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Item 14 of the provisional agenda*

ENHANCING INTEGRATION AMONG THE CONVENTION AND ITS PROTOCOLS AND THE ORGANIZATION OF MEETINGS

Note by the Executive Secretary

INTRODUCTION

1. The Conference of the Parties at its twelfth meeting called for enhancing the integration among the Convention and its Protocols,¹ and decided to include an item on the agenda of its future meetings on integrated approaches to the Convention and its Protocols (decision XII/27, para. 2).
2. Specifically with regard to issues at the interface between the access and benefit-sharing-related provisions of the Convention and the provisions of the Nagoya Protocol, the Conference of the Parties requested the Executive Secretary to prepare a note on possible ways and means to promote integrated approaches to such issues, for consideration by the Conference of the Parties at its fourteenth meeting as well as the Conference of Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting (decision XII/13, para. 4).
3. The Conference of the Parties also mandated the Subsidiary Body on Implementation, among its other functions, to identify ways and means that increase efficiencies, including an integrated approach to the implementation of the Convention and its Protocols, especially in such areas as resource mobilization, guidance to the financial mechanism, capacity-building, national reporting, technical and scientific cooperation and the clearing-house mechanism, and communication, education and public awareness.
4. Furthermore, the Conference of the Parties decided to hold its future ordinary meetings within a two-week period that includes the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the meetings of the Parties to the Nagoya Protocol (decision XII/27, para. 3). In this context, it requested the Executive Secretary to undertake a number of activities related to the holding of these meetings concurrently (decision XII/27, para. 4).
5. Under this item, the Subsidiary Body on Implementation will therefore be invited to address three dimensions of integration among the Convention and its Protocols: (a) substantive: subject matter of the

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¹ See for example the preambular paragraphs of decisions XII/26 and XII/27.

respective Protocols (biosafety, and access and benefit sharing) and related provisions under the Convention; (b) common cross-cutting areas: matters that have relevance to the Convention and the Protocols, especially those identified in decision XII/26, annex; and (c) procedural: institutional and logistical issues, including those being considered in the context of decision XII/27, paragraph 4. The following sections, I to III, will address each of these three dimensions.

6. In decision XII/35, paragraph 3, the Conference of the Parties requested the Executive Secretary to prepare, in consultation with the Bureau, a proposal on how the hosting of meetings of the Conference of the Parties following its thirteenth meeting might be determined. In decision XII/29, paragraph 2, the Conference of the Parties requested the Executive Secretary to explore ways to increase the efficiency of meetings through a number of means and, in paragraph 7 of the same decision, to explore options for holding regional preparatory meetings prior to the concurrent meetings of the Conference of the Parties and the meetings of the Parties to the Protocols. Section IV below addresses these matters.

7. Section V contains elements of a draft recommendation for consideration by the Subsidiary Body on Implementation.

I. INTEGRATED APPROACHES TO ISSUES ADDRESSED BY THE CONVENTION AND ITS PROTOCOLS

8. Access and benefit-sharing and biosafety are the focus of the Nagoya and Cartagena Protocols, respectively, and are also addressed by the Convention. While not all Parties to the Convention are Parties to the Protocols and are therefore not bound by their provisions, all Parties to the Convention continue to have substantive obligations on both matters under the Convention. In its decision XII/29, paragraph 9, the Conference of the Parties encouraged Parties to integrate biosafety and access and benefit-sharing into national biodiversity strategies and action plans, national development plans and other relevant sectoral and cross-sectoral policies, plans and programmes, as appropriate, taking into account national circumstances, legislation and priorities.

A. Access and benefit-sharing

9. The third objective of the Convention, as stated in its Article 1, is 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.

10. A framework for the implementation of this third objective of the Convention is provided in Article 15 and other related provisions. Article 15 addresses rights and obligations regarding access to genetic resources and their subsequent use. While recognizing the authority of individual Governments to determine access, Parties are to endeavour to create conditions which facilitate access to genetic resources by other Parties for environmentally sound uses and not to impose restrictions contrary to the objectives of the Convention. Access, where granted, shall be on mutually agreed terms and subject to prior informed consent. Article 15 also addresses the sharing of benefits in the context of the subsequent use of genetic resources provided. These benefits include possible participation in scientific research based on the genetic resources supplied and the fair and equitable sharing of research and development results and commercial and other benefits arising from the use of genetic resources. Articles 16 and 19 of the Protocol address more specific benefits, including access to and transfer of technology using the genetic resources (Article 16), participation in biotechnological research activities based on the genetic resources, and priority access to the results and benefits arising from biotechnological use of the genetic resources provided (Article 19).

