



CONVENTION ON BIOLOGICAL DIVERSITY

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AD HOC OPEN-ENDED WORKING GROUP ON REVIEW OF IMPLEMENTATION OF THE CONVENTION

First meeting

Montreal, 5-9 September 2005

Item 4.1 of the provisional agenda*

REVIEW OF PROCESSES UNDER THE CONVENTION

Note by the Executive Secretary

EXECUTIVE SUMMARY

1. There have been a number of reviews and revisions of Convention bodies, mechanisms and processes since the Convention's entry into force. The most comprehensive reviews of the operations of the Convention were those undertaken in response to decisions III/22 and IV/16 of the Conference of the Parties by, respectively, the Conference of the Parties at its fourth meeting and the Inter-Sessional Meeting on the Operations of the Convention. These reviews led to significant changes in the operations of the Convention (decisions IV/16 and V/20) and laid the basis for further, more issue-specific reviews and revisions, which were undertaken primarily by the Open-ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of Convention on Biological Diversity and the Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010.

2. The present note summarizes the findings of previous reviews, external reviews and submissions from Parties. It also contains an analysis of the impacts and effectiveness of Convention processes based on two key questions: (i) Do the outcomes of the processes demonstrate that these are fulfilling their mandates? and (ii) Are the processes contributing to the implementation of the Convention? The analysis concludes that, for the most part, Convention bodies are fulfilling their mandates. It notes, however, that the Conference of the Parties could keep under review the implementation of the Convention, as provided for in Article 23, paragraph 4, of the Convention, in a more systematic and effective manner, while SBSTTA could strengthen the quality of its advice and give more attention to fulfilling its specific functions, as outlined in Article 25, paragraph 2, of the Convention. In addition, national focal points could benefit from a clearly defined mandate. The analysis also concludes that all processes could more effectively contribute to the implementation of the Convention.

3. This note provides options for improving the impacts and effectiveness of Convention processes based on the results of previous reviews, independent reviews, submissions from Parties, the analysis of impacts and effectiveness of Convention processes and the informal Chatham House workshop on the implementation and effectiveness of the Convention.

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4. The options seek to address the following key issues:

- (a) Facilitating full and effective participation in meetings of the Convention, particularly from developing countries and countries with economies in transition;
- (b) With respect to the Conference of the Parties:
 - (i) Defining meeting periodicity (maintaining it at two years or extending it to three years);
 - (ii) Reviewing the changes made to rule 21 of the rules of procedure on the size and composition of the Bureau of the Conference of the Parties;
 - (iii) Designing the ministerial segment of meetings of the Conference of the Parties to more effectively contribute to decisions of the Conference of the Parties and to raise the profile of biodiversity;
 - (iv) Improving the efficiency of the proceedings of the Conference of the Parties, including setting priorities to guide budgetary allocations and reaching consensus on rule 40 of the rules of procedure on voting on substantive issues;
 - (v) Consolidating decisions in conjunction with in depth reviews of programmes of work and minimizing the need for consolidation in the future by reducing repetition and overlap among decisions;
 - (vi) Standardizing terminology used in the decisions of the Conference of the Parties;
- (c) Improving the quality of advice that SBSTTA develops for the Conference of the Parties, including by improving the scientific rigor of assessments and the effectiveness of ad hoc technical expert groups (AHTEGs) by defining clear terms of reference and ensuring that the expertise of the group is adequate to fulfil its mandate;
- (d) Assessing the need for an inter-sessional body on implementation and for an extension of the duration of operation of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention;
- (e) Enhancing regional cooperation through regional mechanisms, networks and preparatory meetings;
- (f) Enabling the Secretariat to be more proactive with regard to facilitating implementation by Parties and outreach and cooperation;
- (g) Defining a mandate, and providing capacity-building, for national focal points;

- (h) The need for an independent review of the impacts and effectiveness of Convention processes.
5. The options presented in this note form the basis for the recommendations that follow.

SUGGESTED RECOMMENDATIONS

The Working Group on Review of Implementation of the Convention may wish to:

1. *Request* the Executive Secretary to develop and maintain an up-to-date list of standard notional costs for meetings of Convention bodies and expert groups and for other items with substantial costs, for use in estimating the cost implications of decisions under negotiation;
2. *Request* the Executive Secretary, under the guidance of the Bureau, to propose draft consolidated decisions for issues proposed for in-depth discussion at its eighth meeting, namely dry and sub-humid lands biodiversity, Article 8(j), the Global Taxonomy Initiative, education and public awareness, national reports, cooperation and operations of the Convention for the consideration of the Conference of the Parties at its eighth meeting;
3. *Welcome* the outcome of the International Conference “Biodiversity: Science and Governance”, held in Paris in January 2005, which recommended the launch of an international multi-stakeholder consultative process to assess the need for an international mechanism which would provide a critical assessment of the scientific information and policy options required for decision-making on biodiversity;
4. *Request* the Executive Secretary and the Chair of the Subsidiary Body on Scientific, Technical and Technological Advice to participate in the international multi-stakeholder consultative process referred to in paragraph 60 of the present note;
5. *Request* the Executive Secretary, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, to explore options for facilitating exchange of information and views on the items on the agenda of the Subsidiary Body on Scientific, Technical and Technological Advice, including through informal workshops, with a view to facilitating the formal discussion of such items at meetings of the Subsidiary Body, and to report on such options to the Conference of the Parties at its eighth meeting;
6. *Request* the Executive Secretary, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, and taking into account views submitted by Parties, to prepare a single, coherent and comprehensive *modus operandi* for the Subsidiary Body based on the existing *modus operandi*, other relevant decisions of the Conference of the Parties, the proposed Operational Plan of the Subsidiary Body included in appendix B to the present note and the recommendations of this Working Group, and aligned with the Strategic Plan of the Convention;
7. *Request* the Executive Secretary to develop options for the provision of increased support to Parties, upon request, for facilitating and promoting implementation of the Convention, including consideration of the potential role of the Secretariat, the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP) and other organizations as appropriate, and of the financial implications of such options;
8. *Recommend* that the Conference of the Parties adopt a decision along the following lines:

“The Conference of the Parties

I. The Conference of the Parties

1. *Decides* that, after its tenth meeting, it will hold ordinary meetings every three years, and amend rule 4 of the rules of procedures accordingly;
2. *Further decides* that, after the tenth meeting of the Conference of the Parties, two meetings of the Subsidiary Body on Scientific, Technical and Technological Advice will be held between each meeting of the Conference of the Parties;

3. *Encourages* Parties hosting meetings of the Conference of the Parties, in cooperation with the Bureau and the Secretariat, to explore formats for the ministerial segment that enhance the contribution of ministers to the work of the Conference of the Parties and generate support for, and raise awareness about, biodiversity-related issues;

4. *Adopts* the procedure for priority-setting to guide the allocation of financial resources by the Conference of the Parties outlined in annex II below;

5. *Decides* to refine the multi-year programme of work of the Conference of the Parties up to 2010, specifying strategic issues for evaluating progress or supporting implementation for in-depth consideration, and to align the process for the consolidation of decisions with the schedule for in-depth consideration of issues, as set out in annex III below;

6. *Requests* the Executive Secretary, under the guidance of the Bureau, to propose draft consolidated decisions for issues related to agricultural biodiversity, the Global Strategy for Plant Conservation, invasive alien species, forest biodiversity, incentive measures, the ecosystem approach, biosafety, national biodiversity strategies and action plans, the financial mechanism and additional financial resources and identification and monitoring for the consideration of the Conference of the Parties at its ninth meeting, and to communicate the proposed draft consolidated decisions to Parties, Governments and relevant international organizations for their review and comments at least six months prior to that meeting;

7. *Requests* the Executive Secretary, in preparing documentation for meetings of the Conference of the Parties, to minimize overlap among draft decisions and to note linkages among them in the corresponding documentation, and *encourages* Parties to bear these linkages in mind when considering draft decisions;

8. *Decides* to maintain the changes it made to rule 21 of the rules of procedure in paragraph 5 of decision V/20;

9. *Encourages* Parties, as a matter of priority, to come to an agreement on rule 40 of the rules of procedure regarding voting on substantive issues;

II. The Subsidiary Body on Scientific, Technical and Technological Advice

10. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to ensure that assessments are carried out in an objective and authoritative manner, and that sufficient time is allocated for the consideration of results of assessments (in line with its recommendations VI/5 and X/2);

11. *Requests* the Subsidiary Body to ensure that terms of reference for ad hoc technical expert groups clearly indicate their mandate, duration of operation and expected outcomes and to further ensure that ad hoc technical expert groups conducting assessments are not requested to make policy relevant recommendations;

12. *Requests* Parties to give priority to the nomination of appropriate scientific and technical experts for participation in ad hoc technical expert groups and other assessment processes, and *decides* to discontinue the maintenance and use of the roster of experts;

13. *Requests* the Executive Secretary to develop and maintain a list of upcoming meetings of ad hoc technical expert groups, other expert groups and assessment processes that require Parties to identify experts, and to circulate the list to all national focal points after each meeting of the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice;

14. *Decides* to replace paragraph 12 (b) of the *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice (decision IV/16, annex I) with the following paragraph:

“The Executive Secretary, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, will select scientific and technical experts from the nominations submitted by Parties for each ad hoc technical expert group. The ad hoc technical expert groups shall be composed of no more than 25 experts selected by the Executive Secretary on the basis of geographical balance and range of necessary expertise from among those nominated by Parties and relevant international organizations, of which at least two-thirds shall be selected from among the nominees of Parties.”

15. *Decides* that the primary function of focal points for the Subsidiary Body on Scientific, Technical and Technological Advice is to act as a liaison with the Secretariat on behalf of their Parties with regard to scientific, technical and technological matters related to the Convention and that, in doing so, they are responsible for:

(a) Developing linkages, and facilitating information exchange, between the Subsidiary Body on Scientific, Technical and Technological Advice and relevant regional and national agencies and experts;

(b) Responding to requests for input from the Conference of the Parties and the Secretariat;

(c) Communicating and collaborating with focal points for the Subsidiary Body on Scientific, Technical and Technological Advice in other countries to improve the effectiveness of the Subsidiary Body and facilitate the implementation of the Convention;

(d) Collaborating with other national-level focal points for the Convention on Biological Diversity and focal points from other biodiversity-related conventions to facilitate the implementation of the Convention at the national level.

16. *Encourages* Parties that have not already done so to appoint focal points for the Subsidiary Body on Scientific, Technical and Technological Advice;

17. *Adopts* the revised *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice;. ^{1/}

III. Other matters

18. *Decides* to apply the revised *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice, *mutatis mutandis*, to the ad hoc open-ended working groups established by the Conference of the Parties;

19. *Decides* that the primary function of national focal points is to act as a liaison with the Secretariat on behalf of their Parties and in so doing, they are responsible for:

(a) Receiving and disseminating information related to the Convention;

(b) Ensuring that Parties are represented at meetings of the Convention;

(c) Identifying experts to participate in ad hoc technical expert groups, assessment processes and other processes under the Convention;

(d) Responding to other requests for input by Parties from the Conference of the Parties and the Secretariat;

^{1/} The revised *modus operandi* of SBSTTA would be developed by the Executive Secretary, in consultation with the SBSTTA Bureau, as suggested in paragraph 6 of suggested recommendations to the Working Group.

(e) Collaborating with national focal points in other countries to facilitate implementation of the Convention;

(f) Coordinating, promoting and/or facilitating national implementation of the Convention;

20. *Invites* Parties, through regional groups, as appropriate, to identify focal points and institutions to facilitate regional coordination for the preparation of meetings of the Conference of the Parties and implementation of the Convention at the regional level;

21. *Recalling* paragraph 3 of decision VI/27, *requests* the Executive Secretary to collect, compile and disseminate information on existing regional networks and mechanisms as a means of encouraging further regional and subregional cooperation;

22. *Recalling* paragraph 10 of decision VII/33, *requests* the Executive Secretary, subject to the availability of the necessary budgetary resources and/or voluntary contributions, to make the necessary arrangements for at least one regional preparatory meeting in each region prior to each meeting of the Conference of the Parties;

23. *Encourages* Parties to provide financial resources to the Secretariat in a timely manner to facilitate the planning of meetings and the full participation of representatives from developing country Parties;

24. *Recognizing* the need for increased capacity within Parties to implement the Convention, particularly with regard to national biodiversity strategies, policies, plans and legislation and national reports, *considers* options for the provision of increased support from the Secretariat, the United Nations Environment Programme, the United Nations Development Programme and other organizations to Parties, upon request, for facilitating and promoting implementation of the Convention;

25. *Decides* that, subject to the availability of the necessary budgetary resources and/or voluntary contributions, the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention will meet inter-sessionally until 2010, at which time, the Conference of the Parties will reconsider the need for an inter-sessional body on implementation;

26. *Decides* that prior to the development of new principles, guidelines and other tools under the Convention, it will conduct a gap analysis with a view to:

- (a) Identifying existing, useful tools which it might endorse or welcome;
- (b) Identifying existing, useful tools which it might try to influence, such that they adequately reflect biodiversity considerations;
- (c) Identify the need for new tools developed under the Convention;

27. *Noting* that the Conference of the Parties has frequently invited other institutions and organizations to make use of the principles, guidelines and other tools developed under the Convention, *requests* the Executive Secretary to identify ways and means to more actively promote the use by international organizations and institutions of such tools;

28. *Requests* the Executive Secretary, in consultation with the Bureau of the Conference of the Parties, to commission an independent review of the Convention bodies, mechanisms and processes based on the terms of reference for an independent review in annex IV below.”

