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IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE CONVENTION AND ITS PROTOCOLS

CONCURRENT HOLDING OF THE THIRTEENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION, THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL AND THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL

Note by the Executive Secretary

INTRODUCTION

1. The Conference of the Parties held its twelfth meeting (COP 12) concurrently with the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their utilization (COP-MOP 1 to the Nagoya Protocol). The organization of the two meetings was based on a plan prepared by the Executive Secretary in response to recommendation 5/2 of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention.

2. In the same recommendation, the Working Group also requested the Executive Secretary to prepare a plan for holding all three meetings concurrently: the thirteenth meeting of the Conference of the Parties (COP 13), the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 8 to the Cartagena Protocol) and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP 2 to the Nagoya Protocol). The plan was made available to the Conference of the Parties in UNEP/CBD/COP/12/25/Add.2.

3. On the basis of this information, the Conference of the Parties at its twelfth meeting formally decided, in paragraph 3 of decision XII/27, to hold its future ordinary meetings within a two-week period, concurrently with the meetings of the COP-MOP to the Cartagena Protocol and the COP-MOP to Nagoya Protocol. Similar decisions were also taken by the COP-MOP 7 to the Cartagena Protocol (decision BS-VII/9, para. 1) and COP-MOP 1 to the Nagoya Protocol (decision NP-1/12 para. 1).

* UNEP/CBD/SBI/1/1/Rev.1.

4. In this context, the Executive Secretary was requested to carry out the following tasks:

(a) To further refine the plan for the concurrent organization of the thirteenth meeting of the Conference of the Parties, the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with a specific focus on the legal, financial and logistical implications;

(b) To prepare a preliminary draft of the organization of work for these meetings;

(c) To take appropriate steps towards streamlining the agendas of the concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols;

(d) To prepare an analysis of the level of participation of Parties, especially developing country Parties, in particular the least developed and small island developing States, and Parties with economies in transition, in the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, including a comparison with earlier meetings under the Convention, and possible ways to enhance the level of participation.

5. The Executive Secretary was requested to carry out the tasks outlined above in the light of recommendation 5/2 of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, the experience from the concurrent organization of COP 12 and COP-MOP 1 to the Nagoya Protocol, taking into account the views of Parties on their assessment of these meetings as well as the practices and lessons learned under other multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, and the Basel, Rotterdam and Stockholm Conventions cluster.

6. These tasks and follow-up process were also agreed by COP-MOP to the Cartagena Protocol in its decision BS-VII/9, paragraphs 3 and 4, and COP-MOP to the Nagoya Protocol in its decision NP-1/12, paragraph 2.

7. The present document responds to these requests made to the Executive Secretary. In section I, the legal, logistical and financial implications of holding the three meetings concurrently are further discussed, supplementing the information/analysis in section III of document UNEP/CBD/COP/12/25/Add.2. The refined plan is contained in annex I. A preliminary organization of work is presented in annex II. Section II provides information on steps undertaken towards streamlining the agendas of the concurrent meetings. Section III contains an analysis of the level of participation of Parties, especially developing country Parties, in the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol. In section IV, criteria for reviewing experience in concurrent meetings are addressed. Section V contains a draft recommendation.

I. REFINED PLAN AND PRELIMINARY ORGANIZATION OF WORK FOR THE CONCURRENT MEETINGS IN MEXICO

8. At their meetings held in Pyeongchang, Republic of Korea, in October 2014, the Conference of the Parties to the Convention and the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols had considered a plan for holding concurrently COP 13, COP-MOP 8 to the Cartagena Protocol and COP-MOP 2 to the Nagoya Protocol, as contained in the annex to

UNEP/CBD/COP/12/25/Add.2.¹ The plan had been developed based on the options for the organization of COP 12 and COP-MOP 1 to the Nagoya Protocol, contained in annex II to document UNEP/CBD/WGRI/5/12.

9. Subsection A below contains further information on the legal, logistical and financial implications of holding the three meetings concurrently, supplementing the information/analysis in section III of document UNEP/CBD/COP/12/25/Add.2. Subsection B introduces the preliminary draft of the organization of work for the concurrent meetings contained in annex II.

A. Implications of holding the meetings concurrently

10. The Convention on Biological Diversity, the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit-Sharing are related but distinct treaties. Until COP 12, the governing body of the Convention and the governing body of the Cartagena Protocol held their meetings separately, with no formal opportunity for these bodies to interact with each other. The meetings of the Parties to the Cartagena Protocol (with the exception of the second meeting) were held immediately before the meetings of the Conference of the Parties to the Convention.

11. In the context of other multilateral treaties, experience has been gained in the organization of concurrent and back-to-back meetings of related but distinct treaties.² Under the United Nations Framework Convention on Climate Change, sessions of the Conference of the Parties to the Convention and the meetings of the Parties to the Kyoto Protocol (CMP), as well as the meetings of the subsidiary bodies have been held in conjunction with each other since the first session of CMP in 2005. Ordinary sessions of the Conference of the Parties and the CMP are convened once a year, while the two permanent subsidiary bodies (the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation) usually meet twice a year, with one set of their meetings convened during the first week of the sessions of COP and CMP. The meetings of the Conference of the Parties to the Basel, Rotterdam and Stockholm Conventions – the ‘chemicals cluster’ – were being held separately until the last few years, when they started to be convened regularly back-to-back, with the possibility of joint sessions to discuss issues of common interest.