11. In addition to elaborating the Convention's provisions on access and benefit-sharing, the Nagoya Protocol also includes provisions on compliance at the domestic level and focuses on the key concepts of prior informed consent and mutually agreed terms. It requires Parties to establish predictable conditions for access to genetic resources and helps to ensure benefit-sharing when genetic resources leave the country that provided access to them; therefore, it is expected to create greater legal certainty and transparency for both providers and users of genetic resources. In addition, the Nagoya Protocol addresses traditional knowledge associated with genetic resources, as well as genetic resources where indigenous and local communities have the established right to grant access to them. Parties to the Nagoya Protocol are to take measures to ensure these communities' prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange.

12. The Conference of the Parties adopted decision XII/13 on access and benefit-sharing, recalling the third objective of the Convention and emphasizing that the provisions of the Convention related to access and benefit-sharing continue to apply to all Parties to the Convention.

13. The Strategic Plan for Biodiversity 2011-2020² also covers matters related to access and benefit-sharing. It contains Aichi Biodiversity Target 16, which is aimed at having the Nagoya Protocol in force and operational, consistent with national legislation, by 2015. The Subsidiary Body on Implementation at its first meeting will consider progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol (item 5) alongside a review of progress in the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020 (item 4).

14. In line with decision XII/13, paragraph 4, the Conference of the Parties at its fourteenth meeting will consider information prepared by the Executive Secretary on possible ways and means to promote integrated approaches to issues at the interface between the access and benefit-sharing-related provisions of the Convention and the provisions of the Nagoya Protocol, taking into account the latest national reports under the Convention, available information in the Access and Benefit-sharing Clearing-House, and the interim national reports under the Nagoya Protocol, as well as other information submitted to the Executive Secretary, for consideration by the Conference of the Parties at its fourteenth meeting and the Conference of Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting.

B. Biosafety

15. With regard to biosafety, Parties to the Convention are required, 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 which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health (Article 8(g)). Furthermore, Article 19, paragraph 4, of the Convention sets the general rule for how living modified organisms should be transferred from one Party to another. Accordingly, each Party is required to provide information on domestic regulations concerning use and safety to any other Party to which a living modified organism is provided, as well as any available information on the adverse effects which the introduction may have.

16. While Article 19, paragraph 3, of the Convention lead to the negotiation and adoption of the Cartagena Protocol on Biosafety, Articles 8(g) and 19, paragraph 4 contain obligations applicable to all Parties to the Convention independently of their becoming Parties to the Protocol.

17. The Conference of the Parties has not generally addressed the matters contained in Articles 8(g) and 19, paragraph 4, apart from work carried out through the Cartagena Protocol on Biosafety. The Conference

² Decision X/2, annex.

of the Parties has, however, addressed specific issues related to biosafety under the Convention. These include the release of genetically modified trees (decision IX/5, paras. 1(s)-(z)), genetic use restriction technologies (decision V/5, section III; decision VI/5, paras. 18-24; and decision VIII/23 C), and synthetic biology (decision XII/24). The latter will be addressed again by the Conference of the Parties at its thirteenth meeting, based on a recommendation from the Subsidiary Body on Scientific, Technical and Technological Advice at its twentieth meeting.

18. At its sixth meeting, the Conference of the Parties adopted a strategic plan for the Convention (decision VI/26, annex). The strategic plan had a target of significantly reducing the loss of biological diversity by 2010 and it comprised four goals, each containing several objectives. Some of these objectives were specifically related to the Cartagena Protocol on Biosafety. However, the successor Strategic Plan for Biodiversity 2011-2020 and the Aichi Targets do not make explicit reference to biosafety or the Biosafety Protocol. On the other hand, however, in its decision BS-V/16, when COP-MOP adopted the Strategic Plan for the Biosafety Protocol for the period 2011 to 2020, it urged Parties and invited other Governments and relevant international organizations, to review and align, as appropriate, their national action plans and programmes relevant to the implementation of the Protocol, including their national biodiversity strategies and action plans (NBSAPs), with the Strategic Plan.

19. The Subsidiary Body on Implementation was mandated, as part of its terms of reference, to identify ways and means to increase efficiencies, including an integrated approach to the implementation of the Convention and its Protocols (decision XII/26, annex). With regard to the development of an integrated approach, the Conference of the Parties may request the Executive Secretary, analogous to the request contained in decision XII/13 on access and benefit-sharing, to prepare a note on possible ways and means to promote integrated approaches to issues at the interface between the biosafety-related provisions of the Convention and the provisions of the Cartagena Protocol.

20. It would be pertinent for the Conference of the Parties to consider notes prepared by the Executive Secretary for both Protocols at its fourteenth meeting.

