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## SUMMARY OF THE NINETEENTH MEETING OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE AND NINTH MEETING OF THE WORKING GROUP ON ARTICLE 8(J) OF THE CONVENTION ON BIOLOGICAL DIVERSITY: 2-7 NOVEMBER 2015

The nineteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD) convened from 2-5 November 2015 in Montreal, Canada. The meeting adopted recommendations on: biodiversity mainstreaming; indicators for the Strategic Plan for Biodiversity 2011-2020; key scientific and technical needs related to the implementation of the Strategic Plan; tools to evaluate the effectiveness of policy instruments for the implementation of the Strategic Plan; biodiversity and human health; climate-related geoengineering; forest biodiversity; and the work SBSTTA in light of the work programme of the Intergovernmental Science-Policy Platform for Biodiversity and Ecosystem Services (IPBES).

The ninth meeting of the CBD *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions convened from 4-7 November 2015. The meeting adopted recommendations on: guidelines on prior informed consent (PIC) and benefit-sharing from the use of traditional knowledge (TK); continued work on draft best-practice guidelines for the repatriation of TK; recommendations from the UN Permanent Forum on Indigenous Issues (UNPFII); a glossary of relevant key terms and concepts used within the context of Article 8(j) and related provisions; and the topic for the next in-depth dialogue. In addition, the meeting featured an in-depth dialogue on challenges and opportunities for international and regional cooperation in the protection of shared TK across borders for the strengthening of TK and the fulfilment of the three objectives of the Convention in harmony with Nature/Mother Earth.

This was the first time that SBSTTA and the Article 8(j) Working Group met concurrently. SBSTTA made progress on different items related to mainstreaming biodiversity, with many recognizing that the concurrent format allowed for more input from indigenous peoples and local communities (IPLCs), although it limited the time available for SBSTTA's consideration of complex issues. The Working Group made

significant progress on the guidelines on PIC and benefit-sharing from TK, with significant input from IPLCs, which were largely seen as important for the full implementation of CBD Article 8(j) and for the Nagoya Protocol.

## A BRIEF HISTORY OF THE CONVENTION AND ARTICLE 8(J)

The CBD was adopted on 22 May 1992 and entered into force on 29 December 1993. There are currently 196 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. The Conference of the Parties (COP) is the

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governing body of the Convention. It is assisted by SBSTTA, which is mandated, under CBD Article 25, to provide the COP with advice relating to the Convention's implementation. The Convention's work under Article 8(j) (traditional knowledge) commenced at COP 3 (November 1996, Buenos Aires, Argentina). COP 4 (May 1998, Bratislava, Slovakia) established and adopted the terms of reference for an open-ended working group on Article 8(j).

**COP 5:** At its fifth meeting (May 2000, Nairobi, Kenya), the COP extended the Working Group's mandate to review progress in implementation and adopted a programme of work on Article 8(j), comprising: elements and tasks on participatory mechanisms, status and trends of traditional knowledge, traditional cultural practices for the conservation and sustainable use of genetic resources, benefit-sharing, exchange and dissemination of information, and monitoring and legal elements. In addition, the COP adopted work programmes on dry and sub-humid lands and agricultural biodiversity.

**COP 6:** At its sixth meeting (April 2002, The Hague, the Netherlands), the COP adopted the Bonn Guidelines on access and benefit-sharing (ABS) and also considered the role of intellectual property rights (IPRs) in the implementation of ABS arrangements. The COP identified actions to be taken with respect to the integration of Article 8(j) into the CBD thematic work programmes. In addition, the COP adopted the Convention's Strategic Plan, including the target to reduce significantly the rate of biodiversity loss by 2010; an expanded work programme on forest biodiversity; and guiding principles for invasive alien species (IAS).

**COP 7:** At its seventh meeting (February 2004, Kuala Lumpur, Malaysia), the COP mandated the Working Group on ABS to negotiate an international regime on ABS and agreed on the terms of reference for such a negotiation. The COP also adopted: the Akwé: Kon Guidelines for cultural, environmental and social impact assessments; the Addis Ababa Principles and Guidelines for sustainable use; work programmes on mountain biodiversity, protected areas, and technology transfer and cooperation; and a decision to review implementation of the Convention, its Strategic Plan and progress towards achieving the 2010 target.

**COP 8:** At its eighth meeting (March 2006, Curitiba, Brazil), the COP instructed the Working Group on ABS to complete its work with regard to the international ABS regime at the earliest possible time before COP 10; and requested the Working Group on Article 8(j) to contribute to the mandate of the Working Group on ABS. The COP adopted a work programme on island biodiversity and reaffirmed the COP 5 ban on the field-testing of genetic use restriction technologies.

**COP 9:** At its ninth meeting (May 2008, Bonn, Germany), the COP adopted a roadmap for the negotiation of the international ABS regime before the 2010 deadline. The COP decided that the Working Group on Article 8(j) should work on: guidelines for documenting traditional knowledge, a plan of action for retention of traditional knowledge, participatory mechanisms for indigenous and local communities (ILCs) in the Convention, elements of *sui generis* systems, elements of a code of ethical

conduct, and further work on the composite report. In addition, the COP adopted the Resource Mobilization Strategy for the Convention.

**COP 10:** At its tenth meeting (October 2010, Nagoya, Japan), the COP adopted as a package: the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization; the CBD Strategic Plan for Biodiversity 2011-2020, including a mission, and strategic goals and targets aiming to inspire broad-based action by parties and stakeholders; and a decision on activities and indicators for the implementation of the Resource Mobilization Strategy. The meeting also adopted the Tkarihwaí:ri Code of Ethical Conduct to ensure respect for ILCs' cultural and intellectual heritage relevant for the conservation and sustainable use of biodiversity.

