



## Convention on Biological Diversity

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### SUBSIDIARY BODY ON IMPLEMENTATION

First meeting

Montreal, Canada, 2-6 May 2016

Agenda item 12

### RECOMMENDATION ADOPTED BY THE SUBSIDIARY BODY ON IMPLEMENTATION

#### 1/9. Modus operandi of the Subsidiary Body on Implementation and mechanisms to support review of implementation

*The Subsidiary Body on Implementation,*

*Recalling* decisions X/2 and XII/26,

*Recognizing* the need to enhance the review of implementation of the Strategic Plan for Biodiversity 2011-2020,

1. *Welcomes* the draft modus operandi for the Subsidiary Body on Implementation prepared by the Executive Secretary,<sup>1</sup> and *recommends* that the Conference of the Parties at its thirteenth meeting adopt the modus operandi on the basis of the annex to the draft decision below;

2. *Takes note* of the progress made in the development of a voluntary peer review mechanism for national biodiversity strategies and action plans,<sup>2</sup> especially the development of a draft methodology for the review, and *requests* the Executive Secretary, subject to the availability of resources, to facilitate further work on the draft methodology, paying special attention to procedures for approval of the final reports, and submit a revised draft to the Conference of the Parties at its thirteenth meeting for its consideration;

3. *Welcomes* the progress made in the development of a decision tracking tool and *takes note* of the results to date of the application of the tool on a pilot basis to review the decisions of the eighth and ninth meetings of the Conference of the Parties;<sup>3</sup>

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

*The Conference of the Parties*

1. *Adopts* the modus operandi of the Subsidiary Body on Implementation as annexed to the present decision;

<sup>1</sup> [UNEP/CBD/SBI/1/10](#).

<sup>2</sup> See [UNEP/CBD/SBI/1/10/Add.1](#).

<sup>3</sup> See [UNEP/CBD/SBI/1/10/Add.2](#).

2. *Welcomes* the progress made in the development of a voluntary peer review mechanism, especially the development of a draft methodology for the review, and *requests* the Executive Secretary, subject to the availability of resources, to facilitate the further testing, and development of the methodology, including applying it through a pilot phase and report on progress to the Subsidiary Body on Implementation at its second meeting;

3. *Invites* Parties to develop, enhance and make use of national processes to review the measures that they have taken for the implementation of the Convention and related strategic plans, including, as appropriate, participatory approaches and engagement of indigenous peoples and local communities, civil society, women and youth, to identify obstacles that may exist to such implementation, and to share this information through the clearing-house mechanism;

4. *Requests* the Executive Secretary, subject to the availability of resources, to prepare, in consultation with Parties and relevant stakeholders, information on the obstacles identified in paragraph 3 above, as well as to identify effective practices related to the implementation of national and global targets, based on national reports, including consideration of possible elements of mechanisms for review of implementation, such as the voluntary peer review mechanism for national biodiversity strategies and action plans, and taking into account the views expressed by Parties and observers at the first meeting of the Subsidiary Body on Implementation and additional views provided by Parties and observers, including indigenous peoples and local communities, to be considered by the Subsidiary Body on Implementation at its second meeting;

5. *Also requests* the Executive Secretary to further develop the decision-tracking tool, taking into account any views or comments provided by Parties and other Governments, and to continue reviewing the decisions of the Conference of the Parties taken from the first to the seventh meetings, as well as the decisions of the tenth and eleventh meetings, and to provide the Subsidiary Body on Implementation with an update at its second meeting;

6. *Emphasizes* the importance of ensuring complementarity and avoiding duplication in its requests to its subsidiary bodies, as specified in paragraph 3 of the terms of reference of the Subsidiary Body on Implementation;<sup>4</sup>

7. *Requests* the Executive Secretary to identify options to strengthen processes for integrating matters related to indigenous peoples and local communities into the work of the Subsidiary Body on Implementation;

5. *Also recommends* that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol adopt, at its eighth meeting, a decision along the following lines:

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

*Endorses* the modus operandi of the Subsidiary Body on Implementation adopted by the Conference of the Parties to the Convention, and *decides* that the modus operandi of the Subsidiary Body on Implementation should apply, mutatis mutandis, when the Subsidiary Body serves the Cartagena Protocol.

