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CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY

First meeting

Nassau, 28 November - 9 December 1994

**REPORT OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES
TO THE CONVENTION ON BIOLOGICAL DIVERSITY**

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AGENDA ITEM 1: OPENING OF THE MEETING

1. The Government of the Bahamas hosted the first meeting of the Conference of the Parties to the Convention on Biological Diversity held at the Radisson Cable Beach in Nassau, Bahamas, from 28 November to 9 December 1994. At the suggestion of the Executive Director of the United Nations Environment Programme (UNEP), Ms. E. Dowdeswell, the meeting was preceded by informal consultations held on 27 November 1994.
2. Convened in accordance with Article 23, paragraph 1, of the Convention on Biological Diversity by the Executive Director of UNEP, the meeting opened at 10 a.m. on 28 November 1994. In her opening remarks, Ms. Dowdeswell noted the diversity of species and ecosystems for which small island developing States are renowned. Thus, the Bahamas, with its unique biological heritage and because of the exemplary efforts made by the Government and people of the Bahamas to conserve it, was an appropriate venue for the first meeting of the Conference of the Parties to the Convention on Biological Diversity.
3. The Convention, one of the most comprehensive legal instruments and the most ambitious ever adopted by the community of nations, epitomized a new vision of humankind's relationship with nature. She was sure that this historic first meeting of the Conference of the Parties would make a crucial contribution to the emergence of the new world of sustainable development.
4. A message to the meeting from Mr. Amara Essy, President of the forty-ninth session of the General Assembly of the United Nations, was then read out by the representative of Guinea-Bissau in his capacity as Vice-President of the forty-ninth session of the United Nations General Assembly. Mr. Essy said that if there was one single area in which international solidarity was vital, it was that of sustainable development, of which the conservation and rational use of biological diversity constituted an essential element. Efforts to combat global warming, the squandering of biological capital or desertification were the task not of a few, but of all, since environmental degradation did not recognize national frontiers or ideological cleavages. Short-term strategies and short-sighted interests must give way to a vision of the world which would translate sustainability into the reality of the collective global experience.
5. In that connection, the Convention on Biological Diversity was a striking achievement by virtue not only of its aims but also of the means identified to implement those aims, namely, the promotion of financial, scientific, technical and technological cooperation. The challenge before the meeting was to translate commitments into the reality of acts.
6. A message to the meeting from Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations, was then read out by the Executive Director of UNEP. The Secretary-General said that the first meeting of the Conference of the Parties to the Convention on Biological Diversity had been convened in record time, thus attesting to the will of the signatory States to translate their commitments into acts.
7. It was the task of the meeting to examine the structures needed to realize the Convention's objectives: the conservation and equitable and sustainable utilization of biological diversity and genetic resources. It had the responsibility of taking the Convention from consensus to active cooperation, from commitment to tangible and definitive action.
8. In that connection, the item on its agenda concerning the Conference's contribution to the forthcoming session of the Commission on Sustainable Development was particularly important, offering as it did an opportunity to strengthen coordination of activities between those two institutional mechanisms

established by the Earth Summit at Rio de Janeiro, thereby making an essential contribution to the global development effort.

9. Mr. Hubert A. Ingraham, Prime Minister of the Bahamas, in his opening statement said that he and the people of the Commonwealth of the Bahamas recognized the honour they had been paid by their country's selection as the venue for the first meeting of the Conference of the Parties to the Convention on Biological Diversity.

10. He believed that the forthcoming fiftieth anniversary of the United Nations would provide an opportunity to reflect on the Organization's role and achievements. The Earth Summit, held just two years ago, had seen the commitment on a global scale to the conservation of the world's natural resources. Such global recognition and acceptance had inspired and led to the adoption of a legally binding Convention on Biological Diversity.

11. That was in effect a "New Contract for a New Era" and marked a fundamental departure from past practices and past negligence. The parties to the contract, however, included the poorest countries which, while rich in species vital to the environmental sustainability of our planet, were among the most environmentally vulnerable. A new perspective on official development assistance was therefore required. It was also reasonable for those countries to expect to benefit from the use of their biological resources. Sustainable development, he believed, should benefit all and be equitably shared by all.

12. He stressed the Bahamas' long-standing commitment to the conservation of its environment, tied as its economy was to tourism, its main industry. Home to one of the longest barrier reefs in the world, his country, through legislation and the establishment of national parks and the Bahamas National Trust, had worked to protect what was a valuable carbon sink and a potential source of bio-medical chemicals. However, the economic issues of tourism in a competitive world meant that the country's agricultural and fishery sectors would be called upon to contribute more in order to create new areas of employment for its youth.

13. The task of protecting the environment was not one that a vulnerable country could tackle on its own. His country did not lack the determination. His Government had recently agreed to the establishment of the Bahamas Commission on the Environment, Science and Technology, charged with the main task of coordinating the National Conservation and Sustainable Development Strategy. His country's record spoke for itself, but he stressed that concessional and grant aid would be critical to success in that exercise. He expressed his appreciation to all whose unstinting efforts had culminated in the organization of the Conference.

14. At the close of the opening session, the meeting witnessed the inauguration of the Biodiversity Technology Fair organized under the aegis of UNEP and the Government of the Commonwealth of the Bahamas with the support of the Government of Canada.

AGENDA ITEM 2: ORGANIZATIONAL MATTERS

15. All States were invited to participate in the meeting. The following Parties and States that had deposited their instruments of ratification to the Convention were represented:

Albania	Estonia	Nauru
Antigua and Barbuda	Ethiopia	Nepal
Argentina	European Community	Netherlands
Armenia	Finland	New Zealand
Australia	France	Nigeria
Austria	Gambia	Norway
Bahamas	Germany	Pakistan
Bangladesh	Ghana	Papua New Guinea
Belarus	Greece	Peru
Belize	Grenada	Philippines
Benin	Guinea	Portugal
Brazil	Guyana	Republic of Korea
Burkina Faso	Hungary	Romania
Cameroon	Iceland	Saint Lucia
Canada	India	Samoa
Chad	Indonesia	Senegal
Chile	Italy	Seychelles
China	Japan	Slovakia
Colombia	Jordan	Spain
Comoros	Kazakhstan	Sri Lanka
Cook Islands	Kenya	Swaziland
Costa Rica	Kiribati	Sweden
Côte d'Ivoire	Luxembourg	Switzerland
Cuba	Malawi	Tunisia
Czech Republic	Malaysia	Uganda
Democratic People's Republic of Korea	Maldives	United Kingdom
Denmark	Marshall Islands	Uruguay
Djibouti	Mauritius	Venezuela
Dominica	Mexico	Zaire
Ecuador	Micronesia (Federated States of)	Zambia
Egypt	Mongolia	Zimbabwe
El Salvador	Myanmar	

16. The following States were represented by observers:

Algeria	Madagascar	Solomon Islands
Belgium	Mali	South Africa
Bhutan	Malta	Suriname
Botswana	Mauritania	Thailand
Bulgaria	Morocco	Togo
Burundi	Mozambique	Turkey
Central African Republic	Namibia	United Republic of Tanzania
Guinea-Bissau	Poland	United States of America
Israel	Rwanda	Yemen
Jamaica	Sao Tome and Principe	
Lesotho	Saudi Arabia	
Liberia	Sierra Leone	
	Singapore	

17. Observers from the following United Nations bodies and specialized agencies also attended:

(a) United Nations bodies:

United Nations Development Programme (UNDP)
United Nations Sudano-Sahelian Office (UNSO)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)
Intergovernmental Negotiating Committee for a Convention to Combat Desertification (INCD)
Convention on the Conservation of Migratory Species of Wild Animals (CMS)
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

(b) Specialized agencies:

Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
UNESCO - Intergovernmental Oceanographic Commission
United Nations Industrial Development Organization (UNIDO)
World Bank (WB)
World Meteorological Organization (WMO)

18. The following other organizations were represented:

(a) Intergovernmental organizations:

CAB International
Caribbean Community Secretariat (CARICOM)
International Development Research Center (IDRC)
Centro Internacional de Agricultura Tropical (CIAT)
Commonwealth Secretariat (CS)
Conservation of Arctic Flora and Fauna (CAFF)
Council of Europe (CE)
Global Environment Facility (GEF)
German Agency for Technical Cooperation (GTZ)
Inter-American Development Bank (IDB)
International Center for Living Aquatic Resources Management (ICLARM)
International Chamber of Commerce to the United Nations (ICCUM)
International Development Research Centre (IDRC)
International Plant Genetic Resources Institute (IPGRI)
International Potato Center (CIP)
International Technology Transfer Consultants (ITTC)
Organization of American States (OAS)
Organization of Eastern Caribbean States (OECS)
Ramsar Convention on Wetlands of International Importance,
especially as Waterfowl Habitat (RC)
Smithsonian Tropical Research Institute
South Pacific Regional Environment Programme (SPREP)

(b) Non-governmental organizations:

Acción Ecológica
Africa Resources Trust (ART)
Amazonian Parliament
American Association for the Advancement of Science (AAS)
American Cyanamid Company
Apikan Indigenous Network
Asociación Nacional para la Conservación de la Naturaleza (ANCON)
Association Congo Action Environment (ACAE)
Biodiversity Action Network (BIONET)
Biodiversity Support Program (BSP)
Bioresources International Inc.
Biotechnology Industry Organization (BIO)
Birdlife International (BI)
Canada Centre for Remoting Sense (CCRS)
Canadian Biodiversity Informatics Consortium (CBIC)
Canadian Museum of Nature
Caribbean Conservation Association (CCA)
Carleton College
Centre for International Environmental Law (CIEL)
Centre for World Environment and Sustainable Development
Co-operativa Tecnico-Scientifica di Base (COBASE)
Comité Nacional pro Defensa de Fauna y Flora (CODEFF)
Community Nutrition Institute
Conservation Data Centre-Jamaica
Conservation International (CI)
Coordinadora de Organizaciones Indigenas de la Cuenca Amazona (COICA)
Costa Rican Office for Sustainable Development
Cultural Survival (Canada)
Defenders of Wildlife
Earthcare and the Grand Bahama Human Rights
Earth Council/Consejo de la Tierra
EarthKind International
Earth Negotiations Bulletin
European Association for Animal Production
Environment Liaison Centre International (ELCI)
Environmental Defense Fund (EDF)
First National Technical Institute (Canada)
Foundation for International Environmental Law and Development (Field)
Friends of the Earth International
Fundación Peruana para la Conservación de la Naturaleza
Fundación pro-Sierra Nevada de Santa Marta
Genetic Resources Action International (GRAIN)
German NGO Working Group on Biodiversity
Global Access Institute
Global Resource Bank
Greenpeace International
Indian Institute of Public Administration

Indigenous People's Biodiversity Network (IPBN)
Indigenous People's Preparatory Committee for Sustainable Development
Industrial Technology Research Institute (INSTRI)
Institute for Agriculture and Trade Policy (IATP)
Institute for Cultural Ecology
International Academy of the Environment
International Council of Scientific Unions (ICSU)
International Development Research Centre (IDRC)
International Indian Treaty Council (IITC)
International Petroleum Industry Environmental Conservation Association (IPIECA)
International Union of Biological Sciences (IUBS)
INUIT Circumpolar Conference
International Union of Microbiological Societies (IUMS)
Island Resources Foundation
Japan Center for Sustainable Environment and Society
Maori Congress
Mitsubishi-Kasei Institute of Life Sciences
Monitor International
National Audubon Society
National Environmental Societies Trust (NEST)
Natural Resources Defense Council
Neo Synthesis Research Centre
Netherlands Committee for IUCN
Nigerian National Conservation Fund
NOVO NORDISK
Ontario Hydrotechnologies
Pacific Science Association
Pronatura
Rafi
Rare Breeds International
Rium
Royal Botanic Gardens, Kew
Royal Society for the Protection of Birds (RSPB)
Rural Advancement Foundation International (RAFI)
Safari Club International
Scientific Advisory Council for Global Change
Service d'appui aux Initiatives Locales de Développement
Sierra Club
Sociedad de Amigos en Defensa de la Gran Sabana (AMIGRANSA)
Sociedad Peruana de Derecho Ambiental (SPDA)
Stockholm Environment Institute
Swan International
Tambuyog Development Centre
The Bahamas National Trust
The Bahamas National Trust Fund
The Humane Society International
The Humane Society of the United States
The Natural History Museum
The Nature Conservancy

The Norwegian Forum for Environment and Development
The Tinker Institute on International Law and Organizations (TILO)
Third World Network
UNED-UK
Union of Concerned Scientists
University of Malaysia
University of Minnesota
University of Nijmegen
University of Reading
Western Canada Wilderness Committee
World Conservation Monitoring Centre (WCMC)
World Conservation Union (IUCN)
World Endangered Species Protection Association (WESPA)
World Federation for Culture Collections (WFCC)
World Industry Council for Environment
World Resources Institute (WRI)
World Wide Fund for Nature (WWF)
WWF-Belgium
WWF-Ghana
WWF-Japan
WWF-Switzerland
WWF-United Kingdom
WWF-United States of America
Zimbabwe Trust

2.1 Election of officers

19. In accordance with rule 21 (Officers) of the rules of procedure for meetings of the Conference adopted by the Conference of the Parties at its 1st plenary session, the Conference elected the following officers at its 1st and 3rd sessions:

President:	Ms. I. Dumont (Bahamas)
Vice-Presidents:	Mr. A. Lazar (Canada) Mr. Wang Yuqing (China) Mr. F. Urban (Czech Republic) Mr. V. Koester (Denmark) Mr. J. Tambets (Estonia) Mr. V. Danabalan (Malaysia) Mr. S. Seebaluck (Mauritius) Mr. A. Freyre (Peru)
Rapporteur:	Ms. Camara Idiatou Touré (Guinea)

20. At its 3rd plenary session, the Conference, in accordance with rule 26, paragraph 3 of the adopted rules of procedure, by which the Conference of the Parties shall elect the chair of each subsidiary body, elected the following persons to serve as chair of the Subsidiary Body on Scientific, Technical and Technological Advice for the years 1995 and 1996, respectively:

Chairperson (1995): Mr. J.H. Seyani (Malawi)

Chairperson (1996): Mr. P.J. Schei (Norway)

2.2 Adoption of the agenda

21. On the proposal of two representatives, the meeting decided to add to its agenda a new item: "Location of the Secretariat".

22. After clarification was sought by one delegate, the meeting also agreed to consider the other issues discussed at the two sessions of the Intergovernmental Committee on the Convention on Biological Diversity under agenda item 4, as well as those relating to the medium-term programme of work.

23. The provisional agenda (UNEP/CBD/COP/1/1), as amended, was adopted. The agenda adopted is as follows:

1. Opening of the meeting.
2. Organizational matters:
 - 2.1 Election of officers;
 - 2.2 Adoption of the agenda;
 - 2.3 Organization of work.
3. Adoption of the rules of procedure for the Conference of the Parties.
4. Report of the Intergovernmental Committee on the Convention on Biological Diversity.
5. Report on the credentials of representatives to the first meeting of the Conference of the Parties.
6. Matters stipulated by the Convention for action by the Conference of the Parties at its first meeting:
 - 6.1 Policy, strategy, programme priorities and eligibility criteria regarding access to and utilization of financial resources;
 - 6.2 Institutional structure to operate the financial mechanism under the Convention;
 - 6.3 List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties;
 - 6.4 Clearing-house mechanism for technical and scientific cooperation;
 - 6.5 Selection of a competent international organization to carry out the functions of the Secretariat of the Convention;
 - 6.6 Financial rules governing the funding of the Secretariat of the Convention.

