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SECOND MEETING 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-2) to the Convention on Biological Diversity (CBD) met in Jakarta, Indonesia from 6 - 17 November 1995. The theme of the session was "Biodiversity for Equitable Welfare of all People."

If COP-1 established the basic machinery for the Convention's implementation, COP-2 initiated this process. Some of the key decisions taken by COP-2 include: designation of the permanent location of the Secretariat as Montreal, Canada; agreement to develop a protocol on biosafety; operation of the clearing-house mechanism; 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; consideration of its first substantive issue, marine and coastal biodiversity; and agreement to address forests and biodiversity, including the development of a statement from the CBD to the Commission on Sustainable Development's (CSD) Intergovernmental Panel on Forests (IPF) and promise of possible further input to the IPF.

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. To date, 134 Parties have 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.

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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 mechanism, 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 to 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 (CHM). 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 meeting of the Conference of the Parties (COP-1) took place in Nassau, the Bahamas, from 28 November - 9 December 1994. During the course of the meeting, delegates reached agreement on basic machinery for the Convention's implementation. 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 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. The location of the Permanent Secretariat and the permanent financial mechanism were left unresolved.

REPORT OF COP-2

COP-1 President and Bahamas Minister of Education and Training, Dr. Ivy Dumont, officially opened COP-2. She noted that the Nassau meeting was convened and organized in record time due to the CBD's rapid entry into force and was politically significant, as demonstrated by the participation of 133 States, 120 NGOs and 75 high-level representatives during the Ministerial Segment.

The Philippines, on behalf of the G-77, nominated Indonesia's Minister of Environment, Sarwono Kusumaatmadja, as President of COP-2, who was elected by acclamation. Minister Kusumaatmadja encouraged delegates to build on the promising start made at COP-1 and subsequent intersessional work, and to take decisive action on financial contributions, technology transfer, biosafety, genetic resources, intellectual property rights (IPR) and coastal and marine biodiversity as well as terrestrial and freshwater biodiversity.

Executive Secretary Dr. Calestous Juma noted that many States have formed action plans and adopted national legislation. Substantive discussions have taken place in the Second Committee of the UN General Assembly, and UN bodies such as the CSD are examining their relationship with the CBD. SBSTTA and regional meetings have also taken place.

OPENING PLENARY

The President led delegates in a minute of silence in memory of the late Israeli Prime Minister Yitzhak Rabin. Representatives from India, Cameroon, Zimbabwe, Belarus, Slovakia, Canada and the United Kingdom were elected to the Bureau. Antigua and Barbuda and Colombia were later elected. Delegates adopted the provisional agenda (UNEP/CBD/COP/2/1) and the provisional organization of work (UNEP/CBD/COP/2/1/Add.2).

The Chair of the African Regional Meeting on the CBD, held in Pretoria, South Africa on 9-10 October 1995, presented the Pretoria Declaration that: urges African States to ratify the CBD; suggests that funding decisions based on consensus voting will undermine African States; calls for early operation of the clearing-house mechanism (CHM); calls upon COP-2 to adopt a medium-term programme of action to strengthen national capacities of African States under the CBD; and requests a second African regional meeting before COP-3.

The Chair of the Latin America and Caribbean Regional Meeting on the CBD, held in Buenos Aires, Argentina on 18-19 October 1995, summarized a report that: calls for early operation of the CHM with funding in the 1996-1997 budget; urges COP-2 to adopt the recommendations of the first SBSTTA meeting on Article 16 and on the biosafety protocol; and reaffirms the importance of marine and coastal biodiversity and of the International Coral Reef Initiative. The report endorses the SBSTTA recommendations on an ecosystem approach to conservation.

The Chair of the Asian Regional Meeting on the CBD, held in Jakarta, Indonesia on 4-5 November 1995, suggested that national biodiversity strategies will be the centerpiece of Parties' obligations under the CBD, and requested a report from the COP on national experiences with sustainable use.

The report of the first meeting of the SBSTTA was presented by its Chair, J.H. Seyani (Malawi). He highlighted several key recommendations (as contained in UNEP/CBD/COP/2/5) for consideration by COP-2 on the *modus operandi* of SBSTTA and its medium-term programme of work (1995-97), as well as substantive matters relating to the components of biodiversity particularly under threat, technology transfer, national reports, and marine and coastal biological diversity.

Mohamed T. El-Ashry, Chair of the GEF, reported on GEF biodiversity projects, and noted that they are consistent with COP instructions. He referred delegates to the Report of the Global Environment Facility (UNEP/CBD/COP/2/8). He noted that the draft Memorandum of Understanding is an example of collaboration between the GEF and CBD Secretariats.

In her capacity as COP-1 President, Dr. Dumont reported on the outcome of the third session of the Commission on Sustainable Development (CSD) (UNEP/CBD/COP/2/Inf.4). She noted that the CSD welcomed the statement of COP-1 and recognized that the CBD is the principle mechanism for biodiversity protection.

A summary of recommendations to COP-2 from the third Global Biodiversity Forum (GBF), which was held on 5-6 November 1995 in Jakarta and attended by 400 representatives from NGOs, governments and business, covered four topics:

marine biodiversity, access to genetic resources, decentralization of conservation governance, and forests and biodiversity.

The Executive Secretary presented the report on the administration of the Convention (UNEP/CBD/COP/2/15/Corr.1), which is a standing item of COP-1's decision I/9 on its medium-term programme of work. The report contains two main parts (implementation of COP-1 decisions I/4 and I/5 regarding the Permanent Secretariat and relationship with other relevant bodies and international organizations) and three annexes (contribution of Parties to the CBD Trust Fund as of 31 August 1995 and updated in a corrigendum on 30 September 1995; voluntary contributions to the Secretariat; and a list of documents prepared by the Secretariat since COP-1).

Japan, followed by Sweden, Australia and Malaysia, noted paragraphs 40 and 41 regarding the designation by the Interagency Task Force on Forests of the CBD Secretariat as the lead agency to address the relationship between indigenous peoples and forests. Several governments questioned the propriety of UN agencies assigning duties to a convention secretariat. They also expressed concern that some agencies (UNESCO and FAO) have yet to fulfill a commitment to second staff to the Secretariat for the purpose of fulfilling that mandate. Brazil and Austria noted that a task force headed by the Secretariat is not inconsistent with the CBD's objectives. Australia, followed by Sweden and Mauritius, expressed concern about overloading Secretariat staff, and urged all Parties to pay arrears and 1996 dues promptly.

In addressing these concerns, the Secretariat noted that when the Intergovernmental Panel of Forests (IPF) was established, all relevant international agencies were called on to service the Panel, including the CBD Secretariat. Each organization assumed a responsibility based on its expertise. The responsibility for coordinating with other organizations on issues related to indigenous people and forests was given to the Secretariat of the CBD. The Secretariat stressed that the COP is the sovereign body for guidance on all policy issues. Dr. Juma suggested that the COP discuss how to guide the work of the Secretariat during the intersessional period.

