



**Convention on
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BUREAU OF THE CONFERENCE
OF THE PARTIES
Montreal, Canada
1 November 2009

**MINUTES OF THE SIXTH MEETING OF THE BUREAU OF THE
9TH CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL
DIVERSITY
HELD IN MONTREAL, CANADA
1 NOVEMBER 2009**

INTRODUCTION

1. The sixth meeting of the COP-9 Bureau was held on 1st November 2009 in Montreal Canada, on the eve of the sixth meeting of the Ad hoc Open Ended Working Group on article 8(j). The meeting was chaired by Ms. Nicola Breier, 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 H. Seyani (Malawi)
 - Mr. Damaso Luna (Mexico)
 - Ms. Snežana Prokic (Serbia)
 - Ms. Åsa Norrman (Sweden)
 - Mr. Robert Lamb (Switzerland)
 - Dr. Volodymyr Domashlinets (Ukraine)
 - Ms. Tania Temata (Cook Islands)
3. Dr. Abdelbagi Mukhtar, the bureau member from Sudan, could not attend the meeting.
4. 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). 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), Mrs. Michelle Rattray-Huish (Chief,

Financial Resources Management Service), Mr. John Scott (Programme Officer, Traditional Knowledge) and Ms. Nandhini Iyer Krishna (CBD liaison office in New York).

ITEM 1 OPENING OF THE MEETING

5. The President welcomed the Bureau members to Montreal. She welcomed the participants and informed the Bureau of the designation of His Excellency Mr. Norbert Röttgen as the new Minister of the Environment and President of COP9. Two new Parliamentary Secretaries for the Environment, had been appointed, one of whom had dealt with biodiversity issues when she chaired MOP4 meetings in Bonn. She indicated that Mr. Jochen Flasbarth was still acting President of the COP.

6. The Executive Secretary welcomed the COP9 Bureau for their first meeting at the headquarters of the Secretariat in Montreal. He briefed the meeting about his recent visit to Nagoya, Tokyo and Kobe for the preparation of COP10. He paid a tribute to Japan for its efforts in mobilizing all sections of society in support to the biodiversity agenda. Over 20,000 had attended the Nagoya event organized one year before COP10. The official logo of COP10 and MOP5 was launched by the Minister of the Environment of Japan in Tokyo and presented to the Kobe Biodiversity Dialogue. He informed the Bureau that a formal offer to host COP11 was received by India. He clarified that the oral offer to host COP11 made by Ecuador at the closure of COP9 was not confirmed in writing in spite several letters sent by the Executive Secretary and the offer of India was the only formal one received.

7. After some clarifications were sought and provided, the minutes of the fifth meeting of the COP Bureau were adopted. It was agreed that appreciation for the work of Dominique Kayser (former Secretary to the Governing Bodies) would be reflected in the minutes.

ITEM 2: ADOPTION OF THE AGENDA

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

1. Opening of the meeting
2. Adoption of the agenda
3. To-do list from the previous meeting of the Bureau
4. Report on the availability of financial resources for the implementation of COP-9 decisions
5. Sixth meeting of the Ad Hoc Open-ended Working Group on article 8 (j) and related provisions: organization of work
 - Officers: designation of Rapporteur
 - Agenda
 - Participation of indigenous and local community representatives
 - Establishment of contact groups and chairs
6. Access and benefit-sharing: update on the Co-chair's interim strategic and operational approach
7. International year on Biodiversity – High level meeting of the General Assembly: concept note
8. Revision of the strategic plan: post 2010 target
9. Preparations for the tenth meeting of the conference of the Parties

10. Preparations for the third meeting of the Ad Hoc Open-ended Working Group on the Review of Implementation

11. Other matters

12. Closure of the meeting

9. The agenda was adopted. It was agreed that under other matters, the representative of Cambodia, Somaly Chan would brief the group on her participation in the first liaison group meeting on bushmeat.

