



CONVENTION ON BIOLOGICAL DIVERSITY

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CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Sixth meeting

The Hague, 7-19 April 2002

Item 24 of the provisional agenda*

STRATEGIC PLAN, NATIONAL REPORTING AND OPERATIONS OF THE CONVENTION

Review of the status of the decisions of the Conference of the Parties

Note by the Executive Secretary

INTRODUCTION

1. In paragraph 1 of its recommendation 4, on the operations of the Convention on Biological Diversity (UNEP/CBD/COP/6/5, annex), the Open-ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity, held in Montreal from 19 to 21 November 2001, requested the Executive Secretary, in consultation with and under the guidance of the Bureau of the Conference of the Parties, to carry out a pilot review of the status of implementation and continued relevance of the decisions of the Conference of the Parties and:

(a) Propose a preliminary list of decisions and elements of decisions that could be retired, and those on which no progress on implementation has been made; and

(b) Identify issues on which the Conference of the Parties has commenced work but which it has not considered sufficiently to allow for implementation to start,

and submit a report to the Conference of the Parties for its consideration at its sixth meeting.

2. The Open-ended Inter-Sessional Meeting further requested the Executive Secretary, in consultation with and under the guidance of the Bureau of the Conference of the Parties, to prepare a proposal for submission to the Conference of the Parties at its sixth meeting, on the basis of the pilot review, outlining the manner in which the Conference of the Parties may wish to proceed with the review

* UNEP/CBD/COP/6/1 and Corr.1/Rev.1.

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of the status of its decisions. In the draft elements for a decision by the Conference of the Parties at its sixth meeting, the Open-ended Inter-sessional Meeting recommends that Conference of the Parties “decide to review, on the basis of the proposals by the Executive Secretary, the status of implementation of all its decisions at its next meeting with a view to adopting a consolidated body of decisions and to inform decision-making on the long-term work plan of the Convention”.

3. The Executive Secretary has prepared the present note to assist the Conference of the Parties in its consideration of these issues. Section I of the document deals with the pilot review of the decisions of the Conference of the Parties adopted at its first and second meetings. Section II contains options regarding the manner in which the Conference of the Parties may wish to proceed with the review of the status of its decisions. Section III contains a recommendation for the consideration of the Conference of the Parties.

I. PILOT REVIEW OF THE DECISIONS ADOPTED AT THE FIRST AND SECOND MEETINGS OF THE CONFERENCE OF THE PARTIES

4. The Executive Secretary, in consultation with the Bureau of the Conference of the Parties, decided that the pilot review requested by the Open-ended Inter-sessional Meeting should focus on the decisions adopted by the Conference of the Parties at its first and second meetings. Further reviews could be undertaken once the Conference of the Parties at its sixth meeting has decided on the approach to be adopted in the review of the status of its decisions on the basis of the proposals submitted by the Executive Secretary pursuant to paragraph 2 of recommendation 4 of the Open-ended Inter-sessional Meeting.

5. The pilot review undertaken by the Executive Secretary is as an information document for the sixth meeting of the Conference of the Parties. The review provides an overview of each decision, outlines the elements of the decision, reviews the status of implementation of the decision, and provides an overall assessment and possible action by the Conference of the Parties.

6. An analysis of the status of implementation of the decisions reveals four categories of decisions and elements of decisions (see the annex to the present note). The first category (first column in the annex) is composed of decisions and elements of decisions that have been fully implemented and are only of historical value. Notable examples are paragraphs 2 and 3 of decision I/4 which deal with initial arrangements regarding the Secretariat; decision I/11 concerning preparations for the second meeting of the Conference of the Parties; and decision I/13 on tribute to the Government of the Bahamas. This group of decisions and elements of decisions may be archived by the Conference of the Parties since they do not have any continuing relevance to the work of the Convention.

7. The second category (second column in the annex hereto) is composed of decisions and elements of decisions that, though fully implemented, have continuing relevance or effect to the work of the Convention. Significant examples are paragraph 1 and annexes I and II of decision I/2, which address the issues of policy, strategy, programme priorities and eligibility criteria for access to and utilization of financial resources and contain the list of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties; decision I/5 which is part of the legislative authority regarding cooperative activities and arrangements between the Secretariat and other organizations; decision II/4 on access to, and transfer and development of technology; and paragraphs 5 and 13 of decision II/10 on marine and coastal biological diversity. These decisions and elements of decisions, because of their continuing relevance or effect to the work of the Convention, could be consolidated with other related decisions in the contemplated process of consolidation of decisions of the Conference of the Parties.

8. The third category (third column in the annex hereto) contains those decisions and elements of decisions which are still under implementation but which may require further guidance or action by the Conference of the Parties. Decision II/3 on the clearing-house mechanism is an example. The elements of the decision relating to technical and scientific cooperation may need to be consolidated with other relevant decisions. In addition, the Conference of the Parties may wish to provide further guidance regarding the development of national capabilities through the exchange and dissemination of information on experience gained. Another example is decision II/7 dealing with Articles 6 and 8 of the Convention. In this case, paragraphs 1, 2, 5 and 6 of the decision could be consolidated with a future decision containing further guidance to Parties and the financial mechanism on the implementation of these provisions of the Convention.

