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**REPORT OF MISSION**

**AMCEN REGIONAL MEETING ON THE CONVENTION  
ON BIOLOGICAL DIVERSITY**

**Nairobi, 24-26 October March 1994**

## I. BACKGROUND

### 1. Origin of the Convention on Biological Diversity

Pursuant to UNEP Governing Council decision 14/26 of 17 June 1987, the Ad Hoc Working Group of Experts on Biological Diversity was established and held three sessions between November 1988 and July 1990.

On the basis of the final report of the Ad Hoc Working Group of Experts, the Governing Council, pursuant to decision 15/34 of 25 May 1989, established the Ad Hoc Working Group of Legal and Technical Experts, with a mandate to negotiate an international legal instrument for the conservation and rational use of biological diversity. The Ad Hoc Working Group held two negotiating sessions in Nairobi in November 1990 and in February/March 1991.

By decision 16/42 of 31 May 1991, the Governing Council renamed the Ad Hoc Working Group of Legal and Technical Experts on Biological Diversity the "Intergovernmental Negotiating Committee (INC) for a Convention on Biological Diversity", which held five sessions between June 1991 and May 1992.

On 22 May 1992, the text of the Convention was adopted by the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity met at UNEP Headquarters, Nairobi. The Convention was open for signature during the Plenipotentiary Conference on the Convention on Biological Diversity, convened at the time of the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, on 5 June 1992 and remained for signature at Rio de Janeiro from 5 to 14 June 1992, and at the United Nations Headquarters in New York from 15 June 1992 to 4 June 1993.

### 2. Status of the Convention on Biological Diversity

Africa displayed strong political support at Rio de Janeiro in June 1992 when the Convention on Biological Diversity was signed by the majority of the African Heads of State and Government. As of 3 October 1994, 46 out of 53 of African States signed the Convention, 18 have ratified in time to fully participate in the first meeting of the Conference of Parties (COP) to the Convention to be held in the Bahamas from 28 November to 9 December 1994.

### 3. Coming into force of the Convention on Biological Diversity

The Convention gathered the required number of ratification and came into force on 29 November 1993, just over one year after the opening for signature. The first meeting of the Conference of Parties should be held on year after this date.

4. Need for an African Ministerial Conference before the COP first meeting?

The African Ministerial Conference on Environment (AMCEN), at its fifth session held in Addis Ababa in November 1993, recognized the need for mobilizing Africa to safeguard its interests by promoting the ratification of the Convention on Biological Diversity by a large number of African States. It urged the Secretariat to organize a regional conference on the Convention prior to the first meeting of the Conference of Parties, after consultations with relevant organizations.

In preparation for this Regional Meeting, a group of African experts met in Nairobi in April 1994 to prepare a background document entitled "The Convention on Biological Diversity: Issues of relevance to Africa". The expert meeting had put forward a number of recommendations for immediate action by the region in preparation for the first meeting of the Conference of Parties to the Convention on Biological Diversity to be held in Nassau, the Bahamas in November-December 1994.

One of the urgent recommendations was to urge all African countries to ratify or accede to the Convention by August 1994 so that a large number of African countries may participate in the Conference of Parties, thus giving strength to the African position at the Conference. The recommendation was put forward by the Secretariat in the form of an information paper to the Twenty-ninth session of the Commission and Twentieth Meeting of the Conference of Ministers of ECA.

## II. PURPOSE OF THE MISSION

As a member of the Joint AMCEN Secretariat, UNECA sent a delegation composed of Mr. Peter N. Mwanza, Mr. L. Tandap and Mr. S. Kol to assist in help servicing the Regional Meeting on Biological Diversity as called for by the fifth AMCEN session, held in Addis Ababa in November 1993.

## III. ORGANIZATION OF THE MEETING

The Regional Meeting was attended by 45 member States, 10 UN bodies, agencies, 6 sub-regional and regional organizations, 9 NGOs (global, regional and national), and a number of units and offices of UNEP and AMCEN technical cooperation networks.

The Regional Meeting was composed of two segments:

- (a) the Expert Group Meeting, 24 October 1994; and

(b) the Special Session of AMCEN on the Convention on Biological Diversity, 25-26 October 1994.

#### IV. PROCEEDINGS OF THE MEETING

The Expert Group Meeting considered the following items at its agenda:

(a) Presentation of the main working document "The Convention on Biological Diversity: Issues of Relevance to Africa";

(b) Presentations of the objectives and main agenda items of the Conference of Parties to the Convention on Biological Diversity, Bahamas, November-December 1994;

(c) Discussions on Africa's interests and concerns in relation to the Agenda items of the Bahamas Conference; and

(d) Strategies and follow-up measures for effective African participation in the Bahamas Conference, and Involvement and participation in the implementation of the Convention.

The Expert Group Meeting entrusted its Bureau with the responsibility of reviewing the Draft Declaration of AMCEN to the first meeting of the COP and to submit it to the Ministerial session. It also submitted document entitled "The African Common Perspectives and Position on the Convention on Biological Diversity" to the Ministerial session.

At the Special session of AMCEN on the Convention on Biological Diversity, opening statements were made by:

(a) H.E. M. Murerwa, President of AMCEN, Minister of Environment and Tourism of Zimbabwe;

(b) Prof. R. Olembo, Acting Deputy Executive Director, UNEP;

(c) H.E. Ambassador Pascal Gayama, Assistant Secretary-General, OAU;

(d) H.E. John Sambu, Minister of Natural Resources and the Environment, Kenya;

(e) Dr. Peter N. Mwanza, Director, Natural Resources Division, representing the Executive Secretary of UNECA.

The Special Session of AMCEN heard the presentation of the Chairman of the Expert Group Meeting on document "The Convention on Biological Diversity: Issues of Relevance to Africa", which will be finalized and published after completed it with all the

written comments to be made available by countries. The document will provide an operational basis to document "African Common Perspectives and Position on the Convention on Biological Diversity".

The Special Session also considered adopted document "African Common Perspectives and Position on the Convention on Biological Diversity", submitted by the preceding Expert Group Meeting after reflecting all changes and amendments.

A large number of issues were also considered by the Special Session, relating to : Human Genome Project; Communique of the Special Session of AMCEN on the Convention on Biological Diversity; Biosafety Protocol; Organizational arrangements for the African Group in the Bahamas; Facilitation of the active participation of African countries in the Bahamas Conference; Progress report on the Convention to Combat Desertification and of the AMCEN Committee on Deserts and Arid Lands; Refugees problem.

#### V. CONCLUSIONS AND RECOMMENDATIONS

The Conference reviewed the efforts and undertakings carried out by Africa, and committed to strengthen African intergovernmental mechanisms, international programmes, institutions and laws essential to the effective participation in the implementation of the Convention.

The Conference also affirmed commitment to the legitimate rights of African countries to sustainably exploit and use their natural resources for development purposes.

The Conference urged the COP to take into account the specific needs of the African region and to give particular consideration to the mobilization of human and financial resources needed to develop and strengthen national capacities through the promotion of research and training, public education and awareness, exchange of information, and international and regional cooperation.

The Conference called on the COP to include in its programme of work the specific ecological situation of the African region in the implementation process of the Convention. Linkages between the objectives of the Convention and the need to combat desertification, on one hand, and the sound management of forests on the other should duly reflected.

Attachments:

- (a) Report of the Expert Group Meeting;
- (b) Report of the Special Session;
- (c) Draft African Common Perspectives and Position on the Convention on Biological Diversity;
- (d) Draft Declaration of AMCEN in relation to the first meeting of the Conference of Parties;
- (e) Statements by H.E. M. Murerwa, Prof. R. Olembo, H.E. Layashi Yaker, and African NGOs.

**STATEMENT  
BY  
MR. REUBEN J. OLEMBO  
DEPUTY EXECUTIVE DIRECTOR, UNEP  
ON BEHALF OF MS. E. DOWDESWELL  
EXECUTIVE DIRECTOR, UNEP**

**TO THE  
REGIONAL AFRICAN MINISTERIAL CONFERENCE  
ON THE CONVENTION ON BIOLOGICAL DIVERSITY**

**24-26 OCTOBER 1994  
NAIROBI, KENYA**

**Mr. President, Excellencies, Ladies and Gentlemen,**

1. It would have been the pleasure of Ms. Elizabeth Dowdeswell, Executive Director, UNEP to address this important conference in person. But her other simultaneous engagements elsewhere have prevented her from doing so.

Consequently, and on her behalf, it is indeed a great honour for me to welcome you to the Headquarters of the United Nations Environment Programme here at Gigiri in Nairobi.

2. At this juncture, let me also state that we, in UNEP, feel greatly honoured to be associated with this Regional Consultative Ministerial Conference on the Convention on Biological Diversity. We are particularly gratified by the initiative taken by ROA and the AMCEN Secretariat under the dynamic Regional Director, Ms. Maria de Amorim and the AMCEN President, Dr. H. Murerwa, in making this meeting a reality. I am gratified and venture to say that with this meeting, the African Ministerial Conference on the Environment is beginning to adopt the much needed and appreciated political and policy role in environmental matters.

**Mr. President,**

3. Heitsi-Eibib, the legendary hero of the Hottentots, a group of pastoralists in southwestern Africa, was the offspring of a cow, an appropriate parent for nomads who depend on herding cattle. According to legend, Heitsi-Eibib was a Hottentot warrior against whom none could prevail. He was killed in combat on a number of occasions, but was able to resurrect himself by magical means. In this age of high technology, he would be the ideal bionic man for the television.

