



**CONVENTION ON  
BIOLOGICAL  
DIVERSITY**

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REVIEW OF IMPLEMENTATION OF THE  
CONVENTION  
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**PERIODICITY OF MEETINGS AND ORGANIZATION OF WORK OF THE CONFERENCE  
OF THE PARTIES: A COMPARATIVE ANALYSIS WITH GOVERNING BODIES OF  
MULTILATERAL ENVIRONMENTAL AGREEMENTS AND OTHER  
INTERGOVERNMENTAL PROCESSES OF RELEVANCE TO THE CONVENTION ON  
BIOLOGICAL DIVERSITY**

*Note by the Executive Secretary*

**I. INTRODUCTION**

1. Since the entry into force of the Convention on Biological Diversity on 29 December 1993, eight meetings of the Conference of the Parties have been held and 226 decisions contained in 1821 pages have been adopted. To respond to the unprecedented biodiversity challenges facing Humankind, the eighth meeting of the Conference of the Parties, held in March 2006 in Curitiba, Brazil, called for an enhanced phase of implementation of the three objectives of the Convention.
2. In decision VIII/10, the Conference of the Parties decided to maintain the periodicity of its ordinary meetings until 2010. In the same decision, the COP decided to consider, at its ninth meeting, the meeting schedule of the Conference of the Parties and its subsidiary bodies after the tenth meeting of the Conference of the Parties, in 2010, and requested the Executive Secretary to prepare options for the meeting schedule, including the financial implications of each option. The meeting of the Ad Hoc Open-ended Working Group on the review of Implementation of the Convention offers a timely opportunity to initiate discussions of this important issue and, as appropriate, make recommendations to COP-9. Thus, Parties may wish to examine this issue under agenda item 11 (Operations of the Convention), which deals with the follow up to decision VIII/10. In order to facilitate such discussions, section II of the present document reviews the options for the periodicity of meetings after 2010, including the financial implications of each option, as requested by the Conference of the Parties.
3. The present note also provides an overview of the organization of work of the Conference of the Parties and the scientific subsidiary bodies of multilateral environmental agreements and other

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intergovernmental processes of relevance to the Convention. Section III contains a comparative analysis of the following United Nations bodies: the Conference of the Parties of the Convention on Biological Diversity (CBD), the Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC), the Conference of the Parties of the United Nations Convention to Combat Desertification (UNCCD), the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Conference of the Parties of the Convention on Wetlands (Ramsar), the Conference of the Parties of the Convention on Migratory Species (CMS), the UNEP Governing Council/Global Ministerial Environment Forum (Council/GMEF), as well as the Commission on Sustainable Development (CSD). Section IV provides a comparative analysis of the functioning of the scientific subsidiary bodies of relevant multilateral environmental agreements. Section V examines relevant considerations pertaining to the organization of work of the Conference of the Parties and of the Subsidiary Body for Scientific, Technical and Technological Advice to the Convention on Biological Diversity in the new enhanced phase of implementation of the Convention, in light of the experience gained, and suggests possible options with a view to maximizing the effectiveness of the convention processes and equip its organs to meet the challenges arising from the new enhanced phase of implementation of the three objectives of the Convention.

## **II. PERIODICITY OF MEETINGS OF THE CONFERENCE OF THE PARTIES**

4. The first three meetings of the Conference of the Parties were held at yearly intervals, while eighteen months separated the third and fourth meetings. Once this early phase was completed, at its fourth meeting the Conference of the Parties decided to move to a two-year cycle, a periodicity that has been incorporated into the multi-year programme of work of the Convention until 2010. The more frequent periodicity in the early years was justified by the need to establish the institutional framework of the Convention. However, in the new enhanced phase of implementation the following options for the periodicity of the meetings of the Conference of the Parties may be considered: option 1: maintaining the current two-year cycle; option 2: every three years; and option 3: every four years.

