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Item 8 of the provisional agenda*

Review of the effectiveness of processes under the Convention and its Protocols

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Note by the Secretariat

I. Introduction

1. The Conference of the Parties, 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, in decisions 15/18, CP-10/8 and NP-4/9 respectively:

(a) Reviewed the experience with concurrent meetings of the three bodies, noted that they had met most of the previously established criteria for such meetings, reiterated the importance of ensuring the full and effective participation of all Parties in all three bodies and requested the Executive Secretary in consultation with the Bureau, to further improve the planning and organization of future concurrent meetings on the basis of the experience gained to date and the views that had been expressed by Parties and observers;

(b) Reviewed the experience with virtual meetings, agreed that the convening of formal meetings in a virtual setting did not set a precedent for the future organization of similar meetings under the Convention, encouraged Parties and observers to participate in hybrid meetings, when applicable, and in extraordinary circumstances, in virtual meetings as long as no final decisions were taken virtually, with the exception of budgetary and procedural matters, while recognizing the need to ensure the full and effective participation of Parties to promote transparent and inclusive processes under the Convention, and requested the Executive Secretary to compile views, experience and relevant studies and prepare options for procedures for such meetings;

(c) Requested the Executive Secretary to prepare an analysis of options to further improve the effectiveness of meetings, including, inter alia, to improve negotiating processes, the follow up of decisions, and to explore modalities for the engagement of observers in processes under the Convention.

2. Section II of this note provides background and outlines recent experience in the operations of the Convention and its Protocols, including with respect to virtual and hybrid meetings and other

* CBD/SBI/4/1.

** The present document is being issued without formal editing.

innovations. Section III addresses procedures on hybrid and virtual meetings, while section IV addresses possible further ways to improve the effectiveness of processes under the Convention and its Protocols. Section V of the document contains some elements of proposed recommendations for consideration by the Subsidiary Body on Implementation.

3. The Executive Secretary is also making available, in document CBD/SBI/4/11/Add.1, a report on the implementation of the procedure for avoiding or managing conflicts of interests in expert groups, as adopted in decision 14/33.

II. Background and recent experience in the operations of the Convention and its Protocols

4. An extensive analysis of options for improving the efficiency of structures and processes under the Convention and its two Protocols was undertaken and made available to the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention for its fifth meeting (UNEP/CBD/WGRI/5/12). That document set out a number of options related to intersessional work, the organization of the meetings of the Conference of the Parties and the meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocols, and other issues related to the efficiency of structures and processes under the Convention and its Protocols. The analysis of options culminated in the adoption of decision XII/29 on operations of the Convention and in a number of other measures by the Conference of the Parties, in particular the decisions to convene the meetings of the governing bodies of the Convention and the Protocols concurrently, and the establishment of the Subsidiary Body on Implementation.

5. The effectiveness of processes under the Convention and its Protocols has been reviewed periodically since that time. Over time, further experience has been gained, in particular through the convening of the three bodies concurrently, and, more recently, with the organization of meetings virtually or in hybrid format in the light of limitations imposed by the coronavirus disease (COVID-19) pandemic.¹ Early experience with virtual meetings in 2020 was summarized and made available to the Subsidiary Body for its third meeting.²

6. During the pandemic, a number of meetings were held virtually in 2020 and 2021 through modalities that allowed for online interactive participation, including meetings of expert groups, informal sessions of the subsidiary bodies, and sessions of formal meetings of the subsidiary bodies (including the Working Group on the post-2020 global biodiversity framework) that allowed for negotiations and the preparation of draft recommendations in online plenary sessions and contact groups but which did not include decision-making. The formal meetings of the subsidiary bodies were resumed in-person in March 2022 once conditions allowed, incorporating also provisions for limited online participation under certain conditions and strict measures to reduce the risk of COVID-19 transmission.

