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**SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL
AND TECHNOLOGICAL ADVICE**

First meeting

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Item 3 of the provisional agenda

**WRITTEN SUBMISSIONS BY GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS
ON THE *MODUS OPERANDI* OF SBSTTA**

The written submissions by Governments and international organizations on the *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) received by the Secretariat in accordance with the provisions of Decision 1/7 of the first meeting of the Conference of the Parties are attached in their language of submission.

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United Nations
Environment
Programme

less wealthy participants in the CBD are out of proportion to their size, this point needs to be taken very seriously;

(c) SBSTTA should not create work and expand into a significant bureaucracy. A small, lean operation is essential if effectiveness is to be maintained;

(d) Care should be taken not to overburden Parties with reporting requirements. Resource limitations are not only felt at the international level; they are also a problem at the domestic level. Any reporting identified should focus on specific issues and involve well-framed questions. SBSTTA should avoid fishing expeditions and requests of Parties which would involve considerable additional research. In sum, the different capabilities and capacities of countries need to be borne in mind.

PERU

Antecedentes

1. El artículo N° 25 (1) del Convenio sobre la Diversidad Biológica, indica que queda establecido un órgano subsidiario de asesoramiento científico y tecnológico (SBSTTA, por sus siglas en inglés), que proporcionará a la Conferencia de las Partes asesoramiento sobre la aplicación del Convenio y que estará conformado por Representantes de Gobiernos con competencia en el campo de especialización pertinente y que será de carácter multidisciplinario.

2. En la Primera Conferencia de las Partes del Convenio sobre la Diversidad Biológica, realizada en Bahamas, entre el 28 de Noviembre y el 9 de Diciembre de 1994, se eligió a los actuales miembros del SBSTTA, compuesto por 10 países bajo el principio de la distribución geográfica equitativa.

3. Quedaron acordados los términos de referencia iniciales, los cuales corresponden al artículo 25 (2):

(a) Proporcionar evaluaciones científicas y técnicas del estado de la diversidad biológica;

(b) Preparar evaluaciones científicas y técnicas de los efectos de las medidas adoptadas de conformidad con las disposiciones del Convenio;

(c) Identificar las tecnologías y los conocimientos especializados que sean innovadores, eficaces y más avanzados, relacionados con la conservación y utilización sostenible de la diversidad biológica y asesoramiento sobre las formas de promover el desarrollo y/o la transferencia de esas tecnologías;

(d) Prestar asesoramiento sobre los programas científicos y la cooperación internacional en materia de investigación y desarrollo en relación con la conservación y utilización sostenible de la diversidad biológica;

(e) Responder a las consultas de carácter científico, técnico, tecnológico y metodológico que plantee la Conferencia de las Partes y sus órganos subsidiarios.

4. El SBSTTA tendrá su primera reunión del 4 al 8 de Setiembre de 1995 en París, bajo los auspicios de la UNESCO, y en ella definirán su *modus operandi* y el programa de trabajo de ese

órgano.

5. Podrían tener como uno de los insumos para la discusión, las propuestas de los Estados Partes sobre el *modus operandi* del SBSTTA, presentados a la Secretaría.

Importancia

6. El SBSTTA es el órgano subsidiario más importante del Convenio y su efectivo funcionamiento e implementación son fundamentales para las acciones que deben emprender las Partes en el tema de la conservación y utilización sostenible de la diversidad biológica.

7. La tarea a emprender es urgente ya que debe definir un programa de trabajo alrededor de muchos asuntos del Convenio y del Programa de Mediano Plazo que precisan de respuestas científicas y técnicas.

8. Sus decisiones son fundamentales en la distribución de los fondos internacionales para cumplir con los objetivos del Convenio. Las Partes Contratantes por tanto, deben prepararse a desarrollar un intenso trabajo de coordinación con el SBSTTA, a fin de proponer y adecuar al mismo tiempo sus programas a las evaluaciones que éste lleve a cabo.

9. La reunión de Científicos Expertos Gubernamentales en Diversidad Biológica de México (Abril de 1994), reafirmó la importancia de este órgano subsidiario para la efectiva acción en la conservación de la diversidad biológica y el futuro de la vida sobre la tierra.