7. Subsidiary Body on Scientific, Technical and Technological Advice.
8. Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development.
9. Medium-term programme of work of the Conference of the Parties.
10. Budget for the Secretariat of the Convention.
11. Location of the Secretariat.
12. Venue and date of the second meeting of the Conference of the Parties.
13. Other matters.
14. Adoption of the report.
15. Closure of the meeting.

2.3 Organization of Work

24. The Conference of the Parties to the Convention on Biological Diversity decided to establish a Committee of the Whole for the consideration of agenda items requiring detailed negotiations. The President of the Conference, in consultation with the regional groups and the Bureau, designated Mr. V. Koester (Denmark) as chairperson of the Committee. The Conference also approved the organization of work for the meeting contained in document UNEP/CBD/COP/1/1/Add.2, with the amendment that item 9 "Medium-term programme of work of the Conference of the Parties" would be brought forward to Tuesday, 29 November, from Friday, 2 December 1994.

25. In accordance with the adopted timetable for the organization of work of the meeting, the Committee of the Whole considered the following agenda items:

6. Matters stipulated by the Convention for action by the Conference of the Parties at its first meeting:
 - 6.1 Policy, strategy, programme priorities and eligibility criteria regarding access to and utilization of financial resources;
 - 6.2 Institutional structure to operate the financial mechanism under the Convention;
 - 6.3 List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties;
 - 6.4 Clearing-house mechanism for technical and scientific cooperation;
 - 6.5 Selection of a competent international organization to carry out the functions of the Secretariat of the Convention;
 - 6.6 Financial rules governing the funding of the Secretariat of the Convention.

7. Subsidiary Body on Scientific, Technical and Technological Advice.
 8. Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development.
 9. Medium-term programme of work of the Conference of the Parties.
 10. Budget for the Secretariat of the Convention.
26. The Committee held 12 meetings from 28 November to 6 December 1994.
27. In accordance with the approved amended organization of work for the meeting, contained in document UNEP/CBD/COP/1/1/Add.2, a Ministerial Segment of the first meeting of the Conference of the Parties to the Convention on Biological Diversity was held between 5 and 9 December 1994. The Ministerial Segment convened five meetings. At its 5th meeting, the Ministerial Segment adopted the Bahamas Ministerial Declaration on the Convention on Biological Diversity. The report of the Ministerial Segment is contained in annex I.

AGENDA ITEM 3: ADOPTION OF THE RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES

28. At its 1st plenary session, the President informed the meeting that a new formulation, which she read out, had been agreed upon in informal consultations for rule 21 of the rules of procedure (document UNEP/CBD/COP/1/2). However, the square brackets around rule 4, paragraph 1, and rule 40, paragraph 1, had been retained.
29. The representative of Japan reminded the meeting that his Government maintained its reservation, expressed in the second session of the Intergovernmental Committee on the Convention on Biological Diversity, concerning rule 52 of the rules of procedure. He requested that rule 52 be bracketed. The President assured him that the reservation of his delegation would be fully reflected in the record of the meeting.
30. The draft rules of procedure for the Conference of the Parties, as orally revised by the President, were adopted, except for rule 4, paragraph 1 and rule 40, paragraph 1. The meeting also agreed that consultation on those two rules should be pursued and any subsequent agreement would be incorporated in the adopted rules of procedure.
31. At its 5th plenary session, on 9 December 1994, the Conference adopted rule 4, paragraph 1 of the rules of procedure. Accordingly, draft decision UNEP/CBD/COP/1/L.14 on the implementation of Article 23, paragraph 1, of the Convention, submitted by Algeria on behalf of the Group of 77 and China, was withdrawn by its co-sponsors. At the same session, the Conference of the Parties agreed that rule 40, paragraph 1 should remain bracketed. The text of decision I/1 is contained in annex II and the text of the adopted rules of procedure is contained in annex III.
32. After the adoption of the rules of procedure of the Conference of the Parties, the representative of Japan reiterated the reservation of his delegation regarding rule 52.

**AGENDA ITEM 4: REPORT OF THE INTERGOVERNMENTAL COMMITTEE
ON THE CONVENTION ON BIOLOGICAL DIVERSITY**

33. The Conference had before it the reports of the first and second sessions of the Intergovernmental Committee (UNEP/CBD/COP/1/3 and UNEP/CBD/COP/1/4, respectively). The Chairperson of the Intergovernmental Committee, Mr. V. Sánchez (Chile), introduced the reports to the Conference. He said that the present meeting of the Conference of the Parties marked the culmination of six years of intense international negotiations held under the auspices of UNEP. An Intergovernmental Committee on the Convention on Biological Diversity, established by the Governing Council of the United Nations Environment Programme (UNEP) to consider *inter alia* the preparation for the first meeting of the Conference of the Parties to the Convention, had held two sessions. The first session of the Committee had been held in Geneva from 11 to 15 October 1993. The second session of the Committee had taken place in Nairobi from 20 June to 1 July 1994. In addition, an Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity had been held in Mexico City from 11-15 April 1994. The report of the latter meeting is contained in document UNEP/CBD/COP/1/16.

34. In addition to the items stipulated by the Convention for action by the Conference of the Parties at its first meeting, the Committee recommended the inclusion of the following matters in the agenda: Subsidiary Body on Scientific, Technical and Technological Advice; contribution by the Conference of the Parties to the deliberations of the third session of the Commission on Sustainable Development (CSD); and the adoption of a medium-term work programme for the Conference of the Parties, with a view to setting priorities and ensuring the systematic development of issues. With regard to the Convention's contribution to the third session of CSD, a workshop on the subject had been held from 11 to 14 October 1994 in Madrid, at the invitation of the Government of Spain, and its conclusions were before the meeting in document UNEP/CBD/COP/1/Inf.6.

**AGENDA ITEM 5: REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO THE
FIRST MEETING OF THE CONFERENCE OF THE PARTIES**

35. Rule 19 of the rules of procedure of the Conference of the Parties provides that "the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision". At its 4th meeting, on 2 December 1994, the Bureau established from among its members a committee on credentials composed of the representatives of Canada, Estonia, Malaysia, Mauritius and Peru. The President invited the representative of Mauritius to chair the committee on credentials. At the 5th plenary session, on 9 December 1994, the President presented an oral report on the findings of the committee on credentials.

36. The Committee had examined the credentials of 93 Parties that had ratified, accepted, approved or acceded to the Convention and had found them to be in order. The credentials of three Parties that had ratified, accepted, approved or acceded to the Convention still had to be submitted and it had been recommended that the President contact those Parties in writing, requesting that credentials be submitted no later than 31 December 1994.* The President said that a letter to that effect had already been sent to the countries concerned. The meeting adopted the oral report on the credentials of the representatives to the first meeting of the Conference of the Parties to the Convention on Biological Diversity.

* Credentials were received before the specified deadline from the three Parties in question.

**AGENDA ITEM 6: MATTERS STIPULATED BY THE CONVENTION FOR ACTION BY
THE CONFERENCE OF THE PARTIES AT ITS FIRST MEETING**

**6.1 Policy, strategy, programme priorities and eligibility criteria regarding
access to and utilization of financial resources**

37. The Committee of the Whole considered this sub-item at its 1st meeting, on 28 November 1994. Article 21, paragraph 2, of the Convention states that the Conference of the Parties shall at its first meeting determine the policy, strategy, programme priorities and eligibility criteria for access to, and utilization of, the financial resources available through the financial mechanism under the Convention, including monitoring and evaluation on a regular basis of such utilization.

38. Introducing the sub-item, the Executive Secretary presented document UNEP/CBD/COP/1/5, prepared by the Interim Secretariat on the basis of discussions by and recommendations of the Intergovernmental Committee on the Convention on Biological Diversity. That document presented options on the following measures for consideration by the Committee of the Whole:

- (a) Measures to give effect to policy and strategy;
- (b) Eligibility criteria for access to and utilization of financial resources, including:
 - (i) Eligibility of countries;
 - (ii) Eligibility of activities;
 - (iii) Guidelines for utilization of financial resources;
- (c) Arrangements for monitoring and evaluation of the use of financial resources.

39. In the discussion of this sub-item, statements were made by the following representatives: Algeria, speaking on behalf of the Group of 77 and China; Australia; Austria; Brazil; Cameroon; China; Colombia; Costa Rica; Ethiopia; Finland; Germany, speaking on behalf of the European Union; India; Indonesia; Japan; Kenya; Malaysia; Mauritania; Norway; Pakistan; Papua New Guinea; Sweden; United Kingdom and Zimbabwe.

40. At its 4th meeting, held on 30 November 1994, the Committee of the Whole established an open-ended informal contact group, coordinated by the representative of Antigua and Barbuda, to continue the negotiations on the outstanding issues contained in annex III to document UNEP/CBD/COP/1/5 and other related issues.

41. At its 11th meeting on 5 December 1994, the coordinator of the informal contact group presented its report.

42. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted draft decision UNEP/CBD/COP/1/CW/L.10/Rev.1 pertaining to agenda sub-item 6.1. Accordingly, draft decision UNEP/CBD/COP/1/CW/L.1, submitted by the Group of 77 and China was withdrawn by its co-sponsors.

43. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision contained in document UNEP/CBD/COP/1/L.6 and Corr. 1, recommended by the Committee of the Whole, adopted its decision I/2 "Financial resources and mechanism." The text of the decision is contained in annex II.

6.2 Institutional structure to operate the financial mechanism under the Convention

44. The Committee of the Whole considered agenda sub-item 6.2 "Institutional structure to operate the financial mechanism under the Convention" at its 2nd, 3rd and 4th meetings. At its 2nd meeting, held on 29 November 1994, a presentation was made by Mr. Mohamed T. El-Ashry, Chief Executive Officer and Chairman of the Global Environment Facility (GEF). This was designed to facilitate the deliberations of the meeting on this item including on Article 39 of the Convention, which states that the GEF, provided that it has been fully restructured in accordance with the requirements of Article 21, shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of the Convention and the first meeting of the Conference of the Parties, or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21. Following his presentation, questions were asked and clarifications sought by the representatives of Austria; Brazil; Cameroon; Chile; Kenya; Malawi; Malaysia; Mauritania; Mauritius; Pakistan; Slovakia, also speaking on behalf of the following countries members of the Eastern European Group: Albania, Armenia, Belarus, Bulgaria, Czech Republic, Estonia, Hungary, Kazakhstan and Romania; Uganda; and United Kingdom.

45. At the same meeting, the Executive Secretary introduced document UNEP/CBD/COP/1/6 on the institutional structure to operate the financial mechanism under the Convention, pursuant to Article 21, paragraph 1, of the Convention, which stipulates that, at its first meeting, the Conference of the Parties shall decide upon the institutional structure to operate the financial mechanism of the Convention. Document UNEP/CBD/COP/1/6 reflected the outcome of discussions in the Intergovernmental Committee and contained a draft Memorandum of Understanding between the Conference of the Parties and the institutional structure operating the financial mechanism. Document UNEP/CBD/COP/1/6/Add.1 on the institutional structure to operate the financial mechanism under the Convention, which contained a "Joint summary of the Chairs: GEF Council Meeting, 1-3 November 1994", was also introduced.

46. At the 3rd meeting of the Committee of the Whole, statements were made under this sub-item by the representatives of Algeria, on behalf of the Group of 77 and China; Australia; Austria; Finland; Germany, on behalf of the European Union; Japan; Kenya; New Zealand; Norway; Slovakia, on behalf of the Eastern European Group; Sweden and the United States. An observer from a non-governmental organization (NGO) also made a statement on behalf of a large number of NGOs.

47. At the 4th meeting of the Committee, held on 30 November 1994, the Committee established an open-ended informal contact group, coordinated by the representative of Antigua and Barbuda, to prepare a draft decision on this sub-item. Statements were made on the sub-item by the representatives of Algeria, on behalf of the Group of 77 and China; Australia; Austria; Brazil; Canada; Chile; Colombia; Cuba; Germany, on behalf of the European Union; Guinea-Bissau; Hungary; India; Jordan; Kenya; Malawi; Malaysia; Mauritius; Nigeria; Norway; Pakistan; South Africa; Switzerland; Uganda; United States and Zimbabwe. The observer for the World Resources Institute also made a statement.

48. At the 11th meeting of the Committee of the Whole on 5 December 1994, the coordinator of the open-ended informal contact group presented its report. At its 12th meeting on 6 December 1994, the

Committee of the Whole adopted draft decision UNEP/CBD/COP/1/CW/L.10/Rev.1 pertaining to agenda sub-item 6.2.

49. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision contained in document UNEP/CBD/COP/1/L.6 and Corr.1 recommended by the Committee of the Whole, adopted its decision I/2 "Financial resources and mechanism". The text of the decision is contained in annex II. The meeting also took note of the position of the Group of 77 and China regarding the memorandum of understanding between the Conference of the Parties and the institutional structure operating the financial mechanism under the Convention, contained in document UNEP/CBD/COP/1/Inf.13.

6.3 List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties

50. Article 20, paragraph 2, of the Convention provides that the Conference of the Parties shall at its first meeting establish a list of developed country Parties and other parties which voluntarily assume the obligations of developed country Parties.

51. At its second session, held in Nairobi from 20 June to 1 July 1994, the Intergovernmental Committee on the Convention on Biological Diversity considered this issue on the basis of a note prepared by the Interim Secretariat reviewing the classification of countries used by some major international organizations and treaty bodies.

52. The Intergovernmental Committee developed the list contained in document UNEP/CBD/COP/1/7 and recommended its consideration by the first meeting of the Conference of the Parties. Given the fact that many countries are in the process of becoming Parties to the Convention, the list recommended by the Intergovernmental Committee is that of countries instead of Parties only.

53. At its 4th meeting, the Committee of the Whole entrusted the open-ended informal contact group coordinated by the representative of Antigua and Barbuda with the task of considering this sub-item.

54. At the 11th meeting of the Committee of the Whole on 5 December 1994, the representative of Antigua and Barbuda presented the report of the open-ended informal contact group on this issue.

55. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted draft decision UNEP/CBD/COP/1/L.10/Rev.1 pertaining to agenda sub-item 6.3.

56. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision contained in document UNEP/CBD/COP/1/L.6 and Corr.1 recommended by the Committee of the Whole, adopted its decision I/2 "Financial resources and mechanism". Annex II to decision I/2 was adopted with the understanding that the list of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties will be reviewed and adjusted at the second meeting of the Conference of the Parties. The text of the decision is contained in annex II.

