



CONVENTION ON BIOLOGICAL DIVERSITY

Distr.
GENERAL

UNEP/CBD/COP/7/20/Add.2
12 November 2003

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Seventh meeting

Kuala Lumpur, 9-20 and 27 February 2004

Item 26 of the provisional agenda*

OPERATIONS OF THE CONVENTION

Review and consolidation of the decisions of the Conference of the Parties: proposals by the Executive Secretary pursuant to decision VI/27 B on operations of the Convention

I INTRODUCTION

1. The Conference of the Parties has addressed the issue of the review of its previous decisions within the framework of discussions on the operations of the Convention. Such a review is seen as contributing to improved decision-making within the Convention process as well as the enhancement of its implementation. At its fifth meeting, the Conference of the Parties, by paragraph 4 of decision V/20, decided to review its previous decisions periodically in order to assess the status of their implementation. Subsequently, the Open-ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity, which took place 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 submit a report to the Conference of the Parties for its consideration at its sixth meeting. The Executive Secretary undertook this review in a note (UNEP/CBD/COP/6/5/Add.4) and an information document (UNEP/CBD/COP/6/INF/17), which formed the basis of discussions on this issue at the sixth meeting of the Conference of the Parties. By its decision VI/27 B, the Conference of the Parties, *inter alia*, retired a number of decisions and elements of decisions from its first and second meetings and decided on additional actions regarding the review of its decisions.

2. In paragraph 2 of decision VI/27 B, the Conference of the Parties decided to review, on the basis of 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. In this regard, the Conference of the Parties, by paragraph 4 of the same decision, requested the Executive Secretary to make proposals to its seventh meeting regarding, *inter alia*, the retirement of decisions and elements of decisions taken at the third and fourth meetings of

* UNEP/CBD/COP/7/1 and Corr.1.

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the Conference of the Parties and the consolidation of its decisions and to communicate such proposals to Parties, Governments and relevant international organizations at least six months prior to its seventh meeting. In paragraph 5, the Conference of the Parties invited Parties, Governments and international organizations to submit to the Executive Secretary written comments on the proposals at least three months prior to its seventh meeting.

3. The Executive Secretary has prepared the present document pursuant to paragraph 4 of decision VI/27 B. The document is divided into four sections and contains three annexes. Section II presents proposals relating to the review and retirement of the decisions of the Conference of the Parties adopted at its third and fourth meetings. Section III addresses the issue of the consolidation of the decisions of the Conference of the Parties. Section IV provides recommendations for the consideration of the Conference of the Parties at its seventh meeting. The Executive Secretary has also prepared an information document (UNEP/CBD/COP/7/INF/16), which contains a review of the decisions of the Conference of the Parties adopted at its third and fourth meetings, as well as a list of decisions and elements of decisions, arranged according to thematic and cross-cutting programme areas, that could be consolidated.

4. In accordance with paragraph 4 of decision VI/27 B, the Executive Secretary, by a notification dated 17 June 2003, communicated the proposals relating to the review and consolidation of the decisions of the Conference of the Parties to Parties, Governments and relevant international organizations. As at the close of the deadline of 31 October 2003 for the submission of comments on the proposals, the Executive Secretary had received comments only from the Government of the United Kingdom of Great Britain and Northern Ireland. The United Kingdom stated its view that the approach suggested by the Executive Secretary regarding the process of consolidation of the decisions of the Conference of the Parties seemed reasonable but rather drawn out. In addition, the Government suggested that the themes which are chosen at each stage for consolidation should relate to the main themes for discussion at the next Conference of the Parties. This, in its view, would allow the consolidated text, if approved, to be incorporated with the new decisions resulting from the Conference of the Parties.

