



# Earth Negotiations Bulletin

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## **CBD COP-3 HIGHLIGHTS WEDNESDAY, 13 NOVEMBER 1996**

Delegates to COP-3 heard over 30 statements during the first day of the Ministerial Segment, including a statement from Argentine President Carlos Menem. The Committee of the Whole met for its final meeting and adopted all but three draft decisions on finance. The Working Group on financial issues met during the afternoon and evening.

### **MINISTERIAL SEGMENT**

COP President Maria Julia Alsagoray (Argentina) recognized that the time has come to take decisions and formulate declarations regarding the implementation of the CBD. She also stressed the need to evaluate the effectiveness of CBD implementation at national and international levels. Elizabeth Dowdeswell, Executive Director of UNEP, urged the COP to design a reasonable and feasible programme of work. She stated that a new phase of implementation can be achieved by forging close linkages with other related institutions.

The Ministers were also addressed by President Menem of Argentina. He stated that not enough progress had been made in halting human destruction of their own habitat, which he described as "the challenge of our times." He called for a world strategy on forests and a "nature contract" similar in impact to the "social contract" of the 18th Century. He stated that respect for traditional communities has been deferred for too long within the CBD.

During the Ministerial Segment, ministers focused on a number of issues important to the implementation of the CBD. The G-77/CHINA stressed the need for providing financial resources in a timely and predictable manner and facilitating adequate transfer of technology. He recognized that the primary hindrance to implementation is the lack of developed countries' compliance with Article 20 on financial resources. Many developing country ministers reiterated this point. KAZAKHSTAN noted a lack of understanding on the need for financial assistance and the possible loss of biological diversity in countries with economies in transition. A number of countries, such as ALGERIA, BRAZIL, CHAD, CHINA and CUBA, urged the expedited dispersion of funds from the GEF and other donors, and called for simplified procedures and elimination of conditionalities. The EU also said that funds must be allocated

and dispersed in an efficient manner and the GEF should be improved and simplified. BRAZIL favored the GEF as the interim financial mechanism until the next COP and called for the GEF to "reinforce its credentials" to respond to COP priorities.

Many countries also supported the implementation of Article 8(j) on traditional knowledge, innovations and practices. CANADA proposed an active intersessional work session to further the goals of Article 8(j). COLOMBIA cautioned against allowing CBD to focus only on conservation. He noted a recent Andean pact decision on access to genetic resources. BOLIVIA noted national efforts to recognize the rights of indigenous, rural and local communities.

CHINA called for the protection of farmers' rights with regard to genetic resources. INDONESIA said benefit-sharing should be continuously reviewed by the Parties. INDIA called for concrete progress on benefit-sharing with countries of origin and national capacity-building in bioprospecting. BRAZIL underscored the conflict between the access regimes set out under the CBD and the International Undertaking on PGRFA. MEXICO cautioned against linking IPR and genetic resources issues to implementing *in situ* conservation and called for an examination of the effects of database copyrighting on the generation of scientific knowledge.

Many delegations also highlighted the relationship of CBD to other biodiversity-related conventions. INDONESIA said the CBD should provide guidance to other related conventions. COLOMBIA said that subjects such as agriculture and forests should not be removed from the Convention, which should be maintained as a framework for all issues related to biodiversity. PERU called on UNEP to coordinate the CBD with conventions on desertification and climate change. The UK stated that the CBD should not be seen as the "poor relation to the Climate Change Convention" despite the absence of many OECD ministers. He appealed to the US to ratify the CBD and to put its weight behind joint action on internationally agreed conventions rather than to "press unilateral action on issues which divide the world."

Ministers stressed a number of other key points. The EU noted the importance of ensuring that all Parties develop national strategies, which should aim toward relevant sectoral policies and require the involvement of all relevant sectors. GERMANY called for sustainable agriculture in developing countries, and help for farmers in avoiding unsustainable practices. He also highlighted sustainable tourism. The need for increased

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capacity-building, infrastructure development, partnerships, the active participation of NGOs, and the need to prioritize the work of the COP were stressed by the G-77/CHINA. COLOMBIA expressed concern over the number of subjects on the agenda of SBSTTA. SWITZERLAND also called for a clear definition of objectives and priorities.

CANADA offered a roster of volunteers to be put at the disposal of developing countries to provide additional assistance in preparation for COP-4. INDONESIA, AUSTRALIA and the EU highlighted the importance of marine and coastal protected areas, under the framework of the Jakarta Mandate. The G-77/CHINA and BARBADOS drew attention to SIDS. MALAWI called for making the review of the forest work programme a standing agenda item. NORWAY stated that the biosafety protocol "deepens" the CBD and the decision on agriculture mainstreams agriculture in biodiversity issues. Some ministers also noted the upcoming Special Session.

