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CBD COP-3 HIGHLIGHTS THURSDAY, 7 NOVEMBER 1996

Delegates to COP-3 completed initial discussions on matters related to forests and biodiversity, terrestrial biodiversity, implementation of Article 8(j) and access to genetic resources. The Working Group on financial issues and the Contact Group on the medium term work programme and budgetary matters began deliberations. The Working Group on agricultural biodiversity continued its debate. Delegates also learned that the Ministerial Segment will produce a "Buenos Aires Declaration," based on the Executive Secretary's summary of the Ministerial Segment.

COMMITTEE OF THE WHOLE

FORESTS AND BIOLOGICAL DIVERSITY: The Secretariat introduced the document addressing matters related to forests and biological diversity (UNEP/CBD/COP/3/16). The IPF Secretariat presented its report on progress on issues relevant to forests and biological diversity (UNEP/CBD/COP/3/17). SBSTTA Chair Peter Johan Schei (Norway) reviewed SBSTTA-2's recommendations on terrestrial biodiversity (recommendation II/8, UNEP/CBD/COP/3/3).

Several countries supported the proposal that the CBD provide further input to the IPF. CUBA, THAILAND and ZAIRE (on behalf of Central African countries) emphasized that national forest and land-use plans for sustainable forest management (SFM) be based on the ecosystem approach. INDONESIA urged the COP to fill the gaps in forest biodiversity knowledge.

Numerous delegations endorsed the proposal to formulate a medium-term programme of work to develop and implement methods for SFM. AUSTRIA and SWITZERLAND highlighted the need for analysis of underlying causes of forest biodiversity loss. The RUSSIAN FEDERATION and CUBA underscored analysis and mitigation of human impacts on biodiversity. FINLAND, THAILAND and others emphasized the need to develop and use criteria and indicators. CUBA highlighted economic valuation of biodiversity components. MEXICO recommended identification of techniques for restoration and recovery of deforested ecosystems. The PHILIPPINES called for comprehensive studies on indigenous forest-related knowledge and on living modified organisms in forests. The RUSSIAN FEDERATION called for research on forest fires and pests and consideration of boreal forest issues.

Many delegations endorsed continued cooperation between the CBD and the IPF. SWITZERLAND said the CBD must use existing instruments to conserve biodiversity and, echoed by BRAZIL, stressed the need to avoid duplication of work.

ARGENTINA stressed that the CBD should not be negligent in its work on forests by relying on the IPF. MALAYSIA stated that an international instrument on forests should be addressed through the IPF process to ensure that the multiple functions of forests will be considered.

SRI LANKA proposed that the COP develop a mandate on forests similar to the Jakarta Mandate on Marine and Coastal Biodiversity. COLOMBIA said the fair and equitable distribution of benefits from forest biodiversity should be related to sustainable use and conservation and not to commercial use. NORWAY called for SFM in production forests and FINLAND recommended integration of SFM into forest sector policies.

The LATIN AMERICAN FOREST NETWORK called for recognition of the CBD as the only international legal instrument to address forest biodiversity loss. The INTERNATIONAL ALLIANCE OF TRIBAL PEOPLE OF TROPICAL FORESTS endorsed conservation of all kinds of forests. The G-77/CHINA, COLOMBIA, BRAZIL and ZAIRE (on behalf of Central African countries) called for the integration of indigenous peoples' and local communities' needs into forest management programmes and promotion of their participation in planning and implementation.

TERRESTRIAL BIODIVERSITY: The Secretariat introduced document UNEP/CBD/COP/3/18 on the future work programme on terrestrial biodiversity. The GAMBIA called for assistance to national governments in developing and managing sustainable land-use practices. INDONESIA underscored CSD-3's proposal regarding land-use planning. SOUTH AFRICA emphasized grassland ecosystems as an issue for consideration by both IPF and SBSTTA. CANADA highlighted the work of the Global Biodiversity Forum and World Resources Institute in advancing the concept of bioregional planning and the efforts of Norway on alien species. CHINA called on the GEF to identify and finance terrestrial biodiversity projects. TUNISIA called on the COP to consider the relationship between biodiversity and arid and semi-arid ecosystems.

IMPLEMENTATION OF ARTICLE 8(j): The Secretariat introduced the background documentation on knowledge, innovation and practices of indigenous and local communities (UNEP/CBD/COP/3/19, Inf.3 and Inf.4). A coalition of five indigenous peoples' groups presented a proposal to create an Open-ended Working Group on Article 8(j) to advise SBSTTA and report directly to the COP. ECUADOR, HONDURAS, URUGUAY, KYRGISTAN and the New Zealand MAORIS supported the formation of a Working Group.

CANADA, supported by SWEDEN (on behalf of all Nordic countries), the NETHERLANDS and ITALY, suggested an intersectoral meeting involving governments and indigenous

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peoples' groups to create the basis for further discussion at COP-4. BRAZIL supported establishing a body to examine the requirements to protect the knowledge of indigenous peoples. NEW ZEALAND called for case studies of implementation and definitions of terms. The UK called for provision of information on national legislation and administrative arrangements. SWITZERLAND stated that the protection of rights will require a combination of mechanisms and supported an examination of best practices. INDIA did not think it would be useful to refer the issue to SBSTTA. COLOMBIA proposed establishing a subsidiary body under the COP on innovative practices of indigenous peoples and called for the suspension of access to genetic resources until there is a guarantee of protection.

The EU recognized that traditional knowledge should be respected in accord with national legislation and underlined consistency with international agreements. JAPAN highlighted uncertainty over the relationship between Article 8(j) and Farmers' Rights. AUSTRALIA called for linkage to Article 10(c) (encourage customary use), technology transfer, IPR and access and benefit sharing. ZIMBABWE called for protection of source countries' rights to medicinal plants held *ex situ*, and for an end to biopiracy.