II REVIEW OF DECISIONS OF THE CONFERENCE OF THE PARTIES

5. The review of the decisions adopted by the Conference of the Parties at its third and fourth meetings is contained in annex I to the information document on review and consolidation of the decisions of the Conference of the Parties (UNEP/CBD/COP/7/INF/16). The review follows the format which was adopted in the information document on the subject (NEP/CBD/COP/6/INF/17) prepared for the sixth meeting. On the basis of this review, the Executive Secretary proposes in the second column of the annex below decisions and elements of decisions that could be retired by the Conference of the Parties at its seventh meeting. These are decisions that are either fully implemented and are of no continuing relevance or effect; have been superseded by subsequent decisions; or are of only historical value.

6. In addition, the review also identifies, in respect of each decision, the elements of the decision that should be retained and subsequently consolidated with other relevant decisions because they are either of continuing relevance or effect, or they are still under implementation. The Executive Secretary on the basis of this review proposes also in the annex to the present document elements of decisions adopted at the third and fourth meetings of the Conference of the Parties that could be consolidated with other decisions.

III CONSOLIDATION OF THE DECISIONS OF THE CONFERENCE OF THE PARTIES

7. Consolidation entails the collection and re-adoption in one decision of the existing decisions on a particular subject. There are two possible approaches. In the first approach, none of the text in the existing decisions is changed. The decisions and elements of decisions are simply assembled together in one text. There may, however, be some unavoidable re-organization of paragraphs to bring some level of order and rationality to the text. In the second approach, some incidental changes, considered appropriate in order to improve the decision, are effected. This task of incorporating desired changes, as appropriate,

would necessarily be undertaken by the Secretariat. However, since the existing texts of decisions of the Conference of the Parties are a product of very delicate negotiations and compromise, the best approach might be for the Secretariat to propose draft consolidated texts that incorporate elements of existing decisions on a particular subject without effecting any changes to the actual text of such decisions.

8. Experience from other processes shows that consolidation of decisions or resolutions of a conference of the parties, as the case may be, is a long-term process that is best undertaken in phases. This is precisely because it is a meticulous and time-consuming exercise of rationalization of existing decisions or resolutions dealing with the same subject and the retirement of decisions or elements of decisions that are no longer relevant. The process would eventually lead to the adoption of a corpus of decisions that should remain in effect.

9. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provides a good example of such an approach. A process of consolidation of CITES resolutions was initiated in 1994 at the ninth meeting of the Conference of the Parties and is still ongoing (see decision 10.60 of the CITES Conference of the Parties). This work is being undertaken by the Secretariat under the guidance of the CITES Standing Committee. In this regard, the Secretariat prepares for the review and approval of the Standing Committee draft consolidated texts in selected subject areas before these are forwarded to the Conference of the Parties for its consideration. In addition, draft consolidated resolutions are submitted to Parties by the Secretariat for comments and revised on the basis of such comments before review by the Standing Committee. For example, for the forty-second meeting of the Standing Committee, draft consolidated texts were proposed for three subjects: cetaceans; enforcement; and non-commercial loan, donation or exchange of museum and herbarium specimens (see document SC.42.7.1). These were reviewed by the Committee before submission to the eleventh meeting of the Conference of the Parties for its consideration and adoption.

10. The Conference of the Parties to the Convention on Biological Diversity may wish to adopt such a phased approach. At its seventh meeting, it could select three or four subject areas for consolidation and request the Executive Secretary, under the guidance of the Bureau, to propose draft consolidated texts in these areas for the consideration of the Conference of the Parties at its eighth meeting. Subsequent meetings of the Conference of the Parties would similarly mandate the Executive Secretary, with a view to completing the exercise by 2010, that is, by the tenth meeting of the Conference of the Parties. In order to facilitate the selection process, the Executive Secretary has compiled in annex II to the review document (UNEP/CBD/COP/7/INF/16) decisions and elements of decisions in effect for each subject area. These areas are either thematic programme areas, cross-cutting programme areas, or relate to the implementation and operations of the Convention. The decisions and elements of decisions for consolidation have been identified through the process of review of the decisions of the Conference of the Parties adopted at its first four meetings that has been undertaken in document prepared for the sixth meeting of the Conference of the Parties (UNEP/CBD/COP/6/5/Add.4 and UNEP/CBD/COP/6/INF/17) and annex I to the review document prepared for the seventh meeting (UNEP/CBD/COP/7/INF/16).

