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CONFERENCE OF THE PARTIES
TO THE CONVENTION ON
BIOLOGICAL DIVERSITY
First meeting
Nassau, 28 November - 9 December 1994
Item 6.5 of the provisional agenda

SELECTION OF A COMPETENT INTERNATIONAL ORGANIZATION
TO CARRY OUT THE FUNCTIONS OF THE SECRETARIAT
OF THE CONVENTION

Note by the Interim Secretariat

1. INTRODUCTION

1. Article 40 of the Convention on Biological Diversity establishes the Interim Secretariat of the Convention on Biological Diversity for the period between the entry into force of the Convention and the first meeting of the Conference of the Parties.

2. Article 24, paragraph 2, of the Convention provides that the Conference of the Parties shall, at its first meeting, designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under the Convention.

3. In preparing this item for consideration by the first meeting of the Conference of the Parties, the second session of the Intergovernmental Committee, held in Nairobi from 20 June to 1 July 1994, also discussed, in a preliminary manner, the need for transitional arrangements, pending the establishment of the secretariat to the Convention, and the location of the secretariat.

4. This note conveys to the first meeting of the Conference of the Parties the recommendations made by the Intergovernmental Committee on some of these matters, as well as the developments which have occurred since its second session.

2. SELECTION OF ORGANIZATION

5. At its second session, the Intergovernmental Committee had before it a note on this matter prepared by the Interim Secretariat (UNEP/CBD/IC/2/6). The Committee was requested to consider:

(a) A set of organizational attributes and other considerations which might be used to indicate a range of suitable organizations to be considered, if interested;

(b) A procedure by which the interest of indicated organizations might be ascertained;

(c) An additional set of criteria on which the offers of interested organizations might be evaluated by the Conference of the Parties.

6. The Committee agreed to recommend to the first meeting of the Conference of the Parties the following list of attributes:

(a) Relevance of the mandate, general objectives and substantive activities of the organization to the purpose and objectives of the Convention;

(b) Extent to which the organization could provide technical support to the substantive work to be undertaken under the Convention and coordinated by the Secretariat;

(c) Past and/or current involvement in the process associated with the development or operation of the Convention; or other indicators of familiarity with the Convention;

(d) Demonstrated effectiveness of the organization in its own sphere of activities;

(e) The organization as a context for establishing effective working relationships with other conventions and their secretariats, especially those related to conservation of biological diversity and sustainable development;

(f) Experience in providing secretariat functions to an intergovernmental process;

(g) Existing organizational infrastructure - information systems, communication instruments - and financial and administrative framework conducive to the discharge of the secretariat functions;

(h) The extent to which the organization would ensure autonomy and independence of the secretariat, particularly in terms of governance and budget;

(i) The expertise of the organization in matters of the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the utilization of genetic resources;

(j) The organization's ability to operate on the global, regional and national levels; the ease of its accessibility and collaboration with Governments and non-governmental organizations; the efficiency of its

communications system and of its information gathering capacity;

(k) The organization's ability to accommodate any future decision by the Conference of the Parties as to the location of the Secretariat.

7. The Committee recommended also that an interested organization should indicate to the Conference of the Parties:

(a) The support it would be able to provide for the operations of the Secretariat, for example, in the aspects of recruitment, fund management, administrative support, assistance with organization and servicing of meetings organized under the Convention; and whether there would be a charge to the secretariat budget for such services;

(b) Its ability to support, through its own budgetary possibilities and mechanisms, the operations of the Convention and the activities of the secretariat; and its ability to make temporary cash advances to guarantee the secretariat's cash flow;

(c) The stature of the secretariat within its organization;

(d) The degree of operational autonomy for the secretariat within the organization's system of governance in carrying out the decisions, and in responding to the requests and needs, of the Conference of the Parties;

(e) The extent to which the head of the secretariat will be able to take, following the decisions of the Conference of the Parties, independent decisions on administrative, budgetary, and personnel matters and decisions that affect the functioning of the secretariat;

(f) The organization's willingness to accommodate any future decision by the Conference of the Parties as to the location of the secretariat, in consultation with the country concerned;

(g) What approval process will be required from its governing authority, and the possible time-frame for such approval to be obtained;

(h) How soon it could be prepared to establish the secretariat and undertake the responsibility for the discharge of the secretariat functions.

8. In accordance with article 24, paragraph 2, of the Convention, the Committee recommended that all interested competent international organizations should notify their interest to the Interim Secretariat before 15 August 1994, accompanied by the details, including administrative costs, of their offer.

9. The Committee identified several organizations which might satisfy the recommended criteria. In addition to considering the option to select an existing international organization, it was also felt by some representatives that the first meeting of the Conference of the Parties might also wish to consider the option that the secretariat be established jointly by a consortium of agencies and bodies within the United Nations

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family, or alternatively that one organization might be chosen to carry out the secretariat functions, with other agencies possibly participating in the secretariat (see UNEP/CBD/COP/1/4, sect. 4.1.3 paras. 111-124) report of the second session of the Intergovernmental Committee). Interested parties were therefore advised that submission of offers should be sufficiently flexible to accommodate such an option.

10. At 15 August 1994, the Interim Secretariat had received letters, and in some cases extended proposals, from the following organizations, indicating their interest in either providing, or participating in, the secretariat of the Convention:

<u>Date</u> <u>received</u>	<u>Organization</u>	<u>Documents</u> <u>received</u>	<u>Presented</u> <u>in</u>
8 July:	United Nations Environment Programme (UNEP)	letter and proposal	Annex I, Appendix, Attachments I-IV
2 August:	World Conservation Union	letter and proposal	Annex II, (IUCN) Appendix
11 August:	United Nations Development Programme (UNDP)	letter containing proposal	Annex III
12 August:	Intergovernmental Oceanographic Commission (IOC) of UNESCO	letter	Annex IV
12 August:	United Nations Educational, Cultural Scientific and Cultural Organization (UNESCO)	letters	Annex V and Appendix
15 August:	Food and Agriculture Organization of the United Nations (FAO)	letter	Annex VI
22 August:	FAO	letter and proposal	Annex VI Appendix

11. Copies of these are attached as annexes to this note, in chronological order, for consideration by the meeting.

12. The Conference of the Parties should consider the recommendations of the Intergovernmental Committee and the proposals received from organizations in response to the invitation of the Intergovernmental Committee.

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3. TRANSITIONAL ARRANGEMENTS

13. At its second session the Intergovernmental Committee (see UNEP/CBD/COP/1/4, para.122) felt that it may not be feasible for the first meeting of the Conference of the Parties to proceed with selection of the secretariat, since no process had been outlined to facilitate the Conference of the Parties in this matter. It was felt that it was first necessary to select the competent organization to provide the secretariat, and then decide on a process by which the secretariat would be selected. These issues could be decided at the first meeting of the Conference of the Parties, leaving the selection of the secretariat for the second meeting of the Conference of the Parties. It was consequently recommended that selection of the secretariat be addressed at the second meeting of the Conference of the Parties, and that the Interim Secretariat, given the high quality of its performance, be extended until the second meeting of the Conference of the Parties.

14. It was also suggested that with respect to choosing the head of the secretariat, the first meeting of the Conference of the Parties needed to consider the role of the head of the organization chosen to provide the secretariat functions in the selection process for the head of the secretariat.

15. The meeting should consider the recommendations of the Intergovernmental Committee and decide (a) whether the Interim Secretariat as provided by UNEP in response to resolution 2 of the Nairobi Final Act should be extended until the secretariat is established; and (b) on the process by which the Conference of the Parties would wish to approach the establishment of the secretariat, bearing in mind its decision on the institutional arrangement for carrying out the functions of the secretariat.

4. LOCATION OF SECRETARIAT

16. Document UNEP/CBD/IC/2/6 prepared by the Interim Secretariat for the second session of the Intergovernmental Committee suggested that it may be convenient for the Conference of the Parties first to select the competent organization to provide the secretariat before giving attention to considerations of country location, thus allowing for the specificities of the organization selected to be taken into account in deciding upon country location for the secretariat.

17. Some views were expressed in relation to the matter of location of the secretariat to the Convention (see UNEP/CBD/COP/1/4, para. 119). However no specific recommendation was arrived at to forward to the first meeting of the Conference of the Parties.

18. In order to facilitate consideration of location of the secretariat by the Conference of the Parties, it may wish (a) to consider inviting Governments who have expressed interest in hosting the secretariat of the Convention to submit details of their offer by a certain date; and (b) advise what further steps are required in order to prepare this matter for consideration at its second meeting.

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Annex I

Letter dated 4 July 1994 from Ms. E. Dowdeswell, Executive Director of the United Nations Environment Programme to Ms. A. Cropper, Executive Secretary, Interim Secretariat for the Convention on Biological Diversity

You will recall that on 20 June 1994 I indicated to the representatives of governments attending the second session of the Intergovernmental Committee for the Convention on Biological Diversity that UNEP stands ready, if so desired by member States, to continue to assist the further evolution of this Convention. In my closing address on 1 July, 1994 I reiterated that UNEP would be willing to make available its experience and competence to assist governments in advancing the Convention, if they so requested.

