



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

Third meeting
Montreal, Canada
1 to 5 September 1997
Item 9.1 of the provisional agenda

OVERALL ASSESSMENT OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL
AND TECHNOLOGICAL ADVICE

Note by the Executive Secretary

1. INTRODUCTION

1. Item 9.1 of the provisional agenda provides for the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to undertake an assessment of the operations of the SBSTTA and to consider, in light of such an assessment, proposals for action, including ways and means to further the development of cooperative arrangements at the scientific and technical level with appropriate biological diversity-related convention and institutions. This purpose of this note is to assist the third meeting of the SBSTTA in its consideration of this agenda item.

2. Under the rubric of considering its *modus operandi*, previous meetings of the SBSTTA have addressed a number of related matters, including the preparation of pre-session documentation, rules of procedure, the nature of intersessional activities, and developing relationships with other processes.

3. The Conference of the Parties (COP), at its first meeting in 1994, decided that the SBSTTA should 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.

4. The first meeting of SBSTTA had before it a Note from the Executive Secretary (contained in document UNEP/CBD/SBSTTA/1/2), which took into account the views of the first meeting of the Conference of the Parties, 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 October 1993 and in June 1994, and during the Open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity held in April 1994, were also considered. Written submissions received by the Secretariat were contained in document UNEP/CBD/SBSTTA/1/Inf.1. On the basis of these views and of those expressed at the meeting, the SBSTTA adopted its Recommendation I/1 on the *modus operandi* of the SBSTTA.

5. In decision II/1, the second meeting of the COP endorsed this *modus operandi* of the SBSTTA. Paragraph 3 of decision II/1 also requested the SBSTTA to keep under review its *modus operandi* with a view to improving its functioning on the basis of experience gained.

6. In accordance with this request, the second meeting of SBSTTA reviewed its *modus operandi*. The SBSTTA had before it a Note prepared by the Executive Secretary (document UNEP/CBD/SBSTTA/2/16), which took into account further views of Parties on the matter. The revised *modus operandi* is contained in recommendation II/11, and is attached as an Annex to the present Note. Recommendation II/11 also invited the third meeting of the COP to adopt the proposed revised elements of the *modus operandi*. The SBSTTA also invited the COP to consider a series of broader concerns regarding its *modus operandi*, which were contained in Annex II to recommendation II/11.

7. With respect to these broader concerns, the COP decided that meetings of the SBSTTA will be held in the six official languages of the United Nations and allocated US\$500,000 to the core budget of the Trust Fund for the Convention to cover the administrative costs of servicing the SBSTTA in 1997 (decision III/3).

8. With respect to *modus operandi* of the SBSTTA, the COP took note of recommendation II/11 and decided to consider the revised *modus operandi* at its fourth meeting as part of the longer-term review of the programme of work and the operations of the Conference of the Parties and subsidiary organs (decision III/2).

2. OVERALL REVIEW OF THE OPERATIONS OF THE COP AND ITS SUBSIDIARY BODIES

9. At its first meeting of the COP adopted a medium-term programme of work for 1995-1997, which outlined the agenda for the following three meetings of the COP (in decision I/9). The COP decided in this medium-term programme of work to review the operations of the COP and its subsidiary bodies at its fourth meeting, in light of the experience gained from the operations of the Convention.

10. The third meeting of the COP decided that the fourth COP would consider this issue under the following headings (decision III/22):

- i. the operations of the Conference of the Parties and its subsidiary bodies;
- ii. the overall review of the medium-term programme of work for 1995-1997; and
- iii. a longer term programme of work.

11. The COP also invited Parties, participants and other relevant institutions to submit by 31 March 1997 their views to the Executive Secretary on the above matters.

12. In a letter to Parties of 4 February 1997, the Executive Secretary invited their submissions by 31 March 1997. The Executive Secretary also took advantage of meetings held under the Convention to conduct informal consultations, at which views were expressed by representatives of Parties, participants and other relevant institutions.

13. These submissions and views suggest that Parties are interested in considering a broad range of proposals covering the overall operations of the Convention, including the SBSTTA. It is also apparent that many Parties see this as the single most important issue for consideration by the fourth meeting of the COP.

