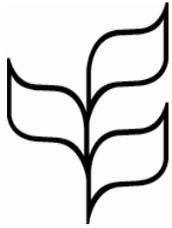




CBD



**Convention on
Biological Diversity**

Distr.
GENERAL

UNEP/CBD/COP9/Bur/2010/3/2
25 May 2010

ORIGINAL: ENGLISH

BUREAU OF THE CONFERENCE
OF THE PARTIES
Nairobi, Kenya
23 May 2010

**MINUTES OF THE ELEVENTH MEETING OF THE COP-9 BUREAU HELD AT UNEP
HEADQUARTERS IN NAIROBI, KENYA, ON 23 MAY 2010**

INTRODUCTION

1. The eleventh meeting of the COP-9 Bureau was held on 23 May 2010 in Nairobi in conjunction with the opening of the third meeting of the Ad Hoc Open Ended Working Group on the Review of Implementation of the Convention (WGRI-3). 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)
Mr. Joseph Ronald Toussaint (Haiti)
Prof. James Seyani (Malawi)
Ms. Snežana Prokic (Serbia)
Dr. Abdelbagi Mukhtar (Sudan)
Ms. Åsa Norrman (Sweden)
Mr. Robert Lamb (Switzerland)
Dr. Volodymyr Domashlinets (Ukraine)

Ms. Tanya Temata (Cook Islands) was replaced by Ms. Elizabeth Munro
Mr. Damaso Luna (Mexico) was replaced by Mr. Hesiquio Benitez

3. The meeting was also attended by:

- Mr. Masayoshi Mizuno, Director of the Global Environment Division in the Ministry of Foreign Affairs of Japan and Mr. Masaki Suzuki (Director General, Nature Conservation Bureau in the Ministry of Environment), representatives of the host of COP-10, *ex-officio* member of the Bureau;
- Mr. Timothy Hodges and Mr. Fernando Casas, Co-Chairs of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing;
- Mr. Spencer Thomas, Chair of SBSTTA-14
- Deputy Executive Director of UNEP, Ms. Angela Cropper, and Mr. Carlos Martin-Novella and Mr. Balakrishna Pisupati;
- Executive Secretary of the Convention, Dr. Ahmed Djoghlaif, and Mr. Ravi Sharma, Secretary of the WGRI, and Olivier Jalbert, Principal Officer.

ITEM 1 OPENING OF THE MEETING

4. The President welcomed participants and noted with appreciation the presence of the Deputy Executive Director of UNEP.

5. Ms. Cropper welcomed Bureau members at UNEP Headquarters and emphasized the importance attached by UNEP to biodiversity as evidenced by the hosting the meetings of the SBSTTA-14 and WGRI-3. UNEP was committed to support the MEAs and was reviewing how best to do it, especially the CBD given its overarching role. Administrative arrangements, in particular, were under consideration.

6. Mr. Flasbarth thanked UNEP for its commitment to the CBD, which was much appreciated and needed given that a number of issues that needed to be resolved.

7. The Executive Secretary, Mr. Ahmed Djoghlaflaf, said that the Deputy Executive Secretary's presence provided evidence of UNEP's contribution to the implementation of the CBD. The meetings in Nairobi were made possible by the financial support of UNEP. He noted that the Secretariat had received a written pledge from Japan to cover the cost of the resumed WGABS-9, in July, and that the financial support included support for the participation of one representative from each developing country. He expressed his deep appreciation to Japan for this initiative.

ITEM 2 ADOPTION OF THE AGENDA

8. The provisional agenda as contained in document UNEP/CBD/COP9/Bur/2010/3/1 was adopted as the agenda of the meeting:

1. Opening of the meeting
2. Adoption of the agenda
3. Preparation of the third meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention (WGRI-3)
4. Briefing of the Co-Chairs of the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing on the preparations for the resumed WGABS-9
5. Preparation of the High Level Segment of the sixty-sixth session of UNGA
6. Preparations for the tenth meeting of the Conference of Parties
7. Joint meeting with the SBSTTA Bureau
8. Other matters
9. Closure of the meeting

ITEM 3 PREPARATIONS FOR THE THIRD MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON THE REVIEW OF IMPLEMENTATION (WGRI-3)

9. The Executive Secretary briefed the bureau and recalled that the Secretariat had benefited from the guidance of the Bureau in preparing the documentation, which was before the meeting. The Secretary of the meeting, Mr. Ravi Sharma, presented the proposed organization of work based on revised annotated agenda (document UNEP/CBD/WG-RI/3/1/Add.1/Rev.1).

10. The Bureau agreed that contact groups should be established as early as possible in the course of the meeting. The President undertook to discuss this matter with the Bureau as the meeting progresses and in particular on Monday evening.

