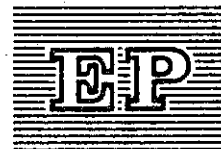




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AD HOC WORKING GROUP OF LEGAL AND TECHNICAL
EXPERTS ON BIOLOGICAL DIVERSITY

Second Session
Nairobi, 19-23 November 1990

REPORT OF THE AD HOC WORKING GROUP OF LEGAL AND TECHNICAL
EXPERTS ON BIOLOGICAL DIVERSITY ON THE
WORK OF ITS FIRST SESSION

Addendum

The following text contains all the statements/amendments/proposals submitted to the Secretariat during the first session of the Ad Hoc Working Group of Legal and Technical Experts on Biological Diversity, which met in Nairobi from 19-23 November 1990.

Statements/amendments/proposals have been listed by country in alphabetical order. Statements/amendments/proposals referring to a specific chapter are reflected in that particular chapter in the addendum, while statements/amendments/proposals of a general character have been placed in the chapter entitled "general comments".

I. PREAMBLE

~~Venezuela:~~ Supports the original text for paragraphs (b), (b')* and (d), and proposes the following for the other paragraphs:

(a) Description of the aims of the convention - the duty of humankind to conserve biological diversity for the benefit of present and future generations;

(c) Description of the problems - impoverishment of biological resources at the global level, increasing rate of loss of biological diversity due inter alia to population growth, advance of the agricultural frontier, illegal trade in plant and animal species, over-hunting, loss of wild as well as domesticated species, degradation of habitats and pollution of the environment;

(e) Recognition that States exercise sovereign rights over biological diversity under their jurisdiction and have a responsibility to conserve, develop and benefit from it, taking into account Principle 21 of the Stockholm Declaration;

(f) Conservation, sustainable use and development of biological diversity as a common concern of mankind;

(h) Recognition of the close dependence of rural and indigenous populations on biological diversity, their profound knowledge of it and its appropriate use;

(i) Recognition of the need for in situ and ex situ conservation of biological diversity;

(i')(j) Acknowledge that special provisions are required to meet the financial and technological needs of developing countries in order to address the conservation and sustainable use of biological diversity;

(j)(k) Importance of any body or agency, whether national or international, governmental or non-governmental, in promoting the conservation and sustainable utilization of biological diversity;

(k)(l) Recognition of the cultural, ethical, scientific and economic value of biological diversity to mankind as an important incentive for its conservation;

(m')* Recognition of the importance of access to information and biotechnology;

(n) Recognition of the danger of improper uses of technology relating to biological diversity.

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III. FUNDAMENTAL PRINCIPLES

Argentina and Colombia: Prefer common "interest" or "concern", however, if the text refers to the conservation of biological diversity, this is a common "responsibility". In paragraph 2, add the article "the" before "elements" and delete the last set of brackets. The expression "the components of biological diversity" could be used. In paragraph 3, replace the word "duty" by "responsibility". In paragraph 6, only the words in the last set of square brackets are acceptable, with the addition of the words "the cost" before "financial contributions".

Australia: Principle 21 of the Stockholm Declaration should be used as a basis for paragraph 2 along the following lines: "States have sovereign rights over their biological resources and, in the exercise of those rights, a duty to conserve biological diversity;". Paragraph 3 could be moved to chapter IV. The meaning of the words in the second set of brackets is unclear and the word "territories" could be replaced by "areas". If this point is included, reference would need to be made to interference with the conservation of biodiversity. Prefers the original text of paragraph 5. The final alternative for paragraph 6 seems unnecessarily heavy-handed and the original wording is preferred. "Equitable" in the original wording presumably means that those who benefit most shall pay most. Paragraph 7 would be more appropriately dealt with under chapter VI. The term "free access" is extremely contentious and "open access" might be better.

Bahamas: In paragraph 1, prefers "concern of humankind" and delete the rest. In paragraph 3, the concept of prior informed consent for actions which have an impact in other States or areas beyond national jurisdiction should be introduced. Replace paragraph 4 by the following "There is a strong relationship between conservation and sustainable use of biological diversity;". Paragraph 6 should reflect the need to share development costs and allow developing countries to gain access to the potential benefits of biodiversity. The words "free access" should be deleted since access to biodiversity should be under bilateral or commercial arrangements, even for research and education.

Brazil: In paragraph 1, prefers the words "common interest of humankind". Paragraph 2 should read "Permanent sovereign rights of States over elements of biodiversity in regions under their jurisdiction;". Paragraph 3 should end after the first set of square brackets. Paragraph 5 should be composed of the first two lines. In paragraph 6, the words "taking into consideration the special situation and needs of developing countries" should be inserted after the word "diversity" at the beginning of the second line. Replace paragraph 7 by the following: "Accessibility to

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genetic resources and derived products as well as technologies and information related to conservation and rational use of biological diversity should be based on mutual agreements taking into consideration the needs of those countries;"

In addition, the following new elements should be introduced into the chapter:

- (i) Equal importance should be given to ex situ and in situ conservation measures;
- (ii) Maintenance and enhancement of local and indigenous populations' knowledge of biological diversity with regard to its conservation and rational use;
- (iii) Conservation of biological diversity should be seen as a service to be rendered and remunerated accordingly;
- (iv) Enhancement of the conservation and rational use of biotechnology development are two sides of the same coin.

Burkina Faso: With regard to paragraph 6, the use of biological diversity and the cost of conserving it should be shared in accordance with principles laid down between partners in agreements, bearing in mind the legislation of developing countries. Proposes the inclusion of the following elements:

(a) Joint and individual obligation to take appropriate measures to conserve (rational use, maintenance and restoration) of biological diversity at national and international levels, including the duty to co-operate with other States;

(b) Adoption and implementation of policies to conserve components of biological diversity for sustainable use.

Canada: In paragraph 2, add that the sovereignty of sovereign rights of States should be subject to customary and conventional international law, including the present convention. In paragraph 3, supports the inclusion of Principle 21 of the Stockholm Declaration and Article 21 of the World Charter for Nature, modified to reflect the discussions. Paragraph 5 is not the appropriate place to describe the alleged causes of the loss of biological diversity. In paragraph 6, the words "Equitable sharing of benefits and conservation costs" and in paragraph 7, the words "free access" require further elaboration. In general, supports Venezuela's view that access should be granted on a bilateral basis. In addition, the precautionary principle should be included and emphasis should be laid on in situ rather than ex situ conservation.

Chad: In paragraph 1, the word "concern" should be used. The first alternatives in paragraphs 5, 6 and 7 should be deleted.

Chile: Paragraph 4 should be deleted since "conservation" necessarily implies the concept of "sustainable use". With regard to paragraph 5, poverty is only one cause of the loss of biological diversity and this reference should be deleted. The "principle of standardization" of requirements for working with renewable natural resources or changing biological diversity in industrial processes should be established. It is unacceptable for firms to observe general conservation norms within their country of origin and to apply other principles and standards outside. It is not sufficient to establish the total responsibility of the country importing the technology. In agreements and negotiations among countries or firms, biological capital should be considered a contribution equal to that of financial capital (the principle of capital equality).

Ethiopia: The paragraphs should be rearranged in the following order: 2, 3, 4, 5, 1, 7, and 6. New paragraph 6 should mention free access to genetic resources and biological diversity-related technologies based on mutual agreements and international legal instruments. New paragraph 7 should refer to equitable sharing according to the regulations of the convention.

Finland: In paragraph 1, supports reference to "common concern of humankind", as well as the inclusion of the precautionary principle in the chapter.

France: Emphasis should be laid on in situ conservation in the preservation of wild biological diversity. A principle based on the "polluter pays" model should be introduced for the "consumption" of biological diversity. Paragraph 3 should be moved, as should the last part of paragraph 5, since poverty is not the principal cause of degradation of biological diversity and other factors such as increased population pressure should be mentioned. Paragraph 6 should be based on the principle of equity and responsibility that is shared but different for each State. Developed countries should strengthen co-operation with developing countries to enable them to tackle protection of biological diversity effectively without jeopardizing their national goals and objectives, while developing countries should take appropriate steps in accordance with their possibilities. In paragraph 7, only the first and third sentences should be retained.

The Gambia: In paragraph 1, prefers the expression "common concern". Paragraph 2 should read as follows: "Sovereign rights of States over elements of biological diversity in areas under their jurisdiction" and the words "in time and space" should be deleted. Paragraph 4 should be deleted. Paragraph 5 should read

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as follows: "Biological diversity is a resource for both present and future generations that should therefore be utilized wisely and in a sustainable way". In paragraph 6, the words within the first set of brackets should be deleted. In paragraph 7, the first two lines and the first word of the third line should be deleted so that the paragraph begins "Accessibility to resources ..."

Germany: In paragraph 1, prefers the expression "common responsibility" and proposes adding the following two new principles: co-operation among States and the precautionary principle.

Greece: Sovereignty and its components should be clearly defined. Paragraph 3 should be reflected in chapter IV and paragraph 4 in the Preamble. The last sentence of paragraph 5 should be deleted. Supports the last alternative in paragraph 6 subject to further clarification. Paragraph 7 should read "Accessibility to resources and biological diversity-related technology should be based on mutual agreements;"

India: In paragraph 1, prefers "common concern" rather than "common responsibility". In paragraph 2, the full sovereign right of each nation to exploit its natural resources must be recognized. Paragraph 3 should be moved to chapter IV or to the Preamble and its wording could be based on the relevant paragraphs of resolutions adopted by the 44th United Nations General Assembly. Paragraph 4 should be deleted. Paragraph 5 should be moved to the Preamble and the words "and mismanagement" in line 6 should be deleted.

In addition the following elements should be included:

- (i) Recognition and reward of informal innovation by local people (farmers' rights);
- (ii) The additional burden on developing countries arising out of their protection of their biological diversity should be met by new and additional funding to be provided by the developed countries through a new multilateral fund to be set up under the convention; the benefits of research and development arising out of biomaterials taken from developing countries should be made available to developing countries;
- (iii) The direct linkage between the conservation of biodiversity in developing countries and access to their biomaterials with: (a) their access to end products made by using such biomaterials and to the relevant

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technologies; and (b) equitable sharing of the benefits and profits from such use of biomaterial with its country of origin;

(iv) Funding for developing countries should be "adequate, new and additional";

(v) Technology transfer must be assured to developing countries on a preferential and non-commercial basis;

(vi) In the convention there must be equal clarity about and emphasis on the rights and obligations of developing countries. The special situation of developing countries should be recognized in all relevant provisions of the convention in order to ensure a clear distinction between the obligations and responsibilities of developing countries and those of developed countries.