I. INTRODUCTION

1. Pursuant to paragraph 24 of decision VII/30, in which the Conference of the Parties established the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, the Executive Secretary invited Parties, other Governments and relevant organizations to submit views on issues for consideration at the Working Group. As of 15 June 2005, eight submissions related to the Convention processes had been received.

2. The present note was prepared based on the eight submissions received, reviews previously conducted by Convention bodies and published independent reviews, and taking into consideration, among other things, the results of the informal Chatham House workshop on implementation and effectiveness of the Convention, held in London from 11 to 13 May 2005 (see UNEP/CBD/WG-RI/1/INF/4). It addresses all issues related to Convention processes, with the exception of those pertaining to national reporting, cooperation with other conventions and relevant organizations and mechanisms for implementation, which are considered in greater depth in separate notes.

3. The note is divided into four sections. Section II summarizes the evolution of Convention processes, noting previous reviews undertaken by the Convention. A summary of previous internal reviews, independent reviews and submissions from Parties is available in as an addendum to the present note (UNEP/CBD/WG-RI/1/3/Add.1). Section III analyses the impacts and effectiveness of bodies and processes of the Convention. An analysis of the impacts and effectiveness of the programmes of work, guidance and tools developed under the Convention is provided as an addendum to the present note (UNEP/CBD/WG-RI/1/3/Add.2). Section IV outlines options for improving Convention processes for consideration by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention.

II. EVOLUTION OF CONVENTION BODIES AND PROCESSES

4. The Convention on Biological Diversity contains provisions for a number of standing bodies and mechanisms to manage and support its implementation, namely the Conference of the Parties (Article 23), a Secretariat (Article 24), a Subsidiary Body on Scientific, Technical and Technological Advice (Article 25), a clearing-house mechanism (Article 18(3)), and a financial mechanism (Article 21). In the early stages of development of the Convention, these bodies and mechanisms had to be shaped into operational processes of the Convention. They were reviewed and revised in light of experience and several supporting or complementary mechanisms were created, including the bureaux of the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), national focal points, rosters of experts, regional preparatory meetings and ad hoc working groups on biosafety, Article 8(j), access and benefit-sharing, and protected areas. In addition, seven thematic programmes of work, additional work programmes on cross-cutting issues and a number of tools were developed to facilitate implementation by Parties (see UNEP/CBD/WG-RI/1/3/Add.2). A summary of the evolution of Convention processes follows.

5. The medium-term programmes of work for 1995-1997 and 1996-1997 (adopted by the first and second Conference of the Parties, respectively) called for the first review of the operations of the Conference of the Parties, subsidiary organs and the medium-term programme of work to be conducted at the fourth meeting of the Conference of the Parties with a view to improving the effectiveness of the Convention (decisions I/9, II/18 and III/22).

6. At its fourth meeting, the Conference of the Parties considered the results of informal meetings on the operations of the Convention, as well as views submitted by Parties and relevant organizations (UNEP/CBD/COP/4/14). It adopted a programme of work from the fourth to seventh Conference of the Parties, a revised *modus operandi* for SBSTTA and a number of specific procedural and operational changes. Most notably, it requested that: annotated agendas (indicating whether items were for information or consideration) and principal meeting documents be circulated six months prior to the Conference of the Parties in all official languages of the United Nations; draft decisions be prepared and circulated prior to the Conference of the Parties;

communication between the Conference of the Parties and SBSTTA be more explicit; and a handbook to the Convention on Biological Diversity be compiled (decision IV/16).

7. The Conference of the Parties also decided to hold an open-ended inter-sessional meeting on the operations of the Convention to improve preparations for, and the conduct of, meetings of the Conference of the Parties, as well as other Convention processes (decision IV/16). This included investigating the need for an inter-sessional body on implementation, how to assist Parties to implement commitments and how to assess the state of implementation of the Convention. Elaboration of these issues and a comparison with the processes followed by other conventions and agreements can be found in the documentation for the meeting (UNEP/CBD/ISOC/2).

8. At its fifth meeting, Conference of the Parties considered the report of the of Inter-Sessional Meeting on the Operations of the Convention (UNEP/CBD/COP/5/4) and adopted changes to improve the efficiency of the Conference of the Parties, including revising the composition of the Bureau of the Conference of the Parties and defining ways to make documentation, decisions and guidance more accessible, directed and concise (decision V/20). It also agreed to convene ordinary meetings of the Conference of the Parties every two years and review the periodicity of meetings from time to time. The Conference of the Parties adopted a number of changes to the operations of SBSTTA by requesting it to convene on a yearly basis, allowing it to form ad hoc technical expert groups, enabling it to make inter-sessional use of the Secretariat and the clearing-house mechanism, and asking it to undertake and develop methodologies for scientific assessments. In addition, the Conference of the Parties recognized the need for a coherent programme of work for SBSTTA and requested the Subsidiary Body to improve the way it conducted scientific, technical and technological work and to enhance cooperation with other scientific and technical bodies and institutions.

9. The Conference of the Parties also requested the Executive Secretary to facilitate full and effective participation in meetings of the Convention through regional preparatory meetings, increase communication with Parties through a system of notifications, further improve operational procedures and develop a Strategic Plan until 2010 (decision V/20). In addition, it agreed to develop the Convention incrementally and to strengthen its existing bodies before creating new ones.

10. Finally, the Conference of the Parties decided to hold an inter-sessional meeting to assist with preparations for the subsequent meeting of the Conference of the Parties by addressing the development of the Strategic Plan, the second national reports, and means to support implementation of the Convention (decision V/20). The Open-ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity developed a draft Strategic Plan and made recommendations to the sixth Conference of the Parties to improve the implementation of the Convention, particularly with regard to priority issues in national biodiversity strategies and action plans and the operations of the Convention (UNEP/CBD/COP/6/5).

11. At its sixth meeting, the Conference of the Parties adopted the Strategic Plan of the Convention (decision VI/26) and requested the development of a multi-year programme of work up to 2010 (decision VI/28). It encouraged Parties to develop regional, sub-regional or bioregional mechanisms and networks to support implementation of the Convention and to identify obstacles to such implementation. It also retired a number of decisions and agreed to review the status of implementation of, and consolidate, decisions at the next Conference of the Parties in order to assess progress, minimize overlap in decisions and improve the coherence of future decisions. It requested the Executive Secretary to review SBSTTA recommendations with a view to improving the quality of its advice and to consider ways to enhance participation in meetings of the Convention (decision VI/27).

12. The sixth Conference of the Parties also established an open-ended inter-sessional meeting to consider the programme of work of the Conference of the Parties (decision VI/28). The Open-ended Inter-sessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010 agreed to recommendations for the seventh Conference of the Parties regarding the outcome of the World Summit on Sustainable Development as it related to the Convention, the implementation of the Strategic Plan and the multi-year programme of work of the Conference of the Parties.

13. The seventh Conference of the Parties adopted the Multi-year Programme of Work of the Conference of the Parties up to 2010, which included a maximum of six thematic programmes of work or cross-cutting issues for in-depth review at each meeting (decision VII/31). In accordance with the recommendations of the Inter-sessional Meeting on the Multi-year Programme of Work of the Conference of the Parties up to 2010, it agreed to review the effectiveness of Convention processes in facilitating implementation of the Convention at each subsequent meeting of the Conference of the Parties. It also retired decisions, adopted a process for consolidating decisions, invited Parties to submit views on setting priorities in the agenda of the Conference of the Parties for the purpose of budgetary allocations, requested the Executive Secretary to review administrative arrangements between the United Nations Environment Programme (UNEP) and the Convention and decided to reassess, at its eighth meeting, the periodicity of meetings of the Conference of the Parties and the effectiveness of changes to rule 21 regarding the composition and terms of office of COP Bureau members (decision VII/33). Finally, it established the Ad Hoc Open-ended Working Group on the Review of Implementation of the Convention (decision VII/30).

14. The evolution of Convention processes is ongoing and will continue at the eighth meeting of the Conference of the Parties, based on recommendations from the Subsidiary Body on Scientific, Technical and Technological Advice and the Ad Hoc Open-ended Working Group on Review of Implementation.

III. IMPACTS AND EFFECTIVENESS OF CONVENTION PROCESSES

15. In order to analyse the impacts and effectiveness of Convention Processes, two main questions were asked for each process: (i) Do the outcomes of the process demonstrate that it is fulfilling its mandate? and (ii) In fulfilling its mandate, is the process contributing to the implementation of the Convention? The Convention processes considered were those identified in decision VII/30, namely the Conference of the Parties, SBSTTA, the Secretariat and National Focal Points, as well as ad hoc working groups. The impacts and effectiveness of the system of programmes of work and guidance and tools developed under the Convention are assessed in an addendum to the present note (UNEP/CBD/WG-RI/1/3/Add.2).

A. The Conference of the Parties

16. According to Article 23 of the Convention, the principle function of the Conference of the Parties is to keep under review the implementation of the Convention (paragraph 4). A number of supporting sub-functions are identified in paragraph 4 of Article 23, including, *inter alia*, the establishment of forms and intervals for national reports and consideration of reports submitted by Parties and subsidiary bodies, reviewing the advice of SBSTTA, establishing additional subsidiary bodies, cooperating with the executive bodies of biodiversity-related conventions and undertaking any additional action necessary for the implementation of the Convention. Additional functions of the Conference of the Parties are to adopt rules of procedure for itself and its subsidiary bodies, financial rules governing the funding of the Secretariat and a budget for the financial period until the next ordinary meeting (Article 23, paragraph 3).

17. An analysis of the actions and outcomes of the Conference of the Parties suggests that it has met or is in the process of meeting its mandate, as judged against the specific provisions of paragraphs 3 and 4 in Article 23 (see table 1 on page 24 in appendix A below). The main outstanding issues are the lack of agreement within the Conference of the Parties on voting procedures with respect to substantive decisions (paragraph 1 of rule 40 of the rules of procedure for meetings of the Conference of the Parties), on the basis for determining relative financial contributions from Parties (paragraph 4 of the Financial Rules) and on voting on the budget (paragraph 16 of the Financial Rules).

18. The Conference of the Parties, the only decision-making body of the Convention, clearly contributes to its implementation. It has played a role in policy development and established and revised an infrastructure for the implementation of the Convention, including an institutional framework, as well as establishing programmes of work, initiatives and other tools to guide implementation by Parties. In addition, issue-specific progress reports and national reports indicate that the decisions of the Conference of the Parties are being implemented by the Executive Secretary, other international organizations, stakeholders and Parties, at least to some extent. However, it is not clear that the Conference of the Parties has been effective in its overall purpose of keeping under review

the implementation of the Convention. Consideration of the state of implementation of national biodiversity strategies and action plans (NBSAPs) or of the findings of national reports in meetings of the Conference of the Parties has been relatively limited. Thus, the potential contribution of the information in the reports to the assessment of the status and trends of biodiversity, to the review of implementation and effectiveness of the Convention, and to the development of guidance by the Conference of the Parties, has not been realized.

B. The Subsidiary Body on Scientific, Technical and Technological Advice

19. The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) was established to provide the Conference of the Parties and its other subsidiary bodies with timely advice relating to the implementation of the Convention. Its specific functions, as defined in paragraph 2 of Article 25, include:

- (a) Providing scientific and technical assessments of the status of biodiversity;
- (b) Preparing scientific and technical assessments of the effects of types of measures taken to implement the Convention;
- (c) Identifying innovative technologies and know-how relating to the conservation and sustainable use of biodiversity and advising on ways and means to develop and/or promote such technologies;
- (d) Providing advice on scientific programmes and international cooperation in research and development; and
- (e) Responding to scientific, technical and methodological questions from the Conference of the Parties.

These functions are to be discharged under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request.

20. The Subsidiary Body fulfils its overall mandate of providing timely advice relating to the implementation of the Convention. This is evident from the fact that most SBSTTA recommendations become decisions of Conference of the Parties. An even greater majority of SBSTTA recommendations become decisions of the Conference of the Parties with only minor modifications, while only a small percentage of recommendations are disregarded by the Conference of the Parties.

21. The Subsidiary Body, however, has had variable experience in carrying out its specific functions as listed in the Convention (see table 2 on page 27 in appendix A below). For example, SBSTTA has yet to provide assessments of the effects of types of measures taken to implement the Convention (Article 25, paragraph 2 (b)). To date, it has only contributed to defining a framework for evaluation of the overall impact of measures taken to implement the Convention. In addition, the Subsidiary Body has not yet played an active role in identifying, and advising the Conference of the Parties on, the key research that needs to be undertaken in order to implement the Strategic Plan and achieve the 2010 target. Furthermore, the Subsidiary Body has only provided advice on scientific programmes in an ad hoc manner and perhaps could facilitate cooperation among biodiversity-related organizations and initiatives if it did so more strategically.

