

Australia's Response to CBD Notification 2005-013
Possible issues to be addressed by the Ad Hoc Open-ended Working Group on
Review of Implementation of the Convention

Note: this list of possible issues has been compiled on the basis of the issues mentioned in Decision VII/30 paragraphs 23, 24, 26 and 27, and Decision VII/26 paragraphs 3 and 5. It is not exhaustive. Parties, Governments and relevant international organizations are invited to raise or answer any other questions or issues that are deemed appropriate.

1. Progress in the implementation of the Convention and the Strategic Plan and achievements leading up to the 2010 target (VII/30 (23)).

(a) Review of current trends in the various focal areas of the framework for evaluation of progress towards the 2010 target (A global level analysis);

Australia supports the 2010 target as a general and aspirational goal. An agreed system of global indicators will be critical in assessing achievement towards this goal, and Australia strongly supports work currently underway. This work meets an identified priority by the World Summit on Sustainable Development.

It is very difficult to make a judgement about current trends in the various focal areas of the Convention's work. This is because the framework for evaluation of progress towards the 2010 target is vague and not entrenched at the national level in many country parties to the Convention. Australia is in the process of developing a relatively sophisticated system of indicators, monitoring and evaluation for natural resource condition and biodiversity trends. However, this is more an exception than the rule, when taken across all parties to the Convention. It is very difficult to imagine that all parties, given their highly variable stages of development of such systems at the national level, would ever reach a stage where the provision of national statistical and biodiversity trend information could be aggregated and synthesised to the point where it would be useful in providing an accurate global level analysis. This is why Australia believes strongly that the work in developing a meaningful set of global biodiversity indicators, which was begun in October 2004, should be given due priority, as it is likely to become the only credible vehicle over coming years for providing the international community with reliable information on the state of the world's biodiversity.

(b) Review of implementation at the national level, including the establishment of national targets, the monitoring of their implementation, and their integration into National Biodiversity Strategies and Action Plans, and sectoral and cross-sectoral strategies, plans and programmes.

Australia believes the Convention needs to be less visionary and rather more practical in addressing problems of implementation at the national level. We are confident that all parties attempt to implement their obligations under the Convention to the greatest extent their highly variable capacities will allow. The fact that it does not happen in an effective

way could be due to the Convention's top down approach to implementation, whereas a bottom-up approach is likely to be more appropriate and productive. We do not understand the Convention's fixation on establishing national targets when few of these targets, if and when established, are ever met.

As we have pointed out above, Australia is at an advanced stage in development of indicators monitoring and evaluation systems for natural resource condition and trends in biodiversity. These systems are underpinned by aspirational and "best endeavours" national and regional level targets. Importantly, they are not designed to be prescriptive and are not fixed in time and place. Rather, they are flexibly assigned to provide an environment and direction for action on the ground. In our view it would be much better for the Convention to encourage and to facilitate practical assistance to parties to develop and implement bottom-up national systems of indicators and monitoring, which could then feed, at the broader global level, into assessments based on the Convention's own system of global indicators.

2. The impacts and effectiveness of existing processes (including in the setting of priorities) under the Convention (VII/30 (23)), such as:

• *Meetings of the Conference of the Parties;*

In general Australia believes the organisation and conduct of Meetings of the Conference of the Parties is relatively efficient. We would, however, suggest that the Executive Secretary takes a fresh look at the usefulness of High Level Segments assessed against their expense and outcomes relative to final agreed decisions by the Conference of the Parties.

Australia recognizes the value of the formation of "friends of the chair" groups to assist in resolution of difficult issues and we acknowledge their usefulness at past Conferences of the Parties in overcoming impasses. However, we wish to underline the importance of the transparency and voluntary nature of participation in the formation of such groups. Such groups should ensure the widest possible involvement of all parties in order to avoid becoming exclusive and non-consultative, thus leading to parties outside these groups being open to the element of surprise in conference conclusions and recommendations. Australia would also strongly encourage less formal sessions and increased opportunities for broader participation in informal caucusing amongst and between UN groupings and subgroups, particularly in the development of text for L Documents.