II. AN INTEGRATED APPROACH TO COMMON CROSS-CUTTING AREAS

21. The terms of reference of the Subsidiary Body on Implementation mandate it, among other things, to identify ways and means to increase efficiencies, including an integrated approach to the implementation of the Convention and its Protocols, including in areas such as resource mobilization, guidance to the financial mechanism, capacity-building, national reporting, technical and scientific cooperation and the clearing-house mechanism, and communication, education and public awareness, (para. 1 (e)).

22. Both the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols address items related to these issues as part of their agendas. To date, the substance discussed under the Convention and the Protocols was, although related, considerably different. During 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, some initial efforts were made to bring related items closer together procedurally.

23. With regard to the substance of the decisions under the Convention and its Protocols on cross-cutting areas, it is expected that they will be more and more integrated, where appropriate, in the long term. Such integration will need to be a gradual process given the existing decisions and processes that have been agreed to under the Convention and the Protocols and that may need to be aligned. At the same time, for some areas, decisions under the Convention and its Protocols may need to be specific to the one or the other instrument. This is particularly the case for the development of the clearing-house mechanism and reporting mechanisms.

24. Elements indicating the potential for integration in addressing some of the major cross-cutting areas and the possible approaches towards achieving such integration are highlighted below.

A. National reporting

25. The obligations for Parties to submit national reports on measures they have taken to implement the Convention and the Protocols are very similar across the three instruments, but the approaches are quite different, with reporting under the Convention taking a predominantly narrative or descriptive approach, especially in the case of the fourth and fifth national reports, while the Protocols have adopted multiple-choice questionnaire-style reporting formats. Section IV of the note by the Executive Secretary on national reporting (UNEP/CBD/SBI/1/11) contains proposals regarding the modalities for future reporting, including options for increasing alignment in national reporting to the Convention and its Protocols and synergies among related conventions and processes. It is envisaged that the Convention and its Protocols could gradually move towards a more synchronized and aligned approach to national reporting. The proposed changes in the format for the sixth national report, by combining multiple-choice questionnaire and requests for detailed information to be provided in narratives, as proposed in the guidelines for the sixth national report (UNEP/CBD/SBI/1/11/Add.1), are a first move towards this approach. In that regard, the following options have been suggested:

(a) Synchronized reporting cycles for the Convention, Cartagena Protocol and Nagoya Protocol, with common deadlines for submission of the reports after COP 15/COP-MOP 10(CP)/COP-MOP 4(NP) in 2020;

(b) A common approach to the format of the national reports under the Convention and its Protocols, for example by linking different questionnaires and common formats and by combining information on biodiversity country profiles;

(c) Gradual integration of the central clearing-house mechanism, the Biosafety Clearing-House and the Access and Benefit-sharing Clearing-House, including unified user accounts (already implemented); a single portal to access the reports for each of the three instruments (already implemented); a common branding and design for all national reports; and a common system to analyse and display national report submissions;

(d) Appropriate cross-linkages between future strategic plans of the Convention and its Protocols, with a view to facilitating alignment in reporting to the Convention and its Protocols.

B. Capacity-building and technical and scientific cooperation

26. In accordance with decision XII/2 B, the Secretariat is pursuing, where appropriate, an integrated and a more coherent approach to facilitating capacity-building, information exchange and technical and scientific cooperation support for the implementation of the Convention and the Protocols. In this regard, as part of the functional review, the Secretariat has grouped its core functions with respect to capacity-building, technical and scientific cooperation, and the clearing-house mechanism under Operational Goal 3 of its Medium Term Operational Results Framework (UNEP/CBD/SBI/1/INF/22).

27. The short-term action plan to enhance capacity-building and scientific and technical cooperation support for the implementation of the Strategic Plan for Biodiversity 2011-2020 (UNEP/CBD/SBI/1/6/Add.1) proposed in response to paragraph 8(d) of decision XII/2 B and the ongoing revision and implementation of national biodiversity strategies and actions plans, also provides opportunities to promote the integration and coordination of such support both with respect to processes and substantive matters.

C. Clearing-house mechanism

28. Adopting an integrated approach to the development of the clearing-house mechanism has been an important area of work of the Secretariat during this biennium. In particular, work has been carried out to develop better back-end systems and visual integration, uniform web design, searching and registering functions. In addition, modifications to existing common formats and the thesaurus have been made in order to improve integration among systems while accommodating the needs of the respective clearing-houses and their specificities.

29. As progress is made in the implementation of the clearing-house mechanism, the Access and Benefit-sharing Clearing-House and the Biosafety Clearing-House, a better understanding is gained regarding the manner in which each of the information exchange mechanisms can assist Parties in their implementation of each treaty, while at the same time the need to better integrate common components becomes more evident.

