



Ref.: SCBD/OES/WDY/moc/87536

13 July 2018

## NOTIFICATION

### Invitation to submit views on proposed procedure for avoiding or managing conflicts of interest in expert groups

Dear Madam/Sir,

The Subsidiary Body on Implementation considered, at its second meeting, a proposed “procedure for avoiding or managing conflicts of interest in expert groups” and requested the Executive Secretary to invite Parties, other Governments and relevant international organizations to submit their views on the proposed procedure, and to revise, as necessary, the proposed procedure, on the basis of the views, and to submit it for consideration by the Conference of the Parties at its fourteenth meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its ninth meeting, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting (recommendation 2/15 - review of effectiveness of processes under the Convention and its Protocols, paragraph 3).

I am, therefore, pleased to invite you to submit views on the “procedure for avoiding or managing conflicts of interest” as presented in the Annex to the proposed decision contained in recommendation 2/15 of the Subsidiary Body on Implementation.

In accordance with recommendation 2/15, paragraph 3, the views should be submitted to the Secretariat as soon as possible but no later than 15 August 2018. Copy of recommendation 2/15 is attached herewith for ease of reference.

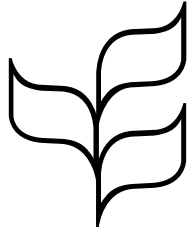
I thank you for your cooperation and continued support to the Convention and the Protocols.

Please accept, Madam/Sir, the assurances of my highest consideration.

Cristiana Paşca Palmer, PhD  
Executive Secretary

Enclosure

To: CBD National Focal Points, Cartagena Protocol Focal Points, ABS Focal Points and relevant international organizations



## Convention on Biological Diversity

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### SUBSIDIARY BODY ON IMPLEMENTATION

Second meeting  
Montreal, Canada, 9-13 July 2018  
Agenda item 15

### RECOMMENDATION ADOPTED BY THE SUBSIDIARY BODY ON IMPLEMENTATION

#### **2/15. Review of the effectiveness of processes under the Convention and its Protocols**

##### *The Subsidiary Body on Implementation*

1. *Requests* the Bureau and the Executive Secretary, when finalizing the proposed organization of work for the fourteenth meeting of the Conference of the Parties to the Convention, the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, to take into account the present recommendation and the information contained in the note by the Executive Secretary on the review of experience in holding concurrent meetings of the Conference of the Parties to the Convention and the meetings of the Parties to the Protocols<sup>1</sup> and associated information notes;<sup>2</sup>

2. *Requests* the Executive Secretary to continue with the ongoing efforts, in collaboration with host Governments or organizations, towards greening meeting venues, including by making arrangements to avoid or minimize the use of single-use plastics, and food waste while enhancing energy efficiency;

3. *Also requests* the Executive Secretary to invite Parties, other Governments and relevant international organizations to submit their views no later than 15 August 2018 on the proposed procedure for avoiding or managing conflicts of interest in expert groups as contained in the annex to the proposed decision below, and to revise, as necessary, the proposed procedure, on the basis of the views, and to submit it for consideration by the Conference of the Parties at its fourteenth meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its ninth meeting, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting;

4. *Recommends* that the Conference of the Parties to the Convention, 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, adopt, respectively, a decision along the following lines:

*The Conference of the Parties,*

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,*

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<sup>1</sup> CBD/SBI/2/16/Add.1.

<sup>2</sup> CBD/SBI/2/INF/1 and INF/2.

**A. Review of experience in holding concurrently meetings of the Conference of the Parties to the Convention, 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**

Recalling decisions [XII/27](#), [CP-7/9](#) and [NP-1/12](#), [XIII/26](#), [XIII/33](#), [CP-8/10](#) and [NP-2/12](#),

*Having reviewed* the experience in holding concurrently 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, using the criteria determined in decisions XIII/26, CP-VIII/10 and NP-2/12, respectively, and *taking into account* the views of Parties, observers and participants at 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, and through the surveys conducted after the meetings,

*Recognizing* that a further review will be undertaken at the fifteenth meeting of the Conference of the Parties to the Convention, the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,

1. *Notes with satisfaction* that the concurrent meetings have allowed for increased integration among the Convention and its Protocols, and improved consultations, coordination and synergies among the respective national focal points;

2. *Notes* that most of the criteria were considered as being met or partially met, and that further improvements in the functioning of the concurrent meetings are desirable, in particular to improve the outcomes and effectiveness of the meetings of the Parties to the Protocols;

3. *Reiterates* the importance of ensuring the full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States among them, and countries with economies in transition, in the concurrent meetings, and *highlights*, in this respect, the importance, in particular, of ensuring adequate participation of representatives in meetings of the Protocols by making funding available for such participation, including in intersessional meetings;

4. *Requests* the Bureau and the Executive Secretary, when finalizing the proposed organization of work for the fifteenth meeting of the Conference of the Parties to the Convention, the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, to take into account the present decision and the information contained in the note by the Executive Secretary;<sup>3</sup>

**B. Procedure for avoiding or managing conflicts of interest in expert groups**

*The Conference of the Parties,*

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing,*

*Recognizing* the critical importance of taking decisions on the basis of the best available expert advice,

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<sup>3</sup> CBD/SBI/2/16 and Add.1.