6.4 Clearing-house mechanism for technical and scientific cooperation

57. The Committee of the Whole took up its consideration of this sub-item at its 7th meeting, on 1 December 1994. Article 18, paragraph 3, of the Convention states that the Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

58. Document UNEP/CBD/COP/1/8 was introduced by the Interim Secretariat. The document was based on the Intergovernmental Committee's report on its second session. At its second session, the ICCBD had drawn on the recommendations on guidelines for the establishment of a clearing-house mechanism under the Convention made by the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, held in Mexico from 11 to 15 April 1994. The document, building on the discussions of the Intergovernmental Committee, presents several proposals relating to the policy aspects of a clearing-house mechanism under the Convention and outlines an approach and a work programme for initiating the process of establishing a clearing-house mechanism.

59. In the discussion of this sub-item, statements were made by the following representatives: Algeria, on behalf of the Group of 77 and China; Australia; Benin; Brazil; Canada; Colombia; Chile; China; Egypt; Germany, on behalf of the European Union; India; Indonesia; Japan; Malaysia; Marshall Islands; New Zealand; Peru; Republic of Korea; Sweden; Switzerland; Uganda; United Kingdom; United States; and Zambia. A statement was made by the observer from UNIDO. Statements were made by CAB International and also by the Neosynthesis Institute on behalf of a number of NGOs.

60. At its 9th meeting, on 2 December 1994, the Committee of the Whole entrusted the detailed consideration of this item to the open-ended informal contact group coordinated by Vice-President of the Bureau Mr. A. Lazar (Canada). At its 11th meeting on 5 December 1994, the representative of Canada presented the report on the outcome of the discussions on this issue by the open-ended contact group.

61. At its 11th meeting on 5 December 1994, the Committee of the Whole orally amended and adopted draft decision UNEP/CBD/COP/1/CW/L.4 pertaining to agenda sub-item 6.4. Accordingly, draft decision UNEP/CBD/COP/1/CW/L.3, submitted by the Group of 77 and China, was withdrawn.

62. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision, contained in UNEP/CBD/COP/1/L.5 recommended by the Committee of the Whole, adopted its decision I/3 "Clearing-house mechanism for technical and scientific cooperation." The text of the decision may be found in annex II.

6.5 Selection of a competent international organization to carry out the functions of the Secretariat of the Convention

63. At its 7th meeting on 1 December 1994, the Committee of the Whole took up its consideration of this sub-item. Article 40 of the Convention on Biological Diversity established the Interim Secretariat for the period between the entry into force of the Convention and the first meeting of the Conference of the Parties. Article 24, paragraph 2, of the Convention provides that the Conference of the Parties shall, at its first meeting, designate the Secretariat from among those existing competent international organizations which have signified their willingness to carry out the Secretariat functions under the Convention.

64. Introducing the sub-item, the Executive Secretary presented document UNEP/CBD/COP/1/9. The Executive Secretary noted that the Intergovernmental Committee had, at its second session, after consideration of a note prepared by the Interim Secretariat, agreed to recommend to the Conference of the Parties a list of attributes of competent international organizations, as well as a list of considerations to ensure the autonomy of the Secretariat. At the invitation of the Intergovernmental Committee, the Interim Secretariat had received, in chronological order, proposals from the United Nations Environment Programme (UNEP), the World Conservation Union (IUCN), the United Nations Development Programme (UNDP), the Intergovernmental Oceanographic Commission (IOC), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Food and Agriculture Organization of the United

Nations (FAO). The Executive Secretary also noted that, in paragraph 13, the document prepared by the Interim Secretariat contained the recommendation of the Intergovernmental Committee on the transitional arrangements in relation to the establishment of the Secretariat of the Convention.

65. In the discussion of this sub-item, statements were made by the representatives of: Algeria on behalf of the Group of 77 and China; Australia; Austria; Brazil; Canada; China; Côte d'Ivoire; France; Germany, on behalf of the European Union and also on behalf of Austria and Finland; Guinea-Bissau; Italy; Japan; Kazakhstan, also on behalf of Bulgaria; Kenya; Malawi; New Zealand; Nigeria; Pakistan; Republic of Korea; Spain; Sweden; Switzerland; Uganda; United Kingdom; United States; and Zimbabwe, on behalf of the African Group. Statements were also made by observers for UNESCO, FAO and UNDP, and the Intergovernmental Oceanographic Commission (IOC) of UNESCO. A statement was also made by IUCN.

66. At its 9th meeting, on 2 December 1994, the Committee of the Whole entrusted the detailed consideration of this item to the open-ended informal contact group coordinated by the representative of Mauritania. At the 11th meeting of the Committee, the representative of Mauritania presented an interim report.

67. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted draft decisions UNEP/CBD/COP/1/CW/L.5/Rev.1 and UNEP/CBD/COP/1/CW/L.13 pertaining to agenda sub-item 6.5.

68. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decisions recommended by the Committee of the Whole, contained in documents UNEP/CBD/COP/1/L.7 and UNEP/CBD/COP/1/L.8, adopted decisions I/4 "Selection of a competent international organization to carry out the functions of the Secretariat of the Convention" and I/5 "Support to the Secretariat by international organizations." The text of the decisions is contained in annex II.

69. The representative of Sweden stated that the measures to implement the adopted decision I/4 should ensure the necessary autonomy of the Secretariat to the Convention on Biological Diversity.

6.6 Financial rules governing the funding of the Secretariat of the Convention

70. The Committee of the Whole took up its consideration of this item at its 9th meeting on 2 December 1994. Article 23, paragraph 3 of the Convention requires the Conference of the Parties by consensus to agree upon and adopt financial rules governing the funding of the Secretariat. Article 23, paragraph 3 also states that at each ordinary meeting the Conference of the Parties shall adopt a budget for the financial period until the next ordinary meeting.

71. Document UNEP/CBD/COP/1/10 was introduced by the Executive Secretary. At its second session, the Intergovernmental Committee had recommended for the consideration of the first meeting of the Conference of the Parties the draft financial rules contained in annex I to that document. The Intergovernmental Committee also recommended that the Interim Secretariat should, for illustrative purposes, draw up alternative scales of assessments for Parties, based on the different sets of assumptions found in paragraph 4 of the draft financial rules. Estimates of contributions, drawn up on the basis of alternative scales identified by the Intergovernmental Committee, are shown in annex II to document UNEP/CBD/COP/1/10.

72. In the discussion of this item, statements were made by the following representatives: Algeria on behalf of the Group of 77 and China; Australia; Brazil; Canada; Germany, on behalf of the European Union; Japan; Nauru; New Zealand; Sweden; United States; and Zimbabwe.

73. At its 9th meeting, held on Friday 2 December 1994, the Committee of the Whole agreed to continue the discussion of this item in the open-ended informal contact group coordinated by the representative of Mauritania. At its 11th meeting held on 5 December 1994, the representative of Mauritania presented an interim report of the group.

74. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted with brackets draft decision UNEP/CBD/COP/1/CW/L.12 pertaining to agenda sub-item 6.6. The Committee entrusted its Chairperson to continue consultations on the outstanding issues and to report to the final plenary session.

75. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision recommended by the Committee of the Whole, contained in documents UNEP/CBD/COP/1/L.9 and Add.1, adopted part I of its decision I/6 "Financing of and budget for the Convention" which contains in its annex I the Financial Rules for the administration of the Trust Fund for the Convention on Biological Diversity. The Financial Rules were adopted with paragraphs 4 and 16 in brackets. Part II of decision I/6 was also adopted. The statements made at the adoption of part II of this decision are contained in paragraphs 109 to 112. The text of the decision is contained in annex II.

AGENDA ITEM 7: SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

76. The Committee of the Whole considered this item at its 9th meeting, on 2 December 1994. Article 25 of the Convention establishes a Subsidiary Body on Scientific, Technical and Technological Advice, to provide the Conference of the Parties and, as appropriate, other subsidiary bodies with timely advice relating to the implementation of the Convention. The functions of the Subsidiary Body are also outlined in Article 25, which provides that those functions, terms of reference, organization and operation may be further elaborated by the Conference of the Parties.

77. Introducing the item, the Interim Secretariat presented document UNEP/CBD/COP/1/11, summarizing the main recommendations and suggestions formulated by the Intergovernmental Committee and presenting a set of possible decisions for consideration by the Conference of the Parties to ensure the prompt operation of the Subsidiary Body. At its second session, the Intergovernmental Committee had examined this issue on the basis of a note prepared by the Interim Secretariat. The Intergovernmental Committee had also drawn on the recommendations of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, held in Mexico City from 11-15 April 1994. Given the fundamental importance of this Subsidiary Body for the effective implementation of the work of the Conference of the Parties, the Intergovernmental Committee recommended that the Conference of the Parties consider putting this body into operation as soon as possible.

78. In the discussion of this item, only the terms of reference of the Subsidiary Body were considered. Statements were made by representatives of the following countries: Algeria, on behalf of the Group of 77 and China; Australia; Brazil; Burundi; Chile; China; Colombia; Germany, speaking on behalf of the European Union; India; Italy; Japan; Malaysia; New Zealand; Peru; Sweden; United Kingdom; United States; and Zaire.

79. At its 9th meeting held on 2 December 1994, the Committee of the Whole entrusted the continuation of the consideration of this item to the open-ended informal contact group coordinated by the representative of Canada.

80. In accordance with the organization of work for the Conference of the Parties adopted at its second plenary session, the Subsidiary Body on Scientific, Technical and Technological Advice held an organizational meeting on 5 December 1994. A resumed session of that meeting was held on 9 December 1994. The report of the organizational meeting is contained in annex IV.

81. At its 11th meeting on 5 December 1994, the coordinator of the informal contact group presented the group's report. At the same meeting, the Committee of the Whole orally amended and adopted draft decision UNEP/CBD/COP/1/CW/L.8 pertaining to agenda item 7.

82. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision adopted by the Committee of the Whole, contained in document UNEP/CBD/COP/1/L.4/Rev.1, adopted decision I/7 "Subsidiary Body on Scientific, Technical and Technological Advice." The text of the decision is contained in annex II.

**AGENDA ITEM 8: PREPARATION OF THE PARTICIPATION OF THE CONVENTION
ON BIOLOGICAL DIVERSITY IN THE THIRD SESSION OF THE COMMISSION
ON SUSTAINABLE DEVELOPMENT**

83. The Committee of the Whole took up its consideration of this item at its 10th meeting on 2 December 1994.

84. Introducing the item, the Interim Secretariat presented document UNEP/CBD/COP/1/12, noting in particular the annex to that document containing, as requested by the second session of the Intergovernmental Committee, a draft statement from the Conference of the Parties to the Commission on Sustainable Development at its third session. The Interim Secretariat also drew the attention of the Committee to document UNEP/CBD/COP/1/Inf.5, containing the submissions from Governments to the Interim Secretariat on this matter, and to document UNEP/CBD/COP/1/Inf.6 containing the report of the expert workshop, convened by the Government of Spain in Madrid from 11 to 14 October 1994, on the contribution of the Conference of the Parties to the Convention on Biological Diversity to the 1995 session of the Commission on Sustainable Development.

85. In the discussion of this item, statements were made by the following representatives: Algeria, on behalf of the Group of 77 and China; Australia; Brazil; Canada; China; Colombia; Costa Rica; Denmark; Finland; Germany, on behalf of the European Union; Ghana; Indonesia; Kenya; Malawi; Netherlands; New Zealand; Republic of Korea; Samoa; Spain; Sweden; United Kingdom; and Zimbabwe. The representative from the United Nations Department for Policy Coordination and Sustainable Development (DPCSD) read a statement on behalf of Mr. Nitin Desai, Under-Secretary-General of the DPCSD. The following NGOs also made statements: Accion Ecologica; Indian Institute of Public Administration; IUCN; World Wide Fund for Nature; and Third World Network.

86. The Committee of the Whole decided that this item should be further considered by the open-ended contact group coordinated by the representative of Canada. At its 12th meeting on 6 December 1994, the coordinator of the informal contact group presented the group's report.

87. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted decision UNEP/CBD/COP/1/CW/L.9, as orally amended, pertaining to agenda item 8.

88. At its 5th plenary session, the Conference of the Parties, on the basis of the draft decision adopted by the Committee of the Whole, contained in document UNEP/CBD/COP/1/L.10, adopted decision I/8

"Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development." The text of the decision is contained in annex II.

AGENDA ITEM 9: MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES

89. The Committee of the Whole took up its consideration of this item at its 5th and 6th meetings on 30 November and 1 December 1994. Introducing the item, the Executive Secretary presented document UNEP/CBD/COP/1/13 which had been prepared by the Interim Secretariat, based on the provisions of the Convention and the guidance on priorities provided by the Intergovernmental Committee.

90. In her introduction, the Executive Secretary reported that, at its second session, the Intergovernmental Committee had considered the need for the Conference of the Parties, at its first meeting, to develop and adopt a medium-term programme of work to guide the evolution of the matters under the Convention. The document prepared by the Interim Secretariat provided the objectives, characteristics, duration, elements and schedule for a possible outline of a medium-term programme of work. Taking into account the expected evolution of items in light of the deliberations of the first meeting of the Conference of the Parties, the document suggested an initial three-year period, 1995-1997, for the first medium-term programme of work.

91. In the discussion of this item, statements were made by the following representatives: Algeria on behalf of the Group of 77 and China; Australia; Austria; Benin; Brazil; Canada; Chile; China; Colombia; Costa Rica; Cuba; Denmark; Ethiopia; Finland; France; Germany, on behalf of the European Union; Iceland; India; Japan; Jordan; Kenya; Malawi; Malaysia; New Zealand; Norway; Pakistan; Peru; Philippines; Slovakia, on behalf of the Eastern European Group, comprising Albania, Armenia, Belarus, Bulgaria, Czech Republic, Estonia, Hungary, Kazakhstan and Romania; Sri Lanka; Sweden; United Kingdom; United States; Venezuela; Zaire; and Zimbabwe. Statements were also made by the Food and Agriculture Organization of the United Nations (FAO); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Industrial Development Organization (UNIDO); the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) and the Secretariat of the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention). A statement was made by the Council of Europe and the International Centre for Tropical Agriculture (CIAT). The following NGOs also made statements: Indigenous Peoples Preparatory Committee for Sustainable Development; Third World Network; Greenpeace; and Monitor International.

92. At its 6th meeting on 30 November 1994, the Committee of the Whole entrusted the detailed consideration of this item to the open-ended informal contact group, coordinated by the representative of Mauritania. At its 11th meeting on 5 December 1994, the representative of Mauritania presented an interim report of the group.

93. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted draft decision UNEP/CBD/COP/1/CW/L.11 and Add.1 pertaining to agenda item 9. Accordingly, the draft decision presented by the Group of 77 and China, contained in document UNEP/CBD/COP/1/CW/L.2, and the draft decision submitted by Australia, Austria, Canada, European Union, Finland, Japan, New Zealand and Switzerland, contained in document UNEP/CBD/COP/1/CW/L.6, were withdrawn by the co-sponsors.

94. At its 5th plenary session, the Conference of the Parties took up its consideration of this agenda item. In its deliberations, the Conference had before it the draft decision agreed by the Committee of the Whole, contained in document UNEP/CBD/COP/1/L.11 and Corr.1.

