

**CONVENTION ON  
BIOLOGICAL DIVERSITY**

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CONFERENCE OF THE PARTIES TO THE  
CONVENTION ON BIOLOGICAL DIVERSITY  
Third meeting  
Buenos Aires, Argentina  
4 to 15 November 1996

**ANNOTATED PROVISIONAL AGENDA****1. Opening of the meeting**

1. The third meeting of the Conference of the Parties (COP) to the Convention on Biological Diversity will take place from 4 to 15 November 1996 at the Golden Centre, Buenos Aires, Argentina. Meeting rooms will be made available on the afternoon of Sunday, 3 November 1996 for informal consultations among the five regional groups for the designation of their respective candidates to the Bureau of the meeting. Registration of participants will commence on Sunday, 3 November at 9.00 a.m. The meeting will be opened at 10.00 a.m. on Monday, 4 November 1996.

**2. Organisational matters****2.1 Election of officers**

2. Under agenda item 2.1, the Conference of the Parties, at its opening session, will elect its Bureau. Rule 21 of the rules of procedure for the meetings of the Conference of the Parties states that "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 serve as the Bureau. 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 office 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

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referred to in section I, paragraph 1, of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Program was established".

3. In accordance with Article 36, paragraph 3, of the Convention, States that have deposited their instrument of ratification, acceptance, approval or accession before 6 August 1996 may participate in the third meeting of the COP as a Party.

## 2.2 Adoption of the Agenda

4. The draft provisional agenda contained in document UNEP/CBD/COP/3/1 has been prepared by the Executive Secretary in the light of the provisions of rule 8 of the rules of procedure for meetings of the Conference of the Parties, and taking into account the medium-term program of work and other relevant decisions adopted by the second meeting of the COP. In preparing the provisional agenda, the Executive Secretary benefited from the guidance of the Bureau of the COP.

## 2.3 Organisation of work

5. At its first plenary session, the COP may wish to establish a Committee of the Whole. A division of the agenda items between the plenary and the Committee of the Whole is suggested for the consideration of the meeting in the provisional organisation of work contained in document UNEP/CBD/COP/3/1/Add.2.

## Ministerial Segment

6. In accordance with decision II/21 of the COP, the Ministerial-level segment of the third meeting of the COP will be held on 13 and 14 November 1996. The list of speakers wishing to make an intervention will be open from 1 August to 31 October 1996 at the offices of the Secretariat to the Convention on Biological Diversity in Montreal and Geneva. The list will be subsequently transferred to the offices of the Secretariat at the venue of the meeting in Buenos Aires. In light of the short duration of the ministerial segment, it is recommended that interventions focus on a specific theme being addressed by the third meeting of the COP and do not exceed 10 minutes.

## **3. Pending issues arising from the work of the second meeting of the Conference of the Parties**

### 3.1 Paragraph 1 of rule 40 of the rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity

7. At its fourth session, the second meeting of the COP decided to defer to its third meeting the pending issue related to the final wording of paragraph 1 of rule 40 of the rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity (see paragraph 32 of document UNEP/CBD/COP/2/19).

3.2 Paragraph 4 and 16 of the financial rules for the administration of the Trust Fund of the Convention on Biological Diversity

8. In decision II/20 the COP also deferred the pending issues related to paragraphs 4 and 16 of the financial rules for the administration of the Trust Fund for the Convention on Biological Diversity contained in annex II to the decision.

9. To facilitate the consideration of agenda item 3, the Executive Secretary has prepared document UNEP/CBD/COP/3/2 containing the different proposals by Parties related to the pending issues arising from the second meeting of the COP.

**4. Consideration of the report and recommendations of the second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and instructions to the Subsidiary Body on Scientific, Technical and Technological Advice**

10. Article 23, paragraph 4(b) provides that the COP shall keep under review the implementation of the Convention and shall review scientific, technical and technological advice on biological diversity provided in accordance with Article 25.

11. The report of the second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), held from 2 to 6 September 1996 in Montreal (contained in document UNEP/CBD/COP/3/3), will be introduced to the meeting by the Chairman of the SBSTTA, Mr. Peter Johan Schei (Norway). The Bureau of the COP has suggested that the COP may wish to further consider this report in connection with relevant items of the provisional agenda. Accordingly, the meeting may wish to invite the Chairman of the SBSTTA to present the recommendations of the SBSTTA as each relevant item of the provisional agenda is considered.

12. The recommendations of the SBSTTA are directly relevant to consideration of items 5, 7, 8, 9, 10.2, 10.3, 11, 12, 13, 14, 17 and 18 of the provisional agenda for this meeting.

**5. Report on assessment and review of the operation of the clearing-house mechanism**

13. In decision I/3, the COP established a clearing-house mechanism to promote and facilitate technical and scientific cooperation in accordance with Article 18, paragraph 3 of the Convention. At its second meeting, the COP agreed on a pilot phase for 1996-1997. It also decided to review the implementation of the pilot phase of the clearing-house mechanism at its third meeting. Paragraph 10 of decision II/3 requested the Executive Secretary to submit a progress report on the implementation of the pilot phase. The Executive Secretary prepared a progress report on the implementation of the pilot phase of the clearing-house mechanism for 1996 which was submitted to the second meeting of the SBSTTA. The report describes the activities carried out by the Secretariat, pursuant to Decision II/3 of the COP, during the period from January to August 1996. An updated report, for consideration by the COP at its third meeting, has been prepared by the Executive Secretary (document UNEP/CBD/COP/3/4). The COP may also wish to refer to the relevant recommendations of the second meeting of the SBSTTA, contained in document UNEP/CBD/COP/3/3, in its consideration of this item of the provisional agenda.