5. The experience of the Convention on Biological Diversity, as well as lessons from other Conventions, suggest that deciding well in advance of 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) and facilitating participation (Please see also (Please see also UNEP/CBD/WG-RI/1/3 (paragraphs 36-40) AND UNEP/CBD/COP/8/16. The periodicity of other Rio and Biodiversity Conventions is as follows: UNFCCC: every year (two weeks duration); UNCCD: every two years (two weeks); CITES: intervals of two to three years (approximately two weeks); Convention on Wetlands (Ramsar): every three years (one week); CMS: every three years (except once at two and one half years);

6. 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 to COP decisions. Moreover, in the enhanced phase of implementation, a two-year periodicity may not provide sufficient time for an effective implementation of the COP decisions. This consideration suggests that a longer periodicity of three or four years in between meetings of the Conference of the Parties would be more appropriate in the post 2010 period. A longer inter-sessional period will require an enhanced inter-sessional body, such as an enlarged bureau (as is the case for the Basel Convention) or a standing committee (as is the case for CITES) that could meet periodically in between meetings of the Conference of the Parties to provide guidance to the Parties and to the Secretariat on follow-up to COP decisions. It will also require the convening as appropriate of extraordinary meetings.

### **III. ORGANIZATION OF WORK OF THE CONFERENCE OF THE PARTIES OF MULTILATERAL ENVIRONMENTAL AGREEMENTS AND THE GOVERNING BODIES OF OTHER INTERGOVERNMENTAL PROCESSES OF RELEVANCE TO THE CONVENTION ON BIOLOGICAL DIVERSITY**

#### ***A. Convention on Biological Diversity***

7. This section outlines the current practice of the organization of work of the conference of the parties of the three Rio Conventions, the biodiversity related conventions, as well as the organization of work of the Governing Council of UNEP and the Commission on Sustainable Development.

8. During the first three meetings of the Conference of the Parties (COP) to the CBD, the plenary established a Committee of the Whole, which in turn established various contact and drafting groups. However, at its fourth meeting (Bratislava, 1998) the COP decided to adopt a different structure establishing instead two working groups with a balanced distribution of substantive agenda items among them. The Working Groups created contact groups and drafting groups as needed. This change was motivated, at the time, by the broad scope of the Convention and by the increasing number and complexity of the work programmes adopted by the COP. This system has been maintained ever since. However, at COP-4 small delegations essentially from developing countries and countries with economies in transition complained that the large number of contact groups did not allow them to participate in, and follow the negotiations. As a result, from COP-5 to COP-8, the general practice has been that there should not be more than two meetings of the working groups or contact groups taking place at any given time. It must be noted that COP8 had on its agenda 47 items and sub-items. More than 1500 pages of pre-session documents and 1860 pages of information documents were submitted by the secretariat to cover the items on the agenda. The secretariat has already identified, arising from previous decisions, 41 items and sub items to be included on the agenda of the ninth meeting of the COP to be held in May 2008, in Bonn, Germany.

9. The establishment of two separate working groups has been also at the origin of a lack of consistency between the various draft decisions emanating from working groups and submitted directly - often very late in the night - for the adoption by the Plenary. In the absence of a screening mechanism, such as a drafting committee, to review the draft decisions submitted by the two working groups before their submission to the plenary, with a view of ensuring consistency and overall coherence, the system of the two working groups has operated in some instances like two distinct COPs.

10. With regard to meetings of subsidiary bodies, the COP has decided in the modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) (Annex I of decision IV/16 and section III, decision V/20) that the SBSTTA “shall meet at intervals to be determined by the Conference of the Parties and sufficiently in advance of each regular meeting of the Conference of the Parties...” This decision clearly implies that the SBSTTA meets in between meetings of the Conference of the Parties. Similarly, other subsidiary bodies (such as the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, the Working Group on Article 8j and the Working group on the review of the implementation of the convention) meet during the inter-sessional period based on decisions adopted by the Conference of the Parties.

11. The COP meets every two years for a two-week duration and is preceded, since its seventh meeting held in Kuala Lumpur, in February 2004, by the meeting of the Parties of the Cartagena Protocol on Biosafety of a one-week duration.

