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CONFERENCE OF THE PARTIES  
TO THE CONVENTION ON  
BIOLOGICAL DIVERSITY  
First meeting  
Nassau, 28 November - 9 December 1994  
Item 2.2 of the provisional agenda

## ANNOTATED PROVISIONAL AGENDA

### Item 1. Opening of the meeting

1. The first meeting of the Conference of the Parties to the Convention on Biological Diversity will take place in Nassau, the Bahamas, in the conference facilities of the Radisson Cable Beach/Crystal Palace Complex from 28 November to 9 December 1994. Informal consultations among delegations and regional groups will be held on 27 November, starting at 10 a.m. Registration of participants will commence on 26 November at the Radisson Cable Beach/Crystal Palace Complex from 9 a.m to 6 p.m.

2. The meeting will open at 10 a.m. on Monday, 28 November. In accordance with Article 23, paragraph 1, of the Convention on Biological Diversity, the meeting is being convened and will be opened by the Executive Director of the United Nations Environment Programme (UNEP). The Prime Minister of the Bahamas will make an opening statement.

### Item 2. Organizational matters

#### 2.1. Election of officers

3. Under agenda item 2.1, the Conference of the Parties at its opening session will elect its Bureau. The consultations scheduled to take place on 27 November will provide the opportunity for delegations and regional groups to consult informally on the size and composition of the Bureau of the Conference of the Parties and to address the issue in rule 21 of the draft rules of procedure for meetings of the Conference of the Parties recommended by the Intergovernmental Committee on the Convention on Biological Diversity (UNEP/CBD/COP/1/2) for adoption by the first meeting of the Conference of the Parties.

#### 2.2. Adoption of the agenda

4. The provisional agenda (UNEP/CBD/COP/1/1) for the first meeting of the Conference of the Parties has been prepared by the Interim Secretariat in light of the provisions of rule 8 of the draft rules of procedure for meetings of the Conference of the Parties (UNEP/CBD/COP/1/2).

5. In preparing the provisional agenda, the Interim Secretariat has been guided by the stipulation in the Convention of matters to be addressed by the Conference of the Parties at its first meeting and by the discussions during the second session of the Intergovernmental Committee of a draft provisional agenda submitted by the Interim Secretariat (UNEP/CBD/IC/2/18).

6. It was agreed by the Intergovernmental Committee that, bearing in mind the nature of the first meeting of the Conference of the Parties and its two-week duration, priority should be afforded to the matters stipulated in the Convention for action by the first meeting and to those other issues of direct relevance to the objectives of the first meeting. The Intergovernmental Committee recommended the inclusion of items 7 to 10 of the provisional agenda.

### 2.3. Organization of work

7. At the first plenary session of the meeting, the Conference may wish to establish an ad hoc working group of the whole, in which all delegations may participate, for the consideration of agenda items requiring detailed negotiations in order to facilitate the process of decision-making by the plenary. The coordinator of the ad hoc working group of the whole will be designated by the President of the Conference in consultation with the regional groups and other members of the Bureau. Bearing in mind the situation of small delegations and the high cost of servicing meetings, it is planned that only one formal meeting will be held at one time. A division of the agenda items between the plenary and the ad hoc working group of the whole is suggested for the consideration of the meeting in the provisional organization of work (UNEP/CBD/COP/1/1/Add.1).

### Ministerial Segment

8. The Ministerial Segment of the first meeting of the Conference of the Parties will take place from 7 to 9 December 1994. The list of speakers wishing to make an intervention will be open from 3 October to 18 November 1994 at the offices of the Interim Secretariat of the Convention on Biological Diversity in Geneva. The list will subsequently be transferred to the conference centre in the Bahamas.

### Item 3. Adoption of the rules of procedure for the Conference of the Parties

9. Article 23, paragraph 3, of the Convention states that the Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish.

10. At its first session, the Intergovernmental Committee had before it draft rules of procedure for meetings of the Conference of the Parties, prepared by the Interim Secretariat on the basis of established United Nations practice (UNEP/CBD/IC/1/6).

11. The Intergovernmental Committee recommended that the Interim Secretariat prepare a revised draft for its second session, based on amendments made at its first session and those received subsequently in writing from Governments. The revised draft rules of procedure (UNEP/CBD/IC/2/3) were examined by the Intergovernmental Committee at its second session, in parallel with the issue of periodicity of meetings of the Conference of the Parties.

12. It should be recalled that Article 23, paragraph 1, of the Convention states, *inter alia*, that ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting. At its second session, the Intergovernmental Committee had before it a note prepared by the Interim Secretariat setting out

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considerations that might be taken into account in deciding on the periodicity of meetings of the Conference of the Parties (UNEP/CBD/IC/2/4). The note also briefly reviewed the practices adopted by the Parties to other conventions on environmental matters.