7. In addition, extraordinary meetings of the governing bodies of the Convention and the Protocols were held in November 2020 to adopt an interim budget through a silence procedure. The first part of the fifteenth meeting of the Conference of the Parties and the concurrent meetings of the Protocols was held in hybrid format in October 2021 with most delegates participating virtually and limited physical presence in Kunming, China. While the second part of the fifteenth meeting of the Conference of the Parties and the concurrent meetings of the Protocols was held in in-person in Montreal in December 2022, the meeting also incorporated provisions for limited online participation and measures to reduce the risk of COVID-19 transmission.

¹ For the purposes of this document, a fully “virtual meeting” is used to describe the situation where, all delegates connect to the meeting remotely using an online platform, while in a “hybrid meeting” describes the situation where some delegates attend physically or in-person, while others participate remotely or virtually via an online platform.

² CBD/SBI/3/12.

8. For each of these meetings, modalities were developed by the presiding officers and the Secretariat in consultation with Parties through the Bureau and these were communicated to all participants through scenario notes and updates to the organization of work. Much experience in the conduct of virtual meetings has been gained in this respect and the scenario notes provide a valuable reference to inform future work.³ These scenario notes usually also provide other guidance for the conduct of meetings, such as time limits on statements.⁴

9. A number of further innovations were introduced for the second part of the fifteenth meeting of the Conference of the Parties and the concurrent meetings of the Protocols in December 2022 to respond to the high workload of these meetings owing to the heavy agenda associated with the negotiation of the post-2020 global biodiversity framework and related issues, as well as a large number of additional agenda items, exacerbated by the incomplete preparatory work of the subsidiary bodies which, in turn, was due to limitations imposed by the conditions of the pandemic. These innovations included streamlined treatment of the items that were being addressed on the basis of a draft decision prepared by any of the intergovernmental subsidiary bodies, such that additional “first readings” of most of these items could be avoided.⁵

10. The meeting also made use of regular plenary stocktaking sessions, the convening of meetings of heads of delegations to enhance transparency and the full engagement of all delegations on an equal footing and to overcome hurdles in the negotiations as necessary, and the direct engagement of pairs of ministers (one each from developed and developing countries) to broker consensus on difficult issues. The Bureau may wish to consider such practices for use at future meetings.

11. Procedural difficulties were encountered during the election of officers towards the end of the second part of the fifteenth meeting of the Conference of the Parties and the concurrent meetings of the Protocols in December 2022, and these could not be resolved through voting owing to the absence of a quorum of delegates with the required credentials. Accordingly, the meetings were suspended. After extensive deliberations in and through the Bureau, the second part of the meetings were resumed in October 2023. The meetings were completed successfully and useful experience was gained by Parties and the Secretariat in the conduct of voting. To facilitate the securing of the necessary quorum for these resumed meetings, Parties were invited to submit their credentials well in advance of the meetings, with regular follow-up by the Secretariat. This approach was successful and may be employed in future to facilitate the smooth proceedings of meetings where credentials are required.

12. While it is expected that formal meetings of the governing and subsidiary bodies will normally be held in-person in line with decisions 15/18, CP-10/8 and NP-4/9, the experience of holding meetings virtually has led to the regular use of online webinars and informal discussions for information sharing, building capacity and promoting a common understanding among Parties and stakeholders. It has also led to the regular use of virtual meetings to facilitate the work of Ad Hoc Technical Expert Groups and Informal Advisory Groups, complementing in-person meetings and allowing for more effective preparation and follow-up to the in-person meetings.

13. In addition, the online tools for submission of documents and statements in-session have been enhanced. More recently an online tool for the submission of views and other inputs in response to notifications has been developed. The online presentation of information notes for participants has also been improved.

14. The Secretariat has also updated the guidelines on conduct expected of participants in processes under the Convention, incorporating also the Code of conduct to prevent harassment, including sexual harassment, at United Nations System events.

³ See for example CBD/WG2020/3/1/Add.2/Rev.2

⁴ These vary depending on circumstance, but typically are 5 or 6 minutes for regional groups, 3 minutes for Parties, 4 or 5 minutes for representatives of major groups and 2 minutes for other observers.

