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HIGHLIGHTS OF BIOCOP-2 WEDNESDAY, 15 NOVEMBER 1995

The second session of the Conference of the Parties (COP-2) to the Convention on Biological Diversity (CBD) met for the ninth working day of the two-week conference. The two-day Ministerial Segment concluded with adoption of the Jakarta Ministerial Declaration. Delegates negotiated draft texts in contact and drafting groups into the night.

MINISTERIAL SEGMENT

UGANDA's Minister of State for Natural Resources noted environmental protection efforts, including public awareness and education. The Ambassador for Economic Affairs of the REPUBLIC OF KOREA urged that the clearing-house mechanism's (CHM) pilot-phase have a capacity-building focus in developing countries. SOUTH AFRICA's Deputy Minister of Environmental Affairs and Tourism stressed respect for human rights. BHUTAN's Deputy Minister of the National Environment Commission requested international community support for preservation efforts.

The US Undersecretary of State for Global Affairs said biosafety discussions must develop a framework for deciding whether the need for a protocol is established and how to proceed. JAPAN's Ambassador to Indonesia said Japan will promote biodiversity by providing financial and technical cooperation to developing nations and continuing domestic efforts. The SLOVAK REPUBLIC's Office of the Minister of Environment called for new tools to value biodiversity. The BAHAMAS Ambassador for the Environment recommended establishing an expert panel on marine and coastal biodiversity (MCB). DENMARK's Deputy Permanent Undersecretary of State advocated a biosafety protocol. The NETHERLANDS Director General for Agriculture, Nature Management and Fisheries offered assistance to the Secretariat for meetings on agrobiodiversity and will support a workshop on implementing sustainable forest management.

The Minister in the National Environmental Secretariat of LESOTHO explained that implementation of the National Environmental Action Plan (NEAP) has been slowed by poor capacity. The Minister of Environment, Habitat and Town Planning of BENIN juxtaposed sacred traditions with sustainable resource management. The Minister of Natural Resources and Energy of SWAZILAND linked biodiversity conservation to poverty alleviation and highlighted freshwater biodiversity.

The Ambassador of ALGERIA to Indonesia described a biodiversity inventory and efforts to conserve species through protected areas. The Director General of the National Centre for Environmental Research of MADAGASCAR described an action plan for new conservation initiatives. MOROCCO's Ambassador to Indonesia called for a workshop on cooperation between CBD and related conventions. The Director General of NIGERIA's Federal Environmental Protection Agency said Nigeria's ratification of CBD represents support for survival of life in all its ramifications. BANGLADESH's Ambassador to Indonesia said CBD must address poverty.

BULGARIA's Deputy Minister of the Environment urged technology transfer and encouraged regional approaches. The Ambassador of AUSTRIA's Ministry of Foreign Affairs said benefit-sharing and IPR are related. The Executive Director of ERITREA's Agency for the Environment said CBD should light a sacred fire for reverence of life and become an instrument of peace. The Minister for Foreign Affairs, Planning and Environment for SEYCHELLES called on bioprospectors to contribute to biodiversity trust funds. The Director General of the Environment of EQUATORIAL GUINEA's Ministry of Health and Environment expressed support for ecotourism and opposition to biopiracy. The Director of Cabinet, Minister of Environment and Nature Protection of SENEGAL supported a biosafety protocol as a vehicle for technology transfer. A representative of RWANDA's Minister of Environment and Tourism called for resources for countries experiencing humanitarian or ecological disasters. SOLOMON ISLANDS' Ministry of Agriculture and Fisheries, also on behalf of PAPUA NEW GUINEA, expressed outrage at the patenting of human genetic resources and called for an advisory opinion of the ICJ.

Undersecretary of State for POLAND's Ministry of Environmental Protection, Natural Resources and Forestry called for a flow of information to enhance technology transfer. On behalf of AOSIS, the Principal Assistant Secretary, Ministry of Environment and Quality of Life noted the special significance of biosafety to SIDS. The Minister of Lands, Surveys and Environment of WESTERN SAMOA noted the high priority for implementation of the Barbados Programme of Action for SIDS. The Conseil du Ministre de l'Environnement pour le Suivi de la Conference de Rio of FRANCE explained that her country is aware of its responsibilities regarding nuclear testing. The Ambassador of PAKISTAN to Indonesia called for new and additional resources. The Ambassador of CHILE to Kenya endorsed the COP initiative on MCB. The SRI LANKAN Ambassador to Indonesia expressed concern over access to genetic resources, biosafety and indigenous knowledge.

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The UK Head of Environment Protection International, Department of Environment, noted the huge workload COP-2 is setting for SBSTTA and COP-3, and stated that COP is not an appropriate forum for discussing nuclear testing. BURUNDI's Director General of the National Institute for Environment and Nature Conservation (IMECN) called for including forest ecosystems in the work programme. The Head of Representation of the EC in Indonesia, on behalf of the EUROPEAN COMMUNITY, called for the GEF to be the permanent financial mechanism.