ITEM 4 BRIEFING BY THE CO-CHAIRS ON PREPARATIONS FOR THE RESUMED NINTH MEETING OF THE AD HOC OPEN ENDED WORKING GROUP ON ACCESS AND BENEFIT SHARING (WGABS-9)

11. The ABS Co-Chairs' presentation to the Bureau was structured as follows: (i) results of Cali (WGABS-9 first part), (ii) emerging thinking regarding preparations for the resumed WGABS-9 (Montreal, 10-16 July) and (iii) the Cali-Nagoya outlook.

12. With respect to the results from Cali, Co-Chair Casas recalled that the meeting had benefited from regional consultations between the eighth and ninth meetings of the Working Group as well as the informal inter-sessional meetings (FOCC and CIIC). This had led to the acceptance of the Co-Chairs' text as the basis for negotiations. The Cali meeting, in turn, had led to a comprehensive draft text that had been communicated to Parties six months before its submission for adoption by the Conference of the Parties, as stipulated in article 28, paragraph 3, of the Convention, and to a draft decision being forwarded to Conference of the Parties. Many Parties had contributed additional text based on the Co-Chairs' text. This had allowed Parties to reflect on the Cali Annex in their current preparations for the resumed WGABS-9.

13. With respect to the resumed WGABS-9, Co-Chair Hodges thanked the regions through their respective Bureau members for their patience on the issue of the timing and venue for the meeting. He thanked the ES and his staff for finding broadly suitable dates and venue. Since this meeting was the continuation of the WGABS-9, the documentation remained the same with some important additions: the report of the first part of the WGABS-9 and a new information document on the recommendations of the UNPFII on access and benefit-sharing. The report included the views of some Parties as expressed in the final plenary session in Cali. He again confirmed that Annex I to the report of the first part of the WGABS-9 was the basis for the upcoming negotiations.

14. Co-Chair Hodges made clear that the objective of the resumed WGABS-9 was to finalize the international regime. Members of the Working Group wanted to negotiate and the Co-Chairs intended to do everything possible, with the advice and guidance of the Bureau, to facilitate effective negotiations. In order to give maximum time for negotiations and since this was the continuation of the WGABS-9, there would be no opening statements by dignitaries (but regional groups would have the opportunity to make general statements (if they felt it would be important and useful to others). As per usual practice, the Co-Chairs would provide a scenario note before the meeting, along with a revised guidance note reflecting on the discussions in Cali and subsequent informal discussions between the Co-Chairs and others. With regard to organization of work, discussions would begin in Plenary and the latter would meet throughout the meeting as needed. Transparency, openness and predictability would continue to characterize the discussions. One obvious option for advancing the negotiations was to resort to the Vienna style format adapted to provide increased flexibility with regard to who and how many may speak on behalf of each regional group, as was done in Cali. Plenary would assess the Working Group's progress at the outset of the fourth day. The Co-Chairs' intent was to allow the Working Group to negotiate, which meant that Parties are willing to accept the burden and share responsibility for the outcome. The Co-Chairs envisioned that the Working Group would complete its mandate in Montreal.

15. With regard to the Cali-Nagoya strategic outlook, Co-Chair Casas said that it was the view of the Co-Chairs that a large majority of Parties want the adoption of a Protocol as the best way to comply with the Convention's objectives and provisions on ABS. The Co-Chairs envisaged a balanced "package" agreed in Montreal. Following the resumed WGABS-9, the Co-Chairs would prepare a situation report, to be sent to the Parties directly (in addition to the official report of the meeting). Co-Chair Casas emphasized that political momentum was crucial to the success of ABS at COP-10. In this connection, the Co-Chairs had met recently with the UNEP/ED and with Japanese officials and they intended to continue such consultations. However, ultimately the fate of the negotiations was in the hands of the Working Group on ABS and that the Montreal meeting would need to be the Working Group's "finest hour".

16. Professor Seyani recalled that Africa was looking forward to the successful conclusion of the ABS negotiations. The position of the Group had been decided at the Ministerial level. He invited partners to reflect on the importance of article 15 of the Convention and to finalize concrete measures in Montreal. The African Group was concerned on how the negotiations would proceed in Montreal and had reservations with regard to the Cali setting. The Group would prefer a strict Vienna setting. It was essential to examine this matter carefully given the very little time remaining. In particular, it was important that stakeholders representatives be regionally balanced. Unless such balance is achieved, Africa would not be able to accept the Cali setting.

