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CONFERENCE OF THE PARTIES
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ON BIOLOGICAL DIVERSITY
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Item 9 of the provisional agenda

MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE
OF THE PARTIES

Note by the Interim Secretariat

1. At its second session, the Intergovernmental Committee on the Convention on Biological Diversity considered the need for the Conference of the Parties to develop and adopt, at its first meeting, a medium-term programme of work to guide the evolution of the matters under the Convention.
- 2 The purpose of the present note is to assist the Conference of the Parties in considering this item by providing a possible outline of such a programme. In its preparation, the Interim Secretariat has taken into account the following parameters:
 - (a) The objectives and provisions of the Convention;
 - (b) The functions and tasks outlined for the Conference of the Parties;
 - (c) Major processes and activities relevant to biological diversity issues currently occurring, or which are expected to take place, outside the framework of the Convention;
 - (d) The need to implement the Convention in a systematic way, given the range and complexity of the issues generated by its provisions;
 - (e) The need for the Conference of the Parties to formulate policy and guidelines that would facilitate parties to the Convention to give effect to the obligations, and that would enable them to realize the benefits, of the Convention;
 - (f) The need to guide the work of the other organs and mechanisms of the Convention: the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); the clearing-house mechanism; the financial mechanism; and the Secretariat.
3. In addition to these parameters, the programme of work in the annex to the present document has drawn for its specific contents on the following sources:
 - (a) The matters proposed in resolution 2 of the Nairobi Final Act, as well as items identified by the Intergovernmental Committee at its first and second sessions;

(b) Matters recommended by the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity.

Functions of the Conference of the Parties

4. In considering the matters that would unfold over time within the purview of the Conference of the Parties to the Convention, it is useful to bear in mind the nature of its functions. Article 23, paragraph 4, of the Convention lists a number of overall responsibilities, and throughout the Convention reference is made to other specific tasks which are identified for the Conference of the Parties. Taking all of these together, the role and responsibilities of the Conference of the Parties may be characterized as:

(a) Monitoring progress in the conservation of biological diversity and sustainable use of its components, and the equitable sharing of the benefits deriving from the utilization of genetic resources;

(b) Enabling and assisting Contracting Parties to fulfil their obligations under the Convention and to derive benefit from its provisions;

(c) Developing policy relating to the issues and concerns embodied in the Convention in order to give effect to its goals and objectives;

(d) Establishing and overseeing the required organs and mechanisms under the Convention through which the work of the parties and the Conference of the Parties is assisted;

(e) Developing further international legislation on biological diversity, including through the consideration of protocols on matters of relevance to the purposes of the Convention;

(f) Cooperating with other relevant conventions, bodies and processes to ensure coherent and comprehensive attention to all the above and to the objectives and requirements of the Convention.

5. The above functions are by their nature continuous and permanent, and constitute the broad, conceptual components of the programme of work to be undertaken by the Conference of the Parties as the governing body of the Convention.

Scope of work under the Convention

6. As part of the process of identifying the elements and items which may make up a programme of work for the medium-term for the Conference of the Parties, it may be useful to indicate the scope of work under the Convention according to the above broad conceptual components, and drawing upon the parameters and sources cited earlier. From such scope of work, and having regard to the priorities which may be discerned from the discussions of the Intergovernmental Committee, and which may be necessary in the early stage of implementation of the Convention, the objectives and content of a medium-term programme of work would be indicated. Thus, the medium-term programme would be outlined in the context of a longer-term perspective of the nature and scope of work to be undertaken within the Convention and under the guidance of the Conference of the Parties.

7. The Conference of the Parties will recall that, under resolution 2 of the Nairobi Final Act, the Intergovernmental Committee was requested to undertake preparatory work relating to several aspects of the operation of the Convention. Resolution 3 of the Nairobi Final Act confirmed the great importance of the provisions of the Convention for the conservation and utilization of genetic resources for food and agriculture, and recognized the need to seek solutions to outstanding matters concerning plant genetic resources within the Global System for the Conservation and Sustainable Use

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of Plant Genetic Resources for Food and Sustainable Agriculture. The matters contained in resolutions 2 and 3 were discussed by the Intergovernmental Committee at both its sessions, and recommendations have been made to the Conference of the Parties (see reports of the Intergovernmental Committee on its first and second sessions UNEP/CBD/COP/1/3 and UNEP/CBD/COP/1/4).

8. An agenda for scientific and technical research required to implement the provisions of the Convention is outlined in the report of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity (UNEP/CBD/IC/2/11) and in the note on an Agenda for Scientific and Technical Research (UNEP/CBD/COP/1/16).

