



**CONVENTION ON
BIOLOGICAL DIVERSITY**

Distr.
GENERAL

UNEP/CBD/COP/3/29
22 September 1996

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY

Third meeting

Buenos Aires, Argentina

4 to 15 November 1996

Item 18 of the provisional agenda

**ACTIVITIES UNDERTAKEN IN RELATION TO COOPERATION WITH
OTHER BIODIVERSITY-RELATED CONVENTIONS**

Note by the Executive Secretary

1. INTRODUCTION

1. Article 23, paragraph 4(h), of the Convention on Biological Diversity requires the Conference of the Parties (COP) to contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by the Convention, with a view to establishing appropriate forms of cooperation with them. Article 24, paragraph 1(d), requires the Secretariat to coordinate with other relevant international bodies and, in particular, to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions. At its first meeting, the COP requested the Executive Secretary to make contact with the secretariats of related conventions to establish appropriate forms of cooperation as provided under Article 23 (decision I/5). At its second meeting, the COP considered a paper on cooperation with other biological diversity-related conventions (UNEP/CBD/COP/2/inf.2) and adopted decision II/13.

2. Decision II/13 requested the Executive Secretary, *inter alia*, to coordinate with the secretariats of other biological diversity-related conventions with a view to:

- (a) facilitating the exchange of information and experience;
- (b) exploring the possibility of recommending procedures for harmonising, to the extent desirable and practicable, the reporting requirements of Parties under those instruments and conventions;
- (c) exploring the possibility of coordinating their respective programmes of work; and
- (d) consulting on how such conventions and other international legal instruments can contribute to the implementation of the provisions of the Convention.

3. As requested in paragraph 6 of decision II/13, this Note reports on the implementation of decision II/13, and in particular on coordination with the secretariats of relevant biological diversity-related conventions in accordance with paragraph 4 of that decision. It also provides recommendations aimed at further promoting and strengthening institutional cooperation with other global and regional biological diversity-related conventions in the near-term.

4. Further options for cooperative activities and mechanisms that the COP may wish to consider are contained in document UNEP/CBD/COP/3/35, which explores modalities for enhanced cooperation with relevant international biological diversity-related bodies, as requested under paragraph 7 of decision II/13. In addition, recommendations for cooperation with relevant conventions and institutions have been put forward in documents prepared for the consideration of the COP in relation to specific items on the agenda of the third meeting of the COP, where appropriate. These include documents UNEP/CBD/COP/3/14, UNEP/CBD/COP/3/16, and UNEP/CBD/COP/3/23.

5. This Note does not summarise the objectives or provisions of the biological diversity-related conventions. An outline of the objectives of a number of conventions that deal with the conservation and sustainable use of biological diversity and its components was contained in Annex 1 to document UNEP/CBD/COP/2/Inf.2. A provisional list of international instruments (both regional and global) relating to biological diversity can be found in Annex 2 to that document.

2. ACTIVITIES UNDERTAKEN TO DATE BY THE CONVENTION

6. While the potential for coordination between the Convention and other agreements has not yet been fully realised, a number of important steps have been taken that can provide guidance for future efforts. Document UNEP/CBD/COP/2/Inf.2 emphasised that promoting cooperation among conventions is a long-term process. The aim of cooperation is to ensure the efficient operation of a number of separate legal instruments, administered by different agencies on behalf of conferences of parties whose memberships differ, even though there is substantial overlap. Thus, convergent action needs to be developed progressively. Document UNEP/CBD/COP/2/Inf.2 proposed that cooperative efforts progress on a step-by-step basis, concentrating on specific practical activities, such as reporting,

among a small group of conventions that have as central concerns the conservation and sustainable use of biological diversity and its components. Experience gained in these early stages will be invaluable as a guide to what is likely to be feasible and productive as the exercise is broadened. As will be seen from the activities reported below, to a certain extent it has been possible in this first stage to explore cooperation beyond the biological diversity-related conventions to certain other international bodies, where this has been required by the COP in specific decisions. The developing relationship with the Global Environment Fund (GEF), largely in response to decision II/6, is a case in point and may well serve as a concrete model for the further implementation of decision II/13.

