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CONFERENCE OF THE PARTIES
TO THE CONVENTION
ON BIOLOGICAL DIVERSITY
First meeting
Nassau, 28 November - 9 December 1994
Item 8 of the provisional agenda

PREPARATION OF THE PARTICIPATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY IN THE THIRD SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT

Report of the Expert Workshop on the Contribution of the Conference
of the Parties to the Convention on Biological Diversity to the
1995 Session of the Commission on Sustainable Development,
convened by the Government of Spain

Note by the Interim Secretariat. The Interim Secretariat has prepared a note UNEP/CBD/COP/1/12 to facilitate the discussion of the Conference of the Parties on its participation in the third session of the Commission on Sustainable Development. A draft statement from the Conference of the Parties to the Commission is contained as an annex to that note.

The Intergovernmental Committee at its second session accepted the offer of the Government of Spain to host an expert workshop to help provide the basis for substantive input by the Conference of the Parties to the third session of the Commission on Sustainable Development (see UNEP/CBD/COP/1/4, para. 273). Accordingly, the Expert Workshop on the Contribution of the Conference of the Parties to the Convention on Biological Diversity to the 1995 Session of the Commission on Sustainable Development was held in Madrid from 11 to 14 October 1994. As noted in Madrid, the dates of the Workshop precluded consideration of its results in the preparation of the note by the Interim Secretariat as the workshop was convened after documents were required to be finalized by the Interim Secretariat. In accordance with the request of the Workshop and the Government of Spain, the Interim Secretariat is pleased to transmit to the Conference of the Parties the report of the Expert Workshop. The report is available only in English, French and Spanish.

Annex

EXPERT WORKSHOP ON THE CONTRIBUTION OF THE CONFERENCE
OF THE PARTIES TO CONVENTION ON BIOLOGICAL DIVERSITY
SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT

Madrid, 11 - 14 October 1994

Report of the Workshop

INTRODUCTION

1. At the second session of the Intergovernmental Committee on the Convention on Biological Diversity (ICCBD), it was agreed to recommend to the Conference of the Parties that the Conference provide a contribution to the 1995 session of the Commission on Sustainable Development relating to the Commission's consideration of follow-up to Agenda 21.
2. In this context, the Intergovernmental Committee accepted the kind offer of the Government of Spain to convene a workshop of experts in Madrid on this topic and agreed that the report of this Workshop be forward, for information, to the first meeting of the Conference of the Parties.

CONDUCT OF EXPERTS MEETING

3. The Experts met in Madrid from 11 to 14 October 1994. Government Experts from Australia, Bahamas, Brazil, Canada, Chile, China, Equatorial Guinea, Germany, Hungary, Kenya, Malawi, Malaysia, Russia, Slovakia, Spain, Sri Lanka, Sweden, Switzerland, Uganda, United Kingdom, United States and Venezuela were in attendance as a well as of the Commission of the European Communities.
4. UNEP and the Interim Secretariat for the Convention on Biological Diversity, the United Nations Department of Policy Coordination and Sustainable Development and the Food and Agriculture Organization of the United Nations (FAO) were also represented. In addition, the following non-governmental organizations also attended: Friends of the Earth, Greenpeace International, WWF, Sociedad Española de Ornitología, Birdlife International and Third World Network.
5. The Experts meeting elected Mr. R. Holesgrove (Australia) as Chairperson and Mr. A. Ricarte (Brazil) and Mr. M. Uppenbrink (Germany) as Vice-Chairpersons. The meeting adopted the following Agenda:
 1. Adoption of Agenda.
 2. To identify the obligations of the Convention which have direct relevance to the Sustainable Development Commission cluster.
 3. To identify strategies and processes by which the Convention can contribute to achieve the conservation and sustainable use of biodiversity with the Sustainable Development Commission cluster topics.
 4. Adoption of the report and conclusions to be presented during the First Meeting of the Contracting Parties.