30. The draft web strategy prepared for the consideration of the Subsidiary Body on Implementation (UNEP/SBI/1/6/Add.2) aims to respond to the need for better integration and centralized access to information common or relevant to all the clearing-houses and other platforms developed under the Convention. With a view to addressing issues of common interest, such as the draft web strategy, common formats prepared to submit capacity-building resources and initiatives and online reporting, a joint session of the informal advisory committees to the CBD clearing-house mechanism and to the Access and Benefit-sharing Clearing-House was held on 30 October 2015.³

D. Communication, education and public awareness

31. Parties have recognized the need to coordinate work on communication, education and public awareness under the Convention with the awareness-raising work conducted under the Protocols. The programme of work for communication, education and public awareness (CEPA) was configured in such a way as to provide basic principles to support the work under the Protocols as well.

32. Under the Nagoya Protocol, Parties agreed, in decision NP-I/9, on an awareness-raising strategy that was explicitly meant to link to the programme of work for CEPA, and activities under the United Nations Decade on Biodiversity. The Executive Secretary is working on a revision to the CEPA toolkit which incorporates modules that deal with specific communication issues under the Nagoya Protocol.

33. Under the Cartagena Protocol, the activities approved under BS-VI/17 and BS-V/13, while separate from the activities under CBD, operate with similar principles to those found in decisions of the Convention relating to CEPA. At meetings of COP and COP-MOP for the Protocols, the Executive Secretary has convened a CEPA-fair to highlight best practices in communication and awareness for the Convention and its Protocols. Furthermore, corporate communications and media relations managed by the Secretariat are implemented in a coordinated manner, including the issuing of press releases and social media. Nevertheless, there is additional scope for further coordination and collaboration.

E. Resource mobilization

34. In decision IX/11, the Conference of the Parties to the Convention adopted a strategy for resource mobilization in support of the achievement of the three objectives of the Convention and, in paragraph 10 of decision XII/3, decided to extend the strategy until 2020. In paragraph 1 of decision XII/3, the Conference of the Parties also adopted targets for resource mobilization (para. 1).

³ More information on the joint session can be found at UNEP/CBD/ABS/CH-IAC/2015/1/3 and UNEP/CBD/CHMIAC/2015/1/3.

35. Further to these decisions, a key avenue for integrating action on resource mobilization for the effective implementation of both the Convention and, as appropriate, the Protocols is provided by the decisions of the Conference of the Parties to the Convention and of the Conference of the Parties serving as the meetings of the Parties to the Protocols, on: (a) the revision and updating of national biodiversity strategy and actions plans (NBSAPs); and (b) the development of national finance plans, in the framework of the revised NBSAPs.

36. When adopting the targets for resource mobilization, the Conference of the Parties urged Parties and other Governments to develop their national resource mobilization strategies or finance plans consistent with identified needs and priorities, using the targets for resource mobilization as a flexible framework (decision XII/3, para. 4). In paragraph 2 of decision X/3, the Conference of the Parties reiterated that national implementation of the strategy for resource mobilization should include, as appropriate, the design and dissemination of a country-specific resource mobilization strategy in the framework of updated national biodiversity strategies and action plans.

37. In decision X/3, Parties and other Governments were urged by the Conference of the Parties to review and, as appropriate update and revise, their national biodiversity strategies and action plans, in line with the Strategic Plan for Biodiversity 2011-2020, which was adopted by the same decision (para. 3 (c)). As noted in paragraph 13 above, the Strategic Plan integrates the Nagoya Protocol through its Aichi Biodiversity Target 16 while the aim of the strategy for resource mobilization includes support for achieving the third objective of the Convention and the implementation of the Nagoya Protocol, as decided by the Conference of the Parties at its eleventh meeting (decision XI/4, para. 12). This was recognized and welcomed by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its first meeting (decision NP-1/7, third preambular paragraph and operative paragraph 1).

38. Also in decision NP-1/7, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its first meeting encouraged Parties to include the consideration of resource mobilization, including funding needs, gaps and priorities, as part of their planning processes towards the implementation of the Protocol, particularly by integrating such considerations into their NBSAPs (para. 2).

39. As regards the Cartagena Protocol on Biosafety, the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol at its fifth meeting, in adopting the Strategic Plan for the Cartagena Protocol on Biosafety 2011-2020, urged Parties and invited other Governments to review and align, as appropriate, their national action plans and programmes relevant to the implementation of the Protocol, including their NBSAPs, with the Strategic Plan. It also encouraged Parties to integrate biosafety and access and benefit-sharing into NBSAPs, as appropriate, taking into account national circumstances, legislation and priorities (decision BS-V/16, para. 2 (a)). This was mirrored in paragraph 9 of decision XII/29, which contains a similar encouragement by the Conference of the Parties.