2.1 Memoranda of Cooperation

7. In accordance with the request to the Executive Secretary in decision II/13 to coordinate with the secretariats of other biological diversity-related conventions, in 1996 memoranda of cooperation have been signed by the Executive Secretary with:

- (a) the Bureau of the Convention on Wetlands of International Importance especially as Waterfowl Habitats (Ramsar Convention), on 19 January 1996 (UNEP/CBD/COP/3/Inf.38);
- (b) the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), on 23 March 1996 (UNEP/CBD/COP/3/Inf.39); and
- (c) the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), on 13 June 1996 (UNEP/CBD/COP/3/Inf.40).

8. At the time of writing, discussions are taking place for memoranda of cooperation with the Convention for the Protection of the World Cultural and Natural Heritage; the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and its Protocols, including the Protocol Concerning Specially Protected Areas and Wildlife; the International Oceanographic Commission; and IUCN - The World Conservation Union.

9. The contents of the agreed-upon memoranda of cooperation are broadly similar. The secretariats agree to facilitate or explore the possibility of reciprocal participation in meetings, to institute procedures for the regular exchange of information, and to cooperate where possible in the preparation of documents for their respective conventions. They agree to inform national focal points of cooperative activities and to promote consultation and cooperation between focal points. The secretariats also agree to consult with parties with a view to encouraging integration and consistency between national strategies, plans or programmes. Efforts will be made to explore the possibility of harmonising reporting requirements under the conventions, as well as the possibility of coordinating relevant parts of work plans under the conventions. In the memoranda, the secretariats also agree to seek further guidance from their governing bodies on new areas of cooperation.

10. Document UNEP/CBD/COP/3/30, on Cooperation between the Convention and the Ramsar Convention, which has been prepared by the Executive Secretary in cooperation with the Secretary-General of the Ramsar Convention, is a concrete example of the increasing cooperation between the

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two conventions. The Ramsar Convention Strategic Plan for 1997-2002 is included in UNEP/CBD/COP/3/Inf.42 and a paper discussing modalities for cooperation between the two conventions at greater length is included in UNEP/CBD/COP/3/Inf.21.

2.2 Participation in the Meetings of Other Conventions and Institutions

11. Representatives of the Convention have participated in a number of meetings of other institutions and conventions. For example, the Executive Secretary attended the Sixth Meeting of the Conference of the Contracting Parties to the Ramsar Convention, held in Brisbane, Australia, in March 1996, and the FAO International Technical Conference on the Conservation and Utilisation of Plant Genetic Resources for Food and Agriculture, held in Leipzig, Germany, in June 1996. In relation to the GEF, in addition to extensive inter-secretariat collaboration (outlined in document UNEP/CBD/COP/3/6), the Chairman of the SBSTTA has represented the SBSTTA at a meeting of the GEF Scientific and Technical Advisory Panel, as requested by the COP in paragraph 8 of decision II/6. These types of contacts have proved to be a rewarding and productive method of cooperation. For example, the Conference of the Contracting Parties to the Ramsar Convention adopted a number of decisions dealing specifically with cooperation with the Convention (see document UNEP/CBD/COP/3/30).

12. As noted in paragraphs 24 and 26 below, statements from the COP have been delivered to the Intergovernmental Panel on Forests and to the FAO International Technical Conference on the Conservation and Utilisation of Plant Genetic Resources for Food and Agriculture.

13. Participation of this form has shown great potential for improving cooperation between this Convention and others, to the benefit of all those involved. However, it is of itself an activity that requires a notable investment of resources and its full exploitation has to date been signally hampered by a lack of Secretariat staff-time and provision in the budget.

2.3 Administrative Coordination

14. The Secretariat has developed a working relationship with the Secretariat of the GEF and has, where possible, participated in meetings of the GEF Taskforce on Enabling Activities and of the GEF Operational Committee (GEFOP). Draft documentation has also been exchanged between the two secretariats to enable each to comment on and review relevant documents prior to finalisation. The development of the draft Memorandum of Understanding between the GEF and the Convention (UNEP/CBD/COP/3/10) has entailed close coordination and cooperation between the two secretariats.