The meeting agreed that this agenda should be focused on the sectoral chapters 10 to 15 which are to be considered at the 1995 session of the CSD. In addition the meeting considered that chapter 16 - Biotechnology - should also be examined.

6. The meeting agreed to establish the following working groups:

Working Group I (Mr. Uppenbrink) to consider agenda items 2 and 3 in relation to chapter 15 (Biodiversity) and chapter 16 (Biotechnology) of Agenda 21.

Working Group 2 (Mr. Ricarte) to consider agenda items 2 and 3 in relation to chapter 10 (Land resources), chapter 11 (Deforestation), chapter 12 (Desertification), chapter 13 (Mountain development), chapter 14 (Agriculture) of Agenda 21 as well as any other relevant Agenda 21 chapters being considered at the 1995 session of the Commission on Sustainable Development.

7. There was general agreement at the meeting that the contribution to the 1995 session of the CSD should be concentrate on policy issues and be of a broad political nature. In this context, the Workshop debate the advance draft copies of the following documents prepared by the Interim Secretariat for the Convention on Biological Diversity: UNEP/CBD/COP/1/Inf.5 and UNEP/CBD/COP/1/12 and expressed general satisfaction as to the content of draft statement. The Experts felt detailed comments on the draft statements would be left for the consideration of COP in November.

8. Working Group I had before it two papers prepared by the host country (Spain) dealing with agenda items 1 and 2. The Group decided to use these papers as basis for their discussion. The result of the work of Working Group I is a document that identifies obligations in the Convention relevant to the key objectives of chapters 15 and 16 of Agenda 21 and which also suggest strategies and procedures by which the Convention can achieve the conservation and sustainable use of biological diversity in relation to these objectives. Working Group I therefore dealt centrally with matters related to the Convention which could be brought to the attention of the Commission on Sustainable Development.

9. Working Group II examined chapters 10 to 14 of Agenda 21 in relation to the Convention, taking into account the draft statement prepared by the Interim Secretariat. The result is a brief document which summarizes some key considerations concerning the sectoral issues covered in chapters 10 to 14 in relation to this Convention and which highlights the important inter-sectoral nature of biological diversity in relation to these and many other chapters of Agenda 21.

10. The Experts adopted the report of the working groups and agreed to incorporate them in the body of the report as paragraphs 11 to 67.

GROUP I REPORT

11. Paragraph 8 describes the approach taken by Working Group I. This Group based its work on two papers prepared by the host country. These papers identify seven objectives from chapters 15 and 16 of Agenda 21 which constitute the section headings below. It is important to note that, rather than restate all relevant articles of the Convention exactly, the

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Working Group in the interests of brevity, chose to summarize those articles. No legal interpretation is intended or implied by this. The expert from Brazil objected to this approach.

12. Reviewing the objectives from Agenda 21, the Group concluded that the obligations of chapter 15 of Agenda 21, are extensively covered by the Convention.

13. In discussing the report of Working Group I, the plenary of the meeting decided to adopt parts of this report whilst simply referring to other parts as discussions of the Working Group. This is indicated in each section.

Develop national strategies for the conservation of biological diversity and the sustainable use of biological resources (Chapter 15.4.b. Agenda 21) and integrate strategies for the conservation of biological diversity and the sustainable use of biological resources into national development strategies and/or plans. (Chapter 15.4.a. Agenda 21)

14. Both Agenda 21 and Article 6 of the Convention identify the importance of preparing national strategies, plans or programmes. The development of such strategies, plans or programmes should be closely coordinated, mutually supportive and as far as possible should integrate the conservation and sustainable use of biological diversity into sectoral or cross-sectoral plans, programmes and policies.

15. For this, it would be important to inform the CSD on the stage of preparation of these strategies. The preparation of these programmes may be undertaken by Governments in accordance with national policies and where relevant, with the cooperation of the agencies of the United Nations or of intergovernmental organizations.