LOCATION OF THE SECRETARIAT

Delegates to COP-2 designated Montreal as the permanent location of the Secretariat. The bidding countries (Kenya, Spain, Switzerland and Canada) gave brief statements on Monday, 6 November 1995, to explain the benefits, such as cost and co-location, that a vote for their country's bid would offer. The order of speakers and voting procedure were based on the agreed scenario for deciding the location of the Permanent Secretariat (UNEP/CBD/COP/2/CRP.1). Voting was conducted in Plenary on Monday, 13 November 1995. According to the agreed scenario, the country receiving the least number of votes withdrew its bid at the end of each of three rounds of voting. After the first ballot, Nairobi withdrew. After the second ballot, Madrid withdrew. Montreal was the choice for location on the third ballot, and the Plenary endorsed the decision by acclamation. A formal decision regarding the location of the Secretariat was adopted during the final Plenary (UNEP/CBD/COP/2/L.5).

COMMITTEE OF THE WHOLE, CONTACT AND DRAFTING GROUPS

The Committee of the Whole (COW), chaired by Avrim Lazar (Canada), met throughout the first week of COP-2 to discuss each item on the agenda. Delegates then divided into four contact groups and a Chair's drafting group to negotiate draft decisions. The draft decisions were then considered by the COW, and presented to the final Plenary for adoption.

The four contact groups established at the end of the first week of COP-2 to negotiate draft decisions were organized by issue area. Peter Unwin (UK) chaired the group on budget and programme of work. John Ashe (Antigua and Barbuda) chaired the group on financial resources and mechanism. Effendy Sumardja (Indonesia) chaired the group on biosafety. A.K. Ahuja (India) chaired the group on marine, coastal and terrestrial issues. This group split into two groups on its first day, with one group examining forest issues, chaired by Enio Cordeiro (Brazil), and the other examining marine and coastal issues, chaired by Peter Bridgewater (Australia).

COP-2 also adopted a number of decisions based on draft decisions negotiated in the Chair of the COW's drafting group. The Chair's texts were based largely on interventions made during the COW. In addition, two of the draft decisions, on access to genetic resources and IPR, were based on additional consultations conducted by Colombia and a non-paper presented by the Philippines. All of the Chair's texts were examined by the drafting group and the resulting draft decisions were presented for adoption at the final session of the COW. Two draft resolutions were also submitted by Ghana and the Philippines, on behalf of the G-77 and China.

REPORT OF THE SBSTTA: In the COW discussion on the SBSTTA, delegates expressed positions on its relationship to the COP, and on the nature and organization of work, both at the SBSTTA meetings and intersessionally. When the item was referred to the drafting group of the COW, discussion centered on reservations about certain recommendations in the SBSTTA report, the *modus operandi*, concern that the financing of the global biodiversity outlook be based on voluntary contributions (noting the need to be consistent with budgetary decisions); and the SBSTTA's relationship with the COP. Based on these deliberations, the draft decision was adopted without further deliberation by the COW.

The decision (UNEP/CBD/COP/2/CW/L.9/Rev.1) adopted by COP-2: takes note of the SBSTTA report; endorses the recommendation on the *modus operandi* and requests a review with a view to improving its functioning on the basis of experience gained; endorses financing of the global biodiversity outlook through voluntary contributions; and requests SBSTTA-2 to consider a 1996 programme of work that is consistent with priorities of the programme of work and decisions of COP-2.

Related to the report of the SBSTTA, Ghana submitted a draft decision on the publication and distribution of scientific and technical information (UNEP/CBD/COP/2/CW/L.17), which was adopted as orally amended by Japan in recognition of budgetary limitations.

CLEARING-HOUSE MECHANISM (CHM): The COW used document UNEP/CBD/COP/2/6, which defines the CHM as a mechanism to promote scientific and technical cooperation, as a basis for discussion. Many delegates encouraged early operation, stressed the need for capacity-building in information and communication technology, and accessibility for all. Delegates to the drafting group removed the qualification "in accordance with the relevant provisions of the Convention" in the reference to facilitating transfer of technology. The task of the CHM pilot-phase was simplified by the removal of calls to encourage partnerships and assistance for the development of country programmes to implement the Convention.

The decision (UNEP/CBD/COP/2/CW/L.2/Rev.3) calls for the CHM pilot phase to begin in 1996-1997 using print and electronic media, including the Internet, in cooperation with and by enhancing networking between international centres and other organizations. In the pilot phase, the Secretariat is to develop a network of partners and facilitate technology transfer relevant to the

conservation and sustainable use of biodiversity. Pilot phase funding will be provided through the CBD budget, and the GEF is requested to explore providing support to developing countries.

WAYS AND MEANS TO PROMOTE AND FACILITATE ACCESS TO, AND TRANSFER AND DEVELOPMENT OF TECHNOLOGY: The COW used documentation prepared by the Secretariat (UNEP/CBD/COP/2/5) on facilitating access to and transfer of technology as a basis for discussion. The SBSTTA proposed that the COP consider the role of the SBSTTA regarding the CHM and technology transfer, and terms of reference for an intersessional group on technology transfer. During COW discussion, many countries, including Australia, Colombia and the EU, stressed the importance of the private sector. Bangladesh, Indonesia and the EU noted the relationship between technology transfer and the CHM. Australia also noted the role of IPR in technology transfer. Switzerland, supported by the UK and Brazil, noted the need for a background document identifying the needs with respect to technology transfer. During discussion in the drafting group of the COW, delegates deleted a call for the background document to consider the enabling role of the provision of "additional" financial resources.

The decision (UNEP/CBD/COP/2/CW/L.3/Rev.2) requests the Executive Secretary to prepare for SBSTTA-2 a background document on technology transfer, considering biotechnology vis-a-vis conservation and sustainable use, capacity-building and financial resources; and invites input on technology transfer from, among others, the CSD and the private sector. It requests SBSTTA-2 to submit a detailed report to COP-3.

CONSIDERATION OF THE NEED FOR AND MODALITIES OF A PROTOCOL ON THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS: The results of the intersessional Open-ended *Ad Hoc* Group of Experts on Biosafety (UNEP/CBD/COP/2/7) were presented to delegates prior to their discussion. The G-77 and China called for a working group to draft guidelines for a biosafety protocol. The EU supported a two-track approach involving a protocol under the CBD as well as UNEP's draft guidelines. Japan proposed limited membership for the working group with regional representation, and that it consider options such as voluntary guidelines. China supported a step-wise approach. Kenya suggested separating funding for protocol development from the CBD. Peru called for a moratorium on transboundary transfer of living modified organisms (LMOs).