40. As Parties and other Governments, in accordance with their national circumstances, legislation and priorities, include strategies and actions of relevance to the Protocols in their revised NBSAPs, the national resource mobilization strategy, aimed at promoting the effective implementation of the revised NBSAPs, and using the global strategy and the targets for resource mobilization as a flexible framework, would address these strategies and activities as well. It is thus through this channel that the global framework on resource mobilization adopted by the Conference of the Parties to the Convention – namely, the strategy and the targets for resource mobilization – can be put to effective use, as appropriate, for implementation of the Protocols. A preamble recalling the importance of this channel has been included in the draft recommendation contained in document UNEP/CBD/SBI/1/7.

F. Guidance to the financial mechanism

41. According to Article 21, paragraph 1, of the Convention, the financial mechanism functions under the authority and guidance of, and be accountable to, the Conference of the Parties. The financial mechanism established in Article 21, and through the institutional structure entrusted with its operation, is also the financial mechanism of the Cartagena Protocol and the Nagoya Protocol (Article 28 of the Cartagena Protocol, and Article 25, of the Nagoya Protocol). The Conference of the Parties serving as the meeting of the Parties to the two Protocols are required to take into account the needs of developing countries with regard to financial resources in providing guidance to the financial mechanism for consideration by the Conference of the Parties.

42. The authority of the Conference of the Parties in considering guidance to the financial mechanism provided by the Parties to the Protocols was made clearer when such guidance from the Conference of the Parties serving as the meeting of the Parties to the Protocols was considered and adjusted, as appropriate, by the Conference of the Parties and incorporated in decision XII/30.⁴ In paragraph 5 of the same decision, the Conference of the Parties agreed to review proposed new guidance to avoid or reduce repetitiveness, to consolidate previous guidance, where appropriate, and to prioritize guidance in the context of the Aichi Biodiversity Targets, with a view to further streamlining guidance to the Global Environment Facility. In this context, the Executive Secretary was requested to explore and report on ways in which the Conference of the Parties can best utilize the Strategic Plan for Biodiversity 2011-2020 and the Protocols to set priorities for the financial mechanism within the context of the four-year framework of programming priorities for the seventh replenishment of the Global Environment Facility and to submit the report to the Subsidiary Body on Implementation for its consideration at its first meeting (see UNEP/CBD/SBI/1/8).

III. LOGISTICAL ASPECTS OF ENHANCED INTEGRATION AMONG THE CONVENTION AND ITS PROTOCOLS

43. Apart from the opportunities that the substantive and the common cross-cutting issues create, there are a number of logistical, including procedural, aspects that also foster further integration among the Convention and its Protocols.

A. Concurrent meetings

44. In decision XII/27, paragraph 3, the Conference of the Parties to the Convention decided to hold its future ordinary meetings within a two-week period, concurrently with the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the Nagoya Protocol. Similar decisions were taken by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol (decision BS-VII/9, para. 1) and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (decision NP-1/12, para. 1). In this context, the Conference of the Parties requested the Executive Secretary to undertake a number of activities related to the organization of these meetings concurrently (decision XII/27, para. 4).

45. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol was held concurrently with the second week of the twelfth meeting of the Conference of the Parties.⁵ During these meetings, two working groups were established to consider items under both the Convention and the Protocol. The arrangements allowed the working groups to address some matters at the

⁴ Paragraph 13 of the same decision welcomed the creation of programmes 5 and 8 in the GEF-6 biodiversity focal area strategy, reflecting the importance of the Cartagena and the Nagoya Protocols, and invited Parties to prioritize projects accordingly.

⁵ The two meetings could not be organized concurrently for the full duration of the twelfth meeting of the Conference of the Parties due to the date of entry into force of the Protocol.

stage of conference room papers in an integrated way. For example, Parties to the Convention approved the draft decisions on the establishment of the Subsidiary Body on Implementation and on the concurrent organization of meetings immediately after the Parties to the Protocol had done so.

46. Document UNEP/CBD/SBI/1/12/Add.1 contains a refined plan for the concurrent organization of the thirteenth meeting of the Conference of the Parties, the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as well as a preliminary draft of the organization of work for these meetings, which includes plenary sessions for the Convention and each of its Protocols, as well as joint plenary sessions, and two working groups that address issues under the Convention as well as its Protocols. It is foreseen to build on the positive experience from the meetings held in Pyeongchang, Republic of Korea, in 2014 and to establish two working groups which will address all items on common cross-cutting areas of the Convention and its Protocols sequentially.

47. Document UNEP/CBD/SBI/1/12/Add.1 also contains information on steps undertaken towards streamlining the agendas of the concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols as well as an analysis of the level of participation of Parties in 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.