In this context, Working Group I discussed the following:

16. The principle of sustainable use should be incorporated into conservation planning. Such planning be based on an analysis of all available information and supplemented by programmes of education and training. Strategies need to be integrated into sectoral policies, in particular those most closely related to biological and genetic resources. Measures should be taken that develop effective incentives in economic, social and other relevant sectors to encourage conservation and to promote those systems of sustainable production which use, maintain or enhance biodiversity.

Carry out country studies, as appropriate, on the conservation of biological diversity and the sustainable use of biological resources, including analyses of relevant costs and benefits, with particular reference to socio-economic aspects. (Chapter 15.4 Agenda 21)

17. Article 7 of the Convention determines, before setting down measures for conservation, the importance of identifying the components of biological diversity, identifying processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, especially those which require urgent conservation measures and offer the greatest potential for sustainable use.

18. In resolution 2 of the Final Act of the Conference for the Adoption of the Agreed Text of Convention on Biological Diversity the importance of studies by countries is recognized. These studies should gather and analyse biological, economic and social data. The spatial context of the information is crucial.

19. In paragraph 2 of the resolution, the components of these studies also appear:

- Identification of components of biological diversity of importance for their conservation and sustainable use.
- Gathering and assessment of the necessary data for an effective appraisal of the components of the biological diversity.
- Determination of the processes and activities which threaten biological diversity, bearing in mind that the majority of them are generated by potential beneficiaries, and that their elimination involves an economic transaction.
- Assessment of the possible economic repercussions of the conservation and sustainable use of biological resources.
- Assignment of economic value to biological and genetic resources.
- Assessment of urgent measures for the conservation and sustainable use of biological diversity.

20. The Conference of the Parties may wish to inform the CSD on the status of ongoing national studies, as well as of those that have been completed. In addition, those countries where country studies are most advanced could offer their experience and knowledge, with the purpose of informing the CSD.

In this context, Working Group I discussed the following:

21. Underlying resolution 2 is the need to establish wider processes of planning for biological diversity, which encompass all the relevant sectors to assist with promoting and applying the measures at the national level.

Take appropriate measures for the fair and equitable sharing of benefits derived from research and development and use of biological and genetic resources, including biotechnology, between the sources of those resources, and those who use them. (Chapter 15.4.d. Agenda 21)
And to develop measures and arrangements to implement the rights of countries of origin of genetic resources or countries providing genetic resources, as defined in the Convention on Biological Diversity, particularly developing countries, to benefit from the biological development and the commercial utilization of products derived from such resources. (Chapter 15.4.j. Agenda 21)

22. Fair and equitable sharing of benefits is one of the key objectives of the Convention. Article 15(7) of the Convention requires each Contracting Party to take legislative, administrative or policy measures for the fair and equitable sharing of the results of research and development and the benefits from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

In this context, Working Group I discussed the following:

23. In addition to building upon appropriate existing mechanisms, there is a need to consider more direct mechanisms to reward developing countries for the utilization of their genetic resources. The requirements of Article 16 regarding the access to and the transfer of technology and Article 26 on reporting are also relevant.

24. The Convention recognizes the right of the countries of origin to benefit from the use of their biological resources. The impact of intellectual property rights (IPR) in the context of the objectives of the Convention thus needs to be studied, as provided for in Article 16.

25. The increasing value of technologies, in particular biotechnology, is reflected in the debate over the ownership of the biological resources. Within the scope of the Convention, all the possible mechanisms to compensate those countries which provide biological resources - the raw materials of biotechnology - need to be identified.

