



Convention to Combat Desertification

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Election of officers other than the President

Election of officers of the Committee on Science and Technology: amendment of the rules of procedure (including rule 22)

Amendment of the rules of procedure (including rule 22)

Note by the secretariat

Summary

This note results from a new item on the agenda of the Conference of the Parties (COP). By its decision 24/COP.9, the COP decided to include on the agenda for its tenth session the election of officers of the Committee on Science and Technology (CST).

This document provides background information and the legal mandate concerning this matter, and also analyses ways in which rule 22 of the rules of procedure of the COP may be amended to create more uniformity and consistency in the election of officers of the CST.

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I. Introduction

1. At its ninth session, the Conference of the Parties (COP) adopted decision 24/COP.9, by which it decided to include on the agenda for the tenth session of the COP the subject of amending the rules of procedure, including rule 22.
2. This note provides background information, analyses the legal mandate concerning the procedure for electing officers to the Committee on Science and Technology (CST), presents the procedure for the election of officers in the two other Rio Conventions: the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD) and, finally, puts forward recommendations, conclusions and proposed action as to how Parties might wish to proceed with this matter.
3. The present document is composed of five chapters. Chapter I is an introduction regarding decision 24/COP.9. The background information concerning this matter is presented in chapter II. Chapter III indicates the legal mandate. Chapter IV presents the way in which officers are elected in the UNFCCC and the CBD. Chapter V presents conclusion and recommendations.

II. Background information

4. Through several COP sessions, the CST has experienced certain difficulties in its work and activities due to the timing of the election of its officers. It has been felt that the election of the CST officers, one Chairperson and four Vice-Chairpersons, at the beginning of the CST session does not allow for the proper functioning of this Committee. In this regard, decision 24/COP.9 underscores the importance of ensuring “continuity in the work of the Committee on Science and Technology in the framework of the implementation of The Strategy”.
5. By its decision 3/COP.8 regarding the 10-year plan and framework to enhance the implementation of the Convention (2008–2018), known as The Strategy, the COP showed the importance it attaches to the institutional arrangements of the CST, deciding to synchronize meetings of the CST and the Committee for the Review of the Implementation of the Convention (CRIC) with a view to ensuring continuity and providing timely policy advice to the COP in accordance with The Strategy.¹

III. Legal mandate

6. Decision 20/COP.2, which was amended by paragraph 1 of rule 22 of the rules of procedure, states:

“At the commencement of the first meeting of each ordinary session, a President, nine Vice-Presidents and the Chairperson of the Committee on Science and Technology shall be elected from among the representatives of the Parties present at the session in such a manner that every geographical region shall be represented by at least two members. They shall serve as the Bureau of the session. One of the Vice-Presidents shall act as Rapporteur. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa, while not

¹ Decision 3/COP.8, paragraph 14, and its annex, paragraph 14(ii).

neglecting affected country Parties in other regions. The offices of President and Rapporteur shall normally be subject to rotation among the regional groups recognized by the practice of the United Nations.”

7. It is important to bear in mind that the rules of procedure can be amended only by consensus among the Parties to the Convention (rule 61). This means that any modification to rule 22 must be decided by all Parties to the Convention, by means of a decision which will come into effect once it is adopted by the COP.

8. Since the CST and the CRIC are subsidiary bodies of the COP,² and work closely together to foster the implementation of the Convention, their work and activities should be harmonized. This is also true at COP sessions when these subsidiary bodies often deal with closely-linked matters and complement and facilitate each other’s work.

9. In 2001, the COP established the CRIC as a subsidiary body to assist it in regularly reviewing implementation of the Convention.³ By its decision 11/COP.9, the COP revised and adopted the terms of reference of this Committee. Paragraph 9 of the terms of reference states:

“The Chairperson and the Vice-Chairpersons of the CRIC shall be elected at the final meeting of the session of the CRIC held in conjunction with the sessions of the COP, and shall assume their office immediately.”

10. The above decision has allowed continuity in the work of the officers of the CRIC (its Chairperson and four Vice-Chairpersons), who stay in office until the end of the CRIC session. The items and activities on which these officers have been working between two COP sessions and during the inter-sessional CRIC meeting have been further worked on and completed as they carry on with their study until the end of the respective CRIC session.

11. There could be advantages in, on the one hand, ensuring continuity in the work of the CST by permitting that officers of the CST finalize the agenda items on which they have been working by remaining in office until the end of the CST session at each COP session and, on the other hand, fostering harmonization and uniformity in the election of officers of the CRIC and the CST.