⁵ For details see CBD/COP/15/1/Add.4/Rev.1, paras. 22 and 23.

15. In recent years the duration of meetings of the Subsidiary Body on Implementation and of the Subsidiary Body on Scientific, Technical and Technological Advice has been increased in order to accommodate the time envisaged to be required to meet an expanding number of agenda items. The number of documents has increased concomitantly. These trends have been exacerbated by the increased tendency to send the same issue for consideration by both bodies. In addition, there has been an increase in the requests for intersessional work between meetings of the subsidiary bodies which also adds to the number of agenda items when a body addresses the same agenda item more than once.⁶ In general, limiting consideration of an issue to one subsidiary body prior to its consideration by the Conference of the Parties could lead to significant efficiencies.

16. In recent years there has been a significant increase in the participation of Parties and observers in meetings under the Convention. This includes increases in the number of Parties, developing country Parties and observer organizations represented, as well as in the total number of delegates. While the increased representation is a positive sign, the increased size of the meetings also poses challenges since larger meeting facilities are needed to accommodate formal sessions, contact groups and meetings of regional groups and observer constituencies. In addition, as noted below, this also poses challenges for the conduct of contact groups as larger groups affect the dynamics of the group.

17. It should be noted that the frequent number of webinars and other online meetings has also led to an increase in the workload for both the experts or representatives involved and the staff of the Secretariat. The increased size of the open-ended intergovernmental meetings also has consequences for the support needed from the Secretariat for the reasons noted above.

18. It may also be noted that there are additional logistical and cost implications to convening virtual or hybrid sessions of meetings especially where interpretation is required. The Secretariat used the Interactio platform for convening the virtual sessions of the Subsidiary Body on Scientific, Technical and Technological Advice and of the Subsidiary Body on Implementation in 2021. Procuring the services of this platform has cost implications and requires advance planning to make the necessary administrative arrangements. Furthermore, managing virtual and, in particular, hybrid meetings requires additional human resources from the Secretariat as it includes additional functions that are not part of the process of the convening of in-person meetings.

III. Procedures for hybrid and virtual meetings

A. Submissions of views regarding procedures for hybrid and virtual meetings

19. As noted in paragraph 1 above, the Conference of the Parties, in paragraph 8 of decision 15/8, requested the Executive Secretary to compile views and information regarding experience on hybrid and virtual meetings held in 2021 and 2022, to prepare options for procedures, and to submit them to the Subsidiary Body on Implementation, for its consideration at its fourth meeting.

20. Accordingly, the views submitted by Parties and observer organizations following the issuance of the relevant notification⁷ are compiled in document CBD/SBI/4/INF/11. Twelve Parties⁸ and three observer organizations⁹ submitted their views on virtual and hybrid meetings. Most of the submitters

⁶ An example of both these trends can be seen in the work on scientific and technical needs to support the implementation of the Kunming-Montreal Global Biodiversity Framework and the review of the programmes of work. Decision 15/4 requested both the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation to consider this matter. It was considered first by the Subsidiary Body on Scientific, Technical and Technological Advice at its twenty-fifth meeting. It adopted recommendation 25/3 which requested extensive intersessional work that had not been foreseen in the Secretariat's workplan. The issue will be considered again by the Subsidiary Body on Scientific, Technical and Technological Advice at its twenty-sixth meeting and by the Subsidiary Body on Implementation at its fourth meeting.

⁷ Notification 2023-027 of 13 March 2023.

⁸ Brazil, Canada, Cote d'Ivoire, European Union, Guinea Bissau, Japan, Kuwait, Mauritius, New Zealand, Nigeria, Switzerland and United Kingdom of Great Britain and Northern Ireland.

⁹ G-BIKE, local and subnational governments major stakeholder group, and Third World Network.

referred to their experience in the context of the virtual meetings and hybrid meetings conducted in 2020–2022.