17. Mr. Toussaint and Lamb were the view that the Cali setting had served the meeting well. It was important to involve all Parties in the process. Furthermore, it was counterproductive to change the setting from one meeting to another or during the meeting as this sent a wrong signal. Ms. Chan said that her region would prefer an open setting allowing all participants to intervene in the negotiations. Should this not be possible, then the preference would be for the Cali setting rather than the Vienna setting. Mr. Domashlinets said that contact groups on critical issues should be established early and that regional consultations prior to the meeting should be invited to focus on these issues. Ms. Norrman underlined the importance of informal interregional consultations.

18. In response to these interventions, the Co-Chairs noted the concern with respect to representation of stakeholders. They recalled that, in their capacity as observers, representatives of stakeholders could not negotiate text, but provide advice. With regard to contact groups, at this late stage in the negotiations, it was difficult to isolate a specific issue; thus the Cali setting appeared to be a more effective approach.

19. In conclusion, the President noted that the Co-Chairs' plan was understandable and that the composition of observers was an important consideration. The Co-Chairs welcomed his suggestion to consult with the Bureau members from Africa and the region itself on the issue of the representation of stakeholders.

ITEM 5 PREPARATION OF THE HIGH LEVEL EVENT OF THE SIXTY-FIFTH SESSION OF UNITED NATIONS GENERAL ASSEMBLY (UNGA)

20. The Executive Secretary presented the final version of the elements of the note of the Secretary General on the preparation of the High Level Event of the 65th session of UNGA. He briefed the bureau on the adoption of UNGA Resolution A/64/L.49 of 15 April 2010 and on the scheduling of, and preparations for, the high level biodiversity event. He also informed the Bureau on the consultations held during his recent visit to New York. He draw the attention of the Bureau to the suggested brainstorming meeting to be held in Geneva on 1-2 September to be followed on 3rd September by an informal meeting of the Ministers that have hosted and will host COP.

21. The President thanked the ES for the detailed preparation of this important event. Several improvements to the background document were suggested by Bureau members and noted by the Secretariat.

ITEM 6 PREPARATIONS FOR THE TENTH MEETING OF THE CONFERENCE OF PARTIES

22. The representative of Japan, Mr. Masayoshi Mizuno briefed the Bureau on preparations for COP-10. He emphasized that, while the document on information for participants had not yet been circulated six months before the meeting, the necessary information regarding logistical arrangements (e.g. hotels, exhibition space, the meeting venue, local transportation, etc) had been made available on the Secretariat website. With respect to the exhibition space available outside the Nagoya Conference Center, in particular, information had been already circulated and a full information package would be circulated very soon. Most of the 3 days of the high level segment would be dedicated to statements by Ministers. Japan would provide tentative themes such as lessons learned from the efforts to reach the 2010 target.

Japan welcomed suggestions for additional themes. There would be panel discussions on the second day of the high level segment. Some receptions would be for Heads of delegations only plus one assistant. More details will be provided in due course. The Japanese representative circulated background documents addressing the logistical aspects of the meeting.

23. Under this agenda item, the Bureau agreed to recommend to COP 10 the appointment of Ms. Cosima Hufler of Austria and Mr. Damaso Luna from Mexico as chairs of the working group. The President conveyed to the Japanese representative the appreciation of the Bureau for his presentation.

ITEM 7 THIRD JOINT MEETING WITH THE BUREAU OF THE SBSTTA-14

Outcome of SBSTTA-14:

24. Under this item several members of the SBSTTA Bureau joined the Bureau meeting.

25. Mr. Spencer Thomas briefed the Bureau on the results of the SBSTTA-14 which had concluded its work the previous week. The Chairman said that the SBSTTA had achieved its mandate of providing scientific and technical advice to the Conference of the Parties as evidenced by the 18 L documents adopted. He pointed out that this success was due in part to the high quality of the background documentation. Recommendations had been adopted albeit with some brackets notably on climate change (including a roadmap with joint work programme), post 2010 targets, coastal and marine issues and biofuels. These latter issues had proven to be the most difficult. Useful discussion had also taken place of the ways and means to improve the effectiveness of the SBSTTA and on new and emerging issues. There was general satisfaction on the recommendations going to COP and WGRI. Finally, he pointed out that the SBSTTA had requested guidance from the COP with regard to SBSTTA's role with respect to financial matters and guidance to the financial mechanism.

26. The President congratulated the SBSTTA Chair and SBSTTA Bureau members for a successful meeting. He noted that there had been good collaboration between the SBSTTA and COP Bureaux throughout the meeting.

Strategic Plan:

27. Under this item, the Director of the Environmental Management Group (EMG), Mr. Ivar Baste, was invited to join the meeting to present the EMG report on CBD implementation within the UN system as an information document. Mr. Baste pointed out that the aim of the report was to inform delegates on what has been happening, and more importantly on strategic forward looking considerations, regarding efforts by UN agencies to assist with the implementation of the strategic plan of the Convention and the achievement of its objectives.