The contact group initially attempted to combine and bracket text from three draft decisions and four unofficial proposals into a Chair's draft text. As the wording of the decision gained definition, so did the differences within the group over the scope of the mandate for the working group. Text submitted by Northern delegations favored "transboundary transfer of any LMO." Text submitted by Southern delegations described the mandate as a "protocol on biosafety in the field of the safe transfer, handling and use of LMOs." Compromise language used in the decision was drafted by a small group.

The decision (UNEP/CBD/COP/2/CW/L.22) calls for "a negotiation process to develop in the field of the safe transfer, handling and use of living modified organisms, a protocol on biosafety, specifically focusing on transboundary movement of any living modified organism resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, setting out for consideration, in particular, appropriate procedure for advance informed agreement." The decision establishes an Open-ended *Ad Hoc* Working Group to meet as soon as possible to "elaborate, as a priority, the modalities and elements of a protocol based on appropriate elements from

Sections I, II and III paragraph 18(a) of Annex I of the report of the Open-ended *Ad Hoc* Group of Experts on Biosafety," and to "consider the inclusion of the elements from Section III, paragraph 18(b) and other elements, as appropriate." Guiding principles for the Working Group are to: take into account the principles of the Rio Declaration, in particular the precautionary approach; not exceed the scope of the Convention; not override or duplicate any other international legal instrument in this area; provide for a review mechanism; be efficient and effective and seek to minimize unnecessary negative impacts on biotechnology research and development; and not hinder access to and transfer of technology.

FINANCIAL RESOURCES AND MECHANISM:

Interventions on this item in the COW were based on the following documents: the report of the GEF (UNEP/CBD/COP/2/8); the report of the Secretariat on the financial mechanism (UNEP/CBD/COP/2/9); the study on the availability of additional financial resources (UNEP/CBD/COP/2/10); and the Draft Memorandum of Understanding (MOU) with the institutional structure (UNEP/CBD/COP/2/11).

COW deliberations centered on: the selection process; eligibility criteria; cycle and evaluation of GEF projects; diversity and predictability of funding sources; the relationship between the SBSTTA and the GEF's Scientific and Technical Advisory Panel (STAP); and the relationship between the CBD and the GEF, as well as their respective secretariats. The US and the EU supported the MOU, but Malaysia, Colombia and India noted that the views of the G-77 and China were not represented in the document. Japan, Austria and the EU expressed support for the GEF as the permanent institutional structure for the financial mechanism. The G-77 and China supported an interim designation. The Chair deferred further discussion to a contact group chaired by John Ashe (Antigua and Barbuda). The contact group addressed the following issues: designation of the institutional structure operating the financial mechanism of the Convention; timetable and nature of review of the financial mechanism; the MOU; guidance on start-up or enabling activities; further guidance to the financial mechanism on programme priorities and modalities for processing projects; the relationship between the SBSTTA and the STAP; and continuation of the study on the availability of additional financial resources. Although most issues met with broad agreement early in the negotiations, disagreement persisted over designation of the institutional structure and the MOU. In his presentation of the draft decision to the COW, Ashe noted that the decision, which resulted from extensive and often lively discussions, enjoyed the full support of the contact group. He expressed gratitude to the delegates of Mauritius, Malaysia, Colombia, France and, most notably, Germany.

The decision on financial resources and mechanism (UNEP/CBD/COP/2/CW/L.11) indicates that the restructured GEF shall continue to serve as the institutional structure to operate the financial mechanism on an interim basis, with the COP endeavoring to make a decision on the permanent designation at its third meeting. The decision also: calls for the first review of the effectiveness of the financial mechanism at COP-4 (based on the approach described in UNEP/CBD/COP/2/9), with subsequent reviews every three years; takes note of the draft MOU and requests the Secretariat to submit a revised draft MOU, based on consultations and reflecting comments by Parties for decision at COP-3; "recommends that GEF explore diverse forms of public involvement and more effective collaboration between all tiers of government and civil society, including the feasibility of a programme of grants for medium-sized projects taking into account the eligibility criteria set out by the COP;" and requests the Secretariat to explore possibilities of additional financial resources.

ARTICLES 6 AND 8 OF THE CONVENTION: Based on interventions in the COW, the Chair prepared a draft text as the basis for negotiations in the drafting group. Delegates discussed national guidelines that will allow for comparability without coercion. The resulting draft decision was adopted without amendment.

The decision (UNEP/CBD/COP/2/CW/L.4/Rev.1) urges all Parties and Governments and other interested stakeholders to exchange relevant information and share experience on measures taken for the implementation of Articles 6 (general measures for conservation and sustainable use) and Article 8 (*in situ* conservation). It also stresses the importance of regional and international cooperation, capacity-building and adequate financial resources to assist Parties in the implementation of these Articles.

COMPONENTS OF BIOLOGICAL DIVERSITY UNDER THREAT: Initial interventions in the COW were based on the SBSTTA report's recommendation I/3 on how the COP could start considering components of biodiversity under threat and action that could be taken under the Convention. Discussion focused on methodologies employed and priorities established by the SBSTTA, as well as areas and components of biodiversity under threat and action and policies for their protection. Based on the Chair's text that emerged from these discussions, the drafting group of the COW negotiated a draft decision, which was adopted without amendment.

The decision on preliminary consideration of components of biodiversity (UNEP/CBD/COP/2/CW/L.5/Rev.1) underscores the ecosystem approach as the primary framework for action. The decision endorses relevant paragraphs of the SBSTTA report on this item, including the identification of the driving forces determining the status and trends of components of biodiversity so that appropriate action can be taken to control them.

FORESTS AND BIOLOGICAL DIVERSITY: The terrestrial drafting group chaired by Enio Cordeiro (Brazil) focused on forests, beginning with a statement from the CBD to the CSD's Intergovernmental Panel on Forests (IPF). Delegates divided into two subgroups: one on ecological issues, led by Antonius Van Der Zoon (Netherlands), and one on access, benefits-sharing and indigenous and local communities, led by Ulf Svensson (Sweden). The ecological issues group produced a detailed three-page draft with an introduction and sections on: the importance of forests to biodiversity; trends in forest ecosystems and their biodiversity components; addressing main causes that lead to loss of forest biodiversity; and recommendations on the development and promotion of the use of methods for conservation and sustainable management of forests. This draft was trimmed to 13 paragraphs in a rewrite offered by the contact group Chair (A.K. Ahuja), who suggested that the statement should be short and politically oriented. Delegates added three additional paragraphs from the access, benefits-sharing and indigenous issues group and restored a paragraph calling for participation by all stakeholders in an open, transparent decision-making process.