21. The submitters generally indicated that they found virtual meetings useful for information-sharing and exchange of views through presentations, and for completing the first readings of working documents and allowing increased number of participants, as well as reducing costs and carbon emissions from travel. However, concerns were raised about equitable participation related to connectivity issues in particular in developing countries, inconvenience related to time zone differences and duration of meetings. It was noted that virtual meetings caused extra burden on participants having to manage their regular work on the one hand, and participate in virtual meetings on the other, constrained the ability to have full interactions among negotiators, and consequently limited the ability to make final decisions remotely. It was also noted that the interventions of remote participants in hybrid meetings tended to be limited. Options suggested to address the challenges included providing financial and technical support to representatives from developing countries to facilitate their participation in virtual settings.

22. In line with decisions 15/18, CP-10/8 and NP-4/9, a number of the submitters were of the view that in-person meetings are generally convenient for more in-depth negotiations that require direct interaction, identifying key issues and building consensus through informal discussions that lead to final decision-making which may require a higher degree of trust and understanding, and ensuring full and effective participation by all concerned.

23. Document CBD/SBI/4/INF/11 also contains information on the relevant experience of some multilateral environmental agreements¹⁰ in the conduct of virtual and hybrid meetings. In addition, the Secretariat had access to a study by the Law Division of the United Nations Environment Programme (UNEP), prepared in consultation with the Secretariats of the UNEP Governing Bodies and multilateral environmental agreements, including the Secretariat of the Convention, and UNEP regional offices.

24. According to the study conducted by UNEP reviewing, mainly, the practice that has emerged from the meetings of UNEP and various multilateral environmental agreements intergovernmental bodies, held between March 2020 and March 2021, overall, virtual meetings were conducted in an open, transparent and inclusive manner that protected the rights and interests of Parties. Virtual meetings were mostly preceded by clarification notes “scenario notes” issued by presiding officers or secretariats setting the ground rules on how the meetings would be conducted consistent with the relevant rules of procedure which helped to improve confidence to Parties, as well as observers.

25. In the case of governing bodies and open-ended subsidiary bodies, the practice has, however, shown a clear desire by Parties to postpone “substantive” decision-making to future in-person meetings of these bodies. Most respondents to an online survey questionnaire conducted (see below) also expressed support to online meetings as part of preparations for in-person meetings where substantive negotiations and decisions should be made. Again, this is consistent with decisions 15/18, CP-10/8 and NP-4/9.

B. Options for procedures for virtual and hybrid meetings

26. The possibility of virtual or hybrid meetings was likely not foreseen when the rules of procedure for meetings of the Conference of the Parties were drafted. At the same time, however, there is nothing in the rules of procedure that requires meetings of the Conference of the Parties or other subsidiary bodies to meet in person.¹¹ As a result, and as described above, it was possible for

¹⁰ The Basel, Rotterdam and Stockholm Conventions, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the Convention on Wetlands (Ramsar Convention), and a study by UNEP Law Division (internal document).

¹¹ This is in contrast to the rules of procedures for the Compliance Committees under the two Protocols which do address “electronic communications”. The rules of procedure for the meetings of the Compliance Committee under the Cartagena Protocol on Biosafety provide that electronic means of communication may be used by the Committee for the purpose of conducting informal consultations on issues under consideration. However, electronic means of communication shall not be used for making decisions on matters of substance. The rules of procedure for the meetings of the Compliance Committee under the Nagoya Protocol on

the existing rules of procedure to be applied to the virtual and hybrid meetings convened in 2020 and subsequently.

27. In this light, also considering the limits on decision-making in hybrid and virtual meetings established in decisions 15/18, CP-10/8 and NP-4/9, the need to develop options for additional procedures for hybrid or virtual meetings is limited. The decisions themselves point to two key considerations: challenges with network connectivity issues; and time zone considerations in the scheduling of hybrid or virtual meetings.

28. Some considerations for the convening of virtual and hybrid meetings are set out in the suggested recommendations in section V, building on decisions 15/18, CP-10/8 and NP-4/9, and seeking to clarify some of the points included in these decisions and to distinguish between open-ended intergovernmental meetings of the governing bodies and subsidiary bodies, on the one hand, and smaller expert and advisory groups and committees, on the other.