9. The work of existing conventions relevant to biological diversity, the entry into force of relevant new conventions, the provisions of the Final Act of the Uruguay Round of Multilateral Trade Negotiations and the likely creation of the World Trade Organization, the provisions 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 and the various intergovernmental initiatives on the conservation and sustainable use of forests currently being undertaken, as well as the biological-diversity-related activities of other intergovernmental bodies, the provisions of Agenda 21 and the Multi-year Thematic Programme of Work of the Commission on Sustainable Development, all constitute significant processes and activities relevant to the scope of work for the Conference of the Parties to the Convention on Biological Diversity.

10. In this context, the following scope of work is indicated for attention over time by the Conference of the Parties:

(a) Monitoring progress in the conservation and sustainable use of biological diversity and the equitable sharing of the benefits deriving from the utilization of genetic resources

- (i) Establish the form of and intervals for reports by parties (article 23, para. 4 (a);
- (ii) Periodic consideration of reports by parties (article 26);
- (iii) Consideration of scientific and technical assessments from the SBSTTA on the status of biological diversity and on the effects of types of measures taken in accordance with the provisions of the Convention (article 25, para. 2 (a) - (b));
- (iv) Examine reports on the status of biological diversity in the world.

(b) Enabling and assisting Contracting Parties to fulfil their obligations under the Convention and to derive benefit from its provisions

- (i) Facilitate parties in undertaking country studies and in developing strategies, plans and programmes (article 6(a) and resolution 2 (a)(v)), including by providing guidelines:
 - a. For the integration of conservation of biological diversity and sustainable use of its components into relevant sectoral or cross-sectoral plans, programmes and policies (article 6 (b));

- b. For the adoption of programmes for scientific and technical education and training (article 12);
 - c. For the promotion of public education and awareness (article 13);
 - d. For wider application of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles and for equitable sharing of the benefits arising from their utilization (article 8 (j));
- (ii) Consideration of reports from the SBSTTA arising from article 25 paragraph 2 (c), (d), and (e), deciding on approaches:
- a. To the identification and promotion of development and transfer of technologies;
 - b. To scientific programmes and international cooperation in research and development;
 - c. To scientific, technical, technological and methodological questions.

(c) Developing policy relating to the issues and concerns embodied in the Convention in order to give effect to its goals and objectives

- (i) Examine the following matters and decide on policy guidelines:
- a. To facilitate access to and transfer of technology (article 16);
 - b. For handling of biotechnology and distribution of its benefits (article 19);
 - c. For development of national legislation regarding access to genetic resources (article 15);
 - d. For ensuring that patents and other intellectual property rights are supportive of, and do not run counter to, the objectives of the Convention (article 16);
 - e. For adoption by parties of economically and socially sound measures that act as incentives for advancing the objectives of the Convention (article 11);

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- f. For promotion of technical and scientific cooperation among parties (article 18);
- g. For implementation of the Convention consistently with the law of the sea (article 22, para. 2);
- (ii) Keep under review, and consider the outcome of, the process for adjustment of the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Sustainable Agriculture, with special reference to access to ex situ collections not acquired in accordance with the Convention and the question of Farmers' Rights.

(d) Establishing and overseeing the organs and mechanisms of the Convention

- (i) Establish the SBSTTA and review advice received from it (article 25);
- (ii) Establish other subsidiary bodies as are deemed necessary for the implementation of the Convention (article 23, para. 4 (g));
- (iii) Establish a clearing-house mechanism for technical and scientific cooperation (article 18, para. 3);
- (iv) Establish the financial mechanism for the Convention and review its reports (articles 20 and 21);
- (v) Establish the secretariat (article 24).

(e) Development of international legislation on biological diversity

- (i) Examine the need for, and modalities of, a protocol on safe transfer, handling and use of living modified organisms and embark on its formulation, if deemed necessary (article 19, para. 3);
- (ii) Examine the need for other protocols to the Convention (article 28);
- (iii) Examine the issue of liability and redress for damage to biological diversity (article 14, para. 2);
- (iv) Examine the need for other international agreements to support the overall purposes of the Convention, for example, in providing support for the conservation and sustainable use of animal and microbial genetic resources (UNEP/CBD/COP/1/4 para. 233 (f)).

