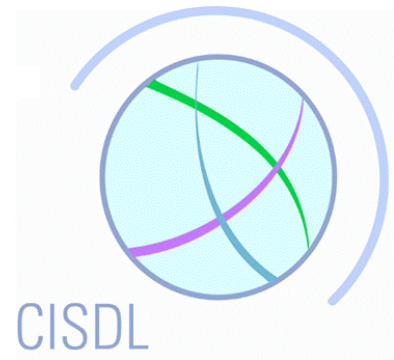


CISDL Doc. #: W1A-S3N.E	Session: Workshop 1A
Date & Time: 2002-06-14	Speaker: McGraw
Rapporteur: Jen	Language: English



Montreal, 14 June 2002

Political Aspects of the CBD

- The CBD is an anomaly in international relations because developing countries got many concessions that they could not get elsewhere. Their bargaining power can be partially attributed to their possession of four fifths of the world's biodiversity. Developing countries asserted their rights and pushed for the inclusion of ABS stipulations, while other countries wanted the CBD to be solely concerned with conservation.
- During the negotiations the U.S. and the IUCN wanted to create an umbrella conservation agreement subsuming all other agreements. This idea was rejected and replaced by that of a framework agreement
- The CBD is a framework agreement because:
 - 1) It relies on national implementation,
 - 2) Its operations must be in accordance with other international agreements,
 - 3) There is the opportunity for elaboration via annexes, protocols etc. afterwards.
- Treaties are about power. Countries refer to select treaties to advance their interests e.g., while a developing country may refer to the CBD the U.S. may call upon the WTO. However, the reality is that treaties concerning security and finance will always dominate.
- **Comprehensiveness:** the CBD is very comprehensive and inclusive but legally awkward. It juxtaposes too many different interests while only weakly integrating them.
- **Complexity:** the complex nature of the CBD presents a communication challenge. The multiple goals of the CBD are obtuse and come with only blunt indicators for measuring success. Thus, the average citizen may not fully comprehend the CBD's objectives. This may hinder the political will to implement the CBD.
- **Compromise:** the CBD is fundamentally a compromise between the interests of the North and the South.
- The CBD is a courageous political document but legally problematic.