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CONFERENCE OF THE PARTIES
TO THE CONVENTION ON
BIOLOGICAL DIVERSITY
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Item 8 of the provisional agenda

PREPARATION OF THE PARTICIPATION OF THE CONVENTION ON
BIOLOGICAL DIVERSITY IN THE THIRD SESSION OF THE
COMMISSION ON SUSTAINABLE DEVELOPMENT

Note by the Interim Secretariat

1. INTRODUCTION

1. At its second session, the Intergovernmental Committee examined the need for the Conference of the Parties, at its first meeting, to consider its relationship with the United Nations Commission on Sustainable Development, in particular for the follow-up of issues of common concern contained in Agenda 21.
2. The Intergovernmental Committee recommended that this matter be included on the agenda of the first meeting of the Conference of the Parties and requested that the Interim Secretariat prepare a document to facilitate discussions under this item. It recommended that the document include a draft statement for consideration by the Conference of the Parties and transmission to the Commission on Sustainable Development at its third session. The document should draw principally on written inputs from Governments, to be received by 15 August, containing their views and suggestions.
3. The Intergovernmental Committee also accepted with gratitude the offer by the Government of Spain to organize a workshop of experts from selected countries in Madrid on the same subject and agreed that the report of that meeting would be forwarded, for information, to the first meeting of the Conference of the Parties. That report is conveyed as document UNEP/CBD/COP/1/INF.6.
4. The purpose of this note is to provide background information on the Commission on Sustainable Development, in particular on the agenda of its third session; to describe the nature and status of any statement by the Conference of the Parties to the Commission, as clarified in the discussions of the Intergovernmental Committee at its second session (UNEP/CBD/COP/1/4, paras. 262-285); to analyse the matters to be reviewed by the Commission from the point of view of the Convention on Biological Diversity; and to propose a draft statement from the Conference of the Parties to the Commission.

5. By 15 August two written contributions from Governments had been received by the Interim Secretariat. A further seven statements were received after this date. The Interim Secretariat also received four written contributions from non-governmental organizations. As recommended by the Intergovernmental Committee, the submissions from Governments are distributed as an information document (UNEP/CBD/COP/1/INF.5).

2. BACKGROUND

6. The Commission on Sustainable Development was established by the United Nations to ensure the effective follow-up of the United Nations Conference on Environment and Development, enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and examine progress in the implementation of Agenda 21 at the national, regional and international levels (Agenda 21, para. 38.11). Several chapters of Agenda 21 are directly related to the goals and objectives of the Convention on Biological Diversity.

7. Among the functions of the Commission on Sustainable Development, recommended by the General Assembly, in its resolution 47/191 of 22 December 1992, (para. 3(h)), in line with the provisions of chapter 38 of Agenda 21, is "to consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant conferences of parties".

8. The Commission on Sustainable Development has adopted a Multi-Year Thematic Programme of Work for its second to fifth sessions. This Programme contains reviews of cross-sectoral clusters and sectoral clusters of issues. At its third session, in 1995, the Commission will review the second phase of sectoral clusters: land, desertification, forests and biodiversity, corresponding to chapters 10 to 15 of Agenda 21. The session will also review chapter 16 of Agenda 21, "Environmentally sound management of biotechnology", under the cross-sectoral cluster, "Education, science, transfer of environmentally sound technologies, cooperation and capacity-building".

9. At its second session, the Commission decided to entrust the preparation of all the sectoral issues on the agenda of the third session, including biological diversity, to an Ad Hoc Inter-Sessional Working Group in order to better coordinate its work during the inter-sessional period. This Working Group will meet in New York from 27 February to 3 March 1995.

3. RELATIONSHIP BETWEEN THE CONFERENCE OF THE PARTIES AND THE COMMISSION ON SUSTAINABLE DEVELOPMENT

10. The Conference of the Parties is a sovereign body and, as such, is not required to report to the Commission on Sustainable Development. In this context, a statement made by the Conference to the Commission would constitute a voluntary provision of information concerning progress in the implementation of the Convention for consideration by the Commission, as recommended by the General Assembly in its resolution 47/191 and by Agenda 21, paragraph 38.13(f).

11. However, a statement from the Conference of the Parties to the Commission should do more than merely inform the Commission of progress made by the Convention. Strengthening cooperation and coordination between the Conference of the Parties and the Commission on Sustainable Development in respect of biodiversity issues contained in Agenda 21 is desirable in order to enhance implementation of their mutually supportive mandates and avoid duplication and overlap in their respective activities. The Commission fulfils an oversight function with respect to the implementation of Agenda 21, whilst the Conference of the Parties adopts decisions within

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a legally binding framework. By exploring the complementarities, and indicating to the Commission the potential that the provisions of the Convention hold for carrying out many of the tasks identified in the cluster of Agenda 21 chapters under review, the Conference of the Parties can assist in the coherent development of biodiversity issues in respect of Agenda 21 and thereby advance the objectives and provisions of the Convention.