In the decision on Forests and Biological Diversity (UNEP/CBD/COP/2/CW/L.18), the COP is invited to transmit the annexed Statement on Biological Diversity and Forests from the CBD to the IPF. The Executive Secretary is to provide information on indigenous and local communities and forests and a background document on the links between biodiversity and forests.

The annex calls for a dialogue between the COP and the IPF on issues related to forests and biodiversity. It includes: the role of forests in maintaining biodiversity; the relationship between ecological processes and forest biodiversity; indigenous and local communities and forests; access to forest-based genetic resources; sustainable forest management; *in situ* conservation; education and

awareness; and the need for research. The Statement requests that the IPF acknowledge the need to address biodiversity concerns in sectoral programmes, plans and policies, and consider the economic, environmental and non-consumptive values of forests. It also requests that the CBD Executive Secretary provide information to IPF-3 and suggests that CBD may provide substantive inputs following COP-3.

CONSERVATION AND SUSTAINABLE USE OF MARINE AND COASTAL BIOLOGICAL DIVERSITY: Discussion in the COW focused on SBSTTA recommendation I/8 (UNEP/CBD/COP/2/5). Several interventions, including those by the G-77 and China, the EU and the Alliance of Small Island States (AOSIS), supported the recommendation for an *ad hoc* expert panel on marine and coastal biodiversity (MCB) under the SBSTTA. Japan called for COP-2 to elaborate on I/8. The Republic of Korea said that the recommendations overemphasized exploitation and conservation and that those on subsidies extend the COP into trade implications.

During the first meeting of the MCB sub-contact group, delegates examined draft terms of reference submitted by the Secretariat, Sweden, AOSIS, the Netherlands, the US, and the G-77 and China. The group noted that all submissions supported the recommendation for the *ad hoc* panel of experts. Subsequent meetings focused on drafting the terms of reference and work programme for a 15-member panel, as well as a draft decision and comments on SBSTTA recommendations. In addition to specific comments on the substance of the SBSTTA recommendations, delegates considered whether they should adopt, support or take note of all or selected recommendations.

During consideration by the COW, Ahuja noted the debate over the COP's response to the SBSTTA recommendations, and stated that delegates had resolved that the COP was supreme over the SBSTTA. Brazil expressed major concern with the text. Colombia proposed adding text noting that "the meetings of the panel will be open to other Parties interested." France, supported by the UK and others, stressed the need to have a competent group of experts. India supported a bigger panel and Brazil wanted governmental input. Consultations continued into the night, and delegates drafted new text calling for a roster of experts to be responsible to the Executive Secretary and to provide input to SBSTTA. Delegates also added a paragraph in the decision reaffirming that the SBSTTA is the only scientific, technical and technological authority under the CBD to provide advice to the COP. After the COW adopted the decision, Chair Lazar noted that a key point in the final negotiations was that any authoritative body must be open-ended.

The final decision on marine and coastal biodiversity (UNEP/CBD/COP/2/CW/L.21/Rev.1) consists of three parts: the decision; Annex I (additional conclusions on SBSTTA recommendation I/8); and Annex II (programme for further work). The decision takes note of SBSTTA recommendation I/8, supporting paragraphs 10-19, subject to the Annex I conclusions and further elaboration by the SBSTTA. It instructs the Executive Secretary to provide the SBSTTA with scientific, technical and technological options for recommendations to the COP. Options are to be developed through input from Parties and an open-ended roster of experts (although no more than 15 of which may meet at a time) to support the Secretariat's work. Annex I contains the COP's comments regarding the SBSTTA's advice including: concern that paragraphs 10-19 were unbalanced; an offer of SBSTTA's expertise in the elaboration of guidelines for implementation of the FAO Code of Conduct for Responsible Fisheries; and a note that reference of subsidies in paragraph 14 was contentious. Annex II

notes issues for the Executive Secretary and the roster of experts to address, as well as approaches to use and outputs to produce.

ACCESS TO GENETIC RESOURCES: Initial COW discussions included a presentation by the Secretariat of its background paper (UNEP/CBD/COP/2/13) on access to genetic resources. Several countries, including Indonesia, Sweden, Malaysia, India and Syria, emphasized that human genes should not be considered as part of the genetic resource base, while the Solomon Islands and Papua New Guinea suggested a protocol on rights relating to human genes. In a second area of concern, Malaysia, supported by India, and opposed by Japan, suggested that biochemical resources should be considered part of genetic resources. The Indigenous Peoples Biodiversity Network called for a moratorium on access. The German NGO network suggested that imports of genetic resources be monitored. Further discussion of the issue was deferred to a drafting group, in which a non-paper prepared by Colombia, based upon EU and G-77 and China texts, and informal consultations, formed the basis for negotiation.

A major point of debate was a proposal to request the Secretariat to compile the views of Parties on definitions of some of the key terms of Article 15, including, for example, prior informed consent, mutually agreed terms, and fair and equitable sharing of benefits. Others felt that their inclusion in Article 15 suggested consensus on their meaning at the time of negotiation of the Convention, while still others argued that if such terms were understood differently by Parties, compiling such differing views would only add to confusion over terminology. A compromise agreed upon was to request the Secretariat to compile "national interpretations of key terms" without actually specifying such terms. Other elements debated for inclusion, but left out from the final decision, were references to the FAO Undertaking on Plant Genetic Resources and the status of *ex situ* germplasm collections acquired prior to the negotiation of the Convention. Delegates opposed to inclusion of these items argued that this issue was covered by the separate agenda item on the FAO Undertaking. Similarly, a proposal to study the link between Article 15 and Articles 8(j) and 10(c), which address the question of protection of indigenous knowledge, was also deleted, on the grounds that this issue would be covered under the agenda item dealing with intellectual property rights.

The decision (UNEP/CBD/COP/2/CW/L.24) calls for the Secretariat to continue compiling information on government measures to implement Article 15, including any national interpretations of key terms used in that Article; requests compilation of information on the social and economic valuation of genetic resources, including "the demand by industry for genetic resources." The decision also reaffirms that human genetic resources do not fall within the purview of the CBD.

INTELLECTUAL PROPERTY RIGHTS: In preliminary discussions in the COW during the first week of COP-2, the Secretariat introduced its report on measures relating to IPR and access to and transfer of technology that makes use of genetic resources (UNEP/CBD/COP/2/17). During the debate on this issue, the EU noted the importance of coordinating Trade-Related Intellectual Property (TRIPs) with the CBD, and the G-77 and China called for the COP to assert the primacy of CBD over relevant World Trade Organization (WTO) issues. Australia called for case studies on the relationship between IPR and technology transfer. The Biotechnology Industry Organization offered to work with the Secretariat for CBD implementation in the area of technology transfer. India called for an interim requirement for patent applications in the area of IPR to include source information. Further debate on the issue was moved to a drafting group and based upon a non-paper derived from the COW's discussions.

