



Convention on Biological Diversity

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BUREAU OF THE CONFERENCE OF THE
PARTIES TO THE CONVENTION ON
BIOLOGICAL DIVERSITY
Third meeting of 2023

MINUTES OF THE THIRD 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 via videoconference on 31 July 2023 at 7:00 a.m. EST.
2. The meeting was attended by the following members of the COP Bureau and substitutes:
 - Presidency:* Dr. ZHOU Guomei;
 - Africa:* Mr. Melesse Maryo (Ethiopia);
 - Asia and the Pacific:* Ms. Leina Al-Awadhi (Kuwait); Mr. Naresh Pal Gangwar (India);
 - Central and Eastern Europe:* Ms. Teona Karchava (Georgia); Ms. Klodiana Marika (Albania); Mr. Dilovarsho Dustzoda (Tajikistan, substitute for Georgia for matters related to the Nagoya Protocol);
 - Latin America and the Caribbean:* Ms. Helena Jeffery Brown (Antigua and Barbuda); Ms. Eugenia Arguedas Montezuma (Costa Rica); Ms. Corina Sarli (Argentina, substitute for Costa Rica for matters related to the Nagoya Protocol);
 - Western Europe and Others:* Ms. Gabriele Obermayr (Austria); Marie Haraldstad (Norway, substitute for New Zealand for matters related to the Nagoya Protocol);
 - Ex-officio:* Ms. Charlotta Sörqvist (Sweden), Chair of the Subsidiary Body on Implementation (SBI); Mr. Hesiquio Benítez (Mexico), Chair of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA);
 - COP Presidency:* Mr. XIA Yingxian, and Mr. LIU Ning (China);
 - Observers:* Mr. Fehmi Arikan (Representative from Türkiye); and Mr. Neville Ash (United Nations Environment Programme).
3. 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; Ms. Wadzanayi Mandivenyi, Head, Biosafety Unit; Mr. Taukondjo Shikongo, Head, ABS Unit; Mr. Ide Ahmed Mohamed, Budget and Finance Officer; Mr. Worku Yifru, Senior Legal Officer; Ms. Inonge Mweene, Legal Officer; Ms. Kathryn Garforth, Programme Management Officer; Mr. Lijie Cai, Programme Management Officer; and Ms. Li Gu, Programme Management Officer.

ITEM 1. OPENING OF THE MEETING

4. The videoconference was opened on 31 July 2023 at 7:00 a.m. EST by Dr. ZHOU Guomei who chaired the meeting on behalf of the President of the fifteenth meeting of the Conference of the Parties. Dr. ZHOU thanked the Bureau members and the Secretariat for their continued support to China. She briefly outlined activities China had undertaken since the Bureau meeting in May, including participating in the briefings on the Kunming-Montreal Global Biodiversity Framework to Permanent Missions to the United Nations in New York, in the side-event organized by the Secretariat in the margins of the High-Level Political Forum on Sustainable Development (HLPF), and holding meetings with Ms. Amina Mohamed, Deputy Secretary-General; Mr. Frans Timmermans, Vice-President of the European Commission, as well as with several Ambassadors to China. She also mentioned further steps towards the Action Initiative for Kunming-Montreal Global Biodiversity Framework which the Government of the People's Republic of China was interested in setting up with other Parties. She indicated that the Government had received positive feedback on the draft concept paper for the Action Initiative that had been circulated.

5. The Acting Executive Secretary provided an update on progress under different processes, including the convening of meetings of ad hoc technical expert groups on synthetic biology; Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities; and indicators for the Kunming-Montreal Global Biodiversity Framework. The Secretariat had also held a briefing session in New York for Permanent Missions to the United Nations and UN Resident Coordinators. The Acting Executive Secretary also noted that the Secretariat had been actively participating in various external meetings to promote the Framework, including the meeting of Environment and Climate Ministers from the G20, which adopted an outcome with strong support to the Framework. Additionally, the Secretariat was present at meetings of the International Seabed Authority, the Council meeting of the Global Environment Facility and various meetings under the Food and Agriculture Organization of the United Nations.

