



CONVENTION ON BIOLOGICAL DIVERSITY

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CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Fifth meeting
Nairobi, 15-26 May 2000
Item 19 of the provisional agenda*

OPERATIONS OF THE CONVENTION

Note by the Executive Secretary

INTRODUCTION

1. The present note has been prepared by the Executive Secretary to assist the fifth meeting of the Conference of the Parties at its fifth meeting in its deliberations on item 19 of the provisional agenda, which deals with the operations of the Convention.
2. Chapter I of the note presents a summary of the measures taken by the Conference of the Parties, at its fourth meeting, in regard to the operations of the Convention. It also incorporates the relevant recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) made at its fourth meeting, held in June 1999, and of the Inter-Sessional Meeting on the Operations of the Convention (ISOC), which immediately followed the SBSTTA meeting. The chapter also considers the two questions for which the Inter-Sessional Meeting forwarded options to the Conference of the Parties: periodicity of meetings of the Conference of the Parties, and the potential mechanism and/or measures required to enhance the review and facilitation of the implementation of the Convention..
3. Chapter II considers a strategic plan for the Convention. This relates in particular to: (i) operational paragraph 1 of SBSTTA recommendation IV/1C; and (ii) part 1, paragraph 10, of the recommendation of the Inter-Sessional Meeting on the Operations of the Convention.
4. Chapter III addresses the issue of assessments under the Convention. First, it sets out the different types and purposes of assessments, and relates these to the context of the Convention. Second, it contains considerations on a mechanism for scientific assessments, relating in particular to paragraphs 1-3 of SBSTTA recommendation IV/1 B,. These considerations are based on a brainstorming meeting on scientific assessment, convened in Oslo from 17 to 19 November 1999, hosted by the Norwegian Government, the report of which is

* UNEP/CBD/COP/5/1.

being circulated as an information document for the fifth meeting of the Conference of the Parties (UNEP/CBD/COP/5/INF/1).

5. Chapter IV contains suggested elements of a draft decision based on the criteria and issues considered in chapters II and III.

I: DEVELOPMENTS IN THE OPERATIONS OF THE CONVENTION

A. Overview of agreed and proposed measures

6. The following table presents an overview of the institutional and procedural measures agreed by the Conference of the Parties at its fourth meeting. This table is an updated version of the table contained in a note prepared by the Executive Secretary for the Inter-Sessional Meeting on the Operations of the Convention (UNEP/CBD/ISOC/2). In comparison to the previous table, the following table is augmented with those measures recommended to the Conference of the Parties by SBSTTA, at its fourth meeting, and by the Inter-Sessional Meeting on the Operations of the Convention.

7. The table presents the measures in summarized form and should be understood solely as a reference tool. The table refers to the authoritative texts of the decisions and recommendations. Moreover, because of the deadlines for the preparation of documentation, no reference can be made to those recommendations emerging from the fifth meeting of SBSTTA that are relevant to the operations of the Convention.

| Measures related to: | Decisions COP/4 | SBSTTA/4 ISOC |
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| I. Meetings of the COP | | |
| <p><u>The provisional (annotated) agenda:</u></p> <p>(a) The Executive Secretary is requested to clearly indicate whether matters are for information, or for consideration</p> <p>(b) The Executive Secretary is requested to distribute the provisional annotated agenda for ordinary meetings of the COP, as well as the principal documents for the meeting, in the official languages of the United Nations, as early as possible and in reasonable time for any regional preparatory meetings organized by the Executive Secretary and, in any event, preferably six months before the opening of ordinary meetings of COP.</p> <p>(c) Parties are invited to notify the Executive Secretary of any additional items they wish to add to the provisional agenda at least six weeks before the opening of the meeting.</p> <p>(d) Recommended that the provisional agenda includes five standing items.</p> <p><u>(Draft) decisions</u></p> <p>(a) The Executive secretary is requested to include in supporting documentation suggestion of elements for draft decisions as appropriate</p> <p>(b) Parties are invited to forward any proposed decisions to the Executive Secretary in sufficient time to enable him/her to circulate those draft decisions to all Parties at least three weeks before the commencement of meetings of the Conference of the Parties</p> <p>(c) Recommended that decisions should identify expected outcomes, activities to achieve those outcomes, those to whom the decisions are directed and time -tables for action and follow-up.</p> <p>(d) Recommended that the Conference of the Parties reviews its previous decisions periodically to assess their status of implementation</p> <p><u>Administrative and financial matters</u></p> <p>(a) Recommended that the Conference of the Parties revises its procedures for decision -making regarding administrative and financial matters</p> <p>(b) Recommended that guidance to the financial mechanism should be incorporated into a single decision</p> <p><u>Requests and guidance to SBSTTA from the Conference of the Parties</u></p> <p>(a) In future requests to SBSTTA, COP is to make clear whether it expects to receive information for noting, recommendations for approval, or advice for decisions by the Conference of Parties</p> <p>(b) Recommended that the Conference of the Parties, at its sixth meeting, assesses the recommendations made to it by SBSTTA with a view to providing guidance to SBSTTA on ways to improve its inputs</p> <p>(c) Recommended that the Conference of the Parties decides that the guidance to SBSTTA contained in specific decisions should take into account the need for a coherent and realistic programme of work for SBSTTA, including the identification of priority issues</p> <p><u>Handbook</u></p> <p>The Executive Secretary is requested to prepare, in time for the fifth meeting of the Conference of the Parties, a handbook that relates the decisions of the Conference of the Parties, and other material relevant to the operation of the Convention, to the text of the Convention.</p> | <p>IV/16, para. 6</p> <p>IV/16, para. 8</p> <p>IV/16, para. 9</p> <p>IV/16, para. 6</p> <p>IV/16, para. 7</p> <p>IV/16, para. 14</p> <p>IV/16, para. 10</p> | <p>ISOC Rec. 1</p> |