**ITEM 3: TO DO LIST FROM THE PREVIOUS MEETING OF THE BUREAU
(Fifth meeting held in Stromstad, 9 – 10 September 2009)**

10. Under the To Do list, the Executive Secretary confirmed that the following tasks assigned to the Secretariat had been undertaken:

- Information provided at the fifth Bureau meeting on resources mobilised for developing country participation as well as the financial gap;
- Notification to donors was sent on the need for additional resources;
- A Joint letter signed by the COP9 President, the Executive Director of UNEP and the Executive Secretary on the need for additional financial contributions for the participation of eligible countries to all CBD meetings in 2009-2010 was sent to the Ministers of all donors countries;
- The letter by the President of COP9 was addressed to the incoming President of UNFCCC COP 15 and copied to the President of COP14 as well as the Executive Secretary of UNFCCC forwarding the AHTEC report on climate change and biodiversity as well as the TEEB report on climate change was signed and dispatched. A similar letter was sent by the Chair of SBSTTA 14 to UNFCCC SBSTA Chair;
- The request for a side event at the High Level Segment of COP15 in Copenhagen on climate change and Biodiversity as well as on Ocean acidification was made and a response is expected in the near future;
- The draft strategic plan of the CBD was distributed nine days in advance of the joint meeting of the Bureaux of COP and SBSTTA;
- The draft GBO 3 was also distributed in advance;
- Status of Ratifications: The President referred to the progress made in terms of securing the accession of Somalia. On the remaining states, she indicated that the German Presidency was continuing its efforts to contact the USA. The representative of Japan, stated that in view of the forthcoming visit of President Obama to Japan, the Ministry of Environment was in dialogue with the Ministry of Foreign Affairs on how to raise this issue. He indicated that he would be visiting Washington on 3 November 2009 to meet the relevant officials in the State Department dealing with biodiversity issues. The Executive Secretary also briefed the Bureau on his efforts to pursue outstanding ratifications.

ITEM 4: REPORT ON THE AVAILABILITY OF FINANCIAL RESOURCES FOR THE IMPLEMENTATION OF COP9 DECISIONS

11. The Executive Secretary introduced the documents under this item, pointing out that despite the financial crisis there had been several generous contributions. He expressed his gratitude to all the donors for their continued support in spite their financial difficulties. He also paid a tribute to the representative of UNEP, and the Executive Director of UNEP, for the waiver of 13% programme support costs for processing the travel costs for the meetings of Working Group on article 8 (j) and the ABS WG 8 and stressed the importance of similar waver for ABS9 and other major CBD meetings including COP10 and MOP5. He also provided the bureau with additional information on the secondment by Parties of staff to the Secretariat.

12. A detailed discussion ensued with a focus on the 13% programme support costs levied by UNEP on the voluntary trust fund to enhance participation of developing countries. The representative of UNEP pointed out that this rule applies not just to UNEP but to the entire UN. The obligatory nature of this charge emanating from a decision of the UNGA was clarified. The recent observations of the UN auditors regarding the administrative arrangements with UNEP were highlighted. The Executive Secretary pointed out that the revised administrative arrangements will need to address issues relating to use of the administrative fee with view of supporting the objectives of the establishment of a trust fund intended to maximise developing country participation. Other precedents e.g. GEF, UNOPS, UNDP for adjusted administrative fee. The case of CITES was also mentioned as well as UNCCD and UNFCCC which had found effective solutions through which administrative cost is provided to the entity bearing the cost. It was stressed that a one time solution needed to be taken as soon as possible to address the issue of administrative cost effectively.

13. The President summarised the discussions by stating that for the Presidency it was a high priority to mobilise resources to maximise developing country participation. The Presidency would explore further to see what could be done. On the other documents prepared by the Secretariat, it was agreed that an early warning system should be put in place to alert the President and the Bureau if participation by developing countries was in jeopardy for lack of funding. It was also agreed that the Secretariat would keep the Bureau updated on the latest figures.

ITEM 5 : SIXTH MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON ARTICLE 8 (J) AND RELATED PROVISIONS: ORGANIZATION OF WORK

- i. OFFICERS: DESIGNATION OF RAPPORTEUR**
- ii. AGENDA**
- iii. PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITY REPRESENTATIVES**
- iv. ESTABLISHMENT OF CONTACT GROUPS AND CHAIRS**

14. Introducing this item, Olivier Jalbert, pointed out that in keeping with established practice the COP Bureau would serve as the bureau of the Working Group on article 8 (j) and the meeting would be chaired by the President of the COP or his representative. He also reminded the Bureau that it would need to designate a rapporteur for the WG on 8 (j). The representative of Mexico proposed the nomination of the representative of Cambodia, Somaly Chan. This was endorsed by acclamation by the Bureau. It was agreed that the designation of the chairs of the two working groups at COP 10 will be taken up at a future meeting of the Bureau.