22. Since its establishment, SBSTTA has focused primarily on responding to scientific, technical and methodological questions from the Conference of the Parties (Article 25, paragraph 2 (e)). Responses have always been timely, but they have not always been based on thorough scientific assessments or on scientific data alone. This is likely a result of the Subsidiary Body's overburdened workload, limited financial resources and technical expertise, particularly in developing countries, and the nature of the requests it receives from the Conference of the Parties. It is also a result of the presence of political negotiators at SBSTTA meetings.

23. There is ongoing debate over whether the Subsidiary Body should provide strictly scientific advice or play a role in negotiating substantive decisions of the Conference of the Parties. The critical issue, however, is whether the Subsidiary Body has the capacity to develop sound scientific and technical advice. To date, SBSTTA has established ad hoc technical expert groups, consulted with experts and cooperated with scientific bodies and initiatives of biodiversity related conventions, institutions and organizations, to provide the scientific and

technical bases for its advice. It has also defined guidelines for the conduct of pilot assessments for SBSTTA (see appendix B), as well as an Operational Plan for consideration by the Working Group (recommendation X/2).

C. The Secretariat

24. The mandate of the Secretariat, as outlined in Article 24, comprises five main functions:

- (a) To arrange and service meetings of the Conference of the Parties;
- (b) To perform the functions assigned to it by any protocol;
- (c) To prepare and present reports on the execution of its functions;
- (d) To coordinate with other relevant international bodies; and
- (e) To perform other functions determined by the Conference of the Parties.

An analysis of the actions undertaken by the Secretariat to fulfil each of these functions indicates that it has done and continues to do so entirely (see table 3 on page 30 in appendix A below).

25. The Secretariat has taken care of the administrative needs of the Convention and has received and is responding to over 170 requests from the seventh meeting of the Conference of the Parties. Improving the effectiveness of the Secretariat is likely a matter of ensuring that it has adequate resources to respond to the expectations of the Conference of the Parties. Its contribution to the implementation of the Convention, however, could be enhanced if it were able to arrange for the provision of technical advice to Parties, particularly regarding national policies, programmes, legislation and reports.

D. National focal points

26. There is no mention of national focal points in the text of the Convention and no clearly defined mandate for them in decisions of the Conference of the Parties. It can be inferred from decisions of the Conference of the Parties referring to national focal points, and by analogy with the mandate for national focal points under the Cartagena Protocol on Biosafety, that the main function of national focal points is to act as liaisons with the Secretariat on behalf of their Parties. The specific functions inferred from decisions of the Conference of the Parties include: receiving and disseminating information on the Convention; ensuring that Parties are represented at meetings of the Convention; identifying experts to participate in ad hoc technical expert groups, assessment processes and other processes under the Convention; responding to requests for input by Parties; collaborating with national focal points in other countries to facilitate implementation of the Convention; and, coordinating, promoting and/or facilitating national implementation, particularly through the development and implementation of national biodiversity strategies and action plans, collation of national reports, collaboration with focal points for other conventions, and engagement of relevant institutions, organizations and stakeholders.

27. Measuring the impact and effectiveness of national focal points is extremely challenging without individual reports on activities undertaken. However, it is clear that national focal points are carrying out some of their functions, particularly those of receiving information and participating in meetings, and to a lesser extent coordinating the development and implementation of NBSAPs and submitting national reports and other information (see table 4 in Appendix A). Although several national focal points have additionally identified experts to participate in Convention processes, many have identified people without appropriate expertise, not submitted enough information to allow for the Executive Secretary to assess nominees or, in some cases, repeatedly nominated themselves.

28. Experience indicates that, although national focal points provide a critical function, both their impact and effectiveness varies widely. It also suggests that failure by national focal points to fulfil their mandates is usually a result of insufficient administrative, technical and political capacity at the national level.

E. Ad hoc open-ended working groups

29. Ad hoc open-ended working groups each have a specific mandate defined by the Conference of the Parties. They are generally established to address specialized issues that require technical expertise and a depth of consideration that may not be available in SBSTTA. Such issues are often inherently political. Working groups provide a mechanism for dealing with highly political and sensitive issues, thereby enabling SBSTTA to focus primarily on scientific and technical ones.

30. Working groups also enable greater and more active participation of relevant experts and stakeholders, which contributes to building broad consensus around contentious issues prior to the meetings of the Conference of the Parties. While ad hoc open-ended working groups are resource intensive, they have proven to be effective mechanisms for addressing sensitive issues under the Convention and have made a significant contribution to the decision-making of the Conference of the Parties.

IV. OPTIONS FOR IMPROVING THE IMPACTS AND EFFECTIVENESS OF CONVENTION PROCESSES

31. Options for improving the impacts and effectiveness of Convention processes are presented below for consideration by the Working Group. They are based on outstanding issues from previous reviews, issues raised by independent reviews and reviews conducted in preparation for the Working Group, and issues marked for review by the Working Group.

A. Participation

32. Full and effective participation in meetings of the Convention is essential to ensuring ownership of decisions by all Parties and, therefore, effective implementation of the Convention. Numerous measures have been taken to facilitate participation in, and enhance the efficiency of, meetings of the Conference of the Parties and its subsidiary bodies; however, two challenging, yet significant issues remain to be addressed: (i) the adequacy and timeliness of the provision of financial resources for participation, and (ii) the difficulty in identifying relevant technical expertise in developing countries and countries with economies in transition.

33. The Conference of the Parties has also taken decisions to enhance participation that have not yet been fully implemented. These include requesting the bureaux of the Conference of the Parties and SBSTTA to develop proposals for the facilitation of participation of one-person delegations in meetings, agreeing to consider providing financial support for at least two representatives from each developing country Party, and requesting the Executive Secretary to identify potential sources of financial support for the participation of non-governmental organizations from developing countries and countries with economies in transition (decision VI/27).

B. Cooperation and engagement of stakeholders

34. The Strategic Plan emphasizes the need for cooperation and stakeholder engagement as a means of optimizing resource use for the implementation of the Convention and reducing the workload of Convention bodies. Although collaboration with other conventions, organizations and initiatives has been initiated and, in some cases, formalized, cooperation and stakeholder engagement, particularly with the private sector remains an underdeveloped mechanism for implementation of the Convention. These issues are addressed further in the notes by the Executive Secretary on cooperation with other conventions, organizations and initiatives and engagement of stakeholders in the implementation of the Convention (UNEP/CBD/WG-RI/1/7) and on private-sector engagement in the implementation of the Convention (UNEP/CBD/WG-RI/1/8).

C. The Conference of the Parties

35. The operations of the Conference of the Parties have already undergone a series of revisions aimed at improving transparency, efficiency and effectiveness (see UNEP/CBD/WG-RI/1/3/Add.1). It should be noted, however, that although the rules of procedure and financial rules have been adopted, issues regarding the voting procedures for substantive issues and for the budget, and the basis for determining the scale of assessment for relative financial contributions of Parties, remain outstanding, while the composition and terms of office of the

Bureau and meeting periodicity are still under review. In addition, a number of other issues regarding the operations of the Convention have been raised through this review process and are addressed below.

1. Meeting periodicity

36. In decision VII/33, the Conference of the Parties agreed to review the periodicity of its meetings at its eighth meeting. The first three meetings of the Conference of the Parties were held at yearly intervals, while eighteen months separated the third and fourth meetings. Since the fourth Conference of the Parties, meetings have been held every two years, a periodicity which has been incorporated into the multi-year programme of work of the Convention until 2010. In the past, Parties have identified four main options for the periodicity of the meetings of the Conference of the Parties: one year, 18 months, two years and three years.

37. Lessons from other conventions, as well as the experience of the Convention on Biological Diversity itself, suggest that a regular cycle of meetings enhances the efficiency of preparations for the meetings by enabling longer-term planning (e.g. the multi-year programme of work of the Conference of the Parties up to 2010), which may also facilitate participation.

38. The rationale for longer periods between meetings of the Conference of the Parties is that meetings are highly resource-intensive and the current meeting schedule leaves little time for adequate preparation or follow-up. As the Convention focuses more on implementation, shorter meeting periodicity may not provide an adequate time-frame for implementation of the decisions of the Conference of the Parties. Longer periodicity, on the other hand, may result in a loss of momentum for implementation, since the Conference of the Parties is the only decision-making body of the Convention. This constraint could be addressed, in part, through regular inter-sessional meetings to support implementation. Thus, the length of the meeting cycle for subsidiary bodies of the Convention must be borne in mind when considering the options for the periodicity of meetings of the Conference of the Parties. If, for example, the meeting periodicity of the Conference of the Parties were to be extended to three years, SBSTTA might continue to meet twice inter-sessionally at yearly intervals, potentially back-to-back with a working group or standing body on implementation.

39. Parties to the Convention could decide to:

- (a) Maintain the two year interval;
- (b) Change the periodicity with immediate effect; or
- (c) Change the periodicity with effect after the tenth meeting of the Conference of the Parties, in 2010.

40. If the periodicity is to be changed, Parties may wish to consider applying the changes after 2010, as many Parties, organizations and initiatives have already planned resource allocations and activities according to the multi-year programme of work of the Conference of the Parties up to 2010.

2. Preparation for the Conference of the Parties

41. The response rate from Parties for submissions of views is extremely low. In order to strengthen the quality of the documents prepared for meetings of the Conference of the Parties and ensure that they accurately reflect previous decisions, recommendations and the views of Parties, Parties could give greater attention to requests for submissions and ensure that they are provided in a timely manner.

3. Proceedings of the Conference of the Parties

42. The ministerial segment of the Conference of the Parties has the potential to significantly raise the profile of biodiversity issues and generate support for the implementation of the Convention. In the past, however, ministerial segments have tended to be disconnected to, and have had limited influence over, the regular proceedings of the meetings of the Conference of the Parties. Although host countries are responsible for planning and managing the segment, Parties may wish to encourage them to work with the Secretariat and/or the Bureau of the Conference of the Parties to identify ways of engaging ministers more actively in debate and

decision-making on high profile issues being addressed during the meetings, and to publicize the results more widely. Host countries could also be encouraged to include ministers from relevant sectors (in addition to the environment sector) in the segment as a means of catalysing cross-sectoral implementation of the Convention and mainstreaming biodiversity.

43. The development of guidelines that specify the role of contact and “friends of the chair” groups and how they should be constituted and conducted could help to enhance the transparency of negotiations of the Conference of the Parties and increase support for the outcomes of such groups, thereby improving the efficiency of the meetings.

44. The Conference of the Parties may wish to consider conducting a brief review upon the close of each meeting, at the subsequent meeting of its Bureau or at the next meeting of an inter-sessional body, such as the Working Group on Review of Implementation, to generate proposals for improving the proceedings of the meetings and ensure constant learning.

4. Prioritization in decision-making

45. The need to prioritize actions undertaken by the Convention in order to guide the allocation of limited financial resources has become increasingly apparent as programmes of work have been elaborated and more working groups have been established to facilitate the implementation of the provisions of the Convention. At present, however, substantive negotiations are conducted independently of budgetary negotiations, and decisions are often made without consideration of their cost implications or the availability of financial resources to support them. While cost implications of draft decisions are included in the documentation on the budget, costs are not linked directly to specific decisions, making consideration of costs during substantive negotiations difficult.

46. Thus, by decision VII/33, the Conference of the Parties requested the Executive Secretary to seek the views of Parties on options for a mechanism for setting priorities during the consideration of agenda items by the Conference of the Parties, with a view to providing the budget group with clear guidance on how to address activities with financial implications, and report thereon to the Conference of the Parties. Five submissions were received from Parties and are available as an information document (UNEP/CBD/WG-RI/1/INF/2).

47. In order to facilitate prioritization, each draft decision could be accompanied by a statement of its cost implications, which could be based on notional costs for major expenses, such as open-ended working groups and technical expert group meetings, including the cost of participation of developing country representatives. During the meeting of the Conference of the Parties, the budget group could compare the costs of proposed activities with the funding that would likely be available to support those activities and report its findings to the plenary mid-way through the meeting. This would serve to guide further substantive and budgetary negotiations.

5. Voting on substantive issues

48. The lack of agreement on paragraph 1 of rule 40 of the rules of procedure of the Conference of the Parties regarding the voting majority required for decision-making on substantive issues means that decisions by the Conference of the Parties on such issues have to be taken by consensus. Parties may wish to consider all options for decision-making on substantive issues in an effort to reach agreement on this paragraph.

6. Decisions of the Conference of the Parties

49. Almost all review processes have noted the proliferation of, repetition in and limited cohesiveness of decisions of the Conference of the Parties. The Conference of the Parties, at its seventh meeting, initiated a process of consolidating decisions, and requested the Executive Secretary, in consultation with the Bureau of the Conference of the Parties, to submit draft consolidated decisions on forest biodiversity, access and benefit-sharing, and guidance to the financial mechanism (decision VII/33). This process will contribute to eliminating overlap in the work of the Convention and improving the Convention’s overall efficiency and implementation.