12. Furthermore, a statement could inform the Commission that among the functions of the Conference of the Parties is that of considering and undertaking any additional action that may be required for the achievement of the purposes of the Convention.

4. BIODIVERSITY-RELATED ISSUES TO BE REVIEWED AT THE THIRD SESSION
OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT

13. The issues to be reviewed under this cluster address combating deforestation and managing fragile ecosystems (combating desertification and drought, and sustainable mountain development), the sustainable use of natural resources in land management and agriculture, and biodiversity. The Conference of the Parties should point out to the Commission that it would be misleading, however, to conclude from the way Agenda 21 is arranged (and, as a consequence, the cluster identified) that the conservation of biological diversity is a discrete issue, lending itself to the same treatment as the other issues in the cluster.

14. In the context of this cluster, the definitions of biological diversity and ecosystem in article 2 of the Convention make it clear that the conservation of biological diversity is a cross-cutting issue. The Conference of the Parties should indicate to the Commission its belief that consideration of the issues contained in chapters 10 to 14 can only be productive if the biodiversity aspects are taken into full account. The Conference of the Parties should emphasize that the Convention on Biological Diversity contains provisions for carrying out many of the measures proposed in these chapters of Agenda 21.

15. Article 2 also makes it clear that biological diversity refers not just to terrestrial ecosystems, but to marine and other aquatic ecosystems. The Commission reviewed the cluster, "Health, human settlements and freshwater", at its second session, and will review "Atmosphere, oceans and all kinds of seas" at its fourth session. The objectives and provisions of the Convention are relevant to both these clusters.

16. The Convention on Biological Diversity also contains provisions in respect of the programmes recommended in chapter 16, "Environmentally sound management of biotechnology", which is considered annually in the cross-sectoral clusters.

17. The Conference of the Parties will also note that the conservation of biological diversity and the sustainable use of its components, and the provisions of the Convention in particular, are directly relevant to many of the issues raised in sections I "Social and economic dimensions", III "Strengthening the role of major groups" and IV "Means of implementation" of Agenda 21, and should recommend that this be reflected in the Commission's reviews of its cross-sectoral clusters. The provisions and mechanisms of the Convention are clearly relevant to, *inter alia*, combating poverty, changing consumption patterns, protecting human health, integrating environment and development into decision-making, the roles of indigenous peoples and farmers, financial resources and mechanisms, transfer of technology, science, education, public awareness, cooperation, capacity-building, and international legal instruments.

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18. The text of chapter 15 "Conservation of biological diversity" was drafted to closely reflect that of the Convention. Its Basis for Action reflects the preamble to the Convention, and the Objectives, Activities and Means of Implementation find their counterparts in the obligations, activities and mechanisms of the Convention. The Conference of the Parties should therefore reaffirm to the Commission that, in adopting Agenda 21, Governments expressed a clear intention to make the Convention the organizing framework for implementing chapter 15. To this end, the Commission's recommendations should complement and support the work of the Convention to be carried out through its organs and mechanisms, and its medium-term programme of work. The Commission should further assist by encouraging States that are not parties to ratify or accede to the Convention.

19. By defining land resources as soils, minerals, water and biota organized into ecosystems, chapter 10 confirms that the variety of services essential to the maintenance of the integrity of life-support systems and the productive capacity of the environment depend upon biological diversity. An integrated approach to the planning and management of land resources requires that careful attention be paid to the biological diversity aspects of relevant sectoral plans, including those for agriculture, human settlements, forestry, mining, location of industry and infrastructure. The objectives of the chapter's programme area are policy development; improved planning, management and evaluation systems; strengthened institutions and mechanisms; and mechanisms for the participation of local communities in decision-making. The Convention is an important means for achieving these objectives. A number of its provisions are directly relevant, as are activities proposed within the medium-term programme of work. These include analysis of incentive measures, identifying adverse impacts, research and training, transfer of information and of technology. Since the chapter establishes dates between 1996 and 2000 by which its objectives need to be met, the Conference of the Parties should emphasize the role the Convention can play through its organs and mechanisms, and its medium-term programme of work.

