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## FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: 15-26 MAY 2000

The fifth Conference of the Parties (COP-5) to the Convention on Biological Diversity (CBD) took place from 15-26 May 2000, at UNEP Headquarters in Nairobi, Kenya, drawing together approximately 1500 participants representing 156 governments, as well as NGOs, IGOs and indigenous and local community organizations. Delegates to COP-5 considered and adopted 30 decisions on a number of topics, including: a new thematic work programme on conservation of dry and sub-humid land biodiversity; the ecosystem approach; access to genetic resources; alien species; sustainable use as a cross-cutting issue; biodiversity and tourism; incentive measures; the Global Strategy for Plant Conservation; progress in implementing the work programmes on agricultural, inland water ecosystem, marine and coastal and forest biodiversity; operations of the Convention; the Global Taxonomy Initiative (GTI); financial resources and mechanism; scientific and technical cooperation and the Clearing-House Mechanism (CHM); identification, monitoring and assessment, and indicators; and impact assessment, liability and redress. A High-Level segment on the Cartagena Protocol on Biosafety, including a Ministerial Roundtable and a special signing ceremony, was convened during the second week of the meeting. Many delegates characterized COP-5 as a success and attributed this to the positive working atmosphere and delegates' efficiency. Participants noted the maturation of the process and discussions, while highlighting the need to move from policy generation to implementation.

### A BRIEF HISTORY OF THE CONVENTION

The CBD, negotiated under the auspices of UNEP, was opened for signature on 5 June 1992, and entered into force on 29 December 1993. To date, 177 countries have ratified the Convention. The three goals of the CBD are to promote "the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources."

**COP-1:** The first meeting of the Conference of the Parties (COP-1) took place in Nassau, the Bahamas, from 28 November - 9 December 1994. Some of the key decisions taken by COP-1 included: adoption of the medium-term work programme; designation of the permanent Secretariat; establishment of the CHM and the Subsidiary Body for

Scientific, Technical and Technological Advice (SBSTTA); and designation of the Global Environment Facility (GEF) as the interim institutional structure for the financial mechanism.

**COP-2:** The second meeting of the COP was held in Jakarta, Indonesia, from 6-17 November 1995. Major outcomes of COP-2 included: designation of the permanent location of the Secretariat in Montreal, Canada; establishment of the Open-ended *Ad Hoc* Working Group on Biosafety; adoption of a programme of work funded by a larger budget; designation of the GEF as the continuing interim institutional structure for the financial mechanism; and consideration of its first ecosystem theme, marine and coastal biodiversity.

**COP-3:** At its third meeting (COP-3), held in Buenos Aires, Argentina, from 4-15 November 1996, the COP adopted decisions on several topics, including: elaboration of work programmes on agricultural and forest biodiversity; a Memorandum of Understanding with the GEF; an agreement to hold an intersessional workshop on Article 8(j); an application by the Executive Secretary for observer status to the World Trade Organization's Committee on Trade and the Environment; and a statement from the CBD to the Special Session of the UN General Assembly to review implementation of Agenda 21.

**COP-4:** At its fourth meeting (COP-4), held in Bratislava, Slovakia, from 4-15 May 1998, the COP adopted decisions on, *inter alia*: inland water ecosystems; marine and coastal biodiversity; agri-

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cultural and forest biodiversity; implementation of the CHM's pilot phase; implementation of Article 8(j); national reports; cooperation with other agreements, institutions and processes; activities of the GEF; incentive measures; access to genetic resources and benefit-sharing (ABS); public education and awareness; and the long-term work programme. At a Ministerial Roundtable, Ministers, Deputy Ministers and special guests discussed integrating biodiversity concerns into sectoral activities, such as tourism, and private sector participation in implementing the Convention's objectives.

**SBSTTA-4:** During its fourth meeting in Montreal, Canada, from 21-25 June 1999, SBSTTA-4 delegates made recommendations on: the SBSTTA programme of work; the GTI; principles to prevent the impact of alien species; control of plant gene expression; options for sustainable use of terrestrial biological diversity; incorporation of biodiversity into environmental impact assessments; and approaches and practices for the sustainable use of resources, including tourism.

**ISOC:** The Intersessional Meeting on the Operations of the Convention (ISOC) met in Montreal, Canada, from 28-30 June 1999, and was convened on the basis of COP-4 Decision IV/16, which called for an open-ended meeting to consider possible arrangements to improve preparations for and conduct of COP meetings. ISOC also held preparatory discussion on: ABS; *ex situ* collections that were acquired prior to the Convention's entry into force; and the relationship between intellectual property rights (IPR) and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and the CBD.

**CARTAGENA PROTOCOL ON BIOSAFETY:** The resumed session of the Extraordinary Meeting of the Conference of the Parties for the Adoption of the Protocol on Biosafety to the CBD was held in Montreal, Canada, from 24-28 January 2000. Following four days of informal consultations and five days of formal negotiations, delegates adopted the Cartagena Protocol on Biosafety. The Protocol addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have an adverse effect on biodiversity with a specific focus on transboundary movements. It establishes an advance informed agreement procedure for imports of LMOs, incorporates the precautionary principle and details information and documentation requirements.

**SBSTTA-5:** The fifth session of SBSTTA met in Montreal, Canada, from 31 January – 4 February 2000. SBSTTA-5 developed recommendations on, *inter alia*: inland water biodiversity; forest biodiversity; agricultural biodiversity; marine and coastal biodiversity, including coral bleaching; a programme of work on dry and sub-humid lands; alien species; the ecosystem approach; biodiversity indicators; the pilot phase of the CHM; the second national reports; and *ad hoc* technical expert groups.

## COP-5 REPORT

On Monday, 15 May 2000, COP-4 President László Miklós (Slovakia) welcomed delegates to COP-5 and detailed the CBD's achievements during the intersessional period, particularly the adoption of the Cartagena Protocol, SBSTTA's progress, the ISOC, the Panel of Experts on Access and Benefit-Sharing and the Working Group on Article 8(j).

CBD Executive Secretary Hamdallah Zedan noted that the intersessional meetings and activities on biosafety, benefit-sharing, traditional knowledge, dryland and agricultural biodiversity, and review of the financial resources and mechanism have laid a solid foundation for the CBD's future development. UNEP Executive Director Klaus Töpfer highlighted challenges facing Africa, especially conflicts and poverty, and encouraged investment in sustainable development rather than in managing conflicts once they arise. He urged awareness of the relationship between poverty and biodiversity.

Kenyan President Daniel arap Moi welcomed COP-5 delegates to Nairobi and noted that biodiversity is a vital resource for socio-economic development and for the long-term well-being of communities. President Moi signed the Cartagena Protocol, making Kenya its first signatory.

COP-4 President Miklós nominated Francis Nyenze, Minister of Environment and Natural Resources of Kenya, as the President of COP-5, who was elected by acclamation. Regional groups announced their representatives to the COP-5 Bureau: Phocus Ntayombya (Rwanda) for the African Group; A.H. Zakri (Malaysia) and Manal Al-Dulaimi (Kuwait) for the Asian Group; Mariangela Rebuá (Brazil) and Elaine Fisher (Jamaica) for the Group of Latin American and Caribbean Countries (GRULAC); Gordana Beltram (Slovenia) and Ilona Jepsen (Latvia) for the Central and Eastern European Countries (CEE); and Marina von Weissenberg (Finland) and Peter Schei (Norway) for the Western Europe and Others Group (WEOG). Peter Schei was elected as Chair of Working Group I (WG-I) and Elaine Fisher as Chair of Working Group II (WG-II).

COP-5 President Nyenze introduced the provisional agenda (UNEP/CBD/COP/5/1). Regarding pending issues (financial rules for the CBD Trust Fund), President Nyenze noted that no agreement had been reached and suggested that informal consultations continue.

Following reports from regional meetings, a number of organizations delivered opening statements, including the FAO, the Ramsar Convention on Wetlands, the World Intellectual Property Organization (WIPO), UNESCO, the Convention on Migratory Species (CMS), the fifteenth Global Biodiversity Forum, the International Indigenous Forum for Biodiversity, the GEF, the Convention on International Trade in Endangered Species (CITES), and UNDP.

**ORGANIZATIONAL MATTERS:** Following Plenary on Tuesday morning, 16 May, delegates divided into two Working Groups. WG-I, chaired by Peter Schei, met in 13 sessions and considered: sustainable use, biodiversity and tourism, and incentive measures; drylands biodiversity; progress in implementing the work programmes on inland water ecosystems, marine and coastal and forest biodiversity; alien species; the Global Strategy for Plant Conservation; the ecosystem approach; agricultural biodiversity; and the GTI. WG-I established contact groups on agricultural, forest, and dryland biodiversity, as well as drafting groups on the ecosystem approach, the GTI and sustainable use. WG-II, chaired by Elaine Fisher, met in 12 sessions and addressed: ABS; operations of the Convention; national reporting; financial resources and mechanism; scientific and technical cooperation and the CHM; Article 8(j) and related provisions; identification, monitoring and assessment, and indicators; education and public awareness; and impact assessment, liability and redress. WG-II established contact groups on access to genetic resources, operations of the Convention, and Article 8(j). A contact group on budgetary matters, chaired by John Ashe (Antigua and Barbuda) was established in Plenary on Monday, 15 May. On Monday, 22 May, delegates met in a morning Plenary to take stock of progress.

The following is the report of decisions considered and adopted at COP-5, in the order of the meeting's agenda.

## CONSIDERATION OF REPORTS FROM INTERSESSIONAL MEETINGS

**REGIONAL MEETING REPORTS:** The Cook Islands, on behalf of the Pacific Island Parties, overviewed the Pacific Island workshop, which developed recommendations on ABS, indigenous knowledge and regional capacity developing needs. Algeria, on behalf of the African Group, underscored Africa's commitment to biodiversity conservation despite its lack of means for implementation, and stressed the importance of implementing Article 8(j) in accordance with local community needs. Zimbabwe presented a report of the fifth



Global Biodiversity Forum for Southern Africa, held in Harare. On behalf of the European region, Latvia reported on the intergovernmental conference, "Biodiversity in Europe," held in Riga. Brazil, on behalf of GRULAC, and Iran, on behalf of the Asian Group, regretted that regional consultations could not be held before COP-5 due to lack of funds.

**SBSTTA REPORTS:** SBSTTA-4 Chair A.H. Zakri (Malaysia) introduced the meeting's report and recommendations (UNEP/CBD/COP/5/2). SBSTTA-5 Chair Cristián Samper (Colombia) introduced SBSTTA-5's report and recommendations (UNEP/CBD/COP/5/3). The COP took note of these reports.

**REPORT OF THE ISOC:** COP-4 President Miklós introduced the ISOC's report (UNEP/CBD/COP/5/4), which concentrates on two main tasks: preparation for and conduct of COP meetings; and further work on ABS with a focus on the Expert Panel's. The COP took note of the report.

**REPORT OF THE WORKING GROUP ON ARTICLE 8(J):** Spain introduced the Report of the Working Group on the Implementation of Article 8(j) and Related Provisions (UNEP/CBD/COP/5/5), and reported that the meeting made recommendations on ways and means to protect traditional knowledge, the group's work programme and measures to strengthen cooperation among local communities at the international level. The COP took note of the report.

**REPORT ON THE STATUS OF THE CARTAGENA PROTOCOL:** In Plenary on Monday, 15 May, Amb. Philémon Yang (Cameroon), Chair of the Bureau of the open-ended *ad hoc* Intergovernmental Committee for the Cartagena Protocol (ICCP), introduced the report on the status of the Biosafety Protocol (UNEP/CBD/COP/5/6) and the ICCP's work plan. Numerous delegations welcomed the ICCP's draft work plan. Several delegations underscored capacity building, and establishment of the Biosafety CHM. Iran and Greenpeace International expressed concern over reference to the private sector for providing capacity building. The US and Turkey urged avoiding work on issues outside the ICCP's mandate, such as Articles 5 (Pharmaceuticals) and 6 (Transit and Contained Use). France noted that the first ICCP meeting will take place from 11-15 December 2000, in Montpellier.

