



**Convention on  
Biological Diversity**

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BUREAU OF THE CONFERENCE  
OF THE PARTIES  
Montreal, Canada  
8 November 2009

**MINUTES OF THE SEVENTH MEETING OF THE BUREAU OF THE  
NINTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE  
CONVENTION ON BIOLOGICAL DIVERSITY**

**INTRODUCTION**

1. The seventh meeting of the COP-9 Bureau was held on 8 November 2009 in Montreal, Canada, on the eve of the eighth meeting of the Ad Hoc Open-Ended Working Group on Access and Benefit- Sharing (WGABS-8). The meeting was chaired by Mr. Jochen Flasbarth, who represented the President of the ninth meeting of the Conference of the Parties.
2. The following Bureau members attended the meeting:
  - Ms. Somaly Chan (Cambodia)
  - Ms. Tania Temata (Cook Islands)
  - Mr. Joseph Ronald Toussaint (Haiti)
  - Professor James H. Seyani (Malawi)
  - Mr. Damaso Luna (Mexico)
  - Ms. Snežana Prokic (Serbia)
  - Dr. Abdelbagi Mukhtar (Sudan)
  - Ms. Åsa Norrman (Sweden)
  - Mr. Robert Lamb (Switzerland)
  - Dr. Volodymyr Domashlinets (Ukraine)
3. The meeting was also attended by Mr. Kazuaki Hoshino of the Ministry of Environment of Japan, and Ms. Tokuko Nabeshima, as ex-officio members of the Bureau, as the host of the tenth meeting of the Conference of the Parties. Dr. Spencer Thomas, the Chair of SBSTTA also attended. The Executive Director of UNEP was represented by Mr. Bakary Kante, Director of the Division of Environmental Law and Conventions (DELIC) and Mr. Balakrishna Pisupati. Mr. Tim Hodges and Mr. Fernando Casas, the Co Chairs of the ABS Working Group also attended. The Secretariat was represented by the Executive Secretary of the Convention, Mr. Ahmed Djoghlaif, Mr. Olivier Jalbert, (Principal Officer), Ms. Valerie Normand (Programme Officer, Access and Benefit Sharing) and Ms. Nandhini Iyer Krishna (CBD liaison office in New York).
4. The President extended a warm welcome to all participants of the Bureau meeting. He also welcomed the Executive Secretary and the representatives of the Government of Japan

and UNEP, as also the SBSTTA Chair and the ABS Co-Chairs. He indicated that the new German Minister of Environment was as committed to the CBD and the ABS process as was his predecessor. He also indicated that the Minister had requested him to continue in his current capacity, as representative of the COP 9 President to the Bureau.

5. The Executive Secretary also welcomed the participants for the second meeting of the Bureau in Montreal. He requested that his appreciation be conveyed to the Minister for kindly accepting that Mr. Flasbarth will continue presiding the COP 9 Bureau until COP 10.

## **ITEM 2: ADOPTION OF THE AGENDA**

6. The Bureau then turned its attention to adoption of the agenda, as outlined below:

1. Opening of the meeting
2. Adoption of the agenda
3. Preparations for the eighth meeting of the Ad Hoc Open-Ended Working Group on Access and Benefit- Sharing (WGABS-8)
4. Update on the Co Chairs' interim strategic and operational approach
5. Other matters
6. Closure of the meeting

## **ITEM 3: PREPARATIONS FOR THE EIGHTH MEETING OF THE AD HOC OPEN ENDED WORKING GROUP ON ACCESS AND BENEFIT SHARING (WGABS-8)**

7. The President stated that the timetable for negotiation of an international regime on ABS was very tight. COP 9 had provided very precise guidance. Much is needed to be accomplished in WGABS-8. He invited the Co-Chairs to brief the Bureau.

8. Mr. Fernando Casas, Co Chair, referred to the bilaterals and open ended consultations the Co Chairs had undertaken with a number of stakeholders - Switzerland, EU, Africa, Mexico, New Zealand, US, Argentina, Japan, Australia, LMMC (Like Minded Mega Diverse Countries), indigenous people groups, among others. The Co-Chairs were encouraged that some inter-regional contacts were being undertaken.