Asuntos que merecen especial atención

10. El presupuesto de la Secretaría ha considerado un bajo financiamiento para el funcionamiento del SBSTTA. Otro tipo de reuniones y/o consultas, como talleres regionales y reuniones de subgrupos para tratar temas específicos, no han recibido la atención debida.

11. La formación de subgrupos sobre temas específicos, así como el desarrollo de talleres regionales sobre determinados temas, debe ser contemplado prioritariamente en el presupuesto de la Segunda Conferencia de las Partes, la cual será clave para definir el futuro de la movilización y asignación de fondos adicionales para los programas sobre diversidad biológica, en especial, a nivel de las Partes que son países en desarrollo.

12. La Conferencia de las Partes no ha definido los mecanismos de coordinación regional. Los mecanismos de coordinación a nivel regional, subregional y nacional, son elementos que el Gobierno del Perú considera fundamentales para la efectividad de este órgano subsidiario.

13. Tomando en consideración estos elementos de juicio, el Gobierno del Perú presenta a consideración de la Secretaría del Convenio sobre la Diversidad Biológica la siguiente propuesta:

13.1 Aspectos financieros

(a) Destinar un mayor flujo de fondos en el presupuesto del Convenio para una efectiva acción de coordinación y asesoramiento, así como un mejor desarrollo de las actividades del SBSTTA;

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- (b) Asignar un mayor flujo de fondos financieros para reuniones regionales, sub-regionales y nacionales de coordinación del SBSTTA;
- (c) Creación de un fondo internacional para la conservación y utilización sostenible de la diversidad biológica y el desarrollo de la capacidad científica y tecnológica;
- (d) Este fondo internacional puede incrementarse, entre otras fuentes, destinando un porcentaje de los fondos provenientes de los proyectos de cooperación internacional de los beneficios que se deriven de las diferentes modalidades de "contratos de acceso", de los proyectos regionales sobre biodiversidad, y de las inversiones privadas que promuevan e incentiven los Gobiernos en proyectos de desarrollo y empresas que conserven y atenuen los impactos sobre la diversidad biológica.

13.2. Estructura del SBSTTA

- (a) El SBSTTA debe tener además una estructura regional, conformada por Consejos Regionales e integrada por Representantes de Gobiernos (Consejos Nacionales), los cuales tendrían cuando menos dos reuniones anuales de coordinación, asesoramiento y disposición de fondos para programas regionales, subregionales y nacionales;
- (b) La coordinación nacional debe estar a cargo de Comités Nacionales. Cada Comité Nacional puede designar una estructura interna y trabajar a nivel de subcomités sobre temas específicos, en base al programa de trabajo de la Conferencia de las Partes y del SBSTTA;
- (c) El SBSTTA debe tener dos reuniones anuales previas a la Conferencia de las Partes; una de ellas con los Representantes de los Consejos Regionales. La segunda reunión se denominará reunión Pre-COP del SBSTTA;
- (d) La reunión Pre-COP del SBSTTA, debe ser realizada con el tiempo suficiente para que sus decisiones puedan ser analizadas por los Comités Nacionales y las Delegaciones respectivas;
- (e) El SBSTTA debe considerar la posibilidad de desarrollar un trabajo basado en la división por temas específicos:
 - (i) Investigación en ciencia y tecnología, enfocado principalmente en el desarrollo de metodologías de evaluación, mecanismos de transferencia de tecnología, mecanismos de cooperación e investigación científica;
 - (ii) Uso sostenible de los recursos de biodiversidad, enfocado principalmente hacia el aspecto económico y el desarrollo de modelos integrales (multisectoriales);
 - (iii) Conservación de la diversidad biológica;
 - (iv) Desarrollo de la capacidad nacional, enfocando asuntos de gestión, transferencia de datos, capacitación en recursos humanos, fortalecimiento de la capacidad de seguimiento y vigilancia.

