



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

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**ANALYSIS OF THE DEVELOPMENT AND EXPERIENCE OF THE
OPERATIONS OF OTHER CONVENTIONS AND AGREEMENTS**

Note by the Executive Secretary
I. INTRODUCTION

1. At its first meeting, in 1994, the Conference of the Parties adopted a medium-term programme of work for 1995 to 1997. As part of the first programme the Conference of the Parties decided that upon the completion of the programme, it would review the operations of the Convention with a view to improving the effectiveness of the Convention and developing the next programme of work.

2. Decision III/22 of the Conference of the Parties set out a procedure for preparing for the review of the operations of the Convention, based on the views of Parties and other relevant institutions. The Secretariat received a wide range of views. It also organised and participated in a number of informal consultations on the subject. Document UNEP/CBD/COP/4/14 contains a synthesis of these views, set out within the context of the existing structure of the Convention (i.e., the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), the clearing-house mechanism, the financial mechanism, and the secretariat.). The document, which is made available to this meeting, also sets out the preliminary basis for developing a longer-term programme of work. Its annexes contain a suggested ten-year rolling programme of

work, based on the assumptions listed in paragraphs 88-91 of the document and on the cycle of work which emerged from the experience of the first programme of work.

3. The Conference of the Parties reviewed the operations of the Convention at its fourth meeting. The results of the review are contained in decision IV/16.

4. In its decision IV/16, the Conference of the Parties decided to hold the present meeting "to consider possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties, taking into account proposals made at the fourth meeting of the Conference of the Parties".

5. The Conference of the Parties also decided to consider at its fifth meeting the results of the present meeting and the experience from the changes in the functioning of the Convention included in decision IV/16, with a view to taking a decision on the need for further measures to improve preparations for and conduct of meetings of the Conference of the Parties.

6. The present meeting will have before it the following documents to assist its consideration of the items contained in the provisional agenda:

(a) UNEP/CBD/COP/4/27, Report of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity;

(b) UNEP/CBD/COP/4/14, Synthesis of the views of the operations of the Convention; and

(c) UNEP/CBD/COP/3/35, Relationship of the Convention with other processes: modalities for enhanced co-operation with relevant biodiversity-related bodies.

7. In decision IV/16, the Conference of the Parties also requested the Executive Secretary to prepare for the present meeting a document analyzing the development and experience of other conventions and agreements and their potential relevance to the work of the Convention.

8. Accordingly, the Executive Secretary has prepared the present document. This reviews the existing institutional structure of the Convention and considers the concerns raised during the review of the operations of the Convention by the fourth meeting of the Conference of the Parties, together with the effect of the changes made by

decision IV/16. Based on the experience of other agreements, the document considers options to address gaps and concerns, and methods for taking the necessary steps. Measures for improving the way the Conference of the Parties takes decisions and organizes its work, as well as additional measures in respect of SBSTTA, are considered in detail. In particular, the document considers the role and usefulness of a more developed programme of work, together with the need for additional subsidiary bodies and an implementation review mechanism. Annex 1 provides institutional information on a selection of other multilateral environmental agreements that may be relevant to the issues under consideration.

II. THE CURRENT INSTITUTIONAL STRUCTURE OF THE CONVENTION ON BIOLOGICAL DIVERSITY: GAPS AND CONCERNS

2.1 Institutional structure

9. In line with contemporary international practice, the Convention on Biological Diversity has created several standing institutions and mechanisms with a view to manage and support the implementation of its provisions. The Convention establishes a Conference of the Parties as its governing body (Article 23), a secretariat (Article 24), a subsidiary body for the provision of scientific, technical and technological advice (Article 25), a clearing-house mechanism (Article 18(3)), and a financial mechanism (Article 21).

10. In addition, a wide array of institutional mechanisms have been created to support the work of these institutions. First, overall guidance is provided by the bureaux of the Conference of the Parties and SBSTTA. Second, Contracting Parties have designated focal points. Third, experts provide advice through rosters, expert meetings, liaison groups and panels, and ad-hoc technical expert groups. In addition, ad-hoc working groups have been established to elaborate on certain specific topics. Moreover, inter-governmental organisations are involved in the operations of the Convention by way of memoranda of co-operation and informal taskforces or similar networks, while inter-agency mechanisms provide avenues for the Convention to participate in the wider United Nations system. Finally, other mechanisms include regional and subregional preparatory meetings and workshops.

2.2 Gaps and concerns

11. Considerable progress was made at the fourth meeting of the Conference of the Parties on the issue of the

operations of the Convention. A set of measures was adopted, aimed at the improvement of the operations of the Convention. These measures are outlined in section III. Another important achievement was the adoption of the revised *modus operandi* of SBSTTA. At the same time, the discussions at the fourth meeting of the Conference of the Parties, and other decisions adopted at that meeting, indicated several areas of concern related to the operations of the Convention. Four main difficulties may be identified:

(a) From a general perspective, concerns were raised as to the full and effective implementation of the Convention, in particular, the resolution of the pending issues concerning the rules of procedure;

(b) More specifically the need for full participation of all Parties was emphasised, as well as the need for open and transparent preparation for meetings of the Conference of the Parties. The process of intersessional and preparatory activities leading up to meetings of the Conference of the Parties lies at the core of these concerns. The issue of frequency of meetings of the Conference of the Parties can be considered part of this concern;

(c) Closely related to this is another concern, namely the conduct of the meetings of Conference of the Parties itself and its organisation of work; and

(d) It was stressed that SBSTTA should concentrate on scientific, technical and technological issues and provide the best quality scientific advice.

12. These concerns are not unique to the Convention on Biological Diversity. The late 1980s and the first half of the 1990s witnessed the promulgation of a significant number of legally binding and non-binding agreements related to environmental protection and sustainable use of natural resources. Focus is now turning to the effective implementation of these instruments. All multilateral environmental agreements are currently faced with the challenge of effective implementation and the management of their further development in pursuit of their objectives.

13. However, this challenge contains both institutional (operational) and substantive (scientific) elements. While these elements are obviously highly interlinked, it should be the latter, (substantive/scientific aspects) that dictate and influence the former

(institutional/operational aspects). Therefore, the uniqueness of the aims of the Convention and the challenges the realisation of its goals raise, should be a guiding factor when investigating and addressing the concerns regarding the operations of the Convention. With this in mind, experiences and solutions drawn from other multilateral environmental agreements may be helpful for identifying possible improvements in the operations of the Convention.

2.3 Background to the gaps and concerns

14. The concerns raised at the fourth meeting of the Conference of the Parties find their roots in several developments within the Convention process. The following factors have been significant in hindering full implementation of the decisions taken so far, and have made understanding and overview of the overall progress difficult at times. They have also created difficulties in respect of the transparency of the process.

