



CBD COP-5 HIGHLIGHTS: TUESDAY, 16 MAY 2000

On the second day of CBD COP-5, delegates met in a morning Plenary to continue discussions on the Cartagena Protocol and to hear reports of the Global Environment Facility (GEF), of the Panel of Experts on Access and Benefit-Sharing, on the Administration of the Convention and on the Budget for the Trust Fund. In the afternoon, Working Group I (WG-I) addressed sustainable use, including tourism, and incentive measures. Working Group II (WG-II) discussed access to genetic resources.

PLENARY

At the opening of the Plenary, COP-5 President Francis Nyenze nominated Marina von Weissenberg (Finland) as the meeting's rapporteur and Ilona Jepsen (Latvia) for the verification of credentials, which was approved.

REPORT ON THE STATUS OF THE CARTAGENA PROTOCOL: COP-5 President Nyenze noted that discussion on the issue would continue from the previous day. ALGERIA, the BAHAMAS, CHINA, ETHIOPIA, KENYA, LESOTHO, MADAGASCAR, MEXICO, NIGERIA, NORWAY, the REPUBLIC OF KOREA, TOGO, ZIMBABWE and the COMMONWEALTH SECRETARIAT expressed support for the proposed work plan of the Intergovernmental Committee for the Cartagena Protocol (ICCP). HAITI, NAMIBIA and MALAYSIA opposed renegotiating the work plan. NEW ZEALAND supported a step-by-step approach and prioritized organizational issues, the CHM and capacity-building. BANGLADESH called for a mechanism to address training and capacity-building. Numerous countries also stressed the importance of capacity-building and information sharing. JAPAN requested discussion on adequate and effective information exchange structures and a review of the existing CHM. GREENPEACE INTERNATIONAL objected to requesting the private sector to provide support for capacity-building efforts.

BOLIVIA, CHAD and CUBA stressed the importance of developing national legislation. GAMBIA noted the need to integrate national guidelines and the Cartagena Protocol. ALGERIA, KENYA, LESOTHO, NIGERIA and the REPUBLIC OF KOREA emphasized establishment of a biosafety CHM. The US recommended focusing the work plan and avoiding work on issues outside the ICCP's mandate, such as liability, and Articles 5 (Pharmaceuticals) and 6 (Transit and Contained Use). EGYPT, EL SALVADOR, ETHIOPIA, MALAYSIA, NAMIBIA, NEW ZEALAND and NORWAY announced their intent to sign the Protocol during COP-5. The BAHAMAS, EL SALVADOR and LESOTHO called for signature and early ratification of the Protocol.

MADAGASCAR and NAMIBIA highlighted the need to strengthen UNEP's pilot project on biosafety in developing countries. The COMMONWEALTH SECRETARIAT stressed that the implementation process must be understood by all stakeholders. NIGERIA expressed concern over terminator technologies, highlighting potential threats to food security. Ambassador Philémon Yang (Cameroon), Chair of the ICCP Bureau, noted that the work plan is merely a list of suggestions and that he would initiate informal consultations on how to proceed.

REPORT OF THE GEF: The GEF SECRETARIAT introduced a report detailing the GEF's activities relevant to the CBD from January 1998 to June 1999 (UNEP/CBD/COP/5/7). He invited proposals from countries on, *inter alia*, alien species, taxonomy, inland waters, forest issues, the CHM, incentive measures and access and benefit-sharing (ABS). NIGERIA, speaking for the G-77/CHINA, urged the GEF to provide developing countries with clear information on how to access funds.

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

REPORTS ON ADMINISTRATIVE AND BUDGETARY MATTERS: CBD Executive Secretary Hamdallah Zedan introduced the report on the administration of the Convention and the budget for the Convention's trust fund (UNEP/CBD/COP/5/9), noting that it details the status of the CBD Secretariat's budget since COP-4, the three trust funds, implementation of the host government agreement and contributions to the voluntary trust fund. Regarding the proposed budget for the biennium 2001-2002 (UNEP/CBD/COP/5/18 and UNEP/CBD/COP/5/18/Add.1), he noted that it incorporates the financial implications of the numerous recommendations to the COP adopted by intersessional meetings, and builds on the Secretariat's existing activities. The NETHERLANDS encouraged the Secretariat to maximize use of resources outside the Convention. A contact group on budgetary matters, chaired by John Ashe (Antigua and Barbuda), was established.

WORKING GROUP I

SUSTAINABLE USE AND INCENTIVE MEASURES:

WG-I Chair Peter Schei (Norway) suggested that sustainable use, including tourism (UNEP/CBD/COP/5/20), and incentive measures (UNEP/CBD/COP/5/15), be addressed simultaneously in order to integrate them into one decision. SBSTTA-5 Chair Cristián Samper (Colombia) introduced SBSTTA recommendations IV/7 on development of approaches and practices for the sustain-



able use of biological resources and the assessment of interlinkages between tourism and biodiversity, and V/12 on sustainable use of biodiversity as a cross-cutting issue.

Several delegations expressed support for the SBSTTA recommendations and for the sustainable use of biological resources through an ecosystem approach. PORTUGAL, on behalf of the EU and supported by SWITZERLAND, called for synergy with the CSD on the international guidelines for activities related to sustainable tourism and referred to the International Ecotourism Year in 2002. JAPAN underscored the importance of public education. NORWAY said the establishment of mechanisms for intersectoral dialogue is a prerequisite for successful sustainable use and, supported by CANADA, ECUADOR and PERU, asked for principles and criteria to be developed in thematic areas. SWITZERLAND called for a definition of ecotourism and for discussion under other sectoral activities, such as agriculture. LATVIA, on behalf of the CEE, highlighted the involvement of stakeholders. KENYA and UGANDA stressed local community involvement and benefit. The GAMBIA called for definition of stakeholders' roles, especially local communities. CHINA questioned how to sustainably develop tourism to benefit local communities without threatening ecosystems and species.