12. The trend has been towards holding these intergovernmental meetings concurrently or in conjunction with each other with a view to: (a) promoting synergies; (b) improving cost-effectiveness and efficiencies; and (c) reducing the time that delegates have to spend attending these meetings which require similar or overlapping expertise. This is also in line with the broader policy direction that States agreed to take at the United Nations Conference on Sustainable Development (Rio+20) in June 2012, where they committed themselves to promoting coherence and enhancing synergies among multilateral environmental agreements.³

13. Concurrent meetings may be understood as meetings taking place during the same period of time and in the same location. While they need to share the resources that are available – time, staff, conference facilities, etc., they provide opportunities for more synergy and integration. The distinct legal standing of the treaties requires procedures that protect the decision-taking authority of the respective set of Parties.

¹ The same plan was also made available to the Conference of the Parties serving as the meetings to the Protocols as UNEP/CBD/BS/COP-MOP/7/6/Add.2 and UNEP/CBD/NP/COP-MOP/1/8, respectively.

² The meaning of “back-to-back” in the sense of the chemicals cluster may need to be clarified. The meaning of the term in practice can be different in different instruments.

³ “The future we want”, outcome document of the United Nations Conference on Sustainable Development, adopted by the United Nations General Assembly in its resolution 66/288, paragraph 89.

1. Legal

14. Section III of document UNEP/CBD/COP/12/25/Add.2 addresses the legal aspects of organizing the three meetings concurrently. Like in this earlier document, the proposed plan contained in annex II is based on the rule reflected in paragraph 2 of Article 32 of the Convention, and Articles 26 and 29 of the Nagoya and Cartagena Protocols, respectively, where it is stated that decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Party to the Convention that has not ratified, accepted, approved or acceded to a protocol may participate as an observer in any meeting of the Parties to that protocol. This rule has its roots in the principles embodied in Articles 26 and 34 of the Vienna Convention on the Law of Treaties which provide, respectively, that every treaty in force is binding upon the Parties to it and must be performed by them in good faith and that a treaty does not create either obligations or rights for a third State without its consent.

15. In that regard, the main legal issues that arise in relation to the holding of the meetings of COP, COP-MOP to the Cartagena Protocol and COP-MOP to the Nagoya Protocol concurrently are how to ensure the autonomy of each treaty, in particular in the procedure for taking decisions, and arrangements for the allocation of costs of conference facilities and conference related services, including secretariat services.

16. The first step towards maintaining such autonomy is making sure that there are distinct agendas for the three meetings. The items on the agenda of each meeting should be considered by the respective body.

17. Following the successful example of the twelfth meeting of COP and the first meeting of COP-MOP to the Nagoya Protocol, COP at its thirteenth meeting is expected to establish two working groups that will be entrusted with the task of reviewing all items on the agenda and submit recommendations except for the items assigned to the plenary and establish a budget committee. The two working groups would also be given the task of reviewing the items on the agenda of the meetings of the Parties to the Cartagena and Nagoya Protocols in line with the option that the governing bodies of the Protocols always have, that of using any subsidiary body established by or under the Convention for the purpose of the Protocols, i.e. Article 30 of the Cartagena Protocol and Article 27 of the Nagoya Protocol. The two working groups established at COP 12 served also COP-MOP 1 to the Nagoya Protocol in the second week of COP 12. It was the first time that concurrent meetings were held, and the feedback received from the Parties present at those meetings was positive.

18. As with the working group sessions held during the meetings of COP 12 and COP-MOP 1 to the Nagoya Protocol, it is important that it be clear to all Parties which items taken up by the working groups are related to the Convention and which items are related to the Protocols. This ensures that Parties to the Protocol concerned are exercising ownership of those items by participating in the development of recommendations and draft decisions.

19. The sessions of the two working groups may be organized so that some of the agenda items allocated to them relating to the Convention and to one or both the Protocols on common cross-cutting areas could be addressed in proximity, or jointly if the Parties so decide. In the case of such agenda items, the plenaries or the working groups should take up these items sequentially and develop separate decisions. Decisions need to be prepared and referred to the respective plenary sessions under the Convention and each of the protocols for separate adoption. In addition to these decisions, any mutual understanding or agreement resulting from joint discussions may be recorded in the reports of the meetings.

20. Items that need or benefit from particular interaction among Parties at the three meetings, for example, budget proposals, are referred to the same committee. While separate decisions on programme budget under the Convention and the Protocols are envisaged, the decisions under the Protocols may be

streamlined by referring to the respective decision of the Conference of the Parties and vice versa. The Executive Secretary prepares and submits a Secretariat-wide programme budget for the biennium 2017-2018, which also identifies the distinct costs of the secretariat services for each of the Protocols. The consideration of the programme budgets by the same budget committee facilitates the proper allocation of costs that are shared among the Convention and the two Protocols.

21. Another example is the handling of credentials. Parties are required to submit the credentials of their representatives for the meetings of COP and, where applicable, for the meetings of the COP-MOPs of the two Protocols. However, the credentials submitted by a Party for all three meetings may be combined in a single document. Similarly, the Bureau could submit a single report on credentials in accordance with rule 19 of the rules of procedure to COP and COP-MOPs for their respective decision.