On Monday, 22 May, the Plenary considered a draft decision for adoption. Argentina and the US requested that Article 18 (Handling, Transport, Packaging and Identification) be addressed at the ICCP's second meeting. Argentina stressed that ICCP-1 focus on capacity building, information sharing and the CHM. Mexico and Ethiopia emphasized that the ICCP's mandate is confined to preparatory work, and with many delegations, supported the work plan's adoption. After some debate over work under Article 18, Plenary adopted the decision and the work plan without amendment.

**Decision:** The decision (UNEP/CBD/COP/5/L.2) requests the Executive Secretary to invite relevant stakeholders to contribute to capacity-building efforts for the Protocol's implementation and to convene a meeting of technical experts on the Biosafety CHM prior to ICCP-1. The work plan includes issues to be addressed at ICCP-1 and 2. ICCP-1's agenda addresses: decision-making for Parties of import; information-sharing (needs, existing activities, possibilities for cooperation, data input systems, reporting formats, information management policies and procedures, confidentiality and resource requirements); capacity building (needs, roster of experts, existing activities, cooperation, private sector involvement, risk assessment and management, Secretariat role and resource requirements); handling, transport, packaging and identification (existing international rules and standards and modalities for developing standards); and compliance (compliance regime and mechanism).

ICCP-2 will address: liability and redress; monitoring and reporting; the Secretariat; guidance to the financial mechanism; rules of procedure for the MOP; the provisional agenda for MOP-1; and consideration of other issues related to implementation.

**REPORT OF THE GEF:** The GEF Secretariat introduced a report detailing its activities relevant to the CBD from January 1998 to June 1999 (UNEP/CBD/COP/5/7). He stressed focusing on biosafety activities and invited proposals on, *inter alia*, alien species, taxonomy, inland waters, forest issues, the CHM, incentive measures and ABS. (See section on financial resources and mechanism on page 6.)

**REPORT OF THE EXPERTS PANEL ON ACCESS AND BENEFIT-SHARING:** Costa Rica introduced the report of the Experts Panel on ABS (UNEP/CBD/COP/5/8). He underscored the importance of information exchange and capacity building and noted that key conclusions were adopted by the Panel. The COP took note of the report.

**REPORTS ON ADMINISTRATIVE AND BUDGETARY MATTERS:** On Monday, 15 May, Zedan introduced the report on the administration of the Convention and the budget for the Convention's trust fund (UNEP/CBD/COP/5/9), noting that it details the status of the CBD Secretariat's budget since COP-4, the three trust funds, the host government agreement and contributions to the voluntary trust fund. Regarding the proposed budget for the biennium 2001-2002 (UNEP/CBD/COP/5/18 and 18/Add.1), he noted that it incorporates the financial implications of the numerous recommendations to the COP adopted by intersessional meetings, and builds on the Secretariat's existing activities. This report was considered along with the budget for the programme of work for 2001-2002 in the budget contact group.

#### THEMATIC AREAS

**INLAND WATER ECOSYSTEMS:** On Thursday, 18 May, WG-I discussed implementation of the work programme on inland water ecosystems (UNEP/CBD/COP/5/10) and SBSTTA Recommendation V/5. Most delegates expressed support for the work programme and endorsed cooperation with the UN Commission on Sustainable Development (CSD) and the Ramsar Convention. Many highlighted the importance of water management strategies, and synergies to avoid duplication of work. Delegates also emphasized the need for: institutional and regional cooperation; financial resources and capacity building; adequate information; and coordination between the work programmes on inland waters and drylands. South Africa, supported by the CEE and others, suggested SBSTTA review the report of the World Commission on Dams. Australia, Papua New Guinea and Switzerland urged participation in the River Basin Initiative. A Chair's draft text was discussed and accepted on Tuesday, 23 May. On Friday, 26 May, the Plenary adopted the decision.

**Decision:** The decision's (UNEP/CBD/COP/5/L.5) preamble refers to the need for continued cooperation between the CBD and other bodies dealing with inland water ecosystems. It endorses the joint work plan with the Ramsar Convention, including the River Basin Initiative, and notes information needs on the status of inland waters. It requests SBSTTA to consider the report of the World Commission on Dams and invites relevant organizations and activities, in particular the Global International Waters Assessment, to contribute to the assessment of inland water biodiversity. It urges implementation of capacity building measures for assessments, monitoring of implementation, information-gathering and dissemination. The decision also invites the Executive Secretary to report to SBSTTA on the work programme's implementation before COP-7 and to compile relevant information for dissemination through the CHM.



**MARINE AND COASTAL BIODIVERSITY:** On Thursday, 18 May, WG-I considered implementation of the work programme on marine and coastal biodiversity and SBSTTA Recommendation V/6 (UNEP/CBD/COP/5/10). Most delegations welcomed the work programme and referred to coral bleaching, the adverse effects of climate change, the need for regional cooperation, collaboration with the UN Framework Convention on Climate Change (FCCC) and other relevant bodies and the need for capacity building. Many delegations supported establishing two technical expert groups, on mariculture and protected areas. On Tuesday, 23 May, delegates discussed a Conference Room Paper (CRP). Iceland suggested, and it was agreed, to consolidate text to avoid duplication of Decision IV/5. Colombia introduced text on coordination between the CBD Secretariat and regional seas conventions and action plans. On Friday, 26 May, Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.7) encourages the Secretariat and SBSTTA to complete the implementation of Decision IV/5, noting that work on coral bleaching will have a minimum duration of three years. It includes sections on: coral reefs; integrated marine and coastal area management (IMCAM); marine and coastal living resources; alien species and genotypes; general issues; and cooperation. On coral reefs, it asks for response measures, endorses the results of the annexed Expert Consultation on Coral Bleaching, urges the FCCC to reduce the effect of climate change on water temperatures and to address its socioeconomic impacts, and invites case studies for CHM dissemination. On IMCAM, it endorses further work on developing guidelines, ecosystem evaluation and assessment. On marine and coastal living resources, it asks SBSTTA for advice, and requests the Executive Secretary to gather and disseminate information on local and indigenous communities' management approaches. It asks for continued UNESCO involvement and for coordination with regional seas conventions and action plans, and establishes two technical expert groups on protected areas and mariculture.

**FOREST BIODIVERSITY:** On Thursday and Friday, 18-19 May, WG-I considered progress in implementing the forest biodiversity work programme (UNEP/CBD/COP/5/10). Delegates supported expanding the work programme's focus from research to practical action, collaboration with forest-related bodies, including the future UN Forum on Forests (UNFF) and developing synergies with the FCCC. Greenpeace International urged the CBD to take international leadership on forest biodiversity. Many delegates supported establishing a technical expert panel, with several also supporting an open-ended working group on forest policy. Canada and Brazil opposed such a group. Norway proposed a group with both a scientific and policy focus. Switzerland encouraged elaborating a programme on carbon sequestration. A contact group, chaired by Oteng Yeboah (Ghana), only reached consensus on a technical expert panel. On Thursday, 25 May, Colombia noted that budgetary discussions did not earmark funds for the expert panel within the assessed budget, and said this was unacceptable. He also requested flexibility in SBSTTA's consideration of advice to the FCCC, suggesting that it simply be mandated to report to CBD COP-6. In the final Plenary on Friday, 26 May, delegates adopted the draft decision on the progress report on the implementation of the forest biodiversity work programme.

**Decision:** The decision (UNEP/CBD/COP/5/L.15) urges implementation of the work programme and considers expanding its focus from research to practical action at COP-6. It urges forest biodiversity conservation and sustainable use applying the ecosystem approach, taking into consideration the outcomes of the Intergovernmental Forum on Forests (IFF) and contributing to the future UNFF. It establishes an *ad hoc* technical expert panel to: provide advice on scientific programmes and international cooperation; review available information on the status and trends of and threats to forest biodiversity; and

identify priority actions and new measures for forest biodiversity conservation. The panel should include expertise in policy matters and traditional knowledge. It requests SBSTTA to report to COP-6 on the impact of climate change on forest biodiversity, and to consider the causes and effects of forest fires and the impact of harvesting non-timber forest resources, including bushmeat. It also urges Parties to consider the Intergovernmental Panel on Forests (IPF) and IFF proposals for action and invites contributions to the assessment of forest biodiversity. Regarding cooperation with the FCCC, it calls for information relating to biodiversity considerations in implementing the Kyoto Protocol and requests SBSTTA to advise on such integration at COP-6. It invites strengthened cooperation with the FCCC, the Convention to Combat Desertification (CCD), CITES and Ramsar.

**AGRICULTURAL BIODIVERSITY:** On Friday, 19 May, WG-I considered review of phase one of the work programme on agricultural biodiversity (UNEP/CBD/COP/5/11), COP Decisions III/11 and IV/6, and SBSTTA Recommendations IV/5 and V/9. Many delegations expressed support for the work programme, called for expanded cooperation with the FAO and urged completion of the International Undertaking on Plant Genetic Resources (IU), requested resources for capacity building, adaptive management and mainstreaming, and underscored the need for farmers' information and awareness. Australia asked for a plan with priorities and timetables for SBSTTA's consideration. Brazil, supported by many, proposed an International Pollinators Conservation and Sustainable Use Initiative. On Genetic Use Restriction Technologies (GURTs), many delegates and NGOs stressed their risks to food security and farmers' rights, while New Zealand requested a distinction for field testing in containment. A contact group, chaired by Elzbieta Martyniuk (Poland), was formed to discuss and draft text. On Thursday, 25 May, WG-I agreed on the decision, which was adopted by Plenary on Friday, 26 May.

**Decision:** The decision (UNEP/CBD/COP/5/L.17) addresses a programme of work, conservation and sustainable use of pollinators, and GURTs. It endorses the work programme, urging regional and thematic cooperation; recognizing the contribution of farmers and local communities; requesting support for capacity building, information exchange and public awareness; urging the FAO to finalize the IU; and asking for expanded cooperation with other relevant organizations and for CBD observer status in the WTO Committee on Agriculture. The annexed work programme includes two sections on overall objectives, approach and guiding principles, and on proposed elements. The proposed elements include assessments, adaptive management, capacity building and mainstreaming.

On pollinators, the decision establishes an international initiative to monitor their decline, address the lack of taxonomic information, assess their economic value and promote their conservation and sustainable use. On GURTs, the decision repeats SBSTTA Recommendation IV/5, specifying that the issue be integrated into each element of the work programme and that SBSTTA report to COP-6. It recommends that products incorporating them should not be approved for field testing and commercial use, until appropriate scientific assessments have been carried out, and asks for dissemination of information. It invites the FAO, other bodies and governments to study their potential implications on agricultural biodiversity, identify policy and socioeconomic issues and inform COP-6. It also requests the Executive Secretary to prepare a report on their potential impacts on indigenous and local communities and farmers' rights.

#### CROSS-CUTTING ISSUES

**ECOSYSTEM APPROACH:** On Friday, 19 May, WG-I considered the ecosystem approach (UNEP/CBD/COP/5/12) and SBSTTA Recommendation V/10, including a description, operational guidelines and 12 principles of the ecosystem approach. Numerous delegations endorsed the guidelines, but opinions varied on the principles.