14. Decision II/3 also requested the Global Environment Facility (GEF) to explore the modalities of providing support through the financial mechanism to developing country Parties for capacity building in relation to the operation of the clearing-house mechanism and to report to the COP at its third meeting. Accordingly, the COP may also wish to refer to the report of the GEF (document UNEP/CBD/COP/3/5) to assist in its consideration of this item of the provisional agenda.

## **6. Financial resources and mechanism**

15. Given the complexity, importance and magnitude of this item the Bureau of the COP suggested that the Executive Secretary provide detailed guidance on the implications of decision II/6 for the work programme of the COP.

### **6.1 Report on the activities of the Global Environment Facility as the interim institutional structure**

16. In accordance with paragraph 2.1 of the annex of decision II/18 of the COP, the meeting will have before it document UNEP/CBD/COP/3/5, which is the report of the GEF describing its activities as the interim financial mechanism. The report will be made available in the languages in which it has been submitted by the GEF.

17. Paragraph 6 of decision II/6 requested the GEF to take the following comments into account when preparing its report to be submitted to the third meeting of the COP:

- (a) Detailed information should be provided on the conformity of the approved work programmes with the guidance of the Conference of the Parties;
- (b) A list of projects submitted by eligible country Parties and information on their status should be included.

18. Paragraph 7 of decision II/6 also requested the GEF to take any additional appropriate steps to expedite the project preparation and approval process with a view to implementing fully the guidance of the COP contained in Annex I to decision II/2 on financial resources and mechanism entitled "Policy, strategy, programme priorities and eligibility criteria for access to and utilisation of financial resources" (UNEP/CBD/COP/1/17).

19. Paragraph 10 of decision II/6 further recommended that the GEF explore the possibility of promoting diverse forms of public involvement and more effective collaboration between all tiers of government and civil society, including the feasibility of a programme of grants for medium-sized projects, in order to more effectively implement its policies, strategies and programme priorities. Such exploration should take into account the eligibility criteria set out by the COP in Annex I to decision II/2 on financial resources and mechanism, contained in document UNEP/CBD/COP/1/17.

20. Paragraph 11 of decision II/6 also requested the GEF, as the interim institutional structure for the financial mechanism, to implement the relevant provisions of the following decisions: II/3 on clearing-house mechanism; II/7 on consideration of Articles 6 and 8 of the Convention; II/8 on preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention; and II/17 on form and intervals of national reports by Parties. Paragraph 12 of decision II/17

requested the financial mechanism to make available financial resources to developing country Parties to assist in the preparation of their national reports. The first national reports will focus in so far as possible on the measures taken for the implementation of Article 6.

#### 6.2 Report of the Executive Secretary on financial resources and mechanism

21. Paragraph 12 of decision II/6 requested the Executive Secretary to present a report to the third meeting of the COP on the implementation of decision II/6. This meeting will have before it document UNEP/CBD/COP/3/6 which contains the report of the Executive Secretary on the implementation of decision II/6. This report describes the overall structure of this item of the provisional agenda and the various activities undertaken pursuant to decision II/6. The report of the Executive Secretary also will:

- (a) review actions taken by the interim financial mechanism pursuant to Paragraphs 5, 6, 7, 8, 10 and 11 of decision II/6; and
- (b) confirm the reciprocal participation of representatives of the SBSTTA and the Scientific and Technical Advisory Panel of the GEF in respective meetings as requested by Paragraph 8 of decision II/6.

#### 6.3 To consider the availability of additional financial resources and possible suggestions to funding institutions on how to make their activities in the area of biodiversity more supportive of the Convention

22. Paragraph 9 of Decision II/6 on financial resources and mechanism adopted by the second meeting of the COP requested the Executive Secretary to:

- (a) Further explore possibilities to identify additional financial resources to support the objectives of the Convention;
- (b) Continue to monitor the availability of additional financial resources and further identify where and how country Parties might gain access to these resources;
- (c) Study characteristics specific to biodiversity activities to allow the COP to make suggestions to funding institutions on how their activities in the area of biodiversity might be made more supportive of the Convention.

23. To assist the COP in its consideration of this item of the provisional agenda the Executive Secretary has prepared document UNEP/CBD/COP/3/7. This identifies a need for more detailed monitoring of existing commitments by donors in support of the objectives of the Convention. Accordingly, the COP may wish to consider establishing a data collection and dissemination programme in order to meet this need. In this regard the COP may wish to consider using the clearing-house mechanism to gather information on financial flows from private and public sources in support of the aims of the Convention. The document also identifies a need for greater strategic clarity to enable funding institutions to better understand how the provisions of the Convention relate to their programmes of work. Accordingly, the COP may wish to consider establishing a consultative mechanism with such funding institutions to develop guidelines for the implementation of the provisions of Article 20 as they might apply to these institutions.