4. We cannot overestimate the significance of biological diversity in the African spiritual, cultural, social and economic life. Biological resources have always played a crucial role in the development of human society on this Continent, as indeed on other continents, but in African Countries perhaps more than in others with an industrial base, natural resources continue to be the socio-economic



5. As the 21st century approaches, the world is being acutely impoverished. The World's most fundamental capital stock - its genetic resources, its species, its habitats and ecosystems - its precious capital stock, is being eroded at an alarming rate. This impoverishment is particularly serious in terms of Africa's future.

6. Unlike Heitsi-Eibib, the Hottentot warrior, species do not possess the magic to resurrect themselves. Once gone, they are as dead as the Dodo that graced the Mauritius biodiversity not so long ago.

Mr. President, Excellencies, Ladies and Gentlemen,

7. You are assembled here to deliberate on the best way forward with respect to Africa regarding the implementation of the various provisions of the Convention on Biological Diversity, an international legal instrument for cooperative action that entered into force on 29 December 1993, less than 18 months from the time it was open for signature, a record as yet unsurpassed in these kinds of international arrangements. As was stated in the UNEP statement during the 5th session held in Addis Ababa in November 1993, AMCEN has a great potential in guiding and leading Africa's participation in global negotiations, mobilizing support for sound environmental policy and providing a framework for marshalling cooperation among African countries, organizations and the United Nations. This meeting is intended to fulfil this role by enabling your Governments fully understand the provisions of the Convention and prepare for its implementation as well as its evolution. On the part of UNEP we shall continue to support AMCEN in all its endeavours.

8. As you approach the forthcoming First Conference of the Parties (the COP) in the Bahamas, it is worth stressing that the Convention is much, much more than just a set of rights and obligations to be implemented by the Contracting Parties. The Convention is a means by which nations can support one another equitably, in the universal quest for sustainable development. It is a treaty with a mission and a vision of equity. It is a treaty with a built-in ENABLING mechanism to drive

9. It is against this background that I say to you today that I am extremely gratified by the extent of mobilization of Africa, the commitment of African Experts to the process of preparing the African position paper and the widespread interest in this meeting. I am heartened by the presence here of so many distinguished Ministers - a clear indication of the significance which Ministers attach to the rapid and efficient implementation of the Convention on Biological Diversity and in the Convention's first meeting of the Conference of the Parties.

**Ladies and Gentlemen,**

10. Effective and successful implementation of the Convention will have important national, regional and global implications, offering both challenges and opportunities.

11. Baseline research on, and application of, local/traditional or indigenous knowledge, practices and technologies, is important for viable biodiversity conservation and sustainable use programmes of this Continent.

12. For example, African herdsmen from generation to generation, have maintained genetically diverse stocks and varied the composition of their herds to adapt to changing environmental characteristics. Such knowledge has enabled pastoralists to practise sustainable development long before this terminology became fashionable. When nomads can roam freely (which is becoming rarer) seasonal, and even daily movements of herds across pastures help prevent overuse of a single area and its bio-mass.

13. Likewise, African pastoralists have also developed sophisticated techniques to maintain stock health. Ethnoveterinary studies have documented elaborate classifications of cattle diseases and their remedies among East African pastoralists. In Nigeria, one survey identified some 92 herbs and plants used in ethnoveterinary medicine. The Fulani, the WoDaabe and the Maasai all vaccinate

against bovine pleuropneumonia, and the Maasai vaccinate against rinderpest as well. Their indigenous technique of vaccinating through the nose proved superior to early Northern commercial vaccines which were administered in the tails.

It is crucial that the collective environmental knowledge of this continent's communities be compiled, widely disseminated and effectively promoted.

14. Clearly, estimating the full array and magnitude of existing national, regional or global biodiversity, the precise rates of its loss, or even its current status and trends, let alone their implications, is truly challenging, more so because no systematic research monitoring or information flow is in place and much of the vital baseline information is lacking.

15. For Africa, the first set of implications of the Convention may perhaps emerge from a deliberate systematic and thorough problem analysis and solution identification process. In other words, it is incumbent upon countries and the region as a whole to undertake a serious problem analysis exercise as the continent probes for solutions. Each country may also need to consolidate national consensus (in the context of the Region and the World) on the analysis of, and solutions to the identified root causes of biodiversity loss and genetic erosion.

**Mr. President,**

16. Decisions on conservation or sustainable use of biodiversity must be based on objective criteria. We all realize that blanket conservation or blind exploitation of biodiversity is neither economically feasible nor technically possible. What this implies is the need for preparation of national biodiversity profiles drawing together a host of information on which priorities and appropriate effective actions can be based. Another important necessary step pertains to the subsequent need for countries to make this information available in a properly organized fashion to those who can do something about it the decision-makers.

17. I am sure that compiling and organizing such data for decision-making will also provide the baseline against which the efforts of nations to implement relevant provisions of the Convention can be measured and strengthened. This will also enhance the monitoring and assessment capability of countries.

**Mr. President Excellencies, Ladies and Gentlemen,**

18. As you know, the convening of the first meeting of the Conference of the Parties is a major landmark. It will signal our entry into a new era of the Convention's history - a new era of definitive action based upon the recent era of exploration, negotiation and consensus building. This first meeting of the Conference of the Parties, to be held in Nassau, the Bahamas from 28 November to 9 December 1994, was preceded by two Intergovernmental Committee meetings in October 1993 (Geneva) and in June - July 1994 (Nairobi), and a scientific meeting in April 1994 (Mexico City). In spite of the serious time constraints, these preparatory meetings succeeded in formulating a number of recommendations for the first meeting of the COP.

19. One of the objectives of the first meeting of the Conference of the Parties is to put into operation the Convention as well as the Subsidiary Body on Scientific, Technical and Technological Advice, the clearing-house mechanism and the financial mechanism. The meeting will also outline a programme of work for advancing the objectives and provisions of the Convention.

20. The first meeting of the Conference of the Parties thus provides the opportunity for us all to finally set the stage and establish the mechanisms urgently needed for the rapid implementation of this vital Convention. In view of the importance of this event, a Ministerial Segment will take place from 7 to 9 December. Clearly, the continued commitment determination and political will of the Ministers from the African continent at this critical point in time will be vital to the Convention's successful evolution. Leadership from African Ministers on the numerous and complex issues, which will be highlighted at the Ministerial segment, will be absolutely essential. It will be a time for decision making on matters which

will influence the life of this continent, and indeed our entire planet, for the rest of time, for eternity.

21. Hence, it is critical that countries that have not yet ratified, accepted or approved the Convention do so before the first meeting of the Conference of the Parties in order to be participants and not observers.

22. Let us always remember that signing the treaty is the first step. The proof of commitment lies in taking the actions set out in the Convention for preserving biological diversity, sustainably using its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

23. As a consequence, major challenges ahead include the integration of plans and programmes of the various ministries engaged in national development, and the participation of all layers of the population in the definition and implementation of measures to be taken to conserve and sustainably use the various microorganisms, plants and animals constituting biological diversity and the ecosystems where they live. It is only when a holistic approach is chosen and pursued that the wide diversity of benefits and opportunities presented by the Convention can be realized and sustained. Your visionary and catalytic action will be the investment and insurance needed for the success of this endeavour in your respective countries.

24. Finally, I wish to take the opportunity to wish you continued success in the challenging and vital work which awaits us all in the long journey ahead while looking forward to meeting with you again in The Bahamas.

Thank you.

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**THE AFRICAN MINISTERIAL CONFERENCE ON THE ENVIRONMENT (AMCEN)**

**THE REPORT OF THE SPECIAL SESSION OF AMCEN ON THE  
CONVENTION ON BIOLOGICAL DIVERSITY**

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**African Ministerial Conference on the Environment  
Special Session of AMCEN on the Convention on Biological  
Diversity, Nairobi, 25 - 26 October 1994**

**REPORT OF THE SPECIAL SESSION OF THE  
THE AFRICAN MINISTERIAL CONFERENCE ON THE ENVIRONMENT ON  
THE CONVENTION ON BIOLOGICAL DIVERSITY NAIROBI, 25 - 26 OCTOBER  
1994**

**1. INTRODUCTION AND BACKGROUND**

At its 5<sup>th</sup> Session held in Addis Ababa in November 1993, AMCEN:

- (a) Welcomed the proposal of the African Group of Ambassadors in Geneva for the convening of an African Regional meeting on Biological Diversity; and
- (b) Decided to convene an African Ministerial-level meeting, to be preceded by an expert group meeting, purposely to adopt an African Common Position, and also to consider other related environmental concerns of Africa.

**2. ATTENDANCE**

Delegations from the following countries participated:

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Cote d'Ivoire, Comoros, Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Eritrea, Gabon, The Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Morocco, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zaire, Zambia, Zimbabwe.

