

## **Opposing Consideration of the Convention on Bio-Diversity**

**By Michael Coffman**

Mrs. HUTCHISON, Mr. President, on August 5, 35 Senators signed a letter to the majority leader regarding consideration by the Senate of the Convention on BioDiversity. The letter requested that the Senate delay consideration of the treaty until our concerns were addressed. These concerns remain, but it appears that the majority leader intends to bring up the treaty before adjournment.

Under the treaty, a conference of parties will meet after the treaty is in force to negotiate the details of the treaty. We need to know how the Senate, in fulfilling its constitutional responsibilities to concur in treaties, can review the provisions of a treaty that will not be written until the meeting of the conference of parties. As Senators HELMS, PRESSLER and COVERDELL stated in the committee report on this BioDiversity Treaty.

The financing mechanism, the degree to which intellectual property is protected, the definitions of developed and developing states, the voting weights and procedures for member states: all of these and other important matters are left undecided.

Moreover, the convention and resolution of ratification do not require that protocols or amendments developed by the conference of the parties that are signed by the President be submitted to the Senate for ratification. Protocols are being drafted for the November conference that we have not had a chance to review and will not have the opportunity to approve. We are sworn to uphold the Constitution. We cannot delegate that duty with a blank check to an international body, or to the President.

We need to know why the treaty prohibits countries from making reservations from agreeing to any of its provisions. Because the treaty is not subject to reservation, any congressional or executive statements

saying we do not agree to be bound by a provision of the treaty will be ineffective after the treaty is in force. We will instead be bound by the conference's interpretation of the treaty.

I am especially concerned about the effect of the treaty on private property rights in my State and throughout America. Private property is constitutionally protected, yet one of the draft protocols to this treaty proposes "an increase in the area and connectivity of habitat." It envisions buffer zones and corridors connecting habitat areas where human use will be severely limited. Are we going to agree to a treaty that will require the U.S. Government to condemn property for wildlife highways? Are we planning to pay for this property? One group, the Maine Conservation Rights Institute, has prepared maps of what this would mean. I do not know if they are accurate yet, but that is my point. Neither do the proponents of this treaty.

Article 10 of the treaty states that we must "protect and encourage customary use of biological resources that are compatible with conservation or sustainable use requirements" — as set by the treaty. Whether our ranchers could continue to use public and private land for grazing could depend not just on the Secretary of the Interior's latest grazing rulemaking, but on whether grazing is considered a compatible use for conservation under the treaty. This bio-diversity treaty could preempt the decisions of local, State, and Federal lawmakers for use of our natural resources. The details that are left for negotiation could subject every wetlands permit, building permit, waste disposal permit, and incidental taking permit to international review.

We would be subjecting property owners to international review, which would be yet another step in the already egregious bureaucratic

processes, just to have the very basic permits necessary for the use of their own private property.

I believe that arguments that the treaty should have been approved by August 30, 1994, in order to have a vote at the conference of parties in November 1994 are without merit. The administration is fully aware of the Senate's authority to approve treaties and the time necessary for approval. The administration would have left more time for consideration by the full Senate.

Here we are, in the last 10 days of the scheduled session, and we are being asked to consider a very important international treaty that is not very well known, and the consequences of which are even less well known.

I am well aware of some Senators' concerns about approving the treaty before the November conferences of parties so that we can be a participant. But we will qualify as an observer to the negotiations. The United States would be the largest donor to the Global Environmental Facility — the proposed financing mechanism — and certainly can expect the parties to pay close attention to our suggestions if they want us to contribute money.

Mr. President, I think the responsible approach here would be to let the November conference of parties come together before we have passed this treaty. Let us review what other parties propose at the negotiations. I think it would be better to pass the treaty later, after we know the details.

I do not feel comfortable, Mr. President, giving a blank check, passing a treaty which is a very important constitutional responsibility of this Senate, before we have fully negotiated the treaty and know what will be in it.

I think it is very, very important  
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# Conference Schedule —

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## Friday, December 8, 1995 (continued)

### Concurrent Session I — Golf Course Construction in Minnesota (& Asia)

John Malloy, CGCS, Bear Path

John Betchwars, Golf Course Superintendent, Creeks Bend

Paul Mayes, CGCS, Japan

- 10:20-10:50 a.m. Constructing A Jack Nicklaus Signature Golf Course — Malloy
- 10:55-11:25 a.m. Constructing a Daily Fee Golf Course — Betchwars
- 11:30-12:00 p.m. Construction on Both Sides of the Pacific — Mayes

### Concurrent Session II — Laws In Our Workplace

Ellen Longfellow, League of Minnesota Cities Insurance Trust

Dave Volker, Berkley Administrators

- 10:20-10:50 p.m. Establishing Contracts — Longfellow
- 10:55-11:25 a.m. Employee Data Practices — Longfellow
- 11:30-12:00 p.m. Current Right to Know/Hazard Communications — Volker

### Concurrent Session III — Public Relations In The Green Industry

Francie Dalton, Dalton Alliance Corp, Washington D.C.

Deb Brown, University of Minnesota

- 10:20-10:50 a.m. How To Handle Complaints — Dalton
- 10:55-11:25 a.m. The Public Perception of Our Industries — Brown
- 11:30-12:00 p.m. Public Speaking Tips For Technical People — Dalton

### Concurrent Session IV — Weather and Our Jobs

Amy Rolanda, Weather Watch, Inc

- 10:20-10:50 a.m. From the Weather Channel to Local Radio & TV: Why Forecasts Never Seem to Agree
- 10:55-11:25 p.m. Don't be SAD: How Weather Can Affect Moods
- 11:30-12:00 p.m. Lightning DOES Strike Twice: Safety and Prevention of Fatalities and Injuries

### Concurrent Session V — Athletic Fields

Dr. David Minner, Iowa State University

- 10:20-10:50 a.m. Pitcher's Mound Construction (handouts available)
- 10:55-11:25 a.m. The Argument for Athletic Field Aeration
- 11:30-12:00 p.m. Liability Concerns of the Community

### Concurrent Session VI — Hardscape Construction

Al Palmer, Asphalt Institute

Ken Johnson, Wheeler Construction, Shakopee

- 10:20-10:50 a.m. Asphalt Maintenance — Palmer
- 10:55-11:25 a.m. Why Would Retaining Walls Fail — Johnson
- 11:30-12:00 p.m. Specification for Asphalt Construction — Palmer

## Hutchison —

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that we wait and get more information. We can ratify the treaty later. The important thing, Mr. President, is that we do not pass something that will bind this Congress and our Nation when we do not have enough information about what is going to be in the treaty.

We cannot approve a treaty on someone else's timetable. Unless we are given adequate time to fully debate the treaty and make reservations and understandings as are absolutely necessary, we should not act. We should have full and open debate on these issues. We should not rush this treaty at the last moment before the end of Congress.

Several of my colleagues and I have statements for the RECORD in opposition to consideration of the treaty at this time, and about the concerns that we would like to have addressed before or during the November meeting. The five of us, and many others of our colleagues, will oppose a motion of proceed to consideration of the treaty.

(Two more pages of record were entered by Senators Burns (MT), Craig (ID), Helms (NC), Nickles (OK) and Wallop (WY). These statements are excellent, but exceed the intent of this reproduction. Please contact individual Senators for copies.)

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