF and in collaboration with other relevant international organizations, a workshop on financing for biodiversity. Among others, this decision also calls for States Parties to establish a process to monitor financial support; for funding institutions and other relevant organizations to designate focal points; and determines that the involvement of the private sector will be included on the agenda of the COP and is to be integrated into the sectoral and thematic items under its programme of work.

On the financial mechanism, the COP adopted a decision (V/12) containing the terms of reference for the second review of its effectiveness. It establishes the review's objectives, methodology, criteria and procedure. The second review is to be completed in time for COP-6.

As at previous COP meetings, the delegates also

adopted a decision (V/13) containing further guidance to the financial mechanism. It states that the GEF should provide support for projects utilizing the ecosystem approach and, as a priority, for projects which implement the programmes of work on agricultural, dryland and forest biodiversity. In addition to these, the decision lists a wide range of projects and activities intended to further the implementation of the Convention to be supported by GEF.

Scientific and Technical Cooperation and the Clearing House Mechanism

The delegates at COP-5 discussed several issues relating to the further implementation of the Clearing House Mechanism (CHM), which promotes and facilitates technical and scientific cooperation under the Convention. The COP had before it the results of the independent review of the pilot phase of the CHM, a proposed strategic plan and a longer-term programme of work for the CHM and the relevant SBSTTA recommendation.

In the relevant decision (V/14), the COP provides support for the implementation of the strategic plan for the CHM and endorses the proposed longer-term programme of work. It requests the Executive Secretary to monitor and review the operation of the CHM and report to COP-6. The decision also clarifies the mandate of the informal advisory committee, which was established at COP-3 to assist the CHM. It contains the objectives of the committee and provides that its continuation and mandate will be reviewed at COP-7. The Annexes to the decision contain specific measures and activities to be undertaken by Parties and Governments and the Executive Secretary.

Indigenous and Local Communities

The COP considered the results of the first meeting of the *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions, which was established at COP-4. There was general support for the recommendations of the Working Group and many delegates supported its continuation. Requests were made for full and effective participation of indigenous groups and local communities in the operation and implementation of the Convention. A contact group was established, which focused on the draft programme of work on the implementation of Article 8(j) and related provisions. Considerable time was spent on the elements of the draft work programme and the prioritization of specific tasks, in particular with regard to the legal elements.

The decision that was adopted on this issue (V/16) endorses the programme of work as contained in the Annex. The Annex contains the objectives of the work programme, general principles and specific tasks to be performed in each of the two phases of the programme. The decision prioritizes the various tasks of the first phase of the work programme. The tasks are to be implemented by the Executive Secretary, the *Ad Hoc* Working Group and Parties, with full and effective participation of indigenous and local communities. The decision extends the mandate of the *Ad Hoc* Working Group to review progress in the implementation of the priority tasks of its pro-

gramme of work. The Working Group is requested to report to COP-6.

Following the adoption of the decision, a representative of the International Indigenous Forum on Biodiversity expressed great satisfaction at the positive action taken by the COP and the level of participation of the indigenous and local community representatives in the deliberations regarding this issue. She noted several issues considered vital to indigenous peoples which still needed further consideration.

Education and Public Awareness

The Secretariat introduced a report to the COP on the feasibility of a global initiative with UNESCO on biodiversity education, training and public awareness. UNESCO stated that there was a need to involve relevant organizations in the joint global initiative and focus on formal and informal education. One delegation expressed concern over the implementation of such an extremely ambitious initiative. Others noted that the initiative does not cover cross-cutting and thematic issues, in particular Article 8(j) and capacity building, and suggested the convening of an inter-sessional review mechanism prior to COP-6.

The COP adopted a decision (V/17) on this issue requesting the Executive Secretary to convene a consultative working group of experts, including representatives of all relevant international organizations, to further advance the proposed global initiative and identify priority activities. It also endorses the inclusion of education and public awareness in discussions on the thematic programmes of work. Among other issues, the decision also request the Executive Secretary to designate a theme each year for the International Day for Biological Diversity and consult with the UN Secretariat on the possibilities of changing the designated date of this day to 22 May.

