



Earth Negotiations Bulletin

A Reporting Service for Environment and Development Negotiations

Vol. 9 No. 91

Published by the International Institute for Sustainable Development (IISD)

Monday 11, May 1998

CBD COP-4 HIGHLIGHTS FRIDAY 8 MAY, 1998

On day five of the Fourth Meeting of the Conference of the Parties (COP-4) of the Convention on Biological Diversity (CBD), delegates continued to meet in two Working Groups. Working Group I completed its consideration of agricultural biodiversity and forest biodiversity, and addressed implementation of Article 8(j) (Traditional Knowledge). Working Group II resumed discussion on the relationship between the CBD and other Conventions and began review of the operations of the Convention and consideration of financial resources and mechanisms. A Plenary was convened briefly to address organizational matters.

PLENARY

Jozef Zlocha, President of COP-4, introduced Mohamed Mahmoud Ould el Ghaouth (Mauritania) as Chair of the open-ended contact group on administration and budget.

WORKING GROUP I

On Friday, Working Group I (WG-I) completed discussion of agricultural biodiversity and forest biodiversity, and began discussion on implementation of Article 8(j). WG-I established a contact group on forests, chaired by Adam Delaney (Papua New Guinea).

On agrobiodiversity, some delegates highlighted areas for future consideration, but others stressed it was premature to engage in a priority-setting process before identifying gaps in efforts. Delegates supported: increased cooperation with FAO and other related organizations; finalization of negotiations harmonizing the International Undertaking (IU) with the objectives of the CBD; and adopting the IU as a protocol. Many delegates welcomed progress already achieved, but stressed that implementation should be faster.

Several developing countries emphasized the link between agrobiodiversity and food security, and said policies undermining sustainable food production are unacceptable. Many developing countries called for, *inter alia*: increased funding; capacity building at the national level; protection of traditional farming knowledge, innovations and practices; benefit sharing; identification of threats to agrobiodiversity from biopiracy; controls against invasive alien species; and incentives for *in situ* conservation.

PAKISTAN, SRI LANKA, RWANDA and RURAL ADVANCEMENT FOUNDATION INTERNATIONAL (RAFI), among others, condemned the use of "terminator technologies." The REPUBLIC OF KOREA called for assessment of trade liberalization's impact on agrobiodiversity in future work programmes.

CANADA noted a draft GEF framework for agrobiodiversity activities and suggested a working group or workshop be convened to provide feedback. BRAZIL proposed establishing a

steering committee to promote increased cooperation and more efficient implementation. The CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH (CGIAR) reaffirmed its mission to promote sustainable agriculture for food security in developing countries.

WG-I discussed the draft work programme for forest biodiversity (UNEP/CBD/COP/4/7). The Secretariat of the INTERNATIONAL GOVERNMENTAL FORUM ON FORESTS (IFF) stressed synergies with the CBD and called for the involvement of the Interagency Task Force on Forests (ITFF).

The CONGO, supported by MADAGASCAR and others, stressed provisions on research, evaluation and development of techniques for conservation and sustainable use. BRAZIL called for, *inter alia*: taxonomic studies and inventories; harmonization with GEF decisions; emphasis on sustainable use, not solely conservation; and establishment of a contact group.

BRAZIL, ETHIOPIA, on behalf of the Africa Group, and INDIA stressed provisions for benefit sharing. TURKEY supported regional initiatives and, supporting INDIA, public participation in the work programme. INDIA, supported by MADAGASCAR, KENYA, RWANDA, ETHIOPIA, AUSTRALIA, HAITI, the UK on behalf of the EU, ECUADOR, POLAND and others, stressed that traditional knowledge and indigenous rights were not addressed adequately in the work programme.

AUSTRALIA, BRAZIL, SWEDEN and others called for a global assessment of forest biodiversity. INDIA, supported by the US, stressed that a global assessment of biodiversity was premature. PERU noted the lack of reference to the assessment process and called for a clearing-house mechanism on forests. Some delegations, including PERU and CUBA, urged establishment of an intersessional working group on forests. KENYA, supported by AUSTRALIA, NORWAY, DENMARK and others, said the CBD should support the IFF's proposal for countries to implement national forest programmes.