#### ***B. United Nations Framework Convention on Climate Change***

12. The UNFCCC Conference of the Parties has adopted a different approach whereby meetings of the Conference of the Parties of the Kyoto Protocol and of subsidiary bodies take place concurrently with,

and within, COP meetings (in addition to inter-sessional meetings in a joint session). This includes meetings of the Subsidiary Body for Scientific and Technical Advice (SBSTTA), the Subsidiary Body for Implementation (SBI) and working groups (e.g. Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG)). Thus, the plenary of the UNFCCC/COP refers items of its agenda to the subsidiary bodies, as appropriate. The plenary and the subsidiary bodies also establish informal contact groups on different issues, as needed. In practice, a relatively large part of the workload (and timetable) is allocated to such informal groups. The subsidiary bodies close their sessions before the end of the COP (generally at the end of the first week of COP) and report their outcome, including draft decisions, to plenary, which then adopts its decisions based on the recommendations of the different subsidiary bodies and working groups. Also, negotiations are often carried out through spokespersons designated by different negotiating groups. Thus, not every Party intervenes during negotiations, which saves time and allows the meetings to address the agendas effectively.

13. The COP and MOP meets every year for a two-week duration and decides the dates of its future meetings well in advance. Hence, COP12 held in Nairobi, in November 2006, decided on the dates of its meetings in 2011.

### ***C. United Nations Convention to Combat Desertification (UNCCD)***

14. There is a long-standing practice under Conference of the Parties of the UNCCD whereby the plenary establishes a Committee of the whole (COW), chaired by a Vice-President of the COP. Substantive work is conducted in the COW, which is open to participation by all Parties and elaborates draft decisions for subsequent adoption by the COP. The COW delegates work to drafting groups, as appropriate. The Committee on Science and Technology (CST) and the Committee for the Review of the Implementation of the Convention (CRIC) meet concurrently with the COP, as well as the ad hoc group of experts (AHGE). The CST and the CRIC, both subsidiary bodies of the COP, prepare recommendations or draft decisions for submission to the COP.

15. The COP meets once every two years for a two-week duration.

### ***D. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)***

16. Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the COP meets in plenary sessions, as well as in committee sessions. In accordance to Rule 5 of its rules of Procedure, the COP establishes the following sessional committees: the Credentials Committee; Committee I responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and on any matter of a primarily biological nature; and Committee II, which acts similarly in relation to all other matters to be decided upon by the Conference.

17. In addition, the COP and Committees I and II may establish working groups to carry out their functions as needed. They define the terms of reference and composition of each working group.

18. Committees I and II meet most of the time in parallel sessions. At the end of the COP, the items examined by the Committees are reviewed in plenary before the conclusion of the meeting in a last plenary session. To date, the COP has met at an interval of two or three years.

19. The COP has also established an Animals Committee and a Plants Committee. Their role is to provide technical support to decision-making and to fill gaps in biological and other specialized knowledge regarding species of animals and plants that are (or might become) subject to CITES trade controls. The Animals and Plants Committees meet twice between meetings of the COP and report to the latter. In addition, a Nomenclature Committee was established in recognition of the need to standardize the nomenclature used in the Appendices and in other CITES documents. Meetings of the Nomenclature

Committee are usually held in parallel with meetings of the two other scientific committees. Thus, unlike UNFCCC or UNCCD, the meetings of the scientific committees of CITES are held intersessionally and not in direct conjunction with the COP.

20. The COP also established a Standing Committee, which provides policy guidance to the Secretariat concerning the implementation of the Convention and oversees the management of the Secretariat's budget. Meetings of the Committee may be convened at the request of the Chairmen or of a simple majority of the members according to its Rules of Procedure. However, the Committee usually meets once a year and, in addition, immediately before each meeting of the COP.

