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HIGHLIGHTS OF BIOCOP-2 10-11 NOVEMBER 1995

Delegates to the second session of the Conference of the Parties (COP-2) to the Convention on Biological Diversity (CBD) met for the fifth and sixth days of the two-week conference. The Committee of the Whole (COW) met all day on Friday and Saturday morning, and considered access to genetic resources, intellectual property rights, and plant genetic resources for food and agriculture, among others. Four contact groups also met.

COMMITTEE OF THE WHOLE

MARINE AND COASTAL BIODIVERSITY: GREENPEACE INTERNATIONAL called for review of FAO's fishing code of conduct. COLOMBIA called for support for CBD-related international initiatives. GREECE, IRAN and the UK supported the *ad hoc* panel of technical experts and outlined guidelines for its mandate. INDIA stated that SBSTTA has been partial to marine and coastal issues at the expense of other issues.

SWEDEN called for COP attention to bioprospecting in the high seas. ST. LUCIA stated that CBD views should not be imposed on other competent organizations. JAPAN stated that not all fishing subsidies should not be criticized. UNESCO noted that the Intergovernmental Oceanographic Committee (IOC) can provide technical advice to COP through SBSTTA. FAO discussed its code of conduct for responsible fisheries. The ASIAN WETLAND BUREAU suggested that CBD draw on experience gained through the Ramsar Convention. BIONET supported examination of over-capitalization of fishing fleets. MONACO stressed recognition of the work of regional bodies. The PHILIPPINES supported the AOSIS protest against nuclear testing.

ACCESS TO GENETIC RESOURCES: The Secretariat introduced the document on access to genetic resources (GR) (UNEP/CBD/COP/2/13). Colombia suggested coordination with WTO and FAO. The EU supported a multilateral approach and the FAO undertaking on plant genetic resources.

INDONESIA, later supported by SWEDEN, MALAYSIA, INDIA and SYRIA, said human genes should not be considered as resources to be accessed. MALAWI called for a protocol on genetic resources. The G-77/CHINA said COP should emphasize prior informed consent. MALAYSIA said access legislation should be extended to biochemical resources. INDIA said biochemicals form part of genetic resources.

AUSTRALIA said COP should address indigenous communities and biochemicals. ARGENTINA emphasized

synergies with the multilateral trading system. The SOLOMON ISLANDS, later supported by PAPUA NEW GUINEA, called for a protocol on rights related to human genes and for COP to ask the ICJ if human matter is patentable.

The INDIGENOUS PEOPLES BIODIVERSITY NETWORK called for a moratorium on access. THIRD WORLD NETWORK objected to the patenting of life forms. JAPAN stated that biochemicals should not be discussed in this forum. CANADA stressed model approaches rather than model laws for access. DENMARK supported the call for the Secretariat to survey existing legislation. The US supported Canada on all but its position on marine resources outside national boundaries. BRAZIL called for the survey to go beyond existing national legislation. The GERMAN NGO NETWORK suggested that recipients monitor imports of GR.

MEDIUM-TERM PROGRAMME OF WORK: The EU said COP should consider the Secretariat's paper at COP-3. AUSTRALIA said its priorities are indigenous knowledge, access to genetic resources and incentives. DENMARK said the work programme should be adjusted with regard to the Intergovernmental Panel on Forests (IPF). CANADA said terrestrial biodiversity is appropriate for COP-4. He suggested that the Secretariat should have a coordinator of issues related to indigenous peoples. The INDIGENOUS PEOPLES' BIODIVERSITY NETWORK and the Executive Secretary welcomed Canada's suggestion.

INTELLECTUAL PROPERTY RIGHTS: The SECRETARIAT introduced its report on measures related to IPR and access to and transfer of technology that makes use of genetic resources (UNEP/CBD/COP/2/17). INDONESIA supported examination of the impact of TRIPS on the sustainable use of biodiversity. The EU noted the importance of coordinating TRIPS with the CBD. The REPUBLIC of KOREA called for identification of biotechnology in the public domain. NORWAY called for analysis of all the obstacles and opportunities for technology transfer.

PERU supported a code of standards for IPR. The PHILIPPINES called for COP to assert the primacy of CBD over relevant WTO issues. INDIA noted that the paper only addressed biotechnology. She called for an interim requirement that patent applications include indication of source knowledge. ARGENTINA suggested identification of possible changes within the rules of the multilateral trade system. AUSTRALIA supported case studies of the role of IPR in technology transfer.

The Biotechnology Industry Organization (BIO) stated its interest in working with the Secretariat for CBD implementation in the area of technology transfer. The US said an effective patent

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system will promote growth in all areas of technology. Development of new and nonobvious materials from the human body enhances the human condition. JAPAN suggested international cooperation with laws protecting IPR.

COOPERATION WITH OTHER CONVENTIONS: The Secretariat introduced the document on cooperation with other relevant conventions (UNEP/CBD/2/Inf.2). AUSTRALIA said CBD should maintain its leadership role. The EU suggested cooperation on financing through the priorities of COP-1. ARGENTINA, JAPAN, NEW ZEALAND and PERU called for cooperation with CITES and Ramsar. The RAMSAR CONVENTION said COP could invite other Conventions to substantive consultations.

