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INTERGOVERNMENTAL COMMITTEE ON THE
CONVENTION ON BIOLOGICAL DIVERSITY
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STATUS REPORT BY THE INTERIM SECRETARIAT ON ACTION TAKEN
IN RESPONSE TO REQUESTS MADE OF THE FIRST SESSION OF
THE INTERGOVERNMENTAL COMMITTEE

INTRODUCTION

1. At the first session of the Intergovernmental Committee, the Working Groups requested the Interim Secretariat:

(a) To examine and report on existing examples and possible models for national legislation, with due attention to its potentially conflictual nature, and for agreements and other practices for regulating access to genetic resources (see UNEP/CBD/IC/2/2, annex III, para. 43 (d));

(b) To examine the range of appropriate models for technology transfer (see UNEP/CBD/IC/2/2, annex III, para. 43 (c));

(c) To catalogue existing databases of relevance to the Convention and identify their gaps and linkages (see UNEP/CBD/IC/2/2, annex III, para. 43 (b));

(d) To develop formats for data entries and institute regional training programmes on the use of those formats (see UNEP/CBD/IC/2/2, annex II, para. 4);

(e) To mobilize funds for regional workshops on shared concerns about biological diversity and the Convention on Biological Diversity (see UNEP/CBD/IC/2/2, annex II, para. 4).

2. Since these activities require more time to bring to fruition than that available before the second session of the Committee, and in view of the large number of items requiring preparation by the Committee for the first meeting of the Conference of the Parties, the Bureau advised that a status report on these matters be prepared for the second session. The present report therefore outlines the work that is in progress in response to these requests, and invites the guidance of the Committee on its further development.

1. EXAMPLES AND MODELS FOR NATIONAL LEGISLATION REGULATING
ACCESS TO GENETIC RESOURCES

3. Article 15 of the Convention concerns access to genetic resources. Paragraph 4 of that Article provides that access, where granted, shall be on mutually agreed terms, while paragraph 5 makes access subject to prior informed consent of the Contracting Party providing such resources "unless otherwise determined by that Party". As noted in paragraph 1 above, at the first session of the Intergovernmental Committee, Working Group II requested the Interim Secretariat to examine and report on existing examples and possible models for national legislation, with due attention to its potentially conflictual nature, and for agreements and other practices for regulating access to genetic resources.

4. The regulation of access in the context of the Convention is a new area for environmental law and policy. Without a stronger knowledge base and a sharing of experience and interests, the creation of model legislation is premature. Indeed, the development of models in the absence of such a foundation creates the risk that Governments may rely on unsound material when drafting their national legislation. The Interim Secretariat has therefore embarked upon the following general steps to respond to the request:

- (a) Survey and analysis of government regulations and practice;
- (b) Survey and analysis of arrangements developed in the absence of a regulatory framework;
- (c) Survey and analysis of programmes and projects of various organizations related to the development of regulations or the establishment of agreements concerning access;
- (d) Assessment of current experience, gaps and the possible role and scope of model legislation;
- (e) Listing of issues that Governments may wish to consider in developing a regulatory framework;
- (f) Preparation of a work programme for recommendation to the Conference of the Parties to consider for the development of model legislation.

5. The Interim Secretariat sent a letter to Governments in January 1994 requesting information on their national regulation of access to genetic resources in the context of the Convention. To date, 32 Governments have responded. As noted in the letter, the fact that no such legislation has yet been enacted in a country is in itself valuable information that the Interim Secretariat would appreciate having. The deadline for submission of information identified in the letter was established prior to Bureau's decision that only a status report should be provided, and hence is no longer applicable. The Interim Secretariat would encourage Governments that have not yet done so to submit any available information at their earliest convenience.

6. The Interim Secretariat has also begun surveying existing practice and has had preliminary discussions with a number of organizations about their work. When this information and the information from Governments is more complete, the Interim Secretariat will proceed to the steps referred to in paragraph 4 (d) - (f) above.

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2. RANGE OF APPROPRIATE MODELS FOR TECHNOLOGY TRANSFER

7. Article 16 of the Convention concerns access to and transfer of technology, including biotechnology, among the Parties to the Convention. As noted in paragraph 1 above, at the first session of the Intergovernmental Committee on the Convention, Working Group II requested the Interim Secretariat to examine the range of appropriate models for technology transfer.

8. This task entails:

(a) A review of categories of transferable technologies relevant to the conservation and sustainable use of biological diversity;

(b) A description of the processes, their socio-economic implications and agents involved in technology transfer;

(c) A definition of models of technology transfer based on various combinations of processes and agents; and

(d) A discussion on the appropriateness of these models.

The review referred to in subparagraph (a) above will draw substantially on the output of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity under item 3 (c) of its agenda, which calls for identification of innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity (see UNEP/CBD/IC/2/11, paras. 47-73).

3. CATALOGUE OF RELEVANT DATABASES AND THEIR GAPS AND LINKAGES

9. Article 7, subparagraph (d), of the Convention calls for the maintenance and organization at the national level of data derived from identification and monitoring of components of biological diversity. Article 17 refers to the need for cooperation in the exchange among the Parties of information relevant to the conservation and sustainable use of biological diversity. As noted in paragraph 1 above, at the first session of the Intergovernmental Committee on the Convention on Biological Diversity, the Interim Secretariat was requested to catalogue existing databases of relevance to the Convention and identify their gaps and linkages.

10. In order to respond to this request, it is necessary:

(a) To list the components of biological diversity and activities based on the provisions of the Convention;

(b) To identify the databases of relevance to the Convention, and to specify some of their characteristics for identification purposes; and

(c) To review the extent to which specific components and activities listed pursuant to subparagraph (a) above are covered by the databases, and the extent to which databases complement each other in gathering, updating, exchanging and disseminating the information.

