



**CONVENTION ON
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**SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL
AND TECHNOLOGICAL ADVICE**

First meeting

Paris, 4-8 September 1995

Item 3 of the provisional agenda

MODUS OPERANDI
**OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL
AND TECHNOLOGICAL ADVICE**

Note by the Secretariat

I. INTRODUCTION

1. Article 25 of the Convention on Biological Diversity establishes the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of the Convention. Paragraph 2 of Article 25 of the Convention provides that "under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:

- (a) Provide scientific and technical assessments of the status of biological diversity;
- (b) Provide scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;
- (c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;
- (d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity;

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(e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body."

2. At its first meeting held in Nassau, The Bahamas, from 28 November to 9 December 1994, the Conference of the Parties decided that the SBSTTA shall consider at its first ordinary meeting its *modus operandi*, taking fully into account all views expressed on this matter at the first meeting of the Conference of the Parties and submitted to the Secretariat in writing by the end of February 1995, as well as the need to draw on relevant institutional structures.

3. Accordingly, the COP included "Matters related to the *modus operandi*" as agenda item 3 in the provisional draft agenda of the first meeting of the SBSTTA contained in the annex to decision I/7 of the first meeting of the Conference of the Parties.

4. The purpose of this note is to assist the first meeting of the SBSTTA in considering its *modus operandi* taking into account the views of the first meeting of the Conference of the Parties and the views submitted in writing to the Secretariat and the experience of other relevant institutions. The views expressed by governments during the meetings of the Intergovernmental Committee on the Convention on Biological Diversity held in Geneva, Switzerland (11 - 15 October 1993) and in Nairobi, Kenya (20 June to 1 July 1994), and of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity held in Mexico City, Mexico (11 - 15 April 1994) were also considered. Written contributions received by the Secretariat are contained in document UNEP/CBD/SBSTTA/1/Inf.1.

5. The note first describes in Section II the functions of the SBSTTA as contained in Article 25 of the Convention. It then presents in Section III some elements of the operation of the SBSTTA agreed upon in the Convention and in the decisions of the first meeting of the Conference of the Parties, before elaborating on these elements and specifying new ones for consideration by the meeting.

II. FUNCTIONS AND POSSIBLE TASKS OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

2.1 Scientific and technical assessments of the status of biological diversity

6. Article 25, paragraph 2 (a), of the Convention requires the SBSTTA to provide the scientific and technical assessments of the status of biological diversity required by the Convention. In order to provide such assessments, the SBSTTA would:

- (a) review national and international scientific and technical literature;
- (b) compile and synthesize such information in relation to the status of conservation and sustainable use of biological diversity; and
- (c) formulate requests for specific information from appropriate entities.

7. Of particular importance for carrying out the scientific and technical assessments of the status of biological diversity is the consideration of information from any type of national reports including the reports to be submitted by Parties in accordance with Article 26 of the Convention and country studies

reports. The UNEP/GEF Global Biodiversity Assessment¹ project is a useful reference. It is one of the most recent assessments of the status of biological diversity at the global level.

8. Of particular relevance to national reporting, the Conference of the Parties will consider at its second meeting the form and intervals of reporting. The Conference may also wish to decide on a mechanism for considering national reports. One option available is to establish an organ within the SBSTTA specifically for this purpose.

9. The SBSTTA would not itself be able to undertake the compilation of primary data for the purpose of carrying out its functions. Its work would be concerned mainly with the review of materials and assessment of data and analyses from competent national, regional and international organizations and institutions. Without adequate financial and technical backing, the support of the Secretariat will also not be sufficient for the task. The demands of the SBSTTA work programme and the means by which those demands are met must be linked to the budget adopted by the Conference of the Parties. Compilations, surveys, reviews, assessments and the like, as well as meetings of Panels or other newly established bodies, have financial implications which must be reflected in the budget of the Conference of the Parties if they are to be effectively undertaken. Recognizing its implications for adequate financial and human capacity, the promotion and development of an extensive collaborative network involving relevant national, regional and international organizations and institutions is critical to the task of carrying out scientific and technical assessments of the status of biological diversity.

2.2 Scientific and technical assessments of the effects of types of measures undertaken

10. Under Article 25, paragraph 2 (b), of the Convention the SBSTTA is to prepare scientific and technical assessments of the types of measures taken in accordance with the provisions of the Convention. Accordingly, the SBSTTA would need to undertake the following:

(a) a compilation of measures in national reports in relation to specific types of measures given in the Convention, in particular under Articles 8, 9 and 10. Article 26 of the Convention calls for each Contracting Party "to present to the Conference of the Parties reports on measures which it has taken for the implementation of the provisions of the Convention and their effectiveness in meeting the objectives of this Convention". The SBSTTA may also wish to do a broad comparative analysis of the effectiveness of types of measures taken based on the analysis contained in the national reports;

(b) a comparative analysis of the effects of measures taken under the framework of other related international conventions and legal instruments.