26. The development and future application of the concept of "Farmers' Rights", which is based on the contribution of indigenous and local communities in the creation and maintenance of genetic resources for food and agriculture, should be considered more thoroughly. The negotiations which are being carried out in the FAO Intergovernmental Commission on Plant Genetic Resources are fundamental to this. The results of the extraordinary meeting of the Commission planned for November 1994 and the work on the revision of the International Undertaking will need to be assessed. In addition, further work should be encouraged in relation with the Fourth International Technical Conference on Plant Genetic Resources to be held in 1996 in Germany, which is being organized by FAO under the guidance of its Commission. The possibility of bringing the revised International Undertaking within the framework of the Convention possibly in the form of a Protocol may be considered for the medium-term work programme of the Conference of the Parties (see paragraph 64 below).

27. The Convention establishes some principles by which access to genetic resources based on mutually agreed terms can ensure the equitable sharing of benefits. Appropriate means of remuneration should be closely studied.

28. To put these ideas into practice, there is a need to collect information on existing types of arrangements, including contractual agreements. Model types of agreements should be given wide distribution among Governments, non-governmental organizations, indigenous and local communities, etc. The private sector should be closely involved in this process.

29. The adoption of policy, legislation and capacity-building measures, such as the creation of offices for legal support, needs to be encouraged.

Recognize and foster the traditional methods and the knowledge of indigenous people and their communities, emphasizing the particular role of women, relevant to the conservation of biological diversity and the sustainable use of biological resources, and ensure the opportunity for the participation of those groups in the economic and commercial benefits derived from the use of such traditional methods and knowledge. (Chapter 15.4.g. Agenda 21)

30. Article 8 chapeau of the Convention states: "Each Contracting Party shall, as far as possible and as appropriate:" Article 8 (j) continues: "subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices, and encourage the equitable sharing of benefits arising from the utilization of such knowledge, innovations and practices."

31. These issues are subject to discussion in a number of international forums. The Conference of the Parties may wish to make a request to the CSD to provide a summary of these discussions, so as to assist the COP in developing strategies to implement the obligations under the Convention. The COP may also wish to inform the CSD of its intention for the implementation of this.

In this context, Working Group I discussed the following:

32. The provisions of the Convention and Agenda 21 recognize the importance of indigenous and local communities for the conservation and sustainable use of biological diversity. Conservation of this knowledge is essential as for centuries indigenous and local communities have managed to adapt to local conditions. This has given rise to the maintenance of numerous important species and varieties.

33. The question of the recognition of the rights of indigenous and local communities was the subject of discussion at the second session of the Intergovernmental Committee on the Convention on Biological Diversity. There was general consensus on the importance of such knowledge, innovations and practices and on the need to look for ways to ensure the fair and equitable sharing of benefits by those communities.

34. From the debate in the ICCBD at its second session it can be deduced that traditional knowledge innovations and practices do not always fulfil the necessary characteristics to be considered strictly under the protection of intellectual property rights. It would therefore be important to establish other measures, inter alia, protection or compensation measures or incentives which encourage, in these communities, the maintenance of traditional knowledge, innovations and practices. This has particular importance for the conservation of the multitude of different varieties of cultivated plants.

35. Some of the measures which could be adopted to respect, preserve and maintain traditional knowledge, innovations and practices could be:

- Undertake studies at the national level which identify and analyse the factors that impede the recognition of this knowledge
- Implement training programmes on the use of biological diversity, made for and with the close cooperation of the indigenous communities.
- Identify sources of financial and other kinds of support for these communities and their organizations through projects and other types of activities, to further these objectives.

- Initiate analytical studies on the positive and negative impacts of intellectual property rights on the maintenance of traditional knowledge, innovations and practices.

- Develop alternative models for such communities to share in the benefits derived from their knowledge, innovations and practices.

Promote broader international and regional cooperation in furthering scientific and economic understanding of the importance of biodiversity and its functions in ecosystems. (Chapter 15.4.i. Agenda 21)

36. Article 12 of the Convention determines that the Parties should establish programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biodiversity and its components, as well as research to widen knowledge of species and ecosystems (Art. 12(a)). For this, developing countries in particular need the scientific and technical cooperation referred to in article 18, through the competent national and international institutions (Art. 12(b)).