15. The Secretariat has begun to participate in the meetings of the Inter-Agency Committee on Sustainable Development (IACSD) of the United Nations. Representatives of the Secretariat attended the eighth meeting of the IACSD, held in July 1996. The IACSD has been considering a proposal aimed at streamlining requests for national reports. This might entail a division of labour between reporting to the IACSD and reporting to conventions and agencies. Country profiles prepared for the IACSD would become first-access documents containing general institutional and macro-economic

information with cross-references and/or links to other databases holding more specific information collected by the conventions and organisations of the UN system. The development of such ideas constitutes one area where the Convention might cooperate more closely with the IACSD. The Convention has also begun to explore the possibility of developing contacts with the IACSD on work being carried out on indicators.

2.4 Secondments

16. The inclusion of secondees from other international organisations in the Secretariat staff offers great potential for increased cooperation. The budget for 1996 as approved by decision II/20 included three seconded posts: Programme Officer for Marine Ecology from UNESCO; Programme Officer for Genetic Resources/Agrobiodiversity from FAO; and Programme Officer for Communications from UNEP. These posts are in the process of being filled and are expected to make a significant contribution to meeting the obligations of Article 23, paragraph 4, and Article 24, paragraph 1, particularly in light of the central importance of two of them to programme areas under the Convention (marine and coastal ecosystems and agriculture, both discussed below).

2.3 Scientific and Technical Cooperation

17. As required by Article 18, paragraph 3, of the Convention, decision I/3 established a clearing-house mechanism to promote and facilitate technical and scientific cooperation. Decision II/3 initiated a pilot phase for 1996-1997. In the pilot phase, the clearing-house mechanism is to make full use of existing facilities so as to avoid any duplication or overlap of activities and allow for the early implementation of the mechanism. The clearing-house mechanism is to be developed in "close cooperation with relevant international organisations and entities as active partners ... to maximise the existing experience and expertise". Decision II/16 welcomes the FAO offer to link its information mechanisms to the clearing-house mechanism. The aforementioned memoranda of cooperation provide that the clearing-house mechanism will be used to implement the exchange of data on biological diversity with cooperating conventions. The Executive Secretary prepared a progress report on the implementation of the pilot phase of the clearing-house mechanism for 1996 that was submitted to the second meeting of the SBSTTA. The report describes the activities carried out by the Secretariat, pursuant to decision II/3 of the COP, during the period from January to August 1996. An updated report, for consideration by the COP at its third meeting, has been prepared by the Executive Secretary (document UNEP/CBD/COP/3/4).

18. Cooperation at the scientific and technical level has shown enormous potential to be beneficial and productive in advancing substantive issues of the Convention. Such cooperation has already been initiated between the Convention and the Scientific and Technical Review Panel (STRP) of the Ramsar Convention. A representative of the Scientific and Technical Review Panel attended the second meeting of the SBSTTA, and a member of the SBSTTA Bureau attended a recent meeting of the Ramsar STRP.

2.6 Articles 6 and 8

19. Decision II/7 of the COP focused upon the implementation of Article 6 (General Measures for Conservation and Sustainable Use) and Article 8 (*In situ* Conservation). Under this decision, the Executive Secretary is to make available relevant information on the implementation of articles 6 and 8, "including experience of relevant conventions, United Nations bodies and intergovernmental and non-governmental organisations", through the clearing-house mechanism, and to disseminate it as widely as possible. Parties are also encouraged to collaborate with relevant organisations in preparing and implementing national strategies. The implementation of decision II/7 has involved a wide range of activities with other organisations, including the GEF, UNEP and the Intergovernmental Panel on Forests. Further details are contained in UNEP/CBD/COP/3/11, which stresses that work undertaken by the Convention in this regard should build upon and enhance existing efforts rather than duplicate them. It also recommends a thematic approach to the development of cooperation, particularly at the scientific and technical level.

2.7 Marine and Coastal Ecosystems

20. Decision II/10, on the "Conservation and Sustainable Use of Marine and Coastal Biological Diversity" (the Jakarta Mandate), provides a model for addressing the coordination of existing agreements with the Convention within a sectoral context. Paragraph 13 of decision II/10 invites a broad range of international and regional bodies responsible for legal instruments, agreements and programmes that address activities relevant to the conservation and sustainable use of marine and coastal biological diversity to: (a) review their programmes with a view to improving existing measures and developing new actions that promote the conservation and sustainable use of marine biological diversity, taking into account recommendations for action of the COP; and (b) provide information on their actions on a regular basis to the COP. These institutions are also invited to cooperate with the COP, through the SBSTTA, in the planning and implementation of programmes affecting marine and coastal biological diversity.

