



Convention on Biological Diversity

Distr.
DRAFT

CBD/COP/Bur/2023/2/2
23 July 2023

ORIGINAL: ENGLISH

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

Second meeting of 2023
Kunming, China, 23-24 May 2023

MINUTES OF THE SECOND MEETING OF THE BUREAU OF THE CONFERENCE OF THE PARTIES IN THE INTER-SESSIONAL PERIOD

1. A meeting of the Bureau of the Conference of the Parties (COP) was held in-person on 23 May 2023 (afternoon) and 24 May 2023 (morning) in Kunming, China. The meeting followed a joint meeting of the COP Bureau and the SBSTTA Bureau held in the morning of 23 May.¹

2. The meeting was attended by the following members of the COP Bureau and substitutes:

COP Presidency: Dr. ZHOU Guomei, Mr. XIA Yingxian, and Mr. LIU Ning;

Africa: Mr. Melesse Maryo (Ethiopia); Mr. Eric Okoree (Ghana);

Asia and the Pacific: Ms. Leina Al-Awadhi (Kuwait);

Latin America and the Caribbean: Ms. Helena Jeffery Brown (Antigua and Barbuda); Ms. Corina Sarli (Argentina, substitute for Costa Rica for matters related to the Nagoya Protocol);

Eastern Europe: Ms. Teona Karchava (Georgia); Mr. Dilovarsho Dustzoda (Tajikistan, substitute for Georgia for matters related to the Nagoya Protocol);

Western Europe and Others: Ms. Gabriele Obermayr (Austria); Ms. Rosemary Paterson (New Zealand);

Ex-officio: Ms. Charlotta Sörqvist (Sweden), Chair of the Subsidiary Body on Implementation; Mr. Hesiquio Benítez (Mexico), Chair of the Subsidiary Body on Scientific, Technical and Technological Advice;

Observers: Mr. Fehmi Arikan (Representative from Türkiye, the incoming COP Presidency); and Mr. Neville Ash (United Nations Environment Programme)

The Secretariat was represented by Mr. David Cooper, Acting Executive Secretary; Ms. Jihyun Lee, Director of the Science, Society and Sustainable Futures Division; Mr. Neil Pratt, Officer-in-Charge, Implementation Support Division; Mr. Worku Damena Yifru, Senior Legal Officer; Ms. Li Gu, Programme Officer; Ms. Kathryn Garforth, Legal Officer.

ITEM 1. OPENING OF THE MEETING

3. The meeting was opened on 23 May 2023 at 2:00 pm by Dr. ZHOU Guomei who chaired the meeting on behalf of the President of the fifteenth meeting of the Conference of the Parties. She recalled the points that had been discussed during the first Bureau meeting of the year, which had been held via teleconference.

¹ The minutes of the joint bureaux meeting are provided separately.

4. The Acting Executive Secretary highlighted that one of the main tasks for the Bureau at this meeting was to review and approve the agendas of most of the big inter-governmental meetings to be held in the inter-sessional period. He noted that the Bureau would also discuss the issue of the resumption of COP-15, the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol (MOP-10) and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (MOP-4).

5. The Acting Executive Secretary underscored the success of the United Nations Biodiversity Conference in December 2022. He emphasized that everyone involved can be proud of the outcomes and that the enormous effort had been worthwhile. He underlined, however, that it was not sustainable for a small Secretariat to continue to organize meetings of such scale and scope. He stated that the Secretariat would be calling for additional resources at the next COP and that prioritization by the Bureau would also assist in making the workload more manageable.

ITEM 2. ADOPTION OF THE AGENDA

6. The Chair introduced the provisional agenda for the meeting. There being no objections, the agenda was adopted.

ITEM 3. OPTIONS ON POSSIBLE MODALITIES FOR CONVENING THE RESUMED SESSIONS OF PART TWO OF COP-15, CP/MOP-10 AND NP/MOP-4

7. In introducing the item, the Chair invited the Secretariat to provide an update on the options for convening the resumed sessions of part two of COP-15, MOP-10 and MOP-4. The Secretariat drew the Bureau's attention to the note on this matter that had been circulated prior to the meeting. The Secretariat stated that a successful implementation of option 3 (resuming the meetings back-to-back with the twenty-fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)) would depend on having near certainty that quorum would be achieved. He expressed the Secretariat's view that option 5 (resuming the meetings immediately prior to COP-16) was the most viable option.