(f) Cooperating with other relevant conventions, bodies and processes

- (i) Consider the synergy and complementarity between the Convention and other biodiversity-related conventions, and identify priorities for cooperation (article 23, para. 4 (h));

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- (ii) Make inputs to biodiversity-related issues being considered within other fora, for example, the Commission on Sustainable Development, the World Trade Organization, and other relevant intergovernmental processes;
- (iii) Consider strengthening existing financial institutions to provide financial resources (article 21, para. 4);
- (iv) Consider ways and means to develop complementarity and cooperation between the Convention and the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Sustainable Agriculture (resolution 3, para. 2);

11. It is recognized that the above items would evolve according to the decisions of the Conference of the Parties and would lead to a continuing development of its scope of work.

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Annex

MEDIUM-TERM PROGRAMME OF WORK FOR THE CONFERENCE OF
THE PARTIES FOR THE PERIOD 1995-1997

Introduction

1. In the context of the indicative scope of work over time for the Conference of the Parties, indicated in the foregoing note by the Interim Secretariat, the following objectives, characteristics, duration, and elements and schedule for a medium-term programme of work are proposed.

Objectives

2. The Convention's objectives of 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, raise broad and complex issues. Systematic attention by the Conference of the Parties and by the other organs and mechanisms of the Convention is required in order to achieve coherence in development of these issues under the Convention. A medium-term programme of work will provide the framework in which such direction can be given by the Conference of the Parties, and thereby provide the reference for the work programme of the SBSTTA (and any other subsidiary bodies that may be created), for the operational strategy of the financial mechanism in support of the parties, for the priority services to be offered by the clearing-house mechanism and for the activities in support of all of these to be undertaken by the Secretariat to the Convention.

3. In pursuit of the objectives of the Convention, parties will develop strategies, plans and programmes in accordance with their particular conditions and capabilities. A medium-term programme of work of the Conference of the Parties should also be geared to offer assistance to parties in fulfilling their obligations under the Convention and in deriving full benefit from its provisions.

4. Such a programme of work, extrapolated as appropriate for the other organs and mechanisms of the Convention, would also serve as a guide for the elaboration of the draft agenda for subsequent meetings of the Conference of the Parties.

5. The preamble to the Convention, and in particular its fourteenth paragraph, stresses that fulfillment of the objectives of the Convention can be advanced by cooperation among States and intergovernmental organizations and non-governmental organizations. A medium-term programme of work of the Conference of the Parties would provide guidance to other entities which may be interested in supporting the evolution of matters under the Convention and in facilitating the Conference of the Parties, and individual parties, in working towards the objectives of the Convention.

6. A medium-term programme of work of the Conference of the Parties would therefore be a useful instrument to guide the smooth operation of the Convention by:

(a) Indicating, through a phased approach, the implementation process of the Convention;

(b) Enabling matters under the Convention to be developed in an integrated manner by parties and by the Convention's organs and mechanisms;

(c) Focussing the content of the periodic reports to be submitted by parties;

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(d) Providing the organizing framework for the work of the Subsidiary Body on Scientific, Technical and Technological Advice;

(e) Providing the basis upon which the work programme of the Secretariat to the Convention would be elaborated;

(f) Providing guidance to other entities whose work may be relevant to the Convention;

(g) Guiding the clearing-house mechanism and the financial mechanism in the development of their respective supports to the parties;

(h) Indicating the nature of the tasks which the Convention machinery is intended to accomplish.

Characteristics

7. Taking into account its very nature, the medium-term programme of work would be considered and adopted by the first meeting of the Conference of the Parties, to be adjusted, as the need arose, at its subsequent meetings.

8. The medium-term programme of work is intended neither to be prescriptive nor to limit the possibility for further improvement and refinement. It is meant to be indicative, enabling the Conference of the Parties to focus on its priorities, to give strategic and policy direction to activities to be undertaken within, and by other entities in support of, the Convention.

9. As suggested during the discussion at the second session of the Intergovernmental Committee, the medium-term programme of work could be elaborated on the basis of standing and recurrent matters. Standing agenda items could include reports from bodies and mechanisms established by the Convention as well as items which require continuous attention. Other matters could be earmarked for consideration at different meetings of the Conference of the Parties, with continuing attention, as required, and in keeping with the process of work, at subsequent meetings. However, the need to ensure an integrated approach between the conservation and developmental objectives of the Convention must be considered when elaborating the agenda for a particular meeting.

10. The elements of the medium-term programme proposed for any given meeting, while allowing the Conference of the Parties to focus its work, may require continuing discussion in subsequent meetings, since it may not be possible to finalize conclusions or decisions in a single meeting.

