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### SUBSIDIARY BODY ON IMPLEMENTATION

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Item 12 of the provisional agenda\*

### REVIEW OF DECISIONS: DECISION-TRACKING TOOL

*Note by the Executive Secretary*

#### INTRODUCTION

1. In decision XII/28, the Conference of the Parties decided to discontinue the practice of the retirement of decisions that had been introduced at its sixth meeting, in 2002. The Parties also decided to replace the exercise with a new approach for the review of decisions or elements of decisions in a manner that supports implementation and creates a good basis for the preparation and adoption of new decisions. In this regard, the Parties decided to use an online decision-tracking tool to be developed and maintained in the clearing-house mechanism, with a view to supporting the review of existing decisions and improving the development and adoption of new decisions.

2. The Conference of the Parties requested the Executive Secretary:

(a) To develop and maintain an online decision-tracking tool in the clearing-house mechanism;

(b) To implement the tool on a pilot basis and use it to review the decisions of the eighth and ninth meetings of the Conference of the Parties, assemble information on their status and any other related information as outlined in the annex to the decision and make the information on the outcome of this exercise available to the Subsidiary Body on Implementation;

(c) To prepare a summary of the information contained in the online decision-tracking tool and make it available to Parties, as necessary;

(d) To explore the experience of other multilateral environmental agreements, in particular the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), in managing and consolidating decisions and resolutions, and include proposals in the information to be made available in accordance with subparagraph (b) above.

3. In that decision, the Conference of the Parties also requested the Subsidiary Body on Implementation to consider, at its first meeting, the information from the Executive Secretary referred to

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in subparagraph 2 (b) above and to prepare a recommendation regarding the online decision-tracking tool beyond the pilot phase for consideration by the Conference of the Parties at its thirteenth meeting.

4. Accordingly, the Executive Secretary has developed an online decision-tracking tool, to be maintained in the clearing-house mechanism, and used it to review the decisions from the eighth and ninth meetings of the Conference of the Parties. This experience is summarized in sections I and II below. The experience of CITES in managing and consolidating decisions and resolutions is summarized in section III. Some elements for a draft recommendation are contained in UNEP/CBD/SBI/1/10.

## **I. DEVELOPMENT AND IMPLEMENTATION OF THE DECISION-TRACKING TOOL**

5. The annex to decision XII/28 contained an outline of information that may be included in an online decision-tracking tool. The two categories of information are: (a) information regarding the decision (type of decision, status of the decision, entity to which the decision is directed and timelines); and (b) related information (the recommendation of a subsidiary body that formed the basis of the decision, related decisions, notifications issued, submissions received, related documents and related activities and outcomes.) This outline was used to develop the decision-tracking tool, which is available online in the clearing-house mechanism.<sup>1</sup> Some details of a technical nature as regards the development of the decision-tracking tool are provided in the annex to the present document.

6. The experience from the pilot phase of the implementation of the decision-tracking tool suggests that the tool has the potential to be useful for Parties, other actors such as indigenous peoples and local communities and relevant organizations, and the Secretariat. The tool can assist Parties and other actors in identifying the actions they are expected to take as a result of the decisions adopted by the Conference of the Parties. The tool can also assist Parties and other actors in tracking the progress made by the Secretariat towards the organization of intersessional activities.<sup>2</sup> The tool is also useful for identifying issues that have already been addressed by decisions, which can assist in reducing repetition in future decisions as well as in determining whether or not a new decision on an issue is necessary.

7. Following the experience from this pilot phase, the online decision-tracking tool may not be fully effective unless all decisions of the Conference of the Parties are reviewed, i.e. decisions from the first through seventh meetings as well as those beyond the ninth meeting. In this way, it will be possible to have a comprehensive overview of the decisions adopted by the Conference of the Parties and their current status. This review could be completed, subject to the availability of resources, before the fourteenth meeting of the Conference of the Parties.

8. The experience from the pilot phase also shows that maintaining the decision-tracking tool is an ongoing exercise. For example, the status of decisions can change over time, and decisions that are currently categorized as “active” may in future be considered as “implemented” as further work is undertaken. In this light, a review of all COP decisions, particularly those whose status is “active” would be needed in each intersessional period in order to keep the decision-tracking tool up-to-date.

