

IIFB Secretariat Note:

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Item 10

Review of effectiveness of processes under the Convention and its Protocols

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol will consider agenda item 10 jointly with the Conference of the Parties to the Convention on Biological Diversity and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, on the basis of recommendation 4/12 of the Subsidiary Body on Implementation.

I. Review of the effectiveness of the processes under the Convention and its Protocols

A Options to further improve the effectiveness of processes under the Convention and its Protocols

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

[*Recalling* decision CP-10/8 of 10 December 2022,

Recognizing the need to further improve the effectiveness of meetings under the Convention on Biological Diversity¹ and its Protocols,

1. *Takes note* of the recent experience and further suggestions for improving the effectiveness of processes under the Convention and its Protocols summarized in document CBD/SBI/4/11;

[2. *Requests* the Executive Secretary and the Bureaux to draw upon that experience when preparing the organization of work and scenario notes for future meetings and to make those notes available to all Parties in advance of the meetings;]

[3. *Requests* the Executive Secretary, together with the Bureaux, to continue to explore and make use of, as appropriate, relevant ways and means to facilitate early preparations for meetings, such as options for streamlining agendas and the peer-review of documents in advance;]

[4. *Decides* that, during the meetings of the open-ended subsidiary bodies, the number of sessions of contact groups and friends of the Chair held in parallel shall be limited to the number of delegates per developing country whose participation has been supported by the Secretariat;]

¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

[5. *Requests* the Executive Secretary to facilitate the identification of additional financial support to increase participation of all focal points of the Convention and its Protocols, especially those from developing countries, and in particular least developed countries and small island developing States, as well as countries with economies in transition;]

[6. *Decides* that, in the case of back-to-back intergovernmental meetings, a mandatory free day shall be scheduled every five days, during which no formal or informal activities shall take place, without prejudice to the support provided to delegates from developing country Parties;]

[7. *Recognizes* the need to limit evening negotiating sessions to reasonable hours to preserve the health of delegates attending intergovernmental meetings, in particular delegates of small delegations, and, unless otherwise agreed, decides that no session shall be scheduled beyond 13 hours from the start of the first open-ended meeting of the day;]

8. *Requests* the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Bureau of the Subsidiary Body on Technical and Technological Advise to identify a pool of representatives to serve as chairs of working and contact groups or facilitators of friends of the Chair groups on the basis of their skills in building trust and consensus among those with differing views and their demonstrated knowledge of the issues to be addressed by the group, well in advance of intergovernmental meetings held under the Convention;

9. *Requests* that the Executive Secretary, subject to the availability of resources, facilitate an orientation or training session for the representatives identified in paragraph 8 above ahead of the meetings in order to familiarize them with the rules of procedure and established practices, techniques and skills in the area of managing multilateral negotiations and facilitating consensus, with a view to ensuring ethical approaches and impartiality, in accordance with United Nations standards and principles, including through United Nations-based training modules;

[10. *Also requests* that the Executive Secretary [mobilize resources], [subject to the availability of resources,] [and] facilitate the attendance of the representatives from developing countries identified in paragraph 8 above to intergovernmental meetings held under the Cartagena Protocol, [without prejudice to the support provided for the participation of their delegations, where feasible];]

[11. *Decides* that the organization of meetings should include more regular and earlier use of strategic pauses to enable discussions by small groups and friends of the Chair groups to find possible solutions, in order to avoid protracted and unfruitful discussions in plenary session;]

[12. *Encourages* Parties and other Governments to engage with indigenous peoples, local communities, women, youth and other national observer organizations and to solicit views from a wide range of relevant sectors in the process of preparations at the national level for meetings of the governing and subsidiary bodies, to inform the development of their national positions, as appropriate, and taking into account national circumstances;]

[13. *Requests* the Executive Secretary, under the guidance of the Bureau:

(a) To ensure that working documents are made available for meetings of the open-ended subsidiary bodies of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol in all official languages of the United Nations in accordance with their respective rules of procedure or *modus operandi* and at least six weeks before the

opening of the respective meeting, and to ensure that the dates of issuance, included those of any updated versions, are clearly indicated on the web page for the meeting;]

[(b) To follow rule 35 of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol for the preparation of conference room papers and “L” documents;]

[(c) To develop a clear schedule for the preparations for each meeting in a timely manner;]

[(d) To provide national focal points at the end of each year with a calendar of activities and actions expected in the course of the following year, so as to rationalize intersessional activities and facilitate workflow management;]

[(e) To provide time limits for plenary discussions and clear indications for moving to a smaller setting for more focused discussions;]

[(f) To formalize rules around not presenting new text, introducing new issues and making deletions unless flagged in initial interventions or written submissions;]

