



CONVENTION ON BIOLOGICAL DIVERSITY

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BUREAU OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

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Item 5 of the provisional agenda*

FINALIZATION OF THE DRAFT PROCEDURES FOR THE PARTICIPATION OF PARTIES IN THE CONVENTION PROCESS

Draft procedures for the allocation of funding for facilitating participation of Parties in the Convention process and its Biosafety Protocol

Note by the Executive Secretary

BACKGROUND

1. The international treaty processes and other international negotiating forums have found it necessary to provide funding to countries in need of assistance in order to facilitate their participation. The overall objective has been to ensure inclusiveness and adequate geographical representation in the decision-making processes, thus providing credibility to the decisions taken. Without such funding the least developed countries will not be able to attend these meetings and many other countries with resource constraints will find it difficult to participate.
2. Accordingly, at its third meeting, the Conference of the Parties to the Convention on Biological Diversity, established a special voluntary trust fund to facilitate the participation of participants from specific categories of countries in the Convention process (“the BZ Trust Fund”). However, as the number of meetings has increased over the years, there have been instances where voluntary financial contributions by donors have not been sufficient to fund the participation of all eligible participants. The situation has been made that much more difficult because of the absence of an established list of “developing countries” and an agreed definition of the term.
3. At its eighth meeting, the Conference of the Parties, in paragraph 21 of its decision VIII/31 (reproduced in the annex to the present note), requested the Executive Secretary, with the guidance of the Bureau, to develop as an interim arrangement for the 2007-2008 biennium, pending endorsement by the Conference of the Parties at its ninth meeting, procedures for the allocation of funding from the BZ Trust Fund to developing country Parties, in particular the least developed countries and small island developing States, as well as Parties with economies in transition, to secure adequate representation from

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each region. The decision also established timeframes for confirmation by the Secretariat of funding to eligible Parties and for the receipt of confirmation of funding pledges from donors.

4. The present note has been developed in response to the request referred to in paragraph 3 above, with a view to outlining clear procedures for the funding and travel of eligible participants to meetings organized under the Convention process.

I. ELIGIBILITY FOR FUNDING

5. As noted in paragraph 2 above, at its third meeting, the Conference of the Parties, in paragraph 5 (a) of decision III/24, approved, inter alia, the establishment of the Special Voluntary Trust Fund for Facilitating Participation of Parties in the Convention Process (the “BZ Trust Fund”). In approving the establishment of the Trust Fund, the Conference of the Parties specified that funding would be provided to “developing countries, in particular the least developed among them, and small island developing States”. The Conference of the Parties also specified that the Financial Rules for the Administration of the General Trust Fund for the Convention and other arrangements for that fund shall apply, *mutatis mutandis*, with the exception that the Executive Secretary (as opposed to the Trustee acting on the advice of the Executive Secretary) was authorized to make transfers from one budget line to another.

6. The Conference of the Parties also decided that all Parties and States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources should be invited to contribute to the special trust fund.

7. At its fourth meeting, the Conference of the Parties adjusted the eligibility criterion for funding from the BZ Trust Fund to include Parties with economies in transition. In this regard, decision IV/17 specifies that the BZ Trust Fund is for facilitating the participation of “developing country Parties, in particular the least developed and small island developing States, and other Parties with economies in transition” in the Convention process.

8. For the sake of clarity, this phraseology was slightly modified in subsequent decisions to read “developing country Parties, in particular the least developed and small island developing States *amongst them*, and other Parties with economies in transition” (emphasis added) (see decisions V/22, paragraph 17; and VII/34, paragraph 23).

9. Similarly, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety in paragraph 2 (c) of its decision BS-I/10 established the Special Voluntary Trust Fund for Facilitating Participation of Developing Country Parties, in particular the Least Developed and the Small Island Developing States amongst them, and Parties with Economies in Transition (the “BI Trust Fund”), which is intended to serve the same purpose for meetings under the Protocol as the BZ Trust Fund does for meetings under the Convention.

II. ELIGIBILITY AND PRIORITIZATION IN OTHER PROCESSES

10. A number of United Nations organizations and conventions have established financial mechanisms (trust funds) to fund the participation of developing countries and countries with economies in transition in their processes. Such organizations and conventions include the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD), the Convention on Migratory Species (CMS), the Ramsar Convention on Wetlands, the Stockholm Convention on Persistent Organic Pollutants (POPs Convention), the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol, the Codex Alimentarius Commission, the United Nations Conference on Trade and Development (UNCTAD), and the United Nations Division of Ocean Affairs and the Law of the Sea.