13. An open ended contact group was established by the Intergovernmental Committee at its second session to facilitate the negotiation of the revised draft rules of procedure. At the end of its second session, the Intergovernmental Committee decided to recommend for consideration and adoption by the first meeting of the Conference of the Parties the draft rules of procedure for the Conference of the Parties contained in document UNEP/CBD/COP/1/2. However, the Committee was not in a position to agree on the exact wording of the following:

(a) Paragraph 1 of rule 4, on the periodicity of meetings of the Conference of the Parties;

(b) Rule 21, on the Bureau of the Conference of the Parties;

(c) Paragraph 1 of rule 40, regarding decisions in respect of Article 21 of the Convention.

14. The informal consultations to be convened by the Executive Director of UNEP on 27 November 1994 will provide a useful opportunity for delegations and regional groups to pursue their consultations on the outstanding issues in the recommended draft rules of procedure in order to allow the Conference of the Parties to proceed with their adoption at the opening session of its first meeting.

Item 4. Report of the Intergovernmental Committee on the Convention on Biological Diversity

15. The Chairperson of the Intergovernmental Committee will make a presentation on the preparatory work of the Committee and introduce the report of the second session of the Committee (UNEP/CBD/COP/1/4). The report of the first session of the Committee is contained in document UNEP/CBD/COP/1/3. The pre-session documents for the second session of the Committee will be available upon request at the Conference venue.

16. After completing its examination of item 6 (Matters stipulated by the Convention for action by the Conference of the Parties at its first meeting), the Conference of the Parties may also wish to consider under this item any other recommendations contained in the report of the Intergovernmental Committee regarding matters not stipulated by the Convention for action by the Conference of the Parties at its first meeting.

Item 5. Report on the credentials of representatives to the first meeting of the Conference of the Parties

17. Rule 19 of the draft rules of procedure for the Conference of the Parties recommended by the second session of the Intergovernmental Committee for adoption states that the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision.

18. The Conference will consider the report on credentials submitted to it by the Bureau.

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

19. Article 21, paragraph 2, of the Convention states, *inter alia*, that the Conference of the Parties shall determine the policy, strategy, programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources, including monitoring and evaluation on a regular basis of such utilization.

20. At its second session, the Intergovernmental Committee had before it a note by the Interim Secretariat (UNEP/CBD/IC/2/8) indicating some elements of policy, strategy, and criteria regarding access to and utilization of financial resources, as contained in the Convention, in order to give effect to which the Conference of the Parties may need to consider additional measures.

21. In addition, the Intergovernmental Committee had before it, as background documentation, a note by the Interim Secretariat on methodologies that might be used to estimate funding needs (UNEP/CBD/IC/2/16) and a note on definition of the term "full incremental costs" as applied to biological diversity (UNEP/CBD/IC/2/17).

22. At its second session, the Intergovernmental Committee agreed to recommend to the Conference of the Parties at its first meeting that the document entitled "Programme priorities for access to and utilization of financial resources" (see document UNEP/CBD/COP/1/5) be used as the basis for further discussions.

6.2. Institutional structure to operate the financial mechanism under the Convention

23. Article 21, paragraph 1, of the Convention states that the Conference of the Parties may decide at its first meeting on the institutional structure to carry out the operations of the financial mechanism.

24. Article 39, on interim financial arrangements of the Convention, states that the Global Environment Facility, 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.

25. Accordingly, the Global Environment Facility (GEF) was invited in resolution 1 of the Nairobi Final Act to undertake the operation of the financial mechanism in accordance with Article 21 on an interim basis for the period between the opening of the Convention for signature and its entry into force and, for the purposes of Article 39, until the first meeting of the Conference of the Parties. During this period, GEF has been engaged in a restructuring process which ended in March 1994.

26. At its second session, the Intergovernmental Committee had before it a note by the Interim Secretariat (UNEP/CBD/IC/2/9) to facilitate its review of the requirements of the institutional structure to operate the financial mechanism, the conclusions of the restructuring of the GEF as reflected in

the Instrument for the Establishment of the Restructured Global Environment Facility, the possibilities for involvement under the Convention of other financial institutions, and the arrangements that may be required between the Conference of the Parties and the institutional structure operating the financial mechanism.

27. The Intergovernmental Committee was not in a position to make a recommendation on this issue for consideration by the Conference of the Parties at its first meeting. However, it agreed to recommend that the arrangements between the Conference of the Parties and the institutional structure be formal while allowing a certain flexibility. Pursuant to the Intergovernmental Committee's request, the Conference of the Parties will have before it at its first meeting a document containing a non-exhaustive list of elements based on the discussions of the Committee, to be considered when formalizing the arrangements (UNEP/CBD/COP/1/6).