| Measures related to: | Decisions COP/4 | SBSTTA/4 ISOC |
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| II. Programme of work and time cycles | | |
| <p><u>Programme of work for the next three meetings</u> Agreement on topics for in-depth consideration for the fifth, sixth and seventh meeting of the Conference of the Parties.</p> <p><u>Strategic plan</u> Recommended to request the Executive Secretary, under the guidance of the Bureau of the Conference of the Parties and, as appropriate, the Bureau of SBSTTA, to develop options for a strategic plan, based on the programme of work.</p> <p><u>Time cycles</u> (a) The fifth meeting of the Conference of the Parties will meet in the second quarter of 2000, for a period of two weeks. (b) SBSTTA will meet twice before the next ordinary meeting of the Conference of the Parties, each meeting will be of five days duration.</p> <p><u>Implementation</u> Recommended that the Conference of the Parties decides that it is necessary to enhance the review and facilitation of implementation of the Convention.</p> | <p>IV/16, annex II</p> <p>IV/16, para. 1</p> <p>IV/16, para. 12</p> | <p>ISOC Rec. 1</p> <p>see also ISOC Rec. 1</p> <p>[see also ISOC Rec. 1] ISOC Rec. 1 (see under [E] for bracketed options)</p> |
| III. The work of SBSTTA | | |
| <p><u>Longer-term programme of work</u> Proposed longer-term programme of work of SBSTTA</p> <p><u>Strategic plan</u> SBSTTA recommends the preparation of a strategic plan to guide the implementation of its longer-term programme of work</p> <p><u>SBSTTA recommendations to the Conference of the Parties</u> (a) When submitting recommendations to the Conference of the Parties, SBSTTA should indicate clearly whether it expects the Conference of the Parties to note, approve or decide on the matter in question (b) While SBSTTA should consider the financial implications of its proposals, its recommendations will only include advice to the Conference of the Parties regarding financial matters, including guidance to the financial mechanism, when the Conference of the Parties has so requested (c) SBSTTA and other subsidiary bodies are requested to prepare proposals for their programmes of work based on the priorities set out in annex II on decision IV/16 (issues for in-depth consideration), with a view to streamlining and focusing the agendas of their meetings. (d) Recommended that the Conference of the Parties recognises that it will be appropriate for SBSTTA to make recommendations that include options or alternatives</p> <p><u>Modus operandi of SBSTTA and related issues</u> (a) The fourth meeting of the Conference of the Parties adopted a revised <i>modus operandi</i> of SBSTTA, including, among others, further development and enhanced use of Rosters of Experts, use of ad-hoc technical expert groups (b) SBSTTA to advise the fifth meeting of the Conference of the Parties of the terms of reference for the ad hoc technical expert groups on thematic areas (c) Further development of a uniform methodology for the use of rosters of experts</p> | <p>IV/16, para. 14</p> <p>IV/16, para. 13</p> <p>IV/16, para. 20</p> <p>IV/16, para. 11 and annex I</p> <p>IV/16, para. 21</p> | <p>Rec. IV/1 C and annex</p> <p>Rec. IV/1 C, see also ISOC Rec. 1</p> <p>Rec. IV/1 C</p> <p>ISOC Rec. 1</p> <p>Rec. IV/1 (C)</p> |

| Measures related to: | Decisions COP/4 | SBSTTA/4 ISOC |
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| (d) Further development of a common framework for case -studies | | Rec. IV/1 (C) |
| (e) Recommended that the Conference of the Parties decides to amend paragraph 12(c) the <u>modus operandi</u> of SBSTTA with respect to certain aspects of ad hoc technical expert groups <u>Scientific assessments for/by SBSTTA</u> | | ISOC Rec. 1 |
| (a) Executive Secretary is invited to prepare a detailed proposal that seeks to address the issues of peer review and scientific assessments for the Convention. | | Rec. IV/1 B, also ISOC Rec. 1 |
| IV. The Bureau of the Conference of the Parties | | |
| The Bureau of the Conference of the Parties is requested to liaise on a regular basis with the bureaux of the subsidiary bodies of the CBD, in particular the Bureau of SBSTTA. To this end , the Executive Secretary is requested to organize, wherever possible, back -to-back meetings of the bureaux of the Conference of the Parties and SBSTTA . | IV/16, para. 15 | |
| V. Communications with the Parties | | |
| <u>Notification system</u> Recommended to request the Executive Secretary to introduce a notification system for the Convention <u>Documentation</u> Recommended to request the Executive Secretary to limit the number of pre -session documents, to keep them as short as feasible and to include an executive summary | | Rec. IV/1 B, and ISOC Rec. 1 ISOC Rec. 1 |
| VI. External relations and cooperation | | |
| <u>Enhanced efficiency and mutual benefits through cooperation, including :</u> (a) Enhanced harmonization of reporting requirements (b) Possibilities for developing joint work programmes (c) Conference of the Parties are recommended to consider the development of the modalities for more direct types of cooperation between SBSTTA and parallel bodies <u>and with respect to the Bureau of SBSTTA :</u> (d) Chair of SBSTTA as permanent observer on the Scientific and Technical Review Panel of the Convention on Wetlands (e) Recommended that the Conference of the Parties decide that the Chair of SBSTTA, or other members of the Bureau of SBSTTA, authorised by the Chair, to represent SBSTTA at meetings of scientific bodies of other conventions, institutions or processes (f) Recommended that the Conference of the Parties encourages the Bureau of SBSTTA to hold meetings with equivalent bodies of other conventions, institutions and processes. | IV/15 IV/15, para. 5 (b) IV/15, para. 5 (c) | Rec. IV/1 B Rec. IV/1 B Rec. IV/1 B ISOC Rec. 1 ISOC Rec. 1 |
| National reporting | | |
| (a) Further enhance consistency in style and content of national reports (SBSTTA -5 to advise the fifth meeting of the Conference of the Parties on the intervals and form of future national reports) (b) Recommended that the Conference of the Parties calls upon the Executive Secretary to use national reports, as appropriate, to gather focused information as part of the preparatory process for issues in the work programme and that it decides to reflect this approach in decisions arising from the work agreed to in decision IV/14 | IV/14, para. 3 | ISOC Rec. 1 |