#### ***E. Convention on Wetlands (Ramsar)***

21. The Conference of the Parties of the Convention on Wetlands (Ramsar) meets in plenary sessions. However, pursuant to Rule 19 and 26 of the Rules of Procedure, the COP may establish any committees necessary to enable the COP to carry out its functions (e.g. a Committee on the Strategic or/and Work Plan, a Committee on Finances and Budget and a Committee on content and duration of future Ordinary Meetings of the Conference of the Contracting Parties). In addition to the plenary and different committees, there may be also established contact groups and/or regional groups on different issues. Another important characteristic of the RAMSAR COP are the so-called Technical Sessions. Those are an integral part of the programme of the Conference. However, unlike the Plenary Sessions the technical sessions do not constitute a formal sitting of the Conference in the sense that all participants, delegates of Contracting Parties and observers, participate in the discussions on an equal basis. The Technical Sessions, as the title indicates, are intended to deal with issues of great significance to the Convention from a technical perspective. The Technical Sessions discuss proposals for Resolutions and Recommendations concerning the theme under debate and may propose amendments that are then considered by the Plenary and may be adopted as part of the Conference decisions.

#### ***F. Convention on Migratory Species (CMS)***

22. The COP of the CMS works generally through a plenary meeting. According to the Rules of Procedure a Credentials Committee is established, as well as a Committee of the Whole (COW), which is meant to forward the business of the meeting. The COW is responsible for making recommendations to the COP on any matter of a scientific or technical nature, including proposals to amend the Appendices of the Convention, as well as recommendations concerning financial, administrative and any other matter to be decided upon by the COP. In addition, the COP and the COW may establish working groups as may be necessary to enable them to carry out their functions. The COP and the COW define the terms of reference, composition and size of each working group.

23. Two subsidiary bodies have been established to support the COP. The Standing Committee provides policy and administrative guidance between regular meetings of the COP. The Scientific Council (ScC) advises the COP and the Secretariat on scientific matters and priorities for research and conservation. Both subsidiary bodies meet annually, i.e. inter-sessionally and back to back with the meetings of the COP. The Standing Committee usually meets immediately before and after the COP. The Scientific Council meets immediately before the COP.

#### ***G. UNEP's Governing Council/GMEF***

24. Since its establishment and until its 19<sup>th</sup> session, the UNEP Governing Council conducted its business through two committees, one devoted to the programme and another to budgetary issues. A drafting Committee was established as early as 1987. In 1997, the UNEP Governing Council decided to discontinue the practice of two working groups and established in addition to the plenary a Committee of the Whole. Moreover, the Global Ministerial Environmental Forum meets in the form of ministerial-level consultations pursuant to General Assembly resolution 53/242 of 28 July 1999, to review important and

emerging policy issues in the field of the environment. With regard to the format of the Global Ministerial Environment Forum (GMEF), a more interactive approach has been introduced involving a combination of panels, roundtables and plenary sessions, to provide Ministers/Heads of Delegations with opportunities for substantive debates and more direct interaction. Furthermore, a small number of high-level guests such as heads of UN agencies, Ministers from other sectors, as well as business and civil society leaders, have been invited to join Ministers.

#### ***H. Commission on Sustainable Development (CSD)***

25. The CSD usually does not divide up into any groups during its regular sessions, but conducts its work and discussions entirely in plenary. After the standard election of officers, the adoption of the agenda and organization of work and general statements in the opening session, the CSD normally addresses the various substantive items of the agenda around thematic clusters and conducts regional discussions in the plenary. However, at its first session, the CSD stated in a document on "Issues relating to the future work of the Commission" (E/CN.17/1993/L.2) that it will decide at each session, on the basis of its agenda, on the need for and the number of informal negotiating groups, as well as other specific sessional arrangements for its work, on the understanding that the number of such groups will not exceed three during a particular session and that no more than two of those will meet simultaneously. Indeed, at its second session, the CSD formed two different working groups to be held in conjunction. At its third session, however, the CSD again considered the different items of the agenda sequentially.

26. In addition, informal ministerial meetings take place as well as an exchange with representatives of the private sector and major groups.