Ministers from CUBA, BENIN, CHINA, HUNGARY, MALAWI, COTE D'IVOIRE, SLOVAKIA, SOUTH AFRICA, LAOS, HAITI, CENTRAL AFRICAN REPUBLIC and INDONESIA highlighted their national implementation efforts. These have included: establishment or expansion of protected areas and nature reserves; strengthening of national policies on forest management, agricultural research, environmental education and public awareness; development of national strategies and action plans for biodiversity protection and monitoring; and initiation of studies to evaluate national biodiversity.

SLOVAKIA, supported by SWITZERLAND, invited COP to hold its fourth meeting in Bratislava.

### **COMMITTEE OF THE WHOLE**

The COW met in the evening to discuss the remaining draft decisions. Three decisions on financial issues (MOU, guidelines for review, and guidance for the financial mechanism) were postponed for consideration until the final Plenary, because the Working Group had not completed its deliberations.

The draft decision on technology transfer (CRP.36) was approved with the deletion of a paragraph that endorses the remaining paragraphs of recommendation II/3.

The draft decision on Intellectual Property Rights (CRP.34) was adopted without comment.

The draft decision on Implementation of Article 8(j) (CRP.35) was adopted with minor amendments. The bracketed paragraph requesting the GEF to examine support for capacity-building for indigenous and local communities did not lack consensus but awaited approval by the finance Working Group. RUSSIA, supported by CHINA, called for the use of all six official languages instead of three for the intersessional workshop to be arranged by the Executive Secretary. ANTIGUA and BARBUDA stated that the core figure of US\$350,000 for the workshop was adequate for servicing in all six languages, so this paragraph was unbracketed and the former paragraph, providing for the use of three languages, was deleted. The text was adopted as amended.

To the draft decision on the Medium-Term Programme of Work (CRP.39), the EU proposed a new paragraph requesting the Bureau of SBSTTA to focus the agenda of SBSTTA-3 and to submit it to the Parties sufficiently in advance of SBSTTA-3. The UK said that the preambular paragraph noting difficulties in matching the programme of work with the available resources implies a failure to provide sufficient funds, but the existence of surpluses suggests that this is not the case. The paragraph was deleted. The G-77/CHINA, supported by the EU, proposed deleting a reference to States who are not Parties in a paragraph inviting Parties and other relevant institutions to submit their views on the medium-term and longer term programmes of work.

The US said the widest possible range of views should be solicited. ARGENTINA proposed "governments and relevant institutions." The EUROPEAN COMMUNITY recommended adding "regional economic integration organizations." AUSTRALIA's proposal to replace "States not Parties" with "participants" was accepted and the decision was adopted as amended.

The draft decision on Biosafety (CRP.38) was adopted following informal consultations throughout the day. The original draft decision (CRP.11) was amended to reflect two new operative paragraphs: two representatives from each region will be put forward before the next meeting of the Open-Ended *Ad Hoc* Working Group on Biosafety (BSWG), and both this new Bureau and Chair Veit Koester will retain their positions until COP-4.

The draft decision on the SBSTTA *Modus Operandi* (CRP.30) was adopted with the understanding that the meetings could be serviced in the six official languages of the UN, as indicated by John Ashe (Antigua and Barbuda), Chair of the Budget Group.

### **WORKING GROUP ON FINANCIAL ISSUES**

Delegates to the Working Group on financial issues considered the draft decision on Additional Guidance to the Financial Mechanism. The preambular paragraph "underlining the importance of paragraph 4 of Article 20" remains bracketed, as does a reference in the operative section referencing the endorsement in the decision on identification, monitoring and assessment of SBSTTA recommendation II/2. Guidance based on COP-3 decisions was added regarding: capacity-building in biosafety; capacity-building related to Article 7; conservation and sustainable use related to agriculture; capacity-building and country-driven pilot projects related to the CHM; capacity-building related to access to genetic resources; and examination of support for capacity-building related to preservation of indigenous knowledge and practices. Text was also added calling for: targeted research that contributes to conservation and sustainable use; promotion of understanding of the importance of conservation and sustainable use; and preparation by the Secretariat and GEF of a proposal on the means to address the third objective of the CBD. Delegates also added text reconfirming the importance of support for incentive measures as contained in the Annex to decision I/2, paragraph 4(i), taking into account relevant provisions of the COP-3 decision on incentive measures. Delegates did not remove the brackets on the related text in the incentive measures decision.

### **IN THE CORRIDORS**

Delegates expressed differing views on the value-added of the Ministerial Segment to the COP. Some delegates said the ministers' attendance raises both the political and public profile of the biodiversity agenda. The Segment also provides an opportunity for governments and participants to take note of national implementation efforts as well as their specific areas of concern regarding biodiversity. Some noted, however, that devoting two full days to the Segment puts pressure on delegates to negotiate quickly, which may not allow them to adequately address all substantive issues. Some observers said that a Ministerial Segment is useful when pushing through high-level decisions in the final hour, whereas they seem to be more of a formality at CBD.

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

**MINISTERIAL SEGMENT:** The Ministerial Segment is expected to meet for morning, afternoon and evening sessions.

**WORKING GROUP:** The Working Group on financial issues is expected to meet during the morning.