8. Bureau members shared the views from their regions on the preferred options and discussed the matter extensively; however, there was no consensus on the preferred way forward. Different regions had different views and there were also different perspectives within regions on the best way to proceed. Some regions preferred resuming as soon as possible, which generally meant support for option 3 but also some support for option 4 (convening the resumed sessions at United Nations Headquarters in New York). Another region tended to prefer option 5 as it considered that the number of participants in a subsidiary body meeting would not be sufficient.

9. Bureau members also made a number of comments and raised a number of questions, including:

- The need for clarity on the agenda for the resumed meetings;
- Questions and concerns around representation at a SBSTTA meeting – not all countries have permanent representatives in Nairobi; participants in a SBSTTA meeting may have a more technical background and may not be well prepared to adapt to developments on the election of officers during resumed meetings of the COP and the MOPs;
- The need for clarity on what would be voted on;
- The need to minimize risks regarding quorum should option 3 be pursued.

10. Bureau members expressed their appreciation for and trust in the role of the Presidency in this matter.

11. The Senior Legal Officer provided further information in response to some of the comments and questions from the Bureau. He explained that up to now, the election of officers was guided by an established practice which led to the election taking place by acclamation. He explained, however, that in the United Nations, elections within regions are not binding on the region or on the meeting as a whole – these elections are indicative only given that regional groups are not formal bodies constituted by the plenary. He also stated

that credentials would be needed were option 3 to be decided on as the way forward. It was also noted that the fact that COP-15 has not finished is not very visible to the outside world.

12. The Chair acknowledged the agreement in the Bureau that the most important task moving forward was implementation of the Kunming-Montreal Global Biodiversity Framework. She concluded that based on the Bureau's discussions, options 1 (silence procedure) and 2 (virtual meetings) were not considered viable options. She indicated that there needed to be further understanding of the rules of procedure as well as analysis of the remaining options, in particular option 3 and 5, and that the Bureau could then derive workable options on this basis. Accordingly, the Secretariat was requested to prepare a more in-depth note on the relevant rules of procedure and an analysis of the remaining options, including their pros and cons, and share this with the Bureau as soon as possible. It was noted that should the Bureau wish to proceed with option 3, it would need to return to and decide on this matter expeditiously so that an announcement of the resumption of COP and the MOPs could be made in good time ahead of the planned start date.

13. The Bureau also discussed the issue of membership in different regional groups. The Secretariat explained that there is an indication of regional groups from the United Nations; however, this listing is indicative, it is not binding. It was explained that while geography is the principal factor in the formation of the UN regions, it is not necessarily determinative. A country can choose to caucus with a different region from the one indicated in the United Nations' list and there are cases in that regard. To this end, and following this matter arising during the final plenary of COP-15 in December 2022, in relation to the composition of the Eastern European region, the Secretariat had requested the five central Asian countries, namely, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (which are part of the Asia-Pacific region as per the UN list), to write to the Secretariat if they intended to caucus with a different region from the one indicated in the list maintained by the United Nations. Accordingly, it was reported that the Secretariat had received letters from the national focal points of Kyrgyzstan, Tajikistan and Turkmenistan confirming their desire to be considered as part of the Eastern European region, for the purpose of the CBD. In fact, Tajikistan's letter was a reaffirmation of their written communication of 2004 notifying the Secretariat of their desire to continue to be part of the Eastern European region for the purpose of the CBD. The Secretariat mentioned about the availability of records showing the representatives of one or more of these countries participating, in the past, in the CBD processes, as nominees or representatives of the Eastern European region. The Secretariat also clarified that it does not have a role in confirming the composition of regional groups – it follows the United Nations' list as guidance but will adjust based on the wishes expressed by countries.

14. On the membership of the Compliance Committees under the Protocols, the Secretariat recalled the note on this matter that had been circulated to Bureau members prior to the meeting. The Bureau agreed to extend for two years (until the end of 2024) the terms of ten members of the Compliance Committee under the Cartagena Protocol and five members of the Compliance Committee under the Nagoya Protocol. It also agreed that for the Compliance Committee under the Cartagena Protocol, the Asia-Pacific region and the Eastern Europe region would consult on replacements for the Committee members who were no longer available to continue.