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. HOSTING OF COP-16, CP/MOP-11, NP/MOP-5

7. In introducing the item, the Chair invited the Secretariat to provide an update on this issue. The Acting Executive Secretary recalled the message sent to the Bureau the previous week informing them that the Secretariat had received a letter dated 25 July 2023 from the Permanent Representative of the Republic of Türkiye to the International Civil Aviation Organization. The letter stated that due to a force majeure situation that was created in Türkiye by the three destructive earthquakes that occurred on 6 and 20 February 2023, and the adverse effects on the population, the infrastructure and the economy of the affected areas, Türkiye had regrettably decided to withdraw its offer to host and preside over the sixteenth meeting of the COP.

8. Mr. Fehmi Arıkan, Representative from Türkiye, conveyed his apologies for the situation that had arisen. The Chair, the Acting Executive Secretary and members of the Bureau expressed their condolences for the losses after the earthquakes and conveyed their solidarity to the Government and the people of Türkiye during this difficult time.

9. The Acting Executive Secretary proposed to invite offers to host COP-16 and the concurrent meetings of the Parties to the Protocols from the Western Europe and Others region (WEOG), considering Türkiye was part of that region. He indicated that the aim was to keep the same dates or close to these, due to the international calendar. He stated that a notification to this effect could be issued later that day.

10. The Acting Executive Secretary informed the Bureau that during the G20 Ministers Meeting, he had already initiated discussions with several Ministers to explore the possibility of hosting COP and was

committed to continuing these efforts to secure a host as soon as possible. He noted that in the absence of offers to host from other governments, the options of holding COP at the seat of the Secretariat or at another UN centre could be explored. The Acting Executive Secretary assured the Bureau of regular updates on the progress of this matter.

11. The Bureau members expressed their support for maintaining the same dates, or finding alternative dates close to those already published. Bureau members from WEOG indicated that they would share the call for offers to host with the Parties in the region. It was suggested that Parties from other regions could also be invited to express interest in hosting and that the availability of facilities at the seat of the Secretariat and at other United Nations offices should be explored in parallel given the short amount of time available to identify a new host.

12. The Bureau acknowledged the urgency of the situation and emphasized the importance of prompt action to secure a host for COP-16. The Chair concluded that an invitation to Parties to host COP-16 and the concurrent meetings of the Protocols would be extended, starting with Parties from the Western Europe and Others Group.

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

13. Under this item, the Chair recalled that the Bureau had discussed this matter during its two previous meetings in the inter-sessional period. She expressed her hope that they would be able to reach consensus on the way forward during the present meeting. She noted the revised note on this matter prepared by the Secretariat, including a list of key issues for consideration, and invited the Secretariat to introduce the document.

14. The Acting Executive Secretary presented the document for this item, which had been shared with the Bureau members ahead of the meeting. The document was prepared in response to the Bureau's request during its meeting held in Kunming, China from 23 to 24 May 2023, as well as subsequent requests from Bureau members for additional information and clarification. The document included a comprehensive explanation of the procedural issues concerning the elections and voting, along with a cover page listing the specific issues the Bureau needed to consider during the meeting. The Acting Executive Secretary underscored that preparation of the document had taken some time while the Secretariat examined both the legal and logistical aspects of the options presented in the note. He added that in preparing this document, the Secretariat had undertaken extensive consultations with legal experts from UNEP, including the Principal Legal Officer, and from other multilateral environmental agreements.

15. The Acting Executive Secretary highlighted that the key issue for the Bureau to decide was whether to proceed with convening the resumed sessions of COP-15 and the concurrent meetings of the Parties to the Protocols (MOPs) back-to-back with SBSTTA-25 in October 2023 in Nairobi, or to defer the resumed sessions of the Meetings to a later date. He also noted that if the Bureau agreed to proceed with convening the resumed sessions of the Meetings in October 2023, then a full and common understanding among Bureau Members on the rules of procedure and their application was needed. Additionally, the Acting Executive Secretary noted that the Bureau would need to: i) decide whether to use a single ballot paper containing all nominations for the positions of vice-presidents received by the deadline, and whether to provide blank spaces on the ballot papers for inscribing additional candidates; ii) decide whether to permit voting by proxy; iii) agree that the dates of SBSTTA would need to be advanced by one day; and iv) acknowledge the additional costs associated with holding the resumed sessions of the Meetings and support the Secretariat's call for additional contributions.

