

CBD NEWS



SPECIAL EDITION

THE CONVENTION ON **BIOLOGICAL DIVERSITY**

FROM CONCEPTION
TO IMPLEMENTATION



Historical perspectives on the occasion of the 10th Anniversary of the entry into force of the Convention on Biological Diversity



CBD



UNEP



Message from Hamdallah Zedan

Executive Secretary, Convention on Biological Diversity



This is a time of great promise and great challenge for the Convention on Biological Diversity. The 10th anniversary of the entry into force of the Convention is a time to commemorate its achievements, to assess its progress, and spur on efforts to achieve the target of achieving a significant reduction in the current rate of biodiversity loss by 2010.

During the negotiations for the Convention, many argued that economic and social development and poverty eradication were the overriding priority and that environmental protection was a secondary issue. Gradually and significantly, over the last ten years, we have seen a major shift in thinking: measures to conserve and sustainably use biodiversity are now seen a prerequisite for—and not as an alternative to—economic and social development efforts. Nowhere was this change in outlook more marked than in the

recognition by the World Summit on Sustainable Development in Johannesburg in 2002 of the contribution of the work done within the framework of the Convention to promote sustainable development, the achievement of the Millennium Development Goals (MDGs), poverty eradication and the livelihoods and cultural integrity of people.

Given this transformation of global thinking, it is encouraging to see the Convention's principles taking shape through comprehensive and internationally agreed programmes of work covering all major biomes and guided by a specific target that provides a clear road map for the work ahead.

The entry into force of the Cartagena Protocol on Biosafety on 11 September 2003 was also an important milestone in the implementation for the Convention. The impact of modern biotechnology on biological diversity has been an issue under the Convention from the early stage in the negotiations and the entry into force of the Protocol is an example of how the Convention

process is capable of producing successful tools for the implementation of its objectives. As Parties embark on the process of negotiating an international regime for access to genetic resources and the fair and equitable sharing of the benefits from their use, the lessons learned from the experience of the Cartagena Protocol will prove extremely valuable.

I want to congratulate all the States that have ratified and committed themselves to implementing both the Convention and the Protocol, and I wish to urge those that have not yet done so to follow suit as soon as possible. I would also like to express my sincere gratitude to all the authors who have contributed to this special edition of the *CBD News*. Their very personal views, perspectives and reminiscences of the process through which the Convention has developed are an invaluable contribution to the history of the Convention, a tribute to all our past efforts, and a beacon to guide us in the work ahead. ♡

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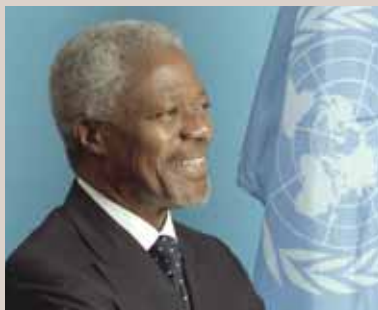
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Message from Kofi Annan

Secretary General

Biological diversity is essential to human well-being and for the livelihoods and cultural integrity of people everywhere. The Convention on Biological Diversity (CBD) is the key global instrument for the conservation and sustainable use of biological diversity, and for the fair and equitable sharing of benefits arising from the use of genetic resources. A landmark in international law, the Convention, together with its Cartagena Protocol on Biosafety, is an integral part of international efforts to achieve sustainable development, poverty alleviation and the Millennium Development Goals.

In the ten years since its entry into force, the Convention has become a near-universal instrument, with 188



Parties, and has proven to be an effective vehicle for developing new policies and concepts with regard to all ecosystems. It has broadened participation to involve all key actors, notably indigenous and local communities. There is also growing participation in the Cartagena Protocol on Biosafety, which entered into force in September 2003 and now has more than 100 Parties. The Protocol provides an important international regulatory framework to ensure the safe transfer, handling and use of living modified organisms resulting from modern biotech-

nology, thus making it possible to derive maximum benefits from biotechnology while minimizing the potential risks to the environment and human health.

At the World Summit on Sustainable Development in Johannesburg in 2002, Governments pledged to significantly reduce the current rate of biodiversity loss by 2010. This commitment must be matched by action. Indeed, we are long past the time when we could be satisfied with raising awareness about the importance of biodiversity. Today, we need real, concrete steps toward reaching the targets and indicators agreed at Johannesburg.

On the tenth anniversary of the Convention's entry into force, I congratulate all those involved in its implementation for the many significant achievements to date. I encourage them to pay even greater attention to this vital issue, and thereby make a major contribution to sustainable development and to the health and prosperity of all humankind. 🍀

Ten Years Trek from Rio to Jo'Burg and Beyond

Message from Klaus Toepfer
Executive Director, UNEP

It is a great occasion for the Convention on Biological Diversity (CBD) which celebrates the 10th Anniversary since its entry into force on 29 December 1993.



The Convention has another reason for celebration. This occasion also coincides with the entry into force on 11 September 2003, of the Convention's four-year-old offspring, namely the Cartagena Protocol on Biosafety—the first international treaty that entrenches and promotes the Precautionary Approach towards environmentally sound management and protection of the biological resources of Planet Earth.

The Convention was born at the Rio Earth Summit in 1992. My distinguished predecessor

and friend, Dr. Mostafa Tolba, played an outstanding role in nurturing the Convention since its conception through the UNEP Governing Council Decision 14/26 of 1987. The CBD was born along with the UNFCCC and the CCD, indicating the international community's strong commitment to environmental protection and their recognition that biodiversity is central to sustainable development efforts and attainment of Agenda 21 goals. On its 10-year trek from Rio to the Johannesburg WSSD in 2002, the Convention has steadfastly grown in both strength and stature. Now with 187 Nation States and one regional economic organization on board as Parties to the Convention and 110 Parties to its protocol, the Convention was duly recognized by WSSD as the key global instrument for the effective conservation and sustainable use of biological diversity of Planet Earth and the fair and equitable sharing of benefits arising from the use of genetic resources. Accordingly, in the global quest for achievement of the 2010 target of significant reduction of the current rate of biodiversity loss, and as part of the strategy for biodiversity to contribute towards the Millennium Development Goals, including poverty alleviation,

the WSSD Plan of Implementation called up the global community to take a number of actions at all levels. They include actions, among others, to negotiate within the CBD framework, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

The Convention in its brief life span, to date, is proving equal to the task. It has been most gratifying to note the growing maturation of the Convention over the years. I have noted with parental pride its systematic movement and transformation from policy generation in terms of comprehensive policy frameworks during the first 3 COPs in the Bahamas, Jakarta and Buenos Aires (COP-1 to COP-3) to policy implementation in the next 3 series of COPs (COP-4 to COP-6) held in Bratislava, Nairobi and The Hague respectively. This has entailed laying firm foundations for and detailed elaboration of, five major thematic programmes of work addressing vital ecosystems and their biological resources. These programmes of work cover agricultural, drylands/subhumid, forest, inland waters and marine biodiversity in the context of a complex web of criti-



cal cross-cutting issues.

At Kuala Lumpur during COP-7, the Convention embarked on a more difficult journey that, over the next decade will present it with potent challenges and prime opportunities as it strives towards ensuring the attainment of the three objectives of the Convention through practical, efficient and coherent implementation of the adopted thematic work programmes. The Convention will be expected to enhance and promote the requisite synergies, interlinkages and collaboration with other MEAs amidst the impacts of climate change, globalization, liberalization of economies, poverty and the emerging issues of the 21st century of relevance to biodiversity, biotechnology and biosafety.

It is heartening to observe that from its inception, the Parties and observers to the Convention have endeavoured to discharge their differentiated roles, responsibilities and obligations with due diligence to make the Convention vibrant, visible and relevant to all stakeholders including indigenous and local communities worldwide. The Convention has been exemplary on this score. However, much remains to be done over the next decade. First and foremost, in this regard, is the issue of adequate funding to complement/supplement funds available through the institutional financial mechanism of the Convention—the Global Environment Facility. As stressed in the WSSD Plan of Implementation, new and additional resources will be required by developing countries, Small Island Developing states (SIDS) and Countries with economies-in-transitions (CITs) in order to effectively implement the provisions of the Convention and the Protocol. Secondly, there is need for expedited and coordinated capacity building programmes at national and subregional levels to create the necessary enabling and conducive environment for the adoption, transfer and diffusion of the relevant environmentally sound technologies, including biotechnology, that will contribute to the attainment of the objectives of the Convention and its Protocol.

As the head of the organisation providing the Secretariat of the Convention, I wish to pay particular tribute to my predecessors, Mr. Maurice Strong, Dr. Mostafa Tolba and Ms. Elizabeth Dowdeswell, and to the former Executive Secretaries of the Convention—Ms. Angela Cropper and Dr. Calestous Juma, and the current, Dr. Hamdallah Zedan. I cannot forget the

glorious band of eminent persons comprising the Bureaus and Chairs of various organs of the Convention, the Secretariat Staff and a host of other persons, whose diligence, dedication and tireless service facilitated focused deliberations not only at the COPs but also at meetings of the subsidiary bodies. Their contributions and meticulous attention to detail with regard to both product and process ultimately led to the wide array of excellent outcomes and the major landmark decisions take by the COPs of the Convention and the 1st meeting of the Parties to the Cartagena Protocol on Biosafety.

Finally, it is my pleasant duty to wish the Convention and its Protocol a brighter future, and a more fruitful decade. I also wish to take this opportunity to urge those countries that have not yet ratified the Convention and/or the Cartagena Protocol on Biosafety to do so at the earliest convenience in view of the demonstrated global significance and relevance of these instruments in harnessing the resources of environment for development. 🦋

The Convention About Life On Earth

Message from Elizabeth Dowdeswell, former Executive Director, UNEP 1993 to 1998



The rhetoric was powerful. A Convention about life on earth. A new contract between people and nature. Common ground and mutual reliance, solidarity and equity.

In the face of mounting evidence of the unraveling of the environmental web that sustains all life, the international community mobilized to negotiate a legally binding treaty to help reverse the loss of biodiversity.

Other pages of history will document the role of UNEP as midwife to the legal instrument that was signed by 156 countries at the United Nations Conference on the Environment and Development in 1992. It entered into force a remark-

ably short 18 months later. They will tell the stories behind the milestone decisions taken in places around the globe, from Nairobi and Geneva to the Bahamas, Indonesia and Argentina. Some will remember the farsighted work of scientific panels, the persistence of non-governmental organizations, the passionate leadership of certain countries and individuals. There was even a UN first—a technological breakthrough of remote translation.

There were also growing pains. Procedural and political considerations seemed to dominate in the early days—negotiating rules of procedure, the choice of a permanent home for the Secretariat and the recruitment of Executive Secretaries. There was talk of a crisis of identity exacerbated by myriad overlapping frameworks and institutions. At best the results could be potential duplication of energy and effort; at worst competing objectives. Yet, shared responsibility was becoming the norm. Comparisons were made with its sister Convention on Climate Change citing a lack of pre-negotiation scientific assessment, no clearly defined targets and schedules and a questioning of the commitment and interest in developed countries.

There was concern about implementation paralysis. In the transition from negotiations to building a technical base for action thorny questions remained. What is meant by sustainable use? How is traditional knowledge reflected? How is economic valuation of biodiversity undertaken? How is access to genetic resources and benefit sharing guaranteed? What is the state of drylands biodiversity? By what means can a static legal instrument reflect the complexity and dynamic pace of biotechnology? How does a global partnership actually accommodate the view that biotic wealth is the sovereign property of nations? How does one actually implement a precautionary approach?

Do not misunderstand—this treaty was and continues to be significant. It was not the first international agreement for conserving biodiversity, but it had a

breadth and depth of understanding that set it apart. It placed the conservation of biodiversity within the context of sustainable development, recognizing simultaneously wise management of global biodiversity and development objectives.

On the occasion of the 10th anniversary, it may still be too early to assess the impact of the Convention. If the lofty objectives are to be turned into action the lessons of the past will be instructive. An eye on the future is equally important. All evidence points to instability and surprise. What we do know is that tampering with the earth's life-support systems is a dangerous game.

But, biodiversity is a term not yet well understood, beyond conjuring up examples of endangered and exotic species or safaris and vacations in tropical forests. There is incomplete recognition of our total dependence on the critical interactions between genes, species and habitats for life. This is the real threat to implementation of the Convention—no evident public support and sense of urgency which would demand concerted political attention.

Renewed and energetic commitment to the objectives of the Convention would be a suitable response to the successful efforts of so many over the past ten years. This Convention has an enduring legacy. It continues to remind us that it is within our power to walk more lightly on this Earth. ♣

Message from Mostafa Tolba

former Executive Director, United Nations Environment Programme (UNEP) 1975 to 1992

The Earth's genes, species, and ecosystems are the product of hundreds of millions of years of evolution, and have enabled our species to prosper. Human



activities are destroying this biological diversity at a rate which is far more likely to accelerate than to stabilize.

Like other natural resources, the global distribution of living species is not uniform.

Abundance generally increases as we move from the poles to the equator. As many species of trees have been found in one 15 hectare area of Borneo rainforest as there are in the whole of North America. Yet tropical forests—home to roughly half our planet's inventory of biodiversity—are being destroyed by as much as 17 million hectares a year.

Tropical forests are not the only rich ecosystems. Wetlands, the Mediterranean climate regions of southern Africa, coral reefs and temperate forest zones also abound in biodiversity and also are under severe ecological stress. Eighty per cent of the 23,000 species of plants estimated to occur in South Africa, Lesotho, Swaziland, Namibia and Botswana are unique to the region. This gives the area the highest species richness in the world, nearly twice that of Brazil.

Wetlands provide essential habitats and breeding grounds for many plant and animal species and help to regulate water flows. Yet over half the coastal and freshwater wetlands of the US have been destroyed and many parts of Europe have lost nearly all their natural wetlands. In tropical countries as diverse as Chad, Bangladesh, India and Vietnam 80 to 90 per cent of wetlands have been destroyed.

For 3 billion years, life on earth has been characterized by ever increasing diversity. Extinction has always been a part of that picture. Over 99 per cent of all the species that have ever lived are now extinct. These extinctions have almost always occurred within the context of a general widening of the pool of genetic resources. A species becomes extinct when better adapted competitors rise up to displace it.

Now we face a wave of extinctions unmatched in 60 million years. According to a report of the National Science Foundation of the United States, "The rate of extinction over the next decades is likely to rise to at least 1,000 times the natural rate of extinction."

