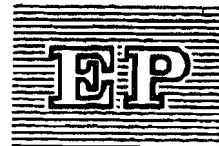




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## Ad Hoc Working Group of Experts on Biological Diversity

First session  
Geneva, 16-18 November 1988

### REPORT OF THE AD HOC WORKING GROUP ON THE WORK OF ITS FIRST SESSION

#### INTRODUCTION

1. By its decision 14/26, the Governing Council of the United Nations Environment Programme (UNEP) requested the Executive Director to establish an ad hoc working group of experts "to investigate the desirability and possible form of an umbrella convention to rationalize current activities in this field". Pursuant to that decision, the Executive Director convened the first session of the Ad Hoc Working Group of Experts on Biological Diversity at Geneva from 16 to 18 November 1988.

#### I. ORGANIZATION OF THE SESSION

##### A. Opening of the meeting

2. The meeting was opened by Mr. Reuben Olembo, Deputy Assistant Executive Director, Office of the Environment Programme, on behalf of the Executive Director, Dr. Mostafa K. Tolba.

##### B. Attendance

3. The session was attended by experts nominated by the following Governments: Australia, Brazil, China, Denmark, Egypt, France, Haiti, Indonesia, Kenya, Malaysia, Mexico, Netherlands, Norway, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, USSR, United Kingdom, USA, Venezuela and Zimbabwe.

4. Observers from the following United Nations bodies were present as well: Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (Unesco) and Economic Commission for Europe (ECE).

5. In addition, observers from the following intergovernmental organizations attended the meeting: the Commission of the European Communities (CEC), the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

6. The following non-governmental organizations also sent observers: the International Union for Conservation of Nature and Natural Resources (IUCN) and the Worldwide Fund for Nature (WWF).

#### C. Election of officers

7. The meeting elected the following officers for the session:

Chairman: Mr. Veit Koester (Denmark)

Vice-Chairmen: Mr. Walter B. Lockwood (USA)  
Dr. Ahmad Amin El Gamal (Egypt)

Rapporteur: Dr. (Mrs.) Setijati D. Sastrapradja (Indonesia).

#### D. Adoption of the agenda and organization of work

8. The Working Group adopted the following agenda:

1. Opening of the meeting.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Consideration of the rationalization of international conventions on biological diversity:
  - (a) Rationalization of international conservation conventions;
  - (b) Conservation of biological diversity, including the question of legal instruments.
5. Other matters.
6. Adoption of the report.
7. Closure of the meeting.

## II. CONCLUSIONS AND RECOMMENDATIONS OF THE WORKING GROUP

### A. Rationalization of international conservation conventions

9. The Ad Hoc Working Group of Experts on Biological Diversity, taking into account the Note by the Executive Director (UNEP/Bio.Div.1/2) and the report prepared by the ad hoc group of experts to the Executive Director on UNEP

Governing Council decision 14/26 (UNEP/Bio.Div.1/Inf.1) conducted a full discussion on the issue of "rationalization" of the activities under existing conventions, global and regional international agreements and programmes relating to the conservation and sustainable use of biological diversity. The Working Group noted that there were a number of international agreements in this field that dealt with different aspects of a common purpose, i.e. conservation of the diversity of ecosystems, species, and genes. It was also noted that each convention had its particular purpose and that the Parties to each convention differed. The Working Group concluded that amendments to existing conventions for purposes of achieving "rationalization" or consolidation of resources would be difficult and time-consuming.

10. The Working Group considered that it was important to:

(a) Explore ways and means of broadening participation by Governments in existing conventions concerning conservation of biological diversity;

(b) Maximize the individual and collective potential of existing international instruments and their effectiveness.

11. The Working Group attached high priority to the efficient utilization of resources and administrative services in the field of biological diversity and expressed the belief that certain measures should be explored and, as appropriate, adopted to realize this purpose. Co-operation and co-ordination at the regional and global levels, as well as at the national level, were of paramount importance. Consequently, the Working Group recommended that the Executive Director of UNEP, in consultation with the secretariats of other organizations directly concerned, explore possible measures to achieve rationalization of resources and efficiency of operations with respect to existing conventions and agreements in the field of biological diversity. The Working Group noted and welcomed the fact that some members of the secretariats and standing committees of those bodies and of certain other interested organizations had already taken the initiative to discuss matters of mutual concern. The Working Group further recommended that comments on such measures be included in the report of the Executive Director called for by decision 14/26 of the Governing Council of UNEP. The Working Group urged that discussion and action be continued and strengthened in the following areas:

(a) Identifying areas where the basic objectives and/or activities of existing conventions were very similar or closely linked. There was complementarity between certain conventions in areas such as habitat protection, migratory species protection and trade in endangered species. One example was the complementarity of activities relating to migratory waterfowl under the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979) and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971). Co-ordinated support for related conventions would be beneficial;

(b) Exploring the possibility of convening regular meetings of the secretariats of international conventions and agreements as a means of achieving better co-ordination and rationalization of resources;

(c) Exploring the possibility of joint periodic examination of problems of mutual concern and review of programme proposals with a view to identifying priorities for action and determining how those priorities relate to current activities under existing agreements;

(d) Consulting with respect to the scheduling of meetings under the conventions and agreements to enhance communication between standing bodies and between secretariats and to minimize administrative and travel costs;

(e) Exploring the possibility of co-ordinating data collection and improving utilization of, and access to, common or consolidated data bases, including the strengthening of existing uses, as appropriate, of such systems as that of the World Conservation Monitoring Centre (WCMC);

(f) Exploring the possibility of the "co-location" of headquarters and secretariats, especially those having related purposes. The Working Group noted, for example, that significant benefits had been realized by the common location of IUCN and the Ramsar Convention Bureau. It was suggested that the concept of a "conservation campus" for related conventions and activities should be explored.