[(g) To make efforts to limit the size of draft recommendations by subsidiary bodies or draft decisions by governing bodies, and to avoid duplication and redundancy with existing decisions, without prejudice to the ability of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol to revisit previous decisions, in order to facilitate the subsequent implementation of decisions;]

[(h) To limit the number of items that directly result in conference room papers to those on which there is little disagreement, noting that it is more efficient to assign items on which there are major differences of opinion to a contact group, even though this would likely mean more contact groups and, therefore, fewer sessions per contact group;]

[(i) To review the structure of the website of the Convention to make it more user-friendly;]

14. *Requests* the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice to consider the recommendations contained in annex I to the present decision when preparing meetings under the Protocol;

15. *Requests* the Executive Secretary to enable consultations with Parties, Bureau members, partners and stakeholders, with the support of qualified external experts in the field, as appropriate, to continue to develop options for further improving the effectiveness of meetings under the Cartagena Protocol, and to submit such proposals for consideration by the Subsidiary Body on Implementation at its sixth meeting, with a view to developing a draft decision for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its twelfth meeting, taking into account the compilation of submissions contained in annex II to the present decision.

Annex I²

Recommendations to the Bureau in the preparation for meetings

[1. Commissioning of any studies requested by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol to inform discussions and negotiations.

2. Making studies available for peer review.

² Given their early drafting stage, annexes I and II have not been formally edited.

3. Publication of a scenario note for the meeting in question.
4. The timing of Bureau meetings at strategic points to guide the process.
5. Streamlining of the issuance of notifications relating to the meeting.
6. No first readings at meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol when item has already been addressed by the Subsidiary Body on Implementation or by the Subsidiary Body on Scientific, Technical and Technological Advice.]

Annex II¹⁸

Compilation of submissions received during the fourth meeting of the Subsidiary Body on Implementation for further consideration

- [1. Early submission of statements, and first reading of meeting documents in virtual plenary settings, to achieve the most efficient use of time during meetings.
2. To invite each of the major stakeholder groups and observer organizations to consider sharing their views and proposals on relevant agenda items, including by early uploading, and encourages Parties to review the views and proposals of observers, in advance of the meeting concerned and, if necessary, to engage with the relevant observer to develop a better understanding of the views and proposals.
3. To organize, subject to the availability of resources, informational webinars with major groups, including interpretation into UN languages, and improved internet connection through access via government or other offices when needed, to facilitate exchange of views and to reach a common understanding about relevant agenda items, particularly for indigenous peoples and local communities.
4. To develop, in collaboration with the Bureaux, guidelines for the operation of plenary sessions, contact groups and friends of the Chair meetings to ensure consistency of approach, including:
 - (i) Terms of engagement;
 - (ii) How to deal with new text proposals at different stages of the process;
 - (iii) How to ensure operation of huddles in line with relevant the United Nations code of conduct and practice.
5. To continue to explore the availability and reliability of any methods or technology that may be used to expedite decision-making; and to report on any findings to the Subsidiary Body on Implementation, for its consideration and submission of a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, at its twelfth meeting.
6. Keep the website as well as the app, updated to improve access to the tools and guidance available and enhance knowledge management by integrating the latest developments on tools and technology that are being implemented or explored.
7. First readings only online ahead of the meeting, so that meetings are started with a draft conference room paper or non-paper for contact group.
8. Online system for quick text suggestions instead of reading out text.
9. Use of online text collaboration (i.e. google docs or other alternatives) to work collectively in plenary on resolving text problems and solutions. May require some initial training for delegates.

10. Experiment with not having draft proposed decisions from the Secretariat, but allowing Parties to generate decision text.
11. Consider how to improve the management of the agenda, including through combining agenda items where there are crossovers.
12. Use of screens for text-based negotiations.
13. Use of apps or other mechanisms to informally poll Parties on possible options to resolve issues. May require some initial training for delegates.
14. Consider other new ICT techniques.]³]]

[B Procedures for convening virtual and hybrid meetings

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

Recalling decision CP-10/8 of 10 December 2022,

Reaffirming that all meetings of the Conference of the Parties to the Convention on Biological Diversity,⁴ the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety⁵ and 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 to the Convention on Biological Diversity,⁶ as well as the meetings of the intergovernmental subsidiary bodies of the Cartagena Protocol, must follow their respective rules of procedure,

1. *Affirms* that the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, as well as the meetings of its intergovernmental subsidiary bodies, shall be held in person, unless extraordinary circumstances, as indicated in paragraph 2 below, render the holding of in-person meetings impossible for an extended period of time;

2. *Reaffirms* that, in the event of extraordinary circumstances that render the holding of in-person meetings impossible, sessions of the meetings referred to in paragraph 1 above shall be held virtually through modalities that allow for online interactive participation, following consultations among Parties and a decision of the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, as long as no substantive decisions are taken online, with the exception of decisions on budgetary and procedural matters to allow the Secretariat to function;

3. *Notes* that, in the event of extraordinary circumstances that render the holding of in-person meetings impossible, urgent decisions, such as those on budgetary matters, may be taken by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol through a silence procedure in line with United Nations practice and a decision of the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol, following proper consultations by the Bureau members with their respective

³ Proposal 14 made as a placeholder.