The Convention on Biological Diversity adopted at the 1992 United Nations Conference on Environment and Development aims at the conservation of biological diversity, the sustainable use of its components and the fair and eq-

uitable sharing of the benefits arising from the use of genetic resources. In implementing this Convention, I hope we will be able to save what biological diversity we can, while we can. ♣

Message from Len Good

Chief Executive Officer and Chairman, Global Environment Facility (GEF)

Biodiversity and people are at the heart of the Global Environment Facility (GEF). As we celebrate the 10th anniversary of the entry into force of the Convention on Biological Diversity, GEF stands committed to strengthening its support for the CBD in ways that protect the global environment and create livelihoods and opportunities for the world's poor. The conservation and sustainable use of Earth's natural resources remains a top GEF priority.



I remember the excitement of the Earth Summit in Rio in 1992 when the CBD was signed. At that time, I was Canada's Deputy Minister of Environment and I was immensely proud of the fact that Canada's Prime Minister was the first signatory. Today I am equally proud to be leading the GEF—an organization that has played a major role in helping achieve the CBD's key objectives from the beginning.

As the financial mechanism for the CBD, the GEF has committed \$1.8 billion in direct grants and leveraged \$4 billion in co-financing for more than 650 biodiversity projects around the world. When I addressed COP-7, I emphasized that GEF intends to build on that investment in the years ahead. As CBD begins its second decade, we look forward to broadening our efforts to implement this important international agreement and promote more effective, comprehensive, and holistic solutions to critical biodiversity problems. ♣



Varaporn/UN/EP/Alpha Presse

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THE FOUNDATIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Foundations



1987 TO 1992

From Conception to Opening for Signature

The Ad Hoc Working Group of Experts on Biological Diversity, the Intergovernmental Negotiating Committee

The Convention on Biological Diversity reflects the policy and scientific recommendations of a number of groups including the parks and protected areas movement, the debt-for-nature movement, the sustainable-use movement, the farmers' rights movement and the bio-prospecting movement. Many of the ideas of these movements were reflected in the work in the 1980s of the IUCN Environmental Law Centre. The emphasis on sustainability and the economic value of biodiversity had an impact on the United Nations Environment Programme (UNEP), and in 1987 the Governing Council called for the convening of a series of expert group meetings. The initial sessions began in November 1988 and were referred to as meetings of the Ad Hoc

Working Group of Experts on Biological Diversity.

In 1990 the UNEP Governing Council established an Ad Hoc Working Group of Legal and Technical Experts to prepare a new international legal instrument for the conservation and sustainable use of biological diversity. Former UNEP Executive Director Mostafa Tolba prepared the first formal draft of the Convention on Biological Diversity, which was considered in February 1991 by an Intergovernmental Negotiating Committee (INC). The INC met four more times between February 1991 and May 1992, culminating in the adoption of the final text of the Convention in Nairobi on 22 May 1992. 🌱

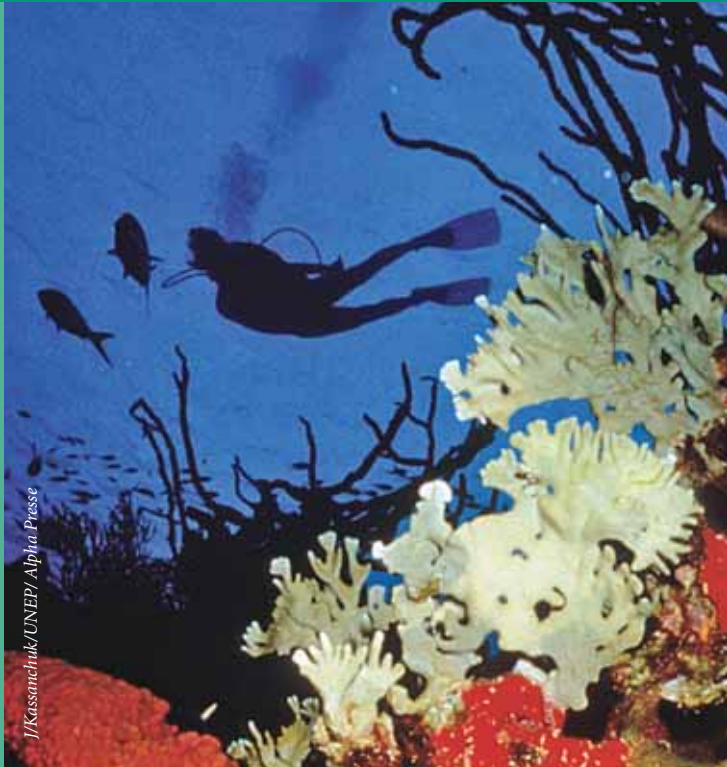
UNEP/Alpha Presse

IUCN and the CBD

Jeffrey A. McNeely, *Chief Scientist, IUCN*



IUCN started thinking about a convention on biodiversity back at the 1982 World Congress on Protected Areas, held in Bali, Indonesia. At that time “biodiversity” had not yet entered into the public vocabulary, so our advocate Cyril de Klemm, called for a convention on the conservation of genetic resources. He saw this as a means of ensuring free and open access to genetic resources, while also charging for international trade in such resources, with the income thus earned going into an international fund that would support conservation action in developing countries. The IUCN Environmental Law Centre continued to develop possible articles for inclusion in such a convention, and when Mostafa Tolba, Executive Director of UNEP, convened a small group of us in his office in 1988, we were ready with some reasonably well fleshed-out ideas. Once negotiations began in earnest, some of our ideas, such as the Global Fund, were overtaken by other considerations but the fundamentals of conservation, sustainable use and equitable benefit sharing survived and have prospered. We have continued to participate actively in the meetings of the Conference of Parties, SBSTTA, and have contributed over thirty sessions of the Global Biodiversity Forum in support of the Convention. We continue to embrace the CBD as the most comprehensive international convention that is supporting the fundamental conservation principles for which IUCN stands. We hope and expect that we will be able to continue our productive collaboration with both the Secretariat and the Parties as we carry the CBD into an even more productive future. 🌿



J/Kassanchuk/UNEP/Alpha-Press

“WE CONTINUE TO EMBRACE THE CBD AS THE MOST COMPREHENSIVE INTERNATIONAL CONVENTION THAT IS SUPPORTING THE FUNDAMENTAL CONSERVATION PRINCIPLES FOR WHICH IUCN STANDS.” —JEFFREY A. MCNEELY



J/Kassanchuk/UNEP/Alpha-Press

The Intergovernmental Negotiating Committee (INC)

Vicente Sanchez,
Former Chairman of the INC



Chairing the INC proved to be a unique experience: interesting, complex and at times tense. Many different interests were at play behind negotiators and most of them, at first, did not have a good understanding of the issues at stake. Diplomats, lawyers and politicians had information on the social sciences but little understanding of the issues characteristic of biotic systems.

Few believed that the INC would deliver an acceptable text, instrumental for the “conservation and sustainable use” of the diverse biotic components of Nature. My own structural optimism wavered at times.

But we succeeded in delivering a convention which delicately balances on conservation of genetic resources, technological development, regulated access to genetic resources and international equity. It was agreed that States have the sovereign right to exploit their biological resources but also the responsibility to conserve and use them in a sustainable fashion.

Several issues were not resolved in the INC, but time has passed and progress has been made. I believe the World is better off with than without the Convention, although creative work must go on. 🌿

“... THE WORLD IS BETTER OFF WITH THAN WITHOUT THE CONVENTION, ALTHOUGH CREATIVE WORK MUST GO ON...”
—VICENTE SANCHEZ

Agenda 21, the Rio Declaration and the CBD

Agreements and Commitments at the Earth Summit

The goal of the United Nations Conference on Environment and Development (UNCED) “the Earth Summit,” was to reach an understanding of “development” that would occur without contributing to the continued deterioration of the environment, and lay the foundation for a global partnership based on mutual needs and common interests, between the developing and the more industrialized countries. To ensure a healthy future for the planet, governments adopted agreements aimed at changing the traditional approach to development:



- *Agenda 21—a comprehensive programme for global action in all areas of sustainable development;*
- *the Rio Declaration on Environment and Development—a series of principles defining the rights and responsibilities of States;*
- *the Statement of Forest Principles—a set of principles to underlie the sustainable management of forests worldwide.*

As evidence of their commitment to the agreements, governments signed two legally binding Conventions, the United Nations Framework Convention on Climate Change and The Convention on Biological Diversity, and agreed to negotiate a third, the Convention to Combat Desertification.

The governments which signed the Convention on Biological Diversity, at Rio, set into motion the actions which would place biodiversity concerns at the centre of global, regional and national efforts for sustainable development and poverty eradication. 🌱

1987 TO 1992



CBD Opened for Signature at the United Nations Conference on Environment and Development (UNCED)

Rio de Janeiro, Brazil 3 to 14 June 1992

The Convention on Biological Diversity was opened for signature at the Earth Summit in Rio de Janeiro. 🏆



Rio De Janeiro

The Objectives of the Convention on Biological Diversity

Article 1 of the CBD

“The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.” 🏆

Brief considerations on The United Nations Conference on Environment and Development

Rio de Janeiro, 1992

By Professor Celso Lafer



The United Nations Conference on Environment and Development (UNCED, Rio de Janeiro, 3 to 14 June 1992) triggered a series of large international Conferences on global issues under the aegis of the UN during the post cold war period. To Brazil, it was the largest international event ever held in the country: 187 participating countries, 16 specialized agencies, 35 intergovernmental organizations and an impressive number of non-governmental organizations. Overall, 102 Heads of State and of Government, or their special representatives, attended the summit section of the Conference.

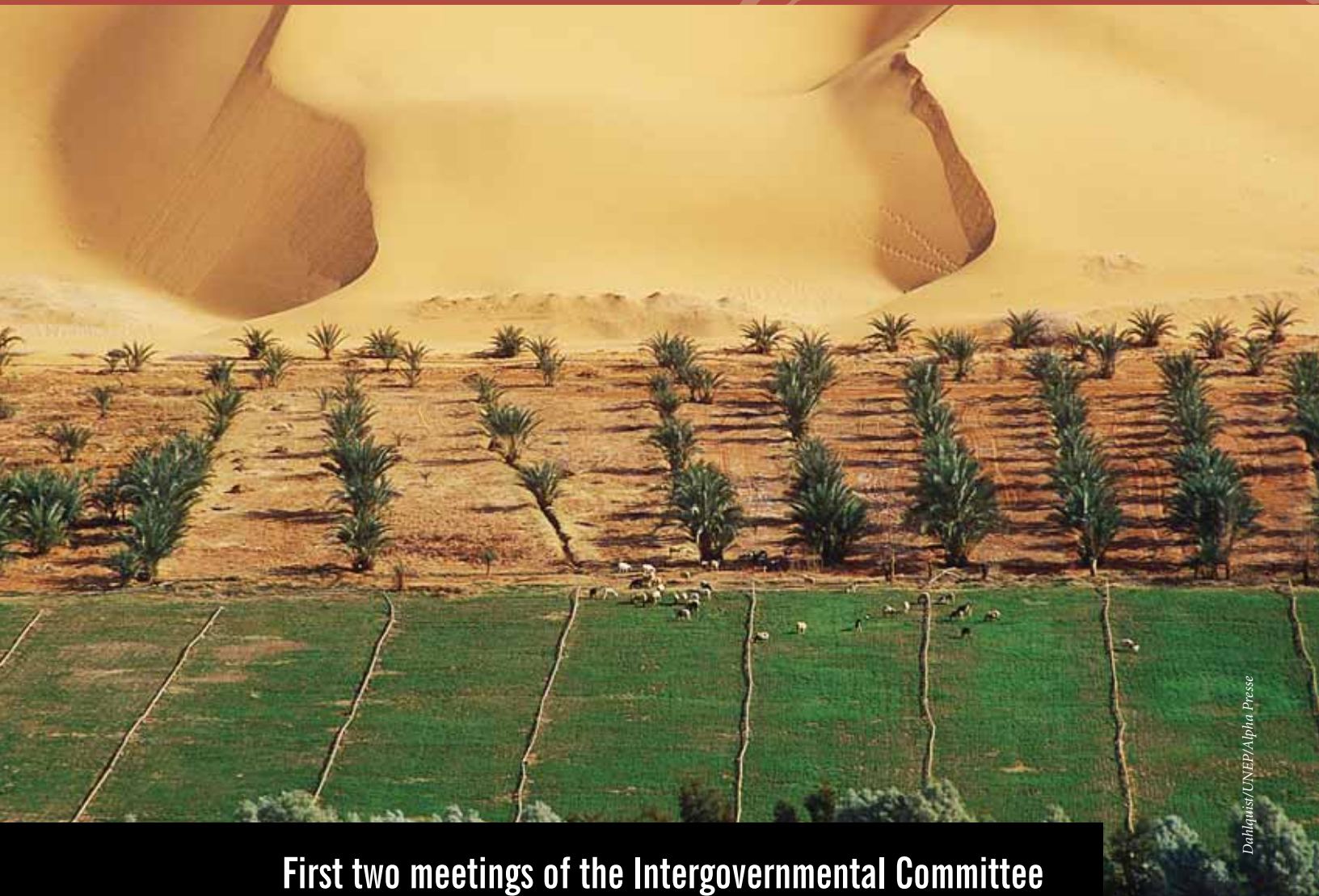
For Brazil, the UNCED was the opportunity it needed to move from an essentially defensive diplomatic position on environmental matters, centered on the affirmation and primacy of national sovereignty, to a proactive approach that eventually led to the development of an international cooperation law. Since the beginning, Brazil was in fact concerned with reconciling environmental protection and social-economic development, as embodied in the “sustainable development” paradigm. This paradigm unites legitimate concerns with environmental protection and equally legitimate concerns with economic development and poverty alleviation. It emphasizes that development sustainability, beyond its micro- and macroeconomic requirements, also implies the viability of the natural environment and human societies. Hence, its adoption consecrates “solidarity” as a core value, replacing the confrontational bias of the North-South debate with a concrete opportunity for cooperation. Furthermore, it also consecrates the value of “justice”, by highlighting a balanced and worldwide distribution of the costs and benefits of development. The position adopted by Brazil before and during the Conference contributed to the “Kantian moment” experienced at the UNCED, the recognition

that the relationship between development and environment is indeed a global issue, above national sovereignties and beyond the realism of domestic interests. In other words, the development and environment nexus came to be perceived as of interest to Humanity and not solely to States.

As ex-officio vice-president of the Conference, I focused on consensus building and followed-up closely the negotiation and the signature of five international instruments generally considered as the outcomes of UNCED: soft-law instruments such as Agenda 21, the Forests Principles and the Rio Declaration on Environment and Development; and hard-law instruments including the two conventions signed in Rio on climate change and biological diversity.