IV. Options to further improve the effectiveness of processes

A. Submissions of views regarding options to further improve the effectiveness of processes under the Convention and its Protocols

29. In line with paragraph 8 of decision 15/18 and the corresponding decisions of the Parties to the Cartagena and Nagoya Protocols, the Secretariat conducted consultations with Parties and stakeholders through an online survey. A total of 37 Parties and stakeholders participated in the survey by responding to 18 tailored questions that were grouped in three areas of improvement, namely: the convening and conduct of meetings; follow up on previous decisions; and engagement with observers. A large range of views were submitted. Noting that it is not possible to provide an exhaustive summary of these views, a number of the more frequently raised ideas are reflected in the sections below.

B. Options to improve the effectiveness of meetings and negotiating processes

30. Negotiating processes involve a number of steps. In the preparatory phase working documents are prepared and made available by the Secretariat prior to the meetings often drawing upon submissions from Parties and observers, expert inputs and informal consultations. Intergovernmental meetings usually comprise formal plenary settings where delegates present their initial views and positions on the matter at hand, and, later, make decisions through the formal approval of draft outcomes and formal adoption of final outcomes. Often these formal parts of the meeting are supported by “contact groups” and other informal settings that are used to negotiate text on complex matters. Frequently the Conference of the Parties and governing bodies of the Protocols work on the basis of draft decisions prepared by a subsidiary body.

31. Respondents to the survey emphasized the importance of documents being prepared on time and for information on any updates to documents to be clearly communicated to Parties and observers.¹²

32. Respondents noted the value of identifying potentially controversial items and submitting them for regional and interregional consultations well before the date of the meeting. There appears to be general support for the increased use in recent years of webinars for briefing delegates on agenda items and for introducing documentation, as well as for online informal meetings where Parties and observers can share their views on items that will be addressed at upcoming meetings. However,

Access and Benefit-sharing provide that electronic means of communication may be used by the Committee for the purpose of conducting informal consultations on issues under consideration, as well as for decision-making except for substantive decisions, such as on submissions relating to issues of compliance and noncompliance with the provisions of the Protocol.

¹² The Secretariat is required under the rules of procedure to make available documents (commonly referred to as pre-session documents) supporting the provisional agenda, at least six weeks before the date of opening of the meeting (rule 10). While a number of constraints has prevented the Secretariat from meeting this requirement for the fourth meeting of the Subsidiary Body, the Secretariat will endeavour to meet this requirement in future.

since such webinars and informal sessions have generally added to, rather than replaced, in-person meetings, they do have costs associated with them –requiring additional human resources to meet all the demands and taking up time that would otherwise have been spent on other activities (e.g. preparation of meeting documents (for the Secretariat), national implementation (for Parties)).

33. There appears to be general support for limiting the number and duration of opening statements and for restricting the duration of substantive statements during the “first reading” of an item in plenary setting (i.e. in the formal plenary of a meeting and in the “working groups” that are usually established by the plenary of the Conference of the Parties and held in the same setting). In this regard, it is suggested that longer and more detailed versions of statements could be uploaded on the page of the Convention’s website assigned for the meeting or meetings concerned.

34. There also appears to be general support for the approach used at the fifteenth meeting of the Conference of the Parties to streamline treatment of the items that are addressed on the basis of a draft decision prepared by one of the intergovernmental subsidiary bodies, such that additional “first readings” can be avoided and the meeting can move swiftly to preparing the chair’s text (either directly or through a contact group), leaving more time for negotiating in a contact group, if needed, and in reviewing the chair’s text as a conference room paper. Therefore, the Bureau might be encouraged to consider such approaches when preparing scenarios for future meetings.