28. The report looked at biodiversity in the broader context of the agenda for sustainable development. A number of sectoral perspectives were presented in the report with respect to implementation at the national level. A preliminary report had been tabled in the SBSTTA and WGRI. The EMG Director invited contributions to finalize the report with a view to its presentation to the high level segment of UNGA and to COP-10.

29. Bureau members welcomed the report and emphasized the need to consider carefully how best to use the report. It would make a useful contribution to the High Level Event of UNGA and COP-10. The document should convey clear messages and should be available to the preparatory meeting for the High Level Event.

30. The UNEP representative noted that it was important to integrate biodiversity in the broader agenda and, in this regard, the report should be looked at as a starting point.

31. Mr. Baste noted the interest in using the report in preparation for the High Level Event of UNGA. In response to a query, he indicated that there was a distinct chapter on financial issues and how agencies can work together to support implementation.

32. The SBSTTA Chairman, Dr. Spencer Thomas pointed out that SBSTTA delegates regarded the Strategic Plan as essential. He wished to record his appreciation for the work of the Secretariat on this issue and also wished to thank Dr. Lovejoy for his presentation on this issue at the SBSTTA meeting. He also requested the Executive Secretary to send letters of appreciation on behalf of the SBSTTA bureau to Dr Tom Lovejoy, Executive Director of UNEP and the four former chairs of SBSTTA that attended the meeting on their contribution for a successful SBSTTA. The President concurred and indicated that these letters can be sent also on behalf of the COP bureau.

33. The ES echoed the outstanding contribution of EMG. He had been impressed by agencies involved in the preparation of this report. Agree with the need to be forward looking. The draft Strategic Plan that had emerged from SBSTTA-14 would be provided to WGRI for its consideration. High Level Event of UNGA would provide an opportunity to agencies to support the Strategic Plan. In Nagoya, there would be a meeting of agencies before High Level Segment to engage them in support of the “Nagoya compact”. The proposal by Japan to declare 2011-2020 the Decade for Biodiversity would invite the UN system to contribute to the Decade.

34. The President informed the Bureau that he intended to invite the Director of EMG, Mr. Ivar Baste, to address plenary and invite delegates to his side event. Furthermore, having in mind the experience of EMG meetings, he requested that the Secretariat analyze the report in cooperation with the COP-10 Presidency in order to make maximum use of it, and that the Secretariat be invited to participate in EMG meetings on this matter. The President further noted that funding for biodiversity was still an issue for developing countries. Biodiversity should be a top priority for Governments but this was still not the case in all countries. It was therefore crucial to seize the opportunity of the IYB to raise awareness about this issue and elevate it to the level of top priority in all countries.

35. In his conclusion, the SBSTTA Chairman thanked members of both Bureaus. As outgoing Chair of SBSTTA, he believed that the GBO-3 had been successfully launched. The document was very significant and had been enriched by many. As we focus on IPBES, it was necessary also to focus on article 25 of the Convention with a view to strengthening the role of the SBSTTA.

ITEM 8. OTHER MATTERS

36. Under this item, Mr. F. Farooqui, Additional Secretary, Ministry of Environment and Forests of India, presented the detailed of the offer of the Government of India to host COP-11 in October 2012. He highlighted the excellent logistical infrastructure available in New Delhi to support such as meeting, as well as the rich biological and cultural diversity of India. He also stressed the full commitment of the government of India to ensure the success of this important meeting to be held after Rio+20.

37. While noting that a decision with respect to the venue of COP-11 would be made by the COP-10, the Bureau members welcomed the offer of India to host COP11 and congratulated India for the preparation already made for this important meeting.

38. The ES brought to the attention of the Bureau that, as a follow up to the note on 13% submitted to the last meeting of the Bureau, a dialogue has been initiated with UNEP. As a result, it had been agreed that UNEP will submit to the next biennium of the United Nations General Assembly (UNGA) for 2012-2013 a proposal whereby the cost of convening conference services (including translation, interpretation and security) for CBD COPs would be included in the budget of UNGA, so as to align the CBD with the services provided by the UNGA to UNCCD and UNFCCC. To this end, a draft decision will be submitted to COP-10 in Nagoya and subsequently to the Governing Council of UNEP. However, there is a need to submit this proposal to UNEP in July before the finalisation of the preparation of the draft UNEP budget

to UNGA. The representative of the Executive Director of UNEP confirmed this initiative and noted that the initiative, if approved, will free some funds for other activities under the CBD. The Bureau welcomed the initiative and expressed its hope that it will be agreed by the sixty-sixth session of UNGA.

ITEM 9. CLOSURE OF THE MEETING

39. The meeting was closed by the President at 18:30 on Sunday, 23 May 2010.