Given Australia's experience at COP 6, with the invalid adoption of decision VI/23 over Australia's formal objection, Australia remains extremely concerned to ensure that chairpersons and presidents of the COPs are faithful to the 'decision-making by consensus' principles that underpin the CBD. The outstanding issues surrounding the process by which Decision VI/23 was invalidly adopted, and the extent of the disputed Guiding Principles on IAS remain to be resolved.

• *The work of the Subsidiary Body on Scientific, Technical and Technological Advice, including ad hoc Technical Expert Groups;*

Australia notes that the SBSTTA is already subject to a review by its Bureau and we would want this work to be completed and duly reported to the ad hoc open-ended working group on review of implementation of the Convention well ahead of the September Ad-hoc meeting. Australia supports many of the views expressed at the 10th meeting of the subsidiary body (SBSTTA 10) encouraging a more scientific and technical, as opposed to political, focus and orientation. By implication these meetings can be less formal than Conferences of the Parties and Australia would support less devotion of time to, and need for, general opening statements and an early getting down to business. Similarly, expressions of gratitude to host countries and to the work of the Secretariat could be made generically by the Executive Secretary at the commencement of meetings, on behalf of all parties present, to save time for substantive discussion on issues to be addressed. Some streamlining should at least reduce the need for working group and other meetings to run into long and often unproductive night time sessions. This applies equally to SBSTTAs and COPs.

• *ad hoc Open-Ended Working Groups;*

Australia believes the Convention, both at COP and at SBSTTA levels, continues to benefit from valid technical input and contributions from the work of many ad hoc technical expert group meetings. However, the number of issues for which the COP has found it necessary to create AHTEGs makes it imperative that these groups are created with a very clear mandate and duration of operation, and that their obligations to the SBSTTA and the COP is very clear from the outset. In Australia's experience this has not always been the case. Australia also believes that the substantive work of many AHTEGs could be streamlined so that they consume less than a five-day working week, which appears to have become relatively standard over recent years. Distance and travelling time often constrains the Australian Government from considering nomination to expert groups in which Australia could provide considerable technical and scientific input. One solution to this problem for countries such as Australia might be to convene expert group meetings, particularly those on related themes or crosscutting issues, back-to-back over the course of one-week to 10 days at most. This might also provide cost savings for the Convention.

We do not favour AHTEG meetings being held parallel to meetings of the SBSTTA because this can prejudice full possible participation in all meetings by those countries represented by one and two person delegations, as is often the case with Australia. We would, however, support convening one AHTEG either side of meetings of the SBSTTA.

While the Executive Secretary's practice of nominating scientific and technical experts from rosters of experts to fill vacancies for AHTEGs is well-intentioned, the reality is that such rosters require constant maintenance to ensure information currency, for example that entries are up-to-date or keep pace with changes in structures and responsibilities of governments. In the event the information is not current, delays can

occur in responding appropriately to requests. Australia would, therefore, support the current practice of calling for experts on an ad hoc basis via the current system of notifications. While Australia supports limiting composition of these groups, taking account of geographical representation and other special conditions, we would also be concerned that they do not become exclusive. There should always be opportunity for observers with different competencies related to the subject of the meeting, to accompany selected experts to such meetings.

Australia would also support continued use of innovative means of communication to minimise the need for face-to-face meetings. This is particularly important to countries that are geographically remote from Montreal and northern hemisphere capitals. We would, however encourage the Secretariat to examine the current system of electronic forum and to improve, where possible, its accessibility and ease of operation. It is particularly important that the system be streamlined so that input to such forums can be automatically collated and made available on a regular, say monthly, basis for those needing to read it, rather than participants having to endure severe e-mail congestion as global electronic conversations are carried on between participating countries.