2. *Logistical*

22. Traditionally, COP meetings were held over a two-week period immediately preceded by meetings of the COP-MOP to the Cartagena Protocol lasting one week. The decision to hold these meetings and the meetings of the COP-MOP to the Nagoya Protocol concurrently within a two-week period obviously entails a number of logistical challenges.

(a) Tight schedules of sessions: addressing the agenda items under each of the meetings within the two-week time available

23. The limited time available for the consideration of items could lead to busy, overlapping, and at times confusing, schedules of sessions of the two working groups and contact groups, which would be particularly unfair to smaller delegations from developing countries. Extensive agendas and consequential tight scheduling of sessions could also adversely affect the quality of decisions and thus progress in implementation, by not allowing for in-depth discussion of issues. On the other hand, the concurrent scheduling of COP-MOP 1 of the Nagoya Protocol and the second week of COP 12 allowed for the consideration of all items on their agendas and did not lead to a decrease in the quality of decisions.

24. To ensure that there is sufficient time available when all three meetings are held concurrently, the Executive Secretary was asked to take appropriate steps towards streamlining the agendas of the concurrent meetings (decision XII/27, paragraph 4(c)), decision BS-VII/9, paragraph 3(e), and decision NP-1/12, paragraph 2). Accordingly, the Executive Secretary, in consultation with the bureau, has made efforts to cluster and consolidate items addressing similar or related issues in the proposed provisional agendas of COP 13, COP-MOP 8 to the Cartagena Protocol and COP-MOP 2 to the Nagoya Protocol.

(b) Increased need for meeting space and specific seating arrangements

25. Several States and organizations have different focal points and competent authorities for the Convention and the Protocols. The holding of the three meetings concurrently would lead to increased delegation sizes. This is likely to require the provision of larger conference facilities than during previous meetings. Several delegations may require more space and facilities in conference rooms to accommodate their members, especially their main representatives under each of the three instruments. This may create a logistical burden on the host.

26. The Secretariat reviewed the distribution of national focal points/national competent authorities of each Party in order to have an indication of the number of Parties in which the responsibilities relating to the three instruments are located in more than one national agency or competent authority. In these cases, the composition of delegations may include representatives of such agencies at the concurrent meetings. This may help to understand and estimate the potential logistical demand in terms of seating space and other conference facilities.

27. Accordingly, on the basis of the current information in the Secretariat's database, 100 national focal points for the Cartagena Protocol and 119 national focal points for the Nagoya Protocol/ABS are different from the national focal points for the Convention. Out of these, 63 national focal points for the Cartagena Protocol and 87 national focal points for the Nagoya Protocol are located in the same competent authorities where the national focal points for the Convention are located. There are 40 national focal points that represent the Convention and the two Protocols at the same time. In average, nearly two-third of the Parties to the Convention may need two more lead representatives for the Cartagena Protocol and the Nagoya Protocol, respectively, during the concurrent meetings, as well as the meetings of the Subsidiary Body on Implementation. Further information on the number and distribution of national focal points for the Cartagena and Nagoya Protocols vis-à-vis the national focal points for the Convention is provided in an information document (UNEP/CBD/SBI/1/INF/28).

28. As regards seating arrangements, following the customary practice, representatives of Parties followed by the representatives of other Governments and observers will be seated in alphabetical order. However, it will not be realistic to expect, in a concurrent setting, the rearrangement of seats as necessary during the sessions, to meet the customary requirements in seating the Parties to the Protocols followed by other Governments. Therefore, for practical reasons, the seating arrangements of the meetings of COP will be used for the meetings of COP-MOPs. Such seating arrangements were used for COP 12 and COP-MOP 1 to the Nagoya Protocol and it seemed to have worked well. No Party to the Nagoya Protocol present at that meeting and sat behind a Party to the Convention but not a Party to the Nagoya Protocol during the concurrent sessions of the plenaries or the working groups, expressed any concern regarding the seating arrangements.

3. *Financial*

29. The financial implications relating to full and effective participation have been already addressed in document UNEP/CBD/COP/12/25/Add.2. Further information on these matters is contained in section III below.

30. With regard to distinct costs of Secretariat services, document UNEP/CBD/COP/12/25/Add.2 notes that Article 31 of the Cartagena Protocol and Article 28 of the Nagoya Protocol state that "to the extent that they are distinct, the costs of the secretariat services for this Protocol shall be met by the Parties hereto. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end." The document suggested apportioning the costs associated with the arrangements for concurrent meetings at 22 per cent to each Protocol and 56 per cent to the Convention. The budgets adopted at COP 12, COP-MOP 7 to the Cartagena Protocol and COP-MOP 1 to the Nagoya Protocol roughly follow this advice. The allocations for meeting arrangements of COP 13, COP-MOP 8 to the Cartagena Protocol and COP-MOP 2 to the Nagoya Protocol equal 56.6 per cent (Convention), 23.8 per cent (Cartagena Protocol) and 19.6 per cent (Nagoya Protocol).

B. A preliminary draft of the organization of work for the concurrent meetings

31. COP 13, COP-MOP 8 to the Cartagena Protocol and COP-MOP 2 to the Nagoya Protocol are scheduled to be held in a two-week period. The two-week period would comprise 12 days of sessions, from 4 to 17 December 2016. The first working week would be from Sunday 4 to Friday 9 December 2016, and the second from Monday 12 to Saturday 17 December 2016. No formal sessions are planned to be held on Saturday, 10 December or Sunday, 11 December.