The following were also represented:

- (a) NGOs:
  - Pan-African Council for the Protection of the Environment & Development (PACOPED) -- MAURITANIA;
  - Wildlife Clubs of Uganda -- UGANDA;
  - Tanzania Tree Planting Foundation in Handeni -- TANZANIA;
  - Association Togolaise pour la Protection de la Nature (ATPN) -- TOGO;
  - KENGO -- KENYA;
  - EarthCare Africa -- KENYA.
  - Development Alternatives Network -- KENYA

- Africa 2000 Network -- KENYA
  - Environment Liaison Centre -- KENYA
- (b) AMCEN networks:
- Soils and Fertilizers (SOFERNET);
  - Environmental Monitoring (EMNET);
  - Science and Technology (SATNET);
  - Environmental Education and Training Network (ETNET);
  - Energy Network (ENERNET);
  - Biological Diversity Network (BIDNET);
- (c) UN bodies:
- UNEP, UNSO, UNDP, Department of Policy Coordination & Sustainable Development (New York), UNESCO, Interim Secretariat of the Convention on Biodiversity (Geneva), ECA, OAU, WHO (Geneva), WMO, World Bank,
- (d) Other Organizations
- World Wide Fund for Nature (WWF)
- (e) Subregional Organizations:
- African Centre for Technology Studies, CIRDAFRICA, CILSS, ECOWAS, PTA, IGADD,

### 3. OPENING CEREMONY

The following delivered opening statements:

- (i) H.E. M. Murerwa,  
President of AMCEN (Minister of Environment and Tourism of Zimbabwe);
- (ii) Prof. R. Olembo,  
Acting Deputy Executive Director, United Nations Environment Programme
- (iii) H.E. Ambassador Pascal Gayama,  
Assistant Secretary-General, Organization of African Unity
- (iv) H.E. Mr. John Sambu,  
Minister of Natural Resources and the Environment, Kenya
- (v) Dr. Peter Mwanza,  
Director Natural Resource Division (Representing the Executive Secretary of the Economic Commission for Africa)



Ms. Maria da Graça de Amorim, Regional Representative and Director for Africa of UNEP made opening remarks and also introduced the above-mentioned speakers.

#### 4. ORGANIZATION OF THE MEETING

##### (a) Election of the Bureau

The following countries which are also members of the current AMCEN Bureau, were the office bearers:

President: Zimbabwe

Vice-Presidents: Cameroon, Burkina Faso, Morocco, Botswana and Uganda

Rapporteur: Ghana

##### (b) **Provisional Agenda**

The meeting considered and approved the Provisional Agenda tabled by the Secretariat (see Annex 1).

#### 5. WORKING DOCUMENT

(a) The Convention on Biological Diversity: Issues of Relevance to Africa;

(b) **"Draft African Common Perspectives and Position on the Convention on Biodiversity"** as amended by the Expert Group Meeting (24 October 1994) which preceded the Ministerial Session

#### 6. GENERAL DISCUSSION

The meeting agreed that under Agenda Item 5 (Any other Business), the following issues should be discussed; briefing on the Convention on Desertification by the OAU; briefing on the progress of the work of the AMCEN Committee on Desert and Arid Lands (ADALCO); discussion on the issue of Human Genetics to be introduced by Ethiopia.

It was also agreed that the Ministers can raise any other environment-related issues of relevance to Africa.

#### 7. RECOMMENDATIONS AND CONCLUSIONS MADE BY THE MEETING ON THE FOLLOWING AGENDA ITEMS

i) **Presentation of the report of the Expert Group Meeting (24 October 1994)**

The Chairman (Cameroon) of the Expert Group Meeting presented to the Ministers the highlights of the above-mentioned meeting. He drew their

attention to the key issues which were central to the discussions and which formed the basis for the revised document on the "African Common Perspectives and Position on the Convention on Biological Diversity. He also briefed the Ministers on the suggested modalities for receiving comments from African countries on the document entitled "The Convention on Biological Diversity: Issues of Relevance to Africa". This document will be finalized, on the basis of comments received, and published. The document will provide an operational basis to the African Common Perspectives and Position on the Convention on Biological Diversity.

(ii) **Consideration of Agenda Items 2 and 3**

Under these Items the meeting considered the document entitled, "The African Common Perspectives and Position on the Convention on Biological Diversity" as revised by the preceding Expert meeting.

The changes and amendments made are reflected in the final document on the "**African Common Perspectives and Position on the Convention on Biological Diversity**" presented to the Ministers on 26 October 1994 for adoption.

v) **Any other Business.**

Under this item, the meeting considered the following:

- (a) Human Genome Project.
- (b) Communique on the Special Session of AMCEN on CBD.
- (c) Biosafety Protocol.
- (d) Organizational arrangements for the African Group in the Bahamas.
- (e) Facilitation of the active participation of African countries in the Bahamas meeting.
- (f) AMCEN Committee on Deserts and Arid Lands.
- (g) Progress report on the Desertification Convention.
- (h) Impact of civil strife in the region especially with regard to refugees. The key issues of concern are reflected in the communique issued by the Ministers.

8. **ADOPTION OF THE REPORT**

The meeting considered and adopted its report. Having considered and made amendments to the document entitled, "The African Common Perspectives and Position on the Convention on Biological Diversity", the meeting decided to submit it to the Ministerial session for its consideration and adoption.

9. **CLOSURE OF THE MEETING**

Following the customary exchange of courtesies, the meeting was officially closed by H.E. Mr. Murerwa, President of AMCEN (Minister of Environment and Tourism of Zimbabwe).

## AFRICAN MINISTERIAL CONFERENCE ON THE ENVIRONMENT (AMCEN)

AFRICAN REGIONAL MINISTERIAL CONFERENCE ON THE CONVENTION OF BIOLOGICAL DIVERSITY (NAIROBI, 25-26 OCTOBER 1994)

### DRAFT PROVISIONAL AGENDA

1. Opening Ceremony
  - (a) Opening statement by AMCEN President
  - (b) Brief Opening Remarks by Executive Heads of the AMCEN Secretariat- (OAU, ECA, UNEP).
2. Convention on Biological Diversity: Basis for Action by Africa.
3. Consideration of the recommendations and report of the Expert Group meeting:
  - (a) Special issues and implications on the Convention of Biological Diversity Requiring an African Common Position.
  - (b) Other recommendations for an effective African participation in the:
    - (i) Conference of Parties (Bahamas, November 1994),
    - (ii) implementation of the Convention.
4. Any other Business
5. Adoption of the reports of the meeting.
6. Closing.

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THE AFRICAN MINISTERIAL CONFERENCE ON THE ENVIRONMENT (AMCEN)

THE REPORT OF THE FIRST EXPERT MEETING

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African Ministerial Conference on the Environment  
Report of the African Expert Group Meeting on the Convention  
on Biological Diversity Nairobi, 24 October 1994

AFRICAN MINISTERIAL CONFERENCE ON THE ENVIRONMENT REPORT  
OF THE AFRICAN EXPERT GROUP MEETING ON THE CONVENTION ON  
BIOLOGICAL DIVERSITY NAIROBI, 24 OCTOBER 1994

REPORT OF THE FIRST EXPERT GROUP MEETING

1. INTRODUCTION AND BACKGROUND

At its 5<sup>th</sup> Session held in Addis Ababa in November 1993, AMCEN:

- (a) Welcomed the proposal of the African Group of Ambassadors in Geneva for the convening of an African Regional meeting on Biological Diversity; and
- (b) Decided to convene an African Ministerial-level meeting, to be preceded by an expert group meeting, purposely to adopt an African Common Position, and also to consider other related environmental concerns of Africa.

2. ATTENDANCE

Delegations from the following countries participated:

Botswana, Egypt, Ethiopia, Eritrea, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Namibia, Nigeria, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia, Zaire, Zimbabwe, Algeria, Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Morocco, Niger, Rwanda, Sao Tome and Principe, Senegal, Tunisia.

The following were also represented:

- (a) NGOs:
  - Pan-African Council for the Protection of the Environment & Development (PACOPED) -- MAURITANIA;
  - Wildlife Clubs of Uganda -- UGANDA;
  - Tanzania Tree Planting Foundation in Handeni -- TANZANIA;
  - Association Togolaise pour la Protection de la Nature (ATPN) -- TOGO;
  - KENGO -- KENYA;
  - EarthCare -- KENYA;
  - Development Alternatives Network -- KENYA
  - Africa 2000 Network -- KENYA

## (b) AMCEN networks:

- Soils and Fertilizers (SOFERNET);
- Environmental Monitoring (EMNET);
- Science and Technology (SATNET);
- Environmental Education and Training Network (ETNET);
- Energy Network (ENERNET);
- Biological Diversity Network (BIDNET);

## (c) UN bodies:

- UNSO, UNDP, Department of Policy Coordination & Sustainable Development (New York), UNESCO, CBD (Geneva), ECA, OAU, WHO (Geneva), WMO, World Bank,

## (d) Other Organizations

- World Wildlife Fund

## (d) Subregional Organization:

- African Centre for Technology Studies, CIRDAFRICA, CILSS, ECOWAS, PTA, IGADD,

**3. OPENING OF THE MEETING**

The Regional Representative and Director for Africa, Ms. Maria da Graça de Amorim, in her opening remarks highlighted the main objective of the meeting. She expressed her appreciation to the experts for participating. Ms. de Amorim also thanked the members of the AMCEN Secretariat, the Organisation of African Unity (OAU), the Economic Commission for Africa (ECA) and The United Nations Environment Programme (UNEP) for facilitating arrangements for the meeting. Special thanks were addressed to the Interim Secretariat on the Convention on Biological Diversity as well as the Biodiversity/Biotechnology Unit for the substantial technical and financial resources they provided in support of the meeting.

**4. ORGANIZATION OF THE MEETING**(a) Election of the Bureau

The meeting concurred with the proposal that the following countries which are also members of the current AMCEN Bureau, should be the office bearers: Cameroon, Zimbabwe, Botswana, Uganda, Ghana, Morocco and Burkina Faso. It also agreed on the following composition of its Bureau:

Chairman: Cameroon\*  
 Vice-Chairman: Zimbabwe, Burkina Faso, Morocco, Botswana and  
 Uganda  
 Rapporteur: Ghana

(b) Provisional Agenda

The meeting considered and approved the Provisional Agenda tabled by the Secretariat (see Annex 1).