**COP 11:** At its eleventh meeting (October 2012, Hyderabad, India), the COP adopted an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, as well as a preliminary reporting framework for monitoring resource mobilization. The COP further requested IPBES to consider ways in which the activities of the platform could, as appropriate, contribute to assessments of the achievement of the Aichi targets and provide information on policy options available to deliver the 2050 vision of the Strategic Plan. In addition, the COP: took note with appreciation of the report of the Expert Group Meeting of Local Communities Representatives; and requested the Article 8(j) Working Group to consider the matter of terminology related to "indigenous peoples and local communities" and all its implications for the CBD and its parties, for further consideration by COP 12.

**COP 12:** At its twelfth meeting (6-17 October 2014, Pyeongchang, Republic of Korea), the COP conducted a mid-term review of progress towards the goals of the Strategic Plan for Biodiversity 2011-2020 and its Aichi targets, and agreed on the Pyeongchang Roadmap. On Article 8(j), the COP, *inter alia*, adopted a decision to use the terminology "indigenous peoples and local communities" in future decisions and secondary documents under the Convention, and endorsed the action plan on customary sustainable use. In addition, the COP decided that SBSTTA will submit to COP, for its approval, any requests for the next programme of work of the IPBES; and that a Subsidiary Body on Implementation (SBI) will replace the Working Group on Review of Implementation of the Convention (WGRI).

**NP COP/MOP 1:** The first meeting of the COP serving as the Meeting of the Parties to the Nagoya Protocol (NP COP/MOP 1, 13-17 October 2014, Pyeongchang, Republic of Korea) adopted, among other things, cooperative procedures and institutional mechanisms on compliance, whereby: two IPLC representatives, nominated by IPLCs, will serve as observers and participate in the deliberations of the Compliance Committee, except in the taking of decisions; the Committee may examine information received by the Secretariat from IPLCs; and the Committee may seek, receive and consider information from affected IPLCs, as well as seek advice from independent experts, including from an IPLC expert.

## SBSTTA 19 REPORT

On Monday, SBSTTA Chair Andrew Bignell (New Zealand) opened the meeting, highlighting: the concurrent convening of SBSTTA and the Article 8(j) Working Group; the Sustainable Development Goals (SDGs) as an enabling framework for implementing the Strategic Plan; the UN Forum on Forests' (UNFF) resolution on the international arrangement on forests beyond 2015; the anticipated new climate change agreement; the need for coherent national land use policies; and opportunities to provide input into the draft global assessments coordinated by IPBES.

Balakrishna Pisupati, on behalf of United Nations Environment Programme (UNEP) Executive Director Achim Steiner, called for improved financing, stakeholder participation and national biodiversity targets. CBD Executive Secretary Bráulio Dias called for mainstreaming biodiversity into fisheries, agriculture and forestry, and underscored: references to food security in the SDGs; references to ecosystem management in the Sendai Framework for Disaster Risk Reduction (DRR); and land-based progress indicators adopted under the UN Convention to Combat Desertification (UNCCD) of relevance to the Rio Conventions.

SBSTTA Chair Bignell introduced the agenda and proposed the format and organization of work (UNEP/CBD/SBSTTA/19/1 and Add.1), which were adopted. Endang Sukara (Indonesia) was elected as SBSTTA 19 rapporteur. Canada noted that, due to the transition period following federal elections, their delegation will follow deliberations without intervening. This part of the report summarizes discussions on all items on SBSTTA 19.

### **BIODIVERSITY MAINSTREAMING**

Delegates first considered this item (UNEP/CBD/SBSTTA/19/2) on Monday, and adopted the recommendation on Thursday afternoon. Discussions focused on: mainstreaming biodiversity across relevant sectors; mainstreaming biodiversity in the context of the SDGs and relevant international bodies; strengthening the implementation of, and improving funding for, the Strategic Plan; making use of existing tools, including promoting open data access; and ecosystem restoration.

On mainstreaming biodiversity across relevant sectors, Brazil suggested adding “industry” to a list of sectors relevant for mainstreaming, Sweden suggested “health,” and France added “trade and finance.” Colombia suggested taking into account mining activities and mining-related conflicts, and Sweden the value of ecosystem services in all sectors. Belarus called for deeper policy analysis on agriculture, pollution and ecosystem degradation. Pakistan lamented that national biodiversity strategies and action plans (NBSAPs) do not cover geoengineering or genetically modified organisms (GMOs). The International Indigenous Forum on Biodiversity (IIFB) stressed that the nexus between humans and nature, rather than just biodiversity, should be mainstreamed. India recommended taking account of the inter-connectedness of species and ecosystems, and Serbia, for Central and Eastern Europe (CEE), underscored the socio-economic dimensions of the ecosystem approach. Delegates agreed on emphasizing the importance of agriculture, forests and fisheries, as well as “industry, tourism, health,

planning, trade and finance, infrastructure, mining, energy, and climate change adaptation and mitigation measures.”

On mainstreaming biodiversity into the SDGs and other biodiversity-related international bodies, Finland recommended using the 2030 Sustainable Development Agenda as an opportunity to mainstream NBSAPs. Norway recalled the role of the High-level Political Forum on Sustainable Development (HLPF) in reviewing and monitoring the SDGs. South Africa, supported by Sweden, suggested considering achievements of, and synergies among, biodiversity-related conventions, including the International Treaty on Plant Genetic Resources for Food and Agriculture. Belgium, supported by Switzerland, Norway, Sweden and France, proposed that the Secretariat explore opportunities for mainstreaming biodiversity with other relevant organizations such as the UN Food and Agriculture Organization (FAO). FAO said that the agriculture and biodiversity communities must work effectively together and welcomed the mainstreaming of biodiversity within and across agriculture, forestry and fisheries. The International Union for Conservation of Nature (IUCN) underscored the need to establish synergies between the Strategic Plan and related processes, and prepare an information note for the SBI on ongoing activities and support for parties. On requesting the Secretariat to engage in the process to promote biodiversity under the UN Economic and Social Council (ECOSOC), the UK proposed “to engage in relevant dialogues under the HLPF on Sustainable Development under the auspices of ECOSOC.” The Global Forest Coalition called for transformation rather than mainstreaming, emphasizing the rights of women and IPLCs.