50. Parties may wish to emphasize the importance of consolidating decisions and consider aligning the schedule for the consolidation process with that of in-depth reviews for thematic and cross-cutting issues.^{2/} This would enable the two processes to inform one another and prevent overlap in future decisions and between the decisions and the programmes of work. A potential schedule for such alignment is included in annex III on page 38 below. In order to prevent future repetition, Parties may wish to take a more holistic approach to decision-making, not only by considering draft decisions within the context of previous decisions on that issue, but also within the context of all other draft decisions at that meeting. This could be facilitated by requesting the Executive Secretary, in preparing documentation for meetings, to consider all draft decisions together, with a view to minimizing overlap and ensuring adequate cross-referencing. In addition, the Executive Secretary could be asked to note any linkages between draft decisions and with previous decisions in the corresponding documentation and during meetings of the Conference of the Parties as a means of informing the negotiations of the Conference of the Parties.

51. Another issue that has surfaced with regard to decisions is that of the terminology used. The Conference of the Parties may, among other actions, “adopt”, “endorse”, “approve”, “accept”, “adopt as interim”, “request”, “welcome”, “invite”, “note”, “take note”, “recognize” and “acknowledge”. The rationale behind the use of each of these terms is often unclear and contributes to confusion about the nature of the action, both among Parties and among those implicated in the decision. The lack of standardization of language also lends itself to the inappropriate use of terms. “Adopt as interim”, for example, not only has been used to allow for the further development of guidance, but also as a solution when agreement could not be reached. Clear definitions of, and rationale for, the use of each term would help to standardize the language used in decisions and contribute to ensuring clarity and consistency of decisions, thereby facilitating their implementation.

7. The Subsidiary Body on Scientific, Technical and Technological Advice

52. The Subsidiary Body on Scientific, Technical and Technological Advice has undergone several operational and strategic changes since its inception. Although these changes have improved its efficiency and the quality of its advice, it continues to face a number of operational challenges and is currently being reviewed by its Bureau. To date, reviews have identified its workload and the lack of financial and technical capacity of Parties to generate and collect scientific and technical information as key obstacles to its effectiveness, in addition to noting the ongoing debate about the role of the Subsidiary Body.

53. SBSTTA was established to provide scientific and technical advice relating to the implementation of the Convention to the Conference of the Parties and its subsidiary bodies (Article 25, paragraphs 1 and 2) and has evolved into a body that provides partially, or in some cases, fully negotiated advice to the Conference of the Parties. This has led to differences of opinion among Parties as to whether SBSTTA should provide purely scientific and technical advice or take political considerations into account. In further considering this matter, two points need to be borne in mind:

(a) In contrast to the scientific bodies of some other conventions, SBSTTA is an open-ended intergovernmental body, and Parties have the right to designate whom they see fit to represent them at such meetings. Therefore, while Parties might be encouraged to include appropriate expertise of a scientific, technical and technological nature in their delegations, the presence of representatives with a political mandate is inevitable;

(b) The mandate of SBSTTA encompasses not only the natural sciences, but also socio-economic issues, some of which are inherently political or are closely related to politically sensitive areas of policy such as trade.

8. Scientific assessments and ad hoc technical expert groups

54. While the debate over whether the Subsidiary Body should conduct scientific assessments, interpret assessments for the Conference of the Parties and/or engage in policy discussions is ongoing, there is general

^{2/} See also the note by the Executive Secretary on a framework for monitoring implementation of the Convention and achievement of the 2010 target and review of the thematic programmes of work (UNEP/CBD/WG-RI/1/9).

agreement that the level of scientific and technical input into the Convention process needs to be increased and the quality improved. To this end, SBSTTA might:

(a) Ensure that scientific assessments are carried out in an authoritative and objective manner, whether they are undertaken by an ad hoc technical expert group, other organizations or through expertise contracted by the Secretariat. The assessment should be policy-relevant but not policy prescriptive. Various guidelines are available to facilitate this; ^{3/}

(b) Ensure that it gives adequate time and attention to considering the results of assessments, before, and separately from, the development of recommendations containing policy advice. This step has sometimes been lacking in the past;

(c) Facilitate the translation of the “science” provided by the assessment to “policy”, in the form of recommendations to the Conference of the Parties.

55. While most Parties find value in ad hoc technical expert groups, numerous suggestions have been made for improving them. First, terms of reference that clearly indicate the mandate of the ad hoc technical expert group, the duration of operation and expected output, as well as its obligations to the Conference of the Parties or SBSTTA could help to focus its work and ensure that political considerations are not incorporated into assessment processes. For ad hoc technical expert groups conducting scientific assessments, these terms of reference could include the flexible framework for the conduct of scientific assessments for SBSTTA, which was developed by SBSTTA based on lessons learned from pilot assessments (UNEP/CBD/SBSTTA/10/7; see appendix B). While some ad hoc technical expert groups may be addressing issues of a political nature, it is critical to ensure that scientific assessments are conducted separately from political negotiations. This distinction could be further defined if reviews of scientific assessments and the development of advice based on those assessments were carried out under separate agenda items and, preferably, at different meetings. As suggested by the Subsidiary Body, one SBSTTA working group could be dedicated to dealing with issues related to scientific assessments (recommendation X/2).

56. There has been much discussion concerning the number of experts at ad hoc technical expert groups and the balance between experts drawn from Parties, those from other Governments and those from international organizations. While experts participate in their personal capacities as experts, rather than as representatives of Parties, it is considered important for the legitimacy of the process that the clear majority of experts are drawn from nominees of Parties. At the same time, given the importance attached to cooperation among international organizations, and the contributions that such organizations make to various processes under the Convention, it is sometimes necessary that several experts from such organizations be allowed to participate in the work of the ad hoc technical expert group (examples of two recent ad hoc technical expert groups illustrate this point: the group on indicators relied on data and methodology developed by a number of organizations; and the group on invasive alien species relied on the expertise of other conventions and organizations to help identify gaps and inconsistencies in the international regulatory framework). In addition, experience has shown that sometimes more than 15 experts are required in order to cover the full range of expertise necessary while maintaining regional balance. It is therefore suggested, that where necessary, and subject to the availability of financial resources, ad hoc technical expert groups should comprise up to 25 experts. With such a number, it would no longer be necessary to augment the official membership of the expert group with additional “observers”.

57. In order to ensure that Parties nominate qualified experts to participate in ad hoc technical expert groups in a timely manner, the Executive Secretary, following each Conference of the Parties and/or SBSTTA meeting, could circulate a notification including a list of upcoming ad hoc technical expert groups, the type of expertise needed and time frames for nominations. Parties could also be encouraged to prioritize the identification of experts for ad hoc technical expert groups as they provide the basis for the advice provided by SBSTTA to the Conference of the Parties. At the same time, full use should be made of the practice of complementing the

^{3/} See Ecosystems and Human Well-Being: A framework for assessment of the Millennium Ecosystem Assessment, UNEP/CBD/SBSTTA/6/9/Add.1 and Appendix B.

expertise participating in meetings of an ad hoc technical expert group with additional expertise that can be provided by electronic communications and peer review, in order to keep the size of the groups as small as possible.

58. Although paragraph 12 (b) of the *modus operandi* of SBSTTA refers to the use of rosters of experts for the selection of participants in ad hoc technical expert groups, current practice is to request nominations from Parties for each group. Therefore, some Parties have recommended reconsidering the utility of the rosters of experts, which they note as being laborious to maintain, out of date and infrequently used.

59. In addition to strengthening the quality of scientific assessments, SBSTTA must also give greater consideration to assessments conducted by its partners and by ad hoc technical expert groups in order to improve the quality of its scientific and technical advice. This could be facilitated by encouraging ad hoc technical expert groups to provide SBSTTA with well developed executive summaries for the purpose of developing advice for the Conference of the Parties. Minimizing the number of ad hoc technical expert groups between SBSTTA meetings would also contribute to enabling SBSTTA to give greater consideration to specific issues, as would dedicating less time to opening statements and expressions of gratitude and more time to substantive discussion.

60. While some Parties support the current SBSTTA process for developing advice, others are concerned that it has become too political and feel that ad hoc technical expert groups often lack the broad range of expertise necessary to conduct assessments. These Parties favour the creation of a body responsible for generating scientific and technical assessments, much like the Intergovernmental Panel on Climate Change, and suggest that SBSTTA translate those assessments into advice for the Conference of the Parties. This idea was discussed at the International Conference “Biodiversity: Science and Governance” in Paris, January 2005, which recommended the “launch of an international multi-stakeholder consultative process ... to assess the need for an international mechanism which would provide a critical assessment of the scientific information and policy options required for decision-making...”. Accordingly, Parties may wish to request the Executive Secretary to participate in the follow-up activities of the Paris conference to ensure that any new processes are complementary to those of the Convention.

9. *Further improving the quality of SBSTTA advice to the Conference of the Parties*

61. The quality of debate in SBSTTA and that of its advice could also be strengthened by creating opportunities for exchange of information and views on SBSTTA agenda items in advance of formal discussions. One means of facilitating the exchange of views could be through informal inter-sessional or in-session workshops on specific issues. Such workshops would enable Parties to explore and debate issues in an informal setting which could contribute to more effective participation by Parties, and streamlining debate, at SBSTTA.

62. Developing stronger relationships with the scientific community and relevant organizations, institutions and other stakeholders would also contribute to improving the quality of SBSTTA advice by mobilizing resources, including expertise, to assist SBSTTA in carrying out its mandate. This would contribute to improving the quality of input into SBSTTA and to reducing its workload. The Executive Secretary, the SBSTTA Bureau members and SBSTTA focal points could all participate in facilitating cooperation with the scientific and technical community at the global, regional and national levels.

63. SBSTTA focal points could play a more active role in facilitating cooperation by developing linkages between SBSTTA and relevant regional and national agencies, experts and national clearing-house mechanism focal points. They could also promote cooperation and increase the quality of input into, and debate at, SBSTTA by facilitating national and regional discussion on SBSTTA agenda items. In addition, input into, and decision making at, SBSTTA could be streamlined by improving inter-sessional communication and collaboration among SBSTTA focal points. Decision-making could be further streamlined and the workload reduced if SBSTTA focal points could be consulted on issues outside the SBSTTA agenda and if they participated more actively in consultations regarding preparatory documents for meetings. Bearing in mind the important role that SBSTTA focal points could play in improving the impact and effectiveness of the Subsidiary Body, the Working Group may wish to consider encouraging all Parties to appoint SBSTTA focal points that are actively involved in the

preparation, review and implementation of the Convention at the national level, and to send their focal points to both meetings of SBSTTA and the Conference of the Parties.

10. *Operational Plan for SBSTTA*

64. In paragraph 29 of decision V/20, the Conference of the Parties requested SBSTTA, *inter alia*, to:

- (a) Identify and, where needed, further develop procedures and methods to undertake and participate in scientific assessments;
- (b) Further develop its methodologies for scientific assessment; and
- (c) Identify and regularly update assessment priorities and information needs within the context of the programmes of work.

65. At its sixth meeting, the Conference of the Parties requested SBSTTA to develop proposals for the improvement of the quality of its advice (decision VI/27 B, paragraph 8). At the same meeting, the Conference of the Parties, adopted the Strategic Plan for the Convention, which included the 2010 biodiversity target (decision VI/26, annex). In view of these decisions and to ensure that the SBSTTA programme of work responded to the needs of the Conference of the Parties in a coherent and realistic manner, the SBSTTA Bureau decided to prepare a strategic plan for SBSTTA, which it submitted for consideration by SBSTTA at its eighth meeting (UNEP/CBD/SBSTTA/8/12). The draft strategic plan was not widely supported and by recommendation VIII/6, SBSTTA requested its Bureau to review the strategic plan, which it renamed the “Operational Plan of the SBSTTA”, for consideration by the Subsidiary Body at its tenth meeting.

66. At its tenth meeting, SBSTTA considered the revised draft Operational Plan, as well as the proposed methods and modalities for scientific assessments initiated by SBSTTA and a list of assessments required in the framework of the Multi-year Programme of Work. In paragraph 3 of recommendation X/2, the Subsidiary Body invited Parties to submit additional views on the draft and requested the Executive Secretary, in collaboration with the SBSTTA Bureau, to revise the draft plan, including the methodology for scientific assessments, on the basis of such views, as well as review by SBSTTA focal points, for consideration by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention and the Conference of the Parties at its eighth meeting. The draft Operational Plan was revised in light of the two submissions received from Parties, Governments and organizations and is included in appendix B on page 34 below for consideration by the Working Group. The list of assessments required has been reflected in the guidelines for review of the thematic programmes of work of the Convention in annex III of the note by the Executive Secretary on a framework for monitoring implementation of the Convention and achievement of the 2010 target and review of the thematic programmes of work (UNEP/CBD/WG-RI/1/9) and, therefore, have not been included in the Operational Plan of SBSTTA.