#### **IV. ORGANISATION OF WORK OF THE SCIENTIFIC BODIES OF OTHER RELEVANT MULTILATERAL ENVIRONMENTAL AGREEMENTS AND RELATED INTERGOVERNMENTALE PROCESSES**

27. To date, the Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA) has met 11 times between 1995 and 2005 and adopted a total of 121 sets of (or 1220 individual) recommendations in response to COP requests and pursuant to its mandate stated in Article 25 of the Convention. Following the seventh meeting of the SBSTTA, an analysis of SBSTTA outputs revealed that approximately 60% of its recommendations were fully endorsed by COP and an additional 30% were adopted with modifications. Recommendations that were not endorsed dealt mainly with financial matters.

28. With the financial support of UNEP, a brainstorming meeting of the past, present and future chairs of SBSTTA was held in Paris on 24-25<sup>th</sup> July 2006 to review the experience gained by SBSTTA and to equip the scientific body of the Convention to meet the challenges arising from the enhanced phase of implementation of the Convention. The meeting had before it an analysis prepared by the secretariat on the processes and operations of scientific bodies of Rio Convention, Biodiversity related convention and the Global Environmental Facility. For ease of reference, the document is available as UNEP/CBD/WG-RI/2/INF/12/Add.2.

29. The document recalled that two meetings of the SBSTTA of one-week duration each are held between meetings of the Conference of the Parties. At SBSTTA-11, in 2005, the agenda featured 10 items and more than 700 pages of pre-session documents were prepared by the secretariat. Experience shows that the time is often too short to adequately discuss all items. The meetings start in plenary and, then, two Working Groups are established after a half-day. Two one-week meetings of the SBSTA of the United Nations Framework Convention on Climate Change are held in between COPs and one meeting is held back to back with COP. It has as on average 14 items on its agenda. The Committee of Science and Technology of the United Nations Convention to Combat Desertification meets for three days every two years and always in conjunction with the Conference of the parties. Its agenda stems from COP decisions

and includes on average 13 items. The meetings of CITES' Scientific Committees (the Animals and Plants Committees) are held annually for a period of 5 days each. The agenda of the last meetings contained 23 items. After a brief plenary session, members break into small working groups and work simultaneously on different issues. There were two meetings of the Scientific Council of CMS in between the two last COPs that lasted three days each. On average, the agenda contains 10 items. The majority of time is dedicated to substantive items, e.g. work on the CMS strategy. When there is a long agenda, an ad-hoc working group is established to consider some items. The Scientific Committee is flexible in its structure and allows for small groups to conduct work in parallel on different issues. When inter-sessional work is needed, work is conducted electronically within a defined group that tables a report at the Scientific Committee meeting. The Ramsar STRP holds an annual meeting of five-day duration. At STRP-13, in May 2006, there were 15 agenda items. For each of the six or seven priority thematic work areas, STRP thematic lead members are appointed to lead STRP Working Groups responsible for developing and delivering the tasks requested by COP under each of the themes; and to oversee work of any task force established within the Working Groups. Co-leads can be appointed. This work is done mostly inter-sessionally.

30. The Ramsar Convention Secretariat developed a Support Service Website to facilitate inter-sessional work of STRP. STRP regional network members are appointed to steer, in liaison with the Regional Advisors in the Ramsar Secretariat and STRP national focal points, the work to be carried out in regions at the national level.

31. Based on this comparative analysis, it appears that SBSTTA is the sole organ of the Rio Conventions and other biodiversity related conventions to meet twice between the meetings of the COP and to have two working groups with simultaneous interpretation in the 6 UN languages requiring a team of 36 interpreters. Conducting the work of SBSTTA in plenary or a committee of the whole instead of the two working groups would require a smaller number of interpreters and lead to savings estimated at US \$84,000 per meeting that could be used for financing smaller technical experts meetings or to build the scientific and technical capacity of developing countries and countries with economy in transition.