15. A complicating factor for the implementation of the Convention has been the inherently integrative and cross-sectoral character, both in institutional and substantive terms, of biological diversity. Only by integrating biodiversity considerations into a wide array of different policy areas can the Convention be fully successful. As a result of its scope, the Convention touches upon, but never fully overlaps with, existing activities and mandates. This need for integration creates an enormous challenge, not only at the international level, but also for those involved at the national level.

16. Perhaps more than other multilateral environmental agreements, the objectives and provisions of the Convention require further elaboration and operational development. Though not formally designated as such, the Convention has the characteristics of a framework convention. The Convention process has used several different methods to elaborate and develop its provisions and objectives. For biosafety, it was decided to formulate a Protocol. Some other topics have been developed through the formulation of programmes of work, or, in some instances, by way of so-called 'initiatives'. Other themes, most notably overarching and cross-cutting issues, have been addressed through 'stand-alone' decisions by the Conference of the Parties. These methods taken together constitute the overall development of the Convention. The manner and rationale with which these methods are chosen and applied will determine the

internal consistency of the Convention, as well as the transparency of the operations of the Convention.

17. The implementation of the Convention has, in effect, taken a two-tier perspective: developing the thematic/ecosystem approach, while at the same time developing the provisions/articles. The Conference of the Parties has adopted programmes of work for forest biological diversity, marine and coastal biological diversity, agricultural biological diversity and the biological diversity of inland waters as frameworks for applying the principles of the Convention to specific biomes. At the same time, it has also established separate processes to consider individual articles of the Convention, for example Article 11 on incentives, Article 7 on indicators and Article 14 on impact assessment. It is important to note that the way the Convention process has developed has resulted in the adoption the thematic/ecosystem approach for these specific biomes before fully developing an overall concept of the ecosystem approach.

18. The process of elaborating the provisions of the Convention and applying the provisions to ecosystems, makes a broad and ever increasing scientific knowledge base essential. Indeed, the knowledge base is the foundation for the development of the Convention. In addition, as a result of its objectives, the Convention has to rely on, and draw from, a wide range of scientific disciplines and a large and diverse scientific constituency. However, the role of science in institutional terms, including the ways and means for SBSTTA and the Conference of the Parties to develop and draw upon that science, constitutes an issue that, so far, has not been addressed in a strategic, in-depth and coherent manner.

19. A final consideration follows from the present phase of development of the Convention, which has followed a qualitative or procedural, rather than a quantitative, direction. This is to observe that the lack of well developed biodiversity indicators hinders the development of quantitative elements within the operations of the Convention. Pending the development of such indicators, assessing and monitoring implementation (both at the national and international level) remains a complex task. The current non-quantitative phase in the development of the Convention requires an even stronger focus on decisions that clearly indicate products and activities, as well as an enhanced consistency in style and substance of national reports.

2.4 Some implications of these background considerations

20. No simple solutions are available to address these factors comprehensively. Nor will institutional improvements alone resolve these difficulties. However, it will be useful to support the broader discussions on the operations of the Convention through a more fundamental and strategic discussion on the issues raised above. This implies, among other things:

- (a) Agenda setting that provides clear indications to those involved in the process as to what issues are, or will be, discussed and developed, and at what time;
- (b) Addressing the use of the different methods referred to in paragraph 16 and their rationale, with a view to enhancing the internal consistency of the CBD, as well as its normative and integrated development;
- (c) Addressing the need for the Convention process to focus more clearly on products and activities (including references to actors and timetables). This includes addressing the issue of types and categories of decisions of the Conference of the Parties and the development of flexible criteria according to which decisions are formulated;
- (d) Addressing the inter-relationship between the two tiers discussed in paragraph 17, including how this inter-relationship is reflected in the work of SBSTTA and the decisions of the Conference of the Parties; and
- (e) Addressing the institutional role of science in general, and the mechanisms used under SBSTTA in particular. This is especially relevant when dealing with intersessional activities, since one-week meetings of SBSTTA rely heavily on the preparatory work generated by these mechanisms.

III. REVIEW OF THE MEASURES AGREED AT THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES

21. As a response to the concerns raised at its fourth meeting, the Conference of the Parties agreed to implement several measures to improve the operations of the Convention. These measures can be summarised as follows:

Measures related to:	Decision
	COP/4
I. Preparations of COP, including its agenda and decisions	
<u>The provisional annotated agenda:</u>	16 (4)
(a) The Executive Secretary is requested to clearly indicate whether matters are for information, or for consideration	
(b) The Executive Secretary is requested to distribute the provisional annotated agenda for ordinary meetings of the Conference of the Parties, as well as the principal documents for the meeting, in the official languages of the United Nations, as early as possible and in reasonable time for any regional preparatory meetings organised by the Executive Secretary and, in any event, preferably six months before the opening of ordinary meetings of the Conference of the Parties.	16 (8)
(c) Parties are invited to notify the Executive Secretary of any additional items they wish to add to the provisional agenda at least six weeks before the opening of the meeting.	16 (9)
<u>Draft decisions</u>	16 (6)
(a) The Executive secretary is requested to include in supporting documentation suggestion of elements for draft decisions as appropriate	
(b) Parties are invited to forward any proposed decisions to the Executive Secretary in sufficient time to enable him/her to circulate those draft decisions to all Parties at least three weeks before the commencement of meetings of the Conference of the Parties	16 (7)
<u>Requests to SBSTTA from the Conference of the Parties</u>	16 (14)
In future requests to SBSTTA, the Conference of the Parties is to make clear whether it expects to receive information for noting, recommendations for approval, or advice for decisions by the Conference of Parties	
<u>Handbook</u>	16 (10)
The Executive Secretary is requested to prepare, in time for the fifth meeting of the Conference	

of the Parties, a handbook that relates the decisions of the Conference of the Parties, and other material relevant to the operation of the Convention, as well as to the text of the Convention.	
II. Programme of Work and time cycles	
<u>Programme of Work for the next three meetings</u>	16
Agreement on topics for in-depth consideration for the fifth, sixth and seventh meetings of the Conference of the Parties.	(Annex II)
<u>Time cycles</u>	16 (1)
(a) The fifth meeting of the Conference of the Parties will meet in the second quarter of 2000, for a period of two weeks.	
(b) SBSTTA will meet twice before the next ordinary meeting of the Conference of the Parties, each meeting will be of five days duration.	16 (12)
III. The work of SBSTTA	
<u>SBSTTA recommendations to the Conference of the Parties</u>	16 (14)
(a) When submitting recommendations to the Conference of the Parties, SBSTTA should indicate clearly whether it expects the Conference of the Parties to note, approve or decide on the matter in question	
(b) While SBSTTA should consider the financial implications of its proposals, its recommendations shall only include advice to the Conference of the Parties regarding financial matters, including guidance to the financial mechanism, when the Conference of the Parties has so requested	16 (13)
(c) SBSTTA and other subsidiary bodies are requested to prepare proposals for their programmes of work based on the priorities set out in Annex II of decision IV/16 (issues for in-depth consideration), with a view to streamlining and focusing the agendas of their meetings.	16 (20)
<u>Revised <i>modus operandi</i> of SBSTTA</u>	16 (11), Annex I
(a) The fourth meeting of the Conference of the Parties adopted a revised <i>modus operandi</i> of SBSTTA, including, among others, further development and enhanced use of Rosters of	

