



Convention on Biological Diversity

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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE NAGOYA
PROTOCOL ON ACCESS TO GENETIC RESOURCES
AND THE FAIR AND EQUITABLE SHARING OF THE
BENEFITS ARISING FROM THEIR UTILIZATION

First meeting

Pyeongchang, Republic of Korea, 13–17 October 2014

Item 16 of the provisional agenda*

IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE CONVENTION AND ITS PROTOCOLS

Plan for the organization of concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols

Note by the Executive Secretary

I. INTRODUCTION

1. The Conference of the Parties to the Convention on Biological Diversity, in paragraph 2 of its decision XI/10, requested the Executive Secretary, in consultation with the Bureau, to prepare a proposal on improving the efficiency of structures and processes under the Convention and its two Protocols, including the periodicity of meetings until 2020, the organization of intersessional work, and the organization of the meetings of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the two Protocols, for consideration by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention (WGRI) at its fifth meeting. Further, in paragraph 3 of the same decision, the Conference of the Parties requested WGRI to consider the proposal and to develop a recommendation for the consideration of the Conference of the Parties at its twelfth meeting.

2. At its fifth meeting, held in Montreal from 16 to 20 June 2014, WGRI considered its agenda item on improving efficiency of structures and processes of the Convention and its Protocols on the basis of proposals prepared by the Secretariat. The Working Group, in its consideration of the issue, agreed on an integrated approach in general, while noting that the legal distinction of each instrument and effective participation in processes and structures of both the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, need to be ensured. In that context, it stressed the importance of organizing concurrent meetings of the Convention and its Protocols in a manner that would allow the full and effective participation of all Parties.

* UNEP/CBD/NP/COP-MOP/1/1.

3. Furthermore, WGRI requested the Executive Secretary to prepare a plan for the concurrent organization, in a two-week period, of subsequent meetings of the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol for consideration by the Conference of the Parties at its twelfth meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its seventh meeting and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its first meeting.

4. The plan is to address the legal, financial and logistical aspects, the benefits and risks of all options, specific agenda items that would benefit from consideration jointly or in close proximity to one another and the implications of ensuring the full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition. The Working Group further recommended to the Conference of the Parties to decide, on the basis of the plan prepared by the Executive Secretary, and in the light of the consideration of the issue by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its seventh meeting, that the thirteenth meeting of the Conference of the Parties be organized within a two-week period to include the meetings of the Parties to the Nagoya Protocol and the meeting of the Parties to the Cartagena Protocol.

5. In the context of the above, the Executive Secretary prepared and made available document UNEP/CBD/COP/12/25/Add.2 for the consideration of the twelfth meeting of Conference of the Parties, the seventh meeting of the Parties to the Cartagena Protocol on Biosafety and the first meeting of the Parties to Nagoya Protocol on Access and Benefit-sharing. The document is made available for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol as an annex to the present document. The present document also submits in section II below, on the basis of the information and proposals contained in document UNEP/CBD/COP/12/25/Add.2, suggested elements for a draft decision for consideration of the first meeting of the Parties to the Nagoya Protocol.

II. SUGGESTED ELEMENTS FOR A DRAFT DECISION

6. In light of the recommendation of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, made at its fifth meeting, and the proposed plan for the organization of concurrent meetings and the review of the legal, logistical and financial aspects, including risks underlying the plan contained in document UNEP/CBD/COP/12/25/Add.2, annexed to this document, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol may wish to:

1. Take note of the recommendation of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, at its fifth meeting, as regards integrated approaches to the implementation of the Convention and its Protocols with a view to improving efficiencies;

2. Recall Article 26, paragraph 6, and decide to hold its future ordinary meetings concurrent with the meetings of the Conference of the Parties to the Convention and the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety in the same two-week period;

3. Request the Executive Secretary to prepare the organization of work for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol in accordance with the plan contained in document UNEP/CBD/COP/12/25/Add.2;

4. Recognize the need for ensuring the availability of financial resources to support participation of representatives from developing country Parties and countries with economies in transition in the three concurrent meetings, in particular the participation of least developed countries and small island developing States, and call upon developed country Parties to increase their contributions to the relevant voluntary trust funds to support the full and effective participation of representatives from eligible Parties.