I am writing to you now specifically in response to the invitation of the Committee to organizations interested in providing the Secretariat to the Convention, to indicate their interest and convey their offers to you before 15 August 1994.

I have great pleasure in confirming the interest of UNEP in continuing to provide the Secretariat to the Convention, and I enclose herewith a proposal and offer based on the guidance provided by the Committee and according to the criteria outlined in document UNEP/CBD/IC/2/6.

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Appendix

OFFER OF THE United Nations ENVIRONMENT PROGRAMME TO PROVIDE THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY

1. BACKGROUND

1.1 Article 24, paragraph 2, of the Convention on Biological Diversity provides that the Conference of the Parties shall, at its first ordinary meeting, designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under the Convention.

1.2 At its second session held in Nairobi from 20 June to 1 July 1994, the Intergovernmental Committee on the Convention on Biological Diversity agreed to recommend to the first Conference of the Parties a list of attributes and criteria which might guide its decision on this issue. It also invited all interested competent international organizations to notify their interest to the Interim Secretariat of the Convention on Biological Diversity before 15 August 1994, accompanied by a detailed offer, including administrative costs.

1.3 To facilitate the consideration of this item by the first meeting of the Conference of the Parties, the present note is submitted by the United Nations Environment Programme according to the list of attributes and elements recommended by the second session of the Intergovernmental Committee on the Convention on Biological Diversity as contained in paragraphs 112 and 113 of document UNEP/CBD/COP/1/4.

2. ATTRIBUTES OF A COMPETENT ORGANIZATION AS APPLIED TO UNEP

2.1 Relevance of the mandate, general objectives and substantive activities of the organization to the purpose and objectives of the Convention

2.1.1 The objectives of the Convention are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

2.1.2 The United Nations Environment Programme was established by the United Nations General Assembly on the basis of a recommendation adopted by the United Nations Conference on the Human Environment held in Stockholm from 5 to 16 June 1972.

2.1.3 Principles 2 to 7 of the Stockholm Declaration on the Human Environment, emanating from that Conference, are of direct relevance to the objectives of the conservation of biological diversity and the sustainable use of its components. The chapter on environmental aspects of natural resource management of the accompanying Action Plan for the Human Environment contains a set of concrete recommendations addressed to the Governments and the competent international organizations for the

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achievement of such objectives.

2.1.4 The United Nations Environment Programme was established as the main institutional mechanism for the follow-up of the decisions adopted at that Conference. Attachment I lists the main responsibilities entrusted to the UNEP Governing Council.

2.1.5 These responsibilities led to the identification of the following functions for the Secretariat of UNEP:

- (a) To provide substantive support to the Governing Council;
- (b) Under the guidance of the Governing Council, to coordinate environmental programmes within the United Nations system, to keep under review their implementation and assess their effectiveness;
- (c) To advise, as appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;
- (d) To secure the effective cooperation of, and contribution from, the relevant scientific and other professional communities from all parts of the world;
- (e) To provide, at the request of all parties concerned, advisory services for the promotion of international cooperation in the field of environment;
- (f) To submit to the Governing Council, on its own initiative or upon request, proposals embodying medium- and long-range planning for United Nations programmes in the environment field;
- (g) To bring to the attention of the Governing Council any matter which needs to be considered;
- (h) To administer, under the authority and policy guidance of the Governing Council, the Environment Fund;
- (i) To report on environment matters to the Governing Council;
- (j) To perform such other functions as may be entrusted to it by the Governing Council.

2.1.6. At its first meeting, held in Geneva from 12 to 22 June 1973, the Governing Council of the United Nations Environment Programme adopted an "Action Plan for the Environment: programme development and priorities". The general as well as the specific policy objectives of such an Action Plan for the Environment were of direct relevance to the goals and objectives of the Convention on Biological Diversity (see Attachment II).

2.1.7 In the Action Plan the conservation of nature, wildlife and genetic resources was considered a programme priority, as indicated in the following list of activities identified for action:

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- (a) To promote the protection and conservation of plants and animals, especially rare or endangered species;
- (b) To support ecological investigations on ecosystem processes in relation to the impact of human activities;
- (c) To promote the identification and conservation of unique natural sites and especially representative samples of natural ecosystems;
- (d) To initiate the preparation of a comprehensive catalogue of threatened species and varieties of crop plants, fish, domestic animals and micro-organisms as well as cooperate with the Food and Agriculture Organization in its programmes on genetic resource conservation;
- (e) To support regional and national institutions in developing countries for promoting the collection, evaluation and conservation of gene pools of plants and animals for maintaining genetic diversity for the future use of mankind;
- (f) To promote the development on an entirely voluntary basis, of a register of clean rivers.

2.1.8 At its second meeting, held in March 1974, the Governing Council stressed in its resolution 8 (II) entitled "Approval of activities within the Environment Programme" that the preservation of the diversity of genetic resources should be one of UNEP's most important objectives. At its third meeting, held in May 1975, the Governing Council agreed to include the issue of conservation of nature, wildlife and genetic resources as part of the new priority subject on "Terrestrial ecosystems, their management and control". Since then, this issue has become a permanent subject area of concern to UNEP.

2.1.9 The regular activities of UNEP greatly contributed to raising the awareness of the world community to the need to protect and preserve the biodiversity of the planet. In this regard the major initiatives were:

- (a) In 1980, the World Conservation Strategy was launched by UNEP, the World Conservation Union (IUCN), and the World Wildlife Fund (WWF). This document drew attention to the inseparable link between conservation and development and the need for sustainability. It emphasized three global objectives of living resource conservation:
 - (i) To maintain essential ecological processes and life-support systems;
 - (ii) To preserve genetic diversity;
 - (iii) To ensure the sustainable use of species and ecosystems.
- (b) "Caring for the Earth: A Strategy for Sustainable Living", was

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launched in October 1991, and reinforced the above-mentioned three global objectives and stressed the importance of social and economic requirements that must be met to achieve sustainable development.

- (c) "The environmental perspective to the year 2000 and beyond" recommended that the gap between conservation of species and economic access to them should be bridged through maximum international cooperation.
- (d) In 1992 The World Resources Institute, IUCN and UNEP, in collaboration with WWF and World Bank launched the Global Biodiversity Strategy dealing with all aspects of biological diversity. The objectives of the Global Biodiversity Strategy are:
 - (i) The development of a national and international policy framework that fosters the sustainable use of biological resources and the maintenance of biodiversity;
 - (ii) The creation of conditions and incentives for effective conservation by local communities;
 - (iii) The strengthening of human capacity for conserving and using biodiversity in a sustainable manner;
 - (iv) The enhancement of international cooperation and national planning for the conservation of biodiversity.

2.1.10 The functions, competence, and performance of UNEP in relation to its mandate were recognized by the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992, in reaching its conclusion to enhance and strengthen the role of UNEP and its Governing Council for the follow-up of its decisions and in particular for the implementation of the relevant provisions of Agenda 21, including chapter 15 related to the conservation of biological diversity. In this regard, the Commission on Sustainable Development designated UNEP as the task manager for all issues pertaining to biodiversity.

2.2 Extent to which the organization could provide technical support to the substantive work to be undertaken under the Convention and coordinated by the secretariat

2.2.1 UNEP has had the experience of providing the technical assistance which led to the establishment of the Intergovernmental Negotiating Committee for the Convention. In addition, since its inception UNEP has continued to provide technical support and assistance to its member States, and in particular to developing countries, on many of the issues now included in the Convention, such as national planning, preparation of national strategies and action plans, conservation of biological diversity and sustainable use of its components, monitoring and impact assessment, research and training, capacity-building, exchange of information and scientific and technical advice, *in situ* conservation, *ex situ* conservation, technology transfer, public education and awareness.

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2.2.2 These services were provided by UNEP through the different units of its Terrestrial Ecosystems Branch and in particular as regards soils, agricultural lands and agrochemicals, wildlife and protected areas, environmental health, lithosphere, water, biodiversity and biotechnology.

2.2.3 The tasks assigned by member States to UNEP in the field of biological diversity have always enjoyed the full support and collaboration of all other relevant branches and units of the organization's structure and in particular: Oceans and Coastal Areas Programme Activity Centre; the coordination units of the Regional Seas Programmes; Desertification Control Programme Activity Centre; Environmental Law and Institutions Programme Activity Centre; Technology and Evaluation Branch; Global Environment Monitoring System Programme Activity Centre; Infoterra Programme Activity Centre; Monitoring and Assessment Centre; Global Resource Information Database Programme Activity Centre; Industry and Environment Programme Activity Centre.