The Convention on Biological Diversity (CBD) reflects, within the balance of power existing at the time, a successful diplomatic exercise of creative adaptation, although the agreed solutions did not always pay tribute to the magnitude of the problems faced. Moreover, the lack of appropriate knowledge to ensure the conservation and sustainable use of biodiversity resources renders the immediate implementation of the provisions and mechanisms of the Convention difficult. One could add, finally, that, after the UNCED, the centripetal forces of globalization (such as market trends, societal values and communication networks) and the centrifugal forces of fragmentation (of national and cultural identities, the erosion and affirmation of sovereignties) operating in a post-cold war world made it even more difficult to consolidate the “vision” contained in the “Spirit of Rio” in favor of a new launching ground for international coexistence.

The CBD constitutes, notwithstanding this adverse scenario, an important step in the treatment of global environmental issues, which has been consolidated throughout this decade of its existence by numerous decisions adopted by the Conference of the Parties, thereby effectively overcoming the original limitations imposed on its implementation and proving its vitality and relevance. 🏆



Dahlquist/UNEP/Alpha Presse

First two meetings of the Intergovernmental Committee on the Convention on Biological Diversity (ICCBD)

October 1993, Geneva, and June 1994, Nairobi



1993

In May 1993, the UNEP Governing Council established the Intergovernmental Committee on the Convention on Biological Diversity (ICCBD) to prepare for the first meeting of the Conference of the Parties and to ensure effective operation of the Convention upon its entry into force. Despite the challenges of procedural issues, great progress was made in the short time frame between ratification and entry into force. In just two meetings the ICCBD was able to address the key issues required for preparation for the first meeting of the Conference of the Parties.

The first session of the ICCBD met in Geneva from 11-15 October 1993 and established two working groups. Working Group I dealt with the conservation and sustainable use of biological diversity, scientific and technical work between

meetings and the issue of biosafety. Working Group II tackled issues related to the financial mechanisms, the process for estimating funding needs, the meaning of full incremental costs, the rules of procedure for the COP, and technical cooperation and capacity-building.

The second session of the ICCBD met in Nairobi from 20 June to 1 July 1994. During the two-week session, delegates addressed a number of issues in preparation for the first meeting of the Conference of the Parties. These included: institutional, legal and procedural matters, scientific and technical matters and matters related to the financial mechanism. Progress was made on issues including: rules of procedure, the subsidiary body on scientific, technical and technological advice (SBSTTA); and the Clearing-House Mechanism. ♻️

The Intergovernmental Committee on the Convention on Biological Diversity (ICCBD)

Ambassador Vicente Sanchez



After chairing the INC, the proposal to head the ICCBD, came as a surprise. Interesting, nevertheless, because it would allow me to have some bearing on the necessary work after the signature of the Convention in Rio by most UN members.

Strange as it may sound, there was opposition to me assuming the role of chair, so that the first meeting in Geneva spent an entire day in negotiations addressed to convince me to reject the offer to head the ICCBD. Finally I was elected and chaired the ICCBD until delivering the Convention and some further work done, to the COP in Bahamas.

Interesting and helpful work was done, basically through technical working groups, which were established and produced rather interesting papers rich in suggestions and proposals. Although this work did not, unfortunately, resolve difficult outstanding issues, it made useful contributions to the future work of the COP. 🦋

“... WORKING GROUPS... PRODUCED RATHER INTERESTING PAPERS RICH IN SUGGESTIONS AND PROPOSALS.” —AMBASSADOR VICENTE SANCHEZ

Angela Cropper

First Executive Secretary to the Convention on Biological Diversity



I am honoured to be invited to contribute some personal reflections on the early years of the operation of the Convention.

I had not myself been involved in the negotiating process for the Convention but I had followed its course, and I shared in the excitement of its signing at the Earth Summit in Rio as part of the delegation of IUCN—The World Conservation Union, which was closely involved in its initiation and development. About one year later the Executive Director of UNEP, who was then recruiting the first Executive Secretary, wanted to hear my perspective about the Convention. I rather audaciously asked if she wanted a five-year perspective or a fifty-year one!

For it was evident at that early stage that we needed to have a long view about the prospects for the Convention to affect the phenomenon of biodiversity loss,

and to influence the nature and course of development such that biodiversity would be conserved, biological resources would be used sustainably, and benefits from such use shared equitably. It was not just the complexity of the subject, in theory and on the ground, that warranted a long view, but the politics of environment and development, of North and South, which circumscribed the Convention.

With a handful of colleagues at the beginning I had to lay the building blocks for the operation of the Convention and for pursuing a programme of work on the many issues which it addresses. Reflecting on those early beginnings in the light of progress over the first ten years brings to mind the following two early events.

The first is a Scientific meeting which was intended to get SBSTTA off the ground. Well, the meeting fell hostage to a small lack in political correctness of the initiative to conduct a Global Biodiversity Assessment, which had been undertaken independently by the world's leading biodiversity scientists, whose product was being released at about the same time. With opposition from some few but furious delegates that the initiators of that opus had not

obtained permission of the Parties, science and scientists were given short shrift. It is reassuring to have seen the progress which SBSTTA has made over the ten years in its role and functions, and the way in which the scientific/technical is now front and centre and held in good balance with the national/political. How ironic that the Parties to the Convention would be part of the 'authorizing environment' and the main constituency for the Millennium Ecosystem Assessment currently taking place.

The second is the first meeting of a Working Group to initiate work towards the Biosafety Protocol. At that early stage, the chasms between the Parties on this subject were very wide. Not just about what a Protocol might contain but about the very need for one! Rapid progress here was not envisaged. So the achievement of concluding a Biosafety Protocol within a ten year period indicates that the treaty provides a framework within which polarized Parties might constructively engage even on deeply divisive issues. More than that, it helps to keep alive the flicker of hope for the future of the global multilateral process.

I may be prepared to reduce the span of my perspective about the prospects for the Convention! 🦋

“IT IS REASSURING TO HAVE SEEN THE PROGRESS WHICH SBSTTA HAS MADE OVER THE TEN YEARS IN ITS ROLE AND FUNCTIONS, AND THE WAY IN WHICH THE SCIENTIFIC/TECHNICAL IS NOW FRONT AND CENTRE AND HELD IN GOOD BALANCE WITH THE NATIONAL/POLITICAL.” —ANGELA CROPPER



Entry into Force of the Convention on Biological Diversity

29 December 1993

The Convention on Biological Diversity entered into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, which was ratification of the Convention by Mongolia on 30 September 1993. 🦋



Sompornchai/UNEP/Alpha Presse

First meeting of the Conference of the Parties

*Nassau, Bahamas, 28 November to 9 December 1994
President: Her Excellency, Dame Ivy Dumont*

The first meeting of the Conference of the Parties (COP-1) adopted decisions on: the medium-term work programme; designation of the permanent Secretariat; establishment of the Clearing-House Mech-

anism (CHM) and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); and designation of the Global Environment Facility (GEF) as the interim financial mechanism. ❖

Reflections on COP-1 *Her Excellency, Dame Ivy Dumont, DCMG*

It was the first time I had chaired a truly international meeting.

The preparations leading up to the first meeting of the Conference of the Parties on Biological Diversity (COP-1) opened to me a 'window of the world' both nationally and internationally which would change forever my perception of supervision/administration, human resources and interpersonal relations, environmental matters and per-



sonalities, and negotiating techniques, among other leadership issues.

The possibility of mounting COP-1 in The Bahamas was raised shortly after I became Minister of Health and Environment in August, 1992. Every agency of the government was mobilized to ensure a most effective coordination.

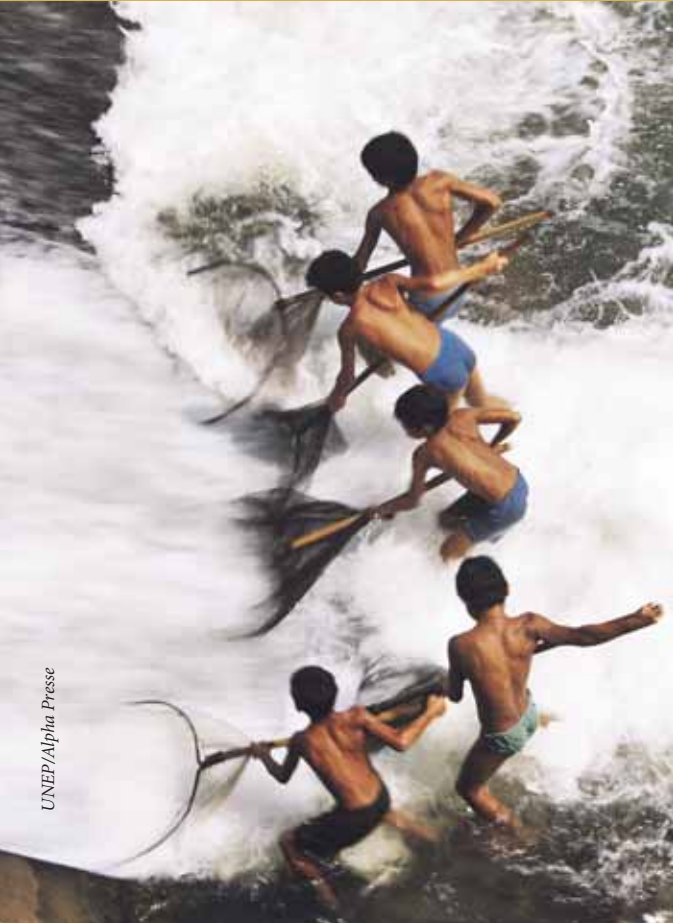
The opening session brought surprise and delight to the workers and Conference participants as, in his address, the Prime Minister of The Bahamas announced the establishment of The Bahamas Environment Science and Technology (BEST) Commission. Local environmental enthusiasts and the leadership of UNEP, the engineers of COP-1, were ecstatic.

As Chairman, my days were long and emotionally charged. I recall almost two days of intense dispute resolution between members who, in the end, were brought to realize that they had not, from the outset, disagreed on substance. Such experiences, though enervating, were not only educational as to content, but ennobling as to outcome.

Perhaps the most important effects of holding COP-1 in The Bahamas have been its impact on the science education programme in our schools; the requirement that Environmental Impact Assessment (EIA) studies be carried out before any major construction project be approved by Government; and the availability of significant funding to BEST by the GEF facility. ❖

Meetings

“... A STRONG CO-OPERATIVE RELATIONSHIP HAS DEVELOPED BETWEEN THE CONVENTION AND ITS ‘FINANCIAL MECHANISMS’.” —MOHAMED T. EL-ASHRY



UNEP/Alpha Presse

The CBD and the GEF

Mohamed T. El-Ashry, Former CEO and Chairman, GEF



The CBD and the GEF need one another. The GEF and its grant resources are essential to the successful implementation of the CBD and to achieving its objectives. The CBD and other global environmental conventions, on the other hand, provide the justification for significant financial flows to the GEF.

The GEF has been instrumental in assisting countries in implementing the provisions of the CBD. In its first 12 years, it has committed \$1.7 billion of its giant resources and has leveraged another \$3.4 billion in co-financing for more than 600 biodiversity projects. And a strong co-operative relationship has developed between the convention and its “financial mechanisms.” That relationship, however, was not always that strong.

While the CBD accepted the GEF as the entity operating its financial mechanism (on interim basis) and the GEF accepted the prerogative of the COP in determining the policy, program priorities, and eligibility criteria, the institutional relationship between the two did not start very smoothly. There were intensive debates especially over the “interim” nature of the arrangement, on defining how the GEF would operate “under the authority of the COP,” GEF’s concept of “incremental costs,” and the

length of its project cycle.

A meeting in July 1996 in Frankfurt, Germany, with representatives from the COP, the GEF Council, and the two Secretariats discussed these and other concerns and proved to be instrumental in improving relations. Since then, the two Institutions, with the help of wise individuals, have come a long way. Together, they have learned and accomplished a great deal towards achieving the objectives of the Convention.

Looking ahead, the CBD and the GEF need to build upon the accomplishments of the first 12 years and focus their energies and resources on the root causes of biodiversity loss especially poverty, weak national capacity, and perverse policies. The GEF should continue to be a catalyst for building partnerships for long-term conservation and sustainable use of biodiversity. It needs to implement in a big way its “Capacity Development Initiative” (CDI) that was approved by Council in 2002. Institutionally, the GEF and CBD Secretariats should also aggressively cooperate in mobilizing additional finance for the purpose of the Convention. And a regular dialogue on the provision of COP guidance to the GEF should be established. New guidance should avoid adding to the existing long list, thus proliferating priorities and making difficult the effort to focus resources to maximize impacts on the ground. Working closely with the CBD Secretariat, the GEF should provide operational lessons and knowledge from implementation experience which would in turn help in fine tuning past guidance or in issuing new guidance. 🌿



IISD/ENB

“I RECALL ALMOST TWO DAYS OF INTENSE DISPUTE RESOLUTION BETWEEN MEMBERS WHO, IN THE END, WERE BROUGHT TO REALIZE THAT THEY HAD NOT, FROM THE OUTSET, DISAGREED ON SUBSTANCE.” —HER EXCELLENCY DAME IVY DUMONT



Sonpouich/UNEP/Alpha Presse



1995

S DAVIS/UNEP/Alpha Presse

The Second Executive Secretary to the CBD

Calestous Juma



Calestous Juma served as Executive Secretary to the CBD from 1995 to 1998. During his tenure he initiated the establishment of the permanent Secretariat, oversaw the early years of the Convention, the first set of national reports on the implementation of the Convention and guided the establishment of the Clearing-House Mechanism.”

“WE MUST DO WHAT WE CAN TO AVOID THAT THE JAKARTA OPENING CLOSES.” —SALVATORE ARICO

The Jakarta Mandate

Salvatore Arico, UNESCO

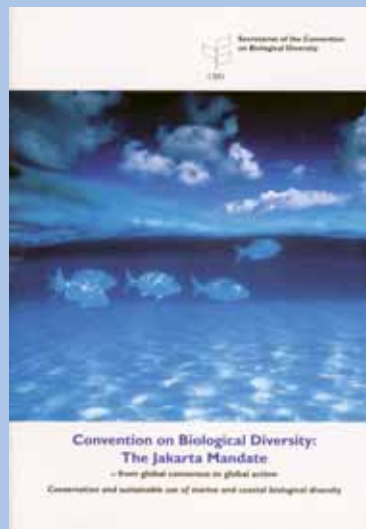
Marine ecosystems, species and genes are the most diverse form of life’s expression, with the highest number of phyla (the second highest taxonomic rank after kingdom) shown if compared with terrestrial and inland water systems. Yet, this type of diversity is little reachable to almost everyone’s eyes, and some of it is practically out of reach. This determines a mysterious, fascinating perception by people of this type of biodiversity and yet at the same time hampers proper action towards its conservation and sustainable use: Why worry about

something you do not see?