13.3. Consideraciones finales del Gobierno del Perú

- (a) El Gobierno del Perú tiene el honor de presentar su candidatura para ser considerado como Punto de Coordinación y sede de un eventual Consejo Regional subsidiario del SBSTTA;
- (b) El Perú, además de una ventajosa posición geográfica y de ser considerado uno de los cinco países con mayor diversidad biológica del mundo, acoge en Lima a la Sede de la Junta del Acuerdo de Cartagena (Pacto Andino), la Secretaría Pro-tempore del Tratado de Cooperación Amazónica (Biodiversidad Terrestre), la Secretaría Ejecutiva de la Comisión Permanente del Pacífico Sur (Biodiversidad Marina) y el Centro Internacional de la Papa, importante Banco de Germoplasma a nivel mundial. Estas presencias permitirán llevar a cabo de manera más afectiva la eventual coordinación regional;
- (c) El desarrollo de programas para la conservación y utilización sostenible de la diversidad biológica debe dejarse a la prioridad que cada país defina en sus políticas nacionales;
- (d) El Gobierno ha denominado al año 1995 como "Año de las Inversiones Productivas" y en ese sentido orientará su política nacional a desarrollar según sus posibilidades, los mecanismos posibles para que la conservación y utilización sostenible de la diversidad biológica se dirija a fomentar las inversiones que contribuyan a elevar el nivel de vida de su población a través del uso sostenible de los recursos naturales;
- (e) Considera fundamental la coordinación regional y por ello propone a la Secretaría del Convenio sobre la Diversidad Biológica que el SBSTTA incluya esta consideración dentro de su *modus operandi*.

SWITZERLAND

Main focus of SBSTTA

1. SBSTTA should focus on scientific and technological advice to enable the Conference of the Parties (COP) to determine its policy for decisions and recommendations. SBSTTA should avoid a major policy debate, which must be left to the COP, and be a body striving for neutral scientific and technical advice. In particular SBSTTA should provide the COP with:
 - (a) assessment and advice on relevant aspects of issues that have been included in the work programme for future COP sessions;
 - (b) proposals for the structure and content of the Secretariat's reports to be addressed at the next COP.
2. SBSTTA should identify and alert the COP to significant and emerging issues for further work and action. For its part, the COP should also identify specific matters that need to be worked out by SBSTTA for scientific and technical assessment or advice before the COP deals with this matter at a later session.

Organisation of the work of SBSTTA

3. As recommended by the second session of the Intergovernmental Committee on the Convention

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on Biological Diversity (ICCBD) in Nairobi, in order to enhance its efficiency, SBSTTA could establish a limited number of non-open-ended panels of experts to work on specific priority issues established by the COP. These panels should meet in advance and provide reports or assessments to SBSTTA. The members of these panels should be chosen on the basis of their scientific and technical expertise.

4. Prior to the next COP, there will be insufficient time for such panels to meet. To allow some technical discussion to take place in 1995, the formal plenary of SBSTTA could be supported by a limited number of working groups which will meet during the session of SBSTTA. We suggest for this year the establishment of three working groups to focus on the following items of the draft provisional agenda of SBSTTA:

(a) The first group should work on point 5.1 (Provision of scientific and technical assessments of the status of biodiversity) and point 5.2 (Scientific and technical assessments of measures taken in accordance with the Convention) of the draft agenda;

(b) A second group should deal with point 5.3 (Identification of technologies and know-how relating to the sustainable use of biological diversity) and point 5.4 (Advice on international cooperation in research and development related to the sustainable use of biological diversity) of the draft agenda;

(c) A third group should address point 5.5 of the draft agenda (Scientific, technical, technological and methodological questions that the COP and its subsidiary bodies may put to the body).

Terms of reference of SBSTTA

5. There is no need at this stage to embark on a detailed discussion on terms of reference. Article 25 of the Convention covers this purpose and its paragraph (c) gives the necessary flexibility to allow the COP to request SBSTTA to work on specific issues.

Long-term organization of the work and expertise of SBSTTA

6. SBSTTA should be serviced by the Convention Secretariat but rely upon the best expertise available for the various areas concerned. For this purpose, the Secretariat will have to compile a roster of organizations and experts with expertise in the specific topics relevant to the Convention. Governments, organizations and NGOs should be consulted to contribute to the elaboration of such a list. When necessary, these experts could be requested to conduct background studies required by the COP or its subsidiary bodies and be invited to contribute to panels or working groups.