2.2.4 These programmes have been very readily accessible by Governments through the five Regional Offices of UNEP and through its pattern of decentralized operations.

2.2.5 The secretariat to the Convention would have ready and privileged access to the expertise, capacity and products of these Programme Centres in support of its work.

2.3 Past and/or current involvement in the process associated with the development or operation of the Convention; or other indicators of familiarity with the Convention

2.3.1 The Convention on Biological Diversity is the culmination of efforts undertaken by UNEP in close cooperation with other competent international organizations. It is under the aegis of UNEP that the preparation, negotiation, elaboration and adoption processes took place in the following stages:

- (a) Convening an Ad-Hoc Working Group of Experts on Biological Diversity;
- (b) Convening an Ad-Hoc Working Group of Legal and Technical Experts which eventually became the Intergovernmental Negotiating Committee on the Convention on Biological Diversity.

2.3.2 The substantive work to support these processes, as well as the servicing of the meetings, was provided by UNEP.

2.3.3 A draft of the Convention on Biological Diversity was also prepared by UNEP to facilitate the work of the Intergovernmental Negotiating Committee. These negotiations culminated in the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity convened by UNEP in May 1992 at which Governments, in resolution 2, requested UNEP to establish and convene meetings of an Intergovernmental Committee to prepare work under the Convention, and to provide the secretariat to the Convention on an interim basis. The Convention also

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requested the Executive Director of UNEP to convene the first meeting of its Conference of the Parties.

2.3.4 In order to facilitate the work of the Intergovernmental Committee and to prepare issues that would require the attention of the Conference of the Parties, UNEP established a series of expert panels to analyse various aspects of the Convention.

2.3.5 In the second half of 1994, UNEP is convening consultative regional meetings in Africa and Latin America and the Caribbean to assist Governments in the regions to address the complex issues of the Convention and assist them in arriving at a regional consensus.

2.4 Demonstrated effectiveness of the organization in its own sphere of activities

2.4.1 The decision of the United Nations Conference on Environment and Development at the level of heads of States and Governments to enhance and strengthen the role of UNEP and its Governing Council is testimony of the effectiveness of UNEP in its sphere of activities. Of particular note is its recommendation that UNEP should coordinate the functioning of the convention secretariats.

2.4.2 Attachment III presents the priority areas recommended for UNEP's portfolio.

2.5 The organization as a context for establishing effective working relationships with other conventions and their secretariats, especially those related to conservation of biological diversity and sustainable development

2.5.1 One of the first decisions adopted at the first meeting of the Governing Council of UNEP, held in June 1973, was to authorize the Executive Director to provide secretariat services for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Furthermore, it requested the Executive Director to give assistance in the preparation of other international conventions in the environmental field.

2.5.2 Since then UNEP has been providing the secretariat services to the following six global international conventions:

- (a) Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- (b) Convention on the Conservation of Migratory Species of Wild Animals;
- (c) Vienna Convention for the Protection of the Ozone Layer;
- (d) Montreal Protocol on Substances that Deplete the Ozone Layer;
- (e) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;
- (f) Convention on Biological Diversity (Interim Secretariat).

2.5.3 UNEP is also providing the secretariat services of the following 13 regional instruments:

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- (a) Convention for the Protection of the Mediterranean Sea against Pollution;
- (b) Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft;
- (c) Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency;
- (d) Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources;
- (e) Protocol concerning Mediterranean Specially Protected Areas;
- (f) Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region;
- (g) Protocol concerning Cooperation in Combating Pollution in Cases of Emergency;
- (h) Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;
- (i) Protocol concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region;
- (j) Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;
- (k) Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region;
- (l) Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region;
- (m) Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region.

2.5.4 UNEP also maintains active links with programmes under other major conventions, for example the Framework Convention on Climate Change and the proposed international convention to combat desertification. It also actively participates in other global intergovernmental processes relating to sustainable development, for example, the Commission on Sustainable Development, for which UNEP operates as Task Manager on Biodiversity and is a member of its inter-agency group.

2.5.5 In recognition of the role of UNEP in the promotion of international environmental law and in the coordination of its relevant legal instruments, Agenda 21, paragraph 38.22(h), emphasized that UNEP should concentrate on "coordinating functions arising from an increasing number of international legal agreements, *inter alia*, the functioning of the secretariats of the conventions, taking into account the need for the most efficient use of resources" (see Attachment IV).

2.5.6 Subsequently, Governing Council decision 17/25 of 21 May 1993 requested the Executive Director to continue to promote the coherent coordination of the functioning of environmental conventions, including their secretariats, with a view to improving the effectiveness of the implementation of the conventions. A first meeting has been held with convention secretariats to explore how this could be achieved.

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2.5.7 Given such involvement with global conventions and regional instruments, all of which are concerned with sustainability, UNEP provides an excellent context in which and through which the linkages between the Convention secretariat and other similar entities can be made.

2.5.8 As part of its routine programme and operations, UNEP maintains very active cooperation with other programmes and specialized agencies of the United Nations system, see paragraph 2.10.5 below. Some examples are: the International Programme for Chemical Safety (IPCS) with WHO and ILO; the International Environmental Education Programme (IEEP) with UNESCO; the WHO/FAO/UNEP Panel of Experts on Environmental Management for Vector and Disease Control; Application of Economic Policy Instruments in Latin America and the Caribbean Region with ECLAC; Conservation of Forest Genetic Resources and of Livestock Genetic Diversity and Management with FAO; Global Marine Assessments with IOC; and Environmental Management Training for Employers with ILO.

2.6 Experience in providing secretariat functions to an intergovernmental process

2.6.1 As an intergovernmental organization, UNEP, through its Conference and Governing Council Service, has accumulated an outstanding experience in the organization and management of intergovernmental processes. In addition, it has provided the secretariat services to the global and regional instruments listed in the previous section.

2.7 Existing organizational infrastructure - information systems, communication instruments - and financial and administrative framework conducive to the discharge of the secretariat functions

2.7.1 The current administrative structure of UNEP including its regional and liaison offices, its information and public affairs unit as well as its ties within the United Nations system, with non-governmental organizations and private research and scientific institutions will constitute an invaluable asset for the smooth discharge of the secretariat functions.

2.7.2 Other areas of its expertise and operations would also be put at the service of the Convention. These include:

- (a) Expertise in fund management (Environmental Fund, trust funds for conventions);
- (b) Personnel recruitment;
- (c) Information management programmes (GRID, Earthwatch, INFOTERRA);
- (d) A wide range of directly relevant publications;
- (e) Its central role with respect to sustainable development within the United Nations system;
- (f) A long-established and productive relationship with major international non-governmental organizations (IUCN, WWF, WRI);
- (g) Regional offices;
- (h) Decentralized programme activity centres;
- (i) Conference servicing.

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2.8 The extent to which the organization would ensure autonomy and independence of the secretariat, particularly in terms of governance and budget

2.8.1 UNEP already hosts the secretariats of six international legal instruments of a global character. All of them enjoy operational autonomy and are fully responsive to their respective Conferences of the Parties. The operational autonomy enjoyed by the Interim Secretariat of the Convention on Biological Diversity will be maintained as required by the Conference of the Parties. UNEP recognizes that the heads of convention secretariats are accountable to their respective Conferences of the Parties for responses to their mandates and requests. It understands the role of the organization selected to provide a secretariat to a convention as providing a supportive framework to facilitate that secretariat in discharging its functions, principally through support and guidance in relation to personnel and administrative matters and financial management as required by the United Nations system. UNEP recognizes the need for flexibility in the application of its systems and practices when that is necessary to ensure efficiency and effectiveness of a secretariat in relation to the mandates and expectations of the Conference of the Parties.

2.9 The expertise of the organization in matters of the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the utilization of genetic resources

2.9.1 Since its inception, and in accordance with its mandate, UNEP has been directly involved in matters related to all aspects of the conservation of biological diversity. Among its recent initiatives to advance the Convention on Biological Diversity are:

- (a) Convening of four expert panels to consider the following issues under the Convention:
 - (i) Priorities for action for conservation and sustainable use of biological diversity and agenda for scientific and technological research;
 - (ii) Evaluation of potential economic implications of conservation of biological diversity and its sustainable use and evaluation of biological and genetic resources;
 - (iii) Technology transfer and financial issues;
 - (iv) Consideration of the need for and modalities of a protocol setting out appropriate procedures including, in particular, advance informed agreement in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have an adverse effect on the conservation and sustainable use of biological diversity;

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- (b) Convening of an Expert Conference on biodiversity, in collaboration with the Government of Norway, to bring together scientists, managers, and policy-makers to provide inputs to UNEP's preparatory work for the first session of the Intergovernmental Committee on the Convention on Biological Diversity;
- (c) Convening, as requested by the first session of that Committee an Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity for the:
 - (i) Identification of scientific programmes and international cooperation in research and development related to the conservation and sustainable use of biological diversity;
 - (ii) Organization of the preparation of an agenda for scientific and technological research on the conservation of biological diversity and the sustainable use of its components, including possible institutional arrangements ad interim for scientific cooperation among Governments for the early implementation of the provisions of the Convention on Biological Diversity;
 - (iii) Identification of innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and the ways and means of promoting development and/or transferring such technologies;
- (d) Preparation of guidelines for country studies on biological diversity to assist countries in assessing the status and value of their biodiversity and biological resources, and to show them the manner in which they can deploy this information as an input to the biodiversity planning process at a national level;
- (e) Establishment of an Expert Advisory Team for Country Studies to assist parties and signatories to the Convention in conducting country studies;
- (f) Preparation of a synthesis report on the results of 10 such studies.

