



Convention on Biological Diversity

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BUREAU OF THE CONFERENCE OF THE PARTIES
TO THE CONVENTION ON BIOLOGICAL
DIVERSITY SERVING AS THE MEETING OF THE
PARTIES TO THE CARTAGENA PROTOCOL ON
BIOSAFETY
Cali, Colombia
20 March 2010

MINUTES OF THE THIRD MEETING OF THE BUREAU OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY HELD IN CALI, COLOMBIA, 20 MARCH 2010

Present:

1. Mr. Wolfgang Koehler, President, COP-MOP
2. Ms. Somaly Chan (Cambodia) – Member
3. Mr. Ricardo Torres Carrasco (Colombia) – Member
4. Ms. Snezana Prokic (Serbia) - Member
5. Dr. Abdelbagi Mukhtar Ali (Sudan) - Member
6. Mr. Robert Lamb (Switzerland) – Member
7. Dr. James Seyani (Malawi) – Member
8. Dr. Borje Alriksson, representing Ms. Asa Norrman (Sweden) - Member

Ex-officio Members

9. Mr. Kazuaki Hoshino, Ministry of Environment of Japan, COP 10 representative,
10. Mr. Masamichi Saigo, Ministry of Agriculture, Japan, MOP 5 representative
11. Ms. Tokuko Nabeshima, Ministry of Foreign Affairs of Japan, COP 10 representative
12. Mr. Volker Matzeit, Federal Ministry of Food, Agriculture and Consumer Protection

The Secretariat was represented by the Executive Secretary of the Convention, Mr. Ahmed Djoghlaif, Mr. Charles Gbedemah, Head, Biosafety Division, and Ms. Nandhini Iyer Krishna (CBD liaison office in New York). UNEP was represented by Mr. Carlos Martin-Novella.

INTRODUCTION

1. The third meeting of the Bureau of the Conference of Parties serving as the Meeting of Parties to the Cartagena Protocol on Biosafety was held on 20 March 2010, in Cali, Colombia, in the margins of the Ad Hoc Open-Ended Working Group on Access and Benefit- Sharing (WGABS-9).

ITEM 1: OPENING OF THE MEETING

2. The meeting was declared open at 10:10 a.m. by the President extending a warm welcome to all participants of the Bureau meeting and expressing his gratitude to the Government of Colombia for hosting the ABS and the Bureau meetings. Mr. Djoghlafl also welcomed the participants and expressed his appreciation to the Government of Colombia for its hospitality and facilities. He then introduced the members of the Secretariat team.

ITEM 2: ADOPTION OF THE AGENDA

3. The Bureau then adopted the agenda, as outlined below:

1. Opening of the meeting
2. Adoption of the agenda
3. Draft Strategic Plan (2011-2020) of the Cartagena Protocol on Biosafety
4. Proposed Framework for the second assessment and Review process.
5. Date and venue of the fourth meeting of the COP-MOP/4 Bureau
6. Other matters
7. Closure of the meeting

ITEM 3: DRAFT STRATEGIC PLAN (2011-2020) OF THE CARTAGENA PROTOCOL ON BIOSAFETY

4. The Secretariat introduced this item and noted that the draft elements of the Strategic Plan of the Protocol as is currently before the Bureau had undergone both structural and changes in content from the version that was circulated to the Parties after the last Bureau meeting in November 2009 and in the Forum for comments on the Biosafety Clearing House (BCH). In providing details, the Secretariat further noted that there are now details of the context in which the Plan needs to be interpreted and the list of assumptions made in respond to requests from Parties. As an example of the assumptions made, the Secretariat explained that any action expected in the implementation of the plan on Liability and Redress is assumed that the Supplementary Protocol on Liability and Redress Protocol is adopted by COP-MOP 5 in Nagoya. The Secretariat also pointed out that the Strategic Plan has been structured around five themes according to priority i) Outstanding issues for the full implementation of the Protocol; ii) Capacity building, iii) Promotion of the Protocol and Cooperation; iv) Compliance issues; and v) Information Sharing (BCH). The themes have also been further divided into sub-themes also according to priority.

5. The Secretariat further pointed out that it had introduced a paragraph on the need for human resource for the effective implementation of the Strategic Plan.

6. On the reaction of Parties to the process of consultation, it was noted that, to date, only nine Parties had provided comments on the draft Strategic Plan since the Bureau initiated the process. The Forum opened on the BCH also received only two inputs.

7. The Secretariat also noted that in order to increase comments from Parties and stakeholders, it had made presentations on the draft Strategic Plan to participants of five biosafety-related meetings during the consultative period.