#### 6.4 To consider guidelines for the Conference of the Parties' review of the effectiveness of the

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financial mechanism

24. Article 21 paragraph 3, provides that the COP shall review the effectiveness of the financial mechanism , as well as the criteria and guidelines for eligibility for access to and utilisation of the financial resources, not less than two years after the entry into force of the Convention and thereafter on a regular basis.

25. In paragraph 2 of decision II/6, the COP decided to undertake the first review of the effectiveness of the financial mechanism at its fourth session in 1997. This first review will be carried out within the basic approach described in document UNEP/CBD/COP/2/9. Paragraph 3 of decision II/6 requested the Executive Secretary to further develop guidelines for such a review for consideration and decision by the COP at its third meeting, taking into account comments made by participants at its second meeting and/or provided by Parties in writing to the Executive Secretary not later than the end of February 1996.

26. The Executive Secretary invited further comments on the guidelines from Parties and observers in a letter of 5 January, 1996. The contributions received by the Executive Secretary are contained in document UNEP/CBD/COP/3/Inf.1.

27. To assist the COP in their consideration of this item of the provisional agenda the Executive Secretary has prepared document UNEP/CBD/COP/3/8. This document observes that it may be too soon to properly review the effectiveness of the financial mechanism. However, it is clear from the experience gained so far that the financial mechanism would benefit from further clarification of the guidance provided by the COP, contained in Annex I to decision I/2 on financial resources and mechanism entitled "Policy, strategy, programme priorities and eligibility criteria for access to and utilisation of financial resources" (UNEP/CBD/COP/1/17). Accordingly, the document contains a number of possible changes to the guidance which the COP may wish to consider.

6.5 To consider and decide upon the revised draft "Memorandum of Understanding Between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility Regarding the Institutional Structure Operating the Financial Mechanism of the Convention"

28. The COP, in paragraph 4 of decision II/6, took note of the draft "Memorandum of Understanding between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility regarding the institutional structure operating the financial mechanism of the Convention", and requested the Secretariat of the Convention to continue consultations on the draft Memorandum of Understanding, in order to ensure that comments by Parties are reflected, and to submit a revised draft Memorandum of Understanding for consideration and decision by the COP at its third meeting. The draft Memorandum of Understanding submitted to the second meeting of the COP is contained in document UNEP/CBD/COP/2/11.

29. In response to the COP's request to continue consultations on the draft Memorandum of Understanding, the Executive Secretary invited written submissions from Parties on 8 January 1996. Submissions received by the Executive Secretary are contained in document UNEP/CBD/COP/3/Inf.2, together with a note by the Executive Secretary identifying issues of common concern. The Executive Secretary also organised a series of informal meetings to, *inter alia*, further discuss and consider the comments of Parties on the Memorandum of

Understanding. It is expected that the Memorandum of Understanding will be considered at the preparatory regional meetings for the third meeting of the COP and for the meeting of the Council of the GEF in October 1996. The Executive Secretary also continued discussion throughout the year with the Secretariat of the GEF with a view to developing a revised Memorandum of Understanding.

30. The result of these consultations and of the consideration of the comments of the Parties is reflected in the revised Memorandum of Understanding contained in document UNEP/CBD/COP/3/10.

**6.6**     To endeavour to decide upon the institutional structure to be designated in accordance with Article 21 of the Convention

31. The COP decided at its second meeting that the restructured GEF should 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, until a decision is taken on which institutional structure is to be designated in accordance with Article 21 of the Convention. Article 21 provides that the financial mechanism shall operate, *inter alia*, within a democratic and transparent system of governance, function under the authority and guidance of, and be accountable to, the COP for the purposes of this Convention.

32. Paragraph 1 of decision II/6 provides that the third meeting of the COP shall endeavour to make a decision with regard to the designation of the institutional structure to operate the financial mechanism. To assist the COP in its consideration of this item of the provisional agenda the Executive Secretary has prepared document UNEP/CBD/COP/3/9.

**7.                    General measures for conservation and sustainable use**

**7.1            Implementation of Articles 6 and 8 of the Convention**

33. At its second meeting, the COP requested the Executive Secretary to make available through the clearing-house mechanism information and lessons drawn from national experience pertaining to the implementation of Article 6 (General Measures for Conservation and Sustainable Use of Biological Diversity) and Article 8 (*In-situ* Conservation) contained in national reports submitted by Parties in accordance with Article 26 of the Convention. In accordance with decision II/3, the pilot phase for the clearing-house mechanism has begun and a report by the Executive Secretary is contained in document UNEP/CBD/SBSTTA/2/9. In decision II/17, the COP decided that the first national reports should focus on the measures taken for the implementation of Article 6; urged all Parties to submit their first national reports no later than 30 June 1997; and urged the financial mechanism to make available financial resources to developing country Parties to assist in the preparation of their national reports. Accordingly, the meeting may wish to refer to the report of the interim financial mechanism contained in UNEP/CBD/COP/3/3.