Experts, use of ad-hoc technical expert groups	
(b) SBSTTA to advise the fifth meeting of the Conference of the Parties of the terms of reference for the ad hoc technical expert groups on thematic areas.	16 (21)
IV. The Bureau of the Conference of the Parties	
The Bureau of the Conference of the Parties is requested to liaise on a regular basis with the bureaux of its subsidiary bodies, in particular the Bureau of SBSTTA. To this end, the Executive Secretary is requested to organise, wherever possible, back-to-back meetings of the bureaux of the Conference of the Parties and SBSTTA.	16 (15)
V. External relations and co-operation	
<u>Enhanced efficiency and mutual benefits through co-operation, including:</u>	15
(a) enhanced harmonisation of reporting requirements;	15 (5b)
(b) possibilities for developing joint work programmes.	15 (5c)
VI. National reporting	
Further enhance consistency in style and content of national reports (SBSTTA-5 to advise the fifth meeting of the Conference of the Parties on the intervals and form of future national reports).	14 (3)

IV. POSSIBILITIES FOR PROGRESS

22. The Conference of the Parties decided that the modalities for implementation of these changes and for continuing the review of the operations of the Convention would be:

- (a) To implement the provisions of decisions IV/16;
- (b) To hold an open-ended intersessional meeting in 1999 to consider possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties;
- (c) To consider at the fifth meeting of the Conference of the Parties the experience gained from the agreed improvements, as well as the results of the present meeting;
- (d) To decide at the fifth meeting of the Conference of the Parties on the need for further measures to improve

the preparations for, and conduct of the Conference of the Parties.

23. Once fully implemented, the measures taken at the fourth meeting of the Conference of the Parties are likely to address many of the concerns expressed regarding the operations of the Convention. For example, the agreement on the issues for in-depth consideration for the next three Conference of the Parties, supported by the measures related to the provisional agenda and draft-decisions, will significantly add to the transparency of the operations of the Convention. Transparency is further enhanced by the new requirements relating to requests of the Conference of the Parties to SBSTTA, and SBSTTA's recommendations to the Conference of the Parties. Moreover, the handbook will provide a very helpful tool for a better understanding of, and insight into, the collective decisions taken so far. In addition, the revised *modus operandi* of SBSTTA will provide a more solid foundation for the use of rosters of experts and ad-hoc technical expert groups.

24. Within the framework of the review of the operations of the Convention two issues remain outstanding from the fourth meeting of the Conference of the Parties:

(a) The frequency of meetings of the Conference of the Parties (see section VIII, below); and

(b) Proposals regarding the establishment of an intersessional body/implementation body (see section VII, below).

Moreover, several issues were only partially considered. Most important among these was the Conference of the Parties' consideration of the longer term programme of work.

25. It should also be remembered that the national reporting process will be critical to the operations of the Convention. The ongoing development of this process is therefore important to the present discussions.

26. Apart from dealing with these issues, the present meeting will provide an opportunity to discuss and exchange views on possible further improvements to the operations of the Convention. These will be presented in section VI.

27. Before addressing these points in more detail, the following section will outline three possible approaches

for incorporating further measures for improvement into the operations of the Convention.

V. APPROACHES TO ADDRESS FURTHER IMPROVEMENTS TO THE OPERATIONS OF THE CONVENTION.

28. In essence, there are three methods to approach the issue of further improvements to the operations of the Convention. These methods are not mutually exclusive, but can and probably should be considered together.

5.1 Incremental method

29. Under this method, new and additional measures are gradually integrated into the current institutional structure of the Convention. This builds upon the scenario that was agreed at the fourth meeting of the Conference of the Parties. It implies making improvements incrementally, based on the reconsideration of the issue at the fifth meeting of the Conference of the Parties, including the evaluation at that meeting of the measures taken in decision IV/16, as well as the results of the present meeting.

30. The advantages of such an approach are its 'learning by experience' and its flexibility. It provides targeted changes, which enhance efficiency, while avoiding major shifts in the institutional structure. A potential disadvantage of this approach may be its ad-hoc character.

5.2 Strategic plan

31. A second method would be to embed the agreed future measures for improvement within a strategic plan. This is a broader approach that combines process and substance: it addresses the institutional issue in a strategic and holistic manner, linked to an agreed longer-term programme of work. This paper does not allow a detailed elaboration of this approach, however a few possible elements are worth mentioning.

32. A strategic plan could provide guidance for a period of three to five years, taking the agreed issues for in-depth consideration as a starting point. It could indicate, in a flexible manner, the core elements of the provisional agenda of the Conference of the Parties for the period covered, as well as meetings and activities envisaged. It could set goals and timetables for expected products and identify actors more clearly.

33. The advantage of this approach is enhanced transparency and better overall insight into the operations of the Convention, both for those directly within the operations of the Convention (Parties, the secretariat) and those whose work and agendas are closely linked to the activities of the Convention (inter-governmental organisations, inter-agency networks, non-governmental organisations and other partners). It may also provide a flexible but clear framework to monitor and identify progress, as far as both institutional and substantive issues are concerned.

34. The potential disadvantage of this approach is that it requires a possibly time-consuming discussion, in which most issues will be found to be closely inter-related. The challenge will be to find a balance between flexibility and stability.

5.3 Direct institutional changes, including establishment of a new body

35. A third method would be to make institutional changes more directly, for instance by establishing new institutions within the framework of the Convention. The Convention gives the Conference of the Parties the authority to establish "such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention." (Article 23(4)(g)). This issue will be addressed in more detail in section VII.

VI. POSSIBLE ADDITIONAL MEASURES: GENERAL

36. The following section presents a series of possible additional measures on various topics, aimed at further improving upon the operations of the Convention. It is based on the experience of other conventions and agreements. The topics are listed in no particular order of priority or preference. As many of the topics are highly inter-related, some overlap or repetitions between the sub-sections do occur.

6.1 Additional measures regarding decisions of the Conference of the Parties

37. It may be helpful to formulate core elements of decisions of the Conference of the Parties. These

criteria should not be rigid, but precise enough to streamline the decisions formulated by the Conference of the Parties with a view to enhancing their operational quality. To this end, the following elements can be considered:

(a) Decisions should indicate, to the extent possible, how ecosystem approaches are linked to the relevant provision(s) of the Convention. This would help to identify and build upon the two-tier approach taken by the Convention;

(b) Decisions should be as short and precise as possible, preferably omitting preambles as much as possible;

(c) Decisions should identify, to the extent possible, products and activities, timetables and follow-up. It is especially important to identify actors and to indicate to whom the different provisions of the decisions are directed. When identifying actors, to the following four could be expected (where applicable): (1) the Conference of the Parties itself, (2) the Contracting Parties, (3) the secretariat, and (4) other conventions, inter-governmental organizations and non-governmental organizations; and

(d) Decisions should identify the proper reporting mechanism at each level, in order to record the required actions by the relevant institutions.