*Annex***IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE
CONVENTION AND ITS PROTOCOLS:*****Plan for the organization of concurrent meetings of the Conference of the Parties to the Convention
and the Conference of the Parties serving as the meetings of the Parties to the Protocols*****INTRODUCTION**

1. In decision XI/10, the Conference of the Parties requested the Executive Secretary to prepare, in consultation with the Bureau, a proposal on improving the efficiency of structures and processes under the Convention and its two Protocols, including the periodicity of meetings until 2020, the organization of intersessional work, and the organization of the meetings of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the two Protocols. Informed by views submitted by Parties, the Executive Secretary prepared a note for consideration by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention at its fifth meeting.¹
2. The Ad Hoc Open-ended Working Group on Review of Implementation of the Convention considered these matters and, in its recommendation 5/2, requested the Executive Secretary to prepare a plan for the concurrent organization in a two-week period of subsequent meetings of the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, building on the options contained in annex II to the note by the Executive Secretary on improving the efficiency of structures and processes under the Convention and its Protocols² for consideration by the Conference of the Parties at its twelfth meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, at its seventh meeting, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, at its first meeting.
3. The plan was requested to address legal, financial and logistical aspects, the benefits and risks of all options, specific agenda items that would benefit from consideration jointly or in close proximity to one another and the implications of ensuring the full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition.
4. This present document responds to that request, addressing the organization of the meetings of the Conference of the Parties and the meetings of the Conference of the Parties serving as the meetings of the Parties to the Protocols within a two-week sessional period. Section I of the document summarizes the background and objectives of the proposed concurrent organization of the meetings of the Conference of the Parties to the Convention and the meetings of the Conference of the Parties serving as the meetings of the Parties to the Protocols. Section II presents the proposed plan for the concurrent organization of the meetings, while section III reviews considerations underlying the plan from the legal, logistical and financial perspectives including the outlines of some risks that may arise in relation to the implementation of the plan. Finally, section IV suggests some elements for a draft decision, including the relevant paragraphs of the draft decision contained in recommendation 5/2 of the Ad Hoc Open-ended Working Group on Review of Implementation, for consideration by the Conference of the Parties.
5. In line with recommendation 5/2 of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be organized concurrently with the twelfth meeting of the Conference of the Parties to the Convention. Therefore, the Conference of the Parties may wish to take into account its experience gained from the concurrent organization of these meetings when

¹ UNEP/CBD/WGRI/5/12.

² UNEP/CBD/WGRI/5/12.

considering the organization of the thirteenth meeting of the Conference of the Parties concurrently with the meetings of the Conference of the Parties serving as the meetings of the Parties to the Protocols. This note builds upon the plan for the concurrent organization of the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol contained in Annex III to the revised annotations to the provisional agenda.³

I. BACKGROUND AND OBJECTIVES

6. The organization of concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols is expected to provide synergies and efficiencies both in terms of substantive considerations and financial requirements. In that regard, the development of the proposed plan was guided by the need: (i) to promote a fuller integration among the Convention and its Protocols, (ii) to allow representatives to participate in all relevant discussions under the Convention and the Protocols, as well as (iii) the need to improve cost-effectiveness and efficiencies.

7. Firstly, the organization of the meetings within a two-week period is expected to promote a fuller integration among the Protocols and the Convention. Each Party to the Convention has obligations in respect to the issues of access and benefit-sharing and biosafety under the Convention, independent from any obligations it may have as a Party to the respective Protocols.⁴ While from the outset of its establishment, there has been agreement among Parties concerning the desirability of a close integration between the Nagoya Protocol and the Convention, including through the concurrent organization of their meetings, the work under the Cartagena Protocol has become quite separated from that of the Convention. A close integration of the work of the Conference of the Parties to the Convention and the Conference of the Parties serving as the meetings of the Parties to the Protocols will allow discussions under these processes to benefit from each other, thereby promoting synergy, mutual consistency and effectiveness.