B. Operational issues for which options were put forward by ISOC

1. At the Inter-Sessional Meeting on the Operations of the Convention, considerable progress was made with regard to additional measures and mechanisms to improve the operations of the Convention. This progress is reflected in recommendation 1 of the Inter-Sessional Meeting to the Conference of the Parties as contained in the annex of its report to the Conference of the Parties (UNEP/CBD/COP/5/4).

2. However, options are presented to the Conference of the Parties on two key operational issues: (i) the periodicity of ordinary meetings of the Conference of the Parties; and (ii) the potential mechanisms and/or measures required to enhance the review and facilitation of implementation of the Convention.

3. Since ISOC, there have been no further significant developments of relevance to these issues which the Executive Secretary believes necessary to bring to the attention of the Conference of the Parties. Accordingly, reference is made to paragraphs 75 to 79 of UNEP/CBD/ISOC/2 for periodicity and paragraphs 58 to 74 of document UNEP/CBD/ISOC/2 for mechanisms or measures possible to enhance the review and implementation of the Convention.

II. PREPARATION OF A STRATEGIC PLAN

4. At its fourth meeting, SBSTTA recommended the preparation of a strategic plan to guide the implementation of its longer-term programme of work (recommendation IV/1 C, paragraph 1). Moreover, the Inter-Sessional Meeting on the Operations of the Convention recommended the Conference of the Parties to request "the Executive Secretary, under the guidance of the Bureau of the Conference of the Parties and, as appropriate, the Bureau of SBSTTA, to develop options for a strategic plan, based on the programme of work, for consideration and adoption at the sixth meeting of the Conference of the Parties". In addition, the Inter-Sessional Meeting recommended that for this purpose, the Conference of the Parties invite Parties to make submissions to guide the Executive Secretary in this task, and request SBSTTA, at its sixth meeting, to develop the elements of the strategic plan regarding scientific, technical and technological matters as mentioned in recommendation IV/1C of the Subsidiary Body.

5. The Convention has developed at a rapid pace. Within a short period of time, five thematic programmes have been initiated and elaborated, two further thematic areas (drylands and mountains) will be addressed in the future. Furthermore, several cross-cutting issues are being addressed, including such crucial issues as indicators, access and benefit-sharing, the ecosystem approach and traditional knowledge. In addition, the process of elaboration and implementation of the individual provisions of the Convention has been initiated.

6. Alongside these substantive processes, has been the development of the institutional mechanisms, both under the Conference of the Parties and SBSTTA, including, inter alia, the clearing-house mechanism, the rosters of experts, ad hoc technical expert groups, expert panels, working groups, and liaison groups. Moreover, a wide array of measures has been agreed upon in the context of the ongoing improvement of the operations of the Convention. Finally, the Convention bodies have progressively intensified their formal and informal

contacts and partnerships with other organizations, institutions and processes.

7. A strategic plan would serve as a framework, by way of which the activities outlined above are put in an operational context. It could more clearly identify, and thus provide better insight in, how these activities interrelate, procedurally and substantively. In other words, a strategic plan aims to integrate the institutional developments into the substantive aspects of the work of the Convention.

8. In essence, a strategic plan provides a "road map" indicating when and how activities might be undertaken and goals achieved for the foreseeable future. Such a guide may prove useful not only for the Parties, and the Convention bodies, but also for organizations who participate in, or whose work closely relates to, the Convention process. In particular, a strategic plan may support and advance important goals, such as, inter alia:

(a) The creation of clearer expectations of Convention process, especially with respect to on-going work and (envisaged) products of the Convention, for all involved, including the actors and partners addressed in the decisions of the Conference of the Parties;

(b) The fostering of a better understanding of the Convention process, both with regard to the institutional and substantive aspects of the Convention's development;

(c) The improvement of the transparency and streamlining of the decision-making process;

(d) The identification of priorities, and the provision of support for anticipatory policy and activities at the national level; and

(e) An increase in the efficiency and effectiveness of the operations of the Conference of the Parties, and SBSTTA, including the rational and coherent use of instruments and techniques.

9. These goals make clear that a strategic plan may increase the level of predictability of the Convention process. At the same time, a strategic plan should be flexible enough to incorporate and respond to:

(a) The continuous development, or change, of the agenda and programmes of the Convention;

(b) The differing stages of implementation of the provisions of the Convention and thematic programmes;

(c) Developing scientific, technical and technological issues;

(d) The need to address unexpected, or new, critical issues concerning the conservation and sustainable use of biological diversity; and

(e) Requests from, or initiatives of, Parties and other relevant organisations, partners, and stakeholders.