In 1995, when the Ministerial Segment of the second meeting of the Conference of the Parties to the Convention adopted the “Jakarta Mandate on Marine and Coastal Biological Diversity”, a door opened—a magnifying lens through which marine biodiversity could finally be reached by society at large. That was indeed a wonderful moment for all whose lives are, in a way or another, touched by the marine realm.



Today, we are starting to understand the sea, the way it is structured and how it works, and yet we do not capitalize enough on our knowledge of the interlinkages between human action—such as fishing, river discharge, coastal infrastructural developments—and the diversity that ensures proper functioning of marine systems. We must do what we can to avoid that the Jakarta opening closes down on us. Rather, we should maintain this unique window of opportunity through which one, if one looks carefully through the fog that partially covers the seascape, will be able to see a much more realistic and yet sustainable interaction of man with the sea and the life therein that could be achieved in the years to come. Say: between now and 2010? ”



Mandate

A Call to Action—the second meeting of the Conference of the Parties

Jakarta, Indonesia, 6 to 17 November 1995

President: Dr. Sarwono Kusumaatmadja

Major outcomes of the second meeting of the COP included: designation of Montreal, Canada, as the permanent location of the Secretariat; establishment of the Open-ended Ad Hoc Working Group on Biosafety; adoption of an overall programme of work for the Convention; and consideration of marine and coastal biodiversity. ❖



The first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

Paris, France, 4 to 8 September 1995

Chairperson: Dr. Jameson Seyani

SBSTTA-1 produced recommendations on: SBSTTA's modus operandi; components of biodiversity under threat; access to and transfer of technology; scientific and technical information to be contained in national reports; contributions to the UN Food and Agriculture Organization (FAO) meetings on plant genetic resources for food and agriculture; and marine and coastal biodiversity. SBSTTA-1 requested flexibility to create: two open-ended working groups to meet simultaneously during future SBSTTA meetings; ad hoc technical panels of experts as needed; and a roster of experts. ❖

First meeting of the Biosafety Working Group

Aarhus, Denmark, 22 to 26 July 1996
Chairperson: Dr. Veit Koester

This first formal meeting to develop a protocol for biosafety under the Convention became a forum for defining issues and articulating positions and underscored the reality that the Convention is an agreement that straddles the field of trade and the environment. The participation of NGOs in the meeting also revealed the transparency of the CBD process, and the willingness to remain open to a variety of perspectives. 🦋

A Successful Final Result

Veit Koester, External Professor at Roskilde University Centre, Denmark and Visiting Professor at UNU-IAS, Yokohama, Japan.

A proposal for including biosafety provisions in the CBD in the context of transfer of LMOs from one country to another was introduced by Malaysia on 25 November 1991, i.e. on the first day of the 8th meeting (the 3rd meeting of the Intergovernmental Negotiating Committee) of the negotiation process. The proposal was a logical one taking into consideration that the draft convention at that stage already contained draft provisions dealing with biotechnology in various other respects (biotechnology research, transfer of biotechnologies, sharing of biotechnology benefits etc.) As chair of Working Group II of the negotiations process under whose mandate the new proposal



But there are other interesting features as well:

First, the proposal focused on GMOs. During the process that was changed to LMOs mainly in order to get the United States on board (but, at the end, alas, in vain!). Already at the second meeting of the Conference of the Parties (decision II/5), however, the notion of LMOs was narrowed down to those LMOs resulting from modern biotechnology. We were—more or less—back at the starting point!

Second, the Malaysian proposal includes “products thereof.” This part of the proposal did not find its way to CBD Article 19 (3), but it was revived during the CPB negotiation process. Those who participated in the negotiations probably remember how difficult it was to reach a consensus not to include “products thereof” within the scope of the CPB but only in its Article 20 (3)(c) as well as in Annex I (i) and Annex III (5).

Finally, the proposal in its fourth paragraph reflects the

“EVERY MEETING WHICH STARTS A PROCESS IS AS IMPORTANT AS A MEETING WHICH COMPLETES IT.” —VEIT KOESTER

belonged I was somewhat concerned with having to deal with a brand new proposal with only one further meeting to go before the final negotiation session in May 1992. However, I could not predict the difficulties we were going to encounter, or that the main opponents at the forthcoming discussions would be USA on the one side and EC (supported by most other States) on the other.

The proposal tabled orally as paras. 4 and 5 to the article (17 bis) which at the end became Article 19 of the CBD, contained the element “prior informed consent”, which later became a core element of Article 19 (3) as “advance informed agreement”. This element became almost eight years later the very vehicle of the basic procedures of the Cartagena Protocol on Biosafety (CPB).

idea of having to some extent the same safety standards in importing countries as those in exporting countries. This part of the proposal did not survive the CBD negotiation process but some traces of the underlying philosophy can be identified in the CPB.

It is worthwhile to note, that an agreement on the precise content of Article 19 (3) was only reached at the very end of the negotiation process, almost during its last and final minutes. Taking into consideration the final result of the Malaysian proposal, namely the CPB, it is proper to repeat my statement in a report to plenary on 27 November 1991, that Malaysia, represented during the CBD negotiation process by Ambassador, Mme Ting Wen Liam, should be congratulated for having taken this initiative. 🦋

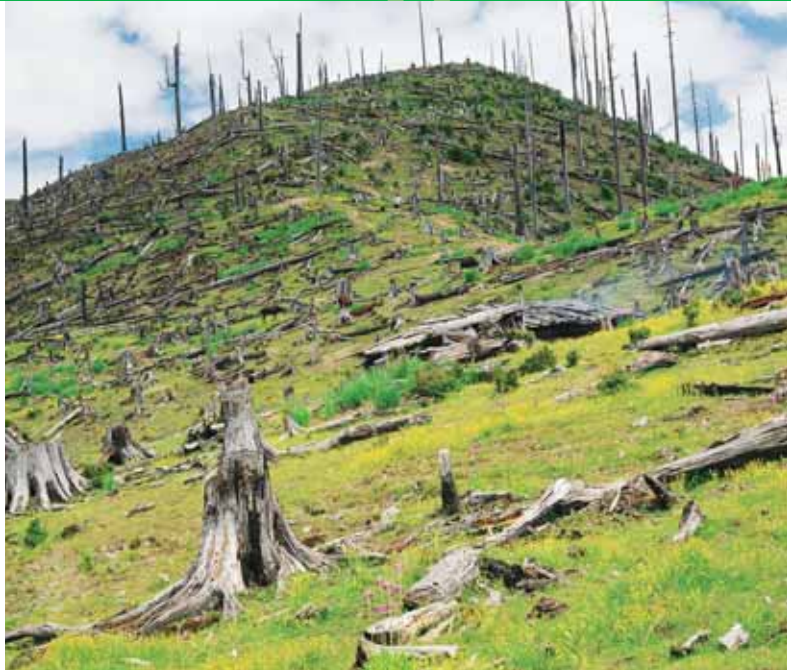
1996

Convention on Biological Diversity

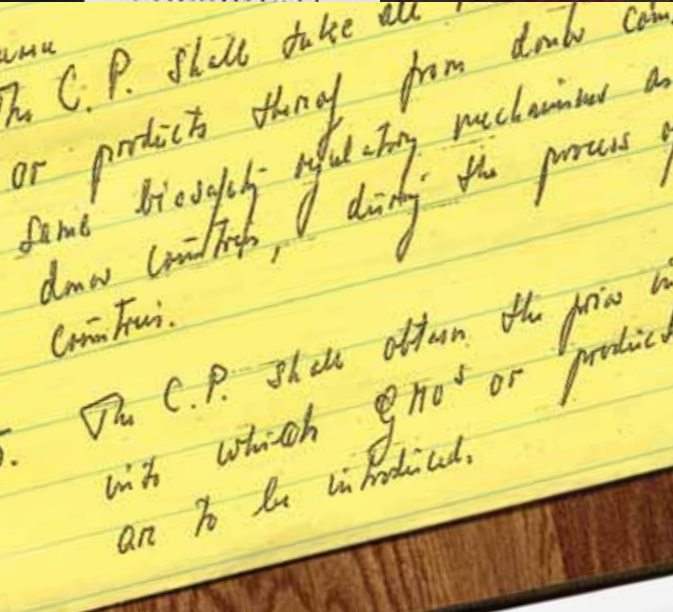
Second meeting of SBSTTA

Montreal, Canada, 2 to 6 September 1996
Chairperson: Dr. Peter Schei

The second meeting of the SBSTTA was marked by public debates regarding the divergence between the mandate of SBSTTA and its practice: The predominance of debates over policy in the agenda led delegates to ask to what extent SBSTTA was able to provide the scientific, technical and technological advice that the COP required to make policy decisions. Despite the debate over SBSTTA's "identity crisis," progress was made on technical issues in several areas including recommendations on: 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 the CHM. ❖



Z. Yi/UNEP/Alpha Presse



Notes on the Malaysian Proposal (V. Koester)

The Biodiversity Agenda—third meeting of the Conference of the Parties

Buenos Aires, Argentina, 4 to 15 November 1996
President: Ms. Maria Julia Alsogaray

COP-3 took place in the context of the United Nation's five-year review of progress made towards the realization of the goals of Agenda 21, and the growing recognition of the centrality of biodiversity to sustainable development. At the meeting the COP adopted decisions on several topics, including: work programmes on agricultural and forest biodiversity; a Memorandum of Understanding with the GEF; an agreement to hold an intersessional workshop on Article 8(j) regarding traditional knowledge; an application by the Executive Secretary for observer status to the World Trade Organization's (WTO) Committee on Trade and the Environment; and a statement from the CBD to the Special Session of the UN General Assembly to review implementation of Agenda 21. ❖



Schmeider-UNEP/Alpha Presse

Tangible accomplishments— the third meeting of SBSTTA

Montreal, Canada, 1 to 5 September 1997
Chairperson: Professor A. H. Zakri

The notion that pervaded the second SBSTTA meeting, that SBSTTA was suffering an “identity crisis,” was much less pronounced at the third meeting, evidenced by the volume of tangible accomplishments forwarded to COP-4 for its consideration. At SBSTTA-3, delegates considered the implementation of the CHM’s pilot phase, and formulated recommendations on: biodiversity in inland waters; marine and coastal biodiversity; agricultural biodiversity; forest biodiversity; biodiversity indicators; and participation of developing countries in the SBSTTA. 🐦



SBSTTA as the Agent for Promotion of International Technical and Scientific Cooperation

Professor A. H. Zakri, Director,
UNU Institute for Advanced Studies

My time as Chair of SBSTTA was during a dynamic time in the early evolution of this Body. A key issue during this period was the identity of SBSTTA and whether it was a credible scientific body or a preparatory meeting for COP. The nascent character and role of SBSTTA meant that controversial political issues, such as mandates and institutional turf battles, references to the financial matters and the extent that socio-economic issues like Article 8(j) or GURTs were issues that SBSTTA could address, had a large impact on these early meetings of SBSTTA.

My predecessors (James Seyani and Peter Schei) and myself had to constantly reinforce the message that the SBSTTA was neither a “mini-COP” nor a “drafting group.”

Time spent on these types of issues detracted from developing the scientific and technical character of SBSTTA. This in turn had a negative impact on the credibility and authority of the Body, which undermined its ability to encourage or promote scientific and technical cooperation.

By the time of SBSTTA-4, it was clear that the then existing scientific

1997

Second and third meetings of the Biosafety Working Group

Montreal, Canada,
12 to 16 May 1997 and
13 to 17 October 1997
Chairperson: Dr. Veit Koester

At the second meeting of the BSWG delegates discussed a range of issues, including: objectives; advance informed agreement; notification procedures for transfers of LMOs; competent authorities/focal points; information-sharing and a clearing-house mechanism; capacity building, public participation and awareness; risk assessment and management; unintentional transboundary movement; handling, transportation, packaging and transit requirements; and monitoring and compliance. BSWG-2 convened a contact group to consider definitions of key terms and directed the Secretariat to compile an alphabetical list of terms requiring definition, as submit-

ted by countries, for consideration at BSWG-3.

At the third session of the BSWG delegates produced a consolidated draft text to serve as the basis for negotiation of a biosafety protocol with the Chair Veit Koester setting the tone with the phrase: "Nothing is agreed until everything is agreed." The meeting established two Sub-Working Groups to address the core articles of the protocol, as well as a contact group on institutional matters and final clauses. It also extended the mandate of the existing contact group on definitions to address annexes. Delegates also addressed outstanding issues in Plenary, including: socio-economic considerations; liability and compensation; illegal traffic; non-discrimination; trade with non-Parties; as well as objectives, general obligations, title and preamble for the protocol. Delegates agreed, subject to approval at the fourth meeting of the Conference of Parties (COP-4) to the CBD, to convene two additional BSWG meetings and an extraordinary meeting of the COP to adopt the protocol in 1998. ❖

mechanisms within the CBD needed development. SBSTTA lacked access to sufficient credible data and information for its recommendations to be accepted as scientific or technical. In my opening remarks to SBSTTA-4 I suggested that delegates should consider establishing a mechanism like the Intergovernmental Panel on Climate Change (IPCC) to address this issue. My motivation for such a suggestion was that SBSTTA itself could not undertake empirical research, nor could it even collate and analyse information. It could filter data and information before it. It needed an IPCC-like process in order to deliver to it this type of information. This was the case for the UNFCCC and as a result the recommendations of its SBSTTA had a greater authority credibility and ultimately impact. This credibility was the central reason why SBSTTA and the UNFCCC process were able to promote more cooperation.

Since then, greater reliance on ad hoc technical expert groups (AHTEGs), liaison groups, the roster of experts and other external processes, such as the Millennium Ecosystem Assessment (MEA), have largely addressed this need. Due to the pre-session work of these bodies, SBSTTA is now presented with the credible, authoritative and politically relevant data it needs to carry out its role as an advisory body. The increasing relevance of SBSTTA recommendations at meetings of the COP is one indication of this growing respect. Another and perhaps more objective is the growing relevance of SBSTTA recommendations and COP decisions in other forums.

The issue of deep seabed genetic resources is one example of many that clearly demonstrate this growing respect. Initially included on the agenda of SBSTTA-2, at the time several countries expressed concern about the ability of SBSTTA to address this issue in part due to their concerns about the credibility of SBSTTA. The issue was reconsidered at SBSTTA-8 and not only were the recommendations of SBSTTA widely accepted at COP-7, but they were looked to as an example of credible and balanced policy-making at the most recent meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS). As a result, UNICPOLOS endorsed the relevant decision of COP. Consequently, SBSTTA will be leading the intergovernmental body addressing this issue. The credibility of SBSTTA made a crucial contribution to developing this level of cooperation between UNICPOLOS and the CBD.