B. Subsidiary bodies

48. Article 30 of the Cartagena Protocol and Article 27 of the Nagoya Protocol state that subsidiary bodies established by or under the Convention may serve the Protocols. The common use of subsidiary bodies also provides an opportunity to further integrate the work of the Convention and the Protocols.

49. The Conference of the Parties serving as the meeting of the Parties to the respective Protocol, in decisions BS-VII/9 B and NP-1/11, has designated the Subsidiary Body on Implementation to also serve the Protocols.

50. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol has also considered the designation of the Subsidiary Body on Scientific, Technical and Technological Advice to serve the Protocol. In decision BS-IV/13, it decided to establish, as necessary, ad hoc technical expert groups, with specific mandates to address one or more scientific and technical issues as the need arises. It also decided, however, in decision BS-VI/9, to consider the need to establish an open-ended subsidiary body for scientific and technical advice under the Protocol at its eighth meeting in conjunction with the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020. Given more recent decisions of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols to promote greater integration among the Convention and its Protocols, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol may also wish to consider anew the possible designation of the Subsidiary Body on Scientific, Technical and Technological Advice to serve the Protocol.

51. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol has not yet considered whether to designate the Subsidiary Body on Scientific, Technical and Technological Advice to serve the Protocol.

C. Secretariat and financial aspects

52. In accordance with Article 31 of the Cartagena Protocol and Article 28 of the Nagoya Protocol, the Secretariat of the Convention also serves as the secretariat to the Protocols.⁶ Furthermore, according to these same articles, the costs of the secretariat services for each of the Protocols should be met by the Parties to the respective Protocol to the extent that they are distinct.

53. The core administrative costs of the secretariat services are met from the financial contributions of Parties to the Convention and Parties to each of the Protocols made to the appropriate general trust funds or “core budgets” (also referred to as the “BY Trust Fund” – core programme budget for the Convention; “BG Trust Fund” – core programme budget for the Cartagena Protocol; and “BB Trust Fund” – core programme budget for the Nagoya Protocol). These Trust Funds are managed by the United Nations Environment Programme in keeping with the Financial Rules of the Convention, which also apply, *mutatis mutandis*, to the Protocols. The core budget covers such costs as staff salaries, overtime and emoluments, rental and maintenance of premises, staff travel, conference servicing, equipment and supplies, communication costs, reporting costs, consultants and temporary assistance.

54. In practice, the nature and organization of resources and services within the Secretariat and the modes of its operation make it difficult to separate with precision the distinct costs for the Convention, the Cartagena Protocol and the Nagoya Protocol. It would be difficult to have separate costings for shared services, such as rent, maintenance, communications, public awareness, stationery and supplies, furniture and equipment.

55. It can also be difficult to apportion the cost of staff contributing to one or both of the Protocols and the Convention in such areas as outreach and capacity-building, scientific assessments, traditional knowledge, information exchange or managing clearing-house mechanisms, legal affairs and reporting. The problem becomes even more intractable when it comes to common costs, such as the costs of executive direction and management, conference services staff and administration, including fund management, finance and human resources management costs. In the case of the Cartagena Protocol, the difficulty has been addressed in the past by including 15 per cent of the costs of some of the staff funded mainly by the Convention but who spend time on matters related to the Protocol, and 15 per cent of the general operating expenses of the Secretariat (rent, maintenance, communications, stationery and supplies, equipment, etc.), in the core budget of the Protocol.

56. Holding the meetings of COP and COP-MOPs of the two Protocols concurrently, including the establishment and designation of the Subsidiary Body on Implementation to also serve the two Protocols, will need agreement on an approach or formula that facilitates the allocation of costs among the three sets of processes/instruments. Moreover, the costs of secretariat services are expected to be increasingly less distinct as meetings and secretariat services converge more and more with a view to achieving improved efficiency and integration among the issues and processes under the Convention and the two Protocols.

57. As a further step towards enhanced integration, the Conference of the Parties decided to merge the BI special voluntary Trust Fund, which facilitates participation of the Parties in the meetings related to the Cartagena Protocol, with the BZ Voluntary Trust Fund, which facilitates participation of Parties in the meetings related to the Convention (decision XII/32, para. 24).

IV. HOSTING OF MEETINGS OF THE CONFERENCE OF THE PARTIES AND THE CONFERENCE OF THE PARTIES SERVING AS THE MEETINGS OF

⁶ In this context see also the report on the functional review of the Secretariat (UNEP/CBD/SBI/1/13/Add.1).