37. Article 18(3) of the Convention requires the Conference of the Parties at its first meeting to determine how to establish a clearing house mechanism to promote and facilitate scientific and technical cooperation.

38. The COP may wish to ask the CSD to mobilize the international agencies to collaborate with countries to implement such regional and international cooperation.

In this context, Working Group I discussed the following:

39. The mobilization of necessary resources for research should take into account, inter alia, the special needs of developing countries and, in relation to Art. 12(c). The provisions of articles 16, 18 and 20. This may require the application of new national policies and institutional agreements, which give special attention to the reinforcement of national education, through training in human resources and the creation of institutions.

40. Scientific and technical cooperation must recognize the national expertise and/or build such capacity, such as training in developing countries in the conservation and sustainable use of biological diversity.

41. The scientific study of biodiversity often requires broad interdisciplinary cooperation, for example involving ecologists, biologists, geneticists, taxonomists, microbiologists as well as economists, sociologists and scientists.

42. Another mechanism to develop would be research consortiums among countries and institutions to look for solutions to common problems.

Produce regularly updated world reports on biodiversity based upon national assessments. (Chapter 15.4.f. Agenda 21)

43. As stated by Article 26 of the Convention, each Contracting Party is required to present to the COP reports on measures adopted to implement the

provisions of the Convention and on the effectiveness of those measures. The COP shall determine the intervals in which national reports shall be submitted.

44. The efficient conservation of biological diversity and the sustainable use of biological resources requires the establishment of a continuous flow of information.

45. These reports could constitute the basis for world reports which are provided for as objective (f), in paragraph 4 chapter 15 of Agenda 21.

Implement mechanisms for the improvement, generation, development and sustainable use of biotechnology and its safe transfer, particularly to developing countries, taking account the potential contribution of biotechnology to the conservation of biological diversity and the sustainable use of biological resources. (Chapter 15.4.h. Agenda 21)

46. The issue of biotechnology is addressed briefly in Chapter 15 of Agenda 21 and more completely in chapter 16. The following paragraphs present the relevant provisions of the Convention with regard to biotechnology and the conservation of sustainable use of biodiversity. (As Appendix I, a table showing the relationship between chapter 16 of Agenda 21, and its relationship to the Convention is enclosed and has been followed by Working Group I discussion on this issue).

47. The preamble of the Convention notes that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.

48. In recognition of this precautionary approach Art. 19(3) of the Convention requires the Parties to the Convention to consider the need for and modalities of a protocol setting out appropriate procedures in the field of safe transfer, handling and use of any living modified organism (LMO) that may adversely affect the conservation and sustainable use of biological diversity.

49. Art. 8(g) further requires each Contracting Party to establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity.

50. Art. 8(h) obliges the Parties to prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species.

51. Art. 19(4) obliges all Parties to provide any available information about the use and safety regulations required by such Parties in handling LMOs, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

52. Art. 16 provides for access to, and transfer of technology, including biotechnology, relevant to the conservation and sustainable use of biological diversity. Art. 16(2) states that in the case of technology subject to patents and other intellectual property rights, such access and transfer shall recognize and be consistent with the adequate and effective

protection of IPRs. Art. 16(5) states that Contracting Parties, in recognizing that patents and other IPRs may have an influence on the implementation of the Convention, shall cooperate to ensure that such rights are supportive of and do not run counter to its objectives.

53. Art. 19(1) concerns provision for effective participation in research activities by those countries providing genetic resources for such research. Art. 19(2) calls for Parties to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from the biotechnologies based upon genetic resources provided by those parties. Such access shall be on mutually agreed terms.