8. At this juncture, the President noted that the draft Strategic Plan had still not received its due from Parties since very few Parties had sent in comments during the consultative process. He further noted that the ideal situation would have been to hold face-to-face regional consultations but the lack of funding has been a crucial constraint and is likely to persist. He also noted that the Strategic Plan needed to reflect priorities which should be linked to availability of funds for their implementation.

9. The President further noted that, in his opinion, in the implementation of the Strategic Plan, if the components are properly prioritized, some components will be implemented ahead of others depending on the availability of funds. In this vein, the President proposed that it would be useful to broaden the discussions on the draft Strategic Plan, since if left until COPMOP 5, there could be insufficient time for broad-based discussions and meaningful finalisation of the Strategic Plan. He however noted that due to the lack of time and funding, the options available for enhanced discussions were limited. There was therefore the need to explore innovative ways to broaden the discussion on the draft Strategic Plan. Perhaps some consultations could be carried out back-to-back with other meetings e.g. SBSTTA in Nairobi. Such consultations would not be for the purpose of negotiation but only serve to broaden the base of discussions so that the draft Strategic Plan benefits from additional inputs.

10. The Executive Secretary indicated that broad-based ownership of the draft Strategic Plan, both by Parties and other stakeholders, was crucial. The Strategic Plan for the Convention was also under preparation and had benefitted from discussions in a number of fora, including regional meetings. Convening consultations back-to-back with other meetings would certainly be cost effective, but the level of attendance and participation in such circumstances, when delegates would have other preoccupations, would also need to be taken into account. The Bureau could also consider a meeting or brainstorming by some selected experts to enrich the text and to enhance ownership of the document, as had been done for the Convention. Ideally, such a meeting of experts should be held ahead of the SBSTTA meeting in Nairobi and perhaps the Presidency could explore finding resources for this. In addition, active outreach to engage stakeholders could be attempted through open-ended consultations.

11. Important points that emerged in the discussions included the need for comments sent in, albeit later, to be reflected in the Strategic Plan. Clarifications were sought on the nature of consultations that would be convened, whether these would be formal or informal, the process for selection of experts, whether such consultations would be in addition to circulation of an updated Strategic Plan to Parties for comments, the need for regional meetings to enable detailed consideration by Parties, the deadline for circulation of the final draft to Parties, modalities and duration of such consultations, the possibility of having E-forums for certain regions and whether the experts to be invited would be independent or governmental representatives.

12. The Secretariat clarified these issues pointing out, *inter alia*, that if the Secretariat receives a request from the Bureau or any other stakeholder, an E-forum could be established within a day on the BCH. The Secretariat also pointed out that, due to the unavailability of funds for the establishment of an expert group meeting or regional meetings, the Bureau could mandate the Executive Secretary to use the formula of the liaison group as in decision BS-1/5 Annex IV whereby biosafety experts could be selected from among those present at SBSTTA,

bearing in mind the need for geographical balance, to enrich the draft elements of the Strategic Plan. This could be supplemented by an open-ended consultation with interested Parties also at the margins of SBSTTA.

13. At this juncture, the Bureau agreed that, due to unavailability of the necessary funds, the Executive Secretary be mandated to convene a meeting, at the margins of SBSTTA, of biosafety experts drawn from participants to SBSTTA, in Nairobi, based on the “liaison group formula” in decision BS-1/5, annex IV to provide further inputs to the draft elements of the Strategic Plan. The list of such experts would be presented to the Bureau for endorsement.

14. The meeting would be further supplemented by an informal open-ended consultation with interested Parties on the margins of SBSTTA.

15. The President further noted that since there was already funding problems for the liability and redress process, he was therefore not optimistic about raising funding for consultations on the draft elements of the Strategic Plan but indicated that the Presidency would try its utmost best.

16. In his summary, the President presented the way forward as follows: the Secretariat would update the current draft elements of the Strategic Plan based on discussions in the Bureau and the latest comments from Parties and then circulate the updated version to Parties, other stakeholders and in the Forum on the BCH for comments in April 2010. Based on the comments received in April, a further updated version would be presented to both the expert group and for the informal open-ended consultation in Nairobi. The expert group meeting and the informal open-ended consultation would provide further inputs, if need be, into the Strategic Plan. The text from the Nairobi meeting of the draft elements of the Strategic Plan and its derived programme of work will then serve as the final working document for the consideration and decision by COPMOP 5, bearing in mind the mandatory requirement that the working document for the COPMOP should be published three months in advance of COPMOP 5.

17. Another important issue that was flagged by several members of the Bureau related to the need to take up with Global Environment Facility (GEF), the need to prioritise Biosafety issues and ensure allocation of sufficient funding for biosafety projects.