On strengthening the implementation of, and improving funding for, the Strategic Plan, Guatemala for the Like-minded Megadiverse Countries (LMMC) called for practical approaches, such as sharing lessons learned and looking to IPLCs for successful conservation practices. Some delegations recommended various means to share mainstreaming success stories. France, supported by the UK, questioned the value added of technical guidance on mainstreaming and delegates agreed to delete a request to the Secretariat to develop it. The Latin American and Caribbean Group (GRULAC), Japan and the Global Youth Biodiversity Network recommended more focus on mainstreaming in the draft guidelines for sixth national reports. The European Union (EU), supported by Switzerland and Norway, and opposed by Mexico, Brazil, Argentina and Timor Leste, suggested replacing language emphasizing the need for strengthening the means of implementation including financial resources, with a reference to decision XII/1, which notes the need for an overall substantial increase in total biodiversity-related funding for Strategic Plan implementation. Following informal consultations, delegates agreed to recall decision XII/1, which “emphasizes the need for enhanced efforts to achieve the Aichi targets, in particular those targets where least progress has been made, and the need to strengthen implementation, including through enhanced technical and scientific cooperation, capacity-building support, and an overall substantial increase in total biodiversity-related funding.”

On encouraging parties to make use of existing tools, including promoting open data access, following deliberations, delegates agreed to add reference to decision XI/2 (review of

progress in NBSAPs implementation and related capacity-building support to parties). Mexico, for GRULAC, urged attaining the Aichi targets that lag behind in implementation, and announced an international expert workshop—organized by Mexico in cooperation with the Secretariat—to develop guidelines on biodiversity mainstreaming for review by SBSTTA 20 and SBI 1.

On ecosystem restoration, the Democratic Republic of the Congo (DRC), on behalf of the African Group, stressed the need to develop an action plan for ecosystem restoration for consideration by SBSTTA 20, which was opposed by Norway and Switzerland. The UK, supported by Finland but opposed by Senegal and the DRC, proposed requesting the Secretariat to develop a “road map,” rather than a “draft plan of action.” Following informal consultations, delegates agreed to request the Secretariat to prepare for SBSTTA 20 consideration, in consultation with relevant conventions, “key elements for a short-term action plan” on ecosystem restoration for consideration by COP 13.

On IPLCs and biodiversity mainstreaming, the Philippines emphasized the continued importance of engagement with IPLCs and other stakeholders. Bolivia emphasized indigenous peoples’ collective action, and UNPFII suggested addressing the Strategic Plan from the standpoint of collective rights, in cooperation with UN agencies and with indigenous peoples’ direct participation. The IIFB stressed that: participation modalities of the Article 8(j) Working Group should be followed in SBSTTA and SBI; and national multi-stakeholder approaches are insufficient and targeted action to include IPLCs is required.

**Final Recommendation:** In the final recommendation on further consideration of the implications of the findings of GBO-4 and related reports, including with respect to the integration of biodiversity across sectors (UNEP/CBD/SBSTTA/19/L.4), SBSTTA emphasizes the importance of integrating biodiversity across a wide range of relevant sectors including, *inter alia*, agriculture, forests, and fisheries; highlights the importance of NBSAPs as tools for mainstreaming biodiversity across all sectors of government and society; emphasizes the need to strengthen the implementation of the Strategic Plan, including through technical and scientific cooperation, capacity-building support and an overall substantial increase in total biodiversity funding for the implementation of the Strategic Plan; and encourages parties to make use of existing tools and recalls Decision XI/12 to promote open data access.

SBSTTA requests the Secretariat, subject to availability of resources, to: make use of the outcomes of the international expert workshop in Mexico on biodiversity mainstreaming, and make them available for consideration by SBSTTA 20 and SBI 1; and prepare, in consultation with relevant organizations and stakeholders, key elements for a short-term action plan on ecosystem restoration, with a view to the submission of a recommendation to COP 13.

SBSTTA recommends COP 13:

- welcome the 2030 Sustainable Development Agenda and note that it provides a useful enabling framework for the implementation of the Strategic Plan and for biodiversity mainstreaming;
- welcome also the Sendai Framework for DRR;

- invite parties to develop coherent and comprehensive policy frameworks that integrate biodiversity across sectors and to share their experiences, best practices and case studies in this regard; and
- request the Secretariat to support parties in sharing experiences, as well as develop comprehensive policy guidance on biodiversity mainstreaming, in collaboration with relevant organizations, and continue to engage with IPLCs in *Global Biodiversity Outlook (GBO) 4*-related documents regarding IPLCs’ contribution to the achievement of the Aichi targets, including ensuring their visions, practices and knowledge are fully taken into account.

### INDICATORS

Delegates first considered a draft recommendation on indicators to monitor progress at the global level towards the Strategic Plan and the Aichi targets (UNEP/CBD/SBSTTA/19/5) on Monday, and adopted the recommendation on Thursday. Discussions were based on a list of specific indicators identified by an *ad hoc* technical expert group (AHTEG) and focused on: the scope and purpose of the indicators; interlinkages with monitoring in other conventions; further development and revision of the indicators; and flexibility at the national level.