35. Many comments were submitted regarding the organization of contact groups. It was acknowledged that contact groups are an important modality to support negotiations and develop consensus on complex issues and that they should have a clear and limited mandate. Different views were expressed regarding the number of contact groups that can be organized in a given meeting, with some noting that the holding of multiple contact groups in parallel presents challenges for small delegations. In their comments, some emphasized the importance of text-based negotiations, with the text presented on-screen in real time and offered suggestions for improving the efficiency of this process. Others emphasized the value of facilitating exchanges that enabled the various delegations to present and explain their respective positions to facilitate a path towards overcoming differences and reaching consensus. Ultimately, since contact groups are by their very nature informal mechanisms to support the negotiations, the best way forward in any situation is probably best left to the judgement of the chairs of co-chairs of the group and to the Bureau which has the responsibility of overseeing the conduct of the meetings.

36. In the comments submitted, some noted that contact groups under the processes of the Convention on Biological Diversity are becoming larger which can undermine the desirable characteristic of being a forum for intimate exchanges to facilitate efficient negotiations. While some respondents emphasized the importance of all delegations having the ability to participate actively in contact groups, others suggested that regions or like-minded groups could coordinate among themselves to limit the number of spokespersons for each group. Some respondents suggested that contact groups should work in all United Nations languages to help to level the playing field among delegations. However, this would have major cost and logistical implications.

37. In their comments, many highlighted the role of the chairs or co-chairs of working groups and contact groups and the importance of appointing skilled delegates to these roles. It was suggested that such persons should be identified on the basis of their skills in building trust and consensus among those with differing views¹³ and their demonstrable knowledge about the issue to be addressed by the group.

38. The survey has shown an overwhelming support to the suggestion that delegates should refrain from reopening text of a draft decision that has already been approved when it is presented to plenary

¹³ Criteria identified in this regard include: gathering of diverse views; establishing trust between the chair and the negotiators, and among the negotiators themselves; structuring of the issues and discussions in manageable elements; active listening approaches; facilitating group reflections, and the maintenance of positive spirit within the group; and the use of break-out groups at the appropriate time.

for formal adoption (i.e. as an “L” document) except for the purpose of correcting a mistake or addressing unresolved issues.

39. In order to expedite decision-making, respondents to the survey suggested the exploration of various technologies, such as the use of artificial intelligence and blockchain but did not offer specific suggestions in this regard. In any case the Secretariat plans to keep such relevant technologies under review.

C. Options to follow up better on previous decisions

40. The survey has shown that many respondents were not aware of the online decision-tracking tool¹⁴ that has been developed by the Secretariat as requested by the Conference of the Parties through its decision XII/28 and that few had used it. The tool is intended to provide information on the status of implementation of previous decisions to provide a good basis for the preparation and adoption of new decisions.¹⁵ The tool still needs further development and improvement in order to realize its full potential in assisting Parties and the Secretariat in their efforts to better follow up previous decisions. It is suggested that the Secretariat should further develop the decision-tracking tool, including by enhancing the user interface to facilitate intuitive navigation and improve the search function and interactive features, with a view to improving its usefulness to support implementation of decisions and the monitoring of implementation of decisions.

41. The survey has shown broad support for checking that a recommendation or decision suggested by the Secretariat or submitted by a subsidiary body does not duplicate any previous decision by the governing body concerned. It was also suggested that any item of the agenda of a governing body that has been addressed or completed shall not be included in the agenda of future meetings of that governing body, unless it is a rolling item or specific action is identified in the decision concerned that justifies future consideration. Any specific information or update that may be required to be made available concerning the implementation of a previous decision may be reported through an information document. The Secretariat already endeavours to do these things, in accordance with paragraphs 7 and 9 of decision VIII/10.

42. Some respondents suggested revisiting the frequency of the meetings of governing bodies. However, the Conference of the Parties decided at its fifteenth meeting that it will meet every two years (decision 15/32) and set out its multi-year programme of work until 2030 (decision 15/33). It may wish to revert to this issue at its eighteenth meeting in 2028.