11. To carry out an analysis of effects of types of measures, the SBSTTA needs to determine the means by which such an assessment can be undertaken. The use of indicator species is an example of these means. A decision on how to best carry out an analysis of measures taken may be facilitated if

¹ The objective of the Global Biodiversity Assessment is to provide an independent, critical, peer-reviewed, scientific analysis of the current issues, theories and views regarding the main global aspects of biological diversity. These aspects include characterization, origins, dynamics, magnitude, distribution, monitoring, and multiple values of biological diversity; biological diversity and ecosystem functioning; human influences on biological diversity; conservation and sustainable use of biological diversity; biotechnology; data information management; and communication. The assessment will examine the current state of knowledge, identify gaps in knowledge, identify critical scientific issues, and draw attention to those issues where scientists have reached a consensus of view and those where uncertainty has led to conflicting view points and need for further research.

preliminary work is commissioned to an *ad hoc* panel.

12. The expected decision of the second session of the Conference of the Parties on a mechanism for considering national reports submitted by Parties may assist the SBSTTA in the discharge of this function under paragraph 2 (b) of Article 25 of the Convention.

2.3 Identification, promotion and advice on transfer of technologies

13. Article 25, paragraph 2 (c), of the Convention requires the SBSTTA to identify innovative, efficient, and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies.

14. In discharging its mandate on this specific function, the SBSTTA may also wish to draw on the work of the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity (see document UNEP/CBD/COP/1/16), in particular on annexes II to IX that present indicative lists of technologies relevant to conservation and sustainable use of biological diversity. These technologies are diverse and countries have different capacities to have access to, develop and transfer them. Annex VI proposes ways to integrate, in modern management practices, knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles. The SBSTTA may also wish to survey the types of agreements and mechanisms for strengthening interaction among institutions for technology transfer, and make use of the clearing-house mechanism being established to promote and facilitate technical and scientific cooperation (Article 18, paragraph 3, of the Convention).

2.4 Advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity

15. Under Article 25, paragraph 2 (d), of the Convention, the SBSTTA is to provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity. Discharge of this function will require the SBSTTA to draw upon a comprehensive survey of scientific programmes and international cooperation in research development.

16. On the basis of such a comprehensive survey, the SBSTTA may wish to identify existing gaps and recommend areas of priority for international cooperation in research and development related to conservation and sustainable use of biological diversity. The Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity noted that a comprehensive survey will require substantial time to complete and therefore suggested that in the short term, information on illustrative models, case studies and examples of successful international cooperation should be gathered (see document UNEP/CBD/COP/1/16, paragraph 34).

17. The SBSTTA's advice may also take into consideration the elements of an agenda for scientific and technological research relevant to conservation and sustainable use of biological diversity put forward by the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity (see document UNEP/CBD/COP/1/16, Annex X).

2.5 Responding to scientific, technical and methodological questions

18. Under Article 25, paragraph 2 (e), of the Convention, the SBSTTA is to respond to scientific,

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technical, technological and methodological questions that the Conference of the Parties may put to it. The discharge of this function should be seen in conjunction with the programme of work of the Conference of the Parties and its subsidiary bodies, and major developments in the field of biological diversity and sustainable use. This function also includes tasks that may be difficult to classify under one of the above functions as well as tasks that encompass more than one of the above functions. Some of the tasks may be narrow while others may be complex and warrant establishment of mechanisms such as panels that may facilitate the preparation of the advice

III. OPERATIONAL AND ORGANIZATIONAL MATTERS

19. Article 25 of the Convention and the relevant decisions adopted by the first meeting of the Conference of the Parties provide some elements of the operation of the SBSTTA. However, additional elements may be required to make the work of the SBSTTA as effective as possible.

3.1 Agreed elements of the *modus operandi* of the SBSTTA

20. Elements of the *modus operandi* of the SBSTTA agreed upon in the Convention and the decisions of the first meeting of the Conference of the Parties relate to the terms of reference, the nature of the SBSTTA, the rules of procedure, and the frequency and timing of meetings.

