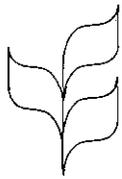




CBD



**CONVENTION ON
BIOLOGICAL DIVERSITY**

Distr.
GENERAL

UNEP/CBD/COP/2/Inf.8
30 October 1995

ENGLISH ONLY

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Second meeting
Jakarta, 6-17 November 1995

**STATUS OF RATIFICATION OF
THE CONVENTION ON BIOLOGICAL DIVERSITY**

The annex to the present note contains the status of ratification of the Convention on Biological Diversity as at 30 October 1995.

**STATUS OF RATIFICATION
as at 30 October 1995**

1. Mauritius (4.9.92)	38. Sweden (16.12.93)	75. Kiribati ² (16.8.94)	112. Ukraine (7.2.95)
2. Seychelles (22.9.92)	39. European Comm. ³ (21.12.93)	76. Romania (17.8.94)	113. Oman (8.2.95)
3. Marshall Islands (8.10.92)	40. Denmark (21.12.93)	77. Austria (18.8.94)	114. Cambodia ² (9.2.95)
4. Maldives (9.11.92)	41. Germany (21.12.93)	78. Indonesia (23.8.94)	115. Central African Rep. (15.3.95)
5. Monaco (20.11.92)	42. Portugal (21.12.93)	79. Slovakia ³ (25.8.94)	116. Mali (29.3.95)
6. Canada (4.12.92)	43. Spain (21.12.93)	80. Costa Rica (26.8.94)	117. Cape Verde (29.3.95)
7. China (5.1.93)	44. Belize (30.12.93)	81. Ghana (29.8.94)	118. Russian Federation (5.-)
8. St. Kitts & Nevis (7.1.93)	45. Albania ² (5.1.94)	82. Nigeria (29.8.94)	119. Guatemala (10.7.95)
9. Ecuador (23.2.93)	46. Malawi (2.2.94)	83. Guyana (29.8.94)	120. Uzbekistan ² (19.7.95)
10. Fiji (25.2.93)	47. Samoa (9.2.94)	84. Djibouti (1.9.94)	121. Niger (25.7.95)
11. Antigua & Barbuda (9.3.93)	48. India (18.2.94)	85. Kazakhstan (6.9.94)	122. Honduras (31.7.95)
12. Mexico (11.3.93)	49. Hungary (24.2.94)	86. El Salvador (8.9.94)	123. Israel (7.8.95)
13. Papua New Guinea (16.3.93)	50. Paraguay (24.2.94)	87. Chile (9.9.94)	124. Algeria ((14.8.95)
14. Vanuatu (25.3.93)	51. Brazil (28.2.94)	88. Iceland (12.9.94)	125. Morocco (21.8.95)
15. Cook Islands (20.4.93)	52. Cuba (8.3.94)	89. Venezuela (13.9.94)	126. Bhutan (25.8.95)
16. Guinea (7.5.93)	53. Sri Lanka (23.3.94)	90. Comoros (29.9.94)	127. Mozambique (25.8.95)
17. Armenia (14.5.93)	54. Ethiopia (5.4.94)	91. Bolivia (3.10.94)	128. Solomon Islands (3.10.95)
18. Japan ¹ (28.5.93)	55. Dominica ² (6.4.94)	92. Rep. of Korea (3.10.94)	129. Togo ¹ (4.10.95)
19. Zambia (28.5.93)	56. Italy (15.4.94)	93. Senegal (17.10.94)	130. Botswana (12.10.95)
20. Peru (7.6.93)	57. Bangladesh (3.5.94)	94. Cameroon (19.10.94)	131. Rep. of Moldova (20.10.95)
21. Australia (18.6.93)	58. Luxembourg (9.5.94)	95. DP Rep Korea ³ (26.10.94)	132. Guinea-Bissau (27.10.95)
22. Norway (9.7.93)	59. Egypt (2.6.94)	96. San Marino (28.10.94)	133. Sudan (30.10.95)
23. Tunisia (15.7.93)	60. Georgia ² (2.6.94)	97. Swaziland (9.11.94)	
24. Saint Lucia ² (28.7.93)	61. UK (3.6.94)	98. Zimbabwe (11.11.94)	
25. Bahamas (2.9.93)	62. Chad (7.6.94)	99. Viet Nam (16.11.94)	
26. Burkina Faso (2.9.93)	63. The Gambia (10.6.94)	100. Switzerland (21.11.94)	
27. Belarus (8.9.93)	64. Micronesia (20.6.94)	101. Argentina (22.11.94)	
28. Uganda (8.9.93)	65. Malaysia (24.6.94)	102. Myanmar (25.11.94)	
29. New Zealand (16.9.93)	66. Benin (30.6.94)	103. Colombia (28.11.94)	
30. Mongolia (30.9.93)	67. France (1.7.94)	104. Cote d'Ivoire (29.11.94)	
31. Philippines (8.10.93)	68. Netherlands ¹ (12.7.94)	105. Zaire (3.12.94)	
32. Uruguay (5.11.93)	69. Kenya (26.7.94)	106. Equatorial Guinea ² (6.12.94)	
33. Nauru (11.11.93)	70. Pakistan (26.7.94)	107. Sierra Leone ² (12.12.94)	
34. Jordan (12.11.93)	71. Estonia (27.7.94)	108. Lebanon (15.12.94)	
35. Nepal (23.11.93)	72. Finland ¹ (27.7.94)	109. Jamaica (6.1.95)	
36. Czech Republic ³ (3.12.93)	73. Greece (4.8.94)	110. Lesotho (10.1.95)	
37. Barbados (10.12.93)	74. Grenada (11.8.94)	111. Panama (17.1.95)	

