addressing environmental issues individually, IMO adopt a comprehensive environmental strategy integrated with safety concerns and taking into account recommendations emanating from the UNCED. Council decided to request MEPC to consider the development of an environmental strategy integrated with the overall safety strategy of the Organisation, taking account of developments within the United Nations on environmental matters, including the follow-up of UNCED and activities under the Commission on Sustainable Development and the United Nations Framework Convention on Climate Change.

Conclusions

Thus, in 2000, IMO continued and even enhanced its very positive record in respect of adoption of new legislation to preserve and protect the marine environment. In contrast, however, the record of implementation, by some flag states at least, is very poor. The great challenge for the years ahead will be not only to complete the extensive legislative programme already underway, but also to persuade the recalcitrant open registries to accept that they must fulfill their international legal obligations, and to induce them to accept the kind of peer review that has become normal practice in all other international organisations and in respect of a wide range of international environmental agreements.

Notes

1 Hereinafter referred to as “the Erika”, for reasons of brevity.
2 Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, Bonn, 13 September 1983; in force 1 September 1989. Cmnd. 9104.
4 Given the very high amount claimed by victims, this was not at all likely.
5 Hereinafter “MARPOL”.
6 In the event, the amendment finally adopted at MEPC 46 was modified at the insistence of some states with large fleets to provide a slower phase in schedule, with a number of possible exceptions, offset by a provision authorising denial of access to ports of ships taking advantage of the exceptions.
7 IM/O/FAO/UNESCO-I/OCE/WHO/I/80/1E/UN/UNEP Joint Group of Experts on MLC.

CBD

Genetic Resources: Access and Benefit-Sharing

The second meeting of the Experts’ Panel on Access and Benefit-Sharing under the Convention on Biological Diversity (CBD) was held from 19-22 March 2001, in Montreal, Canada. Fifty government-appointed experts, together with observers from intergovernmental and non-governmental organisations, academia, the private sector, indigenous and local communities, attended the meeting. The Panel met in Plenary sessions and two Working Groups. They discussed and produced conclusions on: user and provider experience in access to genetic resources and benefit-sharing (ABS) processes; approaches for stakeholder involvement in ABS processes; and complementary options to address ABS within the CBD’s framework, including possible elements for guidelines. The Panel’s report and conclusions will be forwarded to the first session of the Ad Hoc Open-ended Working Group on ABS, scheduled for 22-26 October 2001, in Bonn, Germany.
Background

The three goals of the Convention on Biological Diversity are to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. The Convention contains provisions relating to these goals, contained in Articles 15 (Access to Genetic Resources), 16.3 (access to and transfer of technology that makes use of genetic resources), 19.1 (participation in biotechnological research on genetic resources) and 19.2 (access to results and benefits from biotechnologies). Both users and providers of genetic resources are addressed under these provisions. In accordance with its medium-term programme of work, the Conference of the Parties (COP) to the CBD considered ABS at its second, third, fourth and fifth meetings.

Organisation of the Meeting

Hamdallah Zedan, Executive Secretary of the Convention, opened the Meeting and proposed, with the Panel’s agreement, to retain the officers from the first Experts’ Panel held in October 1999.

The Plenary then heard presentations from six experts regarding the Meeting’s agenda items. Working Group I addressed the assessment of user and provider experiences in ABS processes. Working Group II discussed approaches for stakeholder involvement in ABS processes.

Delegates reconvened in Plenary on 21 March to discuss the Working Group’s report, outlining the document’s three substantive items.

Working Group I: User and Provider Experiences

Experts discussed the role of intermediaries and functions of users and providers. They cited the need to establish national focal points and information networks to allow for users’ identification as preliminary steps toward building capacity and raising awareness. The experts noted that the Convention allows for further refinement in the user-provider terminology, and stressed the lack of information regarding intermediaries at the national level. They emphasised the need to systematise voluntary measures and codes developed by national institutions and universities.

Some encouraged alliances among research institutions in developed and developing countries and aid programmes to prepare for contracts with industry.

Participants discussed the distinction between research for academic and commercial purposes, noting the case of contracts incorporating provisions for future commercialisation.

In considering a Summary by the Chair of those points that emerged during discussions, they suggested that elements be prioritised and that the Group follows the mandate of identifying elements and types of guidelines, incorporating suggestions given by the first Experts’ Panel.

The Chair proposed the creation of four small draft-groups to outline a range of options addressing issues related to prior informed consent (PIC), intellectual property rights (IPR) and traditional knowledge; benefit-sharing; and capacity building and awareness raising. Several experts also agreed to draft a preamble.

On 22 March, the results of WGI’s deliberations, as contained in the draft report of the meeting (UNEP/CBD/EP-ABS/2/L.3) were discussed by the Plenary.

The final text in L.3 includes sections on capacity building, legislative, administrative or policy measures on ABS, PIC, mutually agreed terms (MAT) and benefit-sharing arrangements; and IPR, traditional knowledge and ABS.

Capacity building is prioritised and should form the essence of the work on ABS.

Working Group II: Stakeholder Involvement

Participants addressed identification of approaches for involvement of stakeholders in ABS processes. They distinguished among users, providers and protectors of genetic resources, as well as among those with specific rights or direct involvement (for example, national competent authorities, industry, local stakeholders) and those with a more general interest (e.g., non-governmental organisations).

Several representatives emphasised information exchange and capacity building for effective stakeholder involvement, especially with regard to local and indigenous communities.

The Group considered a series of draft points developed by the Working Group Chair, which focused on three specific areas: identification of stakeholders; examples of involvement; and identification of approaches for stakeholder involvement.

In Plenary, the Chair of the Group introduced the Working Group’s report, outlining the document’s three sections. Given the general agreement on the document within the Working Group, experts agreed to postpone the document’s consideration until the closing Plenary.

During the closing Plenary, experts discussed conclusions on stakeholder involvement in ABS processes.
**The Five Global Biodiversity-Related Conventions**

by Veit Koester

**Introduction**

Over the last three decades disquiet at environmental degradation has crystallised, *inter alia*, in the form of the five global biodiversity-related conventions:

- The Ramsar Convention (Convention on Wetlands of International Importance especially as Waterfowl Habitat), 1971¹
- The UNESCO World Heritage Convention or WHC (Convention concerning the Protection of the World Cultural and Natural Heritage), 1972²
- CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), 1975³
- The Bonn Convention or CMS (Convention on the Conservation of Migratory Species of Wild Animals), 1979⁴
- The Biodiversity Convention or CBD (Convention on Biological Diversity), 1992⁵


Furthermore, most of my own professional career has spanned the very same decades where the global biodiversity-related conventions were negotiated and concluded, where they developed, found their working methods and matured, *i.e.* the 1970s, 1980s and 1990s. I have been privileged because I was given the opportunity to participate in one way or another in all these conventions, including by having been entrusted with various chairing functions in all but one of them.

So, on the eve of the preparations for the third UN Conference in a row, the ‘Rio+10’ Conference in South Africa in 2001, coinciding with the approach of the end of my professional career, it seems natural to try to take stock of these five conventions: What are their main features? Are they in good shape and health? How do my...