2.9.2 UNEP will continue to take all possible measures, within its competence, to assist in the implementation of the goals and objectives of the Convention on Biological Diversity.

2.10 The organization's ability to operate on the global, regional and national levels; the ease of its accessibility by and collaboration with Governments and non-governmental organizations; the efficiency of its communications system and of its information gathering capacity

2.10.1 UNEP is an intergovernmental organization established by the international community to assess environmental issues of common concern,

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alert the world community to them, and promote their resolution through international cooperation. The basic concern of UNEP is the environmental health of the planet. As such its programmes are essentially global in nature. However, to address the global concerns, UNEP must also focus on the specificities of geographical areas, subregions, regions, and nations.

2.10.2 UNEP undertakes its tasks by the creation of worldwide assessment networks that monitor the vital environmental parameters, the mobilization of scientific experts to evaluate and analyse problematic trends and propose alternative solutions, and the convening of Governments to arrive at negotiated international formulas in order to implement these solutions. These tasks are undertaken at both global levels (e.g. in the case of the ozone layer) and at subregional and regional levels to address specific areas of concern to groups of countries (e.g. in the case of regional seas conventions).

2.10.3 To meet their international environmental obligations many countries require policy and technical advice as well as increased institutional capacity. UNEP through its partners which operate on a national level, UNDP, FAO, WHO, other organizations of the United Nations system and other intergovernmental organizations, can ensure that there are compatible and intercalibrated responses to environmental problems.

2.10.4 Since its inception UNEP has succeeded in establishing a tradition of collaboration and fruitful cooperation with non-governmental organizations. This cooperation led to the elaboration of a number of conceptual studies such as the World Conservation Strategy (1980), Caring for the Earth (1991) and the Global Biodiversity Strategy (1992). The quality of such collaborative arrangements is indicated by the increasing number of non-governmental organizations accredited to the Governing Council, at present 55 NGOs, as well as to all activities undertaken by UNEP.

2.10.5 UNEP has also had long-standing partnerships with a wide range of United Nations entities including Regional Commissions and the specialized agencies of the United Nations system. It is this experience that makes UNEP confident that the required collaboration with a wide range of entities which this Convention requires can and will be satisfactorily secured. The involvement of such entities has already begun to unfold in the course of the interim period.

2.10.6 UNEP has acquired from the European Space Agency the Mercure system. Mercure is a satellite telecommunications system that will dramatically improve UNEP's capabilities in producing and delivering the information products which are vitally needed for programmes and action plans related to the environment. The system is designed as two sub-systems:

- (a) A high capacity system for exchanging environmental data files and conducting teleconferences remotely;
- (b) A lower capacity system designed for ease of installation in countries that do not have existing robust telecommunications

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infrastructures.

In combination with the emerging global networks loosely referred to as INTERNET, UNEP will possess the communications power to serve in an easily accessible fashion its primary participants ranging from the developed countries to the less developed.

2.11 The organization's ability to accommodate any future decision by the Conference of the Parties as to the location of the secretariat

2.11.1 UNEP is aware that the location of the secretariat is a decision for the Conference of the Parties. UNEP already has considerable experience in providing secretariats to international legal instruments which are located elsewhere than at its headquarters.

3. ADDITIONAL CONSIDERATIONS

3.1 Possible support for the operations of the secretariat

3.1.1 UNEP stands ready to offer, within its own sphere of competence and abilities, any service and support that may be expected by the Conference of the Parties and requested by the secretariat in discharging its functions. The details of such support as and when requested will need to be agreed upon with the secretariat of the Convention.

3.1.2 In general, it may be anticipated that such support could include technical inputs in the work of the secretariat, administrative support systems, data and information services, conference services, and temporary cash advances to guarantee the secretariat's cash flow. In this regard, it should be noted that the servicing of the second session of the Intergovernmental Committee on the Convention on Biological Diversity was financed entirely from the Fund of UNEP.

3.2 The secretariat within the organization

3.2.1 The legal and formal distinction between UNEP and the Interim Secretariat of the Convention, though provided by UNEP, is recognized. This relationship will continue with the secretariat, especially as the governing bodies of the Convention will have been established. Thus maximum operational autonomy can be enjoyed by the secretariat in its response to the mandates, requests and needs of the Conference of the Parties. UNEP recognizes the executive role of the secretariat in advancing the Convention, and the head of the secretariat as the chief executive in that process. The secretariat is therefore recognized as the principal executive body in matters relating to the Convention. This approach of UNEP has already been reflected in its establishment of the post of head of the Interim Secretariat at a senior level within the United Nations system. Bearing in mind the role of the Conference of the Parties as the governing body of the Convention, the head of the Secretariat will be directly accountable to the Conference of the Parties for his/her independent decisions on matters affecting the functioning of the secretariat.

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3.3 Location of the secretariat

3.3.1 As stated in paragraph 2.11.1 above, the decision on the location of the secretariat is the responsibility of the Conference of the Parties.

It is envisaged that a host agreement will be entered into, with the approval of the Conference of the Parties and the Governing Council of UNEP, indicating the respective responsibilities of all parties involved.

3.4 Approval and time-frame for providing the secretariat

3.4.1 The negotiations for and adoption of the text of the Convention were carried out under the aegis of UNEP, as authorized by its Governing Council. Implementation of the Convention will continue to constitute, as reflected in its decision 17/30, a priority concern of the Governing Council. Providing the secretariat to the Convention could be expected to meet with its approval. UNEP has already provided the Interim Secretariat at the request of Governments. The eighteenth session of the Governing Council of UNEP, to be held from 15 to 26 May 1995, will be the first opportunity to consider a request to UNEP by the Conference of the Parties to provide the secretariat.

3.4.2 Since UNEP provides the Interim Secretariat, a smooth and short transition period could be expected if UNEP is selected as the organization to provide the secretariat to the Convention.

Attachment I

RESPONSIBILITIES OF THE United Nations ENVIRONMENT PROGRAMME
AS OUTLINED IN GENERAL ASSEMBLY RESOLUTION 2997
OF 15 DECEMBER 1972

- (a) To promote international cooperation in the field and to recommend, as appropriate, policies to this end;
- (b) To promote general policy guidance for the direction and coordination of environmental programmes within the United Nations system;
- (c) To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;
- (d) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance should receive appropriate and adequate consideration by Governments;
- (e) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;
- (f) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that might be incurred by developing countries in the implementation of environmental programmes and projects, to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries;
- (g) To review and approve annually the programme of utilization of resources of the Environment Fund;

Attachment II

POLICY OBJECTIVES OF THE ACTION PLAN FOR THE ENVIRONMENT

General

- (a) To provide, through an interdisciplinary study of natural and man-made ecological systems, improved knowledge for an integrated and rational management of the resources of the biosphere and for safeguarding human well-being as well as ecosystems;
- (b) To encourage and support an integrated approach to the planning and management of development, including that of natural resources, so as to take into account environmental consequences with the aim of achieving maximum social, economic and environmental benefits;
- (c) To assist all countries, especially developing countries, to deal with their environmental problems and to help mobilize additional financial resources for the purpose of providing the required technical assistance, education, training and free flow of information and exchange of experience, with a view to promoting the full participation of developing countries in the national and international efforts for the preservation and enhancement of the environment.

Specific

- (a) To detect and prevent serious threats to the health of the oceans through controlling both ocean-based and land-based sources of pollution, and to assure the continuing vitality of marine stocks;
- (b) To help Governments in managing forest resources so as to meet present and future needs;
- (c) To prevent the loss of productive soil through erosion, salination or contamination; to arrest the process of desertification and to restore the productivity of desiccated soil;
- (d) To preserve threatened species of plant and animal life, particularly those which are important to human life and well-being;
- (e) To help Governments identify and preserve natural and cultural areas which are significant to their countries and which form part of the natural and cultural heritage of all mankind;
- (f) To help Governments increase public awareness through better education and knowledge of environmental concerns and facilitate wide participation in and support for environmental action.

