

CBD

Global Guidelines on Genetic Resources

The Sixth Meeting of the Conference of the Parties (COP-6) to the Convention on Biological Diversity (CBD)* met from 7–19 April 2002 in The Hague, the Netherlands, and was attended by approximately 2000 governmental, intergovernmental and non-governmental officials representing 176 governments.

The Conference's main achievements included the adoption of a revised forest work programme, the Bonn

Guidelines on access and benefit sharing (ABS), the Strategic Plan and guiding principles for alien species.

Delegates also adopted 36 decisions. These concern 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; the Strategic Plan; financial resources and mechanisms; scientific and technical coop-

* See *Environmental Policy & Law*, Vol. 22 (1992) No. 4 at page 251 for the text of the Convention. *EPL* has covered all Conferences of the Parties to date.

eration 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. The revised texts of the decisions will be available at www.biodiv.org/COP-6/decisions.

A High-Level Segment on the World Summit on Sustainable Development (WSSD) was held on 17–18 April and was attended by some 130 ministers. The discussions focused on the role of biodiversity in sustainable development and poverty alleviation, with a special emphasis on the role and contribution of the Convention on Biological Diversity to the World Summit on Sustainable Development. A Ministerial Round Table and a Multi-Stakeholder Dialogue were also convened during the second week of the Conference.

Geke Faber, President of the Meeting and Vice Minister of Agriculture, Nature Management and Fisheries in the Netherlands, said that the Conference marked a major turning point for the Convention and “has helped move us from policy development to implementation, from dialogue to action”.

Nevertheless, the difficulties incumbent in this transition soon became all too obvious. Tensions arose around developing global priorities and targets to stem biodiversity loss, while at the same time preserving national sovereignty over such efforts. Particular difficulties arose in negotiations on the strategic plan, forests, access and benefit-sharing and Article 8(j).

Ministerial Declaration

The Declaration was adopted unanimously by the participating ministers on 18 April 2002. It was conveyed to the Fourth Preparatory Committee of the WSSD, will be held in Bali, Indonesia, from 27 May–7 June 2002 and will be transmitted to the WSSD itself, scheduled to take place from 26 August–4 September 2002 in Johannesburg, South Africa.

In their Declaration (UNEP/CBD/COP/6/L.33, see page 186), Ministers resolved “to strengthen our efforts to put in place measures to halt biodiversity loss, which is taking place at an alarming rate, at the global, regional, sub-regional and national levels by the year 2010.”

The Declaration acknowledges the importance of biodiversity for humans’ well-being. It recognises the need for timetables, review mechanisms and targets, including a year 2010 target for adoption of measures to halt

biodiversity loss. It reconfirms commitment to halt deforestation and unsustainable use of forest-related resources and to implement the expanded forest work programme. It also calls upon the WSSD to reaffirm CBD’s importance in biodiversity-related issues, and recognise linkages between biodiversity and other policy fields.

Guidelines on Genetic Resources

The Guidelines were developed in response to growing concerns in many developing countries that the commercial and scientific gains realised from their genetic resources were being reaped only by bio-prospectors based in foreign countries. The Guidelines promise to improve the way foreign companies, collectors, researchers and other users gain access to valuable genetic resources in return for sharing the benefits with the countries of origin and with local and indigenous communities. They advise governments on how to set fair and practical conditions for users seeking genetic resources (such as plants that can be used to produce new pharmaceuticals or fragrances). In return, these users must offer benefits such as profits, royalties, scientific collaboration or training.

“Contracts based on the Guidelines will give biodiversity-rich countries additional incentives to conserve and sustainably use their resources. They will offer local and indigenous communities with traditional knowledge fair compensation. Any they will ensure a good deal for seed companies, plant breeders, and industries seeking genetic resources.”

said Hamdallah Zedan, Executive Secretary of the Convention.

Klaus Töpfer, Executive Director of the United Nations Environment Programme (UNEP), stated that, “Although voluntary, these new Guidelines establish generally accepted norms that promise a fairer, more collaborative approach to access and benefit-sharing as regards genetic resources.”

Hamdallah Zedan also reminded delegates that: “Invasive alien species have caused untold damage to natural ecosystems and human economies alike over the past few centuries. Globalisation is accelerating the destruction, as expanding tourism and trade offer more and more opportunities for unwanted species to hitchhike to new homes.”

The Meeting adopted 15 Guiding Principles on how to develop effective strategies to minimise the spread and impact of invasive alien species. The first guiding principle invokes the precautionary approach, whereby the lack



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of full scientific certainty does not justify inaction in the face of a potentially serious or irreversible threat. Other principles advocate and describe the three-step hierarchy of (a) prevention (least expensive and most effective), (b) eradication, and (c) containment. Specific measures are recommended, including border controls, quarantine measures, information exchange and capacity building.