34. Paragraph 7 of decision II/7 (Consideration of Articles 6 and 8 of the Convention) requested the Executive Secretary to report to this meeting on the implementation of the decision. This report is contained in

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document UNEP/CBD/COP/3/11, which also describes measures taken by the Executive Secretary to:

- (a) compile and disseminate information on the implementation of Articles 6 and 8 including experience of relevant conventions, United Nations bodies and intergovernmental and non-governmental organisations; and
- (b) prepare, on the basis of available information, suggestions on how the collection and sharing of relevant information and experience might be enhanced,

as requested in paragraph 4 of decision II/7.

## **8. Identification, monitoring and assessment**

### **8.1 To consider options for implementing Article 7 of the Convention**

35. The medium-term program of work of the COP provides for the consideration at the third meeting of options for implementing Article 7 of the Convention. The second meeting of the SBSTTA considered alternative ways and means in which the COP could start the process of identification, monitoring and assessment of components of biological diversity, as well as processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, in accordance with Article 7.

36. At its second meeting the SBSTTA had before it document UNEP/CBD/SBSTTA/2/3 prepared by the Executive Secretary. The third meeting of the COP will have before it document UNEP/CBD/COP/3/12 prepared by the Executive Secretary. The recommendations of the SBSTTA are contained in document UNEP/CBD/COP/3/3.

### **8.2 Appraisal of the Subsidiary Body on Scientific, Technical and Technological Advice's assessment of biological diversity for the implementation of Article 25(2)(a) and advice on methodologies for future assessments**

37. In decision II/17, the COP decided to consider at its third meeting the SBSTTA review of assessment of biological diversity for the implementation of Article 25(2)(a) and advice on methodologies for future assessments. The second meeting of the SBSTTA reviewed assessment of biological diversity made in 1995, and methodologies for carrying out such assessments.

38. At its second meeting the SBSTTA had before it document UNEP/CBD/SBSTTA/2/2 prepared by the Executive Secretary. The third meeting of the COP will have before it document UNEP/CBD/COP/3/13 prepared by the Executive Secretary. The recommendations of the SBSTTA are contained in document UNEP/CBD/COP/3/3.

## **9. Conservation and sustainable use of agricultural biological diversity**



**9.1 To consider agricultural biological diversity within the context of the Convention's three objectives and provisions**

39. In adopting its medium-term program of work, the COP decided to consider, at its third meeting, agricultural biological diversity within the context of the Convention's three objectives and provisions.

40. The second meeting of the SBSTTA considered the conservation of agricultural biological diversity and sustainable use of its components. To assist the SBSTTA in its consideration of this issue the Executive Secretary prepared document UNEP/CBD/SBSTTA/2/10. The third meeting of the COP will have before it document UNEP/CBD/COP/3/14 prepared by the Executive Secretary. The recommendations of the SBSTTA are contained in document UNEP/CBD/COP/3/3.

**9.2 To consider the report on progress under the FAO Global System for the Conservation and Utilisation of Plant Genetic Resources for Food and Agriculture**

41. In paragraph 1 of decision II/16, the COP requested the FAO to present the outcome of the International Technical Conference on the Conservation and Utilisation of Plant Genetic Resources for Food and Agriculture to the third meeting of the COP and to make the Global Plan of Action and State of the World reports available to that meeting. The progress report submitted by the FAO is contained in document UNEP/CBD/COP/3/15.

42. The COP may wish to consider how the Convention as a whole can best support the work of the FAO Global System for the Conservation and Utilisation of Plant Genetic Resources for Food and Agriculture and, in particular, the nature of any appropriate institutional cooperation. The relationship of the Convention with other biodiversity-related processes is a standing item on the agenda of meetings of the COP and will be considered under item 18 of the provisional agenda for this meeting. To assist the COP with its consideration of item 18, the Executive Secretary has prepared document UNEP/CBD/COP/3/29, which contains information of general relevance to matters of cooperation. Accordingly, the COP may wish to refer to this document in its consideration of this item of the provisional agenda.

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

**10.1 Communication of the Secretariat of the Intergovernmental Panel on Forests on progress on issues relevant to forests and biological diversity**

43. At its third session, the Commission on Sustainable Development (CSD) decided to establish an open-ended ad hoc Intergovernmental Panel on Forests (IPF) to pursue consensus and formulation of coordinated proposals for action. Paragraph 4 of decision II/9 invited the Secretariat of the IPF to communicate progress on issues relevant to forests and biological diversity to the third meeting of the COP. The submission of the Secretariat of the IPF is contained in document UNEP/CBD/COP/3/17.

**10.2 To consider whether further input to the Intergovernmental Panel on Forests is required**

44. In decision II/9, the COP adopted a statement from the Convention to the IPF on biological diversity and

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forests and requested the Executive Secretary to provide advice and information pertaining to the relationship between indigenous and local communities and forests as invited by the Inter-Agency Task Force of the IPF. The advice of the Executive Secretary is contained in document UNEP/CBD/SBSTTA/2/Inf.3.

45. Decision II/9 of the COP also requested the Executive Secretary to produce a background document on the links between forests and biological diversity, in order to consider, at its third meeting, whether further input to the IPF is required and to transmit this document to the IPF for information. In accordance with paragraph 2(b) of the decision, the Executive Secretary has prepared document UNEP/CBD/COP/3/16 and has transmitted this document to the IPF for information. A draft of this background document (UNEP/CBD/SBSTTA/2/11) was considered by the SBSTTA at its second meeting. The recommendations of the SBSTTA are contained in UNEP/CBD/COP/3/3.