B. Conservation of biological diversity including  
the question of legal instruments

12. The Working Group then turned to the consideration of the actions and measures urgently needed to conserve biological diversity at the global level. The Group agreed that its discussions should focus on the following:

- (a) Reaching a common understanding of the meaning of conservation of biological diversity;
- (b) Establishing the needs at the international level;
- (c) Determining to what extent the conservation of biological diversity could be achieved by using existing machinery;
- (d) Identifying the gaps in that machinery;
- (e) Determining methods by which those gaps could be filled.

13. Following this exchange of views, the Working Group agreed that:

- (a) The meaning of conservation of biological diversity as presented by paragraphs 3 and 4 of UNEP/Bio.Div.1/2 was generally satisfactory;
- (b) The existing conservation conventions and the other relevant international programmes, which were necessarily sectoral, could not adequately meet the aim of conserving biological diversity at the global level;
- (c) Consequently, there was a need for one or more legally binding mechanisms dealing with the conservation of biological diversity at the international level.

14. The Working Group agreed further that:

- (a) The existing conservation conventions and mechanisms were adequate within their specific fields;

(b) Much more could be achieved through broader participation of States in these Conventions; greater co-operation among the bodies responsible for those conventions; administrative rationalization; and the full realization of the potential of those conventions and of plans of action concerning biological diversity;

(c) However well those conventions functioned, there would still be gaps in action for the conservation of biological diversity;

(d) Any proposal for new action should take into consideration and build upon existing instruments and measures in order to avoid duplicating of effort.

15. Further, the majority of the Working Group agreed that the gaps in and among the existing conservation conventions concerning biological diversity were known and needed no further study. The Working Group was of the opinion, moreover, that even the totality of the existing conventions could not cover the full range of biological diversity. Action was therefore needed now either through a convention or through other measures. Most of the experts favoured the elaboration of a binding instrument, not excluding at the same time other measures for the conservation of biological diversity. If a convention were elaborated, its broad acceptance by Governments would have to be achieved. Some experts, however, expressed doubts as to whether the time was ripe for such a convention. None of them, though, was firmly opposed to such an instrument, providing that its elaboration would not exclude the adoption of other measures at the same time.

16. The Working Group did not favour the elaboration of a new umbrella convention that would absorb the existing conservation conventions. A new convention should build upon the existing conventions, mechanisms and action plans, using their measures and potential to the greatest possible extent.

17. The Working Group agreed that the needs and welfare of indigenous peoples must be given consideration in connection with the conservation of species, habitats and ecosystems.

18. On financial matters, the Working Group emphasized the need for sufficient funds to achieve conservation of biological diversity. A convention on the conservation of biological diversity without a functioning secretariat and financial means would be meaningless. Since contributions from contracting parties might not be sufficient to achieve the aims of the convention, the elaboration of fund-raising mechanisms needed to be examined.

19. There was a common understanding in the Working Group that the scope, aims and objectives of a new convention as presented in the Note of the Executive Director could form a basis of further consideration.

20. As to basic principles, the Working Group agreed that:

(a) The links between conservation and development must be incorporated in a new convention;

(b) The subject of transfer of technical and financial resources from developed to developing countries should be examined in detail;

(c) With regard to the question of a framework convention, as opposed to a substantive convention, both options should be considered and possibly combined;

(d) The question of access, including the question of free access, to genetic resources, including genetic resources that had been manipulated, should be examined;

(e) Any initiative in the field of conservation of biological diversity should have a sound basis in science, as pointed out in the Note of the Executive Director.

21. The Working Group did not reach a consensus on the notion of biological diversity as a common resource of mankind, some delegations stressing the principle of the sovereignty of States over their natural resources.

22. As to measures and obligations, the Working Group agreed that:

(a) Paragraphs 12, 13 and 19 of the Executive Director's Note constituted a reasonable point of departure for future consideration of the most important measures and obligations to be dealt with in a new convention;

(b) A new convention should not attempt to resolve the general problems connected with pollution, but would probably have to reflect some of the major principles and specifically address relevant pollution problems;

(c) The problems listed in paragraph 19 (b) (iii) of the Note were very difficult and must therefore be examined very carefully;

(d) Provisions on the protection of habitats (paragraph 19 (a) of the Note) should perhaps be complemented by provisions on protection of species;

(e) The question of placing an appropriate economic value on biological resources should be examined in detail;

(f) The importance of inventories and assessments of priorities in the conservation of biological diversity should be reflected;

(g) There was a need for the creation and reinforcement of networks of protected areas and resources for the effective management of existing and new protected areas;

(h) The question of domestic species should be analysed further with a view to determining the extent to which they should be included in the scope of the convention;

(i) The principle that States should refrain from actions that threaten biological diversity in other States should be examined.

23. Following explanations given by the Deputy Assistant Executive Director, the Working Group discussed the procedure to be followed for future work. The Working Group agreed that it would not be reasonable to undertake further work before the forthcoming session of the UNEP Governing Council in May 1989. The Working Group also agreed that the Executive Director, in close collaboration with IUCN, FAO, Unesco, the World Bank and other relevant international organizations, should decide upon the necessary procedures to be followed in response to a further Governing Council decision on the subject.

III. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

A. Adoption of the Report

24. The Working Group agreed that the UNEP secretariat should circulate the draft report to participants for comments and amendments. The report would be finalized by the secretariat on the basis of the responses received.

B Closure of the meeting

25. The Deputy Assistant Executive Director thanked the delegations for their valuable contributions to a difficult task of paramount importance. The Chairman thanked the participants for their good work and their contribution to the success of the meeting.

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