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<sup>1</sup> <https://www.cbd.int/decisions/tracking>. The link will become available during the week of the twentieth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice. The Secretariat will also organize a side event during the meeting of the Subsidiary Body on Implementation to demonstrate the decision-tracking tool.

<sup>2</sup> The Secretariat has also prepared pages on the preparatory processes towards the meetings of the COP and COP-MOPs as well as the nineteenth and twentieth meetings of the Subsidiary Body on Scientific, Technical and Technological Advice, the first meeting of the Subsidiary Body on Implementation and the ninth meeting of the Ad hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions: <https://www.cbd.int/meetings/preparation/>.

## **II. REVIEW OF THE DECISIONS OF THE EIGHTH AND NINTH MEETINGS OF THE CONFERENCE OF THE PARTIES**

9. The information or criteria in the annex to decision XII/28 were used to review the decisions from the eighth and ninth meetings of the Conference of the Parties. The outcome of this review is incorporated in the decision-tracking tool.

10. Whether a decision has been “retired” is one of the elements of consideration or criteria (in addition to whether the decision is “implemented”, “superseded”, “elapsed”, or “active”) to be used in assessing the status of a decision. However, this element is not applicable to the decisions of the eighth and ninth meetings of Conference of the Parties, as these decisions did not go through the retirement exercises. The element whether a decision or an element of a decision is “retired” will be relevant in reviewing the decisions of the first seven meetings of the Conference of the Parties using the decision-tracking tool.

## **III. EXPERIENCE FROM THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA**

11. As noted above, the Conference of the Parties requested the Executive Secretary to explore the experience of CITES in managing and consolidating decisions and resolutions and to make the information available to the first meeting of the Subsidiary Body on Implementation.

12. Article XI, paragraph 3, of CITES provides that meetings of the Conference of the Parties are to review implementation of CITES and may, where appropriate, make recommendations for improving the effectiveness of CITES. Such recommendations take the form of either “resolutions” or “decisions”. According to the CITES website, “resolutions are intended to be of a more permanent nature, guiding implementation of the Convention over periods of many years.”<sup>3</sup> In contrast, decisions are more specific and time-bound in nature: “Typically they contain instructions to a specific committee or to the Secretariat. This means they are to be implemented, often by a specified time, and then become out of date.”<sup>4</sup> If there are conclusions to be made following discussions or negotiations on a certain subject, such conclusions will be submitted by the proponents and adopted in the context of the discussion of the subject and in the form of decisions and resolutions, as appropriate.

13. With this approach, resolutions remain in effect unless they are actively repealed while decisions are usually only in effect between one Conference of the Parties and the next (or until an explicit deadline indicated in a decision). At each Conference of the Parties, in the documents prepared for the meeting, the Secretariat will include proposals for decisions to be deleted, usually on the basis that the decision has been implemented. This is more or less comparable with the exercise of retiring COP decisions under the Convention on Biological Diversity that was in place until it was replaced by the current approach to review decisions using an online decision-tracking tool. The most significant difference was in the case of CITES, the outdated decisions are being deleted and removed from record whereas, in the case of the Convention on Biological Diversity, they were tagged as “retired”, but still existing on the record.

14. Decisions can continue to be in effect if an active effort is made to revise them. To provide a clear list of the decisions in effect, the Conference of the Parties has mandated the CITES Secretariat to

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<sup>3</sup> <https://cites.org/eng/res/intro.php> (accessed 9 March 2016).

<sup>4</sup> <https://cites.org/eng/dec/intro.php> (accessed 9 March 2016).

compile all the decisions that are still in effect and publish them in a document following each meeting of the Conference of the Parties.<sup>5</sup>

15. For example, under the subject of “cooperation with other organizations”, the Conference of the Parties to CITES adopted decision 15.11 at its 15<sup>th</sup> meeting in 2010. The decision was directed to the Secretariat and provided that: “The Secretariat shall continue to provide its services as a key indicator partner in the Biodiversity Indicators Partnership, consulting the Animals, Plants and Standing Committees where necessary, and shall report on its work in this regard at the 16<sup>th</sup> meeting of the Conference of the Parties.”