### 10.3 Future programme of work for terrestrial biological diversity in light of the outcome of deliberations of the third session of the Commission on Sustainable Development in 1995

46. The CSD also considered at its third session the "integrated approach to the planning and management of land resources", "combating desertification and drought", "sustainable mountain development", "promoting sustainable agriculture and rural development" and "conservation of biological diversity".

47. The second meeting of the SBSTTA considered scientific, technical and technological aspects of the future work for terrestrial biological diversity in the light of deliberations of the third session of the CSD in 1995. The Executive Secretary prepared document UNEP/CBD/SBSTTA/2/12 to assist the SBSTTA in its consideration of this item. The third meeting of the COP will have before it document UNEP/CBD/COP/3/18 prepared by the Executive Secretary. The document seeks to identify areas of relevance to the future programme of work on terrestrial biological diversity arising out of the third session of the CSD. To further assist consideration of this item by the SBSTTA, the Executive Secretary also prepared document UNEP/CBD/SBSTTA/2/Inf.1, which contains the relevant sections of the Report on the Third Session of the CSD. The recommendations of the SBSTTA are contained in document UNEP/CBD/COP/3/3.

48. The Bureau of the COP has suggested that the COP may wish to consider a future programme of work for terrestrial biological diversity as part of the overall review of the Convention to be undertaken at its fourth meeting in 1997.

## **11. Knowledge, innovations and practices of indigenous and local communities**

### 11.1 Implementation of Article 8(j)

49. In its decision II/18, the COP decided under its medium-term programme of work to consider the implementation of Article 8(j) at its third meeting. In its decision II/1, the COP requested the SBSTTA, in considering its programme of work for 1996, to ensure that the programme is based on the priorities set in the programme of work of the COP for 1996 and 1997, as contained in decision II/18. Accordingly, the SBSTTA considered the knowledge, innovations and practices of indigenous and local communities at its second meeting. The Executive Secretary prepared document UNEP/CBD/SBSTTA/2/7 to assist the SBSTTA in its consideration of this issue. The third meeting of the COP will have before it document UNEP/CBD/COP/3/19

prepared by the Executive Secretary. The recommendations of the SBSTTA are contained in document UNEP/CBD/COP/3/3.

50. The relationship between indigenous and local communities and forests was addressed in the contribution by the Executive Secretary to the preparation of the Report of the Secretary-General on traditional forest-related knowledge prepared for the third session of the IPF. The Executive Secretary's submission is contained in document UNEP/CBD/SBSTTA/Inf.3 and the COP may also wish to refer to this document in its consideration of this agenda item.

51. Decision II/12 of the COP requested the Executive Secretary to consult with all stakeholders, in particular the private sector and indigenous and local communities in order to gain understanding of the needs and concerns of those groups with regard to the possible influence that intellectual property rights may have on the implementation of the Convention. The Executive Secretary invited contributions on the knowledge, innovations and practices of indigenous and local communities. The contributions received from Parties and observers, including indigenous peoples' organisations, are contained in document UNEP/CBD/COP/3/Inf.3.

52. Decision II/12 also requested the Executive Secretary to undertake a preliminary study which analyses the impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and the equitable sharing of benefits derived from its use in order to gain a better understanding of the implications of Article 16, paragraph 5. The COP suggested that the study might focus on, *inter alia*, exploring the relationship between intellectual property rights and the preservation and maintenance of traditional knowledge and practices of indigenous and local communities and the possible role of intellectual property rights in encouraging the equitable sharing of benefits arising from the use of such knowledge and practices. The COP may also wish to refer to this preliminary study, contained in document UNEP/CBD/COP/3/22, in its consideration of this item of the provisional agenda.

## **12. Access to genetic resources**

### 12.1 To consider the compilation of views of the Parties on possible options for developing national legislative, administrative or policy measures, as appropriate, to implement Article 15

53. The COP, at its second meeting, decided to consider at its third meeting the views of Parties on possible options for developing national legislative, administrative or policy measures, as appropriate, to implement Article 15.

54. To assist in the consideration of this agenda item, the meeting will have before it document UNEP/CBD/COP/3/20, which sets out relevant experience since the second meeting of the COP and analyses the options for developing national legislative, administrative or policy measures on access to genetic resources. The document outlines recent interpretations by Parties and experts on key terms such as prior informed consent, mutually agreed terms and the fair and equitable sharing of benefits, and considers possible elements of access legislation and procedures for granting access. The document outlines tasks which the COP may wish to consider including in the medium term programmes of work of the COP and/or the SBSTTA. These include the establishment of a working group under the SBSTTA to facilitate the development and exchange of technical information and experience among Parties on such measures, and the provision of associated information as a priority task for the clearing-house mechanism.

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55. In considering this agenda item, the meeting may wish also to refer to the recommendations of the SBSTTA related to: economic valuation of biological diversity and its components; to access to genetic resources; to the transfer of technology; and to Article 8(j) contained in document UNEP/CBD/COP/3/3.

