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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

28 November - 2 December 2022

**Reflection on possible biennial
Standing Committee meetings**

*Document prepared by the
Secretariat of the Bern Convention*

I. INTRODUCTION

According to Article 13 paragraph 4 of the Bern Convention (hereafter “Convention”), the Standing Committee of the Convention shall meet at least every two years and whenever a majority of the Contracting Parties so request. Since its establishment over 40 years ago, the Standing Committee has always, with a very few exceptions in the earliest years, met annually, typically in late November/ early December. The meeting typically runs over 4 to 4 and a half days. However, due to various reasons over recent years, the question has arisen as to whether the Standing Committee needs to meet with such frequency; some of the reasons are the following:

- A number of other MEAs do not meet annually, but biennially or even triennially;
- The continuous budget and staff costs of the Convention over the last couple of decades means that a very small secretariat must ensure the large task of organising the Committee meeting every year; a task that typically takes up most of the Secretariat’s time over almost half a year;
- The evolution in use of digital methods, especially in the wake of the Covid-19 pandemic, allows for greater flexibility in terms of carrying out some activities and meetings;

Thus, the Bureau in 2019 first discussed the possibility of holding the Committee meeting only every 2 years. The ensuing 40th Standing Committee took up the discussion and instructed the Secretariat to assess the pros and cons of the new proposal, highlighting mitigation measures and/or other options in case of drawbacks. The 41st Standing Committee in 2021 went further and asked the Secretariat in consultation with the Bureau to further elaborate the reflection, and especially to make an assessment on how the case-file management system could be managed efficiently. This assessment is detailed below. It is clear that any decision to change a long-standing practice will require careful reflection and feasibility assessments.

II. PROS AND CONS OF BIENNIAL MEETINGS ELABORATED FOR THE 41st STANDING COMMITTEE

PROS	CONS
1. Savings on financial resources (interpretation, travel costs & per diems)	1. Case-file management: loss of momentum and political pressure
2. Reduced administrative burden for participants	2. Reduced annual output of Recommendations / Action Plans
3. Reduced administrative burden for Secretariat	3. Slower response to timely initiatives of Groups of Experts
4. Increased time and energies for other projects	4. Reduced networking and cooperation
5. Reduced “deadline” pressure	5. Reduced visibility of Bern Convention/Standing Committee and its work
6. More activities to report on	6. Heavy meeting agenda (more than a week needed?)
7. Reduced carbon footprint and savings on travel time	

III. MITIGATION/ POSSIBLE SOLUTIONS

As can be noted from the table above, the pros listed are mainly administrative considerations, while the cons by and large concern the ways the objectives and aims of the Bern Convention are implemented. It is therefore difficult to find any direct comparability between the two columns, or a way to identify trade-offs. Therefore, if the Standing Committee were to decide to reduce to a biennial meeting of all parties, there would likely be a need to consider new mitigating approaches that could reduce the effect of the cons mentioned above (the following proposals are not necessarily mutually exclusive and could be combined in one way or another):

1. BUREAU

The Bureau could, within the parameters provided by the Convention and through altered terms agreed to by the Parties, be given more responsibility and relied upon more frequently during a biennial recess of the Committee:

- a) The **mandate of the Bureau** is outlined in Rule 19 b. as being responsible for taking administrative and organisational decisions between meetings. Typically, it monitors the implementation of the Programme of Work and use of the budget, takes decisions on case-files, and offers general guidance on ongoing administrative and organisational issues. **The scope of its mandate could be extended.**
- b) **Bureau meetings could be held more frequently.** The Rules of Procedure do not define the frequency of Bureau meetings. Rule 19 b. states that the Bureau shall meet at the request of the Chair. Traditionally, the Bureau meets twice a year, in Spring and Autumn, in recent years occasionally also for an extra-ordinary online meeting in June. This extra meeting mainly focused on issues for which the Secretariat required guidance before the September meeting, such as financial and strategic issues, the progress of online advisory missions, effects of the pandemic on activities, and the format of the Standing Committee. A 3rd regular mid-year meeting and potentially even 4th meeting every other year (e.g. at the time when the Standing Committee would normally meet in December) could be envisaged.
- c) The Bureau is elected at the end of each Standing Committee meeting and is composed of the Chair, the Vice-Chair, the previous Chair, and two additional Bureau members, as defined in Rules 18 e. and 19 a. of the Rules of Procedure. **Its composition could be increased**, e.g. from 5 to 8 members, including a 2nd vice-Chair. This would ensure a higher representation of Contracting Parties and take some of the burden off the smaller composition of members. At the biennial Committee meeting, it could further be envisaged to **extend the terms of office** of the Chair, Vice-Chair(s) and Bureau members to at least two years.

