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## THIRD CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY 4-15 NOVEMBER 1996

The third meeting of the Conference of Parties (COP-3) to the Convention on Biological Diversity (CBD) will take place from 4-15 November at Parque Norte in Buenos Aires, Argentina. Observers have noted that the first meeting of the COP established the basic machinery of the CBD and its second meeting emphasized programming, and suggested that COP-3 should address the implementation of the Convention. As a basis for their deliberations, delegates will consider 36 Secretariat papers and 43 information notes in order to work their way through an ambitious agenda which revisits numerous items from COP-2, such as the financial mechanism, the clearing-house mechanism (CHM), access to genetic resources, and intellectual property rights (IPR).

### A BRIEF HISTORY OF THE CONVENTION

The Convention on Biological Diversity, negotiated under the auspices of the United Nations Environment Programme (UNEP), entered into force on 29 December 1993. To date more than 160 countries have become Parties. The three goals of the CBD are to promote "the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources."

**COP-1:** The first meeting of the COP (COP-1) took place in Nassau, the Bahamas from 28 November-9 December 1994. Some of the key decisions taken by COP-1 included: adoption of the medium-term work programme; designation of the Permanent Secretariat; establishment of the CHM and the SBSTTA; and designation of the Global Environment Facility (GEF) as the interim institutional structure for the financial mechanism.

**SBSTTA-1:** Article 25 of the CBD establishes a Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to provide the COP with "timely advice" relating to implementation of the Convention. The first session of the SBSTTA took place from 4-8 September 1995 in Paris, France. Delegates considered operational matters, as well as substantive issues, particularly with regard to coastal and marine biodiversity. Recommendations on the *modus operandi* of the SBSTTA affirmed its subsidiary role to the COP and requested flexibility to create: two open-ended working groups to meet simultaneously during future SBSTTA meetings; *Ad Hoc* Technical Panels of Experts as needed; and a roster of experts.

Substantive recommendations of SBSTTA-1 included: alternative ways and means for the COP to consider components of biodiversity under threat; ways and means to promote access to and transfer of technology; scientific and technical information to be contained in national reports; preparation of an annual Global Biodiversity Outlook by the Secretariat; contributions to Food and Agriculture Organization (FAO) meetings on plant genetic resources for food and agriculture (PGRFA); and technical aspects concerning the conservation and sustainable use of coastal and marine biological diversity. On this last issue, SBSTTA-1 identified three priorities: sustainable use of living coastal and marine resources; mariculture; and control of alien organisms. Time constraints prevented consideration of education, training and public awareness as key delivery mechanisms for coastal and marine biodiversity conservation and bio-prospecting of the deep sea bed. While the recommendation on coastal and marine biodiversity received a great deal of attention at SBSTTA-1, some States noted that land-based sources of marine pollution had not been sufficiently emphasized.

**COP-2:** The second session of the COP (COP-2) met in Jakarta, Indonesia from 6-17 November 1995. Some key decisions taken by COP-2 included: designation of the permanent location of the Secretariat in Montreal, Canada; agreement to develop a protocol on biosafety; operation of the CHM; adoption of a programme of work funded by a larger budget; designation of the GEF as the continuing interim institutional structure for the financial mechanism; consideration of its first substantive issue, marine and coastal biodiversity; and agreement to address forests and biodiversity, including the development of a statement from the CBD to the Intergovernmental Panel on Forests (IPF) of the Commission on Sustainable Development.

COP-2 approved SBSTTA's medium-term programme of work for 1996-97 and also addressed the issue of PGRFA, adopting a statement for input to the FAO's Fourth International Technical Conference on PGRFA (ITCPGR-4). The statement notes the importance of other conventions to the CBD's three objectives, urges other international fora to help achieve these objectives through the CBD's overarching framework, and invites FAO to present the outcome of ITCPGR-4 to COP-3.

### PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

In 1983 the FAO established an intergovernmental Commission on Genetic Resources for Food and Agriculture, and adopted a non-binding International Undertaking on Plant Genetic Resources, which is intended to promote harmonized

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international efforts to create incentives to conserve and sustainably use PGRFA. Since the inception of the CBD, the FAO has begun to revise the International Undertaking, which originally called PGRFA the "common heritage of mankind." Subsequent revisions have emphasized national sovereignty over PGRFA, in line with Article 15 (sovereignty over genetic resources) of the CBD. The next round of negotiations on revision of the International Undertaking is scheduled for 9-12 December 1996 in Rome.

The Fourth International Technical Conference on PGRFA met in Leipzig, Germany from 17-23 June 1996. Representatives of 148 States adopted the Leipzig Declaration, the Conference's key political statement, and a "delicately balanced" Global Plan of Action (GPA), an international programme for the conservation and utilization of PGRFA. Contentious issues included financing and implementing the GPA, technology transfer, Farmers' Rights and access and benefit-sharing. Delegates were also presented with the first comprehensive Report on the State of the World's Plant Genetic Resources.