54. Chapter 16 of Agenda 21 on "Environmentally sound management of biotechnology" addresses the potential benefits of biotechnology as well as the potential adverse impacts and the need for adequate safety measures and procedures. The chapter contains five programme areas. They are:

- (a) Increasing the availability of food, feed and renewable raw materials;
- (b) Improving human health;
- (c) Enhancing protection of the environment;
- (d) Enhancing safety and developing international mechanisms for cooperation; and
- (e) Establishing enabling mechanisms for the development and environmentally sound application of biotechnology.

55. The COP may wish to inform the CSD on the progress of their consideration of this issue.

56. The COP may wish to request the CSD to assist in fostering information exchange between the COP and United Nations agencies and other international organizations concerned with biotechnology.

In this context, Working Group I discussed the following:

57. As shown in appendix 1 which cross references the provisions of chapter 16 and the Convention on Biological Diversity, the Convention has considerable contributions to make in the further development and implementation of chapter 16.

58. Chapter 16 lays out many of the potential benefits of biotechnology to the developed and developing worlds, including in the areas of agriculture and food security, forestry, pharmaceuticals and medical development and environmental protection.

59. Both chapter 16 and the Convention stress the importance of information exchange between countries and through relevant international organizations.

60. The need for adequate safety measures and procedures is emphasized in every section of chapter 16. In the context of the conservation and sustainable use of biodiversity, the discussion at the second session of the Intergovernmental Committee on the Convention on Biological Diversity

(ICCBD 2) in Nairobi in June 1994 is relevant. At ICCBD 2, Working Group II discussed extensively the implementation of Art. 19(3) and the topic of a possible protocol and/or guidelines, as reflected in section 4.2.2 in particular paras. 226 and 227 of the report of the session (Appendix 2).

GROUP II REPORT

61. The working group noted that chapters 10 to 14 of Agenda 21 have a cross-sectoral character because they concern the integrated management of land, fragile ecosystems, forests and sustainable agriculture. It is not possible to deal with each sector effectively in isolation. For example, the integrated management of land is clearly related to sustainable agriculture and rural development, and both of them are related to the management of fragile ecosystems and combating desertification.

62. There are linkages between each of these sectoral issues and the conservation and sustainable use of biodiversity. In this respect, the integration of biodiversity into the management of different ecosystems in the planning process allows for the adoption of preventative, anticipatory types of measures as well as corrective ones. The need to modify different sectoral policies in order to bring them in line with the provisions of the Convention was underlined. The Group considered this to be a positive way of linking issues relevant to Agenda 21 and the Convention.

63. In order to identify the main issues, the Group used the draft documents prepared by the Interim Secretariat of the Convention: UNEP/CBD/COP/1/Inf.5 and UNEP/COP/COP/1/12, which provided a good basis for the discussion. The contribution of Australia, in the form of a table of cross-references, as contained in Doc. UNEP/CBD/COP/1/Inf.5, is an illustrative example of various articles of the Convention and their links to relevant elements of chapter 10 to 14 of Agenda 21. The Group suggested that the Interim Secretariat extend that table to include other relevant chapters in order to identify additional linkages between the CBD and Agenda 21. This could be useful for the development of further cooperation between the COP and the CSD.

64. Regarding the sectoral cluster contained in the Agenda of the third session of CSD the Group made suggestions on the following issues:

- In relation to chapter 10 of Agenda 21, the Group stressed the importance of integrating the conservation and sustainable use of biodiversity into the design and implementation of national strategies and plans for the different land-use sectors, including tourism. It was suggested that regional approaches to land use planning should adopt environmental characteristics as an important determinant of boundaries (bioregional planning). The significance of techniques, such as rapid biodiversity assessment, was also noted.

- As for chapter 11, the Group stressed the intrinsic relationship between the conservation of biodiversity and sustainable forest management. As forests contain a great amount of biodiversity, their conservation and sustainable use is crucial for the implementation of the Convention. Many of the provisions of the Convention can be applied to the tasks of forest management and combating deforestation, as set out in chapter 11 and the Statement of Principles on Forests. It was considered in this context, that the Convention can have a relevant role in the ongoing discussions on forests. It was also noted, in this regard, that close collaboration between the COP and the Ministerial Meeting of the FAO Committee on Forests, in March 1995, would be highly desirable.