8. Secondly, holding all three meetings concurrently would allow representatives of Parties to participate in all relevant discussions under the Convention and the Protocols. Such participation would increase understanding of the issues under consideration in the different processes, facilitate the resolution of challenging issues, and enhance mutual support for the processes. Section III C below addresses issues related to funding needs towards ensuring full and effective participation.

9. Thirdly, holding all three meetings concurrently is expected to result in cost-effective and efficient arrangements. For example, such arrangements could lead to a reduction in the services that need to be contracted and in the length of stay of participants.

II. PROPOSED PLAN FOR THE CONCURRENT ORGANIZATION OF MEETINGS

10. The proposed plan, contained in the annex to this document, builds on the plan prepared for the organization of the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, and on the options presented in annex II to document UNEP/CBD/WGRI/5/12 reviewed by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention at its fifth meeting. In considering these options, many representatives expressed a preference towards an integrated approach in general, while noting that the legal distinction of each instrument and effective participation need to be ensured.

³ UNEP/CBD/COP/12/1/Add.1/Rev.1.

⁴ Article 1 of the Convention defines one of three objectives of the Convention as the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding. Article 15 of the Convention provides the scope for access to genetic resources and the sharing of benefits arising from their utilization. Similarly, Article 19 of the Convention establishes measures to be taken by Parties concerning the handling of biotechnology and the distribution of its benefits. In particular, paragraph 4 of Article 19 requires each Party to the Convention that transfers living modified organisms to share information on the use and safety of such organisms with the receiving Party. Article 8(g) of the Convention, on in-situ conservation, requires Parties, as far as possible and as appropriate, to establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology.

11. In this regard, the proposed plan envisages the following:
- (a) A two-week period for all three meetings;
 - (b) Two working groups to service all three meetings;
 - (c) Consideration of related agenda items of the three meetings in close proximity, as appropriate;
 - (d) Decisions under any instrument are taken only by Parties to that instrument;
 - (e) No more than two formal meeting sessions scheduled at the same time;
 - (f) No parallel plenary sessions;
 - (g) A firm commitment to financially support the participation of representatives from eligible countries in the concurrent meetings.
12. The meetings of the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol would be held concurrently within a two-week period. In convening the meetings, full account would be taken to ensure full and effective participation of all Parties. The general choreography of the meetings is described in the annex to this document.
13. The core of the proposed plan is that, except for matters not already addressed by the respective plenaries, all issues on the agenda of the Convention and the Protocols would be addressed by two working groups. The working groups would address issues of the Convention and of the Protocols, as appropriate, in close proximity to one another. For example, a working group may take up capacity-building under the Convention, immediately followed by capacity-building under one Protocol, in turn followed by capacity-building under the other Protocol.
14. The consideration of items in close proximity may allow for a general discussion on related matters in a working group. Decisions under the Protocols will, however be taken only by Parties to the respective Protocols. In this regard, technical measures would be put in place to assist the Chair to distinguish Parties and non-Parties to the individual instruments, as appropriate.

III. CONSIDERATIONS UNDERLYING THE PROPOSED PLAN

A. Legal aspects

15. The proposed plan is based on the rule reflected in paragraph 2 of Article 32 of the Convention, and Articles 26 and 29 of the Nagoya and Cartagena Protocols, respectively, where it is stated that decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Party to the Convention that has not ratified, accepted, approved or acceded to a protocol may participate as an observer in any meeting of the Parties to that protocol. This rule has its roots in the principles embodied in Articles 26 and 34 of the Vienna Convention on the Law of Treaties which provide, respectively, that every treaty in force is binding upon the Parties to it and must be performed by them in good faith and that a treaty does not create either obligations or rights for a third State without its consent.
16. Based on this rule, the proposed plan foresees that items of a similar nature from each of the instruments will be considered in close proximity to each other, but that decisions are only taken by the respective Parties. Consideration of items in proximity should be understood to mean that agenda items under the Convention and the Protocols that are of a similar nature will be taken up sequentially by the same working group. The consideration of such items may commence by a joint general discussion. However, it is not envisaged that the Conference of the Parties and the meetings of the Parties take joint decisions, even when the decision-taking is preceded by a joint discussion. Decisions need to be prepared and referred to the respective plenary sessions under the Convention and each of the Protocols for separate adoption. In addition to these decisions, any mutual understanding or agreement resulting from joint discussions may be recorded in the reports of the meetings.