21. The Draft Programme for Further Work on Marine and Coastal Biological Diversity, annexed to decision II/10, directed the Executive Secretary to use the roster of experts on marine and coastal biological diversity, *inter alia*, to review the mandates and activities under international agreements that affect marine and coastal biological diversity, and to develop analyses that can be offered by the COP to the relevant institutions as to the implications of the Convention for these activities. Decision II/10 also called upon the Executive Secretary to convene, as appropriate, meetings of experts drawn from the roster to support the Secretariat in advancing its work. Developing the roster of experts has proven to be a lengthy process, resulting in a delay in convening the first meeting. However, preparations are well advanced for holding the first meeting of experts early in 1997.

22. Cooperation with the United Nations Office for Ocean Affairs and the Law of the Sea will clearly play a central part in the successful implementation of the Jakarta Mandate. The Office has

actively expressed its willingness to cooperate, particularly on those issues directly involving the law of the sea.

23. The Intergovernmental Oceanographic Commission of UNESCO (IOC) was among the institutions addressed in paragraph 13 of decision II/10, outlined above. In its Resolution XVIII-9 on Marine Biodiversity, the IOC emphasised the importance of re-evaluating its existing programmes and activities to assess the scope for enhancing marine-biological diversity study as an IOC activity. It instructed the Executive Secretary of the IOC to communicate with the Chair of the SBSTTA of the Convention in relation to, *inter alia*, identifying specific needs and requirements of the SBSTTA for scientific input that can be provided by the IOC. Further to decision II/10, the IOC has identified issues, contained in paragraphs 10-19 of recommendation I/8 of the SBSTTA, to which it is in a position to contribute. These include: the promotion of integrated marine and coastal management; the promotion of rapid-appraisal techniques; the use or establishment of monitoring mechanisms to assist the sustainable management of marine and coastal living resources; and the provision of knowledge and information on ecosystem functions and processes, identifying and targeting critical processes for the conservation and sustainable use of biological diversity. The activities of the IOC in the field of coastal and marine biological diversity are described in more detail in document UNEP/CBD/COP/3/Inf.22.

2.8 Forests

24. Decision II/9 on "Forests and Biological Diversity" welcomed the CSD decision to establish an open-ended Intergovernmental Panel on Forests (IPF). The COP also adopted a statement from the Convention to the IPF on biological diversity and forests and invited the President of the COP to transmit this statement to the IPF. It also requested the Executive Secretary to provide advice and information pertaining to the relationship between indigenous and local communities and forests as invited by the Inter-agency Task Force of the IPF. The advice of the Executive Secretary is contained in document UNEP/CBD/SBSTTA/2/Inf.3. Decision II/9 of the COP also requested the Executive Secretary to produce a background document on the links between forests and biological diversity, in order that the COP could consider at its third meeting whether further input to the IPF is required, and to transmit this document to the IPF for information. The Executive Secretary has prepared document UNEP/CBD/COP/3/16, which has been transmitted to the IPF for information. A draft of this document was considered by the SBSTTA at its second meeting (UNEP/CBD/SBSTTA/2/11). The recommendations of the SBSTTA are contained in UNEP/CBD/COP/3/3.

2.9 Intellectual Property Rights

25. Decision II/2 of the COP requested the Executive Secretary to liaise with the Secretariat of the World Trade Organisation (WTO) to inform it of the goals and the on-going work of the Convention and to invite the Secretariat of the WTO to assist in the preparation of a paper for the COP that identifies the synergies and relationship between the objectives of the Convention and the Trade-Related Intellectual Property Rights (TRIPS) Agreement. The Executive Secretary has consequently been engaged in a dialogue with the Trade and Environment Unit of the Secretariat of the WTO in

order to prepare document UNEP/CBD/COP/3/23. This paper reviews provisions of the two agreements, describes the

activities of the Committee on Trade and Environment (CTE) of the WTO, identifies possible synergies between the two agreements, and outlines some possible steps the COP might wish to take to develop a dialogue with the WTO CTE.

