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植物遗传资源委员会

第一届特别会议

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粮农组织参加生物多样性公约秘书处

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粮农组织参加生物多样性公约秘书处

I 背景

生物多样性公约和作为通过商定的生物多样性公约文本的内罗毕会议的最后文件附件的决议2（“在生物多样性公约生效之前保存生物多样性和持续利用其成分的国际合作”）含有关于秘书处的建立和职能的两项主要条款。

(i) 临时秘书处

决议2第3款提到临时秘书处，指出：

“会议……请联合国环境规划署执行主任在公约生效前提供临时秘书处，也请执行主任在临时秘书处的建立和工作方面寻求联合国粮食及农业组织和联合国教育、科学及文化组织的充分积极参与”。决议2第4款还指出：“会议……请粮农组织和教科文组织对临时秘书处的建立和工作提供充分支持”。

粮农组织以若干方式与临时秘书处进行合作，包括对作为临时秘书处的一部分的生物多样性公约的政府间委员会第一届会议和第二届会议（分别于1993年10月11—15日在日内瓦和1994年6月20日—7月1日在内罗毕召开）提供一名粮农组织法律专家的服务，其次通过与临时秘书处的一般联络和合作，包括准备文件。虽然通过直接参与临时秘书处的合作很有成效，但粮农组织和联合国教科文组织已提出与临时秘书处的合作今后应更为正式。

(ii) 常设秘书处

生物多样性公约第24.2条涉及常设秘书处，指出：

“缔约国会议应在其第一次常会上从那些已表示愿意执行本公约规定的秘书处职责的现有合格国际组织中指定某一组织为秘书处”。

生物多样性公约政府间委员会在其第二届会议上提出了作为“被指定提供秘书处服务合格国际组织”的一个组织必须表现出一系列特点供缔约国会议进行审议，并建议所有感兴趣的合格国际组织在1994年8月15日之前将其意向通知临时秘书处。委员会认为意向的提出应当有足够的灵活性以可以考虑若干选择方案，包括下述可能性：秘书处由联合国大家庭内的有关机构的联合体共同建立，或选择一个组织与可能参与秘书处的其它机构共同执行秘书处职能。

II 粮农组织表示愿意参加联合常设秘书处

粮农组织于1994年8月12日正式发出通知，表示它有兴趣参加联合秘书处。关于这一参与的更多的详细情况于8月19日发出，其中提出了委员会列出的特点和与粮农组织建议有关的特点（这个第二个通知的副本附在本文件后作为附件）。

1 报告（UNEP/CBD/IC/2/L.3, 4.1.3项）的全文见附录1。

2 见报告（UNEP/CBD/IC/2/L.3, 4.1.3项），第17段：

“17 一位代表提出，缔约国会议也可考虑下述方案：由联合国大家庭的有关机构联合体联合建立秘书处，并建议可考虑下述组织：联合国环境规划署、粮农组织、联合国教科文组织、联合国开发计划署和政策协调和持续发展部。还有代表认为，缔约国会议也可考虑下种方案：可选择一个组织与可能参与秘书处的其它机构共同执行秘书处职能。因此提出的意向应有足够的灵活性以考虑这种方案。”除英文和西班牙文外尚无其他语言的正式译文。

粮农组织提议并没有设想由粮农组织单独提供完整秘书处的可能性。相反，其提议的前提是粮农组织与其它有关的国际组织共同参与一个联合秘书处的方案。因此，只提出了这种参与地位的有关特点。

粮农组织主要工作将是：

- (i) 借调1或2名专业人员参加常设秘书处；
- (ii) 通过适当的内部机制与常设秘书处保持经常联系；
- (iii) 按照共同商定的条件应缔约国会议的要求执行具体任务。

在以上各点中可能有必要指出粮农组织希望这些工作中实际发挥作用的方式。

(i) 借调专业工作人员参加常设秘书处

在生物多样性公约政府间委员会第二届会议上设想了由各机构共同参与。按公约建立的秘书处的两种可能方案。第一种方案是秘书处由联合国大家庭内各有关机构联合体联合建立，设想是按平等责任实施其职能；第二种方案设想指定单一组织提供秘书处，其它组织按设想通过长期和或专门借调人员参加秘书处。粮农组织认为第一种方案有点问题，很可能引起不必要的各机构间的协调问题。粮农组织认为第二种方案将更为可取，由粮农组织和其它有兴趣的机构借调有经验的工作人员参加由缔约国指定的一个组织来管理的秘书处。在这方面，总干事准备按正式提议中所表明的那样借调1或2名专业人员给秘书处。

就借调人员的身份而言，生物多样性公约政府间委员会第二届会议“认为，秘书处将仅根据缔约国会议的授权进行工作，不作为一个限定名额的专家工作组”（见附件1第2段）。因此很明确，秘书处的工作人员不论来自哪个组织都应向秘书处执行秘书负责，并受其管辖，执行秘书向缔约国会议负责。粮农组织认为采用任何其它方式都会使秘书处无法有效管理和有效地为缔约国服务。按照粮农组织的规则借调人员将成为被指定为提供秘书处主体的组织的工作人员。借调费用将由秘书处的正常预算支付。