Japan: In paragraph 6, the idea of equitable sharing of benefits and conservation costs is complex and involves political considerations related to a financial mechanism, therefore, it requires more detailed consideration in forthcoming negotiations. In paragraph 7, supports the concept of mutual agreement, but does not support the last sentence. Finally, the importance of in situ conservation should be introduced.

Kenya: At the end of paragraph 2, add the words "with due concern for migratory species". Replace paragraph 5 by the following text: "The need for conservation and sustainable utilization of biological diversity for the benefit of present and future generations; biological diversity is a resource for both present and future generations that should be utilized wisely and in a sustainable way;". Add the following words at the end of paragraph 6: "As a fundamental principle, the recognition and compensation of indigenous knowledge and technologies by local people need to be included;". Paragraph 7 should be replaced by the following text "Accessibility to resources and biological diversity-related technologies should be based on mutual agreements".

Malawi: Generally supports paragraphs 3-6, however, in paragraph 6 it should be emphasized that States benefitting most from biological diversity should bear the main responsibility for the cost of conserving it. In paragraph 7, free access is not acceptable; access should be based on mutual agreement and this should also apply to scientific and educational resources.

Malaysia: In paragraph 1, supports the words "common concern of humankind". Paragraph 2 should state that the sovereign rights of States with respect to the use of their biological diversity

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should be honoured, respected and not compromised. Paragraph 4 should be replaced by the following: "The sustainable use of biological diversity should include the maintenance of ecosystem ~~functions and processes;~~". Paragraph 5 should read as follows: "The need for conservation and sustainable utilization of biological diversity within a broad socio-economic context taking particular account of the need for the costs and benefits to be shared between developing and developed countries;". Paragraph 7 should be replaced by the following: "The principle of common heritage and hence free access to biomaterial cannot be accepted but rather the 'user pays' principle should prevail;".

Netherlands: Considers that the chapter should be brief with possibly only one fundamental principle incorporating the various elements currently in the chapter. The fundamental principle could perhaps be linked to objectives. The remaining elements could be included in chapters I or IV. The emphasis should be on in situ conservation and the need to safeguard the functioning of ecosystems.

Nigeria: In paragraph 1, prefers the words "common concern and common responsibility". Paragraph 3 should be moved to chapter IV, paragraph 6 to chapter VI and paragraph 7 to chapter IX.

Norway: Conservation and socio-economic development must be mutually compatible. Mismanagement, habitat destruction and degradation, and air pollution, which are the main causes of loss of biological diversity, should be recognized as consequences of unsustainable use of resources in developing countries, as well as of poverty in developing countries. Paragraphs 4 and 5 should be moved to the Preamble and paragraph 7 should be moved to chapter VI.

Senegal: The emphasis in paragraph 1 should be laid on the "common responsibility" of humankind since the term "common concern" does not stress the international community's responsibility for the conservation of biological diversity.

Sweden: Maintenance of biological diversity should be integrated in the planning and implementation of activities in all sectors that influence biological diversity.

Switzerland: There is a need for greater focus on the conservation of biological diversity, first and foremost in situ, and the duty to ensure it in the general interest of humanity. Biotechnology aspects are already dealt with in other forums and should only be marginal to the convention. They should not take

precedence over other original aspects of the convention such as new funding mechanisms. Supports the inclusion of a reference to preventive action.

Syria: Replace paragraph 1 by the following: "Biological diversity is life to mankind, therefore, it is its common responsibility;". In paragraph 5, the words within the last set of square brackets should be replaced by the following: "Conservation of biological diversity and socio-economic, cultural and scientific developments must be mutually compatible;". Paragraph 7 should end after the words "of charge" at the beginning of the penultimate line.

Tanzania: Biological diversity is a common responsibility of mankind and a resource for both present and future generations that should therefore be utilized wisely and in a sustainable way.

Union of Soviet Socialist Republics: Delete paragraph 6 and 7 because they deal with technical matters rather than principles and replace them with the following statement: "Because biological diversity is unevenly distributed, those countries which are responsible for outstanding biological diversity should receive international help in conservation and utilization of their biological diversity;".

United States of America: Wishes to see inclusion of ecosystem protection and considers that the precautionary principle should not be included. In paragraph 1, prefers the words "common concern". Regarding paragraph 2, does not support the words "duty of stewardship, in time and space". Some individual species such as migratory birds are subject to the sovereignty of more than one nation and are not protected by bilateral or multilateral treaties. The final discussion of sovereignty rights should recognize this issue. Paragraph 3 should be moved to chapter IV using all-encompassing language such as "refrain from actions which could result in significant loss of biological diversity". Proposes the words "biological diversity provides resources and ecological services" in paragraph 5. Paragraph 6 should be moved to chapter IX and does not support the words in the final set of brackets. Proposes the following wording for paragraph 7: "Components of biological diversity and related technologies should be freely available (= open access) based upon mutually agreeable terms;".

Venezuela: In paragraph 1, prefers "common interest of humankind". Paragraph 2 should read "Sovereignty of States over biological diversity under their jurisdiction;". Delete the words within square brackets in paragraph 4. Paragraph 5 should read as follows: "Biological diversity is a resource for both present and future generations which should therefore be utilized in a

sustainable way; conservation and socio-economic development must be mutually compatible;". Paragraph 6 should be amended to read as follows: "States benefiting most from biological diversity should carry the main responsibility for financial contributions towards its conservation;". In paragraph 7, the words "Accessibility should be based on mutual agreement" should be used.

Food and Agriculture Organization of the United Nations: Some of the fundamental principles under discussion have already been accepted by FAO. FAO would wish the concepts and the approach of the future convention to be as compatible as possible with the 1983 International Undertaking on Plant Genetic Resources, whose basic principles have been accepted by many of the countries present at the meeting.

IV. GENERAL OBLIGATIONS

Australia: Paragraphs (e')* and (e'')* could be moved to chapter V as more specific measures. The general obligations should be legally binding, but provision for flexibility in their implementation should be expressed in this chapter and in chapter V, for example, along the lines of Article 5 of the World Heritage Convention. Supports paragraph (a), but the words "maintain and restore" require careful definition. Paragraphs (b), (c) and (f) should be subsumed under paragraph (a). Supports the inclusion of the reporting requirement in paragraph (d')* and removal of the reference to environmental impact assessments to section F of chapter V. The words "all planned development projects" in this paragraph should be replaced by a reference to projects likely to have a negative impact on the conservation of biodiversity. Delete the second sentence of paragraph (e) and transfer paragraph (e')* to chapter V. With regard to paragraph (e'')*, provisions relating to financial assistance should be included in chapter IX. In paragraph (g), prefers the original wording, with the addition of the words "the conservation of" before "biological diversity". In addition, States should be required to notify likely affected States of any potentially harmful actions. Prefers the word "conserving" rather than "maintaining and restoring" in paragraph (g')*.

In addition, the following points should be included:

- (i) States shall make every endeavour, either individually or collectively, to ensure the conservation of biological diversity within their own territory and beyond their national jurisdiction;

- (ii) States shall take conservation measures to protect all levels of biological diversity, including the ~~protection of habitats containing biodiversity of~~ particular significance, and including measures to protect certain identified species in situ and/or ex situ;
- (iii) Recognition of the primary importance of in situ conservation;
- (iv) States shall be required to set basic conditions for access to their biological resources;
- (v) There should be a requirement to undertake research and monitoring programmes directed towards the conservation of biodiversity, either individually or collectively;
- (vi) States shall be required to monitor and provide reports on the conservation status of biological diversity in their own territory;
- (vii) There should be a requirement for States, through education and information programmes, to promote the values and need for the conservation of biological diversity;
- (viii) States shall recognize the rights of traditional cultures and the obligation to protect them.

Brazil: Replace the beginning of paragraph (a) by the following: "Joint and ... measures to maintain, restore and conserve biological diversity at national, regional and international levels, ... States;". Delete paragraph (b). In paragraph (d), add the words "inter alia" between the words "awareness" and "through" in the first line. Delete paragraph (d'). Add the word "national" after the words "implementation of" in the first line. Replace "Duty of each State to establish" in the first line of paragraph (e)* by the words "Desirability of each State establishing", and move the amended paragraph to chapter III. In paragraph (e)*, agrees with the inclusion of the words "institutional support"; add the words "new and" before "existing" and the words "and scientific" before "programmes" in the second line, and add the words "taking into consideration the special needs and situation of developing countries" after the words "biological diversity programmes". Supports the words in the first set of square brackets in paragraph (f) and proposes that this paragraph should be the first element in chapter IV. Delete the second sentence of

paragraph (g). In paragraph (g')*, replace the words "maintaining and restoring" by the words "maintaining, restoring, conserving and nationally using".

Include the following new additional elements:

- (i) Promotion of the rational use of biological diversity, mainly by means of incentives to local institutions, populations and communities;
- (ii) Common endeavour to develop technologies suitable to the conservation and rational utilization of the biological diversity in heterogenous systems;
- (iii) Need for additional, new and appropriate funds and innovative financial mechanisms in order to meet the special needs of developing countries in addressing their priorities in developing and absorbing relevant technologies, as well as in the adoption of measures for ex situ and in situ conservation and rational utilization of biodiversity.

Include the first sentence of paragraph (n')* and the whole of paragraph (o')* of section A of chapter V in chapter IV.

Burkina Faso: Replace the text of paragraph (f) by the following: "Duty to ensure conservation of biological diversity within a State's territory and to develop national programmes on this activity while bearing in mind the socio-economic circumstances of rural communities;"

Burundi: The chapter should only contain four to six obligations, including the following: (i) States' obligation to protect their own biodiversity; (ii) obligations relating to the strengthening of existing international provisions and conventions; (iii) obligation of the international community to develop international and regional co-operation and to note the urgent need for assistance to poor countries where biodiversity is threatened. In addition, this chapter should refer to exchanges and the need for co-operation in the sphere of biotechnology.