38. A flexible categorisation of the decisions of the Conference of the Parties may be helpful. It has already been agreed that, in making requests to SBSTTA, the Conference of the Parties is to make clear whether it expects to receive information for noting, recommendations for approval, or advice for decisions. Part of such a system could include a general indication of the phase of implementation of a particular decision, ranging from the first phase in which new issues are taken up, to the point where a decision is no longer relevant, absorbed by other decisions, outdated or fully implemented. These latter points could be indicated in a regularly updated handbook, as is currently being prepared by the secretariat.

39. The Conference of the Parties should regularly review previous decisions in order to retire or cancel decisions that are no longer relevant.

6.1.1 Some experiences from other multilateral environmental agreements

40. Ramsar Convention: Within the Ramsar Convention, a distinction is made between Resolutions and Recommendations. Resolutions are directed at the Conference itself, covering mostly administrative matters. Recommendations urge for action from (individual) Parties and/or organisations.

41. CITES: Within CITES a distinction is made between Decisions and Resolutions. Decisions tend to be instructions or requests, or focusing on the short-term. A list of Decisions is maintained and updated by the Secretariat. Resolutions focus on longer-term objectives, establish longer-term procedures, create standing committees, or interpret the Convention's text. Moreover, under CITES clear guidelines exist for the Secretariat when making Recommendations.

42. Montreal Protocol: The Montreal Protocol is relevant in the present context since it provides an example of short and concise Decisions, often omitting preambles.

6.2 Additional measures regarding agenda-setting and transparent planning

43. Improving the operations of the Convention also requires clear agenda setting. The aim should be (i) to provide clear indications to those involved in the process as to what issues are, or will be, discussed, prepared or developed, (ii) in which forum or institution (Convention related, or otherwise) these discussions take place, and (iii) at what time.

44. Several of the measures agreed at the fourth meeting of the Conference of the Parties are crucial for achieving this aim. In this context, specific mention should be made of three of the measures adopted: the requirement to indicate whether matters are for information or for consideration (the provisional annotated agenda); the requirement for the Conference of the Parties to make clear whether requests to SBSTTA are intended to receive information for noting, recommendations for approval, or advice for decisions; and the requirement for SBSTTA to indicate whether it expects the Conference of the Parties to note, approve or decide upon the matter at hand. It may be appropriate to make the first measure mentioned above (the provisional annotated agenda) consistent with the latter two. This would require the provisional annotated agenda of meetings of the Conference of the Parties to indicate, in

the case of agenda items deriving from activities of SBSTTA, whether the Conference of the Parties is expected to take note, to approve the recommendations of SBSTTA, or to take a decision on the basis of the advice of SBSTTA.

45. These agenda-setting aims can be further improved by a transparent system of communication between the secretariat and Parties. Typically, three types of information are forwarded by the secretariat to Parties and other relevant organisations. First, official reports of meetings, such as those of the Conference of the Parties and SBSTTA, including decisions and recommendations adopted. Second, requests to Parties, or to other relevant organisations, resulting from tasks entrusted to the Executive Secretary in decisions or recommendations. Third, information on, mostly intersessional, activities. It is especially in relation to the latter type of information, where a simple, but effective system of notification may be opportune, having in mind transparency and the objective of full participation in the operations of the Convention. This implies that Parties, or other organisations, when organising and/or hosting 'unofficial' open-ended intersessional activities, such as for instance workshops, inform the secretariat sufficiently in advance. Such information should preferably include details on both the topic and the objective of the activity. Through notifications on these activities from the secretariat, all Contracting Parties, or, if applicable, other organisations, will thus be fully informed and able to decide on their possible participation in these activities. This may enhance insight into, and understanding of, the Convention process, as well as wider ownership of the results coming out of these activities.

46. Such a system of notification is likely to become more important in the near future, bearing in mind the increase in the topics covered and programmes of work under the Convention. In turn, this increase will probably be reflected in a rising number of activities initiated by individual Parties, or groups of Parties, and other organisations, with a view to developing, or exchanging knowledge, data or views, on specific issues under the different programmes of work. Many decisions taken so far, and the programmes of work adopted, clearly indicate that such initiatives, and the information they provide to its participants, are essential for broadening the restricted knowledge-base, as well as for the overall implementation and development of the Convention.

47. An important, but nevertheless simple, measure in a system of notification would be to clearly number the notifications as they are sent out by the secretariat. In this way, national focal points, as well as policy makers and implementing officers, can maintain an overview of current and planned activities initiated intersessionally.

6.2.1 Procedures under other multilateral environmental agreements

48. Ramsar Convention: In the present context it is relevant to note that the secretariat of the Ramsar Convention communicates officially with Parties through formal, and clearly numbered, notifications. Copies of these notifications are also sent to the national agency responsible for implementation of the Convention in that country.

49. CITES: A system of notifications is also used under CITES. Notifications are clearly numbered and dated and a list of valid notifications is maintained by the Secretariat.

6.3. Additional measures regarding the organisation of work of Meetings of the Conference of the Parties

50. It may also be worth considering additional measures relating to the organisation of work of the meetings of the Conference of the Parties, with a view to enhancing insight into, and understanding of the proceedings during those meetings. To this end, it may be opportune to:

(a) Consider a more standardised and structured approach to establishment of contact groups. The organisation of work would be improved if each meeting, in principle, used a standard set of contact groups, each having a fixed, though broadly described, task. For instance, a standard set of contact groups could consist of (i) a financial contact group, (ii) a contact group dealing with those recommendations of SBSTTA that the Conference of the Parties is expected to approve or to decide upon, (iii) a contact group dealing with new issues, and (iv) a legal and technical contact group. First, such a scenario could, to a large extent, avoid the proliferation of contact groups. Second, each standard contact group would provide a focal point and a more transparent framework, in situations where sub-contact groups are required. Finally, while the contact groups are standardised, the plenary would still retain its authority to decide which

specific agenda items warranted discussions in contact groups;

(b) Designate the persons to chair contact groups on the first day of a meeting of the Conference of the Parties, or earlier, through informal consultations between the President, the Bureau and the regional groups. This would provide the chairs of the contact groups with the opportunity to prepare and consult at an early stage; and

(c) Convene informal, consultative meeting(s) with the President, the Bureau and chairs of the working groups and contact groups to discuss (i) the style and format of texts expected to come out of contact groups, based on the core criteria for decisions of the Conference of the Parties, and (ii) draft terms of reference for the chairs. This would enhance the consistency of the products brought before the working groups or the plenary, and participants would be able to form clearer expectations of the tasks and envisaged outputs of the contact groups.

