

**Convention on
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**Conference of the Parties
to the Convention on
Biological Diversity
Sixteenth meeting, first
resumed session**
Online, 3–6 December 2024
Agenda item 7
**Administration of the
Convention and budget for the
trust funds****Conference of the Parties
to the Convention on
Biological Diversity serving
as the meeting of the Parties
to the Cartagena Protocol
on Biosafety
Eleventh meeting, first
resumed session**
Online, 3–6 December 2024
Agenda item 6
**Administration of the Protocol
and budget for the trust funds****Conference of the Parties to the
Convention on Biological Diversity
serving as the meeting of the Parties to
the Nagoya Protocol on Access to
Genetic Resources and the Fair and
Equitable Sharing of Benefits Arising
from their Utilization
Fifth meeting, first resumed session**
Online, 3–6 December 2024
Agenda item 6
**Administration of the Protocol and budget
for the trust funds****Scenario note for the adoption of the budgets for the trust funds of the
Convention and its Protocols**

Note by the Secretariat

I. Introduction

1. The sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization were suspended by the President on 2 November 2024, owing to the lack of decision-taking quorum.

2. A number of decisions were left pending, including those on the budgets for the trust funds under item 7 of the agenda for the sixteenth meeting of the Conference of the Parties to the Convention and item 6 of the agendas for the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol. On 27 November 2024, the Bureau of the Conference of the Parties decided that the most feasible method of adopting the decisions on the budgets would be under silence procedure, to be held from 3 to 6 December.¹ The silence procedures will be held in accordance with the decisions on procedures for convening online

¹ The budgets need to be adopted before the end of the 2024 fiscal year to allow the Secretariat to continue to function and to ensure efficient planning for the coming biennium. Failure to adopt the budgets before the end of 2024 could result in a complete cessation of the Secretariat's operations starting on 1 January 2025, owing to the lack of authorization required under the financial rules. The financial and legal implications of any resultant breach of contracts could imply additional financial liability for the Parties.

and hybrid meetings adopted at the main sessions of the three meetings,² in which it is noted that, in the event of extraordinary circumstances that render the holding of in-person meetings impractical, urgent decisions, such as those on budgetary matters, may be taken under a silence procedure.

3. The Bureau also decided that the other agenda items that remained pending would be considered at in-person resumed sessions of the meetings, to be held in Rome from 25 to 27 February 2025.

4. The present scenario note has been prepared to assist Parties in their preparations for the silence procedures. A separate scenario note will be prepared for the in-person resumed sessions of the meetings.

II. Draft decisions on the budgets and related decisions on costs

5. The draft decisions for the administration of the Convention and its Protocols and the budgets for the trust funds issued on the last day of the main sessions have been edited and reissued for the silence procedure as documents CBD/COP/16/L.35/Part.A,^{3,4} CBD/CP/MOP/11/L.12/Rev.1 and CBD/NP/MOP/5/L.14/Rev.1, respectively. In document CBD/COP/16/L.35/Part.A, in particular, the sets of brackets contained in paragraphs 39, 40 and 41 have been deleted to leave clean text only.⁵ Furthermore, in the light of the decision to establish the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities,⁶ the name of the body has been changed. Other non-substantive editorial corrections have also been made.

6. Another set of draft decisions related to the budgets have been prepared by the President to authorize the use of reserve funds to cover the costs of convening the in-person resumed sessions of the three meetings, including for ensuring the participation of delegates from developing country Parties and Parties with economies in transition.

7. Accordingly, the following draft decisions will be submitted for adoption under silence procedure:

(a) CBD/COP/16/L.35/Part.A on administration of the Convention and budget for the trust funds;

(b) CBD/CP/MOP/11/L.12/Rev.1 on administration of the Cartagena Protocol and budget for the trust funds;

(c) CBD/NP/MOP/5/L.14/Rev.1 on administration of the Nagoya Protocol and budget for the trust funds;

(d) CBD/COP/16/L.36 on the cost of convening an in-person resumed session of the sixteenth meeting of the Conference of the Parties to the Convention;

² Decisions 16/24, CP-11/4 and NP-5/9, respectively.