¹ Acceptance of the Convention

² Accession to the Convention

³ Approval of the Convention

quality assurance and control, expert assessment of fitness for use, and the inclusion of accuracy fields to accompany numeric data to provide an indication of the level of certainty or accuracy.

Capacity Building

Australia sees a need to assist developing countries to build institutional capacities to utilise and contribute to the CHM. In some regions, scientific and technical endeavours, including the generation of data, information and documents for the CHM, are more viable on a regional basis. In such cases it would be appropriate to place greater emphasis on strengthening regional institutions.

It would be appropriate for the financial mechanism to assist in this area, as part of broader activities to conserve and sustainably use biological diversity. For example, Australia expects the GEF-funded Biodiversity Data Management Project will contribute significantly to strengthening in-country infrastructure relevant to the CHM. Strengthening of capacities relevant to the CHM could also be considered as part of wider scientific and technical cooperation, including activities funded by other channels at bilateral, regional and multilateral levels.

Pricing and Access

Access to the CHM should be as open as possible to ensure equity. Access should be free of financial charges for general biodiversity-related data, information and documents which may be used for government decision making, education and research. Australia would also encourage and support free and open repatriation of data.

Charges could be levied for data, information and documents made available for commercial gain. Charging mechanisms could also be established for data, information and documents subject to specific intellectual property rights and other conditions e.g. through credit charging/accounts and fees or annual billing. Such data, information and documents might include indigenous peoples' knowledge, subject to the approval of the owners of such knowledge. However, Australia would not wish to see charging mechanisms impact on the efficiency and effectiveness operation of the CHM.

Intellectual Property Rights

The CHM must give adequate consideration to intellectual property rights, including copyright. For example, the CHM should ensure that standards are established which provide for appropriate recognition and acknowledgement of sources of information and which recognise ownership and sourcing of indigenous peoples' knowledge.

Custodial institutions should indicate rights and the obligations associated with data, information and documents which are made available.

Security

The CHM could establish security mechanisms for sensitive and/or confidential information on subjects such as commercial species, the location of endangered species, indigenous peoples knowledge and data, information and documents which are subject to intellectual property rights. Security mechanisms for sensitive data, information and documents could include restricted access (e.g. through password controls and licensing arrangements); limiting the information (eg. by rounding of logistical reference figures); and referring enquiries regarding sensitive information to custodial institutions.

The CHM should establish a framework which ensures that custodial institutions maintain existing responsibility for data, information and document input and management, particularly for sensitive information. Under the CHM custodial institutions should also be responsible for the maintenance, upgrading and archiving of original data, information and documents".

CHILE

- The scope shall be as broad as possible so as to give the general directions from the beginning of the process of implementation of the Convention.
- The scope shall be flexible so as to allow countries with their strategies and action plans on their way to continue advancing in their implementation program.
- The clearing-house mechanism shouldn't create new institutions but rather use the existing ones, that are broadly known and involved in the process (IC, GEB of UNIDO; FAO; UNDP; CGIAR; WHO; T FAP; GEF; WRI; SEj; WCMC; WFCC; CABI; ICSU; IUBS, etc.
- The mechanism shall identify other organizations that could be incorporated.
- The mechanism shall be decentralized and regionalized.
- The mechanism shall consider all the relevant articles of the Convention (6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 28) which are directly and undirectly related to the mechanism of clearing-house.
- The mechanism shall have a prioritization of activities, that relates with the mid-term program and the work program assigned to the SBSTTA.
- The mechanism shall not consist solely in a transfer of information on technology, but rather on a more comprehensive approach that includes training and capacity building.
- The mechanism shall consider regional seminars and workshop.
- This COP should consider very carefully the implications of a brokering of priorities and also matters related to advice on assistance with contractual agreements".