Possible elements of a strategic plan: operational goals, activities, actors, ways and means

10. The purpose of a strategic plan is not to initiate new processes, but rather to place existing, planned and envisaged activities within an operational framework or context. Consequently, the substantive elements of a strategic plan are found in the programmes of work of the Conference of the

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Parties and SBSTTA. With this in mind, the Conference of the Parties, may wish to consider the following six elements of a strategic plan:

(a) Operational objectives which the Conference of the Parties wishes to achieve in the medium- to long-term period. Bearing in mind the structure of the programme of work, as well as the approach taken to develop the Convention, namely the thematic perspective of the ecosystem approach, as well as the individual provisions of the Convention, these goals could relate to three main areas, namely: (i) the thematic programmes; (ii) the cross-cutting issues; and (iii) the provisions of the Convention. Within each of these goals, specific reference should be made to the scientific, technical and technological aspects. It would be useful if these goals reflect, as far as possible, the expected levels of elaboration, progress of development, stages of implementation, state of knowledge and capacities, and degrees of co-operation, with respect to the themes, issues and provisions at hand. This element could be especially useful to indicate how the different developments within and outside the Convention process interrelate;

(b) The activities/actions, including expected products, deemed appropriate and useful to reach these goals. These activities would indicate how each of the operational goals may be supported or promoted and which steps may undertaken to this end. Identification of these activities is, to a large extent, based on the content of the decisions of the Conference of the Parties related to the subject-matter of each of the goals. Though not all activities may have tangible outcomes in the short term, expected products could include, for example, guidelines, (joint) programmes of work, assessment reports, case studies, or recommendations;

(c) Timing and duration of each of these activities. Experience demonstrates the importance of setting deadlines if implementation is to proceed effectively;

(d) Reference to main actor(s). This element would refer mainly to the different Convention bodies, and the relevant partners. It could include references to the appropriate levels, such as, for example, the national or regional level;

(e) Reference to institutional mechanisms. This element would indicate which institutional mechanism or technique will be used, and to what extent, in order to realize or support the goals and/or activities. This may include, for example, reference to the roster of experts, a working group, the clearing-house mechanism;

(f) Financial and human resource implications and requirements, in terms of the Convention' resources and other stakeholders.

III. TYPES AND PURPOSES OF ASSESSMENTS

A. Types of assessments

11. Within the Convention, there are multiple needs for assessments, including regular in-depth status-and-trends assessments within the thematic areas and cross-cutting issues, comprehensive assessments from time to time and assessments of the effectiveness of measures taken at regional and national level. There may also be a need for technology assessments and assessments of the impact of specific issues (e.g., trade, alien species, biosafety, etc.)

12. Assessments are an important tool in the process of implementation of the Convention. In the present context of the operations of the Convention, it is useful to address the types of institutional mechanisms (existing or new) with which these assessments may be conducted. This is especially true since the term "assessments" may take on different meanings, depending on the context in which it is used. While all types of assessment support the overall implementation of the Convention, each types do so in a different way, depending on their different scope and purpose.

13. Within the Convention, there are three basic types of assessments: environmental impact assessments; scientific assessments; and progress assessments. This section will consider these types of assessments, their purpose and how they relate to the Convention process. In doing so, particular attention will be given to (i) the request of SBSTTA, as formulated in its recommendation IV/1 B, with respect to issues of peer review and scientific assessments, and (ii) the developments related to national reporting.

1. Environmental impact assessments

14. In general terms, environmental impact assessments (EIAs) refer to procedures used for evaluating the likely environmental and social impacts, both beneficial and adverse, of a proposed or planned project or activity.

15. Article 14 of the Convention deals with "impact assessments and minimizing adverse impacts". The article makes clear that these types of assessments encompass procedures of inquiry, research, information exchange, participation and notification. Though as such the procedures are to be incorporated in national policy, their application is ad hoc and related to a specific project or activity.

16. EIAs have been considered by the Conference of the Parties, and SBSTTA, under different thematic themes, and by way of elaboration of Article 14 itself. Examples can be found in:

(a) Decision IV/10 C, on impact assessment and minimising adverse effects: consideration of measures for the implementation of Article 14;

(b) Decision III/11, on conservation and sustainable use of agricultural biological diversity, paragraph 15, in which Parties are encouraged to undertake impact assessments in order to minimize adverse impacts;

(c) SBSTTA recommendation I/8, recommending, inter alia, the development and adoption of integrated management measures as well as environmental impact assessment of all major coastal marine development activities be carried out, taking into account cumulative impacts and systematic monitoring and evaluation of project impacts during implementation.

17. In substantive terms, there is a relationship between EIAs and scientific assessments (see section 2 below). Scientific assessments generate understandings and findings, and broaden the knowledge base, and thereby, inter alia, provide the insights necessary to develop biodiversity-relevant EIAs at the national level.

2. Scientific assessments

18. In general terms, the purpose of scientific assessments is twofold. First, they expand the knowledge base, thus providing insights into, and

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understanding of, natural processes and functions, status, trends and possible threats. Second, scientific assessments provide the scientific foundation on which to rationally develop policy action and responses (both at the national and international level). Whether or not scientific assessments are augmented with policy options, depends on the scope of the mandate of the body in charge of presenting the scientific assessments to policy-making bodies. Nevertheless, scientific assessments by themselves are considered to be policy-neutral and non-prescriptive.

19. The need for a sound (scientific, technical and technological) knowledge base - and thus for scientific assessments - is implicit in the Convention on Biological Diversity as a whole. Particular references are found in the mandate of SBSTTA (Article 25), and in Article 7 of the Convention, on identification and monitoring. In this regard, it is telling, that within the Convention process, Article 7 is often referred to as dealing with "identification, monitoring, and assessment". The need for scientific assessments has also been referred to on numerous occasions within the Convention process, in the context of the thematic areas, the cross-cutting issues, and with regard to the implementation of the provisions themselves.