D. Modalities for the engagement of observers

43. The processes under the Convention and the Protocols are inclusive, with sessions of the governing and open-ended subsidiary bodies held in public. Respondent to the survey emphasized the importance that these processes help enable all observers, in particular indigenous peoples, local communities groups and stakeholders to provide their views, and to facilitate consideration of their views by Parties.

44. Some suggestions were made to further improve the engagement of Parties with observers. This could begin at the national level where, in preparation for the meetings of the governing and subsidiary bodies, efforts could be made by representatives of Parties to engage and solicit views from a wide range of relevant sectors and perspectives, according to national circumstances. Such efforts should include modalities that encourage engagement beyond those traditionally involved in the work of the Convention and the Protocols.

45. At regional level, representatives of Parties may consider inviting representatives of observers for consultation meetings and engage with them prior to or during the meeting concerned so that

¹⁴ www.cbd.int/decisions/search.

¹⁵ www.cbd.int/doc/decisions/cop-12/cop-12-dec-28-en.pdf.

issues that are important and are priorities for observers are introduced, recognized and understood better by the Parties in the region.

46. At the global level, it has been suggested that it could be useful if views and proposals that observers may have under each agenda item are made available earlier to Parties, for example by being uploaded on the meeting web page. It is also suggested to implement strategies, such as dedicated sessions or consultations during pre-decision phase of the process between Parties and observers, and the implementation of structured feedback mechanisms. Support has also been expressed to the practice of giving the first opportunity to speak to representatives of indigenous peoples and local communities on items that are important to them, as was the practice in the most recent meeting of the Working Group on Article 8(j) and related provisions of the Convention.

V. Recommendations

47. The Subsidiary Body on Implementation may wish to adopt a recommendation along the following lines:

The Subsidiary Body on Implementation,

Recommends that the Conference of the Parties to the Convention at its sixteenth meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eleventh meeting, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its fifth meeting, adopt decisions, respectively, along the following lines:

The Conference of the Parties,

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,

A. Procedure for avoiding or managing conflicts of interest in expert groups

Recalling decisions 14/33 of 29 November 2018, CP-9/10 of 28 November 2018 and NP-3/11 of 29 November 2018,

Having reviewed the report submitted by the Executive Secretary on the implementation of the procedure for avoiding or managing conflicts of interest in expert groups,

Taking into account the effective use of the Procedure in the selection of experts to serve in technical expert groups convened in processes under the Convention and its Protocols,

Recognizing the need to keep the Procedure updated to enhance transparency and contribute to ensuring the scientific integrity and independence of the work of expert groups,

1. *Approves* the following amendments to the interest disclosure form contained in the annex to the Procedure for avoiding or managing conflicts of interest in expert groups, as follows:

(a) In the declaration section at the end of the form, the following text is inserted: “If selected as a member of the expert group, I undertake to carry out my duties and responsibilities with full objectivity and in the event that a potential conflict of interest is established, I undertake to recuse myself from relevant discussions or decision-making, as appropriate.”;

(b) A “Name or description of the expert group” field is added at the beginning of the main form, above the “Name” field, and a “Job Title” field is added after the “Current Employer” field.

2. *Requests* the Executive Secretary to integrate the amendments referred to in paragraph 1 above and to take measures to enhance the application of the Procedure, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice or the Conference of the Parties, as appropriate;

B. Procedures for convening virtual and hybrid meetings

Recalling decisions 15/18 of 10 December 2022, CP-10/8 of 10 December 2022 and NP-4/9 of 10 December 2022,

Emphasizing that all meetings the Conference of the Parties, 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, as well as the meetings of the intergovernmental subsidiary bodies of the Convention, must follow their respective rules of procedure,

3. *Affirms* that the meetings of the Conference of the Parties, 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, as well as the meetings of the intergovernmental subsidiary bodies of the Convention, shall normally be held in-person;

4. *Reaffirms* that in the event of extraordinary circumstances that render the holding of in-person meetings impossible, sessions of the meetings referred to in paragraph 1 above may be held virtually through modalities that allow for online interactive participation, following consultations among Parties and a decision of the Bureau of the Conference of the Parties, as long as no final decisions are taken virtually, with the exception of budgetary and procedural matters;

