



Earth Negotiations Bulletin

A Reporting Service for Environment and Development Negotiations

Vol. 9 No. 96

Published by the International Institute for Sustainable Development

Monday, 18 May 1998

SUMMARY OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY: 4-15 MAY 1998

The Fourth Meeting of the Conference of the Parties (COP-4) to the Convention on Biological Diversity (CBD) took place from 4-15 May 1998 in Bratislava, Slovakia. Meeting for the first time in eighteen months, delegates to the COP had a broad agenda which included, *inter alia*: inland water, marine and coastal, agricultural and forest biodiversity; the clearing-house mechanism (CHM); biosafety; implementation of Article 8(j) (traditional knowledge); access and benefit sharing; a review of the operations of the Convention; national reports; administrative and budgetary matters; and a review of the financial mechanism. A Ministerial Roundtable was held on 4-5 May. Ministers, Deputy Ministers and special guests discussed integrating biodiversity concerns into sectoral activities, tourism as an example for integration, and private sector participation in implementing the Convention's objectives.

Although COP-4 was overshadowed by administrative and organizational challenges, it featured several achievements. COP-4 adopted work programmes on a number of thematic issue areas, established a working group on implementation of Article 8(j) and laid out the agenda for the next three COPs. Synergy with other international agreements, institutions, organizations and processes was an underlying theme of the meeting, paving the road for partnerships for further implementation of the Convention.

A BRIEF HISTORY OF THE CONVENTION

The Convention on Biological Diversity, negotiated under the auspices of the United Nations Environment Programme (UNEP), was opened for signature on 5 June 1992 and entered into force on 29 December 1993. To date, 171 countries have ratified the Convention. The three goals of the CBD are to promote "the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources."

COP-1: The first meeting of the Conference of the Parties (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 Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); and designation of the Global Environment Facility (GEF) as the interim institutional structure for the financial mechanism.

COP-2: The second meeting of the COP was held in Jakarta, Indonesia, from 6-17 November 1995. Major outcomes of COP-2 included: designation of the permanent location of the Secretariat in Montreal, Canada; establishment of the Open-ended *Ad Hoc* Working Group on Biosafety (BSWG); 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; and consideration of its first substantive issue, marine and coastal biodiversity.

COP-3: At its third meeting, held in Buenos Aires, Argentina, from 4-15 November 1996, the COP took decisions on: elaboration of a realistic work programme on agricultural biodiversity and a more limited one on forest biodiversity; a Memorandum of Understanding (MOU) with the GEF; an agreement to hold an intersessional workshop on traditional knowledge (Article 8(j)); an application by the Executive Secretary for observer status to the World Trade Organization (WTO) Committee on Trade and the Environment; and a statement from the CBD to the Special Session of the UN General Assembly (UNGASS) to review implementation of Agenda 21.

SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE: Established by Article 25 of the CBD, the SBSTTA provides the COP with "timely advice" relating to implementation of the Convention. The SBSTTA has met three times. At SBSTTA-1, which took place from 4-8 September 1995 in Paris, delegates considered operational matters and the conservation and sustainable use of coastal and marine biological diversity. At SBSTTA-2, which took place from 2-6 September 1996 in Montreal, the agenda covered technical issues such as: monitoring and assessment of biodiversity; approaches to taxonomy; economic valuation of biodiversity; access to genetic resources; agricultural biodiversity; terrestrial biodiversity; marine and coastal biodiversity; biosafety; and

IN THIS ISSUE

A Brief History of the Convention	1
Report of COP-4	2
Ministerial Roundtable	3
Plenary	3
Working Group I	4
Working Group II	8
Closing Plenary	12
A Brief Analysis of COP-4	13
Things to Look For	14

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Richard Campbell <richcam@hotmail.com>, Deborah Davenport <ddavenp@emory.edu>, Laura Ivers <laurai@iisd.org>, Leila Mead <leila@interport.net> and Tiffany Prather <tprather@iisd.org>. Digital Wizardry by Jeffrey 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 Ministries of Environment and Foreign Affairs of Austria, 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>.



the CHM. From 1-5 September 1997 in Montreal, SBSTTA-3 produced recommendations and work programmes to be adopted at COP-4 on biodiversity in inland water ecosystems, marine and coastal biodiversity, agricultural biodiversity, forest biodiversity, and biodiversity indicators. While some aspects of SBSTTA-3 evidenced a marked improvement over previous meetings, a few delegates noted a continuing identity crisis between SBSTTA's scientific mandate and its political practice.

AD HOC WORKING GROUP ON BIOSAFETY: Article 19.4 of the CBD provides for Parties to consider the need for and modalities of a protocol on biosafety. The *Ad Hoc* Working Group on Biosafety (BSWG), established at COP-2, held its first meeting in Aarhus, Denmark, from 22-26 July 1996. Governments listed elements for a future protocol, agreed to hold two meetings in 1997 and outlined the information required to guide their future work. At BSWG-2, held from 12-16 May 1997 in Montreal, delegates discussed a range of controversial issues, including: objectives; advanced informed agreement (AIA); notification procedures for transfers of living modified organisms (LMOs); risk assessment; unintentional transboundary movements of LMOs; handling, transportation, packaging and transit requirements; and monitoring and compliance. The outcome of BSWG-3, which was held from 13-17 October 1997 in Montreal, was a consolidated draft text to serve as the basis for negotiation of a protocol. At BSWG-4, held from 5-13 February 1998 in Montreal, delegates further consolidated options contained in the draft text, while beginning the process of negotiation to clearly define divergent positions and to identify common ground for moving forward. Delegates also began consideration of several articles that had only received preliminary discussion at BSWG-3, including socioeconomic considerations, general obligations, and liability and compensation.

WORKSHOP ON TRADITIONAL KNOWLEDGE: The Workshop on Traditional Knowledge and Biological Diversity was convened in Madrid, Spain, from 24-28 November 1997, to produce recommendations for the COP on how it might proceed to further the implementation of Article 8(j) of the CBD. Approximately 330 individuals representing 62 governments and 148 indigenous and local community groups and NGOs attended the workshop. Two working groups produced reports providing advice to the COP on the possibility of developing a workplan on Article 8(j) and examining the need to establish an open-ended intersessional working group or a subsidiary body to address the role of traditional knowledge.

REGIONAL MEETINGS: In preparation for COP-4, four regional meetings were held for: the Latin American and Caribbean Group (GRULAC) in Lima, Peru, 4-6 March 1998; the African Group in Nairobi, Kenya, 9-11 March 1998; the Central and Eastern European (CEE) Group in Almaty, Kazakstan, 23-26 March 1998; and the Asian Group in Hainan, China, 26-29 March 1998.

REGIONAL CLEARING-HOUSE MECHANISM WORKSHOPS: Four regional CHM workshops were organized by the Secretariat in preparation for COP-4: Cartagena de Indias, Colombia, 13-15 October 1997; Gödollo, Hungary, 27-29 October 1997; Kuala Lumpur, Malaysia, 3-5 December 1997; and Nairobi, Kenya, 5-7 March 1998. The workshops produced recommendations on information content and structure, capacity building and public awareness.

REPORT OF COP-4

Outgoing President of COP-3, Maria Julia Alsogaray (Argentina) opened COP-4 on Monday morning, 4 May 1998. Alsogaray stressed implementation of the CBD through: the ecosystem approach; addressing freshwater and inland waters; indigenous populations' role in plant and water management; a decentralized CHM; and national reports. Vladimir Meciar, Prime Minister of Slovakia, highlighted Slovakia's fifth anniversary as an independent country and expressed appreciation for the honor of hosting COP-4. He noted Slovakia's

national strategy for biodiversity conservation and sustainable development and urged the COP to acknowledge the world's common responsibility to biodiversity.

Jozef Zlocha, Minister of the Environment of Slovakia, was then elected President of COP-4. He emphasized that COP-4 must address a long-term work programme and substantive topics including marine, coastal and inland waterways. Calestous Juma, Executive Secretary of the CBD, said national reports show the CBD is influencing social, political and economic behavior at the national level and the GEF is raising the profile of the Convention. He noted the COP must advance: a long-term work programme building upon the best available scientific knowledge; improved cooperation with other institutions and processes; continuing review of institutions under the Convention; increased scientific and technical cooperation; and global outreach.

Maurice Iwu, Chair of the Global Biodiversity Forum, presented recommendations from the Tenth Global Biodiversity Forum, which met just prior to COP-4, from 1-3 May 1998. The Forum called for: financial strategies to support national biodiversity plans; workshops to help the WTO address interlinkages between trade and environment; measures to ensure that genetic materials are obtained in a legal manner; processes to help governments implement Article 8(j); and full establishment of the CHM.

Mohamed El-Ashry, CEO of the GEF, noted the recent replenishment of the GEF trust fund. He highlighted the New Delhi Statement from the GEF Assembly held in April 1998, calling for, *inter alia*, a focus on country-driven programmes, a user-friendly approach to incremental costs and greater participation of the private sector.

ORGANIZATIONAL MATTERS: Executive Secretary Juma presented the provisional agenda, annotations and organization of work for adoption (UNEP/CBD/COP/4/1). BRAZIL proposed adding a sub-item on issues surrounding taxonomy. ETHIOPIA, supported by MALI and the SEYCHELLES, proposed including a sub-item under Agenda Item 13 (the relationship between the CBD and other international agreements) regarding the CSD's relationship with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). The agenda with the proposed additions was adopted.

The following delegates were then elected to the Bureau: Sid Ali Ramdane (Algeria), Mohammed Reza Salamat (Iran), Elaine Fisher (Jamaica), Ilona Jepsen (Latvia), Marcel Vernooij (the Netherlands), Ralph Adewoye (Nigeria), Bernaditas Muller (Philippines), Stefan Schwager (Switzerland) and Feliciano Ortigao de Sampaio (Brazil).

PRESENTATIONS BY CONVENTIONS AND INTERNATIONAL INSTITUTIONS: Representatives of several international conventions and organizations gave presentations on the work of their respective bodies, including: Izgrev Topkov, Secretary-General of CITES; Arnulf Müller-Helmbrecht, Executive Secretary of the Convention on the Conservation of Migratory Species; Delmar Blasco, Secretary-General of the Ramsar Convention on Wetlands; Arba Diallo, Executive Secretary of the Convention to Combat Desertification; Roberto Lenton, UNDP; Patricio Bernal, UNESCO; Jan Kappler, OECD; and David McDowell, IUCN.

REPORTS OF REGIONAL MEETINGS: Reports of intersessional regional meetings were presented by: PERU for Latin America and the Caribbean, MALI for Africa, SLOVENIA for Central and Eastern Europe, CHINA for Asia, GUATEMALA for the Central American Commission for Environment and Development, and the MARSHALL ISLANDS for the Pacific Island countries.

REPORT OF SBSTTA-3: A summary report of SBSTTA-3 (UNEP/CBD/COP/4/Inf.19) was presented, highlighting its work and recommendations on: inland water ecosystems; indicator development; and elaboration of a multi-year programme for marine and coastal, forest and agricultural biodiversity. It also included a progress report on the pilot phase of the CHM, which highlighted the importance of scientific input, the development of technological alternatives, improved understanding of ecosystems and consensus building. MEXICO, MALAWI and AUSTRALIA reported on workshops held



in follow-up to SBSTTA-3. The UK, MEXICO, BRAZIL, SOUTH AFRICA, COLOMBIA and INDIA highlighted the scientific aspects of SBSTTA. NEPAL underlined the importance of contributions from the GEF and other donors for building scientific capacity.