17. Items that need or benefit from particular interaction among the three meetings, for example those addressing the budget and credentials, are proposed to be prepared jointly by the same committee or officer, respectively. While separate decisions under the Convention and the Protocols are envisaged, for example, on budget, the decisions under the Protocols may be streamlined by referring to the respective decisions of the Conference of the Parties. Parties are required to submit credentials of their representatives for the meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols, respectively. However, the credentials submitted by a Party for all three meetings may be combined in a single document. Therefore, it is proposed that the Bureau prepares a combined report on credentials to the Conference of the Parties, including lists of Parties with duly submitted credentials for each instrument, to which Conferences of the Parties serving as the meetings of the Parties to the Protocols may refer.

B. Logistical aspects

1. Organization of work

18. Under current arrangements, the meeting of the Conference of the Parties to the Convention is held over a two-week period immediately following the meeting of the Parties to the Cartagena Protocol held over one week. Each working week runs from Monday to Friday, with each day sub-divided into two sessions, morning (10 a.m. to 1 p.m.) and afternoon (3 p.m. to 6 p.m.). Most of the work of each body is conducted in two working groups established by the body. The two working groups work in parallel to one another, each within one of two plenary-sized conference rooms that facilitate the meeting and that each provide simultaneous interpretation between the six official languages of the United Nations. As outlined below, one of the most significant conference costs is the engagement of the interpreters.

19. This conference arrangement gives rise to two interpreted sessions in the morning and two in the afternoon, totaling four per day and twenty interpreted sessions per week. While in some sessions the body meets in plenary and only one of the conference rooms and one team of interpreters are utilized, on some occasions additional formal sessions with interpretation are needed in the evenings. Currently, arrangements are therefore generally made for about twenty interpreted sessions per week, amounting to sixty sessions over a three week period.

20. Under the proposed new arrangement, in order to maximize the time available to accommodate work under the Convention and the two Protocols within a two-week sessional period, it is envisaged to break for just one day during the intervening weekend, and so provide eleven working days instead of ten, and to provide for an additional session for contingency. This would result in forty-five sessions over the two-week period. These could be notionally divided between the two Protocols and the Convention in the proportion 10: 10: 25, equivalent two and a half days of the eleven day period being devoted to the Cartagena Protocol, two and a half days to the Nagoya Protocol and six days to the Convention. In principle, the costs associated with such allocation could be apportioned accordingly, 22%: 22%: 56%.

21. Compared with current arrangements, such allocation of time would provide just under two thirds of the time that is presently available to the Conference of the Parties and half the time presently available to the meeting of the Parties to the Cartagena Protocol. This would bring with it a need to streamline the agenda of each of the meetings and, in particular, to focus on a smaller number of decisions, given the time these require for negotiation. This would also imply a need to make full use of the subsidiary bodies for the preparation of the work of the Conference of the Parties and the Conferences of the Parties serving as the meetings of the Parties to the Protocols.

22. No more than two formal meetings would be in session at any one time, and the simultaneous convening in a plenary setting of the meeting of the Conference of the Parties to the Convention and the meeting of the Parties to either of the Protocols would be avoided. Contact groups and other informal groups, such as Friends of the Chair established by the Conference of the Parties, or the Conference of the Parties serving as the meeting of the Parties to either of the Protocols, would normally convene only when the formal meetings are not in session. They would meet during the evening, after the suspension of the day's proceedings, or at other times when the formal meetings are not in session.