Duration

11. Taking into account the fact that implementation of the Convention is in its earliest stage, as well as the recognition that the items for attention would evolve on the basis of the initial decisions and directions of the Conference of the Parties, it is proposed that this first medium-term programme of work be considered for an initial period of three years, 1995-1997. At the end of this period, the Conference of the Parties may wish to undertake an overall assessment of the implementation of the Convention with a view to adopting a programme of work for the next phase and of a longer duration. This overall assessment could be undertaken in light of the outcome of the special session of the United Nations General Assembly to be convened not later than 1997 for the purpose of an overall review and appraisal of Agenda 21 (see resolution 47/190, para. 8, of the General Assembly).

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12. In keeping with the draft rules of procedure proposed by the Intergovernmental Committee, it is assumed that the Conference of the Parties will meet annually over the proposed period of the medium-term programme, and that each meeting will be of two weeks' duration.

Proposed elements and schedule for the medium-term programme

13. The meeting may wish first to consider and decide on the matters which would be standing items on the agenda of meetings of the Conference of the Parties. The following matters are suggested:

- (a) Matters relating to the financial mechanism, including a report from the institutional structure entrusted with its operation;
- (b) Progress report from the SBSTTA on matters included in its work programme; (analysis and advice from the SBSTTA on specific matters within its purview will be provided when such items are scheduled for consideration by the Conference of the Parties);
- (c) Reports by parties on implementation of the Convention (as determined by the decision of the first meeting of the Conference of the Parties on the interval and focus of contents for such reporting);
- (d) Assessment and review of the operation of the clearing-house mechanism;
- (e) Budget for the administration of the Convention and other administrative matters.

14. Recalling the broad conceptual components and the scope of work over time for the Conference of the Parties indicated in paragraph 10 of the foregoing note by the Interim Secretariat, and bearing in mind the guidance provided by the Intergovernmental Committee about priorities for attention, the following elements are proposed for attention by the Conference of the Parties at its meetings over the period 1995-1997.

1995

15. **The second meeting of the Conference of the Parties** may focus on the following elements:

- (a) **Reports by Parties:**
 - (i) To provide guidelines for reporting;
 - (ii) To decide on intervals for reporting;
- (b) **Handling of biotechnology and distribution of its benefits:**
 - (i) To consider the need for a protocol for safe handling and transfer of living modified organisms;
 - (ii) To agree, if deemed necessary, on the process for its formulation;
 - (iii) To consider use of voluntary guidelines during the period of its formulation;
- (c) **Access to genetic resources:**
 - (i) To consider farmers' rights and rights of similar groups;

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- (ii) To consider policy and guidelines for national legislation for securing access and for sharing of benefits from their use;
- (iii) To be informed about the outcome of the revision of the International Undertaking on Plant Genetic Resources;
- (iv) To be informed about preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources;

(d) **Relationship with the Commission on Sustainable Development:**

To consider the outcome of its third session on biodiversity-related matters;

(e) **Cooperation with other Conventions:**

- (i) To consider the relationship with biodiversity-related conventions;
- (ii) To identify approaches to and areas for cooperation.

1996

16. **The third meeting of the Conference of the Parties** may focus on the following elements:

(a) **Technical and technological cooperation:**

To consider ways to promote and facilitate access to and transfer of technology;

(b) **Special session of the General Assembly to review implementation of Agenda 21:**

To prepare an input from the perspective of the Convention;

(c) **Cooperation with other Conventions:**

To consider the relationship of the Convention to the Convention on the Law of the Sea with specific reference to measures for conservation and sustainable use of marine biological resources.

1997

17. **The fourth meeting of the Conference of the Parties** may focus on the following elements:

(a) **Incentive measures:**

To consider and provide guidelines for incentive measures for the conservation and sustainable use of components of biological diversity;

(b) **Intellectual property rights:**

To consider how patents and other intellectual property rights may operate compatibly with the Convention;

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(c) Knowledge and practices of indigenous and other local communities:

To provide guidelines for their wider application and for sharing of benefits deriving from their use.

18. At the end of the period for which the medium-term programme has been outlined, 1995-1997, and at its fifth meeting (assumed to be in 1998) the Conference of the Parties may undertake an overall assessment of the implementation of the Convention. This might include evaluation of the functioning of its organs and mechanisms, overview of the global situation with respect to conservation of biological diversity and sustainable use of its components, progress in sharing of benefits from use of genetic resources, progress in policy formulation to give effect to other provisions of the Convention, progress in implementation by parties. This evaluation could also take into account the results of the special session of the United Nations General Assembly on its overview of the implementation of Agenda 21.

19. Such an evaluation should identify the elements and activities for the continuing work under the Convention, and should lead to the adoption of a programme of work of the Conference of the Parties for a further period, the duration of which will need to be agreed upon.