56. Given the close relationship between this topic and item 14 of the provisional agenda (intellectual property rights), the COP may also wish to refer to document UNEP/CBD/COP/3/22 when considering this item of the provisional agenda.

### **13. Issues related to technology**

#### **13.1 To consider ways to promote and facilitate access to and transfer and development of technology, as envisaged in Articles 16 and 18 of the Convention**

57. Decision II/4 endorsed recommendation I/4 of the SBSTTA requesting the Executive Secretary to prepare, for consideration by the SBSTTA at its second meeting, a substantive and well-focused background document on ways and means to promote and facilitate access to, and transfer and development of technology in accordance with Articles 16 and 18 of the Convention. Such a background document should consider the importance of biotechnology to the conservation and sustainable use of biological diversity, as well as the enabling roles of capacity-building and the provision of adequate financial resources. It should also identify key priority issues relating to opportunities for and obstacles to the transfer of technology. The decision also endorsed the recommendation of the SBSTTA that the Executive Secretary should invite relevant submissions by States Parties, observers and relevant intergovernmental and non-governmental organisations.

58. The COP requested the SBSTTA to consider the background document at its second meeting and to submit a detailed report to the third meeting of the COP. The background document prepared by the Executive Secretary (UNEP/CBD/SBSTTA/2/6) was considered by the SBSTTA at its second meeting. The third meeting of the COP will have before it document UNEP/CBD/COP/3/21 prepared by the Executive Secretary. The recommendations of the SBSTTA are contained in document UNEP/CBD/COP/3/3. The relevant submissions received by the Executive Secretary are contained in document UNEP/CBD/COP/3/Inf.4.

### **14. Intellectual property rights**

#### **14.1 To consider the impact of intellectual property rights on the conservation and sustainable use of biological diversity and the equitable sharing of benefits derived from its use with a view to better understand the implications of Article 16.5**

59. Decision II/12 requested the Executive Secretary to consult with all stakeholders, in particular the private sector and indigenous and local communities, in order to gain understanding of the needs and concerns of those groups with regard to the possible influence that intellectual property rights may have on the implementation of the Convention. Accordingly, the Executive Secretary sought written contributions from Parties and other relevant stakeholders. The contributions received by the Executive Secretary are contained in document UNEP/CBD/COP/3/Inf.5.

60. Decision II/12 also requested the Executive Secretary to undertake a preliminary study which analyses

the impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and the equitable sharing of benefits derived from its use in order to gain a better understanding of the implications of Article 16, paragraph 5 and suggested that the study may focus on: (i) exploring the relationship between intellectual property rights and the preservation and maintenance of traditional knowledge and practices of indigenous and local communities and the possible role of intellectual property rights in encouraging the equitable sharing of benefits arising from the use of such knowledge and practices; and (ii) inviting Governments and other relevant stakeholders to submit case studies that address the role of intellectual property rights in the technology transfer process, in particular the role of intellectual property rights in the transfer of biotechnology. The preliminary study is contained in UNEP/CBD/COP/3/22.

61. As indicated in decision II/12 there is a close relationship between intellectual property rights and the preservation and maintenance of traditional knowledge and practices of indigenous and local communities. Consequently, the COP may also wish to refer to documents UNEP/CBD/COP/3/19 and UNEP/CBD/SBSTTA/2/Inf.3 which consider the implementation of Article 8(j).

14.2 To consider a possible input into the negotiations that are taking place in the Committee on Trade and Environment of the World Trade Organization

62. Decision II/12 requested the Executive Secretary to liaise with the Secretariat of the World Trade Organization (WTO) to inform it of the goals and the ongoing work of the Convention on Biological Diversity and to invite the Secretariat of the WTO to assist in the preparation of a paper for the Conference of the Parties that identifies the synergies and relationship between the objectives of the Convention on Biological Diversity and the Trade-Related Aspects of Intellectual Property Rights Agreement. The Executive Secretary accordingly prepared such a paper with the assistance of the Secretariat of the WTO and which is contained in document UNEP/CBD/COP/3/23.

63. On the basis of this consultation the COP may wish to consider the need for and modalities of any input to the negotiations that are taking place in the Committee on Trade and Environment of the WTO.

64. The relationship of the Convention with other biodiversity-related processes is a standing item on the agenda of meetings of the COP and will be considered under item 18 of the provisional agenda for this meeting. To assist the COP with its consideration of item 18 the Executive Secretary has prepared document UNEP/CBD/COP/3/29, which contains information of general relevance to matters of cooperation and the COP may wish to refer this document in its consideration of this item of the provisional agenda.

## **15. Incentive measures**

15.1 To consider the compilation of information and experiences shared on the implementation of Article 11

65. The COP, in decision II/18, decided to consider at its third meeting the compilation of information and experiences shared on the implementation of Article 11. For consideration of this agenda item, the meeting will have before it document UNEP/CBD/COP/3/24, which considers economic incentives and highlights the importance of "socially sound measures" that act as incentives for the conservation and sustainable use of components of biological diversity, as required by Article 11. The report contains a series of case studies of effective incentive measures and notes that the impact of incentive measures is heavily dependant on the national and local conditions. A menu of options and a taxonomy of incentive measures is developed from the cas

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studies and options for stimulating private sector involvement through the use of economic incentives are also discussed.