MINISTERIAL ROUNDTABLE

Ministers, Deputy Ministers and special guests participated in a Ministerial Roundtable, which was held in parallel to Plenary on 4-5 May and chaired by Jozef Zlocha, President of COP-4. A number of participants applauded the new structure of the ministerial segment as an interactive dialogue instead of a two-day series of statements. Participants discussed: integrating biodiversity concerns into sectoral activities; tourism as an example for integration; and private sector participation in implementing the Convention's objectives.

After general statements, the Roundtable divided into two working groups. The tourism and biodiversity group, chaired by German Environment Minister Angela Merkel, concluded, *inter alia*, that:

- concerns about biodiversity should be integrated into all sectors of human activities;
- poverty eradication programmes, including micro-credits, are necessary for sustainable development, and sustainable tourism could play a role in poverty alleviation and biodiversity conservation;
- specific and practical draft guidelines on biodiversity and sustainable tourism that take into account regional experiences should be drawn for COP-5;
- the COP consider the modalities to prepare guidelines on biodiversity and sustainable tourism, either by convening a small, regionally-balanced group or by SBSTTA, and that the findings be reported to COP-5;
- protected areas and Small Island Developing States (SIDS) should be considered; and
- in support of such global guidelines, a review should be carried out that includes threats and benefits to biodiversity from tourism and a compilation of best practices.

The tourism and private sector group, chaired by Shri Suresh Praohu, Indian Minister for the Environment and Forests, concluded, *inter alia*, that:

- integration of biodiversity concerns into sectoral activities at the national level would also secure integration of the private sector;
- governments are ultimately responsible for securing the conservation and sustainable use of biodiversity;
- the involvement of the private sector does not in any way substitute the responsibility of developed country Parties to provide the necessary financial resources and technology transfer to developing country Parties; and
- guidelines could be considered to assist the private sector.

Several participants complained the draft summary was not balanced. Many participants said they would have preferred discussing more pertinent sectors or sectoral integration in general, not solely tourism. Several participants were discouraged by a perceived negative appraisal of the private sector. They called for moving beyond regulation to active partnership and the provision of useful economic instruments, such as incentives. A summary of the Roundtable's conclusions was presented to the Plenary on Wednesday, 6 May.

PLENARY

Delegates met in Plenary from 4-6 May to consider pending issues, the CHM, issues surrounding biosafety and administrative and budgetary matters. Brief afternoon Plenary sessions were also held on Thursday and Friday, 7 and 8 May, to address organizational matters, on Tuesday, 12 May, to approve the draft decision on biosafety, and on Friday, 15 May to adopt decisions and the report of COP-4.

In Plenary on Wednesday, 6 May, Klaus Töpfer, Executive Director of UNEP, noted the sense of ownership UNEP has over the CBD due to its role in formulating the Convention and its support of the interim and permanent Secretariats. He highlighted areas where

UNEP could facilitate implementation of the CBD, including, *inter alia*: enhancement of cooperation between biodiversity-related conventions; provision of legal advice and technical support for the implementation of the future biosafety protocol; and the Global Taxonomy Initiative.

PENDING ISSUES: The Plenary considered unresolved issues on voting procedures as well as financial rules for the administration of the trust fund (UNEP/CBD/COP/4/3). The SEYCHELLES, supported by MALAWI, SENEGAL and ETHIOPIA, requested full representation of all Parties be ensured when a vote is taken. MALI stressed the importance of allowing all Parties to express their participation in the vote. ETHIOPIA, supported by RUSSIA, noted funding may prohibit developing country participation and voting. BRAZIL recalled that the MOU with the GEF must be considered when addressing administration of the Trust Fund. COLOMBIA suggested convening a group to discuss the matter. This was accepted by the Plenary.

CLEARING-HOUSE MECHANISM: On Tuesday, 5 May, the Secretariat introduced a report on implementation of the pilot phase of the CHM (UNEP/CBD/COP/4/8). The CHM's role is to facilitate and promote technical and scientific cooperation in research and development. The document elaborated on guidance provided by the COP regarding the CHM and outlined an operational framework addressing the benefits of the CHM, synergy versus duplication, partners and target groups, and the focal point concept.

Delegates supported, *inter alia*: SBSTTA-3 recommendations; a needs-driven and decentralized approach; participation of civil society; and a clear mandate to GEF on financial requirements. CUBA, COLOMBIA, TUNISIA, JAMAICA and others stressed that the GEF support national and regional initiatives, particularly in developing countries, and consider the varying conditions in each country and region. The UK, on behalf of the EU, and INDIA stressed assistance to developing countries, highlighting electronic communication and the Internet. CANADA, supported by MEXICO, ITALY and TANZANIA, stressed inclusion of local indigenous network systems to facilitate communications between the world's indigenous peoples.

On Friday, 15 May, the Plenary reviewed and adopted the final draft decision (UNEP/CBD/COP/4/L.4/Add.1) submitted by the President of COP-4 on operations of the CHM. The decision, which reflected some of the Parties' concerns, requests government, bilateral and multilateral funding for development and implementation of national, regional and subregional CHMs, and recommends each Party organize an appropriate national CHM steering committee or working group. It also requests: the GEF to be a catalyst in the development and implementation of the CHM; support for capacity-building activities; support for establishing biodiversity information systems; and an evaluation at the end of the pilot phase. The decision instructs the Executive Secretary to, *inter alia*, improve synergies with other conventions, assist those without adequate Internet access, and to undertake an independent review of the CHM pilot phase at the end of 1998, to be presented to SBSTTA.

BIOSAFETY: On 5 May, Veit Koester (Denmark), Chair of the BSWG, reported on BSWG meetings since COP-3 and introduced the document on issues related to biosafety (UNEP/CBD/COP/4/9). He reported the schedule for completion of the biosafety protocol outlined at BSWG-4 and urged consideration of means for funding completion of the protocol and participation of developing countries and countries with economies in transition.

In Plenary sessions on 5 and 6 May, KENYA, NORWAY, ANTIGUA AND BARBUDA, THE GAMBIA, JAPAN, the EU, TANZANIA, PERU, on behalf of the Latin American and Caribbean Group (GRULAC), HAITI, IRAQ, the PHILIPPINES, Slovenia on behalf of the Central and Eastern European States (CEE), CHINA, BURKINA FASO, REPUBLIC OF KOREA, MADAGASCAR, UGANDA, MAURITANIA, ZIMBABWE, EGYPT and SOUTH AFRICA supported the BSWG-4 recommendation for two more meet-



ings and an extraordinary meeting of the COP to adopt the protocol, and stressed their support for completing the protocol in December 1998 or February 1999 at the latest.

The EU stated the protocol should provide an adequate level of safety for biotechnology, and noted that it would only be useful with wide membership. The EU, the G-77/CHINA, the MARSHALL ISLANDS and MOROCCO underlined the need to facilitate participation of all countries. SLOVENIA, supported by LATVIA and the UKRAINE, called for inclusion of financial support for countries with economies in transition.

On Friday, 15 May, the COP adopted a decision on issues related to biosafety (UNEP/CBD/COP/4/L.4), which provides for two more meetings to finalize the biosafety protocol, the first to take place from 17-28 August 1998 and the second in early 1999, followed by an extraordinary meeting of the COP to adopt the protocol. The decision also determined: a BSWG Bureau comprised of representatives from the Bahamas, Colombia, Denmark, Ethiopia, Hungary, India, Mauritania, New Zealand, Russian Federation and Sri Lanka to remain in office under the chairmanship of Veit Koester (Denmark) until the adoption of the protocol; the agenda for the extraordinary COP; and a deadline of 1 July 1998 for government submissions. Furthermore, the protocol shall be open for signature at UN Headquarters no more than three months after adoption. The decision also called on Parties to consider voluntary contributions to facilitate participation of developing country Parties.

ADMINISTRATION AND BUDGET: The Plenary considered administrative and budgetary matters on Wednesday, 6 May, assisted by four documents: budget for programme activities (UNEP/CBD/COP/4/Inf.12), administration of the CBD (UNEP/CBD/COP/4/24), proposed programme budget of the Convention for the biennium of 1999-2000 (UNEP/CBD/COP/4/25) and (UNEP/CBD/COP/4/25/Add.1). They highlighted, *inter alia*, activities carried out by the Secretariat, and personnel and financial issues. The Executive Secretary noted that the CBD budget is different in structure and content than in the past, and that it includes provisions for travel for Parties to attend meetings.

A decision on the programme budget for the biennium 1999-2000 (UNEP/CBD/COP/4/L.4/Add.3/Rev.1) was adopted by the Plenary on 15 May, with JAPAN and MEXICO making a reservation on grounds of lack of transparency and insufficient time to consider the budget. Salient features of the decision are:

- approval of a programme budget amounting to US\$17,301,600 for purposes specified in Table 1 of the decision;
- use of the accumulated surplus of US\$3,616,566 on an exceptional basis to offset contributions from Parties;
- extension of the three Trust Funds for the period of two years, beginning 1 January 2000 and ending 31 December 2001;
- approval of the supplementary amount of US\$542,400 to the 1998 budget for additional activity related to the biosafety protocol, to be drawn from surpluses additional to the US\$3,616,566 surplus;
- also financing the amount of US\$300,000, for servicing the working group on Article 8(j);
- authorization of transfer of the unspent balance of additional special voluntary contributions received prior to 1997 from the core fund to the special Trust Fund for additional activities approved by the COP, in consultation with the original donor country/countries; and
- inclusion of Parties with economies in transition in the reference to developing countries in the special voluntary Trust Fund for facilitating Party participation.

SBSTTA: On Thursday, 7 May, the Plenary proposed establishment of a SBSTTA contact group, chaired by Professor Zakri A. Hamid (Malaysia). The group prepared draft decisions related to SBSTTA's future work programmes on: indicators; identification, monitoring and assessment; the ecosystem approach; a Global Taxonomy Initiative (GTI); and alien species. The contact group

agreed on the need for complementary and consolidated action on alien species, especially regarding endemic biodiversity of geographically or evolutionarily isolated species.

On May 15, the Plenary adopted a decision on SBSTTA which:

- calls for further work on indicators taking the ecosystem approach into account;
- requests SBSTTA to develop principles and other guidance on the ecosystem approach;
- requests SBSTTA to develop guiding principles for the prevention, introduction and mitigation of impacts of alien species and to report on the principles to COP-5;
- requests SBSTTA to examine the Global Invasive Species Programme (GISP);
- stresses the need for further capacity building in all fields of technology; and
- invites UNEP to assist in implementation of the GTI.

The decision also includes an Annex on Suggestions for Action on Implementation of the GTI.