COLOMBIA

"6.4 My delegation believes that the clearing-house mechanism is an important mechanism for incentivating cooperation among country Parties but not the only one that could be envisaged in the field of transfer of technology. Its initial objectives should, in our view, be facilitating access to information and promoting technical cooperation. The clearing-house mechanism could also be used to facilitate information on the transfer, handling and use of organisms modified by biotechnology. In this context, we reiterate our proposal on the establishment of an open-ended working group to consider the elaboration of a draft of a protocol to be presented to the II COP. The UNIDO Voluntary Code, the OECD work on the use of genetically modified organisms and the report, of a panel of experts promoted by UNEP on this issue could be of use for this exercise.

In this context, the clearing-house mechanism must be decentralized and must benefit, in an effective manner, from the services already available in all continents. We have, therefore, be certain that no unnecessary structures will be established, and to be certain on that, we need a preliminary research on the services already available worldwide. We would appreciate the Secretariat to provide this information.

In relation to document 1/8 we have some comments to offer.

In the first place I wish to refer that my delegation does not agree that information be disseminated on access to genetic resources or traditional and indigenous knowledge. We do not agree that such information and knowledge be disseminated before adequate rules of access and protection be adopted by the Parties. The clearing-house could perhaps indicate where information is available, but not more than that.

In relation to the "scope" of section 2.1 of the document, we have the following comments on items (b) and (c):

(b) the COP should decide if its clearing-house should be extended to any other user than Parties;

(c) we believe that items (i), (v) and (vi) from the document of the Secretariat should be reworded as follows. It is not in the COP's mandate to deal with national strategies, plans and programmes we should more appropriately refer here to "support for dissemination of data about national plans and programmes, including legislation for implementing the Convention".

(v) In the same line, we fear that the wording could be interpreted as to give the mechanism a function in regard to access of genetic resources, which is not in its mandate. The right wording would be: "Information about mechanisms and experience on how to share benefits derived from the use of genetic resources".

(vi) "Information about legal aspects on protection of rights of traditional knowledge to conserve biological diversity and sustainably use its components".

The following new items should be added to the list:

(a) Information about IPR claims and legal aspects regarding access and use of genetic resources.

(b) Information needs and gaps for establishment of clearing-house policies by the COP).

(c) Standards for data collection, transfer and dissemination.

In relation to the other functions proposed to the clearing-house by section 2.2 of the document, my delegation has the following comments on items (a) and (c):

(a) Should be reworded to foresee "expertise on technical, legal and scientific issues".

(c) Policy is not within COP's mandate. We should refer here, as we have already stressed, to "dissemination of information on national plans and programmes" (not national policies or strategies) and on existing national legislations to implement the Convention.

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As we have previously pointed out, facilitating access to genetic resources or to traditional knowledge should not be included among the objectives of the clearing-house mechanism and, even less, of the brokerage service proposed in paragraph seven of the document. (This could not be done without the needed confidentiality.)

We believe that the brokerage service may, however, be of help if contained in a realistic scope. The aim of the clearing-house mechanism should be to facilitate the access to information to country Parties, to technological cooperation through a network among national and regional technical or scientific centers and facilitate cooperation among Parties. In this context, the mechanism will prove its usefulness in the implementation of the Convention by the Parties and one of the means of transferring technology to developing countries.

We should, however, be certain that it will not disseminate information on access to genetic resources or on traditional knowledges before proper rules of protection be adopted by country Parties. We also have to be sure that the mechanism will not be established as a centralized mechanism and that it will not attempt to take over decisions that shall always be taken by the COP. (The clearing-house mechanism must, therefore, be decentralized and benefit from action already developed by other centers throughout the world.)

With regard to paragraph 2.3:

- (i) Add at the end: "and services (webs, gophers, list servers news groups)
- (ii) Delete
- (iii) Add: "and CD Rom".

Finally, in relation to item 2.4:

- (b) Delete the expression "on behalf of the COP".
- (c) Delete. The coordination should not be centralized in the Secretariat. It should be decentralized.
- (d) The establishment of an advisory committee should be considered by the Parties only after the pilot phase, in 1995".