The non-paper was extensively debated on the nature and timing of the interaction between the CBD and WTO Secretariats. The need to both inform the WTO Secretariat of the ongoing work in the CBD, and to invite it to assist the CBD Secretariat in its efforts to outline the relationship of CBD objectives with WTO TRIPs, were emphasized. This was deemed necessary both in order to prepare for discussion of this agenda item in 1996, and to help prepare COP-3's possible input to the Ministerial Conference of the Committee on Trade and Environment of the WTO in December 1996, which will decide whether WTO multilateral trading rules should be revised to take into account environmental considerations. A second area of discussion related to whether a study by the Secretariat on the potential for patent procedures to be used as a means of ensuring prior informed consent should be requested. Delegates opposed to inclusion of such a study pointed out that the CBD was not the forum to try to change existing international patent laws. Further debate revolved around whether discussion of IPR relating to indigenous knowledge should include *sui generis* intellectual or other property rights systems. While considered important, this was felt to be more appropriately addressed under Article 8(j), since it dealt with broader notions than IPR, and, as a result, was not included in the decision.

The decision (UNEP/CBD/COP/2/CW/L.25) on intellectual property rights requests the Secretariat to "liaise with the Secretariat of the WTO in order to inform it of the goals and the ongoing work of the CBD, and to invite it to assist in the preparation of a paper for the COP that identifies the synergies and relationship between the objectives of the CBD and the TRIPs Agreement." The text also calls for the Secretariat to consult with all stakeholders, in particular the private sector and indigenous and local communities, in order to understand their concerns with regard to effective implementation of CBD objectives. It further calls for a preliminary study on the impact of IPR systems on the objectives of the CBD, including the relationship between IPR and traditional knowledge, and the role of IPR in transfer of biotechnology. Following adoption of this decision, India recorded a statement noting the need for a study of patent procedures as one mechanism for ensuring prior informed consent, through inclusion of source of biological materials and knowledge in patent applications.

COOPERATION WITH OTHER BIODIVERSITY-RELATED CONVENTIONS: Interventions in the COW were based on Secretariat document UNEP/CBD/2/Inf.2. Although many countries underscored the need for cooperation and coordination between the CBD and related agreements, many also noted the need for the CBD to maintain a leadership role. Argentina, Japan, New Zealand and Peru called for cooperation with CITES and the Ramsar Convention. The EU suggested cooperation on financing through priorities of the CBD. Africa Resources Trust encouraged the clearing-house and financial mechanism to facilitate the implementation of agreements such as CITES. Morocco and Burundi proposed a UNEP-sponsored workshop to clarify and harmonize common areas between biodiversity-related conventions.

The decision (UNEP/CBD/COP/2/CW/L.16) requests the Executive Secretary to coordinate with the secretariats of relevant biodiversity-related conventions and to report to COP-3 on modalities for enhanced cooperation with relevant international biodiversity-related bodies such as the FAO, UNESCO and the CSD.

The Philippines, on behalf of the G-77 and China, introduced a draft resolution on the convening of an international workshop on cooperation between the Convention on Biodiversity and other conventions on related issues (UNEP/CBD/COP/2/CW/L.19). After several concerns were raised on funding, participation and

implications for the COP programme of work, the Philippines reintroduced an amended version, which was adopted.

FOOD AND AGRICULTURAL PLANT GENETIC RESOURCES (PGR): Interventions in the COW focused on treatment of PGR for food and agriculture. Malawi, Sweden and Argentina suggested that the CBD would be the proper forum to discuss this issue. The US preferred the FAO. Several interventions stressed the importance of maintaining access to global *ex situ* germplasm collections. A discussion within the drafting group over whether to emphasize the issue of PGR acquired prior to the entry into force of CBD did not result in an amendment of the Chair's draft text.

Delegates adopted two decisions on this topic. The decision entitled "FAO Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture" (UNEP/CBD/COP/2/CW/L.8/Rev.1) recognizes the special nature of agricultural biodiversity, and recalls the need to seek solutions to such outstanding matters as "access to *ex-situ* collections not acquired in accordance with" the CBD, and "the question of farmers' rights." It declares COP-2's support for implementation of FAO Conference Resolution 7/93 to adapt the International Undertaking on PGR in harmony with the CBD, and for the Fourth International Technical Conference on PGR for Food and Agriculture.

The "Statement to the International Technical Conference on PGR" (UNEP/CBD/COP/2/CW/L.14/Rev.1) welcomes preparation of the reports on the Global Plan of Action and the State of the World's Genetic Resources for Food and Agriculture, asserts the sovereign rights of States over their natural resources, and calls upon the international technical conference to make every effort to promote complementarity and consistency with the goals of the CBD.

FORM AND INTERVALS OF NATIONAL REPORTS BY PARTIES: Documentation regarding the purpose, format and interval of national reports was provided in documents UNEP/CBD/COP/2/5 and UNEP/CBD/COP/2/14. During discussion in the COW, the EU suggested that Parties report on national implementation, with emphasis on the issues included in the medium-term programme of work and that reports be in one of the six UN official languages.

Discussion in the drafting group included a debate over whether reports should have a broad focus or concentrate on ecosystems or specific sectors. Delegates decided to leave final decision on the intervals to COP-4 and to have reports submitted in one of the working languages of the COP. In response to the suggestion for the development of technical guidelines for national reporting, delegates agreed to call on the SBSTTA to instruct any technical panel to comment on the feasibility of developing such guidelines.

The decision (UNEP/CBD/COP/2/CW/L.10/Rev.1) states that the first national reports will focus on Article 6 (conservation and sustainable use), as far as possible, and are due at COP-4. COP-4 is to decide the intervals and form of subsequent reports, based on the experience of Parties in preparing their first national reports and taking into account the state of CBD implementation. The Executive Secretary is to prepare a report based on a synthesis of the national reports and other relevant information, and to suggest the next steps. An Annex suggests guidelines for the report format.

MEDIUM-TERM PROGRAMME OF WORK: Debate on this issue was initiated in the COW. Denmark said that the work programme should be adjusted with regard to the work of the Intergovernmental Panel on Forests, with Canada suggesting that consideration of terrestrial biodiversity was appropriate for 1997. Canada also called for a coordinator of indigenous peoples' issues on the staff of the Secretariat, which was supported both by the

Indigenous Peoples' Biodiversity Network and the Executive Secretary. Further discussion of the work programme was moved to a contact group, chaired by Peter Unwin (UK).