On the scope and purpose of the indicators, China noted the absence of indicators for Aichi Target 20 (financial resource mobilization), and the need to enhance transparency, the scientific basis for indicators, and evaluation methods. Benin stressed the need for measurable indicators regarding TK. Costa Rica proposed using national indicators to identify regional trends and Morocco called for prioritizing the updating of data to support the identified indicators. Argentina proposed using indicators for “informing,” but not for “influencing,” decision-making. Mexico, supported by Colombia and Sweden, proposed using indicators for “informing and supporting” decision-making, which was agreed. The IIFB welcomed IPBES’ work on incorporating TK, and noted the connection between SDG Target 2.5 (seeds and TK) and Aichi Target 18 (TK), underscoring the need for incorporating customary tenure rights.

On interlinkages with monitoring in other conventions, the EU and the Republic of Korea suggested streamlining indicators among relevant conventions. Finland cautioned against duplication of efforts, calling for joint reporting between different conventions. The UK underscored work on indicators under IPBES and other biodiversity-related conventions, and Peru proposed including a mention of the UN Framework Convention on Climate Change (UNFCCC).

On SDG indicators, the Philippines, Mexico and France emphasized the need to align the Aichi targets and SDG indicators. Ecuador noted that biodiversity-related SDG indicators should be developed on the basis of the Aichi targets’ indicators. Norway called upon the Secretariat to seek synergies; and WWF called on the Secretariat to ensure coherence and complementarity. The UNCCD called for aligning indicators and approaches on land degradation between Aichi Target 15 (climate change and desertification) and SDG 15 (terrestrial biodiversity). The Netherlands and Germany cautioned against lowering the level of ambition of the Aichi targets’ indicators because of other processes. IUCN recommended including existing knowledge

products such as the Red List Index into the list of operational indicators, and WWF recommended including the Living Planet Index.

On further development and revision of indicators, the Maldives, South Africa, Brazil, the Netherlands, the UK, Belgium and Germany supported peer-reviewing the indicators identified by the AHTEG. Niger noted that the list needs to be regularly reviewed and linked with national indicators and Pacific Islands called for specific training and technical assistance on indicators and monitoring. Burundi noted the lack of quantitative data and the need for data exchange frameworks among countries and organizations. The EU suggested including in the Clearing-house Mechanism available guidance on the use of national indicators and approaches to monitor progress towards the Aichi targets, drawing upon the AHTEG report and related documents. Brazil suggested adding “as appropriate” in reference to the AHTEG report, since not all parties agreed with its conclusions.

On flexibility at national level, Japan suggested ensuring flexible application of indicators in national contexts. Israel requested clarity on how global indicators can be used at the national level, while Indonesia noted that some indicators are incompatible with indicators in their NBSAP. New Zealand suggested prioritizing a small set of globally consistent indicators, and Colombia noted the need to integrate biodiversity data into national statistics systems.

**Final Recommendation:** In the final recommendation (UNEP/CBD/SBSTTA/19/L.2), SBSTTA 19 welcomes the AHTEG report on indicators for the Strategic Plan and takes note of their proposed list of generic and specific indicators. On the purpose of the indicators, SBSTTA notes they may be used, *inter alia*, for:

- mainstreaming the Aichi targets within other international processes, including, in particular, the SDGs, by facilitating the integration of biodiversity in other processes through shared indicators or (disaggregated) elements of indicators;
- providing a framework to assess progress towards the Aichi targets; and
- providing a flexible framework for parties to adapt to their national priorities and circumstances, bearing in mind that parties have different approaches to monitoring the implementation of the Strategic Plan.

SBSTTA requests the Secretariat to:

- continue to collaborate with: the Inter-agency and Expert Group on SDG Indicators; the UNCCD on the three land-based progress indicators (land cover, land function and carbon stocks); IPBES; other biodiversity-related conventions and the UNFCCC; and the IIFB Working Group on Indicators;
- facilitate peer review of the proposed list of global indicators, *inter alia*, by the focal points of the Convention and its protocols, the secretariats of the biodiversity-related conventions and members of the Biodiversity Indicators Partnership, for discussion at SBSTTA 20; and
- develop guidance on the use of national indicators and approaches, and to make this information available through the Clearing-house Mechanism.

## SCIENTIFIC AND TECHNICAL NEEDS

This item (UNEP/CBD/SBSTTA/19/3) was first considered in plenary on Monday, and a recommendation was adopted on Thursday. Debate mainly centered around capacity-building needs, collaboration between the CBD and other organizations and initiatives, and the need for an action plan on threatened species.

On a request for compilation of information by the Secretariat on tools to support the Strategic Plan, the UK emphasized social science tools for behavioral change and improved access to biodiversity-related data, including incorporating specific steps as an annex to the recommendation. The LMMC called for applying CBD Article 12 (research and training) to the Strategic Plan implementation. The Philippines called for technical guidance to establish a community monitoring system and make data compatible with other datasets. Indonesia emphasized the need for accessible scientific and technical knowledge. Colombia suggested more research on improving data processing and accessibility, including data generated through indigenous and citizen knowledge. The IIFB recalled the COP 12 decision to consider how IPLCs can effectively participate in collecting and analyzing data. The Marshall Islands, for Pacific Islands, noted limited scientific and technical capacities in the region, and underscored the need to strengthen the science-policy interface. France, supported by Belarus, urged implementing the Global Taxonomy Initiative (GTI) for meeting the Aichi targets. On encouraging parties to promote open access to biodiversity-related data and transparency in developing derived metrics, delegates eventually agreed to consider the voluntary guidance annexed to the draft recommendation, as appropriate. Switzerland suggested removing text on subjecting requests to the Secretariat to resource availability. On encouraging parties to identify further biodiversity monitoring, assessment and research needs at the national level, Brazil suggested adding project implementation needs. France suggested making full use of the Clearing-house Mechanism to share information.