THE PARTIES TO THE PROTOCOLS AND REGIONAL PREPARATORY MEETINGS

A. Hosting of meetings

58. In decision XII/35, paragraph 3, the Conference of the Parties requested the Executive Secretary to prepare, in consultation with the Bureau, a proposal on how the hosting of meetings of the Conference of the Parties following its thirteenth meeting may be determined, and to submit the proposal to the Subsidiary Body on Implementation for consideration at its first meeting.

59. Rule 21, paragraph 1 of the rules of procedure, states that the office of President shall normally be subject to rotation among the five United Nations regional groups. Based on this rule, rotation among regional groups could be regarded as a possible criterion for determining the hosting.

60. At the same time, hosting a meeting of the Conference of the Parties is a major undertaking which entails considerable costs to the host Government. Therefore, practical considerations, such as logistical, technical and financial requirements for hosting a meeting, should also form part of the criteria that may be used for determining the host of such meetings. In this context, section III of UNEP/CBD/SBI/1/12/Add.2 contains a list of possible criteria for considerations.

61. In response to the invitation by the Conference of the Parties in its decision XII/35, the Executive Secretary has received offers from two Parties to host the fourteenth meeting of the Conference of the Parties and another two Parties to host the fifteenth meeting. It is suggested to consider using an interim arrangement to determine the host of these meetings (see UNEP/CBD/SBI/1/12/Add.2, section III).

B. Regional preparatory meetings

62. In decision XII/29, paragraph 2, the Conference of the Parties requested the Executive Secretary to explore ways to increase the efficiency of meetings and, in paragraph 7 of the same decision, requested the Executive Secretary to explore options, including costs involved and potential of partnerships and synergies with other organizations, for holding regional preparatory meetings prior to the concurrent meetings of the Conference of the Parties and the meetings of the Parties to the Protocols.

63. Regional preparatory meetings can play an important role in the preparation for meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols. However, usually the organization of such meetings is prevented by a lack of funding. Prior to recent meetings of the Conference of the Parties, and those of the Conference of the Parties serving as the meeting of Parties to the Cartagena Protocol, facilitation of such meetings has been limited to enabling Parties to meet in their regional groups at the venue of the meeting on the day before its opening. A similar practice has been in place for the meetings of the subsidiary bodies.

64. For the thirteenth meeting of the Conference of the Parties and the respective meetings of the Conference of the Parties serving as the meetings of the Parties to the Protocol, the coincidence of dates with the 17th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which will be held in Johannesburg, South Africa, from 24 September to 5 October 2016, will allow for regional preparatory meetings to be organized jointly with the CITES Secretariat. Accordingly, the CITES Secretariat, in close consultation with the Secretariat of the Convention on Biological Diversity, has prepared and submitted a project document for funding from the European Union that would support the organization of regional workshops for Africa and for Latin America and the Caribbean and subregional workshops for the Pacific and for Asia. The workshops would be held between June 2016 and September 2016. Each workshop would last five days, consisting of two days' equivalent covering CITES issues, two or two-and-a-half days' equivalent covering CBD and its Protocols,

and an additional half-day to one-day covering issues of synergies among the conventions. Participation support would be provided for two delegates from developing country Parties to CBD and CITES for the five-day workshop.

V. ELEMENTS OF DRAFT RECOMMENDATION

65. The Subsidiary Body on Implementation may wish to adopt a recommendation along the following lines:

The Subsidiary Body on Implementation

1. *Welcomes* the plan and the organization of work for holding concurrently the thirteenth meeting of the Conference of the Parties to the Convention, the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;⁷

2. *Requests* the Executive Secretary to undertake the necessary preparations for the concurrent meetings in accordance with the plan and in consultation with the Bureau and the Government of Mexico, the host of the meetings, noting that the final organization of work will need to take into account the outcomes of the twentieth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and the first meeting of the Subsidiary Body on Implementation;

3. *Takes note* of the interest of the Governments of Egypt and Turkey in hosting the fourteenth meeting of the Conference of the Parties, the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, and of the Governments of China and Peru in hosting the fifteenth meeting of the Conference of the Parties, the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

4. *Requests* the Executive Secretary to consult with these Governments in order to clarify the requirements for hosting such meetings, including logistical requirements, such as security, technical and financial, and requirements related to privileges and immunities and facilitation of the issuance of visas, with a view to confirming, at least three months prior to the thirteenth meeting of the Conference of the Parties, the offers to host the meetings;

5. *Recommends* that the Conference of the Parties at its thirteenth meeting adopt a decision along the following lines:

The Conference of the Parties

Integrated approaches to issues under the Convention and the Protocols

1. *Requests* the Executive Secretary to prepare a note on possible ways and means to promote integrated approaches to issues at the interface between the biosafety-related provisions of the Convention and the provisions of the Cartagena Protocol, taking into account Article 8(g) and Article 19, paragraph 4, of the Convention, and other emerging issues of relevance to both the Convention and the Cartagena Protocol, for consideration by the Conference of the Parties at its fourteenth meeting;