2. *Conference room management and seating arrangements*

23. Arrangements in the conference rooms for the seating of Parties to the Convention, other Governments and other observers would follow customary protocol. Parties to the Convention would be seated in an alphabetical order which would not be influenced by whether or not they are Parties to the Protocols. In keeping with established practice, the conference rooms will be equipped with an electronic name handling system that shows the Chair of the meeting, and the technician booth, the request of microphone by delegations. The speaker and the name (plate) of the delegation having the floor will be projected on the screens at the front of the conference room.

24. An electronic system will be in place that shows the Chair of the session the status of each of the Parties to the Convention requesting the floor and speaking. As is current practice, the Chair would invite comments first from Parties and then from observers. Thus when addressing matters under a Protocol, the Chair would first invite the Parties to the Protocol and then the Parties to the Convention that are not Parties to the Protocol. The Chair would also provide guidance to the Parties regarding this in his introduction to the session.

C. *Financial aspects*

1. *Assuring full and effective participation*

25. Through the preambular text of the Convention, the Contracting Parties acknowledge that “special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources...” and note in this regard, “the special conditions of the least developed countries and small island developing States”. Article 20 of the Convention, on financial resources, sets out a general understanding with regard to financial support that may be provided by developed country Parties to developing country Parties. Through paragraph 5 of Article 20, “Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding.” While Article 20 is focused on the implementation of measures to fulfill the obligations of the Convention and relates to Article 21 on the financial mechanism of the Convention, it demonstrates the acceptance of a general principle with regard to the financial capabilities and needs of developing country Parties.

26. In 1994, the Conference of the Parties, at its first meeting, invited developed countries and international organizations to make voluntary contributions to facilitate the participation of developing countries, and in particular the least developed among them, in meetings convened under the Convention. Since the first meeting of the Conference of the Parties, a number of specific measures to facilitate participation have been taken.

27. A practice has been established under the Convention and its Protocols to financially support the participation of delegates from developing countries and countries with economies in transition, and in particular those from the least developed countries (LDC) and small island developing States (SIDS). Towards this end, the Special Voluntary Trust Fund for Facilitating the Participation of Parties in the Convention Process (BZ Trust Fund) has been established through decision III/24. Similarly, the Special Voluntary Trust Fund for Facilitating Participation of Parties in the Biosafety Protocol process (BI Trust Fund) has been established. In addition, the General Trust Fund for Voluntary Contributions to Facilitate the Participation of Indigenous and Local Communities in the Work of the Convention (VB Trust Fund) has been established to support the effective participation of representatives of indigenous and local communities in the meetings of the Convention.

28. Under present practice, travel and subsistence of delegates from developing countries and countries with economies in transition are supported by voluntary contributions provided by donor countries. In the event that the donations provided are insufficient, there is a risk that arrangements made

for a meeting may have to be cancelled and the meeting postponed until such a time that funding allows for full and representative participation.⁵

29. In fact, pledges rarely meet the amounts approved under the budget. For example, in 2011 the Secretariat received pledges for 69% of the amount approved for that year in the BZ Trust Fund and in 2012 pledges were received for 35% of the amount approved for the year. In the present biennium, pledges were received for 45% of the amount approved for 2013 and, as at 30 June 2014, for just 16% of the amount approved for 2014. This has necessitated the prioritization of support to LDC and SIDS. Currently, one delegate from LDCs and SIDS receives support for travel and subsistence, and this support is only extended within the limits of available funds to other developing countries and countries with economies in transition upon request and on a first-come, first-served basis. Under the BI Trust Fund, the percentage of pledges received compared to the amount approved in the budget is even lower (15% for 2012 and, as at 30 June 2014, only 9.8% of the amount approved for 2014).⁶ Therefore, a single delegate is supported to participate in both meetings of the Conference of the Parties and meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, which are organized back-to-back.

30. The current practice leads to challenges for those Parties which could only be represented with a single delegate for both meetings. Firstly, it is difficult for many Parties to identify a representative with expertise in matters addressed under both the Convention and the Cartagena Protocol. Secondly, a Party that is represented by only one delegate is not able to participate in all discussions during those sessions where the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Protocol conduct their business in two working groups in parallel. While formal decisions are only taken in plenary, where all Parties will be represented, participation in the elaboration of decisions is limited.