IV RECOMMENDATIONS

11. The Conference of the Parties at its seventh meeting may wish to:

(a) Retire the decisions and elements of decisions adopted at its third and fourth meetings listed in the second column of the annex below;

(b) Review and adjust paragraph 1 of decision IV/17 and its annex to existing United Nations policies, procedures and practices for senior-level appointments within the United Nations (D-2, ASG and USG) and recent developments regarding the appointment and promotion of United Nations staff members;

(c) Adopt a phased process of consolidation of its decisions with a view to completing the process of consolidating all its decisions by the year 2010;

(d) Request the Executive Secretary, under the guidance of the Bureau, to propose draft consolidated decisions in the areas of forest biological diversity; access to genetic resources and benefit-sharing; and guidance to the financial mechanism for the consideration of the Conference of the Parties at its eighth meeting;

(e) Further request the Executive Secretary to communicate the draft consolidated decisions referred to in the preceding paragraph to Parties and relevant international organizations for their review and comments and to revise the proposals in light of such comments before submission to the Conference of the Parties at its eighth meeting.

Annex

**REVIEW OF DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES AT ITS
THIRD AND FOURTH MEETINGS**

COP DECISIONS	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
Decision	Fully implemented, of no continuing relevance or effect, or of only historical value	Fully implemented but of continuing relevance or effect	Under implementation
COP III			
III/1			×
III/2	×		
III/3	Paras. 1, 2 and 4 and 5	Paras. 3	
III/4	Paras. 1, 3, 5, 8, 10 and 14.		The Conference of the Parties may wish to consolidate paragraph 2 with other decisions relating to guidance to the financial mechanism. Paras. 4, 6, 7, 9, 11 to 13, 15 to 16 are ongoing.
III/5	Para. 7		Paragraphs 1 to 6 of the decision should be consolidated with other decisions relating to guidance to the financial mechanism.
III/6	Paras. 2(b) and 6.		Paras 2(a), 3 and 5 could be consolidated with other relevant decisions on financial resources. Paras. 1 and 4 are ongoing.
III/7	×		
III/8	Para. 2.		The decision and the MOU provide the operational framework regarding the implementation of Article 21 of the Convention concerning the financial mechanism. Paragraph 1 should be consolidated with other decisions on financial mechanism.
III/9	Paras. 8 and 11	Para. 3	Paras. 1, 2, 4 to 7 and 9 are ongoing
III/10			The Conference of the Parties may wish to consolidate this decision with other decisions relating to identification, monitoring and assessment
III/11	Paras. 1 to 12, 16, 23 and 24.		Paras. 13 to 15, 17, 18 to 22 are ongoing
III/12	×		
III/13	×		
III/14	Paras. 3, 6, 8 to 12		Paras. 1, 2, 4, 5 and 7 are ongoing
III/15	Paras. 1, 2 and 7		Paras. 3 to 6, 8 and 9 are on-going
III/16	×		
III/17	Paras. 3 to 6		Paras. 1, 2, 7 and 8 should be included in a consolidated decision on IPRs.
III/18	Paras. 1, 5, 7 and 8		Paras. 2, 3, 4, 6, 9 and 10 could be consolidated with other decisions on incentive measures.
III/19	×		

* “**×**” signifies the whole decision.