95. In the consideration of the draft decision, the representative of Norway, speaking on behalf of the Nordic countries, requested that the following statement be recorded in the report of the first meeting of the Conference:

"On behalf of the Nordic countries, Denmark, Finland, Iceland, Norway and Sweden, I would like to give a short statement on the biosafety item of the Medium-Term Work Programme. The Nordic countries feel that this issue is of crucial importance. The next COP must make a clear decision as to the need for and the modalities of a protocol on biosafety. To this effect the first meeting of the Conference of Parties has decided to set in motion a preparatory process for the decision that is to be taken at COP-2. However, the budgetary consequences have not been faced by this meeting, since the costs of the preparatory work have not been included in the budget for 1995. This is highly regrettable. We welcome very much the Spanish offer to host the meeting of the open-ended ad hoc working group of experts to remedy this unfortunate situation. The Nordic countries will contribute their fair share of any necessary support to help make that process a success. In this respect we furthermore assume that other developed countries will do likewise."

96. The representative of Spain said that, with regard to Spain's hosting the meeting of experts, an official letter would be sent to the Executive Director of UNEP setting-out the details of the offer and seeking agreement on the dates and mechanism of the meeting.

97. The representative of Brazil stressed the importance of the association of non-governmental organizations in the implementation of the medium-term programme of work of the Conference of the Parties.

98. The representative of Algeria, speaking on behalf of the Group of 77 and China, requested that the following statement be included in the report of the meeting:

"G-77 and China would like to make a statement on one item of the list of the medium-term programme - the item on intellectual property rights. G-77 and China are deeply concerned that intellectual property rights deny developing countries access to affordable technology and equitable benefits that accrue from the conservation and sustainable use of biodiversity. This is especially dismaying when it is in the fields of agriculture, nutrition and health care, the very fields in which traditional communities, by their sustainable life styles, have preserved resources and knowledge of their use for centuries. If the Convention on Biodiversity is to have any meaning beyond superficialities, then the removal of these distortions is crucial. G-77 and China can therefore regard the decision on the intellectual property rights as only the first step in a long journey, and urge that a thorough study be undertaken to ensure that intellectual property rights are supportive of and do not run counter to the objectives of the Convention. We hope that the experts group on biodiversity will meet very soon and that necessary financial sums will be devoted to the Secretariat in order to enable it to elaborate and finalise the protocol on biosafety. Also we call for an urgent implementation of Article 16, paragraph 5 on transfer of technology."

99. The representative of Egypt said that, in view of the great importance of the meeting of the ad hoc working group of experts, Egypt was ready to host a meeting of a panel of experts to prepare a background document on the issue.

100. The representative of South Africa said that, if there were any need for an additional meeting on the question prior to the second meeting of the Conference of the Parties, South Africa would be ready to host it.

101. The representative of Brazil stated the understanding of his delegation that the Secretariat, in consultation with the Bureau, would designate the 15 members of the panel of experts referred to in paragraph 7 of the draft decision.

102. At its 5th plenary session, the Conference of the Parties, after an oral amendment, adopted decision I/9 "Medium-term programme of work of the Conference of the Parties 1995-1997". The decision was adopted with the understanding that the European Community, being a full Party to the Convention, is entitled to nominate experts to participate in the expert groups referred to in paragraphs 3 and 7 of the decision. The text of the decision is contained in annex II.

AGENDA ITEM 10: BUDGET FOR THE SECRETARIAT OF THE CONVENTION

103. The Committee of the Whole took up its consideration of this item at its 10th meeting on 2 December 1994. Article 23, paragraph 3, of the Convention on Biological Diversity requires that the Conference of the Parties, at each ordinary meeting, adopt a budget for the financial period until the next ordinary meeting.

104. The Executive Secretary introduced document UNEP/CBD/COP/1/14. At its second session, the Intergovernmental Committee recommended that the Interim Secretariat prepare a detailed draft budget based on the functions and tasks likely to be assigned to it by the Conference of the Parties. The Intergovernmental Committee also recommended that a separate budget line be developed for the Subsidiary Body on Scientific, Technical and Technological Advice. The document contains a draft budget which takes account of the tasks that would emerge for the Secretariat and the Subsidiary Body from the elements of the medium-term programme of work of the Conference of the Parties.

105. In the discussion of this item, statements were made by the following representatives: Algeria, on behalf of the Group of 77 and China; Australia; Brazil; Canada; Cameroon; France; Germany, on behalf of the European Union; Japan; Kenya; Norway; Spain; Sweden; Switzerland; United Kingdom; and United States; and by the following United Nations organizations: UNESCO and FAO.

106. The Committee of the Whole decided that this item should be further considered by the open-ended contact group coordinated by the representative of Mauritania. At its 11th meeting, the coordinator of the informal contact group presented an interim report.

107. At its 12th meeting on 6 December 1994, the Committee of the Whole adopted with brackets draft decision UNEP/CBD/COP/1/CW/L.12 pertaining to agenda item 10. The Committee entrusted its Chairperson to continue consultations on the outstanding issues and to report to the final plenary session.

108. At its 5th plenary session, the Conference of the Parties, on the basis of the decisions adopted by the Committee of the Whole, contained in UNEP/CBD/COP/1/L.9 and Add.1 as orally amended and UNEP/CBD/COP/1/L.18, adopted parts I and II of decision I/6 "Financing of and budget for the Convention". The text of the decision is contained in annex II.

109. The representative of the United States said that his Government interpreted rule 3 (a) of the financial rules to mean that such contributions would be voluntary.

110. The representative of Japan said that his understanding was that the financial rules did not constitute any legally binding commitment and that the term "contribution" was to be interpreted as meaning "voluntary contribution."

111. The representative of Brazil requested that the following statement be reflected in the report of the meeting:

"It is unfortunate that we have not been able, at this session, to arrive at an acceptable solution for the adoption of a scale of contributions which would reflect basic principles of fairness and equity. It is still our strong belief that the scale of contributions to the budget of our Convention should take into account the principle of common but differentiated responsibilities of Parties, as recognized in the Rio Declaration on Environment and Development, and therefore the concept that developing countries should not pay more to the administrative budget than developed countries. In our view, a fair scale of contributions would send a clear message regarding our seriousness in implementing commitments from the Rio Conference. The principle of capacity to pay is the other fundamental criterion for determining the scale of contributions. In following these principles, the Conference of the Parties would symbolically recognize the need to make-up for the centuries of free exploitation of genetic resources from our countries. This inequitable and unfair situation shall change with the coming into force of our Convention. The present situation in developing countries makes it all the more difficult to expect that those countries agree on assuming financial obligations beyond their capacity to pay. For these reasons, Brazil does not accept the automatic transplantation to our budget of the perverse scale of assessments adopted at the United Nations. Having been confronted with the options of adopting a provisional scale of contributions for 1995 based on the UN scale or not having any scale at all, we feel compelled not to block the needed consensus."

112. The representative of China said that he believed the financial rules should be provisional and be finally decided at the second meeting of the Conference of the Parties. He drew particular attention to paragraph 5 of the decision just adopted and stated that no developing country should have to pay more than a developed country.

AGENDA ITEM 11: LOCATION OF THE SECRETARIAT

113. At its 4th plenary session, on 5 December 1994, the first meeting of the Conference of the Parties to the Convention on Biological Diversity took up its consideration of this item. The Conference of the Parties had before it document UNEP/CBD/COP/1/9 (Selection of a competent international organization to carry out the functions of the Secretariat of the Convention), section 4 of which refers to the location of the Secretariat. The Conference also had before it document UNEP/CBD/COP/1/Inf.7, which the Governments of Kenya, Spain and Switzerland had requested the Interim Secretariat to make available to the first meeting of the Conference of the Parties and which contains the offers made by those Governments. The Committee also had before it draft decision UNEP/CBD/COP/1/CW/L.7 submitted by Australia, Bahamas, Canada, Japan and New Zealand, containing an annex with guidelines for the presentation of offers to host the permanent Secretariat, subsequently re-issued as UNEP/CBD/COP/1/L.3.

114. In the discussion of this item, statements were made by the following representatives: Argentina; Australia; Bahamas; Brazil; Burkino Faso; Cameroon; Canada; Chad; Chile; China; Cook Islands; Costa Rica; Cuba; Czech Republic; India; Japan; Kazakhstan; Kenya; New Zealand; Pakistan; Portugal; Slovakia; Spain; Uganda; United Kingdom; United States; Uruguay; Venezuela; and Zaire.

115. Concluding the discussion, the President said that she would undertake consultations on this issue and would report back on the outcome at the next plenary session.

116. At the 5th plenary session, on 9 December 1994, the President presented a report on the outcome of consultations.

117. At its 5th plenary session, the Conference of the Parties adopted decision I/10 "Location of the Secretariat" as orally amended. Accordingly, draft decision UNEP/CBD/COP/1/CW/L.7 submitted by Australia, the Bahamas, Canada, Japan and New Zealand was withdrawn by the co-sponsors. The text of the decision is contained in annex II.

118. The representative of Sweden said that he wished the report of the meeting to reflect his country's views that one criterion to be applied in the selection of a country to host the Secretariat would be the extent to which the facilities, transportation resources and premises offered by Governments could be termed environmentally friendly.

AGENDA ITEM 12: VENUE AND DATE OF THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES

119. At its 4th plenary session, on 5 December 1994, the first meeting of the Conference of the Parties to the Convention on Biological Diversity took up its consideration of this item. Rule 3 of the rules of procedure for meetings of the Conference of the Parties provides that "the meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties". Rule 4, paragraph 2, of the rules of procedure states that "at each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting".

120. The Conference of the Parties had before it document UNEP/CBD/COP/1/15 which suggested that the Conference of the Parties might wish to consider the dates of 27 November to 8 December 1995 for the convening of its second meeting. The President informed the meeting that consultations were under way on the item and the results would be reported at the next plenary session of the Conference of the Parties.

121. At its 5th plenary session on 9 December 1994, the Conference of the Parties decided to hold its second meeting from 6 to 17 November 1995. A statement was made by the representative of Indonesia regarding the possible interest of his country in providing the venue of the second meeting of the Conference of the Parties.

122. At the same session, the Conference, on the basis of the draft decision submitted by the Group of 77 and China and contained in document UNEP/CBD/COP/1/L.17, adopted decision I/11 "Preparation for the second meeting of the Conference of the Parties." The text of the decision is contained in annex II.

AGENDA ITEM 13: OTHER MATTERS

123. At the 5th plenary session, on 9 December 1994, the representative of Algeria on behalf of all the co-sponsors presented a draft decision contained in document UNEP/CBD/COP/1/L.15 and entitled "International Day for Biological Diversity". The decision was adopted. The text of decision I/12 is contained in annex II.

124. At the 5th plenary session, the Declaration by the Ministers of the Alliance of Small Island States (AOSIS) at the first meeting of the Conference of the Parties to the Convention on Biological Diversity was presented by the Honourable Tennyson Wells, Minister of Agriculture and Fisheries of the Bahamas.

AGENDA ITEM 14: ADOPTION OF THE REPORT

125. At its 5th plenary session on 9 December 1994, the first meeting of the Conference of the Parties to the Convention on Biological Diversity adopted the present proceedings on the basis of documents UNEP/CBD/COP/1/L.1/Rev.1 and UNEP/CBD/COP/1/L.1/Add.1. The report was adopted on the understanding that the Rapporteur would be entrusted with the finalization of the last part of the proceedings.

126. After the adoption of the report, the representative of France requested that every effort should be made to improve the language of the French texts of the documents adopted during the meeting.

127. At the same session, the Conference of the Parties also took note of the report adopted by its Committee of the Whole, contained in documents UNEP/CBD/COP/1/L.2/Rev.1 and UNEP/CBD/COP/1/L.2/Add.1/Rev.1.

AGENDA ITEM 15: CLOSURE OF THE MEETING

128. At its 5th plenary session, on 9 December 1994, the Conference of the Parties adopted the decision contained in UNEP/CBD/COP/1/L.16/Rev.1, "Tribute to the Government of the Commonwealth of the Bahamas," presented by the representative of Australia, on behalf of the co-sponsors. The text of that decision I/13 is contained in annex II.

129. After closing statements by the observers from the Biodiversity Action Network and by Greenpeace, both on behalf of a number of NGO's; by the Executive Secretary of the Secretariat; by the Executive Director of UNEP; by a representative speaking on behalf of the Group of 77 and China; by representatives speaking on behalf of the regional groupings, the President declared the first meeting of the Conference of the Parties to the Convention on Biological Diversity closed.

ANNEX I

REPORT OF THE MINISTERIAL SEGMENT OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

1. The Ministerial Segment of the first meeting of the Conference of the Parties to the Convention on Biological Diversity was held between 7 and 9 December 1994. The Ministerial Segment convened five meetings.

2. At the opening of the Ministerial Segment of the meeting, statements were made by the President of the meeting, Ms. I. Dumont; the Executive Director of UNEP, Ms. E. Dowdeswell; Prof. Toepfer, Chairman of the Commission on Sustainable Development; and the Honourable Janet Bostwick, Minister for Foreign Affairs of the Bahamas.

3. Ministers, Vice-Ministers, State Secretaries, Deputy Ministers and Assistant Ministers from the following countries attended the meetings of the Ministerial Segment of the first meeting of the Conference:

Algeria	Kenya
Antigua and Barbuda	Lesotho
Armenia	Liberia
Bahamas	Madagascar
Benin	Malawi
Brazil	Malaysia
Bulgaria	Maldives
Burkina Faso	Mauritius
Burundi	Mongolia
Central African Republic	Norway
Colombia	Paraguay
Cook Islands	Philippines
Côte d'Ivoire	Poland
Djibouti	Romania
Ethiopia	Senegal
Finland	Sierra Leone
Germany	South Africa
Ghana	Swaziland
Grenada	Uganda
India	United Kingdom
Indonesia	United Republic of Tanzania
Jamaica	United States of America
Jordan	Zaire
Kazakhstan	Zambia

4. Statements were made by speakers from the following countries:

Algeria, on behalf of the Group of 77 and China; Albania; Argentina; Armenia; Australia, and also on behalf of the South Pacific Forum (SOPAC); Benin; Brazil; Bulgaria; Burkina Faso, on behalf of the African Ministerial Conference on the Environment (AMCEN); Burundi; Cameroon; Canada; Central African Republic; Chile; China; Colombia; Cook Islands; Costa Rica; Côte d'Ivoire; Cuba;

Denmark; Ethiopia; Finland; France; Gambia; Ghana; Grenada; Guyana; India; Indonesia; Jamaica; Japan; Jordan; Kazakhstan; Kenya; Madagascar; Malawi; Malaysia; Marshall Islands; Mauritius; Mongolia; New Zealand; Norway; Papua New Guinea; Paraguay; Philippines; Poland; Republic of Korea; Romania; Senegal; Seychelles; South Africa; Spain; Sri Lanka; Sweden; Switzerland; Uganda; United Kingdom; United Republic of Tanzania; United States of America; Zaire; Zambia.

5. Statements were also made by representatives of the following United Nations bodies and specialized agencies: FAO; UNESCO; UNDP; International Convention to Combat Desertification.

6. Observers for the following non-governmental organizations also spoke: Consultative Group on International Agricultural Research (CGIAR); World Conservation Union (IUCN); Third World Network (speaking on behalf of 22 non-governmental organizations).

7. At the conclusion of the Ministerial Segment of the meeting, the Ministers adopted the Bahamas Ministerial Declaration on the Convention on Biological Diversity (see appendix).

