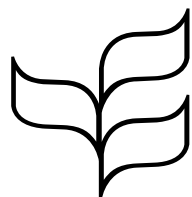


Distr.
GENERAL

CBD/COP/15/INF/28/Rev.1
CBD/CP/MOP/10/INF/10/Rev.1
CBD/NP/MOP/4/INF/7/Rev.1
13 October 2023

ENGLISH ONLY



Convention on Biological Diversity

CONFERENCE OF THE
PARTIES TO THE
CONVENTION ON
BIOLOGICAL DIVERSITY
Fifteenth meeting, resumed part II
Agenda item 2 (a)

CONFERENCE OF THE
PARTIES TO THE
CONVENTION ON
BIOLOGICAL DIVERSITY
SERVING AS THE MEETING
OF THE PARTIES TO THE
CARTAGENA PROTOCOL ON
BIOSAFETY
Tenth meeting – resumed part II
Agenda item 2

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
Fourth meeting – resumed part II
Agenda item 2

Nairobi, 19 and 20 October 2023

PROCEDURES FOR ELECTIONS TO FILL THE POSITIONS OF VICE-PRESIDENTS OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION, CHAIRPERSON OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE AND CHAIRPERSON OF THE SUBSIDIARY BODY ON IMPLEMENTATION

Note by the Executive Secretary

I. BACKGROUND

1. The second part of the fifteenth meeting of the Conference of the Parties was held from 7 to 19 December 2022, concurrently with the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the fourth 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.
2. The Conference of the Parties was expected to elect during the second part of its fifteenth meeting new members of the Bureau (Vice-Presidents) and the Chairpersons of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol were to elect substitutes, as necessary, for any officers from Parties to the Convention that were not Parties to one or the other or to both Protocols.
3. The meetings were suspended upon a proposal by the President,¹ without electing new officers of the Bureau and the chairpersons of the two subsidiary bodies, owing to procedural hurdles encountered

¹ Pursuant to rule 22, para. 2, of the rules of procedure.

during the consideration of the agenda item on election of officers.² The officers of the Bureau and the chairpersons of the subsidiary bodies, whose term was due to end by the closure of the meetings, were requested to continue in their functions until replacements were elected and the meetings were concluded at resumed sessions.

4. In this context, during the present resumed sessions of the meetings, the Conference of the Parties will be invited to finalize the elections of Bureau members and chairpersons of the subsidiary bodies, under agenda item 2 (a) on election of officers. For the Bureau, 10 Vice-Presidents are expected to be elected, two from each of the five regional groups,³ one of whom shall act as Rapporteur. The term of office of the new Vice-Presidents will commence upon the closure of the fifteenth meeting of the Conference of the Parties and end at the closure of its sixteenth meeting.

5. According to the established regional rotation, it is expected that the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice will be elected from the group of Eastern European States, while the Chairperson of the Subsidiary Body on Implementation will be elected from the Asia-Pacific States. Their respective terms of office will begin at the end of the fifteenth meeting and extend until their successors take office.

6. Consistent with rule 18 of the rules of procedure, participation in the resumed sessions, including in elections, requires the submission of credentials signed or issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.⁴

7. Where the number of candidates submitted or announced by each region is equal to the number of places to be filled, it is the long-standing practice of the Conference of the Parties to elect the candidates by acclamation. In cases where there is no consensus on the nominees, such as where an objection has been made to the candidate or candidates or a Party nominates one or more additional candidates and calls for an election by secret ballot, the Conference of the Parties shall proceed to elect the officers by secret ballot, in accordance with rule 49 of the rules of procedure.

8. The section below provides a summary of the procedure to be followed for the elections of the aforementioned officers.⁵

² There was no consensus within the Eastern European States on their nominees for the Bureau and a chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice. Consequently, the Conference of the Parties could not proceed in accordance with the long-standing practice of elections by acclamation. According to the practice, each regional group identifies its nominees and announces them at the plenary, and the latter elects the nominees by acclamation. There was also an objection from a member of the Eastern European States to one of the Bureau candidates nominated by the Western European and other States. Following a request from a Party for elections by secret ballot in accordance with rule 49 of the rules of procedure, a roll call of the number of Parties with valid credentials that were present at the session was conducted to verify whether the two-third quorum requirement for decision-making, under rule 30 of the rules of procedure, was available. There being no quorum, the meetings were suspended.

