



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/COP/9/22
11 March 2008

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Ninth meeting

Bonn, 19-30 May 2008

Item 4.14 of the provisional agenda*

OPERATIONS OF THE CONVENTION

Note by the Executive Secretary

I. INTRODUCTION

1. In decision VIII/10, on operations of the Convention, the Conference of the Parties (COP) identified a number of issues to be considered at its ninth meeting. These included: (a) the periodicity of meetings and organization of work of the Conference of the Parties (paragraph 3); (b) the ongoing review and revision of the administrative arrangements between the United Nations Environment Programme (UNEP) and the Secretariat of the Convention (paragraph 13); (c) the review of the consolidated *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) (paragraph 20); (d) the identification of ways and means to more actively promote the use of the principles, guidelines and other tools developed under the Convention (paragraph 33); (e) the review and retirement of decisions and elements of decisions taken at its fifth meeting (paragraphs 36 and 37); and (f) the admission of bodies and agencies as observers to meetings under the Convention (paragraph 39).

2. The issues of guidelines for the retirement of decisions and for the admission of bodies and agencies to Convention meetings as observers were considered by the second meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention (WGRI 2), held in Paris, 9-13 July 2007. WGRI recommendation 2/5 (UNEP/CBD/COP/9/4, annex) contains draft decisions on these issues for the consideration of the Conference of the Parties.

3. Section II of this note reviews the issues listed in paragraph 1 above for the consideration of the Conference of the Parties. Section III contains recommendations on the operations of the Convention, which the Conference of the Parties may wish to consider in addition to the draft decision in WGRI recommendation 2/5 (UNEP/CBD/COP/9/4, annex), as well as the recommendations contained in documents UNEP/CBD/COP/9/22/Add.1 and Add.2.

* UNEP/CBD/COP/9/1

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II. ISSUES FOR CONSIDERATION PURSUANT TO DECISION VIII/10 OF THE CONFERENCE OF THE PARTIES AND RECOMMENDATION 2/5 OF AD HOC OPEN-ENDED WORKING GROUP ON REVIEW OF IMPLEMENTATION OF THE CONVENTION

A. *Periodicity of meetings and organization of work of the Conference of the Parties*

4. In section I of decision VIII/10, the Conference of the Parties decided to maintain the periodicity of its ordinary meetings until 2010, while deciding to consider, at its ninth meeting, the meeting schedule of the Convention after its tenth meeting in 2010. The Executive Secretary was requested, in consultation with the Bureau, to prepare options for the meeting schedule, including the financial implications of each option, taking into account, *inter alia*, the periodicity of the ordinary meetings of the Conference of the Parties and the periodicity and scheduling of meetings of its subsidiary bodies, and to make available a report on those options to Parties, Governments and relevant organizations for their review and comments at least six months prior to its ninth meeting. The Executive Secretary prepared a draft report on the options, distributed it to all Parties and revised the report in light of comments received.

5. The Conference of the Parties is invited to consider the revised report of the Executive Secretary in document UNEP/CBD/COP/9/22/Add.1, including the elements of a draft decision contained therein, as well as the tentative schedule of meetings for the period 2009-2012 in document UNEP/CBD/COP/9/22/Add.2.

B. *Review and revision of the administrative arrangements between the United Nations Environment Programme (UNEP) and the Secretariat of the Convention*

6. Decision VII/33, paragraph 6, invited the Executive Director of the United Nations Environment Programme (UNEP) and the Executive Secretary “to review and revise the administrative arrangements between the United Nations Environment Programme and the Secretariat of the Convention and report thereon...”. Accordingly, the Executive Secretary submitted to the Executive Director, on 5 January 2006, a draft of revised administrative arrangements for UNEP’s review and comments. The changes proposed by the Executive Secretary were aimed at adjusting the arrangements with the latest developments within the Convention process and the United Nations system, including decision VI/29 regarding the upgrading of the post of the Executive Secretary to the level of Assistant Secretary-General of the United Nations; procedures relating to personnel appointments within the United Nations system; the trust funds under the Convention; and the procurement of goods and services.

7. In a response dated 30 January 2006, the Executive Director noted that whereas there was a need to comply with decision VII/33, the exercise of review and revision entailed both administrative and strategic implications for the overall arrangements between UNEP and UNEP-administered conventions. Therefore, in order to ensure that the new arrangements fully reflected these strategic considerations, the Executive Director informed that he had requested the UNEP Division of Environmental Conventions, in close cooperation with the United Nations Office at Nairobi, the Programme Coordination and Monitoring Unit and convention secretariats, to undertake an analytical review of the existing administrative arrangements between UNEP and convention secretariats and to make proposals on the way forward. He further proposed that the issue be considered by the Conference of the Parties at its ninth meeting.