## 5. LIST OF WORKING DOCUMENTS

- (a) "The Convention on Biological Diversity: Issues of Relevance to Africa";
- (b) "Draft African Common Perspective and Position on the Convention on Biological Diversity";
- (c) In addition to the briefing provided by the Interim Secretariat, the following documents were made available:
  - (i) Conference of the Parties to the Convention on Biological Diversity:
    - Provisional Agenda (Doc.UNEP/CBD/COP/1/1);
    - Annotated Agenda (Doc.UNEP/CBD/COP/1/1/Add.1);
    - Provisional Organisation of Work (Doc.UNEP/CBD/COP/1/1/Add.2);
    - Convention on Biological Diversity.

## 6. GENERAL DEBATE

Following general discussions, it was agreed that the report of the meeting should consist of a record of recommendations and conclusions made under each of the Agenda items for the consideration of the Ministerial Session.

## 7. RECOMMENDATIONS AND CONCLUSIONS MADE BY THE MEETING ON THE FOLLOWING AGENDA ITEMS

- i) **Presentation of the main Working Document, "The Convention on Biological Diversity: Issues of Relevance to Africa".**

The Issues Paper was introduced by an African expert who drew the attention of the experts to the salient sections of the document. The meeting agreed that

\*Whilst Zimbabwe is the current President of AMCEN it was agreed that Cameroon could chair the Expert Group meeting.

**N.B:** Whilst Zimbabwe is the current President of AMCEN, it was agreed that Cameroon could chair the Expert Group Meeting in view of the latter's close



countries should submit to the Secretariat written comments and proposals to be taken into account prior to publication. The following countries have made submissions: Côte d'Ivoire, Ethiopia, Burkina Faso, Senegal and the AMCEN Network on Soils and Fertilizers.

The North African countries were specially requested to provide information which will be included in the final version:

ii) **Presentation of the objectives and main agenda items of the Conference of the Parties of the Biological Diversity Convention (Bahamas, November 1994).**

A representative of the Interim Secretariat of the Convention on Biological Diversity, made an exhaustive presentation of the agenda items for the first meeting of the Conference of Parties. He drew the special attention of the experts to a number of important points, including the organization of work; policy; strategy; programme priorities and eligibility criteria regarding access and utilization of financial resources; institutional structure to operate the financial mechanism; selection of a competent international organization; subsidiary body; selection of a competent international organization to carry out the functions of the Secretariat of the Convention; subsidiary body on Scientific, Technical and Technological Advice; preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development; medium-term programme of work of the Conference of the Parties; venue and date of the second meeting of the Conference of the Parties.

iii) **Discussions on Africa's interests and concerns in relation to the Agenda items of the Bahamas Conference.**

iv) **Strategies and follow-up measures for effective:**

- (a) African participation in the Bahamas Conference; and
- (b) Involvement and participation in implementation of the Convention.

**N.B. Under Agenda Item 3 and 4, the meeting considered the document entitled, "The African Common Perspectives and Position on the Convention on Biological Diversity".**

The changes and amendments made are reflected in the revised document on the "African Common Perspectives and Position on the Convention on Biological Diversity".

v) **Any other Business.**

The meeting entrusted its Bureau with the responsibility of reviewing the draft Declaration of AMCEN to the first meeting of the Conference of Parties and to submit its recommendations to the Ministerial Session.

### 8. ADOPTION OF THE REPORT

The meeting considered and adopted its report. Having considered and made amendments to the document entitled, "The African Common Perspectives and Position on the Convention on Biological Diversity", the meeting decided to submit it to the Ministerial session for its consideration and adoption.

### 9. CLOSURE OF THE MEETING

Following the customary exchange of courtesies, the meeting was officially closed by Ms. Maria da Graça de Amorim, Regional Representative and Director, Regional Office for Africa.

# AFRICAN MINISTERIAL CONFERENCE ON THE ENVIRONMENT (AMCEN)

AFRICAN EXPERT GROUP MEETING ON THE CONVENTION ON BIOLOGICAL DIVERSITY  
(NAIROBI, 24 OCTOBER 1994)

## DRAFT PROVISIONAL AGENDA

1. Presentation of the main Working Document "The Convention on Biological Diversity: Issues of relevance to Africa".
2. Presentation of the objectives and main agenda items of the Conference of Parties of the Biological Diversity Convention (Bahamas, November 1994).
3. Discussions on Africa's interests and concerns in relation to the Agenda items of the Bahamas Conference.
4. Strategies and follow-up measures for effective:
  - (a) African participation in the Bahamas Conference;
  - (b) Involvement and participation in implementation of the Convention.

**N.B:** Under Agenda Item 3 and 4, the meeting will consider the document entitled "African Common Perspectives and Position on the Convention on Biological Diversity".

5. Any other Business
6. Closing

AFRICAN NGOs STATEMENT AT AMCEN MEETING IN NAIROBI  
24-26 OCTOBER, 1994.

Mr. Chairman, African NGOs that are represented in this meeting have had informal consultations on AMCEN draft, The African Common Perspectives and Position on the Convention on Biological Diversity- which has been under discussion since yesterday, by their excellencies Honorable Ministers for Environment of African countries; for presentation as the African position at the first COP meeting in Bahamas from 28th November to 9th December 1994.

The African NGOs present here feel that there is a need for AMCEN through its Secretariat to take deliberate measures to increased recognition and involvement of African NGOs and their capacities both human and structural - particularly in areas where working with grassroots communities are concerned. By so doing, accelerated implementation of the convention on Biodiversity would be effectively enhanced.

With this view in mind Mr. Chairman, the NGOs strongly feel that special attention should be paid in involving them in the following areas:

- Research
- Planning
- Implementation and Evaluation of the Conventions' programmes

The participation of the African NGOs in the various environmental and sustainable development programmes need not be emphasized; however, the document under discussion- AMCEN- draft; (African Common Perspectives and Position on the Convention on Biological Diversity ) does not EXPLICITLY state the position of their Excellencies Honorable Ministers accord to their NGOs in so far as the document position is concerned; except in section 3 paragraph 20 (iii) sub-titled - Designation of National Biological Diversity Authority; in page 7 of the AMCEN draft position document.

Mr. President, we plead that other areas that are more relevant to the activities of NGOs be accorded a clear and explicit indication as to the position of the NGOs as the fore-going referred section of the AMCEN draft position document. Some of the areas we have in mind are the following:

- (i) Human resource and institutional capacity development
- (ii) Data and information
- (iii) Enabling measures
- (iv) Education and awareness raising particularly for the youth and women

On financing of African NGOs involved in the implementation of the Biodiversity Convention, our plead is that AMCEN Secretariat establish a funding facility for exclusive use by the African NGOs.

Your Excellency, we realize and recognize the role of GEF in this endeavor (funding the implementation of both Biodiversity and Desertification Conventions) but we call upon our Governments and other sources of funding to come up and support such a move (establishing a funding facility under AMCEN) If Honorable Ministers so approve.

The question of focal points must be mentioned in the document under discussion-AMCEN draft position paper- We the African NGOs present here are in full support of this position but we would however urge that the same focal points structure be extended to the African NGOs. This move will create room for African NGOs to be represented in the AMCEN delegation meetings for accelerated networking and implementation of the Convention on Biological Diversity in Africa as a whole.

Last but not least your Excellency, we would like to state that African NGOs are always under representative in international and even regional meetings this AMCEN meeting not being an exemption. This phenomenon is of great concern to us for it virtually isolates them (African NGOs) from full participation in the deliberations and the processes related to environment (Biodiversity). This scenario relegates a greater number of African NGOs to mere consumers of decisions and policies made without their involvement. Mr. Chairman, we request that through your good offices, this situation be reversed for greater dignity of our endeavors.

Thank you.

Signed.

- (i) WILDLIFE CLUBS OF UGANDA-(Uganda)
- (ii) PAN-AFRICAN COUNCIL FOR THE PROTECTION OF THE ENVIRONMENT AND DEVELOPMENT -PACOPED-(Mauritania)
- (iii) TANZANIA TREE PLANTING FOUNDATION-(Tanzania)
- (iv) DEVELOPMENT ALTERNATIVES NETWORK-DAN-(Kenya)



**THE AFRICAN REGIONAL CONFERENCE ON  
THE CONVENTION ON BIOLOGICAL DIVERSITY  
Nairobi, 25-26 October 1994**

**STATEMENT**

**By**

**LAYASHI YAKER  
UNITED NATIONS UNDER-SECRETARY GENERAL,  
EXECUTIVE SECRETARY OF UNITED NATIONS ECONOMIC  
COMMISSION FOR AFRICA**



Mr. Chairman, Hon. Murerwa, Minister of Environment & Tourism  
of the Republic of Zimbabwe,

Ms. Elizabeth Dowdeswell, UN Under-Secretary-General  
and Executive Director of UNEP,

Honourable Ministers,

The Assistant Secretary-General of OAU,  
Excellencies, members of the diplomatic corps,  
Distinguished guests, Ladies and Gentlemen,

Allow me to join my colleagues of the Joint AMCEN Secretariat  
(UNEP, OAU and ECA) in welcoming you to this Regional Conference on  
the Convention on Biological Diversity, in preparation for the  
first meeting of the Conference of Parties, to be held in the  
Bahamas from 28 November to 9 December 1994.