15. The Bureau discussed also the organisation of work and agreed that the order of the agenda items would not be changed, but an effort would be made to speed up the proceedings so that there would be maximum time for deliberations on item 7 on the Multi- Year Programme of Work, given its complexity and the need expressed by some stakeholders. The President also indicated that the following had been nominated by indigenous groups to serve as “Friends of the Bureau” and would attend Bureau meetings in that capacity:

- a) Africa: Ms. Lucy Mulenki (Kenya)
- b) Asia: Ms. Shimreichon Luithui-Erni (Thailand)
- c) Europe and the Arctic: Ms. Gunn-Brott Retter (Finland)
- d) Latin America and the Caribbean : Ms. Victoria Esther Camac Ramirez (Costa Rica)
- e) North America: Mr. Merle Alexander (Canada)
- f) The Pacific: Ms. Neva Collins (Australia)

16. It was also decided that the Bureau would meet everyday, in the evening, but not on Monday, during the course of the Working group on 8 (j) to take stock of the discussions and plan ahead.

ITEM 6: ACCESS AND BENEFIT-SHARING: UPDATE ON THE CO-CHAIR'S INTERIM STRATEGIC AND OPERATIONAL APPROACH

17. The President invited the ABS Co-Chairs to introduce their Scenario Note.

18. In his presentation, Mr. Tim Hodges, stated that the Scenario Note spelled out the minimum that needed to get done in Montreal if the process was to stay on track and keep to the timelines prescribed by COP9. Best efforts would be made to work in plenary, but there would be a need to establish contact groups, with specific mandates and timelines, which would report back to plenary. The items and issues before ABSWG8 had already been established by COP 9 – nature, capacity building, traditional knowledge associated with genetic resources – together with returning to compliance, benefit-sharing and access. A good momentum had been established at ABSWG 7 in Paris and there was a need to build on it. Mr. Fernando Casas supplemented the presentation by referring to the regional consultations and the commitment to also use the interregional meetings to further dialogue and effect greater progress in negotiations. The Executive Secretary flagged that there was a need to identify next steps, particularly the period between ABSWG 8 and ABSWG9 and perhaps even beyond, if the regime was to be finalised, as stipulated by COP 9, by 2010. This was an important issue which the Bureau would need to consider and take decisions on well in time. The Co-Chairs agreed with the need to maximize the potential of the inter-WGABS meeting period, but cautioned that the Working Group retains the sole legitimate mandate to negotiate the regime and that a premature discussion of a post-ABSWG 8 process could needlessly and negatively impact on the crucial need for the Working Group to address the business at hand – namely to negotiate. The Co-Chairs undertook to return to the Bureau for advice on this important question after further discussions with Parties and progress had been made at the meeting.

19. After a brief discussion, the President reminded the meeting that ABS issues would be the focus of the next meeting of the Bureau scheduled for 8th November and that the presence of the Co Chairs over the coming week would provide further opportunities for close consultations on ABS issues, including linkages between the WG on 8(j) and the WG ABS.

ITEM 7: INTERNATIONAL YEAR ON BIODIVERSITY – HIGH LEVEL MEETING OF THE GENERAL ASSEMBLY: CONCEPT NOTE

20. The Executive Secretary introduced the concept note on the preparations for the high level event (HLE) of the 65th session of the United Nations General Assembly to be held in New York in September 2010. The note was submitted to the third meeting of the Bureau held in Nairobi in February 2009 and discussed at the fourth meeting of the Bureau held in March 2009 held in Paris as well as at the fifth meeting held in September in Strömstad. Several comments had been received, particularly from Japan which had been integrated into the paper. He responded to questions regarding the roles of UNEP/GMEF, SBSTTA and WGRIP the preparation of inputs for the HLE. The Executive Secretary indicated that these and other comments would be integrated into the Note. He also clarified that the modalities of the HLE were still under discussion in the second committee of the UNGA where a decision would be taken and therefore, feedback from the discussions suggested that it was unlikely that the outcome of the HLE could take the form of a decision or declaration since this would need to be subject to intergovernmental negotiation in the second committee for which the timing was not opportune. Consensus was evolving around a summary of the PGA, which could be transmitted to COP10.