Egypt, for the African Group, stressed the need for: available and accessible data; involvement of social scientists; and further collaboration with relevant organizations, including the Group on Earth Observations Biodiversity Observation Network (GEO-BON) and Future Earth. Brazil expressed concern about collaboration between the CBD and Future Earth, noting that monitoring and reporting need to respect national sovereignty. Japan cautioned against duplication of work between SBSTTA and IPBES. A paragraph on promoting communication between the Convention and international monitoring, assessment and research programmes was deleted, following lengthy discussion.

South Africa underscored the need for coordinated research and data quality, particularly in relation to TK, and capacity building regarding DNA bar coding for species identification. The Netherlands and Germany cautioned against specific mention of tools such as DNA bar coding. France suggested increasing awareness of the GTI and implementation of capacity building, and South Africa proposed a reference to academic training, in relation to text supporting the development of DNA sequence-based technology and associated DNA barcode reference libraries. On encouraging parties to provide funding for monitoring and assessment, delegates: replaced “funding”

with “support,” deleted reference to “internationally coordinated programmes,” and added reference to “project implementation and research.”

Finland underlined gaps in scientific knowledge and underscored the need for an action plan associated to Aichi Target 12 (threatened species). The UK, supported by Sweden, New Zealand, Iceland and Switzerland, proposed exploring through the Liaison Group of Biodiversity-related Conventions the benefits of developing a collaborative framework on the conservation of threatened species. Ethiopia, Colombia and Uganda urged the development of an action plan. Eventually, delegates agreed to request the Secretariat through the Liaison Group to “develop actions for an enhanced collaborative framework” to guide the conventions and assist parties in meeting Aichi Target 12.

**Final Recommendation:** In the recommendation on scientific and technical needs (UNEP/CBD/SBSTTA/19/L.7), SBSTTA notes that training and work on technical and scientific cooperation and technology transfer may also be taken up by SBI 1. SBSTTA welcomes the establishment of the Future Earth programme, inviting its Science Committee to take into account the Strategic Plan when developing and implementing its research agenda, and requesting the Secretariat to collaborate with the Future Earth Secretariat, as appropriate, taking into account the principles and provisions of the Convention.

SBSTTA recommends that the COP welcome the Global Biodiversity Informatics Outlook, recalling previous decisions on capacity building, including the capacity-building strategy for the GTI, and invite parties and relevant organizations to further promote open access to biodiversity-related data and transparency in the development of derived metrics, and to consider, as appropriate, the voluntary guidance annexed to the draft recommendation.

SBSTTA also recommends that the COP request the Secretariat to, *inter alia*:

- continue collaboration with relevant organizations for compiling information on tools to support the implementation of the Strategic Plan, including those areas where gaps have been identified, in particular methods to assess motives for and barriers to behavioral change, social marketing strategies, engagement techniques and participatory processes and mechanisms to promote the development of social, moral and economic incentives, taking into account cultural and socio-economic differences among countries and regions, for people to sustainably manage biodiversity and ecosystem services;
- invite parties, especially developing countries, to provide information on their priorities and needs for the implementation of CBD Article 12 (research and training); and
- develop, through the Liaison Group and in collaboration with other relevant organizations, actions for an enhanced collaborative framework to guide the work of the conventions and their partners, and to assist parties, in meeting Aichi Target 12, and to submit the actions to SBSTTA at a meeting prior to COP 14.

SBSTTA further encourages parties to, *inter alia*:

- strengthen in-country efforts to link science and policy;
- make full use of the Clearing-house Mechanism;

- provide support for biodiversity monitoring, assessment, project implementation and research;
- increase awareness of the GTI and implement its capacity-building strategy;
- support the development, with the assistance, as appropriate, of the international barcode of life network, DNA barcoding and associated DNA barcode reference libraries for priority taxonomic groups of organisms, to promote the application of these techniques for the conservation and sustainable use of biodiversity, and to support related capacity-building activities, including academic training, as appropriate;
- promote awareness on the role of TK systems and collective actions of IPLCs to complement scientific knowledge in support of the Strategic Plan implementation; and
- take into consideration the important work by IPLCs related to taxonomy.

### POLICY EFFECTIVENESS

Delegates first discussed this item (UNEP/CBD/SBSTTA/19/4) on Monday, and adopted the recommendation on Tuesday. The UK and Pacific Islands suggested sharing experiences by compiling case studies and lessons learned. Japan recognized the need to review national experiences and best practices. Mexico suggested compiling practical methodologies. Belgium highlighted the usefulness to parties of case studies, including detailed descriptions of methodologies. India noted the challenges of measuring effectiveness of policy instruments and the importance of policy coherence for mainstreaming biodiversity.

China called for the consideration of national circumstances, technologies and different capabilities. The Pacific Islands noted the need to streamline and harmonize reporting to the CBD and other conventions. Switzerland recommended measuring both policy effectiveness and efficiency. Togo called for technology transfer to conserve biodiversity and carry out inclusive and integrated scientific research. Ecuador suggested systematically understanding the direct and indirect impacts of various policies on biodiversity. The Philippines called for a protected area management effectiveness tool.

The Netherlands and Germany cautioned against duplication of work with IPBES and, with Finland, the creation of additional reporting requirements by developing online reporting tools. On a compilation and analysis of information submitted by parties on effectiveness, the EU proposed deleting “as an input to IPBES assessments.” Brazil proposed including “for consideration by SBSTTA.”