## **V. EQUIPPING THE ORGANS OF THE CONVENTION TO MEET THE CHALLENGES OF THE NEW ENHANCED PHASE OF IMPLEMENTATION OF THE THREE OBJECTIVES OF THE CONVENTION**

32. This brief overview of the organization of work of other relevant processes shows that the structure and practice of the Conference of the Parties of the Convention on Biological Diversity and its scientific subsidiary body differ from that of other comparable United Nations bodies, including its sister Rio Conventions. Indeed, it is the only Conference of the Parties to regularly structure its meetings in two distinct and separate working groups. It must be also noted that the tasks of the two working groups are not based on function but rather on a mechanical allocation of items on the agenda of the plenary. The two working groups submit for adoption their recommended decisions directly to the plenary without a screening mechanism aimed at ensuring coherence and consistency between the increasing numbers of draft decisions. The late submission of the draft decisions for adoption by the plenary does not allow the Bureau or the Secretariat to provide advice on the consistency of the recommended draft decisions. The governing bodies of other relevant multilateral environmental agreements or related environmental processes generally conduct their work in plenary or in a Committee of the Whole (COW), or through subsidiary bodies meeting within the COP meetings. However, all of those bodies establish informal contact groups or drafting groups, which report back to the COW or the plenary.

33. With regard to the Conference of the Parties of the two other Rio Conventions (UNFCCC and UNCCD), a noticeable difference with respect to the CBD is that their subsidiary bodies meet during meetings of the COP, as well as inter-sessionally. As the Convention moves to an enhanced phase of implementation, it seems timely to re-examine the organization of work of the Conference of the Parties

and the SBSTTA to ensure that they are tailored to the current needs and that they are conducive to the most efficient meetings. The following considerations may be taken into account:

#### *A. Conference of the Parties*

34. The following considerations are relevant for the Conference of the Parties:

(a) At its first three meetings, the Conference of the Parties conducted its substantive work through a Committee of the Whole and contact groups. At its fourth meeting, the Conference of the Parties moved to the structure of two working groups reporting to the Plenary; this change was prompted by the multiplication of items on the agenda;

(b) The two working groups approach has been a source of difficulties ever since COP-4 as many delegations - particularly smaller delegations from developing countries and countries with economies in transition - have repeatedly complained that they are unable to participate fully in the work in both working groups and in the contact groups they establish, and therefore, find that they have no input in some decisions;

(c) This approach also created problems of consistency between decisions as the two working groups work independently as two distinct meetings, which often leads to a lack of consistency between decisions and conflicting priorities and use of funds that cannot be addressed effectively by the Plenary due to the lack of time;

(d) The Conference of the Parties has recognized the problem of the proliferation of agenda items, which allow limited time for an in-depth review, and has decided at its eighth meeting to streamline its agendas. In its decision VIII/10, Annex II, the Conference of the Parties adopted a refined multi-year programme of work up to 2010, which limits the number of items at each meeting to allow for a more in-depth discussion of each item.

(e) The Conference of the Parties may wish to emulate the example of UNFCCC and decide on the venue and dates of its forthcoming COP meetings well in advance. In this regard, the 9<sup>th</sup> meeting of the Conference may wish to decide on the dates and venue of COP 10 in 2010 and COP 11 in 2012, which will coincide with the twentieth anniversary of the Rio Summit and the opening of signature of the Convention. A tentative calendar of meetings is available in document UNEP/CBD/WG-RI/2/INF/12/Add.1

(f) The COP may also wish to follow the practice of the UNFCCC and limit the convening of night sessions in the CBD process, as this would *inter alia* allow considerable savings in interpretation. In paragraph 102 of the report of its 24<sup>th</sup> meeting, held in May 2006, the UNFCCC Subsidiary Body for Implementation (SBI) requested presiding officers and the Secretariat to schedule evening meetings so as to enable all participants to leave the premises before a given time. The SBI recommended that meetings should normally end by 6 p.m. but may, in exceptional circumstances, continue no later than 9 p.m. The increased pressure on meeting time arising from the new processes established under the Convention and the Kyoto Protocol was noted with concern. The SBI endorsed the principle that measures to use meeting time more efficiently should be introduced and noted with appreciation the willingness of Parties to be flexible and disciplined in this regard. The SBI encouraged limiting the time for statements in plenary.

35. The enhanced phase of implementation and the new, streamlined agenda raise the question of the adequacy of the current organization of work to the new circumstances, in particular the need for two working groups.