Many countries suggested amendments to the principles, but agreed not to reopen debate, and supported their adoption, with the understanding that they need elaboration. Colombia, Haiti, Turkey and others called for case studies, pilot projects and workshops to improve understanding of the approach. Tonga requested that small island developing States' (SIDS) special ecological conditions be taken into consideration when revising the principles. On Thursday, 25 May, WG-I considered a revised draft decision and, on Friday, 26 May, Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.16) endorses the description of and operational guidance on the ecosystem approach, recommends the application of the principles as reflecting the present level of common understanding, and encourages their further elaboration and practical verification. It calls on Parties, governments and organizations to apply the ecosystem approach, as appropriate, and invites them to identify case studies, implement pilot projects, and organize workshops and consultations. It further requests the Executive Secretary to synthesize case studies and submit lessons learned to SBSTTA, and SBSTTA to review to the principles and guidelines of the ecosystem approach prior to COP-7 to prepare guidelines for implementation. It recognizes the need for capacity building, requests the GEF to provide financial resources and encourages regional cooperation.

**IDENTIFICATION, MONITORING AND ASSESSMENT, AND INDICATORS:** On Monday, 22 May, WG-II considered identification, monitoring and assessment, and indicators (UNEP/CBD/COP/5/11). Colombia and New Zealand opposed development of global indicators, noting that these would hinder management. Noting the proliferation of indicator development, the United Kingdom urged the CBD to take a leadership role. The EU stressed the need to develop a sound set of principles, key questions and state-pressure-response indicators. Germany suggested mechanisms to ensure effectiveness and development of indicators for thematic issues. Mexico and Australia stressed the importance of regional cooperation and information exchange. Switzerland stressed coordination with competent organizations, such as the Organization for Economic Cooperation and Development (OECD) and the World Conservation Monitoring Center. Many developing countries underscored capacity building and technology transfer and called for consideration of environmental, social, cultural and institutional aspects. On Thursday, 25 May, WG-II adopted a draft decision after inserting a reference to the on-going work on indicators in the Executive Secretary's interim progress report. On Friday, 26 May, Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.29) requests the Executive Secretary to develop a set of principles for designing national-level monitoring programmes and indicators and a set of standard questions and a list of available and potential indicators that may be used by Parties. It also requests the Executive Secretary to produce an interim progress report for review by SBSTTA prior to COP-6 and to submit a final report to COP-6. It encourages Parties and governments to establish or increase regional cooperation, and invites them to undertake appropriate actions to assist other Parties to increase their capacity to develop and use indicators.

**ALIEN SPECIES:** On Monday, 22 May, WG-I considered alien species (UNEP/CBD/COP/5/12), including SBSTTA Recommendations IV/4 and V/4 on interim guiding principles for the prevention, introduction and mitigation of alien species' impacts. Several countries supported SBSTTA Recommendation V/4 and the guiding principles, while noting the need for their further development. The Seychelles, supported by several island States, highlighted these countries' and geographically and evolutionarily isolated ecosystems. The EU, supported by Latvia, Monaco, Tunisia and Defenders of Wildlife, proposed considering the development of an international instrument

under the CBD. Canada stated that this would require further consideration, and New Zealand opposed such action. Several countries supported submitting case studies and further work on standardizing terminology. Switzerland stated that case studies should be conducted on a regional basis. Many expressed support for the Global Invasive Species Programme (GISP). IUCN, on behalf of GISP, noted its ongoing activities, including compilation of best practices, development of tools and assessment of existing scientific work. Discussion also took place over the use of biological control agents to eradicate cultivated plant varieties.

On Tuesday, 23 May, WG-I considered a Chair's draft text. The EU proposed inclusion of the biogeographical approach. Australia, Canada, New Zealand and the US called to delete language on developing an international instrument. Norway suggested leaving such consideration to a future SBSTTA meeting. On Friday, 26 May, the Plenary adopted the decision without discussion.

**Decision:** The decision (UNEP/CBD/COP/5/L.8), *inter alia*, requests Parties and others to: apply the guiding principles; submit comments on the principles and case studies; prioritize development and implementation of alien invasive species strategies and action plans; prioritize geographically and evolutionarily isolated ecosystems; apply the ecosystem, precautionary and biogeographic approaches; and disseminate relevant information, including databases of alien species. The GISP is invited to report on its first phase of work. Parties are encouraged to develop cooperation mechanisms, and public education and awareness measures. The Executive Secretary is requested to cooperate with GISP and other relevant instruments on coordinating joint work and potential work programmes and reviewing existing measures for detection, eradication and control and options for future CBD work. The Executive Secretary is also requested to work with GISP and others in developing: standardized terminology; criteria and processes for assessing risks and socioeconomic implications; means to enhance ecosystems' resistance to and recovery from invasions; a reporting system for invasions and their spread; an assessment of taxonomic priorities; and further research on impacts. It states that COP-6 will consider options for implementation, including: further development of the guidelines; an international instrument; and other options. The GEF, governments and other bodies are invited to support GISP's future work. The decision also includes an annex with an outline for case studies.

**GLOBAL STRATEGY FOR PLANT CONSERVATION:** In WG-I on Monday, 22 May, Colombia and Brazil introduced a draft decision for an initiative on plant conservation. The CEE, G-77/China and others supported the proposal. Indonesia supported cooperation with the FAO, IUCN and UNESCO, and the Seychelles called for cooperation with GISP. WG-I discussions on the draft decision on Tuesday, 23 May, focused on the process for considering the strategy by SBSTTA and COP-6, and it was agreed that: the Executive Secretary would solicit Parties' views, SBSTTA would make recommendations on developing a global strategy, and COP-6 would consider its establishment. The decision was adopted by the Plenary on Friday, 26 May, without modification.

**Decision:** The decision (UNEP/CBD/COP/5/L.9/Rev.1) notes the Gran Canaria Declaration, the resolution of the 16th International Botanical Congress and the work of the International Agenda for Botanic Gardens Conservation, GISP and IUCN's Species Survival Commission's Plants Programmes. It recognizes the Global Plan of Action on Plant Genetic Resources for Food and Agriculture and the revised IU, and requests the Executive Secretary to liaise with the FAO, UNESCO, CITES and Botanic Gardens Conservation International to provide input to SBSTTA. It further requests SBSTTA to make recommendations on the development of a global strategy for plant conservation to COP-6, which will consider its establishment.



**GLOBAL TAXONOMY INITIATIVE:** On Tuesday, 23 May, WG-I considered the GTI (UNEP/CBD/COP/5/12) and SBSTTA Recommendations IV/2 and V/3. Most delegates stressed the GTI's importance for identification, monitoring and assessment, and urged strengthening national and regional taxonomic capacity and information-sharing among Parties. Many delegations supported a non-paper introduced by Australia, including, *inter alia*, deadlines for submission of projects and for designation of national GTI focal points. On the GTI coordination mechanism, Norway asked for Party involvement and for its integration into the Secretariat structure, while Mexico noted its urgency and stressed regional representation.

On Thursday, 25 May, WG-I considered a draft decision, and discussion centered on the terms of reference for the coordination mechanism. On Friday, 26 May, the Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.18) establishes a GTI coordination mechanism to facilitate international cooperation and coordinate activities for implementation. It requests the mechanism to cooperate with the Executive Secretary to develop a work programme for SBSTTA's consideration, convene regional meetings and establish mechanisms to promote taxonomic tools. Its meetings shall take place with regional representation and participation of leading relevant organizations, subject to available resources. The decision identifies as priority activities: identification of national and regional priority information requirements; assessments of national taxonomic capacity and taxonomic capacity building; and taxonomic reference centers. It also sets a deadline for communication of projects to the Executive Secretary and the coordination mechanism. It requests that the Executive Secretary and the coordination mechanism, *inter alia*, draft a work programme and initiate short-term activities to promote taxonomy. It sets a deadline for designation of national GTI focal points and urges resources for the priority actions.

#### MECHANISMS FOR IMPLEMENTATION

**FINANCIAL RESOURCES AND MECHANISM:** On Thursday, 18 May, WG-II addressed the report of the GEF (UNEP/CBD/COP/5/7) and further guidance to the financial mechanism (UNEP/CBD/COP/5/13). Many delegates suggested biosafety as a new priority area and stressed the need for a GEF focal area to strengthen capacities for implementation of the Cartagena Protocol. Liberia underlined the need for financial support for drylands, as well as land and forest rehabilitation. The United Kingdom, with others, urged consistency between previous guidance and new guidance, and underlined that the second review of the financial mechanism should be undertaken by an independent body, taking into account the GEF's forthcoming fourth evaluation.

On additional financial resources (UNEP/CBD/COP/5/14), delegates expressed general concern over the reduction of GEF funding. China stressed that the involvement of private sector funding should not reduce developed countries' obligations and Indonesia suggested establishing a trust fund to increase financial resources. Some delegations requested additional financial resources be directed to developing national strategies and action plans. Some developed countries called for a simpler format for reporting financial support. Pakistan stated that GEF eligibility criteria should be simplified. Switzerland asked to expand and improve the database on biodiversity-related funding. On Thursday, 25 May, WG-II considered and adopted with minor amendment revised draft decisions on the second review of the financial mechanism, additional financial resources and guidance to the GEF. On Friday, 26 May, the Plenary adopted these three decisions.

**Decision on additional financial resources:** The decision (UNEP/CBD/COP/5/L.22) includes: further development of a database on biodiversity-related funding information; the development of standardized information on financial support from developed country

Parties; the monitoring of financing in developed and developing country Parties; designation of focal points in other funding institutions; collaboration of the Executive Secretary with the CSD and contribution to the High-Level Consultation on Financing for Development of the General Assembly in 2001; collaboration with other conventions and organizations; promotion of the Convention's implementation in funding policies, bilateral, regional and multilateral funding institutions; support for the implementation of biodiversity strategies and action plans and of the Cartagena Protocol; involvement of the private sector and all other relevant stakeholders; input from UNEP and the World Bank; consideration of tax exemptions for biodiversity-related donations and the encouragement of charities; and a request for a report on the decision's implementation for COP-6.

**Decision on the second review of the financial mechanism:** This decision (UNEP/CBD/COP/5/L.23) adopts the annexed objectives, methodology, criteria and procedures for the second review of the effectiveness of the GEF. In the objectives, the criteria for the GEF's effectiveness include: providing and delivering financial resources; overseeing, monitoring and evaluating the financed activities in conformity with COP guidance; and proving efficiency, effectiveness and sustainability of the CBD's implementation. The methodology for reviewing activities from November 1996 to June 2001 covers all relevant operational programmes, taking into account information provided by governments, the GEF and project reviews by the implementing agencies and other stakeholders. The criteria shall take into account: the steps and actions taken by the GEF in response to those requested by the COP; the recommendations of the GEF's second Overall Performance Study; and other significant issues raised by Parties. The review's procedures include contracting an independent evaluator, who will synthesize the information submitted by Parties on the basis of a questionnaire. The synthesis report will be submitted to the COP Bureau and the GEF for review.

**Decision on further guidance to the GEF:** The decision (UNEP/CBD/COP/5/L.24) welcomes the development of an initial GEF strategy for assisting countries to prepare for the entry into force of the Cartagena Protocol. The GEF is requested to provide support for projects utilizing the ecosystem approach, and for projects that implement the work programme on agricultural, dryland and forest biodiversity. Furthermore, the GEF should support:

- the International Initiative for the Conservation and Sustainable Use of Pollinators;
- capacity building to address coral bleaching;
- preparation of the second national reports;
- participation in the CHM;
- projects addressing ABS;
- projects that incorporate incentive measures;
- implementation of the priority activities in the work programme on Article 8(j) and related provisions;
- development of monitoring programmes and suitable indicators;
- promotion of the GTI;
- capacity development for education, public awareness and communication;
- implementation of the GISP; and
- implementation of national and sectoral plans for the conservation and sustainable use of inland waters.

