

Decision 21/COP.5

Resolution of questions on implementation, arbitration
and conciliation procedures

A. Resolution of questions of implementation

The Conference of the Parties,

Recalling article 27 of the Convention, which states that the Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the resolution of questions that may arise with regard to the implementation of the Convention,

Recalling also decisions 20/COP.3 and 20/COP.4, Part A,

Noting that paragraph 51 of ICCD/COP(4)/8 would form a basis for the further work of the Ad Hoc Group of Experts,

Noting further that the question of linkages between article 27 and articles 22.2, 26 and 28 requires further consideration,

1. *Decides*, for purposes of fulfilling article 27 of the Convention, to reconvene, during its sixth session, the open-ended Ad Hoc Group of Experts to examine further and make recommendations on procedures and institutional mechanisms for the resolution of questions on implementation;

2. *Decides further* that the Ad Hoc Group of Experts shall take as the basis of its work a new working document prepared by the secretariat in the light of ICCD/COP(4)/8 and ICCD/COP(5)/8 and noting the progress made in negotiations on the same matter in other relevant environmental conventions;

3. *Invites* any Parties wishing to communicate their views on article 27 to do so, in writing to the secretariat, by 31 January 2003;

4. *Requests* the secretariat to include such views in the new working document referred to in paragraph 2 above for consideration by the Ad Hoc Group of Experts.

B. Arbitration and conciliation procedures

The Conference of the Parties,

Recalling article 28, paragraph 2(a), of the Convention, which refers to arbitration procedures to be adopted by the Conference of the Parties in an annex to the Convention as soon as practicable,

Recalling further article 28, paragraph 6, of the Convention, which refers to conciliation procedures to be adopted by the Conference of the Parties in an annex to the Convention as soon as practicable,

Recalling also decisions 20/COP.3 and 20/COP.4, Part B,

1. *Decides*, for the purposes of fulfilling article 28 of the Convention, to reconvene, at its sixth session, the open-ended Ad Hoc Group of Experts to examine further and make recommendations on the following issues:

- (a) annex on arbitration procedures;
- (b) annex on conciliation procedures;

2. *Decides further* that the Ad Hoc Group of Experts shall take as the basis of its work a new working document prepared by the secretariat incorporating the material contained in ICCD/COP(4)/8 and ICCD/COP(5)/8 and noting the progress made in negotiations on the same matters in other relevant environmental conventions;

3. *Invites* any Parties wishing to communicate their views on the issues referred to in paragraph 1(a) and (b) above to do so, in writing to the secretariat, by 31 January 2003;

4. *Requests* the secretariat to include such views in the new working document referred to in paragraph 2 above for consideration by the Ad Hoc Group of Experts.

11th plenary meeting

12 October 2001