20. The different types of forests together constitute the most significant terrestrial ecosystems, containing the highest expressions of biological diversity. The conservation and sustainable use of forests and forest resources are therefore crucial to the purposes of the Convention, and a substantial number of its provisions can be directly applied to the tasks of combating deforestation and of managing, conserving and sustainably developing all types of forests, as described in chapter 11 of Agenda 21 and in the Non-Legally Binding Authoritative Statement of Principles For a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests. Directly relevant provisions include those concerning identification and monitoring, conservation, sustainable use, incentive measures, research and training, minimizing adverse impacts and cooperation. Policy and guidelines on these issues will be developed by the Conference of the Parties, under its Medium-Term Programme of Work, particularly through the work of the Subsidiary Body on Scientific, Technical and Technological Advice. The development, under the Convention, of policy and mechanisms by which the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources can be achieved will clearly provide incentives for the conservation of forests and forest resources. The Conference of the Parties should advise the Commission that a better understanding of the issues and promotion of global consensus to further the objectives of chapter 11 of Agenda 21 and the Statement of Forest Principles can be attained through the operation of the Convention.

21. Forest management is an issue only partially resolved by UNCED. Since then encouraging developments have occurred. This session of the Commission may be seen as an opportunity to advance the global consensus

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reflected in the Statement of Forest Principles towards a legally-binding international agreement on forest management. The Commission should consider a process to this end. In this regard the Conference of the Parties should reaffirm the intrinsic relationship between the conservation of biological diversity and sustainable forest management, and should inform the Commission that it would consider the appropriateness of such a process being undertaken within the framework of the Convention on Biological Diversity.

22. Desertification is land degradation and implies the loss of biological diversity. Mountains are fragile ecosystems and storehouses of biological diversity. Measures provided under the Convention to prevent loss of biological diversity, restore it in degraded areas, and integrate biological diversity and the sustainable use of its components into relevant sectoral or cross-sectoral plans, programmes and policies are means for managing fragile ecosystems. The provisions of the Convention are relevant to the programmes recommended in both chapters. The Convention, in article 20, paragraph 7, on financial resources, recognizes that special consideration should be given to environmentally vulnerable developing countries, such as those with arid and semi-arid zones, coastal and mountainous areas. The Conference of the Parties should inform the Commission of its intention to explore the particular ways in which it would cooperate in the work under the proposed international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa.

23. There are mutually-reinforcing connections between the Convention and chapter 14 of Agenda 21 "Promoting sustainable agriculture and rural development". The adoption of sustainable agricultural practices will reduce some types of adverse impacts leading to loss of biological diversity, and many of the provisions of the Convention can further the aims of sustainable agriculture. The Convention is of particular relevance to the chapter's programme areas on land conservation and rehabilitation, on the conservation and sustainable utilisation of plant and animal genetic resources for sustainable agriculture, and improving food security. The Conference of the Parties should inform the Commission that the Convention will cooperate with the Food and Agriculture Organization of the United Nations in adjusting the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Sustainable Agriculture to the Convention, and in examining the need for further international agreements on genetic resources for agriculture.

24. The environmentally sound management of biotechnology is central to the Convention. The provisions concerning its handling and the distribution of its benefits, involving consideration of the need for, and modalities of, a protocol on biosafety and agreement on advance priority access, on mutually agreed fair and equitable terms, to the results and benefits of biotechnologies should be considered by the Commission at its cross-sectoral reviews.

5. CONCLUSIONS

25. The issues to be reviewed at the third session of the Commission on Sustainable Development are therefore of crucial concern to the Convention on Biological Diversity. The Conference of the Parties should inform the Commission on Sustainable Development that the entry into force of the Convention, the establishment of its organs and mechanisms and the adoption of its programme of work mean that the Convention can now provide the organizing framework for the further development of the biodiversity issues in Agenda 21, and that these should be brought within the purview of the Convention as appropriate.

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26. In order to assist the Conference of the Parties, and as requested by the Intergovernmental Committee, the Interim Secretariat has prepared the attached draft statement for consideration by the Conference of the Parties and forwarding to the Commission on Sustainable Development at its third session. The Conference of the Parties may wish to consider addressing this statement to the high-level meeting of the Commission at its third session, from the Ministerial Segment of its first meeting. The Conference of the Parties may also wish to consider mandating its President to present the statement to the Commission.

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Annex

DRAFT SETTLEMENT FROM THE CONFERENCE OF THE PARTIES TO THE CONVENTION
OF BIOLOGICAL DIVERSITY TO THE COMMISSION ON SUSTAINABLE
DEVELOPMENT AT ITS THIRD SESSION

1. The planet's essential goods and services depend on the variety and variability of genes, species, populations and ecosystems. The current decline in biodiversity is largely the result of human activity and represents a serious threat to human development. Despite efforts to conserve the world's biological diversity, its depletion has continued. The entry into force of the Convention provides an international framework through which to address this. By becoming parties to the Convention, Governments have committed themselves to 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.

2. The Convention on Biological Diversity is the primary international legal instrument for advancing the conservation of biological diversity and the sustainable use of its components.