从各个机构借调人员到新的秘书处可为其注入有关主管机构的经验和专门知识，并可促进秘书处与参加机构之间的非正式合作和联络渠道。然而它不会（粮农组织希望大大强调这一点）偏离或有任何程度的削弱秘书处作为一个独立机构和各个参加机构之间的持续和加强的联络和合作。

(ii) 与秘书处的联络和合作

如上所述，粮农组织的提议设想保持新的秘书处与各个参加机构之间的密切联络和合作，这种联络和合作应通过秘书处的执行秘书，由其负责。从这个意义上讲，粮农组织期望内罗毕会议为保持临时秘书处所通过的第二号决议中所阐明的生物多样性公约缔约国所规定的基本方式，即充分和积极参与秘书处并与秘书处进行合作的方式。这种联络和合作可以包括准备文件，或就参与组织的各自职权范围的事项向秘书处准备的文件作出贡献，对文件草稿作出评论和提出有关各组织工作的建议等。

(iii) 应缔约国会议的要求执行具体任务

以上设想的联络和合作可以建立在各秘书处一级。粮农组织也将准备对生物多样性公约缔约国会议的要求作出直接反应，以在其自己的政府间机构，即粮农组织植物遗传资源委员会的指导下在其具体负责的领域，即粮农生物资源领域，执行具体任务。

III. 结论和工作组提出的行动建议

以上对粮农组织看待它实际参与联合秘书处工作的方式的澄清现提交给工作组，作为背景资料，并供其提出评论意见。

项目 4.1.3. 选择一合格国际组织以履行《公约》秘书处的各项职能

1 委员会收到了由临时秘书处编写的一份说明 (UNEP/CBD/IC.2/6)。第一工作组按照下列题目审议了这一项目:

- (a) 合格的国际组织的特点;
- (b) 接受有兴趣组织提出申请的程序;
- (c) 与设立秘书处一事相关的其他事宜。

2 关于以上第12(a)段,工作组商定秘书处只在缔约国会议权限下运作;它不是一个限定成员名额的专家组,但要在地方、国家和国际各级同有关实体积极磋商。工作组还商定由委员会向缔约国会议提出以下特点清单:

- (a) 有关组织的任务期限、总目标和实务活动与《公约》的宗旨和目标之间的相关性;
- (b) 有关组织能向根据《公约》开展的、并由秘书处予以协调的实务工作提供技术支助的程度;
- (c) 过去和(或)现在参与《公约》制订或实施有关的进程的情况;或表明其熟悉了解《公约》程度的其他指标;
- (d) 有关组织在其自身的活动范围内所表现出的效率;
- (e) 有关组织是否可能与其他公约及其秘书处、特别是与保护生物多样性和持久发展相关的公约及其秘书处建立有效的工作关系;
- (f) 为开展政府间工作行使秘书处职能的经验;
- (g) 现有的组织方面的基础设施—有助于行使秘书处职能的资料系统、通讯手段以及财务和行政结构;
- (h) 有关组织可确保秘书处的自主性和独立性的程度,特别是在管理和预算这两个方面。应避免向东道组织支付高额管理费用,而应低成本地提供各种行政服务。建议由缔约国会议委派秘书处主管;

- (i) 有关组织在保护生物多样性、持久使用其构成部分以及公平和公正地分享从遗传资源的利用中产生的惠益方面所具备的专业知识情况；
- (j) 有关组织在全球、区域和国家各级开展业务活动的能力；各国政府和各非政府组织是否可方便地与之进行联络和进行合作；其通讯系统及其资料收集能力的效率如何；
- (k) 有关组织能否服从缔约国会议今后就秘书处的设立地点问题所做出的任何决定。

3 工作认为有必要确保秘书处的自主性，因而建议有兴趣的组织亦向缔约国会议表明：

- (a) 它对于秘书处运作能够提供的支助，如在招聘、基金管理、行政支助、协助组织《公约》下的会议并为之提供服务等方面；以及上述各种服务的费用是否将记入秘书处的预算中；
- (b) 它是否能够通过其自身的预算工作和机制来支助《公约》的运作和秘书处的活动；它是否能够提供临时现金预支付以保证秘书处的现金周转。
- (c) 秘书处在该组织内部的地位；
- (d) 在执行缔约国会议的决定和满足缔约国会议的要求和需要方面，秘书处在该组织的管理系统内可能享有的业务自主程度；
- (e) 秘书处主管可在何种程度上就行政、预算和人事事项作出独立的决定并做出涉及秘书处行使其职能的决定；
- (f) 不论缔约国经与有关国家协商后选择于哪一国家设立秘书处，它是否都愿意担任秘书处的东道组织；
- (g) 需要从其管理机构得到何种核准，获得这一核准可能需要多长时间；
- (h) 它最快可于何时做好准备成立秘书处并开始承担行使秘书处各项职能的责任。

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粮农组织参加生物多样性公约秘书的正式提议副本

(除英文和西班牙外尚无其它语言的正式译文)

UNEP/CBD/COP/1/9
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Letters dated 12 August and 15 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.

15 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/D.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.

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 CGLAR, 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 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 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.