Australia would continue to support peer review of AHTEG reports, but the SBSTTA should be clear what kind of reports should be subject to peer review. For example, scientific and technical papers prepared by consultants by dint of recommendations of an AHTEG would be appropriate subject for peer review. However, AHTEG recommendations with direct relevance to government policy should, in the first instance, be reviewed by affected national governments. Non government or academic commentators may comment on government policy at the national level, but such comment should not be directly conveyed to the Secretariat for preparation of discussion papers and draft recommendations for the consideration of the SBSTTA.

• ***National Focal Points;***

The system of national focal points works well from Australia's perspective but we would recommend that focal points for the COP and the SBSTTA be the same person wherever possible.

• ***The Secretariat;***

Australia is satisfied with the service it receives from the Secretariat. We note the Secretariat's professional approach to preparation of papers and organisation of meetings. While it would always be beneficial for conference papers to be produced earlier, Australia recognises that this is not always possible.

Australia wishes to underline the importance of the Secretariat's role in reflecting accurately COP and Subsidiary Body, (including Ad-hoc Technical Expert Group) decisions, recommendations, discussions and commissioned reports. The Secretariat should avoid attempts to paraphrase or nuance already often carefully negotiated text.

For example, the proposals paper on mitigation of perverse incentives presented to SBSTTA 10 was very poorly written and prepared with little consultation with interested parties. This consumed significant time and resources at the meeting and is likely to do likewise at COP 8. While such proposals might be designed to provide parties with non-binding guidelines for national action, some countries can find themselves unable to support them, even as non-binding text. It is imperative therefore that such documents, particularly on subjects where opinion and policy is likely to be diverse, are widely circulated and open to comment and consultation by parties to the Convention well in advance of major meetings of the Convention.

Similarly, Australia would urge the Secretariat to be vigilant in accurately reflecting the comments of parties and the agreed wording of decisions and recommendations.

• ***The Clearing House Mechanism;***

Australia has no particular comment on the functioning of the Clearing House Mechanism. The Secretariat might like to note that Australia is reconfiguring its CHM to make it more effective and accessible, particularly as a facility for streamlined transfer of publicly available techniques, technology, scientific data and methodology relevant to conservation and sustainable use of biodiversity.

• ***The financial mechanism and additional financial resources.***

Now that the Cartagena Protocol on Biosafety to the Convention has entered into force, and consistent with Article 31 of the Protocol, Australia wishes to underscore the importance of the costs of the Secretariat services for the Protocol be met by parties thereto. In keeping with discussion at COP7 on same, Australia looks forward to the Secretariat's proposed biennium 2007/2008 expenditure in which detailed breakdown of costs associated with the Protocol will be provided.

3. Reporting mechanisms under the Convention and other conventions (VII/30 (27))

Australia believes that reporting mechanisms under the Convention requires substantial overhaul. This view is confirmed by the onerous and complex responses required of parties in the formatted template for the Third National Report.

This is a complex, legalistic and repetitive format, difficult to understand, interpret and resource intensive to complete. As a developed country party Australia has had to devote considerable time and effort to provide a report that makes sense to those who might be interested in reading it. Australia could not, again, devote the level of resources required to complete this Third report. Accordingly, there is real risk that future reporting requirements in this kind of format, will not be met by the Australian Government, let alone other parties with fewer resources and capacity. There are a number of reasons for our concern about the current reporting format requirements. These include;

- Absence of any evidence that national reports effectively feed into long-term global monitoring and reporting of the state of the world's biodiversity.
- Perception that national reporting is no more than a matter of process.
- The likelihood that developing country parties will be increasingly unable to report because of the resource intensiveness of the exercise.
- The excessively legalistic approach implied by the format, for a Convention that is designed to be facilitative rather than proscriptive.

Australia believes that, following COP 7, the Indicators AHTEG meeting in October 2004 and SBSTTA 10, there is some momentum amongst party states to reform the reporting format process. We know from the October 2004 AHTEG meeting, for example, that less than 40 percent of parties submitted Second National Reports. We have serious concerns about the usefulness of the process overall, if publicly available CBD related biodiversity information, pertaining to almost half the globe, is missing. This must surely compromise published information and data in, for example, the Global Biodiversity Outlook, which draws on information provided through CBD reporting.