- The Group considered that the conservation and sustainable use of biodiversity is particularly important in the case of fragile ecosystems, which are the subject of chapter 12 and 13 of Agenda 21. Desertification is a process of land degradation resulting in loss of biodiversity. Similarly, mountain and wetland ecosystems are experiencing an accelerated loss of habitats and genetic diversity and are some of the most threatened by human pressure. In relation to desertification, it was considered desirable for the Convention on Biological Diversity to develop arrangements with the Convention on Desertification in order to define common strategies. The COP may also wish to inform the CSD of the ongoing consultations between the Convention and the Ramsar Convention.

- Chapter 14 of Agenda 21 deals with sustainable agriculture and rural development, an issue intrinsically linked to the conservation and sustainable use of biological diversity. The Chapter includes specific programme areas on: (g) Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Sustainable Agriculture; and (h) Conservation and Sustainable Utilization of Animal Genetic Resources for Sustainable Agriculture. The Convention on Biological Diversity should therefore have a major contribution in the implementation of this chapter (see paragraph 26 above).

65. The COP may wish to inform the Commission that the Convention is in close coordination with FAO for the adjustment to the Convention of the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture, and that it would consider the need for any new legal arrangements on plant and animal genetic resources for food and agriculture. The COP may also wish to note the need to reach some synchrony in the timing between the work programme of the COP and revision of the International Undertaking on Plant Genetic Resources. The Group noted the need for determining the appropriate scope and relationship between the Convention and the Undertaking.

66. The Group noted that presently negotiations are underway between the FAO and the International Agriculture Research Centres (IARCs) to bring the ex situ collections under the trusteeship of FAO. The group suggested that the negotiations should proceed in conformity with the spirit and letter of the Convention and of resolution 3 of the Nairobi Final Act, and brought to a successful conclusion quickly.

- Finally the Group noted that biodiversity is also relevant for other cross-sectoral issues included on the agenda of the third session of CSD, in particular:

- (a) Chapter 33: Financial resources and mechanisms;
- (b) Chapter 3: Combating poverty;
- (c) Chapter 5: Demographic dynamics and sustainability;
- (d) Chapter 16: Environmentally sound management of biotechnology;
- (e) Chapter 34: Transfer of technology;
- (f) Chapter 8: Integrating environment and development in decision-making;
- (g) Chapter 40: Information for decision-making;
- (h) Chapter 35: Science for sustainable development;
- (i) Chapters 23-32: Role of major groups.

67. The Group suggested that the COP could offer to collaborate with CSD for the implementation of these chapters as well as of other chapters included in the forthcoming sessions of the Commission such as chapter 4,

on consumption patterns, chapter 17, on protection on the oceans, coastal areas and marine resources, and chapter 36, on education, public awareness and training.

CONCLUSIONS

68. The Group considered that the Convention has a major role to play in helping to implement relevant parts of Agenda 21. The Group attempted to identify those points of contact between Agenda 21 and the Convention and to propose to the COP a possible approach to each point. It concluded that COP should provide an input to the CSD to enable the Commission to promote action at national, regional and international levels to integrate the conservation and sustainable use of biodiversity into the different sections.

69. The Group agreed that biodiversity is clearly a cross-sectoral issue which is affected by human actions. As the provision of goods and services from nature is highly dependent on the variety and variability of genes, species, habitats and ecosystems, the conservation of biodiversity is of paramount importance for sustainable development. As recognized by the Convention of Biological Diversity, biodiversity is not only a conservation issue, but also a sustainable development issue and it should permeate the overall work of the Commission. Biodiversity is relevant to most of Agenda 21 and therefore it should be fully integrated into its implementation.

