CBD COP-3 HIGHLIGHTS
8-10 NOVEMBER 1996

Delegates to COP-3 met in the Committee of the Whole on Friday to discuss technology transfer, intellectual property rights (IPR), input to the WTO’s Committee on Trade and Environment (CTE) and to the UNGA Special Session, incentive measures and the report of the Biosafety Working Group. Working Groups on agricultural biodiversity and financial issues also met. Working and drafting groups as well as informal consultations took place over the weekend with the aim of developing draft decisions to be presented to the COW.

COMMITTEE OF THE WHOLE

TECHNOLOGY TRANSFER

The Secretariat introduced the document on access to and transfer of technology (UNEP/CBD/COP/3/21), SBSTTA Chair, Peter Schei (Norway), reviewed SBSTTA decision II/3 and called for an integrated approach to facilitating technology transfer.

The G-77/CHINA and SOUTH AFRICA sought an inventory of transferable technology, and with UNCTAD, INDIA, MALAWI, MALAYSIA, the PHILIPPINES, SWITZERLAND and others, stressed the need for capacity-building in developing countries. MALAWI called on the GEF to provide financial resources for capacity-building.

UNCTAD called attention to the need for balance in the relationship between access to and transfer of technology and conservation, and the need to ensure that transfer be on a basis that is fair, just and mutually advantageous. G-77/CHINA emphasized the right to transfer of information only.

CHILE emphasized biosafety and traditional knowledge. DOMINICA called for “genuine partnerships” in technology transfer. HAITI highlighted insufficient financial resources. CANADA supported networks to promote technology transfer. The LATIN AMERICAN PLANT SCIENCES NETWORK highlighted training programs in botany and biotechnology.

INTELLECTUAL PROPERTY RIGHTS

The Secretariat introduced the documents addressing IPR and the relationship between the CBD and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) (UNEP/CBD/COP/3/22 and 23). The EU linked well-functioning IPR systems to CBD implementation. COTE D’IVOIRE, on behalf of the African Group, called for IPR for traditional knowledge and culturally expressed genetic material. SOUTH AFRICA and NEW ZEALAND highlighted adapting IPR to traditional knowledge. GERMANY called IPR “catalytic” in benefit-sharing arrangements.

AUSTRALIA preferred that IPR be discussed under CBD objectives rather than separately. CANADA recognized the need to respect the contributions of indigenous knowledge to fulfilling the CBD’s three objectives.

INDIA, BRAZIL, TANZANIA and MALAYSIA supported the recommendation for further study on patent application disclosure policy. The US supported voluntary disclosure of location of origin but opposed a requirement. The PHILIPPINES, JAPAN and others encouraged the preparation of case studies of IPR impacts. The PHILIPPINES and COLOMBIA said the COP should ensure that ownership of information disseminated through the CHM be retained by the providers.

The G-77/CHINA and FRANCE called for collaboration with WIPO. MEXICO expressed concern over a WIPO proposal for copyrighting databases and urged an impact analysis. BOLIVIA said legal systems are not adequate to tackle matters of indigenous knowledge, innovations and practices. INDONESIA called for an end to biopiracy. FRIENDS OF THE EARTH INTERNATIONAL noted that the CBD’s third objective, benefit-sharing, has not received adequate attention. GREEN INDUSTRY BIOTECHNOLOGY PLATFORM said private investment will only occur where intellectual property protection is strong. FUNDACIÓN NATURA opposed patenting human genes and said research on human genetics should be for medical uses only.

NORWAY, NEW ZEALAND, AUSTRALIA and the G-77/CHINA agreed that the CBD should send a statement to the CTE and should participate in its deliberations. SWITZERLAND, the US, FRANCE and the EU advocated that the CBD apply to the CTE for observer status.

BRAZIL suggested that the COP make proposals to the WTO to review TRIPs in 1999. The INDIAN INSTITUTE OF PUBLIC ADMINISTRATION said the document on TRIPs does not address the potential conflict between it and the CBD and called for a critical assessment of TRIPs and GATT as a whole. THIRD WORLD NETWORK said there is a clear conflict between TRIPs and the CBD and asked the COP to consider recommending the deletion of patenting of life provisions to the TRIPs review in 1999.

IMPLEMENTATION OF ARTICLE 11: The Secretariat introduced the documents regarding incentive measures.
ARGENTINA called for incentives beyond protected areas. SOUTH AFRICA emphasized enabling legislation. UGANDA, on behalf of the AFRICAN GROUP, proposed a work programme on incentives. MALAWI and SWITZERLAND called for a standing agenda item on incentives. NORWAY disagreed, calling for integration into thematic and sectoral issues.

AUSTRALIA called for incentives including education, property rights and marketing measures. SENEGAL requested information on the private sector and capacity-building. SOUTH KOREA highlighted the need to avoid duplication of work. SWITZERLAND emphasized incentives giving immediate results and correcting perverse incentives.

THE US and NORWAY stated that voluntary and mandatory measures complement incentives. THE NETHERLANDS underscored the cross-sectoral nature of incentives. SWITZERLAND and TUNISIA underscored the need for social and cultural incentives. SOUTH KOREA called for procedural recommendations to the COP. TUNISIA stated that socio-economic considerations and liability should be addressed in future protocol negotiations.

THIRD WORLD NETWORK and GREENPEACE INTERNATIONAL called for a global moratorium on GMOs. BIOTECHNOLOGY INDUSTRY ORGANIZATION underscored the benefits of judiciously applied biotechnology and recommended that the Secretariat consider recent consultations between WTO and FAO. GREEN INDUSTRY BIOTECHNOLOGY PLATFORM stated that the private sector should participate fully to ensure effective implementation.

AGRICULTURAL BIODIVERSITY: The Open-ended Working Group on Agricultural Biodiversity met Friday morning to hear the report of the drafting group, which was chaired by Braulio de Souza Dias (Brazil). The Working Group, which is chaired by Manfred Schneider (Austria), met Saturday to continue their review of the consolidated text and contentious issues. Two contact groups were established Saturday evening to address the work programme and funding issues. The Working Group concluded its work Sunday evening and produced a draft decision comprised of an operational section, a preamble and three appendices. Brackets remain around text regarding issues including trade impacts, market forces, the work programme and the relationship between the FAO Global System and the CBD.

FINANCE: Delegates to the Working Group on financial issues completed their first consideration of changes to the MOU (UNEP/CBD/COP/3/10) Friday morning. A G-77/China proposal, that the GEF “clearly indicate the reasons for which” the identified portion of the replenishment is considered new and additional funding, was bracketed. During a review of the G-77/China draft decision on guidance for the GEF, several developed countries indicated they would consider additional guidance based on the SBSTTA recommendations and matters on COP-3’s agenda, but did not want to reconsider the GEF guidelines before the 1997 review. Informal consultations were to take place with the goal of identifying additional elements for guidance along these lines. The Working Group then considered draft revisions regarding the review of the effectiveness of the financial mechanism and discussed the scope of the review and how to refer to GEF biodiversity activities, among other issues. A small consultation group was formed with the aim of producing a new draft decision regarding the review.

THINGS TO LOOK FOR TODAY

COMMITTEE OF THE WHOLE: The COW will meet during the morning to consider the relationship of the CBD and other international agreements and the COP medium-term programme of work.

WORKING GROUPS: The Working Group on financial issues is expected to meet from 9:00 am to 1:00 pm and during the afternoon.