⁴ United Nations, *Treaty Series*, vol. 1760, No. 30619.

⁵ United Nations, *Treaty Series*, vol. 2226, No. 30619.

⁶ United Nations, *Treaty Series*, vol. 3008, No. 30619.

regions, and applying the procedures set out in the rules of procedure for the convening of an extraordinary meeting;

4. *Requests* the Executive Secretary to ensure that arrangements for meetings referred to in paragraph 1 above always include a provision for streaming the proceedings online to allow all duly registered delegates to follow the proceedings in real time;

5. *Notes* that expert groups, advisory groups and other groups with limited membership may meet in person, virtually or in a hybrid format, in line with their respective mandates and, as applicable, their respective rules of procedure[, noting that at least one of their meetings should be in person];

6. *Also notes* that, during the intersessional period, the Bureaux can meet virtually to provide continued guidance to the Secretariat with regard to the preparation of the meetings of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and relevant subsidiary bodies;

7. *Decides* that:

(a) The operational modalities of any meeting held virtually should be clearly set out in a scenario note prepared by the Secretariat in consultation with the relevant Bureau and made available to all Parties in advance of the meeting;

(b) When scheduling virtual sessions of meetings, the Secretariat shall take into consideration the significant health and well-being burden for Parties arising from time differences across time zones and aim to enable equitable participation of Parties across all regions, including by rotating time zones;

(c) The duration of virtual sessions should be limited to two consecutive hours per day;

(d) The Secretariat should implement measures to facilitate effective online participation by all participants in virtual and hybrid sessions of meetings, and in particular to support Parties in overcoming network and connectivity difficulties, including by providing opportunities for prior training and testing convenient for all time zones, facilitating the use of meeting facilities at the relevant United Nations country office, where possible and by prior arrangement following a request from the Party concerned, and providing all reasonable measures to assist Parties that encounter difficulties with connectivity and the use of the interactive platform.]

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

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

Recalling decision CP-9/10 of 28 November 2018,

Having reviewed the report of the Secretariat of the Convention on Biological Diversity⁷ on the implementation of the procedure for avoiding or managing conflicts of interest in expert groups,⁸

⁷ United Nations, *Treaty Series*, vol. 1760, No. 30619.

⁸ CBD/SBI/4/11/Add.1.

Taking into account the effective use of the procedure for avoiding or managing conflicts of interest⁹ in the selection of experts to serve in technical expert groups convened in processes under the Convention and its Protocols,

1. *Approves* the following amendments to the interest disclosure form contained in the appendix to the procedure:

(a) In the declaration sentence, at the end of the form, the following text is inserted: “If selected as a member of the expert group, I undertake to carry out my duties and responsibilities with all objectivity and, in the event that a potential conflict of interest is established, I undertake to recuse myself from relevant discussions or decision-making, as appropriate”;

(b) A “Name or description of the expert group” field is added at the beginning of the interest disclosure form, above the “Name” field, and a “Job title” field is added after the “Current employer” field;

2. *Requests* the Executive Secretary to integrate the amendments referred to in paragraph 1 above into the interest disclosure form contained in the appendix to the annex to decision 14/33 and replace the original form contained in that decision with the amended version;

3. *Also requests* the Executive Secretary to take measures, as appropriate, to enhance the application of the procedure, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice or the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, including by:

[(a) Reviewing, for accuracy, the information provided in the interest disclosure forms submitted by nominated experts;]

(b) Without prejudice to item (b) of paragraph 4.4 of the procedure, disclosing to other members of the expert group and at the beginning of any meeting of an expert group significant interests that have been declared by a particular member[or revealed by other reliable sources];

(c) Publishing a summary of all declarations made and actions taken to manage any actual or potential conflicts of interest in the report on a meeting and any other outcome of work or product of an expert group;

[4. *Decides* to review periodically the procedure and requests the Executive Secretary to prepare a report on the implementation of the procedure and, if necessary, to propose updates and amendments to the procedure for consideration by the Subsidiary Body on Implementation at a meeting held before the fourteenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;]

[5. *Requests* the Subsidiary Body on Implementation to consider the report and any proposed amendments referred to in paragraph 4 above and to submit a recommendation for consideration by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its fourteenth meeting.]

⁹ Decision 14/33, annex.