



**Convention on
Biological Diversity**

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**BUREAU OF THE CONFERENCE OF THE
PARTIES TO THE CONVENTION ON
BIOLOGICAL DIVERSITY**

Fourth Meeting

Kartause Ittingen, Switzerland, 14 August 2014

MINUTES

INTRODUCTION

1. The fourth inter-sessional meeting of the Bureau of the eleventh meeting of the Conference of the Parties (COP 11) was held on the evening of 14 August 2014, in Kartause Ittingen, Warth, Switzerland.

ITEM 1. OPENING OF THE MEETING

2. The Executive Secretary opened the meeting at 8.20 pm, and conveyed apologies for Mr. Hem Pande, representative of the President of the eleventh meeting of the Conference of the Parties, who unfortunately was unable to participate due to an unavoidable late scheduling conflict.

3. Mr. Spencer Thomas, from Grenada, was elected to chair the meeting.

4. The following Bureau members were present: Mr. Spencer Thomas (Grenada), Mr. Boukar Attari (Niger), Ms. Eleni Rova Tokaduadua (Fiji), Ms. Chaweewan Hutacharern (Thailand), Mr. Ioseb Kartsivadze (Georgia), Mr. Jeremy Eppel (United Kingdom of Great Britain and Northern Ireland), and Ms. Tone Solhaug (Norway). Apologies were received from Mr. Francis Ogwal (Uganda), Ms. Senka Barudanovic (Bosnia and Herzegovina), Ms. Maria Luisa del Rio Mispireta (Peru), as well as Mr Hem Pande (India).

5. Mr. Seukwoo Kang (Republic of Korea) also participated as the representative of the incoming Presidency. Mr. Hesiquio Benitez (Mexico) attended as an observer as the representative of the prospective COP-13 Presidency. Ms. Janet Lowe (New Zealand) participated as a co-chair of the Intergovernmental Committee for the Nagoya Protocol (ICNP). Mr. Robert Lamb attended as the representative of the United Nations Environment Programme (UNEP). The Secretariat was represented by Mr. Braulio Ferreira de Souza Dias, Mr. David Cooper, Ms. Amy Fraenkel and Mr. Ravi Sharma.

ITEM 2. ADOPTION OF THE AGENDA

6. The Bureau adopted the agenda of the meeting as presented in document UNEP/CBD/COP11/Bur/2014/2/1.

ITEM 3. PREPARATIONS FOR THE TWELFTH MEETING OF THE CONFERENCE OF THE PARTIES

7. The Executive Secretary, Mr. Braulio Ferreira De Souza Dias, and the COP Secretary, Mr. David Cooper, updated Bureau members on the preparations for the twelfth meeting of the Conference of the Parties (COP-12). The provisional agenda had been revised by the Executive Secretary UNEP/CBD/COP/12/1/Rev.1) in light of the outcomes of the fifth meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention (WGRI-5) and the eighteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-18). The annotations to the provisional agenda had also been updated and finalized by the Secretariat (UNEP/CBD/COP/12/1/Add.1/Rev.1), corresponding to the revised provisional agenda and in the light of the status of ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The Secretariat had also prepared a compilation of draft decisions based on the recommendations of inter-sessional meetings.

8. It was noted that the Working Groups would address items under the Convention and the Nagoya Protocol.

9. It was further noted that WGRI-5 and SBSTTA-18 had suggested that a number of decisions might be considered to comprise the “Pyeongchang Roadmap for the enhanced implementation of the Strategic Plan for Biodiversity 2011-2020 and achievement of the Aichi Biodiversity Targets” (see UNEP/CBD/COP/12/1/Add.2, page 3).

3.1 Chairing roles and other officers

10. The Bureau agreed that the following officers would be nominated to support COP-12 and the first meeting of the Conference of the Parties serving as the meeting of the Parties of the Nagoya Protocol (COP-MOP 1):

- (a) Ms. Tone Solhaug (Norway), as Chair for Working Group I;
- (b) Ms. Maria Luisa del Rio Mispireta (Peru), as Chair for Working Group II;
- (c) Ms. Eleni Rova Tokaduadua (Fiji), as Rapporteur;
- (d) Mr. Boukar Attari (Niger), as representative of the Bureau for the review of credentials;
- (e) Mr. Spencer Thomas as Chair of the Budget Committee.

11. The Bureau also discussed items that would likely require the establishment of contact groups or other informal groups. The Bureau agreed that Mr. Jeremy Eppel (United Kingdom of Great Britain and Northern Ireland) and Mr. Francis Ogwal (Uganda) should act as Co-Chairs of the contact group on financial resources, continuing the practice at WGRI-5. For other issues that might require contact groups or friends of the Chair (see paragraph 16, below), the Chairs of the respective Working Groups and the Secretariat would explore options for potential chairs.