The development of an internationally credible

mechanism in this complex topic, since SBSTTA-1 in September 1997, is in my view a remarkable achievement. It has also been the cornerstone of the ability of SBSTTA to promote international technical and scientific cooperation.

But this remarkable progress in the development of SBSTTA has only really laid the foundations for SBSTTA. Credibility and cooperation cannot not be understood as an end in themselves. They are only the means to an end. We know that much more scientific and technical information is needed to achieve the goals of the CBD. Understandably SBSTTA has not had much of an impact on mobilising resources at this level yet. Ultimately SBSTTA needs mobilise all types of R&D and data collection if it is properly developed, mature and help Parties achieve the aims of the CBD. SBSTTA needs to be able to promote greater cooperation, more resources and raise the political profile of the science of biodiversity. Its growing respectability and importance will help it achieve these aims. ❖



First workshop on Traditional Knowledge and Article 8(j)

Madrid, Spain, 24-28 November 1997

Unconventional in process, unprecedented in its flexibility, the workshop represented the first opportunity under the CBD process for governments and indigenous and local communities to express their positions and points of view under equal terms. The workshop produced a report, which contained an extensive list of options and recommendations in the following areas: participatory mechanisms; status and trends in relation to Article 8(j); traditional cultural practices for conservation and sustainable use; equitable sharing of benefits; exchange and dissemination of information; monitoring; and legal elements. The report also includes recommendations for actions at the national and international levels, and suggests terms of reference for establishing an open-ended working group or a subsidiary body on Article 8(j). ❖

The Third Executive Secretary to the Convention on Biological Diversity

Mr. Hamdallah Zedan



Hamdallah Zedan served as Executive Secretary to the CBD from 1998 to the present day. A microbiologist by training with a Ph.D. from the University of Montreal, Canada, he joined the United Nations Environment Programme in 1983 and was fully involved in the conception and negotiations of the CBD and its Biosafety Protocol. As Executive Secretary to the CBD, he oversaw the implementation of the Convention across a number of thematic areas and cross-cutting issues including: Article 8(j), Access and Benefit-Sharing, mountain biodiversity, island biodiversity, the formulation of the Strategic Plan and the 2010 Biodiversity Target and the entry into force of the Cartagena Protocol on Biosafety. 🌱

Workshop on the Ecosystem Approach

*Lilongwe, Malawi,
26 to 28 January 1998*

The importance of an ecosystem approach in addressing biological diversity was confirmed on several occasions, including SBSTTA-1 and 2. The discussions at the workshop provided the foundation for the articulation of the ecosystem approach, and for its definition not just as a framework for analysis, but also for implementation of the objectives of the CBD. The workshop demonstrated that the ecosystem approach was the best strategy to permit the realization of all the goals of the Convention because it recognized that humans are an integral component of ecosystems, and that the characteristics of ecosystems (complexity and resilience) demands the application of adaptive management principles. 🌱

A Programme for Change—fourth meeting of the Conference of the Parties

*Bratislava, Slovakia, 4 to 15 May 1998
President: H. E. Jozef Zlocha*

At its fourth meeting the COP adopted decisions on: inland water ecosystems; marine and coastal biodiversity; agricultural and forest biodiversity; the CHM's pilot phase; Article 8(j) on traditional knowledge; national reports; cooperation with other agreements, institutions and processes; activities of the GEF; incentive measures; access to genetic resources and benefit-sharing (ABS); public education and awareness; and the long-term work programme. A Ministerial Round Table was convened to discuss integrating biodiversity concerns into sectoral activities, such as tourism, and private sector participation in implementing the Convention's objectives. 🌱



For Change

“I SHARE THE VIEW OF THOSE WHO SAY THAT THE COP-4 IN BRATISLAVA SHIFTED THE CBD TO THE PERIOD OF MORE EFFECTIVE IMPLEMENTATION BOTH IN TERMS OF INSTITUTIONAL ARRANGEMENTS AND THE PROGRAMME OF WORK.” — DR. ZUZANA GUZIOVA

Reflections on the fourth meeting of the Conference of the Parties of the Parties

Dr. Zuzana Guziova and Dr. Peter Straka

ZUZANA GUZIOVA—The 4th meeting of the Conference of the Parties was exceptionally unique to me since I had been in mediis rebus from the very early date in autumn 1996 when the idea was born to host the COP-4 meeting by Slovakia. Thus unlike the other participants, I had mixed expectations and concerns about the meeting, embodied in a bulk of fears if all logistic arrangements were working properly and if the great deal of work that was to be done was realistic to complete within the span of the meeting. I had been particularly pleased, therefore, when before midnight on 15 May, 1998 the meeting was declared closed, and I was

still alive, and even more happy I was with 19 decisions adopted at COP-4. I share the view of those who say that the COP-4 in Bratislava shifted the CBD to the period of more effective implementation in terms of both institutional arrangements and the programme of work.

From regional prospect I perceived the COP holding a meeting in Bratislava as an important recognition for all the regional CEE group that was always somehow silent within the general line of North—South exchanges and arguings in the CBD process. And it is for all us to thank, in memoriam, to H.E. Jozef Zlocha, former Slovakian Environment Minister for this opportunity.

PETER STRAKA—Being a part of the delegation of the host country, from my own personal retrospect I look back at the COP-4 meeting in Bratislava with very positive feelings. It would not be correct, of course, to put the issues tackled by COP-4 in any hierachical order, neverthe-

less I was happy that it was in Bratislava that an expert panel was established to address the issue of access to genetic resources and benefit-sharing, and thereby the opportunity was open for a more balanced implementation of the three Convention objectives. Adoption of recommendations related to Global Taxonomy Initiative was also a significant achievement, since it had confirmed the importance of scientific input to the CBD process.

I was also particularly pleased that the COP-4 begun focusing on the future and adopted longer term programme of work for the period from the fourth until the seventh meeting. Thus Bratislava meeting had been influential upon the CBD process until recently.

And finally, it had been very nice to start and end every “COP day” at home. 🍷



“... THE OPPORTUNITY WAS OPEN FOR A MORE BALANCED IMPLEMENTATION OF THE THREE CONVENTION OBJECTIVES.” —DR. PETER STRAKA

Consolidating options for Biosafety—the fourth and fifth meetings of the Biosafety Working Group

Montreal, Canada, 5 to 13 February and 17 to 28 August 1998

At the opening of BSWG-4, which met in Montreal from 5-13 February 1998, Chair Koester underscored that the BSWG was entering the negotiation phase and that participants must attempt to reduce, through negotiated consensus, the number of options under each article. BSWG-4 was characterized by its congenial and cooperative atmosphere. Using the structure adopted at BSWG-3, delegates began consideration of several articles that had only received preliminary discussion at BSWG-3, including: principles/objectives, general obligations, non-discrimination, socio-economic considerations, and liability and compensation. Delegates also continued work on other issues previously addressed, including: matters relating to AIA, risk assessment and management, minimum national standards, emergency measures and capacity-building.

At the fifth meeting of BSWG, delegates consolidated options for 45 articles in the revised consolidated draft to 40 articles in the conclusions of the Sub-Working and Contact Groups. Thirteen articles remained entirely bracketed, however, indicating that delegates had not agreed on the key elements of a protocol, let alone the articles' content. Polarized positions continued to emerge during discussions over whether the Protocol's scope included “products thereof,” whether the Protocol would address questions of liability and redress, and if the Protocol would facilitate information exchange for trade in LMOs or reflect a more precautionary approach. Nevertheless, the issues to be negotiated were clarified for further consideration at BSWG-6. 🍷





Kaloustian-UNEP/Alpha Presse

The fourth meeting of SBSTTA and the Intersessional Meeting on the Operations of the Convention

Montreal, Canada, 21 to 25 June 1999

Chairperson: Professor A.H. Zakri

During its fourth meeting SBSTTA delegates made recommendations on: the work programme of SBSTTA; the Global Taxonomy Initiative (GTI); guiding principles to prevent the impact of alien species; control of plant gene expression; sustainable use of terrestrial biodiversity; incorporation of biodiversity into environmental impact assessment, and approaches and practices for sustainable use of biological resources, including tourism.

Held back-to-back with SBSTTA, the Intersessional meeting on the operations of the Convention (ISOC)

was convened to consider possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties including: measures to improve scientific input and the scientific basis for policy recommendations and clarifying the expectations for the financial mechanism and other institutions. To this end the meeting advanced a number of important recommendations to the fifth meeting of the Conference of the Parties, which would revise administrative and organizational procedures. ❖

1999



Milestones

Mr. Ruihe Tu

Director for Multilateral Cooperation, SEPA, China

Congratulations on the remarkable processes and achievements accomplished by the Convention on Biological Diversity in the past decade. On this occasion, we feel that great challenges are still ahead to deepen the implementation of the Convention and achieve the objectives of the Convention, particularly the relevant goals identified at the World Summit on Sustainable Development. 🍀

The sixth meeting of the Biosafety Working Group and the Extraordinary meeting of the Conference of the Parties

Cartagena, Colombia,
14 to 19 February 1999 and
22 to 23 February 1999



The sixth meeting of the Biosafety Working Group was immediately followed by the First Extraordinary meeting of the Conference of the Parties. Despite intense negotiations, delegates were not able to agree on a protocol, although identifiable negotiating groups started to emerge. The main areas of contention centered on trade issues, treatment of commodities and domestic versus international regulatory regimes. The ExCOP adopted a decision to suspend the meeting and requested the ExCOP President and the COP-4 Bureau to decide when and where the session would resume, no later than the fifth meeting of the Conference of the Parties. Delegates decided that the Protocol will be called the Cartagena Protocol on Biosafety to the CBD. 🍀

Experts Group Meeting on ABS

San José, Costa Rica, 4 to 8 October 1999

Articles 15, 16 and 19 of the convention set out the provisions governing access and benefit sharing. Until the holding of the Experts meeting, there had been no focused articulation of these issues in the CBD process. Following direction from COP-4, the Experts panel managed to map out the issues of importance for future development of the programme. Four substantive items were considered:

- access and benefit-sharing arrangements for scientific and commercial purposes;
- review of national and regional legislation and policies;
- review of the procedures for regulation;
- the issues of capacity-building across all of these three.

The Panel's discussions resulted in recommendations, both general and specific, most particularly on the Importance of Prior Informed Consent (PIC); the notion of Mutually Agreed Terms (MAT); the need to evaluate information needs for these issues and the importance of capacity-building. 🍀



“... THERE WAS AN INCREASING UNEASE AMONG THOSE HAVING PARTICIPATED IN THE WORKING GROUP, THAT EVERYONE SEEMED TO HAVE HIS OR HER OWN INTERPRETATION OF THE CONCEPT.”

—DR. PETER J. SCHEI

How the “ecosystem approach” was initiated in CBD

Dr. Peter J. Schei, Norway

The Ecosystem Approach (EA) was proposed as the main implementation approach for CBD at the first meeting of SBSTTA in Paris 1995, in a working group dealing with Rec. 3 regarding ways and means of considering the components of biodiversity, particularly those under threat, and identification of actions under the convention. The concept had been used in US earlier in a slightly different way, but the main ideas of the approach was maintained :

- integration of biodiversity policies and socioeconomic policies and actions
- dealing with conservation and sustainable use in a holistic way
- involving key stakeholders in biodiversity issues, both regarding knowledge base and management
- focusing on the temporal and geographical scales in problem solving

The approach had several champions in that working group, among them was one of the prominent “fathers of the CBD”, Ulf Svenson, from Sweden, but it was a consensus recommendation that this should be the philosophical, conceptual and practical basis for implementation of CBD.

The EA was then “adopted” by COP-2 in Jakarta later on the same year, and the following SBSTTAs and COPs were starting to use the concept in many decisions, but there was an increasing unease among those having participated in the working group, that everyone seemed to have his or her own interpretation of the concept. It was not until the expert meeting in Malawi in 1998 that the principles of the EA were crafted, actually very late in the evening of the last day, when the meeting was formally closed. Professor Herbert Prince from the Netherlands was very instrumental here.

The Trondheim Conferences on Biodiversity (Nr 3) in 1999 had further discussions on EA and the Malawi Principles were formally modified and endorsed (not adopted!) by COP-5 in Nairobi 2000. That decision was a very difficult one to reach, and it took several friends of the chair meetings to find a compromise. 🍀





FAO/12925/M. Roudkowsky

The Extraordinary meeting of the Conference of the Parties (resumed)

Montreal, Canada, 24 to 28 January 2000
Chairperson: Juan Mayr Maldonado



IISD/ENB

Following three informal consultations, the resumed session of the ExCOP was held in Montreal, Canada. Following nine days of negotiations, delegates adopted the Cartagena Protocol on Biosafety, in the early hours of 29 January 2000. The ExCOP also established the Intergovernmental Committee for the Cartagena Protocol, under the chairmanship of Ambassador Philémon Yang to undertake preparations for MOP-1. The ExCOP also requested the CBD Executive Secretary to start preparatory work on the development of a BCH, and established a regionally balanced roster of experts to be nominated by governments to provide advice and support upon request. 🦋



IISD/ENB

Fifth meeting of SBSTTA

Montreal, Canada, 31 January to 4 February 2000
Chairperson: Dr. Cristián Samper



IISD/ENB

By SBSTTA-5 the Convention had truly reached a mature implementation stage. Programmes of Work were underway or in development for all of the CBD's ecosystem themes, the CHM was well-established, and many of the cross-cutting themes were advanced. The fifth session also developed recommendations on, inter alia: inland water biodiversity; forest biodiversity; agricultural biodiversity; marine and coastal biodiversity, including coral bleaching; the ecosystem approach a programme of work on dry and sub-humid lands; alien species; indicators; the pilot phase of the CHM; the second national reports; and ad hoc technical expert groups. 🦋



IISD/ENB

Building a strong science base for effective biodiversity policy

Dr. Cristián Samper, Smithsonian Institution



Chairing SBSTTA was one of the best experiences of my life. I remember the first time I attended a meeting of the CBD in Paris in 1995, and could not understand what people were talking about. As a scientist accustomed to scientific conferences, the format of the SBSTTA was (and still is) completely foreign and confusing. I remember being challenged by one of the negotiators about the use of the term DNA, as it was not included in the text of the Convention. Over the years I have come to recognize the importance of this kind of multilateral process, and also that good, objective scientific input is essential for good policy. I have also come to enjoy the process and to find ways to get things done.