**SCIENTIFIC AND TECHNICAL COOPERATION AND THE CLEARING-HOUSE MECHANISM:** WG-II considered this issue (UNEP/CBD/COP/5/3, 13, Inf.3 and Inf.4) on Thursday and Friday, 18-19 May. Australia, Canada and New Zealand called for clarification of the Informal Advisory Committee's (IAC) mandate. India expressed concern about ownership and control of information and called for a database on patents to foster implementation of ABS. Several countries supported the finalized pilot phase and the strategic



plan and stated that the CHM should employ non-Internet tools. The EU called for prioritization in the long-term work programme. Germany commented that the CHM should become a platform for technological and scientific cooperation. Many countries supported regional and sub-regional focal points. Jordan noted the importance of information exchange at the national level. Bangladesh, Chad and Iran requested the GEF to increase financial support to the CHM. Switzerland noted the need for involving users, particularly NGOs, and for exploring additional funding other than the GEF.

On Thursday, 25 May, WG-II considered and adopted a draft decision with additional references to a review of the IAC at COP-7 and to making the procedures and the membership of the IAC available through the CHM. On Friday, 26 May, the Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.21) supports the implementation of the strategic plan for the CHM and requests the Executive Secretary to monitor and review the CHM's operation and report to COP-6 on any recommended adjustments. The decision also: outlines the IAC's objectives; states that the IAC's mandate and continuation shall be reviewed at COP-7; and calls upon the Executive Secretary to develop operational procedures for the IAC. Annex I to the decision contains measures to be undertaken by Parties and governments in the biennium 2001-2002, and Annex II contains activities to be undertaken by the Executive Secretary.

**INCENTIVE MEASURES:** WG-I decided to consider this agenda item along with sustainable use, reported on page 10 below.

**ARTICLE 8(J) AND RELATED PROVISIONS:** On Friday, 19 May, WG-II opened discussions on Article 8(j) and related provisions, taking into account the Report of the *Ad Hoc* Working Group on Article 8(j) (UNEP/CBD/COP/5/5). A number of indigenous representatives supported continuing the International Indigenous Forum's mandate to work with the CBD, and requested support to enable effective participation. They also called for, *inter alia*: full and direct participation of indigenous women and communities; recognition of the collective dimensions of indigenous knowledge; recognition of the link between indigenous knowledge and territories; use of mutually agreed terms (MATs) and prior informed consent (PIC); and direct involvement of indigenous technical experts. Many speakers generally supported the recommendations and continuation of the working group, as well as full and effective participation of indigenous peoples in CBD processes. The EU underlined the need to develop legal and other systems to protect traditional knowledge and, with India, highlighted collaboration with the WIPO. The G-77/China, referred to CBD Article 16.5 (Access to and Transfer of Technology), stressing the promotion of appropriate forms of intellectual property protection and stated that *sui generis* systems are applicable.

Many delegations supported the proposed work programme. Sweden said it should focus on legal protection. Canada called for clarification on how the guidelines should be developed, and prioritization of the work programme's tasks. Colombia stressed the importance of information processing, benefit-sharing and *sui generis* systems. Discussions continued in a contact group, chaired by Johan Bodegård (Sweden), which met several times. The contact group considered, *inter alia*, the draft work programme for the working group, including legal elements, streamlining of text and prioritization of tasks, especially in the programme's first phase. On Thursday, 25 May, WG-II considered and adopted the contact group's draft, and, on Friday, 26 May, the Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.31), *inter alia*, establishes and prioritizes the working group's work programme. It encourages participation of indigenous and local communities, takes into account relevant IPF and IFF proposals for action, and extends the working group's mandate to address progress in implementation and

increased participation of indigenous and local communities in other thematic work programmes. It calls for recognition and integration of women, invites support for the International Indigenous Forum on Biodiversity, emphasizes the need for case studies, and recognizes *sui generis* systems as important for protecting traditional knowledge. It requests Parties to support development of traditional knowledge registers. It recognizes that traditional knowledge's maintenance depends on maintaining cultural identities and material base and emphasizes the need for arrangements controlled and determined by indigenous and local communities to ensure that they can make informed decisions on the release of their knowledge.

The work programme's first phase includes tasks under elements addressing participatory mechanisms, status and trends, benefit-sharing, exchange and dissemination of information, monitoring elements and legal elements. Tasks in the second phase are grouped under elements of participatory mechanisms, traditional cultural practices for conservation and sustainable use, exchange and dissemination of information and monitoring elements. The work programme shall be implemented through work by the Executive Secretary, the working group, and their collaboration with relevant organizations, with financial support from Parties, governments and other relevant organizations.

**EDUCATION AND PUBLIC AWARENESS:** On Monday, 22 May, WG-II addressed education and public awareness (UNEP/CBD/COP/5/2, 13 and INF/5). UNESCO commented on the UNESCO/CBD Global Initiative, noting the need to involve relevant organizations and focus on formal and informal education. Norway stated that the initiative is extremely ambitious and expressed concern over its implementation. Canada and Germany proposed linking education programmes to the CHM. Ecuador, Iran and Peru noted that the initiative does not cover cross-cutting and thematic issues, particularly Article 8(j) and capacity building, and proposed an intersessional review mechanism prior to COP-6. Colombia and Slovenia proposed changing the date of International Biodiversity Day to attract more attention. Several countries supported the following aspects: integrating education within national biodiversity action plans; including biodiversity education in formal curricula; training biodiversity managers with additional funding; including education in COP discussions on thematic issues; and strengthening communication with local communities.

On Thursday, 25 May, WG-II considered a draft decision. In requesting the Executive Secretary to advance priority activities, Norway asked for a new paragraph referring to priorities in the COP's work programmes and the strategic plan for the Convention. Delegates adopted the draft decision with the above amendments. On Friday, 26 May, the final Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.28) requests the Executive Secretary, in cooperation with UNESCO, to further advance and identify priority activities for the global initiative on biodiversity education and public awareness. It also requests the Executive Secretary to strengthen the Secretariat's public and outreach activities through the use of the CHM and to designate a theme each year for International Biodiversity Day, taking into account the possibility of changing the date from 29 December to 22 May. It invites UNESCO to integrate biodiversity into all levels of formal education systems, and endorses SBSTTA's recommendation of including education and public awareness in the COP discussion on thematic issues. It also calls for capacity building and financial support for carrying out activities.

**IMPACT ASSESSMENT, LIABILITY AND REDRESS:** On Tuesday, 23 May, WG-II considered impact assessment, liability and redress (UNEP/CBD/COP/5/2, 16 and 1/Add.2 and UNEP/CBD/COP/5/INF/34). On impact assessment, the EU and many others called for integrating biodiversity into environmental impact assessments (EIA).



Several developing countries called for information sharing and capacity building. Australia supported development of guidelines. Regarding liability and redress, the EU suggested that SBSTTA further study the issue and report to COP-6. Switzerland and Australia preferred considering it at COP-7. Ethiopia and many developing countries opposed postponing discussion and supported establishing a technical group for substantive evaluation.

On Thursday, 25 May, in considering a draft decision, Ethiopia proposed a new text calling for establishment of an *ad hoc* technical expert group on liability and redress. Australia, Canada and EU opposed the proposal, stating that it would be premature and citing budgetary reasons. France offered to organize a workshop to consider this issue. After informal consultations, delegates adopted the draft decision with new text, deciding to consider at COP-6 the process for reviewing Article 14.2 (Impact Assessment and Minimizing Adverse Impacts), including establishment of an *ad hoc* technical expert group. On Friday, 26 May, the final Plenary adopted the decision.

**Decision:** Regarding impact assessment, the decision (UNEP/CBD/COP/5/L.30) invites Parties, governments and other relevant organizations to carry out relevant activities, in particular implementing Article 14.1 and integrating EIA into the work programmes on thematic areas. It requests the SBSTTA to further develop guidelines for incorporating biodiversity-related issues into legislation on EIA. It also requests the Executive Secretary to continue collecting information on EIA guidelines. Regarding liability and redress, the decision calls for information on national, regional and international measures and agreements. It welcomes France's offer to organize a workshop and decides to consider a process for reviewing Article 14.2, including the establishment of an *ad hoc* technical expert group at COP-6.

**NATIONAL REPORTING:** On Thursday, 18 May, WG-II considered national reporting (UNEP/CBD/COP/5/13) along with SBSTTA Recommendation V/13. Many countries supported a full national report every four years, while some supported a thematic report prior to each biannual COP meeting. Guidelines for national reporting were generally supported as long as they would not be mandatory. The EU noted the need for a standard format, while others noted that standardization might be too strict. Several delegations asked for in depth consideration of specific issues and the EU suggested to focus on indicators and monitoring. Canada, Morocco and Nigeria noted the need to take into account reports to other fora to streamline work. The Seychelles cautioned against the ranking of countries by independent institutions on the basis of reports. On Friday, 26 May, the Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.25) endorses the format contained in the annex of the Executive Secretary's note (UNEP/CBD/COP/5/13/Add.1) as the recommended format for future national reports in accordance with Article 26 (Reports) and requests the Executive Secretary to further develop this format to incorporate views expressed at COP-5 by September 2000. Parties are requested to submit their next national report by 15 May 2001. The reports are to be prepared through a consultative process involving all relevant stakeholders. Parties are also invited to prepare detailed thematic reports on one or more of the COP's main agenda items, namely forest ecosystems, alien species and benefit-sharing. The format of the national reports should be continually reviewed and streamlining of national reporting should proceed. Organizations undertaking regional or global programmes supporting Parties in biodiversity planning are invited to provide the Executive Secretary with information on programme activities and lessons learned.

## OPERATIONS OF THE CONVENTION

On Wednesday, 17 May, WG-II considered operations of the Convention (UNEP/CBD/COP/5/4, 17 and 17/Add.1) and endorsed the proposal for biannual COP meetings and annual SBSTTA meetings. The African Group stated that ordinary meetings of the COP should focus on reviewing intersessional progress. Switzerland and Kenya preferred changing the COP Bureau at the end of its ordinary meeting rather than at the start. Many countries supported developing a strategic plan for implementing the CBD and suggested that Parties, regions, local communities and SBSTTA provide inputs to the plan's development. The EU suggested the plan be approved at COP-6.

On SBSTTA's operations, New Zealand suggested holding an ISOC specifically on their improvement following SBSTTA-6. Brazil, the Netherlands, the United Kingdom and the US called for strengthening scientific assessments. Norway endorsed the establishment of a scientific assessment mechanism to provide policy advice and Japan opposed this. Brazil, Colombia, Paraguay and Panama supported establishing a subsidiary body to review CBD implementation on socioeconomic aspects. Regarding other operational issues, Costa Rica supported strengthening the CHM and, with the CEE and the Netherlands, encouraged regional activities, while Canada stated that regional activities should not take priority over national implementation. A contact group, chaired by Jonathan Tillson (United Kingdom), was formed to draft decision text on the COP, the strategic plan for the Convention and SBSTTA's operations.

On Thursday, 18 May, regarding miscellaneous matters, several countries emphasized regional and sub-regional activities. The Asian Group stated that SBSTTA should focus on scientific assessments and advice. Several countries supported establishing a Subsidiary Body for Implementation (SBI) to assess the CBD's operations. New Zealand stated that an SBI would cause unnecessary duplication and supported voluntary review of implementation. Australia, Canada and Norway preferred an intersessional review. Birdlife International and *Sobrevivencia* called for improved functioning of existing bodies.

On Tuesday, 23 May, WG-II considered and adopted a draft decision on cooperation with other bodies submitted by the contact group. This decision was adopted in the final Plenary.