31. The proposed plan for organizing the three meetings concurrently foresees that two working groups would address items under the Convention and both Protocols, and that only one formal plenary session would be held at a time. Thus, the situation would remain the same with regard to the participation in working groups and plenary sessions. However, with the concurrent organization of meetings under the Convention and its Protocols, more diverse expertise will be required. Therefore, while similar challenges already exist under current arrangements, the proposed change in the organization of meetings provides an opportunity to reflect on past practices and identify potential solutions with a view to increasing the effectiveness of processes under the Convention and its Protocols.

32. Against this background and with a view to achieving full and effective participation it is suggested that Parties should aim to increase the support available for the participation costs of at least two delegates from least developed countries and small island developing States, as well as one delegate from other developing countries and countries with economies in transition.

33. To provide greater assurance of the full and effective participation of Parties in the concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as meetings of the

⁵ Such was the case, for example, with the second meeting of the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol on Access and Benefit-sharing (ICNP) that was held in 2012.

⁶ As reported to the Conference of the Parties at its eleventh meeting in the report of the Executive Secretary on the administration of the Convention and the budget for the Trust Funds of the Convention (UNEP/CBD/COP/11/9), contributions to the BZ Trust Fund are earmarked for specific meetings in 2011 and 2012. A total of US\$ 2,147,000 was approved under the BZ Trust Fund by the tenth meeting of the Conference of the Parties for 2011 and US\$ 3,616,000 for 2012. As at 31 July 2012, the Secretariat had received pledges totaling US\$ 1,485,564 in 2011 (69% of the amount approved for 2011), of which contributions of US\$ 1,357,880 (91.4%) had been paid. Additionally, US\$ 525,472 was collected in 2011 for outstanding pledges for prior years. Pledges amounting to US\$ 821,755 had been received as at the end of July 2012 of which US\$ 648,474, or 79%, had been received. Expenditures to cover participation costs of 498 participants from Parties eligible for financial support to meetings convened in 2011-2012 (July) amounted to US\$ 1,935,597 (excluding programme support costs). A total of US\$ 678,000 was approved under the BI Trust Fund by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for 2012. As at 31 July 2012, the Secretariat had received pledges totaling US\$ 12,422 in 2012 (1.8% of the amount approved for 2012), for which the total contributions had been paid.

Parties to the Protocols, the Conference of the Parties could include funding to facilitate the participation of one delegate from least developed countries and small island developing States in the processes of the Convention and its Protocols as a new object of expenditure within the core programme budgets for which assessed contributions are made. This includes the General Trust Fund for the Convention on Biological Diversity (BY Trust Fund) and the General Trust Fund for the Core Programme Budget for the Biosafety Protocol (BG Trust Fund).

34. This could be supplemented by a decision to manage voluntary contributions within a single special voluntary Trust Fund for the participation of Parties in the processes of the Convention and its Protocols. Indeed, at its sixth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Conference of the Parties to explore the possibility of merging the BI Special Voluntary Trust Fund with the BZ Voluntary Trust Fund and, in the event of such a merger, requested the Executive Secretary to ensure transparency when reporting expenditure for the Cartagena Protocol and the Convention under the merged Trust Fund.⁷ Some Parties are limited in their ability to contribute to the Special Voluntary Trust Fund for Facilitating Participation of Parties in the Biosafety Protocol process. A merger of trust funds would have the additional benefit of promoting greater integration between the Convention and the Protocols.

2. *Distinct costs of Secretariat services*

35. Article 31 of the Cartagena Protocol and Article 28 of the Nagoya Protocol state that “to the extent that they are distinct, the costs of the secretariat services for this Protocol shall be met by the Parties hereto. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end.” As noted above, therefore, the costs associated with the meeting arrangements described could be apportioned 22% to each Protocol and 56% to the Convention.