I had the honor to preside over two meetings of SBSTTA held in Montreal. The first meeting (SBSTTA-5) had a long agenda and covered a whole range of topics, from the ecosystem approach to indicators, passing through work pro-

grams for major biomes. It was also memorable in that it is the only time we held an opening reception on an ice-skate rink, something I had never tried and amused many delegates. I learned that given the diversity and heterogeneity of countries and delegations present the key was having better inputs to gain better outputs. With this conviction and strong support from the Bureau and Secretariat I engaged in a major redesign of SBSTTA operations, what Jan Plesnik would come to call the “SBSTTA Perestroika.” This included amending the modus operandi to have technical working groups, staggered terms in the Bureau members, involving other groups and process, streamlining agendas and pursuing innovations. The result was a completely different meeting at SBSTTA-6, with a much shorter agenda and a single main topic: invasive alien species. We were fortunate to have the valuable inputs from GISP and devoted three full days of one working group to this topic, what I think has been the most in-depth and interesting meeting to date. I can certainly say I learned a lot and am happy with the results, but the change may have been too

radical for some delegates.

I believe that running a good SBSTTA meeting requires: a focus on scientific and technical issues; developing a streamlined agenda; strengthening inter-sessional mechanisms and collaboration with other scientific processes; building and strengthening ties with the Clearing-House Mechanism to promote scientific and technical cooperation; and last but not least, transparency and a sense of humour.

The CBD is entering a new phase in its history. The first phase was focused on establishing the convention and its operations, engaging new members and establishing a framework to develop work programs. Now we must turn our attention to the implementation and monitoring of the convention in the countries. I see a critical role for SBSTTA in providing this advice and helping the parties, and a need to have SBSTTA look beyond long lists of recommendations to the COP. I am convinced that SBSTTA meetings themselves are a Clearing-House Mechanism, where ideas and people can come together to share experience and resolve common problems. 🌱

“I ENGAGED IN A MAJOR REDESIGN OF SBSTTA OPERATIONS, WHAT JAN PLESNIK WOULD COME TO CALL THE ‘SBSTTA PERESTROIKA’.” —DR. CRISTIAN SAMPER



From Policy to Implementation —fifth meeting of the Conference of the Parties

Nairobi, Kenya, 15 to 26 May 2000
President: Francis Nyenze

At its fifth meeting the COP adopted decisions on: a work programme on dry and sub-humid lands; the ecosystem approach; access to genetic resources; alien species; sustainable use; biodiversity and tourism; incentive measures; the Global Strategy for Plant Conservation; the Global Taxonomy Initiative (GTI); the CHM; financial resources and mechanism; identification, monitoring and assessment, and indicators; and impact assessment, liability and redress. COP-5 also included a high-level segment on the Cartagena Protocol on Biosafety, with a Ministerial Round Table and a special signing ceremony. 🌱



The Contact group on the programme of work on the Biological Diversity of Dry and Sub Humid Lands

Sem T. Shikongo, co-chair



The prospect of being Co-Chair of the contact group on the programme of work on dry and sub-humid lands was both a very exciting but also a frightening experience. I was not sure whether I would be able to bring the process entrusted to me to a positive conclusion, but after consultation with my delegation and their encouragement I accepted the co-Chairship. The first hours were difficult but as time progressed I became more relaxed, and being a night animal I did not mind working late into the night. I recall that we stopped the first meeting at around 1:00 a.m. and instead of going back to the hotel, we had to prepare the text based on the comments of the contact group for the next session. Through this process I realized the tremendous amount of work that goes into each and every paper in the background from the Secretariat Staff. I must say that the team from the Secretariat that I worked with was very helpful and guided me throughout the process. Throughout the meetings of the contact group it was clear that the participating Parties clearly realized the many interrelationships between desertification/land degradation

and biological diversity loss, and between sustainable livelihoods and the conservation and sustainable use of biological diversity and I think this realization was an important factor in the final adoption of the Programme of work on the biological diversity of dry and sub-humid lands. Linked to this was also the clear understanding of the need to facilitate the implementation of the CBD and the United Nations Convention to Combat Desertification (UNCCD). It was a satisfying experience after several meetings of the contact group, to be able to have a cleaned text and to be able to present this to the working group for adoption. I must say that this was one of the most enjoyable COPs that I have attended, as I think at that time the negotiating processes were intense and agreement or consensus on issues took quite some time. The challenge that remains is whether we can implement this work programme. I realize that much more work needs to be done in the implementation of the provisions, and a key challenge to the Secretariat if the CBD will be to support country Parties in their efforts to conserve biodiversity, and further more successful implementation will only be possible if more efforts are being placed into fostering linkages that help countries to act on commitments. ✎

“... IT WAS CLEAR THAT THE PARTICIPATING PARTIES CLEARLY REALIZED THE MANY INTERRELATIONSHIPS BETWEEN DESERTIFICATION/ LAND DEGRADATION AND BIOLOGICAL DIVERSITY LOSS, AND BETWEEN SUSTAINABLE LIVELIHOODS AND THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY...” —SEM T. SHIKONGO

First meeting of the Ad-hoc Working Group on Article 8(j)

Seville, Spain, 27 to 31 March 2000

Delegates considered elements for a work programme on Article 8(j), including: participatory mechanisms for indigenous and local communities; equitable sharing of benefits; legal elements; status and trends in relation to Article 8(j) and related provisions; traditional cultural practices for conservation and sustainable use; exchange and dissemination of information; and monitoring. The Working Group also addressed: the application and development of legal and other appropriate forms of protection for traditional knowledge; international cooperation among indigenous and local communities; and opportunities for collaboration and implementation of the work programme. ✎



2000

“THE PROCESS HAS CREATED REMARKABLE NEW PRECEDENTS FOR UNITED NATIONS NEGOTIATING FORUMS.” —JOHN HERITY

Article 8(j) and other related articles

John Herity, IUCN Canada



Aboriginal peoples throughout the world have been living in harmony with nature for millennia. It is the foundation of their culture, economy, language and art. Their knowl-

edge of nature and biological resources still governs the lives and livelihoods of their communities. The knowledge is closely held and cautiously dispensed at the discretion of the knowledge holders, although sometimes it is misappropriated by others. The knowledge can also be freely given in the service of conservation.

It was in this light that the negotiators of the Convention on Biological Diversity created Article 8(j). It is recognition of the importance of the knowledge and interests of indigenous peoples, unprecedented in environmental treaties. In doing so, they also created unique challenges for the 188 future parties. The challenges center on, first, recognizing the importance of involving representatives of indigenous peoples in the decision making processes of the Convention; second, how to facilitate that involvement and, third, how to implement the results at the national level.

From the outset there was controversy and controversy, though diminished, remains. Many countries do not have indigenous peoples; many believe that virtually all their citizens are indigenous and most believe that indigenous matters are best dealt with at the national, not international level. The dual concept of indigenous and local communities remains unfulfilled. Certainly, the international focus on Article 8(j) has been on indigenous peoples and on providing a venue for their voices. The creation of an open ended working

group for Article 8(j) with indigenous participants was debated at length by the Parties. Though still poorly funded, the resulting agreement has proven far more effective than many expected.

The Open-Ended Working Group has created a wide-ranging and insightful programme of work and has gone a considerable distance in its implementation. Its influence on the decisions of the COPs is clear and profound, driven to a very large degree by the representatives of indigenous peoples themselves. The International Indigenous Forum on Biodiversity is well led and well managed. Positions are thoroughly developed and set out with passion and eloquence. Governments are paying attention. Virtually all Forum members contribute on a pro-bono basis, driven by what they know is right for their communities.

The process has created remarkable new precedents for United Nations negotiating forums. To the credit of the Parties, the meetings have been altered from the norm in a number of ways to enhance the effectiveness of the indigenous voices. Caucus space is provided for them, as well as basic office equipment. The meeting room is arranged so that aboriginal representatives share the space from front to back with the government Party representatives instead of being relegated to the back row. A regionally balanced number of them are invited to participate in Bureau meetings. They are invited to co-chair sub-working group sessions. They are able to speak in sequence with government representatives, rather than having to wait till all Parties have spoken.

Not only is the process an unprecedented success; so are the results. Among these, a ground-breaking set of guidelines has been approved by COP-7 for conduct-

ing environmental, social and cultural assessments of developments affecting indigenous interests. Decisions have also been taken to pursue elements of a sui generis regime of intellectual property protection for traditional knowledge. New standards have been created for involving indigenous peoples at the national level in decision processes affecting them. The term “prior informed consent” is now an accepted concept in relation to the use of traditional knowledge. Recently, the UN Permanent Forum on Indigenous Issues has recognized the leadership of the Convention in this area by asking Parties to organize a workshop for all relevant UN and related bodies on the assessment of developments on lands traditionally used by indigenous peoples.

As frequent head of the Canadian delegation to these meetings, I was responsible for advancing what to many must have seemed Neanderthal official positions. (I speak from the security of recent retirement from government.) I therefore found it comforting when periodically asked to co-chair a sub-working group with an aboriginal colleague and thereby be relieved of the duty of actually speaking to those positions. It was doubly (and conversely) comforting to be able, from that vantage point, to chide those at the Canadian flag to hasten consensus. Those tough positions were actually thoroughly debated in Ottawa before each meeting and it was comforting to observe how they progressed from meeting to meeting in light of the international dialogue.

The Convention Parties, their permanent secretariat and all of the indigenous peoples who have been involved can be justly proud of their remarkable accomplishments over the first 10 years of implementation. They should be stimulated to continue their leadership. ❖

First meeting of the Intergovernmental Committee on the Cartagena Protocol

Montpellier, France, 11 to 15 December 2000

Based on the workplan outlined at COP-5, the first meeting of the Intergovernmental Committee (11-15 December 2000; Montpellier, France) discussed: information sharing and the BCH; capacity building; the roster of experts; decision-making procedures; handling, transport, packaging and identification; and compliance. The meeting reflected a congenial “Montpellier Spirit” as a positive force in

building confidence and political momentum, while also highlighting the significant issues of developing countries’ capacity to implement the Protocol and means to make the BCH operational and accessible. ICCP-1 concluded with recommendations for intersessional activities and synthesis reports for each substantive item to be further considered by ICCP-2. ❖



2001

Sixth meeting of the SBSTTA

Montreal, Canada 12 to 16 March 2001
Chairperson: Dr. Cristián Samper

SBSTTA-6 was marked by its new modus operandi featuring a streamlined agenda with a focus on invasive alien species and emphasis on providing background information through presentations, side events, round tables and additional documentation. Recommendations were adopted on: ad hoc technical expert groups; marine and coastal biodiversity; inland water ecosystems; invasive alien species; scientific assessments; the GTI; biodiversity and climate change; and migratory species. ❖

Second meeting of the Intergovernmental Committee for the Cartagena Protocol

Nairobi, Kenya, 1 to 5 October 2001

The second meeting of the ICCP developed recommendations on issues including: information sharing; HTPI; monitoring and reporting; capacity building; the roster of experts; guidance to the financial mechanism; decision-making procedures; liability and redress; compliance; consideration of other issues necessary for the Protocol's implementation; the Secretariat; Rules of Procedure; cooperation with the International Plant Protection Convention under other matters; and preparatory work for MOP-1. ICCP-2 highlighted continued concerns regarding capacity building and information sharing as essential elements for the Protocol's ratification and implementation at the national level. ❖

First meeting of the Ad Hoc Working Group on Access and Benefit-sharing

Bonn, Germany, 22 to 26 October 2001

Delegates developed a set of draft international voluntary guidelines (Bonn Guidelines); identified draft elements for an action plan for capacity building; considered approaches other than guidelines; called for an open-ended workshop on capacity building for ABS; and produced recommendations on disclosure of PIC, country of origin and use of traditional knowledge in patent applications. ❖



SBSTTA-7 & 8: Memories of the Future?

Dr. Jan Plesnik



The seventh meeting of the SBSTTA, which was held in Montreal in November 2001 was in my opinion a landmark of the Convention's development for at least two reasons. The highly technical discussion on the main theme—forest biological diversity—and the fact that most Parties and other stakeholders had nominated forest experts meant that at that time the SBSTTA was really a forum where the best possible science-based advice was developed for the COP. The Global Strategy for Plant Conservation is the first cross-cutting issue based on some taxon or ecological group. In addition, the strategy consists of quantitative targets to be reached rather than of generally formulated aims.

Seven recommendations were adopted by the eighth meeting of the SBSTTA (Montreal, March 2003). The meeting adopted the

structure of the proposed programme work on mountain biological diversity, inspired i.a. by a stimulating key note presentation given by Christian Körner, Chair of the Global Mountain Biodiversity Assessment. From other outputs, the recommendation on biological diversity and tourism containing draft guidelines on the politically hot issue should also be mentioned.

I would like to take the opportunity and repeat that in my country we have recognized that there are three developmental stages in the professional life of anybody dealing with environmental issues and it would seem that everybody has to go through them. The first stage is one of optimism, followed by pessimism. The third and very last stage is alcoholism. And I must say that, despite serving as a SBSTTA Bureau Member in 1997–2003 I have sometimes gone back from stage two to stage one and I am still optimistic with regard to reaching the three main goals of our Convention. ♣

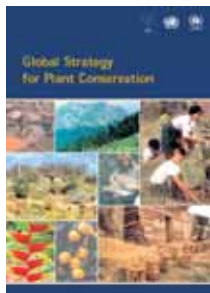


“...THERE ARE THREE DEVELOPMENTAL STAGES IN THE PROFESSIONAL LIFE OF ANYBODY DEALING WITH ENVIRONMENTAL ISSUES...” —DR. JAN PLESNIK

Seventh meeting of SBSTTA

Montreal, Canada, 12 to 16 November 2001

Chairperson: Dr. Jan Plesnik



Saddled with the task of addressing an extremely heavy agenda, delegates to SBSTTA expended a considerable amount of energy on developing the programme of work on forest biological diversity while also producing recommendations on: agricultural biodiversity, including the International Pollinators Initiative; the Global Strategy for Plant Conservation; incentive measures; indicators; and environmental impact assessment. ♣

Meeting on the Strategic Plan

Montreal, Canada, 19 to 21 November 2001

Delegates discussed the strategic plan of the convention, addressed implementation of the Convention, national reporting and the upcoming World Summit on Sustainable Development. Despite a lack of consensus in certain issues, in general, participants were satisfied with their accomplishments on the more manageable tasks of providing recommendations towards increasing the efficiency and performance of CBD operations and reporting processes. ♣



2

ACTION FOR A SUSTAINABLE FUTURE

COP-6, the WSSD and the Millennium Development Goals



Goethelich/UNEP/Alpha Presse

Second meeting of the Ad Hoc Working Group on Article 8(j)

Montreal, Canada, 4 to 8 February 2002

Over the course of the week-long meeting, the Working Group considered: an outline for the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities; draft guidelines/recommendations for the conduct of cultural, environmental and social impact assessments regarding developments proposed on or impacting the lands of indigenous and local communities; participatory mechanisms; and the effectiveness of existing instruments impacting the protection of traditional knowledge, particularly intellectual property rights (IPR). Delegates adopted six recommendations on the preceding items, as well as on progress in the integration of relevant tasks of the work programme on Article 8(j) and related provisions into the CBD's thematic programmes and on progress in implementation of the priority tasks of the work programme on Article 8(j). ❖

“WE MAY NOT FORGET, THAT WE CANNOT SEGREGATE THE IMPORTANCE TO CONSERVE BIODIVERSITY FROM THE VERY REAL NEEDS OF PEOPLE THAT DEPEND ON THE SAME BIODIVERSITY FOR THEIR DAILY LIFE AND EXISTENCE.”