Appendix to Annex I

**THE BAHAMAS MINISTERIAL DECLARATION ON THE CONVENTION
ON BIOLOGICAL DIVERSITY**

We, the Ministers participating in the high-level segment of the first meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Nassau, Bahamas, from 28 November to 9 December 1994,

Affirm the first meeting of the Conference of the Parties to the Convention on Biological Diversity as the culmination of more than two decades of efforts aimed at the development and effective implementation of an international legal instrument to ensure the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources;

Recognize, in view of the rapid rate of loss of biological diversity, the urgency of the task we face in maintaining biological diversity;

Recognize that, as reflected in the Convention, conservation of biological diversity and sustainable use of its components is not only a question of species extinction or ecosystems in need of preservation, but is linked to achieving social, economic and cultural progress, in a sustainable manner, for the benefit of present and future generations;

Regard the Convention as a treaty with a global vision, based on common concern, mutual reliance and fair and equitable sharing of benefits;

Regard the Convention as much more than just a set of rights and obligations: it is a global partnership with new approaches to multilateral cooperation for conservation and development;

Welcome the inauguration on 8 December 1994 of the International Decade of the World's Indigenous People, recognize the vital role that indigenous communities have to play in implementing the Convention on Biological Diversity and the need to strengthen international cooperation under the Convention on the issues of indigenous communities;

Recognize that the first meeting of the Conference of the Parties to the Convention on Biological Diversity is a significant step in the quest of humankind for the promotion of sustainable development, of which biological diversity and its components are an integral part;

Declare that we will spare no effort in undertaking the obligations embodied in the Convention, for the benefit of life on Earth, for present and future generations.

ANNEX II

**DECISIONS ADOPTED BY THE FIRST MEETING OF THE
CONFERENCE OF THE PARTIES**

The Conference of the Parties to the Convention on Biological Diversity at its first meeting decided:

Decision I/1 Rules of procedure for the Conference of the Parties

The Conference of the Parties

Decides to adopt the rules of procedures of the Conference contained in the annex* to this decision, with the exception of paragraph 1 of rule 40.

* The rules of procedure are contained in annex III to the present report.

Decision I/2 Financial resources and mechanism

The Conference of the Parties

1. *Decides* to adopt the policy, strategy, programme priorities and eligibility criteria for access to and utilization of financial resources contained in annex I to this decision, and the list of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties contained in annex II to this decision;
2. *Decides* also that the restructured Global Environment Facility (GEF) shall continue to serve as the institutional structure to operate the financial mechanism under the Convention on an interim basis, in accordance with Article 39 of the Convention;
3. *Decides* to instruct the restructured Global Environment Facility to take prompt measures to support programmes, projects and activities consistent with the policy, strategy, programme priorities and eligibility criteria for access to and utilization of financial resources contained in annex I to this decision;
4. *Authorizes* the Secretariat, on behalf of the Conference of the Parties (COP) and taking account of the views of participants in the first meeting of the Conference of the Parties, which should be provided in writing by 1 February 1995, to consult with the restructured Global Environment Facility on the content of a memorandum of understanding which should be formally considered at the second meeting of the Conference of the Parties;
5. *Decides*, pending the adoption of the memorandum of understanding, to adopt the interim guidelines for monitoring and evaluation of the utilization of financial resources by the restructured Global Environment Facility contained in annex III to this decision;
6. *Requests* the Secretariat to present to the Conference of the Parties at its second meeting, a report on the financial mechanism, in order that decisions can be adopted by the Conference of the Parties at its second meeting, on the timetable and nature of the review required in Article 21, paragraph 3 of the Convention;
7. *Requests* also the Secretariat to present to the Conference of the Parties at its second meeting, a study on the availability of financial resources additional to those provided through the restructured Global Environment Facility, and on the ways and means for mobilizing and channeling these resources in support of the objectives of the Convention, taking into account the views expressed by participants on the subject at the Conference of the Parties at its first meeting;
8. *Further requests* the Secretariat to include items on the agenda of the Conference of the Parties at its second meeting, which would enable the latter to review the financial resources and, bearing in mind Article 39 of the Convention, to take a decision at that meeting on which institutional structure shall be designated in accordance with Article 21 of the Convention.

Annex I

POLICY, STRATEGY, PROGRAMME PRIORITIES AND ELIGIBILITY CRITERIA FOR ACCESS TO AND UTILIZATION OF FINANCIAL RESOURCES

I. Policy and Strategy

Financial resources should be allocated to projects that fulfil the eligibility criteria and are endorsed and promoted by the Parties concerned. Projects should contribute to the extent possible to build cooperation at the sub-regional, regional and international levels in the implementation of the Convention. Projects should promote utilization of local and regional expertise. The institutional structure should over time assist all eligible countries to fulfil their obligations under the Convention. Policy and strategy may be revised, as necessary, by the Conference of the Parties.

II. Eligibility Criteria

Only developing countries that are Parties to the Convention are eligible to receive funding upon the entry into force of the Convention for them. In accordance with the provisions of the Convention, projects that seek to meet the objectives of conservation of biological diversity and sustainable use of its components are eligible for financial support from the institutional structure.

III. Programme Priorities

1. The conservation of biological diversity and sustainable use of its components is one of the key elements in achieving sustainable development and therefore contribute to combating poverty.
2. All the actions contemplated in the Convention will have to be carried out at the national and international level, as appropriate. However, for the purpose of giving direction to the interim structure operating the financial mechanism, a list of programme priorities is given in paragraph 4 below. The list may be revised by the Conference of the Parties, as necessary.
3. Programme priorities should promote utilization of regional and local expertise and be flexible to accommodate national priorities and regional needs within the aims of the Convention.
4. The programme priorities are as follows:
 - (a) Projects and programmes that have national priority status and that fulfil the obligations of the Convention;
 - (b) Development of integrated national strategies, plans or programmes for the conservation of biological diversity and sustainable use of its components in accordance with article 6 of the Convention;
 - (c) Strengthening conservation, management and sustainable use of ecosystems and habitats identified by national Governments in accordance with article 7 of the Convention;
 - (d) Identification and monitoring of wild and domesticated biodiversity components, in particular those under threat, and implementation of measures for their conservation and sustainable use;

(e) Capacity-building, including human resources development and institutional development and/or strengthening, to facilitate the preparation and/or implementation of national strategies, plans for priority programmes and activities for conservation of biological diversity and sustainable use of its components;

(f) In accordance with Article 16 of the Convention, and to meet the objectives of conservation of biological diversity and sustainable use of its components, projects which promote access to, transfer of and cooperation for joint development of technology;

(g) Projects that promote the sustainability of project benefits; that offer a potential contribution to experience in the conservation of biological diversity and sustainable use of its components which may have application elsewhere; and that encourage scientific excellence;

(h) Activities that provide access to other international, national and/or private sector funds and scientific and technical cooperation;

(i) Innovative measures, including in the field of economic incentives, aiming at conservation of biological diversity and/or sustainable use of its components, including those which assist developing countries to address situations where opportunity costs are incurred by local communities and to identify ways and means by which these can be compensated, in accordance with article 11 of the Convention;

(j) Projects that strengthen the involvement of local and indigenous people in the conservation of biological diversity and sustainable use of its components;

(k) Projects that promote the conservation and sustainable use of biological diversity of coastal and marine resources under threat. Also, projects which promote the conservation of biological diversity and sustainable use of its components in other environmentally vulnerable areas such as arid and semi-arid and mountainous areas;

(l) Projects that promote the conservation and/or sustainable use of endemic species;

(m) Projects aimed at the conservation of biological diversity and sustainable use of its components which integrate social dimensions including those related to poverty.

Annex II**LIST OF DEVELOPED COUNTRY PARTIES AND OTHER PARTIES
WHICH VOLUNTARILY ASSUME THE OBLIGATIONS OF
DEVELOPED COUNTRY PARTIES****A. List of developed country Parties**

Australia	Luxembourg
Austria	Monaco
Canada	Netherlands
Denmark	New Zealand
Finland	Norway
France	Portugal
Germany	Spain
Greece	Sweden
Iceland	Switzerland
Italy	United Kingdom of
Japan	Great Britain
	and Northern Ireland

**B. List of Parties which voluntarily assume the obligations of
developed country Parties**

Annex III**INTERIM GUIDELINES FOR MONITORING AND EVALUATION OF UTILIZATION
OF FINANCIAL RESOURCES BY THE RESTRUCTURED GEF**

1. The Conference of the Parties (COP) to the Convention on Biological Diversity decides to instruct the restructured GEF to prepare and submit through the Convention Secretariat an annual report on its operations in support of the Convention.
2. The report should include specific information on how it has applied the guidance and decisions of the COP in its work related to the Convention. This report should be of a substantive nature and incorporate the programme of future activities of the restructured GEF in the areas covered by the Convention and an analysis of how the restructured GEF, in its operations, implemented the policy, strategy, programme priorities and eligibility criteria related to the Convention which have been adopted by the COP.
3. In particular, the report should provide information on the following:
 - (a) A synthesis of the different projects under implementation;
 - (b) A list of project proposals submitted by eligible Parties, for funding, reporting on their approval status;

/...

(c) A review of the project activities approved by the restructured GEF and their outcomes, including information on funding and progress in implementation.

4. In order to meet the requirements of accountability to the COP, reports submitted by the restructured GEF should cover all its activities carried out in implementing the Convention, whether decisions on such activities are made by the GEF Council or by the implementing agencies. To this end, it shall make arrangements with such bodies as might be necessary regarding disclosure of information.

***Decision I/3 Clearing-house mechanism for technical
and scientific cooperation***

The Conference of the Parties

1. *Decides* to implement the provisions of Article 18, paragraph 3, of the Convention on the establishment of a clearing-house mechanism to promote and facilitate technical and scientific cooperation, operating under the authority of the Conference of the Parties;

2. *Decides* also that the activities of the clearing-house mechanism to promote and facilitate technical and scientific cooperation should be funded from the regular budget of the Secretariat as well as from voluntary contributions, subject to decisions to be taken by the Conference of the Parties at its second meeting, in the light of the study referred to in paragraph 3 of the present decision;

3. *Requests* the Secretariat to prepare, and report back to the Conference of the Parties at its second meeting on, a comprehensive study, according to Article 18 of the Convention, containing concrete costed recommendations to assist the Conference of the Parties in the establishment of the clearing-house mechanism to promote and facilitate technical and scientific cooperation, taking fully into account the views expressed at its first meeting and submitted to the Secretariat in writing before the end of February 1995, as well as the need to draw on all relevant existing institutional structures;

4. *Decides* also to include an item on this issue on the agenda of the second meeting of the Conference of the Parties.

***Decision I/4 Selection of a competent international organization
to carry out the functions of the Secretariat
of the Convention***

The Conference of the Parties

1. *Designates* the United Nations Environment Programme to carry out the functions of the Secretariat of the Convention while ensuring its autonomy to discharge the functions referred to in Article 24;

2. *Decides* that the functions of the Secretariat shall be carried out by the Secretariat that was provided for under Article 40 of the Convention, until such time as the staff of the Secretariat have been appointed;

3. *Requests* the Executive Director of the United Nations Environment Programme to select the Executive Secretary of the Secretariat for the Convention in consultation with the Bureau of the Conference of the Parties.

Decision I/5 Support to the Secretariat by international organizations

The Conference of the Parties

1. *Welcomes* the willingness demonstrated by international organizations to support and cooperate with the Secretariat for the effective discharge of its functions, and in particular the concrete offers made by the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization, including by secondment of staff;
2. *Requests* the Executive Secretary to coordinate with those organizations with a view to entering into such administrative and contractual arrangements as may be required to make effective those offers, as provided for in Article 24.1 (d) of the Convention;
3. *Invites* other competent organizations which wish to do so to make further proposals to the Secretariat in this regard;
4. *Requests* the Executive Secretary to contact the Secretariats of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation between this Convention and those conventions and report to the Conference of the Parties on this issue, as provided for in Article 23.4 (h) of the Convention.

Decision I/6 Financing of and budget for the Convention

Part I

The Conference of the Parties

1. *Adopts* the Financial Rules for the Administration of the Trust Fund for the Convention on Biological Diversity, which are attached as annex I to this decision, to apply in conjunction with the general procedures governing the operations of the Fund of the United Nations Environment Programme and the Financial Regulations and Rules of the United Nations;
2. *Designates* the United Nations Environment Programme as the Trustee of the Trust Fund for the Convention on Biological Diversity;
3. *Decides* that the Trust Fund shall be established for an initial period of two years, beginning on 1 January 1995 and ending on 31 December 1996;
4. *Adopts* the budget for 1995, which is attached as annex II to this decision;
5. *Urges* all the Parties to pay promptly their contributions to the Trust Fund, based on the scale set forth in the appendix to the budget;
6. *Requests* the Parties and States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources, to contribute to the Trust Fund;
7. *Requests* the Executive Director of the United Nations Environment Programme to ensure, by advances, that the 1995 budget of the Convention is financed until such time as sufficient contributions have been paid in 1995 to allow for the functioning of the Secretariat;
8. *Takes note* of the indicative budget for 1996, also attached as annex II to this decision, and directs the Secretariat to prepare an indicative budget that would provide for implementing the remainder of the medium-term programme of work;
9. *Directs* the Secretariat to consider carefully all offers of support from other organizations and to cooperate with them with a view to making the most effective use of the competencies and resources available.

Part II

The Conference of the Parties

1. *Adopts* for 1995 the scale for contributions contained in the Appendix to the budget (annex II), based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations adjusted to provide that no one contribution shall exceed 25 per cent of the total and that no contribution from a least developed country Party shall exceed 0.01 per cent of the total. The contribution referred to in paragraph 3 (a) of the Financial Rules shall be due 1 January 1995;

2. *Being aware* that a comprehensive review of all aspects of scale methodology is to be presented to the General Assembly of the United Nations at its fiftieth session, requests the Secretariat to make it available, as well as information related to scale methodology in other international organizations and information provided by Governments to assist the second meeting of the Conference of the Parties in its consideration of this matter;

3. *Decides* to transfer to the next meeting of the Conference of the Parties, for further consideration, paragraph 4 of the Financial Rules contained in annex I of the present decision;

4. *Also decides* to transmit paragraph 16 of the Financial Rules to the second meeting of the Conference of the Parties for further consideration;

5. *Decides* that at its second meeting it will agree upon and adopt a Financial Rule governing the determination of the scale, taking account of paragraphs 2 and 3 above, and a Financial Rule governing decision-making under the Financial Rules, taking into account paragraph 4 above.