SPAIN noted the high percentage of forests in private hands and called for cooperation with the private sector. AUSTRALIA, HAITI and KENYA called for sending specific directives to the GEF. The EU, PERU, MEXICO, the REPUBLIC OF KOREA and others called for criteria and indicators.

ZIMBABWE, supported by RWANDA, KENYA and others, stressed inclusion of savannah regions among the thematic areas currently under discussion. NEW ZEALAND emphasized national priorities. AUSTRIA called for investigation of the effects of industry emissions, trade policy and traffic, and for a biogeographical approach.

On Article 8(j), SPAIN reported on the Madrid Workshop on Traditional Knowledge, held 24 - 28 November 1997, and Biodiversity (UNEP/CBD/COP/4/10 and UNEP/CBD/COP/4/10/Add.1), and highlighted the need for increased participation of indigenous communities in the CBD. Indigenous representatives

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Richard Campbell <richcam@hotmail.com>, Deborah Davenport <ddavenport@emory.edu>, Laura Ivers <laurai@iisd.org>, Leila Mead <leila@interport.net> and Tiffany Prather <tprather@iisd.org>. Digital Wizardry by Jeff Anderson <janderson@iisd.ca>. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org> and the Managing Editor is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the Bulletin are the Netherlands Ministry for Development Cooperation, the Government of Canada (through CIDA) and the United States (through USAID). General Support for the Bulletin during 1998 is provided by the United Kingdom Department for International Development (DFID), the German Federal Ministry of Environment (BMU), the Swiss Office for Environment, Forests and Landscape, the European Community (DG-XI), the Government of Norway, UNDP and the Ministry for the Environment in Iceland. Funding for the French version has been provided by ACCT/IEPF, with support from the French Ministry of Cooperation and the Québec Ministry of the Environment and Wildlife. The Bulletin can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Managing Editor. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca/linkages/>. The satellite image was taken above New York City (c)1998 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin*, send e-mail to <enb@iisd.org>.



reported on the Third International Indigenous Forum on Biodiversity held from 4-6 May in Bratislava, and called for: increased participation in the CBD; control of and access to resources; and establishment of an open ended *ad hoc* working group to expedite the implementation of Article 8(j).

Delegates supported the EU's proposal for an intersessional working group on Article 8(j) and related articles. COSTA RICA urged that historical practices and indigenous rights be fully recognized and not impacted by IPR. FINLAND proposed increased levels of traditional land use. The PHILIPPINES advocated that the working group synthesize traditional best practices.

WORKING GROUP II

Working Group II (WG-II) continued its discussion of the CBD's relationship to other international conventions, in particular the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPS). TOGO, INDONESIA, TANZANIA, BOTSWANA and SRI LANKA supported ETHIOPIA's proposal from Thursday to convene an open-ended *ad hoc* working group on the issue. AUSTRALIA said COP decision III/17, on IPR, is a good basis for further consideration and opposed initiation of a new process. TOGO emphasized the need to address the irreversible damage of resource exploitation. BOTSWANA called for recognition and non-violation of collective community property and for harmonization of legal regimes to support this. The CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) requested Parties who are WTO members to use their influence to correct WTO rules and processes that threaten biodiversity. ETHIOPIA stressed the need to reconsider the negative influences of international law as a tool for control over economies and rights.

On the review of the operations of the Convention, WG-II evaluated, *inter alia*: the COP, Scientific Body for Scientific, Technical and Technological Advice (SBSTTA), regional preparatory meetings, the Secretariat, the *Ad Hoc* Working Group on Biosafety (BSWG), cooperation with other processes and a longer-term programme of work (UNEP/CBD/COP/4/14). MAURITANIA presented conclusions from the London Workshop on the *modus operandi* of the Convention (UNEP/CBD/COP/4/Inf.2). Conclusions drawn focused on improving, *inter alia*: cooperation with other processes; scientific contributions; links with civil society; and Party participation. NORWAY reported recommendations on the *modus operandi* of SBSTTA from a meeting held at SBSTTA-3 (UNEP/CBD/COP/4/2, Annex 3), including: full presentation of scientific information; development of networks with the scientific community and private sector; regional meetings; and follow up plans for recommendations.