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Attachment III

PRIORITY AREAS FOR UNEP'S PROGRAMME AS AGREED BY THE
United Nations CONFERENCE ON THE HUMAN ENVIRONMENT

- (a) Strengthening its catalytic role in stimulating and promoting environmental activities throughout the United Nations system;
- (b) Promoting international cooperation in the field of environment and recommending as appropriate, policies to this end;
- (c) Developing and promoting the use of such techniques as natural resource accounting and environmental economics;
- (d) Environmental monitoring and assessment, through both improved participation by the United Nations agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes and the strengthening of its early-warning function;
- (e) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;
- (f) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;
- (g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;
- (h) Further development of international environmental law in particular conventions and guidelines, promotion of its implementation and coordinating functions arising from an increasing number of international legal agreements, *inter alia*, the functioning of the secretariats of the conventions, taking into account the need for a most efficient use of resources, including possible co-location of secretariats in the future;
- (i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of specialized agencies of the United Nations system related to every significant economic development project or activity;
- (j) Facilitation of information exchange on environmentally-sound technologies, including legal aspects and provision of training;
- (k) Promotion of sub-regional and regional cooperation and support to relevant initiatives and programmes for environmental protection through playing a major coordinating role in regional environmental mechanisms identified for the follow-up to the

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Conference;

- (l) Provision of technical, legal and institutional advice to Governments, upon their request, in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;
- (m) Support to Governments, upon their request, and to development agencies and organs in the integration of environmental aspects into their development policies and programmes, in particular, technical and policy advice during programme formulation and implementation;
- (n) Providing assessment and assistance in cases of environmental emergencies.

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Attachment IV

EXCERPT FROM AGENDA 21, CHAPTER 38, H: ORGANS, PROGRAMMES
AND ORGANIZATIONS OF THE United Nations SYSTEM

1. United Nations Environment Programme

38.21 In the follow-up to the Conference, there will be a need for an enhanced and strengthened role for UNEP and its Governing Council. The Governing Council should, within its mandate, continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective.

38.22 Priority areas on which UNEP should concentrate include the following:

- (a) Strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system;
- (b) Promoting international cooperation in the field of environment and recommending, as appropriate, policies to this end;
- (c) Developing and promoting the use of such techniques as natural resource accounting and environmental economics;
- (d) Environmental monitoring and assessment, through both improved participation by the United Nations system agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes; and strengthening and making operational its early-warning function;
- (e) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;
- (f) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;
- (g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;
- (h) Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, *inter alia*, the functioning of the secretariats of the conventions, taking into account the need for the most efficient use of resources, including possible co-location of secretariats established in the future;
- (i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out

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under the auspices of specialized agencies of the United Nations system, and in connection with every significant economic development project or activity;

- (j) Facilitation of information exchange on environmentally sound technologies, including legal aspects, and provision of training;
- (k) Promotion of subregional and regional cooperation and support to relevant initiatives and programmes for environmental protection, including playing a major contributing and coordinating role in the regional mechanisms in the field of environment identified for the follow-up to the Conference;
- (l) Provision of technical, legal and institutional advice to Governments, upon request, in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;
- (m) Support to Governments, upon request, and development agencies and organs in the integration of environmental aspects into their development policies and programmes, in particular through provision of environmental, technical and policy advice during programme formulation and implementation;
- (n) Further developing assessment and assistance in cases of environmental emergencies.

38.23 In order to perform all of these functions, while retaining its role as the principal body within the United Nations system in the field of environment and taking into account the development aspects of environmental questions, UNEP would require access to greater expertise and provision of adequate financial resources and it would require closer cooperation and collaboration with development organs and other relevant organs of the United Nations system. Furthermore, the regional offices of UNEP should be strengthened without weakening its headquarters in Nairobi, and UNEP should take steps to reinforce and intensify its liaison and interaction with UNDP and the World Bank.

Annex II

Letter dated 30 July 1994 from Mr. D. McDowell, Director General, IUCN -
The World Conservation Union to Ms. A. Cropper, Executive Secretary,
Interim Secretariat for the Convention on Biological Diversity

I wish to inform you formally of the interest of IUCN in a continuing close association with the Biodiversity Convention and its Secretariat.

You will be aware of the long-standing involvement of the Union in the development and drafting of the Convention itself. The IUCN was closely involved throughout this process both on the scientific and legal sides.

You will also be aware of the long-standing tradition of close cooperation between IUCN and UNEP in this and many other environmental fields. We would wish this tradition to continue.

Finally, we have in the IUCN the technical, scientific and administrative capacity and the interest to provide a range of services to the Secretariat of the Convention, wherever it may finally rest. I have therefore enclosed the attached description of the capacities that IUCN can make available in support of the Secretariat for the Convention.

I trust this capacity and interest will be taken into account as decisions are made on the future of the Secretariat of the Convention, and therefore I ask that you forward this letter to the Conference of the Parties to the Convention when it meets at the end of this year.

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Appendix

IMPLEMENTING THE CONVENTION ON BIOLOGICAL DIVERSITY: IUCN'S CAPACITIES AND POSSIBLE CONTRIBUTION

Introduction

1. For the Convention on Biological Diversity to be as effective as it can be, it will require support from all sectors of society; from governments and non-governmental organisations. Among the organisations that will be involved in the implementation of this Convention, IUCN has certain unique capacities that make it an ideal partner.
2. Indeed, the whole concept of biodiversity is enshrined in the mission of IUCN that was agreed to at the organisation's last General Assembly: "To influence, encourage, and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable." A central policy of IUCN is thus to support and build national capacity to manage biodiversity sustainably. IUCN was, in fact, deeply involved in the initial work in developing the Convention, and instrumental in triggering the process which led to its signature and entry into force. An IUCN staff person served on the enlarged UNEP Secretariat that served these negotiations. IUCN has also participated actively in all of the preparatory meetings for the Convention. IUCN is thus mentioned in Resolution 2 of the Nairobi Final Act as a competent partner in the Convention process.
3. IUCN has in fact been working for the protection of biodiversity ever since the Union was created in 1948. In those 46 years, IUCN has gained valuable experience which can be put at the disposal of the Convention Secretariat and the Parties to the Convention. IUCN already helps implement a number of conventions dealing with conservation and the environment. It serves as host to the RAMSAR Convention on Wetlands of International Importance and is a special advisor to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the World Heritage Convention. Similarly, because of its long years of experience, and because its headquarters are located in Gland, Switzerland, not far from where the Biodiversity Convention's Interim Secretariat (ISCBD) is situated, IUCN works closely with the ISCBD. It has also assisted in the preparations for the Inter-governmental Committee meetings, and has helped promote the Convention's implementation through the organisation of global fora, regional workshops, training courses and national meetings.
4. One of IUCN's most valuable assets, which makes it an excellent partner in helping implement the Convention, is that it is a union of networks. IUCN's networks of experts on biodiversity total over 6,000 individuals, on the Species Survival Commission (SSC), the Commission on National Parks and Protected Areas (CNPPA), the Commission on Environmental Law (CEL), as well as through its Biodiversity programme, its Marine Programme, its Forests' Programme and its Programme on Wetlands.

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Additionally, its regional and country offices are already carrying out an extensive range of biodiversity projects.

5. IUCN is also unique in that it is the world's only union of governments and non-governmental organisations working to protect biodiversity. With close to 70 member countries, about 100 government agency members, and over 500 non-governmental members spread throughout the world, IUCN serves as a bridge between the various sectors implementing the Convention. Of the states party to the Biodiversity Convention, 28 are members of IUCN.

6. IUCN stands ready to place these and other capacities at the service of whatever organisation is chosen to serve as the Secretariat to the Convention on Biological Diversity. There are numerous areas where IUCN can help ensure the Convention's implementation. These include: conservation science and its applications; strategies; economics; legislation; information/data; and international and inter-sectoral cooperation.

Conservation science and its applications

7. *Science.* The implementation of the Convention requires a strong scientific base. But such crucial issues as extinction rates, ecosystem functions, and redundancy in ecosystems still remain only poorly understood. IUCN therefore seeks to support efforts to further scientific knowledge in the field of biodiversity, and to ensure that scientific findings are translated into improved policies and practical resource management. It is collaborating with UNEP in the Global Biodiversity Assessment project. Joint task forces between SSC, CNPPA, and IUCN members are being planned in order to address some of the scientific issues related to the Convention's implementation at the national and regional levels.

8. *Technology Transfer* The Convention emphasises the transfer of technology to appropriate countries. IUCN has gained considerable expertise in the management and sustainable use of species and ecosystems. Already IUCN is making this knowledge available to all countries. Nevertheless, in the future IUCN intends to give much greater emphasis to developing approaches to conservation and resource management which are relevant to the needs of both developed and developing countries, working through the SSC, CNPPA, IUCN programmes and the IUCN field offices. At the same time, IUCN has contributed to the Interim Secretariat's paper on appropriate models for technology transfer, particularly in the fields where IUCN has expertise, such as protected area management, population-habitat viability analysis, reintroductions, education, and other conservation technologies.