Mr. Chairman,

At the fifth session of AMCEN, held in Addis Ababa, Ethiopia in  
November 1993, you decided to hold this conference before the first  
meeting of the Conference of Parties to the Convention, as a  
demonstration of the importance that Africa places in the issues  
related to the conservation and management of the ecosystems and  
their biological diversity.

Over the years, environmental pressures arising from both natural and man-made causes have resulted in the massive degradation of the continent's biological diversity. Drought and desertification have been the main natural sources of threat to its biodiversity. On the other hand, the imbalance between population, environment and development, and the inadequacy of resources to redress this imbalance have exacerbated the situation. In addition, the inadequate awareness of the economic values and the potential contribution of biodiversity to the national, sub-regional and regional development has resulted in vast exploitation by external economic interests. Poverty and insufficient awareness have therefore been the main root causes of the poor conservation of the continent's biological diversity. These must be addressed.

The African Common Position on Environment and Development, adopted for Rio Earth Summit in 1991, Agenda 21, the African Strategies for the Implementation of Agenda 21 and the programme of AMCEN as adopted at its fifth session are evidence of how seriously Africa should take the conservation of biological diversity.

Mr. Chairman,

The level of benefits that Africa gets from the implementation of the Convention will depend on the ability to identify the different



genetic resources at the national level and their economic values, in order to provide a strong basis for regional and international co-operation in the work ahead. Africa should be able to go to the Bahamas with clear mind of what they have identified as priority issues they want to deal with, how they want to deal with, and what means they will use for implementing the objectives of the Convention.

It is gratifying that the draft documents for this Regional Conference have brought out these issues with adequate emphasis. It is important to stress that issues related to co-operation, coordination and financial mechanisms must be given serious consideration by this Conference and argued forcefully at the first meeting of the Conference of Parties. This is the challenge you now have.

That is why it is further gratifying that the decision of the fifth session of AMCEN held in the UNECA Headquarters in November 1993, to hold this Regional Conference on the Convention on Biological Diversity has become a reality. It is worthwhile to reiterate here that the objectives of the Conference is to fully prepare Africa for effective participation in the first meeting of the Conference of Parties.

Mr. Chairman,

Allow me to end by expressing special thanks to Ms. Elizabeth Dowdeswell, the UN Under-Secretary-General and Executive Director of UNEP, and her colleagues of UNEP, particularly those of the Regional Office for Africa, for the lead role they are providing to the AMCEN Secretariat in support of your efforts in conserving the African environment. We at ECA will continue to do our utmost in supporting AMCEN activities and ensure its effective participation in the implementation of the Convention on Biological Diversity to the best of your interest.

I thank you for your attention.

## DRAFT

### **DRAFT DECLARATION OF THE REGIONAL AFRICAN MINISTERIAL CONFERENCE IN RELATION TO THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES (NASSAU, THE BAHAMAS, 28 NOVEMBER TO 9 DECEMBER 1994)**

23. We are fully aware that the first meeting of the Conference of the Parties (COP) will be an historic one and is the culmination of significant negotiations that addressed the issues of 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. We are also conscious that the Convention on Biological Diversity is part of processes which are re-defining global economic, political, social and cultural relations. Hence, we fully recognize the need to ensure that the decisions to be taken by the Conference of the Parties should reflect the concerns, interest and aspirations of the African Continent.

24. We fully recognize that the stakes in the first meeting of the COP are high, and the consequences of its decisions important for our Continent. We must, therefore, ensure constructively and collectively that Africa's interests are safeguarded in the Bahamas Conference.

25. We welcome in this regard the decision taken to organize a ministerial segment at the occasion of the first meeting of the Conference of Parties. This initiative is timely and opportune. We urge all countries to be represented. We are determined to attend. For this reason, we urge all the African countries which have not yet ratified the Convention to urgently expedite their process of ratification so that they will be participants and not observers in the Bahamas meeting. This will ensure that the interests of our region are not overlooked and our concerns are reflected in the decisions to be taken.

26. In the light of the very serious financial constraints facing the African Continent, we make an appeal to the international community to substantially increase its voluntary contributions to the Trust Fund specially created to facilitate the participation of developing countries, in particular the least developed among them, in meetings organized in relation to the Convention on Biological Diversity. An adequate participation of developing countries will enhance the credibility of the decisions of the meetings, and will be in keeping with the spirit of the Convention.

27. The credibility of the meetings in particular of the first meeting of the COP will also depend on the manner in which the decisions are taken. The decisions of the Conference of the Parties, because they are vital to the success of this Convention, should always be negotiated in a transparent manner, with the effective participation of all delegations. Proliferation of parallel meetings should be avoided. In this context, we fully support the arrangements for a single Committee of the Whole for the first meeting of the COP, in accordance with the United Nations practice. This proposal will ensure the full involvement of small delegations in the decision-making process.

28. We urge the COP to initiate at its first meeting the processes that will facilitate the implementation of the provisions of the Convention on:

1. access to genetic resources including identification of solutions to access to ex situ collections not acquired in accordance with the Convention and the question of Farmers' Rights and the rights of similar groups;
2. access to and transfer of technology including biotechnology;
3. financial resources and financial mechanism.

29. Taking into account the specific needs of the African Continent, which represents two thirds of the least developed countries in the world, we also urge the COP to give a particular consideration to the mobilization of human and financial resources needed to develop and strengthen national capacities through the promotion of research and training, public education and awareness, exchange of information, and international and regional cooperation.

30. Due regard should also be paid to the specific ecological situation of the African continent during the implementation process of the Convention. Therefore, the linkages between the objectives of the Convention and the need to combat desertification, on one hand, as well as with the sound management of forests should be reflected in the programme of work of the Conference of the Parties. In this context, we welcome the finalization and the opening for signature, in Paris on the 14 and 15 October 1994, of the International Convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa. We also welcome the encouraging progress achieved so far in the implementation of the spirit and the letter 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 adopted at the United Nations Conference on Environment and Development.

31. We call on the Conference of the Parties to promote and develop, in close cooperation with the international organizations concerned, activities aimed at conservation of the biological resources and the sustainable use of its components in the arid and semi arid areas as well as in tropical forests. Collaborative arrangements should be established with the Secretariats of the Convention on desertification and the framework Convention on Climate Change. The Convention on Biological Diversity should be also closely associated in the follow-up process 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. Any endeavours aimed at ensuring the sound management of all types of forests should pay due regard to the need to conserve the biological diversity of this vital ecosystem for the benefit of present and future generations.

32. In this regard, we consider most appropriate the inclusion on the agenda of the first meeting of the Conference of the Parties of the item on the relationship with the Commission on Sustainable Development, the institutional follow-up mechanism of the decisions adopted at the United Nations Conference on Environment and Development. Such contribution of the Conference of the Parties to the third session of the Commission on Sustainable development would avoid duplication of efforts and activities and would enhance the effectiveness of the United Nations System in the field of biological diversity.

33. The African Ministerial Conference on the Convention on Biological Diversity, held in Nairobi from 24 to 26 October 1994 proved to be useful and greatly contributed in the preparation of the positions of the African countries on the issues before the first meeting of the Conference of the Parties to the Convention on Biological diversity. We express our deep gratitude to the AMCEN Secretariat, the United Nations Environment Programme including, Terrestrial Ecosystems Branch and the Interim Secretariat for the Convention on Biological Diversity for their support. This approach to securing our interests and to carrying out our obligations under the Convention must continue. An opportunity should be provided to African countries to consider specific ways to achieve subregional and regional cooperation required for the implementation of the Convention. Such an opportunity will also assist the african countries in the implementation of their commitments under the Convention. We commit ourselves to do our part in this global cooperative enterprise.

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**African Ministerial Conference on the Environment (AMCEN)**

**Statement by**

**H.E. Dr. H. Murerwa  
President of AMCEN and  
Minister of Environment and  
Tourism in Zimbabwe**

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**Regional African Ministerial Conference on the Convention  
on Biological Diversity, Nairobi, Kenya, 24-26 October 1994**

Your Excellencies, Ladies and Gentlemen,

It is a great pleasure and honour to open this special Ministerial level meeting on the Convention on Biological Diversity. It is, also, a pleasure to be here with colleagues who have continued to demonstrate wisdom and political will in charting African concerns on the Convention.

Let me begin by specifically taking this opportunity to extend, on behalf of the Ministers of Environment and the Bureau of AMCEN, our sincere thanks and deep appreciation to Ms. Elizabeth Dowdeswell, UN Under-Secretary-General and Executive Director of the United Nations Environment Programme for providing both technical and financial support which has made possible, the convening of this meeting here in Nairobi as well as for UNEP'S continued support to AMCEN.

I would also like to thank Ms. Maria da Graça de Amorim, Regional Representative and Director of the Regional Office for Africa for her tireless efforts in promoting the implementation of the AMCEN Programme.

Further, I would like to express, on behalf of the Ministers of Environment and the Bureau of AMCEN, our sincere thanks and gratitude to the regional and sub-regional organizations, UN bodies and other organizations represented here for their continued support to AMCEN. There can be no doubt that AMCEN's achievements are the direct result of the support it has continued to receive from your respective organizations.

The presence of Ministers from countries which have already ratified the Convention and therefore are Contracting Parties to it and also Ministers from countries which have not yet ratified the Convention but which are definitely considering ratifying it, clearly demonstrates the importance attached to the Convention by African countries.