67. The Operational Plan, in its current form, is neither comprehensive nor a true plan for the operations of SBSTTA. Moreover, it overlaps with the *modus operandi* of SBSTTA, which consists of components of two decisions that are neither well integrated nor comprehensive. There are also other decisions of the Conference of the Parties that guide the work of SBSTTA that, in addition to recommendations of the Working Group, could be reflected in a single text. Thus, Parties may wish to consider developing a single, coherent and comprehensive *modus operandi* or operational plan for the Subsidiary Body on Scientific, Technical and Technological Advice.

11. *Decision-making in SBSTTA and other subsidiary bodies*

68. The practice of consensus-based decision-making on substantive matters in the Conference of the Parties has become common practice in SBSTTA and other subsidiary bodies. As a result, negotiations within such bodies have often become as politicized and protracted as those of the Conference of the Parties itself. In the case of SBSTTA, recommendations to the Conference of the Parties have often included bracketed text because consensus could not be reached. However, paragraph 5 (c) of rule 26 of the rules of procedure provides that “decisions of subsidiary bodies shall be taken by a majority of Parties present and voting...”. Furthermore, paragraph 20 of decision V/20 of the Conference of the Parties, recognizes that in certain cases it will be appropriate for SBSTTA to make recommendations that include options or alternatives. Neither SBSTTA nor

other subsidiary bodies have fully exploited the latitude provided by these two provisions so as to facilitate decision-making.

69. Bearing in mind that subsidiary bodies have the option of voting on substantive matters, the limitations of their decision-making power must be noted. The Conference of the Parties is the ultimate decision-making authority of the Convention. Subsidiary bodies make recommendations to the Conference of the Parties to inform its decision-making. SBSTTA has also been given the mandate to, within the available budgetary resources, establish ad hoc technical expert groups (decision IV/16, annex I, paragraph 12 (c)), make inter-sessional requests to the Executive Secretary and utilize the clearing-house mechanism, and other appropriate means, to assist in the preparation of its meetings (decision V/20, annex III, paragraph 22). This mandate has been interpreted to include making requests to Parties, other Governments and relevant organizations to provide information or views to enable the Executive Secretary to prepare meeting documents and SBSTTA to address issues in its agenda. In some cases, it has also been interpreted to include the transmission of reports to other bodies for information. In practice, it has been applied *mutatis mutandis* to other subsidiary bodies. The mandate, however, does not include making requests to Parties, other Governments and organizations to take action or measures concerning the implementation of the Convention or requesting the Executive Secretary to undertake activities that have financial implications. Only the Conference of the Parties has the power and authority to make such requests.

12. *Inter-sessional body on implementation*

70. The issue of additional inter-sessional bodies to contribute to preparations of the Conference of the Parties and address issues outside the mandate of SBSTTA, namely implementation, was considered in depth at the Inter-sessional Meeting on the Operations of the Convention in June 1999 and at the fifth meeting of the Conference of the Parties in 2000. Proposed options for an inter-sessional body included a subsidiary body on implementation, an executive inter-sessional body and an open-ended working group.

71. In order to avoid the cost of an additional inter-sessional body, other options were considered, including expanding the mandate of SBSTTA, expanding the mandate of the Bureau of the Conference of the Parties, increasing reliance on regional preparatory processes and having one working group dedicated to implementation at meetings of the Conference of the Parties.

72. At that time, Parties decided to focus on improving the operations of existing bodies prior to creating new ones; thus, they agreed to make better use of regional preparatory meetings and to take measures to enhance the efficiency of the preparatory process. Since then, however, inter-sessional meetings or ad hoc working groups on operations of the Convention, implementation and other outstanding issues have been held between each Conference of the Parties. This Working Group was established by the seventh Conference of the Parties to, *inter alia*, “consider progress in the implementation of the Convention and the Strategic Plan and achievements leading up to the 2010 target in line with the multi-year programme of work for the Conference of the Parties” (decision VII/30, paragraph 23). Although its lifetime is not explicitly stated in the decision, in order to permit the consideration of progress leading up to 2010, and bearing in mind that solutions to overcome obstacles to implementation may require a series of interventions over a period of time, the Working Group may need to meet prior to the ninth and tenth meetings of the Conference of the Parties in addition to the present meeting. Alternatively, provisions would need to be made for other subsidiary bodies to address issues related to the review of implementation of the Convention.

73. The multi-year programme of work of the Conference of the Parties up to 2010 includes items on progress in the implementation of the Strategic Plan and follow-up on progress towards the 2010 target and relevant Millennium Development Goals, and refining mechanisms to support implementation (e.g. the financial mechanism, the clearing-house mechanism, technology transfer, capacity-building) for each meeting of the Conference of the Parties. A proposed schedule for consideration of these mechanisms and issues by the Conference of the Parties is included in annex III on page 38 and could be used to guide the agenda of subsequent meetings of the working group.

74. Accordingly, Parties may wish to mandate the Working Group to meet inter-sessionally until 2010 to discuss, *inter alia*, the strategic issues that support implementation identified in annex III. At that time, they may choose to reevaluate whether existing bodies have the capacity to support emerging needs and issues as the Convention makes the transition from policy formation to implementation, and to consider the need for a standing body on implementation, particularly in light of any changes made to the periodicity of meetings of the Conference of the Parties.

75. In order to determine the need for an additional subsidiary body, Parties may wish to closely assess the roles of existing bodies and identify where gaps exist. SBSTTA, for example, addresses primarily scientific and technical issues, while ad hoc open-ending working groups deal with issues that are highly political due to their social, legal or economic implications. Issues such as financial resources, communication, education and public awareness, Article 6, national reports, operations of the Convention, the budget and cooperation, however, have not been strategically addressed by any single subsidiary body, nor has implementation at the global or national level. Many of these issues are currently being considered by this Working Group as part of the review of implementation of the Convention.

13. Regional cooperation

76. Greater emphasis on regional preparatory meetings, networks and mechanisms could play a significant role in addressing issues of efficiency, participation and capacity-building. Regional meetings could serve to initiate discussion, prepare draft decisions for the Conference of the Parties and interpret decisions in the regional context. They could also be used as a platform for information sharing and capacity-building, and to catalyse regional activities that contribute to the implementation of the Convention. Similarly, regional networks and mechanisms could promote and facilitate collaboration and knowledge sharing among national focal points, as well as the harmonization of national biodiversity policies, legislation and action. Given the transboundary nature of biodiversity, regional and sub-regional networks and activities are likely to become increasingly relevant as the Convention shifts from policy development to implementation.

77. The potential of regional networks and preparatory meetings to facilitate implementation of the Convention has been recognized by the Conference of the Parties: decision V/20 calls on Parties to participate actively in suitable sub-regional and regional activities, as well as on the Executive Secretary, subject to necessary voluntary contributions, to facilitate the involvement in such sub-regional and regional activities of developing country Parties; decision VI/27 A encourages Parties to develop regional, subregional or bioregional mechanisms and networks to support implementation of the Convention; and decision VII/ 33 emphasizes the importance of regional preparatory meetings and requests the Executive Secretary to make the necessary arrangements for such meetings prior to the eighth meeting of the Conference of the Parties.

78. Despite the above decisions, only limited support for regional activities has been made available through the trust funds of the Convention (decision VII/34). In addition, regional activities continue to be hampered by limited funds, the ad hoc nature of their relationship with the Convention process and, in some cases, lack of a regional coordination mechanism. Noting the utility of regional preparatory meetings and networks, Parties may wish to consolidate past decisions, request that regional focal points and institutions be identified for each region to assist with regional coordination of meetings and implementation of the Convention, and request the Executive Secretary to convene and service at least one inter-sessional meeting in each region in preparation for the Conference of the Parties and to encourage regional cooperation. In doing so, however, Parties would need to ensure that the necessary voluntary funds were made available for meetings, or agree to allocate funding from the core budget for regional preparatory meetings in regions of predominantly developing countries or countries with economies in transition. Finally, Parties could be encouraged to further implement decision VI/27 by supporting the development of regional networks and mechanisms, and the Executive Secretary could be requested to collect and disseminate information on existing regional networks and activities.

14. The Secretariat

79. Review processes have identified the Secretariat's greatest challenge as its limited capacity to meet its growing workload. Although measures have been and are being taken to reduce the workload of all bodies of the Convention, the Secretariat's workload continues to increase, largely due to the increased number of intergovernmental meetings. The main means of addressing this issue is ensuring that the Secretariat has adequate human and financial resources to carry out its functions. The issue of human resources could be addressed, in part, by improving the recruitment procedures and practices of the Secretariat. The proposed review and revision of administrative arrangements with the United Nations Environment Programme may contribute to improving such practices (decision VII/33). The Secretariat's capacity could also be enhanced if Parties submitted their financial contributions in a timely manner and considered contributing additional financial or human resources to the Secretariat.

80. The capacity of the Secretariat to assess and facilitate implementation could also be increased if Parties were to give enhanced attention to submitting technical inputs, including nominees for technical expert groups, national reports and other information requested by the Conference of the Parties or the Secretariat. Such inputs could be more forthcoming if the system of notifications were streamlined, thereby reducing the burden on national focal points.

81. Another issue that was raised during this review was the role of the Secretariat in providing technical advice to Parties, particularly regarding the development and implementation of national biodiversity strategies and action plans, the development of national policies and legislation, and the completion of national reports. At present, the Secretariat has no mandate or capacity to respond to requests from Parties for technical assistance. Paragraph 1 (e) of Article 24 of the Convention, however, identifies one of the functions of the Secretariat as performing such other functions as may be determined by the Conference of the Parties.

82. The Secretariat, as the administrative body of the Convention, is well positioned to provide certain types of technical assistance to Parties. It has well developed relationships with national focal points and in-depth knowledge of the substantive and procedural aspects of the Convention. It is also the only body dedicated to facilitating implementation of the Convention on a full-time basis. Like the secretariats of other conventions, including the Convention on International Trade of Endangered Species of Wild Flora and Fauna, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Montreal Protocol on Substances that Deplete the Ozone Layer, it could play an important role in facilitating the implementation of the Convention by providing technical advice to Parties, the need for which will likely increase as the Convention shifts from policy development to implementation.

83. Bearing in mind that lack of capacity is identified as one of the key obstacles to implementation of the Convention and the Strategic Plan, the fact that 85 Parties have yet to develop national biodiversity strategies and action plans and that only four countries submitted their third national reports by the 15 May 2005 deadline, the Conference of the Parties may wish to follow the example of other conventions and provide the Secretariat with the mandate and the means to be more proactive in terms of facilitating implementation by Parties, specifically with regard to the development of national strategies, policies, plans, legislation and reports, and to provide direct assistance to Parties upon request. This could occur on an individual basis or through regional workshops and initiatives.

84. The Secretariat could provide such technical assistance directly to Parties or arrange for its provision by other organizations or Parties. Other Parties, organizations and United Nations agencies, including UNEP and UNDP, also have technical expertise that could be mobilized to assist Parties to implement their commitments under the Convention. Hence, the Working Group may wish to request the Executive Secretary to explore possibilities for the provisions of technical advice to Parties by United Nations agencies, relevant organizations and other Parties.

85. The Secretariat could also be encouraged to be more proactive with regard to outreach and cooperation in order to promote synergies with relevant conventions, organizations and initiatives, prevent duplication of efforts and enhance cross-sectoral implementation of the Convention.

15. National focal points

86. National focal points currently have no official mandate. In order to clarify their function and legitimize their role at the national level, Parties may wish to define a mandate for focal points. This could reflect the mandate outlined in section III above, which was defined based on that of the Cartagena Protocol on Biosafety and decisions referring to national focal points.

87. National focal points identified by Parties are not always the people, or from the institutions, responsible for implementing the Convention at the national level. Given the important role that focal points play in translating global negotiations into national implementation, and feeding information back to the Secretariat, this may lead to delays, gaps and inconsistencies in the implementation of the Convention. Accordingly, the Working Group may wish to recommend that the Conference of the Parties encourage Parties to ensure that the identified national focal points and the institutions they represent are directly responsible for facilitating and promoting implementation of the Convention at the national level.

88. The effectiveness of national focal points could also be enhanced through capacity-building and by creating the conditions for technology transfer and the mainstreaming of biodiversity. In addition, the creation of cross-sectoral and multi-stakeholder national committees to coordinate implementation of the Convention could help to relieve the burden on national focal points, promote cooperation and enhance cross-sectoral implementation of the Convention.

16. National reports

89. Under Article 26 of the Convention, each Party is obliged to submit reports on measures it has taken for the implementation of the provisions of the Convention and their effectiveness in meeting the objectives of the Convention. In spite of this obligation, only 64 per cent of Parties submitted their second national reports and only four reports had been received by the 15 May 2005 deadline for the third national reports. In addition, although many reports provide useful information, their potential contribution to the assessment of the implementation and effectiveness of the Convention and to the development of guidance by the Conference of the Parties has not been realized. Therefore, in decision VII/25, the Conference of the Parties requested the Executive Secretary to revise the existing national reporting format with a view to linking it more clearly to the framework for evaluating progress towards the 2010 target, reducing the reporting burden and harmonizing and streamlining the format with those of other biodiversity-related conventions. Options for improving the format and for encouraging the timely submission, analysis and use of national reports are addressed in the note by the Executive Secretary on reporting mechanisms under the Convention and other conventions (UNEP/CBD/WG-RI/1/10).