WORKING GROUP I

Working Group I, chaired by Marcel Vernooij (Netherlands), with Elaine Fisher (Jamaica) as alternate Chair, met in seven sessions from 6-11 May. Delegates reviewed: a report relating to status and trends of biodiversity of inland water ecosystems; programmes of work related to marine and coastal biodiversity, agricultural biodiversity and forest biodiversity; implementation of Article 8(j) on traditional knowledge and related provisions; and access to and benefit sharing from genetic resources. Contact groups met on: inland water ecosystems, chaired by Greg Thompson (Canada); marine and coastal biodiversity chaired by John Nevill (Seychelles); forest biodiversity, chaired by Adam Vai Delaney (Papua New Guinea); and implementation of Article 8(j) chaired by Vincent McBride (New Zealand). Friends of the Chair groups met on agricultural biodiversity and access and benefit-sharing. Working Group I met for three sessions on 13 and 14 May to approve draft decisions for submission to Plenary.

INLAND WATER ECOSYSTEMS: On Wednesday, 6 May, Working Group I considered biodiversity of inland water ecosystems and options for conservation and sustainable use (UNEP/CBD/COP/4/4). The report addressed status and trends, identification and monitoring, methodology for assessment, and recommendations. On behalf of the Ramsar Convention, HUNGARY recommended formal endorsement of the Joint Work Plan submitted by the Ramsar Secretariat (UNEP/CBD/COP/4/Inf.8). Delegates supported continued cooperation with Ramsar, and endorsed the results of the sixth session of the UN Commission on Sustainable Development (CSD-6), particularly with respect to its Strategic Approach to Freshwater Management. Further discussion revolved around environmental impact assessments, monitoring mechanisms, alien species and taxonomy.

CANADA, supported by TANZANIA, PERU and KENYA, highlighted SBSTTA's recommendation to Parties to develop the policy research capacity needed to inform the decision-making process in a multi-disciplinary and sectorally-integrated manner. The EU supported inclusion of river catchments and watersheds, land use planning and integrated management of natural resources, taking social and economic uses into account. INDIA, ETHIOPIA and NIGERIA called for the financial mechanism to provide adequate support to developing countries for the implementation of national and sectoral operations. The CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH (CGIAR) called for increased awareness and education and *in situ* conservation of aquatic genetic resources.

FIJI, the SEYCHELLES, and the BAHAMAS, all speaking for Small Island Developing States (SIDS), called for linkages between inland waters and marine and coastal issues and for action to address SIDS' concerns, noticeably absent from the report. KENYA stressed, *inter alia*: the importance of capacity building in developing countries to determine ecological functions and values of inland water ecosys-



tems; methodologies to assess threats and assist in restoration; local community participation; planning and management of shared inland water ecosystems; and invasive waste in the region. ECUADOR emphasized the urgency of taxonomy, bearing in mind threatened species, particularly in the Amazon basin. RWANDA and BOTSWANA called for further development of the work plan for watershed management.

On Wednesday, 13 May, a preliminary draft decision on inland water ecosystems (UNEP/CBD/COP/4/WG.1/CRP.1) was introduced. UZBEKISTAN, supported by KAZAKSTAN, requested that the Secretariat and SBSTTA pay attention to assessing and remedying ecological disasters. The SEYCHELLES, supported by the SUDAN, SAMOA and CAMEROON, emphasized they did not want such a proposal to be linked to a paragraph that recognizes the immediate threats to SIDS. Another paragraph was added to take it into account. CAMEROON called on the GEF to "provide necessary funding for inland water biological diversity projects."

On Friday, 15 May, the Plenary adopted the draft decision on inland water ecosystems (UNEP/CBD/COP/4/L.2). The decision stresses synergies with the Ramsar Convention and cooperation with the CSD, particularly with respect to its Strategic Approach to Freshwater Management. It requests SBSTTA to implement the work programme with respect to the timeframe outlined in Annex II and to provide a progress report to COP-5. The draft decision also addresses identification and monitoring, assessment and methodology, taxonomy, and rapid assessment methodologies, especially for SIDS.

MARINE AND COASTAL BIODIVERSITY: On Thursday, 7 May, Working Group I considered the work programme arising from the Jakarta Mandate on marine and coastal biodiversity (UNEP/CBD/COP/4/5). Many delegates supported the three-year work programme and advocated: identification of indicators; a roster of experts; cooperation with relevant international organizations, especially the Ramsar Convention; implementation at the national and regional levels; and emphasis on regional and national initiatives.

The EU emphasized control of land-based and sea-based activities; establishment and management of marine protected areas; conservation and sustainable use of marine living resources, including genetic resources; and elimination of unsustainable mariculture. The EU and ARGENTINA stressed rigorous control over the introduction of alien species. PORTUGAL called for the adoption of a precautionary approach, harmonization of fisheries and environmental policies, and a code of good practices.

The SEYCHELLES, on behalf of SIDS, and supported by FIJI, NEW ZEALAND, JAMAICA, the BAHAMAS, COMOROS, HAITI, THE GAMBIA and ETHIOPIA, on behalf of the African Group, stressed incorporation of SIDS' concerns in the work programme. FIJI stressed links to inland water initiatives and, with the INDIGENOUS KNOWLEDGE PROGRAM, incorporation of Article 8(j) into the work programme. SWEDEN stressed coordination with regional scientific organizations and information-sharing with all Parties on genetic resources, including those being prospected by pharmaceutical companies. ECUADOR stressed increasing national capacities in technical and scientific areas.

On Wednesday, 13 May, the Working Group reviewed a draft decision and annexed work programme on marine and coastal biodiversity (UNEP/CBD/COP/4/WG.1/CRP.2). SLOVENIA, on behalf of the CEE States, urged cooperation between the Ramsar Convention and linkages to the work program on inland water. On coral reefs, ISRAEL advocated a precautionary approach. AUSTRALIA stressed that coral bleaching is caused by "abnormally" instead of "extremely" high temperatures to underline the urgency and links to global warming. CUBA and AUSTRALIA sought clarification that specific reference to coral bleaching in the Indian Ocean did not exclude other regions. The SEYCHELLES made a textual amendment to clarify this was only one example based on a report by the African countries. CHINA expressed concern over the lack of scientific evidence on the issue of

coral reefs and called for research to be undertaken by SBSTTA and presented at COP-5. TANZANIA and JAMAICA stressed action on coral reefs, and JAMAICA felt that sending the issue back to SBSTTA would hold up the process. The Chair proposed inserting China's request as a new operational paragraph, which was approved.

COLOMBIA added reference to applying Article 8(j)'s provisions in the work programme's use of local and indigenous community knowledge. SENEGAL, opposed by NAMIBIA, ICELAND and others, sought an amendment to reflect the differing abilities among Parties to develop strategies, plans or programmes at the national level. The concern was resolved by cross-referencing Article 6 of the CBD to recognize each Party's particular conditions and capabilities.

On Friday, 15 May, the Plenary adopted the draft decision on marine and coastal biodiversity (UNEP/CBD/COP/4/L.2/Add.1), which considers threats to coral reefs as a possible consequence of global warming, urges cooperation with the UN Framework Convention on Climate Change (UNFCCC) and the Ramsar Convention, and requests that SBSTTA analyze coral bleaching and report its findings to COP-5. The decision also recognizes the uniqueness and fragility of marine and coastal biodiversity of SIDS, calls for the precautionary approach, and makes reference to Article 8(j) with respect to scientific, technical and technological knowledge of local and indigenous communities.

FOREST BIODIVERSITY: On Friday, 8 May, a draft work programme on forest biodiversity (UNEP/CBD/COP/4/7) was introduced. The CONGO, MADAGASCAR and others stressed provisions on research, evaluation and development of techniques for conservation and sustainable use. BRAZIL emphasized, *inter alia*, taxonomic studies and inventories and, with the AFRICAN GROUP and INDIA, provisions for benefit sharing. INDIA, with support from many countries, called for traditional knowledge and indigenous rights to be reflected in the work programme. AUSTRALIA, BRAZIL, SWEDEN and others called for a global assessment of forest biodiversity. INDIA and the US said this was premature. KENYA, AUSTRALIA, NORWAY, DENMARK and others called for CBD support for the International Forum on Forests (IFF) proposal for national forest programmes. KENYA and NEPAL emphasized underlying causes of deforestation. SPAIN called for cooperation with the forest private sector. AUSTRALIA, HAITI and KENYA called for specific directives to the GEF. The EU, PERU, MEXICO, the REPUBLIC OF KOREA and others called for criteria and indicators (C&I). PORTUGAL said indicators should be flexible to reflect different regional realities. ZIMBABWE, RWANDA, KENYA and others drew attention to savannas. NEW ZEALAND emphasized national priorities. AUSTRIA called for investigation of the effects of industry emissions, trade policy and traffic, and for a bio-geographical approach.

A forest contact group met during the second week to draft a decision and work programme on forest biological diversity. Contentious issues included: a proposal to establish an intersessional group on implementation of the work programme; periodicity and nature of reporting obligations for Parties; the extent of a protected area "network" (global) or "networks" (national); the relationship between work on forest biodiversity under the CBD and other processes such as the IFF, the FAO, the GEF and the UNFCCC; and phasing and prioritization of issues to be addressed in the work programme.

On Wednesday, 13 May, the forest contact group completed a third revision of the draft decision and work programme. Language noting the potential impact of afforestation, reforestation and deforestation on forest biological diversity and instructing the Executive Secretary to co-operate with the UNFCCC Secretariat was debated at length. The paragraph was changed from an instruction to a request, and language on achieving the objectives of the Kyoto Protocol of the UNFCCC was dropped. A proposal for wording reflecting this decision paragraph in the work programme was modified from a request for SBSTTA guidance to COP for conserving and enhancing carbon sinks, in the context of the Kyoto Protocol, to an acknowledgement of the need for more knowledge on impacts in such a context, but was then deleted.



The Chair of the contact group on forest biodiversity, Adam Delaney, reported to Working Group I on the revised draft decision and work programme (UNEP/CBD/COP/4/WG.1/CRP.4) on Thursday, 14 May. Several points were still bracketed, including language on the CBD's relationship to the GEF and the IFF, guidance to SBSTTA, and several alternative proposals for an intersessional body. Two alternative paragraphs on such a body were bracketed for consideration in Plenary. Paragraphs referencing the GEF were left bracketed pending discussion on the financial mechanism.

On cooperation with the Secretariat of the UNFCCC on the potential impacts of various forest-related human activities, PAPUA NEW GUINEA deleted language on developing common priorities. BURKINA FASO and SENEGAL added references to the Convention to Combat Desertification (CCD).

Two paragraphs on advancing and contributing to the work of the IFF were deleted by the EU, CANADA and PERU. Language from CAMEROON and others on arid and semi-arid regions and from MALI on attention to savannas was incorporated into the work programme.

On Friday, 15 May, delegates considered the final draft decision (UNEP/CBD/COP/4/L.2/Add.3). The Plenary removed the brackets around four paragraphs related to the GEF which reflect, *inter alia*, high priority for forest biodiversity, support for implementation of the work programme, and consistency with COP guidance.

On a subsidiary body on forests, CANADA, supported by CAMEROON, TURKEY, RUSSIA, the NETHERLANDS, the EU and SWEDEN, noted that the decision on institutional matters authorizes the Executive Secretary to establish liaison groups or *ad hoc* technical expert groups under SBSTTA. All paragraphs referring to establishment of an intersessional group were therefore deleted.