36. One option could be to reduce the number of items and establish a Committee of the Whole as well as a drafting group. The substantive discussion of the agenda items would take place in the Committee of the Whole instead of the two working groups and the negotiation of the draft decisions would take place in the drafting group. The COW would have the ability to establish, if required, a manageable number of contact groups to address specific agenda items. The contact groups would report back to the COW once they have completed their tasks. The drafting group would start its work after the substantive discussion held in the Committee of the Whole with the mandate to consider and submit for adoption to the plenary, through the COW, all draft decisions. The drafting group could comprise the members of the bureau with the participation of the spokesperson of the established regional groups. The meetings of the drafting group would be open-ended. Such an option will have the following advantages: provide for a substantive discussion in the Committee of Whole; offer a proper framework of negotiation and reduce the cost of interpretation leading to savings estimated at US\$120,000 since the COW will require a team of 20 interpreters only rather than the 36 required by two working groups. It is suggested that the savings could be used to support activities for the implementation of the convention, through a biodiversity dividend trust fund.

### **B. Review of the Strategic Plan**

37. In its decision VIII/12, paragraph 2, the Conference of the Parties decided to consider at its ninth meeting the process for revising and updating the Strategic Plan with a view to adopting a revised Strategic Plan at its tenth meeting, in 2010 (Please also refer to document UNEP/CBD/WG-RI/2/INF/6). The preparation of a revised strategic plan will require the establishment of an inter-sessional process, such as a regionally balanced expert group, which could include approximately 20 Parties, as well as the Presidents of COP-9 and COP-10 or their representatives and the Chair of the SBSTTA. The expert group might be constituted along the lines of the Inter-sessional Intergovernmental Working Group established by the seventh meeting of the Parties to the UNCCD, held in Nairobi, Kenya, on 17-28 October 2005. The UNCCD Working Group was mandated *inter alia* “to develop a draft ten-year strategic plan and framework to enhance the implementation of the UNCCD...”<sup>1</sup>

### **C. Budget Contact Group**

38. The consideration of the budget of the Convention is done by a Budget Contact Group, which is established by the Plenary on the first day of the COP. The Budget Contact Group is informal and open-ended. Its Chair is appointed by the Plenary, following regional consultations and deliberations, as well as recommendations by the Bureau.

39. The Chairman of the Budget Contact Group is invited to join the COP Bureau and liaises closely with the Chairs of the two Working Groups in order to ensure that recommendations emanating from these two Working Groups are shared with the Budget Contact Group.

40. All recommendations arising from the two Working Groups are compiled by the Secretariat and are subsequently costed and presented to the Budget Contact Group for their deliberations. It is the responsibility of the Secretaries of the two Working Groups to provide daily updated lists of recommendations from their Working Groups to the Secretary of the Budget Contact Group for changes to be noted and for costing. These updated lists are presented to the Budget Contact Group as and when required.

41. Based on the recommendations of the two Working Groups, the Budget Contact Group negotiates from where funding will be assigned – the core budget of the Convention or the voluntary Trust Funds.

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<sup>1</sup> Decision 3/COP.7, paragraph 1, in document ICCD/COP(7)/16/Add.1, page 9

42. This process is intended to ensure that all recommendations with financial implications are taken into account in the various budgets of the Convention. As a result, the work of the Budget Contact Group is always the last to be finalized as it depends on the finalization of the work of the two Working Groups. However, this practice has occasionally resulted in discrepancies between elements of the core budget adopted at a late hour and the activities agreed to by the Parties in the two Working Groups.

43. If a drafting committee is established to review all draft decisions before their transmission from the COW to the Plenary, as discussed in paragraph 35 above, the drafting committee could also ensure that there was consistency between the recommendations of the budget committee and other draft decisions.

44. It should also be noted that, in the practice of the UNFCCC, the budget is discussed and agreed in principle in the Subsidiary Body on Implementation (SBI) six months before the meeting of the Conference of the Parties. A similar practice could be envisaged under the CBD whereby the budget group could meet before the Conference of the Parties and make a recommendation to the COP. This would avoid the last minute negotiations at COP and facilitate the discussion on substantive matters.