Canada: Prefers the word "all" in the second line of paragraph (d')* and proposes deletion of the words "governments and donor agencies" in the third line. In paragraph (e), delete the words "and use" because this should not be an obligation. The last sentence of this paragraph should be deleted. In paragraph (e')*, delete the reference to a code of conduct. Delete paragraph (e'')*. With regard to paragraph (g), Principle 21 of the Stockholm Conference and the relevant paragraph in the World Charter for Nature could be adapted for the

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convention. In paragraph (g')*, and the following words after the word "basis", "in particular in co-operation with coastal States and taking into account the existence of multilateral or regional agreements".

Chad: Endorses the statements made by the delegations of Brazil, the Netherlands and France. Paragraphs (d), (e) and (e')* should be amended.

Chile: Supports the Netherlands proposal to simplify the text by having four parts. Considers that paragraph (g) also refers to activities that firms or enterprises conduct outside their countries of origin and against which States must act in a concerted manner.

Colombia: In paragraph (a), replace the word "obligation" by "consideration". In paragraph (e), replace the word "exploitation" by "rational utilization". In paragraph (f), replace the words "to ensure" by "to promote" and insert the words "the products of" before "biological diversity" at the beginning of the second line.

Finland: Add the duty of States to implement environmental impact assessments for activities that might have an adverse effect on biological diversity and to monitor regularly the status of biological diversity within their territories.

The Gambia: Delete the first set of brackets in paragraph (a). Prefers the words within square brackets in paragraph (d). Paragraph (d')* is not acceptable and environmental impacts assessments should be referred to under section F of chapter V. Paragraph (e')* is not acceptable.

Germany: Insert the words "within natural habitats and by maintaining viable populations" after the words "biological diversity" in paragraph (a). The words "Use of wild resources on a sustainable basis" contained in paragraph (h) of part A, chapter V, should be moved to the end of paragraph (d) of chapter IV. Paragraph (m) of part A, chapter V, should become a new paragraph between paragraphs (f) and (g) of chapter IV.

Greece: Paragraphs (a), (b), (e')*, (g')* should be combined under the subheading "Obligations for co-operative action". Paragraphs (e), (e'), (f) and (g) should be combined under the sub-heading "Obligations for additional action". The reference to duty in paragraph (a) should be deleted. Delete the word "agreed" in the first line of paragraph (b) and lay greater emphasis on the goals of the legal instrument. Paragraphs (c) and (d')* should be deleted. Paragraph (d) should use simpler wording.

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Guatemala: Paragraph (a) should include appropriate measures to establish areas as well as mechanisms to maintain, restore and conserve biodiversity.

India: In paragraph (a), delete the words "Joint and individual" in the first line and "the duty" in the third line. Delete paragraphs (b), (c) and (d')*. In paragraph (e), delete the words "and use" and replace the second sentence by the following "subject to national plans and priorities and the provision of adequate, new and additional funding to the developing countries;". These words should also be inserted in paragraph (f).

Malaysia: Those who are conserving biological diversity for the benefit of mankind should receive fair and reasonable compensation. The obligation of developed countries to provide technical and financial assistance to developing countries to achieve the goals of conservation and sustainable use of biological diversity resources should be included. Agrees that there should be a new funding mechanism to help developing countries.

Mexico: In paragraph (a), the following words should be inserted: "with appropriate measures to establish areas as well as financial mechanisms to maintain, restore and conserve biological diversity,". Emphasis should be laid on both formal and non-formal education programmes in paragraph (d) so as to reach groups such as local communities that do not have access to education. Supports the comments made regarding the moral responsibility towards future generations with regard to the conservation of biological diversity.

Netherlands: The chapter should be as brief and simple as possible, for example one general obligation consisting of the following four parts:

- (i) To take appropriate positive measures to conserve and/or restore biological diversity at the national and international levels (already contained in paragraphs (a), (d')*, (f) and (g));
- (ii) To refrain from action harmful to biological diversity in territories of other States and areas beyond territorial national jurisdiction (paragraph (g')*);
- (iii) To develop policies, programmes and strategies;

- (iv) The obligation of Parties both individually and on a joint basis to co-operate in taking appropriate measures to achieve the convention's goals (paragraphs (e')*, (g')*).

Regarding the existing text, prefers the alternative within square brackets for paragraph (a). Replace paragraph (d) by the following: "Promotion of public awareness through information, education, community awareness programmes and the information media, as well as access to information at national and international levels through individual State action and/or multilateral and bilateral co-operation;". Replace paragraph (d)* by the following: "Obligation to report on implementation measures and to facilitate information exchange, as well as the obligation of all governments and donor agencies to ensure that environmental impact assessments are undertaken for projects potentially harmful to conservation of biological diversity;". Delete the words in square brackets in paragraph (e). Delete the words within the last set of square brackets in paragraph (e')*. Delete the words within the first and second sets of square brackets in paragraph (f).

Nigeria: Redraft the chapter to highlight the following major strategies for conserving biological diversity: (i) creation of protected areas; (ii) adequate management of land areas; (iii) conservation of species; (iv) proper management of water resources. With regard to the existing text, prefers the second alternative in paragraph (a). Redraft the beginning of paragraph (d) as follows: "Promotion of public awareness and education through formal and informal means, including community and media awareness programmes on the subject of the needs", and move the paragraph to section E of chapter V. Reword the beginning of paragraph (d)* as follows: "Obligation to monitor access periodically and report on the implementation measures ..." and use the word "all" rather than "both" in the second line. The international code of conduct referred to in paragraph (e')* should be made available to States.

Nordic countries: Include the following: "Proposal and implementation by all Parties to the convention of national strategies and policies for the maintenance of biological diversity through sustainable utilization as well as conservation of biological diversity. All Parties must furthermore ensure that maintenance of biological diversity is integrated in national development objectives and in all relevant sector policies."

Switzerland: Does not agree that the provisions should be made less binding, especially general obligations regarding the code of conduct for biotechnology. Proposes adding the following:

- (i) Priority to be given to obligations for the conservation of biological diversity in situ;
- (ii) Obligation on the reconstitution (compensation) of biological diversity removed;
- (iii) Obligation to make provision for scientific research on biological diversity;
- (iv) Obligation to monitor biological diversity in activities that affect it (physical planning, agriculture, forestry, roads and railways, tourists facilities, etc.).

Syria: Delete paragraph (c) because it is implicitly contained in paragraph (b). Replace paragraph (d) by the following: "Promotion of public awareness through education and awareness programmes on the needs for and measures to conserve biological diversity at national levels;". Add the following words at the end of paragraph (e')*, "so that they should not be released unless it is guaranteed that they are biologically safe;".

Tanzania: Include the following new obligations:

- (i) Obligation to provide new and adequate financial and technical support to programmes co-ordinated within developing countries related to in situ and ex situ conservation and use of biological diversity programmes;
- (ii) Obligation to compensate for areas set aside to conserve biological diversity.

Thailand: Prefers use of the words "maintain, restore and conserve" in paragraph (a). Prefers the alternative in square brackets in paragraph (d). In paragraph (d)*, insert the words "whenever possible" between the words "to ensure that" and "environmental impact assessment" in the third line. In paragraph (e), replace the word "exploitation" by the words "sustainable use". Supports the inclusion of genetically modified organisms in paragraph (e')*. Delete the words in square brackets in the first line of paragraph (f).

Union of Soviet Socialist Republics: More emphasis should be laid on research, as well as on the obligation to provide finance for research relevant to both conservation and sustainable use, including worldwide monitoring of biodiversity. Support for international emergency services for action in the case of natural and other disasters affecting biodiversity should be mentioned.

United States of America: Prefers the words in square brackets in paragraph (a). Paragraph (c) requires further elaboration. Strongly supports paragraph (d), especially the wording in square brackets. Prefers the first alternative for paragraph (e) and states that if the word exploitation is used at all, it must be defined. In paragraph (e')*, prefers the wording within the first set of square brackets, with the deletion of the words "financial and institutional". Paragraph (f) would be more appropriate in chapter VI and the words "including all section of society" should be replaced by the words "in line with" or "consistent with". Paragraph (g) needs to be qualified and a concept of threshold developed. Supports paragraphs 1 and 4 of the General Comments on chapter IV, and the deletion proposed in paragraph (3).

Viet Nam: Add the following new paragraph: Each State must draw up a strategy for the conservation of biological diversity;".

V. MEASURES FOR CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY

A. Measures for in situ conservation of biological diversity

Australia: The elements under this heading should be qualified by recognition of the different capabilities of States to meet the proposed obligations. The chapter should recognize that in situ conservation should be consistent with ecologically sustainable development, perhaps by expanding paragraph (h). Paragraph (a) would be more appropriate under chapter IV, in any event, there should be a separate section dealing with surveys and inventories along the following lines: the carrying out of surveys and inventories within jurisdictional limits to identify areas of particular importance, those requiring urgent conservation and those which have become degraded; the establishment of a network of data banks. Paragraph (a')* requires clarification and additional substance. Paragraph (b) concerns an area where the proposed convention could be co-ordinated with existing instruments. Paragraphs (b')* and (c')* should be moved to a separate section dealing with the global list and there is no need to identify individual instruments. Paragraph (d) is too detailed and the words on seed and gene banks would be more appropriate in section B. Do the words "densely populated" refer to humankind or other biodiversity? With regard to paragraph (e), is there a need to identify a limited range of action plans? Paragraph (e')* is too open-ended to be non-controversial and should in any case be placed in chapter IX. General support for paragraph (f) on the understanding that obligations in relation to rehabilitation/restoration and regeneration are qualified by the idea of practicability/feasibility for each country. Last addition is unnecessary. Paragraph (g) should contain a reference to adverse

effects on the conservation of biodiversity. Paragraph (h) should be subsumed under paragraph (e). Paragraph (i) should contain ~~recognition that control of alien species should be subject to~~ risk assessment studies. Paragraph (j) could be covered in paragraph (i), paragraphs (k) and (l) could be covered in paragraph (e). The mention of funding should be omitted from paragraph (m). Paragraphs (n')*, (o')* and (p')* should be moved to chapter IV and paragraph (o')* should be more generally stated as an obligation to ensure that the goals of biodiversity conservation are taken into account in all decisions relating to resource use. With regard to the General Comments, the meaning of paragraph (1) is unclear and paragraph (2) is not obviously necessary.