The final decision calls for, *inter alia*: collaboration towards implementing the work programme; incorporation of forest biodiversity considerations in collaborative activities; a synthesized report on information provided in national reports; and advice on forest biodiversity from SBSTTA to the COP. The work programme's objectives include: complementing national forest and land use programmes; promoting traditional forest-related knowledge in sustainable forest management and the equitable sharing of benefits; identifying mechanisms to facilitate financing; contributing to other international processes, including the IFF; and contributing to access to and transfer of technology. It "reflects a rolling three-year planning horizon in three phases," leaving the COP to "identify a rolling longer-term work programme," and recommends periodic review and development of the work programme, with interim reports after each phase.

Programme elements address:

- ecosystem approaches integrating conservation and sustainable use of biodiversity, taking account of social, cultural and economic considerations;
- analysis of influences of human activities, including forest-management practices, on biodiversity and assessment of ways to minimize/mitigate negative influences;
- methodologies for elaboration and implementation of C&I for forest biodiversity;
- research and technological priorities from SBSTTA and the review and planning process of the work programme;
- analysis of measures for minimizing/mitigating the underlying causes of forest biodiversity loss;
- assessment of ecological landscape models, integration of protected areas in the ecosystem approach and protected areas networks; and
- advancement of scientific and technical approaches.

AGRICULTURAL BIODIVERSITY: On 7 and 8 May, Working Group I considered the work programme on agricultural biodiversity (UNEP/CBD/COP/4/6, UNEP/CBD/COP/4/Inf.20 and UNEP/CBD/COP/4/Inf.24), which highlights ongoing collaboration and coordination with the FAO, the GEF, and Parties and countries, as well as

preliminary findings of activities and instruments at international and regional levels. Many delegates supported increased cooperation with the FAO and other related organizations; finalization of negotiations harmonizing the International Undertaking (IU) with the objectives of the CBD; and adoption of the IU as a protocol. Many countries also called for, *inter alia*: increased funding; guidance for financial mechanisms; 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 alien invasive species; and incentives for *in situ* conservation. The AFRICAN GROUP highlighted the importance of agrobiodiversity for food security. MOROCCO stressed a balance between acceptable production levels and conservation of biodiversity, especially for developing countries.

The PHILIPPINES called for, *inter alia*: identification of intersessional activities and further advice from SBSTTA; a global assessment of agrobiodiversity; prior informed consent of local and indigenous communities with respect to access; and capacity building, including the design of viable incentives for local and indigenous communities. He also noted with deep concern the emergence of technology that sterilizes agricultural varieties, depriving farmers the ability to reuse their seeds. PAKISTAN, SRI LANKA, RWANDA and the RURAL ADVANCEMENT FOUNDATION INTERNATIONAL also condemned the use of "terminator technology," a technology for the control of plant gene expression. TANZANIA and INDIA stressed the Intellectual Property Rights (IPR) regime and the TRIPs agreement of the WTO are detrimental to achieving the objectives of the CBD. The REPUBLIC OF KOREA called for assessment of the impact of trade liberalization on agrobiodiversity and for this issue to be included in future work programmes. CANADA suggested a working group or workshop be convened to provide feedback to the GEF on agrobiodiversity activities. BRAZIL proposed the establishment of a steering committee to promote increased cooperation and more efficient implementation of the work programme.

On Thursday, 14 May, the Working Group reviewed a Friends of the Chair draft decision on Agricultural Biodiversity (UNEP/CBD/COP/4/WG.1/CRP.3). Debate revolved around use of the term "terminator technology" and the approach SBSTTA should take in determining the effects such technology has on agrobiodiversity. INDONESIA requested SBSTTA to make a complete assessment of possible threats and opposed adopting a precautionary approach for the technology's application. AUSTRALIA, INDONESIA, MALAYSIA, the US and CANADA supported deletion of the term "terminator technology." RWANDA, PAKISTAN, BURKINA FASO and TANZANIA supported its retention. AUSTRALIA proposed determining "impacts," not "threats" to biodiversity. Based on informal consultations between Parties, INDONESIA proposed a compromise, urging consideration rather than adoption of the precautionary approach, but deleting "terminator technology," and replacing "threats" with "consequences," which was adopted.

On Friday, 15 May, the draft decision (UNEP/CBD/COP/4/L.2/Add.2) was adopted. In addition to the compromise reached on 14 May, the final decision also: emphasizes balance between production and conservation objectives; reaffirms harmony with the IU and urges completion of IU negotiations before the end of 1999; and calls on international funding agencies and the financial mechanism to support capacity building. The decision also requests the Secretariat to report on the impact of trade liberalization on agrobiodiversity and to apply for observer status in the WTO's Committee on Agriculture.

ARTICLE 8(j): On Friday, 8 May, Working Group I began deliberations on Implementation of Article 8(j) and Related Provisions (UNEP/CBD/COP/4/10). SPAIN reported on the Madrid Workshop on Traditional Knowledge and Biodiversity (UNEP/CBD/COP/4/10/Add.1) held 24-28 November 1997, and highlighted the need for increased participation of indigenous and local communities in the CBD. Indigenous Peoples representatives reported on the Third International Indigenous Forum on Biodiversity, held 4-6 May in Brat-



islava, and recommended the establishment of an intersessional *ad hoc* working group that would report to the COP. The working group, which would include the full participation of indigenous and local communities, would meet between the COP sessions and develop its tasks over an initial three-year period.

On Monday, 11 May, Working Group I considered the development of an intersessional work process or group, but opinions varied as to its form. Proposals were made for either a working group that is open-ended *ad hoc*, open-ended or *ad hoc* or for a small, tightly focused *ad hoc* expert panel, as suggested by NEW ZEALAND. Many delegates also called for, *inter alia*, regional implementation, cooperation between the CBD and other fora to avoid overlap, and a work programme that remains within the parameters and mandate of Article 8(j) and related provisions. The US and JAPAN agreed that there cannot be solely one work programme model and that national differences should be respected.

The AFRICAN GROUP stressed examining the legal rights of indigenous and local communities, IPR and the linkages and conflicts between the CBD and TRIPs. The MARSHALL ISLANDS, on behalf of the Pacific Island Countries, supported by the AFRICAN GROUP, the INTERNATIONAL ALLIANCE OF INDIGENOUS and TRIBAL PEOPLES OF THE TROPICAL FORESTS and others, stressed the need for mechanisms to control patents and prior informed consent. INDIA proposed a CHM to maintain a database of patents and other IPR and to increase transparency.

CANADA and the INDIGENOUS PEOPLES' BIODIVERSITY NETWORK called for recognition of indigenous women's role in preserving biodiversity. ITALY said further work must be done to stimulate local communities' participation. FRANCE underlined the importance of establishing an intersessional *ad hoc* group and for action at the national level to incorporate local community concerns.

A contact group on Article 8(j) met from 12-14 May. The group agreed on the need to establish an intersessional working group, stressing that it should be tightly focused, have a clear mandate and specific duration, and afford full participation. While there was consensus on the establishment of an *ad hoc* working group, many delegates also favored a timetable with deadlines. Although the group agreed that the composition/participation of the working group should be open, many delegates were concerned with its potential size and the difficulties of achieving consensus, and therefore either did not support or wanted to clarify the definition of "open-ended" working group. There was a range of views on whether the working group should report to the COP, SBSTTA, or the COP through SBSTTA. The contact group also offered proposals for the work programme and the working group's mandate, which were incorporated into a discussion paper on a draft institutional framework and work programme.

On Wednesday, 13 May, a second draft discussion paper on possible elements of a draft decision was distributed, and a "Friends of the Chair" group of Parties and indigenous and local community representatives was established to incorporate amendments and to prepare a draft decision. After the draft decision was distributed, one Party requested that observers be excluded when "discussions" turned to the "negotiation" of draft text, which she said should take place between Parties only. Another Party questioned whether this would establish a precedent for the future working group, and the Chair clarified that this was a "special case."

Before being excluded, four representatives of indigenous and local communities addressed the group. One representative said that while messages of support for full participation in the working group had been expressed, this principle was being eroded, leaving indigenous peoples and local communities voiceless, and stressed that this act violated the spirit of Article 8(j) and the Convention. A representative of NGOs from a developing country Party cited national legal precedent that exclusion of civil society from negotiations that have an impact on their environmental interests is inconsistent with its legal

and political traditions. While being excluded, observers were permitted to watch the proceedings a few feet outside the room on television.

On 14 May, the Working Group approved the draft decision on Implementation of Article 8(j) and Related Provisions (UNEP/CBD/COP/4/WG.1/CRP.6), subject to deliberation on two bracketed paragraphs on funding and the timing of future SBSTTA meetings in other contact groups.

The draft decision included, *inter alia*, the establishment of an *ad hoc* open-ended intersessional working group and a mandate to:

- advise on the application and development of legal and other appropriate forms of protection for traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity;
- provide advice to the COP on the development and implementation of a work programme at national and international levels;
- develop a work programme based on the structure of elements in the Madrid report; and
- advise the COP on measures to strengthen cooperation at the international level.

The draft decision also provided for, *inter alia*: representation from indigenous and local communities to the widest possible extent; annual working group meetings in conjunction with SBSTTA; direct reporting to the COP, and advising SBSTTA on relevant issues; both a short- and medium-term work programme, with provisions for the short-term work programme; and application for observer status for the CBD to WIPO and negotiation of a MOU with WIPO. Finally, the draft decision included an annex containing the structure of work programme options from the Madrid report.

Vincent McBride (New Zealand), Chair of the Article 8(j) Contact Group, noted in his report to Working Group I, that after the exclusion of local and indigenous community representatives at the request of one Party, the following Parties expressed their regret: Denmark, Spain, Zambia, Ecuador, Ethiopia, the Netherlands, the Philippines, Norway, Germany, Italy, the Marshall Islands, on behalf of eleven Pacific Island countries, Tanzania, Mali, Sweden, Colombia, the EU, Switzerland, Canada, Australia, New Zealand, Finland and France. The Chair emphasized that the participation process followed should not be taken as a precedent for the operation of any other contact or working group of the CBD or other UN process. An indigenous peoples and local communities representative expressed his concern and disappointment about the apparent discrimination manifested by the Parties to the CBD, and cited numerous precedents of indigenous peoples' participation in the UN system, as well as other UN rules of procedure that provide guidance for participation.

In Plenary on Friday, 15 May, all bracketed text was removed after it was agreed that the working group would meet in conjunction with SBSTTA, and that funding would be subject to decisions relating to the budget and financial mechanism. BRAZIL was unable to verify prior to adoption that the draft decision was consistent with its national legislation, and therefore could not join the consensus. BRAZIL expressed her regret over any misunderstanding and, noting her chairmanship of the COP-3 traditional knowledge contact group, clarified that while she welcomed input from all possible sources, negotiations should be reserved to Parties or potential Parties, as this was an inter-governmental convention and its implementation falls on governments. The EU stressed transparency in negotiations, as well as the participation of local and indigenous communities, and supported the Chair's statement that the participation process followed should not be taken as precedent. Decision UNEP/CBD/COP/4/L.2/Add.5 was adopted.