—MR. HANS HOOGEVEEN

Action for a Sustainable Future—sixth meeting of the conference of the Parties, the Netherlands

The Hague, the Netherlands, 7 to 19 April 2002

President: Ms. Geke Faber

COP-6 was arguably the busiest COP to date, with afternoon and evening contact groups throughout. Despite contentious debates, delegates adopted 36 decisions on the following substantive topics: forest biodiversity; alien species that threaten ecosystems, habitats and species; identification, monitoring, indicators and assessments; the Global Taxonomy Initiative (GTI); the Global Strategy for Plant Conservation (GSPC); the ecosystem approach; sustainable use; incentive measures; liability and redress; progress on ecosystem themes; access and benefit-sharing (ABS); the strate-

gic plan, national reporting, CBD operations, and the multi-year work programme; financial resources and mechanism; scientific and technical cooperation and the Clearing-House Mechanism (CHM); education and public awareness; cooperation with other conventions and international initiatives; a contribution to the ten-year review of Agenda 21; and Article 8(j) on traditional knowledge. A High Level Segment on the World Summit on Sustainable Development, including a Ministerial Round Table, and a multi-stakeholder dialogue were convened during the second week of the meeting. ❖

2002

The third meeting of the Intergovernmental Committee for the Cartagena Protocol

The Hague, the Netherlands, 22 to 26 April 2002

ICCP-3 commenced its deliberations in the shadow of COP-6's closing Plenary's heated discussions on the meaning of consensus and pending CBD voting rules. This prelude, along with fatigue for some delegates from two weeks of negotiations, created a somewhat disconsolate atmosphere, which contrasted sharply with the more constructive and non-confrontational tone of prior ICCP meetings. Many noticed that countries made sure, from the meeting's beginning to end, that their objections were clearly voiced, recorded and recognized throughout the meeting's reports, recommendations and annexes. Thus, ICCP-3 became a game of placing political markers to establish optimal posi-

tions regarding what text is bracketed or open for further discussion in anticipation of decisions by the MOP.

The lack of uniform political urgency to resolve outstanding issues and the inflexibility of negotiating positions had some participants commenting on the end of the "Montpellier spirit" and the Protocol's brief honeymoon period since its adoption. This was especially apparent in the most contentious issues, such as identification and compliance, where the week-long negotiations resulted in bracketed texts very similar to the texts they started with. This brief analysis will focus on the issues of documentation and identification, compliance, liability and redress, capacity. ❖



Reflections on COP-6

Mr. Hans Hoogeveen



Never has biological diversity been so high on the international and political agenda. The Convention on Biological Diversity is one of the most or perhaps the most successful convention within the UN-system. And that is not without reason. We depend largely on our natural resources; on our animals, plants and micro-organisms for the production of food and medicine and for the intrinsic value of biological diversity. They are the basis of our existence. They form our vital world, in which life is really on the line.

Over the past decade The Netherlands has actively supported the Convention and its implementation at the national level. "Vital world, life on the line" was the Logo of the Sixth meeting of the Conference of the Parties in April 2002 in The Hague in The Netherlands. Since then we have made considerable progress. It is not without reason that Biodiversity has been identified as one of the five priorities of the World Summit on Sustainable Development.

The conservation and sustainable use of biodiversity is one of the cornerstones in achieving sustainable development and poverty eradication. This was also the crystal clear message, which 123 ministers gave

in the Ministerial Declaration of the Sixth Conference of the Parties to the Convention on Biological Diversity. And this was clearly marked by the Heads of States and Governments during the World Summit on Sustainable Development.

COP-6 and the WSSD have set the target: we have to achieve by the year 2010 a significant reduction in the current rate of loss of biodiversity.

We can be proud of these results, but we cannot rest on our laurels. Too much is at stake.

COP-6 and the WSSD marked the shift from the making of sweeping and ambitious plans and programs to the implementation of these. It was hard to develop these programs, but the last we have seen and experienced is that it is even harder to implement them. Nevertheless, this phase of the Convention will be crucial for its success. The agreed the Multi Year Program of work up to 2010 is a firm basis for this phase. Other important decisions were, among others, on genetic resources (Bonn Guidelines), forest biological diversity, indicators and incentive measures. The finalisation of the important guiding principles on invasive alien species, has raised unfortunately serious concerns until now.

COP-6 and the WSSD also marked the shift in empha-

sis from the conservation of biodiversity to an emphasis on its sustainable use. We may not forget, that we cannot segregate the importance to conserve biodiversity from the very real needs of people who depend on the same biodiversity for their daily life and existence. We have to take account of access and benefit sharing issues, especially for the people who need it the most.

Another important task for the coming years is the task to come forward with decisions to promote and support initiatives for hot spot areas and other areas essential for biodiversity and to promote the development of national and regional ecological networks and corridors. These ecological networks should form the basis for the conservation and sustainable use of our biodiversity.

In the course of our future work we should never forget to remind ourselves about the question: Can we answer to our children and grandchildren that we made a stand for biodiversity and that we went beyond our differences in order to make the difference?

Let us forget ourselves, let our universal love for nature and biodiversity bridge our gaps and differences, so that we will be remembered as people who found a common understanding for the conservation and sustainable use of our biodiversity. ❖

12

ACTION FOR A SUSTAINABLE FUTURE

COP-6, the WSSD and the Millennium Development Goals



Bratislava to Bilbao—reflections on CEPA

Peter Bridgewater



CBD COP4 in Bratislava invited UNESCO to consider launching a global initiative on biodiversity education, training and public awareness. In fact, nothing happened until Nairobi, where an energetic IUCN meeting, aided by the Netherlands and Norway, finally galvanized COP5 to understand a strategy for CEPA was needed by COP6.

Both the CBD and UNESCO secretariats, (Alexander Heydenrael and Salvatore Arico) took that message from Nairobi, and, aided by IUCN's Commission on Education and Communication, energetically forged the basic plan for CEPA adopted at COP6. Three excellent workshops, held in Paris, Bergen (thanks to Norway) and Bilbao moved the process along. Of the many ideas suggested one of the most intriguing was never taken up—the use of flora and fauna observations by local people as a means of encouraging CEPA. Maybe in the future. And while the main CEPA challenges lie ahead, these pioneer efforts have laid a good and solid foundation—but remember; CEPA is for everyone! 🐦

“... CEPA IS FOR EVERYONE!” —PETER BRIDGEWATER

Eight days that shaped the Guidelines

Brendan Tobin, Coordinator, Biodiplomacy Initiative, UNU-IAS, and Alwin Kopše, Senior Advisor, Federal Office for Agriculture, Switzerland



By the first Plenary session on the Bonn Guidelines at COP 6 it was clear that there would be no agreement without significant modification of the draft to address responsibilities of so-called “user countries”. As lunch approached, the chair invited delegates to consider suggestions on how to move forward and adjourned the meeting. Over sandwiches and coffee, clusters of delegates searched for possible solutions to the impasse, while members of the secretariat floated around to discern the potential deal breakers and coalition makers. Their decision was ingenious and proved farsighted.

Switzerland and Peru, countries with a solid track record in the investigation, promotion and adoption of innovative mechanisms for regulation of ABS, were invited to share responsibility for steering the process. Before accepting we convinced each other that a successful outcome was possible. Co-chairing the meeting created an interesting dynamic, with our different viewpoints on ABS governance and distinct personalities and styles of staging the discus-

sion effectively combining to help bring the negotiations to a successful close. With hindsight it is difficult to see how either one of us could have achieved the result alone. Throughout the eight days in which the contact group worked we alternated responsibility for presiding over the meeting. Moving at times quickly—coaxing, pushing, and at times chiding delegates towards compromise until breakthroughs occurred—and at other times bringing the tempo down—providing a period of relaxation allowing things to simmer a while before bringing the heat back on again.

This collaboration was enhanced by a shared commitment towards obtaining the most equitable agreement possible. When the process ground to a halt—delegations unable to find a compromise on the negotiation floor—the chairs were able to discuss potential solutions and then divide to present proposals to their respective peer groups. Alwin worked the floor to bring developed countries towards agreement with Brendan doing likewise for the developing countries. This dual commitment and coop-

erative working strategy enabled the process to advance far more quickly than would otherwise have been the case.

If any single word could express the feelings of delegates at the outset of the contact groups work it must have been distrust. Developed countries felt a consensus position had been adopted following long negotiations in Bonn, and saw no need to revise it. Developing countries on the other hand felt the draft guidelines demonstrated the lack of commitment by user countries to accept their responsibility to take action themselves on ABS. Amidst this general air of gloom there were a number of glimmers of hope, such as an alliance between Mexico and Costa Rica to promote a clear proposal on user measures on the one side, and a preparedness on the part of countries such as Australia and Japan to support the renegotiation if that would secure adoption of the guidelines.

The negotiation itself was to be conducted primarily by the European Community, on one side and Mexico and Costa Rica on the other, with Colombia, Brazil and Ethiopia among the

2002

Future

“...BIODIVERSITY, WHICH PLAYS A CRITICAL ROLE IN OVERALL SUSTAINABLE DEVELOPMENT AND POVERTY ERADICATION, IS ESSENTIAL TO OUR PLANET, HUMAN WELL-BEING AND TO THE LIVELIHOOD AND CULTURAL INTEGRITY OF PEOPLE...”

—(JOHANNESBURG PLAN OF IMPLEMENTATION)

World Summit for Sustainable Development

Johannesburg, South Africa, 26 August to 4 September 2002

This ten-year review of the 1992 UN Conference on Environment and Development (UNCED) aimed to reinvigorate the global commitment to sustainable development. Participants negotiated and adopted two main documents: the Plan of Implementation and the Johannesburg Declaration on Sustainable Development. The essential role of biodiversity in sustainable development and poverty eradication was emphasized with participants declaring their commitment to:

- achieve by 2010 a significant reduction in the current rate of biodiversity loss; and
- negotiate an international regime to promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources. 🐾



“WITH HINDSIGHT IT IS DIFFICULT TO SEE HOW EITHER ONE OF US COULD HAVE ACHIEVED THE RESULT ALONE.”—BRENDAN TOBIN AND ALWIN KOPŠE

key players which had to be brought on board to obtain the final decision.

Three moments above all stand out in the negotiation. The first involved a defiant and heroic stand by a young Ethiopian negotiator left to hold the fort by his mentor on behalf of the African block of countries, which were absent in a G77 meeting. As the contact group approached a consensus position on measures to be taken by user countries, Ethiopia stood alone to block conclusion of this section of the debate. Brendan, then presiding, was now in a difficult position, as promoting consensus had been the order of the day, and up to this stage most concessions had been coming from the developed countries. With a view to consistency, a gentle nudge was tested. The delegate stood firm. Under advice from the secretariat and Alwin, more firm pressure was exerted. There was no movement. The pressure was turned up even more, but despite the collected pressure of the delegations present in the room still he stood firm. Then the doors to the room burst open, and the room was flooded with African delegates who swarmed around the room. He stood alone no more. This impasse led to a Saturday session of the friends of the chair, which took over five hours to find a solution, reflected in one line of text recognizing the re-

sponsibility of user countries. A line which has proved of great importance since.

A second moment of tension came as after long hours and convoluted debate, Brendan presented yet another alternative proposal in the hope of finding a way forward. With nerves already frayed, this proved too much for one delegate from the developed countries who cried out in frustration “you’re not helping”. Nonetheless, the chair requested just a few more minutes of tolerance, made the proposal and then handed the chair over. The proposal stayed and was nursed through by Alwin, once again proving the value of the secretariat’s decision.

The third and most dramatic moment occurred when the contact returned to plenary to present the results of their work, which was presented as a consensus document. The chair, Elaine Fisher, quickly perused the floor, observed no apparent objection, and with a sense of great relief and visible delight stuck the gavel to declare the matter adopted. But all was not well, and as if in premonition of what was to transpire the head of gavel flew off, and fell to the floor. It was then that a discordant voice was heard pointing to a failure of the electronic system to register their call for the floor. They proceeded to point out that no agreement had

been reached regarding reconvening the Working Group on ABS. In a less than elated mood Elaine requested us to give it one last go, and a meeting of the friends of the chair was quickly convened. Three hours later the business was done and as Brendan headed for the skies, the delegates returned to the plenary to listen to the final compromise proposal introduced by Alwin. Finally, the gavel was struck once more, followed by three rounds of well deserved applause for the successful completion of the group’s work.