32. Except for the first day,⁴ the proposed daily schedule for plenary sessions would be two 3-hour sessions that run from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. Unless the bureau decides otherwise, it is expected to meet each morning from 8 a.m. to 9 a.m. to evaluate the progress of work of the previous day and agree on the order or modality of work for the day. Regional groups are also expected to meet each morning between 9 a.m. and 10 a.m.

33. Most of the agenda items of each meeting are planned to be considered by the two working groups that COP 13 is expected to establish. COP-MOP 8 to the Cartagena Protocol and COP-MOP 2 to the Nagoya Protocol are expected to agree to also designate the two working groups to undertake similar functions as regards their respective agenda items. As mentioned earlier, some agenda items of the three meetings on common cross-cutting issues are envisaged to be dealt with in proximity, or jointly if the meetings so decide.

34. The details of the plan as further refined and the preliminary organization of work are contained in annexes I and II, respectively.

II. STEPS TOWARDS STREAMLINING THE AGENDAS OF THE CONCURRENT MEETINGS

35. Rule 8 of the rules of procedure provides that the Secretariat shall prepare, in agreement with the President, the provisional agenda of each meeting. Provisional agendas of COP 13, COP-MOP 8 to the Cartagena Protocol and COP-MOP 2 to the Nagoya Protocol have been prepared by the Secretariat following consultations with the Presidents and the Bureau. The items reflect the outcomes of COP 12, COP-MOP 7 to the Cartagena Protocol and COP-MOP 1 to the Nagoya Protocol, bearing also in mind the request made by the Parties to the Executive Secretary to take appropriate steps towards streamlining the agendas of the concurrent meetings of the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Protocols.

36. The Secretariat has made its best efforts to cluster the items and to align the agendas of the subsidiary bodies (Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, SBSTTA, and SBI) as precursor processes preparing recommendations to COP and COP-MOPs.

37. The decisions taken and the deliberations evolved within COP and COP-MOPs in the past heavily influence the agendas of future meetings. The Secretariat recognizes that streamlining the agendas of the concurrent meetings could be further enhanced through sustained efforts over a number of meetings of COP and COP-MOPs towards prioritizing and focusing items. SBI could play a major role in expediting the streamlining of agendas. The agenda of future meetings should increasingly focus on items that are crucially important to advance the implementation of the Convention and the Protocols. The decision-tracking tool,⁵ which is under development, could also provide a useful support in the streamlining of agendas by being a good source of evidence as to which subjects, thematic areas or cross-cutting issues have been reviewed considerably or exhaustively and therefore may not need to continue to be in the agendas of the respective governing body in the future.

⁴ The business anticipated for the first day, Sunday, 4 December 2016, is the opening of the meetings, scheduled to take place from 5 p.m. to 7 p.m..

⁵ See paragraph 3 of decision XII/28.

III. ANALYSIS OF THE LEVEL OF PARTICIPATION OF PARTIES, ESPECIALLY DEVELOPING COUNTRY PARTIES

38. Holding the meetings concurrently would allow representatives of Parties to participate in all relevant discussions under the Convention and the Protocols, and would increase the participants' understanding of the issues under consideration in the different processes, facilitate the resolution of challenging issues, and enhance mutual support for the processes and implementation at the national level. However, such opportunities created by the concurrent meetings highly depend on the capacity of each Party, especially developing country Parties to be represented at the meetings and the different sessions of the meetings by adequate number of representatives that are competent in the subject that the different meetings or the sessions are dealing with. Inadequate representation and participation could harm the legitimacy of the decisions being adopted.

39. The review of nomination letters, credentials, and the list of participants of the sixth meeting of the COP-MOP to the Cartagena Protocol which was held in October 2012, back-to-back with the eleventh meeting of the Parties to the Convention, show that 44 developing country Parties and Parties with economies in transition were not represented at the meeting. Sixteen of them were not also represented at the eleventh meeting of the COP. Similar review of the participants of the seventh meeting of the COP-MOP to the Cartagena Protocol which was held in October 2014, back-to-back with the twelfth meeting of COP also shows that 52 developing country Parties and Parties with economies in transition were not represented at that meeting. Half of these Parties were also not represented at the twelfth meeting of COP.

40. Furthermore, there were 41 developing countries and countries with economies in transition that were Parties to the Nagoya Protocol by the first meeting of the Parties to the Protocol, which was held concurrently with the twelfth meeting of COP. Of these, one was not represented, and the remaining 40 were represented at least by one delegate.

41. There may be varied reasons why some Parties do not send representatives to the meetings of COP and COP-MOPs. However, a number of these Parties were certainly held back from sending a representative to the last two sets of COP and COP-MOP meetings due to lack of funding or the late arrival of funding support to cover the cost of participation of their representatives. Under present practice, travel and subsistence of delegates from developing countries and countries with economies in transition are supported by voluntary contributions provided by donor countries. These contributions are not usually sufficient in amount and/or pledged in time. This has necessitated prioritization of support to least developed countries (LDCs) and small island developing States (SIDS). According to current practice, one delegate from LDCs and SIDS receives support for travel and subsistence, and this support is only extended within the limits of available funds to other developing countries and countries with economies in transition upon request and on a first-come, first-served basis.

42. Further details on the level of representation and participation of developing countries and countries with economies in transition in the last two sets of meetings of COP and COP-MOPs are made available in information document UNEP/CBD/SBI/1/INF/28.