9. The Co-Chairs intended to provide a brief discussion in Plenary on Monday morning on the issue of "nature" with a view to evolving a common understanding on which they would attempt some wording. This would be reflected in the report of the meeting. The Co-Chairs intended to consult the President and the Bureau on this. The Co-Chairs therefore, were not expecting operational text/negotiations on "nature" and there was general acceptance of this approach. The effort would then be to move to TK and capacity building, with a request to delegations to flag, in the Plenary, operational text they intended to introduce. The objective would be to bring the issues of TK and capacity building to the same level as other issues in the text. To this end, three steps were envisaged: collection, consolidation and then negotiation of text. The need and timing of the Contact Groups on TK and capacity building would be assessed. The tentative workflow envisaged was that Contact Groups on TK and perhaps capacity building would be established and begin functioning after Monday. Then the Paris components would be taken up i.e. compliance, benefit sharing and access. Delegations would be encouraged to signal their interest in providing new text, in Plenary,

which could be done in greater detail in the Contact groups. From time to time, progress would need to be assessed and if necessary, informal consultations with regions etc. undertaken to move negotiations forward. If necessary, the formal setting of the Working Group could also be suspended for a day to allow for such consultations. On the Paris text, there would be a final opportunity, to flag introduction of new text in the Plenary.

10. Mr. Tim Hodges supplemented the briefing by stating that their consultations had indicated that the current session of the Working Group was widely seen as a crucial one, and delegations were keen to negotiate. "Nature" was acknowledged as important, with a need to identify which elements could be legally binding. It would also be needed to clarify that the inputs of the WG on Article 8(j) had not been negotiated. Some delegations had requested flexibility to tweak the text post Montreal. Some indicators to measure progress would include reduction in number of brackets.

11. Points that emerged in the ensuing discussions included: the need to strike a balance between stabilizing the text and entertaining new proposals; the need for sufficient time to enable groups to examine and comment on new text; difficulties for small delegations to service a large number of parallel contact groups; visa issues that needed to be sorted out when considering hosts for meetings so that delegations did not face difficulties in being present at meetings; and the need for clarity on the procedure for introduction of new text so that difficulties faced by some delegations at the Paris meeting could be avoided.

12. There was also a brief discussion of the relationship of the Bureau and the Co-Chairs to the WGABS. The support of the Bureau for the efforts of the Co-Chairs was articulated.

#### **ITEM 4: UPDATE ON THE CO-CHAIRS INTERIM STRATEGIC AND OPERATIONAL APPROACH**

13. The Co Chairs indicated that there would be a need for a shared view on the post Montreal scenario and perhaps even post WGABS 9. This could perhaps be discussed on Thursday. The regional consultations would provide opportunities to advance progress towards WGABS9 and any intersessional process that might be necessary.

#### **ITEM 5: OTHER MATTERS**

14. The Executive Secretary stressed the need to finalize the arrangements of WGABS 9. He indicated that a formal confirmation on the venue (which city) and timing were awaited from Colombia. He was of the view that a decision on the venue and date of this final meeting of ABS need to be taken before the closure of WGABS 8. He informed the Bureau that a response from Colombia is expected on 12 November 2009.

15. In the discussions that ensued, issues raised included: the need to ensure that there was no overlap between WGABS 9 and the forthcoming CITES meeting as also the Ministerial level consultations of the African Group (March, Namibia), as also comparable consultations being convened in Brazil at the same time; the symbolic importance of holding WGABS 9 in Colombia was stressed, since it was a mega diverse developing country, which had long played a leadership role on biodiversity issues and the need to give ample time for a confirmation from the Colombian authorities.

16. Summarising the discussions on this issue, the President indicated that all efforts and the necessary time would be made available to await a confirmation from Colombia, before

exploring alternatives. He also indicated that the dates for WGABS 9 would not be changed, in view of the tight schedule of meetings.