6.3.1 Procedures under from other multilateral environmental agreements

51. Basel Convention: In the present context it is relevant to refer to the Basel Convention, where the working groups at meetings of the Conferences of the Parties have been standardised to a large extent. Four such working groups have been established: a financial working group, a contact group (dealing with annexes or amendments to the Convention), a legal working group, and a technical working group.

6.4 Additional measures regarding SBSTTA

52. The fourth meeting of the Conference of the Parties agreed upon considerable improvements to the *modus operandi* of SBSTTA. Further positive development can be expected from the terms of reference for the ad hoc technical expert groups, to be drafted by SBSTTA. Furthermore, the Convention will gain a better insight into the use of rosters of experts resulting from the experiences gained with the roster of experts on marine and coastal biodiversity.

53. Continuous development of the mechanisms for scientific, technical, and technological advice, such as rosters of experts, ad-hoc technical expert groups, expert meetings, panels of experts, and liaison groups, is highly relevant to the operations of the Convention.

As a general objective, the rationale for choosing from among these available mechanisms, as well as the methodology of using them, should be clear, consistent, and transparent. In obtaining that objective, the following measures are worth consideration:

(a) In using the different rosters of experts, a consistent and uniform methodology should be applied. This is important not only for reasons of legitimacy and organisational efficiency, but also because of the need to foster long-lasting relationships between the Convention and the experts and to strengthen ownership of biodiversity issues at the national level;

(b) Modalities for peer review should be devised, and applied, as far as possible, in a consistent and standardised manner, building upon the methodology of using the rosters of experts; and

(c) Modalities for assessments and research should be devised.

6.4.1 Some experiences from other environmental agreements

54. Montreal Protocol: In the present context it is relevant to note that the development and implementation of the Montreal Protocol is supported by different standing assessment panels on scientific, environmental, technical and economic issues.

55. UNFCCC: The scientific work of the UNFCCC and its SBSTA is supported by the Intergovernmental Panel on Climate Change (IPCC). The Panel consists of three standing working groups, each having a specific task.

VII. POSSIBLE ADDITIONAL MEASURES: IMPLEMENTATION REVIEW MECHANISMS

56. Whereas the previous section dealt with measures on various topics, this section will focus on possible additional measures more specifically addressing the issue of implementation. At the same time it must again be noted that the issues addressed here are highly interlinked with the issues dealt with in the previous section.

7.1 General considerations

57. As previously mentioned, all multilateral environmental agreements are faced with the complex task

of management of implementation. Each agreement has its own specific burdens in this regard. It falls beyond the scope of this document to discuss the issue of management of implementation in general. However, some broad considerations are worth mentioning in the present context. Full and effective implementation is aided by the following conditions:

(a) Longer-term agenda setting: Full and effective implementation requires a solid interface between international developments and national action. Longer-term agenda setting will provide clearer expectations as to the direction and development of the Convention. This, in turn, will aid national planning, development of national policies, and preparatory and anticipatory national activities;

(b) Identification of products, timetables and actors in decisions: This is closely related to clear and longer-term agenda-setting and has similar advantages to those described under (a) above;

(c) Use of clear and unambiguous language in decisions: Vague and ambiguous signals from the international level are detrimental to legislative and policy measures at the national level, undermine the normative strength of international commitments, make it difficult to interpret decisions taken, have a negative effect on the consistency of the agreement in question, and make it difficult to review progress and implementation of these commitments. Moreover, unclear and vague decisions may lead to disagreements and disputes between Parties;

(d) Clear criteria for, and review of, national reporting: National reporting is the main method to monitor progress and gain insights into problems related to implementation at the national level. In order for national reports to perform these functions, and play a role in the review of the aggregated results of a Convention, a standardised format and clear criteria for these reports are necessary;

(e) Full participation: Full participation in a convention process will enhance ownership of the results flowing from this process and will strengthen the position of a convention in the framework of national policy; and

(f) Supporting mechanisms: At least three types of supporting mechanisms have a direct positive effect on the implementation of a Convention at the national and

international level. These are financial mechanisms, mechanisms that focus on capacity building and exchange of information, and procedural mechanisms within a Convention that provide for support and consultation in case Parties individually or groups of Parties, have difficulties with implementation and compliance.

7.2. Possible institutional changes: review of implementation

58. For different multilateral agreements, different types of bodies exist to deal with implementation. In each case, their mandate and form are derived from the particular circumstances and needs of the agreements under which they operate. As a consequence, nomenclature is not applied uniformly, making it difficult to categorise these bodies solely on the basis of their names. Thus, categorisation necessarily refers to ideal-types and ignores, to some extent, the fact that the mandates of these bodies may have hybrid features or change over time.

59. Having this in mind, and taking a functional perspective, four main categories of bodies dealing with implementation can be distinguished: (1) executive bodies; (2) implementation bodies; (3) preparatory bodies and (4) compliance bodies.

60. Executive bodies represent the Conference of the Parties and have the mandate to act for the Conference of the Parties intersessionally. Thus, their composition is representative, as opposed to open-ended, and requires a procedural system to allocate the (relatively small) number of seats. Examples of bodies with a representative composition performing intersessional executive functions include the Standing Committees of Ramsar and CITES, the Extended Bureau of the Basel Convention and the Executive Committee under the Montreal Protocol.

61. Implementation bodies have an open-ended composition, and are thus open to all Parties. They are convened between meetings of the Conference of the Parties, during meetings of the Conference of the Parties, or both. Their mandate is focused and issue-based, often including national programmes of work. Examples of these bodies include the Open-ended Committee for Implementation of the Basel Convention, and the Subsidiary Body for Implementation under the Framework Convention on Climate Change. Categorisation may be especially difficult here, since the work of the bodies under the present category

often shows preparatory characteristics, similar to the work of bodies grouped under the next category.

62. Preparatory bodies are open-ended and can be considered "prepcoms" for the Conference of the Parties. Consequently, they possess a Conference of the Parties-type mandate that goes beyond issues of implementation. They meet prior to meetings of the Conference of the Parties, back to back, but in addition, may also be convened between meetings of the Conferences of the Parties. The Open-ended Working Group of the Parties to the Montreal Protocol is an example of such a body.

63. Compliance bodies are small representative bodies that deal with compliance issues of individual Parties. Thus, whereas implementation bodies, referred to in paragraph 61, deal with the review of the overall, aggregated implementation of the Convention, compliance bodies are often called "implementation committees", and derive their mandate from a non-compliance procedure, formulated by the Conference of the Parties. Prime examples of these bodies are the Implementation Committees under the Montreal Protocol and the ECE Convention on Long-range Transboundary Air Pollution.