The following might be an appropriate basis for in situ conservation: States shall:

- As a priority, make every endeavour to ensure the conservation in situ of indigenous species occurring within their territory and beyond national jurisdiction, paying particular attention to endangered species, endemic species, relatives of domesticated species, species designated under this or other conventions or under country strategies as requiring conservation measures as a matter of priority;
- Develop appropriate management plans and strategies to achieve the objectives of this convention, covering habitats and ecosystems and species, both within and outside protected areas, and including where practicable and consistent with national conservation priorities measures to restore and rehabilitate;
- Create networks of protected areas, noting that, as with other provisions, this will be subject to the principle of ecologically sustainable development;
- Control pollution and other activities which may be harmful to the conservation of biodiversity both within and beyond their territory;
- Ensure to the greatest possible extent that all collection and harvesting of wild species is carried out on an ecologically sustainable basis;
- Regulate and control the introduction of alien species and man-made and genetically-modified organisms to ensure that there is no significant interference with the conservation of biodiversity based on a risk assessment that provides for

acceptable or manageable risks to native species, and taking into account the need to utilize exotic species for agricultural use (paragraph (i));

- Where practicable and consistent with national conservation priorities, implement eradication programmes.

The following might provide the basis for a global list:

- Criteria to be contained in the convention (with guidelines for implementation to be developed by the conference of parties) for selection and management of areas of particular importance for the conservation of biological diversity to be included in a global list;
- Areas on the list should include, but not be limited to, those outstanding biological diversity containing large numbers of endemic species, rare species, significant populations of endangered species, wild relatives of domesticated species of significance threatened by human activity;
- The world list to be reviewed and amended on a routine basis;
- The list to be published, together with information about the values of each area;
- An obligation by States to protect listed areas;
- In respect of each area on the list, appropriate management plans and strategies to be developed, routine monitoring to be undertaken and regular reports to be provided to a scientific committee responsible for assessing the area, with assistance to be provided to developing countries to undertake these tasks.

The issues of how areas are to be placed on the list, the related issues of the role of the scientific committee and the concept of national sovereignty will require careful thought. The global list could be an onerous and expensive exercise.

Bolivia: In paragraph (c')*, delete the word "lesser" in the third line. Priority should not be given to a global list rather than national and regional priorities.

Brazil: Paragraph (a) should start with the words "to carry out ...", and the words "relevant" and "initial and" should be deleted. Delete paragraph (a')*. Replace paragraph (b) by the following: "Definition at national levels of biogeographic areas

of particular importance for the conservation of biological diversity;". Delete paragraph (b')*. Replace paragraph (c) by the following: "To promote the development of national guidelines to define criteria for the selection, implementation and management of protected areas;". Replace paragraph (d) and (e) by the following: "Adoption of plans, strategies and schemes, at national levels, of co-ordination and network of information for the conservation and national utilization of biodiversity, taking into account accumulated experience by FAO/UNEP/IUCN and Unesco;". Replace paragraph (e')* by the following: "provide financial and institutional assistance to new and existing programmes related to conservation of biological diversity in developing countries;". Replace paragraph (f) by the following: "Adoption of appropriate plans for conservation, recovery, rehabilitation and rational use of species, habitats and ecosystems, bearing in mind existing conventions, action plans and programmes at national, regional and global levels;". Delete the words within the last set of square brackets in paragraph (g). Paragraph (h) should be moved to section C. Replace paragraph (i) by the following: "Need to ensure that field testing, as well as introduction of genetically-modified organisms, takes place with the full knowledge and approval of the governments concerned;". Move paragraph (k) to chapter III. In paragraph (l), add the word "Financial" at the beginning and the words "in developing countries" at the end. Replace paragraph (m) by the following: "Maintenance and enhancement of local and indigenous populations' knowledge about biological diversity with regard to conservation and rational utilization of the biodiversity;". Move the first sentence of paragraph (n')* and the whole of paragraph (o')* to chapter IV. Delete paragraph (p').

Chad: Combine paragraphs (a')* and (b)*. With regard to paragraph (j), there must be strict regulation and supervision of the introduction of alien species, artificial organisms and/or genetically-modified organisms on the basis of a thorough and exhaustive study of all their possible effects on ecosystems and bearing in mind the need to use exotic species for agricultural purposes.

Chile: The elements for inclusion are repetitive and in disorder, therefore, proposes the following as the key elements for in situ conservation, leaving paragraphs (n) and (p) of the original text:

- Establishment of basic registers and maps for resources, flora, and fauna, soils and climate, including aquatic flora and fauna;

- Establishment of diagnostic studies on the state of conservation of various species in accordance with IUCN guidelines, with the preparation of a "red list" or "red book" for disseminating the results;
- Establishment of national networks of protected wildlife areas that would include within their plans priority territories for the in situ conservation of endangered, rare and vulnerable species;
- Creation of national seed banks, as well as nurseries for future introduction into the field;
- Formulation as a national priority, if possible, of a forestry policy that would promote and control the management of indigenous and exotic forest resources, safeguarding as a basic principle the conservation of biological diversity, soil conservation, water and air;
- Adoption of action plans for the recovery, increase, management and rehabilitation of species, habitats and ecosystems, bearing in mind existing conventions, action plans and programmes at national, regional and global levels (similar to present paragraph (f));
- Consideration to be given to the establishment of measures to prevent, control and reduce pollutants, as well as activities that degrade or have a harmful impact on ecosystems by impoverishing or depleting them (polluting industries, improper forestry operations, over-fishing at sea, sewage discharges from towns);
- Regulation and control of the introduction of genetically-modified organisms and alien species by establishing a protocol for their introduction into the field or by adhering to existing standards. This also applies to operations using "biological pest control methods";
- Collection, recovery and preservation of traditional knowledge, management and uses of indigenous resources in situ (replacing paragraph (m));
- Systematic participation of the population living next to areas of interest to the in situ conservation of biological diversity;
- Concerted control action among neighbouring countries, as well as international funds, to eradicate animal and plant pests or pathogens that are harmful to the survival of species in situ;

- Soil and water should be declared subject to "emergency protection" ~~since they are elements of paramount importance~~ for the conservation of biological diversity in situ.

Finally, it should be noted that a nature conservancy category of "endangered national parks" already exists. In addition, botanical gardens and universities should have a suitable international protocol for the removal of species or components of biological diversity from their original sites.

Colombia: The section imposes obligations and duties on the small number of developing countries that possess the greatest biodiversity which they will be unable to fulfil without effective financial co-operation on the part of developed countries. Paragraphs (a) and (a')* should include a reference to international financial co-operation for countries soliciting it. In, paragraph (b')*, the word "obligation" should be replaced by "aim". In paragraph (d), the reference to an obligation in the final set of square brackets should be replaced by mention of advantages. Paragraph (e')* should be replaced by the following: "Obligation, principally for the developed countries, to provide financial and institutional assistance to those countries that request it in order to strengthen existing programmes and to develop new ones, including international expertise and projects related to biological diversity;". Paragraphs (i) and (j) should be compatible with the provisions of CITES. The words within the last set of square brackets in paragraph (n')* are totally unacceptable and should be replaced by the following: "Obligation of a State not to carry out, as far as possible, activities that might cause a harmful effect on the biological diversity of other States. If such an activity is involuntary or unavoidable, the State carrying it out must duly notify the States concerned;".

Ethiopia: Proposes reordering the paragraphs as follows: firstly, paragraphs (e) and (c')*, constituting plans, guidelines, criteria and selection of areas for biological diversity conservation. Secondly, paragraphs (a) and (b) combined incorporating the preliminary survey and identification of areas. Lastly, the paragraphs on the list of areas, management strategies, financial assistance, co-operation, policies, control and reports.

Finland: Many delegations have emphasized in situ conservation as the most preferable and reliable method of conserving a specific type of biodiversity to protect adequate areas of undisturbed natural habitat and that there is no satisfactory substitute for this. Proposes introducing the concept of special areas for economic development into in situ conservation to

complement protected areas, concentrating financial and technical assistance, co-ordinating conservation measures and applying components of sustainable development including biotechnology.

The Gambia: Paragraph (b) should be deleted because it concerns the domain of CITES. Delete paragraph (c')*, which is unnecessary. Delete paragraph (h), which is not relevant and is covered by biodiversity. Delete paragraph (j) because the introduction of alien species creates problems of dominance over indigenous species, moreover, the word "alien" should be "exotic". Paragraph (l) could be deleted since this aspect is dealt with in paragraph (k).

Germany: Reword the last sentence of paragraph (e) to read as follows: "... in situ conservation of biological diversity taking into account sustainable use;". In paragraph (e), add the word "protection" before "recovery and rehabilitation". Move paragraph (h) and (m) to chapter IV. Reword paragraph (i) as follows: "Strict regulation and control of the introduction and release of man-made and genetically-modified organisms;".

Guatemala: With regard to paragraph (m), it is necessary to promote and make use of the knowledge of local communities since in situ conservation cannot be successful without their participation.

India: Replace the beginning of paragraph (a) by the words (Initial and ...". Replace the first line of paragraph (a')* by the following: "Duty to orient national policies, within the context of national development plans and priorities and subject to technical and adequate new and additional financial assistance to developing countries, to secure ...". In paragraph (b), add the words "at national levels" after "identification" and delete the words following "diversity" in the second line. Delete paragraphs (b')* (c')* and (p')*. In paragraph (c), add the words "at national levels" after "guidelines" in the first line and delete the rest of the paragraph after the words "areas" in the fourth line. In paragraph (d), add the words "within the context of national development plans and priorities" after "create" in the first line and delete the reference to the global list. In paragraph (e), add the words "where appropriate and necessary" after "levels" in the first line. In paragraph (e')*, add the words "of developed countries" after "Obligation" in the first line and the words "on request" after "existing programmes" in the second line. In paragraph (f), add the words "at national levels" after "plans" in the first line. In paragraph (g), delete the words within the last set of square brackets. In paragraph (k), add the words "at national levels" after "control" in the first line. In paragraph (k), retain the word "national" and add the following at the end of this paragraph and at the end of

paragraph (l): "in the context of national plans and priorities, and subject to technical and adequate new and additional financial assistance to developing countries". At the end of paragraph (o')*, add the words "within the context of national plans and priorities;".