9. *In situ Conservation.* *In situ* conservation -- of both wild populations of animals and plants and those species and varieties in use by traditional agriculture and indigenous people -- is recognized under the Convention as the most important strategy for achieving conservation. Article 8 specifically calls for the establishment of protected area systems, actions directed at species both within and

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outside of protected areas, and international cooperation in providing financial support to such activities. All of these are traditional strengths of IUCN. Through CNPPA, which recently organised the IV World Congress on National Parks and Protected Areas (Venezuela, February 1992), IUCN has ample material for developing a wide range of guidelines, policies, and action plans on the subject. IUCN is currently providing support for the development of national protected area system plans in various countries, and will develop guidelines for this purpose. It is already foreseen that CNPPA and SSC will hold several meetings in the coming year. Implementation of the Convention is expected to figure prominently on the agendas of all of these meetings. SSC and CNPPA are working with IUCN's Biodiversity Programme to help identify biodiversity priorities and develop key issues in protected area planning and management.

10. *Sustainable Use.* The Convention frequently uses the phrase "conservation and sustainable use". IUCN sees sustainable use as an important tool for conservation and has established a Programme on Sustainable Use of Wildlife. This programme has carried out numerous demonstration projects on sustainable use throughout the world. Additionally, IUCN's Marine, Wetlands and Forest Conservation Programmes have considerable experience at both policy and field level on sustainable use, and are in a position to assist countries where necessary. Several of IUCN's Regional and Country Offices are implementing projects with sustainable use components that could provide useful experiences for the implementation of the Convention.
11. *Capacity Building.* As has been recognized in the negotiations for the Convention and the preparatory work carried out by signatories, education and training are crucial for its implementation. Whether used as an instrument on its own or in combination with other incentives, IUCN also believes capacity building should be planned as an integral part of national strategies for conserving biodiversity. IUCN is interested in promoting joint efforts to develop capacity-building programmes on biodiversity at the national level via its regional offices. For this, the IUCN's Programme on Environmental Education, working with the Commission on Education and Communication (CEC), which has expertise in developing education strategies, has prepared guidelines to assist governments in the preparation of national strategies for capacity-building. IUCN's Biodiversity Programme also intends to contribute by developing appropriate training materials, policies, and other types of support to this capacity-building effort. It will also make arrangements to hold training workshops such as the ones it convened in 1993 at the Asian Development Bank (Philippines), in Pakistan and in Ecuador. IUCN's Environmental Law Centre is interested in continuing its training courses on national, regional and international biodiversity law. In 1994, the regional networks of the CEC are drawing on the lessons learned in educational programmes in order to contribute to the Convention's articles on international cooperation and capacity building in the planning and implementation of education.
12. *Environmental Impact Assessment.* The Convention obliges parties to

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develop and strengthen environmental impact assessment (EIA) procedures which take biodiversity parameters into account. Increasing numbers of countries have EIA laws and regulations. Experience from business and industry shows that impacts on biodiversity are starting to be taken into account by this sector. Through its Environmental Impact Assessment Service, IUCN can provide technical advice and training programmes at different levels, and can continue to develop and disseminate policies and techniques to upgrade EIAs into a reliable and practical conservation tool that takes into consideration economic, social and political factors.

13. *Gathering Information.* Working through its members and through the experts in the SSC and CNPPA, IUCN collects invaluable information on the status of species and ecosystems throughout the world. This information has been made available through the SSC's Red List of Threatened Plants and Animals as well as through the various publications of the CNPPA and the World Conservation Monitoring Centre (WCMC), which was founded by IUCN, WWF and UNEP. IUCN also plans to develop, in collaboration with a number of organisations, a broader "Biodiversity Information System" which would make the information it collects through its networks more readily and rapidly accessible. Much of this information may turn out to be essential for the implementation of the Convention on Biological Diversity.

Strategies

14. *National Strategies and Plans.* IUCN has developed expertise in the preparation of national strategies and plans, especially through its Biodiversity Programme and its service on Strategies for Sustainability. For instance, IUCN has helped prepare the "Global Biodiversity Strategy", "Caring for the Earth", as well as National Conservation Strategies for many countries including Nepal and Pakistan. This experience could be useful for the implementation of the Convention especially as Article 6 provides that Parties should prepare national strategies, plans or programmes for the conservation and sustainable use of biodiversity. IUCN is already involved in supporting the development of a national biodiversity strategy and action plans for Vietnam, as a component of a GEF project and in collaboration with the World Resources Institute (WRI). It is also developing guidelines for the preparation of these strategies and plans. In addition, support for the implementation of these strategies could be provided through IUCN's regional and country offices.
15. *Indigenous Knowledge.* The recognition in the Convention of the important role played by indigenous knowledge needs to be accompanied by appropriate policy and legal measures. IUCN has been working on issues such as land tenure, property rights, joint management regimes and sustainable use of natural resources by local communities. It could provide technical studies of options for addressing such issues that could also be used as background for legal documents on issues such as access to genetic materials or the recognition of the knowledge and conservation activities of indigenous people, local

communities, and traditional farmers.

Legislation

16. *Protocols.* The development and implementation of the objectives and provisions of the Convention on Biological Diversity will very likely require the future negotiation of protocols. The only protocol mentioned in the Convention concerns biosafety. But there are several other subjects which may result in future protocols -- if and when the Parties perceive this as a useful mechanism. The subjects of possible future protocols might include, for instance, access to genetic materials (both in situ and ex situ), the sharing of benefits derived from the use of genetic resources, and certain aspects of technology transfer. IUCN's Environmental Law Programme has considerable expertise in drafting international instruments and could therefore be a useful technical adviser in this regard.

17. *National Legislation.* Through its Environmental Law Centre, IUCN has outstanding expertise in a wide range of legislative fields, building on long experience in ecosystem and species-related law. It has recently expanded its expertise in the field of biodiversity, to be better able to advise national governments on legislative developments for effective implementation of the Convention. Its publications on national legislation for conserving biodiversity and the preparation of an "Explanatory Guide to the Convention on Biological Diversity", are examples of the work carried out in this field. Possible contributions to the implementation of the Convention might include the preparation of guidelines for legislation that would address topics such as conservation and sustainable use and the sharing of benefits derived from access to genetic resources, among others.

Economics

18. *Funding under the Convention.* IUCN has developed considerable experience on funding for the conservation of biodiversity. One of the mechanisms that the Union has been supporting and promoting is the establishment of National Environment Funds throughout the world; an initiative led from IUCN's office in Washington, DC. At the same time, IUCN is also promoting discussions and further development of alternative sources and mechanisms for funding biodiversity conservation. IUCN helped the Interim Secretariat prepare a discussion paper on methodologies for estimating the financial requirements of Parties for implementing the Convention.

19. *Economic Incentives.* The Convention calls for consideration of the role of economic incentives in the field of biodiversity. IUCN is exploring both the potential incentives that can contribute to better conservation of biodiversity, as well as the implications of so-called "perverse incentives" that have often caused the loss of natural resources. IUCN's Biodiversity Programme is working on identifying the economic roots of over-exploitation and in developing economic arguments for conserving biodiversity. It is also working on the development and dissemination of methodologies for quantifying the

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benefits of biodiversity.

Information/data

20. *Information Flow.* The Convention calls for improved flow of information on biodiversity. IUCN's activities in disseminating relevant information include publishing the "Explanatory Guide to the Convention on Biological Diversity". At the same time, IUCN regularly disseminates important information to its members which they, in turn, disseminate in their countries. IUCN also plans to produce a range of promotional material, and will seek to ensure that such material is indeed effective. Given its unique nature, IUCN is an excellent means of spreading information on biodiversity.
21. In addition to providing general services, such as references and photocopy services, IUCN's Library is involved in the INTERAISE project with World Resources Institute (WRI) and the International Institute for Environment and Development (IIED). The project seeks to identify and locate key national environmental and natural resource assessment documents for dissemination. It covers biological diversity, and includes plans and strategies. The project may, therefore, be in a position to help in gathering and disseminating relevant information.
22. Finally, the World Conservation Monitoring Centre which is supported by, and gets much of its information from IUCN, contains the largest database on protected areas and species in the world. It regularly publishes directories and serves as the data centre for CITES, Ramsar and World Heritage Convention. Its information is readily accessible either through electronic mail or on diskette.

Facilitating international and inter-sectoral cooperation

23. *Biodiversity Fora.* As a Union of governmental and non-governmental organisations, IUCN is well placed to promote discussion among different sectors of society on key biodiversity issues. The Global Biodiversity Forum (GBF), for instance, which was established by IUCN in collaboration with WRI and the African Centre for Technology Studies, is intended as a mechanism to carry out a systematic examination of issues in biodiversity conservation and sustainable use through an open and broadly-based dialogue which involves many parts of the IUCN network. The Forum promotes exploration, analysis, and dialogue on key technical and policy issues; fosters information flows to all interested parties, and generates interest in sustainable use of biodiversity. It helps build public and government support for the Convention on Biological Diversity and related treaties and programmes at the same time that it encourages complementarity and mutual support among different international initiatives and programmes. IUCN hosted the first GBF in 1993 and a number of regional biodiversity fora are planned for the years to come. IUCN is also organising a session of the forum immediately before the first COP meeting.
24. In the same vein, IUCN is establishing National and Regional

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Biodiversity groups in several countries and regions through the SSC and the CNPPA. These will not only be composed of the relevant IUCN members in those countries or regions, but also of members of the IUCN commissions, and individuals from other interested organisations.