GERMANY

"The first Conference of the Parties of the Convention on Biological Diversity decided that the report of the Secretariat on the clearing-house mechanism should take fully account of the views of Contracting Parties expressed to the Secretariat before the end of February 1995.

Please note the following position of the Government of the Federal Republic of Germany with respect to the establishment of a clearing-house mechanism.

Germany holds that considerable progress in the implementation of the Convention can be achieved by improved technical and scientific cooperation. It is essential in this process that the

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exchange of information be improved, making the experience and knowledge of all Contracting Parties available. Cooperation at regional level is particularly effective and should therefore also be given particular attention.

It should be noted that very effective information systems have already been established at international level. The information systems of UNEP, IUCN, World Conservation Monitoring Centre, FAO and others are of particular relevance with regard to the Convention process. It is therefore not necessary to create any new institutions for this purpose. Rather, existing institutions should be linked in an information network, and the improved coordination and availability of information adjusted to the specific needs of all Contracting Parties should be striven for. This central coordinating task should be carried out by existing institutions, without excluding the possibility that a limited scope of coordinating tasks could be carried out by the Secretariat.

The Secretariat of the Convention on Biological Diversity should not assume any function in this network because central coordinating tasks can also be carried out more efficiently by existing institutions. Accordingly, the Secretariat should not provide for relevant staffing. The Secretariat should just be able to provide information on the location and the modalities of access to the database in question.

Germany would also like to refer to the recommendations expressed by the Intergovernmental Meeting of Scientific Experts, namely that a clearing-house mechanism should develop in the form of an electronic data network that would utilize existing institutions, allow for universal access and have a decentralized and completely transparent structure.

To make it more specific, Germany would like to see this mechanism to comprise already established and regionalized meta-databases in order to allow for the relevant provision of information on relevant institutions holding that type of information. The regionalized mechanism will not collect and maintain the required data itself but will refer, as appropriate, to the relevant national institutions or capacities in the country concerned. In order to facilitate the efficient transfer of information the designation of a focal point in the country of origin of the required information may be necessary.

Our main concern is the avoidance of any duplication of work or the creation of new and costly institutions.

To contribute to a clearer view about what could be the national contribution to a global clearing-house mechanism, the German Government is planning to host an "International Workshop on the National Contribution to the Clearing-House Mechanism" for the Convention on Biological Diversity in late spring on the Isle of Vilm, Germany. Invitations will be sent out in the next few weeks".

NEW ZEALAND

"New Zealand recognises that scientific cooperation underpins the implementation of the Convention. We, therefore, support the establishment of a mechanism to enable equitable and efficient sharing of information to promote and facilitate technical and scientific cooperation. However, there is already a wide range of fora and existing networks sharing that information in written, electronic or oral form. New Zealand sees a need to avoid the potential for overlap with other similar activities and placing an undue administrative or technical burden on Parties. New Zealand, therefore, supports the concept of a simple centralised metadatabase utilising relevant existing information systems.

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We consider that the Clearing-house mechanism (CHM) should be established incrementally, since this will enable it to evolve with the Convention to best suit the needs of the Parties. The CHM should be needs driven, with special emphasis at this early stage given to sharing information about national policy and legislative development. The Mechanism also needs to be developed with the benefit of biodiversity managers in mind, so that the utility and format of the information will enable wise management of resources at the local community level, as well as at the national or international policy level.

Against this background, an early priority should be the development, of a simple format for the provision of information, taking account of the views of biodiversity managers and their capacities to utilise information".

SWITZERLAND

"1. Function, organisation and operation of the CHM

The CHM should at first rely upon existing and well recognized data sources. Effective information systems are already functional at the international level in various organisations such as UNEP, IUCN, World Conservation Monitoring Centre and FAO which are of particular interest for the Convention. Those existing information systems should be linked through a network. It is not necessary to create any new institution for this purpose. As mentioned in the Secretariat document UNEP/CBD/COP/1/8, the CHM should take the form of a "switching centre" between existing clearing houses. Its role should be to provide information on the location and the modalities of access to an existing database. At least for its pilot phase, the CHM should be limited to information retrieval and referral and not be extended to provide services such as brokerage. In addition, any information provided should be neutral.

Within this scope, a well defined and very limited coordinating task should be given to the Secretariat by the COP for the operation of the CHM.

To improve technical and scientific cooperation within the framework of the Convention, the CHM should promote cooperation at regional level. Cooperation and coordination with existing regional Networking centres should then receive particular attention. Support to these should be sought through appropriate bilateral and multilateral funding channels.

The operational means to exchange and release the information should be developed in the form of an effective electronic data system with universal access.