16. The Acting Executive Secretary emphasized that if the Bureau decided to proceed with the resumed sessions of the Meetings in October, the Secretariat would actively seek written confirmations from the requisite number of Parties expressing their intent to participate in the resumed sessions and to provide credentials or a Note Verbale as described in the document. These confirmations would be required to be

received by 30 August 2023. Additionally, the Acting Executive Secretary mentioned that the Secretariat would also need sufficient pledges of financial support from Parties to cover the additional costs with conducting the resumed sessions.

17. Bureau members thanked the Secretariat for the preparation of the document and for conducting consultations with other legal officers. Bureau members discussed the matter extensively and shared the views from their respective regions regarding the preferred options and the other issues for consideration. Additional questions were raised during the discussions and the Secretariat provided further information in response. The Senior Legal Officer clarified that:

- Parties who did not participate in the Meetings in Montreal in December 2022 could participate in the resumed sessions;
- The nomination of new or additional candidates for the officer positions up for election was not encouraged but could not be excluded;
- The election of substitutes for the Protocols in case an officer is elected from a country that is not a Party to one or the other (or both) of the Protocols would be addressed, as necessary by their respective MOPs, in line with the provisions in the text of the Protocols (Art. 29(3) of the Cartagena Protocol and Art. 26(3) of the Nagoya Protocol);
- In case a Note Verbale is used to confirm the credentials from December 2022, it should be signed by a senior official in the Ministry of Foreign Affairs responsible for dealing with international organizations or international affairs; noting that the Secretariat will verify Note Verbales through diplomatic channels.

18. Bureau members discussed the rules of procedure, in particular rule 35 and rule 49. Rule 49 provides that “All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.” The Senior Legal Officer stated that the phrase “unless otherwise decided by the Conference of the Parties” referred to conducting elections by consensus or acclamation and not by other means. He highlighted that the COP had used this approach for many years, deciding on elections not through ballots but by acclamation. A Bureau member expressed the view that a procedural motion under rule 35 could also be used. The Senior Legal Officer indicated that a procedural motion to confirm the election of a slate of nominees from a regional group would be contrary to the rules of procedure.

19. The Acting Executive Secretary reminded the Bureau that a common understanding, including on the rules of procedure, was needed in order to proceed with convening the resumed sessions back-to-back with SBSTTA 25.

20. The Bureau agreed to proceed with the option of reconvening COP-15 and the MOPs back-to-back with SBSTTA-25 in October 2023. As part of this, the Bureau agreed to advance the dates of SBSTTA-25 by one day, meaning it would be convened from 15 to 19 October 2023, with 19 October being a half-day. COP-15 and the MOPs would reconvene on 19 (half-day) and 20 October 2023. The Bureau agreed that reconvening COP-15 and the MOPs back-to-back with SBSTTA-25 was contingent on receiving, by 30 August 2023, confirmations from a sufficient number of Parties that they would be represented in the resumed sessions with the credentials of their representatives (or Note Verbale) submitted on time in order to meet the requirements for quorum. The Bureau acknowledged the additional costs associated with holding the resumed sessions and the need for donors to provide additional funds to cover these costs.

21. The Bureau supported the proposed timetable provided in the document.

22. For the election of vice-presidents of the COP Bureau during the resumed sessions, the Bureau agreed to use a single ballot with no blank spaces. The proposal to allow voting by proxy was supported by some but not all COP Bureau members, and the Bureau decided not to permit voting by proxy.