7. Before deciding to conduct any study, maximum use of the work and expertise of existing bodies or organizations should be made to avoid any duplication of efforts.

8. SBSTTA and any subgroups should communicate with each Contracting Party directly through designated national technical focal points. This will facilitate a smooth and timely course of action.

9. Taking into account national resource limitations, care should be taken that SBSTTA will not overload the Parties with useless reporting requirements. Any information requested from Parties should address specific priority issues in well-framed questions with concern to avoid considerable additional research for the technical national authority.

UNITED KINGDOM

1. It is essential that the work of the Conference of the Parties (COP) is underpinned by high quality scientific, technical and technological information and advice. The Convention has so far lacked a body such as the Intergovernmental Panel on Climate Change (IPCC) to work towards a scientific consensus on issues on which the political debate could be based.

Structure

2. IPCC is a good model on which to base SBSTTA. Its structure should be that of an open-ended intergovernmental body of scientific, technical and technological experts which meets annually to consider reports or assessments from expert working groups or panels, which would be submitted to the following COP. Given the close proximity of the first meeting of SBSTTA to the second meeting of the COP (COP2), there will be insufficient time for such panels to carry out work in time for COP2. SBSTTA's first meeting should carry out work on the items on its agenda in as much detail as possible. If meetings of the COP are to be held every year in or near November, the normal sequence should be for expert panels to consider issues relevant to that COP's agenda in the first quarter of the year and put these to a SBSTTA meeting in June or July in preparation for the COP. At its first meeting, SBSTTA should propose this form of working for consideration by COP2.

Expertise

3. The body should be serviced by the Convention Secretariat, but be reliant upon experts in the relevant fields for its work. It should draw on the best expertise in the world on particular scientific, technical and technological issues and take advantage of existing relevant work. The Secretariat could compile a roster of such experts as indicated in UNEP/CBD/COP/1/11. Such experts should be invited to attend meetings of the body and its working groups and utilized to carry out any studies required by the body or the COP. Any such studies should be subject to wide peer review from experts from both developed and developing countries. The UK stands ready to offer such experts from centres of expertise such as the Natural Environment Research Council, the Natural History Museum and the Royal Botanic Gardens at Kew and Edinburgh, and is also host to the highly regarded World Conservation Monitoring Centre. The UK commends the expertise on conservation and sustainable use represented by the relevant Commissions of the IUCN and recommends efforts to identify experts on biotechnology via world business organizations and appropriate UN agencies. The body should aim to produce work which would become a standard reference point not just for the COP, but also for governments, researchers, industry and environmental groups.

Terms of reference

4. SBSTTA should provide scientific, technical and technological, rather than political advice to the COP. It would be inappropriate for SBSTTA to deal with political issues and the COP should aim to make it as non-political a body as possible, as agreed at the second session of the Intergovernmental Committee on the Convention on Biological Diversity (ICCBD) in Nairobi. For example, it should not be given tasks such as drafting amendments to the Convention or developing protocols.

5. There is no need at this stage for SBSTTA to develop detailed terms of reference: Article 25 of the Convention serves this purpose. Furthermore, Article 25(e) of the Convention, which allows the COP to ask SBSTTA specific questions, provides the COP with the necessary flexibility to direct SBSTTA's work programme.

6. The UK intends to make specific recommendations on how SBSTTA should approach the items on the agenda of its first meeting in due course. But the UK's initial views on how SBSTTA should approach its work are as follows. Article 25.2(a) states that SBSTTA shall provide scientific and technical assessments of the status of biodiversity. SBSTTA should look particularly at the best methods of identifying and monitoring the components of biodiversity important for its conservation and sustainable use, having regard to Annex 1 of the Convention, with a view to identifying those components requiring urgent conservation measures and those which offer the greatest potential for sustainable use.

7. SBSTTA should also provide scientific and technical assessments of the impacts of processes and categories of activities on the conservation and sustainable use of biological diversity, and on the organisation and maintenance of relevant primary data. SBSTTA would also assess how Parties are implementing Article 7 and would help them to do so. By this and other means, the objective should be to develop a set of baseline information on the components of biodiversity and their conservation status. Such information will also be highly relevant to attempting to assess the effectiveness of types of measures taken under Article 25(b) of the Convention. In the long term, regular assessments would provide an empirical means of evaluating the effectiveness of the Convention.