14. Specific issues which Parties have indicated as being of special importance include: the role of regional meetings preparatory to the COP; intersessional activities; the role of the Bureaux, the role of liaison groups to assist the Secretariat; modes of cooperation with other institutions; effective utilization of outside expertise; organization of the meetings of the Convention; the role of the clearing-house mechanism; ways and means to develop and implement the substantive elements of the Convention through an ecosystem approach; and supporting national level activities.

15. The Executive Secretary is planning to seek further views, including through informal consultations at the third meeting of the SBSTTA, the workshop referred to in decision III/14, the third meeting of the Open-ended Ad Hoc Working Group on Biosafety and the regional meetings preparatory to the COP.

16. The Bureau of the COP met on 30 June 1997 and 1 July 1997 to consider preparations for the fourth meeting of the COP. The Bureau confirmed that consideration of this agenda item was among the most important at the fourth meeting of the COP and felt that the COP would want to consider the overall operations of the Convention in a broad and holistic manner. The Bureau endorsed the activities being undertaken by the Executive Secretary in preparation for the consideration by the COP of this issue.

3. CONCLUSIONS

17. In paragraph 7 of decision III/22, the COP requested the Bureau of the SBSTTA to focus the agenda of the third meeting of the SBSTTA, in line with the comments given at the third meeting of the Conference of the Parties on the work of the SBSTTA.

18. The Bureau of the SBSTTA met on June 2 1997 by telephone conference to consider the agenda of its third meeting. In light of the ongoing overall review of the operations of the COP and of its subsidiary bodies, the Bureau felt that Parties would prefer to consider this topic in the

context of the review of the overall operations of the Convention and that consequently the third meeting would wish not to reconsider the *modus operandi* of the SBSTTA in isolation. The Chairman of the SBSTTA advised the Bureau of the COP of this view at its meeting on 30 June and 1 July 1997. The Bureau of the COP agreed with this recommendation.

19. Mindful of the views expressed by the Bureau of the SBSTTA and by the Bureau of the COP, the SBSTTA may wish to offer advice on the operations of the SBSTTA in the context of the overall review of the operations of the Convention.

ANNEX

Annex 1 of Recommendation II/11*MODUS OPERANDI* OF THE SUBSIDIARY BODY ON SCIENTIFIC,
TECHNICAL AND TECHNOLOGICAL ADVICE

I. Functions

1. The functions of the SBSTTA are those contained in Article 25 of the Convention. Accordingly, the SBSTTA will fulfil its mandate under the authority of, and in accordance with, guidance laid down by the Conference of the Parties, and upon its request.

2. Pursuant to Article 25, paragraph 3, the functions, terms of reference, organization and operation of the SBSTTA may be further elaborated, for approval by the Conference of the Parties.

II. Rules of procedure

3. The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity shall apply, in accordance with rule 26, paragraph 5, mutatis mutandis to the proceedings of the SBSTTA. Therefore, rule 18 on credentials will not apply.

4. In accordance with rule 52, the official and working languages of the SBSTTA will be those of the United Nations Organization. The proceedings of the SBSTTA will be carried out in the working languages of the Conference of the Parties.

5. In order to facilitate continuity in the work of SBSTTA and taking into account the technical and scientific character of the input of SBSTTA, the terms of office of members of the Bureau of SBSTTA will be two years. At each meeting of the SBSTTA one of the two regional representatives shall be elected in order to achieve staggered terms of office. The members of the Bureau of SBSTTA will take office at the end of the meeting at which they are elected.

6. The Chairman of the SBSTTA, elected at an ordinary meeting of the Conference of the Parties, shall take office from the beginning of the next ordinary meeting of the SBSTTA and remain in office until the beginning of the following meeting of the SBSTTA.

III. Frequency and timing of the SBSTTA

7. The SBSTTA shall meet annually and sufficiently in advance of each regular meeting of the Conference of the Parties, for a duration to be determined by the Conference of the Parties which should not normally exceed five days. The number and length of the meetings and activities of the SBSTTA and its organs should be reflected in the budget adopted by the Conference of the Parties or other sources of extra-budgetary funding.

IV. Documentation

8. The documentation prepared for meetings will be distributed six weeks before the meeting in the working languages of the SBSTTA, will be concrete, focused draft technical reports and will include proposed conclusions and recommendations for consideration of the SBSTTA.

