



# Bulletin des Négociations de la Terre

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## SECOND SESSION OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY 6-17 NOVEMBER 1995

The second session of the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) will take place from 6-17 November 1995 in Jakarta, Indonesia. Among the issues that delegates will address are: permanent location of the CBD Secretariat; financial resources and mechanism; the medium-term work programme; access to genetic resources; the need for and modalities of a protocol on biosafety; the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); and a clearing-house mechanism for technical and scientific cooperation.

### A BRIEF HISTORY OF THE CONVENTION ON BIOLOGICAL DIVERSITY

The Convention on Biological Diversity was opened for signature at the Earth Summit in Brazil on 5 June 1992 and entered into force on 29 December 1993. As of 3 October 1995, 128 Parties had ratified the Convention, which contains three national level obligations: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The CBD represents the first time a comprehensive approach has been applied to biodiversity.

Formal negotiations began in November 1988 when UNEP convened a series of expert group meetings pursuant to Governing Council decisions 14/26 and 15/34 of 1987. The initial sessions were referred to as meetings of the "Ad Hoc Working Group of Experts on Biological Diversity." By the summer of 1990, a new "Sub-Working Group on Biotechnology" was established to prepare terms of reference on biotechnology transfer. Other aspects of biodiversity were included, such as *in situ* and *ex situ* conservation of wild and domesticated species; access to genetic resources and technology, including biotechnology; new and additional financial resources; and safety of release or experimentation on genetically-modified organisms (also known as "biosafety"). In 1990, UNEP's Governing Council established an "Ad Hoc Working Group of Legal and Technical Experts" to prepare a new international legal instrument for the conservation and sustainable use of biological

diversity. Mostafa Tolba, then UNEP Executive Director, prepared the first formal draft Convention on Biological Diversity, which was considered in February 1991 by an "Intergovernmental Negotiating Committee" (INC). The INC met four more times between February 1991 and May 1992, and adopted the final text of the Convention in Nairobi, Kenya on 22 May 1992.

### INTERGOVERNMENTAL COMMITTEE ON THE CONVENTION ON BIOLOGICAL DIVERSITY (ICCBD)

In May 1993, UNEP's Governing Council established the ICCBD to prepare for the first meeting of the Conference of the Parties and to ensure effective operation of the Convention upon its entry into force.

The first session of the ICCBD, which met in Geneva from 11-15 October 1993, formed two working groups. Working Group I addressed the conservation and sustainable use of biological diversity, the scientific and technical work between meetings, and the issue of biosafety. Working Group II covered issues related to the financial mechanisms, the process for estimating funding needs, the meaning of "full incremental costs," the rules of procedure for the COP, and technical cooperation and capacity-building. Despite several sessions of substantive debate, the Working Groups were not able to produce reports that could be approved by the Plenary. As a last minute solution, the Plenary adopted only two decisions: the establishment of a scientific and technical committee that would meet before the second session of the ICCBD; and a request to the Secretariat to use the unadopted Working Groups' reports as guidance during the intersessional period.

The second session of the ICCBD met in Nairobi from 20 June - 1 July 1994. Delegates addressed a number of issues, including: institutional, legal and procedural matters; scientific and technical matters; and matters related to the financial mechanism. Progress was made on issues including: rules of procedure; the subsidiary body on scientific, technical and technological advice (SBSTTA); and the clearing-house mechanism. However, many delegates felt that substantive negotiations had been deferred on such critical issues as: the need for a biosafety protocol; ownership of and access to *ex situ* genetic resources; farmers' rights; and the financial mechanism.

### FIRST CONFERENCE OF THE PARTIES

The first session of the Conference of the Parties (COP) met in Nassau, the Bahamas, from 28 November - 9 December 1994. During the course of the meeting, delegates reached agreement on

This issue of the *Earth Negotiations Bulletin* © <enb@igc.apc.org> is written and edited by Désirée McGraw <D.M.Mcgraw@lse.ac.uk>, Daniel Putterman Ph.D. <dputterman@igc.apc.org>, Lynn Wagner <grund@chaph.usc.edu> and Steve Wise <swise@igc.apc.org>. The Managing Editor is Langston James Goree VI "Kimo" <kimo@pipeline.com>. French translation by Mongi Gadhouch <gad@Tunisia.EU.net>. Specific funding for coverage of this meeting has been provided by the Norwegian Directorate for Nature Management, the Swedish Ministry of Foreign Affairs, the Ministry of Foreign Affairs of the Netherlands, and ACCT (French translation). The sustaining donors of the *Bulletin* are the International Institute for Sustainable Development <iisd@web.apc.org>, the United Nations Environment Programme and the Pew Charitable Trusts through the Pew Global Stewardship Initiative. General support for the *Bulletin* during 1995 is provided by the United Kingdom, Switzerland, GTZ, FAO and the World Bank. The authors can be contacted during this meeting in Room 1012 of the Hilton Garden Tower (tel: +62 21 570 3600) and at their e-mail addresses. IISD can be contacted at 161 Portage Ave. East, Sixth Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in other publications with appropriate citation. Electronic versions of the *Bulletin* are automatically sent to e-mail distribution lists (ASCII and PDF format) and can be found on the gopher at <gopher.igc.apc.org> and in hypertext through the *Linkages* WWW-server at <http://www.iisd.ca/linkages/> on the Internet. For further information on ways to access, support or contact the *Earth Negotiations Bulletin* send e-mail to <enb@igc.apc.org>.

the basic machinery for the Convention's implementation. Some of the key decisions taken by the COP included: adoption of the medium-term work programme; designation of the Permanent Secretariat; establishment of the clearing-house mechanism and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); and designation of the Global Environment Facility (GEF) as the interim institutional structure for the financial mechanism. Decisions regarding location of the Permanent Secretariat and the permanent financial mechanism were left unresolved.