The Ambassador of EGYPT to Indonesia underscored three essential elements to an effective CBD: international cooperation, financial resources and technology transfer. The President of CONAM, on behalf of PERU, called for a moratorium and code of ethics on LMOs. The Ambassador of JORDAN to Indonesia outlined efforts to combat desertification and deforestation. The Head of the TANZANIAN Delegation called for: concrete measures on CBD's equitable sharing provisions; access regimes for providers and recipients; and a biosafety protocol. ETHIOPIA's National Environment Protection Authority called for the operationalization of technology transfer and of the clearing-house and financial mechanisms. The Minister of Environment and Natural Resources of NICARAGUA noted the possibility of "conserving to produce, and producing to conserve" and supported devoting COP-3 to indigenous issues. ISRAEL's Ambassador to Singapore said biodiversity protection will be one result of peace in his region.

The Chair noted consensus, based on broad consultations, on the Jakarta Ministerial Declaration (UNEP/CBD/COP/2/L.2/Rev.1) which: reaffirms CBD as a global partnership; notes that COP-2 provides momentum for global agreement on consideration of the need for and modalities of a biosafety protocol; stresses biodiversity education and the importance of CHM for national implementation; and welcomes the establishment of a Secretariat position on indigenous and local communities issues. The COP declares the global consensus on MCB as the Jakarta Mandate on Marine and Coastal Biological Diversity.

DRAFTING GROUP OF THE COW

The drafting group of the Committee of the Whole (COW) met into the night to review draft Chair's texts and non-papers. Regarding the report of the SBSTTA (UNEP/CBD/COP/2/CW/L.9), delegates agreed to, *inter alia*, request SBSTTA-2 to consider a 1996 programme of work consistent with the programme of work and decisions of COP-2. Regarding cooperation with other biodiversity-related conventions (UNEP/CBD/COP/2/CW/L.16), delegates distinguished between activities for the Secretariat to either explore or undertake; and broadened the text to request a report on enhanced cooperation with biodiversity-related bodies for consideration at COP-3.

Regarding Articles 6 and 8 (UNEP/CBD/COP/2/CW/L.4), delegates discussed the need for national guidelines to develop comparability without coercion. Regarding components of biodiversity under threat (UNEP/CBD/COP/2/CW/L.5), delegates deleted references to terms not defined in CBD. Final agreement on the last three paragraphs is still pending. The draft text on the Statement to the International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture was agreed.

Regarding access to genetic resources, delegates agreed to request that the Secretariat continue compiling information on government measures to implement Article 15, including "any national interpretations of key terms" of Article 15. A specific list of such terms was deleted after much debate. Delegates also requested the Secretariat to compile information on social and

economic valuation of genetic resources. References to the FAO Undertaking on PGR, the status of ex situ germplasm collections, and a link between Article 15 and Articles 8(j) and 10(c) were removed.

On intellectual property rights, delegates agreed upon the nature and timing of the interaction between the Secretariats of the CBD and WTO, in order for the COP to provide input "regarding the synergies and relationship between the objectives of the CBD and the TRIPs Agreement" to the Committee on Trade and Environment of WTO. The other major element of the decision was the call for a preliminary Secretariat study of the "effects and implications of IPR systems" on the three objectives of CBD.

CONTACT GROUPS

BIOSAFETY: The drafting group met into the night, and resolved bracketed text in the Preamble. It was stated that there appeared to be general agreement that a biosafety protocol was necessary. The group considered the mandate and terms of reference (TOR) for a proposed Open-Ended *Ad Hoc* Working Group to consider its modalities. After extensive debate, language defining the scope of this group's mandate referred to "...a negotiation process to develop in the field of the safe transfer, handling and use of LMOs, a protocol on biosafety [in the context of] [specifically focusing on] transboundary [transfer] [movement] of any LMO...setting out for consideration, in particular, appropriate procedures for advance informed agreement."

MARINE AND COASTAL and TERRESTRIAL ISSUES: The contact group adopted a draft decision on Forests and Biological Diversity and text from the marine and coastal drafting group. The forests draft decision requests the CBD Executive Secretary to provide information and advice on indigenous and local communities and to work toward a background document on forests and biodiversity. The document would be transmitted to IPF for information and considered at COP-3 regarding whether further input to IPF is necessary. Delegates deleted references to a CSD decision, the IPF establishment and SBSTTA recommendations, as well as language establishing an intersessional working group on forests.

The contact group on marine issues agreed on a draft decision, Annex I (additional conclusions regarding recommendation I/8 from SBSTTA), and Annex II (terms of reference and work programme for an *ad hoc* panel of experts). Delegates adopted language to "support" SBSTTA recommendations in I/8 "subject to" the conclusions in Annex I. Delegates agreed to select the *ad hoc* panel "on the basis of nomination by regional groups for a period of three years." SBSTTA will be asked to provide a summary review at COP-3 of the first annual report of the panel. In Annex I, delegates agreed to a redraft regarding the issue of subsidies. In Annex II, delegates incorporated sub-paragraphs noting specific issues for study into a reference to address "activities that impact marine resources."

BUDGET AND PROGRAMME OF WORK: The contact group agreed to a draft work programme that reflects delegates' attempts to integrate COP decisions with budgetary implications. The budget includes provision for an economist, secondments from FAO and UNESCO and a biosafety meeting.

THINGS TO LOOK FOR TODAY

COMMITTEE OF THE WHOLE (COW): The COW is expected to meet at 3:00 pm to consider the draft decisions of the contact and drafting groups.

CONTACT GROUPS: The contact group on biosafety is expected to meet at 10:00 am.