8. In section I of decision VIII/10, the Conference of the Parties took note of the ongoing review and revision of the administrative arrangements between UNEP and the Secretariat. It invited the UNEP Executive Director and the Executive Secretary to finalize the revision of the administrative arrangements for consideration of the Conference of the Parties at its ninth meeting.

9. By letter dated 15 June 2006, the Executive Secretary wrote to the new UNEP Executive Director drawing his attention to decisions VII/33 and VIII/10 of the Conference of the Parties and to the draft revised administrative arrangements. By letter dated 31 July 2006, the Executive Director noted that the review of administrative arrangements between UNEP and the Secretariat would be conducted as part of a broader analytical review of other administrative arrangements with the UNEP administered Conventions.

10. By letter dated 31 January 2008, the Executive Secretary reminded the Executive Director that the Conference of the Parties will address the issue of administrative arrangements between UNEP and the Secretariat at its ninth meeting and noted that in response to decision VII/33 a draft revised administrative arrangement had been submitted to UNEP for consideration. In a response dated 20 March 2008, the Executive Director indicated that he appreciated the relevant decisions of the Conference of the Parties. However, he felt that the matter of administrative arrangements between UNEP and the UNEP administered Conventions should be addressed in a coherent and holistic manner and avoid the existing mechanism of dealing with issues in a piecemeal and *ad hoc* manner. Therefore, he was not yet in a position to provide specific or detailed comments on the draft submitted on revised administrative arrangements. The Executive Director further added that he would inform the Parties or the Bureau, as and when appropriate, on the coherent and integrated measures and actions that he has initiated with UNEP administered MEAs with an objective of having an overarching framework arrangement with all of them.

C. Consolidated *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice

11. In decision VIII/10, the Conference of the Parties adopted a consolidated *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which lists among the specific functions that SBSTTA should identify new and emerging issues relating to the conservation and sustainable use of biodiversity. At its twelfth meeting, through recommendation XII/8, SBSTTA requested the Executive Secretary to present to the Subsidiary Body at its thirteenth meeting options to identify emerging issues, the conditions for their inclusion in the agenda of relevant meetings, and appropriate ways to respond to new and emerging issues relating to the conservation and sustainable use of biodiversity.

12. The Executive Secretary prepared a note with options for a *modus operandi* for addressing new and emerging issues by SBSTTA (UNEP/CBD/SBSTTA/13/8). The Conference of the Parties is invited to consider the recommendation of SBSTTA at its thirteenth meeting (UNEP/CBD/COP/9/3) on this issue (recommendation XIII/7).

10. In addition, at its eighth meeting as part of its endorsement of SBSTTA's new consolidated *modus operandi*, in paragraph 20 of decision VIII/10, the Conference of the Parties decided to review at its ninth meeting the operation of paragraph 16 of that decision, addressing the oversight of ad hoc technical expert groups to ensure that terms of reference clearly indicate their mandate, duration of operation, expected outcomes and reporting requirements, and that their mandate is limited to the provision of scientific and technical advice and assessments.

D. Ways and means to more actively promote the use of the principles, guidelines and other tools developed under the Convention

11. In decision VIII/10 paragraph 33, the Conference of the Parties noted that it has frequently invited other institutions and organizations to make use of the principles, guidelines and other tools developed under the Convention. It requested the Executive Secretary to identify ways and means to more actively promote the use of such tools by international organizations and institutions.

12. Information available to the Secretariat from Parties and international organizations in the context of the implementation of the relevant work programmes suggests that the Convention's guidelines, principles and other tools are widely available and are being used at international and national levels. Furthermore, many of the Convention's international partners supporting its implementation within a particular thematic area are typically involved in not only developing a particular thematic area's principles or guidelines but have interests in supporting their subsequent application. Furthermore, the Secretariat uses these tools in its various workshops while promoting them in workshops organized by other organizations and processes. However, it appears that some improvements could be made to more actively promote these tools.

13. The Convention's principles, guidelines and other tools take many forms, but there is a wide-range of specificity and comprehensibility between them. Principles, guidelines and other tools that are more technically oriented are more specific and, as a result, easier to apply. Experience shows that the development of "how-to" guides makes them more amenable to application to support the Convention's implementation. In this latter case, a number of examples exist, including, *inter alia* the User's Manual for the Guidelines on Sustainable Tourism Development, the Action Guide for Implementation of the Programme of Work on Protected areas, and the CEPA Toolkit.

14. There are limited examples of implementation or "how-to" guides to support implementation of the Convention's principles, guidelines and other tools, but where these are available they are clear and to the point and are used by the Secretariat in training contexts. For example, in annex I to decision VII/11 the Conference of the Parties adopted additional guidance on how to apply environmental assessment to biodiversity. In addition, a sourcebook has been prepared containing additional application-related examples along with a number of case-studies.