Africa is the home of a sizeable portion of natural treasures, both flora and fauna, which form part of the global biological diversity-rich heritage but which is continuously and constantly facing the greatest threat of disappearance due mainly to human action.



As we are aware, the Convention provides a framework for promoting the development and sustainable use of all biological resources without ignoring the fact that the first and overriding priorities for our continent are socio-economic development and poverty eradication. Also it provides us the unique opportunity to control access to our rich biological resources and to negotiate terms for the sustainable development and utilization of such resources.

Given these advantages that could immensely benefit our continent, the Convention is, therefore, of utmost importance to us. This is why at the 5th Session of AMCEN held in Addis Ababa, Ethiopia, in November 1993, we expressed the need for a common Position Paper and therefore authorized the AMCEN Secretariat to undertake the necessary consultations and measures for the preparation of the paper and convening of this meeting to map out common policies, strategies for ratification as well as programme priorities for the Africa region in the implementation of the provisions of the Convention.

As at 13 September 1994, 89 countries had ratified the Convention out of which 17 or 19 per cent are African countries

namely: Mauritius, Seychelles, Guinea, Zambia, Tunisia, Burkina Faso, Uganda, Malawi, Ethiopia, Egypt, Chad, the Gambia, Benin, Kenya, Ghana, Nigeria and Djibouti. The ratification of the Convention by more African countries is very crucial by virtue of the fact that Africa has a sizeable portion of global biological diversity wealth and should therefore be able to participate fully in all decisions relating to the Convention and its implementation.

This meeting should therefore be able to provide two sets of consensus outcomes namely: one that will guide African countries which are already Convention Contracting Parties in ensuring that the concerns and interests of our continent are fully addressed during the First Conference of Contracting Parties; and the other, that will guide African countries which are not yet Contracting Parties in ensuring ratification and development of the necessary machinery for the sustainable development and utilization of the biological diversity resources of our continent.

Also the meeting should be able to provide our clear stand on the issue of technology transfer and funding mechanisms for the implementation of the provisions of the Convention. These two issues

are of importance to us because technology and financial means, which we need for the implementation of the Convention, are in abundance in the countries of the North.

However, I must stress here that countries of the South must stand together as a united front to set their own agenda on biological diversity into the next century, commit themselves to it and break outside of their historical expectation for financial and technological resources from the North. We must accept now to finance the future role of what we really want.

Effective implementation of the provisions of the Convention demands our best will and commitment and our utmost creative efforts. At the same time also it demands that we must not ignore any mechanism likely to derail our efforts. Joint collaboration, cooperation and coordination as well as joint programming will certainly be crucial in ensuring the sharing of the technical and financial burden without undermining our socio-economic development processes. The Convention is primarily intended to meet the combined needs of the industrialized and developing countries. We, in developing countries, therefore, stand the chance to strengthen our capacities in the

development and sustainable utilization of our biological diversity resources in shared ventures with countries of the North on equitable basis.

Apart from this we should commit ourselves to ensure individual and collective implementation of the recommendations contained in the Working Document of this meeting in order to realise the full benefits of the Convention. Accordingly, therefore, our respective Governments should pursue the objectives of our common position, on the Convention, that is:

- to strengthen and/or develop and sustain the institutional and legislative capacity and capabilities, including human resources required for the protection, conservation and sustainable utilization of biological diversity resources through research and development;
- to harmonize and coordinate programmes and activities on the protection, conservation and utilization, on sustainable basis, of the biological diversity resources of our region;

In order to achieve these objectives there is an urgent need for:

- designation of National Biological Diversity Authorities in our respective countries;
- strengthening and/or establishing biological diversity and biotechnology institutions at national and subregional levels;
- developing capacities and necessary mechanisms for the enforcement of biological diversity legislations including patenting laws;
- developing concrete modalities for patenting our leading national biological diversity products and knowledge in order to protect our indigenous scientists and communities from exploitation;
- undertaking biological diversity country studies which will serve as a basis for the formulation of national strategies, plans and programmes;
- international and regional cooperation and coordination to enable the repatriation of national biological diversity.

resources which have been taken out of our region prior to the coming into force of the Convention as well as to ensure that the development aspirations of our respective countries are paramount in any bilateral arrangements reached on the Convention.

Another issue of importance to us is the forthcoming meeting of the Conference of Parties which will be historic and requires our constructive and collective action to fully safeguard Africa's interests.

We should therefore focus our deliberations in this meeting on the Agenda of the planned Conference of the Parties to the Convention scheduled to take place in Nassau, Bahamas, from 28 November to 9 December 1994. This focus is necessary because it is at the Bahamas meeting that a number of decisions would be taken on such important issues as policy, strategy, programme priorities, operational institutional frameworks, scientific and technical collaboration, cooperation and coordination frameworks as well as the financial mechanisms and implementation frameworks for the Convention.

The issue of the location of the Secretariat of the Convention should be of keen interest to us by virtue of the fact that the countries of the South harbour the largest surviving biological diversity resources and the ownership of such resources is vested in the peoples of the South.

It is, therefore, logical that the Secretariat which is expected to oversee the implementation of the objectives and provisions of the Convention should be located in the heartland of the subject about which the Convention is about or in a place that will at best take care of Africa's concerns and interests. It is, therefore, prudent that we collectively build a consensus support on the allocation of the Secretariat taking into account Africa's best interests.

Your Excellencies, Ladies and Gentlemen,

Our challenge here is to use our combined political, economic and technical experience to shape an effective African perspective and position on the Convention that would fully respond to our needs and which is also economically feasible, technically realizable and socially acceptable and is at peace with the environment.

Thank you all.

REVISED & ADOPTED 26 10 74

# AMCEN

*DRAFT\**

## AFRICAN COMMON PERSPECTIVES AND POSITION ON THE CONVENTION ON BIOLOGICAL DIVERSITY

Based on the:

Working Document Entitled  
"The Convention on Biological Diversity:  
Issues of Relevance to Africa"

Inspired, Inter alia, by the:

African Common Position on Environment and Development  
Adopted, Inter alia, by the AMCEN Ministers in 1991

\*Incorporating recommendations of the Ministerial Meeting



# AMCEN

## AFRICAN COMMON PERSPECTIVES AND POSITION ON THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

### SECTION 1

#### PREAMBLE

1. We, the Governments of African countries represented by our Ministers and senior officials responsible for the environment and sustainable development, in mutual consultation with representatives of institutions and non-governmental organizations, meeting here in Nairobi from 24 to 26 October 1994, to develop an African Common Position on the Convention on Biological Diversity, recognize that biological diversity is of common concern to humanity. For a sustainable common future, we must individually and collectively address this common concern. Our meeting in Nairobi responds to the spirit of the African Common Position adopted in Abidjan in November 1991 by us in cooperation with our colleagues, the Ministers of development as well as representatives of African institutions as part of the UNCED preparations.

2. We recall that by its decision at its 5<sup>th</sup> session in November 1993 AMCEN decided "to convene an African Ministerial level-meeting to be preceded by an expert group meeting for adopting an African common position and considering other related environmental concerns of Africa".

3. We further recognize that the Convention is of great significance for Africa as it addresses the conservation, management and sustainable use of the region's natural resources.

4. It is important to recall Africa's strong political support which was displayed in Rio de Janeiro in 1992 when the Convention was signed by a majority of the African Heads of State and Government. Forty-six out of fifty-three of our African States which signed the Convention, 18 (eighteen) have ratified it as of 3 October 1994 in time to fully participate in the First meeting of the COP to be held in the Bahamas from 28 November to 9 December 1994. [We are fully aware of the constraints which have limited the status of ratification and we intend to take the necessary measures to achieve our common objectives including enhancing the status of Africa's ratification and facilitating our active, concerted and effective participation in the deliberation of the first meeting of the Conference of the Parties.]

5. Our meeting here is part of our on-going efforts to safeguard Africa's interests and to enhance our participation in the implementation of the Convention on the basis of Common Perspectives and Position.

# AMCEN

## AFRICAN COMMON PERSPECTIVES AND POSITION ON THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

### SECTION 1

#### PREAMBLE

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5. Our meeting here is part of our on-going efforts to safeguard Africa's interests and to enhance our participation in the implementation of the Convention on the basis of Common Perspectives and Position.

6. We take note with satisfaction of the document entitled *The Convention on Biological Diversity: Issues of Relevance to Africa*. This document provides the basis for our common perspectives and position on the Convention.

7. We have benefitted from the New Policy Orientation and New Programme adopted by AMCEN<sup>1</sup> at its 5<sup>th</sup> session in Addis Ababa, the African strategies for the implementation of Agenda 21 adopted by the ECA Conference of Ministers of Economic Planning and Development, as well as the many initiatives taken by the African countries in response to the changing environmental conditions, such as the Lagos Plan of Action for the economic development of Africa; the Kampala Agenda for Action on sustainable development; the Bamako Convention on the ban of the import into Africa and control of transboundary movement of all forms of hazardous wastes within Africa; the African Common Position on environment and development; and the Protocol on the Environment of the Treaty establishing the African Economic Community.

8. We are also responding in the spirit of African integration and interdependence as reflected in the Charter of the Organization of African Unity as well as the Treaty establishing the African Economic Community, both of which stress the need for concerted actions in addressing Africa's environment and sustainable development concerns.

9. We reaffirm the sovereign rights of States over their natural resources and their use for the sustainable development of their peoples as well as the important contribution of African biological resources (ecosystems) to major global ecological equilibriums. These ecosystems embody some of the richest biological diversities of the world. Indeed, they consequently constitute a means of future development of, inter alia, medical science, biotechnology and gene conservation.