In addition, recipient governments should have the opportunity to provide prior authorisation before the first-time intentional introduction of a potentially invasive species (see www.biodiv.org/programmes/cross-cutting/alien/default.asp).

Forests

Under the major ecosystem theme, forest biodiversity (UNEP/CBD/COP/6/17 and 17/Add.1-3), the Conference had a mandate from COP-5 (see *Environmental Policy & Law*, Vol. 30 (2000) No. 4, at page 166) to develop an expanded and more action-oriented work programme. During discussions, many delegates emphasised the ecosystem approach, underlined the need for a balance between the Convention's objectives, and called for collaboration and synergies with the United Nations Forum on Forests (UNFF). In the debate over priority-setting at the national, as opposed to the international, level, the difficulty of balancing global priorities with the sovereign prerogatives of forest-rich countries again came to the fore. Many developing countries called for financing, technology transfer and capacity building, and emphasised the link between poverty alleviation and forest conservation. The heated debate soon developed into one on North-South priorities, clearly demonstrated by the positions taken by the European Union and Brazil, speaking on behalf of the GRULAC (the Latin American and Caribbean Group).

The Meeting also adopted an international work programme on forests. The programme sets out 12 goals, each with a range of objectives and activities, with priorities to be set at the national level. Goals range from promoting the sustainable use of forest biodiversity and improving the understanding of ecosystem functioning, to the role of biodiversity in enhancing the environment and addressing socio-economic distortions.

Article 8(j) – Traditional Knowledge

Discussion surrounding this Article demonstrated the overriding importance of Prior Informed Consent (PIC), while some States sought a clear distinction between PIC for indigenous and local communities in impact assessments as opposed to PIC for States in granting access to genetic resources.

However, the fundamental discussion on the PIC of

indigenous and local communities regarding access to genetic resources and local communities regarding access to genetic resources and traditional knowledge has yet to be discussed by the Working Group on Article 8(j).

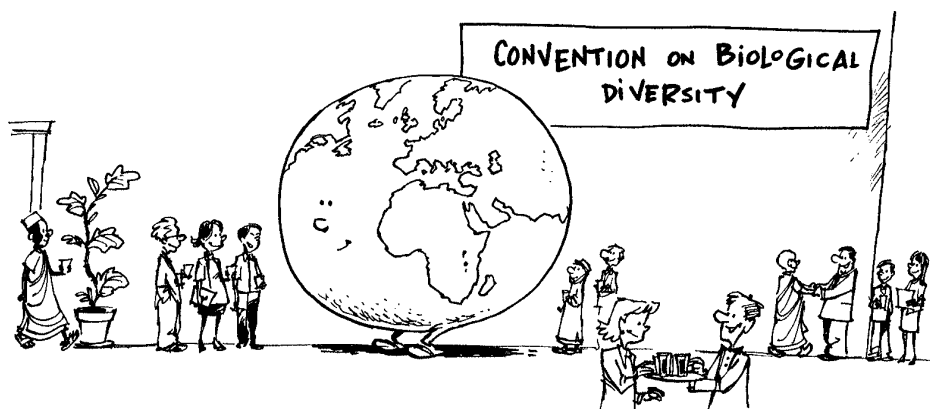
Preparations for COP-7

On the final day of the Conference, Working Group I discussed preparations for COP-7, and delegates welcomed Malaysia's proposal to host the meeting in Kuala Lumpur in the first quarter of 2004.

The relevant decision (L.26) invites governments to provide financial support for expert groups on mountain biodiversity, protected areas and technology transfer, and encourages the Executive Secretary to collaborate with the fifth World Congress on Protected Areas and other relevant organisations.

Closing Plenary

The image of possible trade conflicts flickered several times, most clearly during the closing Plenary's discussion on alien species, during which there was a heated debate over the relevant decision-making process. Australia noted the unacceptability of text on the precaution-



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ary approach and risk analysis. It said it would not support the adoption of the guidelines since ambiguous language on the precautionary approach in principles 1 (precautionary approach) and 10 (intentional introduction) could allow countries to avoid obligations under trade agreements. Brazil and others acknowledged Australia's concerns.

The ensuing exchanges highlighted the bigger issue concerning the establishment of precedents within the CBD process on the concept of consensus, where any capitulation to the will of one country could permit meddling with other issues in the future. Delegates noted that this showed the CBD's inability to resolve language in the Rules of Procedure on voting practices where there is a lack of consensus.

Nevertheless, in spite of the contentious debates, COP-6 was acknowledged by most delegates to have achieved a significant amount of work and to have been the most active COP to date (see also pages 133 and 136). (MJ)