20. It is also important to note that the mandate of SBSTTA indicates that scientific assessments may be conducted for two different purposes. Article 25, paragraph 2(a), of the Convention refers to "scientific assessments of the status of biological diversity". (Though the word "trend" is not mentioned in the Convention text, reference is often made to scientific assessments of "the status and trends" of biological diversity.) Scientific assessments of the status and trends of biological diversity focus primarily on the processes and functions of biological diversity, and threats thereto. Their purpose is thus less policy-related.

21. On the other hand, Article 25, paragraph 2(b), of the Convention refers to "scientific assessments of the effects of types of measures". These scientific assessments take the types of measures as their point of departure, and study the scientific effects of the types of measures (though not the measures themselves). Their purpose is thus more policy-related (deductive).

3. Progress assessments

22. The term "assessments" has also been used in relation to assessments of progress in the implementation of the Convention. To distinguish such usage from scientific assessments, the assessments referred to here may be called "progress assessments". In general terms, these types of assessment study measures and activities by comparing them to agreed goals, by reviewing their effects, and by identifying possible gaps and policy needs.

23. This type of assessments needs to be differentiated from scientific assessments, in particular from the type of assessments referred to in Article 25, paragraph 2 (b) of the Convention. While scientific assessments provide scientific information on which policy may be developed, progress assessments are very much an inherent part of the decision-making process itself. Put differently, scientific assessments are input-oriented, progress assessments are output-oriented.

24. In the context of the Convention, progress assessments are primarily referred to in the context of national reporting. Notably, the Conference of the Parties, in its decision IV/14, requested SBSTTA to provide it with advice

on the intervals and form of future national reports. According to the decision, this advise should include, inter alia, the nature of the information needed from Parties in order "to assess the state of implementation of the Convention", as well as identification of ways and means to further national implementation of the Convention. SBSTTA, at its fifth meeting, will address this issue on the basis of a note by the Executive Secretary on the subject (UNEP/CBD/SBSTTA/5/14).

25. Contributing to this effort has been a pilot project, which tested and developed a mechanism for "preliminary assessment of the state of implementation of the Convention". This project involved the participation on a voluntary basis of a sample group of Parties and was assisted technically by the World Conservation Monitoring Centre (WCMC) (see UNEP/CBD/SBSTTA/5/14 and UNEP/CBD/SBSTTA/5/INF/8).

26. As decision IV/14 already indicates, and as is the case in most multilateral environmental agreements, progress assessments rely on national reports as their main source of information. It may be useful to recall that the main thrust of national reporting is to provide information on measures taken for the implementation of the Convention. The reporting process is therefore not intended to elicit information on the status and trends of biological diversity as such in the country concerned, except in so far as such information is related to the account of the implementation measures.

27. Seen in this context, the twofold purpose of progress assessments becomes clear. First, the purpose of progress assessments is to study (assess) the overall status of implementation of the Convention. Here, the progress assessment operates at the international level. This exercise falls within the broader mandate of the Conference of the Parties to "keep under review the implementation of the Convention", as stipulated in Article 23, paragraph 4, of the Convention. However, for this to be fully possible, information is needed from the national levels. This need is indicated in decision IV/14, where the Conference of the Parties solicits advice on "the nature of the information needed from Parties in order to assess the state of implementation of the Convention".

28. Generating this information requires, in turn, progress assessments which operate at the national levels. These national progress assessments provide insights into the individual needs and requirements of Parties in implementing the Convention at their national level.

29. There are thus two main reasons why progress assessments operating at the national level benefit from, or are in need of, an international effort, i.e., progress assessments at the Convention level, and vice versa:

(a) Insights into (assessment of) the overall status of implementation of the Convention requires that information accumulated from the different national levels covers similar subject-matters and is comparable;

(b) At the Convention level, national experiences with regard to implementation are shared, thus providing insights into the common needs, gaps and requirements; such insights are necessary to identify ways and means to further national implementation of the Convention.

B. A mechanism of scientific assessments: preliminary considerations on the request of SBSTTA (rec. IV/1 B)

30. In its recommendation IV/1 B, SBSTTA invited the Executive Secretary to prepare for the fifth meeting of the Conference of the Parties "a detailed proposal that seeks to address the issues of peer review and scientific assessments for the Convention on Biological Diversity, drawing on the experience of the United Nations Framework Convention on Climate Change and the Montreal Protocol on Substances that Deplete the Ozone Layer". In doing so, the Executive Secretary was invited to consider:

(a) How any mechanism would relate to rosters of experts, the ad hoc technical expert groups and the liaison groups;

(b) The relationship between any proposed assessment and existing assessments of relevance;

(c) Developing guidelines on the responsibilities and selection of lead authors, contributors and expert reviewers, as well as procedures for the approval of a variety of types of reports, which draw upon the contributions and experts of Parties;

(d) Using existing facilities, for example, technology centres, universities and relevant organizations and processes;

(e) Ensuring access to appropriately qualified individuals suitable for producing reports that can be used by the Subsidiary Body;

(f) Making a commitment to invest time and resources in the maintenance, continuation and advancement of the assessment; and

(g) Seeking support by government authorities and institutions for personnel involved in assessment.

31. In order to assist with the preparation of this proposal, the Executive Secretary convened a brainstorming session in Oslo, from 17 to 19 November 1999. The report of this brainstorming session is contained in document UNEP/CBD/COP/5/INF/1. The following is based on the outcome of this meeting.

