

CRS Report for Congress

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Biological Diversity Treaty: Fact Sheet

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As human activity continues to change and modify natural areas, widespread extinctions of plants, animals, and other types of species result. Many scientists believe that such extinctions are currently occurring at the fastest rate in human history. Consequences for human welfare include loss of species needed for revitalization of food crops, future medicines, new crops, and loss of ecosystems that regulate rainfall cycles, control flooding, filter out water pollutants, and affect basic systems such as climate.

In 1992, negotiations conducted under the auspices of the United Nations Environment Programme (UNEP) were completed on a comprehensive global treaty to protect biological diversity (also frequently called biodiversity). The treaty was rushed to completion so that it could be brought to the 1992 Earth Summit in Rio de Janeiro for signature. The treaty was regarded by some environmentalists as too weak to be effective, as it contained few requirements for action, instead promoting and encouraging member nations to carry out research, collect data, conduct inventories of species, and formulate action plans and strategies for protection of biodiversity. However, others opposed it because it was somewhat vague on actions required, and there were some who worried that future resolution of these issues could require unwelcome actions. Specific concerns were raised about protection of intellectual property rights and how the financial assistance mechanism to aid developing countries would be developed.

The treaty was acted upon internationally and in the United States as follows:

- It was opened for signature in June 1992 at the United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, in Rio de Janeiro, Brazil. Most countries, including all of the developed/industrialized countries, signed the treaty in Rio, with the exception of the United States. President Bush cited concerns about protection of intellectual property rights and about the vague nature of the financial aspects of the treaty.
- In June 1993, President Clinton signed the treaty and sent it to the Senate in November for advice and consent, along with an interpretive statement that clarified how the United States would interpret the treaty in order to avoid problems with intellectual property rights and other concerns. (See

U.S. Congress, Senate, Treaty Doc. 103-20, Nov. 20, 1993. This document contains a copy of the treaty text.)

- No implementing legislation was submitted with the treaty or proposed, as current U.S. law is regarded as sufficient to meet the obligations under the treaty.
- On July 11, 1994, the Senate Committee on Foreign Relations reported favorably on the treaty, “subject to the seven understandings as set forth in this report and the accompanying resolution of ratification.” (See U.S. Congress, Senate, Exec. Report 103-30, the report of the Committee on the treaty.) Minority views opposing the treaty were expressed by Senators Helms, Pressler and Coverdell.
- In August 1994, a letter from 35 Senators to Majority Leader Mitchell, urged delay by the Senate due to continuing concerns about the treaty. The Administration prepared detailed answers to these concerns about how industry would be affected by the Treaty, and several of the constituent interests withdrew their objections. However, it was too late in the session for the treaty to be taken up on the floor of the Senate, and it was not approved before adjournment of the 103rd Congress. It is now pending in the Senate.
- The treaty entered into force on December 29, 1993. As of May 15, 1995, 118 nations had ratified the treaty.
- The first Conference of the Parties was held November 28-December 9, 1994, and additional decisions were taken about how the treaty will work. However, few major issues were addressed, and decisions related in large part to organizational issues and future work.
- The United States sent a delegation to the first Conference of the Parties (COP) which could act only as observers, since the United States had not ratified the treaty.
- In April 1995, press reports indicated that India had stated to American officials that if the United States does not ratify the treaty, that it would seek to prevent American access to biological resources in developing countries and to “prospecting” for species that might be useful in medicines or for other uses.