Impact Assessment, Liability and Redress

With regard to impact assessment, delegates called for integrating biodiversity into environmental impact assessments (EIAs); information sharing and capacity building. During the discussions on liability and redress a proposal was made calling for the establishment of an *ad hoc* technical expert group on this issue. Several delegations opposed this proposal, which they gathered as premature and problematic in view of budgetary restraints.

The adopted decision (V/18) dealing with these issues invites Parties to integrate EIAs in the work programmes on thematic areas; to address the loss of biological diversity when carrying out EIAs; to consider biodiversity concerns when developing new laws and regulations; to ensure involvement of stakeholders to all stages of the assessment process; and to organize expert meetings, workshops and seminars. It encourages them to use strategic EIAs to assess cumulative and global effects and requests to include relevant information in their national reports. The SBSTTA is requested to further develop guidelines for incorporating biodiversity-related issues into legislation and/or processes on strategic EIAs.

On liability and redress Parties, Governments and relevant international organizations are requested to provide

the Executive Secretary with information on national, international and regional measures and agreements on liability and redress applicable to damage to biological diversity. The decision welcomes the offer of the Government of France to organize a workshop on this issue and decides to consider at its sixth meeting a process for reviewing Article 14(2) of the CBD, including the establishment of an *ad hoc* technical expert group.

National Reporting

COP 5 considered the form and intervals of national reports. Many delegates supported full national reports every four years and guidelines for national reporting as long as these would not be mandatory. The delegates also addressed national reports on thematic issues.

In its decision (V/19) the COP endorses the recommended format for future national reports as prepared by the Secretariat and requests the Executive Secretary to further develop this format. The Parties are requested to submit their next national report by 15 May 2001 and thereafter every four years. Parties are also invited to prepare detailed thematic reports on issues selected for in-depth consideration at ordinary COP meetings. Accordingly, Parties are invited to submit reports to the Executive Secretary for consideration at COP-6 on forest ecosystems by 15 May 2001, on alien species by 30 September 2000 and benefit-sharing by 30 December 2000. The decision also requests the Executive Secretary to continue its work on streamlining of national reporting in biodiversity-related treaties.

Operations of the Convention

The delegates at COP-5 considered the report and recommendations of the Inter-sessional Meeting on the Operations of the Convention (ISOC) convened in Montreal, Canada, from 28 to 30 June 1999, and several documents prepared by the Secretariat, as well as the relevant SBSTTA recommendations.

In the decision (V/20) that was adopted the COP decides, through an amendment of its rules of procedures, to convene ordinary COP meetings every two years. The periodicity of these ordinary COP meeting will be reviewed by the COP in the light of progress achieved in implementation of the Convention. It provides that Meetings of the SBSTTA will be convened every year. Among others, the decision also provides that SBSTTA may, within the available budgetary resources, establish *ad hoc* technical expert groups and adopt terms of reference for them.

The COP also decided to prepare and develop a Strategic Plan for the Convention for the period 2002-2010 to be considered and adopted at COP-6. This Strategic Plan shall be based on the longer-term programmes of work of COP and SBSTTA and shall provide strategic and operational guidance for their implementation. It will include a set of operational goals relating to the thematic programmes, the cross-cutting issues and the implementation of the Convention.

The COP also acknowledged the need to enhance the review and facilitation of implementation of the Convention. Delegates could, however, not agree on the review

mechanism. Three options were suggested: to review implementation within the existing institutions and procedures; to hold a second inter-sessional meeting; or to establish a Subsidiary Body on Implementation. At the final day of the meeting the COP decided to choose the second alternative and convene an open-ended inter-sessional meeting to assist with the preparations of COP-6 and to consider the means to support implementation of the Convention. The COP decided to review the role of inter-sessional processes in enhancing implementation of the Convention at COP-6.

Cooperation with Other Bodies

As at previous meetings the COP adopted a decision (V/21) directed towards further improvement of cooperation and coordination with other bodies dealing with biodiversity related issues. It calls on the Executive Secretary to strengthen cooperation, in particular in the area of scientific and technical assessment of biodiversity. The decision notes cooperation with the FCCC, the Ramsar Convention, the Bonn Convention on Migratory Species, Diversitas, UNESCO, the Millennium Ecosystem Assessment and the Global Biodiversity Forum.