15. Where examples exist, they have been developed by the Secretariat, with the assistance of donors and partner organizations. This practice could usefully be extended to all guidelines and principles adopted by the Conference of the Parties under the Convention.

Barriers to use

16. There would appear to exist a number of possible barriers to use of the principles, guidelines and other tools developed under the Convention, which are mainly outreach-related.

17. Possible outreach-related barriers include inconsistent distribution strategies, inconsistent webpage formats and placement, the high cost of a wide distribution of hard copies, and limited resources for translation beyond English, and to some extent Spanish and French. And, while the Convention's website provides a potentially effective means to distribute the Convention's principles, guidelines and other tools, limited human and financial resources have constrained its efforts to enhance website accessibility and visibility.

Indicative ways and means to promote use

18. A number of actions could be undertaken to promote the greater use of the Convention's principles, guidelines and other tools and their application to specific local circumstances. The Convention's partners can be encouraged to support these actions, while feeding back information on efforts to apply and/or adapt the CBD's more general tools to situations on the ground, including any successes or barriers encountered. These examples in turn could be more widely disseminated.

Possible actions include:

- Increasing the use of the Convention's principles, guidelines and other tools as resource materials in CBD workshops and promoting their use in workshops organised by others;

- Continuing to develop “plain language” technical implementation users’ manuals and/or explanatory how-to guides, based on successes and best-practices realised to date, distribute them widely to users and potential users while using them as resource materials in workshops;
- Providing increased visibility (or accessibility) of these products on the CBD website thematic pages in a consistent way, including their provision in a variety of electronic formats. Enhancing the existing information centre on the CBD website, including better promotion through the Clearinghouse Mechanism, using RSS feeds and others;
- Working with publishing houses, to establish arrangements for more extensive publication distribution, taking into account the need for subsidized copies for developing country Parties;
- Working to promote the integration of CBD tools into formal and informal educational contexts, particularly in post-secondary contexts, including universities, technical schools and other national training courses. In this regard, the Secretariat should seek to develop partnerships with universities (including through the consortium of university partners), and relevant professional and academic associations;
- Developing and distributing a CD-based CBD Toolkit in the six United Nations languages (i.e., a compendium of existing guidance), perhaps with a supporting brochure;
- Ensuring that UNEP Headquarters programmes and UNEP regional offices are aware of the Convention’s tools and use them to the fullest extent possible in the context of their programmes;
- Ensuring that key MEAs and United Nations agencies, in particular biodiversity-related MEAs, FAO, UNESCO, etc.) participate actively in CBD processes to develop principles, guidelines and other tools and disseminate them in the framework of their activities;
- Encouraging greater cross-recognition/endorsement/adaptation of CBD tools in sister biodiversity-related fora (this would require the assistance of the CBD Parties, many of which are participants in these forums and the respective Secretariats);
- Ensuring that GEF and other multilateral donors use CBD principles, guidelines and related tool-kits as a basis for project development;
- Developing and keeping under review a communications strategy for the Convention;
- Raising awareness about newly developed principles, guidelines and other tools through “launching events” using a package of approaches (e.g., web site, newsletter placement, hard copy distribution, brochures/fact sheets, workshops/events, etc.);
- Distinguishing true reference-type guidelines, principles and other tools from those that are more political documents; and
- Exploring the development of an “implementation support” webpage.
- Through the CHM, improving access to tools and guidance developed by Parties and organizations that represent practical applications of CBD principles, guidelines and other tools to specific sectors and localities

E. Retirement of decisions

19. In decision VIII/10, the Conference of the Parties requested WGRI to develop guidance for the future review and retirement of the decisions of the Conference of the Parties. The Conference of the Parties is invited to consider recommendation 2/5 A, annexed to the WGRI report (UNEP/CBD/COP/9/4) in this regard.

20. The Conference of the Parties, in decision VIII/10, also requested the Executive Secretary to make proposals to its ninth meeting regarding the retirement of decisions and elements of decisions taken at its fifth meeting. By paragraph 37 of the same decision, Parties, Governments and relevant international organizations were invited to submit to the Executive Secretary written comments on the proposals at least three months prior to the ninth meeting of the Conference of the Parties.

21. In accordance with paragraphs 36 and 37 of decision VIII/10 the Executive Secretary, by a notification dated 20 November 2007, communicated the proposals to Parties, Governments and relevant international organizations. Comments were received from one Party. These comments were taken into consideration in the document's finalization.