MONGOLIA and the RUSSIAN FEDERATION highlighted their Altai-Sayan Millennium Initiative. The G-77/CHINA stressed the conservation of culture and recognition of traditional knowledge and indigenous technologies. MALAWI noted that at a recent forum the Southern African Development Community (SADC) adopted the Malawi Principles for an ecosystem approach and recommended that the IUCN principles on sustainable use be adopted. GHANA, ZIMBABWE and others called for case studies. SAMOA called for environmental audits, human resource capacity-building and private sector cooperation. The BAHAMAS supported a country-driven approach to addressing sustainable tourism. The CMS underscored migratory species' value for sustainable tourism. The DEMOCRATIC REPUBLIC OF CONGO called for protection of biodiversity from attacks during war.

Several delegations supported the use of incentive measures. The EU emphasized the internalization of biodiversity value in cost-benefit analysis and the need for biodiversity considerations in liability mechanisms. AUSTRALIA highlighted the work of the Ramsar Convention, IUCN and the OECD regarding positive incentives. The NETHERLANDS supported collaboration with the OECD and IUCN. CANADA, JAPAN and TURKEY asked for further analysis of incentives. KENYA requested financial support for case studies. MEXICO noted that Central American case studies are available. The G-77/CHINA requested inclusion of information on incentive measures in national reports and the establishment of an expert group on incentive measures. UGANDA requested assistance in using incentives.

WORKING GROUP II

ACCESS TO GENETIC RESOURCES: WG-II Chair Elaine Fisher (Jamaica) opened deliberations on access to genetic resources, and the Secretariat introduced the relevant documents (UNEP/CBD/COP/5/4, 8 and 21). Many delegations supported extending the mandate of the Expert Panel, and proceeding with development of international guidelines on ABS, and requested the Secretariat to continue work with other international organizations on issues related to intellectual property rights (IPRs). The EC noted that an *Ad Hoc* Open-ended Working Group would allow for a broader participatory approach. SWITZERLAND also stressed broader participation and suggested a rapid start to developing international guidelines. MEXICO supported developing a code of conduct, and said there should be standard legislation for all countries. Many developing countries stressed the need for institutional and legal capacity-building and for information exchange.

NORWAY noted connections with COP discussions on agrobiodiversity and Article 8(j) and suggested, with CANADA, CHINA, COLOMBIA, the EC, the EU and the RUSSIAN FEDERATION, a comprehensive approach allowing the CBD to play a proactive role within other relevant international fora.

NAMIBIA recommended a cross-sectoral approach to ABS in national strategies. ARGENTINA stated that ABS is an economic concern and that national legislation should take this into consideration. INDIA and NIGERIA highlighted the need for legislation and control measures in resource-user countries to complement legal measures in resource-provider countries. ETHIOPIA and PERU stressed the need for strong protective measures in provider countries. TURKEY stressed the need to recognize the country of origin in ABS agreements and highlighted the need for control mechanisms. JAPAN suggested establishment of international focal points and national competent authorities. POLAND stated that ABS policies should be reflected in national biodiversity strategies and action plans. VENEZUELA commended the GEF for deeming the issue a priority. PAPUA NEW GUINEA introduced the proposals of the Pacific Island workshop, particularly formation of legislative and administrative measures and development of incentive and control measures for ABS arrangements by user countries.

ETHIOPIA and INDIA highlighted the issue of IPRs, and INDIA endorsed the recommendation to further explore the compatibility of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) and CBD objectives. NORWAY requested the Secretariat to continue collecting information on IPR-related issues and countries to address this issue within the TRIPs Council. TURKEY noted that *sui generis* systems are necessary to accommodate differing national circumstances. ETHIOPIA called for addressing *ex situ* collections acquired prior to the entry into force of the Convention in greater detail. BRAZIL questioned the approach within the FAO to renegotiating the International Undertaking on Plant Genetic Resources (IU), and suggested that the issue be addressed under the CBD. Chair Fisher noted that discussions on access to genetic resources would continue and asked delegates to hold informal consultations on how to address *ex situ* collections.

IN THE BREEZEWAYS

As delegates launched into discussions on access to genetic resources, many noted linkages with other international fora currently under review. Some participants pondered how the ongoing TRIPs review, particularly on biodiversity-related issues, and the beleaguered renegotiation of the International Undertaking would impact and be impacted by COP-5's decisions.

THINGS TO LOOK FOR TODAY

WORKING GROUP I: WG-I will meet at 10:00 am in Conference Room 2 to discuss on dryland biodiversity and consider Chair's text on incentives and sustainable use.

WORKING GROUP II: WG-II will meet at 10:00 am in Conference Room 1 to continue discussions on ABS, IPRs and *ex situ* genetic resources. Results of the informal discussions on *ex situ* collections are expected.

COMMUNITY-BASED CONSERVATION: A lunchtime presentation on Community-Based Biodiversity Conservation will be held at 2:45 pm in Tent 2.

BIODIVERSITY INCENTIVES: A lunchtime session on OECD/IUCN work on biodiversity incentives will be held from 1:00-2:30 pm in Conference Room 1.

RIVER BASIN INITIATIVE: A lunchtime event promoting the CBD-Ramsar Joint Work Plan and River Basin Initiative will take place from 1:00-1:40 pm in Conference Room 2.