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

28. Article 20, paragraph 2, of the Convention states, *inter alia*, that the Conference of the Parties shall establish a list of developed country Parties and other Parties that voluntarily assume the obligations of developed country Parties.

29. At its second session, the Intergovernmental Committee had before it a note by the Interim Secretariat (UNEP/CBD/IC/2/10) reviewing how some major organizations and treaty bodies classify countries.

30. At the end of its deliberations, the Intergovernmental Committee recommended the list contained in document UNEP/CBD/COP/1/7 as a basis for the discussions on this topic by the first meeting of the Conference of the Parties.

6.4. Clearing-house mechanism for technical and scientific cooperation

31. Article 18, paragraph 3, of the Convention states that the Conference of the Parties shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

32. At its first session, the Intergovernmental Committee requested the Interim Secretariat to identify "existing clearing-house mechanisms and other information exchange mechanisms and report on their experience". Accordingly, the Committee at its second session had before it a note prepared by the Interim Secretariat (UNEP/CBD/IC/2/7) based upon a preliminary survey of existing clearing-house mechanisms, and the discussion of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, held in Mexico City from 11 to 15 April 1994, on the development of a clearing-house mechanism for information exchange to promote scientific and technical cooperation.

33. On the basis of the further guidance provided by the Intergovernmental Committee at its second session, the Interim Secretariat has prepared document UNEP/CBD/COP/1/8 to facilitate the deliberations on this topic by the first meeting of the Conference of the Parties. The document explores the various facets of such a mechanism as well as possible options for its establishment.

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

34. Article 24, paragraph 2, of the Convention states that the Conference of the Parties shall designate the secretariat of the Convention from amongst those existing competent international organizations that have signified their willingness to carry out the secretariat functions under the Convention.

35. At its second session, the Intergovernmental Committee considered a note prepared by the Interim Secretariat (UNEP/CBD/IC/2/6), containing possible criteria by which the Conference of the Parties might wish to assess and select the existing competent international organization to carry out the secretariat functions under the Convention, as well as suggestions on the process for ascertaining the interest of relevant international organizations. The Committee agreed to recommend to the Conference of the Parties a list of attributes of competent international organizations, including a list of requirements aimed at ensuring the autonomy of the Secretariat (see the report of the Intergovernmental Committee on the work of its second session (UNEP/CBD/COP/1/4), para. 112).

36. The Intergovernmental Committee agreed also to invite all interested organizations to notify their interest to carry out the secretariat functions under the Convention to the Interim Secretariat before 15 August 1994, accompanied by the details, including administrative costs, of their offer.

37. At its first meeting, the Conference of the Parties will have before it document UNEP/CBD/COP/1/9 containing the offers received by the Interim Secretariat in response to the invitation issued by the Intergovernmental Committee.

38. Under this agenda item, the Conference may wish also to address the issue of the location of the Secretariat of the Convention.

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

39. Article 23, paragraph 3, of the Convention states, *inter alia*, that the Conference of the Parties shall adopt financial rules governing the funding of the Secretariat of the Convention.

40. At its second session, the Intergovernmental Committee considered a note by the Interim Secretariat (UNEP/CBD/IC/2/5) which provided draft financial rules based on the practices followed by the secretariats of other related conventions. The Intergovernmental Committee agreed to recommend to the first meeting of the Conference of the Parties that the draft financial rules contained in document UNEP/CBD/COP/1/10 be used as the basis for its deliberations on this matter.

41. The Intergovernmental Committee also noted that it is for the Conference of the Parties to determine the scale of assessment by which contributions shall be made by the Parties to finance the Trust Fund of the secretariat. Based on the recommendation of the Intergovernmental Committee, the Interim Secretariat has drawn up alternative scales of assessment for contributions to the Trust Fund (see document UNEP/CBD/COP/1/10).

Item 7. Subsidiary Body on Scientific, Technical and Technological Advice

42. Article 25, paragraph 1, of the Convention establishes a Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to provide the Conference of the Parties and, as appropriate, its other subsidiary

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bodies with timely advice relating to the implementation of the Convention. The functions of the Subsidiary Body are outlined in the same article, which also provides that its functions, terms of reference, organization and operation may be further elaborated by the Conference of the Parties.

43. The Intergovernmental Committee examined this issue at its second session on the basis of a note prepared by the Interim Secretariat (UNEP/CBD/IC/2/19). The Committee also drew on the recommendations contained in the report of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity (UNEP/CBD/IC/2/11). It recommended to include this item on the agenda of the first meeting of the Conference of the Parties in order to agree on the necessary measures to make the SBSTTA operational. The Conference of the Parties may wish to schedule an organizational meeting of the SBSTTA during its first meeting; such a meeting has been tentatively included in the provisional organization of work (UNEP/CBD/COP/1/1/Add.2).