1. Preliminary requirements

32. Bearing in mind the recommendation of SBSTTA, as well as experiences under other conventions, a scientific assessments mechanism implies a process that is ongoing, transparent, independent, and scientifically and politically credible. Furthermore, the recommendation of SBSTTA indicates that the mechanism is to operate under SBSTTA, and that it should be closely linked to the work programme. In turn, the results of the scientific assessments would also contribute to the development of future work programmes within the Convention. In addition, it should be re-emphasized that the results and findings of scientific assessments should be policy-relevant and not policy-prescriptive.

33. In terms of the Convention process, previous assessments have not been fully effective. This is in part due to the fact that they have not been authorized or initiated by the Convention. The need for an authorizing environment from the Conference of the Parties for an assessment is important factor in the utility of assessments for the Convention process.

34. It is important to emphasize the instrumental role of (groups of) individual experts in such a process. The involvement of the scientific community is crucial. The need to foster a sustained relationship with those experts is recognized in the request by SBSTTA, especially in the last three items listed in the recommendation cited above (paras. 30 (e) to (g)).

35. For such a mechanism to be successful, detailed consideration has to be given to the possibilities for experts to be fully involved in the scientific assessment process. Participation in this process involves time-intensive research and analyses of available literature, and includes writing and drafting of materials and (chapters of) reports, or peer review of such products. Moreover, securing a certain level of continuity in the assessment process, often implies involvement of experts over a relatively long period of time. The type of participation would therefore differ from the way in which the Convention has so far called upon experts. The success of similar assessment processes under other Conventions is, to a large extent, based on the fact that Governments and national institutions granted their experts the time required to meaningfully participate in the assessment processes.

36. Consequently, a scientific-assessment mechanism, however designed, should seek practical and efficient means, by way of which Governments and national institutions are put in a position to properly plan and anticipate the availability and participation of their experts. This aim is served when a scientific-assessment mechanism:

(a) Clearly indicates the different levels of participation. For example, participation as lead authors/experts, differs, both in time and funds required, from participation as peer-review expert;

(b) Clearly indicates the duration of participation of experts once selected. This would reflect the overall time-period of participation of selected experts and relates closely to the periodicity and frequency of assessment reports;

(c) Clearly indicates the time individual experts are requested to invest to carry out their work. This relates to the time required to perform specific tasks, such as, for example, the time needed to write a first draft of a chapter of an assessment report;

(d) Encourages a system of twinning, in which experts from developed and developing Parties work closely together. Other scientific assessments mechanisms show the benefit from a system of principal authors working in tandem for sections of assessment reports, in which the respective Governments or institutions share the costs, if needed, through differentiated financial commitments;

(e) Encourages a system whereby certain national or international institutions are designated, by the Conference of the Parties, as permanent focal points for the different subject-matters within the overall assessment process. This would, first of all, support the need for continuity of the assessment process. Second, it would enable Governments, national and international institutions, to plan and take upon them, sustained longer-term commitments. In this way, most efficient use is made of existing facilities. Requirements for these designated institutions, with respect to liaison and cooperation, would be formulated by the Conference of the Parties.

37. The scope of any assessment mechanism needs careful consideration from the outset. The objectives of the assessment are to:

(a) Review the current state of knowledge in critical policy relevant issues;

(b) Outline scenarios and consequences of various policy options in terms of trade-offs between different values of biodiversity; and

(c) Draw attention to those issues where scientists have reached a consensus view on those where uncertainty has led to conflicting view points and therefore need further research.

38. The term "scientific assessments" provides insufficient basis for a clear mandate. For example, within the Intergovernmental Panel on Climate Change, three main areas of work are defined: a working group on science, a working group on impact and adaptation, and a working group on mitigation. Under the Montreal Protocol, four assessment panels were initially established: scientific assessment, environmental assessment, technical assessment, and economic assessment (the latter two were later combined to form the Technology and Economic Assessment Panel).

39. The number of substantive areas and hence the scope of any assessment is directly related to the number bodies under the assessment mechanism.

2. The role of existing mechanisms

40. The following paragraphs will address SBSTTA request to consider how "any mechanism would relate to rosters of experts, the ad hoc technical expert groups and the liaison groups".

41. Although the recommendation of SBSTTA speaks of "peer review and scientific assessments", it should be noted that, in the present context, peer reviews are an integral part of scientific assessments. In addition, peer reviews are also undertaken in other contexts, for example, by the secretariat in preparing pre-session documents.

42. Within the process of scientific assessments, peer reviews are normally addressed in three ways.

(a) By referring to when peer reviews should be solicited in the process of writing and drafting assessment reports. In these cases the issue of peer reviews are addressed as one of the many procedural steps in the overall process; and

(b) By providing for a nomination and selection process of reviewers. This is often done within the wider context of nominating and selecting all persons involved in the process of conducting assessments (principal authors, co-authors, contributing authors, editors, expert reviewers etc.); and

(c) By providing for terms of reference (tasks and responsibilities) for those conducting the peer review. These terms of reference are often differentiated further, according to the level of involvement of the reviewer, and his/her affiliation.

43. The rosters of experts provide an important pool of expertise for the mechanism and should be used to the greatest extent possible. Nevertheless, in order to ensure the highest quality of expertise is used in the process this should not be the only source of expertise. Moreover, in the interests of transparency, some open nominating process needs to be established.

44. the clearing-house mechanism could therefore serve as the main tool with regard to the identification of experts that could participate in the assessments, to facilitate the exchange of relevant information, peer review of documents and dissemination of results.

45. With regard to the relation between an assessment mechanism and the ad hoc technical expert groups, several basic approaches are possible. A principal decision has to be made, namely, whether: (i) to integrate, or link, the ad hoc technical expert groups into a future assessment mechanism, or (ii) to see the operation of the ad hoc technical expert groups as a process separate from an assessment mechanism. This decision depends primarily on the final outcome with respect to the design and functions of an assessment mechanism. It should be noted in this regard that each ad hoc technical expert group exists for a limited duration, addresses specific requests from SBSTTA, and is small in size (maximum 15 experts).