MOROCCO, later supported by BURUNDI, proposed a UNEP-sponsored workshop to clarify and harmonize common areas between biodiversity-related conventions. The EU encouraged close cooperation between the Secretariats of biodiversity-related conventions. AFRICA RESOURCES TRUST encouraged the clearing-house and financial mechanisms to facilitate the implementation of agreements such as CITES.

BOTSWANA, noting that its support of the CBD is primarily based on provisions on sustainable use and sovereignty over natural resources, cautioned against the CBD being "highjacked by conservationists." BIOFORUM 95 expressed its rejection of any patenting of life forms and indigenous knowledge by outsiders. CUBA supported Jamaica's call for cooperation in the Caribbean.

TANZANIA emphasized the multiplier effect of related agreements for the implementation of CBD. UNESCO expressed a desire to participate in relevant working groups designated by COP.

FAO GLOBAL SYSTEM FOR PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE: The Secretariat introduced the relevant documents. Dr. Belivar, Chair of the FAO Intergovernmental Commission (IC) on Plant Genetic Resources (PGR) outlined efforts of the IC, noting that the recent meeting unanimously reaffirmed national sovereignty over genetic resources and the rights of farmers and breeders.

BURUNDI, NIGERIA and GUINEA welcomed cooperation between CBD and FAO. The EU stressed international networks of *ex situ* collections and use of CHM. The NETHERLANDS supported on-farm conservation of PGR. SWITZERLAND noted the importance of access to PGR. AUSTRALIA supported a CHM link to information sharing mechanisms. INDONESIA stressed adequate compensation to farmers for cultivating traditional plants and proposed a trust fund for *ex situ* collections in developing countries. MALAWI and SWEDEN supported a protocol under CBD. FRANCE called for better description of collections. BURKINA FASO supported *in situ* conservation of wood species. ARGENTINA suggested that treatment of GR globally be within the framework of CBD. CANADA encouraged countries to contribute to the country-driven process. IRAN supported *in situ* conservation. US stated that the FAO is the proper forum to address these issues. The GERMAN NGO NETWORK stressed the accessibility of *ex situ* materials. The EDMUNDS INSTITUTE, on behalf of several NGOs and indigenous groups, mourned the execution of Ken Kiro Wiwa in Nigeria.

NATIONAL REPORTS: The SECRETARIAT introduced UNEP/CBD/COP/2/5 and a note in UNEP/CBD/COP/2/14 regarding the purpose, form and interval of national reports. The EU called for emphasis on the medium-term programme of work.

CONTACT GROUPS

PROGRAMME OF WORK AND BUDGET: Delegates conducted a preliminary discussion, chaired by Peter Unwin (UK), on the programme of work. Most agreed that the workload

is heavy and emphasized a balanced and flexible approach. A few ideas for addition were discussed.

FINANCIAL RESOURCES AND MECHANISM: The contact group chaired by John Ashe (Antigua and Barbuda) discussed a range of agenda items including: designation of the institutional structure operating the financial mechanism of the Convention; timetable and nature of review of the financial mechanism; draft memorandum of understanding (MOU); guidance on start-up or enabling activities; further guidance to the financial mechanism on programme priorities and modalities for processing projects; relationship between SBSTTA and STAP; and continuation of the study on the availability of additional financial resources. Five of seven paragraphs (each dealing with a specific agenda item) of the fourth draft of the Chairman's text have been broadly agreed to while the paragraphs dealing with the designation and MOU, and a new paragraph regarding a medium-sized grant programme, remain unresolved.

MARINE AND COASTAL and TERRESTRIAL ISSUES: The Group chaired by A.K. Ahuja (India) met Saturday and established two subgroups, one on marine and coastal issues and the other on terrestrial issues, coordinated by Australia and Brazil, respectively.

The terrestrial group focused on a statement for the IPF. Some delegations said the statement should address IPF's terms of reference. Others recommended following CBD priorities, using SBSTTA recommendations. A delegation suggested addressing political and legal issues. Another delegation opposed discussion of any new legal instrument. The subgroup established drafting groups on ecological issues and on access, benefits-sharing and indigenous peoples' issues.

The subgroup examining marine issues, chaired by Peter Bridgewater (Australia), received draft texts regarding possible terms of reference and composition of the *ad hoc* panel of experts on marine and coastal biological diversity from the Secretariat and four others. A drafting group examined how the texts could be combined and decided to use the Secretariat's paper as the starting point. The drafting group also supported SBSTTA's recommendation for the establishment of the panel. An informal group was to combine elements from the other texts into the Secretariat's text over the weekend.

BIOSAFETY: The group chaired by Effendy Sumardja (Indonesia) spent much of its time on procedural matters. Three draft decisions on the biosafety protocol (submitted by G-77/China, EU and Norway) along with 4 unofficial proposals were considered. Two differences noted by delegates among the versions were the justification for and scope of the proposed protocol. A bracketed Chairman's text, based on submitted proposals, will be considered by the group on Monday.

IN THE CORRIDORS

Executive Secretary Juma met unofficially on Saturday with members of NGOs representing indigenous people to discuss their greater participation in the CBD process. He promised to look into the possibility of establishing permanent representation for indigenous people in the Executive Secretariat.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary is expected to meet in the afternoon, during which the vote on the location of the Secretariat will be held.

COMMITTEE OF THE WHOLE (COW): The COW is expected to meet in the morning. Discussion of issues not taken up by contact groups is expected to take place.

CONTACT GROUPS: Contact Groups are expected to meet during the morning.