25. IUCN, as a global union of governments and non-governmental organisations, has the ability to pull together consortia of its members to work on issues like biodiversity, whether it be at the national, regional, or global levels. Since members of IUCN include important global organisations such as the World Wide Fund for Nature (WWF), WRI, and Conservation International (CI), as well as important national organisations in some 120 countries, this ability can be extremely useful.
26. IUCN is also negotiating with UNDP, the Global Environment Facility (GEF), and the World Bank to provide them with technical support in their work on biodiversity.

Conclusion

27. IUCN, given its capacities and strengths, is an ideal partner in promoting the implementation of the Convention on Biological Diversity. Since 1948 it has been working on the conservation of biodiversity and now it stands ready to place its expertise at the disposal of the organisation or organisations that would carry out the functions of the Secretariat to the Convention. Indeed, as far as IUCN is concerned, this collaboration would be an important contribution to the accomplishment of its mission.

Annex III

Letter dated 8 August 1994 from Mr. T. Niwa, Officer-in-Charge,
United Nations Development Programme, to Ms. A. Cropper, Executive
Secretary, Interim Secretariat for the Convention on Biological Diversity

Following on suggestions made during the second meeting of the Intergovernmental Committee on the Convention on Biological Diversity (ICCBD) held in Nairobi (20 June - 1 July 1994), I have been discussing the issue of the CBD permanent Secretariat with my staff including the feasibility of a role for UNDP. We have generated some general views which I am pleased to share with you.

Before addressing some specifics, let me restate our commitment to the goals of the CBD which are embedded in the broader mandate of promoting sustainable human development. We see biodiversity conservation and uses as a cause and a consequence of sustainable human development. We have closely followed the Convention's process and are happy to see the close agreements between its objectives and those of UNDP.

Irrespective of the administrative arrangements for the permanent Secretariat, I am prepared to make the services of UNDP available to the CBD and its bodies. As you know, UNDP's main strengths are in its operational capacity, with over 130 Country Offices helping governments to implement sustainable human development at the national level. These offices are now strengthened by the addition of 41 specially trained environment and sustainable development officers. These officers add to the existing focal points, national program officers and other posts which many Country Offices have created in an effort to strengthen capacities in these areas. UNDP's country operations are complemented by a series of headquarters-based programs in support of sustainable human development. In particular I would like to mention our sustainable agriculture-food security, forestry, biodiversity, GEF and Capacity 21 programs. Together with UNEP as partners in UNSO, we are ensuring it will effectively respond to the Convention on Desertification, including the significant biodiversity dimensions of drylands degradation.

As the Administrator has mentioned many times before, UNDP is strongly committed to coordinated responses to initiatives such as the CBD from the UN agencies. Within this context, the requests made by some governments during the ICCBD in Nairobi that UNDP participates in collaborative arrangements with UN and non-UN agencies are particularly appealing.

Let me now turn to some specific issues.

Substantive Linkages

1. The objectives of the Convention, particularly as enshrined in its Article 1, are an integral part of UNDP's mandate for Sustainable Human Development. The goals of the CBD are central to the broad development agenda and given our role in promoting development, UNDP is in a unique

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position to help catalyse the implementation of the Convention. Rather than being more specific on this matter at this time, we would like to suggest that if you or the Conference of the Parties (COP) need more information about these issues we will be glad to provide it.

Organizational and Administrative Arrangements

2. As I am sure you are aware, UNDP has the flexibility and depth to support the permanent Secretariat in many different ways, including collaborative mechanisms where we would share the responsibility with other entities. Formal agreements between the COP and UNDP would be a routine matter which I have direct authority to enter into on UNDP's behalf, provided such agreement is within the broader rules and regulations of the organization. Such an agreement could be endorsed by UNDP's Executive Board which is already committed to implement Agenda 21, including providing support to the CBD.

3. The Secretariat of the CBD would need a clearly identifiable status of its own and this would be a specific condition of any agreement entered by UNDP and the COP. Financial procedures would be dependent on the sources of funds, fiscal management requirements and conditions of disbursement. We could provide specific services through a simple contractual agreement or provide more comprehensive support through the Trust Fund mechanism.

4. If requested, UNDP's Division of Personnel (DOP) could be drawn on in support of the Secretariat. Whenever recruiting staff for a unit of UNDP, it is policy of DOP to fully involve them in the selection process. DOP has introduced a number of innovations which increase its flexibility. For example we have new procedures for "Activities of Limited Duration" which facilitate contracting individuals for specified periods without tying the organization nor the person to longer-term commitments.

5. We would expect that the operating costs of the Secretariat would be funded by the Convention. Nevertheless, I personally would encourage a substantive contribution from UNDP, perhaps in the form of staff secondments and/or coordination services, in particular by our Country Offices. Certain costs related to the implementation of the Convention in developing countries could, in some instances, be borne by the GEF. As you know, UNDP is one of the three Partner Implementing Agencies of the GEF and this arrangement could facilitate direct involvement of the CBD Secretariat in aspects of the GEF Work Program.

6. It is perhaps somewhat premature to specify detailed administrative and financial details at this stage. Suffice to say that in more than 40 years of service to the international community we have many precedents to draw on and, most importantly, we have the flexibility to tailor an agreement to meet the Secretariat's specific needs.

Physical Location

7. We have no restrictions with regard to physical location.

8. We look forward to a further dialogue with you and the COP on these

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issues. I am assigning Mr. Jim MacNeill, Senior Advisor to the Administrator, with the task of representing me in further discussions. Staff of our Bureau for Finance and Administration, Division of External Relations, Division of Personnel, Environment and Natural Resources Group and the Global Environment Facility would also be available to help develop an appropriate mechanism for the Secretariat.

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Annex IV

Letter dated 10 August 1994 from Mr. G. Kullenberg, Secretary, Intergovernmental Oceanographic Commission, to Ms. A. Cropper, Executive Secretary, Interim Secretariat for the Convention on Biological Diversity

I am referring to the second session of the Intergovernmental Committee on the Convention on Biological Diversity (Nairobi, 20 June - 1 July 1994), which IOC attended as an observer, and which recommended that all competent international organizations should notify you of their interest in carrying out the functions of the Secretariat of the ICCBD.

While not being in a position either from a budgetary, staffing or expertise viewpoint to act single-handedly as the ICCBD Secretariat, the IOC of UNESCO, by the responsibilities already incumbent upon it under Chapter 17 of UNCED Agenda 21, by the nature of the role it plays and the functions it assumes as Secretariat for ICSPRO and for the ACC Subcommittee on Oceans and Coastal Areas, and the considerable expertise made available to it through the respective member agencies, including through the Commission's programmes and activities, is in a good position to contribute to meeting this new challenge in the field of marine biological diversity.

Should the First Conference of the Parties be favourable to the suggestion that the Permanent Secretariat to the Convention on Biological Diversity take the form of a consortium of agencies and bodies within the United Nations family, then the IOC of UNESCO, for the reasons mentioned above, would wish to contribute to and support such a Permanent Secretariat.

We would much appreciate being kept directly informed of further developments.

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Annex V

Letters dated 12 August 1994 from Mr. P. Lasserre, Director, Division of Ecological Sciences, Science Sector, UNESCO, to Ms. A. Cropper, Executive Secretary, Interim Secretariat for the Convention on Biological Diversity

Please find herewith a response from UNESCO regarding the recommendation of the Intergovernmental Committee of the Convention on Biological Diversity at its second session in reference to Article 24, paragraph 2 of the Convention. As you can see, this is an "agreement in principle" to meet the 15 August deadline. A more detailed proposal, which complements this paper and which will be signed by the Director-General of UNESCO, is being prepared and will be sent to you very soon.

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Appendix

1. I am writing in my capacity as "focal point for biodiversity" regarding UNESCO's response to the recommendation made by the Intergovernmental Committee on the Convention on Biological Diversity during its second session in Nairobi, 20 June - 1 July 1994, that all interested competent Organizations should notify the Interim Secretariat of their interest in carrying out the function of the Secretariat, in accordance with Article 24, paragraph 2 of the Convention.

2. In view of the large and complex field covered by the Convention, UNESCO does not consider that a single Organization can effectively carry out the task of the Secretariat for the Convention. This is why UNESCO would favour the two other options recommended by the ICCBD at its second session, i.e. either a consortium of Organizations within the United Nations family, including in particular UNEP and FAO, or a Secretariat established under the responsibility of one organization but with the participation of other competent international Organizations.