3.1.1 Terms of reference

21. The terms of reference of the SBSTTA are contained in paragraph 2 of Article 25 of the Convention and reflected in the structure of the draft agenda of its first meeting adopted by the first meeting of the Conference of the Parties. Its medium-term programme of work will be driven by the programme of work of the Conference of the Parties. However, the SBSTTA may also wish to identify significant and emerging scientific, technical and technological issues and alert the Conference of the Parties of additional action needed for the implementation of the provisions of the Convention.

22. The SBSTTA established under Article 25 of the Convention will provide scientific, technical and technological advice. This advice will not be limited to the issues pertaining to the conservation of biological diversity but will rather cover all matters arising from the three-fold objectives of the Convention: the conservation of biological diversity, the sustainable use of its components, as well as the equitable sharing of benefits. The Intergovernmental Committee on the Convention on Biological Diversity (ICCBD) recommended at its second session (UNEP/CBD/COP/1/4, paragraph 291) that scientific and technical advice should include advice on policy issues related to scientific and technical programmes and international cooperation in research and development, but not other policy issues. The ICCBD felt that the SBSTTA should work towards reaching scientific consensus and formulating options on issues on which political debate could be based.

3.1.2 Multidisciplinary nature

23. In accordance with the provisions of Article 25, paragraph 1, the SBSTTA is "open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise". The Parties will have the responsibility of ensuring the multidisciplinary character of the SBSTTA through appropriate selection of representatives suited to the agenda items for the SBSTTA meeting and to the SBSTTA's programme of work. The Parties may also wish to consult the disciplines identified by the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity as being necessary for the implementation of the Convention's

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provisions (see document UNEP/CBD/COP/1/16, Annexes II to IX). These disciplines are related to:

- (a) Identification, characterization and monitoring of ecosystems, species and genetic resources;
- (b) *In-situ* and *ex-situ* conservation of components of biological diversity and their sustainable use;
- (c) Technologies for the conservation of biological diversity and the sustainable use of its components;
- (d) Ways and means of promoting development and/or transferring innovative, efficient and state-of-the-art technologies relevant to the conservation of biological diversity and sustainable use of its components;
- (e) Ways to integrate, in modern management practices, knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles;
- (f) Scientific and technical programmes for training in the conservation of biological diversity and sustainable use of its components (at local, regional and national levels);
- (g) Collection, management and transfer of data.

3.1.3 Rules of procedure

24. Article 23, paragraph 3, of the Convention provides that the Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish. At its first meeting, the Conference of the Parties adopted its rules of procedure as contained in the annex of its decision I/1. Rule 26, paragraph 5, of the rules of procedure of the Conference of the Parties provides that unless otherwise decided by the Conference of the Parties, the rules of procedure of the Conference of the Parties shall apply *mutatis mutandis* to the proceedings of subsidiary bodies established under the Convention. Should the SBSTTA consider it beneficial to change some of those rules, it may suggest any appropriate changes to the Conference of the Parties at its second meeting.

25. In compliance with the relevant provisions of the rules of procedure of the Conference of the Parties, participation in the regular meetings of the SBSTTA is also open to observers and to relevant non-governmental organizations.

3.1.4 Frequency and timing of the meetings

26. Paragraph 1 of Rule 4 of the rules of procedure of the Conference of the Parties regarding the frequency of its meetings applies *mutatis mutandis* to the meetings of the SBSTTA. Furthermore, the Conference of the Parties at its first meeting decided that the SBSTTA shall:

- (a) Meet sufficiently in advance of each meeting of the Conference of the Parties to enable its report to be considered by Parties in their preparation for the meeting of the Conference of the Parties. Pursuant to the decisions of the first Conference of the Parties regarding the convening of its organs, a time-frame of at least two months is required between any meeting of the SBSTTA and the convening of an ordinary meeting of the Conference of the Parties (see paragraph 1 (c) of its decision I/7).

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(b) Have a one-week meeting in 1995 to prepare for the second meeting of the Conference of the Parties (see paragraph 4 of its decision I/7).

27. The duration as well as the frequency of the meetings of the SBSTTA will be reviewed at a later stage in the light of the decision of the Conference of the Parties on the implementation of Rule 4, paragraph 1, of the rules of procedure of the Conference of the Parties regarding the periodicity of its meetings. In addition, the frequency and the duration of subsequent meetings of the SBSTTA need to be agreed upon, taking into account the financial implications.

3.2 Additional elements of the *modus operandi* of the SBSTTA

28. The SBSTTA may wish to develop further the agreed elements of its *modus operandi* discussed above or to elaborate additional elements with a view to ensuring effective discharge of its function and to promoting sound and objective scientific, technical and technological inputs to the Conference of the Parties. These elements may relate to the structure of the SBSTTA, the organization of its work, the duration of its meeting, the rules of procedure, and the participation of non-governmental organizations. National focal points, and the need for and use of a roster of experts may be additional elements for consideration. The SBSTTA may also wish to consider any other recommendations to make to the COP with regard to the need for elaborating further its terms of reference, organization and operation in accordance with Article 25, paragraph 3.