Debate on the work programme in the contact group centered around the heavy workload for COP-3 in 1996, and implications of decisions being taken in other contact groups on various substantive issues, including the possible establishment of panels. Delegates emphasized the need to balance consideration of the three objectives of the Convention in making changes to the work programme. There was also debate regarding the importance and priority to be given to substantive issues, given possible budgetary limitations. A proposal to add a review of the *modus operandi* of the COP to the 1996 agenda received some support, but after further debate, consideration of this item was moved to 1997, along with the review of the overall medium term work programme scheduled for that year.

The decision (UNEP/CBD/COP/2/CW/L.23) on the Medium-Term Programme of Work of the Conference of the Parties for 1996-97 was adopted as amended by the COW. The work programme contains a number of standing and rolling issues. Issues to be considered each year (standing issues) include matters relating to the financial mechanism, the budget for the Secretariat, SBSTTA reports and recommendations, operation of the CHM, and the relationship of the CBD with the CSD and other related international conventions and processes.

The year-by-year agenda (or rolling issues) for 1996 include: agricultural biological diversity; consideration of the future work programme for terrestrial biodiversity; knowledge, innovations and practices of indigenous and local communities; access to genetic resources, and issues relating to biosafety. Items for 1997 include a review of the medium-term work programme, including review of the *modus operandi* of the CBD; linkages between *in situ* and *ex situ* conservation; and consideration of matters relating to benefit-sharing. The decision further emphasizes that the rolling agenda has to be flexible to allow for changes based upon new information or work done during the intersessional period.

BUDGET: Discussion of this item began in the Plenary, with the Executive Secretary introducing the Budget of the Trust Fund (UNEP/CBD/COP/2/3), which represented the first attempt to make a detailed costing of the COP's medium-term programme of work. An addendum (UNEP/CBD/COP/2/3/Add.1) incorporated the financial implications of the biosafety discussions, the SBSTTA meetings, and the CHM. The budget was referred to an open-ended contact group under the chairmanship of Peter Unwin (UK).

Discussion in the contact group focused on the need for greater financial resources to be allocated to the Fund, given the heavy workload to be completed by the Secretariat during the upcoming year. A revised proposal was presented by the Secretariat after preliminary discussions about the need for restructuring to achieve greater efficiency and savings. Delegates finally agreed to a budget that represented a doubling in total amount from that provided for in 1995, and a three-fold increase in professional staff for the Secretariat. In addition to the assessed contributions to the budget, voluntary contributions from Parties and non-Parties were encouraged. Differences relating to paragraphs 4 and 16 of the Financial Rules could not be resolved.

The decision on "Financing of and Budget for the Convention" (UNEP/CBD/COP/2/L.6) adopts the "Proposed Budget of the Trust Fund for the Convention on Biological Diversity in 1996-97" (Annex I), and the "Financial Rules for Administration of the Trust Fund for the Convention on Biological Diversity" (Annex II). It urges all Parties to pay their 1996 contributions to the Trust Fund, which are to be based on the scale of assessments contained in an appendix to Annex I. This scale is based upon the UN scale of

assessments, adjusted to ensure that no contribution exceeds 25% of the total, and that no contribution from a least developed country Party exceeds 0.01% of the total. The decision further transfers consideration of paragraphs 4 (scale of assessments) and 16 (rules of procedure) of the Financial Rules for Administration of the Trust Fund, which remain bracketed, to COP-3.

The adopted budget for 1996 provides for an economist and an indigenous person to cover indigenous peoples' issues, in addition to the legal and scientific expertise to be provided for through the Trust Fund, and through secondments from UNESCO and FAO. Further, it provides support for the establishment of the CHM, and makes provision for meetings of SBSTTA and its subsidiary bodies, a meeting of the working group on biosafety, and intersessional work on marine and coastal areas. The decision also contains indicative figures for expenditures in 1997. Some of these may undergo revision, depending upon the timing of the Secretariat's relocation to Montreal.

MINISTERIAL SEGMENT

The Ministerial Segment took place on 15-16 November 1995, during which delegates heard statements from 80 speakers, including 36 ministers. At the conclusion of the second day, the Jakarta Ministerial Declaration (UNEP/CBD/COP/2/L.2/Rev.1) was adopted. The Declaration was drafted on the basis of discussions and statements submitted during the Ministerial Segment. The Declaration: reaffirms the 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 the 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 marine and coastal biodiversity as the "Jakarta Mandate on Marine and Coastal Biological Diversity."

Statements from Parties and observers covered a range of topics, including national implementation experiences, positions on issues under discussion by COP-2, and comments on global issues. The following illustrates the issues discussed and positions that governments took. A number of countries, including the G-77 and China and Denmark, supported negotiation of a biosafety protocol. The EU called for a protocol on transboundary transport of LMOs complementary to UNEP's guidelines. The US said biosafety discussions must develop a framework for deciding whether the need for a protocol is established and how to proceed. Senegal supported a biosafety protocol as a vehicle for technology transfer. AOSIS emphasized the significance of biosafety to small island developing States (SIDS). Peru called for a moratorium and code of ethics on LMOs.

The EU called for designation of the GEF as the permanent financial mechanism. Several countries, including Zimbabwe, called for a transparent and democratic financial mechanism. Switzerland called for medium-sized GEF projects. Mauritius requested a special GEF grant window for biodiversity projects in SIDS. A number of countries, including Indonesia and Ghana, called for new and additional resources.

The Republic of Korea suggested that the CHM's pilot-phase focus on capacity-building in developing countries. Canada called for self-representation of indigenous peoples at COP-3. Australia offered funding for an indigenous person in the Secretariat. Nicaragua wanted to devote COP-3 to indigenous issues. Private sector participation in the CBD was emphasized by Canada, Argentina and UNCTAD, among others. Regional approaches were supported by Monaco and Bulgaria. The UK noted the enormous workload COP-2 is setting for SBSTTA and COP-3.

Additional issues were suggested for COP attention, including: eco-tourism (Germany); freshwater resources (Zimbabwe, Malawi and Swaziland); poverty (Bangladesh); and the underlying causes of forest loss (Thailand).

Coordination with other UN bodies, such as the WTO, was suggested by Norway and others. The Bahamas supported establishment of an expert panel on marine and coastal biodiversity. Finland welcomed COP input into the IPF. South Africa noted the importance of respect for human rights.

A number of countries, including Malaysia and Australia, called for an end to nuclear testing. France explained that it is aware of its responsibilities regarding nuclear testing. The UK stated that COP is not an appropriate forum for discussing nuclear testing.

CLOSING PLENARY

COP-2 President Sarwono Kusumaatmadja opened the final Plenary and called on the Chair of the COW, Avrim Lazar, to introduce the agreements reached by the COW. The 18 draft decisions were introduced and adopted. China noted that in the decision on national reports (UNEP/CBD/COP/2/CW/L.10/Rev.1), some of the suggested content may be omitted if the country does not have the required information.