9. The last category (fourth column in the annex hereto) comprises those decisions or elements of decisions that had not been implemented by the time of the review. There are two cases in this respect. In the first instance, by paragraph 1 (b) of decision II/11, the Conference of the Parties had requested the Executive Secretary to compile an annotated list of studies and other relevant information on social and economic valuation of genetic resources, including demand by industry for genetic resources. A literature review was undertaken by the Executive Secretary for the second meeting of SBSTTA (UNEP/CBD/SBSTTA/2/13), but no compilation of an annotated list of studies and other relevant information was undertaken as such. The issue is, however, still relevant to the work of the Convention on access to genetic resources and benefit-sharing. The Conference of the Parties may wish to revisit this issue when it considers on-going work on access to genetic resources and benefit-sharing.

10. In the second instance, in paragraph 8 of decision II/17, the Conference of the Parties requested SBSTTA to instruct any technical panels it may establish on topical issues to comment on the feasibility and practicalities of developing technical guidelines for national reporting on the subject matter being considered by the panels, and report to the Conference of the Parties in 1997. Again, there is no evidence that SBSTTA issued any such instructions to the various ad hoc technical expert groups it has constituted from time to time. The issue is, however, still relevant to the work of the Convention on national reporting, and the Conference of the Parties may wish to revisit it.

II. OPTIONS FOR THE REVIEW OF THE STATUS OF DECISIONS

11. There are three main approaches that the Conference of the Parties may wish to consider in carrying out the review of the status of its decisions. Annexes I to IV of the pilot review contain examples of each of these approaches. The approaches are not, however, mutually exclusive.

(a) The first approach, which has been used in the pilot review, is to examine the decisions adopted at each meeting of the Conference of the Parties. Thus, the pilot review focused on decisions adopted at the first and second meetings. The Conference of the Parties may well decide that the next review will focus on decisions taken at its third meeting. Subsequent reviews may focus on decisions taken at the fourth and fifth meetings. However, there are two important disadvantages with this option. In the first instance, it does not facilitate an overall assessment on how effectively stakeholders, the targets of the decisions, are implementing the guidance provided by the Conference of the Parties. In the second instance, it is also not possible to assess the extent to which, in general, progress is being achieved in the implementation of decisions relating to specific thematic or cross-cutting issues;

(b) The second approach would be for the Conference of the Parties to review its decisions based on specific thematic or cross-cutting areas of its work. For example, it may wish to review the status of implementation of the decisions it has taken so far with respect to forest biological diversity or access to genetic resources and benefit-sharing. This would provide an opportunity for the Conference of

the Parties to determine the extent to which objectives are being met and the nature of further guidance required to achieve specific objectives in these areas. Moreover, the approach is likely to facilitate the consolidation of decisions dealing with specific thematic or cross-cutting issues much more effectively than the other two approaches. The aim of a review based on this approach is much wider, certainly going beyond a determination of which specific decisions the Conference of the Parties may wish to retire;

(c) A final option would be for the Conference of the Parties to review the status of implementation of its decisions on the basis of actions taken by specific stakeholders: for example, Parties and Governments, international organizations, the financial mechanism, SBSTTA, and the Executive Secretary. In most cases, decisions of the Conference of the Parties require specific actions by stakeholders. An important issue is to determine the extent to which such stakeholders are in compliance with the requirements of decisions adopted by the Conference of the Parties. For example, decision II/7 urged Parties and Governments to exchange relevant information and share experiences on measures taken for the implementation of Articles 6 and 8 of the Convention. An evaluation of the status of implementation of this element of the decision is only possible through an analysis of information provided by Parties and Governments. Consequently, an important component of this approach would be for the Conference of the Parties to request specific stakeholders to submit information regarding measures taken to implement specified decisions.

12. In addition to determining the approach for the review, an important issue that the Conference of the Parties may wish to address is that of an institutional process for the review. The work of the Conference of the Parties could be more effectively facilitated through the establishment of a small ad hoc legal and technical group to undertake the review with a view to making proposals to the next meeting of the Conference of the Parties regarding, *inter alia*, the consolidation of its decisions.

III. RECOMMENDATION

13. The Conference of the Parties may wish to:

(a) Retire the decisions and elements of decisions listed in first column of the Annex to this note;

(b) Provide further guidance regarding the implementation of the decisions and elements of decisions listed in the third and fourth columns of the annex to this note;

(c) Further review the options described in section II of this note with a view to adopting an approach regarding the future review of the status of its decisions;

(d) Establish a small ad hoc legal and technical group to further undertake the review with a view to making proposals to the seventh meeting of the Conference of the Parties regarding, *inter alia*, the consolidation of its decisions.