**Final Recommendation:** In the final recommendation on tools to evaluate the effectiveness of policy instruments for the implementation of the Strategic Plan (UNEP/CBD/SBSTTA/19/L.3), SBSTTA notes that the SBI may also consider ways to improve the review of implementation of the Convention, and recommends COP 13 to: encourage parties to undertake evaluations of the effectiveness of measures undertaken to implement the Strategic Plan, document this experience, including the methodologies applied, identify lessons learned, and provide this information to the Secretariat, including through sixth national reports; and request the Secretariat to compile the information for consideration by SBSTTA and the SBI, as appropriate.

## BIODIVERSITY AND HEALTH

Delegates first considered this item (UNEP/CBD/SBSTTA/19/6 and Add1) on Tuesday and adopted a recommendation on Thursday after lengthy negotiations. Delegates discussed text on drivers of change that may affect both biodiversity and health, eventually agreeing to delete a list of specific examples. Indonesia, with Norway, stressed the importance of water quality and marine biodiversity. The Republic of Korea called attention to IAS as a possible source of pathogens. On a paragraph on health-biodiversity linkages and the 2030 Sustainable Development Agenda and the achievement of the SDGs, Brazil suggested acknowledging that the linkages are “related to” the Agenda and the SDGs, rather than emphasizing that they are “important to their implementation.”

In relation to trade-offs, Israel proposed, in implementing policies to protect species and habitats, including protected areas, to encourage sustainable use of wild foods and other essential resources by local communities, and to incorporate consultation, sharing of knowledge and co-management, to achieve integrated solutions to reconcile competing biodiversity and health objectives.

The UK, supported by Austria, Israel and Belgium, noted that the health-biodiversity link does not have prominence in the current Strategic Plan, calling for more focus after 2020. Ethiopia, for the African Group, asked the Secretariat to develop best-practice guidance on biodiversity and health, and include this topic under the seventh replenishment of the Global Environment Facility (GEF).

On linkages between biodiversity and traditional medicine, Bolivia cautioned against commodification. India suggested accompanying reference to sharing knowledge with “fair and equitable sharing of benefits.” Colombia recommended consideration of traditional medicinal plants in public health systems and food security policies. On guidance on biodiversity linkages with biomedical discovery, Peru and Switzerland proposed clarifying that promoting access to genetic resources should be “under the Nagoya Protocol.” South Africa emphasized the link with DRR. Belgium proposed that IPBES consider a thematic assessment on biodiversity and health, and parties report on implementation to SBSTTA prior to COP 14.

On a list of issues for further research on health-biodiversity linkages and related socio-economic considerations, China called for research on water, air and soil. Tonga, for Pacific Islands, recommended further research on public health and oceans. Burkina Faso called for more research into linkages between habitat loss and transmissible diseases. When considering the revised draft recommendation, Colombia suggested adding linkages between IAS and human health. France, supported by Norway and Switzerland, suggested deleting language on the establishment of a world day on biodiversity and human health.

Brazil cautioned against exaggerated health-biodiversity linkages, lamented the broad nature of proposed guidance, and requested a peer review of the joint World Health Organization (WHO)/CBD publication, “Connecting Global Priorities: Biodiversity and Human Health, a State of Knowledge Review.” Argentina and Brazil suggested “taking note,” rather than

“welcoming,” the State of Knowledge Review. Brazil further proposed to “invite parties to consider using” the Review, rather than to encourage parties to make use of it.

On a list of activities related to biodiversity and health, Brazil suggested to invite, rather than encourage, parties to carry them out “as appropriate and taking into account national circumstances.” On language identifying opportunities benefitting biodiversity and human health, Brazil and Argentina proposed substituting “sustainable consumption choices” with “sustainable production and consumption patterns.”

On an annex elaborating on specific topics to promote the understanding of health and biodiversity linkages, Argentina, supported by Brazil and opposed by the EU and Norway, proposed to delete guidance for each topic. Chair Bignell suggested, and delegates agreed, to clarify that the annexed guidance is voluntary. Brazil then requested reference to: “inappropriate,” rather than “reduced,” use of pesticides; “inappropriate use,” rather than “overuse and unnecessary routine use,” of antibiotics; and “healthy, nutritious and diversified diets,” rather than “sustainable diets.” She also requested deletion of reference to “green infrastructure” regarding the role of terrestrial and inland water ecosystems. The EU and Timor Leste opposed. Ethiopia, Argentina and Uruguay cautioned against opening up the annex to negotiation. Delegates eventually agreed to approve the annex, without amendments, as “information” rather than as “guidance.”

The IIFB requested recognition of indigenous women’s role in biodiversity knowledge and nutrition security. The UNPFII recommended including indigenous practices into good-practice guides. Bioversity International favored creating a CBD/WHO liaison group to support the implementation of biodiversity and health-related decisions. Future Earth suggested long-term monitoring of links between ecosystem change and human health. WWF called for an integrated approach toward promoting nature-based solutions to human health and biodiversity conservation.

**Final Recommendation:** In the recommendation on biodiversity and human health (UNEP/CBD/SBSTTA/19/CRP.8), SBSTTA recommends that the COP, *inter alia*:

- take note of the “Connecting Global Priorities: Biodiversity and Human Health, a State of Knowledge Review” publication;
- acknowledge that health-biodiversity linkages are related to the 2030 Sustainable Development Agenda and to the achievement of the SDGs;
- recognize that the health benefits of biodiversity are influenced by socio-economic factors;
- invite governments to make use of the information outlined in the annex, as appropriate, on some specific topics to promote the understanding of health and biodiversity linkages with a view to maximizing human health benefits, addressing trade-offs, and, where possible, addressing common drivers posing risks to health and biodiversity;
- invite governments and relevant organizations, as appropriate, and taking into account national circumstances, to carry out activities, *inter alia*, to: ensure due consideration of health-biodiversity linkages in developing and updating relevant national policies, strategies, plans, and accounts

including health strategies, such as national environmental health action plans, NBSAPs, and sustainable development and poverty eradication strategies; strengthen national monitoring capacities and data collection, including integrated surveillance capacities and early warning systems, that enable health systems to anticipate, prepare for and respond to public health threats resulting from ecosystem change; and identify opportunities for, and promote, healthy lifestyles and sustainable production and consumption patterns.