46. Panels and working groups in charge of assessments under other conventions are standing entities. These different procedural approaches should be reconciled in case the ad hoc technical expert groups are integrated or linked with an assessment mechanism. In case both processes remain separate, duplication of effort and mandate should be avoided.

47. In the present context, it is also necessary to address the linkages with relevant existing and planned scientific assessments. An inventory of existing scientific assessments, monitoring programmes, and projects is needed. The aim of such an inventory would be to identify the relevance of these existing processes to the Convention, and the extent to which they potentially could provide input into the assessment process under the Convention. The inventory should provide insights into which assessment needs of the Convention can be met by existing initiatives, and how they can be expanded to better meet those needs. The principles and rules of procedures governing the scientific-assessment mechanism under the Convention should reflect the modalities for collaboration and cooperation with existing initiatives. Finally, the inventory could also serve as a gap analysis, by identifying the areas which are of importance to the Convention, but not presently covered by ongoing assessment processes.

C. Possible elements of a scientific-assessment mechanism

48. In its recommendation IV/1, SBSTTA, referred to the Intergovernmental Panel on Climate Change and the Montreal Protocol.

49. Building upon practices of these and other assessment mechanisms, the major issues relating to the institutional design are the following:

(a) The number of panels or working groups. This depends on the issue raised above, concerning the scope of assessments. The IPCC contains three working groups, and a task force, while three panels operate under the Montreal Protocol;

(b) The size of a panel or working group. For example, the Environmental Effects Panel (Montreal Protocol) has 25 members, the Technology and Economics Panel (Montreal Protocol) has 23 members from 17 countries. IPCC is open to all members of UNEP and the World Meteorological Organization, while each working group has two co-chairs, and 6 vice-chairs. It depends on the modus operandi of these entities to what extent their members produce

assessments themselves, or how many people outside of the membership are contributing to assessment reports.

50. The process of writing constitutes the core substantive part of the assessment process. It is important to emphasize that the assessments are based on available information, such as published and peer-reviewed scientific literature or case-studies, and that they do not entail new (field) research or new monitoring activities.

51. The process of writing the assessments has many variations. Next to the members within the panels /working groups, the process usually involves the participation of a wide group of experts. Procedurally, the process often involves the following four basic steps, each of which is generally covered by, more or less detailed, principles, rules of procedure, or terms of reference:

(a) Scope and content of assessment report is defined, (lead and contributing) authors are nominated and selected, as well as reviewers;

(b) Lead authors write draft report, with support of contributing authors - a process governed by terms of reference setting out their tasks and responsibilities;

(c) A draft report is circulated to (an often pre-selected) group of experts for review;

(d) Reviews are taken into account, final draft written and presented for adoption by the panel/working group.

52. The formal status of the outcome of the assessment or report may vary, according to the different levels of formal endorsement of the report by a panel or working group. It may depend on two questions: (i) the level of detail with which the findings of the assessment are considered by the panel or working group; (ii) whether the assessment serves as input into the decision-making process, or merely serves as relevant background information.

53. In this regard, relatively heavy procedural requirements may apply in case the findings serve as input into the decision-making process - often presented in the form of "Summaries for Policy-makers". Applying this to a future assessments mechanism under the Convention, two main approaches are possible. First, the executive summary of the scientific assessments containing main policy relevant findings would be presented to SBSTTA, for consideration and action. This approach would avoid a potentially lengthy approval process, but would not have the full governmental endorsement. The executive summary would be used as basis for the development of SBSTTA recommendations. Secondly, the executive summary would be presented to SBSTTA for approval. This process would close the loop between governmental authorizing environment for the assessment process, the scientific independence, and the ownership, endorsement and political commitment to the findings of the assessment.

54. As mentioned above, the recommendation of SBSTTA implies a mechanism which operates under SBSTTA, and it thus an integral part of the Convention structure. With regard to this issue, IPCC and the panel system under the Montreal Protocol provide two different examples.

55. Though heavily intertwined with the Convention on Climate Change, IPCC contributes to, but is formally independent from, the Convention process. Formal links do exist, however. For instance, IPCC may initiate, subject to

agreement by its Bureau, a technical report in response to a formal request from the Conference of the Parties to the United Nations Framework Convention on Climate Change or its subsidiary bodies. On the other hand, the panels under the Montreal Protocol have been established directly by the Parties to the Protocol.

4. Summary

56. Based on the considerations mentioned in the previous paragraphs, any decision to establish scientific-assessment mechanism should consider the following issues:

- (a) Securing the sustained availability of experts;
- (b) The different substantive areas of assessment;
- (c) The number of panels or working groups;
- (d) The size of a panel or working group;
- (e) Representation within a panel or working group;
- (f) Persons writing, contributing to, and reviewing reports:
 - (i) Nomination;
 - (ii) Selection;
 - (iii) Terms of reference (for each level);
- (g) Procedure on the different steps within the process of writing and reviewing;
- (h) Different types and status of output/reports;
- (i) Rules of procedure on different levels of endorsement of reports;
- (j) Institutional linkage with the Convention;
- (k) Relationship to relevant existing and planned assessments; and
- (l) Financing.

IV. CONCLUSIONS

57. The recommendations of the Inter-Sessional Meeting on the Operations of the Convention regarding improvements in the operations of the Convention are presented to Conference of the Parties as elements of a draft decision.

58. As a result and in order to facilitate a holistic consideration of operational issues the Executive Secretary has prepared elements of a draft decision regarding the operational matters raised by SBSTTA at its fourth meeting and ISOC, namely the development of a strategic plan and a mechanism for scientific assessments. These elements are based on the considerations highlighted in the foregoing text.