10. We are convinced that sustainable development must be supported by measures aimed at satisfying the essential needs and aspirations of growing populations without compromising the means that will be required by future generations to aspire for a decent living. Poverty and over-exploitation of the natural resources in Africa are inter-linked and should be conceived as some of the major forces against effective policy options for the sound protection, management and conservation of biodiversity. The development of specific and alternative measures for a long-term perspective policy for the eradication of poverty as well as the removal of other developmental constraints becomes a major strategic concern for Africa within the Convention on Biodiversity.

11. Furthermore, we are convinced that environmental degradation and the depletion of resources threaten Africa's biological systems as well as human health and the quality of human lives. [Unfair trade practices,] unsustainable patterns of production and consumption, particularly in the industrialized countries, are at the root of numerous environmental problems, especially in Africa, which constitute a substantial portion of the global eco-system from which the developed world has been benefiting for its own prosperity. For this reason we call for the integration of environmental dimensions in to development policies and the creation of supportive

international economic policies.

12. We fully recognize the importance of biological diversity to maintain sustainable natural resource base for socio-economic development. In our economies which are mostly dependent on what our local ecosystems produce, efforts to protect our biological resources must be encouraged and supported. This is even more pertinent where conservation activities have to compete for resources with seemingly more pressing problems of the livelihood of our peoples and of economic development.

13. We also recognize that biotechnology is becoming a key tool for diversifying and enhancing the productivity as well as the carrying capacity of eco-systems. It is, therefore, an important tool for maintaining a sustainable natural resource base. However, it should be recalled that, improperly handled biotechnology could also pose danger, both to the environment and to human health [and hence the need for a protocol on biosafety.]

[14. Attention should be given to the implementation of Article 8(h) which calls for the prevention of the introduction, control or eradication of alien species which threaten ecosystems, habitats and species.

15. We note with great concern that wars and conflicts have generated millions of refugees and displaced persons with disastrous impacts on the environment. This trend must be halted and reversed as it constitutes a major threat to our continent's biodiversity. Democratic <sup>processes</sup>, concerted regional and international cooperation, are integral components of the solution to the persistent national conflicts and strife in the region. ]

## SECTION II

### *masol* AFRICA'S BASIC APPROACHES TO THE IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

16. We affirm that Africa's basic approaches with regard to biological diversity include the protection and sustainable utilization of biological resources in:

- Protected areas such as nature reserves and wilderness areas <sup>Biosphere reserve</sup> national parks and monuments, habitat/species management areas, protected landscapes and seascapes, managed resource protected areas;
- African tropical rain forests covering about twenty percent (20%) of the total remaining global resources, and which house vast biological diversity of enormous economic, scientific, cultural, recreational, aesthetic, religious and spiritual values;
- Mountains and highlands which are areas of unique and rich biological diversity, sources of rivers and minerals, areas containing secret places of worship, and are by nature fragile and, therefore, require special attention, care and management strategies;

- Wetlands, rivers and lakes which provide water, transport, fish, grazing for livestock, areas to grow grains, root crops and vegetables and sources of building materials, medicines and cosmetics;
- Coastal and marine areas along the entire length of the region's coast line and around the fringing oceanic islands which are continuously disturbed by human activities, including over-fishing, pollution, destruction of mangrove swamps, coral reefs and beaches, loss of habitat through construction of harbours, industrial installations, development of tourist facilities and mariculture, growth of settlement and cities, and therefore require sustainable management strategies;
- [in farmers fields, local land races, locally important food crops and wild relatives <sup>as well as</sup> local breeds of domestic animals; ]
- Arid and semi-arid lands covering over fifty-five percent (55%) of Africa's land surface, a home for over 12% of Africa's human population, a source of over 60% of Africa's beef needs, ecosystems which are fragile and marginal and therefore require special land use practices that promote their sustainability and that of the local pastoralists.

17. We further affirm to protect Africa's biological diversity, among others, through in-situ and ex-situ conservation, for its uses and values towards the eradication of poverty and uplifting of the living standards of our peoples, and these include:

(a) **Ecological Uses**

Biological diversity makes it possible for soils, lakes, rivers, seas, and the atmosphere to act as a life-support system for all living things, including man. Ecological services of biodiversity include: improvement of air and water quality; maintaining circulation of water, mineral nutrients (e.g. phosphorus, nitrogen, potassium, sulphur, etc) and gases (e.g. oxygen, carbon dioxide, nitrogen, etc); manufacture of food for various organisms by green plants which synthesize their own food; waste disposal by some organisms which act as decomposers; nitrogen fixation by rhizobia and some other organisms, such as algae; soil formation; and support of parasite-host, hunter/hunted, symbiotic, and other relationships among organisms.

These ecological services are so vital that they need to be maintained now, in the short-term, and in perpetuity. They have no human-made substitutes.

(b) **Economic Uses**

Economic uses of biological diversity depend on the sound management and sustainable use of biological resources to satisfy human needs in multisectoral areas, including agriculture, fisheries, forestry, livestock and wildlife, industry, pharmacy and medicine. Many commercial industries are offshoots of agriculture, forestry, fisheries and wildlife activities. For example, post-harvest technologies have opened the way to canning and packaging industries, fibre-board and laminated-wood manufacture,

fishmeal production, etc.

**(c) Biotechnological Uses**

The most common biotechnological uses include genetics as applied to animal and plant breeding; beer brewing, bread and cheese making, which depend on the action of micro-organisms on harvested food stuffs. However, modern science and technology have widened the range of biotechnology to include many new areas: production of antibiotics and other medicines; tissue culture which enables genetic manipulations in protoplast fusion and production of wide crosses and rapid multiplication of organisms; production of monoclonal antibodies; genetic engineering used, for instance, in the production of herbicide and pest-resistance crop varieties, and for the treatment of some heritable diseases in people and livestock.

Manipulation of biological diversity is the basis of genetic improvement in plant and animal breeding, and has resulted in the production of high-yielding varieties; improved nutritional and other qualities; resistance to diseases; adaptation to different environments and stresses; adaptation to different farming systems; suitability for mechanization; fulfilling various needs of producers and consumers. This is an area where Africa is weak and needs to build its capacity and institutions pretty fast and systematically in order to ensure that it derives maximum benefit from its biological diversity.

**(d) Socio-cultural Uses**

The African people's respect and reverence for biodiversity is often regarded as superstition; but this is wrong. Because of this reverence, many plants and animals are used in such a way that they perform sociological, cultural and religious functions which confer on them a status that often prevents their wasteful exploitation or threat of extinction. These practices should be encouraged and strengthened. Across Africa, many trees, other plants and animals have been preserved through those practices. In Africa, most cultures hand down from generation to generation the designation of some animals and plants as sacred with taboos on eating, killing or cutting them; the planting of some economic plants for the young, which became their own; and the giving of gifts of animals from the old people to the young.

**(e) Educational and Scientific Values**

The study of physical, chemical and biological nature of plants and animals, including bio-chemical and chemical processes taking place in them, has led to useful and basic scientific knowledge. This knowledge has often formed the basis of some technological innovations in modern biotechnology and genetic engineering. The study of biodiversity has resulted in knowledge and information that has been utilized for improved management and production of plants, and micro-organisms.

(f) **Recreational and Aesthetic Values**

Wildlife and biosphere reserves, national parks and marine parks have attracted visitors from all over the world because of their recreational and aesthetic values. This has resulted in a thriving tourism industry. Mountains and river systems, lakes and oceans are providing recreational facilities for many people while landscaping, ~~golf courses~~ and botanic gardens blend the aesthetic with the scientific and economic. *open spaces* The existing values of biological diversity related to its ecological and other roles, together with the quest for economic values, are important enough reasons for conserving biological diversity on the basis of tangible uses humans can make of it.

(g) **Importance of in-situ and ex-situ Conservation**

In-situ conservation of biological diversity in Africa is centuries old and involves different methods such as protected areas, e.g., sacred forests, holy mountain ranges, rivers and trees, valleys of the spirits, etc. Modern in-situ methods include national parks, nature reserves, wildlife sanctuaries, biosphere reserves, etc. Community participation in-situ conservation, based on traditional methods of management and equity, are imperative if the special areas set aside to conservation of biological diversity are to survive in a sustainable way.

(h) Ex-situ conservation is practiced in botanic and zoological gardens; as seeds in refrigerated containers; and by using cell tissue and embryo culture. In cases where species of plants and animals concerned under ex-situ conditions originated from Africa, both the knowledge which has been used to conserve the species and the species themselves, belong to Africa. In the same way, pre-Convention holdings kept outside of Africa constitute a legitimate part of African heritage and, wherever possible, should be repatriated back within the context of Convention on Biological Diversity if they are to be of benefit to African people, if such return is not practicable, there should be suitable provision for compensation the Conference of the Parties should examine the possibilities of the elaboration of related protocols..

[18. We have fully noted the considerable financial and related cost implications of the approaches to the implementation of the convention. These implications must be fully considered in the provisions envisaged under Articles 20 (financial resources) and 21 (financial mechanisms).]

### SECTION III

#### AFRICA'S EFFORTS AND UNDERTAKINGS

19. We recognize that the opportunities offered by UNCED Conventions call for a new spirit of international cooperation to tackle jointly the immense challenge of protecting biological diversity is an issue of common concern, in a world of increasing global inter-dependence, Africa's future is closely linked to those of other continents. We are prepared to play our part in searching for a new world order on the basis of fair and equitable sharing of benefits.