6. *Further recommends* that the Conference of the Parties serving as the meeting of the Parties to Nagoya Protocol adopt, at its second meeting, a decision along the following lines:

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

*Endorses* the modus operandi of the Subsidiary Body on Implementation adopted by the Conference of the Parties to the Convention, and *decides* that the modus operandi of the Subsidiary Body

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<sup>4</sup> [Decision XII/26](#), annex.

on Implementation should apply, *mutatis mutandis*, when the Subsidiary Body serves the Nagoya Protocol.

*Annex*

## **MODUS OPERANDI OF THE SUBSIDIARY BODY ON IMPLEMENTATION**

### **A. Functions**

The Subsidiary Body on Implementation will perform its functions under the guidance of 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 for items referred to it by them. The functions of the Subsidiary Body on Implementation are those contained in its terms of reference (decision XII/26, annex).

### **B. Areas of work**

The functions of the Subsidiary Body on Implementation, as contained in its terms of reference, reflect the four interrelated areas of work described below. The Subsidiary Body on Implementation undertakes work in these areas, *mutatis mutandis*, for matters referred to it by 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.

#### *1. Review of progress in implementation*

This will include items related to the review of progress in the implementation of the Convention and related strategic plan, including review of progress in the provision of support for implementation, and in particular progress by Parties in the setting and achievement of their national targets and actions as well as the outcomes of these actions, the progress of individual Parties, as well as the contribution of the national targets communicated by Parties towards the objectives of the Convention, taking into account scientific assessments, recommendations and advice provided by the Subsidiary Body on Scientific, Technical and Technological Advice.

#### *2. Strategic actions to enhance implementation*

This will include items related to the identification of strategic actions and the provision of guidance to enhance implementation based on the review of progress in implementation and other relevant information, including consideration of the future direction of implementation of the Convention. These may include, as appropriate: actions related to mainstreaming; the development and implementation of coherent and effective measures and supporting institutional frameworks; synergies with other biodiversity-related conventions, partnerships with other intergovernmental and non-governmental organizations; and the enhancement of the role of relevant actors, including indigenous peoples and local communities, the private sector and subnational governments in implementation.

#### *3. Strengthening means of implementation*

This will include items related to resource mobilization, the financial mechanism, and the general and strategic aspects and institutional mechanisms for technical and scientific cooperation, the clearing-house mechanism, capacity-building, technology transfer and communication, education and public awareness.

#### *4. Operations of the Convention: improving the effectiveness of processes and activities*

This will include items related to ways and means to increase efficiencies of processes, including an integrated approach to the implementation of the Convention and its Protocols, especially containing items that are common to the implementation of the Convention and its Protocols, any procedures that support the other three areas of work of the Subsidiary Body, and matters related to the administration of the Convention, including the operations of the Secretariat.

### **C. Procedural matters**

1. The work of the Subsidiary Body on Implementation will be conducted in accordance with the relevant provisions of decision XII/26, including the following:

(a) In line with paragraph 5 of rule 26 of the rules of procedure for meetings of the Conference of the Parties, the rules of procedure for meetings of the Conference of the Parties apply, *mutatis mutandis*, to the meetings of the Subsidiary Body on Implementation with the exception of rule 18, which will not apply;

(b) The Subsidiary Body on Implementation should meet in each intersessional period. The number and length of the meetings and activities of the Subsidiary Body and its organs should be reflected in the budget adopted by the Conference of the Parties or other sources of extrabudgetary funding;

(c) When the Subsidiary Body on Implementation serves a Protocol of the Convention, decisions under the Protocol shall be taken only by the Parties to the Protocol;

(d) The Subsidiary Body on Implementation should undertake any tasks that fall within the scope of its terms of reference and those that are referred to it by the Conference of the Parties or the Conference of the Parties serving as the meetings of the Parties to the respective Protocols, and should report on its work to these bodies.