2.10 Agriculture

26. Decision II/16 of the COP invited the President of the COP to transmit a statement from the COP to the FAO International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture, which was held in Leipzig, Germany, in June 1996. This statement noted the substantial contribution the FAO can make in the area of conserving genetic resources for food and agriculture. It also noted that the significant overlap of Parties between the FAO and the Convention forms a strong basis of common ground from which the Convention and the FAO could build complementary programmes in this area. Decision II/16 also requested the FAO to present the outcome of the International Technical Conference to the third meeting of the COP, and to make available to the meeting the Global Plan of Action and the State of the World's Genetic Resources for Food and Agriculture. The progress report submitted by the FAO is contained in document UNEP/CBD/COP/3/15. The Executive Secretary has also prepared document UNEP/CBD/COP/3/14, on the consideration of agricultural biological diversity under the Convention. The SBSTTA considered agricultural biological diversity at its second meeting. Its recommendations are contained in document UNEP/CBD/COP/3/3. These recommendations urge the Secretariat to work closely with the FAO in developing this programme area. Filling the seconded post from the FAO (Programme Officer for Genetic Resources/Agrobiodiversity) will contribute greatly to the implementation of these recommendations.

3. CONCLUSIONS AND RECOMMENDATIONS

27. It has become clear that the complexity of the interactions, not only among the components of biological diversity but also with the many facets of human activity, make it essential to review strategies for the implementation of biological diversity-related conventions. There appear to be substantial opportunities for developing an overall programme of action involving international and regional conventions. In cooperation with a number of biological diversity-related conventions and bodies, the Convention has already taken some early steps towards developing a coordinated approach. As noted above, document UNEP/CBD/COP/2/inf.2 proposed that cooperative efforts should progress on a step-by-step basis over the long term, beginning with specific practical activities, with longer-term links potentially developing out of these activities. This section therefore sets out recommendations aimed at promoting further cooperation and coordination in important areas in the near-term. As mentioned above, further and more far-reaching options for consideration by the COP are discussed in UNEP/CBD/COP/3/35.

28. Building on the recent experience in the development of the Convention outlined above, the COP may wish to consider the following specific activities to enhance cooperation with appropriate institutions and conventions in the immediate future:

- (a) inviting bodies of relevant conventions and institutions, in addition to the GEF, and in particular those with whom memoranda of cooperation have been developed, to contribute to or carry out specific tasks related to the work programme of the Convention arising out of the decisions of the COP at its third meeting;
- (b) allowing the Secretariat to explore further modalities for enhancing cooperation — through the provision of further resources for such activities — with secretariats of biological diversity-related conventions in relation to the activities specified in paragraph 4 of decision II/13;
- (c) in accordance with paragraph 5 of decision II/13, requesting the Conference of the Parties to CITES, which holds its next meeting in June 1997, to consider the contribution of CITES to the implementation of the goals and objectives of the Convention and report to the next meeting of the COP of this Convention;
- (d) encouraging the development of further specific relations and representation at the scientific and technical level, particularly through the SBSTTA; for example, in relation to the Scientific Committee on Antarctic Research in its work under the Antarctic Treaty system, the Ramsar STRP, the CITES Animals Committee and Plants Committee, the CMS Scientific Council and the IOC;
- (e) addressing the need for and modalities of cooperation with relevant conventions, institutions and processes in its decisions on relevant substantive agenda items; for example, in relation to the FAO (with regard to, *inter alia*, agricultural biological diversity and fisheries-related aspects of marine and coastal biological diversity) and the WTO. With respect to the WTO, the COP may wish to consider that the Convention be represented at meetings of the CTE of the WTO as an observer;
- (f) requesting the Secretariat to explore and report back to the COP on mechanisms for developing further cooperation with the United Nations Convention on the Law of the Sea in relation to marine and coastal biological diversity;
- (g) requesting the Secretariat to explore closer coordination between work under the Convention and work being carried out by the Commission on Sustainable Development, for example in relation to the development of indicators and to the streamlining of national reporting requirements; and
- (h) requesting the Secretariat to develop closer relationships with the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification,

Particularly in Africa. These two conventions have many procedural issues in common with the Convention; sharing experiences would undoubtedly help in the further development of all three conventions.

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