IV. CRITERIA FOR REVIEWING EXPERIENCE IN CONCURRENT MEETINGS

43. The COP has decided, at its twelfth meeting, to review experience with holding the meetings concurrently, and requested the Subsidiary Body on Implementation to develop criteria to be used to conduct the review. The review is planned for the fourteenth and fifteenth meetings of COP. The seventh meeting of the COP-MOP to the Cartagena Protocol and the first meeting of the COP-MOP to the Nagoya Protocol have also agreed to this overall approach and the timelines.

44. The COP has already identified, in paragraph 6 of decision XII/27, the following indicative list of criteria:

(a) Full and effective participation of representatives from developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, as well as representatives of indigenous and local communities, in the meetings of the Conference of the Parties, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(b) Effective development of outcomes of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(c) Increased integration among the Convention and its Protocols;

(d) Cost-effectiveness.

45. The Subsidiary Body on Implementation may wish to add the following criteria:

(a) Number of Parties reporting improved consultations, coordination and synergies among their national focal points of the Convention and the Protocols;

(b) Evaluation by host Governments on the logistical and technical burdens of the concurrent meetings they hosted.

V. ELEMENTS OF DRAFT RECOMMENDATION

46. The Subsidiary Body on Implementation may wish to adopt a recommendation along the following lines:

The Subsidiary Body on Implementation

1. *Welcomes* the plan and the organization of work for holding concurrently the thirteenth meeting of the Conference of the Parties to the Convention, the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as contained in annexes I and II, respectively, to the present recommendation;

2. *Requests* the Executive Secretary to undertake the necessary preparations for the concurrent meetings in accordance with the plan and in consultation with the Bureau and the Government of Mexico, the host of the meetings;

3. *Recommends* that the Conference of the Parties at its thirteenth meeting adopt a decision along the following lines:

The Conference of the Parties,

1. *Decides* to include the following to the list of criteria identified in decision XII/27, paragraph 6, for use in reviewing, at its fourteenth and fifteenth meetings, experience in holding meetings concurrently:

(a) The number of Parties reporting improved consultations, coordination and synergies among their national focal points for the Convention and the Protocols;

(b) Evaluation by host Governments of the logistical and technical burdens of the concurrent meetings they hosted;

2. *Requests* the Executive Secretary to prepare a preliminary review of the experience in concurrent meetings, using the criteria described above, for consideration by the Subsidiary Body on Implementation at its second meeting.

47. The Subsidiary Body on Implementation may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eighth meeting adopt a decision along the following lines:

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol

1. *Decides* to use the following criteria for reviewing experience with the holding of concurrent meetings in accordance with paragraph 5 of decision BS-VII/9:

(a) Full and effective participation of representatives from developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, in the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

(b) Effective development of outcomes of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

(c) Increased integration among the Convention and its Protocols;

(d) Cost-effectiveness;

(e) Number of Parties reporting improved consultations, coordination and synergies among their national focal points of the Convention and the Protocols;

(f) Evaluation by host Governments of the logistical and technical burdens of the concurrent meetings they hosted.

2. *Reiterates* its call to developed country Parties to increase their contributions to the relevant voluntary trust funds to ensure the full and effective participation of representatives from developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, in the concurrent meetings;

48. The Subsidiary Body on Implementation may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its second meeting adopt a decision along the following lines:

The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol

1. *Decides* to use the following criteria for reviewing, at its fifth meeting, experience with the holding of concurrent meetings:

(a) Full and effective participation of representatives from developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, in the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;

(b) Effective development of outcomes of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

- (c) Increased integration among the Convention and its Protocols;
- (d) Cost-effectiveness;
- (e) Number of Parties reporting improved consultations, coordination and synergies among their national focal points of the Convention and the Protocols; and
- (f) Evaluation by host Governments of the logistical and technical burdens of the concurrent meetings they hosted.

2. *Calls upon* developed country Parties to increase their contributions to the relevant voluntary trust funds to ensure the full and effective participation of representatives from developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, in the concurrent meetings.

Annex I

PLAN FOR HOLDING CONCURRENTLY THE THIRTEENTH MEETING OF THE CONFERENCE OF THE PARTIES, THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL AND THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE NAGOYA PROTOCOL

A. Opening of the meetings

1. The representative of the Government of the Republic of Korea, the President of COP 12, would declare open the thirteenth meeting of the Conference of the Parties on Sunday 4 December 2015 (starting at 5 p.m.), and invite the Conference of the Parties to elect its president. Following the tradition, the representative of the Government of Mexico, the host country, is expected to be elected as the President of the thirteenth meeting of the Conference of the Parties (COP 13).

2. In line with rule 21 of the rules of procedure, the term of office of the new President commences straight away and since Mexico is also a Party to the Cartagena Protocol and the Nagoya Protocol, the President automatically becomes a member and President of the existing bureau, which also serves as the bureau of the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols. Consequently, the new President would also become the President of the meetings of the Parties to the Protocols. In that capacity, the President would then open the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol (COP-MOP 8 to the Cartagena Protocol) and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP 2 to the Nagoya Protocol).

3. After declaring COP 13, COP-MOP 8 to the Cartagena Protocol, and COP-MOP 2 to the Nagoya Protocol open, the President would convene a joint plenary to hear statements. The President is expected, first, to present the outcomes or progress in the deliberations of the high-level segment, which is tentatively planned to start on Saturday, 3 December 2016.⁶ Following that, the joint plenary would hear concise statements on behalf of groups of Parties or observers. Regional representatives and representatives of some observer organizations would be invited to

⁶ Keeping in mind the evolving discussions with the Host Government on the planning for the high-level segment.

make opening statements. The meetings would then be adjourned until the next day, 5 December 2016.