11. Since the establishment of the category of least developed countries, the United Nations General Assembly has provided financial support to the representatives of these countries to attend its meetings. However, only three processes have developed clear guidelines and procedures on the allocation of funds to eligible countries. These are the United Nations Framework Convention on Climate Change, the Convention on Migratory Species, and the Ramsar Convention.

12. The Ramsar Convention has established the most elaborate procedure for the allocation of funding for participation to eligible countries. At its twenty-sixth meeting, in 2001, the Ramsar Standing Committee decided that the allocation of funds by the Ramsar Convention Secretariat (at the time known as the "Ramsar Bureau") for sponsored participants shall be as follows (see decision SC26-40):

(a) Funds should be directed first to one delegate from each Ramsar Contracting Party in the United Nations list of least developed countries (LDCs);

(b) Additional funds should be allocated to one delegate from Contracting Parties that are developing countries and countries with economies in transition;

(c) In case funds are still available, they should be allocated to a second delegate from least developed countries; and

(d) In case funds are still available, they should be allocated to a second delegate from developing countries and countries with economies in transition.

13. On the other hand, the Parties to the Convention on Migratory Species have established a threshold for eligibility for funding based on the United Nations scale of assessments for the apportionment of the expenses of the Organization. In its resolution 8.3, the Conference of the Parties to the Convention agreed to set the threshold of eligibility for funding participants to attend the meetings under the Convention at 0.2 per cent on the United Nations scale of assessments in the following order of priority:

(a) Countries lowest on the scale, and others with no unpaid pledges to the Convention, in ascending order up to the 0.2 per cent threshold;

(b) Countries with unpaid pledges to the Convention in ascending order on the scale, up to the 0.2 per cent threshold; and

(c) Non-Party developing countries, Range States and countries actively preparing accession that had not previously received a subsidy to attend a meeting of the Conference of the Parties.

14. Under the United Nations Framework Convention on Climate Change, funding is provided for the participation of one delegate from each eligible developing country and country with economy in transition. If funds are available, support is provided for a second delegate from small island developing States and least developed countries. Eligibility for funding is extended to all countries eligible for United Nations assistance and is therefore determined according to per capita gross domestic product (GDP). Parties are eligible for funding if their per capita gross domestic product did not exceed US\$ 6,500 in 2002 according to the UNCTAD Data Management Service. However, owing to their vulnerability to climate change, this ceiling is raised to US\$ 10,000 in the case of small island developing States or if a Party provides an officer to serve as a member of the Bureau (FCCC/SBI/2004/13).

15. The practices in these processes should provide useful guidance to Parties to the Convention on Biological Diversity and its Cartagena Protocol regarding the prioritization of funding for participation of eligible countries in light of the recurrent problem of insufficient voluntary financial contributions to the relevant trust funds to fully fund such participation.

III. PRIORITIZATION AND PROCEDURES UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY

A. Prioritization

16. As noted above, the BZ and the BI Trust Funds were established to provide funding for the participation of participants from “developing country Parties, in particular the least developed and small island developing States amongst them, and other Parties with economies in transition” in the Convention and Protocol processes. The use of the terms “in particular” and “amongst them” in the relevant decisions suggests that priority for funding is to be given to “least developed country Parties and small island developing States”. It would also seem that there is no prioritization as between other developing countries and countries with economies in transition. Given the recurrent problem of limited voluntary contributions, the Conference of the Parties may need to further set appropriate criteria regarding these two latter categories of eligible countries. A threshold for eligibility for funding based on the United Nations scale of assessments similar to the practice under the Convention on Migratory Species could assist in focusing on the sub-group of developing countries and countries with economies in transition that are in greater need of financial support.

17. In view of the foregoing and in the event that insufficient funds are received from donors to support all the requests for funding received by the Secretariat, priority should be given, in the first instance, to the least developed countries (LDCs) and small island developing States on a first-come-first-served basis. Given the wording of the relevant decisions, there is no legal basis for the prioritization of least developed countries over small island developing States. Any additional funds could then be allocated to other developing countries and countries with economies in transition on a first-come-first-served basis within the three-week time frame established by paragraph 22 of decision VIII/31, bearing in mind the need to maintain balanced regional representation in all meetings under the Convention and its Cartagena Protocol. The only exceptions to this prioritization should be in those cases where it is necessary to take into consideration gender balance or where funding is explicitly earmarked by a donor for a specific group of countries (e.g., countries with economies in transition) in which case the countries would be funded from the earmarked funds on a first-come-first-served basis.

B. Procedures

18. The following procedures shall be applied regarding funding and travel of participants from eligible country Parties.

19. The Executive Secretary shall inform Parties and States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, of the funding necessary to ensure the participation of all developing countries and countries with economies in transition well in advance of each meeting.