*Recognizing also* the need to avoid conflicts of interest by members of expert groups established from time to time to develop recommendations,

1. *Approves* the procedure for avoiding or managing conflicts of interest contained in the annex to the present decision;<sup>4</sup>

2. *Requests* the Executive Secretary to ensure the implementation of the conflict of interest management procedure with respect to the work of technical expert groups, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice or the Conference of the Parties, as appropriate.

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<sup>4</sup> The annex will be finalized in accordance with paragraph 3 of the recommendation of the Subsidiary Body on Implementation requesting the Executive Secretary to invite views.

*Annex***PROCEDURE FOR AVOIDING OR MANAGING CONFLICTS OF INTEREST****1. Purpose and scope**

- 1.1 The purpose of this procedure is to contribute to ensuring the scientific integrity of the work of expert groups, such as ad hoc technical expert groups, and to allow the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, as appropriate, to develop their conclusions and recommendations on the best available and unbiased advice received from these expert groups, and/or to provide the Conference of the Parties to the Convention and the Conference of the Parties serving as the meetings of the Parties to the Cartagena Protocol and the Nagoya Protocol with credible, evidence-based and balanced information for taking decisions.
- 1.2 This procedure apply to experts nominated by Parties, other Governments, and any body or agency, whether governmental or non-governmental, to serve as an expert member of an ad hoc technical expert group or other technical expert group. It does not apply to representatives of Parties or observers in intergovernmental meetings or in meetings of other bodies constituted with members representing Parties or observers.

**2. Requirements**

- 2.1 In order to participate in the work of an expert group, online and/or in person, each expert shall act solely in their personal capacity, regardless of any other governmental, industry, organizational or academic affiliation. Each expert is expected to comply with the highest professional standards in an objective manner, and to exhibit a high degree of professional conduct. Each expert is expected to avoid situations, financial or otherwise, that might affect the objectivity and independence of the contribution that the expert makes and thus affect the outcome of the work of the expert group.
- 2.2. Each expert nominated by a Party, a non-Party Government, or any body or agency, whether governmental or non-governmental, to serve as a member of an expert group, in addition to completing a nomination form,<sup>5</sup> will complete and sign a conflict of interest disclosure form as set out in the appendix below prior to the selection of members of the expert group concerned.
- 2.3 Unless otherwise decided, the requirement to disclose interests shall apply to every nominee and each expert group established by the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing, or by a subsidiary body.
- 2.4 When an expert already serving in an expert group is faced with a direct or indirect conflict of interest due to changed circumstances that affect the expert's independent contribution to the work of the expert group, the expert shall immediately inform the Secretariat of the situation.

**3. Disclosure form**

- 3.1 The conflict of interest disclosure form set out in the appendix below shall be used in connection with the designation and review of the status of nominees of members to an expert group.
- 3.2 The form will be made available in all six official languages of the United Nations.

**4. Implementation**

- 4.1 Nominations for membership to an expert group shall be accompanied by a conflict of interest disclosure form duly completed and signed by each nominee.

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<sup>5</sup> The nomination form is based upon the form required for the roster of experts under the Cartagena Protocol on Biosafety (decision [BS-I/4](#), annex I, appendix).

- 4.2 Upon receipt of nominations along with duly completed conflict of interest disclosure form, the Secretariat will review the information provided to determine whether an interest has been declared and, if so, whether it is significant (i.e. if the declared interest is related to the subject or work of the expert group concerned and may affect, or be reasonably perceived to affect, the expert's objective and independent judgment), or insignificant (i.e. if the declared interest is unrelated or tangentially related to the subject or work of the expert group concerned or is nominal in amount or inconsequential in importance or expired and is unlikely to affect, or be reasonably perceived to affect, the expert's objective and independent judgment). If the declaration raises potential concerns, the Secretariat may seek further information from the expert, directly, or through the Party or observer concerned.
- 4.3 The Secretariat should, in consultation with the Bureau, determine the nominees to be selected and invited to serve as members of the expert group concerned on the basis of: (a) the terms of reference of the expert group; (b) the criteria that may be set out in the notification for nominations; and (c) the review of information received through the conflict of interest disclosure form. As far as is possible, expert groups should be constituted so as to avoid conflicts of interest.
- 4.4 In situations wherein it is impossible or impractical to constitute an expert group with the full range of expertise required for it to carry out its mandate effectively without including individual experts who are otherwise qualified but may have a potential conflict of interest, the Secretariat, in consultation with the Bureau, may include such experts in the group provided that: (a) there is a balance of such potential interests in a manner that serves the objectives of the Convention and the Protocols, as appropriate; (b) the experts agree to make information concerning the potential conflict of interest publicly available; and (c) the experts agree to endeavour to contribute to the work of the group with objectivity, and to recuse themselves where this is not possible or in doubt.
- 4.5 If the situation of an expert changes during the mandate of the expert group and the Secretariat is so informed, as specified in paragraph 2.4 above, or when the Secretariat observes a conflict of interest situation from the actions of an expert, the Secretariat will, in consultation with the chairperson of the expert group, bring the case to the attention of the relevant Bureau for its guidance.