**16. Special session of the General Assembly to review implementation of Agenda 21**

16.1 To provide a report from the perspective of the Convention's three objectives

66. The COP, in decision II/18, decided to consider at its third meeting the provision of a report from the perspective of the Convention's three objectives to the special session of the General Assembly to review implementation of Agenda 21 in 1997. The agenda for the special session of the General Assembly and the proposed programme of preparatory work of the Commission on Sustainable Development is contained in document UNEP/CBD/COP/3/Inf.6.

67. To assist the COP in its consideration of this item of the provisional agenda the Executive Secretary has prepared document UNEP/CBD/COP/3/25.

68. The Bureau of the COP considered the various options available to the Convention for an input into the preparatory activities of the Commission on Sustainable Development and into the review of Agenda 21 by the special session of the General Assembly. It was noted that, due to the breadth of the issues being considered by the General Assembly at this special session, attention needs to be paid to the mode of the input as well as to the content.

**17. Issues related to biosafety**

17.1 To consider the first report of the Open-ended Ad Hoc Working Group on Biosafety

69. The COP, at its second meeting, decided to establish an Open-ended Ad Hoc Working Group on biosafety. At the invitation of the Government of Denmark, the first meeting of the Open-ended Ad Hoc Working Group on Biosafety was held in Aarhus, Denmark from 22 to 26 July 1996. The report of this meeting is contained in document UNEP/CBD/COP/3/26. A summary report of the meeting is contained in document UNEP/CBD/COP/3/27.

**18. Relationship of the Convention with the Commission on Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes of relevance**

70. In establishing its medium-term programme of work, the COP decided to make consideration of cooperation with other biodiversity-related processes a standing item on the agenda of its meetings. Decision II/13 requested the Executive Secretary to prepare, for the third meeting of the COP, a report on the implementation of the decision, containing concrete recommendations aimed at promoting and strengthening institutional cooperation with other global and regional biodiversity-related conventions. The decision also requested the Executive Secretary to report to the third meeting of the COP on modalities for enhanced cooperation with relevant international biodiversity-related bodies such as the FAO, UNESCO and the CSD taking into account the medium-term programme of work on this issue. This report is contained in document UNEP/CBD/COP/3/29.

71. The work of the SBSTTA provides an opportunity to develop relationships with other conventions and processes in a practical and meaningful way and the issue was considered by the second meeting of the SBSTT in relation to a number of issues. The COP may wish to refer to recommendations II/1, II/10 and II/11 of the SBSTTA concerning: indicators, assessment and monitoring; marine and coastal biological diversity; and the *modus operandi* of the SBSTTA. The SBSTTA noted that development of relationships with other processes would be important in the implementation of these recommendations. The recommendations of the second meeting of the SBSTTA are contained in document UNEP/CBD/COP/3/3.

72. Decision II/13 also invited the governing bodies of conventions and other international legal instruments related to biological diversity to consider at their next meetings their possible contribution to the implementation of the goals and objectives of the Convention. In response to this decision and at the request of the Executive Secretary, the Executive Secretary of the Ramsar Convention has prepared a note which is contained in document UNEP/CBD/COP/3/30.

73. The consideration of items 9 and 14.2 of the provisional agenda are also relevant to this item since they constitute specific examples of the need for future cooperation in order to implement the provisions of the Convention. Consequently, the COP may wish to refer to the documents prepared by Executive Secretary for these items of the agenda (documents UNEP/CBD/COP/3/14 and UNEP/CBD/COP/3/23).

## **19. Medium-term programme of work of the Conference of the Parties for 1996-1997**

74. In decision II/18 the COP decided to review, at its third meeting, the medium-term programme of work in light of the progress achieved in the implementation of the Convention. The medium-term programme of work is contained in decision I/9 as amended by the Annex to decision II/18 and the provisional agenda for this meeting. The Bureau of the COP has recommended that consideration of this issue should also include a consideration of the implications for the longer-term programme of work to be considered by the COP at its fourth meeting. Accordingly, the Executive Secretary has prepared a Note which reviews the 1995-1997 medium-term programme of work of the COP in light of its implications for the longer-term programme of work. This review is contained in document UNEP/CBD/COP/3/31, which also contains a draft provisional agenda for the fourth meeting of the COP in 1997.

## **20. Administrative matters**

### **20.1 Report from the Secretariat on the administration of the Convention**

75. The meeting will have before it the report of the Executive Secretary on the administration of the Convention and the activities of the Secretariat (document UNEP/CBD/COP/3/32).

### **20.2 Budget of the Trust Fund for the Convention on Biological Diversity**

76. The meeting will have before it for consideration and adoption a proposed budget of the Trust Fund for the Convention on Biological Diversity for 1997-1998 (document UNEP/CBD/COP/3/33).

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**21. Report on the credentials of representatives to the third meeting of the Conference of the Parties**

77. Rule 18 of the rules of procedure for meetings of the Conference of the Parties states that "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 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 by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organisation, by the competent authority of that organisation". Rule 19 provides that "the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision".