2. The Bureau of the Conference of the Parties, consisting of the President and vice-presidents as per the rules of procedures (annex to decisions I/1 and V/20), will serve as the Bureau of the Subsidiary Body on Implementation. The Chairperson of the Subsidiary Body on Implementation will, however, be elected by the Conference of the Parties to ensure active participation in the preparatory process as well as facilitation of the meeting. The Chairperson will be nominated by the regional groups and elected at an ordinary meeting of the Conference of the Parties, and shall take office from the end of that meeting of the Conference of the Parties and remain in office until his/her successor takes office at the end of the next ordinary meeting of the Conference of the Parties. As a general rule, the chairing of the Subsidiary Body on Implementation shall rotate among United Nations regional groups.<sup>5</sup> Candidates for the Chair of the Subsidiary Body should have experience in the processes of the Convention and competence in matters related to the Convention. The regional groups, when identifying a candidate, should take into account the availability of time by the candidates for the work of the Subsidiary Body on Implementation. In the event that the Chair is from a country that is not a Party to one or both Protocols, a substitute would be assigned from among members of the Bureau representing a Party to the Protocol to chair items related to one or the other Protocol. The Chair of the Subsidiary Body shall be a member of the Bureau of the Conference of the Parties *ex officio*. The President of the Conference of the Parties will invite the Chair of the Subsidiary Body on Implementation to preside over the sessions of the Bureau on matters related to the Subsidiary Body.

3. Upon a decision of the Conference of the Parties and subject to the availability of resources, the Subsidiary Body on Implementation may establish an open-ended forum to further support the review of implementation of the Convention and related strategic plans with a view to facilitating the exchange of information and experience among Parties. This forum may take place in session during meetings of the Subsidiary Body on Implementation and of the Conference of the Parties.

4. Upon a decision by the Conference of the Parties considering it necessary to carry out its mandate, and subject to the availability of resources, regionally balanced *ad hoc* expert groups may be established to help prepare for the work of the Subsidiary Body on Implementation. The Executive Secretary, in consultation with the Chair of the Subsidiary Body on Implementation and the Bureau of the Conference of the Parties, will select the experts from among the nominations submitted by Parties. The *ad hoc* expert groups shall normally be composed of no more than fifteen experts nominated by Parties, with due regard to geographical representation, gender balance and to the special conditions of

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<sup>5</sup> Following the practice of the election of the Chair of the Subsidiary Body on Scientific, Technical and Technological Advice and avoiding that, at any one time, a regional group provides both the Chairs of the Subsidiary Body on Implementation and the Subsidiary Body on Scientific, Technical and Technological Advice, the order of regions from which the Chair will be elected is as follows: Africa, Western Europe and others, Asia and the Pacific, Latin America and the Caribbean, and Central and Eastern Europe.

developing countries, in particular the least developed countries, small island developing States and countries with economies in transition. Where relevant, a limited number of experts from organizations may also be selected. The number of experts from organizations shall not exceed the number of experts nominated by Parties.

5. The Subsidiary Body on Implementation may, within the budgetary resources approved by the Conference of the Parties or the Conference of the Parties serving as the meetings of the Parties to the Cartagena or Nagoya Protocols in respect to a specific decision by these bodies within the mandate of the Subsidiary Body, make requests to the Executive Secretary and utilize mechanisms under the Convention or its Protocols, as appropriate.

6. The work of the Subsidiary Body on Implementation will be conducted in plenary sessions or, where the necessary budgetary resources have been approved by the Conference of the Parties, in open-ended sessional working groups, as appropriate. Up to two open-ended sessional working groups of the Subsidiary Body on Implementation could be established and operate simultaneously during meetings of the Subsidiary Body. The working groups would not meet in parallel to the plenary. The working groups shall be established on the basis of well-defined terms of reference, and will be open to all Parties and observers.

#### **D. Focal points**

The primary national focal point for the Convention will usually serve as the national focal point for the Subsidiary Body on Implementation. Parties may also designate, as appropriate, an additional national focal point for the Subsidiary Body on Implementation.

#### **E. Documentation**

1. The Secretariat will make best endeavours to make the documentation for meetings of the Subsidiary Body on Implementation available three months before the opening of each meeting, and in any case at least six weeks before the opening of the meeting, in accordance with rule 10 of the rules of procedure for meetings of the Conference of the Parties.

2. The number and length of documents, including information documents, should be kept to a minimum and documentation should include proposed conclusions and recommendations for consideration by the Subsidiary Body on Implementation.

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