### **BIOSAFETY**

Since the early 1970s, modern biotechnology has enabled scientists to genetically and biochemically modify plants, animals and micro-organisms to create living modified organisms (LMOs). Many countries with biotechnology industries already have domestic legislation in place intended to ensure the safe transfer, handling, use and disposal of LMOs and their products. These precautionary practices are collectively known as "biosafety." However, there are no binding international agreements addressing situations where LMOs cross national borders.

Article 19.4 of the CBD provides for Parties to consider the need for and modalities of a protocol on biosafety. At COP-2, delegates established an Open-ended *Ad Hoc* Working Group on Biosafety (BSWG), which held its first meeting in Aarhus, Denmark, from 22-26 July 1996. It was attended by more than 90 delegations, including scientific and technical experts representing both Parties and non-Parties to the CBD, inter-governmental organizations, NGOs and industry representatives.

BSWG-1 marked the first formal meeting to develop a protocol under the CBD and to operationalize one of its key and most contentious components. Governments listed elements for a future protocol, agreed to hold two meetings in 1997 and outlined the information required to guide their future work.

### **SBSTTA-2**

The second session of SBSTTA took place from 2-6 September 1996 in Montreal, Canada. The crowded agenda included complex technical issues such as the monitoring and assessment of biodiversity, practical approaches to taxonomy, economic valuation of biodiversity, access to genetic resources, agricultural biodiversity, terrestrial biodiversity, marine and coastal biodiversity, biosafety and the CHM. Many Parties sent scientific and technical experts to the meeting, which was also attended by observers from non-Parties, NGOs, indigenous peoples' organizations, industry groups and scientific organizations.

Chair Peter Johan Schei cautioned delegates against turning the SBSTTA into a "mini-COP," but the issue of the identity and role of SBSTTA in managing the scientific content continued to occupy many participants at the conclusion of the meeting. Some issues, including economic valuation and taxonomy, were covered in adequate technical detail. The primary outcome of SBSTTA, however, seemed to be a desire to reform the process. Delegates' suggestions included setting limits to the agenda and increasing the involvement of scientific organizations. Some privately called for more focused background documents

presenting specific options or proposals, presentations of case studies, and delegations with greater technical expertise.

### **REGIONAL MEETINGS**

The Central and Eastern European (CEE) Regional Preparatory Meeting was held from 30 September - 2 October 1996 in Bratislava, Slovakia. Participants recommended that: provisions be included in the budget of the Trust Fund of the CBD Secretariat to help ensure full participation of CEE Parties at future meetings; support be given for the formation of national and regional biodiversity support groups to assist in the preparation of national reports; sub-regional focal points be considered; and collaboration and information sharing be strengthened at the regional level.

The African Regional Preparatory Meeting was held in Victoria, Mahe (Seychelles) from 9-10 October 1996. The Group recommended that: steps be taken to ensure the timely availability of documents in all UN languages; additional funding sources be identified for developing countries to enable them to actively participate and contribute to the objectives of the CBD; capacity-building be undertaken in taxonomy in developing countries; and the CHM be implemented at the national level in Africa.

The Latin American and Caribbean Regional Preparatory Meeting was held in Castries, Saint Lucia from 24-25 October 1996. Recommendations for COP-3 included: the establishment of a two-year budget cycle; a Secretariat staff position addressing the needs of small island developing States (SIDS); assurance that the CHM not be restricted to the Internet; and reduction of the SBSTTA-3 agenda.

The Asian Regional Preparatory Meeting was held in Kuala Lumpur, Malaysia from 25-26 October 1996. With regard to the draft Memorandum of Understanding, delegates emphasized both the authority of the COP over the financial mechanism and the interim nature of the GEF's status. Delegates discussed the possible role of the CHM as a mechanism for technology transfer and human resource development. Priority issues included: focusing the work of the SBSTTA; regional approaches to access to genetic resources; and the need for capacity-building and infrastructure development for implementation.

### **IN THE CORRIDORS**

Concern over whether the Secretariat's 1997 budget will enable it to carry out all of the tasks to be assigned by COP-3 has prompted some to speculate that the Secretariat might raise this issue with the Bureau and budget committee. One proposal under consideration is a running tally of budgetary requirements in 1997, revised periodically during the COP, to inform delegates of the financial implications of their decisions.

Some expressed a related concern that the proliferation of Secretariat papers at this meeting reflects a failure of Parties to anticipate the total workload resulting from their own decisions at COP-2. Delegates privately confessed to difficulty in absorbing all of the background documentation.

### **THINGS TO LOOK FOR TODAY**

**PLENARY:** The Plenary will convene at 10:00am. The opening ceremony is scheduled to commence with a statement by the President of COP-2, Indonesia's Minister of Environment Sarwono Kusumaatmadja. Minister Alsogaray, Argentina's Secretary of State for Environment and Natural Resources, is expected to be nominated President of COP-3. Deputy Executive Director of UNEP Reuben Olembo is also expected to address the Plenary, as is Calestous Juma, Executive Secretary of the CBD Secretariat. Delegates will then elect the Bureau and adopt the agenda and organization of work.