78. The COP will consider and adopt the report on credentials submitted to it by the Bureau.

**22. Venue and date of the fourth meeting of the Conference of the Parties**

79. In accordance with rules 3 and 5 of the rules of procedure for meetings of the Conference of the Parties, the meeting may wish to decide on the date and venue of its fourth meeting. To assist in the consideration of this item, the meeting will have before it document UNEP/CBD/COP/3/34.

**23. Other matters**

80. At its third meeting, the COP will consider other items raised and accepted for discussion in accordance with rule 12 of the rules of procedure for meetings of the Conference of the Parties.

**24. Adoption of the report**

81. The COP, at its third meeting, will consider and adopt its report.

**25. Closure of the meeting**

82. The meeting will close on Friday, 15 November 1996 at 6.00 p.m.



**Annex****LIST OF DOCUMENTS FOR THE THIRD MEETING OF THE CONFERENCE  
OF THE PARTIES**

<b>Symbol</b>	<b>Title</b>
UNEP/CBD/COP/3/1	Provisional agenda
UNEP/CBD/COP/3/1/Add.1	Annotated provisional agenda
UNEP/CBD/COP/3/1/Add.2	Provisional organisation of work
UNEP/CBD/COP/3/2	Pending issues arising from the second meeting of the Conference of the Parties
UNEP/CBD/COP/3/3	Report of the second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice
UNEP/CBD/COP/3/4	Report on the assessment and review of the operation of the clearing-house mechanism
UNEP/CBD/COP/3/5	Report of Global Environment Facility
UNEP/CBD/COP/3/6	Report of the Executive Secretary on financial resources and mechanisms
UNEP/CBD/COP/3/7	Availability of additional financial resources and possible suggestions to funding institutions on how to make their activities more supportive of the Convention
UNEP/CBD/COP/3/8	Guidelines for the Conference of the Parties' review of the effectiveness of the financial mechanism
UNEP/CBD/COP/3/9	Designation of the institutional structure to operate the financial mechanism
UNEP/CBD/COP/3/10	Revised draft of Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility
UNEP/CBD/COP/3/11	Implementation of Articles 6 and 8
UNEP/CBD/COP/3/12	Options for Implementing Article 7
UNEP/CBD/COP/3/13	Assessments of biological diversity and methodologies for future assessments
UNEP/CBD/COP/3/14	Consideration of agricultural biological diversity under the Convention on Biological Diversity
UNEP/CBD/COP/3/15	Report on the Food Agriculture Organisation's Global System for the Conservation and Utilisation of Plant Genetic Resources for Food and Agriculture
UNEP/CBD/COP/3/16	Forests and biological diversity
UNEP/CBD/COP/3/17	Communication of the Secretariat of the Intergovernmental Panel on Forests on progress on issues relevant to forests and biological diversity
UNEP/CBD/COP/3/18	Future programme of work for terrestrial biological diversity
UNEP/CBD/COP/3/19	Implementation of Article 8(j)
UNEP/CBD/COP/3/20	Access to genetic resources
UNEP/CBD/COP/3/21	Promoting and facilitating access to and transfer and development of technology
UNEP/CBD/COP/3/22	Intellectual property rights
UNEP/CBD/COP/3/23	The Relationship between the Convention on Biological Diversity and the Agreement on Trade-Related Aspects of Intellectual Property Rights
UNEP/CBD/COP/3/24	Implementation of Article 11

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UNEP/CBD/COP/3/25	Submission to the special session of the General Assembly to review implementation of Agenda 21
UNEP/CBD/COP/3/26	Report of the first meeting of the Open-ended Ad Hoc Working Group on Biosafety
UNEP/CBD/COP/3/27	Report on the Elaboration of a Protocol on Biosafety
UNEP/CBD/COP/3/28	UNEP International Technical Guidelines for Safety in Biotechnology
UNEP/CBD/COP/3/29	Cooperation with other biodiversity-related conventions and processes
UNEP/CBD/COP/3/30	Cooperation between the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat and the Convention on Biological Diversity
UNEP/CBD/COP/3/31	Medium-term programme of work of the Conference of the Parties for 1996-1997
UNEP/CBD/COP/3/32	Report of the Executive Secretary on the administration of the Convention
UNEP/CBD/COP/3/33	Proposed budget of the trust for the Convention on Biological Diversity
UNEP/CBD/COP/3/34	Date and venue of the fourth meeting of the Conference of the Parties
UNEP/CBD/COP/3/Inf.1	Submissions received by the Executive Secretary concerning guidelines for the review of the effectiveness of the financial mechanism
UNEP/CBD/COP/3/Inf.2	Submissions received by the Executive Secretary concerning the "Draft Memorandum of Understanding Between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility Regarding the Institutional Structure Operating the Financial Mechanism of the Convention"
UNEP/CBD/COP/3/Inf.3	Submissions received by the Executive Secretary concerning knowledge, innovations and practices of indigenous and local communities
UNEP/CBD/COP/3/Inf.4	Submissions received by the Executive Secretary concerning ways and means to promote and facilitate access to and transfer and development of technology
UNEP/CBD/COP/3/Inf.5	Submissions received by the Executive Secretary concerning the possible influence that intellectual property rights may have on the implementation of the Convention
UNEP/CBD/COP/3/Inf.6	Agenda for the special session of the General Assembly and the proposed programme of preparatory work of the Commission on Sustainable Development