³ The African States, Asia-Pacific States, Eastern European States, Latin American and Caribbean States and Western European and other States.

⁴ Notification [2023-081](#) contains further details on credentials, including model templates and information for those Parties that provided valid credentials for the second part of the meetings, in December 2022.

⁵ A briefing to delegates will be held sometime in advance of the elections to clarify and address any questions from Parties on election procedures.

II. ELECTION PROCEDURE

(a) Rules applicable to the election of Vice-Presidents⁶

9. Once finalized, any election constitutes a decision. Pursuant to rule 30 of the rules of procedure, the presence of at least two thirds of the Parties to the Convention is required for the Conference of the Parties to adopt any decision. The Convention has 196 Parties. For the purposes of quorum, 131 Parties therefore need to be physically present at the resumed sessions to proceed with the conduct of the elections.

10. At the resumed session of the second part of its fifteenth meeting, the Conference of the Parties may wish to elect by secret ballot those candidates confirmed by or from each region for the position of Vice-President and proceed with the elections in accordance with rules 49, 50 and 51.

11. Rules 49, 50 and 51 of the rules of procedure provide as follows:

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots,

⁶ Under rule 21, paragraph 1, of the rules of procedure, the Conference of the Parties is required to elect at the commencement of each of its ordinary meeting a President and 10 Vice-Presidents from among the Parties. The rule also provides that the Conference of the Parties must have due regard to equitable geographical representation of the small island developing States.

to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

(b) Nominations for the elections of Vice-Presidents and Chairpersons of Subsidiary Bodies

12. According to the announcement made at the second part of the fifteenth meeting of the Conference of the Parties, the African States, the Asia-Pacific States, the Latin American and Caribbean States and the Western Europe and other States nominated two candidates each for the position of Vice-President. Parties from the Eastern European States announced the nomination of four candidates for the position of two Vice-President. The Russian Federation from the Eastern European States expressed an objection to one of the nominees of the Western European and other States, but no additional candidate was nominated.

13. Each region was invited to reconfirm the names of its candidates well before the resumed sessions to allow enough time for the Secretariat to undertake the preparations necessary to facilitate the proceedings of the resumed sessions. Accordingly, the African States, the Asia-Pacific States, the Eastern European States, the Latin American and Caribbean States and the Western European and other States reconfirmed the names of their candidates for the position of Vice-President of the Conference of the Parties. Furthermore, the Eastern European States and the Asia-Pacific States also reconfirmed the names of their candidates for the positions of Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice and Chairperson of the Subsidiary Body on Implementation, respectively. The Russian Federation has also confirmed its candidate for the position of Vice President of the Conference of the Parties and its candidate for the position of the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice.

14. The list of nominees for election at the present meeting, as confirmed by each region and a Party, is as follows:

(a) For Vice-President:

- (i) From the African States for the two positions:
 - Hlobisile P. Siko (Eswatini);
 - Abderahman Zino Izourar (Algeria);
- (ii) From the Asia-Pacific States for the two positions:
 - Sandeep K. Singh (Fiji);
 - Somaly Chan (Cambodia);
- (iii) From the Eastern European States for the two positions:
 - Teona Karchava (Georgia);
 - Angela Lozan (Republic of Moldova);
 - Alexander Shestakov (Russian Federation);
- (iv) From the Latin American and Caribbean States for the two positions:
 - Gillian Guthrie (Jamaica);

- Sandra Vilardy (Colombia);
- (v) From the Western European and other States for the two positions:
 - Eric Schauls (Luxemburg);
 - Norbert Baerlocher (Switzerland);
- (b) For Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice:
 - Senka Barudanovic (Bosnia and Herzegovina, from the Eastern European States);
 - Alexander Shestakov (Russian Federation, from the Eastern European States);
- (c) For Chairperson of the Subsidiary Body on Implementation:
 - Shri Reddy (India, from the Asia-Pacific States).