44. At its first meeting, the Conference will have before it document UNEP/CBD/COP/1/11 prepared by the Interim Secretariat to facilitate its consideration of this item.

Item 8. Preparation of the participation of the Convention on Biological Diversity in the third session of the Commission on Sustainable Development

45. At its second session, the Intergovernmental Committee examined the need for the Conference of the Parties, at its first meeting, to consider its relationship with the United Nations Commission on Sustainable Development, in particular for the follow-up of issues of common concern contained in Agenda 21.

46. The Intergovernmental Committee recommended that this item be included on the agenda of the first meeting of the Conference of the Parties and requested the Interim Secretariat to prepare a document to facilitate its consideration, based principally on inputs from Governments which it was agreed would be submitted before 15 August 1994. To facilitate the submission of inputs, the Interim Secretariat circulated a note (UNEP/CBD/IC/2/Inf.5), proposing that Governments indicate the issues which could arise in the discussion at the third session of the Commission on Sustainable Development, of the cluster of themes on its agenda, from the perspective of the Convention on Biological Diversity. Governments were requested also to outline their perspectives and suggestions for the coherent development of biodiversity issues.

47. Accordingly, document UNEP/CBD/COP/1/12 has been prepared by the Interim Secretariat to facilitate the consideration of this item by the Conference of the Parties at its first meeting. The Conference will also have before it, for information, the report of a workshop convened by the Government of Spain on this subject.

Item 9. Medium-term programme of work of the Conference of the Parties

48. The need to outline medium-term programme of work of the Conference of the Parties was considered by the Intergovernmental Committee at its second session, in parallel with discussion of the provisional draft agenda for the first meeting of the Conference of the Parties. A number of possible items to be included in a medium-term programme of work of the Conference of the Parties were suggested.

49. The meeting will have before it a note prepared by the Interim Secretariat to facilitate the consideration of this item (UNEP/CBD/COP/1/13).

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

<u>Item</u>	<u>Symbol</u>	<u>Title</u>
2.2	UNEP/CBD/COP/1/1	Provisional agenda
2.2	UNEP/CBD/COP/1/1/Add.1	Annotated provisional agenda
2.3	UNEP/CBD/COP/1/1/Add.2	Provisional organization of work
3	UNEP/CBD/COP/1/2	Draft rules of procedure for the Conference of the Parties
4	UNEP/CBD/COP/1/3	Report of the Intergovernmental Committee on the Convention on Biological Diversity on the work of its first session
4	UNEP/CBD/COP/1/4	Report of the Intergovernmental Committee on the Convention on Biological Diversity on the work of its second session
4	UNEP/CBD/COP/1/INF.1	Report on regional workshops on biological diversity and the Convention on Biological Diversity
4	UNEP/CBD/COP/1/INF.2	Report by the Executive Director of the United Nations Environment Programme on the Interim Secretariat of the Convention on Biological Diversity
6.1	UNEP/CBD/COP/1/5	Policy, strategy, programme priorities and eligibility criteria regarding access to and utilization of financial resources
6.2	UNEP/CBD/COP/1/6	Institutional structure to operate the financial mechanism under the Convention
6.3	UNEP/CBD/COP/1/7	List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties
6.4	UNEP/CBD/COP/1/8	Clearing-house mechanism for technical and scientific cooperation
6.5	UNEP/CBD/COP/1/9	Selection of a competent international organization to carry out the functions of the Secretariat of the Convention
6.6	UNEP/CBD/COP/1/10	Financial rules governing the funding of the Secretariat of the Convention

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| 7  | UNEP/CBD/COP/1/11    | Subsidiary Body on Scientific,<br>Technical and Technological Advice   |
| 8  | UNEP/CBD/COP/1/12    | Preparation of the participation of<br>the Convention on Biological<br>Diversity in the third session of<br>the Commission on Sustainable<br>Development     |
| 9  | UNEP/CBD/COP/1/13    | Medium-term programme of work of the<br>Conference of the Parties  |
| 9  | UNEP/CBD/COP/1/INF.3 | Progress report by FAO on work being<br>carried out by the Commission on<br>Plant Genetic Resources to implement<br>resolution 3 of the Nairobi<br>Final Act |
| 10 | UNEP/CBD/COP/1/14    | Budget for the Secretariat of the<br>Convention  |
| 12 | UNEP/CBD/COP/1/INF.4 | Status of ratification of the<br>Convention on Biological Diversity  |

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