ITEM 4. PREPARATIONS FOR THE TWELFTH MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON ARTICLE 8(J) AND RELATED PROVISIONS

15. The Secretariat introduced the agenda item, including the draft agenda and annotated agenda for the twelfth meeting of the Ad Hoc Open-Ended Working Group on Article 8(j) and Related Provisions. The Secretariat noted that the meeting would be preceded by an international dialogue with Indigenous Peoples and local communities and relevant stakeholders on the implementation of the Kunming-Montreal Global Biodiversity Framework and the Gender Plan of Action.

16. The Bureau approved the agenda and agreed to continue the practice of having "Friends of the Bureau" comprising representatives of indigenous peoples and local communities, who would assist the Chair and the Bureau during the twelfth meeting of the Working Group.

ITEM 5. PREPARATIONS FOR THE UPCOMING MEETINGS OF THE SUBSIDIARY BODY ON IMPLEMENTATION

17. The Chair invited Ms. Charlotta Sörqvist, Chair of the Subsidiary Body on Implementation (SBI), to lead the discussions under this item.

18. The Secretariat provided an overview of the status of preparation for matters to be addressed by SBI, with a focus on the key items of mechanisms for planning, monitoring, reporting and review; resource mobilization; capacity-building and development, technical and scientific cooperation, knowledge management and the clearing-house mechanism; and the long-term strategic approach to mainstreaming biodiversity within and across sectors. It was explained that the intention was to convene SBI-4 in the second quarter of 2024 (tentatively May) and for it to address twelve substantive items while SBI-5 would be convened back-to-back with COP-16 and would focus on review of implementation, including to take stock of progress in national target-setting and updating of national biodiversity strategies and action plans (NBSAPs), and facilitating an open-ended forum for voluntary country review.

19. Bureau members expressed concerns regarding the number of agenda items to be considered at SBI-4 and also expressed reservations concerning the proposal to convene SBI-5 immediately prior to COP-16. Suggestions were made to hold SBI-5 earlier in 2024 and to re-allocate some items from SBI-4 to SBI-5, or to hold one two-week long meeting of SBI.

20. The SBI Chair recalled that SBI-2 had also had a heavy agenda and had been able to complete its work. The Secretariat explained that having SBI-5 back-to-back with COP-16 would give time for Parties to make progress in revising their NBSAPs. The Acting Executive Secretary recalled the limited capacity of Parties and the Secretariat and that the time for meetings cannot be expanded indefinitely. He noted challenges with scheduling given the number of meetings in the international calendar and also indicated that there will likely be budgetary challenges to convening a second meeting of SBI in the inter-sessional period despite what was agreed to in the budget decision from COP-15.

21. Following consultations on the margins of the meeting, Ms. Sörqvist presented additional scenarios for the scheduling of meetings of SBI in the inter-sessional period as follows:

- Scenario 0 was the original proposal of a seven-day meeting of SBI-4 tentatively planned for May 2024 alongside SBSTTA-26 and the second meeting of the Ad Hoc Open-Ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources ('DSI Working Group') plus a three-day meeting of SBI-5 back-to-back with COP-16;
- Scenario 1 proposed a five-day meeting of SBI-4 in May 2024 alongside SBSTTA-26 plus a five-day meeting of SBI-5 alongside DSI Working Group-2 to be convened somewhere roughly between mid-July and mid-August 2024;
 - o Scenario 1 also foresaw moving items 3, 5 and 8² of the draft provisional agenda of SBI-4 to the agenda for SBI-5 to be considered along with the open-ended forum for voluntary peer review;
- Scenario 2 proposed SBSTTA-26 and DSI Working Group-2 to be held in May 2024 and a single ten-day meeting of SBI-4 to be convened somewhere roughly between mid-July and mid-August 2024.

22. It was noted that the new scenarios were subject to the availability of a venue and interpreters, Secretariat capacity to handle registration and budgetary implications for both the core budget and the BZ trust fund. It was also noted that due to document deadlines, it would not be possible for SBI-4 to request inter-sessional work to be undertaken prior to SBI-5 nor would it be possible for SBI-5 to request inter-sessional work to be

² Namely the items on 'review of implementation – progress in the preparation of targets and updating of NBSAPs by Parties'; 'resource mobilization and the financial mechanism'; and 'cooperation with other conventions and international organizations'.

undertaken prior to COP-16. Similarly, in scenario 1, it would not be possible for the DSI Working Group to request additional work prior to COP-16.