Japan: Emphasizes the importance of taking into account the work carried out by OECD and many industrialized countries.

Malawi: Supports the proposal to combine paragraphs (a) and (b) in one paragraph similar to paragraph (b')*. Paragraph (c')* could also be included thereby emphasizing the importance of the conservation of ecosystems of lesser biodiversity but whose diversity is equally important.

Malaysia: The comprehensive measures in section A, if properly and effectively carried out, will lead to the desired results. Nevertheless, it is important to ensure that there is a national body to carry them out. With regard to specific points, paragraph (i) and (j) should be moved to another chapter. Paragraph (l) should follow a more comprehensive approach.

Netherlands: Replace paragraph (a), (a')*, (b) and (b)* by the text given at the top of page 10 of the English version. Delete paragraphs (c')*, (g) and (h), which are not measures, and paragraph (j), which is covered in paragraph (i). Include obligations for the Parties to take the following measures:

- (i) Create and/or complete a system of protected areas of importance for biodiversity conservation;
- (ii) Provide for adequate management of areas, including formulation of management plans;
- (iii) Ensure the conservation of species with special emphasis on threatened species, migratory species and species which are relatives of domestic/cultivated species;
- (iv) Regulated the exploitation of species by adoption of regulations on the collection of plants and animals and hunting.

Nigeria: The section should simply and clearly indicate specific measures to be adopted so as to ensure effective conservation of biological diversity and it should clearly indicate which bodies should take responsibility for implementing these measures. Supports the proposals by the Netherlands for restructuring the chapter. The global list referred to in paragraph (b) should be drawn up in the light of existing work within CITES and other relevant bodies. Paragraph (a')* should

be moved to chapter IV. Paragraph (c) should be placed before paragraph (b) and the two paragraphs could be redrafted in simpler and clearer language. Paragraph (e')* should be moved to chapter IX, adding the words "particularly to developing countries" at the end. In paragraph (f), the words "and management" should be added after "rehabilitation" in the second line. In paragraph (g), delete the words in the fourth set of brackets. Add the words "including risk assessment studies" in paragraph (i). Paragraphs (n')*, (o')* and (p')* should be moved to chapter IV.

Norway: Paragraph (a') should be moved to chapter IV. In paragraph (b')*, the words "ecological balance" should be replaced by "ecological character". Paragraph (c) should emphasize common criteria rather than criteria formulated by each country. Delete paragraph (c')*. With regard to paragraph (d), seed and gene banks should be dealt with in a separate paragraph and the creation of corridors should be replaced by the maintenance of corridors since the former is unrealistic. In paragraph (e), add the words "and implementation" after "adoption" in the first line. Paragraph (e')* should be deleted or transferred to chapter IX. In paragraph (f), delete the text within the second set of square brackets and replace the word "species" by "populations". Paragraphs (g) and (h) should be moved to chapter III and the words "wild resources" replaced by "biological resources". Replace paragraph (i) by the following: "Regulating and strictly controlling the introduction of exotic and genetically-modified organisms, recognizing the need for thorough and comprehensive environmental risk assessment, taking into account possible short-term and long-term effects;". Paragraphs (k), (l) and (o')* should be combined, paragraph (m) should be clarified and paragraph (p')* should be moved to chapter XIII. With regard to paragraph (l) of the comments made by the ECG Group, the CITES lists are lists of species threatened by international trade and there should also be lists of species threatened mainly by habitat destruction or degradation. IUCN's lists of globally endangered species could provide a good starting point.

Peru: Supports the proposal that, for reasons of coherence, in situ and ex situ measures should be combined in single chapter V, section A, including also measures for the sustainable in situ and ex situ utilization of biological diversity. The words "obligation" and "duty" should be replaced by more appropriate wording. Shares the views of Colombia on the need for international co-operation regarding various aspects and responsibilities involved in the conservation of biological diversity.

Sweden, Norway and Finland: Move the following paragraphs to chapters III or IV, as appropriate: (a')*, (g), (h), (k) and (n).

Uganda: Paragraph (b')* subsumes the contents of paragraph (a) and (b), but there should be greater emphasis on species threatened with extinction. More stress should also be laid on paragraphs (d), (e), (e')*, (f), (i), (k), (m), (n')* and (o')*.

United Kingdom: In paragraph (a')*, insert the words "and appropriate" after "necessary" in the first line. In paragraph (b')*, replace "to maintain" by "to take active steps to maintain". Replace "create and maintain" in the penultimate line of paragraph (d) by "consider the creation and maintenance of" since the value of wildlife corridors and buffer zones has not yet been established. In the penultimate line of paragraph (n')*, replace the words "might cause" by "are likely to cause". In paragraph (p')*, delete the word "all". With regard to paragraph (l) of the comment by the ECG Group, it should be pointed out that many truly endangered species are not included because there is no trade in them.

United States of America: Combine paragraphs (a), (b) and (b')*, Paragraph (a')* should be moved to chapter IV and the word "necessary" should be replaced by "appropriate". Delete the bracketed text in paragraph (c). Paragraph (c')* should end after the word "programmes". In paragraph (d), the word "obligation" in the fifth line should be replaced by "attempt". In paragraph (e), delete the reference to FAO, UNEP, Unesco, IUCN and others. Move paragraph (e')* to chapter IX. In paragraph (f), delete the wording within the third set of square brackets. In paragraph (g), delete the word "strict" and the original language in brackets and incorporate some form of the element needs to include some form of a threshold concept. Paragraph (h) potentially conflicts with other provisions. Delete paragraph (i). Add the words "where appropriate" at the end of paragraph (j). Supports the word "national" in paragraph (k). Delete all the text within brackets in paragraph (m). Delete paragraph (n')* and allow established rules of customary international law to apply independently. Paragraph (p')* should be moved to an appropriate section; reporting has already been dealt with in chapter IV. With regard to paragraph (2) of the General Comments, this would duplicate existing international agreements.

Venezuela: The chapter should not refer to "obligations". Paragraph (a) should include information on biological diversity through inventories, monitoring and other studies of biological diversity within national jurisdiction. Paragraphs (a')*, (b) and (b')* should be combined with paragraph (c) as follows: replace the words "Obligation to develop" by "Development of" and continue

as follows after the words "specially protected areas": "for the in situ conservation of biological diversity to be included in a global list;". When referring to the establishment and management of specially protected areas for in situ conservation, management plans and rules for use should be included and it should also be made clear that the selection, establishment and management of areas to be included in the global list must be carried out by States. In paragraph (c')*, add the words "included by States" after "areas" in the second line and terminate the paragraph after the word "programmes". Delete paragraph (d) since part is included in paragraph (c')* and the rest refers to ex situ conservation. In paragraph (e), add the words "for the creation of networks of protected areas" after "others" in the penultimate line. Paragraph (e')* should be revised in the light of chapter IX. In paragraph (f), replace the words after "ecosystems" in the second line by the following: "as well as the habitat of depleted, threatened or endangered species and other forms of terrestrial and aquatic life;". In paragraph (g), delete the words within brackets. In paragraph (h), add the words "animal and plant" between "wild" and "resources". Replace paragraph (i) by the following: "Regulation and control of the introduction of man-made and genetically-modified organisms (and of alien species) on the basis of a study of all possible effects on the ecosystem;". Delete paragraph (j) because it is redundant. Replace paragraph (k) by the following: "Adoption and implementation of national policies promoting sustainable development for the conservation of biological diversity;". Delete paragraph (l), which is covered by paragraph (k). Replace paragraph (m) by the following: "Action plans for involvement of the local population in conserving the biological diversity of wild and domestic species keeping in mind their local knowledge of biological resources;". Replace paragraph (n')* by the following: "States whose activities might cause a harmful effect on the biological diversity of other States should duly notify the States concerned;". Move paragraph (o')* to chapter IV and paragraph (p')* to chapter XIII.

Viet Nam: States should publish a book containing a list of endangered species.

World Wide Fund for Nature: Paragraph (a) should contain an obligation on each Party to ensure the conservation of biodiversity by whatever means are appropriate to it. There should be some flexibility regarding the methods of achieving biodiversity conservation, but it should remain an obligation. Supports the establishment of a global list. With regard to paragraph (m), the involvement of local populations is extremely important, but they need to be given incentives to conserve biodiversity. Supports Finland's proposal to concentrate financial support and benefits of biodiversity on people living in

and around areas of importance for biodiversity. Despite the importance of ex situ conservation, in situ conservation should be given priority.

B. Measures for ex situ conservation of biological diversity

Australia: These measures should be prefaced by a statement of the purpose and potential limitations of ex situ conservation. The capacity of States to implement measures also needs to be considered here and elsewhere. A major consideration will be the cost of such measures and their relative benefit. It may also be appropriate to include a reference to data banks conserved ex situ. Paragraph (a) should be contained in a separate section on surveys and inventories. Although paragraph (b) is generally acceptable, it needs additional substance and a reference to priorities and the citing of specific bodies is questionable in the convention. Paragraph (e) could be covered in paragraph (c). There should be a paragraph linking ex situ and in situ measures, while maintaining the convention's emphasis on the latter. It should also be ensured that collecting for ex situ conservation does not prejudice in situ populations.

An appropriate basis for this section might be the following:

States shall:

- Take measures to conserve, and wherever practicable to preserve, species ex situ when this will assist their survival or may contribute to that end, paying particular attention to endangered species, species of known medicinal and agricultural importance, relatives of domesticated species, local races and semi-domesticated which hybridize with wild species, species which are of importance as sources of genetic material and species designated under this or other conventions as requiring conservation measures;
- Co-operate in the establishment of centres for ex situ conservation at national, regional and global levels, including botanic gardens, zoos, reserves and gene banks;
- Develop appropriate management plans and strategies involving co-ordination with other governments and organizations where necessary, and the use of reserves for recovery and rehabilitation purposes, as well as the reintroduction of species into their natural habitats;

- Regulate the taking of individual specimens for ex situ conservation so as not to compromise in situ populations;
- Ensure that ex situ and in situ conservation policies are complementary.