Annex I

**FINANCIAL RULES FOR THE ADMINISTRATION OF THE TRUST FUND
FOR THE CONVENTION ON BIOLOGICAL DIVERSITY**

1. The Conference of the Parties to the Convention shall designate an organization (hereinafter referred to as the Trustee) which shall establish and manage the Trust Fund for the Convention on Biological Diversity (hereinafter referred to as the Trust Fund) in accordance with these rules.
2. The Trust Fund shall be used for funding the administration of the Convention including the functions of the Secretariat.
3. The Trust Fund shall be financed from:
 - (a) Contributions made by Parties to the Convention based on the scale set forth in the Appendix to the budget;
 - (b) Additional contributions made by such Parties;
 - (c) Contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources.
4. It is for the Conference of the Parties to determine the scale referred to in paragraph 3 (a) above. The scale is to be based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations [adjusted to provide that no one contribution shall exceed 25 per cent of the total, [and] no contributions shall be required when the United Nations scale provides for a contribution of less than 0.1 per cent], [and no developing country Party shall be required to pay more than any developed country Party]. The contributions referred to in paragraph 3 (a) shall be due on 1 January of each calendar year.
5. All contributions shall be paid in United States dollars or its equivalent in a convertible currency and into a bank account to be specified by the Trustee. In conversion of currencies into United States dollars, the United Nations operational rate of exchange shall be used.
6. Accounting records shall be kept in such currency or currencies as the Trustee deems necessary.
7. (a) Budget proposals expressed in United States dollars covering the expenditure and income from contributions referred to in paragraph 3 (a) above shall be prepared by the head of the Secretariat (hereinafter referred to as the Executive Secretary) for periods of two calendar years at the minimum. At least 90 days before the date fixed for the opening of each ordinary meeting of the Conference of the Parties, these budget proposals shall be dispatched by the Executive Secretary to all Parties to the Convention.
 - (b) The budget shall, in accordance with Rule 16, be approved by the Conference of the Parties and, if necessary, be revised at an ordinary or extraordinary meeting of the Parties.
8. Contributions referred to in paragraphs 3 (b) and (c) shall be used in accordance with any terms and conditions agreed between the Executive Secretary and the respective contributor. At each ordinary

meeting of the Conference of the Parties, the Executive Secretary shall present a report on contributions received and expected as well as their sources, amounts, purposes and conditions.

9. The Executive Secretary may commit resources against the Trust Fund only if such commitments are covered by contributions already received. In the event that the Trustee anticipates that there might be a shortfall in resources over the financial period as a whole, it shall notify the Executive Secretary, who shall adjust the budget so that expenditures are at all times fully covered by contributions received.

10. The Trustee, on the advice of the Executive Secretary, may make transfers from one budget line to another within the budget in accordance with the Financial Regulations and Rules of the United Nations.

11. Contributions referred to in paragraph 3 (a) above from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

12. Contributions not immediately required for the purposes of the Trust Fund shall be invested and any interest so earned shall be credited to the Trust Fund.

13. It is for the Conference of the Parties and the Trustee to agree on an administrative support charge to be paid to the Trustee.

14. At the end of each calendar year, the Trustee shall transfer any balance to the following calendar year and submit to the Conference of the Parties, through the Executive Secretary, the certified and audited accounts for that year as soon as practicable. The Trust Fund shall be subjected to the internal and external auditing procedure of the United Nations as laid down in its Financial Regulations and Rules of the United Nations.

15. In the event that the Conference of the Parties decides to terminate the Trust Fund, a notification to that effect shall be presented to the Trustee at least six months before the date of termination selected by the Conference of the Parties. The Conference of the Parties shall decide, in consultation with the Trustee, on the distribution of any unspent balance after all liquidation expenses have been met.

[16A. The Parties shall reach agreement by consensus on:

(a) The scale and any subsequent revision to it;

(b) The budget.]

[16B. The Parties shall make every effort to reach agreement on the budget by consensus. If all efforts to reach consensus on the budget have been exhausted and no agreement has been reached, the budget shall, as a last resort, be adopted by a [two-thirds] [four-fifths] majority vote of the Parties present and voting representing a [two-thirds] [four-fifths] majority vote of the developing country Parties present and voting and a [two-thirds] [four-fifths] majority vote of the other Parties present and voting.]

17. Any amendments to these rules shall be adopted by the Conference of the Parties by consensus.

ANNEX II

**PROPOSED BUDGET FOR 1995 AND INDICATIVE BUDGET FOR 1996
(THOUSANDS OF US DOLLARS)**

DESCRIPTION OF FUNCTIONS	INPUTS	COSTS (US dollars)	
		1995	1996
1. EXECUTIVE DIRECTION AND MANAGEMENT			
	Executive Secretary D-2	182	192
	Fund Management/Administration Officer (P-4 (*1))	0	0
	Special Assistant to the Executive Secretary P-2	91	96
	Administrative Assistant G-6/G-7	96	100
	Senior Secretary G-5/G-6	88	92
subtotal 1		457	480
2. INTERGOVERNMENTAL PROCESSES AND COOPERATIVE ARRANGEMENTS			
	Principal Officer D-1	172	181
	Secretary G-4/G-5	80	84
	Consultants	30	21
	Informal expert consultations	30	32
	Servicing of COP meeting (6 languages, 10 working days, 2 working groups)	750	800
	Travel of COP Bureau (10 people, four-day meeting, once a year)	40	42
	Travel of staff to COP (1995-Geneva)	0	100
subtotal 2		1102	1260

DESCRIPTION OF FUNCTIONS	INPUTS	COSTS (US dollars)	
		1995	1996
2.1 FINANCIAL MECHANISM AND ECONOMIC ANALYSIS			
	Programme Officer-Financial Instruments P-4	137	144
	Consultants	50	0
subtotal 2.1		187	144
2.2 LEGAL ADVICE AND SUPPORT			
	Programme Officer-Lawyer P-4	137	144
	Secretary G-4/G-5	80	84
	Consultants	60	63
subtotal 2.2		277	291
3. SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL MATTERS			
	Principal Officer D-1	172	181
	Programme Officer P-4	137	144
	Programme Officer P-4 (*2)	0	0
	Programme Officer P-4 (*3)	0	0
	Secretary G-4/G-5	80	84
	Secretary G-4/G-5	80	84
	Travel of staff to SBSTTA (1995-Paris)	30	78
	Servicing of SBSTTA meeting (6 languages, 5 working days, 1 working group) (*4)	350	368
	Travel of SBSTTA Bureau	30	32
	Travel of SBSTTA Panels	0	68
	Consultants	65	70
subtotal 3		944	1109

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DESCRIPTION OF FUNCTIONS	INPUTS	COSTS (US dollars)	
		1995	1996
4. INFORMATION MANAGEMENT AND COMMUNICATION			
4.1 INFORMATION ACCESS, STORAGE AND RETRIEVAL			
	Programme Officer-Information P-2	91	96
	Data base operator/Library assistant G-4/G-5	80	84
	Clerk G-2/G-3	60	63
	Library acquisitions	15	10
subtotal 4.1		246	253
4.2 COMMUNICATION			
	Programme Officer-Communication P-2 (*1)	0	0
	Communication plan and promotion materials	100	105
subtotal 4.2		100	105
4.3 CLEARING-HOUSE MECHANISM			
	Programme Officer-Clearing-house P-4	0	144
	Secretary G-3/G-4	0	74
	Consultants	100	121
subtotal 4.3		100	239

DESCRIPTION OF FUNCTIONS	INPUTS	COSTS (US dollars)	
		1995	1996
5. COMMON COSTS			
5.1 TRAVEL OF STAFF	Travel general	180	190
subtotal 5.1		180	190
5.2 EQUIPMENT			
	Equipment, general	130	150
subtotal 5.2		130	150
5.3 PREMISES			
	Rent (*5)	0	0
	Security services	0	0
	Building maintenance	0	0
	Utilities (gas, electricity, etc)	30	32
	Insurance	5	5
subtotal 5.3		35	37
5.4 MISCELLANEOUS			
	Temporary assistance and overtime	80	84
	Communications (phone, fax, e-mail, etc)	170	180
	Recruitment costs/travel on interviews	40	80
	Relocation of staff and removal expenses	80	80
	Other	5	5
	Hospitality	20	20
subtotal 5.4		395	449
subtotal 1 to 5		4153	4707
6. CONTINGENCIES (2% subtotal 1 to 5)		83	94

DESCRIPTION OF FUNCTIONS	INPUTS	COSTS (US dollars)	
		1995	1996
subtotal 1 to 6		4236	4801
ADMINISTRATIVE SUPPORT CHARGE (13%)		551	624
SECRETARIAT ADMINISTRATIVE BUDGET TOTAL (1 to 7)		4787	5425

- (*1) Expected to be provided by UNEP at an estimated cost of US\$ 228,000 in 1995 and US\$ 240,000 in 1996.
- (*2) Expected to be provided by FAO at an estimated cost of US\$ 137,000 in 1995 and US\$ 144,000 in 1996.
- (*3) Expected to be provided by UNESCO at an estimated cost of US\$ 137,000 in 1995 and US\$ 144,000 in 1996.
- (*4) The number of languages and working groups will be reviewed at COP2.
- (*5) Paragraph (a) of the Agreement between the Government of Switzerland and the United Nations Environment Programme concerning the Interim Secretariat on Biological Diversity, states that the Government of Switzerland "will provide accommodation for the Interim Secretariat at least twelve months after the first meeting of the contracting parties" (UNEP/CBD/IC/2/20). It is also expected that the host Government will make a similar offer for 1996.

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APPENDIX TO ANNEX II
SCALE FOR 1995 CONTRIBUTIONS TO THE TRUST FUND FOR
THE CONVENTION ON BIOLOGICAL DIVERSITY

	United Nations scale of assessments 1995*	Scale for the Trust Fund with 25 per cent ceiling and no least developed country Party paying more than 0.01 per cent	Contributions as per 6 December 1994
Parties	(per cent)	(per cent)	US\$
Albania	0.01	0.02	752
Antigua & Barbuda	0.01	0.02	752
Argentina	0.48	0.75	36 118
Armenia	0.08	0.13	6 020
Australia	1.46	2.29	109 860
Austria	0.85	1.34	63 959
Bahamas	0.02	0.03	1 505
Bangladesh	0.01	0.01	479
Barbados	0.01	0.02	752
Belarus	0.37	0.58	27 841
Belize	0.01	0.02	752
Benin	0.01	0.01	479
Bolivia	0.01	0.02	752
Brazil	1.62	2.55	121 899
Burkina Faso	0.01	0.01	479
Cameroon	0.01	0.02	752
Canada	3.07	4.83	231 006
Chad	0.01	0.01	479
Chile	0.08	0.13	6 020
China	0.72	1.13	54 177
Colombia	0.11	0.17	8 277
Comoros	0.01	0.01	479
Cook Islands	0.01	0.02	752
Costa Rica	0.01	0.02	752

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Côte d'Ivoire	0.01	0.02	752
Cuba	0.07	0.11	5 267
Czech Republic	0.32	0.50	24 079
Democratic People's Republic of Korea	0.04	0.06	3 010
Denmark	0.70	1.10	52 672
Djibouti	0.01	0.01	479
Dominica	0.01	0.02	752
Ecuador	0.02	0.03	1 505
Egypt	0.07	0.11	5 267
El Salvador	0.01	0.02	752
Equatorial Guinea	0.01	0.01	479
Estonia	0.05	0.08	3 762
Ethiopia	0.01	0.01	479
European Community		2.50	119 675
Fiji	0.01	0.02	752
Finland	0.61	0.96	45 900
France	6.32	9.93	475 557
Gambia	0.01	0.01	479
Georgia	0.16	0.25	12 039
Germany	8.94	14.05	672 703
Ghana	0.01	0.02	752
Greece	0.37	0.58	27 841
Grenada	0.01	0.02	752
Guinea	0.01	0.01	479
Guyana	0.01	0.02	752
Hungary	0.15	0.24	11 287
Iceland	0.03	0.05	2 257
India	0.31	0.49	23 326
Indonesia	0.14	0.22	10 534
Italy	4.79	7.53	360 430
Japan	13.95	21.93	1 049 687

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Jordan	0.01	0.02	752
Kazakhstan	0.26	0.41	19 564
Kenya	0.01	0.02	752
Kiribati	0.01	0.01	479
Luxembourg	0.07	0.11	5 267
Malawi	0.01	0.01	479
Malaysia	0.14	0.22	10 534
Maldives	0.01	0.01	479
Marshall Islands	0.01	0.02	752
Mauritius	0.01	0.02	752
Mexico	0.78	1.23	58 692
Micronesia (Federated States of)	0.01	0.02	752
Monaco	0.01	0.02	752
Mongolia	0.01	0.02	752
Myanmar	0.01	0.01	479
Nauru	0.01	0.02	752
Nepal	0.01	0.01	479
Netherlands	1.58	2.48	118 889
New Zealand	0.24	0.38	18 059
Nigeria	0.16	0.25	12 039
Norway	0.55	0.86	41 386
Pakistan	0.06	0.09	4 515
Papua New Guinea	0.01	0.02	752
Paraguay	0.01	0.02	752
Peru	0.06	0.09	4 515
Philippines	0.06	0.09	4 515
Portugal	0.24	0.38	18 059
Republic of Korea	0.80	1.26	60 197
Romania	0.15	0.24	11 287
Saint Kitts and Nevis	0.01	0.02	752
Saint Lucia	0.01	0.02	752

Samoa	0.01	0.01	479
San Marino	0.01	0.02	752
Senegal	0.01	0.02	752
Seychelles	0.01	0.02	752
Slovakia	0.10	0.16	7 525
Spain	2.24	3.52	168 552
Sri Lanka	0.01	0.02	752
Swaziland	0.01	0.02	752
Sweden	1.22	1.92	91 801
Switzerland	1.21	1.90	91 048
Tunisia	0.03	0.05	2 257
Uganda	0.01	0.01	479
United Kingdom of Great Britain and Northern Ireland	5.27	8.28	396 548
Uruguay	0.04	0.06	3 010
Vanuatu	0.01	0.01	479
Venezuela	0.40	0.63	30 099
Viet Nam	0.01	0.02	752
Zaire	0.01	0.01	479
Zambia	0.01	0.01	479
Zimbabwe	0.01	0.02	752
	62.10	100.00	4 787 000

* United Nations Report of the Committee on Contributions, Supplement No. 11 (A/49/11).

***Decision I/7 Subsidiary Body on Scientific, Technical
and Technological Advice***

The Conference of the Parties

1. *Decides:*

- (a) That the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) shall operate in accordance with the terms of reference as given in Article 25, paragraphs 1 and 2, until further elaborated by the Conference of the Parties;
 - (b) That SBSTTA shall report to the Conference of the Parties at each of its ordinary meetings;
 - (c) That SBSTTA shall meet sufficiently in advance of each meeting of the Conference of the Parties to enable its report to be considered by Parties in their preparation for the meeting of the Conference of the Parties;
 - (d) That, at its first ordinary meeting, SBSTTA shall consider its *modus operandi*, taking fully into account all views expressed on this matter at the first meeting of the Conference of the Parties and submitted to the Secretariat in writing by the end of February 1995, as well as the need to draw on relevant existing institutional structures;
2. *Requests* SBSTTA to prepare a proposal for a medium-term programme of work based on the priorities set in the programme of work of the Conference of the Parties and on Article 25 and submit it to the Conference of the Parties at its second meeting;
3. *Decides also* that it will decide, at each of its meetings, on which topics advice is required for the implementation of the Convention, taking into account its medium-term work programme and SBSTTA's remit as outlined in Article 25;
4. *Decides further* that the first meeting of SBSTTA shall be held at the headquarters of UNESCO in Paris from 4 to 8 September 1995 to consider the attached provisional agenda.