17. The Bureau then briefly discussed the **schedule for informal meetings of the Bureau, including with the Co-Chairs during the week**. The President concluded the discussions on this issue by stating that the Bureau would meet informally with the Co-Chairs on Tuesday, Thursday and Saturday morning at 0830, when the Co-Chairs had indicated their availability. He also announced that the Bureau would meet informally for additional discussions and stock taking on the same days in the evenings.

18. The issue of **indicators relating to ABS** was then taken up. The Secretariat briefed the meeting on the directive from COP 7, that indicators to measure progress on ABS be evolved. At the time, it had not been taken up, since negotiating the international regime had been the priority. However, indicators now needed to be evolved and integrated in the revised Strategic Plan.

19. In the discussions that ensued the following points were made: while this issue was reflected in the revised Strategic Plan, there was no space for discussions on this issue in WGABS 9; the Co-Chairs had been reminding the WG that this was a pending matter; while the directive of COP 7 related to the earlier Strategic Plan, there was a need to raise awareness on ABS and the revised Strategic Plan. The SBSTTA Chair pointed out that this issue had also been discussed in the SBSTTA Bureau, as also the joint meeting of the COP and SBSTTA Bureaux, and all efforts would be made to ensure that ABS indicators would find their place in the revised strategic Plan.

20. The representative of UNEP indicated that UNEP intended to organize a meeting on 18 December 2009 on ABS and indicators.

21. The Secretariat then provided a detailed briefing on **CEPA and ABS**. In the discussions that followed, widespread appreciation was expressed by Bureau members for the CEPA initiative. Its importance for various regions such as CEE was also stressed.

22. The President summarized the discussions and indicated that CEPA would be taken up again at the Bureau meeting in Nairobi.

23. In response to a request from the ABS Co-Chairs, the Secretariat provided a briefing on the **schedule of upcoming regional consultations on ABS issues**, which had been scheduled as follows:

Asia: Cambodia: 5-6 December  
GRULAC: Panama: 18-19 January  
CEE: Isle of Vilm: 9-10 February  
Pacific: Auckland: 15-16 February  
Africa: Namibia: 5-10 March

24. Appreciation was expressed by the Bureau to UNEP for funding the regional consultations, and organising them through the UNEP regional offices.

25. The issue of **post 2010 targets and the revised Strategic Plan** was then taken up. The Secretariat briefed the meeting on the process modalities for the revised Strategic Plan. The draft had been circulated and comments made by SBSTTA and the joint COP-SBSTTA Bureaux meetings among others, would be incorporated in the revised draft which will be distributed to Parties before the end of November. Regional consultations were also being planned in collaboration with UNEP and IUCN Countdown 2010, with the support of Japan, among others. The outcome would be reviewed at an expert workshop being co-hosted by Brazil and UK in London in mid-January. The sixth Trondheim Conference, being organized in Norway in February, would provide yet another opportunity for review and consultations.

The draft of the Strategic Plan would then be finalized in mid-February 2010 and submitted for formal consideration by SBSTTA-14 and WGRI-3.

26. The President summarized the discussions that ensued by stating that more work was required on the draft and he requested the representatives of Cook Islands, Sweden, Haiti, Malawi and Ukraine as “friends of the Chair” to meet during the course of the week with the representatives of UNEP and SCBD to assist in enhancing the draft based on comments received.

27. The issue of the **HLE of the UNGA** was then taken up and the Executive Secretary was invited by the President to report on the outcomes of his visit to New York on the 3 November for the presentation to the second committee of the UNGA of the report of the Secretariat.