23. A Bureau member requested a meeting with Legal Officers from the Secretariat and UNEP.

24. Bureau members welcomed the Secretariat's suggestion to conduct a briefing session for delegates ahead of the elections. This briefing would serve to clarify and address any questions from Parties regarding the election procedures.

25. The Chair requested the Secretariat to send out a notification as soon as possible, informing Parties that the resumed sessions of the Meetings would take place back-to-back with SBSTTA-25. The notification would also request Parties to confirm to the Secretariat, by 30 August 2023, their intention to be present at the planned resumed sessions and that credentials of their representatives or Note Verbale would be submitted on time.

26. The Chair underlined that Bureau members and the Secretariat need to remind Parties that two-thirds of Parties will need to be present at the resumed sessions with valid credentials in order to have quorum.

ITEM 5. STATUS OF PREPARATION FOR INTERSESSIONAL MEETINGS IN 2024

27. In introducing the item, the Chair provided an overview of the previous discussions concerning options for the scheduling of major intersessional meetings in 2024 (in particular SBI-4 and SBI-5) held at the Bureau meeting in Kunming in May 2023. Following the Bureau meeting held in May, the Secretariat sought feedback from the Bureau members on this matter through email correspondence. Additionally, the Acting Executive Secretary held consultations with the SBI Chair and Bureau members. With this context in mind, the Chair invited the Secretariat and the SBI Chair to update the Bureau on the status of preparation for intersessional meetings in 2024.

28. The Acting Executive Secretary informed the Bureau that the Secretariat had thoroughly reviewed the preferred options put forward by Bureau members. Furthermore, the Secretariat had carried out consultations with the SBI Chair and Bureau members. An assessment was also conducted by the Secretariat, taking into account the availability of suitable venues, financial resources, and availability of staff to organize and service the meetings. After careful consideration and fully respectful of the Bureau's preference, the Acting Executive Secretary concluded that it would not be feasible for the Secretariat to organize the meetings as proposed in Scenario 1 and Scenario 2. Therefore, the Secretariat proposed Scenario 3 as outlined in the document and sought the Bureau's agreement on this approach.

29. The SBI Chair recalled the note on the scheduling in 2024 of the fourth and fifth meetings of the Subsidiary Body on Implementation that had been circulated to Bureau members in advance of the meeting. She highlighted that the document was prepared on the basis of discussions with the Secretariat following the consultations from the Bureau. The SBI Chair stressed that she understood the rationale behind the conclusion of the Secretariat for Scenario 3, namely holding SBI-4 during a 10-day period in May 2024, with a 2-day break during which informal consultations or contact groups could be held if necessary, and holding SBI-5 as a 2-day meeting immediately prior to COP 16 with a focus on the review of implementation, including an open-ended forum for voluntary country review. The SBI Chair expressed her hope that the Bureau members would find this option agreeable and move forward with this issue at hand.

30. Some Bureau members expressed the continuing preference of their regions to schedule SBI-4 in May and SBI-5 in August; however, they recognized the challenges and limitations. Additionally, Bureau members expressed their preference to optimize the timetable by reducing the two-day breaks to one-day breaks.

31. The SBI Chair expressed her appreciation to the Bureau for their understanding and explained that the rationale behind the scheduled breaks was to allow time for contact groups and/or regional consultations, although she recognized that the meetings were long.

32. The Acting Executive Secretary thanked the Bureau for their understanding. Regarding the suggestion to reduce the number of days off, the Acting Executive Secretary indicated that the Secretariat

would implement the approach to the extent possible considering the schedule of interpreters, ensuring full use of the interpretation teams available.

33. The Bureau agreed to proceed with the scheduling of meetings in 2024 as set out in scenario 3 of the document, where possible reducing the breaks. The Bureau was informed that the venue of the meetings in May 2024 had not been confirmed yet.

34. Some Bureau members stated that the scheduling of meetings according to scenario 3 would require funding for more than two representatives from each eligible country to alleviate the strain experienced by smaller delegations and to foster more effective participation of these countries in the meetings. A Bureau member noted that the review of implementation at SBI-5 should include consideration of means of implementation. Bureau members underscored the need for documents to be made available at least six weeks prior to the meetings, with the intention to enable Parties to be informed and prepared for the discussions.