2. *Also requests* the Executive Secretary to continue using, where appropriate, integrated approaches in proposing agenda items and organizations of work, the preparation of documents, and in planning and implementation of intersessional activities, and especially in

⁷ UNEP/CBD/SBI/1/12/Add.1, annexes I and II.

addressing common cross-cutting areas, such as capacity-building, national reporting, the administration of clearing-house mechanisms, communication, education and public awareness, resource mobilization and financial mechanisms, with a view to achieving synergies in the consideration of issues and efficiency in processes related to these areas under the Convention and the Protocols;

Concurrent meetings

3. *Decides* to add the following to the list of criteria identified in decision XII/27, paragraph 6, for use in reviewing, at the fourteenth and fifteenth meetings of the Conference of the Parties, experience in holding meetings concurrently:

(a) The number of Parties reporting improved consultations, coordination and synergies among their national focal points for the Convention and the Protocols;

(b) Evaluation by the host Governments of the logistical and technical burdens of the concurrent meetings they hosted;

4. *Requests* the Executive Secretary to prepare a preliminary review of the experience in concurrent meetings, using the criteria referred to above, for consideration by the Subsidiary Body on Implementation at its second meeting;

Regional preparatory meetings

5. *Welcomes* the collaboration between the secretariats of the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Flora and Fauna in organizing regional meetings to prepare for the thirteenth meeting of the Conference of the Parties to the former and the seventeenth meeting of the Conference of the Parties to the latter, *requests* the Executive Secretary to enhance similar collaboration with others, and *invites* donors to make a further financial contribution to enable the organization of such regional preparatory meetings;

Hosting meetings

6. *Welcomes* the generous offer of the Government of ... to host the fourteenth meeting of the Conference of the Parties... and the Government of ... to host the fifteenth meeting of the Conference of the Parties...;

7. *Decides* that the fourteenth meeting of the Conference of the Parties to the Convention, as well as ... will be held in ... in the last quarter of 2018, and the fifteenth meeting of the Conference of the Parties to the Convention, as well as ... will be held in ... in the last quarter of 2020;

8. *Decides* to take into account (a) rotation among regional groups, (b) logistical requirements, such as security, technical and financial requirements, for hosting such meetings and requirements related to privileges and immunities and facilitation of the issuance of visas, as may be verified by the Executive Secretary, in determining the hosting of future meetings of the Conference of the Parties;

9. *Invites* interested Parties to notify the Executive Secretary, taking into account the elements specified in paragraph 8 above, of their offer to host the sixteenth or the seventeenth meeting of the Conference of the Parties as soon as possible but no later than the end of 2017 and 2019, respectively, and *encourages* the regional groups concerned to hold consultations to determine which country from their region will make an offer to host on behalf of the group;

10. *Requests* the Executive Secretary to make, in consultation with the Bureau, recommendations to the Conference of the Parties at its fourteenth meeting with regard to offers

made to host the sixteenth meeting of the Conference of the Parties, and at its fifteenth meeting with regard to offers made to host the seventeenth meeting of the Conference of the Parties.

66. The Subsidiary Body on Implementation may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eighth meeting adopt a decision along the following lines:

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol

1. *Decides* to use the following criteria for reviewing experience with the holding of concurrent meetings in accordance with decision BS-VII/9, paragraph 5:

(a) Full and effective 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, in the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

(b) Effective development of outcomes of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

(c) Increased integration among the Convention and its Protocols;

(d) Cost-effectiveness;

(e) Number of Parties reporting improved consultations, coordination and synergies among their national focal points of the Convention and the Protocols;

(f) Evaluation by the host Governments of the logistical and technical burdens of the concurrent meetings they hosted;

2. *Reiterates* its call to developed country Parties to increase their contributions to the relevant voluntary trust funds in order to ensure 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, in the concurrent meetings.

67. The Subsidiary Body on Implementation may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its second meeting adopt a decision along the following lines:

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,

1. *Decides* to use the following criteria for reviewing, at its fifth meeting, experience with the holding of concurrent meetings:

(a) Full and effective 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, in the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(b) Effective development of outcomes of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

(c) Increased integration among the Convention and its Protocols;

(d) Cost-effectiveness;

(e) Number of Parties reporting improved consultations, coordination and synergies among their national focal points for the Convention and the Protocols;

(f) Evaluation by the host Governments of the logistical and technical burdens of the concurrent meetings they hosted;

2. *Calls upon* developed country Parties to increase their contributions to the relevant voluntary trust funds in order to ensure 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, in the concurrent meetings.