Annex

**PILOT REVIEW OF DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES
AT ITS FIRST AND SECOND MEETINGS***

Decision or elements of a decision	DECISIONS OR ELEMENTS OF DECISIONS WHICH CAN BE RETIRED	DECISIONS WHICH SHOULD BE RETAINED AND CONSOLIDATED		
		Fully implemented but of continuing relevance or effect	Under implementation and eventually requiring further guidance from the Conference of the Parties	Not implemented as of January 2002
COP I				
I/1		× <i>Note: The Conference of the Parties may, however, wish to address the outstanding issue of paragraph 1 of rule 40 of the rules of procedure.</i>		
I/2	Paras.4 to 8	Paras. 1 to 3		
I/3	Paras.2 to 4	Para.1		
I/4	Paras.2 and 3	Para.1		
I/5	Para.1	Paras.2 to 4		
I/6, part I	Para. 3 to 9 (Part I)	Paras. 1 and 2 (Part I) <i>Note: The Conference of the Parties may wish to resolve the issue of paras. 4 and 16 of the Financial Rules and consider writing-off the 0.5% of the assessed contributions which is outstanding</i>		
I/6, part II	×			
I/7	Paras.1 (d), 2, 4 (and annex)	Paras. 1 (a), (b), (c) and 3		
I/8		×		
I/9	×			
I/10	×			
I/11	×			
I/12		×		

* *Note: in the following chart, the symbol × means that an entire decision falls within a particular category (e.g., decision I/1 falls within the category of decisions that have been fully implemented but are of continuing relevance or effect and should therefore be retained).*

Decision or elements of a decision	DECISIONS OR ELEMENTS OF DECISIONS WHICH CAN BE RETIRED	DECISIONS WHICH SHOULD BE RETAINED AND CONSOLIDATED		
	Fully implemented and of only historical value	Fully implemented but of continuing relevance or effect	Under implementation and eventually requiring further guidance from the Conference of the Parties	Not implemented as of January 2002
I/13	×			
COP II				
II/1	Paras.1, 2 and 4 to 6		Para.3	
II/2	×			
II/3	Paras.1, 4 (a), 5, 6, 10 and 11	Paras.2, 4 (b)-(h), 8 and 9	Para.7 <i>Note: The Conference of the Parties may wish to urge Parties that have not yet done so yet to establish their CHM NFPs</i>	
II/4	Paras. 2 to 4	Para. 1 <i>Note: The Conference of the Parties may wish to consolidate paragraph 1 and recommendation I/4 with any future decision regarding access to and transfer of technology</i>		
II/5	×			
II/6	Paras. 3, 4, 7 and 12	Para. 1	Paras. 2, 5, 6, and 8-11	
I/7	Para. 7		Para. 1 to 6	
I/8	Paras. 6 and 7	Paras. 1 to 5		
II/9	Paras. 1, 2(b) and 4	Paras. 2 (a) and (c) and 3 <i>Note: The Conference of the Parties may wish to invite Parties to include information in their national reports regarding para.2 (a) and provide further guidance on coordination with the IFF/IPF process</i>		
II/10	Paras. 7, 9, 10 and 14	Paras. 1 to 6 and 11	Paras. 7, 8, 12 and 13 <i>Note: The Conference of the Parties may wish to consolidate paras 5, 12 and 13 with other decisions on international cooperation</i>	
II/11	Para. 1(a)	Paras. 2 and 4	Para. 3 <i>Note: The Conference of the Parties may wish to renew its call to Parties to provide information on national measures</i>	Para. 1 (b)
II/12	Paras. (a) and (c)		Para. (b)	

	DECISIONS OR ELEMENTS OF DECISIONS WHICH CAN BE RETIRED	DECISIONS WHICH SHOULD BE RETAINED AND CONSOLIDATED		
Decision or elements of a decision	Fully implemented and of only historical value	Fully implemented but of continuing relevance or effect	Under implementation and eventually requiring further guidance from the Conference of the Parties	Not implemented as of January 2002
II/13	Paras. 1 and 5 to 7	Paras. 2 and 3	Paras. 2 and 4	
II/14	×			
	DECISIONS OR ELEMENTS OF DECISIONS WHICH CAN BE RETIRED	DECISIONS WHICH SHOULD BE RETAINED AND CONSOLIDATED		
Decision or elements of a decision	Fully implemented and of only historical value	Fully implemented but of continuing relevance or effect	Under implementation and eventually requiring further guidance from the Conference of the Parties	Not implemented as of January 2002
II/15	×			
II/16	×			
II/17	Paras. 4, 5, 9, 11	Para. 13	Paras. 3, 6, 7, 10, 12	Para. 8
II/18	×			
II/19	Paras. 1 and 3 to 6	Para. 2		
II/20	Paras. 1 to 10	Paras. 11 to 12 <u>Note:</u> The Conference of the Parties may wish to settle the outstanding matters regarding the financial rules of the Trust Fund		
II/21	×			
II/22	×			
II/23	×			