22. The proposals on the retirement of decisions taken by the Conference of the Parties at its fifth meeting (UNEP/CBD/COP/9/INF/2) sets out in detail the Secretariat's proposals together with the supporting rationale. To summarize, the Executive Secretary proposes the retirement of the following decisions and elements of decisions for the fifth meeting of the Conference of the Parties:

Decision V/1

Decision V/2, paragraphs 1 and 3-8

Decision V/3

Decision V/4, paragraphs 1-15 and 17-20

Decision V/5, paragraphs 1-2, 8, 11-12, 19-21, and 28-29

Decision V/6, paragraphs 3 – 6

Decision V/7, paragraphs 1-3, and 5

Decision V/8, paragraphs 1-9, and 13-17

Decision V/9, paragraphs 2-4 and 6

Decision V/10

Decision V/11, paragraphs 2-3, 7-8, 11, 13-14 and 17

Decision V/12

Decision V/13, paragraph 1

Decision V/14, paragraphs 1, 3-4, 6, and 8-10

Decision V/16, paragraphs 6, 8 – 9, and 14

Decision V/17, paragraphs 1 – 3 and 7(c) and (d)

Decision V/18, paragraphs 1(a) – (e) and 2 - 9

Decision V/19, paragraphs 3 and 8

Decision V/20, paragraphs 1, 4 - 6 10 – 33, 35, 37 - 40

Decision V/21, paragraphs 1 and 3 - 11

Decision V/22, paragraphs 1 – 6, 8 – 9, 11 – 14, 16 – 17, 19 and 21

Decision V/23, paragraphs 6 - 8

Decision V/24, paragraphs 1 – 4 and 6

Decision V/25

Decision V/26 A, paragraphs 7 – 10 and 15

Decision V/26 B, paragraphs 3 – 4

Decision V/26 C, paragraphs 1 – 3 and 5

Decision V/27

Decision V/28

Decision V/29

F. Admission of bodies and agencies to meetings under the Convention

23. In section VI of decision VIII/10, the Conference of the Parties requested WGRI to consider procedures for admitting bodies and agencies, whether governmental or non-governmental, to meetings of the Conference of the Parties and its subsidiary bodies.

24. The Conference of the Parties is invited to review and consider adopting WGRI recommendation 2/5 B (UNEP/CBD/COP/9/4, annex), and its annex on steps for admitting qualified bodies and agencies, whether governmental or non-governmental, as observers to meetings of the Conference of the Parties and its subsidiary bodies.

III. RECOMMENDATIONS

27. The following recommendations are build upon those included in the draft decision 2/5 of the Working Group on Review of Implementation (UNEP/CBD/COP/9/4), as well as to those contained in the addendums to the present document (UNEP/CBD/COP/22/Add.1 and 2).

28. The Conference of the Parties at its ninth meeting may wish to consider adopting a decision along the following lines:

The Conference of the Parties,

A. Periodicity of meetings and organization of work of the Conference of the Parties

1. [To be inserted: options on periodicity of meetings and organization of work based on recommendations in documents UNEP/CBD/COP/22/Add.1 and 2]

B. Review and revision of the administrative arrangements between the United Nations Environment Programme (UNEP) and the Secretariat of the Convention

2. Takes note of the ongoing review and revision of the administrative arrangements between the United Nations Environment Programme (UNEP) and the Secretariat of the Convention and *urges* the Executive Director of UNEP and the Executive Secretary to finalize the revision for consideration by the Conference of the Parties at its tenth meeting, taking into consideration decisions IV/17, VII/33, and VIII/10 and *requests* the Executive Secretary to report to the President and the Bureau between the ninth and tenth meetings of the Conference of the Parties on progress on this matter.

C. Consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice

3. *Adopts* the *modus operandi* for addressing new and emerging issues by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) annexed to the present decision. [To be attached as appropriate: modus operandi as per report of SBSTTA-13 contained in UNEP/CBD/SBSTTA/13/8]

D. Ways and means to more actively promote the use of the principles, guidelines and other tools developed under the Convention

4. Takes note of the recommendations by the Executive Secretary on the ways and means to more actively promote the use of the principles, guidelines and other tools developed under the Convention, and *requests* the Executive Secretary to undertake such actions, subject to the availability of resources, in the implementation of the work programmes of the Convention with a view to promoting the greater use

of the Convention's principles, guidelines and other tools, and *invites* other MEAs and United Nations agencies and NGOs to support these as well.

E. Retirement of decisions

5. [To be inserted: Draft decision on guidance for the future review and retirement of decisions as per WGRI recommendation II/5 A (UNEP/CBD/COP/9/4, annex)].

6. Decides to retire the following decisions and elements of decision from the fifth meeting of the Conference of the Parties: [insert list as per paragraph 22 above]

F. Admission of bodies and agencies to meetings under the Convention

7. [To be inserted as appropriate: Draft decision as per WGRI recommendation II/5 part B (UNEP/CBD/COP/9/4, annex)]