2. The scope of information of the CHM

Taking into account the elements presented under point 1, we agree with the proposal of section 2.1 of the document CBD/UNEP/COP/1/8. It is important that the CHM be established on an incremental basis. In the beginning the CHM should focus on information needed by the Parties to carry out the first stage of the implementation of the Convention such as the National strategy and the exchange of information on national legislative developments, the methodology to assess the quality of biological diversity and the information on technology for the sustainable use of biological diversity. Information on unsound technology and the alternative of more sustainable technology using biological diversity should also be covered. This will allow Parties to make choices to phase out unsound technology.

3. Financing policy for the establishment of the CHM

As mentioned at ICCBD2 by several delegations, including Switzerland, the development of the CHM must be supported according to the following characteristics and financing policy:

- small cost-effective unit within the Secretariat;
- funding within the overall administrative budget.

Considering that resources are finite, ways to implement some cost recovery should also be explored. This will allow to find some activities and will prove useful to test the interest and the quality of the service provided by the CHM.

4. Governance and evaluation

The SBSTTA should be in charge of the technical evaluation and assessment of the CHM's operations to make recommendations to the COP on policy decisions concerning any modification of the CHM.

5. Information needed prior the establishment of the CHM

According to decision taken at COP1 (document UNEP/CBD/COP/1/L.5), the Secretariat will undertake a study to assist the COP2 to establish the CHM. This study should in particular identify :

- the range of existing institutions and the kind of information they can offer relevant to the work of the Convention and what are the gaps in term of type of information;
- the ways and terms of arrangements to be established with relevant institutions to set up a cost effective collaborative network system;
- the estimate cost of a pilot phase operation of the CHM.

In addition, the study should precise the most effective ways and forms to release the information (electronic mail, diskette, print etc.)".

UNITED KINGDOM

"UK paper on clearing-house mechanism

1. The UK supports the message from the Open Ended Experts' meeting in Mexico and the second ICCBD in Nairobi that to be successful, from a technical and political viewpoint, any clearing-house mechanism should not be over ambitious, but focus in the first instance on the provision of reliable information, including metadata (i.e. information about existing data sources). Such a mechanism should be decentralised, essentially linking existing structures and networks; have clear, well-focused objectives, closely related to the CBD and meet a genuine and tested demand.

2. The UK sees the role of the clearing-house mechanism primarily to facilitate this information exchange. This is a demanding enough task in itself if it is to provide reliable data across a broad number of fields.

3. In connection with this, the UK looks forward to seeing the results of the secretariat's survey of existing mechanisms and what this reveals about demand for a clearing-house mechanism, and what gaps or weaknesses are identified if any.

Functional Scope

4. The UK has grave misgivings about the proposals, in earlier secretariat papers, for the provision of additional facilities e.g. more sophisticated information transfer and brokerage; technology development, packaging and transfer; and research and policy development. These activities would be highly resource intensive and to some extent duplicate facilities elsewhere. The UK would not support any substantive moves in this direction.

5. In particular, the UK would reject any suggestion that the clearing-house mechanism should seek to purchase patents or actively broker technology cooperation.

6. Established mechanisms for all these elements already exist, and are part of the overall regulatory framework necessary for the proper functioning of all business transactions, including investment and technology transfer. They include a patent regime (minimum standards are set out in the TRIP's agreement), application of commercial contracts and fair and open access to arbitration both at the national and international level. The UK, therefore, considers that such functions fall outside the remit of any clearing-house.

Technological Scope

7. The quality of the information put into the clearing-house mechanism will depend on the clarity of its scope. We suggest that the focus should be on technologies which promote conservation of biodiversity or which help exploit biodiversity sustainably. It will also be important to include an indication where the accuracy of the information provided is independently verified.

Finance

8. The UK could agree in principle to the development of a small, low cost unit within the secretariat, with funding within the overall administrative budget. The determining factors should be cost-effectiveness, efficiency and neutrality. As such resources are finite, it will be important to ensure that the functional and technological scope is tightly defined to avoid it becoming too unwildy and expensive. Cost recovery policy should also be considered, firstly to help fund activities and secondly as a test of the value of the services sought.

Governance

9. It will be important to review the effectiveness of any clearing-house mechanism regularly, to ensure that it addresses real demands within acceptable costs. This aspect will need further thoughts.

World Conservation Monitoring Centre paper

10. Finally, attached is a copy of a paper prepared by the World Conservation Monitoring Centre and funded by the UK Government, which, although it does not necessarily reflect UK views, you may nevertheless find useful, particularly the information on existing databases relevant to biodiversity".