Brazil: In paragraph (a), replace the words "Obligation to carry out" by "Desirability of carrying out", delete the words "initial and" and add the word "genetic" before "erosion". In paragraph (b), delete the words within the second set of square brackets and add the words "and national use" after "conservation" in the penultimate line. Replace paragraphs (c) and (e) by the following: "Adoption of plans and strategies for the restoration of degraded areas through ex situ conservation, by reintroducing original species into their natural habitats;". Replace paragraph (d) by the following: "Strengthening of existing and establishment of new research centres for ex situ conservation in developing countries, at national, regional and international levels;". Add the following new paragraph: "To facilitate access by developing countries to technologies and information related to ex situ conservation, as well as genetic resources conserved ex situ;"

Chad: Add the words "and territorial development" at the end of paragraph (a).

Chile: The different measures should be arranged according to the various spheres of activities involved. It should be general policy to establish strategies, plans and projects to promote ex situ conservation, including the following measures;

- National and regional inventories and registers of species, groups of species or organized systems of biological diversity;
- Diagnostic studies of the conservation status of the elements of biological diversity in order to establish national priorities;
- Creation of centres and networks for ex situ conservation;
- Programmes to reintroduce species conserved ex situ into their natural habitats.

Colombia: Ex situ conservation should not be conducted outside the territory of the countries in which the corresponding biodiversity is found. The same is true for research.

India: Supports Brazil's view that ex situ and in situ conservation deserve equal emphasis. Regulatory regimes must only be implemented at national levels within the context of national priorities and plans. For ex situ conservation, the transfer of technology to developing countries is of crucial importance and should be specifically mentioned.

Lesotho: The obligation in paragraph (a) should be moved to chapter IV, however, the words in square brackets could be incorporated in paragraph (c).

Malawi: In paragraph (a), add the word "genetic" before "erosion". The role of natural history museums as repositories of valuable data for conservation of biological diversity should be mentioned in a separate paragraph.

Malaysia: Paragraph (a) should be deleted or subsumed in paragraph (a) of section A. The words "Obligation to establish" in paragraph (d) should be replaced by "Encourage the establishment of". Ex situ conservation can do a lot to assist in in situ conservation, which is the most important element.

Netherlands: Ex situ conservation should only be used where in situ conservation is an unrealistic goal or comes too late.

Norway: Ex situ conservation should be the last option for conserving wild species, although it is relatively more important for the conservation of domesticated species. Paragraph (a) could be combined with paragraph (a) of section A. With regard to paragraph (d), collection of local knowledge on traditional use and values of such species should be considered an important part of ex situ conservation.

United States of America: Replace paragraph (a) by the following: "Encourage collection and maintenance of species and varieties threatened by genetic erosion;". Delete the words within the second set of square brackets. Combine paragraphs (c) and (e) in accordance with the statement in the final paragraph of this section. With regard to paragraph (d), it is inappropriate to impose an "obligation" for all countries at all the stated levels, therefore replace this reference by "Establish at ..." and delete the words after "conservation" in the penultimate line.

Venezuela: Replace paragraph (a) by the following: "Information on biological diversity to be obtained through inventories, monitoring and other studies that allow the maintenance of species and varieties threatened by genetic erosion, in gene banks, herbariums, botanical gardens and zoological parks and breeding centres as ex situ biological diversity conservation measures;". Replace paragraph (b) by the

following: "Adoption at national and international levels of strategies and plans for the conservation of biological diversity ex situ";. ~~Combine paragraphs (c) and (e).~~

C. Measures for sustainable utilization of components of a:
ECG biological diversity

Australia: Supports the inclusion of both alternatives within square brackets in paragraph (a). Paragraph (b) could be reworded to include an obligation on the part of States Parties to co-operate in the development of common standards for the sustainable utilization of resources. The wording of paragraph (c')* needs to be chosen carefully e.g. indigenous peoples/cultures. Paragraphs (d')* and (e')* should not be included here; references to funding should be contained in chapter IX.

Brazil: Replace the beginning of paragraph (a) by the following: "Ensure the integration of the conservation of biological diversity and its national utilization into national socio-economic ...;". In paragraph (b), delete the words "The obligation to" in the first line and end the paragraph after the words "by the Parties";. Delete paragraph (e')*.

Chile: This section should include the following types of measure or areas of action:

- A general declaration setting out the overall framework by establishing the need for development plans and policies in which the criteria and concepts of sustainable use and conservation of biological diversity are fundamental;
- Measures in terms of legislation expressed as a commitment to establish, improve or amend legislation on the management of natural resources taking into account the conservation of biological diversity;
- The explicit provisions already contained in paragraph (c')*;
- Funding should be contained in a new paragraph and mentioned in terms of a commitment to allocate funds, and therefore priority, to this issue;
- Promotional measures expressed as a commitment to establish mechanisms to promote the management and rational use of biological diversity;
- Educational measures through introduction into the curriculum of aspects of knowledge on the sustainable

use of renewable natural resources and knowledge of biological diversity, especially local knowledge;

- Promotion of indigenous ecosystems, avoiding as far as possible their replacement by alien elements.

Germany: In paragraph (b), add the words "is sustainable and" at the beginning of the second line and the words "inter alia" after "met" at the beginning of the third line.

Japan: Delete paragraph (c')* because it does not relate directly to the sustainable use of biodiversity. Delete paragraphs (d')* and (e')* because they deal with financial mechanisms and international co-operation.

Lesotho: The word "obligation" should be deleted wherever it occurs in this section. In paragraph (a), supports inclusion of the wording in both sets of square brackets. Paragraph (b) should be reworded to ensure that utilization of biological diversity does not have an adverse impact on the environment through the adoption by States of common standards respecting the reasonable utilization of elements of biological diversity. Paragraph (c')*, should be reworded as follows: "Encouragement of the participation of indigenous peoples in the sustainable utilization, management and conservation of the elements of biodiversity pertaining to their native lands;". Recognition of the rights of these people should be included in chapter III. Paragraphs (d')* and (e')* should be moved to chapters IX and XII respectively.

Sweden, Norway and Finland: Move paragraphs (a) and (e')* to chapters III or IV as appropriate.

Thailand: In paragraph (b), delete the words within the first set of square brackets. With regard to the General Comments, the concept of demographic concentration is unclear and should not be included in this section.

United States of America: Supports the deletions shown in paragraph (b) and questions use of the word "common".

Venezuela: In paragraph (a), delete the word "national" in the second line. Replace paragraph (b) by the following: "Act so that utilization of biological diversity does not have adverse impacts on the environment;". Replace paragraph (c')* by the following: "Take into account the special interests of indigenous people and their right to participate in the sustainable utilization, management and conservation of natural resources located in the lands they inhabit;". Paragraph (d')* should be developed in chapter IX.

D. Research and training

~~Australia:~~ Research and training should be separate sections. Paragraph (a) could be covered in a separate section on surveys and inventories. Supports the additions proposed for paragraph (d) and proposes mentioning that States Parties should co-operate in the development of new technologies for the conservation of biodiversity. Prefers the original text of paragraph (e). In paragraph (g), the idea of developing an improved understanding of the ecosystem function of biodiversity and its management requirements should be emphasized as fundamental to the conservation of biodiversity. With regard to paragraph (h')*, population pressures and unsustainable land use practices should be included specifically as factors affecting biodiversity. The topics listed in this paragraph are in any case not exhaustive. This section could be divided into parts on the following basis: Training: to facilitate the training of personnel in the identification, conservation and management of biodiversity with particular emphasis on field technicians, taxonomists, ethnobotanists, protected area and ecosystem managers. Research: to promote and encourage research efforts by appropriate organizations relating to the conservation and management of biodiversity and the development of relevant technologies.

Brazil: Replace paragraphs (b) and (c) by the following: "Support human resource improvement by education and training of technicians and scientists (experts, research workers) for the special needs of developing countries inter alia in areas such as taxonomy, molecular biology, ecology and genetic engineering, as well as in specific techniques for the conservation and rational use of biodiversity;". In paragraph (d), add the word "joint" before "development" and the words "in protected areas" at the end of the paragraph. Delete the words within square brackets in paragraph (f). End paragraph (g) after the words "biological diversity". In paragraph (h')*, add the word "most" before "important" in the first line. Add the following new paragraph. "Financial and technical support for research and development of species in order to identify products and substances of potential economic value as a prerequisite for sustainable development;".

Chad: Combine paragraphs (b) and (c).

Chile: Add the following new paragraph: "Measures shall be adopted so that any research developed in a country as a result of foreign initiatives must include national professionals throughout its course;".

The Gambia: The wording in brackets in the first line of paragraph (e) should be deleted.

Germany: Delete paragraph (d).

India: There is no need to mention all the types of training and research to be promoted. However, if the idea of a listing is retained, training in ecological restoration should also be included.

Japan: In paragraph (h')*, delete the word "poverty" since it is subsumed in "human factor".

Malawi: Paragraph (h')* should include trade (in biological resources) and development projects.

Norway: Research and training should be separated. Paragraph (h')* is too specific and yet not exhaustive, therefore, it could be deleted.

United States of America: This section should be rearranged. Prefers the original language of paragraph (d) and omit the list of factors in paragraph (h')*.

Venezuela: Replace paragraph (a) by the following: "Inventories and training in taxonomy;". Replace paragraph (b) by the following: "Training in taxonomy, ecology and field identification;". Replace paragraph (c) by the following: "Training in ethnobotany and other disciplines to contribute to the understanding of traditional knowledge in the field of biological diversity;". In paragraph (d), delete the rest of the paragraph after the word "biotechnology". Replace paragraph (e) by the following: "Research and training in conservation biology in the management of protected areas using existing guidelines and expert networks;". In paragraph (h')*, delete the word "poverty" and replace "factor" by "intervention" in the second line.