3.2.1 Structure of the SBSTTA

28. The views expressed in the first meeting of the Conference of the Parties and the written submissions received by the Secretariat on the *modus operandi* of the SBSTTA indicate that the Convention on Biological Diversity has so far lacked a body like the Intergovernmental Panel on Climate Change (IPCC) to provide the best available scientific, technical and technological inputs and to work, if required, towards a scientific consensus on issues on which political debate could be based. The IPCC is an open ended intergovernmental body which meets on a regular basis to consider reports or assessments arising from the work of panels of experts. Some written submissions suggested that the structure of the IPCC could serve as a model for the operation of the SBSTTA. Other suggestions, however, stressed the need to avoid a proliferation of bodies in the context of the Convention on Biological Diversity.

30. Establishment of a limited number of panels of experts to consider specific issues relating to the work of the SBSTTA may be envisaged. The SBSTTA may therefore first wish to identify the specific issues under the Convention and in its medium-term programme of work (document UNEP/CBD/SBSTTA/1/3) for which establishment of panels of experts may be required. It may then wish to make recommendations on the most appropriate number of panels to be established in a given year; their composition taking into account the principle of equitable geographical representation of experts; and the procedure for designating their members. The panels may be established on an *ad hoc* or permanent basis depending on the nature of the issues to be considered.

31. Taking into account the time required for the establishment of such panels of experts as well as the need to ensure adequate preparation of the documentation required, the SBSTTA may wish to advise at its first meeting on panel(s) of experts to be established not only in 1996 but also for 1997. Any panel established with the intention that its results would form part of the background documentation of a meeting of the SBSTTA would need to schedule its meetings sufficiently in advance of that meeting of the SBSTTA.

32. At a meeting of the nominees to the Bureau of the first meeting of the SBSTTA, held in Geneva on 6-7 June 1995, the following two issues were identified as examples of items for which *ad hoc* panels composed of 15 to 20 experts could be established to assist the SBSTTA in the implementation of its programme of work for 1996:

(a) Consideration of methods for the identification of parameters including indicators of biological diversity that would assist Parties in their assessment of the effectiveness of measures taken under the Convention;

(b) Consideration of access to, development and transfer of sound technologies. This item will be treated every year in the medium-term programme of work of the Conference of the Parties.

33. It was also suggested that panels of experts could be established to address the following topics:

(a) Marine and coastal biological diversity;

(b) Forest biological diversity;

(c) Agrobiodiversity; and

(d) Access to genetic resources and sharing of benefits resulting from their utilization.

34. The first meeting of the SBSTTA may provide additional guidance for the establishment of panels of experts. In establishing the panels, the SBSTTA should endeavour to make the maximum use of all the work and expertise of existing bodies and to avoid duplication of efforts.

35. To avoid the proliferation of panels of experts, the SBSTTA may also wish to consider as an alternative the establishment of an advisory panel of experts of 10 to 15 members, chosen on the basis of their recognized expertise while ensuring equitable geographical representation. This panel could either serve as the primary means of getting and providing advice, or could perform preliminary assessments of the need for further panels. The members of the advisory panel of experts on biological diversity would be designated by the Executive Secretary in close consultation with the President of the Conference of the Parties and the Chairperson of the SBSTTA for a mandate of three to five years which would preferably coincide with the exact duration of the medium-term programme of work of the SBSTTA. The mandate of such an advisory panel would be to assist the SBSTTA on all scientific, technical and technological issues of a long term nature.

36. The establishment of regional subgroups of the SBSTTA may also be considered.

3.2.2 Organization of work during the meetings

37. Taking into account the amount and complexity of items on its agenda, the SBSTTA may wish to consider at its first meeting the organization of its work during the meetings. The establishment of open-ended informal contact groups and/or formal working group(s) or committee(s) could be considered. The establishment of open-ended informal contact groups would allow the SBSTTA to adjust, in a flexible manner, the organization of its work to the needs and requirements of each of its meetings. The establishment of permanent working group(s) or committee(s) would require an agreement on their exact terms of reference. Recommendations on the need for these groups will become clearer as the SBSTTA gains experience in its work.

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38. If it is decided to establish *ad hoc* panels of experts on specific issues, the SBSTTA may also need to establish during its meetings *ad hoc* open-ended working groups on the same specific issues to consider the reports of the panels before they are submitted to the plenary.