B. Plenary sessions

4. The meetings would resume their sessions in the morning of Monday, 5 December 2016. First, COP would adopt its agenda; agree on the organization of work proposed for the concurrent meetings; establish two working groups to address all items except for those addressed in plenary and establish a budget committee; designate the chairpersons of each working group who would be bureau members from Parties to the Convention and both its Protocols,⁷ and the chair of the budget committee.

5. The President would then invite, sequentially, the COP-MOP to the Cartagena Protocol and the COP-MOP to the Nagoya Protocol, to adopt their respective agendas, agree on the organization of work proposed for the concurrent meetings, endorse the working groups and the budget committee established by COP, and refer items of their respective agenda to the working groups, as appropriate.

6. During this session, COP would also consider its agenda item 5 on pending issues. A single report on credentials would be submitted by the Bureau in the context of agenda item 4 of COP and item 3 of the respective agendas of the Cartagena and Nagoya Protocols COP-MOPs. The report of the Executive Secretary would address item 8 of the respective agendas (the administration of the Convention and the Protocols and budgetary matters). The Executive Secretary would also report on regional preparatory and intersessional meetings, including the work of the Subsidiary Body on Implementation at its first meeting thereby addressing agenda item 7 of COP 13 and item 5 of COP-MOP 8 to the Cartagena Protocol. The COP-MOPs to the Cartagena and Nagoya Protocols would also hear reports from their respective Compliance Committees.

7. The meetings would then be adjourned so that the working groups may commence their work.

8. The second plenary sessions are scheduled for Friday afternoon, 9 December 2016. This session is expected to review progress in the work of the working groups and approve draft decisions that may have been concluded.

9. The third plenary sessions scheduled for Tuesday afternoon, 13 December are also intended to review progress of the working groups and the budget committee.

10. The fourth (last) round of the plenary sessions would take place on the final day of the meetings, Saturday afternoon, 17 December 2016. COP and COP-MOPs would adopt the draft decisions submitted to each of them by the working groups and the budget committee; consider other matters, if any, under their respective agendas (COP-MOP 8 to the Cartagena Protocol, item 18; COP-MOP 2 to the Nagoya Protocol, item 13; and COP 13, item 20); and adopt their respective meeting reports.

11. Representatives of regional groups and other delegations would then be invited to make one set of closing remarks covering matters related to one or more of the meetings, if they so wish. Following the closing remarks, the President would declare each meeting closed.

⁷ In the event that the chairperson is from a country that is not Party to one or both Protocols, a substitute would be elected from among the Parties to the Protocol to chair items related to one or the other Protocol.

C. Working groups

12. Except for some specific items to be addressed in plenary sessions, most of the agenda items of the respective meetings would be addressed in the two working groups. In conclusion of their work, the working groups would deliver sets of draft decisions to the Conference of the Parties, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

13. Each working group will have to devote the appropriate amount of time to address each of the items allocated to it. In accordance with the organization of work adopted, agenda items from each of the meetings that are of a similar or related nature would be addressed in proximity by the same working group. Accordingly, conference room papers (CRPs) on similar or related items under the Convention and the Protocols would also be considered in proximity. Thus, for example, the consideration of a CRP by Parties to a Protocol would immediately follow the consideration of a CRP on a related topic by Parties to the Convention or vice versa.

14. There may also be a few items that may be introduced for consideration jointly and where any decisions resulting from such considerations may be relevant to all the meetings. In some cases, some aspects of the item being considered in proximity may benefit from a more integrated approach and thus the ensuing deliberations and understanding may take the form of joint consideration with a view to adopting more coherent and consistent decisions that would enhance implementation across the three instruments. Joint introductions and considerations of some of the items would enhance efficiency in the running of the meetings and would enable cross-fertilization of ideas during the deliberations. However, any decision or element of a decision resulting from joint considerations would need to be adopted by the respective meeting.

15. Contact groups may also be created by the plenary or the working groups as needed to address specific items.

D. Possible items for consideration in proximity or jointly or a combination of the two

16. The following provisional agenda items or elements of agenda items are proposed for consideration in proximity or jointly by the plenary of the meetings and/or the appropriate working group, contact group or committee:

(a) Items proposed for consideration in proximity:

- (i) *Capacity-building* - COP 13 agenda item 12; CP/COP-MOP 8 agenda item 6; and NP/COP-MOP 2 agenda item 9;
- (ii) *Awareness and communication* - COP 13 agenda item 10 (the sub-item on the communication strategy); CP/COP-MOP 8 agenda item 17; and NP/COP-MOP 2 agenda item 10;
- (iii) *Clearing-house* – CP/COP-MOP 8 agenda item 7; and NP/COP-MOP 2 agenda item 4 (and, depending on the outcomes of SBI 1, an item on the clearing-house mechanism may be considered by COP-13); and
- (iv) *Cooperation* - COP 13 agenda item 13; CP/COP-MOP 8 agenda item 9; and NP/COP-MOP 2 agenda item 7.