Prior to adopting the Working Group's report (UNEP/CBD/COP/4/WG.1/L.6), BRAZIL amended the paragraph on exclusion of observers from the Article 8(j) contact group. The amended paragraph reads: "one Party having indicated that as a matter of principle and according to the general practice in the UN, decisionmaking, which



includes the negotiation process, should be reserved to governmental negotiations," rather than that their participation "would not be acceptable."

BENEFIT SHARING: On 11 and 12 May, Working Group I, under the Chairmanship of Elaine Fisher (Jamaica), discussed measures to promote and advance the distribution of benefits from biotechnology (UNEP/CBD/COP/4/21), fair and equitable sharing of benefits arising out of genetic resources (UNEP/CBD/COP/4/22), and options for measures to implement Article 15 on access to genetic resources (UNEP/CBD/COP/4/23). The Secretariat noted that COP-4 was the first time that benefit sharing would be addressed as a separate agenda item of the COP.

Many delegates stressed: national access legislation, including enforcement and monitoring; establishment of an intersessional process; the importance of the private sector in creating benefits; access through prior informed consent (PIC), and the mechanisms to provide such consent; and guidance to the GEF for capacity-building support, and options for benefit sharing.

SWITZERLAND, supported by FRANCE, proposed establishing a working group to create an international code of conduct, containing minimum standards for provision and use of genetic resources. The AFRICAN GROUP, RUSSIA, GERMANY and other delegations supported the development of guidelines. PANAMA, ECUADOR and GREENPEACE recommended establishing a workshop on the role of the private sector, with government, public interest and indigenous and local community participation. PANAMA called for the Secretariat and the GEF to give priority to PIC mechanisms. UGANDA stressed economic valuation of genetic resources. The REPUBLIC OF KOREA supported an inventory of the current legislative and regulatory frameworks on access and identification of existing incentive measures and benefit sharing initiatives. VENEZUELA stressed national inventories of genetic resources. DENMARK advocated: incentives for sustainable use; consideration of knowledge, as well as resources, with respect to benefit sharing; and, with KENYA, making information available through the CHM.

On Thursday, 14 May, the Working Group considered a Friends of the Chair draft decision on access and benefit sharing (UNEP/CBD/COP/4/WG.1/CRP.5). The main point of contention in the draft decision was a paragraph on whether *ex situ* collections acquired before entry into force of the Convention and not addressed by the FAO's IU should be brought under the scope of the CBD. The G-77/CHINA, ETHIOPIA, RWANDA, INDIA and TURKEY advocated that they be brought under the scope of the Convention and wanted to remove brackets from the paragraph. The EU, along with JAPAN, SWEDEN and AUSTRALIA, supported deleting the paragraph. ETHIOPIA expressed dismay at the EU's request, emphasizing the IU does not include all genetic resources. The paragraph that refers to *ex situ* collections was left bracketed. As no consensus was reached, the Chair put brackets around the rest of the text and nominated NORWAY to moderate an informal group. The informal group, which reflected regional balance, deliberated throughout the night and into the morning.

On 15 May, an informal proposal (UNEP/CBD/COP/4/CRP.4) was submitted by the informal group to Plenary at the last minute for adoption in place of the draft decision (UNEP/CBD/COP/4/L.2/Add.4). The new text requested the Executive Secretary to get information on the *ex situ* collections and to make recommendations to help the intersessional meeting on future work for COP-5. In addition, the decision establishes a regionally-balanced panel of experts, composed of representatives of the private and public sector and local and indigenous communities, to explore options for access and benefit sharing on mutually agreed terms, including codes of best practices, guiding principles and guidelines. It also requests the financial mechanism to support, *inter alia*: stock-taking activities; capacity building, including for economic valuation; and formulation of access and benefit sharing mechanisms at the national, subregional and regional levels. It also requests the Secretariat to compile and disseminate information, facili-

tate the exchange of information through the CHM, and provide a background document on information about measures to promote and advance benefit sharing arrangements. An annex calls for PIC in provider countries and the necessary mechanisms to provide such consent, as well as efficient permitting and regulatory procedures.

ETHIOPIA implored Plenary to adopt the delicately balanced compromise. The EC, ZAMBIA, INDIA, FRANCE, PERU, BOTSWANA, SRI LANKA, CAMEROON, COLOMBIA and many other delegations followed suit. JAPAN could not accept the paragraph referring to *ex situ* collections acquired prior to entry into force of the CBD. AUSTRALIA also had difficulties, recalling Article 15 paragraph 3, on acquired genetic resources in accordance with the CBD, but was willing to accept it and have its comment noted in the report. After some debate and informal consultations, JAPAN agreed, as a compromise, to adopt the decision if the paragraph was qualified "with due regard to the provisions of the Convention." The decision was adopted by acclamation.

WORKING GROUP II

Working Group II, chaired by Bernaditas Muller (Philippines) met in six sessions from 6–11 May, and was charged with considering: national reports; the relationship of the Convention with the CSD and biodiversity-related conventions, other international agreements, institutions and processes of relevance; review of the operation of the Convention; financial resources and mechanisms; and measures for implementing the Convention.

On Friday, 8 May, Working Group II established two contact groups, one on the review of operations/institutional and other issues and national reports, chaired by Jonathan Tillson (UK), and another on financial resources and mechanism, chaired by John Ashe (ANTIGUA AND BARBUDA). A sub-group, chaired by Espen Ronneberg (MARSHALL ISLANDS), was also established under the aegis of the contact group on review of operations/institutional issues and other issues, to consider the relationship with other international conventions. An informal sub-group under Chair Muller addressed measures for implementing the Convention. These groups met several times between 8-14 May to prepare draft decisions. On 14 May, the Working Group reconvened to approve the draft decisions produced in the various groups in an evening session which lasted into the early morning hours.

NATIONAL REPORTS: On 7 and 8 May, Working Group II considered a synthesis of information included in national reports that highlighted lessons learned from the reporting process, challenges and priorities ahead and recommendations for future reports. (UNEP/CBD/COP/4/11/Rev.1). The Secretariat noted that to date, 103 countries have submitted national reports.

The EU listed lessons learned, including: the importance of consultation with stakeholders; heightened awareness within departments responsible for implementation of the CBD; and the value of the national report as a basis for further action. The MARSHALL ISLANDS, on behalf of the Pacific Island countries, stressed the need to take into account the difficulties some Parties face in preparing their reports and, along with SYRIA, KENYA, HAITI and the DEMOCRATIC REPUBLIC OF THE CONGO, stressed the importance of ensuring that resources be made available for development and implementation of national programmes.

The AFRICAN GROUP said national capacity to prepare reports must be increased, and noted that tight deadlines may compromise the quality of reports. The MARSHALL ISLANDS, the CZECH REPUBLIC, RUSSIA and SLOVENIA called for regional synthesis of national reports. FINLAND, NORWAY, FRANCE, the CZECH REPUBLIC, on behalf of CEE, and SLOVENIA supported harmonization of collection and management of information for biodiversity-related conventions to avoid duplicated reporting. SWEDEN and GERMANY underlined that reporting should be related to the COP work programme.



INDIA, HAITI, COLOMBIA, KENYA and AUSTRALIA recommended that SBSTTA elaborate guidelines for future national reports. FINLAND, the EU, the CEE and SOUTH AFRICA recommended that national reports be made more quantifiable through the use of indicators. NORWAY underlined the importance of standard formats and parameters to facilitate synthesis of reports. AUSTRALIA, CHINA, COMOROS, GERMANY and INDONESIA preferred lengthening the interval of time between report cycles.

BURUNDI, noting that guidelines are not enough, said that Parties' capacity to produce reports must be addressed. TANZANIA stressed the importance of adequate and timely provision of resources necessary to produce the reports. ZAMBIA called for biodiversity planning support and, with IRAN, opposed reports that focus on specific articles.

The INDIAN INSTITUTE OF PUBLIC ADMINISTRATION stressed the need to involve civil society in preparation of national reports, proposed that reports include updates on CBD Article 6 (general measures for conservation and sustainable use), and suggested that reports be made available to the public.

In the contact group, delegates discussed voluntary national report assessments and decided on a provision for Parties' actions to implement the Convention to be assessed based on advice from SBSTTA, with a view to developing guidance for future reports. The decision on National Reports adopted by the COP (UNEP/CBD/COP/4/L.3/Add.3):

- encourages Parties to submit first national reports by no later than 31 December 1998;
- requests the Secretariat to develop, and SBSTTA to consider, a report on the form and interval of national reports, with the goal of elaborating guidelines that ensure comparability between reports and identify means to facilitate national implementation;
- urges developed country Parties to include information on financial support for the Convention's objectives; and
- requests the GEF to continue providing financial assistance for national report preparation.

An annex lists elements for SBSTTA recommendations on national reports, including a standard format, a progress report on implementation of National Biodiversity Strategy and Action Plans, and encouragement of stakeholder participation in preparing the reports.

RELATIONSHIP BETWEEN THE CONVENTION AND OTHER INTERNATIONAL AGREEMENTS: On Friday, 8 May, Working Group II considered the results of the UN General Assembly Special Session for the review of the implementation of Agenda 21 held in June 1997. Delegates discussed trade and environment, sustainable tourism, the future work of the CSD and the role of the CBD (UNEP/CBD/COP/4/12).

GERMANY proposed a decision to develop guidelines on biodiversity and sustainable tourism (UNEP/CBD/COP/4/Inf.21), based on the results of a workshop held in Heidelberg in March 1998. The EU favored elaboration of such guidelines in cooperation with UNEP and the World Tourism Organization and called for an *ad hoc* working group for preparation of the guidelines. AUSTRALIA and SOUTH AFRICA suggested a small regionally-balanced group working with civil society develop the guidelines. ZIMBABWE supported development of a programme of work relating to tourism. The MARSHALL ISLANDS, on behalf of the Pacific Island countries, asked for clarification on the CBD's role in respect of sustainable tourism and noted that a clearer mandate is necessary.

The WORLD TOURISM ORGANIZATION highlighted a manual on sustainable tourism, conferences on tourism in SIDS, and seminars on Agenda 21 and tourism.

In further discussions in the contact group, one delegate added text calling for information gathering and exchange on sustainable tourism within the CBD framework. Another delegation proposed deleting text on elaboration of guidelines on sustainable tourism as possible future

work under the CSD. A delegate stressed that any effort towards guidelines on sustainable tourism must be based on a grassroots approach.

Working Group II then addressed cooperation with other agreements, institutions and processes relevant to *in situ* conservation (UNEP/CBD/COP/4/13). MALAWI, INDIA, the MARSHALL ISLANDS, on behalf of the Pacific Island countries, IRAN, AUSTRALIA, INDIA, INDONESIA, CANADA and TOGO supported strengthening cooperation and collaboration between the CBD and other agreements, institutions and processes to secure collective and coordinated action. The EU, COLOMBIA and INDIA supported cooperation with the WTO to address benefit sharing and IPR. CÔTE D'IVOIRE recommended developing a methodology for expedient implementation of cooperation among conventions. KENYA called for synergy at the national level. BOLIVIA stressed the need for synergy with the UNFCCC due to its influence on biodiversity. The NATURE CONSERVANCY recommended that the COP outline the linkages between the UNFCCC and the CBD and ensure that the Kyoto Protocol is consistent with and in support of the CBD.