Priority issues for Review and Guidance

In accordance with the longer-term programme of work for the fifth to seventh meetings, which was adopted at COP-4 (decision IV/16), the thematic issue of dry and sub-humid lands and the cross-sectoral issues of sustainable use, including tourism, and access to genetic resources were the subject of in-depth discussion at COP-5.

Dryland, Mediterranean, Arid, Semi-arid, Grassland and Savannah Ecosystems

In the relevant decision (V/23), the COP establishes a new thematic programme of work on dry and sub-humid lands. The programme of work is contained in Annex I, which was endorsed by the COP.

The work programme is divided in two parts to be implemented in parallel: assessments and targeted actions in response to identified needs. For each of these parts the Annex contains an operational objective, a rationale, a list of specific activities and the ways and means to carry out these activities. The work programme also provides for a reporting framework. The delegates endorsed an indicative list of levels of implementation and coordination contained in Annex II for the various activities which are proposed under the programme of work. Annex II distinguishes between three levels of implementation: national, ecoregional and international.

The programme of work covers a wide range of activities. During the discussions with regard to the work programme, some delegations expressed their concern over the lack of specific targets.

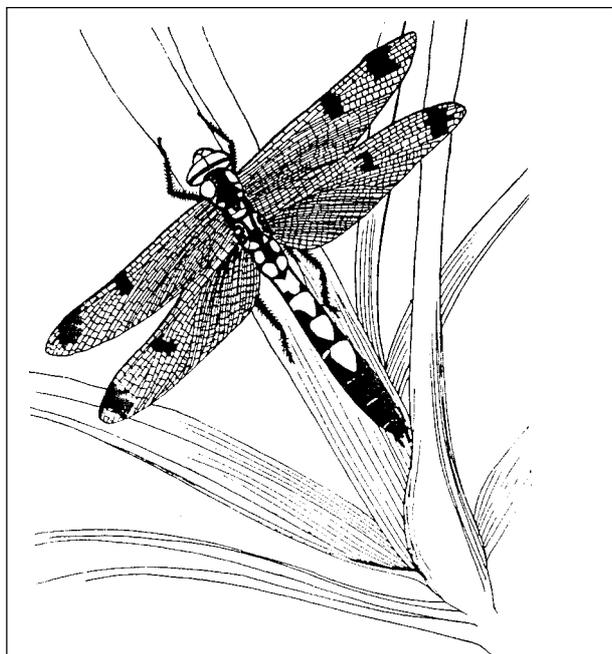
The decision provides for specific tasks for the Executive Secretary and SBSTTA to advance the implementation of the work programme (illustrated in Annex III). The Executive Secretary is requested to review the programme in collaboration with the Secretariat of the Convention to Combat Desertification and other relevant bod-

ies; to identify further activities and potential timetables; and to establish a roster of experts. SBSTTA is requested to review and assess status and trends of the biodiversity of dry and sub-humid lands and establish an *ad hoc* technical expert group to consolidate and assess information on the status and trends and to assess progress and effects of specific measures that have to be taken, as well as international priorities.

Sustainable Use, including Tourism, and Incentive Measures

The priority issue of sustainable use and tourism was discussed together with the cross-sectoral issue of incentive measures. The COP adopted three separate decisions on each of these items.

The decision on sustainable use (V/24) requests the Executive Secretary to invite relevant organizations involved in sustainable use initiatives to gather, compile and disseminate case studies on best practices and lessons



Courtesy: The IUCN Red List Categories

learned; to initiate the process used to develop the ecosystem approach for relevant work on sustainable use and to assemble practical principles, operational guidelines and associated instruments. Parties and Governments are invited to identify indicators and incentive measures for relevant sectors and to assist other Parties to increase their capacity to implement sustainable use programmes and policies.

The decision on tourism (V/25) endorses the assessment of the interlinkages between biodiversity and tourism, contained in the Annex to the decision, which includes the economic importance of tourism and its interrelationship with conservation and sustainable use of biodiversity and its potential economic, social and environmental impacts. The COP accepts the CSD's invitation to participate in its international work programme on sus-

tainable tourism development, in particular to contribute to international guidelines regarding this issue. It recommends that Parties, Governments, the tourism industry and relevant international organizations consider the assessment as a basis for their policies, programmes and activities. The decision contains a list of areas to which they should give particular attention.