17. Programmes of work, guidance and tools

While there is evidence that the system of programmes of work and the guidance and tools developed under the Convention are facilitating implementation of the Convention, the degree to which they are doing so is difficult to determine. The impact of programmes of work, tools and guidance may be more easily assessed once Parties have had more experience with implementation of the Convention. One key issue that could be addressed immediately, however, is the need to engage different sectors in the implementation of the Convention through programmes of work, as well as by integrating biodiversity considerations into existing guidance and tools regularly used by sectors. Conducting gap analyses for each programme of work, and prior to the development of new tools, could help to identify opportunities for collaboration, including with other sectors, and to minimize duplication and focus the work of the Convention on areas where gaps exist. This issue is discussed further in an addendum to the present note (UNEP/CBD/WG-RI/1/3/Add.2).

18. Independent review of the Convention

90. As outlined in section II above, the Conference of the Parties has conducted a number of internal reviews of Convention processes, which have led to improvements in the efficiency and effectiveness of the Convention. The Conference of the Parties, however, has never requested an external review of Convention processes. An independent, external review, based on interviews with national focal points and others involved in implementing the Convention, literature reviews, Internet discussions and workshops, could combine in-depth assessments of the impacts and effectiveness of each Convention process with an analysis of the process as a whole. It could help to objectively identify issues and/or solutions that may not be apparent to those involved in the Convention process or that have been overlooked by less thorough internal reviews. It could also help to add credibility to the Convention as an instrument for global consensus building on biodiversity, and to the entire review process in the lead up to 2010. A proposal for an independent review was presented at the seventh meeting of the Conference of the Parties by a group of Parties, but no agreement was reached on the issue at that time. In case the Working Group or the Conference of the Parties decides that this item should be pursued, draft terms of reference for an external review are included in annex IV on page 40 below.

*Appendix A:***ANALYSIS OF THE EFFECTIVENESS OF CONVENTION BODIES IN FULFILLING THEIR MANDATES*****Conference of the Parties***

Article 23 of the Convention establishes the Conference of the Parties. The principle function of the Conference of the Parties is to keep under review the implementation of the Convention. Its specific functions, as described in paragraphs 3 and 4 of Article 23, are listed in table 1.

Table 1. Assessment of the effectiveness of the Conference of the Parties in meeting its mandate.

Function of the Conference of the Parties (Article 23)	Actions to fulfil its function	Outstanding issues and analysis
Keep under review the implementation of the Convention (paragraph 4):		
Establish a form and intervals for national reports and consider reports submitted by Parties and subsidiary bodies (paragraph 4 (a))	<ul style="list-style-type: none"> The Conference of the Parties provided guidelines and deadlines for the first, second and third national reports (decisions II/17, V/19, VI/25 and VII/25), and agreed that reports would be submitted at alternate ordinary meetings (V/19). The Executive Secretary has revised the third framework for reporting with a view to linking it more clearly to the framework for evaluating progress towards the 2010 target (decision VII/25). Syntheses of the first and second reports were considered by the Conference of the Parties and contributed to the Strategic Plan. The Conference of the Parties invited Parties to submit thematic reports on issues to be considered in depth at future meetings and for which the Secretariat developed formats (decisions V/19, VI/25 and VI/5). Reports submitted in time for the sixth meeting of the Conference of the Parties were considered at that meeting. At each of its meetings, the Conference of the Parties considers reports from all of its subsidiary bodies. 	<ul style="list-style-type: none"> The potential contribution of the information in the reports to the assessment of the status of implementation and effectiveness of the Convention and to the development of guidance by the Conference of the Parties has not been realized. As noted in decision VII/25 B, para. 3, further efforts are needed to link the reporting framework more clearly to the framework for evaluating progress towards the 2010 target., reducing the reporting burden and harmonizing and streamlining the format with those of other biodiversity-related conventions (see UNEP/CBD/WG-RI/1/9 and 10).
Review scientific, technical and technological advice on biological diversity provided by the Subsidiary Body on Scientific, Technical and Technological Advice (paragraph 4 (b))	<ul style="list-style-type: none"> The Conference of the Parties frequently bases decisions on the recommendations of SBSTTA. The sixth Conference of the Parties requested the Subsidiary Body to make proposals on how to improve the quality of its advice for consideration at the seventh Conference of the Parties (decision VI/27 B) 	<ul style="list-style-type: none"> Although the Conference of the Parties considers the recommendations of the Subsidiary Body, recommendations are not always based solely on scientific and technical considerations.

Function of the Conference of the Parties (Article 23)	Actions to fulfil its function	Outstanding issues and analysis
Consider and adopt, as required, protocols in accordance with Article 28 (Article 23 (4c)), and consider amendments to any protocol and make recommendations to parties of the protocol accordingly (paragraph 4 (e))	<ul style="list-style-type: none"> • The Cartagena Protocol on Biosafety was adopted in accordance with Article 28. • No amendments have been made to the Protocol. 	<ul style="list-style-type: none"> • The consideration of protocols is outside the scope of this review.
Consider and adopt, as required, amendments to the Convention and its annexes in accordance with Articles 29 and 30 (paragraph 4 (d)), and additional annexes in accordance with Article 30 (paragraph 4 (f))	<ul style="list-style-type: none"> • No amendments have been made. 	<ul style="list-style-type: none"> • The consideration of amendments is outside the scope of this review.
Establish subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of the Convention (paragraph 4 (g))	<ul style="list-style-type: none"> • The Conference of the Parties established the Working Group on Biosafety (II/5), the Working Group on Access and Benefit-sharing (decision V/26), the Working Group on Article 8(j) and Related Provisions (decision IV/9), the Intergovernmental Committee for the Cartagena Protocol (decision EM I/3), the Working Group on Protected Areas (decision VII/28) and the Working Group on Review of Implementation of the Convention (decision VII/30). • The Conference of the Parties Also established the Inter-sessional Meeting on the Operations of the Convention (decision IV/16), the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity (decision V/20) and the Open-ended Inter-sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010 (decision VI/28) to address issues related to implementation and the operations of the Convention. The Inter-sessional Meeting on the Operations of the Convention considered the establishment of a subsidiary body on implementation (UNEP/CBD/ISOC/2), but agreed to improve existing bodies prior to creating an additional one. 	<ul style="list-style-type: none"> • Since the fourth Conference of the Parties, inter-sessional meetings on issues related to implementation have been held between each Conference of the Parties. The next of these meetings will be the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention. • No body has consistently or strategically addressed issues such as financial resources, communication, education and public awareness, Article 6, national reports, operations of the Convention, the budget and cooperation
Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by the Convention on Biological Diversity with a view to establishing appropriate forms of cooperation (paragraph 4 (h))	<ul style="list-style-type: none"> • Memoranda of cooperation and/or joint work programmes have been concluded with the secretariats of other relevant conventions • A Joint Liaison Group of the secretariats of the three Rio conventions (decision VI/20, para. 12) and a liaison group of biodiversity-related conventions have been established (decision VII/26, para. 2). • Cooperation has been established with other conventions and organizations (see UNEP/CBD/WG-RI/1/5) 	<ul style="list-style-type: none"> • Cooperation with other conventions is limited relative to the number of biodiversity-related conventions in existence and should be enhanced, particularly in relation to thematic programmes of work and cross-cutting issues (see UNEP/CBD/WG-RI/1/5).

Function of the Conference of the Parties (Article 23)	Actions to fulfil its function	Outstanding issues and analysis
<p>Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation (paragraph 4 (i))</p>	<ul style="list-style-type: none"> • The Conference of the Parties has established seven thematic programmes of work, as well as work on a number of cross-cutting issues to facilitate implementation by Parties. It has also developed tools to facilitate implementation of the Convention and provided guidance to its subsidiary bodies, the Secretariat, the financial mechanism, the Clearing-house Mechanism and Parties. • The Conference of the Parties has reviewed and revised the operations of the Convention and its programme of work (decisions III/22, IV/16, V/20, VI/28, VII/30, VII/31 and VII/33). • The Conference of the Parties has adopted a Strategic Plan (decision VI/26), as well as a framework for assessing progress towards achievement of the Strategic Plan (VII/30). It has also adopted a Multi-Year Programme of Work that includes the in-depth review of on-going work under the thematic areas and cross-cutting issues (decision VII/31). • The Conference of the Parties has established cooperative arrangements with biodiversity-related organizations (decisions VI/20 and VII/26) and engaged civil society, the scientific community, and local and indigenous communities in Convention processes. 	<ul style="list-style-type: none"> • Decisions V/20, VI/27 and VII/33 call for support for regional coordination and cooperation; however, support for regional preparatory meetings, initiatives and mechanisms has been limited. • The facilitation of participation of small delegations has not yet been addressed (decision VI/27). <p>Other actions that could be taken to improve the achievement of the objectives of the Convention include:</p> <ul style="list-style-type: none"> • Further engaging stakeholders in the implementation of the Convention. Engagement of the private sector, in particular, has been limited. • Defining a comprehensive framework for reviewing the Convention
<p>Agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish (paragraph 3)</p>	<ul style="list-style-type: none"> • The Conference of the Parties adopted (decisions I/1) and revised (decision V/20) rules of procedure for itself. Unless otherwise decided by the Conference of the Parties, these rules, with a few defined exceptions, apply <i>mutatis mutandis</i> to its subsidiary bodies. • Rule 4 on meeting periodicity is to be reviewed at the eighth Conference of the Parties (decision VII/33, para. 8), as are changes to rule 21 on the election and terms of officers (decision VII/33, para. 7) • By decisions IV/16 and V/20 the Conference of the Parties adopted and revised a <i>modus operandi</i> for SBSTTA. 	<ul style="list-style-type: none"> • Agreement on paragraph 1 of rule 40 on voting with respect to substantive decisions remains outstanding.
<p>Agree upon and adopt financial rules governing the funding of the Secretariat and, at each ordinary meeting, adopt a budget for the financial period until the next ordinary meeting (paragraph 3)</p>	<ul style="list-style-type: none"> • The Conference of the Parties adopted (decisions I/6) and amended (decision III/1) financial rules for the administration of the Trust Fund for the Convention on Biological Diversity, which funds the functions of the Secretariat. • These rules, with the exception of the modification in subparagraph 5(f) apply <i>mutatis mutandis</i> to the Special Voluntary Trust Fund for Additional Voluntary Contributions to the Core Budget for Approved Activities under the Convention on Biological Diversity and the Special Voluntary Trust Fund for Facilitating Participation of Parties in the Convention Process (decision III/24). • At each ordinary meeting, the Conference of the Parties adopts a budget for the period until the next ordinary meeting (decisions I/6, II/20, III/24, IV/17, V/22, VI/29 and VII/34) 	<ul style="list-style-type: none"> • Agreement on issues related to relative financial contributions from Parties (paragraph 4) and voting on the budget (paragraph 16) in the Financial Rules remains outstanding.

Subsidiary Body on Scientific, Technical and Technological Advice

The Subsidiary Body on Scientific, Technical and Technological Advice was established by Article 25 to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of the Convention. Specific functions of the Subsidiary Body are outlined in table 2.

Table 2. Assessment of the effectiveness of the Subsidiary Body on Scientific, Technical and Technological Advice in meeting its mandate.

Function of the Subsidiary Body on Scientific, Technical and Technological Advice (Article 25)	Actions to fulfil its function	Outstanding issues and analysis
Provide scientific and technical assessments of the status of biological diversity (paragraph 2 (a))	<ul style="list-style-type: none"> • In response to decision V/20, paragraph 26 and recommendation VI/5, the Subsidiary Body undertook a number of pilot assessments (the status and trends of forest biological diversity; socio-economic and ecological impacts of invasive alien species on island and inland water ecosystems; interlinkages between biodiversity and climate change; and development of rapid assessment methods for the biodiversity of inland water ecosystems and for marine and coastal biological diversity). It also developed methods and modalities for scientific assessment (recommendation X/2). • SBSTTA reviewed the Millennium Ecosystem Assessment (decision VII/6, recommendation X/3). • The Subsidiary Body has completed reports on the status and trends of and threats to biodiversity for all thematic programmes of work, which will be updated when each programme is reviewed prior to 2010. • Upon the Subsidiary Body's recommendation, COP adopted a framework for evaluating progress towards the 2010 target, including a set of indicators for measuring the status and trends of biodiversity (recommendation IX/13, decision VII/30). The Subsidiary Body is currently consolidating the framework for consideration at the eighth Conference of the Parties (decision VII/30, recommendations X/4 and X/5). • The Global Biodiversity Outlook, which was endorsed by the seventh meeting of SBSTTA and the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention, provides an assessment of the status and trends of biodiversity. A second Global Biodiversity Outlook is being prepared for publication prior to the eighth Conference of the Parties (decision VII/30, para. 5). The Subsidiary Body provided guidance on its contents (recommendation X/6). 	<ul style="list-style-type: none"> • The Subsidiary Body has given limited time to considering the assessments developed by AHTEGs and partner conventions, institutions and organizations. • SBSTTA needs to prioritize the identification of research and assessments necessary to facilitate implementation of the Convention and the achievement of the 2010 target. • Scientific and technical assessment of the status of biodiversity are likely to increase once the framework for assessing progress towards the 2010 target has been completed and integrated into programmes of work and national reports.