#### ***D. Subsidiary Body on Scientific, Technical and Technological Advice***

45. In order to bridge the gap between policy makers and scientists, the current practice consisting in holding two meetings of SBSTTA in between meetings of the Conference of the Parties could be modified so as to hold one meeting *between meetings of the Conference of the Parties*, and a second meeting *back to back or in parallel with COP meetings*. This would allow the COP to forward all scientific matters to SBSTTA following the opening session – but not matters discussed under that session of COP. Such an arrangement is the current practice of UNFCCC and UNCCD. It greatly facilitates interactions between policy makers attending COP meetings and scientific experts attending SBSTTA meetings. Such an option may also allow joint meetings of the COP and SBSTTA Bureaux with a view of promoting synergies and complementarity between the two bodies and their respective activities. Holding one SBSTTA meeting in parallel with COP and conducting the SBSTTA business in a plenary or committee of the whole (instead of two working groups) would lead to interpreter cost savings estimated at US \$215,000 that could be used to enhance the scientific underpinning of SBSTTA processes and build the scientific capacity of the developing countries and countries with economy in transition.

#### ***E. The leadership role of the Bureau of the organs of the Convention***

46. The inter-sessional Bureau meeting of COP8 held in Brasilia, on 5th December 2006, has provided ample evidence for the need of a meeting of the Bureau during the inter-sessional period so as to allow its members to play their leadership role effectively. This was also the case for the meetings of the Bureau of SBSTTA 12 held in Paris, on 26th July 2006, and in Montreal, on 21 March 2007. It is therefore suggested to institute annual inter-sessional meetings of the Bureau of the organs of the Convention between meetings of the Conference of the Parties.

#### ***F. Summary of recommendations***

47. In conclusion, the new streamlined agenda of the Conference of the Parties and the enhanced phase of implementation of the Convention requires a review of the functioning of the organs of the Convention and of their periodicity. The second meeting of the Ad Hoc Working Group on Review of Implementation of the Convention offers a unique opportunity to initiate a discussion on how best to equip the Conference of the Parties and its subsidiary bodies to meet the challenges arising from the implementation phase of the three objectives of the Convention. The meeting may also initiate a process for solicitation views of parties and other stakeholders and mandate the Bureau of COP to consider various options available and submit its recommendations to the 9th meeting of the Conference of the Parties.

48. Following is a summary of the main recommendations discussed above:

- (a) Periodicity of meetings: Meetings of the Conference of the Parties could be held every three or four years in the post 2010 period. An enhanced inter-sessional body, such as an enlarged bureau or a standing committee, could be established and meet periodically in between meetings of the Conference of the Parties to provide guidance to the Parties and to the Secretariat on follow-up to decisions of the Conference of the Parties;
- (b) Organization of work of the Conference of the Parties:
  - (i). The Conference of the Parties could establish a Committee of the Whole and a Drafting Committee instead of two working groups, and establish contact groups as needed;
  - (ii). The conference of the Parties could consider limiting and streamlining the agenda items of its future meetings;
  - (iii). Night sessions during meetings of the Conference of the Parties and its subsidiary bodies could be limited to 9pm or banned, as this would *inter alia* allow considerable savings in interpretation;
  - (iv). The Conference of the Parties could decide on the venue and dates of its forthcoming COP meetings well in advance e.g. COP-9 could decide the dates of COP-10, in 2010 and COP-11, in 2012
- (c) Budget Group: The budget group could meet six months before any COP meeting so as to agree in principle on the budget in advance of meetings of the Conference of the Parties;
- (d) Review of the Strategic Plan: An inter-sessional expert group could be established to review and update the Strategic Plan for the period beyond 2010;
- (e) Organization of the work of SBSTTA and other subsidiary bodies: The work of SBSTTA and of open-ended working groups could normally be conducted in plenary or a committee of the whole instead of two working groups.
- (f) Bureau of the Conference of the Parties: Annual inter-sessional meetings of the Bureau could be instituted and joint meeting with the Bureau of subsidiary bodies such as SBSTTA convened to enhance global coherence of the Convention's processes.