70. As a result of its reflections the committee of experts arrived at the following overall conclusions:

1. The need to sustain biodiversity must be fully integrated into overall plans for sustainable development and into sectoral plans such as those for forestry, agriculture, marine areas and rural development.

2. At the practical level the implementation of the Convention and Agenda 21 will involve many tasks of a similar nature such as information exchange, capacity building and the redefining of rights and obligations. Many national Governments will, for practical reasons, adopt an integrated approach to these tasks. For international efforts to be fully effective and to ensure wise use of scarce resources, international implementation of the Convention and Agenda 21 should be closely coordinated and, to the extent possible, integrated.

3. The Convention is broad and ambitious but it will only be of use to the extent it is implemented. It will require sustained effort to make it real. CSD should encourage member States to ratify it and to focus on implementation.

Appendix 1

Chapter 16	Objectives Activities	Relevant Convention Provision
Use of biotechnology to increase yield of production and improvement of food quality	16.3.a 16.3.b 16.5.a 16.5.i	12.b, 12.c, 16.1
Integrated control of plagues and diseases	16.3.c 16.5.b 16.5.c	10.b, 16.1, 25.2.c
Evaluation of potential uses of lands and crops	16.3.d 16.5.d	7.a, 8.i, 10.c
Application of biotechnology to develop forestry (endemic)	16.3.e 16.5.h	8.h, 12.c
Biotechnology applied to nitrogen fixation	16.3.f 16.5.e	12.b, 12.c
Building capacities and exchange of information	16.3.g 16.5.j	12.a, 16.1, 18.1, 25.2
Safe transfer of micro-organisms	16.3 16.5.f 15.5.g 16.7.a 16.15.a 16.25.d 16.34.a 16.34.d	8.g, 8.h, 19.3, 19.4
Research of preventive measures	16.5.g	12.b, 12.c
Promoting traditional uses of biotechnologies	16.5.k	10.c
Access to results of biotechnology products	16.5.1 16.7	16 (16.3), 19.2
Data and information	16.6	7, 8.j, 12, 17, 18
	16.7	5, 12, 17.2, 18, 19.1
Cooperation		

Appendix 2

Section 4.2.2, paragraphs 226 and 227

226. With regard to the need for, and modalities of, a protocol, Article 19, paragraph 3, of the Convention requires the Conference of the Parties to consider the need for, and modalities of, a protocol on the safe transfer, handling and use of LMOs resulting from biotechnology. A small drafting group was set up to suggest a formulation that would reflect the discussions of the Working Group on the need for, and modalities of, a protocol on biosafety. The small drafting group presented the following: A significant number of representatives expressed support for immediate work on a protocol, while others expressed support for the Conference of the Parties establishing a step-by-step process to consider the need for, and modalities of, a protocol. In reaction to that proposal, the Group of 77, China and some other delegations stressed that they were of the unanimous view that immediate work on a protocol on biosafety should begin. Several representatives stated that any consideration of the need for a protocol under the Convention should be based on existing scientific work prepared by bodies such as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Industrial Development Organization (UNIDO) and the Organisation for Economic Cooperation and Development (OECD), particularly as relevant to the conservation and sustainable use of biological diversity. The need for a system of advance informed agreement in the process of transfer of LMOs was particularly stressed. One representative noted that the clearing-house mechanism to be recommended within the framework of the Convention could facilitate exchange of information relating to the safe transfer, handling and use of LMOs resulting from biotechnology. One representative considered that a protocol was not warranted under the Convention, but looked forward to beginning to fulfil the obligations outlined in Article 19, paragraph 3, of the Convention.

227. Several representatives expressed the view that there should be a process through which technical guidelines on safety in biotechnology should be developed rapidly without prejudging the need for a protocol, to enable experience to be gained with the application of such guidelines. They stressed, however, that guidelines should not be seen as a substitute for the introduction of internationally agreed and legally binding safety measures within the framework of the Convention and that such measures should be guided by the precautionary principle.