COP DECISIONS	DECISIONS OR ELEMENTS OF DECISIONS WHICH CAN BE RETIRED*	DECISIONS WHICH SHOULD BE RETAINED AND CONSOLIDATED*	
Decision	Fully implemented, of no continuing relevance or effect, or of only historical value	Fully implemented but of continuing relevance or effect	Under implementation
III/20	✗		
III/21	Paras. 1, 4 to 7, 9 and 11		Paras. 3, 8, 10 and 12 are ongoing. Paragraph 2 could be consolidated with subsequent decisions dealing with cooperation.
III/22	✗		
III/23			The Conference of the Parties may wish to consolidate decision III/23 with decision III/1.
III/24	Paras. 1 to 4	Paras. 5(a) and 5(b) could be consolidated with other relevant decisions.	Paras 5 (c), 5(d), 5(e) and 5(f), 6 to 11 are ongoing
III/25	✗		
III/26	✗		
III/27	✗		
COPIV			
IV/1 A	Paras. 1, 2, 3 and 5		Para. 4 and 6 could be consolidated with other relevant decisions.
IV/1 B	Paras. 1 and 2		
IV/1 C	Paras. 2, 5 and 6		Paras. 1, 3 and 4 could be consolidated.
IV/1 D	Paras. 1 and 3		Paras. 2 and 4 could be consolidated with other relevant decisions. Paras. 5 to 9 are ongoing.
IV/2	Paras. 7, 9(d), 10(a), 10(c), 10(f), 10(j) and 10(k)		Paras. 1 to 6, 8, 9(a), 9(b), 9(c), 10(b), 10(d), 10(e), 10(g), 10(h), and 10(i) are on-going.
IV/3	✗		
IV/4	Para. 1, 4 to 5, 8, 10, and annex 1.	Para. 11	Para. 3 and 6 are ongoing. Paras. 2, 7 and 9 could be consolidated with other decisions.
IV/5	Para. I(1), I(2), II(1) to II(3) and annex		Paras I(3), I(4), II(4) are ongoing. Para. III remains valid and should be consolidated with other relevant decisions.
IV/6	Paras. 1, 2, 5, 7 to 13		Paras, 3, 4 and 6.
IV/7	✗		
IV/8	Paras. 1, 2, 3 and 6(d)		Para 4 could be consolidated. Paras. 5, 6(a), 6(b) and 6(c) are ongoing.
IV/9	Paras.5, 6, 8 to 11, 14 and 16	Para. 2	Paras. 1, 3, 4, 7, 12, 13, 15 and 17
IV/10, Part A	Paras. 1(b), 1(d), 1(e), 1(g), 5(a), (5(b), 5(c)		Paras. 1(a), 1(c), 1(f), 1(h), 3, 4 could be consolidated. Para. 2 is ongoing.
IV/10, Part B	Para. 6		Paras. 1 to 5 and 7 to 10
IV/10, Part C	Paras. 2 to 4, 8 to 11		Paras. 1, 5 to 7
IV/11	Para. 3		Paras 1, 2, 4 and annex

COP DECISIONS	DECISIONS OR ELEMENTS OF DECISIONS WHICH CAN BE RETIRED	DECISIONS WHICH SHOULD BE RETAINED AND CONSOLIDATED	
IV/12	✘		
IV/13			The entire decision has been under implementation. The Conference of the Parties may wish to consolidate this decision with other relevant decisions.
IV/14	Paras 1 to 3		Paras 4 and 5 are ongoing
IV/15	Paras 1 to 3, 7 and 11 to 17		Paras 4 to 6 are ongoing. Paras 8 to 10 remain relevant to issues pertaining to the WTO and could be consolidated with other WTO relevant decisions.
IV/16	Paras 1 to 4, 10, 16, 17, 19 to 21		Paras 5, 6, 7, 8, 9, 12 to 15, and 18 Para. 11 could be consolidated with other decisions on SBSTTA's operations
IV/17	Paras 2 to 7, 10 to 15		Paras 1, 8 and 9 are ongoing. The Conference of the Parties may need to review and adjust para.1 and the annex to decision IV/17 in view of existing United Nations policies, procedures and practices for senior level appointments within the United Nations (D-2, ASG and USG) and recent developments regarding appointments and promotions of United Nations Staff
IV/18	✘		
IV/19	✘		