On Thursday, 25 May, WG-II considered a Chair's draft decision on operations of the Convention. Regarding a paragraph providing for a COP Bureau with one President and ten Vice Presidents by modifying rule 21 of the Rules of Procedure, Colombia noted that the COP Bureau should consist of one President and nine Vice Presidents with geographically-balanced representation. The Netherlands and Kenya supported the text as is. With regard to reviewing the CBD's implementation, delegates could not agree on the review mechanism. After informal consultations, delegates agreed to hold an open-ended intersessional meeting and review the role of intersessional processes at COP-6. Colombia requested the final report of the meeting to record its concern over the COP Bureau's composition. On Friday, 26 May, Plenary adopted the decision.

**Decision on operations of the Convention:** The decision (UNEP/CBD/COP/5/L.27) includes sections on the COP, the strategic plan for the convention, operations of SBSTTA, other matters and implementation.

**Conference of the Parties:** The decision includes several amendments to the Rules of Procedure, in particular Rule 4 regarding the periodicity of the ordinary meeting of the COP, and Rule 21 regarding the COP Bureau's composition. It decides that the ordinary meeting of the COP shall meet every two years, and the COP Bureau should consist of one President and ten Vice Presidents. The effectiveness of these amendments are to be reviewed at COP-7.





**Strategic plan for the Convention:** The decision requests the Executive Secretary to develop the strategic plan that will be adopted at COP-6, covering the period 2002-2010. The plan shall be based on the COP's longer-term work programme and provide guidance for implementation of this programme. The plan shall contain a set of operational goals.

**Operations of SBSTTA:** The decision sets out procedures for SBSTTA to conduct its work and requests SBSTTA to undertake scientific assessments.

**Other matters:** The decision calls for promoting the CHM's development and calls on Parties to participate in sub-regional and regional activities. It also requests the Executive Secretary to continue enhancing communication with Parties and to use national reports to gather information for issues in the work programme.

**Implementation:** The decision calls for an open-ended intersessional meeting to assist with COP-6 preparations, and to review the role of intersessional processes in enhancing the Convention's implementation at COP-6.

**Decision on cooperation with other bodies:** This decision (UNEP/CBD/COP/5/L.6) invites the Executive Secretary to strengthen cooperation in the area of scientific and technical assessment with the FCCC, Ramsar Convention, CMS and the International Biodiversity Observation Year of Diversitas on relevant issues. It requests SBSTTA to identify opportunities for collaboration with the Millennium Ecosystem Assessment and encourages support to the Global Biodiversity Forum.

#### **BUDGET FOR THE PROGRAMME OF WORK FOR THE BIENNIUM 2001-2002**

The proposed budget for the biennium (UNEP/CBD/COP/5/18 and Add.1) was considered in the budget contact group, chaired by John Ashe. The group negotiated a draft decision, incorporating proposed meetings and workshops, including technical panels, in the special voluntary fund. It also discussed the expiration of the host government agreement for the period 1996-2000 and urged that it be extended to 2001-2002 to offset planned expenditures.

The draft decision on the budget was introduced in the final Plenary on Friday, 26 May. Mali and Rwanda appealed to Canada to finalize and extend the host country agreement, expressing concern over the loss of financial support and budgetary implications. Canada, regretting that it could make no further commitment at COP-5, said it would take the concerns expressed to the highest levels of its government. Regarding the assessment of the Executive Secretary's post level, Cameroon said COP-6 is too far ahead and preferred that the Bureau study this. Colombia expressed concern that the budget did not adequately reflect the discussions and priorities identified in the Working Groups. New Zealand regretted that funding for the technical expert panels was allocated from the special voluntary trust funds and not in the core budget. Delegates adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.12) approves a programme budget for 2001 of US\$8,594,000, comprised of the trust fund, the special voluntary trust fund for approved activities and the special voluntary trust fund for facilitating Party participation. The budget for 2002 is US\$10,049,900. It approves 56 Secretariat staff positions from the budget and a drawing of US\$5,203,200 from the unspent balances of contributions from previous financial periods to cover part of the 2001-2002 budget. It authorizes the Secretariat to transfer up to 15% of total resources among programmes. It urges countries that have not paid their contributions to the core budget to do so and urges contributions to the voluntary trust funds.

#### **PRIORITY ISSUES FOR REVIEW AND GUIDANCE**

**CONSIDERATION OF OPTIONS FOR CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY IN DRYLAND, MEDITERRANEAN, ARID, SEMI-ARID, GRASSLAND AND SAVANNAH ECOSYSTEMS:** On Wednesday, 17 May, WG-I addressed the topic (UNEP/CBD/COP/5/19) and SBSTTA Recommendations IV/3 and V/8. Many countries supported the proposed work programme, although Australia expressed concern over its lack of specific targets. The G-77/China stressed the issue's importance for developing countries. Numerous countries highlighted: the relevance of poverty; food security; alternative livelihoods; incorporation of the knowledge of indigenous and local communities, farmers and pastoralists; and need for assessments of biodiversity status and trends. Several countries supported collaboration with the CCD, FCCC, Ramsar Convention and other bodies. Numerous developing countries called for expanding GEF resources and activities. Brazil, Greece and others stressed appropriate interaction with the CBD's other thematic areas. The African Group, the EU and others highlighted the need to enhance regional cooperation, management and information exchange, and stressed the importance of water management and inland waters. A contact group, chaired by Sem Shikongo (Namibia), was established and discussed, *inter alia*, cooperation among countries, collaboration with the CCD, timing for the review of status and trends, and ways and means to carry out proposed activities. On Tuesday, 23 May, WG-I considered a draft decision, which was approved. The final Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.4) establishes a programme of work on drylands biodiversity. It requests SBSTTA to review and assess status and trends and establish an *ad hoc* technical expert group to assess, *inter alia*, international priorities, measures for resource management and sustainable livelihoods, and indicators and socioeconomic impacts, including the relationship between biodiversity and poverty. The Executive Secretary is requested to collaborate with the CCD and others, establish a roster of experts and identify further activities and potential timetables. The decision includes an indicative list of geographic levels for activities and an illustration of the implementation process.

The work programme includes sections on assessments and targeted actions to be implemented in parallel. Activities under assessments include, *inter alia*: assessment of status and trends; identification of local and global benefits and areas of particular value; development of indicators; and building knowledge on ecological, physical and social processes. Activities for targeted actions include, *inter alia*:

- promotion of measures for conservation and sustainable use through consideration of protected areas, rehabilitation and restoration, alien invasive species, management of water resources, *in situ* and *ex situ* conservation, economic valuation, adaptive management, education and public awareness, access and exchange of information and cooperation with relevant international agreements;
- promotion of responsible resource management through strengthening local institutions, decentralization of management, work with institutions on land tenure and conflict management, cooperation on transboundary issues and harmonization of sectoral policies; and
- support for sustainable livelihoods through diversifying income sources, sustainable harvesting, markets for sustainable use products and mechanisms for promoting equitable benefit-sharing.

The work programme also includes a reporting framework.



**SUSTAINABLE USE, BIODIVERSITY AND TOURISM, AND INCENTIVE MEASURES:** On Tuesday, 16 May, WG-I considered sustainable use, including tourism, (UNEP/CBD/COP/5/20), and incentive measures (UNEP/CBD/COP/5/15) along with SBSTTA recommendations IV/7 and V/12. The initial intent of considering these issues together was to form one decision, but delegates ultimately preferred three separate decisions. Several delegations expressed support for the SBSTTA recommendations and for the sustainable use of biological resources through the ecosystem approach.

Regarding tourism, the EU and Switzerland called for synergy with the CSD on the international guidelines for activities related to sustainable tourism. Norway identified intersectoral dialogue as a prerequisite for successful sustainable use and, supported by many, asked for principles and criteria to be developed in thematic areas. Switzerland called for a definition of ecotourism and for discussion of it under other sectoral activities. The CEE highlighted stakeholder involvement. The G-77/China stressed the conservation of culture and recognition of traditional knowledge and indigenous technologies. Malawi drew attention to the Malawi Principles for the ecosystem approach, which were adopted by the Southern African Development Community (SADC).

On incentive measures, several delegations supported their use. The EU emphasized the internalization of biodiversity value in cost-benefit analysis and the need for biodiversity considerations in liability mechanisms. Australia and the Netherlands supported collaboration with the OECD and IUCN in developing incentive measures, and others opposed specifying organizations. The G-77/China requested including information on incentive measures in national reports and the establishment of an expert group on incentive measures.

On Thursday, 18 May, delegates considered a Chair's draft decision. On sustainable use, many delegations proposed including the ecosystem approach in the preamble and text. Indonesia, Burkina Faso and Tonga asked for reference to poverty alleviation and local and indigenous communities in relation to sustainable use implementation. Australia emphasized the need for more focused outputs and, with the US, for specific reference to IUCN's Sustainable Use Initiative. On incentives, the Russian Federation requested assessment of existing incentives. Regarding sustainable tourism, many suggested expanding international guidelines to include activities within and outside protected areas. On Monday, 22 May, Plenary adopted three decisions.

**Decision on sustainable use:** This decision (UNEP/CBD/COP/5/L.3) invites relevant organizations involved in sustainable use initiatives to gather, compile and disseminate case studies on best practices and lessons learned. It requests the Executive Secretary to initiate relevant work on sustainable use and to assemble principles, operational guidelines and associated instruments. It invites Parties and governments to identify indicators and incentive measures for sectors relevant to the conservation and sustainable use of biodiversity and, with relevant organizations, to assist developing countries and countries with economies in transitions to increase their capacity to implement sustainable use programmes and policies through workshops, development of action plans, information dissemination and technology transfer. It also urges mechanisms to involve the private sector and indigenous and local communities, and invites Parties to identify areas for conservation that would benefit from the sustainable use of biodiversity.

**Decision on biodiversity and tourism:** The decision (UNEP/CBD/COP/5/L.3) endorses an assessment of interlinkages between biodiversity and tourism, noting, *inter alia*, the economic importance of tourism, its interrelationship with biodiversity conservation and its potential economic, social and environmental impacts. It recommends that Parties, governments and the tourism industry consider the assess-

ment as a basis for policies, programmes and activities, focusing on: ecotourism's unique role; long-term monitoring and assessment; tangible benefits to local economies; awareness raising, information sharing, education and training of tourism operators; indigenous and local community involvement in tourism development; and indigenous and local communities' values and knowledge of biodiversity use. It also encourages adoption of strategies involving all stakeholders, incorporating the ecosystem approach, maximizing opportunities for benefit-sharing and recognition of traditional knowledge, and balancing economic, social, cultural and environmental concerns. It accepts the CSD's invitation to participate in its international work programme on sustainable tourism, with a view to contributing to international guidelines for tourism-related activities, within and outside protected areas. The decision also requests SBSTTA to transmit its findings to CSD-10 and encourages activities in preparation for the International Year of Ecotourism and the International Year of Mountains.

**Decision on incentive measures:** The decision (UNEP/CBD/COP/5/L.3) establishes a work programme on the development and implementation of social, economic and legal incentive measures for the conservation and sustainable use of biodiversity in order to support Parties, governments and organizations in developing policies and projects, and provide practical guidance to the financial mechanism. The programme should result in: the assessment of existing incentive measures, review of case studies, and identification of new opportunities for incentive measures; methods to promote information on biodiversity in consumer decisions; the assessment of biodiversity's value for internalization in public policy initiatives and private sector decisions; consideration of biodiversity concerns within liability regimes; and incentives for integrating biodiversity concerns in all sectors. It also requests the Executive Secretary to collaborate with relevant organization, such as the OECD and IUCN, decides to integrate actions on incentives within thematic work programmes, requests the Executive Secretary to promote coordinated action on incentives with biodiversity-related conventions and urges consideration of how Kyoto Protocol and FCCC incentive measures can support the CBD's objectives.