(b) Items proposed for joint consideration:

- (i) *Budgetary matters* - COP 13 agenda item 8; CP/COP-MOP 8 agenda item 10; and NP/COP-MOP 2 agenda item 8 (specific elements or aspects such as: shared and common costs, functional review of the Secretariat);

- (ii) *Improving the efficiency of structures and processes (specific elements or aspects such as: Modus operandi of the Subsidiary Body on Implementation; criteria for reviewing experience with the concurrent meetings; and proposals on the hosting of future meetings); and*
- (iii) *Credentials - COP 13 agenda item 4; CP/COP-MOP 8 agenda item 3; and NP/COP-MOP 2 agenda item 4 (Single report by the Bureau).*

(c) Combination of the two (in proximity and jointly)

Matters related to the financial mechanism

COP 13 agenda item 11; CP/COP-MOP 8 agenda item 8; and NP/COP-MOP 2 agenda item 6; the Conference of the Parties will provide guidance to the financial mechanism, taking into account any elements for guidance suggested by the COP-MOPs to the Cartagena and Nagoya Protocol to the Conference of the Parties, while other aspects of the respective agenda items will be considered in proximity.

E. Technical arrangements

17. Whether convened in plenary or in the working groups, those States that are not Parties to the Cartagena Protocol and/or the Nagoya Protocol would be present as observers for the consideration of the items regarding the Protocols. Technical measures would be in place to distinguish Parties from non-Parties during the deliberations in order to assist the President of the meetings or the chairpersons of the working groups.

18. For practical reasons, the seating arrangements of the meeting of COP will be used for the meetings of COP-MOPs.

19. All documents of the meetings, including in-session documents, will be made available on the website created for the meetings. All efforts will be made to ensure timely meeting announcements on screens and on the website of the meetings.

Annex II

Proposed preliminary organization of work for the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol

<p><i>Sunday, 4 December 5 p.m. – 7 p.m.</i></p>	<p>PLENARY</p> <p>COP 13</p> <ol style="list-style-type: none"> 1. Opening of the meeting. 3. Election of officers (electing the President). <p>CP/COP-MOP 8</p> <ol style="list-style-type: none"> 1. Opening of the meeting. <p>NP/COP-MOP 2</p> <ol style="list-style-type: none"> 1. Opening of the meeting.
<p><i>Monday, 5 December 10 a.m. – 1 p.m.</i></p>	<p>COP 13</p> <ol style="list-style-type: none"> 2. Adoption of the agenda and organization of work. 3. Election of officers (other than the President). <p>CP/COP-MOP 8</p> <ol style="list-style-type: none"> 2. Organizational matters. <ol style="list-style-type: none"> 2.1 Adoption of the agenda; 2.2 Election of substitute officers; 2.3 Organization of work. <p>NP/COP-MOP 2</p> <ol style="list-style-type: none"> 2. Organizational matters. <ol style="list-style-type: none"> 2.1 Adoption of the agenda; 2.2 Election of substitute officers; 2.3 Organization of work. <p>COP 13</p> <ol style="list-style-type: none"> 5. Pending issues. 4. Report on credentials. <p>CP/COP-MOP 8</p> <ol style="list-style-type: none"> 3. Report on credentials. <p>NP/COP-MOP 2</p> <ol style="list-style-type: none"> 3. Report on credentials. <p>COP 13</p> <ol style="list-style-type: none"> 7. Reports of intersessional and regional preparatory meetings. <p>CP/COP-MOP 8</p> <ol style="list-style-type: none"> 5. Report of the Subsidiary Body on Implementation. 4. Report of the Compliance Committee. <p>NP/COP-MOP 2</p> <ol style="list-style-type: none"> 5. Report of the Compliance Committee. <p>COP 13</p> <ol style="list-style-type: none"> 8. Report of the Executive Secretary on the administration of the Convention and the budget of the Trust Funds. <p>CP/COP-MOP 8</p> <ol style="list-style-type: none"> 10. Report of the Executive Secretary on the administration of the Protocol and on budgetary matters. <p>NP/COP-MOP 2</p> <ol style="list-style-type: none"> 8. Report of the Executive Secretary on the administration of the Protocol and on budgetary matters.

	WORKING GROUP I	WORKING GROUP II
Monday, 5 December 3 p.m. – 6 p.m.	<p>COP 13 9. Interim review of progress towards the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, and related means of implementation.</p> <p>CP/COP-MOP 8 14. Review of implementation and effectiveness of the Protocol.</p> <p>NP/COP-MOP 2 12. Assessment and review of the effectiveness of the Protocol (Article 31).</p> <p>CP/COP-MOP 8 4. Report of the Compliance Committee.</p> <p>NP/COP-MOP 2 5. Report of the Compliance Committee (Article 30).</p>	<p>COP 13 10. Strategic actions to enhance the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, including with respect to mainstreaming and integration of biodiversity within and across sectors.</p>
Tuesday, 6 December 10 a.m. – 1 p.m.	<p>COP 13 11. Resource mobilization and financial mechanism.</p> <p>CP/COP-MOP 8 8. Matters related to the financial mechanism.</p> <p>NP/COP-MOP 2 6. Financial mechanism and resources (Article 25).</p>	<p>COP 13 14. Article 8(j) and related provisions: guidelines for the repatriation of traditional knowledge; guidelines for the development of legislation or other mechanisms; and recommendations from the United Nations Permanent Forum on Indigenous Issues.</p>
Tuesday, 6 December 3 p.m. – 6 p.m.	<p>COP 13 12. Other means of implementation: enhancement of capacity-building, technical and scientific cooperation and other initiatives to assist implementation (<i>the capacity-building aspect</i>).</p> <p>CP/COP-MOP 8 6. Capacity-building and the roster of biosafety experts</p> <p>NP/COP-MOP 2 9. Measures to assist in capacity-building and capacity development (Article 22).</p> <p>CP/COP-MOP 8 7. Operation and activities of the Biosafety Clearing-House</p> <p>NP/COP-MOP 2 4. The ABS Clearing-House and information-sharing (Article 14)</p>	<p>COP 13 15. Marine and coastal biodiversity: ecologically or biologically significant marine areas; specific work plan on biodiversity and acidification in cold-water areas; addressing impacts of marine debris and anthropogenic underwater noise on marine and coastal biodiversity; and marine spatial planning and training initiatives.</p>