Peter Unwin then introduced two draft decisions on the budget. The first, regarding location of the Secretariat (UNEP/CBD/COP/2/L.5), expressed gratitude to the four bidding countries and made provisions for the move to Montreal. The second, regarding financing of and the budget for the Convention (UNEP/CBD/COP/2/L.6), required two changes: the CHM programme officer should be at the P-4 level and the budgeted amounts for "promotion, awareness raising and publication" under communications should increase. The Plenary adopted both decisions. Brazil noted with regret that no resolution was reached on rule 4 (administration of the trust fund). Turkey noted that its signing of the CBD and participation at the COP does not affect its position on the UN Convention on the Law of the Sea.

The President then introduced a draft decision submitted by the G-77 and China regarding the date and venue of COP-3 (UNEP/CBD/COP/2/L.7/Rev.1). Spain noted that the dates for COP-3 coincide with the Summit on World Nutrition. Nevertheless, delegates accepted Argentina's offer to host COP-3 in Buenos Aires, from 4 to 15 November 1996.

The Philippines noted amendments to the G-77 and China's draft resolution on convening regional meetings for developing countries (UNEP/CBD/COP/2/L.4). The title should be "Convening of regional and subregional meetings for Parties to the Convention," and text should be changed accordingly. The text was adopted.

The Credentials Committee report was then presented by its Chair, A.K. Ahuja (India). She noted that the credentials for six Parties were not in order. Delegates agreed to the Bureau recommendation that those Parties be requested to submit their credentials by 1 December 1995. The Rapporteur, Zuzana Guziova (Slovakia), presented the draft report of COP-2 (UNEP/CBD/COP/2/L.1, Corr.1 and Add. 1-3), which was adopted.

Finally, Australia proposed a formal tribute to the Government of Indonesia, expressing sincere gratitude to the Government and its people, which the Plenary endorsed by acclamation. The President closed the meeting by thanking all who had contributed to the success of COP-2.

A BRIEF ANALYSIS OF COP-2

COP-2 marked two parallel progressions in the development of the Convention on Biological Diversity. In what might be described as internal affairs, delegates conducted the first review of priorities established by the Convention and COP-1. In doing so, they began to explore and revise the procedures and programme of work. In addition, several aspects of the programme crossed into matters beyond the CBD's own borders. COP-2 prepared or promised inputs to several ongoing international policy processes, initiating the Convention's conduct of essentially external relations. Together these contributed to what Committee of the Whole Chair Lazar termed a maturing process of the CBD.

Delegates attributed the maturation to a mixture of intersessional activities and changes in the political landscape. On the one hand, the work of the SBSTTA and the Open-ended Expert Group on Biosafety provided COP-2 material on which to base its first substantive steps. The output from these two bodies served as a test case for the procedural workings of the CBD, as delegates debated how they would respond to the subsidiary bodies' inputs. On the other hand, the formation of both the CSD's Intergovernmental Panel on Forests (IPF), the World Trade Organization (WTO) and its Committee on Trade and Environment, presented COP-2 delegates with opportunities and some urgency to express the Convention's relevance to those bodies' work.

The decisions to be made on the programme of work forced COP-2 to confront such questions as how and how often items would be considered, how SBSTTA advice would be addressed and whether expert panels should be established to elaborate COP-2's recommendations in other subject areas, as had been done for biosafety after COP-1. Debates regarding marine and coastal biodiversity provided one focal point for these questions. On this issue, the contact group agreed to organize a limited experts' panel, only to renegotiate this consensus when the decision reached the full Committee of the Whole. The debate covered participation issues, such as costs and credentials, and the nature and size of representation. It also resulted in a statement that the SBSTTA was the only scientific, technical and technological authority to provide advice to the COP, a clear message that not all SBSTTA recommendations necessarily had to be accepted by COP.

Although the COP has asserted its authority over the SBSTTA, it will need to further specify this relationship. While the SBSTTA has already adopted a *modus operandi*, the COP has yet to set out such a formal blueprint for its basic functioning. Some delegates emphasized the SBSTTA's advisory and subsidiary nature, others highlighted the need for the body to engage in substantive debate regarding controversial issues. If the SBSTTA is to fulfill its mandate as a scientific, technical and technological body, the questions put to it by the COP must explicitly require scientific, technical and technological advice. Such guidance from the COP will determine not only the composition of delegations but the content of the meetings. The proximity of the meeting of the SBSTTA to the COP meeting may have been problematic as some say it raised the political stakes and contributed to the sense that the SBSTTA was acting, as some delegates put it, as a "mini-COP." Some delegates called on COP-2 to move the dates of SBSTTA-2, but the dates were not changed and the SBSTTA will once again meet two months before the COP.

Another example is related to discussions on biosafety. While debating language defining the composition of the Open-Ended *Ad Hoc* Working Group on Biosafety, whose job it will be to elaborate the modalities of a draft biosafety protocol, delegates discussed whether participants in ostensibly scientific panels should be limited to technical experts, or whether government representatives

or bureaucrats should join in. Some noted that these procedural disputes masked resistance by some Parties to establishing authoritative panels on certain issues.

COP-2's interactions with the NGO community provide an additional example of the COP's internal evolution. NGOs were allotted a variable role in COP-2: while excluded entirely from the proceedings of the biosafety drafting group, NGOs contributed substantively in other contact and drafting groups. Language about broad stakeholder participation was included explicitly in the decision on forests and biodiversity, and many delegates welcomed the constructive role of NGOs. Business and industry representatives also had a higher profile at COP-2. Delegates acknowledged that biotechnology and related industries have realized that the CBD may be significant to their concerns. Thus, they have added their presence and voices to those of environment and development NGOs at a level approached only within the negotiations for the Framework Convention on Climate Change.

The status of the institutional structure to operate the financial mechanism remains contentious. At the heart of the debate is a catch-22: while some delegates claim that only a permanent designation of the GEF will signal a substantial replenishment, others note that replenishment is a necessary (but not sufficient) condition for designation.

Although the restructured GEF has attempted to highlight its commitment to the CBD through its two-pronged approach of targeting and mainstreaming biodiversity, its mandate remains in the realm of incremental costs and global benefits. Such a focus is perceived by the South as part of the North's emphasis on conservation — which constitutes only part of the CBD equation. In order to address the full scope of the CBD's objectives, delegates may have to broaden the spectrum to include a diversity of financial sources. The Secretariat will need to think creatively and consult widely as it maps out requested information on additional and alternative resources. To break the impasse at COP-3, a balance will need to be struck between flexibility and efficiency.