**ACCESS TO GENETIC RESOURCES:** On Tuesday, 16 May, WG-II discussed access to genetic resources, taking into account recommendations from ISOC and the Experts Panel on Access and Benefit-Sharing (UNEP/CBD/COP/5/4, 8 and 21). Many delegations welcomed the report of the Experts Panel. Delegations generally supported extending the Panel's mandate and proceeding with development of ABS guidelines. The EU stated that an *ad hoc* open-ended working group would allow for a broader participatory approach. Switzerland also stressed broader participation and suggested a rapid start to developing international guidelines. Mexico said there should be standard legislation for all countries. Many developing countries stressed the need for institutional and legal capacity building. Noting interlinkages with agrobiodiversity and Article 8(j), Norway and others suggested a comprehensive approach allowing the CBD to play a proactive role within other relevant international fora. India and Nigeria highlighted the need for legislation and control measures in recipient countries of genetic resources to complement legal measures in resource-provider countries. Ethiopia and India highlighted the issue of IPRs and endorsed the recommendation to further explore the compatibility of the Convention's objectives and the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPs agreement). Turkey noted that *sui generis* systems are necessary to accommodate differing national circumstances. Ethiopia called for addressing in detail *ex situ* collections acquired prior to the entry into force of the Convention.



On Thursday, 18 May, the Working Group established a contact group, chaired by A.H. Zakri (Malaysia), to consider and elaborate draft text. The contact group met several times and reported to WG-II on Thursday, 25 May. WG-II adopted the draft decision with minor amendment. On Friday, 26 May, the Plenary adopted the decision.

**Decision:** The decision (UNEP/CBD/COP/5/L.26) contains three sections: ABS arrangements; the relationship between IPR and the relevant provisions of the TRIPs agreement and the CBD; and *ex situ* collections acquired prior to the CBD's entry into force and not addressed by the FAO Commission on Genetic Resources.

With regard to ABS, Parties are requested to designate a national focal point and one or more competent national authorities to be responsible for and provide information on ABS arrangements. Parties are urged to ensure that national biodiversity strategies as well as legislative, administrative or policy measures on ABS contribute to conservation and sustainable use objectives. To promote trust-building and transparency to facilitate the exchange of genetic resources, Parties are urged to pay particular attention to their obligations under Articles 15 (Access to Genetic Resources), 16 (Access to and Transfer of Technology) and 19 (Handling of Biotechnology, Distribution of its Benefits) of the Convention, and to report to the COP on measures taken. The decision highlights the need to promote flexibility, while recognizing the need for sufficient regulation of access to genetic resources, notes that all countries are providers and recipients of genetic resources and urges recipient countries to adopt legislative, administrative or policy measures that are supportive of efforts made by provider countries to ensure that access is subject to Articles 15, 16 and 19. The decision states the importance of prior informed consent (PIC) and mutually agreed terms (MAT) for the implementation of ABS.

In developing national legislation on access, Parties are asked to allow for the development of a multilateral system to facilitate ABS in the context of the IU. Parties are urged to finalize work in the FAO Commission on Genetic Resources as soon as possible, and the COP affirms its willingness to consider a decision by the Conference of the FAO that the IU become a legally binding instrument with strong links to both the FAO and the CBD.

It is decided to reconvene the Experts Panel on Access and Benefit-Sharing with a concrete mandate and agenda to address outstanding issues from its first meeting. Subsequently, an *Ad Hoc* Open-ended Working Group will be established, with a mandate to develop guidelines and other approaches for submission to the COP. The Working Group shall maintain communication with the Working Group on Article 8(j). Specific capacity-building needs are outlined as, *inter alia*, assessment and inventory of biological resources, contract negotiating skills, legal drafting skills and means to protect traditional knowledge.

Parties and relevant organizations are invited to submit to the Executive Secretary information about the role of IPRs in the implementation of ABS arrangements by 31 December 2000; relevant international organizations are invited to analyze IPR issues, including the provision of information on the origin of genetic resources when submitting applications for IPRs, including patents. Regarding IPRs, the decision invites the WTO to acknowledge relevant CBD provisions and to take into account the interrelatedness of the CBD and the TRIPs agreement. The present decision will be transmitted to the WTO and WIPO. The request to the Executive Secretary to apply for observer status on the TRIPs Council is renewed.

With regard to *ex situ* collections, it was decided to continue the information gathering exercise initiated by Decision IV/8. The Executive Secretary is requested to gather information from Parties, governments and international organizations through questionnaires as outlined in Annexes I and II.

## HIGH-LEVEL SEGMENT ON THE CARTAGENA PROTOCOL

A High-Level Segment on the Cartagena Protocol on Biosafety was held on Wednesday, 24 May. Numerous delegations, including 25 ministers, heads of delegations, observers and NGOs, delivered statements, and 68 Parties signed the Protocol. The High-Level Segment was preceded by a Ministerial Roundtable on Tuesday, 23 May, on capacity building to facilitate the Protocol's implementation.

**PLENARY STATEMENTS:** CBD Executive Secretary Zedan highlighted capacity building for risk assessment in developing countries. UNEP Executive Director Klaus Töpfer underscored biotechnology's potential and said the global community should handle associated risks through coordinated action. Juan Mayr, Minister of Environment of Colombia and former President of the CBD ExCOP, said the challenge remains to reconcile trade and environment and to balance the positive and negative aspects of biotechnology.

Bangladesh called for financial and technical assistance to the CHM for implementation of the CBD and the Protocol. Benin stressed that biodiversity conservation must incorporate human needs. Burkina Faso appealed to countries for financial and technical support for his country to host MOP-12 for the Montreal Protocol in Ouagadougou from 11-15 December 2000. Chad called for resolving pending issues under the CBD and the Protocol to move the implementation process forward. The Czech Republic stressed international cooperation, information exchange and benefit-sharing. Germany presented its biosafety capacity-building initiative and stressed that risk assessment incorporate socioeconomic aspects. Hungary cautioned that LMOs could pose social consequences and urged implementation of the precautionary principle.

India said it will sign the Protocol in the near future. Malaysia called upon delegates to ensure that LMOs do not upset the ecological balance among species and that State sovereignty over biological resources is preserved. Malawi requested capacity building for scientific and technical expertise to identify LMOs, public awareness on handling and use of LMOs, and information sharing. Mexico called for focus on *in situ* conservation. Monaco highlighted marine and coastal biodiversity, noting activities under the Barcelona Convention and an agreement to protect shellfish in the Mediterranean and Black Seas. Morocco stated that the Protocol re-establishes the equilibrium between benefits drawn from the environment and the responsibility to protect it. Mozambique underscored the dramatic impact of extreme weather on biodiversity resources and requested international assistance for this. The Netherlands lauded the Protocol as a breakthrough in trade and environment negotiations. Niger noted national activities on water, energy, quality of urban life, climate change and action plans on desertification and biodiversity.

Nigeria, on behalf of the G-77/China, stressed capacity building for accessing the CHM and risk assessment and management, and the urgent need to work on liability and redress. Portugal, on behalf of the EU, stressed that countries with expertise in scientific assessment and regulatory structures should contribute to targeted capacity-building efforts. Rwanda highlighted developing countries' primary role as a supplier of genetic resources for biotechnology and called for developing such technologies in these countries. Slovakia noted the complexity of harmonizing national regulatory mechanisms and capacity, and suggested regional lists of frequently transported LMOs. Slovenia noted the need to develop its domestic regulatory system, especially for risk assessment, to translate the Protocol into national legislation. Sri Lanka noted its reorientation towards sustainable agriculture and the ecosystem approach and called for unity in diversity to implement the Protocol. Turkey highlighted the need for a risk management mechanism and an international fund for compensation of accidental transboundary movement of LMOs. Uganda noted that



capacity building is essential for the Protocol's interim period. Uruguay stressed that regional interests be addressed by the CBD and the Protocol.

Algeria reaffirmed the need for international cooperation to ensure fair and equitable sharing of biodiversity. Angola highlighted the need to reduce the gap between the poor and the rich. Argentina urged ICCP-1 to facilitate the initiation of activities to implement the Protocol. Armenia noted the need to establish an ABS regime and to identify advantages and local interests in using biodiversity. Australia said nothing in the Cartagena Protocol should prevent countries from implementing their obligations under the WTO. Austria underscored the importance of international cooperation to address global environmental issues and the value of the Cairo Guidelines on Biosafety. Bhutan called for special attention to countries without domestic regulatory systems. Belgium underscored capacity building for risk assessment and highlighted partnerships on the CHM with African countries. Bolivia identified risks created by globalization of markets. Brazil noted domestic research on labeling genetically modified food and said the Protocol should be an engine for promoting sustainable development. Cameroon highlighted national efforts and assistance in creating regional biosafety databases, training for risk assessment and management, and developing an action plan for implementing national biosafety legislation.

Canada underscored the Protocol's place in a global, sustainable development architecture. Chile stated that the Protocol was a product of the international community's tolerance and creativity. China noted GEF/UNEP assistance to develop a national biosafety framework, which proposes detailed guidelines for risk assessment and management and an implementation plan. Cuba noted its need for institutional capacity and its willingness to provide regional assistance regarding biosafety in the area of pharmaceuticals. Denmark noted its moral and financial support for the Protocol and stated that capacity building is the gateway to successful implementation. Ecuador noted its national legislation to regulate biotechnology and protect endangered species. El Salvador highlighted the need for strong capacity building, calling for cooperation between countries.

Ethiopia said the winds of change from Seattle empowered developing countries to reach an agreeable outcome in Montreal. The European Community stressed that countries must work together to establish the Biosafety CHM and clarify decision-making processes. Finland announced its contribution to the GEF to promote the Protocol's ratification. France highlighted environmental responsibility, accountability and multilateral assistance to implement the CBD and the Protocol. Greece stated that the Protocol should become an institutional framework for promoting all humans' well-being. Haiti called for reducing the gap between developing and developed countries. Indonesia supported the ICCP's work plan as well as the Biosafety CHM. Pakistan highlighted national legislation on biosafety.

Peru, speaking for the Andean Community, noted the region's rich biodiversity and stressed capacity building, technology transfer and information exchange. Peru, speaking for itself, underscored the need to implement the Protocol at the national, regional and global levels and noted future generations' right to the environment. The Philippines stressed the importance of food security, poverty alleviation and human well-being. Kenya highlighted the Protocol's importance and stressed the need for assistance to developing countries for implementation. Latvia underscored the importance of the GEF for the Protocol's implementation. Lesotho stressed capacity building and identified benefit-sharing with regard to *ex situ* collections and implementation of Article 8(j) as areas of paramount importance. Madagascar said biosafety is a top priority in its biodiversity strategy. Norway said an additional biosafety-related process within the WTO is unnecessary.

The Republic of Korea underlined capacity building for developing countries and prioritization of risk management and assessment in this regard. Samoa expressed the concern of small island States over transboundary movements of LMOs and requested assistance for building infrastructures. Spain ensured its commitment to ratifying and implementing the Protocol. Sweden highlighted its assistance initiative in capacity building directed to Southern and Eastern Africa. Switzerland said the precautionary principle in the Protocol marks its first inclusion in international environmental law. Tanzania called for capacity building, particularly provision of scientific and technical tools for risk assessment and management. Togo said the Protocol is proof that humankind can be moved by ethics rather than commercial interests and stressed the need for national biotechnology risk prevention frameworks.