5. *Notes* that in the event of extraordinary circumstances, urgent decisions, such as budgetary matters, may be taken by the Conference of the Parties through a silence procedure in line with United Nations practice, following consultations among Parties and a decision of the Bureau of the Conference of the Parties and applying the procedures set out in the rules of procedure for the convening of an extraordinary meeting;

6. *Notes* that, where warranted and requested by the relevant Bureau, and subject to the availability of resources, the Secretariat may put in place hybrid arrangements for meetings referred to in paragraph 1 above to allow representatives who are unable to attend meetings in person owing to unavoidable circumstances to participate in or follow the proceedings of the meetings;

7. *Notes* that expert groups, advisory groups, and other groups with limited membership may meet in-person, virtually, or in combination, in line with their respective mandates and, as applicable, their respective rules of procedure.

8. *Further agrees* that:

(a) The operational modalities of any meeting held virtually should be clearly set out in a scenario note prepared by the Secretariat in consultation with the relevant Bureau and made available to all Parties in advance of the meeting;

(b) The scheduling of virtual sessions of meetings should take into consideration the burden for Parties arising from time differences across time zones and aim to enable equitable participation of Parties across all regions;

(c) The Secretariat should implement measures to facilitate effective online participation by all participants in virtual and hybrid sessions of meetings, and in particular to support Parties in overcoming network and connectivity difficulties, including by providing opportunities for prior training and testing opportunities convenient for all time zones, facilitating the use of meeting facilities at the relevant United Nations Country Office where possible and by prior arrangement following a request from the Party concerned, and by providing all reasonable measures to assist Parties that encounter any difficulties with connectivity and the use of the interactive platform.

C. Options to further improve effectiveness of processes under the Convention and its Protocols

Recalling decision XII/29 of 17 October 2014,

Recognizing the need to further improve the effectiveness of meetings under the Convention on Biological Diversity and its Protocols,

9. *Takes note* of the recent experience and further suggestions for improving the effectiveness of processes under the Convention and its Protocols summarized in document CBD/SBI/4/11, and requests the Executive Secretary and the Bureaux to draw upon this experience when preparing the organization of work and scenario notes for future meetings;

10. *Recognizes* that, as far as possible, representatives who would be assigned to preside over a contact group meeting or any formal or informal negotiating forum should be identified on the basis of their skills in building trust and consensus among those with differing views and their demonstrable knowledge about the issue to be addressed by the group;

11. *Encourages* Parties and other Governments, to engage with indigenous peoples, local communities, women and youth and with other national observer organizations, and to solicit views from a wide range of relevant sectors in the process of national level preparations for the meetings of the meetings of the governing and subsidiary bodies, to inform the development of their national positions as appropriate and taking into account national circumstances;

12. *Invites* each of the major stakeholder groups and observer organizations to consider sharing their views and proposals on relevant agenda items, and encourages Parties to review the views and proposals of observers, and, if necessary, to engage with the relevant observer to develop a better understanding of the views and proposals;

13. *Requests* the Executive Secretary:

(a) To ensure that working documents are made available for meetings of the open-ended intergovernmental subsidiary bodies of the Convention in the official languages of the United Nations at least six weeks before the opening of the respective meeting and ensure that the dates of publication and any updated versions are clearly indicated on the website for the meeting;

(b) To facilitate orientation or training programmes for presiding officers, subject to the availability of resources and on request, in particular for those who are elected to chair contact groups, in order to help them acquire techniques and skills in the area of managing intergovernmental negotiations and facilitating consensus;

(c) To make efforts to avoid duplication and redundancy of draft recommendations and draft decisions with existing decisions;

(d) To explore the availability and reliability of any methods or technology that may be used to expedite decision-making;

(e) To further develop the decision-tracking tool, including by enhancing the user interface to facilitate intuitive navigation and improve the search function and interactive features, with a view to improving its usefulness to support implementation of decisions and the monitoring of implementation of decisions.