64. Since the issue of possible new bodies under the Convention was raised and discussed at the fourth meeting of the Conference of the Parties, it may be useful to briefly outline the three main possible approaches in this regard. Under the 'intersessional approach' new bodies are created and three options are presented in that context. The 'integrative approach' envisages no new bodies, but instead deals with the issue of implementation by integrating it into the organisation of Conference of the Parties. Under the 'regional approach' the issue of implementation is addressed at the regional level.

65. It should be noted that these approaches are not necessarily mutually exclusive, and some of the alternatives under one approach may overlap with alternatives under another approach.

7.2.1 Intersessional approach: establishing new bodies

(a) Open-ended intersessional body for implementation:

66. This would be a body that specifically deals with issues of implementation. In that sense its mandate would be focused and issue-based. Such a mandate could thus include technical, legal and financial issues. This

implies dealing with, for instance, national reporting, and review of implementation of articles of the Convention, decisions, and existing programmes of work.

67. Such a body would meet intersessionally. Based on the experiences of other Conventions, the duration of intersessional meetings would be within the range of four to five days. Its meetings could be scheduled back-to-back with, or during, meetings of the Conference of the Parties. In the latter scenario, this option could overlap with those presented under the 'integrative approach'.

68. Establishment of such a body could result in a reduced workload for Conference of the Parties, and SBSTTA. It does however require clear agenda setting and delegation by the Conference of the Parties. Transparency and identification of time schedules gain even greater importance when the number of standing subsidiary bodies under the Convention increases.

(b) Executive intersessional body:

69. This body would mainly perform its functions intersessionally. Its composition would be restricted and would thus require a procedural system to allocate the number of available seats. Its mandate would include decision-making on administrative and/or substantive issues, to the extent authorised by Conference of the Parties. Such a body would not reduce the workload of Conference of the Parties, but its establishment could be beneficial in the case of longer intervals between meetings of the Conference of the Parties. In the case of two meetings of SBSTTA between meetings of the Conference of the Parties, it would also be able to fill the executive gap in the time-span between the 'first' meeting of SBSTTA and the next meeting of the Conference of the Parties. Based on the experience of other conventions, the duration of meetings of an executive intersessional body would be within the range of two to three days, once or twice per year, depending on the interval between meetings of the Conference of the Parties.

(c) Open-ended working group of the Parties:

70. This body would possess a 'Conference of the Parties-type' mandate, and could be described as a 'prepcom' for the Conference of the Parties. Its terms of reference

would thus go beyond issues of implementation and would also include intersessional decision-making powers, if so authorised by the Conference of the Parties. Because of its open-ended nature, it would not require procedures for representation. Intersessional meetings of such a body would imply longer intervals between meetings of the Conference of the Parties. Meetings do not necessarily have to be limited to the intersessional period, but could also be convened back-to-back with a Conference of the Parties. In this scenario, there would thus be an intersessional meeting between meetings of the Conference of the Parties, and a meeting directly prior to a meeting of the Conference of the Parties. This would imply shorter meetings of the Conference of the Parties.

7.2.2 Integrative approach: adapting the Working Groups under the Conference of the Parties

71. Some of the options outlined above can also be integrated into meetings of the Conference of the Parties. This possibility applies especially to the option under 7.2.1(c), but possibly also to the option described under 7.2.1(a). Such an integrative approach would imply a changed organisation of work of meetings of the Conference of the Parties, with regard to the working groups. This could either be a functional change, or a change in timing.

(a) Changing the functions of working groups at meetings of the Conference of the Parties

72. Changing the current organisation of work in a functional manner means that were the Conference of the Parties to operate in future in two working groups, then one of these could focus specifically on implementation issues, such as, for example, reviewing existing programmes of work, previous decisions, and national reporting. The mandate of this working group should be clearly defined. The agenda should propose, and the plenary should approve, a clear allocation of agenda items and issues to the appropriate working group.

(b) Changing the timing of the working groups under the Conference of the Parties

73. Changing the timing of the current organisation of work would imply that the first week of meetings of the Conference of the Parties deal exclusively with matters of implementation. This scenario would overlap with the organisational aspects of the option described above under 7.2.1(c), where the open-ended working group of the

Parties meets directly prior to a meeting of the Conference of the Parties.

7.2.3 Regional approach: reinforcing implementation at the regional level

74. Another possibility is to reinforce regional implementation, by strengthening and advancing the process of regional and sub-regional meetings. Recalling the concerns raised at the fourth meeting of the Conference of the Parties, this approach would allow Parties to better prepare for meetings of the Conference of the Parties. As a consequence, participation and understanding of the operations of the Convention will be enhanced. This approach would consequently create an additional platform for Parties to address the issue of implementation of the Convention and of the decisions of the Conference of the Parties.

8. FREQUENCY OF MEETINGS: OPTIONS

75. The frequency of meetings of the Conference of the Parties, together with the phasing of meetings of key subsidiary bodies, is an outstanding issue in the review of operations of the Convention. With respect to the frequency of its meetings, the Conference of the Parties met on an annual basis for its first three meetings. Eighteen months separated the third and fourth meetings, and there will be a two year interval between the fourth and the fifth meetings.

76. The Conference of the Parties to the UNFCCC and CCD have both met on an annual basis, in November. The Conference of the Parties to CITES usually meets every two or three years. The Conference of the Parties to the Ramsar Convention meets every three years. The Conference of the Parties to the Basel Convention has met at irregular intervals (15, 18, 29 and 22 months).

77. The experience of other processes is that preparations for meetings of the Conference of the Parties are enhanced if a regular cycle of meetings is established. The actual length of the cycle has more of a bearing on the size of the agenda of each meeting than on the substance of the Convention.

78. As was noted in document UNEP/CBD/COP/4/14, Parties have suggested that meetings of the Conference of the Parties be held at intervals of a year, 18 months and two years.

79. Another important aspect of this matter is the meeting cycle of permanent subsidiary bodies, such as SBSTTA. The experience of other bodies is that the cycle of meetings for subsidiary bodies is determined by the cycle of meetings of the Conference of the Parties. Normally, subsidiary bodies meet once or twice for every meeting of the Conference of the Parties. Both practices have been adopted by the Conference of the Parties to this Convention with respect to its only permanent subsidiary body, SBSTTA. Prior to the fourth meeting of the Conference of the Parties, a meeting of SBSTTA was held in the interval between each meeting of the Conference of the Parties. At its fourth meeting the Conference of the Parties decided to hold two meetings of SBSTTA during the intersessional period. Moreover, if further subsidiary bodies are established, then this may effect the number of times that it would be desirable for SBSTTA to meet during each intersessional period.

ANNEX
EXPERIENCES IN A SELECTION OF OTHER MULTILATERAL
ENVIRONMENTAL AGREEMENTS

1. This Annex provides institutional information on a small selection of multilateral environmental agreements. The conventions described here are not selected on the basis of a particular set of criteria and their selection does not imply any preference or priority over agreements not described here. The sole objective is to provide some background information to the present meeting. It will do so by highlighting several institutional features that may be of interest to participants, bearing in mind the issues raised above. Five multilateral agreements are described here: the Ramsar Convention, CITES, the Basel Convention, the Montreal Protocol, and the Framework Convention on Climate Change.