*Appendix<sup>6</sup>*

**CONFLICT OF INTEREST DISCLOSURE FORM**

Please sign and date the last page of this form and return it to the Executive Secretary of the Convention on Biological Diversity. Kindly retain a copy for your records.

**Note:** You have been nominated and provisionally identified to serve as an expert in the [name or description of the expert group] because of your professional standing and expertise. As outlined in the procedure for avoiding or managing conflicts of interest (decision.....), you are expected to avoid situations that might affect your objective judgment and independence in making a contribution to the work of the Expert Group. Disclosure of certain matters is therefore necessary to ensure that the work of the Expert Group is not compromised by conflicts of interest. We are reliant on your professionalism, common sense and honesty in filling out this form.

You are required to disclose interests that are significant and relevant and relate or have the appearance of relating to your role in the Expert Group that could:

- (a) Significantly impair your objectivity in carrying out your duties and responsibilities as a member of the Expert Group;

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<sup>6</sup> This form is adapted from the Conflict of Interest Policy and Implementation Procedures adopted by the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services in its decision IPBES -3/3 and contained in annex II to that decision.

See [https://www.ipbes.net/system/tdf/downloads/Conflict\\_of\\_interest\\_policy.pdf?file=1&type=node&id=15252&force=](https://www.ipbes.net/system/tdf/downloads/Conflict_of_interest_policy.pdf?file=1&type=node&id=15252&force=)

(b) Create an unfair advantage for you or any person or organization and which could result in you securing a direct and material gain from a specific outcome in the work of the Expert Group.

For the purposes of this requirement, circumstances that could lead a reasonable person to question your objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest and should be disclosed on this form. Disclosure of an interest on this form does not automatically mean that a conflict exists or that you will be unable to participate in the work of the Expert Group. If you are in any doubt about whether an interest should be disclosed, you are encouraged to disclose such interest.

The contents of this form will remain confidential to the Secretariat unless otherwise agreed by the expert completing the form.

**Conflict of Interest Disclosure Form**

(Confidential after completed, unless otherwise agreed by the person completing the form)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

CURRENT EMPLOYER: \_\_\_\_\_

NOMINATED BY: \_\_\_\_\_

1. Are you involved in any significant and relevant professional activities that might be considered as constituting a conflict of interest?

Yes  No (if yes, please give details below)

\_\_\_\_\_  
Please list significant and relevant professional and other non-financial interests that relate or may have the appearance of relating to your duties in the Expert Group and could be interpreted as:

(i) Significantly impairing your objectivity in carrying out your duties and responsibilities in the Expert Group;

(ii) Creating an unfair advantage for you or any person or organization. This might include, but is not limited to, membership on the boards of advocacy groups.

2. Do you have any significant and relevant financial interests in the subject matter of the work in which you will be involved that might be considered as constituting a conflict of interest?

Yes  No (if yes, please give details below)

\_\_\_\_\_  
Please list significant and relevant financial interests that relate or may have the appearance of relating to your duties for the Secretariat and could be interpreted as:

(i) Significantly impairing your objectivity in carrying out your duties and responsibilities in the Expert Group;

(ii) Creating an unfair advantage for you or any person or organization. These may include employment relationships, consulting relationships, financial investments, intellectual property interests and commercial interests and sources of private-sector research support.

3. Is there any other interest that could affect your objectivity or independence in the work in which you will be involved?

\_\_\_ Yes \_\_\_ No (if yes, please give details below, including how you propose to manage the potential conflict of interest in order to remove or minimize it)

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Further details (if you answered “yes” to any of the questions 1–3 above):

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I hereby declare to the best of my knowledge that the information disclosed herein is complete and correct. I undertake to inform the Secretariat immediately of any change in my circumstances during the course of the work assigned to me.

I understand that information about my interests will be held by the Secretariat for a period of five years after the end of the activity to which I contributed, after which the information will be destroyed. Subject to the requirement to notify the existence of a conflict of interest to the Secretariat under section 2 of the procedure for avoiding or managing conflicts of interest, I understand that this form will be considered confidential and will be reviewed in accordance with the procedure specified in section 4 of the Procedure for Avoiding or Managing Conflicts of Interest.

I hereby declare that I will comply with the Procedure for Avoiding or Managing Conflicts of Interest contained in the annex to decision [to be completed]

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Signature

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Date

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