Should the Bureau be given more responsibility and relied upon more frequently during a biennial recess of the Committee, the Rules of Procedure would need to be amended accordingly to reflect changes in the Bureau's **mandate** and **modus operandi**. It would also require Parties and their representatives to be willing to make a larger commitment of time and capacity to Bureau duties than is currently the case.

2. RESTRICTED ANNUAL STANDING COMMITTEE

Another proposal which would take some responsibility off of the Bureau's shoulders compared to the above scenario, would be to have biennially a "**restricted Standing Committee**" meeting. This meeting could be held online, and could be limited in duration to less than the full week. It could deal with the activities which require an annual monitoring, such as urgent financial and strategic development issues, open and possible case-files, certain recommendation follow-ups, possible adoption of certain urgent recommendations/resolutions, etc. It could be decided either at the biennial "full" Standing Committee meeting what urgent issues would need to be discussed at the following restricted meeting, or by the Bureau on a case-by-case basis during the year.

In terms of **composition of the restricted Standing Committee**, this might depend on the subjects under discussion. However, some possibilities could be:

- a. invitation to all Standing Committee stakeholders as usual, but less responsibility for all to join as compared with the full meeting;

- b. invitation to all Contracting Parties, with the Observers invited on a case-by-case basis depending on the issues on the agenda;
- c. invitation to a select group of Contracting Parties and Observers.

This latter option may however risk undermining some of the decisions on key issues, if not all parties have been invited. The above options also depend upon possible increasing use of written procedures, as will be discussed next.

3. WRITTEN PROCEDURES

A solution which could likely go hand in hand with one or both of the proposals above would be the increase in use of **written consultations, procedures and decisions**. This has already become more relevant during the past few years whilst working under the restrictions of Covid-19.

Written procedures could also allay some of the concerns highlighted above about either the Bureau or a restricted Standing Committee making key decisions such as adoption of Recommendations, as the decisions would first pass through the “pre-screening” of the wider network, before arriving for the formal decision of one of the above entities.

4. FURTHER REFLECTION ON CASE-FILE PROCEDURES

The **case-file system** is perhaps the activity which could be impacted the most from not having an annual Standing Committee meeting. It is commonly agreed that the political pressure which is asserted during the Committee through discussion of the issues by peers and experts, and the decisions which result, is crucial for achieving any progress. Thus, any proposal would need to take this concern into account, for instance through a mechanism where an entity (such as the Bureau or restricted Standing Committee described above) would have the mandate to ensure a regular monitoring, and important decisions such as opening a file, mandating an OSA or adopting a Recommendation could still be ensured at least once a year.

5. FURTHER REFLECTION ON BUDGETARY PROCEDURES

The Bern Convention adopts a **biennial budget and Programme of Activities**, a process which could be compatible with the biennial Standing Committee format. Typically, in year N+1, the Committee consults a revised Programme of Activities and budget for the 2nd year. However, this latter activity could be taken care of by one of the entities mentioned above (Bureau or restricted Standing Committee) with the supplement of a written procedure if need be.

If and when an institutional financial mechanism is set up to complement the existing resources originating from the Ordinary Budget of the Council of Europe and from Voluntary Contributions, further reflection would be required. For the time being the proposal on the table for amending the Convention foresees that those financial decisions will be taken unanimously by the Standing Committee.

6. FURTHER REFLECTION ON THE DURATION OF BIENNIAL STANDING COMMITTEE MEETINGS

A biennial Standing Committee meeting may be burdened with a heavy agenda, which might therefore require an **increase in the length of the meeting**, resulting in its own issues such as travel, logistics, etc. This would depend on how much decision-making be entrusted to one of the entities detailed above (Bureau or restricted Standing Committee) which meet between Committee meetings, i.e. how much of the work they can carry out and avoid adding on the Committee meeting agenda.

If and when an institutional financial mechanism is set up to complement the existing resources originating from the Ordinary Budget of the Council of Europe and from Voluntary Contributions, the Standing Committee could be entrusted with agreeing on an annual scale and amount of compulsory contributions. The discussions on financial matters may require extending the duration of the Standing Committee even more.