Function of the Subsidiary Body on Scientific, Technical and Technological Advice (Article 25)	Actions to fulfil its function	Outstanding issues and analysis
<p>Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention (paragraph 2 (b))</p>		<ul style="list-style-type: none"> • The Subsidiary Body has not yet prepared scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention. • The impacts of specific types of measures are extremely difficult to determine; however the overall impact of measures will be assessed through the framework for assessing progress towards with 2010 target and potentially in future reviews of programmes of work.
<p>Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies (paragraph 2 (c))</p>	<ul style="list-style-type: none"> • Work under the Subsidiary Body has led to the development of technical advice on the planning, establishment and management of protected areas (CBD Technical Series No. 15), integrated marine and coastal area management (CBD Technical Series No. 14), the establishment and management of national systems of marine and coastal protected areas (CBD Technical Series No. 13), sustainable mariculture (CBD Technical Series No. 12), facilitating conservation and sustainable use of biodiversity (CBD Technical Series No. 9), sustainable management of non-timber forest resources (CBD Technical Series No. 6) and climate change and biodiversity (CBD Technical Series No. 10). • Work under the Subsidiary Body has also led to the development of technical advice on the ecosystem approach (decision V/6), the sustainable use of biodiversity (decision VII/12), invasive alien species (decision VI/23), integrating biodiversity-related issues into environmental impact assessments and EIA legislation (decision VI/7), biodiversity and tourism development (decision VII/14) and incentive measures (decisions VI/15 and VII/18). • SBSTTA has identified technologies for the conservation and sustainable use of biodiversity (UNEP/CBD/SBSTTA/9/INF/13) and mountain biodiversity (UNEP/CBD/SBSTTA/8/7/Add.1). • On the advice SBSTTA, COP adopted a programme of work on technology transfer and technological and scientific cooperation (decision VII/29). • The Subsidiary Body has advised on ways and means of promoting development and transfer of technologies through the clearing-house mechanism (recommendation X/7). 	<ul style="list-style-type: none"> • The Subsidiary Body has identified some technologies for the conservation and sustainable use of biodiversity; however, whether they have been innovative and state-of-the-art technologies is debatable. • As the Convention enters its implementation phase, support and training on the application of tools and technologies relating to the conservation and sustainable use of biological diversity at the national and (sub-) regional levels will have to increase to ensure technologies and know-how can be used.

Function of the Subsidiary Body on Scientific, Technical and Technological Advice (Article 25)	Actions to fulfil its function	Outstanding issues and analysis
Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity (paragraph 2 (d))	<ul style="list-style-type: none"> • The Subsidiary Body has developed cooperative relationships with international experts and bodies addressing scientific and technical issues and has advised the Conference of the Parties on developing relationships with such bodies (see section on cooperation in Table 1 on the Conference of the Parties). Scientific cooperation is facilitated through the use of rosters of experts for consultation, peer review and participation in ad hoc technical expert groups (decision IV/16). • The Chair of the Bureau of the Subsidiary Body participates in meetings of scientific bodies of relevant conventions, institutions and processes (decision V/20, para. 18). • The Subsidiary Body has provided advice on the role of the clearing-house mechanism in promoting technical cooperation (recommendation X/7). • The Subsidiary Body has provided advice on terms of reference for ad hoc technical expert groups and rosters of experts (recommendation V/14). 	<ul style="list-style-type: none"> • The provision of advice on scientific programmes has been ad hoc. • Advice on regional cooperation has been limited and could help to facilitate implementation of the Convention.
Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body (paragraph 2 (e))	<ul style="list-style-type: none"> • The Subsidiary Body has responded to requests and questions from the Conference of the Parties. 	<ul style="list-style-type: none"> • This function has been the primary focus of the Subsidiary Body's actions. • Responses are often submitted in a timely manner; however, due to time constraints, they are not always based on thorough assessments, and may not be based solely on scientific and technical considerations.

Secretariat of the Convention on Biological Diversity

Article 24 establishes the Secretariat to act as the administrative body for the Convention. Specific functions of the Secretariat are listed in table 3.

Table 3. Assessment of the effectiveness of the Secretariat in meeting its mandate.

Function of the Secretariat of the Convention on Biological Diversity (Article 24)	Actions to fulfil its functions	Outstanding issues and analysis
Arrange for and service meetings of the Conference of the Parties (paragraph 1(a))	<ul style="list-style-type: none"> The Secretariat has arranged for and serviced all official meetings of the Convention on Biological Diversity. 	
Perform the functions assigned to it by any protocol (paragraph 1(b))	<ul style="list-style-type: none"> The Secretariat of the Convention acts as the secretariat to the Cartagena Protocol on Biosafety. 	
Prepare reports on the execution of its functions under the Convention and present them to the Conference of the Parties (paragraph 1(c))	<ul style="list-style-type: none"> The Secretariat reported on its financial and administrative performance to the second (UNEP/CBD/COP/2/15), third (UNEP/CBD/COP/3/32), fifth (UNEP/CBD/COP/5/9) and seventh meetings of the Conference of the Parties (UNEP/CBD/COP/7/10). The Secretariat completes quarterly reports on the execution of its functions The Secretariat reports on aspects of its undertakings in pre-session documents for specific agenda items, such as cooperation, technology transfer and the thematic programmes of work and cross-cutting issues. 	
Coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions (paragraph 1(d))	<ul style="list-style-type: none"> The Secretariat has participated in the Inter-Agency Task Force of the Intergovernmental Panel on Forests and the Inter-Agency Committee on Sustainable Development. It has concluded memoranda of cooperation and/or joint work programmes with the secretariats of a number of organizations (See UNEP/CBD/WG-RI/1/5). A Joint Liaison Group of the secretariats of the three Rio conventions (decision VI/20, para. 12) and a liaison group of biodiversity-related conventions have been established (decision VII/26, para. 2). In decision I/4, the Conference of the Parties designated the United Nations Environment Programme to carry out the functions of the Secretariat. The Executive Director of the United Nations Environment Programme and the Executive Secretary of the Convention negotiated administrative arrangements between the two bodies, which were endorsed by the fourth Conference of the Parties (decision IV/17, para. 1). The seventh Conference of the Parties has invited the Executive Director of the United Nations Environment Programme and the Executive Secretary to review and revise the arrangements for consideration by the eighth Conference of the Parties. 	

Function of the Secretariat of the Convention on Biological Diversity (Article 24)	Actions to fulfil its functions	Outstanding issues and analysis
Perform such other functions as may be determined by the Conference of the Parties (paragraph 1 (e))	<ul style="list-style-type: none">• The Secretariat has responded to requests of the Conference of the Parties to prepare documents, conduct research, develop initiatives and report on activities.	<ul style="list-style-type: none">• The Secretariat could further facilitate implementation of the Convention if it had the mandate and capacity to provide technical advice and assistance to Parties.

National focal points

National focal points have no official mandate; however, bearing in mind that of national focal points for the Cartagena Protocol on Biosafety, and decisions of the Conference of the Parties referring to national focal points, it can be inferred that the main function of a national focal point is to act as a liaison with the Secretariat on behalf of her/his Party. Specific functions induced from decisions of the Conference of the Parties are outlined in table 4.

Table 4. Assessment of the effectiveness of national focal points in meeting their mandate.

Function of national focal points	Actions to fulfil their functions	Outstanding issues and analysis
1. Receive and disseminate information on meetings, work under the Convention and other activities	<ul style="list-style-type: none"> According to the Secretariat's database, all national focal points have a functional email address or fax number. 	<ul style="list-style-type: none"> A limited number of email addresses and fax numbers get rejected when notifications are sent. There is no mechanism for assessing whether information is being disseminated.
2. Ensure that Parties are represented at meetings of the Convention	<ul style="list-style-type: none"> National focal points or other representatives of Parties participate in meetings of the Convention. 	
3. Identify experts to participate in AHTEGs, assessment processes and other processes under the Convention	<ul style="list-style-type: none"> Several national focal points nominate experts to participate in AHTEGs, assessment processes and other processes under the Convention. 	<ul style="list-style-type: none"> Some national focal points nominate experts with inappropriate qualifications, do not submit adequate information on nominees, consistently nominate themselves or do not nominate anyone.
2. Respond to requests for input by Parties from the Conference of the Parties or the Secretariat	<ul style="list-style-type: none"> In response to the request for submissions regarding issues to be addressed by the Ad Hoc Open-ended Working Group on Review of Implementation, 6 Parties submitted comments. 	<ul style="list-style-type: none"> Response rate is very low and rarely greater than 10%.
3. Collaborate with national focal points in other countries to facilitate implementation of the Convention	<ul style="list-style-type: none"> National focal points or their representatives have participated in regional preparatory meetings. 62% of Parties that submitted second national reports indicated they gave high priority to collaboration with other Parties. 	<ul style="list-style-type: none"> There is no mechanism for assessing whether national focal points have led and promoted collaborative efforts. There is a need for support for collaboration among Parties.
4. Coordinate, promote and facilitate national implementation of the Convention		<ul style="list-style-type: none"> There is no mechanism for determining the role of each national focal point in the coordination or facilitation of national implementation of the Convention. There is a need for support for the coordination of national implementation.
a. Coordination of development and implementation of national biodiversity strategies and action plans	<ul style="list-style-type: none"> 103 (55%) Parties have developed national biodiversity strategies and action plans 	<ul style="list-style-type: none"> An analysis of the status of implementation of NBSAPs has yet to be undertaken.

Function of national focal points	Actions to fulfil their functions	Outstanding issues and analysis
b. Coordination and submission of national reports	<ul style="list-style-type: none"> 140 Parties submitted first national reports and 120 (64%) Parties submitted second national reports. 	<ul style="list-style-type: none"> Only four Parties had submitted their third national reports by the 15 May 2005 deadline.
c. Collaboration with focal points for other conventions		<ul style="list-style-type: none"> There is no mechanism for assessing whether focal points have led and promoted collaborative efforts.
d. Engagement of relevant institutions, organizations and stakeholders	<ul style="list-style-type: none"> 55% of Parties that submitted second national reports collaborated with biodiversity-related organizations to a limited extent. 	<ul style="list-style-type: none"> There is no mechanism for assessing whether focal points have led and promoted engagement.

Appendix B

**DRAFT OPERATIONAL PLAN OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL
AND TECHNOLOGICAL ADVICE**

A. Purpose of the Operational Plan

1. The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) was established by the Convention, with its terms of reference set out in Article 25, paragraph 2. The present Operational Plan elaborates that role, reflecting the evolving nature of the work of SBSTTA, as the Convention moves to an implementation phase.
2. The plan is intended to guide the work of SBSTTA. It is designed to support implementation of the Strategic Plan of the Convention, in particular the 2010 biodiversity target (decision VI/26) and other targets agreed upon in its other decisions; the multi-year programme of work of the Conference of the Parties up to 2010 (decision VI/31); and other global goals such as the Millennium Development Goals and the goals in the Plan of Implementation of the World Summit on Sustainable Development.

B. Mission

3. To provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention, in particular with regard to achieving the mission and goals of the Convention's Strategic Plan (Article 25, paragraph 1).

C. Outcomes

4. Scientific assessments of status and trends in, and threats to, components of biological diversity (Article 25, paragraph 2(a)) in accordance with the Multi-year Programme of Work of the Conference of the Parties up to 2010 (decision VI/31) and other biodiversity-related aspects as identified in the Strategic Plan of the Convention (decision VI/26) and framework for assessing progress towards the 2010 target (decision VII/30);
5. Scientific assessments of the effects of types of measures taken in accordance with the provisions of this Convention (Article 25, paragraph 2 (b));
6. Identification of innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advice on the ways and means of promoting development and/or transferring such technologies (Article 25, paragraph 2 (c));
7. Identification of new and emerging issues relating to the conservation and sustainable use of biodiversity.
8. Identification of opportunities for collaboration with, and engagement of, relevant scientific programmes and undertakings of international cooperation in research and development related to conservation and sustainable use of biological diversity (Article 25, paragraph 2 (d)); and
9. Responses to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies put to SBSTTA (Article 25, paragraph 2 (e)).

D. Strategic ways and means for achieving the outcomes

10. Improving the scientific, technical and technological inputs into SBSTTA documents, by *inter alia*:
 - (a) Undertaking scientific assessments according to the process for assessments initiated by SBSTTA outlined in annex I;
 - (b) Establishment of work plans, time tables and resource requirements, early identification of collaborators and contributors, and transparent processes for contributions, comments and feedback at various stages of document preparation; and

(c) Systematic use of peer-review and other consultative processes that involve the scientific community.

11. Improving the scientific, technical and technological debates during SBSTTA meetings, by *inter alia*:

(a) Identification of opportunities to prepare delegates, particularly those with limited experience, for the discussions on scientific and technical matters; and

(b) Increasing the scientific, technical and technological activities within, and inputs into, the meetings, through key note speakers, posters, round table debates, side events and the provision of scientific publications, technical series documents and other relevant scientific, technical and technological inputs focusing on the main agenda items and the strategic issues identified by the Conference of the Parties for evaluating progress towards, and promoting achievement of, the 2010 biodiversity target.