15. According to the list above, there are three nominations for the position of two Vice-Presidents, and two nominations for the position of one Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice, from the Eastern European States.

(c) Balloting procedure for the election of the Vice-Presidents

16. As the resumed sessions are in-person meetings, there shall be no online balloting.
17. As per established practice and in accordance with rule 49, the Conference of the Parties may wish to decide to elect, by acclamation, the candidates from the regions where there are agreed candidates, and the number of candidates corresponds to the number of positions to be filled.
18. In the absence of election, by acclamation, the Conference of the Parties shall proceed to the election by secret ballot, in accordance with rule 49.
19. Upon commencement of balloting, the conference officers will first distribute the ballot paper to the representatives sitting behind their nameplates. Each delegation with valid credentials will receive a ballot paper, through its representative sitting behind the name plate of the delegation, and will be invited to vote for two candidates from each region.
20. The ballot paper will indicate the names of the candidates that have been duly nominated. At the time of reporting, those were the ones included in the list in paragraph 14 (a) above. The final list of names on the ballot will be made available to all Parties 48 hours ahead of the opening of the present meeting (i.e. on or before 17 October 2023). Given that Parties from all regions have confirmed their nominees, it is expected that the list in paragraph 14 (a) will be the final list. The President will however confirm before the elections that the ballot paper is complete (i.e. that it includes the names of all duly nominated candidates).
21. According to rule 48 of the rules of procedure, once the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.
22. Representatives can:
- (a) Mark the boxes for two candidates from each region with a tick [✓] or cross [X] to indicate support for the candidates; or

- (b) Mark the box for one of the candidates with a tick[✓] or cross [X] to indicate support for that candidate; or
- (c) Leave their ballot blank.

23. The President will propose two representatives from two Parties to serve as tellers, whose role will be to monitor the election and certify the results. The Secretariat will assist in identifying the tellers from the representatives of Parties to the Convention participating in the present meeting. It is suggested to have one teller from the Latin American and Caribbean States and one from the Asia-Pacific States. No teller shall be from a Party that has a candidate in the elections.

24. The ballot paper will be considered invalid if representatives mark more than two boxes for the Eastern European States, for which there are three nominees. If a mistake is made in the process of marking the boxes, the delegation in question should immediately request a new ballot paper from the conference officers.

25. If a ballot paper contains any notations other than a mark or tick in the box of a candidate of any region, those notations will be disregarded.

26. After the ballot papers are collected and the President has announced that the balloting has been closed, the meetings will be suspended to allow time for the counting of the ballots.

27. The tellers, assisted by the Secretariat, will count the ballots, certify the results, and submit them to the President.

28. The President will resume the meetings, announce the results, and declare elected the 10 candidates (2 from each region) that have received the largest number of votes and a simple majority of the Parties present and voting,⁷ pursuant to rule 51 of the rules of procedure. The number of Parties present and voting shall be determined separately for each regional group's candidates from the votes cast for that regional group.

29. Pursuant to rule 51, paragraph 2, if the number of candidates obtaining a required majority of the Parties present and voting is less than the number of persons to be elected, there shall be additional ballots to fill the remaining places. The balloting shall be restricted to the candidates obtaining the greatest number of votes in the previous ballot.

30. Once the elections of the Vice-Presidents have been completed, the Conference of the Parties serving as the meeting of the Parties to the Cartagena and Nagoya Protocols, respectively, will be invited to elect under their respective agenda items a substitute for any elected Bureau member who is from a country that is not a Party to that Protocol.

31. According to the confirmation of nominations received from each region, the following individuals have been nominated for election as substitutes for the respective Bureau members:

- (a) From the African States:

⁷ Pursuant to rule 40, paragraph 5, of the rules of procedure, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting their vote. Parties abstaining from voting shall be considered as not voting.