20. As a general rule, Parties and States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations should endeavour as far as possible to provide sufficient financial support to finance the participation of all developing countries and countries with economies in transition. In accordance with paragraph 22 of decision VIII/31, the Secretariat should receive sufficient pledges/contributions from donors for the specific meeting no later than five (5) weeks prior to the meeting. In the event that voluntary contributions to the BZ Trust Fund or BI Trust Fund are insufficient to ensure a quorum and an adequate representation from each region, and after consultation with the bureau, a meeting may be postponed.

21. Further, pursuant to paragraph 22 of the same decision, eligible Parties must make their requests for funding within three (3) weeks of the official notification of the meeting by the Secretariat. The Executive Secretary shall inform requesting Parties of the availability of funding no later than four (4)

weeks prior to the relevant meeting. The national focal point of the Party shall indicate the name of the participant to be sponsored.

22. Funding shall cover travel costs and living expenses: the most economical air ticket and per diem for the days of the meeting plus two additional days (arrival day before the meeting and one day for travel-related costs in lieu of terminal expenses). In the event that a participant has to spend an overnight stay en route to or from the meeting as a result of the itinerary supplied by the Secretariat, the participant shall be paid the appropriate per diem for the place of transit.

23. In certain circumstances, the participant may be authorized to purchase his/her ticket, which shall be reimbursed by the Secretariat on the basis of a travel claim and supporting documentation (the original ticket invoice and ticket stubs/boarding passes). In such cases, participants shall be advised of the cost limit for the ticket (being the cost the Secretariat would have paid were they purchasing the ticket), beyond which they will not be reimbursed.

24. Once the national focal point has nominated a participant to attend a meeting and has requested funding assistance, within three (3) weeks of the official notification by the Secretariat, the Secretariat shall issue a funding letter to the participant, no later than four (4) weeks prior to the meeting, advising him/her of the funding and specifying what the funding will cover. The funding letter shall also advise the participant that his/her travel will be handled by the Secretariat's travel agent, and shall provide the name and contact details of the travel agent.

25. Once the funding letter has been issued, the travel section of the Secretariat will contact the travel agency and provide the name of the participant for ticket arrangements to be made. The travel agent will contact the delegate directly to confirm that the booking—dates/route/visa requirements—is acceptable. Tickets will not be issued until the participant has accepted the itinerary in advance. Tickets will be dispatched by the travel agent, either as e-tickets or by courier, directly to the sponsored participant.

26. The travel agent will update the Secretariat travel section on the status of bookings of delegates, including the estimated ticket cost and the itineraries, and any deviations requested by delegates and consequent effects on per diem eligibility.

27. For open-ended meetings under the Convention, its protocols and organs, the Secretariat will provide the travel agent with an office/area with Internet connectivity and a printer and a telephone line for local calls at the meeting site. The travel agent will be present for the duration of the meeting and will deal directly with the meeting participants on travel-related issues.

28. In the event that a sponsored participant wishes to change his/her ticket to depart at an earlier date, the travel agent will direct him/her to the Secretariat for the necessary per diem to be recovered. The travel agent will not re-issue a ticket without written authorization from the Secretariat.

29. The travel agent will liaise with the Secretariat with regard to the registration of participants in order to identify no-shows and to begin the process of recalling tickets and arranging for refunds. The Secretariat shall prepare a list of pending refunds and liaise with the travel agency regarding their settlement. The travel agency will transmit refunds periodically by cheque with a spreadsheet detailing the status of paid and pending refunds.

Annex

EXTRACTS FROM DECISION VIII/31 OF THE CONFERENCE OF THE PARTIES

For ease of reference, paragraphs 21 and 22 of decision VIII/31 of the Conference of the Parties are reproduced below:

The Conference of the Parties

(...)

21. *Requests* the Executive Secretary with guidance from the Bureau of the Conference of the Parties, to develop as an interim arrangement for the 2007-2008 biennium pending endorsement by the Conference of the Parties at its ninth meeting, procedures for the allocation of funding from the Special Voluntary Trust Fund (BZ) for Facilitating Participation of parties in the Convention Process, to developing countries, in particular the least developed countries and small island developing States, as well as parties with economies in Transition, to secure adequate representation from each region;

22. *Decides* that all Parties eligible for funding from the Special Voluntary Trust Fund (BZ), and who requested funding within three weeks of the official notification of the meeting being disseminated by the Secretariat, shall be informed by the Executive Secretary no later than four weeks prior to the relevant meeting, whether funding is available or not, and *urges* Parties to contribute to the Special Voluntary Trust Fund (BZ) in a timely manner but no later than five weeks before the meeting, to facilitate the planning of meetings and the full participation of representatives from developing country Parties, in particular the least developed countries and small island developing states, as well as Parties with economies in transition;

(...)