Annex

**FIRST MEETING OF THE SUBSIDIARY BODY ON SCIENTIFIC,
TECHNICAL AND TECHNOLOGICAL ADVICE (SBSTTA)**

Draft provisional agenda

1. Opening of the meeting.
2. Organizational matters:
 - 2.1 Election of officers;
 - 2.2 Adoption of the agenda;
 - 2.3 Organization of work.
3. Matters related to the *modus operandi* of SBSTTA.
4. Programme of work of SBSTTA for 1995-1997.
5. Matters on which advice from SBSTTA is required by the second meeting of the Conference of the Parties.
 - 5.1 Provision of scientific and technical assessments of the status of biological diversity (Article 25, paragraph 2(a));
 - 5.1.1 Alternative ways and means in which the Conference of the Parties could start the process of considering the components of biological diversity particularly those under threat and the identification of action which could be taken under the Convention (priority item);
 - 5.2 Preparation of scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of the Convention (Article 25, paragraph 2(b));
 - 5.3 Identification of innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and provision of advice on the ways and means of promoting development and/or transferring such technologies (Article 25, paragraph 2(c));
 - 5.3.1 Ways and means to promote and facilitate access to, and transfer and development of technologies as envisaged in Articles 16 and 18 of the Convention (priority item);
 - 5.4 Provision of advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity (Article 25, paragraph 2(d));

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- 5.5 Scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body (Article 25, paragraph 2(e));
 - 5.5.1 What kind of scientific and technical information should be contained in national reports on measures taken for the implementation of the provisions of the Convention and their effectiveness in meeting the objectives of the Convention? (priority item);
 - 5.5.2 How can the Convention on Biological Diversity contribute to the preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in 1996?
 - 5.5.3 Provision of advice on the scientific, technical and technological aspects of the conservation and sustainable use of coastal and marine biological diversity (also taking into account the other provisions in Article 25, paragraph 2) (priority item).
6. Draft provisional agenda of the second meeting of SBSTTA.
7. Date and venue of the second meeting.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

***Decision I/8 Preparation of the participation of the Convention on
Biological Diversity in the third session of the
Commission on Sustainable Development***

The Conference of the Parties

Decides to invite its President to transmit the statement contained in the annex to this decision to the high-level segment of the Commission on Sustainable Development at its third session.

Annex

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

1. The planet's essential goods, ecological functions and services depend on the variety and variability of genes, species, populations and ecosystems. If humanity is to have a future on this earth, biological diversity must be conserved so that these functions and services are maintained. The current decline in biodiversity is largely the result of human activity and represents a serious threat to human development. Despite efforts to conserve the world's biological diversity, its depletion has continued. The entry into force of the Convention provides an international framework through which to address this depletion which causes threats to ecosystems that are vital for the sustenance of human societies in all countries. By becoming Parties to the Convention, Governments have committed themselves to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.
2. The Convention on Biological Diversity is the primary international legal instrument for advancing the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the use of genetic resources while recognizing the important role of other conventions to the objectives of the Convention.
3. The Convention was opened for signature during the United Nations Conference on Environment and Development in Rio de Janeiro. Since then the Convention has received 168 signatures. It entered into force on 29 December 1993, and has been ratified or acceded to by 105 States and the European Community at the time of the first meeting of the Conference of the Parties.
4. The Conference of the Parties to the Convention on Biological Diversity held its first meeting at Nassau, from 28 November to 9 December 1994, at which it took a number of decisions and adopted a medium-term programme of work for the period 1995 to 1997. These are attached to this statement for the information of the Commission on Sustainable Development.
5. The above information is conveyed to the Commission on Sustainable Development in the light of the recommendation contained in paragraph 38.13 (f) of Agenda 21.
6. The Conference of the Parties is vested with the responsibility of implementing the provisions of the Convention on Biological Diversity, of reviewing the further development of matters relating to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable

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sharing of benefits arising from the use of genetic resources and where appropriate, of bringing these within the purview of the Convention. In this context, the Conference of the Parties seeks to establish links with other bodies and processes relevant to biodiversity issues with a view to promoting coherent and urgent attention to these issues.

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

8. At its first meeting, the Conference of the Parties was pervaded by a sense of urgency and an awareness of the magnitude of the task before it. The Conference of the Parties appeals to the Commission on Sustainable Development to make all efforts in its own right to advance the concerns of the Convention on Biological Diversity.

9. The Convention leaves no doubt that biological diversity is a cross-cutting issue. The provisions of the Convention are of the utmost relevance to the issues to be reviewed by the Commission at its third session; to the planning and management of land resources, combating deforestation, managing fragile ecosystems and promoting sustainable agriculture and rural development. Many aspects of the programme areas to be considered by the Commission, their bases for action, objectives, activities, and means of implementation correspond to the objectives and provisions of the Convention.

10. The Convention ushers in a new era concerning access to genetic resources which is subject to the provisions of Article 15 of the Convention and is characterized by a fair and equitable sharing of the benefits arising out of the use of such resources.

11. The Conference of the Parties was informed of the ongoing negotiations under the auspices of the FAO to bring the International Undertaking on Plant Genetic Resources for Food and Agriculture in harmony with the Convention on Biological Diversity. The Conference of the Parties recognizes this process and hopes that these negotiations will come to a meaningful conclusion. The Commission on Sustainable Development may wish to convey this message to the FAO and to advise it on the intention of the Conference of the Parties to consider the issue of access to genetic resources at its second and third meetings. In this regard, it would be desirable to coordinate efforts carried out in both fora in order to collaborate and to avoid overlapping in the respective fields of competence of the FAO and the Convention on Biological Diversity.

12. The provisions of the Convention are also relevant to the cross-sectoral cluster and should be considered by the Commission on Sustainable Development when it reviews critical elements of sustainability as indicated in Agenda 21. The Conference of the Parties notes in particular the relevance of the following cross-sectoral issues on the agenda of the third session of the Commission on Sustainable Development: Chapters 3 Combating poverty; 5 Demographic dynamics and sustainability; 8 Integrating environment and development in decision-making; 16 Environmentally sound management of biotechnology; 23 - 32 Roles of major groups; 33 Financial resources and mechanisms; 34 Transfer of technology; 35 Science for sustainable development; and 40 Information for decision-making.

13. The Conference of the Parties wishes to inform the Commission on Sustainable Development of its intention take immediate action to: 1) undertake work on biosafety, establishing an ad hoc working group

to consider the needs for and modalities of a protocol to the Convention on this issue; 2) establish a clearing-house mechanism to promote technical and scientific cooperation; 3) facilitate the establishment of the subsidiary body on scientific, technical and technological advice and 4) undertake work relevant to biodiversity related Conventions, other institutional agreements and processes of relevance. The Conference of the Parties would be willing to coordinate and collaborate with other United Nations bodies on further work in these four areas. It would also be desirable that future work on the protection of traditional knowledge and practices of indigenous and local communities relevant to conservation and sustainable use should be coordinated with the relevant bodies.

14. Given the complementarity of their respective mandates, the Conference of the Parties is convinced it can make a major contribution to the implementation of Agenda 21. Article 23.4(i) calls upon the Conference of the Parties to consider and undertake any additional action that may be required for the achievement of the purposes of the Convention. Implementation of the Convention will be facilitated by the Conference of the Parties and the Commission on Sustainable Development jointly exploring ways in which any additional issues identified can be further developed within the organizing framework of the Convention.

15. Biological diversity is of great importance for the ecosystem function of forests. The Conference of the Parties emphasizes the importance of conservation, management and sustainable use of forests for achieving the objectives of the Convention and encourages further consideration by the Commission on Sustainable Development on the implementation of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests. The Conference of the Parties to the Convention on Biological Diversity stands ready to make its own contribution to that process consistent with its role in developing measures to achieve the objectives of the Convention with respect to forests. The Conference of the Parties would welcome a dialogue with the Commission on Sustainable Development and seek dialogue and cooperation with other relevant international organizations on the issue of forests.

16. Desertification is associated with land degradation and entails the loss of biological diversity. The Conference of the Parties to the Convention on Biological Diversity will explore the ways in which it can cooperate with the Conference of the Parties to the Convention to Combat Desertification to the extent that their mandates are complementary.

17. The Conference of the Parties invites the Commission on Sustainable Development to:

- (a) Urge States that have not yet done so to become Parties to the Convention;
- (b) Consider the biodiversity issue in the light of the three interrelated objectives of the Convention;
- (c) Approach the subject of biodiversity as a multisectoral issue which is relevant to virtually all of its concerns;
- (d) Urge Governments to recognize the mutually supportive relationship between biodiversity and sustainable development;

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

(f) Consider the sectoral issues to be addressed at its 1995 session in the context of their close interrelationship with biodiversity;

(g) Urge States to work cooperatively to address the subject of poverty in the context of its close interrelationship with biodiversity;

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

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

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

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

***Decision I/9 Medium-term programme of work of the Conference
of the Parties***

The Conference of the Parties

1. *Decides* to adopt the medium-term programme of work for the period 1995 to 1997 contained in the annex to the present decision;
2. *Also decides* to review at its next meeting the medium-term programme of work in light of the progress achieved in the implementation of the Convention.

Taking into account that the Parties share the deep concern and interest about the need for the safe transfer, handling and use of all living modified organisms resulting from biotechnology to avoid adverse effects on the conservation and sustainable use of biological diversity,

3. *Also decides* to establish an open-ended ad hoc group of experts nominated by Governments without undue delay to consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity;
4. *Also decides* that the open-ended ad hoc group of experts nominated by Governments shall hold one meeting of one week's duration during 1995 with a view to presenting its report to the Conference of the Parties.
5. *Decides* that the open-ended group of experts nominated by Governments will consider, as appropriate, existing knowledge, experience and legislation in the field of biosafety, including the views of the Parties, subregional, regional and international organizations, with a view to presenting a report for the consideration of the second meeting of the Conference of the Parties, so as to enable the Conference of the Parties to reach an informed decision as to the need for and modalities of a protocol.
6. *Requests* the Secretariat to submit to the open-ended ad hoc group of experts nominated by Governments relevant information on these matters in sufficient time to facilitate the discussions of the open-ended ad hoc group of experts.
7. *Decides* that, in order to prepare for the work of the open-ended ad hoc group of experts nominated by Governments, the Secretariat shall establish a panel of 15 experts nominated by Governments, with an equitable geographical representation, in consultation with the Bureau of the COP, assisted by UNIDO, UNEP, FAO and WHO, to prepare a background document to be submitted to the open-ended ad hoc group of experts nominated by Governments based on a consideration, as appropriate, of existing knowledge and experience on risk assessment and management, and guidelines and/or legislation already prepared by the Parties, other Governments and by national and competent subregional, regional and international organizations.
8. *Calls upon* the international community, particularly the developed countries and non-governmental sectors, to contribute voluntary funds to assist the open-ended ad hoc group of experts nominated by Governments to discharge its mandate effectively.

Annex

**MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE
OF THE PARTIES 1995-1997**

1. The medium-term programme of work will be constructed on the basis of standing and rolling issues.
2. Standing items will include inter alia:
 - 2.1 Matters relating to the financial mechanism, including report from the interim institutional structure entrusted with its operation;
 - 2.2 Report from the Secretariat on the administration of the Convention and budget for the Secretariat;
 - 2.3 Report from, instructions to and consideration of recommendations from the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA);
 - 2.4 Reports by Parties on implementation of the Convention;
 - 2.5 Report on, assessment and review of the operation of the clearing-house mechanism;
 - 2.6 Relationship of the Convention on Biological Diversity with the Commission on Sustainable Development and biodiversity related conventions, other international agreements, institutions and processes of relevance.
3. The other issues and derived activities necessary to implement the Convention should be treated on a year-by-year agenda, on the understanding that these relevant rotating issues will be developed and continually treated in accordance with the decisions of the Conference of the Parties by the SBSTTA and any eventual working groups appointed by the Conference of the Parties. The year-by-year agenda has to be flexible.
4. Treatment of the Work Programme items should also reflect the importance of capacity-building as one of the elements of successful Convention implementation. The Work Programme should always reflect a balance among the Convention's objectives as set forth in Article 1.
5. In 1995, the second meeting of the Conference of the Parties may consider, inter alia, the following items:**

** The order given does not reflect any prioritization of items, but merely reflects the general structure of the Convention.

5.1 General measures for conservation and sustainable use

- 5.1.1 To provide information and share experiences on the implementation of Article 6.

5.2 Conservation of biological diversity

- 5.2.1 Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention;
- 5.2.2 To provide information and share experiences on measures for implementing Article 8.

5.3 Conservation and sustainable use of coastal and marine biological diversity

- 5.3.1 To consider coastal and marine biological diversity within the context of the Convention's three objectives and its provisions.

5.4 Access to genetic resources

- 5.4.1 To compile existing legislation, administrative and policy information on access to genetic resources and the equitable sharing of benefits derived from their use;
- 5.4.2 To compile information provided by Governments as well as relevant reports from appropriate international organizations regarding policy, legislative, or administrative measures related to intellectual property rights as provided in Article 16 of the Convention and to access to and transfer of technology that makes use of genetic resources.

5.5 Issues relating to technology

- 5.5.1 To consider ways to promote and facilitate access to and transfer and development of technology, as envisaged by Articles 16 and 18 of the Convention.

5.6 Handling of biotechnology

- 5.6.1 To consider the need for and modalities of a protocol for safe handling and transfer of living modified organisms.

5.7 Report on the financial mechanism

- 5.7.1 Consideration of the study prepared by the Secretariat on the availability of financial resources additional to those provided through the restructured Global Environment Facility (GEF), and on the ways and means for

mobilizing and channelling these resources in support of the objectives of the Convention taking into account the views expressed by participants on the subject at the Conference of the Parties at its first meeting.