36. Switching to a conference scenario in which the meetings of the Conference of the Parties and of the Conference of the Parties serving as the meeting of the Parties to the Protocols are held concurrently within a two-week period, as compared to the present situation in which the meeting of the Parties to the Cartagena Protocol is held prior to the two-week meeting of the Conference of the Parties, would generate a reduction in cost associated with the operation of the conference centre for one week (two conference rooms, each with interpretation, and other associated costs). Such reduction in cost is estimated to be in the order of about \$450,000 per conference that could be apportioned proportionally to the budgets of the Convention and the Cartagena Protocol.

D. *Benefits and risks*

37. While sections I and II above discussed the expected benefits of the proposed plan for the organization of concurrent meetings, a number of risks exist, in particular:

(a) *Time* - The consideration of items under the Convention and its Protocols might be time-consuming and a two-week period may not provide sufficient time to consider all agenda items adequately;

(b) *New procedures* - Switching between items under the Convention and the Protocols under the working groups is a significant deviation from current practice and may be confusing to Parties at its first attempt;

(c) *Logistics* - The logistical and procedural organization of three concurrent meetings may place a high burden on the Secretariat and the host country;

(d) *Participation* – In the absence of a firm commitment for adequate funding, some Parties may not be able to be represented in all meetings. Financial restraints may not allow Parties to bring the expertise required to address the range of items to be addressed by three concurrent meetings.

⁷ Decision BS-VI/7, paragraph 20.

38. As the proposed plan for the concurrent organization of the thirteenth meeting of the Conference of the Parties with the meetings of the Parties to the Protocols is only an incremental step from the concurrent organization of the twelfth meeting of the Conference of the Parties and the first meeting of the Parties to the Nagoya Protocol, it can be expected that many of these risks will already be addressed during the latter meetings. The host country and the Executive Secretary will closely review their experience in organizing the twelfth meeting of the Conference of the Parties and the first meeting of the Parties to the Nagoya Protocol and take any lessons learned into consideration.

39. In addition, as described in section III, these risks have been taken into account, to the degree possible, in the development of the plan contained in the annex to this document. A firm commitment for adequate funding, thorough planning, as well as the openness of Parties to new procedures and their willingness to make the new way of organizing meetings a success will help to further address these risks.

E. Considerations for the organization of future meetings

40. The draft decision contained in recommendation 5/2 of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention foresees that the thirteenth meeting of the Conference of the Parties would be organized in the manner set out in the plan contained in the annex to this paper, within a two-week period that also includes the meetings of the Conference of the Parties serving as the meetings of the Parties to the Protocols. Subsequent meetings of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Protocols could follow essentially the same plan. Considering, however, that the meetings in 2016 will, for the first time, include the concurrent organization of meetings under the Convention and both Protocols, a review of this experience may be pertinent for the organization of future meetings.

41. In addition, the organization of future meetings could also reconsider the current periodicity of meetings. Notwithstanding decision XI/10 of the Conference of the Parties to maintain the current periodicity of its meetings until 2020, a number of Parties in their submission of views in response to notification 2013-120 (Ref. No. SCBD/OES/OJ/moc/82999) expressed willingness to consider other options concerning the future frequency of the meetings of Conference of the Parties. Moving from a biennial cycle to a triennial cycle could eventually provide another way of reducing costs to the core budget.

IV. SUGGESTED ELEMENTS FOR A DRAFT DECISION

42. The Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, in recommendation 5/2, prepared an element of a draft decision for the consideration of the Conference of the Parties at its twelfth meeting, reproduced below as the second paragraph. Additional elements for incorporation into the draft decision are also suggested for the consideration of the Conference of the Parties.

The Conference of the Parties,

Decides that the ordinary meetings of the Conference of the Parties shall be organized within a two-week period that also includes the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and to the Nagoya Protocol;

Also decides, on the basis of the plan prepared by the Executive Secretary, and in the light of the consideration of this issue by the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, that the thirteenth meeting of the Conference of the Parties shall be organized within a two-week period that also includes the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and to the Cartagena Protocol, in the manner set out in annex I to this decision;

Recognizes the need for ensuring the availability of financial resources to support participation of representatives from developing country Parties, in particular the least developed countries and small

island developing States among them, and Parties with economies in transition, as well as representatives of indigenous and local communities in the three concurrent meetings;

Requests the Executive Secretary to take into account the experience gained from the concurrent organization of the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol in developing the organization of work for the thirteenth meeting of the Conference of the Parties.