Venezuela, speaking for the Amazon Cooperation Treaty, noted the region's commitment to sustainable use and the important role of indigenous and local communities in conserving its ecosystems. Venezuela, speaking for itself, highlighted the integration of the CBD's objectives into its revised constitution. Zambia stated that the Protocol signifies the CBD's level of maturity and stressed the need for sub-regional and regional approaches. Zimbabwe supported use of adaptive management, incorporating traditional knowledge and systems. The US highlighted its interest in contributing financially and technically to the meeting of technical experts on the Biosafety CHM.

Diverse Women for Diversity, speaking for the NGO community, called for a ban on GURTS and GMOs in food aid, stressed that CBD objectives should not be undermined by TRIPs, and said the FAO IU should be a Protocol to the CBD. The Global Industry Coalition underscored that decisions should be based on sound scientific knowledge, and that rights and obligations under other agreements should be respected.

**PROTOCOL SIGNATORIES:** Sixty-four countries and the European Community signed the Cartagena Protocol on Biosafety on Wednesday, 24 May 2000. Three additional countries signed the Protocol before the conclusion of the COP, bringing the total signatories to 68: Algeria, Antigua and Barbuda, Argentina, Austria, the Bahamas, Bangladesh, Belgium, Benin, Bolivia, Bulgaria, Burkina Faso, Central African Republic, Chad, Chile, Colombia, Costa Rica, Cuba, Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, European Community, Finland, France, the Gambia, Germany, Greece, Grenada, Guinea, Haiti, Honduras, Hungary, Indonesia, Ireland, Italy, Kenya, Lithuania, Malaysia, Malawi, Mexico, Monaco, Morocco, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Peru, the Philippines, Poland, Portugal, Rwanda, Samoa, Slovak Republic, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Togo, Turkey, Uganda, the United Kingdom and Venezuela.

#### **CLOSING PLENARY**

COP-5 President Nyenze convened the closing Plenary at 11:15 am on Friday, 26 May. CCD Executive Secretary Hama Arba Diallo said that biodiversity loss and land degradation are linked with rural poverty. He highlighted collaboration between the CBD and CCD for the development and implementation of the work programme on dry and sub-humid lands and referred to implementation through national and sub-regional action programmes and regional thematic programme networks established under the CCD.

WG-I Chair Peter Schei introduced and delegates adopted the report of WG-I (UNEP/CBD/COP/5/L.20). He introduced the draft decisions prepared by WG-I on sustainable use, biodiversity and tourism, incentive measures, drylands biodiversity, alien species, the Global Strategy for Plant Conservation, the ecosystem approach, agricultural biodiversity, the GTI and progress in implementing work



programmes on inland water ecosystems, marine and coastal and forest biodiversity. Regarding the technical expert panel on forests, he expressed WG-I's concern that no core funding had been allocated for this group or other technical groups to be established on drylands, and marine and coastal ecosystems. He stressed the importance of adequately preparing for consideration of forests at COP-6 and the need for better cooperation between working groups and the budget contact group in the future.

WG-II Chair Elaine Fisher introduced the report of WG-II (UNEP/CBD/COP/5/L.19), which was adopted with minor amendments. Ilona Jepsen (Latvia) presented and the Plenary adopted the report on credentials (UNEP/CBD/COP/5/L.14). Rapporteur Marina von Weissenberg (Finland) introduced the report of the meeting (UNEP/CBD/COP/5/L.1 and Add.1), which was approved with minor corrections. The Netherlands extended an offer to host COP-6 in the Hague in the second quarter of 2002 and delegates adopted a decision on this (UNEP/CBD/COP/L.10). The Netherlands thanked Kenya for hosting COP-5 and looked forward to meeting everyone at COP-6. Plenary also adopted a decision thanking the government and people of Kenya.

Regarding other matters, the Plenary adopted a decision on the contribution of the CBD to the ten year review of progress achieved since UNCED (UNEP/CBD/COP/5/L.13), which requests the Executive Secretary to support preparatory activities and to review and assess the CBD's programme of work since 1992.

Stating that each Party should have the right to elect and be elected to the Bureau in accordance with the rule of procedure, Israel objected to not being able to serve on the Bureau because of not being part of a regional group. He objected to all decisions involving elections based on the current regional groups, questioning their legal basis.

Portugal, on behalf of the EU, Brazil, on behalf of GRULAC, Indonesia, on behalf of the Asian Group, Panama, on behalf of the Central American Countries, Latvia, on behalf of the CEE, Ethiopia, on behalf of the African Group, Sweden, for WEOG, and New Zealand expressed their gratitude to the government and people of Kenya, COP-5 President Nyenze, working group and contact group Chairs, UNEP Executive Director Töpfer, CBD Executive Secretary Zedan, the CBD Secretariat, interpreters and staff. The EU stressed capacity building and information sharing as the key elements for successful implementation. GRULAC said that funds are needed for regional meetings before the next COP. The Asian Group urged that enforcement of the Cartagena Protocol be reported to the COP. The Central American countries urged strengthening regional and sub-regional links. The African Group highlighted, *inter alia*, the issue of repatriation of Africa's genetic resources, the need for capacity development and poverty alleviation, public awareness, participation of local communities in decision making, protection of farmers' rights and opposition to the patenting of life forms.

Jorge Illueca, UNEP, on behalf of the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, stressed cooperation with the CBD's work programme on marine and coastal biodiversity, and noted the recent coming into force of its Protocol on Specially Protected Areas and Wildlife. Greenpeace International noted its support for work on the ecosystem approach and Article 8(j), the high level of attention to biosafety and the CBD's responsibility to adequately address the issue of forest biodiversity. Töpfer expressed his gratitude to all involved, called for the Cartagena Protocol's entry into force prior to 2002. CBD Executive Secretary Zedan noted that more than 1500 participants attended COP-5 and highlighted the meeting's business-like nature. COP-5 President Nyenze noted his honor in presiding over the meeting, and highlighted the signing of the Protocol as a signal of the international community's commitment to the CBD. Nyenze gavelled COP-5 to a close at 2:10 pm.

## A BRIEF ANALYSIS OF COP-5

As COP-5 drew to a close, delegates left Nairobi generally satisfied with the meeting's progress. In contrast with the organizational and procedural problems that have plagued previous COPs, discussions at COP-5 were very business-like without significant controversy or underlying intrigues. With relatively efficient working group and plenary discussions, some felt that the CBD is coming into stride and that this reflects a growing maturity within the process. Seven years since its entry into force, the Convention has moved beyond the "innocence of youth" stage as the general positions and actors on issues such as forests, agriculture, marine and coastal biodiversity, and biosafety are generally known and almost predictable. In some cases this has muted the volatility of North-South divides, although the underlying positions still remain firm. However, discussions on newer issues, such as access to genetic resources and benefit-sharing (ABS), and alien species, have had more dynamism. This analysis will review some of the more contentious items, as well as underlying procedural questions, that arose during COP-5.

### THE GHOSTS OF CARTAGENA AND MONTREAL

One of the more difficult debates was over the work plan of the Intergovernmental Committee for the Cartagena Protocol (ICCP), which had some referring back to the core issues and negotiators in Cartagena and Montreal. Identification and documentation, pharmaceuticals, as well as reference to liability and redress in the environmental impact discussions, and contained use in the genetic use restriction technologies discussions, are all issues that had arisen time and again within the biosafety working group. The debate over the ICCP's work plan mainly centered on whether it would solely address preparatory activities or possibly slide into more substantive discussions on these more contentious issues. Some said that such worries were overblown given the ICCP's explicit mandate to address only preparatory issues. A few delegates noted that both the Protocol's completion and the negotiating group dynamics that split the traditional North-South divide contributed significantly to the morale and ability to compromise at COP-5. Many echoed calls from the Ministerial Roundtable to move on capacity building, information sharing and the Biosafety CHM to set the building blocks for an operational Protocol. For these delegates, it was not so much the re-appearance of the ghosts of Montreal and Cartagena, but the need to exorcise those ghosts.

### THE ABCs OF ABS

ABS was perhaps the most contentious issue of COP-5. Some lamented that conservation and sustainable use never received such directed attention, noting the underlying economic stakes as a possible incentive. Ultimately, the major questions surrounding the triad of issues, including ABS arrangements, intellectual property issues and *ex situ* collections, boils down to levels of common understanding, commitment and responsibility, whether through voluntary guidelines, binding mechanisms or the "and other approaches" option. In this regard, the discussion on the relation of the International Undertaking on Plant Genetic Resources to the CBD remains unresolved, although many expressed satisfaction that the needs and rights of farmers were increasingly being raised. Also, efforts to develop legal obligations for resource users and on access to *ex situ* collections met with significant opposition, despite calls to balance the responsibilities of those accessing and those providing genetic resources. Some developed countries noted problems with the feasibility of developing and enforcing such binding commitments on private sector entities. A few delegates responded that "feasibility" is a question of political will.

Developing and developed country delegates also differed on the controversial issue of the TRIPs review and patenting on life. Some delegates questioned whether the CBD was the appropriate forum to



address such questions. Others thought a full-scale confrontation between TRIPs and the CBD would be unproductive and possibly damaging for the CBD, and suggested working first with WIPO to develop the underlying legal tools and frameworks. A few delegates expressed fears that the larger political discussions on TRIPs, the IU and *ex situ* collections were detracting from the need to concentrate on the gaps in operationalizing ABS measures at the national level.

### ALIEN INVASION

Discussions on alien species and their guiding principles also crept into a debate over binding obligations versus voluntary guidelines. Some participants, noting overlaps and similarities with GMOs, thought a Protocol would be a plausible step, especially recognizing the significance of trade vectors and the possible need to contend with the WTO. Others, highlighting the difficulties of negotiating the Cartagena Protocol, noted that negotiations on a topic possibly even more steeped in transboundary trade could be even more contentious and drawn-out.

### THE FOREST FOR THE TREES

The review of the forest work programme was much more subdued, especially in comparison to past COP discussions on forests. While policy and climate change issues were addressed, some participants noted that SBSTTA-5's calls for a more action-oriented work programme had not been heeded. Several participants questioned whether the mandate of the technical expert group is too narrow to see the forests for the trees. Against the backdrop of the recently completed IFF and questions about the constitution, role and mandate of the UN Forum on Forests, some suggested the CBD is still finding its niche. Reflecting on the history of forests extending from COP-3, others resigned themselves to the fact that the CBD is not going to take a proactive international role in the forest policy debate.

### COP-5 WISENS UP

Perhaps the most unexpected result of COP-5 was the outcome of discussions on Article 8(j). Indigenous and local community representatives expressed their general satisfaction with COP-5 and their level of participation in Article 8(j) discussions, especially compared to COP-4 where they were evicted from the final contact group deliberations. Some said this stemmed from a process that has matured significantly since the Madrid Workshop on Traditional Knowledge in 1997. Not only has the CBD as an institution benefited from such discussions, but the process has also strengthened indigenous and local community groups through the Indigenous Caucus. Some indigenous representatives cautioned that discussions on Article 8(j) should proceed slowly since many are still apprehensive of the motivations of the Convention and that the improved level of participation should not be interpreted as implicit consent on the issue.

### A GLOBAL ENVIRONMENTAL ARCHITECTURE

Shifting to procedural and implementation issues, the nature of the CBD as an umbrella agreement also arose within Gigiri's breezeways. Delegates questioned whether such an umbrella should be composed of binding protocols, guidelines or work with other agreements. With the Cartagena Protocol complete, discussion became, "What next?" Even the prospects for protocols on the revised International Undertaking and alien species met definite resistance. Some stressed the need to focus CBD activities on its work programmes and cross-cutting issues first, and later to address its comparative niche within the realm of environmental agreements. Others criticized this focus, highlighting the CBD's scope as its *raison d'être* for being an umbrella agreement.