8. SBSTTA's work under Article 25(c) might well be linked to the work of the clearing house. The UK's Darwin initiative may well be able to provide useful examples of the transfer of innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biodiversity. Work under Article 25(d) should concentrate, in the first instance, on contacting relevant international organizations to assess the general state of scientific programmes and international cooperation.

II. WRITTEN SUBMISSIONS BY INTERNATIONAL ORGANIZATIONS

BIODIVERSITY ACTION NETWORK

Modus operandi

1. The success or failure of this Convention could be determined, in large part, on the effectiveness of SBSTTA. To maximize its effectiveness, SBSTTA will need to develop a *modus operandi* that helps ensure its ability to provide the Conference of the Parties (COP) with timely and objective information on specific scientific, technical and policy-related issues tied to the COP's work programme.

2. We would like to put forward recommendations in five areas:

Expert Panels on specific topics

2.1 SBSTTA must establish at its first meeting expert panels on specific topics to examine in-depth issues on the COP medium-term programme of work (MTPW). More specifically, at its first meeting, SBSTTA should establish four expert panels on the topics listed below. (Such expert panels will need to be established if the COP is to be able to address effectively those agenda items in its MTPW listed in parentheses, and others.) Expert panels may need to meet inter-sessionally, between annual meetings of SBSTTA:

- (a) marine and coastal biodiversity (agenda item 5.3 of the second meeting of the COP (COP2));

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- (b) forest biodiversity (agenda items 2.6 and 5.2 of COP2 and 6.4 of the third meeting of the COP (COP3));
- (c) agricultural biodiversity (agenda item 6.3 of COP3); and
- (d) access to genetic resources/benefit sharing (agenda item 5.4 of COP2 and 6.6 of COP3).

Regional subgroups

2.2 Regional subgroups of SBSTTA would facilitate much wider and constructive regional input. Such subgroups could provide input into the global SBSTTA.

Participation in SBSTTA

2.3 There are three issues we would like to raise in this area. First non-governmental participation will be crucial to the success of SBSTTA, since so much relevant information, data and expertise reside in the non-governmental community. In continuing the post-Rio progress in this area, we would expect that non-governmental observers would be able to participate fully in full SBSTTA meetings and related meetings under SBSTTA, similar to the very open and positive NGO participation in the April 1994 Scientific Experts Meeting on Biodiversity in Mexico City. We were pleased to hear Mr. J.H. Seyani express his support for full NGO participation in the September SBSTTA meeting. We look forward to such participation.

Second, on a related matter, government delegations should draw upon experts in all relevant disciplines, not just experts from the natural sciences. For example, delegations should include social scientists, economists, legal and policy experts. Governments should include NGO participants on the official delegations. Indigenous peoples and holders of traditional knowledge from local communities should be given special priority in this regard.

Third, some developing countries have expressed apprehension about the idea of expert panels. To help ensure wide support for such panels, balanced representation is crucial. This will require the provision of funding for developing country participants.

Permanently staffed support unit

2.4 A permanently staffed support unit, housed within the CBD Secretariat, is needed to help support and coordinate the potential amount of work under SBSTTA. This support unit should include scientists and experts from a wide range of relevant disciplines including the natural and social sciences, traditional knowledge, engineering and law. It may be possible for relevant international organizations or governments to help staff such a unit.

Timing and length of SBSTTA meetings

2.5 Full SBSTTA meetings should be longer than one week - the length of the first SBSTTA meeting - if participants are to address effectively the full range of agenda items. On a related matter, SBSTTA meetings should be scheduled well in advance of annual meetings of the Conference of the Parties to provide enough time for governments to give adequate consideration to the results of the meetings.