In its interactions with outside institutions and processes, the CBD has begun to send a concrete message regarding the integration of biodiversity concerns. Perhaps in line with a new era of UN reform, COP-2 has demonstrated an aversion to institutional proliferation — instead of creating new bodies, it will draw largely upon existing ones.

Where forests were almost an unmentionable topic at COP-1, the establishment of the IPF has changed things. Delegates in Jakarta expressed the need to inject CBD priorities and principles into IPF deliberations. They also stated that the CBD concerns reach beyond indigenous peoples and forests, the theme for which CBD was assigned responsibility by a UN interagency group.

Delegates took note of the work of the FAO Commission on Plant Genetic Resources, and the programme of work makes provision for consideration of a progress report in 1996. How the COP will address the results of the FAO process is, however, not clear. Some delegations have stated that any protocol on plant genetic resources should be under or within the framework of the CBD, while others have noted that FAO is the proper forum for these issues. The results may be best evidenced after COP-3 considers agricultural biodiversity.

Despite some efforts to maintain a balance between the widespread activities the CBD demands and the depth and quality desired for priorities they have set, delegates produced a large number of wide-ranging decisions. Privately, some Northern delegates expressed the view that, at times, biodiversity conservation seemed relegated to the back burner, given the interest in such issues as IPR, access, technology transfer and biosafety.

Others expressed the view that all of these issues were interrelated. For example, many delegates noted the impact of a new world trade regime on conservation and sustainable use issues. The discussion at COP-2 on IPR and technology transfer in particular appeared to reflect frustration felt by many Southern countries towards the Trade-Related Aspects of Intellectual Property sub-agreement to the General Agreement on Tariffs and Trade. How this will play itself out in the international arena remains to be seen.

With such a varied and ambitious agenda set by COP-2, the CBD Secretariat and subsidiary bodies have before them an imposing workload for the intersessional period. COW Chair Lazar expressed hope that decision implementation would keep up with the pace of decision-making.

All contact groups discussed how to prioritize intersessional activities. The financial implications of this heavy workload resulted in a budget approximately twice that agreed to at COP-1. Yet the debate over the number and type of intersessional meetings continued through to the final hours. Between now and COP-3, the challenge will be to convert potentially competing agendas into complementary concerns and to make demonstrable progress in pursuing the Convention's three objectives as it continues to come of age.

THINGS TO LOOK FOR IN THE INTERSESSIONAL PERIOD

INTERNATIONAL CONFERENCE ON THE SUSTAINABLE CONTRIBUTION OF FISHERIES TO FOOD SECURITY: This Conference will be held in Kyoto, Japan, from 4-9 December 1995.

UNEP GLOBAL EXPERT CONSULTATION ON INTERNATIONAL TECHNICAL GUIDELINES FOR SAFETY IN BIOTECHNOLOGY: The meeting, which will finalize the International Technical Guidelines, and address related capacity-building needs, will be held in Cairo from 11-14 December 1995.

WORLD TRADE ORGANIZATION, COMMITTEE ON TRADE AND ENVIRONMENT (CTE): The CTE will meet for regular sessions from 14-15 December 1995, 7-8 February 1996, 13-14 March 1996, 17-18 April 1996, and 21-22 May 1996, in Geneva, Switzerland. The February meeting will consider WTO's relationship with multilateral environmental agreements with trade provisions. The April session will deal with the relationship between TRIPs and other agreements. The May meeting will conduct the CTE's second review in preparation for the WTO ministerial meeting in Singapore in December 1996.

INTERNATIONAL DAY FOR BIODIVERSITY: The first observance of the International Day for Biodiversity will take place on 29 December, the anniversary of the Convention's entry into force.

INTERNATIONAL CONFERENCE ON TECHNOLOGY NEEDS ASSESSMENT: This conference will focus on assessing technology needs in order to facilitate technology transfer. It is co-sponsored by the Netherlands and Switzerland, and will be held in Scheveningen, the Netherlands, from 6-7 February 1996.

OECD WORKSHOP ON ECONOMIC INCENTIVES: An OECD workshop on economic incentives for the conservation of biological diversity will be held in Australia in early 1996.

MEETING OF THE CONFERENCE OF PARTIES TO THE RAMSAR CONVENTION: The COP of the Ramsar Convention, which will meet in Australia in March 1996, will discuss marine and coastal ecosystems.

REGIONAL MEETING FOR LATIN AMERICA ON ECONOMIC VALUATION OF BIODIVERSITY: The workshop on economic valuation is co-sponsored by Canada, Chile and UNEP's Mexico office, and will be held in Santiago, Chile in March 1996.

INTERGOVERNMENTAL PANEL ON FORESTS: The IPF is scheduled to have its second meeting from 11-22 March 1996, in Geneva, Switzerland, and its third meeting from 2-13 September 1996.

FAO GLOBAL SYSTEM FOR PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE: A series of meetings are planned, including FAO-sponsored regional meetings (West Africa in late November 1995; North America in early December 1995); and a Colombian-sponsored regional meeting for Latin America in February 1996. The Commission on Plant Genetic Resources will meet from 22-26 April 1996 in Rome. This meeting will also serve as the PrepCom for the Fourth International Technical Conference on Plant Genetic Resources, to be held in Leipzig, Germany, from 17-23 June 1996.

EXPERT MEETING ON INTRODUCTION OF ALIEN SPECIES: A meeting on this issue, sponsored by Norway in cooperation with UNESCO and IUCN, will include both legal and scientific expertise. This meeting will be held in Trondheim, Norway from 1-5 July 1996.

SOUTHERN AFRICAN BIODIVERSITY FORUM: A SADC sub-regional workshop for Southern African countries to prepare for COP-3 will be held in Maputo, Mozambique, in July 1996.

OPEN ENDED AD HOC WORKING GROUP ON BIOSAFETY: The working group on biosafety, established by COP-2, will meet once before COP-3. The date and venue are yet to be determined.

SECOND SBSTTA MEETING: The SBSTTA will hold its second meeting from 2-6 September 1996. The venue has not been determined.

IUCN WORLD CONSERVATION CONGRESS: The theme of this Congress is "Caring for the Earth." It will be held in Montreal, Canada, from 13-23 October 1996.

THIRD MEETING OF THE CONFERENCE OF THE PARTIES OF THE CBD: The third meeting of the COP will be held in Buenos Aires, Argentina from 4-15 November 1996, with a Ministerial Segment lasting from 13-14 November 1996.

COP-2 ON THE INTERNET

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

The International Institute for Sustainable Development (IISD) has provided a historical record of COP-2 with color photos, RealAudio interviews with participants and daily hypertext versions of the *Earth Negotiations Bulletin* summaries in French and English on *Linkages*, a World Wide Web site for environment and development policy makers.

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

The CBD Secretariat has posted all of the documentation for COP-2 on its World Wide Web server.