9. To facilitate the preparation of documentation, and in order to avoid duplication of efforts and ensure the use of available scientific, technical and technological competence available within international and regional organizations, including non-governmental organizations and scientific unions and societies, qualified in fields relating to conservation and sustainable use of biodiversity, the Executive Secretary may establish, in consultation with the Chairman and the other members of the Bureau of the SBSTTA, liaison groups, as appropriate. Such liaison groups will depend on the resources available.

V. Organization of work during the meetings

10. Each meeting of the SBSTTA will propose to the Conference of the Parties, in light of the programme of work for the Conference of the Parties and the SBSTTA, a particular theme as the focus of work for the following meeting of the SBSTTA.

11. Two open-ended sessional working groups of the SBSTTA could be established and operate simultaneously during meetings of the SBSTTA. They shall be established on the basis of well-defined terms of reference, and will be open to all Parties and observers. The financial implications of these arrangements should be reflected in the budget of the Convention.

VI. Ad hoc technical expert group meetings

12. A limited number of ad hoc technical expert groups on specific priority issues on the programme of work of the SBSTTA may be established, as required, for a limited duration. The establishment of such ad hoc technical expert groups would be guided by the following elements:

(a) The ad hoc technical expert groups should draw on the existing knowledge and competence available within, and liaise with, international, regional and national organizations, including non-governmental organizations and the scientific community in fields relevant to this Convention;

(b) The ad hoc technical expert groups shall be composed of no more than fifteen experts competent in the relevant field of expertise, with due regard to geographical representation and to the special conditions of least-developed countries and small island developing States;

(c) The SBSTTA will recommend the exact duration and specific terms of reference, when establishing such expert groups for the approval of the Conference of the Parties;

(d) Expert groups will be encouraged to use innovative means of communication and to minimize the need for face-to-face meetings;

(e) The ad hoc technical expert groups may also convene meetings parallel to the proceedings of the SBSTTA;

(f) All efforts will be made to provide adequate voluntary financial assistance for the participation of experts in the expert groups from developing countries and countries with economies in transition Parties; and

(g) The number of ad hoc technical expert groups active each year will be limited to a maximum of three and will depend on the amount of resources designated to the SBSTTA by the Conference of the Parties in its budget or on the availability of extra-budgetary resources.

VII. Contribution of non-governmental organizations

13. The scientific and technical contribution of non-governmental organizations to the fulfilment of the mandate of the SBSTTA will be strongly encouraged in accordance with the relevant provisions of the Convention and the rules of procedure for meetings of the Conference of the Parties.

VIII. Cooperation with other relevant bodies

14. The SBSTTA shall cooperate with other relevant international, regional and national organizations, under the guidance of the Convention of the Parties, thus building upon the vast experience and knowledge available.

15. In this context, the SBSTTA emphasizes the importance of research to further increase available knowledge and reduce uncertainties, and recommends that the Conference of the Parties consider this issue in relation to the financial resources required for the effective implementation of the Convention.

IX. Regional and subregional preparatory meetings

16. Regional and subregional meetings for the preparation of regular meetings of the SBSTTA may be organized as appropriate for specific items. The possibility of combining such meetings with other scientific regional meetings, in order to make maximum use of available resources, should be considered. The convening of such regional and subregional meetings will be subject to the availability of voluntary financial contributions.

17. The SBSTTA should, in the fulfilment of its mandate, draw upon the contributions of the existing regional and subregional intergovernmental organizations or initiatives.

X. Focal points

18. A list of focal points and focal persons to the SBSTTA shall be established and regularly updated by the Secretariat, on the basis of information provided by Parties and other relevant regional, subregional and intergovernmental organizations.

XI. Roster of experts

19. A roster of experts, in the relevant fields of the Convention, will be compiled by the Secretariat on the basis of input from all Parties and, as appropriate, from other countries and relevant bodies. The roster of experts will be regularly updated and will be made accessible through the clearing house mechanism.

20. The ad hoc technical expert groups and liaison groups referred to above as well as the Secretariat should make full use of such a roster of experts, inter alia, through scientific peer review processes.

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