3. Within the framework of the Ecosystem Conservation Group, UNESCO participated in the drafting of the Convention since the beginning, and later on was closely associated with all the phases of the negotiation process. During the interim period, UNESCO fully collaborated in the work of the Secretariat, in accordance with Resolution 2 of the Nairobi Final Act.

4. UNESCO is willing to offer the following as its participation in the Secretariat:

Secondment to the Secretariat of one or two UNESCO staff member(s).

The UNESCO Officer in the Secretariat would liaise with all Sectors in UNESCO, and its regional offices and networks, which could then assist the Secretariat in the preparation of background documents requested by the COP.

UNESCO would be prepared to participate in eventual substantive programmes or projects in the framework of the implementation of the Convention.

UNESCO could also host COP meetings on a rotating basis.

5. The details of UNESCO's offer, as well as a more comprehensive analysis of the way UNESCO meets the list of attributes agreed by the ICCBD at its second session, will be sent to the Secretariat at a later date as a complement to this first agreement in principle.

6. There is no budgetary provision in the current biennium to meet these proposals. However, UNESCO is ready, in the event that the Contracting parties invite UNESCO to participate in the Secretariat, to propose to its General Conference that an appropriate provision be made in its next biennium (1996-1997).

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7. Let me take this opportunity to assure you of our strong interest in future collaboration within the framework of the Convention, as UNESCO has already demonstrated during this interim period, in accordance with Resolution 2 of the Nairobi Final Act.

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Annex VI

Letters dated 12 August and 19 August 1994 from Mr. H. de Haen, Assistant Director General, Agriculture Department, Food and Agriculture Organization of the United Nations to Ms. A. Cropper, Executive Secretary, Interim Secretariat for the Convention on Biological Diversity

12 August 1994

In relation to the recommendations of the Second Session of the Intergovernmental Committee on the Convention on Biological Diversity with regard to the establishment of a Secretariat of the Convention, in accordance with Article 24 paragraph 2 of the Convention, I wish to inform you that FAO is currently formulating its suggestions that will be sent to you early next week. I apologize for the delay.

19 August 1994

Further to my faxed interim reply of 12 August 1994, I send you herewith FAO's proposal in response to the recommendation by the Intergovernmental Committee on the Convention on Biological Diversity, at its Second Session in Nairobi from 20 June to 1 July 1994, regarding the designation of the Secretariat, in accordance with Article 24, paragraph 2 of the Convention.

The Second Session of the ICCBD drew up a list of attributes that an organization required to be considered for the provision of the Secretariat. We have addressed all those attributes, listed in item 4.1.3 of UNEP/CBD/IC/L.3, that we believe are relevant to FAO's proposal for participation in a joint Secretariat. We will nevertheless be happy to provide you with any additional information that may be required.

No budgetary provisions exist for the current biennium (1994-1995) to cover expenses that may result from participation in the Secretariat. Should the Conference of the Parties invite FAO to participate in the Secretariat, it would be the competence of the FAO governing bodies to consider any resulting budgetary implications.

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Appendix

1. I refer to my fax of 12 August: further to the decisions of the Second Session of the Intergovernmental Committee on the Convention on Biological Diversity with regard to the establishment of a Secretariat of the Convention, and in accordance with Article 24 paragraph 2 of the Convention, FAO wishes to notify the Interim Secretariat, and, through it, the Conference of the Parties, of its interest in participating in a joint Secretariat. FAO sees its role in dealing with biodiversity for food and agriculture as being complementary to the role of other UN Organizations, in particular to UNEP and UNESCO. FAO therefore envisages the participation, in a joint Secretariat, of these, and possibly other Organizations.

2. Biological diversity is the basis for agriculture, forestry and fisheries. FAO is the United Nations specialized agency responsible for food and agriculture, including forestry and fisheries. Article 1 of the FAO constitution requests that the organization "shall promote and, where appropriate, shall recommend national and international action with respect to: *inter alia* the conservation of natural resources and the adoption of improved methods of agriculture production." In carrying out this part of its mandate as regards the biotic natural resource base, FAO concentrates its technical competence on those living resources which are currently known to be of use to humanity, especially for food and agriculture.

3. UN work on biodiversity started in FAO in the early 1950s. Since then, the Organization has played a pioneering role in developing concepts and applications of genetic resources to agriculture, including the conceptualization of the relevant Programme Areas of UNCED Agenda 21. FAO is thus the principal repository in the UN System of expertise on biodiversity for food and agriculture. It assists its membership in the definition of policies for the conservation and sustainable use of genetic resources in food and agriculture through national programmes and projects. It compiles, analyses and interprets information through publications and meetings, and issues reports on the state of genetic resources. It also assists in the development of national legislation, international conventions, codes of practice and guidelines for the protection of biodiversity related to agriculture, forestry and fisheries. Furthermore FAO, being a co-sponsor of the CGIAR, cooperates closely with the International Agricultural Research Centres on issues of importance for biodiversity. FAO's close links with the International Plant Genetic Resource Institute (IPGRI) are of particular relevance in this context.

4. In the case of plants, for example, the Organization, guided by its member countries, has over the years developed a Global System for the conservation and sustainable utilization of plant genetic resources which includes: a legal framework, the International Undertaking for Plant Genetic Resources (110 countries have adhered to the Undertaking); a unique, permanent, intergovernmental forum, the Commission on Plant Genetic Resources (123 countries are members of the Commission); a number of other international agreements (such as the Conference Resolution on Farmers' rights) and codes of conduct (such as the International Code of Conduct for

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Plant Germplasm Collecting and Transfer); a World Information and Early Warning System on Plant Genetic Resources; and international networks of *ex situ* collections and *in situ* conservation areas.

5. Looking to the future, in line with the recommendations of UNCED, and as requested by the FAO Conference, FAO member countries are currently negotiating a revision of the International Undertaking for Plant Genetic Resources, to bring it into full harmony with the Convention on Biological Diversity. FAO, through a country-driven process, is also preparing a first Report on the State of the World Plant Genetic Resources as well as a costed Global Plan of Action, to be adopted at an International Technical Conference on Plant Genetic Resources, planned for 1996. Other examples of FAO's work in line with the provisions of the Convention include, *inter alia*, a livestock genetic resources programme, currently under development, and the international Code of Conduct for Responsible Fishing, currently being negotiated by countries in FAO.

6. FAO, together with UNEP and UNESCO, was one of the Agencies which collaborated in the drafting of the Convention. Its representatives subsequently participated in all phases of the negotiation of the Convention and its adoption. FAO has also collaborated closely with the Interim Secretariat in the First and Second ICCBDs, and in the technical meeting in Mexico, participating in all meetings both as members of the Interim Secretariat, and as observers.

7. For the reasons given above, FAO should be considered as meeting the criteria that would apply to participation in a joint secretariat, on the basis of item 4.1.3 of UNEP/CBD/IC/2/L.3.

8. FAO would propose contributing to the work of a joint secretariat as follows:

- (a) FAO would second one or two professionals to the CBD Secretariat. The costs of the secondment, including personnel and operating expenses, would be covered by the regular budget of the CBD Secretariat. It is understood that this represents no extra financial burden because expertise of agro-biodiversity would have anyway to be included in the Secretariat. The staff members would ensure liaison with FAO, and thus strengthen the secretariat's capacity to deal with matters pertaining to agro-biological diversity.
- (b) Through this liaison, FAO would place at the disposal of the Conference of Parties and the Secretariat its institutional memory, expertise and implementation mechanisms in matters concerning biological diversity at the level of genes, organisms and ecosystems of interest for agriculture, forestry and fisheries. This knowledge base would be channelled through an appropriate internal mechanism which would liaise with the Secretariat. FAO would also provide a collaborative bridge with relevant international agricultural research institutions.
- (c) Participation in the Secretariat will enable FAO to maintain close consultation with the Conference of Parties, and the CBD Secretariat in the development of FAO's own policies, and in carrying out its

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programmes and activities on agro-biodiversity. This consultation and mutual reporting will particularly apply to the follow-up of Resolution 3 of the Nairobi Final Act, where FAO was invited to seek solutions to outstanding matters of the Convention (access to existing *ex situ* collections not acquired in accordance with the Convention, and Farmers' Rights) within its Global System on Plant Genetic Resources. Some of these efforts may lead to international agreements which could provide a basis for possible protocols of the CBD.

- (d) Furthermore, FAO would carry out specific studies, prepare documentation and organize technical meetings at the request of the Conference of Parties and the Secretariat on mutually agreed terms.

9. FAO's participation in the Secretariat of the Convention along these lines would promote cooperation and avoid unnecessary duplication between those responsible for agriculture and those concerned with the environment at national and international levels. The resulting synergy should promote the more efficient implementation of the provisions of the Convention on Biological Diversity.