16. The 16<sup>th</sup> meeting of the Conference of the Parties to CITES was held in March 2013 and the Secretariat reported on its work with the Biodiversity Indicators Partnership.<sup>6</sup> With the end of the timeline specified in decision 15.11, the Secretariat recommended that the decision be deleted and that the Secretariat continue to promote CITES in discussions on indicators in the context of work being undertaken further to the CITES Strategic Vision.<sup>7</sup> The proposal was accepted and the decision does not appear in the compilation of COP decisions in effect after the 16<sup>th</sup> meeting.

17. The major advantage of the CITES approach is that Parties need to focus mainly on “resolutions” in proceeding with and monitoring their long-term implementation measures and strategies. The Conference of the Parties to the Convention on Biological Diversity could consider the CITES approach. Decisions, or sections/elements of decisions, could be divided into those that provide long-term policy guidance (functionally equivalent to CITES “resolutions”), and those that provide operational instructions to the bodies of the Convention (functionally equivalent to CITES “decisions”) This may result in helping Parties and other stakeholders identify which decisions are still current. This may be achieved by identifying (sorting) the decisions tagged in the decision-tracking tool and making a compilation of such decisions available online for users.

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<sup>5</sup> See Resolution Conf. 4.6 (Rev. CoP16). The compilation of decisions still in effect following the most recent meeting of the CITES COP (the 16<sup>th</sup> meeting) is available here: <https://cites.org/sites/default/files/eng/dec/valid16/E16-Dec.pdf>.

<sup>6</sup> See document CoP16 Doc. 13: <https://cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-13.pdf>.

<sup>7</sup> Ibid., para. 65.

*Annex*

**BRIEF TECHNICAL DESCRIPTION OF THE DECISION-TRACKING TOOL**

The decision-tracking tool was developed in accordance with the annex to decision XII/28 and has the following features:

**1. Fine-grained structure**

A fine-grained structure enables the description of each individual element of a decision, such as individual paragraphs and/or list items, rather than the decision as a whole.

The fine-grained structure also enables the attachment of metadata (listed below) to the relevant decision elements as well as the alignment of the decision elements in the official languages of the United Nations.

**2. Metadata linked to decision elements**

Metadata are tags linked to information contained in a database and are used to catalogue information. As a result of the new fine-grained structure, the decision-tracking tool enables the use of precise metadata, such as:

- (a) Type (whether the decision is for information or operational, anticipating action)
- (b) Status (implemented, superseded, elapsed, retired or active)
- (c) Actors (to which the decision element is directed)
- (d) Timeline
- (e) Related activities
- (f) Related outcomes
- (g) Related notifications
- (h) Related submissions
- (i) Related documents
- (j) Related decisions

**3. Navigation and analysis**

The initial set of metadata not only aims to provide better ways to navigate from one decision element to another, but also provides an additional tool for detailed analysis through the aggregation of data.

The pilot version of the decision-tracking tool provides the following outputs (information presented in certain way) and search options:

- (a) List of decision elements
- (b) List of decision element outcomes
- (c) Search by actor(s) (to which the decision element is directed)
- (d) Search by type of decision element (whether for information or operational)
- (e) Search by deadlines
- (f) Search by thematic areas

- (g) Search by status (implemented, superseded, elapsed, retired or active).

#### **4. Example of scenarios**

The initial set of metadata as shown above aims to provide necessary information for scenarios such as:

- (a) Listing decision elements pending action from a specific stakeholder. For instance, decision elements pending action by the Executive Secretary;
- (b) Listing outcomes of decision elements for a specific time period. For instance, listing actions reported by Parties in previous years.

#### **5. Integration**

The decision-tracking tool has the potential of becoming a central feature and a linchpin for the information that is available through the clearing-house mechanism of the Convention. Future improvements as regards the information structure of the clearing-house mechanism may rely heavily on the decision-tracking tool as the component that interlinks all the different pieces of information.

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