12. Actively building relationships with the scientific and technical community, by *inter alia*:

(a) Providing material about the work of SBSTTA that is accessible to the scientific and technical community (i.e. expresses it in language that is understandable by the scientific and technical community, and relates the material to the work of the scientific and technical community);

(b) Actively disseminating the results of the work of SBSTTA through scientific literature, both as reporting items and as scientific papers, as reviewed and approved by the Conference of the Parties;

(c) Participating in, and contributing to, the scientific and technical components of other biodiversity-related processes and initiatives, including the Joint Liaison Group and Biodiversity Liaison Group; and

(d) Using other bodies as a bridge between SBSTTA and the scientific and technical community in relation to work programmes (e.g. international thematic focal points and key partners).

Annex I

STEPS FOR THE CONDUCT OF ASSESSMENTS INITIATED BY SBSTTA

Assessment steps	Modalities / Activities
Recognition of assessment need/mandate	<ul style="list-style-type: none"> (i) Mandate is usually given by the Conference of the Parties; (ii) Needs are identified through: <ul style="list-style-type: none"> • The review of programme of work, e.g., for forest biodiversity, and biodiversity and climate change; • After an initial assessment, e.g., for invasive alien species; • During implementation of programmes of work (e.g., rapid assessment methods).
Preparation of background document or Note by the Executive Secretary	<p>Background documents or detailed outlines drafted by the Executive Secretary with or without assistance from:</p> <ul style="list-style-type: none"> (i) Consultant/collaborating organization; and / or (ii) Expert meeting.
Consideration by an AHTEG ^{4/} established by the Conference of the Parties, SBSTTA or by an expert group	<ul style="list-style-type: none"> (i) Review of background document or Note by the Executive Secretary; (ii) Identification of gaps; (iii) Revision of background document taking into account additional published information.
Peer-review	<p>Peer-review, if applicable, by:</p> <ul style="list-style-type: none"> (i) Selected reviewers; (ii) Wider peer-review involving Parties, other Governments, SBSTTA focal points, experts from the roster of experts of the Convention on Biological Diversity, organizations and indigenous and local communities; other conventions and their focal points.
Consideration by SBSTTA	<ul style="list-style-type: none"> (i) Conclusions on assessment; (ii) Recommendation to the Conference of the Parties.
Use and application of results (including consideration by the Conference of the Parties) and identification of gaps to be addressed in future	<ul style="list-style-type: none"> (i) Utilization of the revised document to develop elements and activities for the relevant programmes of work, and follow-up activities; (ii) Decision by the Conference of the Parties; (iii) Publication of assessment reports in the CBD Technical Series; (iv) Use in other publications, e.g. Millennium Assessment report; (v) Use by Governments and others; (vi) Identification of additional information needs, including the needs for new assessments.

^{4/} The cost of a meeting of experts (including 12 experts from developing countries and countries with economies in transition) varies between US\$ 40,000 and US\$ 60,000 depending on the venue and participation of the Secretariat of the Convention on Biological Diversity when meetings are held outside of Montreal.

Annex II

PROCEDURE FOR PRIORITY-SETTING TO GUIDE THE ALLOCATION OF FINANCIAL RESOURCES BY THE CONFERENCE OF THE PARTIES

1. All draft decisions are accompanied by an assessment of their cost implications and a summary of those decisions and costs is included in the documentation on the budget and programme for the next biennium. Cost assessments are based on notional costs according to the list maintained by the Executive Secretary, and reflect the major costs associated with the decision, such as the establishment of open-ended meetings and technical expert groups, as well as an overall estimate of other costs, such as staff time.
2. Early in its discussions, the budget group estimates the cost of proposed activities, as well as the funds that are likely to be available to support those activities, taking into account administrative costs for the Secretariat, the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice. Simultaneously, working groups negotiate proposals and refine cost assessments accordingly.
3. Mid-meeting, the budget group presents its findings to the plenary of the Conference of the Parties. All proposals that have major financial implications, such as those establishing open-ended meetings, are considered and priorities for the allocation of resources are developed.
4. The budget group continues negotiations based on revised cost assessments and working groups proceed bearing in mind the identified priorities.
5. The plenary of the Conference of the Parties makes the final decision on core budget allocations in its consideration of budget papers and endorsement of draft decisions with a budgetary component.

Annex III

**PROPOSED SCHEDULE FOR THE CONSOLIDATION OF DECISIONS AND
CONSIDERATION OF STRATEGIC ISSUES THAT SUPPORT IMPLEMENTATION IN LINE
WITH THE MULTI-YEAR PROGRAMME OF WORK OF THE CONFERENCE OF THE
PARTIES UNTIL 2010**

Explanatory note: Column 2 is reproduced directly from the Multi-year Programme of Work of the Convention up to 2010 (decision VII/31, Annex) and is included for information only; Column 3 specifies: (1) the focus of the review of progress in the implementation of the Strategic Plan; and (2) the mechanisms for implementation to be reviewed at each meeting of the Conference of the Parties; and Column 4 proposes a schedule for the consolidation of decisions that is aligned, as far as possible, with Columns 2 and 3 and will be completed by the Conference of the Parties at its tenth meeting as per paragraph 2 of decision VII/33.

1. MEETING	2. Issues for in-depth review or consideration	3. Strategic issues for evaluating progress or supporting implementation	4. Issues for which decisions will be consolidated
COP 8	1. Dry and sub-humid lands biodiversity 2. Global Taxonomy Initiative 3. Access and benefit-sharing 4. Education and public awareness 5. Article 8(j) and related provisions 6. Island biodiversity	1. Progress in the implementation of the Strategic Plan and follow-up on progress towards the 2010 target and relevant Millennium Development Goals: Review of the second Global Biodiversity Outlook; Consideration of findings of the Millennium Ecosystem Assessment 2. National reports; Cooperation; Stakeholder engagement; Operations of the Convention	1. Forest biodiversity <u>5/</u> 2. Access and benefit-sharing <u>5/</u> 3. Guidance to the financial mechanism <u>5/</u> 4. Dry and sub-humid lands biodiversity <u>6/</u> 5. Article 8(j) <u>6/</u> 6. Global Taxonomy Initiative <u>6/</u> 7. Education and public awareness <u>6/</u> 8. National reports <u>9/</u> 9. Cooperation <u>9/</u> 10. Operations of the Convention
COP 9	1. Agricultural biodiversity 2. Global Strategy for Plant Conservation 3. Invasive alien species 4. Forest biodiversity 5. Incentive measures 6. Ecosystem approach	1. Progress in the implementation of the Strategic Plan and follow-up on progress towards the 2010 target and relevant Millennium Development Goals: Review of NBSAPs 2. Financial resources and the financial mechanism; Identification and monitoring	1. Agricultural biodiversity <u>6/</u> 2. Global Strategy for Plant Conservation <u>6/</u> 3. Invasive alien species <u>6/</u> 4. Forest biodiversity <u>6/</u> <u>7/</u> 5. Incentive measures <u>6/</u> 6. Ecosystem approach <u>6/</u> 7. Biosafety <u>8/</u> 8. National biodiversity strategies and action plans <u>9/</u> 9. Financial mechanism and additional financial resources <u>9/</u> 10. Identification and monitoring <u>9/</u>

5/ Consolidation of decisions already requested for the eighth meeting of the Conference of the Parties (decision VII/33).

6/ Consolidation coincides with in-depth reviews of thematic programmes of work and cross-cutting issues.

7/ This would require only a simple update as consolidation has already been requested for the eighth meeting of the Conference of the Parties.

8/ Other issues.

9/ Consolidation coincides with review of strategic issues for evaluation progress and supporting implementation.

/...

1. MEETING	2. Issues for in-depth review or consideration	3. Strategic issues for evaluating progress or supporting implementation	4. Issues for which decisions will be consolidated
COP 10	1. Inland waters biodiversity 2. Marine and coastal biodiversity 3. Sustainable use 4. Protected areas 5. Mountain biodiversity 6. Climate change	1. Progress in the implementation of the Strategic Plan and follow-up on progress towards the 2010 target and relevant Millennium Development Goals: Review of the fourth National reports and the third Global Biodiversity Outlook; Revision of the Strategic Plan and framework of goals and targets 2. Clearing-house mechanism; Technology transfer; Capacity-building	1. Inland waters biodiversity <u>6</u> / 2. Marine and coastal biodiversity <u>6</u> / 3. Sustainable use <u>6</u> / 4. Protected areas <u>6</u> / 5. Mountain biodiversity <u>6</u> / 6. Biodiversity and climate change <u>6</u> / 7. Biodiversity and tourism <u>8</u> / 8. Strategic Plan and the 2010 framework <u>9</u> / 9. Clearing-house mechanism <u>9</u> / 10. Technology transfer <u>9</u> / 11. Capacity building <u>9</u> /

Annex IV

DRAFT TERMS OF REFERENCE FOR AN INDEPENDENT REVIEW OF CONVENTION PROCESSES

I. PURPOSE AND SCOPE

1. The purpose of the independent review of the Convention on Biological Diversity (CBD) is to review the impacts and effectiveness of Convention bodies, mechanisms and processes, as well as the overall Convention process. Bodies, mechanisms and processes to be assessed are divided into three sections:

- (a) The institutional structure of the Convention and its related processes, including:
 - (i) The Conference of the Parties;
 - (ii) The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), including ad hoc technical expert groups (AHTEGs);
 - (iii) Ad hoc working groups;
 - (iv) The Secretariat;
 - (v) National focal points.

These bodies and their related processes should be reviewed according to whether or not they have met their mandates, as well as the degree to which they have contributed to furthering the objectives of the Convention. Reviewers should consider whether current mandates, procedures or practices can be modified to enhance the impacts and effectiveness of each body and/or process, and propose improvements accordingly.

- (b) Mechanisms for implementation, including:
 - (i) The elaboration of programmes of work, tools and protocols;
 - (ii) The clearing-house mechanism;
 - (iii) Communication, education and public awareness;
 - (iv) Mechanisms for monitoring and reporting progress;
 - (v) The financial mechanism.

These mechanisms and their related processes should be reviewed according to whether or not they have facilitated the implementation of the Convention. Reviewers should consider and propose ways and means of improving the impacts and effectiveness of each mechanism.

- (c) The overall functioning of the Convention. Reviewers should assess the efficiency and effectiveness of the overall Convention process. They should consider how all of the components of the Convention interact to further the objectives of the Convention, and propose ways and means of improving the overall structure and operation of the Convention.

II. EXPECTED OUTCOME

2. The expected outcome of the independent review is a report on the impacts and effectiveness of Convention bodies, mechanisms and processes. The report will include viable recommendations to improve the impacts and effectiveness of Convention bodies, mechanisms and processes, as well as the overall Convention process, which can be implemented without renegotiation of the text of the Convention.

3. The final report will be as concise as possible without compromising on content, and will be accompanied by a comprehensive executive summary not exceeding 15 pages.

Size and composition of the review team

4. The independent review will be undertaken by a small team (6-8 individuals) composed of individuals with diverse expertise in areas relevant to the Convention (biodiversity, biodiversity policy, international governance, convention processes, scientific assessment, monitoring and evaluation, development finance, technological cooperation). The individuals will be sufficiently distant from the Convention process to be truly objective, while sufficiently close to understand the nature, limitations and opportunities offered by an intergovernmental mechanism such as the Convention. The team will be supported by a small secretariat (1-2 individuals).

III. PROCESS

5. The review team will need to meet physically on at least three occasions: (i) to initiate its work; (ii) to review and guide work, and (iii) to finalize the report.

6. The review will involve:

(a) Consideration of the text of the Convention, decisions of the Conference of the Parties and recommendations of its subsidiary bodies, as well as other relevant documentation produced under the Convention;

(b) A literature review, taking into account previous internal and external reviews of Convention bodies, mechanisms and processes, including the financial mechanism;

(c) Interviews with all national focal points, all bureaux members of the Conference of the Parties and SBSTTA, the Executive Secretary, Secretariat staff members, particularly those involved in administering the thematic programmes of work and tools of the Convention, a sample of SBSTTA, access and benefit-sharing and clearing-house mechanism focal points from each United Nations regional group, and staff members of the Global Environment Facility Secretariat and its implementing agencies;

(d) Interviews with representatives from collaborating conventions, institutions and organizations, as well as relevant international organizations, academic and research institutions, civil society organizations, local and indigenous communities, government departments and agencies other than those of national focal points and businesses, industries and trade associations;

(e) Participation in workshops, meetings or initiatives relevant to reviewing Convention bodies, mechanisms or processes;

(f) A public peer review process.

7. The independent review will commence following the eighth meeting of the Conference of the Parties in March 2006. A preliminary report will be peer reviewed and submitted to an inter-sessional ad hoc working group, such as the Working Group on Review of Implementation of the Convention. The report will be revised based on input from the working group and a final report will be submitted to the ninth Conference of the Parties in early 2008.

Cost estimate

8. The cost for the independent review would be in the order of US\$ 500,000.