The decision on incentive measures (V/15) establishes a work programme on the development and implementation of social, economic and legal incentive measures. Its purpose is to support Parties, Governments and organizations in developing practical policies and projects and provide practical guidance to the GEF for effective support and prioritization of these policies and projects. The decision contains a list of results that the activities of this work programme should achieve. It requests the Executive Secretary to collaborate and coordinate action on incentives with other biodiversity-related agreements and relevant organizations.

Access to Genetic Resources

The agenda item of access to genetic resources was among the most difficult issues considered at COP-5. On this priority-issue the delegates discussed the relevant recommendations of ISOC and those of the Panel of Experts on Access and Benefit Sharing that was convened in October 1999. The COP welcomed the report of the Panel of Experts and decided to reconvene it with a concrete mandate and agenda to conduct further work on outstanding issues. The relevant decision (V/26) also provides for the establishment of an *Ad Hoc* Open-ended Working Group on Access and Benefit-sharing with the mandate to develop guidelines and other approaches based on the report of the Expert Panel for submission to the COP.

In addition to this, the decision requests the Parties to designate a focal point and one or more competent authorities responsible for access and benefit-sharing arrangements or to provide information on such arrangements. With regard to the revision of the International Undertaking on Plant Genetic Resources the COP urges the FAO Commission on Genetic Resources to finalize its work as soon as possible. According to the COP the International Undertaking is envisaged to play a crucial role in the implementation of the CBD. In this respect, the COP again affirms its willingness to consider a decision by the Conference of the FAO that the International Undertaking become a legally binding instrument with strong links to both the FAO and the CBD.

On intellectual property rights (IPRs), the COP invites Parties and relevant organizations to submit to the Executive Secretary information about the role of IPRs in the implementation of access and benefit-sharing arrangements by 31 December 2000. Relevant international organizations, such as the World Intellectual Property Rights Organization, are invited to analyze IPR issues. The World Trade Organization is invited to acknowledge relevant provisions of the CBD and to take into account the fact that the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the CBD are interrelated and to further explore this relationship. ➤

Finally, it was decided to continue the information gathering exercise on *ex situ* collections acquired prior to the entry into force of the Convention and not addressed by the FAO Commission on Genetic Resources. The Executive Secretary is requested to gather available information through the questionnaires as described in Annexes I and II to the decision.

High-Level Segment on the Cartagena Protocol on Biosafety

On 24 May 2000 a high-level segment was convened at COP-5 on the Cartagena Protocol on Biosafety. This one day event marked the opening of signature of the Protocol that was adopted at the resumed session of the Extraordinary Meeting of the Parties held in Montreal, Canada, from 24-28 January 2000. The high-level segment was preceded by a Ministerial Roundtable convened the previous day, which addressed capacity-building in developing countries to facilitate implementation of the Cartagena Protocol.

In the three Plenary sessions that were held during the day of the high-level segment statements were made by the Executive Secretary of the CBD, the Executive Director of UNEP, the President of the Extraordinary COP Meeting, attending Ministers, Heads of delegations, observers and NGOs. Among the statements that were made, several delegates called for financial and technical support. Many stressed the importance of capacity building, in particular with regard to risk management and assess-

ment, as a vital tool for the implementation of the Protocol. Others noted the importance of international cooperation, information-sharing and the establishment of a Biosafety Clearing House Mechanism, and raising public awareness. Speakers also highlighted national legislation, programmes and strategies on biosafety. Some delegates underscored the Protocol's place in a global, sustainable development architecture and praised the Protocol as a breakthrough in trade and environment negotiations. Several delegates announced that they would sign and ratify the Protocol.

The high-level segment was concluded with a signing ceremony. At the closure of COP-5 68 States had signed the Cartagena Protocol on Biosafety.

Closing Plenary

At the closing Plenary session the COP adopted the reports of the working groups. A decision was adopted concerning the contribution of the CBD to the ten-year review of progress achieved since the United Nations Conference on Environment and Development (V/27). The decision requests the Executive Secretary to report to the Commission on Sustainable Development on progress made in the implementation of the Convention.

Delegates decided to convene COP-6 in the Hague, the Netherlands in the second quarter of 2002 (decision V/29). At COP-6 the thematic issue of forest ecosystems and the cross-sectoral issues of alien species and benefit-sharing will be considered in-depth.