18. The Executive Secretary clarified that in the current cycle, GEF had allotted 80 million US\$ for Biosafety but this was not used. The last round of consultations on the GEF replenishment was scheduled to take place in April. While the Convention would advocate for greater priority for Biosafety, this could be reinforced by Bureau members sending instructions to their representatives to the GEF replenishment meetings to take up the need to ensure higher funding and priority for Biosafety issues. In addition, the Bureau could consider the sending of a letter to the CEO of GEF on the issue.

19. The President summarised the discussion on the GEF issue by stating that a letter would be sent to the CEO of GEF.

ITEM 4: PROPOSED FRAMEWORK FOR THE SECOND ASSESSMENT AND REVIEW PROCESS.

20. The Secretariat introduced this item by pointing out that COPMOP 5 would decide on a second assessment and review process of the Protocol, whose results would be presented to

COP-MOP 6. National reports being the primary source of data for this assessment and review process would need to reach the Secretariat a year before COPMOP 6 in a timely manner to allow adequate time for processing and analysis by an expert group. This, the Secretariat noted, would put a heavy demand on the Parties for the submission of their reports. Also feeding into the assessment and review process are an independent review report of capacity building activities, Compliance Committee reports based also on national reports and the general data available in the BCH. The Secretariat noted that all these primary data sources depend on the timely submission on national reports by the Parties. The Secretariat further noted that the result of a successful second assessment and review process will also give a global picture of the state of implementation of the Protocol and provide a baseline against which progress of developments in the Strategic Plan of the Protocol could be measured within the 10 years of its life.

21. The Executive Secretary clarified that COP 11/MOP6 were scheduled to be held in India in October 2012. Therefore, national reports would need to be submitted by the second half of 2011.

22. To facilitate the submission of the national reports, there had been some suggestions on the need for a simplified reporting format which would involve only ticking yes or no answers. A prototype was circulated to the Bureau for their consideration.

23. A discussion ensued in which clarifications were sought on the simplified format, its objective and whether there would be scope for change.

24. The Secretariat clarified that the proposed simplified format would need to be formally adopted in COP-MOP5 and that any relevant inputs for improvement would be integrated. The second assessment provided ample scope for detailed inputs to be sent by Parties.

25. The President summarised the discussions by stating that the proposal put forward by the Secretariat went a long way in assisting Parties to provide information in a timely manner so that basic information from a large number of Parties could be compiled and therefore had the approval of the Bureau. Bureau members now had to play their part, when the time came, by galvanising their regions to send in their reports in a timely manner after the formal decision in COPMOP5.

ITEM 5: DATE AND VENUE OF THE FOURTH MEETING OF THE COP-MOP 4 BUREAU

26. The President, in consultation with the Secretariat and the Bureau, indicated that the next meeting of the COPMOP 4 Bureau would be in the morning of 23 May 2010 in Nairobi. It would be followed by a meeting of the COP Bureau in the afternoon.

ITEM 6: OTHER MATTERS

27. The Secretariat introduced the issue of the organisation of work in COPMOP5. It was pointed out that traditionally two working groups are established, apart from the Plenary. Since liability and redress was a crucial issue, there would be a need for a contact group for possibly the legal drafting. The other major issue would be the Strategic Plan. This could then be taken up in Working Group 1. The other issues such as BCH, capacity-building could be taken up in Working Group 2.

28. The President summarised the discussions under this item by stating that this proposed organisation of work seemed viable and therefore had the approval of the Bureau.

29. A briefing on the latest developments under the liability and redress protocol was sought by the Bureau. The Secretariat indicated that, to date, there had been two meetings - in Mexico and Kuala Lumpur - and 63% of the text had been cleared. The lack of funding constrained options for further consultations but the hope was that at the meeting in Montreal in June, the remaining 37% of the text could be cleared.

30. The Executive Secretary then raised the issue of funding for the participation of developing countries in COPMOP 5. This would be crucial particularly since a legal protocol was to be adopted and broad-based participation was essential. So far only US\$ 57,000 had become available for this purpose.

31. The Executive Secretary then indicated that a note on 13% Programme Support Costs and revised administrative arrangements with UNEP had been circulated to the Bureau. He pointed out that the earlier administrative arrangements had evolved prior to the establishment of the Biosafety Protocol. The proposed revised administrative arrangements reflected the current situation. He indicated that he would be meeting with the Executive Director of UNEP in this regard and also hoped to resolve the issue of the 13% administrative support costs levied by UNEP and would brief the Bureau on the outcome at its next meeting in Nairobi.

32. The President summarised the discussions and indicated that the Presidency would do its utmost to address the funding issue.

Item 7: Closure

33. The meeting was closed at 1200 on Saturday 20 March 2010.