- A. Draft elements of a decision by the Conference of the Parties on the preparation and development of a strategic plan

59. The Conference of the Parties,

/...

1. Decides to prepare and develop a strategic plan for the Convention, with a view to considering and adopting the strategic plan at its sixth meeting;
2. Decides that the strategic plan shall be based on the longer-term programmes of work of the Conference of the Parties, and of SBSTTA, and that the plan shall provide operational guidance for the implementation of these programmes of work;
3. Decides that the strategic plan will initially cover the period between [2002-2005] [2002-2008] [2002-2010];
4. Decides that the strategic plan shall contain a set of operational goals that the Conference of the Parties has decided that it wishes to be achieved in the period covered by the strategic plan, and that these goals shall relate to the following three main areas of work:
 - (a) The thematic programmes, both current and envisaged;
 - (b) Cross-cutting issues; and
 - (c) The provisions of the Convention;
5. Decides that these goals shall reflect levels of elaboration, progress of development, stages of implementation, state of knowledge and capacities, and degrees of co-operation, with respect to the themes, issues and provisions at hand;
6. Decides that within each of these goals, the strategic plan shall identify, as far as possible, the following operational aspects:
 - (a) Planned, envisaged, and possible activities;
 - (b) The expected products;
 - (c) The timing of each of these activities and products;
 - (d) The actors carrying out these activities, including the appropriate levels;
 - (e) The institutional mechanisms and techniques used to realize/support the goals and activities, or to generate the expected products; and
 - (f) Financial and human-resource requirements;
7. Requests the Executive Secretary to draw up a detailed structure for the strategic plan, based on the parameters set out above, and communicate this to the Parties no later than [1 August 2000];
8. Invites Parties to make submissions, on the basis of the parameters set out above, and the detailed structure as communicated by the Executive Secretary, and forward these to the Executive Secretary before [1 January 2001].
9. Requests the Subsidiary Body on Scientific, Technical and Technological Advice to consider, at its sixth [and seventh]

meeting[s], the scientific, technical and technological aspects of the strategic plan, on the basis of the parameters set out above, and the detailed structure as communicated by the Executive Secretary;

10. Requests the Executive Secretary to prepare a draft strategic plan, taking full account of submissions received from Parties, and the considerations of the Subsidiary Body on Scientific, Technical and Technological Advice, and under the guidance of the Bureaux of the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice;

11. Requests the Executive Secretary to communicate the draft strategic plan to the Parties, no later than [1 April 2001], with a view to [soliciting comments from the Parties, to be submitted to the Executive Secretary before 1 September 2001.] [to presenting the draft to the Inter-Sessional Meeting on the Operations of the Convention];

12. Requests the Executive Secretary to take account of the comments received from Parties, and prepare a full draft strategic plan, in time for consideration and adoption by the Conference of the Parties at its sixth meeting.

B. Draft elements for a decision by the Conference of the Parties on the development of a scientific-assessment mechanism under SBSTTA

60. The Conference of the Parties,

1. Decides to establish a scientific-assessment mechanism, to be steered by a Scientific Assessments Panel on Biological Diversity under the auspices of SBSTTA;

2. Decides that the role of the Scientific Assessments Panel will be to assess available scientific, technical and technological information relevant for the understanding of the conservation and sustainable use of biological diversity, and to provide SBSTTA with assessment reports of the highest possible quality;

3. Decides that the Scientific Assessments Panel shall be composed of [30] [Party] members / [persons representing their governments], in addition to the Chair of the Subsidiary Body on Scientific, Technical and Technological Advice, who shall be the Chair of the Panel;

4. Decides that the Subsidiary Body on Scientific, Technical and Technological Advice shall elect the members of the Panel, [drawing from the rosters of experts under the Convention] [on the basis of nomination by Parties], taking into account the need for balanced geographical representation;

5. Decides that elected members, shall, in principle, serve on the Panel for a duration of [2] [4] years;

6. Decides that the Scientific Assessments Panel shall be comprised of [3] working groups [a working group on [], a working group on [], and a working group on [*]];
7. Decides that each working group shall be comprised of [10] Panel members, [two] of whom shall act as Co-Chairs, and [eight] of whom shall act as Vice-Chairs;
8. Decides that the Panel shall meet in working group and plenary session [once a year] [every two years], for a total period of maximum [3] consecutive days, and that the meetings shall be convened, as much as possible, [back-to-back] [in conjunction] with meetings of the Subsidiary Body on Scientific, Technical and Technological Advice;
9. Decides that working group sessions of the Panel shall have as their main goals:
 - (a) To accept draft working group reports; and/or
 - (b) To select the experts participating in the process of writing and reviewing new Working Group reports;
10. Decides that plenary sessions of the Panel shall have as their main goals:
 - (a) To produce and endorse, on the basis of the reports accepted by the respective working groups, a synthesized summary report, which shall be presented to the Subsidiary Body on Scientific, Technical and Technological Advice;
 - (b) To initiate and to define the scope and contents of new Working Group reports;
11. Decides to adopt the rules of procedures with respect to the nomination and election of Panel members and with respect to the production of assessment reports, as well as procedures with respect to endorsement by the Panel as a whole of a synthesized summary report, as contained in annex VI to the report of the brainstorming meeting on scientific assessment, Oslo, 17-19 November 1999 (UNEP/CBD/COP/5/INF/1).

* Possible areas of work: [methodologies on monitoring, including indicators] [the ecosystem approach] [status and trends of, and threats to, biological diversity] [the effects of measures].....