11. To deal with the tasks referred in paragraph 10 (a) and the second part of paragraph 10 (b) above, the Interim Secretariat requested information on the subjects covered by databases, types and sources of data, and on methods of data collection, management and distribution. As at the 21 April 1994, these requests had been sent to 350 governmental

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bodies and non-governmental organizations including the permanent missions to the United Nations in Geneva and New York. Five letters indicating absence of databases, 13 incomplete forms and 152 completed ones have to date been received. The questionnaire is being sent to more organizations identified through other databases and with the assistance of interested individuals and organizations.

12. The Interim Secretariat in consultation with operations of selected databases is preparing a computer programme for the efficient management of the information on databases in order to produce the catalogue called for at the first session of the Committee.

13. For the catalogue, three main sections are suggested:

(a) Section I will provide information identifying the databases. It will contain generalities about each database, including the name of the database institution, the language of the database, information on contact persons, postal addresses, the type and nature of data stored, the types of users and sources of funding.

(b) Section II will consist of tables summarizing the number of databases dealing with specific topics. The tables will thus indicate areas that are well covered and those that are not adequately covered by existing databases. The tables will also show the similarities, complementarities and differences among databases.

(c) Section III will discuss the gaps and linkages between databases and will draw some conclusions about future work on the catalogue.

4. FORMATS FOR DATA ENTRIES AND RELATED TRAINING

14. Under Article 17 of the Convention the Parties are to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries. At the first session of the Intergovernmental Committee, it was suggested in Working Group I that, to facilitate access to and exchange of information, such information should be made available in computerized form, and the Interim Secretariat should develop formats for data entries and institute regional training programmes on the use of those formats (see UNEP/CBD/IC/1/2/2, annex II, para. 4).

15. This task requires the Interim Secretariat:

(a) To examine existing software and identify the most suitable for the implementation of the Convention; or to modify, if needed, existing software to make it more suitable; or to design new software if no existing software can be used;

(b) To design a training programme; and

(c) To raise the necessary funds for regional training programmes.

16. The Interim Secretariat is collaborating with a number of organizations to identify the most suitable software and to conduct the necessary training on its use. The Interim Secretariat facilitated a discussion on software for taxonomic identification, monitoring and evaluation of components of biological diversity by organizing workshops ancillary to the Open-ended Intergovernmental Meeting of Scientific Experts

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on Biological Diversity, held in Mexico City from 11 to 15 April 1994. Feedback from scientists who participated in these workshops will guide the Interim Secretariat in identifying the most suitable software.

17. Cooperation will then be established with the institutions that have developed the selected software and proposals for training programmes will be prepared for fund-raising.

5. MOBILIZATION OF FUNDS FOR REGIONAL WORKSHOPS ON BIOLOGICAL DIVERSITY AND THE CONVENTION ON BIOLOGICAL DIVERSITY

18. At the first session of the Intergovernmental Committee on the Convention on Biological Diversity, it was suggested in Working Group I that regional approaches should be devised, for example through workshops and seminars, to address shared concerns and the Interim Secretariat should requested to mobilize funds for those workshops (see UNEP/CBD/IC/2/2, annex II, para. 4).

19. In response to the above, the Interim Secretariat is:

(a) Exploring the need for regional workshops on biological diversity and the Convention on Biological Diversity with various regions; and

(b) Preparing project proposals in conjunction with governments and their relevant regional intergovernmental organizations for raising funding for these workshops.

20. The status of action in the various regions is as follows:

(a) African. A Regional African Ministerial Conference on the Convention on Biological Diversity within the framework of the African Ministerial Conference on the Environment (AMCEN) is being convened in Nairobi by the AMCEN secretariat from 24 to 28 May 1994. The Interim Secretariat in liaison with the AMCEN secretariat and the UNEP Regional Office for Africa, has assisted with fund-raising, participated in the meeting's conceptualization and organization, and contributed to the preparation of a position paper to be considered at the expert and ministerial levels. In addition, the Interim Secretariat is assisting the Ministry of Environment of Canada and the French "Agency for Technical and Cultural Cooperation" in planning and organizing a forum for French-speaking African countries on biological diversity and plant genetic resources: strategies and national activities, to be held in Abidjan, from 31 May to 3 June 1994.

(b) Asian and the Pacific. The Interim Secretariat will participate in a regional conference on biological diversity conservation for the Asia and Pacific region which is being convened in Manila by the Asian Development Bank in collaboration with the IUCN-the World Conservation Union from 6 to 8 June 1994. This conference is designed to advance ratification and implementation of the Convention by the participating countries members of the Asian Development Bank. In addition, discussions have begun about another workshop on the Convention for the countries of the South Asian Association for Regional Cooperation (SAARC), the Association of South-East Asian Nations (ASEAN) and other countries in the Asian and Pacific region.

(c) Latin America and the Caribbean. The Interim Secretariat is working with representatives of Governments in the Latin American and Caribbean region in designing a workshop about the Convention for this region and in seeking financial support.

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21. In addition, the Interim Secretariat, seizing the opportunity to meet with Governments about the Convention, collaborated with the interim secretariat for the United Nations Framework Convention on Climate Change, the United Nations Institute for Training and Research (UNITAR) and the Foundation for International Environmental Law and Development in organizing a series of workshops about the biological diversity and climate change for Computations, aimed at delegates from small island developing States attending the Global Conference on the Sustainable Development of Small Island Developing States, which met in Barbados from 25 April to 6 May 1994. Hence the Interim Secretariat was able to respond to the recognition given to small island developing States in the preamble to the Convention. Funding for these workshops was obtained from the Government of Australia and the Government of Denmark.