	WORKING GROUP I	WORKING GROUP II
Wednesday, 7 December 10 a.m. – 1 p.m.	<p>COP 13 12. Other means of implementation: enhancement of capacity-building, technical and scientific cooperation and other initiatives to assist implementation (<i>the communication aspect</i>).</p> <p>CP/COP-MOP 8 17. Public awareness, education and participation (Article 23).</p> <p>NP/COP-MOP 2 10. Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 21).</p>	<p>COP 13 16. Invasive alien species: addressing risks associated with trade; experiences in the use of biological control agents; and decision support tools.</p>
Wednesday, 7 December 3 p.m. – 6 p.m.	<p>COP 13 13. Cooperation with other conventions and international organizations.</p> <p>CP/COP-MOP 8 9. Cooperation with other organizations, conventions and initiatives.</p> <p>NP/COP-MOP 2 7. Cooperation with other international organizations, conventions and initiatives.</p>	<p>COP 13 17. Other scientific and technical issues, including synthetic biology, implications of the assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on pollinators, and sustainable wildlife management.</p>
Thursday, 8 December 10 a.m. – 1 p.m.	<p>COP 13 17. Improving the efficiency of structures and processes under the Convention, including integration among the Convention and its Protocols.</p> <p>CP/COP-MOP 8 5. Report of the Subsidiary Body on Implementation (<i>criteria for reviewing experience in the organization of concurrent meetings, in particular</i>).</p> <p>COP 13 6. Date and venue of future meetings of the Conference of the Parties.</p>	<p>CP/COP-MOP 8 15. Socio-economic considerations (Article 26). 16. Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.</p>
Thursday, 8 December 3 p.m. – 6 p.m.	<p>NP/COP-MOP 2 11. The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10).</p> <p>COP 13</p>	<p>CP/COP-MOP 8 11. Risk assessment and risk management (Articles 15 and 16). 12. Unintentional transboundary movements and</p>

	WORKING GROUP I	WORKING GROUP II
	19. Guidelines for the sixth national reports, modalities for future editions of the Global Biodiversity Outlook and indicators.	emergency measures (Article 17). 13. Transit and contained use of living modified organisms (Article 6).
<i>Friday, 9 December 10 a.m. – 1 p.m.</i>	COP 13 CP/COP-MOP 8 NP/COP-MOP 2 (Matters outstanding)	COP 13 (Matters outstanding)
<i>Friday, 9 December 3 p.m. – 6 p.m.</i>	PLENARY Review of progress. Approval of draft decisions. (Matters outstanding)	(Matters outstanding)
<i>Monday, 12 December 10 a.m. – 1 p.m.</i>		
<i>Monday, 12 December 3 p.m. – 6 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Tuesday, 13 December 10 a.m. – 1 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Tuesday, 13 December 3 p.m. – 6 p.m.</i>	PLENARY Review of progress of the working groups and the budget contact group.	(Matters outstanding)
<i>Tuesday, 13 December 3 p.m. – 6 p.m. (continued)</i>		
<i>Wednesday, 14 December 10 a.m. – 1 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Wednesday, 14 December 3 p.m. – 6 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Thursday, 15 December 10 a.m. – 1 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Thursday,</i>	(Matters outstanding)	(Matters outstanding)

	WORKING GROUP I	WORKING GROUP II
<i>15 December</i> 3 p.m. – 6 p.m.		
<i>Friday,</i> <i>16 December</i> <i>10 a.m. – 1 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Friday,</i> <i>16 December</i> <i>3 p.m. – 6 p.m.</i>	(Matters outstanding)	(Matters outstanding)
<i>Saturday,</i> <i>17 December</i> <i>10 a.m. – 1 p.m.</i>	<p>PLENARY (Eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol) Adoption of decisions on the basis of draft decisions approved by the Working Groups. 18. Other matters. 19. Adoption of the report.</p> <p>PLENARY (Second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol) Adoption of decisions on the basis of draft decisions approved by the Working Groups. 13. Other matters. 14. Adoption of the report.</p>	
<i>Saturday,</i> <i>17 December</i> <i>3 p.m. – 6 p.m.</i>	<p>PLENARY (Thirteenth meeting of the Conference of the Parties) Adoption of decisions on the basis of draft decisions approved by the Working Groups. 19. Other matters. 20. Adoption of the report.</p> <p>JOINT PLENARY Closure of the meetings.</p> <p>COP 13 Agenda item 22.</p> <p>CP/COP-MOP 8 Agenda item 20.</p> <p>NP/COP-MOP 2 Agenda item 15.</p>	