35. The Acting Executive Secretary indicated that the Secretariat would endeavour to raise funds to support the participation of additional delegates from eligible countries at the meetings. He agreed that the review of implementation at SBI-5 would per se include means of implementation and indicated that this could be made explicit in the meeting documentation for SBI-5. He reassured the Bureau that the documents would be made available six weeks ahead of the meetings.

36. The Chair concluded that the SBI Chair would work with the Secretariat to finalize the agendas of SBI-4 and SBI-5 which would be circulated to the Bureau for finalization by written procedure.

37. Regarding the 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, the Chair noted that, as per usual practice, the COP President assumes the role of Chair for this meeting, and consequently, China would preside over the meetings of the Working Group. She recalled that at its previous meeting, the Bureau had noted the proposal for the Working Group to establish a Committee of the Whole which would require co-chairs. She indicated that the Working Group may also decide to establish an informal advisory group to work between meetings of the Working Group and this group would also need co-chairs. The Chair asked the Secretariat to provide further information.

38. The Acting Executive Secretary informed the Bureau that the Secretariat was still undertaking consultations on this matter and assured the Bureau that he would revert with more information on this once the consultations were completed.

ITEM 6. OTHER MATTERS

39. A Bureau member asked the Secretariat to provide an update on an official communication from a Party, which requested the expulsion of the Russian Federation from the Convention on Biological Diversity. In this regard, the Acting Executive Secretary explained that there was no provision allowing the expulsion of a Party from the Convention. He indicated that he would follow up on the status of whether the Secretariat had formally replied to the communication¹.

40. Another Bureau member requested information about the current status of the appointment of the Executive Secretary. In response, the Chair mentioned that China, acting as COP President, had participated

¹ In the past few months, the Secretariat has received two letters from the Minister of Climate and Environment of the Republic of Poland. The first letter discusses environmental damage caused by the conflict between Ukraine and the Russian Federation and calls for the expulsion of the Russian Federation from the Convention on Biological Diversity, for its act that “does not respect the core values that underpinned the Convention”. Subsequently, the Acting Executive Secretary met with H. E. Mr. Witold Dzielski, Ambassador of Poland to Canada, and explained that there was no provision allowing the expulsion of a Party from the Convention. The second letter calls for “concrete steps to be taken to conclude the second part of the fifteenth meeting of the COP without taking into account the Russian side’s unsubstantiated reservations”.

as an observer during the interviews. However, she emphasized that it would be more appropriate for UNEP to provide more information on this matter. The Chair proposed to either invite UNEP to brief the Bureau members at the next Bureau meeting or to arrange a separate occasion for this briefing to take place.

ITEM 7. CLOSURE OF THE MEETING

41. The Acting Executive Secretary thanked the Chair for her leadership in guiding both the Bureau and the Secretariat through the complexities of the discussions, which addressed three challenging issues. He extended his thanks to the Bureau members for their contributions resulting in a common understanding and position on these issues.

42. Recognizing the challenging times ahead, the Acting Executive Secretary assured the Bureau of the Secretariat's commitment to provide full support to the Bureau and carry out its obligations to support the process of the Convention to the best of its abilities and meet the requirements of those obligations, including being honest with the Bureau on what is possible or not within available resources. He added that despite the human and financial constraints, the Secretariat was now tasked with the organization of the resumed sessions, in addition to the meetings already scheduled, but assured Bureau members that the Secretariat will do its best to meet the Parties' expectations.

43. The Chair thanked Bureau members for their flexibility on the various issues discussed during the meeting. Recognizing the importance of the upcoming resumed sessions, she urged Bureau members to reach out to their respective regions and seek support to ensure successful resumed sessions in October.

44. The Chair extended her thanks to the Secretariat for the hard work and commitment.

45. Following the customary exchange of courtesies, the meeting was closed at 9:51 a.m.