GREENPEACE INTERNATIONAL

1. On behalf of Greenpeace International, we are writing to submit our views regarding the work of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which you have requested by the end of February 1995. We appreciate this opportunity to contribute perspectives on the issues within the marine biodiversity topic that we believe are important for the subsidiary body to address.
2. SBSTTA, as it was envisioned in Article 25 of the Convention, has the potential to be an important body for assisting in the effective implementation of the Convention on Biological Diversity (CBD). Given the rapid and destructive loss of marine biodiversity and the processes facilitating these declines, an effective international response is urgently needed.
3. Clear and active work on the part of SBSTTA is required to ensure that advice regarding important policies and programmes is available to the Conference of the Parties for action when it takes up marine biodiversity this year. It is also very timely, since the second meeting of the Conference of the Parties (COP2) can contribute to the Commission on Sustainable Development's (CSD) consideration of those issues in 1996.
4. Regarding process, Greenpeace believes that the scope of participation in SBSTTA is important to maximize the effectiveness of the CBD as a working international instrument for achieving conservation of all aspects of biodiversity, including ecosystems, species and genetic diversity of marine systems. SBSTTA and whatever working panels are established within it, must be designed in practice as to be multidisciplinary (Article 25).
5. This will necessitate inputs from a wide range of scientific disciplines but also from the many interest groups - such as non-governmental organizations, indigenous peoples' organizations and community associations, and various community-based or regional user groups. Many of those groups embody unique perspectives and/or have access to local and regional knowledge on aspects of their home environment. In order to contribute, these sectors must be afforded the opportunity not only to observe proceedings of SBSTTA, but submit independent data, information, analysis and documentation as part of the ongoing work of SBSTTA.

WORLD WIDE FUND FOR NATURE (WWF)

1. As you know, the first meeting of the Conference of the Parties (COP1) decided that at the first meeting of SBSTTA, it should consider its *modus operandi*, taking fully into account all views expressed on this matter at COP1 and those submitted to the Secretariat in writing.
2. WWF has attached great importance to the role that SBSTTA has to play in the early and effective CBD implementation as expressed in WWF's Position Paper submitted to COP1. Because biological diversity is affected by almost all human activity it is crucial to get SBSTTA running by fully implementing the terms of reference given in Article 25, paragraphs 1 and 2, as decided by COP1.
3. In advising the COP to address and pursue the objectives of the Convention, SBSTTA will need to organize its work in a manner that ensures that it provides the best available scientific, technical and technological information in a transparent and timely manner.
4. WWF believes the following are crucial issues that have to be addressed in considering the

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SBSTTA's *modus operandi*:

- (a) Article 25 establishes that SBSTTA shall be open to participation by all Parties and that it shall be multidisciplinary. On the issue of NGO participation, we look forward to receiving confirmation that NGOs will have similar access to SBSTTA as was established under the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity;
- (b) WWF considers that effective advice to the COP will depend to a large extent on geographic regional analysis and on the expertise of representatives;
- (c) SBSTTA should base its advice to the COP on regionally sensitive analysis of, and solutions to, the problems facing the conservation and sustainable use of resources and equitable benefit sharing of components of biological diversity in different regions;
- (d) WWF is concerned that the restricted budget agreed by COP1 will not allow comprehensive regional consultations. Nevertheless regional meetings should be held in conjunction with the first substantive meeting of SBSTTA in 1995. In the future, SBSTTA should be able to organize these regional meetings before the open-ended SBSTTA annual meeting;
- (e) There is also a need for mechanisms to ensure that within SBSTTA's *modus operandi* special arrangements can be made to guarantee the involvement of government representatives competent in the relevant fields of expertise, as required by the Convention;
- (f) From an operative point of view, SBSTTA should be able to establish working groups and panels of experts to develop specific activities. These mechanisms should work under agreed terms of reference and be composed of experts and ensure equitable regional balance. The selection of experts should be up to the regions, in accordance with UN practices in these matters. However, candidates should be nominated based on their professional expertise in the areas required to properly address the field of concern;
- (g) In addition, it is clear that these mechanisms will require the inclusion of appropriate budgets to ensure full representation of developing countries;
- (h) SBSTTA should be empowered to organize open-ended inter-sessional initiatives on behalf of the COP. Budgeting arrangements need to be structured so as to make such activity possible;
- (i) The proposal of SBSTTA's 3-5 year work programme to the second meeting of the COP (COP2) should be adequately funded. Future meetings of the COP should be able to modify this work programme in the light of changes to the COP's own medium-term work programme, or in line with specific recommendations made by the inter-sessional working groups.