28. The Executive Secretary indicated that he had a one-day visit to New York on 3 November to present the annual report of the CBD to the UNGA, as is customary, with a focus on the COP 9 decision requesting the UNGA to consider convening a high level event as a contribution to the IYB. The interactive session that had followed reflected the extent of interest and engagement of all stakeholders. He indicated that he had had a collective interaction with representatives of all major groups - G77, US, CANZ, EU on COP 10 preparation, IYB, IDB, *The Green Wave* initiative, as well as the preparation of the HLS of UNGA. He indicated that he had solicited their support for the convening of the Biodiversity HLE on 20 September, despite two other competing HLEs scheduled for 2010 i.e. a three-day MDG review Summit and a Mauritius plus five two-day Summit. The timing was crucial and it was hoped that there would be support from all stakeholders for convening of the biodiversity HLE on 20 September 2010, a day before the beginning of the general debate, when there was the maximum possibility of attracting Heads of State/Government. He stated that he had also drawn attention to the potential financial implications if there were parallel sessions of the round tables and had requested for their understanding and support. He referred to his meeting with the President of the General Assembly and indicated that the latter had agreed to send a message on IYB at the occasion of the launch of IYB and COP 10 website. The President of the General Assembly had also mentioned the convening of a high level event in Libya, on the occasion of the World Desertification Day, in collaboration with UNCCD and CBD, on the theme of drylands and biodiversity as a contribution of the African Union to the biodiversity HLE. He also referred to his meeting with the facilitator of the MDG Summit, where it was agreed that the biodiversity HLE would input into the MDG review Summit.

29. The Executive Secretary also referred to his detailed interaction with the EU CBD support group comprising Belgium, UK, Germany, Portugal and the EC. He also briefed the Bureau on his press conference, as also his meeting with the Chair of Stakeholders Forum Rio plus 20, and the Secretary of the Francophonie. It had been agreed that the Francophonie would meet on 19 September at Summit level on the eve of the HLE of UNGA on biodiversity. The theme of the next Francophonie Summit will be on biodiversity and cultural diversity. He indicated that he had also explored possibilities of ensuring that biodiversity was on the agenda of other high level meetings planned in 2010, on the margins of the UNGA, including the Commonwealth, AOSIS, etc. In response to queries from the Bureau, he also referred to consultations undertaken with UNEP on the concept paper on the modalities of the HLE and SG's report to the UNGA, the work of and cooperation with the BLG on the HLE as also the collaboration with the EMG, which would lead to the Executive Director of UNEP presenting the outcome of EMG work on the post 2010 targets to the HLE. On the potential financial implications, he expressed appreciation to UNEP for assistance with communications and outreach for IYB. There might be a need to fund the participation of keynote speakers for the interactive round tables during the HLE. There would also be a need to support the work of the roundtables and a senior staff had already been designated for each

theme. All help would be appreciated. There was also a possibility to utilize the lunch and dinner slots on 20 September for continued informal discussions at Heads of State/Government level and a lunch possibly hosted by Germany and the dinner possibly hosted by Japan might also make a valuable contribution to the HLE.

30. In the detailed discussion that ensued, the following issues were raised: the financial implications of the IYB and the HLE for CBD; the involvement of other biodiversity-related Conventions; and status of discussions on the draft CBD resolution, including whether it had been tabled, in New York.

31. The representative of UNEP cautioned on the need to fully involve the other biodiversity-related Conventions and MEAs, as also to flag the role of the EMG, so that there was broad based ownership and it was not seen as just a process driven by the CBD. He expressed concerns on the content of the draft decision and informed the Bureau that he will share his concerns with the Executive Director of UNEP. The Executive Secretary stated that the representative of UNEP was referring to a draft decision which was not the official L document tabled by the G77 and the official document submitted by the Group of 77 and China will be distributed to the members of the Bureau at their next meeting.

32. The President summarized the discussion by stating that the concerns of representative of UNEP will be addressed after receiving a copy of the official draft decision submitted by the Group of 77 and China.

33. The Executive Secretary then reminded the Bureau of the need to identify the **potential Co-Chairs for COP 10 Working Groups**, as early as feasible, so that they could be prepared for the responsibility.

34. The President indicated that Germany and Japan would consult on this issue.

35. Following the suggestion by the representative of Cook Islands, speaking on Asia and Pacific Group, the Bureau welcomed the offer of India to host COP 11 subject to the formal decision to be adopted by COP 10.

36. The Executive Secretary indicated that COP 10 would take a formal decision on the offer but the Bureau could welcome the offer, as it had done in the case of Japan. He indicated that at the meeting of the Working Group on Article 8(j), all regional groups had welcomed the offer.

37. The President summarized the discussions by stating that some language could be worked out.

#### **ITEM 6: CLOSURE OF THE MEETING**

38. The meeting was closed at 1900 on Sunday, 8 November.

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