### INTERSESSIONAL ACTIVITIES

**SBSTTA:** In accordance with decision 1/7 of COP-1, the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) was held at UNESCO headquarters in Paris from 4-8 September 1995. Article 25 of the CBD establishes this multidisciplinary subsidiary body to provide the Conference of the Parties and its other subsidiary bodies, with scientific, technical and technological advice. The primary role of SBSTTA is to provide important and impartial scientific, technical and technological input into the political decision-making process of the COP. Delegates attempted to distinguish the highly technical from the purely political on issues such as intellectual property rights (IPR) and technology transfer. The 81 Governments present moved forward on a number of issues, including components of biodiversity under threat, coastal and marine biodiversity, and the form and intervals of national reports. The report of SBSTTA, as contained in UNEP/CBD/COP/2/5, will be presented to COP-2.

**Biosafety:** In accordance with decision 1/9 of COP-1, an Open-ended *Ad Hoc* Group of Experts on Biosafety was established to consider existing knowledge, experience and legislation in the field of biosafety and to make recommendations to COP-2 on the need for and modalities of a protocol on the safe transfer, handling and use of any living modified organism (LMO) resulting from biotechnology. A panel of 15 government nominated experts met in Cairo from 1-5 May 1995 to prepare a background document for the meeting. The *Ad Hoc* Group of Experts on Biosafety met at the Palacio de Congressos in Madrid from 24-28 July 1995. The 83 Governments present prepared a report (UNEP/CBD/COP/2/7) with a view to enabling COP-2 to reach an informed decision regarding a biosafety protocol. However, the scope of the proposed instrument and the speed of its negotiation remain a matter for further debate at this session of the COP.

**FAO Global System for Plant Genetic Resources for Food and Agriculture:** In preparation for the Fourth International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture, to be held 17-23 June 1996 in Leipzig, Germany, FAO has sponsored nine

regional meetings, during which 140 country reports were presented and discussed along with recommendations for the draft Global Plan of Action. Three regions have yet to meet (North America, West Africa and Latin America). Two documents will result from this process: a Report on the State of the World Plant Genetic Resources for Food and Agriculture and a Global Plan of Action. An update will be presented at COP-2.

**Global Biodiversity Forum (GBF):** Over 400 participants attended the GBF, which was held 4-5 November 1995 at the Hotel Indonesia, Jakarta. The GBF, which emphasized the role of local communities and benefit-sharing, considered four issue-areas and produced specific recommendations to the COP.

The workshop on marine biodiversity explored sustainable use by coastal communities and recommended: technology transfer for mariculture; and research on marine taxonomy and ecology, on international trade agreements and fishery subsidies, and on pollution, nuclear testing and alien species.

The workshop on access to genetic resources presented case studies on emerging legislation, and on IPR systems not adequate to protect traditional knowledge. The new Philippines Executive Order on access requires collectors to obtain the prior informed consent (PIC) of local communities. Workshop recommendations include: encourage legislation and regional initiatives on access; consider international enforcement such as certificates of origin attesting to PIC; and delay recommendations on model legislation about access until indigenous knowledge is discussed in 1996.

The workshop on forests recommended research on comprehensive approaches to conservation and equitable benefit-sharing in order to identify causes of forest loss and to evaluate: the conservation value of conservation areas and species components; ecosystem services; and global impacts of changes in land use and tenure.

The workshop on decentralization examined the transfer of decision-making from central governments to local communities to promote conservation by internalizing local ownership of resources and promoting action at local levels.

### IN THE CORRIDORS

As bidding countries (Kenya, Switzerland, Canada and Spain) make their presentations in Plenary today, the campaign by these countries to host the CBD Secretariat will launch into its last leg. The lobbying efforts are expected to intensify through Monday, 13 November, when delegates will vote for their choices. As they decide, delegates will weigh several concerns, including cost and co-location.

### THINGS TO LOOK FOR TODAY

**PLENARY:** Morning and afternoon sessions of the Plenary, meeting in the Plenary Hall, are expected. The opening ceremony is expected to commence at 10:00 am with a statement by Dr. Ivy Dumont, Bahamas Minister of Education and Training and President of COP-1. The Philippines is expected to nominate Indonesia's State Minister of Environment Dr. Sarwonok Kusumaatmaya as President of COP-2. Executive Secretary Dr. Calestous Juma will make a statement on behalf of the Secretariat. There will be a cultural event followed by a coffee break during which the International Biodiversity Technology Fair will be officially opened. Delegates will then elect the remaining Bureau officers and adopt the agenda and organization of work. The chairs of the three regional preparatory meetings will report on their deliberations. Reports on the SBSTTA and the outcome of the third session of the Commission on Sustainable Development will be given. Kenya, Switzerland, Canada and Spain will each make presentations in their bid for the location of the Secretariat. A report on the administration and budget of the CBD is expected. Recommendations of the Global Biodiversity Forum might be presented.

### COP-2 ON THE INTERNET

<http://www.iisd.ca/linkages/biodiv/biocop2.html>

The International Institute for Sustainable Development (IISD) is providing real-time multimedia coverage of the COP with color photos, RealAudio interviews with participants and daily hypertext versions of the *Earth Negotiations Bulletin* summaries in French and English on *Linkages*, their World Wide Web site for environment and development policy .

<http://www.unep.ch/bio/cop2-0.html>

The CBD Secretariat has posted all of the documentation for this session of the COP on their World Wide Web server.