IV. Election of officers in other selected multilateral environmental agreements

12. The election of officers in other similar multilateral environmental agreements (MEAs) is similar to that in the Convention. For example, the rules of procedure of the sister Rio Conventions, the UNFCCC and the CBD, deal with the election of their officers in a comparable manner. However, not all sections are treated or regulated in the same way. This document, therefore, examines in more detail the modus operandi of these two MEAs regarding the election of officers and the timing of their election.

² The CST was established by article 24, paragraph 1, of the Convention, and the CRIC by decision 11/COP.9, paragraph 1.

³ Decision 1/COP.5.

A. United Nations Framework Convention on Climate Change

13. The election of the President and the other officers of the Bureau of the COP are provided for in rule 22, paragraphs 1 and 2, of the draft rules of procedure of the COP; while rule 27, paragraphs 5 and 6, contain the procedure for the election of officers of the subsidiary bodies.⁴ The practice of the UNFCCC process is that the President is elected by acclamation at the first plenary meeting of each ordinary session of the COP.

14. The election of the other officers of the Bureau, that is, the Vice-Presidents, Rapporteur and Chairpersons of the subsidiary bodies established under Articles 9 and 10 of the UNFCCC (the Subsidiary Body for Implementation and the Subsidiary Body for Scientific and Technological Advice) is different. At the first five sessions of the COP, the other officers of the Bureau of the COP and of the subsidiary bodies were elected at the beginning of the COP, during either the first or the second plenary meeting. At COP 6, Part I, the other officers of the Bureau were elected at the end of the session due to a delay amongst the Regional Groups and Small Island Developing States in reaching agreement on the officers to be nominated for election. In accordance with rule 22, paragraph 2, the other officers of the Bureau elected at COP 5 remained in office during the session of COP 6 until the election of the new officers. Upon their election at the end of the session, the new officers took office immediately and served in office during the resumed session of COP 6 (COP 6, Part II). They remained in office until the closure of COP 7, at which time the other officers of the Bureau of the COP were elected and took office.

15. The practice mentioned above has continued up to now, with the President elected at the beginning of the session of the COP, and the other officers of the Bureau and the officers of the subsidiary bodies elected at the closure of the sessions of the subsidiary bodies, the COP and the Parties to the Kyoto Protocol (CMP). This practice has the advantage of providing an opportunity for the Chairpersons of the subsidiary bodies to prepare for and preside over the sessions of the subsidiary bodies during the calendar year (at the mid-term and in conjunction with the COP), and to present the report on the outcome of the work of the subsidiary bodies during the closing session of the COP.

B. Convention on Biological Diversity

16. The manner of operating the election and term of office of the officers of the CBD is contained in rule 21 of the rules of procedure of the COP. This rule is as follows:

“At the commencement of the first session of each ordinary meeting a President and ten Vice-Presidents, one of whom shall act as Rapporteur, are to be elected from among the representatives of the Parties. They shall serve as the Bureau of the Conference of the Parties. The term of office of the President shall commence straight away and the terms of office of the Vice-Presidents shall commence upon the closure of the meeting at which they are elected. In electing its Bureau, the Conference of the Parties shall have due regard to the principle of equitable geographical representation of the Small Island Developing States.”

17. Rule 26 of the rules of procedure provides that in addition to the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), the COP may establish other subsidiary bodies. Unless otherwise decided by the COP, the Chairperson for each such

⁴ The text of the UNFCCC draft rules of procedure is available at <http://unfccc.int/resource/docs/cop2/02.pdf>

subsidiary body will be elected by the COP. According to the same rules, each subsidiary body is to elect its own officers.

18. The functions of the SBSTTA are contained in Article 25 of the CBD and relevant decisions of the COP.

19. In order to facilitate continuity in the work of the SBSTTA, and taking into account the technical and scientific character of the input of the subsidiary body, the term of office of members of its Bureau is two meetings; at each meeting of the SBSTTA, one of the two regional representatives is elected, in order to achieve staggered terms of office. The members of the Bureau of the Subsidiary Body take office at the end of the meeting during which they are elected.

20. The Chairperson of the SBSTTA, who is elected at an ordinary meeting of the COP, takes office from the end of the next ordinary meeting of the SBSTTA, and remains in office until his/her successor takes over. As a general rule, the chairpersonship of the SBSTTA rotates among United Nations regional groups. Candidates for the Chairperson of the SBSTTA are intended to be recognized experts, qualified in the field of biological diversity and experienced in the processes of the Convention and the SBSTTA.

V. Conclusion and recommendations

21. Upon consideration of the issues mentioned above, the COP may wish:

(a) To amend rule 22 of the rules of procedures further, as already modified by decision 20/COP.2, to ensure continuity in the work of the CST and harmonization with the CRIC;

(b) If point (a) is accepted, to adopt a COP decision by consensus and request the secretariat to propose a draft, as appropriate.