Discussions on the Convention's operations also raised the issue of how best to progress on implementation issues. Consideration of a Subsidiary Body for Implementation yielded mixed review. Some

delegates supported such an instrument to directly address national implementation issues, whereas others noted the already overburdened schedule of CBD meetings. Some further commented that existing problems with implementation cannot be addressed by another inter-governmental meeting. Closely related were discussions on finance, especially on how to support a vastly increased number of expert panel, working group and other preparatory meetings. Several countries expressed dissatisfaction over the fact that the core budget does not provide earmarked resources for many of those meetings. Ultimately, this questions the means and limits to managing a vast agenda and "strategic" work plan.

A key theme of implementing the CBD has been how to do more with less. COP-5 paid significant attention to developing work programmes and synergies with other international processes and institutions. Collaboration with the CCD, Ramsar, GISP and others has become a standard *modus operandi* with mutually beneficial ends by assisting a Secretariat with limited means while providing other agreements indirect access to GEF funds. Even discussions on climate linkages, which were hard fought at COP-4, have been well integrated into proposed work on coral bleaching and forests. Such links are starting to create the basis of what some have coined the "global environmental policy architecture," mirroring the interconnectedness of environmental problems.

### SEE YOU IN THE HAGUE

With work programmes under way on all the major ecosystem themes and significant discussion on cross-cutting issues, delegates noted that the challenge for COP-6 is to manifest progress on policy generation into progress in implementation. This shift from policy to action is critical to maintaining the CBD's credibility. Some noted that the next key issue for the Convention to tackle will be effective integration of cross-cutting issues, such as Article 8(j), incentive measures, and education and public awareness into the ecosystem work programmes. One participant aptly characterized the meeting, stating that the fanfare, jubilation and fear over the CBD's unknown potentials are now past, the ground rules have been set and Parties, observer governments and NGOs now need to get down to the basic work at hand.

## THINGS TO LOOK FOR

**THIRD AGRICULTURAL BIOTECHNOLOGY INTERNATIONAL CONFERENCE:** This conference will be held from 5-8 June 2000, in Toronto, Ontario, Canada. Under the theme, "Agbiotech: The Science of a New Century," participants will consider the opportunities agricultural biotechnology can offer. For more information, contact: Sharon Murray, ABIC Conference Coordinator, The Signature Group, Inc., 489 Second Avenue North, Saskatoon, SK, S7K 2C1 Canada; tel: +1-877-925-2242 (North America) or +1-306-934-1772; fax: +1-877-333-2242 (North America) or +1-306-664-6615; e-mail: siggroup@sk.sympatico.ca; Internet: <http://www.abic.net/>

**INTERNATIONAL CONFERENCE ON SCIENCE AND TECHNOLOGY FOR MANAGING PLANT GENETIC DIVERSITY IN THE 21ST CENTURY:** This conference will take place from 12-16 June 2000, in Kuala Lumpur, Malaysia. For more information, contact: Patti Sands, Assistant to the Deputy Director, IPGRI, Rome, Italy; fax: +39-6-575-0309; e-mail: [p.sands@cgiar.org](mailto:p.sands@cgiar.org); Internet: <http://www.cgiar.org/ipgri/sosindex.htm>

**IPPC OPEN-ENDED EXPLORATORY WORKING GROUP MEETING ON THE PHYTOSANITARY ASPECTS OF GMOs, BIOSAFETY AND INVASIVE SPECIES:** This meeting will be held from 13-16 June 2000, in Rome, Italy. For more information,



contact: Christina Devorshak, Associate Professional Officer, FAO-IPPC; tel: +39-06-5705-4006; fax: +39-06-5705-6347; e-mail: Christina.devorshak@fao.org; Internet: <http://www.fao.org>

**WORLD BOTANIC GARDENS CONGRESS AND SIXTH INTERNATIONAL BOTANIC GARDENS CONSERVATION CONGRESS:** These meetings will be held from 26-30 June 2000, in Asheville, North Carolina, USA. For more information, contact: Nan Guthrie, Congress Coordinator, 100 Frederick Law Olmsted Way, Asheville, NC 28806-9315 USA; tel: +1-828-665-2492; fax: +1-828-665-2371; e-mail: [congress@ncarboretum.org](mailto:congress@ncarboretum.org); Internet: <http://www.ncarboretum.org/congress2000/congress.htm>

**WTO TRIPS COUNCIL:** The WTO's Council on Trade-Related Aspects of Intellectual Property Rights (TRIPs) will meet from 26-30 June, 21-22 September and 27-30 November 2000, in Geneva, Switzerland. For more information, contact: Peter Ungphakorn, Information and Media Relations Division, World Trade Organization, 154 rue de Lausanne, 1211 Geneva 21, Switzerland; tel: +41-22-739-5412; e-mail: [peter.ungphakorn@wto.org](mailto:peter.ungphakorn@wto.org); Internet: <http://www.wto.org/wto/intellect/intellect.htm>

**WTO COMMITTEE ON TRADE AND ENVIRONMENT:** A meeting to be held from 5-6 July 2000, will include an information session with selected Secretariats of Multilateral Environmental Agreements. A meeting scheduled for 24-25 October 2000, will consider issues relating to market access, as well as the linkages between the multilateral environment and trade agendas. For more information, contact: Sabrina Shaw, Secretary of the CTE, World Trade Organization, 154 rue de Lausanne, 1211 Geneva 21, Switzerland; tel: +41-22-739-5482; e-mail: [Sabrina.shaw@wto.org](mailto:Sabrina.shaw@wto.org); Internet: <http://www.wto.org/wto/environ/te030.htm>

**TENTH PAN-AFRICAN ORNITHOLOGICAL CONGRESS:** This meeting will be held from 3-8 September 2000, in Kampala, Uganda. The theme of the Congress is "Birds and Biodiversity." For more information, contact: PAOC-10 Secretariat, The East Africa Natural History Society, Plot 83 Tufnel Road, P.O. Box 27034, Kampala, Uganda; tel: +256-41-540719; fax: +256-41-533528; e-mail: [eanhs@imul.com](mailto:eanhs@imul.com)

**FIRST INTERNATIONAL GLOBAL MOUNTAIN BIODIVERSITY ASSOCIATIONS MEETING:** This research conference will be held in Rigi, Switzerland, from 7-10 September 2000. The meeting will initiate the global GMBA network and organize the new DIVERSITAS-GMBA-Network. For more information, contact: Eva Spehn, GMBA Secretariat, Institute of Botany, University of Basel, Schönbeinstr. 6, 4056 Basel, Switzerland; tel: +41-61-267-3511; fax: +41-61-267-3504; Internet: <http://www.unibas.ch/gmba/conference.html>

**GLOBAL INVASIVE SPECIES PROGRAMME SYNTHESIS:** This meeting will be held from 18-22 September 2000, in Cape Town, South Africa. For more information, contact: Laurie Neville, Conference Coordinator, Global Invasive Species Programme, Stanford University; tel: +1-650-728-2614; fax: +1-650-723-1530; e-mail: [Lneville@leland.stanford.edu](mailto:Lneville@leland.stanford.edu); Internet: <http://jasper.stanford.edu/gisp/>

**INTERNATIONAL CONFERENCE ON BIOTECHNOLOGY IN THE GLOBAL ECONOMY: SCIENCE AND THE PRECAUTIONARY PRINCIPLE:** This meeting will be held from 22-23 September 2000, in Cambridge, Massachusetts, USA. Co-hosted by the Harvard Center for International Development and the Belfer Center for Science and International Affairs, the conference will cover: theoretical, historical and cultural aspects of the precautionary principle; previous applications in international environmental

and trade law; the implications of various definitions for the principle's use in international discussions and negotiations; and implications of the principle in developed and developing countries. For more information, contact: Derya Honca, Science, Technology and Innovation, Center for International Development, Harvard University, 79 John F. Kennedy Street, Cambridge, MA 02138 USA; tel: +1-617-495-1923; fax: +1-617-496-8753; e-mail: [Derya\\_Honca@KSG.harvard.edu](mailto:Derya_Honca@KSG.harvard.edu); Internet: <http://www.cid.harvard.edu/cidbiotech/bioconfpp/home.htm>

**IUCN WORLD CONSERVATION CONGRESS:** This meeting will be held in Amman, Jordan, from 4-11 October 2000. The theme is "ecospace," a term indicating that environmental protection at various geographical scales is a prerequisite for the social, economic and even political security of people. For more information contact: Ursula Hilt-Brunner, IUCN, Gland, Switzerland; tel: +41-22-999-0232; fax: +41-22-999-0002; e-mail: [urh@hq.iucn.org](mailto:urh@hq.iucn.org); Internet: <http://www.iucn.org>

**ETHNOBIOLOGY, BIOCULTURAL DIVERSITY, AND BENEFITS SHARING:** The International Society of Ethnobiology's Seventh Congress will be held from 23-27 October 2000, in Athens, Georgia, USA. The Congress will address ethnobiology's role in maintaining biocultural diversity and ensuring equitable benefit-sharing and open dialogue with traditional and indigenous research collaborators. For more information, contact: Seventh International Congress of Ethnobiology, c/o LaBau Bryan, Department of Anthropology, University of Georgia, 250 Baldwin Hall, Athens, GA 30602-1619 USA; tel: +1-706-542-3922; fax: +1-706-542-3998; e-mail: [lbryan@arches.uga.edu](mailto:lbryan@arches.uga.edu); Internet: <http://guallart.dac.uga.edu/ISE/>

**BIODIVERSITY 2000 KUCHING: PRUDENT BIODIVERSITY MANAGEMENT AND SUSTAINABLE DEVELOPMENT:** This meeting will take place from 1-3 November 2000, in Sarawak, Malaysia. The conference aims to take stock of the current biodiversity status at the global and regional level and to review the progress in implementing the CBD. For more information, contact: Chua Tek Kheng, Sarawak Biodiversity Centre, KM 20 Jalan Puncak Borneo, Smengoh, 93250 Kuching, Sarawak, Malaysia; tel: +60-82-610610; fax: +60-82-611535; e-mail: [chuatk@sbcc.org.my](mailto:chuatk@sbcc.org.my); Internet: <http://www.sbcc.org.my>

**FIRST MEETING OF THE INTERGOVERNMENTAL COMMITTEE ON THE CARTAGENA PROTOCOL:** The first meeting of the Intergovernmental Committee on the Cartagena Protocol will be held from 11-15 December 2000, in Montpellier, France. For more information, contact: Cyrie Sendashonga, CBD Secretariat, World Trade Center, 393 St. Jacques Street, Suite 300, Montreal, Quebec H2Y 1N9, Canada; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: [cyrie.sendashonga@biodiv.org](mailto:cyrie.sendashonga@biodiv.org); Internet: <http://www.biodiv.org/>

**FOURTH SESSION OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION TO COMBAT DESERTIFICATION:** COP-4 is tentatively scheduled to meet from 11-22 December 2000, in Bonn, Germany. For more information, contact: the CCD Secretariat, P.O. Box 260129, D-53153 Bonn, Germany; tel: +49-228-815-2800; fax: +49-228-815-2899; e-mail: [secretariat@unccd.de](mailto:secretariat@unccd.de); Internet: <http://www.unccd.de>

**SIXTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIODIVERSITY:** CBD COP-6 will take place in the Hague, the Netherlands, at a date to be specified in the second quarter of 2002. For more information about this and other upcoming CBD meetings, contact: CBD Secretariat, World Trade Center, 393 St. Jacques Street, Suite 300, Montreal, Quebec H2Y 1N9, Canada; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: [chm@biodiv.org](mailto:chm@biodiv.org); Internet: <http://www.biodiv.org/>