E. Education and public awareness

Australia: With regard to paragraph (a), Unesco is not the only body providing education and training in the relevant areas. Education and public awareness is very important given the comparative lack of understanding of the importance and need for the conservation of biodiversity in relation to other global environmental problems such as climate change and ozone depletion. The following might be an appropriate basis for this section:

- Promotion, through formal programmes in educational institutions, through public and industry awareness programmes and where appropriate through co-operation between States, of the importance of the conservation of biodiversity and the measures that need to be taken;

Particular attention to be paid to local communities whose lifestyle may be affected by conservation measures.

Brazil: Replace paragraph (a) by the following: "Education of teachers either by formal education or training through schools, universities and other forums, taking due account of national priorities and programmes;". Replace paragraph (b) by the following: "Non-formal education, including training for the general ... awareness materials;".

Guatemala: Efforts should be made to promote formal and a non-formal educational programmes concerning the "importance" of conservation since this provides a means of reaching various groups, particularly local communities which do not have access to formal education.

Norway: Sections D and E could be combined.

F. Environmental impact assessments

Australia: Paragraph (a) should not specify "large industrial projects" but should contain a general provision on the obligation to carry out assessments for projects and activities that may adversely affect the conservation of biodiversity. Paragraph (b) should include the concept of co-operation in developing common guidelines where possible and the words in square brackets should be deleted. Paragraph (c')* is unnecessary. With regard to paragraph (d')* assessments should be a mechanism to achieve this goal and therefore the paragraph is unnecessary. However, if the intention is to deal with effects external to those covered in an assessment, this would come under the general obligation for States to report action that might affect biodiversity. Finally, particular attention should be paid to global list areas in this connection.

Chile: Environmental impact assessments and norms that affect biodiversity must follow the same criteria in developed and developing countries.

Colombia: Assessments should not be restricted to "large industrial projects" but should be mandatory for all projects and activities that might be harmful to biodiversity.

Lesotho: Paragraph (a) should be included in chapter IV.

United Kingdom: In the second line of paragraph (a), insert the word "significantly" before "adversely". In the first line of

paragraph (b), add the words "and criteria" after "standards".
Delete paragraph (c')*. Move paragraph (d')* to another section,
for example, on contingency planning.

United States of America: Paragraph (d')* is not directly related to environmental impact assessments and is in the research stage, therefore, it should be contained in section D.

Venezuela: In paragraph (a), delete the word "large" in the first line and add the word "genetically modified" after "alien" in the fourth line. Delete the words within square brackets in paragraph (b). Replace paragraph (C')* by the following: "Elaboration by States of procedures to be followed after environmental impact assessment has been done;".

General remarks on chapter V

Brazil: The text does not reflect the equal importance of ex situ and in situ measures; it is unbalanced in terms of responsibilities and burden sharing and does not contain any provisions taking into consideration the special situation and needs of developing countries. Any editorial changes should not lead to undue emphasis on preservation to the detriment of conservation, rational use of biodiversity and sustainable development.

Ecuador: Considers that the chapter specifies a number of duties that are not accompanied by rights. To be effective, the proposed convention will have to include measures allowing access to financial support from the international community.

Guatemala: Wherever the word "biodiversity" is used, it should be accompanied by the words "sustainable utilization of". Emphasizes the importance of taking into account the special needs of developing countries.

India: The emphasis should be on conservation, which includes rational and sustainable utilization, rather than preservation. Strongly endorses the concept of a global list. Assumes that the regulatory provisions are for application at the national level within the context of national policies, plans and priorities and, for developing countries, subject to the provision of technical co-operation as well as adequate, new and additional funding.

Indonesia: Ex situ and in situ conservation are equally important and complementary, therefore, it would therefore be appropriate to include them in the same chapter. Emphasizes the importance of economic development of communities surrounding conservation areas.

Nordic countries: The present structure of this chapter is not satisfactory. The new title should be "Measures for conservation and sustainable utilization of biological diversity at the national level". The chapter should commence with two new paragraphs concerning the obligation to develop national action plans and their structure, to be followed by redrafting of the elements existing in chapters V and XI, divided into the following sub-sections:

- Institutional measures based on paragraph (b) of chapter XI;
- Status of biodiversity, including the need to identify threats to biodiversity as a basis for priority action and follow-up;
- Measures for sustainable utilization and maintenance of biodiversity, as well as protected areas;
- A sub-section on research;
- Education, training and public awareness.

The chapter should conclude with two new elements: the presentation and review of national action plans; an obligation to report regularly on the outcome of work under national action plans.

Norway: The chapter requires restructuring. Perhaps some of the elements could be dealt with in separate protocols; for example, on sustainable use and conservation of biodiversity within agriculture, forestry and fisheries.

Sweden, Norway and Finland: New elements for chapter V:

- Each Party shall formulate a national action plan for the conservation and sustainable utilization in situ and ex situ of biological diversity, including plans for the protection of areas, promotion of ecological adaptation of sectors such as forestry, fisheries and agriculture inter alia, which utilize and affect biological diversity. The national plan shall include goals and implementation measures for its follow-up;
- Each Party shall, no later than years after the entry into force of the convention, submit a national action plan for the conservation and sustainable utilization of biological diversity. This plan shall be reviewed and when necessary recommendations on its improvement may be made by the other Parties;

- Each Party shall report regularly on the results of implementation of its national action plan. Such reports shall include the status of biological diversity in the use and management of natural resources. The plan should define operational goals and identify strategic orientations and priorities.

Thailand: The use of the word "obligation" in this chapter is too strong. If no financial resources are forthcoming, the costs involved for developing countries in implementing these measures would be too great.

United States of America: In situ and ex situ measures are equally important but could best be dealt with in separate sections. The question of financial remuneration should be dealt with in chapter IX.

Venezuela: In the case of developing countries, the conservation measures should be subject to development priorities and needs, socio-economic conditions and any financial co-operation and technology transfer that may be necessary.

VI. AVAILABILITY OF AN ACCESS TO BIOLOGICAL DIVERSITY, TECHNOLOGY AND INFORMATION THEREON

A. Availability of and access to biological diversity

Brazil: In paragraph (a), delete the words within the first and last sets of square brackets and add the words "shall be subject to prices and conditions to be determined by mutual agreement" after "monitoring". In paragraph (b), delete the words within square brackets and add the words "should be based on mutual agreement" after "monitoring". Replace paragraph (c) by the following: "Preferential treatment for countries of origin of genetic resources with regard to genetic material, varieties and biomaterials derived therefrom conserved ex situ in developed countries;"

Burkina Faso: Replace paragraphs (a), (b) and (c) by the following: "Availability of and access to genetic material conserved in situ and ex situ for purposes of scientific research, training, surveying and monitoring under protocols of agreement between States and/or between States and research institutions."

Chile: With regard to paragraph (c), "preferential treatment" is not sufficient. The country of origin of the germplasm must share the commercial results and patent rights on an equal footing.

France: Include strengthening of activities involving the collection and study of wild forms related to cultivated plants in order to facilitate their use in improvement programmes. Wild forms are seriously under-represented in gene banks. The fundamental objective of ex situ collections is use not conservation.

Germany: Delete this section.

Greece: In paragraph (a), delete the words within brackets. Reword or delete paragraph (b).

Japan: Delete paragraph (c).

Nigeria: In the first line of paragraph (b), add the words "other environmentally sound" before "uses".

Thailand: Combine paragraphs (a) and (b). There should be equitable sharing of benefits to be negotiated at a later stage. With regard to paragraph (c), "preferential treatment" should be extended to biotechnology products derived from genetic material.

United States of America: Delete the words within brackets in paragraph (a). Paragraph (c) is contrary to the general understanding that accessibility should be by mutual agreement.

B. Availability of and access to relevant technology and information

Brazil: Too much emphasis is given to scientific research to the detriment of technical and technological research, training and information. Delete paragraphs (a) and (e')*. Add the words "and technical" after "scientific" in paragraph (c). Paragraphs (d) and (f) should be further defined and clarified. In paragraph (g')*, add the word "adequate" before "additional", add the words "and acquisition of" after "investment" and the words "on a preferential and favourable basis" at the end of the paragraph.

Add the following elements to this section:

- Availability of and access by developing countries to technologies, know-how and information related to the conservation and rational use of biodiversity on a preferential and more favourable basis;
- Commitment of the Parties to encouraging private companies within their jurisdiction to facilitate and make possible joint development and transfer of technologies related to conservation and rational use of biodiversity on a

--preferential basis to government institutions and private companies in developing countries.

France: The wording of this section is too weak. The availability of genetic resources implies substantial strengthening of activities to categorize and evaluate collections in gene banks. Seeking access to information that does not exist would be meaningless.

Germany: Delete paragraphs (a) and (b).

Greece: Paragraph (f) requires further elaboration. Paragraph (g')* can be deleted because the issue is dealt with in chapter IX.

Guatemala: Access to genetic material should be subject to a prior environmental impact assessment.

Japan: Delete paragraph (g')*, which concerns financial mechanisms or international co-operation.

Malawi: Add the words "and utilization" after "conservation" in paragraph (e). With regard to paragraph (1) of the General Comments, the words "and utilization" should be added after "conservation". In connection with paragraph (2), many delegations would like to see intellectual property rights issues reflected in the convention.

Nigeria: Add the following words at the end of paragraph (c): "particularly assistance for human resources and technology development for developing countries;".

Thailand: Combine paragraphs (a) and (b). With regard to paragraph (c), access should not be limited to published scientific research. In paragraph (d), access to know-how should be more detailed. Paragraph (f) should be redrafted. Paragraph (g')* should be moved to chapter IX.

United States of America: Paragraphs (a) and (b) deal with intellectual property rights and should be dealt with in other forums. In paragraph (c), add the word "published" before "scientific". Paragraph (d) requires further clarification or elaboration. With regard to paragraph (g')*, financial mechanisms should be dealt with under chapter IX.

Venezuela: A prior assessment should be made of the impact on specific populations or those indirectly affected by the exploitation of other resources, especially for commercial purposes.

General remarks on chapter VI

Germany: The concept of "fair and equal" access should be introduced into this chapter. However, the State does not own technology that could be transferred so private industry must become involved. The work being done in other forums on intellectual property rights should not be duplicated.