5.8 Reports by Parties

5.8.1 To provide the form for reporting;

5.8.2 To decide on intervals for reporting.

5.9 Relationship with the FAO Global System for Plant Genetic Resources for Food and Agriculture

5.9.1 To be informed and to be able to consider progress made revising the International Undertaking on Plant Genetic Resources for Food and Agriculture in order to consider its consistency with the objectives and provisions of the Convention and implementation of Resolution 3 of the Nairobi Final Act;

5.9.2 To be informed about and to be able to consider the preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in 1996;

5.9.3 To be informed about developments with regard to ex situ collections of plant genetic resources.

6. In 1996, the third meeting of the Conference of the Parties may consider, inter alia, the following items:

6.1 General measures for conservation and sustainable use;

6.2 Identification, monitoring and assessment

6.2.1 To consider options for implementing Article 7;

6.2.2 Appraisal of SBSTTA's review of assessment of biological diversity for the implementation of Article 25(2)(a) and advice on methodologies for future assessments;

6.3 Conservation and sustainable use of agricultural biological diversity

6.3.1 To consider agricultural biological diversity within the context of the Convention's three objectives and its provisions;

6.4 Consideration of the future programme of work for terrestrial biological diversity in the light of the outcome of deliberations of the third session of the Commission on Sustainable Development in 1995;

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- 6.5 **Knowledge, innovations and practices of indigenous and local communities;**
 - 6.5.1 Implementation of Article 8(j);
 - 6.6 **Access to genetic resources**
 - 6.6.1 To compile the views of Parties on possible options for developing national legislative, administrative or policy measures, as appropriate, to implement Article 15.
 - 6.7 **Issues related to technology**
 - 6.7.1 To consider ways to promote and facilitate access to and transfer and development of technology, as envisaged by Articles 16 and 18 of the Convention.
 - 6.8 **Incentive measures**
 - 6.8.1 To consider options for implementing Article 11.
 - 6.9 **Special session of the General Assembly to review implementation of Agenda 21**
 - 6.9.1 To consider possible inputs from the perspective of the Convention's three objectives.
7. In 1997, the fourth meeting of the Conference of the Parties may consider, *inter alia*, the following items:
- 7.1 **Review of medium-term programme of work (1995-1997)**
 - 7.1.1 To undertake an overall review and consider a longer term work programme;
 - 7.2 **Models and mechanisms for linkages between in situ and ex situ conservation;**
 - 7.3 **Measures for implementing the Convention**
 - 7.3.1 To provide information and share experiences on the implementation of Article 13;
 - 7.3.2 To provide information and share experiences on the implementation of Article 14;
 - 7.4 **Consideration of matters related to benefit sharing**

7.4.1 To consider measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19;

7.5 **Technical and scientific cooperation.**

Decision I/10 Location of the Secretariat

The Conference of the Parties

1. *Decides* to consider and take a decision on the location of the Secretariat at its second meeting;
2. *Decides* to invite Parties interested in hosting the Secretariat to submit their offers to the Secretariat by 31 March 1995;
3. *Decides* to invite those Parties to include in their offers, to the extent possible, details relating to inter alia:
 - (a) Facilities to be made available, including offices, meeting rooms and conference facilities;
 - (b) Availability of institutional support, including programmes of relevance to the Convention, academic programmes and representation of Parties through diplomatic offices;
 - (c) Direct support, including financial and technical support;
 - (d) Privileges and immunities to be extended to the Secretariat and its staff, including the nature of the headquarters agreement or other arrangement to be established with the Secretariat and diplomatic privileges for Secretariat staff and families;
 - (e) State of civic amenities, including health and education facilities.
4. *Decides* to request the Secretariat to transmit all offers to the Parties, as an official document of the second meeting of the Conference of the Parties, by 31 May 1995;
5. *Decides* that the second meeting of the Conference of the Parties will not be held in a country making an offer to host the Secretariat;
6. *Decides* that, at its second meeting, it will make every effort to reach a decision on the location of the Secretariat by consensus. Recognizing the requirement of paragraph 1 of this decision, and, in the event consensus is not possible and, at the time of voting, rule 40, paragraph 1 of the rules of procedure has not been adopted, will for this item:
 - (a) Take a decision by a two-thirds majority of the Parties present and voting; and
 - (b) If a two-thirds majority does not emerge for any one offer after the first round of voting, successive rounds will be taken, the offer receiving the least votes being eliminated after each round, until only two offers remain and one receives a two-thirds majority vote of the Parties present and voting.

***Decision I/11 Preparation for the second meeting of the
Conference of the Parties***

The Conference of the Parties

1. *Requests* the Secretariat to assist in the organization of regional and sub-regional meetings for the preparation of the second meeting of the Conference of the Parties;
2. *Invites* the developed countries and the international organizations to make voluntary contributions to fund such regional and sub-regional meetings and to facilitate the participation of the developing countries, and in particular the least developed amongst them, in such meetings as well as in the meetings convened under the Convention.

Decision I/12 International Day for Biological Diversity

The Conference of the Parties

Decides to recommend to the United Nations General Assembly at its forty-ninth session to consider 29 December, the date of entry into force of the Convention on Biological Diversity, International Day for Biological Diversity.

***Decision I/13 Tribute to the Government of
the Commonwealth of the Bahamas***

The Conference of the Parties

Having met in Nassau from 28 November to 9 December 1994, at the gracious invitation of the Government of the Commonwealth of the Bahamas,

Deeply appreciative of the special courtesy and the warm hospitality extended by the Government and people of the Bahamas to the Ministers, members of the delegations, observers and members of the Secretariat attending the Conference,

Expresses its sincere gratitude to the Government of the Commonwealth of the Bahamas and to its people for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.

ANNEX III

RULES OF PROCEDURE FOR MEETINGS OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention on Biological Diversity convened in accordance with article 23 of the Convention.

DEFINITIONS

Rule 2

For the purposes of these rules:

- (a) "Convention" means the Convention on Biological Diversity adopted in Nairobi on 22 May 1992 and opened for signature in Rio de Janeiro on 5 June 1992;
- (b) "Parties" means Parties to the Convention;
- (c) "Conference of the Parties" means the Conference of the Parties established in accordance with article 23 of the Convention;
- (d) "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 23 of the Convention;
- (e) "Regional economic integration organization" has the same meaning as that assigned to it in article 2 of the Convention;
- (f) "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;
- (g) "Secretariat" means the Secretariat established under article 24 of the Convention;
- (h) "Subsidiary bodies" includes committees and working groups.

PLACE OF MEETINGS

Rule 3

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

DATES OF MEETINGS

Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held on an annual basis. The Conference of the Parties shall review the periodicity of its ordinary meetings in the light of the progress achieved in the implementation of the Convention, no later than at the fourth meeting of the Conference of the Parties.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting.

3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of a meeting at least two months before the meeting is due to commence.

OBSERVERS

Rule 6

1. The Secretariat shall notify the United Nations, its specialized agencies and the International Atomic Energy Agency as well as any State not Party to the Convention of meetings of the Conference of the Parties so that they may be represented as observers.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object.

Rule 7

1. The Secretariat shall notify any body or agency, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented, of meetings of the Conference of the Parties so that they may be represented as observers unless at least one third of the Parties present at the meeting object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object.

AGENDA

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in article 23 of the Convention;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 15 of the present rules of procedure;
- (d) Any item proposed by a Party and received by the Secretariat before the provisional agenda is produced;
- (e) The proposed budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Rule 11

The Secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the Secretariat after the provisional agenda has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Rule 12

The Conference of the Parties shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda, it may add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the Conference of the Parties on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such item shall be considered until at least forty-eight hours after the Conference of the Parties has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

REPRESENTATION AND CREDENTIALS***Rule 16***

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 17

A representative may be designated as an alternate head of delegation. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference of the Parties or the representative of the Executive Secretary if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary or the representative of the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision.

Rule 20

Pending a decision of the Conference of the Parties upon their credentials, representatives shall be entitled to participate provisionally in the meeting.

OFFICERS

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, eight Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the Bureau of the meeting. In electing its Bureau, the Conference of the Parties shall have due regard to the principle of equitable geographical representation of the Small Island Developing States. The offices of President and Rapporteur of the meeting of the Conference of the Parties shall normally be subject to rotation among the five groups of States referred to in section I, paragraph 1, of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Programme was established.

2. The President, the Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting. Their function in the intervening period shall be to serve in the capacity at any extraordinary meeting and to provide guidance to the Secretariat with regard to preparations for and conduct of meetings of the Conference of the Parties. No officer may be re-elected for a third consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon the President elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Rule 23

The President, if temporarily absent from a session or any part thereof, shall designate a Vice-President to act as President. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in the absence of the President, a Vice-President, shall preside until the Conference of the Parties has elected a President for the meeting.

SUBSIDIARY BODIES**Rule 26**

1. In addition to the subsidiary body on scientific, technical and technological advice established under article 25 of the Convention, the Conference of the Parties may establish other subsidiary bodies. It may also establish committees and working groups if it deems it necessary for the implementation of the Convention. Where appropriate, meetings of subsidiary bodies shall be held in conjunction with meetings of the Conference of the Parties.

2. The Conference of the Parties may decide that any such subsidiary bodies may meet in the period between ordinary meetings.

3. Unless otherwise decided by the Conference of the Parties, the chairperson for each such subsidiary body shall be elected by the Conference of the Parties. The Conference of the Parties shall determine the matters to be considered by each such subsidiary body and may authorize the President, upon the request of the chairperson of a subsidiary body, to make adjustments to the allocation of work.

4. Subject to paragraph 3 of this rule, each subsidiary body shall elect its own officers.

5. Unless otherwise decided by the Conference of the Parties, these rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, except that:

(a) A majority of the Parties designated by the Conference of the Parties to take part in the subsidiary body shall constitute a quorum, but in the event of the subsidiary body being open-ended, one quarter of the Parties shall constitute a quorum;

(b) The chairperson of a subsidiary body may exercise the right to vote; and

(c) Decisions of subsidiary bodies shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

SECRETARIAT

Rule 27

1. The head of the Secretariat of the Convention shall be the Executive Secretary of the Conference of the Parties. The Executive Secretary or the representative of the Executive Secretary shall act in that capacity in all meetings of the Conference of the Parties and of subsidiary bodies.

2. The Executive Secretary shall provide and direct the staff required by the Conference of the Parties or subsidiary bodies.

Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting; and
- (f) Generally perform all other work that the Conference of the Parties may require.

CONDUCT OF BUSINESS

Rule 29

1. Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

2. Sessions of subsidiary bodies shall be held in public unless the subsidiary body concerned decides otherwise.

Rule 30

The President may declare a session of the meeting open and permit the debate to proceed if at least one third of the Parties to the Convention are present and have any decisions taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the Conference of the Parties without having previously obtained the permission of the President. Subject to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 32

The chairperson or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it, translated into the official languages of the Conference of the Parties, have been circulated to delegations not later than the day preceding the session. Nevertheless, the President may, in exceptional circumstances and in cases of urgency, permit the discussion and consideration of proposals, amendments to proposals or of procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day or have not been translated into all the official languages of the Conference of the Parties.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and *vice versa*.

Rule 40

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision [, except a decision under paragraph 1 or 2 of article 21 of the Convention] shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention,

/...

the financial rules referred to in paragraph 3 of article 23 of the Convention, or the present rules of procedure. [Decisions of the Parties under paragraphs 1 and 2 of article 21 of the Convention shall be taken by consensus.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 46

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit proposers of proposals or of amendments to proposals to explain their vote on their own proposals or amendments, except if they have been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

LANGUAGES***Rule 52***

The official and working languages of the Conference of the Parties shall be those of the United Nations Organization.

Rule 53

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language, if the Party provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

SOUND RECORDS OF THE MEETINGS***Rule 55***

Sound records of the meetings of the Conference of the Parties, and whenever possible of its subsidiary bodies, shall be kept by the Secretariat in accordance with the practice of the United Nations.

AMENDMENTS TO RULES OF PROCEDURE

Rule 56

These rules of procedure may be amended by consensus by the Conference of the Parties.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 57

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

ANNEX IV

REPORT OF THE ORGANIZATIONAL MEETING OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE (SBSTTA)

1. In accordance with the organization of work adopted at the second plenary session of the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) held on 5 December 1994 an organizational meeting chaired by Mr. J. H. Seyani (Malawi), the Chairperson of the SBSTTA for 1995, to consider the following agenda:

1. Opening of the meeting;
2. Election of officers;
3. Adoption of the agenda;
4. Date and venue of the first meeting;
5. Adoption of the report.

2. The organizational meeting adopted the agenda. With regard to the election of officers of the Bureau, the Chairperson reminded the meeting of rule 26, paragraph 5, of the rules of procedure for the meetings of the Conference of the Parties providing that, unless otherwise decided by the Conference of the Parties, the rules of procedure for meetings of the Conference of the Parties shall apply mutatis mutandis to the proceedings of the subsidiary bodies. Following an intervention by the representative of Spain, item 2, Election of Officers, was postponed.

3. The organizational meeting decided that the first meeting of SBSTTA would take place from 4 to 8 September 1995. The meeting accepted the offer made by the representative of UNESCO to hold the first meeting of the SBSTTA at the headquarters of UNESCO in Paris.

4. At its resumed meeting on 9 December 1994, the organizational meeting of SBSTTA decided that the officers would be elected from the following countries within the regional groupings:

Africa:	Malawi, Tunisia
Asia and the Pacific:	India, Indonesia
Eastern Europe:	Hungary, Kazakhstan
Latin America and the Caribbean:	Brazil, Cuba
Western European and Others Group:	Australia, Italy

5. It was also agreed that Mr. P. Schei (Norway) would be an ex officio member of the Bureau, with full rights.

6. It was agreed that the countries concerned would notify the Secretariat of the names of the respective members of the Bureau no later than 25 February 1995.

ANNEX V

**DOCUMENTS FOR THE FIRST MEETING OF THE CONFERENCE OF THE
PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY**

<u>Symbol</u>	<u>Title</u>
UNEP/CBD/COP/1/	
1	Provisional agenda
1/Add.1	Annotated provisional agenda
1/Add.2	Organization of work
2	Draft rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity
3	Report of the Intergovernmental Committee on the Convention on Biological Diversity on the work of its first session
4	Report of the Intergovernmental Committee on the Convention on Biological Diversity on the work of its second session
5	Policy, strategy, programme priorities and eligibility criteria regarding access to and utilization of financial resources
6 and 6/Add.1	Institutional structure to operate the financial mechanism under the Convention
7	List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties
8	Clearing-house mechanism for technical and scientific cooperation
9	Selection of a competent international organization to carry out the functions of the Secretariat of the Convention
10	Draft Financial Rules governing the funding of the Secretariat of the Convention on Biological Diversity
11	Subsidiary Body on Scientific, Technical and Technological Advice
12	Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development
13	Medium-term programme of work of the Conference of the Parties
14	Budget for the Secretariat of the Convention

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- 15 Venue and date of the second meeting of the Conference of the Parties
- 16 Report of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, including the agenda for scientific and technological research
- Inf.1 Note on regional workshops on biological diversity and the Convention on Biological Diversity
- Inf.2 The Interim Secretariat for the Convention on Biological Diversity: Report by the Executive Director of UNEP
- Inf.3 Progress report by the Food and Agriculture Organization of the United Nations (FAO) on work being carried out by the Commission on Plant Genetic Resources to implement resolution 3 of the Nairobi Final Act
- Inf.4 and 4/Rev.1 Status of ratification of the Convention on Biological Diversity
- Inf.5 Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development: Submissions from Governments
- Inf.6 Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development: Report of the expert workshop on the contribution of the Conference of the Parties to the Convention on Biological Diversity to the 1995 session of the Commission on Sustainable Development, convened by the Government of Spain
- Inf.7 Location of the Secretariat: Offers from Governments
- Inf.8 Conclusions and recommendations of the regional workshop on the practical implementation of the Convention on Biological Diversity in Latin America
- Inf.9 Aims, scope, functions and governance of a broad-based clearing-house under the Convention on Biological Diversity
- Inf.10 Report of the extraordinary session of the Commission on Plant Genetic Resources (Rome, 7-11 November 1994)
- Inf.11 List of participants
- Inf.12 Declaration by the Ministers of the Alliance of Small Island States (AOSIS) at the first Conference of the Parties of the United Nations Convention on Biological Diversity, Nassau, the Bahamas, 8 December 1994
- Inf.13 Memorandum of Understanding between the Conference of the Parties to the Convention on Biological Diversity and the institutional structure operating the financial mechanism under the Convention