INSTITUTIONAL INFORMATION REGARDING THE CONVENTION ON
WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS
WATERFOWL HABITAT (RAMSAR CONVENTION).
(ENTRY INTO FORCE: 1975/114 PARTIES)
Conference of the Contracting Parties

2. The Conference of the Parties meets every three years. The duration of each of these meetings is approximately eight days. Distinction is made between Resolutions and Recommendations. Resolutions indicate decisions directed at action to be undertaken by the Conference itself. Most Resolutions refer to administrative matters, such as

adopting procedures and rules, creating a subsidiary body, or approving the budget. Recommendations request action from others, such as Parties individually or organisations. Although the Ramsar Secretariat recently raised concerns as to the practicality and the potential confusion of this distinction, decisions of the Conference of the Parties remain identified in this manner.

Standing Committee of the Conference of the Parties

3. At the third meeting of the Conference of the Contracting Parties (June 1987), it was decided to establish a Standing Committee of the Conference of the Parties. This committee is a small permanent advisory organ for matters relating to the organisation of meetings and for the continuous implementation of the Convention. It is to carry out, between ordinary meetings of the Conference of the Parties, such interim activity on behalf of the Conference as may be necessary. These activities are limited to matters that the Conference has previously approved. This mandate includes making recommendations for consideration by the Conference, supervising the implementation of policy by the Convention Secretariat, and provides the Secretariat with guidance and advice on matters of implementation and the preparations of meetings. The Standing Committee also acts as a Conference steering committee at meetings of the Conference of the Parties. The Committee consists of a maximum of nine Contracting Parties, who are nominated by the Conference. For at least seven of these members, such nomination shall be based on the principle of proper geographical distribution with due regard to proper representation of developing countries. The remaining two members represent the host country of the present and next meeting of the Conference of the Parties. The Committee should at a minimum meet annually (for a five to six day period). The Secretary of the Committee is provided by the Secretariat of the Convention.

Scientific and Technical Review Panel

4. In 1993, the Conference of the Parties established the Ramsar Scientific and Technical Review Panel to give scientific and technical assistance to the Secretariat and the Standing Committee and, through them, to the Conference of the Contracting Parties. It performs scientific and technical review tasks entrusted to it on an annual basis by the Standing Committee. The Panel comprises seven members, appointed on an individual basis for a three year term by the Conference of the

Contracting Parties, with due regard for equitable representation of each region. The panel meets on an annual basis (for two to three days) and works on the basis of a three-year workplan.

Strategic plan

5. Against the background of global developments, the Conference of the Contracting Parties, in 1996, adopted a Strategic Plan for the period 1997-2002. The Plan represents a challenge directed towards the Convention's Contracting Parties, Standing Committee, Scientific & Technical Review Panel, and Bureau, and the wider constituency involved with the conservation and wise use (considered as synonymous with "sustainable use") of wetlands. It also recognises the role of non-governmental organisations. Execution of the Plan will be largely in the hands of the Contracting Parties. The Plan defines a number of new orientations for the future, based on the text of the Convention. It addresses, among other topics, education and public awareness, capacity-building for all stakeholders, strengthened partnerships with other conventions and agencies, generating funds for wetland work in developing countries and in states whose economies are in transition.

Notifications

6. In the present context it is relevant to note that the Secretariat of the Convention communicates officially with the governments of the Parties through formal, and clearly numbered, notifications. Copies of these notifications are also sent to the agency within each Party's government that is charged with implementation of the Convention in that country.

INSTITUTIONAL INFORMATION ON THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

(ENTRY INTO FORCE: 1975/145 PARTIES)

The Conference of the Parties

7. The Conference of the Parties to CITES meets every two to three years, each time for a duration of approximately 12 days. The Conference of the Parties adopts either Decisions or Resolutions. In essence, the Decisions of the Conference of the Parties are intended to be simply instructions, requests, or to be in effect for only a limited time. The secretariat is expected to update the list of Decisions after each meeting of the Conference of the Parties and delete the Decisions that have been

implemented or that are out of date. Resolutions tend to be interpretations of the text of the Convention, establishment of long-term procedures, establishment of permanent committees, or establishment of the budget.

Standing Committee

8. A Standing Committee of the Conference of the Parties has been established. Its operations and mandate were formalised by the Conference of the Parties in 1994. The Standing Committee guides the work and performance of the Convention in the periods between the meetings of the Conference of the Parties. Within the policy agreed by the Conference of the Parties, the Standing Committee provides (a) general policy and general operational direction to the Secretariat concerning the implementation of the Convention; (b) guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings, and on any other matters brought to it by the Secretariat in the exercise of its function. Moreover, it oversees, on behalf of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund-raising undertaken by the Secretariat in order to carry out specific functions authorised by the Conference of the Parties, and to oversee expenditures of such fund raising activities. The Standing Committee has the mandate to carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary, including the drafting of resolutions for consideration by the Conference of the Parties. The composition of the Committee is representative, partly based on principles of geographical representation.

Other Committees

9. Besides the Standing Committee, four other committees were formally (re)established in 1994. These are the Animals Committee, the Plants Committee, the Identification Manual Committee, and the Nomenclature Committee. The tasks of these committees include providing advice and guidance to the Conference of the Parties and the Parties, broadening the knowledge-base, gathering and assessment of information, identifying particular problems related to the Convention, and the drafting of resolutions. The first two committees have three members each, and two alternates, while membership of the latter two is voluntary.

The Secretariat

10. In addition to the arrangement and servicing of the meetings of the Parties, the Secretariat is entrusted with a relatively wide range of functions. These include, among other things, undertaking scientific and technical studies in accordance with programmes authorised by the Conference of the Parties, studying the reports of Parties, and requesting from Parties such further information with respect thereto as it deems necessary. The mandate of the secretariat also includes making recommendations for the implementation of the aims and provisions of the Convention, including the exchange of information of a scientific or technical nature.

Notifications

11. The Convention provides for a clear system of notifications to Parties. Notifications are identified by number, date and title.

INSTITUTIONAL INFORMATION ON THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

(ENTRY INTO FORCE: 1992/121 PARTIES)

Conference of the Parties

12. The Convention has been in force since 1992 and, as of June 1998, has 121 Parties. Ordinary meetings of the Conference of the Parties are held every other year, unless the Parties decide otherwise. So far, intervals between meetings of the Conference of the Parties have varied. Between the first Conference in 1992 and the fifth Conference, scheduled for December 1999, these intervals have been, respectively, 15, 18, 29 and 22 months.