23. Bureau members agreed to consult within their regions on the different scenarios and reply by 2 June 2023 regarding any comments on the draft annotations, the preferred scenario, and, for scenario 1, any preferences regarding the distribution of agenda items between the meetings.

24. The Bureau approved the list of items to be considered by SBI during the inter-sessional period. The Chair concluded that the Secretariat would undertake inquiries on the logistical feasibility and budgetary implications of the different scenarios for convening SBI while Bureau members would undertake consultations in their regions.

ITEM 6. PREPARATIONS FOR THE FIRST MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON BENEFIT-SHARING FROM THE USE OF DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES

25. In introducing the item, the Chair recalled the important outcomes on digital sequence information on genetic resources from COP-15 in December.

26. The Secretariat introduced the documents for this item, namely the draft agenda and annotated agenda for the first meeting of the Ad Hoc Open-Ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources.

27. Bureau members asked a number of questions, including with regard to the clustering of issues to be discussed by the Working Group and linkages to the Advisory Committee on Resource Mobilization. They also asked about the number of participants to be funded per eligible Party to participate in the meeting of the DSI Working Group and the meeting of the Working Group on Article 8(j), noting the importance of taking into account small delegations when planning how to manage the meetings. Bureau members also inquired about the status of the work requested of the Executive Secretary in decision 15/9.

28. In response, the Secretariat explained that work was ongoing to synthesize the nearly 60 submissions received on digital sequence information and more information on the clustering of issues would be available in the coming weeks once that work had advanced further. The Secretariat indicated that work on the request to the Executive Secretary to compile lessons learned from other international funding mechanisms was underway. The Secretariat explained that the commissioning of the studies requested in paragraphs 22(b) and (c) of decision 15/9 was being undertaken through a procurement process, which had been initiated in January 2023 but the complexity and onerousness of United Nations procurement rules meant it would take some time to complete the administrative arrangements. The Secretariat assured the Bureau that it was working with United Nations procurement officers to advance the process as quickly as possible.

29. Concerning linkages to the Advisory Committee on Resource Mobilization, the Secretariat noted that the report of the first meeting of the Committee would be available in time for the first meeting of the DSI Working Group. The Secretariat indicated that it would ensure there was communication between the two groups and that each would be updated on the work of the other.

30. The Secretariat indicated that it would endeavour to fund one delegate per eligible Party for each of the meetings of the DSI Working Group and the Working Group on Article 8(j) (i.e two delegates per Party in total for the two meetings). It clarified that the proposed organizations of work for the two meetings do not foresee any formal sessions of the two meetings running in parallel with each other.

31. The Bureau noted the proposal for the Working Group to establish a Committee of the Whole and looked forward to receiving information on proposed co-chairs for the Committee of the Whole. The Bureau approved the agenda.

ITEM 7. PREPARATION FOR THE UN BIODIVERSITY CONFERENCE, 2024 (THE SIXTEENTH MEETING OF THE CONFERENCE OF THE PARTIES, THE CONCURRENT

MEETINGS OF THE PARTIES TO THE CARTAGENA AND NAGOYA PROTOCOLS AND THE HIGH-LEVEL SEGMENT)

32. Mr. Fehmi Arikan, national focal point for the Convention for the Government of Türkiye, gave a presentation on his country's preparations for hosting the UN Biodiversity Conference 2024. He began by expressing appreciation for the messages of condolences and sympathy that had been received following the earthquake in February 2023.

33. Mr. Arikan explained that a National Biodiversity Coordination Board had been established via Presidential circular in 2019. At the international level, the main goal of the Board is follow the biodiversity agenda while at the national level, he explained that the Board has an important role in preparing for COP-16. He noted the action plans that have been prepared by the Board and indicated that a COP-16 ambassador has been appointed by the Ministry of Foreign Affairs to facilitate diplomatic aspects.

34. Mr. Arikan described that one of the actions in the action plan is ratification of the Nagoya Protocol to facilitate the country serving as President of the fifth meeting of the Parties to the Nagoya Protocol. He noted that Türkiye needed to have its national legal arrangements in place prior to ratification and that a draft Biodiversity Law with elements on access to genetic resources and benefit-sharing had been sent to Parliament. He also outlined projects to support implementation of the Convention that were underway in the country.