20. We also commit ourselves to ensuring individual and collective implementation of the recommendations resulting from our deliberations at this meeting in order to realize the objectives of the Convention. Therefore, our Governments will pursue the objectives of our African Common Position, i.e., to develop and sustain the institutional and legislative capacity and capabilities, including manpower required for the conservation and sustainable use of biological diversity through research and development; and to harmonize and coordinate programmes and activities on the protection of the biological diversity of our region. In addition, we will pursue vigorous measures that address key issues such as:

#### A. MANAGEMENT-RELATED

##### (i) Policy Instruments

21. Our Governments will develop policies and policy instruments to enforce the development and promotion of the protection, conservation and sustainable use of biodiversity. We will also endeavour to strengthen our planning and management systems in collaboration with the appropriate national and international organizations.

##### (ii) Legislation

22. We note that almost all legislation dealing with biological diversity and its conservation were passed before the coming into force of the Convention. There is, therefore, a need to review, update and enact new laws, as appropriate, to accord with the requirements of the Convention. There is further need to put in place effective means to develop and enforce new legislation at national level. In order to avoid conflict of laws that transcend boundaries, such national laws should be harmonised at the sub-regional and regional levels. Relevant regional and international agreements should be developed in this case.

##### (iii) Temporary ban on access to biological resources

23. We have noted with concern the trend by which some countries are moving fast to collect ~~living~~ <sup>biological species</sup> ~~resources~~ from our region before our countries can effectively implement the Convention. In order to arrest this trend, we recommend that our countries take appropriate measures including:

- a) accelerating the development of the legislative basis upon which access to their genetic resources will be made available in order to ensure the fair and equitable sharing of benefits;
- b) authorizing our Secretariat to set up, immediately, a panel of African technical and legal experts to carefully examine the complex issue of the temporary ban on access to biological resources and submit to us, at our Sixth Session in 1995, their recommendations on the implications for our countries;



- c) pending the above, putting in place interim arrangements including temporary ban on the transfer of any biological resources from our countries where Prior Informed Consent is not in effect.

(iv) **Attempts to Legalize Pirate Patents**

24. [ Farmers' rights and the contributions which whole communities have made over the centuries, including <sup>accumulated</sup> knowledge in the public <sup>domain</sup> estate, should be fully protected;

25. All African countries should not allow or recognize any attempts to patent any genetic materials or genetically-modified organisms from Africa in order to pre-empt the legalization of bio-piracy or pirate patents <sup>pertaining to</sup> from covering African or Southern biodiversity in all regions of the world; ]

26. In view of the current rush to transfer biological resources from our countries and to patent products from them, before definitive protective national and international legislation are put in place, it is recommended that African countries should prepare appropriate temporary national (emergency) regulations even if this countries are not yet able to ratify the Convention on Biological Diversity.

(v) **Designation of National Biological Diversity Authorities**

27. Each of our African countries would, if necessary and as appropriate, designate a multisectoral biological diversity management authority to be the national focal point to handle all the scientific, technical and technological matters of the Convention. The authority should advise the Government on its plans, programmes and strategies in implementing the Convention, and have key representatives of the grassroots, women, youth and NGOs, and the scientific community to ensure the widest participation.

(vi) **Capacity Building**

28. Our Governments will, as appropriate, develop policies for institutionalizing the development and promotion of the capacity, including the required infrastructure for research in biotechnology and also the inclusion of components on the conservation of biodiversity in the Programmes of universities and research institutions. [In addition, local capacity building should be promoted to enhance community participation.]

**B. HUMAN RESOURCE AND INSTITUTIONAL CAPACITY DEVELOPMENT**

(i) **Strengthening/establishing of African Biological Diversity Institutions**

29. Our countries fully recognize the urgent need to reorient, strengthen or establish biological diversity institutes both at national and subregional levels. Other institutions already addressing biological diversity will be strengthened. Efforts will be directed at the needed coordination at subregional level to avoid duplication.

30. Our Governments will continue to promote and support research and development in order to enhance the human resource as well as institutional capacity in this field.

**(ii) Establishment of African Subregional Research Institutes of Technology**

31. We recognize the urgency for Africa to have advanced subregional autonomous research institutions relevant to the Convention to deal with such areas as molecular biology, environmental law, ecology, resource economics, systematic biology and research activities connected with the conservation of African biological diversity with a specific mandate to strengthen and develop African capabilities that will address issues of biological diversity. It is desirable that the institutions are adequately funded and staffed with high-calibre African scientists.

32. In addition, efforts will be made to strengthen the AMCEN Network on Biological Diversity. Other subregional and regional institutions under the aegis of the ECA and OAU active in this area should be reinforced to facilitate coordination.

**(iii) Human-resource Development for Biological Diversity**

33. We are aware that some African countries have excess trained human resources in certain areas of biological diversity, while there is a lack in others. It is recommended that (a) collaborative arrangements be set up to mobilize use of these resources by those African countries which lack them while they build up their respective human capacity through training; and (b) representatives of grassroots communities participate actively at all levels in the decision-making and advisory processes as well as awareness programmes associated with the implementation of the Convention.

## **C. DATA AND INFORMATION**

**(i) Biological Diversity Country Studies**

34. We support and encourage biological diversity country studies which constitute an essential step to facilitate the formulation and putting in place of national strategies, plans and programmes called for in Article 6 of the Convention. These studies will enable countries to acquire a solid knowledge base of our biological resources. Measures will be taken by our countries, individually and collectively, to identify biological and genetic resources in foreign holdings with a view to repatriating them.

35. Our countries fully appreciate the roles being played by UNEP and other relevant organizations in supporting the preparation of biodiversity country studies and urge ~~them~~ to expand the programme.

**(ii) Information Systems**

36. Our countries will strive to improve on our information systems on all forms of biodiversity protection, conservation and [sustainable use.] We shall intensify awareness-raising campaigns.

#### D. ENABLING MEASURES

37. In order to fulfil our undertakings, our Governments will establish and/or strengthen machineries to promote technical cooperation in research and transfer of technology.

38. We further commit ourselves to strengthening African intergovernmental mechanisms such as AMCEN, international programmes, institutions and laws essential to our effective participation in the implementation of the Convention.

39. We affirm our commitment to the legitimate rights of African countries to sustainably exploit and use their natural resources for development purposes. Such development process should be compatible with the commitment to protect the environment. The mode of utilization of a resource by a country should comply with that of another country; neighbour utilizing or exploiting a similar resource. Hence the need for a common understanding among affected governments. To this end, we reaffirm our commitment to continue to participate in the management and conservation of global environmental commons, such as biodiversity, for this and future generations.

40. However, we recognize that in several African countries, there is a lack of sustainable utilization of national biodiversity due to several reasons, such as deficiencies in knowledge. Furthermore, the prevailing economic systems and policies fail to value the cost to environment in the conversion and utilization of natural resources. Other aspects of the environment, e.g., non-marketable components, such as aesthetic and spiritual values, are not valued in the final cost of the commodity. In addition, opportunity costs or foregone benefits, arising from conservation of biological diversity should be compensated for. This is aggravated by the presence of institutional and legal systems which promote unsustainable use of biological diversity. These institutions are sectoral, whereas biological diversity calls for interdisciplinary and multisectoral approaches for its effective management.

41. Despite this, our countries have taken concrete steps over the years to conserve our biological diversity in its various forms which include establishment of protected areas; biological conservation as a component of land use; measures to ensure sustainable harvest management; and development of institutional and technical capabilities in conservation.

42. We submit that the major issues and concerns reflected in this document be taken into account, as appropriate, by the Conference of the Parties, at its first and subsequent meetings. We are convinced that our document on African Common Perspectives and Position on the Convention on Biological Diversity will represent a positive contribution towards collective efforts for the protection and sustainable use of biological resources.

43. We also strongly recommend that in the implementation of the UNCED agreements on the Convention, environmental considerations should not be used as a conditionality for financing the economic development of our countries.

## SECTION IV

### INTERNATIONAL COOPERATION AND COMMITMENTS

44. [ We have highlighted some of our efforts and undertakings. However, for a ~~sustainable Common Future~~ <sup>to guarantee</sup>, our efforts must be ~~matched~~ <sup>supported</sup> by international cooperation and commitments. ]

45. We recognize the need to give new consideration to some key strategic requirements and issues related to the effective implementation of several provisions of the Convention which impose extra national and international obligations on the technical, legal, administrative and financial institutions of African countries.

#### (a) Protocols

46. We propose the adoption and development of various protocols for effective implementation of specific articles of the Convention, notably:

- Recognition of farmers and community rights (Article 10);
- Regulation of access to genetic resources (Article 15);
- Enhancement of technology transfer and/or its generation and use (Article 16);
- Development, transfer and use of biotechnology and its products (Article 19);
- Financial mechanisms (Article 21);
- Biosafety (Article 19.3) ;
- World-wide information system on biodiversity flow.

#### (b) Collector's and Receiver's Contracts and Prior Informed Consent

47. On the side of the Country Party providing biodiversity, there should developed contracts which each collector or receiver of biodiversity will sign with the Country Party to ensure compliance with the Convention. Article 15.5 stipulates that for access to biodiversity to be legal, a prior informed consent by the country of origin is essential. This is a good basis for protection against theft when combined with a world-wide information system on biodiversity flow.

48. In the contracts, each country should agree to stand as guarantor for each