3.2.3 Duration of the meetings

39. The SBSTTA may wish to consider the duration of its meetings. In the light of its heavy workload, meetings of the SBSTTA of more than five working days may be envisaged during the early stage of its operation. Two-week annual meetings would be a more cost effective way to address the heavy agenda of the SBSTTA than two or more one-week meetings.

40. The SBSTTA may, if required, call for resumed sessions of its ordinary meetings. In doing so, the SBSTTA should always bear in mind the provisions of paragraph 1 (c) of decision I/7 of the first meeting of the Conference of the Parties which provides that the SBSTTA shall meet sufficiently in advance of each meeting of the Conference of the Parties to enable its report to be considered by Parties in their preparation for the meeting of the Conference of the Parties.

41. The duration as well as the frequency of the meetings of the SBSTTA will be reviewed at a later stage in the light of the decision of the Conference of the Parties relating to the implementation of Rule 4, paragraph 1, of the rules of procedure of the Conference of the Parties regarding the periodicity of its meetings.

3.2.4 Rules of procedure

42. The meeting may wish to consider whether changes in the rules of procedure should be recommended for the consideration of the second meeting of the Conference of the Parties.

43. During the preparatory process of the first meeting of the Conference of the Parties, a suggestion was made that in order to ensure continuity of the work and taking into account the technical and scientific character of the input required from the SBSTTA, the members of the SBSTTA Bureau could be elected for a duration of two years.

44. For financial and practical reasons, and in the light of past experience of similar technical organs, the SBSTTA may wish to consider conducting its proceedings in the working languages of the United Nations.

3.2.5 National focal points

45. In the light of its scientific and technical character, the work of the SBSTTA requires continuity. The SBSTTA may wish to consider whether the designated focal points to the Convention can also be designated as focal points for the SBSTTA or if other identifiable focal points should be designated.

3.2.6 Roster of experts

46. The first meeting of the SBSTTA may recommend the establishment of a roster of experts with experience and expertise in the fields of relevance to the Convention. The roster would be based on nominations received in writing from the Parties and from competent entities and would be updated by the clearing-house mechanism for technical and scientific cooperation when this mechanism is fully operational. The roster would facilitate the identification of members of the panels of experts.

3.2.7 Participation of non-governmental organizations

47. Contribution of non-governmental organizations to the implementation of the objectives of the Convention is recognized by the Convention. A number of non-governmental organizations have accumulated valuable experience in areas of activities covered by the Convention. The SBSTTA may wish to consider how to make the best use of the technical and scientific expertise available within the non-governmental community.

48. The Committee of Non-governmental Organizations of the United Nations Economic and Social Council (ECOSOC) can serve as a model. Such a committee of accredited non-governmental organizations, if established, may meet before the regular meetings of the SBSTTA to prepare the contribution and compile the views of the scientific non-governmental community on items for consideration by the SBSTTA.

3.2.8 Institutional working relations with other relevant scientific and technical bodies

49. During the first meeting of the Conference of the Parties it was agreed that the SBSTTA should complement and not duplicate the scientific and technical work undertaken by other relevant bodies. The SBSTTA may thus wish to consider how to establish institutional working relations with other relevant scientific and technical intergovernmental bodies to make the best use of their expertise. Particular attention may be paid to the scientific organs established under international environmental conventions and legal instruments directly related to the objectives of the Convention.

3.2.9 Implementation of Article 25, paragraph 3 of the Convention

50. Article 25, paragraph 3, of the Convention provides that the functions and the terms of reference of the SBSTTA may be further elaborated by the Conference of the Parties. The written submissions received by the Secretariat on the *modus operandi* indicate that there is no need, at this juncture, to elaborate further the terms of reference of the SBSTTA. However in 1997, at the end of the current medium-term programme of work, the SBSTTA may consider making recommendations on the implementation of Article 25, paragraph 3, of the Convention in the light of the experience gained and the progress achieved in the course of the implementation of its mandate.

IV. CONCLUSION

51. Whatever organizational arrangement the SBSTTA chooses to recommend to the Conference of the Parties on its *modus operandi* should be flexible enough to allow the SBSTTA to make, if required, any necessary adjustments in the light of progress achieved in the implementation of its mandate.

52. The recommended elements of the *modus operandi* of the SBSTTA will need to be translated into budgetary and financial terms. The SBSTTA may wish to entrust the Secretariat to reflect these financial implications in the suggested budget of the Convention for 1996-1997 to be submitted for consideration by the Conference of the Parties at its second meeting.