³ The draft decision on matters related to the appointment of executive secretaries contained in document CBD/COP/16/L.35 will be reissued as document CBD/COP/16/L.35/Part.B and considered at the in-person resumed session of the meeting of the Conference of the Parties to the Convention.

⁴ The Secretariat considers that paragraph 7 of document CBD/COP/16/L.35/Part.A on the place of meetings of subsidiary bodies is not inconsistent with rule 3 of the rules of procedure for meetings of the Conference of the Parties to the Convention or the agreement between the Government of Canada and the Secretariat concerning the headquarters of the Secretariat.

⁵ In paragraphs 39 and 41, the bracketed reference to a specific meeting of the Subsidiary Body on Implementation has been deleted, as the meeting number makes no material change to the decision. In paragraph 40, brackets had been originally placed around the decision on options to further improve the effectiveness of processes under the Convention and its Protocols pending its adoption but were no longer necessary, as the decision has now been adopted, and the decision number has been inserted instead (decision 16/25).

⁶ Decision 16/5.

(e) CBD/CP/MOP/11/L.13 on the cost of convening an in-person resumed session of the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

(f) CBD/NP/MOP/5/L.15 on the costs of convening an in-person resumed session of the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

III. Modalities for the silence procedure

A. Brief description of the silence procedure

8. A silence procedure is a procedure used in the United Nations to enable bodies to adopt decisions while not meeting in person. Where a plenary session is not practical, a draft decision is circulated in writing by the presiding officer of the body concerned under silence procedure, usually lasting up to 72 hours. The formal communication from the presiding officer is usually in the form of a signed letter that includes the text of a draft decision and an indication of the date and time by which any objections may be raised by Parties.

9. If silence is not broken, the decision is considered adopted and the presiding officer circulates a letter confirming adoption. Should a Party formally object to the draft decision, it is considered as not adopted. In that case, following consultations, the presiding officer may wish to submit a revised draft for adoption under another silence procedure, as relevant.

10. Parties may also make observations on the draft decision, without breaking silence, that is, without formally objecting to its adoption.

B. Modalities for the forthcoming silence procedures

11. The silence procedures for the adoption of the draft decisions on the administration of the Convention and its Protocols and the budgets for the trust funds and on costs for convening the in-person resumed sessions of the three meetings will be held from 3 December 2024, 7 a.m. Eastern Standard Time, to 6 December, 7 a.m. Eastern Standard Time. A notification will be issued in advance of the silence procedures to inform Parties about the procedure, including dates.

12. The silence procedures will be commenced through a communication from the Presidents,⁷ which will include:

- (a) A brief background and explanation of the silence procedures;
- (b) The draft decisions on the budgets and related decisions on costs for convening the in-person resumed sessions of the meetings;
- (c) An indication that the adoption of each decision is separate and that any objections should clearly state which decision is being objected to;
- (d) The time period for the silence procedures.

13. All communications from the presiding officer and documents related to the silence procedures will be posted on the Convention website.

14. If silence is broken, there will be another communication from the President on the way forward, which may include consultations with the Party or Parties that have raised objections and a new silence procedure, if appropriate, for another 72-hour period, from 10 to 13 December 2024.

⁷ Since the draft decisions relating to the Conference of the Parties to the Convention and the Conference of the Parties serving as the meetings of the Parties to the Protocols will be circulated under cover of one communication, the communication will be signed by both the President of the sixteenth meeting of the Conference of the Parties to the Convention and the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the President of the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

15. At the conclusion of the silence procedures, the Presidents will issue a communication to inform Parties of whether the decisions have been adopted or not.

16. The Presidents' communication will be sent by email to the heads of delegations of the Parties registered for the meetings held in Cali, Colombia, and to the national focal points for the Convention and its Protocols. It will also simultaneously be uploaded on the meeting website.