Most delegations supported biennial COP meetings, regional preparatory meetings and streamlining and focusing of the agendas of the COP and its subsidiary bodies, and opposed proliferation of subsidiary bodies. COLOMBIA, supported by ARGENTINA, recommended an open-ended COP preparatory group. BRAZIL, SLOVENIA, NEW ZEALAND, KENYA, COSTA RICA and SWEDEN, among others, called for regional meetings to improve transparency and participation. ZIMBABWE requested that the GEF provide funding for regional and subregional activities.

AUSTRALIA and BRAZIL called for better guidance to the GEF. BRAZIL, supported by CHILE, proposed a liaison group to promote cooperation with other groups. AUSTRALIA, with SOUTH AFRICA, commented that participation of non-Parties follow guidelines established in the Convention. INDONESIA, for the G-77/CHINA, stressed, *inter alia*: participation of all Parties, consideration of regional implementation, and increased transparency of intersessional activities.

Regarding SBSTTA, COLOMBIA noted its misuse as a preparatory meeting for COPs and, with the MARSHALL ISLANDS, PERU, the EU and SOUTH AFRICA, stressed that

SBSTTA must remain scientific and technical in nature, leaving political and financial matters to the COP. The EU, AUSTRALIA and NORWAY proposed that SBSTTA establish *ad hoc* panels to address specific issues.

On the long-term work programme, most delegations favored a ten-year rolling programme with one thematic and one cross-cutting issue addressed per COP. Several delegations proposed topics for the work programme, including: the MARSHALL ISLANDS for incorporation of the Barbados Plan of Action; BRAZIL for issues surrounding biodiversity for biotechnology, bioremediation and pharmaceuticals; INDIA for access to genetic resources and benefit sharing; KENYA for incorporation of national application into domestic law; SWEDEN and the EU for taxonomy; and various delegations for arid, mountain, rangeland and grassland ecosystems in the programme.

On financial resources and mechanisms, WG-II considered the Memorandum of Understanding (MOU) between the COP and the GEF Council, activities of the GEF, effectiveness of the financial mechanism, additional financial resources and further guidance to the financial mechanism (UNEP/CBD/COP/4/14, UNEP/CBD/COP/4/15 and UNEP/CBD/COP/4/16). POLAND, AUSTRALIA, the BAHAMAS and RUSSIA supported designating the GEF as the permanent financial mechanism. NORWAY, INDONESIA, SOUTH AFRICA, COLOMBIA, POLAND, CHINA and others called for general improvement in GEF functions. POLAND, AUSTRALIA and UGANDA emphasized the importance of elaborating private sector funding mechanisms. MALAWI, SOUTH AFRICA, UGANDA, INDONESIA, BRAZIL, CHAD, MALI and the IVORY COST identified problems with the GEF implementing agencies, and called for "facilitating" rather than "implementing" agencies. The EU called for concise, coherent and consistent guidance from the COP to the GEF. UGANDA, INDONESIA, RUSSIA and COLOMBIA identified practical difficulties with incremental cost calculation. POLAND and RUSSIA said the GEF needs to improve its policies and procedures for dissemination of information. On GEF's effectiveness, the EU, AUSTRALIA and CANADA emphasized the need to look beyond the review report and consider all available information. POLAND said NGO involvement in the GEF is critical, and emphasized the GEF's role in facilitating regional biodiversity projects. The NATURE CONSERVANCY stressed the effectiveness of biodiversity trust funds as financing tools.

WG-II established two contact groups, one on the review of the convention, chaired by Jonathan Tillson (UK), and another on financial resources and mechanism, chaired by John Ashe (ANTIGUA AND BARBUDA).

CONTACT GROUPS

Over the weekend, contact groups on the review of the convention, financial resources and mechanism, forest biodiversity and budget met to discuss their agendas for the upcoming week.

IN THE CORRIDORS

There was much surprise at the number of eager speakers on forest biodiversity, causing some to wonder whether lengthening the forest debate was a ploy by some to delay discussion of Article 8(j) until Monday, when many indigenous representatives will have left. Furthermore, as contact groups go into full swing, corridors are abuzz as to whether NGOs will be able to participate.

THINGS TO LOOK FOR TODAY

WG-I: WG-I will reconvene at 10:00 am to continue its discussion of Article 8(j).

WG-II: WG-II will reconvene at 10:00 am to discuss incentive measures and public education and awareness.