21. The President summarised the brief discussion that ensued and indicated that the Bureau had approved the Note as amended by the amendments submitted by the European Union and mandated the Executive Secretary to use it as a possible framework in his discussions in New York. It was agreed that the Bureau would be updated by the Executive Secretary on a regular basis and to that end, this issue would be a standing item on the agenda of the Bureau.

ITEM 8: REVISION OF THE STRATEGIC PLAN: POST 2010 TARGET

22. The Executive Secretary indicated that the draft Strategic Plan was circulated as called for by the last meeting of the Bureau and will be discussed at the joint SBSTTA-COP Bureau on 7 November.

23. The President summarised the discussions under this item by stating that the Bureau would take note of the draft document at this stage and take it up for discussion at the joint SBSTTA-COP Bureau meeting on 7 November and COP Bureau meeting of 8 November next week.

ITEM 9: PREPARATIONS FOR THE TENTH MEETING OF THE CONFERENCE OF THE PARTIES

24. The representative of Japan briefed the Bureau on the status of ongoing preparations for COP10. He distributed the logo of COP10 and explained the rationale behind the design. He indicated that it had been launched on 13th October by the Minister of Environment, along with the launch of the IYB (International Year on Biodiversity) logo by the Executive Secretary. He expressed the hope that the Secretariat would use it on its official documents/correspondence etc. He also indicated that there would intensive discussions on logistics etc in a fortnight when a high level delegation would be visiting the secretariat from Japan. The Bureau members applauded and expressed their appreciation to Japan for the quality of MOP5/ COP10 logo and its slogan. The President summarised that the use of the logo in the period until Nagoya will be discussed between the COP 9 Presidency, Japan and the Secretariat.

ITEM 10: PREPARATIONS FOR THE THIRD MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON THE REVIEW OF IMPLEMENTATION

25. The Executive Secretary stated that the item had been put on the agenda in response to a specific request made at the last meeting of the Bureau in Strömstad. He drew attention to the annotated agenda, which was a new document and stated that preparations were on track for third meeting of the Ad Hoc Open Ended Working Group on the Review of Implementation (WGRI). He also stated that UNON representatives would be in Montreal next week, as also a high powered Japanese delegation, when preparations, including logistics for the SBSTTA, WGRI and other meetings would be discussed in detail.

26. The representative of Sweden indicated that the EU would be sending some comments. The President summarising the discussions indicated that the comments of the EU would be reflected in the document.

ITEM 11: OTHER MATTERS

27. The Executive Secretary introduced a note on the activities being developed by the Secretariat in the context of indigenous people, which would be showcased during the IYB. He also introduced a report on the preparations for the IYB, flagging the extent of support from other UN agencies, many of which had evolved a programme of activities to contribute to the IYB through special events and other activities. He also stated that the UN had agreed to issue six stamps on the occasion of the IYB, including one on the HLE.

28. The President summarized the discussions under this item by stating that there would be a standing item, on the IYB, on the agenda for the Bureau so that the Bureau could be updated from time to time on further developments and activities. She also flagged the need for the Bureau, at an appropriate time, to begin consideration and identification of potential Co Chairs for COP 10. It was agreed that the issue would be taken up subsequently.

29. The representative of Haiti, raised a query on the participation of the representative of Sudan in the Bureau meeting. The Executive Secretary stated that the representative of Sudan, as indeed the entire Sudanese delegation had not received a visa so far. The representative of Sudan had therefore not been able to attend the meeting of experts on South-South cooperation on 29 October as also the Bureau meeting. The Secretariat had taken up the matter repeatedly with the Canadian Ministry of Foreign Affairs.

30. The representative of Cambodia then briefed the Bureau on the outcome of the first meeting of the First Liaison Group on Bushmeat.

ITEM 12: CLOSURE OF THE MEETING

31. The meeting was closed at 1800 on Sunday 1 November .