- encourage governments, relevant organizations and funding agencies to promote and support further research on health-biodiversity linkages and related socio-economic considerations, including, *inter alia*, on: linkages between IAS and human health; the significance of marine biodiversity for health, including for food security, and the consequences of multiple stressors on marine ecosystems (including pathogens, chemicals, climate change and habitat degradation); the contribution of biodiversity and the natural environment in promoting mental health, particularly in urban areas; linkages between migratory species and their corridors and human health;
- invite governments and relevant organizations to provide information on the implementation of the decision to the Secretariat; and
- decide to consider biodiversity and human health interlinkages when revising the Strategic Plan and the Aichi targets.

### GEOENGINEERING

Delegates first considered this item (UNEP/CBD/SBSTTA/19/7) on Tuesday and adopted a recommendation on Wednesday. Discussions mainly centered on: the so-called moratorium adopted by COP 10 (paragraph 8(w) of decision X/33); the insufficient consideration by the Intergovernmental Panel on Climate Change's (IPCC) 5th Assessment Report (AR5) of geoengineering impacts on biodiversity; and bioenergy with carbon capture and storage (BECCS) considerations under the IPCC AR5.

Egypt, for the African Group, stated that the COP 10 decision on geoengineering remains valid. The EU proposed recalling the COP 10 decision. France argued that CBD Articles 3 (transboundary damage) and 14.2 (liability and redress) and other conventions on transboundary harm could apply to impacts on biodiversity. Argentina, for GRULAC, called for a transparent process to develop the scientific basis to understand the impacts of geoengineering, and recalled international obligations on transboundary damage, on environmental impact assessments, and under the UN Convention on the Law of the Sea. The Philippines, GRULAC, Belgium and Austria invoked the precautionary approach. South Africa pointed out that previous CBD decisions on geoengineering showed leadership, arguing that policy recommendations fall within the CBD's mandate. Pakistan questioned whether previous CBD decisions had an impact on decision-making elsewhere, requesting legal advice on conflicting decisions under the UNFCCC in relation to genetically modified trees.

The EU noted that the IPCC AR5 does not consider in detail the impacts of geoengineering on biodiversity. When deliberating on the draft recommendation, Brazil objected to a preambular

paragraph noting that IPCC AR5 has not addressed, in detail, the impacts of geoengineering on biodiversity and ecosystems, but the proposed deletion was not accepted.

France and Germany suggested inviting the IPCC to study these impacts. The UK recommended reflecting AR5 findings in the documentation, noting that BECCS is regarded as a component of mitigation. Sweden, supported by Austria, underscored uncertainty around the use of BECCS, especially on a large scale. Brazil noted that bioenergy production and reforestation should not be considered geoengineering, emphasizing the need to respect the UNFCCC mandate.

The ETC Group: urged SBSTTA 19 to reaffirm the CBD COP 10 moratorium; objected to inviting the IPCC and IPBES to address biodiversity-related impacts of geoengineering, as available research is already covered by the CBD update; and stated that BECCS is technically unproven and extremely costly, and will have negative impacts on biodiversity and livelihoods. The Global Youth Biodiversity Network expressed concern about: the AR5 consideration of BECCS as a mitigation opportunity; geoengineering as a diversion for parties and sectors from emission reduction efforts; and the lack of common understanding on how international regulatory and control mechanisms should address geoengineering. They urged parties to support ecosystem-based approaches to mitigation and make the COP 10 moratorium permanent.

Argentina objected to "taking note of the Preliminary Report on Contribution of the Aichi Targets to Land-based Climate Mitigation," since the report is not finalized. Bolivia proposed including reference to life sciences, in addition to recognizing the importance of taking into account IPLCs' knowledge.

**Final Recommendation:** In the recommendation on climate-related geoengineering (UNEP/CBD/SBSTTA/19/L.5), SBSTTA, *inter alia*:

- recalls decisions X/33 and XI/20 (climate-related geoengineering);
- notes that IPCC AR5 has not addressed, in detail, the impacts of climate-related geoengineering techniques on biodiversity and ecosystems; and
- takes note of the updated report on climate-related geoengineering in relation to the CBD.

SBSTTA recommends that COP 13:

- reaffirm paragraph 8(w), of decision X/33, on ensuring that no climate-related geoengineering activities that may affect biodiversity take place, until there is an adequate scientific basis on which to justify such activities and appropriate consideration of the associated risks for the environment and biodiversity and associated social, economic and cultural impacts, with the exception of small-scale scientific research studies that would be conducted in a controlled setting and only if they are justified by the need to gather specific scientific data and are subject to a thorough prior assessment of the potential impacts on the environment;
- recall paragraph 11 of decision XI/20, in which the COP noted that the application of the precautionary approach as well as customary international law, including the general obligations of states with regard to activities within their jurisdiction or control and with regard to possible consequences of those activities, and requirements with regard to environmental

impact assessment, may be relevant for geoengineering activities but would still form an incomplete basis for global regulation;

- recall paragraph 4 of decision XI/20, in which the COP emphasized that climate change should primarily be addressed by reducing anthropogenic emissions by sources and by increasing removals by sinks under the UNFCCC, noting also the relevance of the CBD and other instruments;
- reaffirm its encouragement to parties to promote the use of ecosystem-based approaches to climate change adaptation and mitigation;
- note that more transdisciplinary research and sharing of knowledge among appropriate institutions is needed to better understand the impacts of climate-related geoengineering on biodiversity and ecosystem functions and services, socio-economic, cultural and ethical issues and regulatory options; and
- recognize the importance of taking into account life sciences and the knowledge, experience and perspectives of IPLCs when addressing climate-related geoengineering and protecting biodiversity.