12. The Bureau also agreed to consult informally on potential co-chairs for a contact group under the Convention to advance work on compliance in preparation for COP-MOP 1, as envisaged in the annotations to the agenda for COP (UNEP/CBD/COP/12/1/Add.1/Rev.1, para 42)

3.2 Implications of the entry into force of the Nagoya Protocol

13. Noting that the Nagoya Protocol enters into force on 12 October 2014, and that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol would be held from 13 to 17 October 2014, concurrently with the meeting of the Conference of the Parties, the Bureau considered arrangements for the COP-MOP 1 Bureau and the status of countries that may have deposited their instrument of ratification prior to COP-MOP 1 but for whom the 90-day period will not have elapsed by the time of COP-MOP 1 (the “in-between” countries”).

Bureau for COP-MOP 1

14. The Bureau noted that, according to paragraph 3 of Article 26 of the Nagoya Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention, but not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Nagoya Protocol, when the Conference of the Parties serves as the meeting of the Parties to the Protocol. Thus, the members of the Bureau from Bosnia and Herzegovina, Georgia, Grenada, Thailand and the United Kingdom of Great Britain and Northern Ireland would need to be replaced, and the Bureau members concerned agreed to consult their regional groups with a view to identifying potential substitutes from among Parties to the Nagoya Protocol in their respective regions. Such Bureau members would serve during the meeting of COP-MOP 1. A new Bureau would be elected during COP-12 to serve from the close of the meeting until the close of COP-13.

Status of the “in-between” countries.

15. The Bureau noted that there are indications that a number of countries may deposit their instrument of ratification between now and COP-MOP 1. However, since the 90-day period will not have elapsed for these countries until after COP-MOP 1, technically, they will not be Parties at the time of the meeting, but will become Parties at some time within the following 90 days. It was agreed to propose, based on a generally accepted practice, that these “in-between countries” be treated informally as Parties to the Protocol during COP-MOP 1, to the extent that this is possible, consistent with the text of the Protocol, as set out in Annex 1 to these minutes. In summary, this means that these countries would be seated together with Parties to the Protocol and be accorded equal priority for speaking. They would not be able to participate in the Bureau for COP-MOP 1 or chair any formal sessions. While formally they may not take part in decision taking, Parties to the Protocol might wish to fully take into account their views in the development of draft decisions.

3.3 Workload, expected decisions and time planning

16. Bureau members considered the expected workload of the two working groups and process of negotiations, including which items may require discussions in contact groups. Besides resource mobilization (item 14 of the COP-12 agenda), this might include: consideration of terminology under Article 8(j) (item 19), synthetic biology (item 24), biodiversity and climate change (item 25), among others. The Secretariat would explore options for potential chairs, in consultation with the Chairs of the respective Working Groups.

17. Given the concurrent organization of COP-12 and COP-MOP-1, and taking into account that the latter could start only in the second week, the Bureau highlighted the need to facilitate progress on a number of items under the Convention during the first week with a view to adopting some decisions on the first Friday, as envisaged in the proposed organization of work (see UNEP/CBD/COP/12/1/Add.1/Rev.1, Annex II).

18. The Bureau considered that, given the limited time available for the opening plenaries of COP-12 and COP-MOP 1, opening statements should be limited to regional groups, and a small number of observers, including representatives of indigenous and local communities. Other Parties and observers would be encouraged to make their statements instead at the end of the respective plenary sessions under item 11 of the COP-12 agenda, and item 7 of the COP-MOP 1 agenda.

19. Noting that COP-12 would receive the report of the Intergovernmental Committee for the Nagoya Protocol and refer the report to COP-MOP 1, the Bureau noted the desirability of further advancing work, in advance of COP-MOP 1 on compliance with the Nagoya Protocol (Article 30), and agreed to propose that COP establish a contact group for this purpose to work during the first week of COP, as envisaged in paragraph 42 of the annotations to the agenda for COP-12 (UNEP/CBD/COP/12/1/Add.1/Rev.1) and the notification issued by the Secretariat on 29 July 2014 (Ref.: SCBD/ABS/SBG/aba/83772 (2014-098)1).

1 <http://www.cbd.int/doc/notifications/2014/ntf-2014-098-ng-mop1-ngos-en.pdf>

With a view to ensuring that Parties include appropriate expertise in their delegations during the first week, the Bureau considered that it would be useful to further communicate with Parties, drawing their attention to this matter, and noting that arrangements were being made to allow the contact group to meet as early as Tuesday, 7 October 2014.