Moustafa Fouda (Egypt), to substitute Ms. Siko (Eswatini) for matters relating to the Nagoya Protocol;

(b) From the Eastern European States:

Sino Tohrizoda (Tajikistan), to substitute Ms. Karchava (Georgia) for matters relating to the Nagoya Protocol. If Mr. Shestakov (Russian Federation) is elected, the Group will need to identify a substitute for matters relating to both the Cartagena and Nagoya Protocols;

(c) From the Latin American and Caribbean States:

Jesus Guerra (Cuba), to substitute Ms. Guthrie (Jamaica) for matters relating to the Nagoya Protocol;

Corina Sarli (Argentina), to substitute Ms. Vildary (Colombia) for matters relating to the Nagoya Protocol.

32. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol will be invited to elect the substitutes by acclamation. If the nominee from the Russian Federation is elected and the substitute elected by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol is not a Party to the Cartagena Protocol, then the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol will be invited to elect a substitute for matters relating to the Cartagena Protocol.

(d) Rules applicable to the election of the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice and the election of the Chairperson of the Subsidiary Body on Implementation

33. Paragraph 3 of rule 26 provides that, unless otherwise decided by the Conference of the Parties, the chairperson for each subsidiary body shall be elected by the Conference of the Parties.

34. Accordingly, the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice is elected by the Conference of the Parties, as provided in the consolidated *modus operandi* of the Subsidiary Body contained in decision VIII/10, annex III, section C, paragraph 10.

35. The Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice rotates among United Nations regional groups. As indicated in paragraph 5 above, it is the turn of the Eastern European States to nominate a candidate for the position of Chairperson of the Subsidiary Body, for election at the resumed second part of the fifteenth meeting of the Conference of the Parties.

36. Consequently, the election for the Chairperson of the Subsidiary Body will be limited to candidates from the Eastern European States. According to the announcement made at the second part of the fifteenth meeting of the Conference of the Parties, there were two candidates nominated by that region.

37. Following the confirmation of nominees for the purpose of election at the present meeting, two nominations have been received: Senka Barudanovic (Bosnia and Herzegovina, from the Eastern European States) and (Alexander Shestakov, Russian Federation, from the Eastern European States), for the position of Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice.

38. The Asia-Pacific States, which exercise their turn to nominate, designated Achalender Reddy (India) as their nominee for the Chairperson of the Subsidiary Body on Implementation on 19 December 2022, and later confirmed him for the purpose of the resumed second part of the fifteenth meeting of the Conference of the Parties.

39. The Conference of the Parties may proceed with the election of the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice by secret ballot at the present meeting, in accordance with rules 49 and 50 of the rules of procedure.⁸ Whereas in the case of the Chairperson of the Subsidiary Body on Implementation, the Conference of the Parties may proceed to elect the candidate by acclamation.

40. The rules and balloting procedure applicable to the election of the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice apply, *mutatis mutandis*, to the election of the Chairperson of the Subsidiary Body on Implementation.

(e) Balloting procedure for the election of the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice

41. Upon commencement of balloting, the conference officers will first distribute the ballot paper to the representatives sitting behind their nameplates. Each delegation with valid credentials will receive a ballot paper, through its representative, and will be invited to vote for one candidate.

42. According to rule 48 of the rules of procedure, once the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

43. The ballot papers will indicate the name of the candidate for Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice as confirmed by the members of the Eastern European States.

44. Accordingly, representatives can:

- (a) Mark the box for one of the candidates with a tick [☒] or cross [☒] to indicate support for that candidate; or
- (b) Leave the ballot blank.

45. The ballot paper will be considered invalid if representatives mark more than one box.

46. The balloting procedure specified in paragraphs 24 to 29 above will apply *mutatis mutandis*.

⁸ Depending on the outcome of the election of the Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol may be invited to designate a substitute Chair from among the Parties to the Protocols.