INDIA stated that a mechanism should require: information regarding source of origin; respect of relevant laws and practices in the country of origin; and respect of prior informed consent. INDONESIA noted a need for elaboration on the ways and means to share benefits. The PHILIPPINES called for further definition and suggested encompassing local farmers and fisher folk. COSTA RICA and ARGENTINA noted national experiences in developing policies. VENEZUELA stated that recognition of indigenous peoples should be present in the national legislation of all States.

ASOCIACION CAMPESINA hoped there would be a right to decide whether or not to share knowledge and how. The WORLDWIDE FUND FOR NATURE supported strengthening the management capacity of indigenous peoples. MOVIMIENTO de INDIGENAS de COLOMBIA proposed ample participation of indigenous peoples in the CBD.

ACCESS TO GENETIC RESOURCES: The Secretariat introduced the document (UNEP/CBD/COP/3/30) addressing access to genetic resources. The EU and SPAIN said FAO is the most appropriate international organization to develop a multilateral framework for access to genetic resources for food and agriculture. CUBA called for an international framework on equitable sharing of benefits derived from access to genetic resources. SWITZERLAND supported a multilateral approach favoring access in relation to international commitments. The PHILIPPINES said a protocol on access would be desirable in the future. GHANA, on behalf of African countries, said a prior informed consent arrangement should be initiated globally. The PHILIPPINES and GHANA emphasized that access should be on mutually agreed terms. CUBA, COSTA RICA and the PHILIPPINES emphasized national sovereignty over the control of genetic resources. ETHIOPIA and INDIA said access considerations should include *ex situ* collections made before CBD came into force.

SOUTH AFRICA, CHILE and TOGO advocated the preparation of a study on regional strategies. INDONESIA, the PHILIPPINES, AUSTRALIA and BOLIVIA (on behalf of the Andean Pact) called for regional cooperation. CHILE, MALAYSIA, TOGO and SWITZERLAND requested the Secretariat to continue collecting information on national mechanisms, and ARGENTINA, SOUTH AFRICA and TOGO asked the Secretariat to develop guidelines for preparing national legislation to regulate access based on this information. Several countries called for capacity building. AUSTRALIA encouraged Parties to take into account the effects on indigenous and local communities. GUATEMALA, also speaking for Honduras and El Salvador, said the role of communities must be recognized in the control of plant and genetic resources.

CANADA said access to genetic resources should be considered on a sector-by-sector basis. The BIOTECHNOLOGY INDUSTRY organization noted the improvements possible due to applied innovations of the private sector. URUGUAY offered to host a workshop on access to genetic resources in the context of Mercosur.

MODUS OPERANDI of SBSTTA (recommendation II/11 of UNEP/CBD/COP/3/3): Peter Johan Schei (Norway), Chair of SBSTTA-2, highlighted recommendations from the report including interpretation in additional languages, terms of office of SBSTTA Bureau members, and use of liaison and expert groups as well as a roster of experts. The EU endorsed the recommendations but called for focus on priorities, including thematic work programmes and periodic reviews.

JAPAN, SPAIN and the NETHERLANDS questioned the financial implications of providing interpretation in more languages. CHINA and PERU supported the recommendation on additional language interpretation. JAMAICA named capacity building for taxonomy a priority and questioned the financial implications of regional meetings. The US supported ETHIOPIA, the EU, BRAZIL, PORTUGAL, NEW ZEALAND, CHINA and INDIA and others, who also noted that SBSTTA provides the only opportunity for scientific and technical recommendations to the COP and should not recommend policy. He said SBSTTA's medium-term work program requires prioritization.

NORWAY supported intersessional work by SBSTTA, while INDIA opposed it. HUNGARY, on behalf of Central and East European countries, called for assuring the full participation of Parties at SBSTTA meetings, and stressed rotating Chairs regionally. FRANCE stated the need to make specific proposals on the work programme. PERU called for sufficient financial and human resources. AUSTRALIA supported the proposed changes to the *modus operandi* and a limitation of *ad hoc* expert groups to three per year.

WORKING GROUPS

AGRICULTURAL BIODIVERSITY: The Open-ended Working Group on Agricultural Biodiversity met briefly during the evening. Chair Manfred Schneider (Austria) informed delegates that the drafting group had been meeting throughout the day and would continue a paragraph-by-paragraph review of the consolidated text, which was drawn from the G-77/China, EU and SBSTTA texts. The discussion continued into the night.

FINANCE: The Working Group on finance issues, chaired by Mohammad Reza Salamat (Iran), began its work during an evening session. Draft decisions submitted by the G-77/China were distributed as conference room papers on the following issues: amendments to the Memorandum of Understanding (MOU); policy, strategy, programme priorities and eligibility criteria relating to the access and utilization of the resources of the financial mechanism; guidelines for the review of the effectiveness of the financial mechanism; and additional financial resources. Delegates first considered the amendments to the MOU (UNEP/CBD/COP/3/10). They agreed to delete the paragraph noting that the GEF will operate the financial mechanism until 1999, at which time it will be reviewed. The discussion continued into the night.

THINGS TO LOOK FOR TODAY

COMMITTEE OF THE WHOLE: The COW will meet in Salon Dorado during the morning and afternoon to discuss: technology transfer, intellectual property rights, input to the Committee on Trade and Environment of the WTO and to the Special Session of the GA, incentive measures and the report of the Biosafety Working Group.

WORKING GROUPS: Look for the Journal announcement regarding meetings for the working groups on agricultural biodiversity and finance issues.