On *in situ* conservation, CHAD emphasized the overall detrimental impact of countries without protected areas and the major long-term challenge this presents for the Parties to the Convention. SOUTH AFRICA noted that *in situ* conservation is most important for the long-term. ECUADOR and TRINIDAD AND TOBAGO said protected areas should be given greater attention in the long-term and at COP meetings. CANADA encouraged the COP to strengthen cooperation with WIPO. TRINIDAD AND TOBAGO and SLOVENIA supported an IUCN proposal to increase support for protected areas. KENYA called for consideration of protected areas under the next work programme of the CBD.

The Convention on Migratory Species and the World Heritage Convention highlighted areas of synergy with the CBD. The Bern Convention (Europe) and the Barcelona Convention (Mediterranean) welcomed memorandums of cooperation with the CBD. The IUCN, noting that Article 8 (*in situ* conservation) is critical, stressed collaboration with the CBD.

On 8 and 9 May, the Working Group addressed the relationship between the CBD and the WTO, especially its TRIPs agreement. ETHIOPIA introduced its submission on conflicts between the CBD and the TRIPs Agreement (UNEP/CBD/COP/4/Inf.29). ETHIOPIA, supported by UGANDA, TOGO, INDONESIA, TANZANIA, BOTSWANA and SRI LANKA, proposed an open-ended *ad hoc* working group to address the issue. MALI voiced its reservations to emphasizing a complementary relationship between trade and environment, noting, *inter alia*, the adverse impact of development on biological diversity. INDIA suggested intersessional activities to address the subject. SWITZERLAND said the matter should be addressed by existing mechanisms. The EU noted there is no hierarchy between the WTO and multilateral environmental agreements, and no conflict between TRIPs and the CBD. The EU preferred that these issues be addressed by the WTO Committee on Trade and Environment (CTE). Vandana Shiva, on behalf of an NGO coalition, urged the COP to affirm that the CBD takes precedence over the WTO, ensure that WTO decisions are not harmful to biodiversity and implement Article 8(j).

AUSTRALIA said COP decision III/17, on IPR, is a good basis for further consideration and opposed initiation of a new process. BOTSWANA called for protection 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.



In Plenary on 15 May, the COP adopted a decision on the relationship of the Convention with the CSD and biodiversity-related conventions, and other international agreements, institutions and processes of relevance (UNEP/CBD/COP/4/L.3/Add.5). In the decision, the COP:

- endorses the Joint Work Plan with the Ramsar Convention;
- endorses the memoranda of cooperation between the CBD and the Intergovernmental Oceanographic Commission, the World Bank, FAO, IUCN, UNESCO and UNCTAD;
- requests continued coordination with the secretariats of other relevant biodiversity-related conventions;
- encourages development of relationships with other processes;
- stresses the need to ensure consistency in implementing the CBD and the WTO agreements, including the TRIPs agreement;
- emphasizes that further work is necessary to develop a common appreciation of the relationship between the CBD, IPR and the TRIPs agreement; and
- requests enhanced cooperation with WIPO and strengthened relationships with the UNFCCC and its Kyoto Protocol and the CCD.

The decision also takes note of the programme for further implementation of Agenda 21, and requests the Executive Secretary to prepare a report to assist further evaluation of its implementation of Agenda 21. It invites Parties to submit information on biodiversity-related activities of the CSD, and requests a report at COP-5 on the CBD's collaborative efforts with the CSD and the WTO CTE.

The decision also initiates a process of information exchange under SBSTTA on experiences, knowledge and best practices relating to sustainable tourism and biodiversity. Parties are requested to submit information on, *inter alia*: threats to biodiversity from tourism; basic approaches, strategies and instruments demonstrating where tourism and biodiversity conservation are mutually-supportive; and private sector involvement in sustainable tourism.

REVIEW OF THE OPERATIONS OF THE CONVENTION:

On 8 May, Working Group II considered the review of the operations of the Convention, and evaluated, *inter alia*: the COP, SBSTTA, regional preparatory meetings, the Secretariat, the 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). The conclusions 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.

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

Regarding SBSTTA, COLOMBIA noted its misuse as a preparatory meeting for the COP 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: incorporation of the Barbados Plan of Action (MARSHALL ISLANDS); issues surrounding biodiversity for biotechnology, bioremediation and pharmaceuticals (BRAZIL); access to genetic resources and benefit sharing (INDIA); incorporation of national application into domestic law (KENYA); taxonomy (SWEDEN and the EU); and arid, mountain, rangeland and grassland ecosystems (various delegation).

In the contact group on *modus operandi*/institutional matters, several delegates preferred holding COP-5 in early 2000. One delegate expressed concern that waiting until 2000 for COP-5 would not allow the CBD to provide input on the WTO reform of the TRIPs Agreement.

Options proposed for improving the operations of the COP included: establishment of a preparatory working group of the COP; consideration of other such mechanisms; a review of the COP; or an open-ended intersessional body charged with making recommendations and preparing draft decisions and, upon request from the COP, implementation of the Convention. Several delegates expressed difficulties in making decisions on institutional matters until intersessional activities were clarified.

On future COP agendas, delegations supported a proposed agenda structure including standing issues, key thematic issues, cross-cutting issues and CBD relations with other thematically relevant conventions. Several delegates stressed that thematic issues must be relevant to all Parties. Delegates proposed thematic topics, including, *inter alia*, protected area conservation, public awareness, arid and semi-arid ecosystems and forests. Suggested cross-cutting issues included, among others, IPR, access to genetic resources, benefit sharing and alien species. One delegation noted that biennial COPs could result in postponing consideration of important issues. Another delegate suggested that SBSTTA be responsible for follow-up on work programmes to streamline the COP's agenda. Delegates expressed difficulty in addressing programme assessment until the COP *modus operandi* was resolved.

On Thursday, 14 May, the COP adopted the draft decision on institutional matters and the work programme (UNEP/CBD/COP/4/L.3/Add.4) that includes an Annex I on the *modus operandi* of SBSTTA and an Annex II on the work programme. The decision calls for, *inter alia*: COP-5 to meet for two weeks in the second quarter of 2000; a three- to five-day open-ended meeting to improve preparations for and conduct of the COP; distribution of the provisional annotated agenda and available support documents, preferably six months prior to COP meetings; the Bureau to liaise with the bureaus of its subsidiary bodies; a handbook relating COP decisions; and a review of the work programme at each COP, in light of developments in implementation of the Convention. It also decides that SBSTTA should not provide advice on financial implications of its proposals unless requested by the COP, adopts the SBSTTA *modus operandi*, and requests SBSTTA to advise COP-5 on the terms of reference for the *ad hoc* technical expert panel.

Annex I on the SBSTTA *modus operandi* sets out, *inter alia*: the SBSTTA rules of procedure as those of the COP; the functions of SBSTTA as established in Article 25 of the Convention; the frequency and timing of SBSTTA to be determined by the COP; and elements to guide the establishment of *ad hoc* technical expert groups. It also calls for: encouragement of NGO contributions; cooperation with other relevant bodies; regional and subregional meetings, when appropriate; compilation of a roster of experts; and establishment of a list of focal points for SBSTTA.



The work programme in Annex II details topics for COP-5, COP-6 and COP-7. COP-5 will address: dryland, Mediterranean, arid, semi-arid, grassland and savanna ecosystems; sustainable use, including tourism; and access to genetic resources. COP-6 will undertake forest ecosystems, alien species, and benefit sharing. COP-7 will consider mountain ecosystems, protected areas, and transfer of technology and technology cooperation.

FINANCIAL RESOURCES AND MECHANISM: On Friday, 8 May, Working Group II considered financial resources and mechanism. The Secretariat identified for discussion: the MOU between the COP and the GEF Council; activities of the GEF; effectiveness of the financial mechanism; and 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 CÔTE D'IVOIRE 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 the GEF's effectiveness, the EU, AUSTRALIA and CANADA emphasized the need to 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. The G-77/CHINA criticized: reductions in ODA; the effects of market forces on socioeconomic development; and inadequate observance of review guidelines. However, they supported channeling more financial resources through the GEF. NEPAL criticized inequities in distribution of funds.

Laborious work in a sub-contact group on the financial mechanism yielded draft decisions on the effectiveness of the financial mechanism and additional financial resources, and a further document on additional guidance to the financial mechanism.

The decision adopted on review of the effectiveness of the financial mechanism (UNEP/CBD/COP/4/L.3/Add.1): calls for improvement of the financial mechanism; requests the GEF to take the action specified in the work programme and report back to COP-5; designates COP-5 to determine the terms of reference for the second review of the effectiveness of the financial mechanism; and requests the Executive Secretary's advice to the Parties on the relationship of further draft guidance to previous guidance to the financial mechanism. The Annex on Action to Improve the Effectiveness of the Financial Mechanism specifies the following actions to be requested of the GEF:

- streamline its project cycle;
- simplify and expedite approval and implementation procedures for GEF-funded projects;
- develop policies and procedures that fully comply with COP guidance in a straightforward and timely manner;
- increase support for priorities identified in developing countries' national plans and strategies;
- apply the incremental cost principle more flexibly, pragmatically and transparently;
- promote genuine country ownership through greater involvement of participant countries in GEF-funded activities;
- increase its flexibility to respond to the thematic longer-term work programme in accordance with COP guidance;
- promote its catalytic role in mobilizing funding from other sources for GEF-funded activities;

- incorporate into its monitoring and evaluation activities the assessment of compliance under its operational programmes with COP policy;
- promote compliance of the implementing agencies with COP policy in their support for country-driven activities funded by GEF; and
- assist in improving the efficiency, effectiveness and transparency of cooperation and coordination between the implementing agencies.

The decision on additional financial resources (UNEP/CBD/COP/4/L.3/Add.2) provides for the preparation of a report for COP-5 on additional financial resources, which will include: monitoring financial support; possible collaboration with relevant international organizations, institutions, conventions and agreements of relevance; exploring possibilities for additional financial support on the work programme; and examining the potential of private sector support.

At the contact group and then the Working Group level, the draft decision on "Additional Guidance to the Financial Mechanism," encountered a procedural issue concerning duplication of the deliberations of the contact group of the financial mechanism with those of the forest biodiversity contact group. This quickly escalated into a highly contentious debate. Introducing the draft decision to Working Group II, the Chair of the contact group on the financial mechanism moved for deletion of paragraph 4, concerning GEF support with respect to forest biodiversity on grounds that it had already been dealt with in provisions of a forest biodiversity contact group decision and accepted at higher level in Working Group I. The EU and others objected strongly on the basis that it had been agreed that all guidance to the GEF would be considered in a single decision. The EU threatened to bracket paragraphs relating to the financial mechanism in all other draft decisions. In Plenary, following delicate negotiations on text, the document was adopted (UNEP/CBD/COP/4/L.5) with a new paragraph 4 that was similar to one of the paragraphs on GEF support in the forest biodiversity decision. The paragraph recommends that the GEF:

"In accordance with Decision IV/** and with Article 7 of the Convention and also within the context of implementing national biological diversity strategies and plans, provide adequate and timely financial support to Parties for projects and capacity-building activities at the national, regional and subregional levels and the use of the clearing-house mechanism to include activities that contribute to halting and addressing deforestation..." and other activities.