3. The Convention was opened for signature during the United Nations Conference on Environment and Development in Rio de Janeiro. Since then the Convention has received 168 signatures. It entered into force on 29 December 1993, and has been ratified or acceded to by [***] States at the time of the first meeting of the Conference of the Parties.

4. The Conference of the Parties to the Convention on Biological Diversity held its first meeting at Nassau, from 28 November to 9 December 1994, at which it established the organs and mechanisms of the Convention and adopted a medium-term programme of work for the period 1995 to 1999.

5. The above information is conveyed to the Commission on Sustainable Development in the light of the recommendation contained in paragraph 38.13(f) of Agenda 21.

6. The Conference of the Parties is vested with the responsibility of implementing the provisions of the Convention on Biological Diversity, of guiding the further development of matters relating to the conservation of biological diversity and the sustainable use of its components, and where appropriate, of bringing these within the purview of the Convention. It is therefore incumbent upon the Conference of the Parties to establish links with other bodies and processes relevant to biodiversity issues with a view to promoting coherent and urgent attention to these issues.

7. The Conference of the Parties attaches importance to the development of a substantive relationship with the Commission on Sustainable Development, given the Commission's responsibilities in respect of Agenda 21 and the complementarity of its mandate with that of the Conference of the Parties to the Convention on Biological Diversity.

8. Accordingly, the Conference of the Parties took the opportunity of its first meeting to reflect upon the issues to be reviewed by the Commission at its third session, within the sectoral cluster and the cross-sectoral clusters, as they concern the conservation of biological diversity and the sustainable use of its components.

9. Having considered these in the light of the provisions of the Convention, the Conference of the Parties believes the Commission will share its belief that the review of these issues, and the implementation of the relevant programmes recommended by Agenda 21, require recognition of

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the crucial role played by biological diversity. The Convention leaves no doubt that, for this cluster, biological diversity is a cross-cutting issue. The provisions of the Convention are of the utmost relevance to the planning and management of land resources, combating deforestation, managing fragile ecosystems, and promoting sustainable agriculture and rural development. Many aspects of the relevant programme areas, their bases for action, objectives, activities and means of implementation correspond to the objectives and provisions of the Convention.

10. The Conference of the Parties also notes that the Convention defines biological diversity as including marine and other aquatic ecosystems, and the ecological complexes of which they are part. The provisions of the Convention are therefore relevant to those measures identified in Agenda 21 for the protection and management of marine and other aquatic ecosystems.

11. The provisions of the Convention are also relevant to the cross-sectoral cluster and should be considered by the Commission on Sustainable Development when it reviews critical elements of sustainability, especially in the context of sustainable production methods and consumption patterns, as well as when reviewing education, science, transfer of environmentally sound technologies, cooperation and capacity-building.

12. Given the complementarity of their respective mandates, the Conference of the Parties believes that it can assist the implementation of Agenda 21, while furthering the implementation of the Convention by jointly exploring ways in which additional issues, relevant to biological diversity and not explicitly provided for under the Convention, can be further developed within its organizing framework.

13. In this context, the Conference of the Parties welcomes the recent positive developments relating to the objective of sustainable management of forests and encourages further consideration and application of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests. The Conference of the Parties to the Convention on Biological Diversity stands ready to make its own contribution to that process.

14. The Conference of the Parties hopes that in addressing the items on its agenda and in its recommendations to Governments, the Commission on Sustainable Development will:

(a) Encourage States that have not yet done so to become parties to the Convention;

(b) Consider the biodiversity issue in the light of the three interrelated objectives of the Convention;

(c) Approach the subject of biodiversity as a multisectoral issue;

(d) Urge Governments to recognize the mutually supportive relationship between biodiversity and sustainable development;

(e) Encourage Governments to improve coordination among departments at the national level in order to more effectively implement measures for the conservation of biological diversity and the sustainable use of its components, given the cross-cutting nature of these issues;

(f) Consider the subject of forests in the context of its close interrelationship with biodiversity;

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(g) Stress to Governments the advantages deriving from coordination between its work, that of the Convention on Biological Diversity, and that of other conventions, intergovernmental bodies and fora concerned with the conservation of biological diversity and the sustainable use of its components.

15. Given the views and proposals outlined above, the Conference of the Parties believes that the Commission on Sustainable Development and the Convention on Biological Diversity should establish links, through their respective organs and mechanisms, to facilitate a collaborative approach to issues of mutual concern. To this end, the Conference of the Parties will regularly consider the issues to be addressed by the Commission at its future meetings.

16. The Conference of the Parties to the Convention on Biological Diversity hopes that this statement will be helpful to the Commission on Sustainable Development.

17. The Conference of the Parties to the Convention on Biological Diversity reaffirms its commitment to caring for the earth and its people.