3.4 Update on preparations for the High Level Segment

20. Mr. Seukwoo Kang, representative of the Republic of Korea, the incoming Presidency, updated Bureau members on preparations for the High Level Segment. A second letter of invitation had been dispatched, and this had been followed by a notification from the Secretariat issued on 7 August 2014 (Ref.: SCBD/OES/BD/AF/fd/83806 (2014-103)²).

21. Noting that Parties had already been provided with opportunities to input to the preparation of the proposed Gangwon Declaration, Bureau members requested that Parties be given a further opportunity to provide comments on the draft text, with a view to ensuring a transparent process for its preparation and thereby facilitating the adoption of the final text of the Gangwon Declaration at the High Level Segment. Essential comments should be provided by 15 September 2014, avoiding detailed drafting suggestions.

22. The Bureau requested that the names of those invited to speak during the High Level Segment be circulated, along with the draft programme, to enable Bureau members to assist in securing such speakers. The Bureau also asked about the concept notes for the various High Level panels. Mr. Kang noted that these should be made available by the end of August.

23. Bureau members also requested that some flexibility be accorded for participation in the High Level Segment, from among those registered for COP. Mr. Kang agreed to explore these issues in consultation with the Secretariat.

3.5 Update on logistics

24. The representative of the incoming Presidency and the Secretariat also updated Bureau members on logistical arrangements for COP-12.

3.6 Update on funding of participants

25. The Executive Secretary updated the Bureau on the status of the funding for facilitating participation of Parties in the twelfth meeting of the Conference of the Parties and the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

ITEM 4. OTHER MATTERS

26. The Secretariat updated Bureau members on the status of submission of the fifth national reports. Bureau members were urged to encourage Parties in their respective regions that had not yet done so to submit their reports as soon as possible, preferably before COP-12.

27. The Bureau would hold a meeting on 5 October 2014 to finalize its preparations for the twelfth meeting of the Conference of the Parties.

ITEM 5. CLOSURE OF MEETING

28. The Chair closed the meeting at 10:40 p.m.

² <http://www.cbd.int/doc/notifications/2014/ntf-2014-103-cop12-hls-en.pdf>

Annex 1: Proposed treatment of countries that have ratified or acceded to the Nagoya Protocol but are not yet a Party by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol

1. The Nagoya Protocol enters into force on 12 October 2014. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP 1) will be held from 13 to 17 October 2014.
2. Article 33, paragraph 2 of the Protocol provides that the Protocol shall enter into force for a State that ratifies, accepts, approves or accedes to the Protocol after the deposit of the 50th instrument (i.e. 14 July 2014), on the 90th day after the date on which that State deposits its instrument of ratification, acceptance, approval or accession.
3. There are indications that a number of countries may deposit their instrument of ratification between now and COP-MOP 1. However, the 90-day period will elapse for these countries only after COP-MOP 1. Accordingly, by the time of COP-MOP 1 only those first 51 Parties to the Convention that have already deposited their instrument of ratification or accession on or before 14 July 2014 will be Parties to the Protocol.
4. It is proposed, based on a generally accepted practice, that countries that may have deposited their instrument of ratification prior to COP-MOP 1 but for whom the 90-day period has not elapsed (we may refer to them as “in-between countries”) be treated informally as Parties to the Protocol during COP-MOP 1, to the extent that this is possible, consistent with the text of the Protocol.
5. More specifically, it is proposed that the following arrangements be applied to “in-between countries” at COP-MOP 1:

(a) Identification and seating arrangements:

Representatives of ‘in-between countries’ may wear the same badge as Parties and be seated among Parties. This may not be an issue at all as the logistics plan for the organization of the concurrent meetings is heading towards using the seating arrangement of the COP throughout the two-week period.

(b) Order of speaking:

No distinction may be made between Parties and “in-between countries” in terms of order of speaking.

(c) Chairing

Only representatives of Parties may chair working groups.

(d) Decision-making

While formally, in line with paragraph 2 of Article 32 of the Convention, “in-between countries” may not take part in decision taking, Parties may wish to fully take into account their views in the development of draft decisions.

In this regard it is important to note that in the preparation and adoption of the budget of the distinct costs of the secretariat services for the Protocol for the period 2015-2016, “in-between countries” will be included in the assessed contributions table of budget for the 2015-2016 biennium.

(e) Bureau

Only representatives of Parties may be elected (pursuant to Article 26(3) and taking also into account recommendation 3/1) to serve as a substitute for a COP-11 Bureau member who is not a Party to the Nagoya Protocol. “In-between countries” may be elected to the COP-12 Bureau or may serve as a substitute for a COP-12 Bureau member who is not a Party to the Nagoya Protocol.