The decision also calls on the GEF, in accordance with other relevant COP-4 decisions, to:

- provide support for country-driven projects to address alien species at national, regional and subregional levels;
- provide resources for country-driven activities relating to the GTI;
- provide support to eligible projects that help Parties to implement national sectoral and cross-sectoral plans relating to inland water ecosystems;
- support capacity-building activities and country-driven pilot projects focused on priority areas as components of CHM implementation;
- provide increased support for biodiversity information systems;
- evaluate at the end of the CHM pilot phase the experience of GEF's support for developing countries' activities, consider further facilitation of participation in the CHM including in regional networking, and report back to COP prior to the next SBSTTA meeting;
- continue providing financial assistance for preparation of national reports, taking into consideration difficulties identified by Parties in their first national reports; and
- provide support for design and approaches relevant to implementing incentive measures, stock-taking activities, formulation of access and benefit sharing mechanisms, capacity building on measures on access to genetic resources and benefit sharing and other specified benefit-sharing initiatives within biodiversity projects.



IMPLEMENTATION MEASURES: On Monday, 11 May, Working Group II began discussion on incentive measures for implementing the Convention, covered in documents on the design and implementation of incentive measures (UNEP/CBD/COP/4/18), public education and awareness (UNEP/CBD/COP/4/19) and impact assessment and minimizing adverse impacts (UNEP/CBD/COP/4/20).

The EU and NEW ZEALAND called for consideration of incentive measures in other fora, such as the OECD. AUSTRALIA and the EU stressed removal of adverse incentive measures. MOROCCO warned of long-term problems in implementing incentive measures and called for information exchange and assessment of experiences. CÔTE D'IVOIRE noted possible adverse impacts of economic incentives on other areas and that economic tools, ecosystem knowledge and working procedures are inadequate for costing biodiversity. The AFRICAN GROUP called for consideration of the underlying causes of biodiversity loss and, with UGANDA, MALI and others, recommended that SBSTTA undertake a three-to-five-year work programme to develop incentive measures, with support from the GEF and others. KENYA called for incentive measures instead of ineffective regulatory measures and for consultative processes for developing guidelines. UGANDA called for capacity building in developing countries and GEF support for formulation and implementation of incentives. CÔTE D'IVOIRE called for more study, information dissemination and capacity building before putting incentives into guidelines. MALAWI called for a specific decision on capacity building in all sectoral areas. COLOMBIA stressed that: SBSTTA must decide on inclusion of incentives in national reports; support must be appropriate; and further CBD action on incentive measures should be analyzed during discussion on the *modus operandi*.

On public education, the EU welcomed involvement of all groups in CBD implementation and called for local Agenda 21s, development of guidelines and exchange of experience through the CHM, UNESCO and the IUCN. Juan de Castro outlined UNCTAD's facilitating role, particularly in biotrade, and called for the participation of all civil society. BIRDLIFE INTERNATIONAL called for inter-agreement cooperation, particularly with the Ramsar Convention. MALI called for public involvement in decision-making wherever human activity has an impact. The CONGO and AUSTRALIA called for UNESCO to develop educational programmes supported through GEF funding. NEW ZEALAND stressed education for a conservation ethic. KENYA called for a results-oriented approach to capacity building. MOZAMBIQUE noted the importance of information dissemination, particularly through the Internet. ZAMBIA called for traditional methods for disseminating information to rural populations. ZIMBABWE called for GEF funding for this and for links between education and incentives for local communities dependent on biodiversity resources. UNESCO called for: stock-taking on global actions; an exchange network; prioritization of young people's needs; and strengthening of cooperation between UN agencies and NGOs. MOROCCO stressed education of decision-makers and primary users of biodiversity and called for a regional ecosystemic approach on public awareness.

On impact assessment and minimizing adverse effects, the EU opposed a new programme and proposed, *inter alia*: capacity building; training programmes; linking web sites; support through SBSTTA; and a "help desk" for assistance. NEW ZEALAND stressed the importance of cumulative impact assessment. INDIA and AUSTRALIA supported SBSTTA's development of guidelines. The US stressed gathering information on national-level guidelines before developing international guidelines. MOZAMBIQUE called for taxonomic analysis as part of an environmental impact assessment (EIA). MOROCCO noted its lack of taxonomic and other specialists. SWITZERLAND supported consideration of socioeconomic aspects.

On Thursday, 14 May, Working Group II considered draft decisions on measures for implementing the Convention: impact assessment and minimizing adverse effects (UNEP/CBD/COP/4/WG.2/CRP.2), public education and awareness (UNEP/CBD/4/WG.2/CRP.3), and incentive measures (UNEP/CBD/4/WG.2/CRP.4).

On 15 May, the Plenary adopted a decision on measures on implementation of the Convention (UNEP/CBD/COP/4/L.3). Brackets were removed from a paragraph requesting Parties to include information on the design and implementation of incentive measures in their second national reports and from a paragraph requesting support from the financial mechanism on implementation of incentive measures.

On incentives, the decision highlights, *inter alia*:

- design and implementation of incentive measures taking into account the approach and precautionary approaches of the Rio Declaration;
- identification of threats to and underlying causes of biodiversity loss;
- economic, social, cultural and ethical valuation;
- supportive legal and policy frameworks;
- participatory consultative processes;
- identification of perverse incentives;
- case studies on incentive measures;
- value addition and enhancement of naturally occurring genetic resources;
- financial mechanism support;
- capacity development;
- information exchange; and
- further analysis of incentive measures for conservation and sustainable use of biodiversity.

On public education, the decision highlights, *inter alia*: recognition of diverse needs; synergy; modern technologies and traditional communication systems; public media and non-traditional means of communication; NGOs; appropriate resource allocation by Parties; integration of biodiversity concerns into education; information sharing; local languages; a global initiative on biodiversity education; and a review of progress by COP-7.

On impact assessment, the decision highlights: CBD Article 14 on liability and redress for biodiversity damage; information sharing; assessments of environmental and socioeconomic aspects; incorporation of biodiversity considerations into EIA procedures; reports and case studies on impact assessment; mitigating measures and incentive schemes to enhance compliance; international collaboration; and information exchange on liability and redress. It notes that the decision is without prejudice to the consideration of the issue of liability and redress in the negotiation of the protocol on biosafety.

CLOSING PLENARY

On 15 May, the Plenary, chaired by Stefan Schwager (Switzerland), adopted the draft reports of COP-4, Working Group I and Working Group II as well as the draft decisions produced in Plenary and the two working groups (UNEP/CBD/COP/4/L.1-7 and UNEP/CBD/COP/4/CRP.4).

In a final address to the COP, UNEP Executive Director Klaus Töpfer called for keeping the Rio spirit of cooperation and understanding alive. He called for closer ties between the outcomes of the Ministerial Roundtable and the COP and highlighted a number of the important issues addressed here, including: biosafety; links to other Conventions and fora; access and benefit sharing; the ecosystem approach; and work on the *modus operandi* of the CBD. He supported as much CBD Secretariat autonomy as possible and suggested the possibility of providing more resources through UNEP. He called for joining forces to raise the public and political profile of the CBD.

The report of the credentials committee, adopted by the Plenary, identified 10 Parties still not in compliance and 33 only partially in compliance, but full agreement to provide the Secretariat with credentials in good order. The COP adopted Kenya's invitation to host the fifth meeting of the Conference of the Parties in Nairobi in the first half of the year 2000 and left the exact date to be determined by the Bureau.

BENIN, on behalf of all French speaking countries, identified a shortage of and delays in written and oral French language translations at the COP and the restrictions this placed on their participation. Refer-



ring to principles of equity and universality, she formally appealed for timely and adequate translation services into French and the other UN languages, and for this to be entered in the official report.

Delegates expressed warm gratitude to the Government of Slovakia and its people and INDONESIA, on behalf of G-77/China, requested that its gratitude be entered in the official report as a decision of COP-4. ZIMBABWE, on behalf of the African Group, emphasized the importance of regional meetings and of financial support for developing countries. INDONESIA, on behalf of G-77/China, emphasized access and benefit sharing and the financial mechanism. The EU, on behalf of the Western Europe and Others Group, noted the participatory value of the Ministerial Roundtable and deplored the proliferation of contact groups at the COP.

The Minister of the Environment of Slovakia and COP-4 President, Jozef Zlocha, concluded that COP-4 has made an important step forward in improving the biodiversity of the entire planet. The meeting was gavelled to a close at 11:29 pm.

A BRIEF ANALYSIS OF COP-4

COP-4 was a meeting that promised much, yet struggled against a tide of largely self-generated obstacles to deliver. The pace and quality of deliberations exhibited the growing pains of a convention venturing tentatively, but resolutely, beyond the threshold of adolescence. The combination of questionable organization, ineffective implementation and identity problems, combined with backroom politics and a broad issue mandate, all coincided to create a formidable array of obstacles to be overcome. In spite of this adversity, and buoyed up by a strong will and spirit for progress, the Parties rallied to produce some promising outcomes and a firm, if not solid, platform to move forward.

It was clear that the COP was challenged by a lack of organization. From the start, on a day-to-day basis, as well as an hour-to-hour basis, the COP lagged behind its schedule. The general consensus among delegates is that COP-4 was a lackluster meeting that lacked a sense of urgency, at least until the "wake up" call in the last two days. Despite the fact that two working groups had been established to alleviate the front-loaded schedule of COP-3 and, to avoid a proliferation of contact groups, critical issues were left until the very end to be negotiated.

COP-4 working groups did not convene until the third day, prohibiting the establishment of contact groups until the end of the first week. Furthermore, delegates complained that when contact groups met over the weekend, precious time was wasted discussing what to discuss at the beginning of the second week, when real negotiations would begin. Then contact groups began to pop up like the spring flowers dotting the Danube, with little coordination or direction from the Bureau. This, combined with the impacts of haphazard scheduling and inconsistent quality of chairing, causing extreme difficulties for smaller delegations to participate effectively in the negotiation of all issues. As a result of the numerous problems, decisions were rushed, causing further delays due to the ever-present need for consultation and a lack of synchronization between interdependent deliberations of thematic and non-thematic contact groups. Heavily, sometimes completely, bracketed "negotiated" text was referred back to the working groups, and even to Plenary in some cases, for further lengthy debate. This resulted in a vicious cycle of chaos resembling a colony of worker ants, but, as one delegate noted, at least ants know where they are going.

Some observers pointed to political wrangling within a polarized Bureau as another source of delay, and questioned whether the Bureau had the wherewithal to make decisions that were laid at its feet. In one case, a procedural issue regarding the hierarchy of decision-making between the forest and financial mechanism contact groups took up most of the penultimate evening for many delegates. Some delegates wondered if this was not evidence of the inefficacy of the Bureau, but of political maneuvering that might have been avoided through different handling.