*Annex***PLAN FOR THE CONCURRENT ORGANIZATION OF THE THIRTEENTH MEETING OF THE CONFERENCE OF THE PARTIES, THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL AND THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL**

1. This annex provides a plan for the concurrent organization of the thirteenth meeting of the Conference of the Parties, the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol and the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.⁸
2. The serving President of the Conference of the Parties (the President of the previous meeting of the Conference of the Parties) would formally open the meeting of the Conference of the Parties on the first morning of the sessional period. The Conference of the Parties would elect its President. The Conference of the Parties would adopt the agenda and agree on the organization of work. The Conference of the Parties would establish two working groups to address all items except for those addressed in plenary and establish a budget committee. The Conference of the Parties would elect the Chairperson of each working group who would be Bureau members from Parties to the Convention and both its Protocols.⁹
3. The President of the Conference of the Parties would then open the meeting of the Parties to the Nagoya Protocol and the meeting of the Parties to the Cartagena Protocol.¹⁰ Sequentially, the meeting of the Parties to each Protocol would adopt the agenda for its meeting, agree on the organization of its work, endorse the working groups and the budget committee established by the Conference of the Parties and refer items of its agenda to the working groups, as appropriate. The meetings would then be adjourned so that the working groups may commence their work.
4. Decisions under any instrument can be taken only by Parties to that instrument. Whether convened in plenary or in the working groups, those States that are not Parties to a Protocol would be present for the consideration of the items regarding the Protocol as observers. To assist the Chair, technical measures would be in place to distinguish Parties from non-Parties.
5. Except for some specific items to be addressed in plenary, items under the Convention and the Protocols would be addressed in the working groups. Depending on the content of the respective agenda, each working group may devote periods of time to specific instruments. However, items from each instrument that are of a similar nature would be addressed by the same working group in close proximity. Accordingly, conference room papers (CRPs) on related items under the Convention and the Protocols would also be considered in close proximity. Thus, for example, the consideration of a CRP by Parties to a Protocol would immediately follow the consideration of a CRP on a related topic by Parties to the Convention.
6. The Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to each of the Protocols would reconvene in formal plenary setting as may be required. They may

⁸ This plan has been developed in line with the request of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention in paragraph 1(b) of its recommendation 5/2. It builds on the plan prepared for the organization of the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol contained in annex III to document UNEP/CBD/COP/12/1/Add.1/Rev.1, and on the options presented in document UNEP/CBD/WGRI/5/12. The Conference of the Parties has emphasized the need to ensure the full and effective participation of Parties and indigenous and local communities in concurrently organized meetings of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

⁹ In the event that the Chairperson is from a country that is not Party to the Protocol, an alternate would be elected from among the Parties to the Protocol to chair items related to the Protocol.

¹⁰ In the event that the President of the Conference of the Parties is from a country that is not a Party to a Protocol, the President of the Conference of the Parties serving as the meeting of the Parties to a Protocol would be elected from among the members of the Bureau representing countries that are a Party to the respective Protocol.

also organize joint informal sessions. For example, an informal stock-taking plenary of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Protocols could convene after the first reading of items under the Convention and the Protocols in order to assess progress. In conclusion of their work, the working groups would deliver sets of draft decisions to the Conference of the Parties, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

7. On the final day of the sessional period the Conference of the Parties and the meetings of the Parties to the Protocols would reconvene in plenary to review and adopt the draft decisions that have been passed to them by the working groups and conclude their respective procedural matters. The Conference of the Parties would also consider and adopt any recommendations received from the meetings of the Parties to the Protocols. The meeting of the Parties to one Protocol, followed by the meeting of the Parties to the other Protocol, would then be closed. Finally, the meeting of Conference of the Parties would then be closed.