35. Mr. Arikan described the logistical preparations that are underway, including site visits to determine an appropriate venue and compiling information on hotels. He explained that a decision on the host city would be made soon and the process would be accelerated after the conclusion of the national election. He looked forward to welcoming everyone in Türkiye.

36. The Chair and Bureau members expressed their great appreciation for all the preparatory efforts that have been undertaken in the face of the challenges from the earthquake disaster. Bureau members asked if information on the dates for the high-level segment could be shared as soon as possible so that they could be included in the calendars of the ministers as these tend to fill up well in advance. Mr. Arikan explained that work on this issue would accelerate following the conclusion of the election on May 28.

37. The Acting Executive Secretary expressed full confidence in working with Türkiye to undertake the preparations for the UN Biodiversity Conference 2024. He highlighted that COP-16 will be very important as a first test of whether the world community is making progress in implementing the Kunming-Montreal Global Biodiversity Framework and also for the work on digital sequence information that is to be concluded at COP-16.

38. The Chair indicated that the Presidency will collaborate closely with the Government of Türkiye and the Secretariat to make the UN Biodiversity Conference 2024 a great success.

39. The Secretariat drew the attention of the Bureau to the preliminary lists of items for COP-16, MOP-11 of the Cartagena Protocol and MOP-5 of the Nagoya Protocol. He explained that any comments on the lists of items were welcome but that approval of the agendas would happen at a future Bureau meeting. Bureau members asked clarification questions concerning some items. The Secretariat noted the comments and indicated these would be taken into account in the preparation of the formal agenda and annotations to be presented to the Bureau in the future.

ITEM 8. UPDATE ON BUDGETARY MATTERS

40. In introducing the item, the Acting Executive Secretary recalled the notes that had been circulated with updates on the trust funds. He drew the Bureau's attention to the increase in the percentage of contributions that had been received towards the core budget but noted that only one Party had made contributions to the BZ and VB trust funds and the Secretariat was urgently seeking additional contributions.

41. On human resources, he stated that the Secretariat is making best efforts to advance recruitment processes and fill vacancies. He also highlighted that the very small size of the Secretariat's core logistics

team for organizing meetings. He explained that the team is supplemented by borrowing staff from various substantive divisions, which is a reasonable approach when the number of meetings is relatively small but is becoming more and more of a challenge as the number of meetings proliferates. He underlined that we will need to look at ways to address this including in the budget to be presented at COP-16.

42. A Bureau member expressed her appreciation at the Secretariat's efforts to fill vacant posts. She asked for an update on the implementation of recommendations from the audit. The Acting Executive Secretary replied that work is underway to implement the recommendations, including via the development of the results-based budget and the roll-out of new systems in Umoja. He indicated the Secretariat will provide additional information on progress with the audit recommendations in further communications following the Bureau meeting.

43. On behalf of the Government of Sweden, Ms. Sörqvist announced a grant of two million Swedish kroner (approximately US\$175,000) to be divided between the BZ and VB trust funds. She underlined the Government of Sweden's commitment to full and effective participation.

44. On behalf of the Presidency, the Bureau and the Secretariat, the Chair expressed her appreciation to the Government of Sweden for its generosity. She acknowledged that the increase in activities and workload will require an increase in funding support and she called on Bureau members and donors to increase their fundraising efforts.

ITEM 9. OTHER MATTERS

45. The representative of the United Nations Environment Programme provided an update on the recruitment for the position of Executive Secretary of the Convention. These discussions took place in a closed setting without the participation of the representatives of the Secretariat.

46. A Bureau member inquired about the wording of target 3 in the final published version of the Kunming-Montreal Global Biodiversity Framework. The Secretariat explained that the only changes made had been grammatical or editorial in nature and that the text of the target in the Framework fully reflects the intent of the Conference of the Parties.

ITEM 10. CLOSURE OF THE MEETING

47. The Chair and the Acting Executive Secretary expressed their appreciation to Bureau members for their active participation during the discussions, the guidance provided and the decisions taken.

48. The Chair paid tribute to Ms. Rosemary Paterson for her hard work and contributions to the Bureau as she prepared to embark on her retirement. Ms. Paterson expressed her confidence that the Kunming-Montreal Global Biodiversity Framework was in very good hands.

49. The meeting was closed on 24 May 2023 at 12:30 p.m.
