
Second Session
1 - 5 December 1997

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DECISION

PROCEDURE FOR ADDRESSING UNRESOLVED ISSUES DURING THE SECOND INTERSESSIONAL PERIOD

The Conference

Recalling that most of the agenda items referred to the Committee of the Whole by the Conference during its First Session have not yet been resolved,

Hereby:

Adopts the following procedures for addressing unresolved issues:

1. because of the nature of the unresolved issues and their impact on the effective implementation of the Convention, every effort shall be made to complete work on all unresolved issues. In this context, the procedures described herein shall only apply during the period between the Second and Third Sessions of the Conference of the States Parties;
2. the unresolved issues shall be addressed through a flexible, informal and transparent consultation process;
3. particular attention shall be given to issues requiring resolution in accordance with the time-lines stipulated by the Convention, as well as to other issues identified by the States Parties or the Director-General as requiring urgent resolution;
4. the facilitators designated by the Chairman of the Committee of the Whole during the first intersessional period shall continue to pursue their work in order to resolve the issues assigned to them. The Chairman of the Committee of the Whole may designate additional facilitators and assign issues to them, as required. The facilitators shall operate under the guidance of the Chairman of the Committee of the Whole. The Secretariat shall provide appropriate support to them. The facilitators shall keep the Chairman of the Committee of the Whole informed about the progress of the consultations;

5. at appropriate intervals, the facilitators shall conduct open-ended consultations in order to inform all interested delegations about the progress achieved in their work and to seek the views of delegations on the issues under consideration;
6. the Chairman of the Committee of the Whole shall set goals and time lines for the resolution of the issues under consideration, inform on the timing of facilitators' open-ended consultations as required, and conduct meetings to review the progress of the facilitators' work. When an issue is resolved, the Chairman of the Committee of the Whole shall introduce it to the Executive Council for immediate implementation, pending final approval by the Conference of the States Parties;
7. the facilitators shall make proposals to the Committee of the Whole at the next session of the Conference of States Parties. Each proposal shall be accompanied by a report issued by the facilitator in his or her name, describing the consultation process and the rationale for the proposal submitted;
8. in addition, an issue may be brought to the Executive Council by the Director-General or a State Party when the implementation of the Convention requires its immediate resolution or urgent action. When such an issue overlaps with the work of a facilitator, the facilitator's work shall be taken into account. The Executive Council's action in this regard shall be without prejudice to any future decision of the Conference;
9. the Executive Council shall monitor the functioning of the procedure for addressing unresolved issues. To this end, the Executive Council may invite the Chairman of the Committee of the Whole to inform the Council about the progress made in the consultations of the facilitators;
10. the facilitators shall make every effort to ensure that all States Parties have an opportunity to participate in the resolution of the issues. In particular, whenever they call open-ended consultations they shall inform delegations well in advance of the meeting to facilitate their participation;
11. signatory States shall be given a reasonable opportunity to express their views during the facilitators' consultation process.