Convening the Ministerial Roundtable at the beginning of COP-4 was cited by many as another major factor behind the snowball effect on COP-4's agenda. Some delegates dismissed the ministerial segment outright as pure decoration and favored doing away with it altogether, describing it as an endless stream of unenticing statements with little focus or relationship to the negotiation process. Other delegates thought that, at first glance, convening the Roundtable simultaneously with the work of the COP was a refreshing attempt to exchange active dialogue among high-level policymakers. However, by the end of the first week, when the COP was already a day behind and many agenda items were yet to be tackled, many delegates admitted that the Roundtable had not had the catalytic effect hoped for, and questioned its effectiveness. Others noted that, however well-intended this approach, by scheduling the Roundtable at the beginning rather than the end as in past COPs, the role of ministers had in fact been marginalized. This led some delegates to note the success of ministers in the UNFCCC in focusing public attention on the climate issue and engaging in high-level horse trading during the latter stages of the Kyoto Protocol, and suggested the CBD should adopt a similar High-Level Segment. However, other delegates admitted that the CBD has a different climate altogether, and that biodiversity issues have yet to receive a high-level political push because, unlike the UNFCCC, which has a narrow focus, and definite, definable targets, and, for many, carries more of an imminent threat, the plethora of programme areas within the CBD makes it difficult for any one issue to receive adequate attention.

Some delegates point to the evidence that it is politics that stymies the work of the CBD. One observer noted the pessimism of many delegates with regard to overlapping frameworks, workloads and institutional arrangements with incompatible terms of reference, both between conventions and processes as well as within the CBD framework itself. To some extent this is unavoidable as there are no rigid lines between environmental issue areas. On the other hand, the role of politics cannot be ignored in conflicts on: allocation of authority between the CBD and its parent body, UNEP; the scope of institutions such as the CBD and the FAO, with their divergent underlying philosophies on the nature of human interaction with other life forms on the planet; the jurisdiction over forest questions of the non-binding IFF process versus the binding CBD with its focus on environmental benefits; and the primacy of trade versus competing environmental concerns between the CBD and the WTO.

The Convention is still addressing its identity crisis as an "umbrella" Convention, as demonstrated in discussions on the topics for the agendas of the next three COPs, where delegates offered upwards of 20 possible issue areas to be covered. While the underlying theme of synergies between the CBD and other international agreements, institutions, organizations and processes at COP-4 promises possibilities for partnerships, it is also a source of this identity crisis as overlapping mandates and issues of primacy dominate.

Some wonder whether difficulty in addressing the formulation of a *modus operandi* for the COP and other implementation issues is a symptom of greater problems. Some distressed that, six years after Rio, the "innocence of youth" excuse can no longer be used and that the CBD is not maturing into an institution that is applying effective procedures. It has taken six years to reach a point at which implementation of the CBD is now being given full attention, and even now only the very first steps have been taken. One reason, it is argued, is a lack of choices for how to achieve implementation of the Convention.

Nevertheless, COP-4 made strides towards streamlining its operations through the development of a new work programme and a tune-up on institutional matters. The new work programme sets out agendas for COPs 4-6 based on a revamped structure with key thematic issues, supportive cross-cutting issues and development of relationships with thematically relevant institutions and conventions. The work programme takes a constant improvement approach, and is to be evaluated and improved upon in light of developments in implementation of the Convention. The COP also established an intersessional open-ended meeting to improve preparation for and conduct of the COP.



As Calestous Juma noted in his opening address to COP-4, the CBD is starting to influence social, economic and political behavior at the national level and to provide the policy framework for the international community's effort to protect and sustainably use life on earth. Perhaps the CBD's transition from its medium- to long-term work programme presents the perfect opportunity to find its place within the constellation of multilateral environmental agreements.

THINGS TO LOOK FOR

CONFERENCE ON COASTAL AND MARGINAL SEAS:

This meeting will be held 1-4 June 1998 at UNESCO headquarters in Paris. For more information, contact: Judi Rhodes, TOS; 4052 Timber Ridge Drive, Virginia Beach, VA 23544, USA; tel: +1-757-464-0131; fax: +1-757-464-1759; e-mail: rhodesj@exis.net; Internet: <http://www.tos.org>.

THIRD MINISTERIAL CONFERENCE ON THE PROTECTION OF FORESTS IN EUROPE: This meeting will take place in Lisbon, Portugal, from 2-3 June 1998. For more information, contact: Secretariat, Intergovernmental Forum on Forests; Division of Sustainable Development, United Nations, Two UN Plaza, 12th Floor, New York, NY 10017 USA; tel: +1-212-963-6208; fax: +1-212-963-3463; e-mail: hurtubia@un.org.

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) SUBSIDIARY BODIES MEETING: This meeting will be held 2-12 June 1998 in Bonn, Germany. For more information, contact: UNFCCC Secretariat; tel: +49-228-815-1000; Fax: +49-228-815-1999; e-mail: secretariat@unfccc.de; Internet: <http://www.unfccc.de/>.

WORKSHOP ON THE IMPLEMENTATION OF IPF/CSD PROPOSALS FOR ACTION IN LATIN AMERICA AND THE CARIBBEAN WITH SPECIAL REFERENCE TO NATIONAL FOREST PROGRAMMES: This workshop will be held from 3-5 June 1998 in Santiago, Chile. For more information, contact: Luis Santiago Botero; tel: +39-6-5705-3589; fax: +39-6-5705-2151; e-mail: luis.botero@fao.org.

CONVENTION ON MIGRATORY SPECIES: The Convention's scientific council will meet from 3-5 June 1998 in Wageningen, the Netherlands. For more information, contact: UNEP/CMS Secretariat; UN Premises in Bonn; Martin-Luther-King-Str. 8, D-53175 Bonn, Germany; tel: +49-228-815-2401/2; fax: +49-228-815-2449; e-mail: cms@unep.de; Internet: <http://www.wcmc.org.uk/cms/>.

THE RAMSAR EUROPEAN REGIONAL MEETING: This meeting will be held in Riga, Latvia, from 3-6 June 1998. For more information, contact: Ramsar Convention Bureau; Rue Mauverney 28, CH-1196 Gland, Switzerland; tel: +41-22-999-0170; fax: +41-22-999-0169; e-mail: ramsar@hq.iucn.org.

FIFTH EXTRAORDINARY SESSION OF THE FAO COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE: This meeting will be held from 8-14 June 1998 at FAO headquarters in Rome to continue the revision of the International Undertaking on Plant Genetic Resources in harmony with the CBD. For more information, contact the FAO: Viale delle Terme di Caracalla, 00100 Rome, Italy; tel: +39-6-52251; fax +39-6-52253152; Internet: <http://www.fao.org> or <http://web.icppgr.fao.org>.

BIODIVERSITY FORUM: "Treasures in the World's Forests" will be held from 3-7 July 1998 in Schneverdingen, Germany. For more information, contact: Forum Office; tel: +49-5199-989-21; fax: +49-5199-989-46; e-mail: naturschutzakademienna@t-online.de or forests.in.focus@oln.comlink.apc.org; Internet: <http://www.forests.in.focus.comlink.apc.org>.

THE DILEMMA OF ECOSYSTEM MANAGEMENT: TO EXTEND THE AGONY OR TO ADDRESS THE CAUSE?: This meeting will be held from 19-25 July 1998 in Florence, Italy. For infor-

mation, contact: Boris Zeide, School of Forestry, University of Arkansas, Monticello, AR 71656-3468 USA; tel: +1-870-460-1648; e-mail: zeide@uamont.edu.

INTERGOVERNMENTAL FORUM ON FORESTS: The second session of the IFF will meet from 24 August-4 September 1998 in Geneva. For more information, contact: Secretariat, Intergovernmental Forum on Forests; Division of Sustainable Development, Department of Social and Economic Affairs, United Nations, Two UN Plaza, 12th Floor, New York, NY 10017 USA; tel: +1-212-963-6208; fax: +1-212-963-3463; e-mail: hurtubia@un.org.

OPEN-ENDED AD HOC BIOSAFETY WORKING GROUP: The fifth session of the BSWG will take place from 17-28 August 1998 in Montreal. For more information, contact: the CBD Secretariat; World Trade Center, 393 St. Jacques Street, Suite 300, Montreal, Quebec, Canada H2Y 1N9; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: chm@biodiv.org; Internet: <http://www.biodiv.org>.

XV EUCARPIA GENERAL CONGRESS: The meeting, "Genetics and Breeding for Crop Quality and Resistance," will be held from 21-25 September 1998 in Viterbo, Italy. For more information, contact: Dr. Mario A. Pagnotta, XV Eucarpia Congress, University of Tuscia, Via S.C. de Lellis, 01100, Viterbo, Italy; fax: +39-761-357256; e-mail: eucarpia@unitus.it; Internet: <http://www.unitus.it/confsem/eucarpia/eu.html>.

INTERNATIONAL SYMPOSIUM ON NATURAL SACRED SITES, CULTURAL DIVERSITY AND BIOLOGICAL DIVERSITY: This symposium will be held at UNESCO headquarters in Paris from 22-25 September 1998. For more information, contact: Dr. Marie Roue; Director, URA 882 Laboratoire d'Ethnobiologie, Museum National d'Histoire Naturelle, 57 rue Cuvier 75005, Paris, France; tel: +33-1-40-79-3668 or 3682; fax: +33-1-40-79-3669; e-mail: roue@mnhm.fr.

CONFERENCE ON GENETICALLY MODIFIED ORGANISMS IN NORDIC HABITATS: SUSTAINABLE USE OR LOSS OF DIVERSITY?: This conference will be held 1-2 October 1998 in Helsinki, Finland. For more information, contact: Marja Ruohonen-Lehto; tel: +358-9-4030-0541; e-mail: marja.ruohonen-lehto@vyh.fi; or Hans Erik Svart; tel: +45-39-47-20-00; e-mail: hes@sns.dk.

MEETINGS UNDER THE CONVENTION ON BIODIVERSITY: A Liaison Group of Experts on Agrobiodiversity meeting is tentatively scheduled for October/November 1998. A meeting on the Conservation and Sustainable Use of Inland Waters is tentatively scheduled for November. For more information, contact the CBD Secretariat, World Trade Centre, 393 St. Jacques Street, Montreal, Quebec, Canada H2Y 1N9; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: chm@biodiv.org; Internet: <http://www.biodiv.org>.

BIO-INDUSTRY CHALLENGE: This meeting will be held from 10-12 November 1998 in Lyon, France. For more information, contact: Anthony Artuso; BIOTRADE Initiative, University of Charleston, 66 George Street, Charleston, SC 29424 USA; tel: +1-843-953-5825; fax: +1-843-953-8140; e-mail: artusoa@cofc.edu; or Juan A. de Castro; Coordinator, BIOTRADE Initiative, UNCTAD, Palais de Nations, Geneva CH10, Switzerland; tel: +41-22-907-5701; fax: +41-22-907-0044; email: juan.de.castro@unctad.org.

SECOND CONFERENCE OF THE PARTIES TO THE CONVENTION TO COMBAT DESERTIFICATION: This meeting will be in Dakar, Senegal from 30 November - 11 December 1998. For more information, contact: CCD Secretariat; tel: +44-22-979-9419; fax: +44-22-979-9030; email: secretariat@unccd.ch; Internet: <http://www.unccd.ch>.

EIGHTH SESSION OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE: The next session of the CGFRA will take place during the second half of April 1999. For more information, contact FAO: Viale delle Terme di Caracalla, 00100 Rome, Italy; tel: +39-6-52251; fax: +39-6-52253152; Internet: <http://www.fao.org> or <http://web.icppgr.fao.org>.