We took three key lessons away from the process. First, chairing may be likened in some aspects to conducting an orchestra; the more you know about the players and their respective strengths, the more chance there is of getting the best out of everyone without too much pain to the ears. Secondly, it is extremely important to step back from the process from time to time and remember that no agreement will be a better result than a bad or unworkable agreement. Finally, to be successful you need the support and respect of participants, which means being prepared to listen, recognize mistakes and remember that chairing is a fleeting honor and next time round you’ll be seeking the chair’s attention like everyone else. 🐾

13

ADVANCING ON SUSTAINABLE USE, TRADITIONAL KNOWLEDGE AND ACCESS AND BENEFIT-SHARING



2003



The eighth meeting of SBSTTA

Montreal, Canada, 10 to 14 March 2003
Chairperson: Dr. Jan Plesnik

Delegates adopted 11 recommendations on: mountain biodiversity, the main theme of the meeting; inland waters; marine and coastal biodiversity; dry and sub-humid lands; biodiversity and tourism; and SBSTTA operations. The development of a programme of work on mountain biodiversity proved to be a considerable undertaking, as SBSTTA-8 did not fully complete deliberations on its components and mandated a technical expert group to further consider this before SBSTTA-9. The meeting's outcomes on marine and coastal biodiversity included recommendations on follow-up work to the long-awaited study on deep seabed genetic resources, as well as on marine and coastal protected areas (MCPAs). 🦋

Multiyear Programme of Work for the Convention (MYPOW)

Montreal, Canada, 17 to 20 March 2003

Delegates adopted seven recommendations, to be forwarded to COP-7, on: achieving the 2010 target; the multi-year programme of work of the COP up to 2010 (MYPOW-2010); legal and socioeconomic aspects of technology transfer and cooperation; the outcomes of the World Summit on Sustainable Development as it relates to the Convention process; an international regime for access and benefit sharing; future evaluation of progress in implementing the Convention and the Strategic Plan; and the CBD's contribution to the Millennium Development Goals and the Commission on Sustainable Development process. 🦋



IISD/ENB

The ninth meeting of SBSTTA

Montreal, Canada, 10 to 14 November 2003
Chairperson: Alfred Oteng-Yeboah

Delegates to SBSTTA-9 adopted 16 recommendations on: protected areas, one of the main themes of the meeting; technology transfer and cooperation, the other main theme for discussion; genetic use restriction technologies; biodiversity and climate change; monitoring and indicators; the Global Taxonomy Initiative; the integration of outcome-oriented targets into the CBD's programmes of work; outcome-oriented targets for the Global Strategy on Plant Conservation; mountain biodiversity; sustainable use; perverse incentives; invasive alien species; guidelines for implementing the ecosystem approach; and progress reports on implementation. A recommendation to integrate outcome-oriented targets into the CBD's work programmes also proved a small, but significant step, towards achieving the World Summit on Sustainable Development's (WSSD) 2010 target to reduce significantly the rate of biodiversity loss. ❖

Reflections on SBSTTA-9

Alfred Oteng-Yeboah



On assuming the chairmanship of SBSTTA-9, I had learned, through contact group meetings, the need to create an atmosphere of trust, co-operation, flexibility and respect. I had become conscious of the fact that delegates representing government or non-government bodies at CBD meetings, have something to contribute to the course of the international agreement; that these contributions may or may not add substantially to the issues, but that everyone had a right to be heard. I had accepted that ownership of recommendations and or decisions agreed upon at meetings was most fundamental in delegates' self esteem and that of the body they represent, and I was therefore ready to listen to several views to enrich consensus building process.

I had also learned to exploit to the full my personal relationship with God. I had realised, especially during moments when there were dead locks at the contact group meetings and solutions could not be found easily, I could withdraw inwards to offer a prayer for a solution and out of the blue, someone offers an acceptable compromise.

Thus even though SBSTTA-9 was dubbed as the most difficult and unwieldy even before it started because of its tall agenda which included discussion on recommendations in relation to monitoring, indicators and outcome oriented targets towards the 2010 targets, there is evidence that it was one of the most successful.

Using the final outcome of SBSTTA-9 as an example, it is possible for one to note that where discussions of meetings lead to challenges and opportunities, adoption modes and rates for consensus are spectacular.

At this particular meeting I observed that delegates had been sensitised on the outcome of the World Summit on Sustainable Development (WSSD) and the Johannesburg Plan of Action in relation to the 8 Millennium Development Goals (MDGs), and therefore they saw the effort on 2010 targets from the biodiversity angle as both opportunities and challenges for monitoring and evaluation of indicators.

This kind of situation quickly led to consensus, and for the future it is something to reflect on. ❖



IISD/ENB

“... WHERE DISCUSSIONS OF MEETINGS LEAD TO CHALLENGES AND OPPORTUNITIES, ADOPTION MODES AND RATES FOR CONSENSUS ARE SPECTACULAR.”

—ALFRED OTENG-YEBOAH



Domini/UNEP/Alpha Presse

Workshop on sustainable use and the adoption of the Addis Ababa Guidelines

Addis Ababa, Ethiopia, 6 to 8 May 2003

The fourth workshop on sustainable use represented the culmination of the discussions from three previous workshops on sustainable use for specific ecosystems. Participants developed the following 14 concrete principles for the sustainable use of biological diversity, along with operational guidelines to provide advice on their implementation. The principles addressed the need for:

- a supportive institutional framework
- empowerment and accountability of local users
- removal or mitigation of policies promoting perverse incentives
- adaptive management
- minimizing of impacts on ecosystem services, structure and functions
- interdisciplinary research
- appropriate scale for management and regulation
- international co-operation over shared resources
- an interdisciplinary and participatory approach
- policies which recognize the variety of current and potential values of use
- minimizing waste and maximizing benefits in the use of biodiversity and its components
- equitable distribution of benefits for indigenous and local communities
- internalizing costs of management
- implementing education and public awareness campaigns on sustainable use. ❧

“HE GAVE THE IMPRESSION OF SOMEONE WHO WAS VERY MUCH IN CHARGE AND THAT HE KNEW EXACTLY WHERE HE WAS GOING.” —STEVE EDWARDS

Peter Schei—Master Facilitator

Steve Edwards, Senior Advisor, IUCN



Not long ago Peter reminded me that we first met at the 2nd Conference of the Parties to CITES in San Jose, Costa Rica in 1976. It was the first time I had attended an international convention meeting. Whether or not it was Peter's first experience in such a forum I do not know but I do

recall that he gave the impression of someone who was very much in charge and that he knew exactly where he was going—two characteristics that have served as hallmarks of his career.

Through the intervening years we often met in various forums where “sustainable use” was being discussed. While the concept of sustainable use is accepted as a legitimate approach to conservation of biological diversity today, it was not always so, and the debates would often be very emotional, reflect the extreme positions on the subject.

I suspect that Peter's reputation for maintaining his cool amid controversy along with his skill as a consensus builder on controversial subjects were the reasons he was asked to chair the open-ended workshop that

was held in Addis Ababa, Ethiopia to consider and endorse Principles of Sustainable Use. I served as the text manager and, along with David Lawson, provided technical support during the three-day workshop.

I recall my mounting frustration as Peter led some 30 delegates through the working document one paragraph at a time; growing more concerned with each passing hour that we would never finish our task—especially when we were on something like page 3 of a 12 page document at the end of the second day. Throughout this time Peter assured me we would make it. Well, on that third day, miraculously the delegates rallied and focused on the content and as a result concluded an exceptional document, which was subsequently adopted by the Parties at the 7th Conference of the Parties.

Later, as we relaxed, I asked Peter why he was so confident that it would work out. His answer was simply: they all wanted the document to be adopted; it was simply a matter of giving each of them enough time to know that everyone else wanted the same thing. The rest was just a matter of ensuring that everyone had a chance to contribute in an effective manner. ❧





Mitchell-UNEP/Alpha Presse

Second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit Sharing

Montreal, Canada, 1 to 5 December 2003

Delegates adopted six recommendations on: reports on experience with the Bonn Guidelines; the international regime on ABS; use of terms; other approaches, as set out in decision VI/B on other approaches for implementing the CBD ABS provisions; measures to ensure compliance with PIC and MAT; and capacity building. The meeting was charged with the significant task of paving the way for COP-7 negotiations on steps to develop an international ABS regime. Although much time and effort was devoted to debating the regime's process, nature, scope, elements and modalities, delegates admitted that a heavily bracketed text was the best that could be achieved at such an early stage. While discussions on an international regime overshadowed the other topics, delegates expressed satisfaction with the recommendation on compliance measures for PIC and MAT, which, although not clarifying the relationship with, and the role of, the World Intellectual Property Organization (WIPO) and leaving open the debate on an international certificate of origin or legal provenance, provides for steps to move forward. The recommendation on capacity building and the expert workshop's draft action plan was also welcomed as concrete outcomes for the implementation of CBD ABS-related provisions. ♣

Third meeting of the Ad Hoc Open-Ended Working Group on Article 8 (j)

Montreal, Canada, 8 to 12 December 2003

Blessed by a Mohawk opening prayer, delegates at the third meeting of the Working Group considered and adopted nine recommendations on: the integration of the work programme on Article 8(j) into the CBD thematic areas; progress in the implementation of the work programme; recommendations from the UN Permanent Forum on Indigenous Issues (PFII); genetic use restriction technologies (GURTs); elements for a sui generis system for the protection of indigenous and local communities' knowledge, innovations and practices; participatory and communication mechanisms for the effective involvement of indigenous and local communities in matters related to the objectives of Article 8(j); the Akwé: Kon draft guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities; the composite report regarding the knowledge, innovations and practices of indigenous and local communities; and technology transfer and cooperation. ♣



IISD/ENB

Seventh meeting of the Conference of the Parties

*Kuala Lumpur, Malaysia, 9 to 20 and 27 February 2003
President: The Honourable Dato' Seri Law Hieng Ding*

Delegates to COP-7 adopted 33 decisions on, inter alia: biodiversity and tourism; monitoring and indicators; the ecosystem approach; biodiversity and climate change; sustainable use; invasive alien species (IAS); the Strategic Plan; mountain biodiversity; inland water ecosystems; marine and coastal biodiversity; protected areas (PAs); access and benefit-sharing (ABS); technology transfer and cooperation; Article 8(j) (traditional knowledge); incentive measures; communication, education and public awareness (CEPA); scientific and technical cooperation and the clearing-house mechanism (CHM); financial resources and mechanism; and national

reporting. COP-7's agenda gave Parties an opportunity to live up to one of the CBD's most significant challenges: respond with concrete measures to the outcomes of the 2002 World Summit on Sustainable Development (WSSD), including the target of significantly reducing biodiversity loss by 2010, and show that the CBD is the most appropriate and efficient policy framework to address biodiversity. The achievements of the meeting regarding ABS and PAs, supported by a valuable framework for evaluating the Strategic Plan's implementation, are a solid basis for the Convention to address its priorities in the medium—and long-term future. ❖

“THE EFFECTIVE PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES AS WELL AS THE CLOSE COOPERATION OF OTHER INTERNATIONAL BODIES IN THE NEGOTIATION PROCESS REPRESENTS UNIQUE CHALLENGES.” —JEAN FRANCOIS PYTHOUD

The negotiations on an Access and Benefit Sharing Regime

Francois Pythoud, Swiss Agency for the Environment, Forest and Landscape



Kuala-Lumpur, 17 February 2004, close to midnight. After 5 days of intensive debates, the contact group agreed on the mandate and the terms of reference for the elaboration and the negotiation of an international regime on access to genetic resources and benefit sharing.

This decision, officially endorsed by COP 7 a few days later, represents a historical milestone in the implementation of the 3rd objective of the Convention. For the first time, a decision was imposed on the COP through commitments taken by Governments in other bodies, the WSSD and the UN General Assembly. Will this affect the process? Many issues remain unanswered. The objective, the structure and the legal nature of the regime are to be defined. The effective participation of indigenous and local communities as well as the close cooperation of other international bodies in the negotiation process represents unique challenges. For CBD veterans, Kuala Lumpur is a reminder of Jakarta where COP 2 decided to start the negotiation of a Protocol on Biosafety. The Protocol was a success even though it took 8 years before its entry into force. Can we wait until 2012 for an international regime? Of course not. We shall build upon the Bonn guidelines, and governments and all stakeholders are to implement them as a matter of priority. ❖



Sitpugamarti/UNEP/Alpha Presse

“SUSTAINABILITY AND EQUITY NEED TO EMERGE IN TOURISM NETWORKS, AS A LEGACY.”
—SCOTT MULLER

Biodiversity and Tourism Development—Reflections on Increasing ‘Connectance’ and Maintaining Diversity

Scott Muller

Sustainable use enables conservation, and oft-quoted tourism development statistics rightly bring a sense of opportunity, hope and fear.

Is it possible to channel and influence the impacts, positive and negative, that result from this impressive engine of growth? There in lies the incalculable value of decision VII/14 towards achieving the 2010 target.

The slippery slope of sustainability regards balance, arising from interdependent behaviors within a system. It is an emergent property. Sustainability and equity need to emerge in tourism networks, as a legacy. But unfortunately, co-evolution is not intrinsic among micro-agents in a system, it needs to be enabled.



With decision VII/14 and the Biodiversity and Tourism Guidelines, the COP has impressively crafted a powerful coordinating framework that creates system feedback and enables co-evolution.

However, only if implemented by the Parties.

I have experienced directly how implementation can achieve education, adaptive management and feedback processes that focus on the practical principles of self-organization, interconnections and broad participation of stakeholders, information sharing and public disclosure.

The COP has successfully responded to their mission and has crafted a powerful tool for the 2010 target. Taking it out of the tool box, is up to us. ♣

Towards the Future on Marine and Coastal Biodiversity

Kristina Gjerde, IUCN Global Marine Programme



The CBD's conservation and sustainable use obligations must be applied consistently throughout the planet, including on the high seas. Otherwise, we will not achieve our goal of dramatically reducing biodiversity loss by 2010. The CBD can already serve as a clearinghouse for scientific information and national reports on measures taken to eliminate destructive practices and implement best management practices. Ideally the next step would be a cooperative mechanism to promote representative networks of high seas MPAs (consistent with UNCLOS) and other management tools to ensure that the precious resources of the high seas are protected for future generations to enjoy and learn from. ♣



First meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety

Kuala Lumpur, Malaysia, 23 to 27 February 2004

Chairperson: The Honourable Dato' Seri Law Hieng Ding

Arriving in Kuala Lumpur, expectations were moderate for COP/MOP-1 delegates, charged with the daunting task of addressing operational and institutional issues that will facilitate the Protocol's implementation. COP/MOP-1 was successful in setting up the operational framework needed for effective implementation of the Protocol, and in electing the Compliance Committee members by the closing plenary. This meeting will certainly be remembered as a major stepping stone in the history of the Convention on Biological Diversity.

Delegates adopted 13 decisions on, inter alia: decision making by Parties of import; capacity building and the roster of experts; handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs), information sharing and the Biosafety Clearing-house (BCH); liability and redress; compliance; other issues for implementation; the medium-term programme of work for the COP/MOP; guidance to the financial mechanism; and the budget for distinct costs of the Secretariat and the biosafety work programme. ♣

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SECRETARIAT OF THE CONVENTION
ON BIOLOGICAL DIVERSITY
413 Saint Jacques Street, Suite 800
Montreal, Quebec, H2Y 1N9 Canada
Phone: +1 (514) 288-2220
Fax: +1 (514) 288-6588
E-mail: secretariat@biodiv.org
Web: www.biodiv.org



THE RICH TAPESTRY OF LIFE ON OUR PLANET is the outcome of over 3.5 billion years of evolutionary history, shaped by natural processes, and, increasingly, by the influence of humans. Out of an estimated 13 million species, about 1.75 million have so far been identified. The importance of biological diversity—the genetic differences of species and the variety of ecosystems such as in deserts, forests, wetlands, mountains, lakes, rivers, seas and agricultural landscapes—for the health of people and the planet was acknowledged at the United Nations Earth Summit in Rio de Janeiro in 1992, when the vast majority of the world's governments signed the Convention on Biological Diversity.

The Convention sets out commitments for national and international measures aimed at preserving the vital ecosystems and biological resources on which we all depend. Its three main goals are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits from the use of genetic resources.