Australia strongly recommends that the Secretariat urgently begins to consider a substantially revised and much more streamlined reporting format. We believe a revised format should be centred on the headline indicators formulated in October 2004, and further refined at SBSTTA 10. In Australia's view this would make national reports a useful and essential tool for international and national assessments of status and trends of the world's biodiversity. A revised format must be sufficiently streamlined and simplified to engage all parties, particularly developing countries, in meeting the Convention's objectives in meeting its 2010 target and providing a more accurate appraisal of the state of the world's biodiversity.

4. Cooperation with other conventions and organizations (VII/26 (3,5)). With reference to the Strategic Plan, Objectives 1.2 and 1.3 as well as Objective 4.4 this might include:

. *Policy coherence;*

Australia believes that there needs to be clear guidelines, on a case-by-case basis, by the Conference of the Parties, on cooperation with other conventions, and creation of inter-Convention synergies. Australia is concerned that efforts to date to make useful, effective and non-duplicatory links between Convention bodies and other organisations has not been particularly successful.

For example, biodiversity and climate change linkages are a valid matter for CBD consideration. However, any CBD work on climate change should focus only on practical adaptation measures to maintain biodiversity. The UNFCCC is the appropriate fora for broader climate change issues. Any CBD work on climate change beyond this would risk duplication of UNFCCC efforts, and detract from the UNFCCC's work. It

would be most effective and appropriate for the CBD to request the UNFCCC provide relevant information and data necessary to facilitate work on biodiversity and climate change linkages.

Similarly, while accepting that COP 7 Decision VII/32 asked the Executive Secretary to explore options for a crosscutting initiative on biodiversity for food and nutrition within the existing programme of work on agricultural biodiversity, (and its confirmation by SBSTTA 10), Australia considers this work to be largely peripheral to an appropriate focus for the programme of work on agricultural biodiversity, and more clearly within the mandate of the FAO in particular. We were pleased, at least, that SBSTTA 10 broadly recognized this fact.

We are also concerned that substantial involvement in issues explicitly mentioned in this initiative might provide the Convention with undue opportunity to increase its involvement in poverty alleviation work, through the Millennium Development Goals (MDGs), for which the CBD has no mandate. Australia agrees that the CBD has a legitimate interest in the MDGs specifically relating to the conservation and sustainable use of biodiversity. We would note that there is only one target within the MDGs, (that relating to biodiversity loss and conservation), which is directly relevant to the 2010 goal of the Convention. However this cross-cutting initiative seeks CBD involvement in MDG Goal 1 (to halve by 2015 the proportion of people who suffer from hunger), Goal 4 (to reduce child mortality), Goal 5 (to improve maternal health) and Goal 6 (to combat HIV/AIDS, malaria and other diseases). None of these MDGs are of direct concern to the work of this Convention, and a distraction from its core interests in biodiversity conservation, loss and sustainable use.

• Implementation of the Convention, including options for a global partnership, involvement of indigenous and local communities, and engagement of key actors and stakeholders, including the private sector.

Opportunities for global partnerships could increase if potential global partners perceive that problems of operation and implementation within the Convention are being addressed or have been largely overcome. This would be particularly the case with the private commercial sector at a global level. Global partners and key actors will only engage with an international body they believe is relevant, effective, and able to deliver practical benefits for the environment within its mandate on the ground.

5. Ways and Means of identifying and overcoming obstacles to the effective implementation of the Convention, in particular at the national level (VII/30 (23,26)).

If the Convention is able to effectively address and remedy the problems evident in parts 1-4, ways and means of identifying and overcoming obstacles to the effective implementation of the Convention at the national level should follow as a matter of course. Australia has recently undertaken a wide-ranging review of its implementation

priorities under the CBD, at the national level. This has become necessary as the agenda under the Convention has expanded over the years, including into areas beyond its mandate. In summary Australia has had to be strategic in selecting engagement with those functions and programmes of work in which it has priority national interests.