VII. TRANSFER OF TECHNOLOGY FOR THE CONSERVATION AND
UTILIZATION OF BIOLOGICAL DIVERSITY

Brazil: Replace paragraph (a) by the following: "Obligation for developed countries to transfer technologies that support biological diversity conservation and rational use to the developing countries on a non-commercial and preferential basis;". Delete paragraphs (b')* and (g). In paragraph (c), add the word "multilaterally" after "information". In paragraph (d), add the words "technologies for" after "field". Add the following words at the end of paragraph (e): "and rational utilization among developed and in developing countries;". Replace paragraph (f) by the following: "Co-operation in relevant technical and scientific research for the purpose of the convention;". Paragraphs (1) and (2) of the General Comments are not acceptable.

Chad: Paragraph (a) should be reworded as follows: "Obligation for developed countries to transfer technologies that support biological diversity to the developing countries by assisting them to acquire these technologies on preferential terms;".

Chile: Add the following element to paragraph (f): if the research is carried out outside the country of origin of the biomaterial, both the results and the conduct of the research should be fully shared. Endorses the Brazilian delegation's statement that there is no balance in the treatment of access to the elements of biological diversity and access to biotechnology.

Congo: In paragraph (b')*, consideration should be given to protecting the interests of developing countries. Paragraph (6) of the General Comments is inappropriate and the matter should be discussed before 1992.

Ecuador: There should be reference to a commitment on the part of developed countries to generate appropriate technologies for the management of biodiversity within the territory of countries that are owners of biodiversity.

France: Supports the statement made by the delegates of Germany and Switzerland on the transfer of technology within the private sector.

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Germany: Add the words "except genetic technology" to the chapter's title. The notion of a "preferential basis" at the end of paragraph (a) is not acceptable; the words "fair and most favourable basis" should be used. Paragraphs (b) and (g) should be deleted and the notion of private business should be introduced into paragraph (e).

Guatemala and Venezuela: Support for local technology should be included. Paragraph (b')* should refer to the environmental cost, which is rarely mentioned in relation to exploitation of the natural heritage.

Japan: Patent and intellectual property rights play an important role in this connection. Governments cannot force the private sector to transfer technology, but access to technologies could take place through joint research and development and co-operation. In paragraph (a), the word "preferential" should be replaced by "fair and most favourable". Paragraphs (b) and (g) should be deleted.

Malawi: The recommendations of the report by the Sub-Working Group on Biotechnology should be incorporated in the appropriate sections of the convention. With regard to the General Comments, expresses disagreement with paragraph (6) and the last sentence of paragraph (9).

Nigeria: Repetitions in the text should be avoided. Paragraph (a) should emphasize the need for priority in assisting developing countries in the area of technology, including inter alia the development of local and indigenous technology and the transfer of other appropriate and environmentally sound technology on the most favourable and non-commercial terms. Particular emphasis should be laid on facilitating access to information and the flow of information within developing countries.

Thailand: Access to biotechnology should be based not only upon requests from biologists, but also from scientists in related fields. With regard to paragraph (a), transfer of technology should take place on a co-operative and friendly basis, if possible non-commercially. In paragraph (b), the words "while protecting the private sector" should be replaced by "for the mutual benefit of the parties concerned".

United States of America: Paragraphs (b) and (b')* should be reworded and combined, recognizing that developing countries should develop policies to encourage investment by the private sector. The terms "technology rich" and "gene rich" in

paragraph (e) are ambiguous and should be replaced by the alternatives used elsewhere. The General Comments are not necessarily all acceptable.

VIII. TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES

Brazil: Replace paragraph (a) by the following:
"Obligation of ... instrument to provide rational technical co-operation subject to mutual agreement ... in the conservation and utilization of biological diversity;"
Replace paragraph (b) by the following: "Obligations of the developed States to provide ... instrument;"

Germany: Paragraph (a) should be deleted since new institutions would not be the most effective method.

Japan: The most effective method of transfer of technology is to strengthen existing organizations.

Thailand: Regarding paragraph (2) of the General Comments, developed countries should demonstrate their willingness to assist and this chapter should reflect a clear commitment on their part. With regard to paragraph (3), innovative funding mechanisms could be elaborated, not only based on the Montreal Protocol.

United States of America: In paragraph (a), delete the words within the first, second, third and sixth sets of square brackets and the words in brackets. In paragraph (b), delete the words within the first, second and third sets of square brackets, the word "technical" and the word "assistance" in brackets. Replace paragraph (c) by the following:
"Co-ordination of existing clearing-house mechanisms to facilitate the provision for technical co-operation among States;". Existing mechanisms should be used, therefore, the wording of paragraph (2) of the General Comments is unacceptable. Paragraph (3) is also unacceptable since the Montreal Protocol should not in any way be considered a precedent.

IX. FINANCIAL MECHANISMS

France: While there is agreement with the principle of additional funding, it is premature at this stage to specify the mechanism to be used.

XII. INTERNATIONAL CO-OPERATION

Australia: It would be useful to carry out a study of the ~~current status of co-operation among relevant activities and programmes~~ and this could be monitored under the convention. This element could, however, be covered in chapter X. The elements contained in paragraphs (b) and (c) could be covered in chapters IV, V and X. The proposal for a global list mentioned in paragraph (d) should come under a separate section in chapter V. Paragraph (e) is covered elsewhere. Supports ~~the idea in paragraph (f), which could be contained in an annex to the convention.~~

Colombia: It is very important that the convention should contain a commitment on the part of developed countries regarding co-operation.

Thailand: Paragraphs (b) and (e) should be clarified and strengthened. Developed countries should demonstrate a commitment to fostering international co-operation. A mechanism to promote international co-operation should be incorporated in this chapter.

XVIII. PROTOCOLS

Bahamas: The negotiating process should not be prejudged by deciding on the content of protocols at this stage. To the greatest possible extent, all issues should be included in the convention and annexes, leaving protocols as a last resort.

United Kingdom: It is premature to suggest possible subjects for treatment in protocols. Whilst the possibility of renegotiating existing treaties as protocols should not be excluded, the legal and technical difficulties involved should make countries very hesitant about taking such a step.

GENERAL COMMENTS

Australia: The convention's objective should be the conservation of the maximum possible range of biodiversity for the benefit of present and future generations. It is recognized that financial constraints and incomplete knowledge of the identity and distribution of species mean that it is unlikely that all species can be successfully conserved. The establishment of global and national priorities would be an important component for achieving the objective. The convention should provide a forum for the international

identification of priorities. Effective machinery (including financial machinery) should exist to support conservation of biological diversity over a sufficient period of time to be successful.

Canada: The concept of "opportunity cost" and benefits from investment in the conservation of biological diversity should be examined further in the context of the conservation of biodiversity. This concept should be examined further by the ECG in consultation with the World Bank and should be included in the country case studies. The benefits derived from the conservation of biodiversity will be greater than the cost of its conservation and it is important to demonstrate this so as to provide an incentive to countries to conserve biodiversity.

Chile: Use of the words "sustainable development of biological diversity" should reflect the following two concepts: sustainable economic development based on biological diversity; and development of new organisms or varieties.

Ethiopia: Comprehensive conclusions should be submitted to the next meeting of the Ad Hoc Working Group.

Finland: Supports extension of the country studies in order to estimate the costs needed to protect biological diversity on a global scale. In addition, inventories should be made at the national level in order to assess the situation. Finland is willing to consider the financing of such studies. Some developed countries could carry out such studies to be used as a model for studies on developing countries. It is extremely important for work to be done at the national level before rather than after implementation of the convention.

Malaysia: There are disturbing trends in the development and over-commercialization of biotechnology, which imply that commercial prospects rather than the urgency of basic needs will determine future priorities. Aspects of biotechnology pertinent to developing countries might not be accessible and commodities presently derived from developing countries could be substituted. New and appropriate biotechnologies should therefore be developed to take into account the needs of small farmers so as to ensure that new biotechnologies support the development of sustainable agriculture. Proper and sound strategies for the utilization of biotechnological potential must form a crucial element in the convention. A report should be prepared concerning the role of transnational corporations in the transfer of biotechnology to developing countries. It is also felt that increased public sector participation in the biotechnology industry might help to remedy the imbalance.

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Mexico: Whenever the word "biodiversity" is used it should be accompanied by the words "sustainable utilization of".

~~Nordic countries: The objective of the convention should be:~~

- Promotion of conservation and sustainable utilization of the full range of biological diversity in all countries, terrestrial and aquatic ecosystems, cultivated and uncultivated, for the benefit of present and future generations;
- Establishment of an equitable system for the national and international measures necessary to conserve habitats, including social and economic aspects of managed ecosystems, ensure sustainable utilization of genetic resources and promote sustainable economic and social development for the maintenance of the biodiversity of the planet;
- Recognition of the special situation of developing countries, and contribution to a fair and equitable distribution of the benefits generated by utilization of biological resources between the owners and managers of these resources and those with the technological and other capacities to utilize them.

Senegal: All are aware of the importance of biological diversity and the vital need to conserve it, but some delegations are trying to reconcile two opposing elements; they desire a substantial financial input for its conservation but are unwilling to assume obligations for its maintenance. His delegation has agreed to make commitments to protect biodiversity, despite its development concerns, and would like to see other developing countries regard the convention as an ideal launching pad for international co-operation.

Venezuela: Countries party to the Amazon Co-operation Treaty emphasize that the proposed legal instrument should lay down the bases for dealing in an integrated manner with the conservation and sustainable utilization of biodiversity, which in their view cannot be dealt with separately. In order to achieve these objectives, it is essential to use environmentally appropriate technologies as soon as possible. In this connection, biotechnology represents a primordial instrument and it should be seen in its widest concept. Moreover, the convention would have no meaning if it did not

deal with questions of joint development of biotechnology, systematic access by developing countries to scientific and technological knowledge and the sustainable use of biodiversity.

Vietnam: Agrees to a clearing-house for transfer of technology, including biotechnology, as well as to the establishment of regional centres. Emphasizes the need not only to train taxonomists and ecologists, but also biotechnology specialists.

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