Subsidiary Bodies

13. Three main subsidiary bodies have been established.

(1) The Open-ended Ad Hoc Committee for the
Implementation of the Basel Convention

14. This committee is a subsidiary body of the Conference of the Parties. It is a mechanism established by the Conference of the Parties to assist in implementing the Convention. Its mandate is to review the main activities and documents before they are adopted by the Conference of the Parties. Since its establishment in December 1992,

it has met four times, each time for a duration of approximately four to five days.

(2) The Ad Hoc Working Group of Legal and Technical Experts

15. This Working Group was established to consider and develop a draft protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal. It also considers the development of model national legislation and any other legal and institutional aspects related to the implementation of the Basel Convention. It also has the mandate to establish sub-groups as necessary, such as the Consultative Sub-group of Legal and Technical Experts. The Working Group has so far met eight times, each time for a duration of approximately five days.

(3) The Technical Working Group

16. The Technical Working Group prepares draft technical guidelines for the environmentally sound management of hazardous wastes subject to the Basel Convention. More generally, it provides technical advice and guidance on the implementation of the Convention. So far, it has met fourteen times, each time for a duration of approximately four to five days, normally with intervals of around five months.

Extended Bureau

17. The Bureau of the Conference of the Parties comprises five governmental representatives. Based on the experience of its Bureau and the secretariat, the Conference of the Parties decided in 1994 to expand the Bureau between meetings of the Conference of the Parties to include five additional representatives. Later, another three seats were added to the Extended Bureau, namely the chairs of the Open-ended Ad Hoc Committee, the Technical Working Group, and the Ad Hoc Working Group of Legal and Technical Experts. The Extended Bureau thus comprises thirteen members. The mandate of the Extended Bureau is, among other things, to provide general policy and operational directions to the Secretariat during the intersessional period, to provide guidance and advice to the Secretariat on the preparations of agenda's and other

requirements of meetings, and to draft decisions for consideration by the Conference of the Parties.

Organisation of Work

18. In the present context a brief reference should be made to the organisation of work of the Conference of the Parties. Building upon the organisation of work of previous Conferences, it was decided at the most recent Conference of the Parties (1998) to establish four working groups: a financial working group, the contact group (to consider annexes to the Convention and/or amendments thereto), the legal working group, and the technical working group.

INSTITUTIONAL INFORMATION ON THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER (ORIGINAL PROTOCOL - ENTRY INTO FORCE: 1989/168 PARTIES) Conference of the Parties and the Open-Ended Working Group

19. The Conference of the Parties to the Protocol meets on an annual basis, for a relatively short period of two to three days. The meetings are prepared by the Open-Ended Working Group of the Parties. This Open-Ended Working Group meets, on average, twice a year, one meeting of which is organised back-to-back with the annual meeting of the Conference of the Parties. The duration ranges from three to seven days. The mandate of the OEWG initially focused on the review the reports of the subsidiary review panels and on preparation of draft proposals for any amendments to the Protocol, and the development of workplans, but has been extended incrementally. Making recommendations to the Conference of the Parties is now part of the mandate of the OEWG.

Other processes under the Protocol

20. The development and implementation of the Protocol is further supported by several assessment panels on scientific, environmental, technical and economic issues. Reports of these panels are reviewed and synthesised by the OEWG.

21. In addition, an Executive Committee was established in 1990 to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund under the financial mechanism.

22. In addition, an Implementation Committee has been established to strengthen and support implementation by specifically focusing on issues of non-compliance by individual Parties with its obligations under the Protocol. The Implementation Committee has a representative composition of ten persons and derives its mandate from the non-compliance procedure under the Protocol.

INSTITUTIONAL INFORMATION ON THE UN FRAMEWORK CONVENTION
ON CLIMATE CHANGE (UNFCCC)
(ENTRY INTO FORCE: 1994/ 176 PARTIES)
Standing bodies under the Convention

23. In addition to the Conference of the Parties and the Secretariat, the two main standing bodies under the UNFCCC are the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA). Ordinary sessions of the Conference of the Parties are held every year, unless decided otherwise. Since 1995, the Conference of the Parties has indeed met annually, for approximately two weeks per meeting.

24. The standing subsidiary bodies (SBI and SBSTA) meet both intersessionally and during the Conference of the Parties. The intersessional meetings of these bodies are scheduled in the same period, for a duration of approximately two weeks. Not all the available time of these two-week periods is allocated to the SBI and SBSTA, since a number of ad hoc bodies, such as the Ad Hoc Groups on Article 13 and on the Berlin Mandate, have also held meetings during those gatherings. Due to the preparations of the Kyoto Protocol, 1997 was an exceptionally busy year with regard to intersessional subsidiary bodies meetings. Three such two-

week periods were scheduled during that year. After the adoption of the Protocol in 1997 however, these two-week intersessional periods have been scheduled once every year. Both during intersessional meetings and during meetings at the Conference of the Parties, these bodies sometimes also convene joint sessions.

25. The following figures may give an indication as to the time allotted to meetings of SBSTA and SBI. Informal group sessions are not included. During the 1996 meeting of the Conference of the Parties, roughly four and a half days of total meeting time was allocated to SBSTA, and approximately three days to SBI. During the 1998 meeting of the Conference of the Parties, four days in total were

scheduled for SBSTA, and three days for SBI. Of these days, one and a half days consisted of joint meetings. With respect to the intersessional meetings in 1997, spread over the three two-week periods, SBSTA met for a total of approximately five to six days, while SBI was allocated approximately seven days in total. During the 1998 intersessional subsidiary bodies meeting, SBSTA was scheduled for a total of five days, and SBI for a total of five and a half days approximately. Of these days, one and a half days were joint sessions.

Subsidiary Body for Implementation

26. The UNFCCC establishes a subsidiary body for implementation (SBI). The SBI assists the Conference of the Parties in the assessment and review of the effective implementation of the Convention. The SBI is open to participation by all Parties and comprises government representatives. The mandate of this body is to consider specific types of information as communicated by the Parties as a result of their reporting obligations, in order (i) to assess the overall aggregated effect of the steps taken by Parties in the light of the latest scientific assessments concerning climate change, and (ii) to assist the Conference of the Parties with its reviews. Thirdly, the SBI also has the broader mandate to assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

The Intergovernmental Panel on Climate Change

27. Closely affiliated with the UNFCCC is the Intergovernmental Panel on Climate Change (IPCC), established in 1988 by the World Meteorological Organisation (WMO) and the United Nations Environment Programme (UNEP). The mandate of the IPCC is (i) to assess available scientific information on climate change, (ii) to assess the environmental and socio-economic impacts of climate change, and (iii) to formulate response strategies. The IPCC is organised into three working groups: Working Group I on the climate system, Working Group II on impacts and response options, and Working Group III on economic and social dimensions. The IPCC has produced two Assessment Reports, in 1990 and 1995 respectively. A third Assessment Report is scheduled to be released in 2000. In addition, it produces Technical Papers and develops methodologies for use by Parties to the UNFCCC.