### FOREST BIODIVERSITY

Delegates first considered this item (UNEP/CBD/SBSTTA/19/8) on Tuesday, and adopted the recommendation on Thursday. Discussions focused on: international coordination of forest-related Aichi targets; collaboration between the CBD, the UNFF and other relevant international organizations; and an invitation to the Collaborative Partnership on Forests (CPF) and its members to contribute further to the achievement of the Aichi targets.

On international coordination of forest-related Aichi targets, Colombia, supported by the Global Forest Coalition, called upon the CBD to play a lead role in coordinating activities on forests. Norway drew attention to joint activities between the CBD, the CPF and the International Tropical Timber Organization (ITTO), and, with Finland, to partnerships beyond the CPF. FAO recommended identifying critical needs and gaps in supporting countries to achieve the forest-related Aichi targets. Morocco suggested improving the knowledge base for forest ecosystem management and Brazil called for open-data platforms for synthesizing information. Saint Lucia called for global mitigation efforts that keep emissions below the 1.5°C threshold, and Bolivia recommended a more holistic approach to sustainable forest management, including consideration of poverty eradication, fair trade, stakeholder participation, community forestry, agroforestry and IPLCs' collective role. The IIFB argued for a definition of forest that excludes monocultures, and called for respect for indigenous peoples' rights to land and territories, free PIC, and fair and equitable benefit-sharing. The Global Forest Coalition lamented the lack of consideration of potential negative effects of afforestation and reforestation, including IAS, and expressed concern about SDG Target 15.2 on promoting a substantial increase in afforestation and reforestation globally. Germany, France, Finland and the UK noted that national forest policies should address both Aichi targets and other forest-related multilateral commitments.

On collaboration between the CBD, UNFF and other relevant international organizations, Japan underscored the importance of the UNFF. Mexico urged strengthening the Forum as a catalyst for debate to help achieve forest-related Aichi targets. On noting congruence among forest-related targets, goals, activities and guidelines, Bolivia proposed recognizing "alternative policy approaches such as the joint mitigation and adaptation approach for the integral and sustainable management of forests," which was approved by delegates. On text welcoming other initiatives to reduce forest loss, Brazil, supported by Bolivia and Argentina, suggested deleting reference to the New York Declaration on Forests, emphasizing that not all parties to the CBD support the Declaration, cautioning against SBSTTA addressing political issues. Norway opposed and the reference was bracketed. Eventually, Norway agreed to delete the reference.

On text inviting the CPF and its members to contribute further to the achievement of the Aichi targets, Sri Lanka supported a synergistic approach among UN forest-related programmes and enhanced collaboration among CPF members in line with the Global Objectives on Forests. Argentina suggested eliminating a specific list of tasks addressed to the CPF, and New Zealand recommended seeking synergies, rather than redefining goals, for the CPF members. WWF requested parties to invite the CPF to open its membership to other organizations with substantial work on forests. On inviting the CPF to identify tools useful to parties, Bolivia suggested adding text on "taking into account visions, approaches, models and tools to improve integrated management of forests, including development of technical capacity." Colombia proposed "strengthening," rather than just "continuing," the Secretariat's work with CPF members and other relevant organizations and initiatives.

**Final Recommendation:** In the final recommendation (UNEP/CBD/SBSTTA/19/L.6), SBSTTA recommends that the COP:

- note the strong congruence among the forest-related Aichi targets, the four global objectives on forests, reducing emissions from deforestation and forest degradation in developing countries, and the role of conservation, sustainable management of forests, and enhancement of forest carbon stocks (REDD+), and forest-related SDGs;
- welcome the resolution on the International Arrangement on Forests beyond 2015 and the 2030 Sustainable Development Agenda;
- recognize alternative policy approaches, such as the joint mitigation and adaptation approach for the integral and sustainable management of forests;
- note other initiatives to reduce forest loss;
- stress the need to enhance coherence, cooperation and synergies among forest-related agreements;
- invite the UNFF, in developing the strategic plan 2017-2030 of the International Arrangement on Forests, to take into account the forest-related Aichi targets; and
- encourage parties, when developing and implementing their forest policies, to take into account, as appropriate: other land uses, including agriculture; climate change mitigation and adaptation; DRR; and give due consideration to avoiding the potential negative impacts of afforestation of non-forest biomes.

SBSTTA further recommends that the COP welcome the contribution of CPF members to efforts to achieve the forest-related Aichi targets, and invites them to further enhance their individual and collective contributions through, *inter alia*:

- sharing experiences and related information on implementation of the forest-related Aichi targets;
- identifying how they could provide useful support to countries, taking into account the different visions, approaches, models and tools to improve the integrated management of forests, including the development of technical capacity;
- improving monitoring and reporting of progress, including the harmonization of indicators and reporting processes; and
- improving knowledge management, including through open data platforms for sharing and synthesizing information.

SBSTTA also recommends that the COP request the Secretariat to strengthen collaboration with all CPF members, including the UNFF; and contribute to the preparation of the strategic plan 2017-2030 of the International Arrangement on Forests and the related work plan of the CPF to promote consistency with the Strategic Plan and forest-related Aichi targets.

#### **WORK OF SBSTTA IN LIGHT OF THE IPBES WORK PROGRAMME, AND THE RELATIONSHIP WITH SBI**

Delegates discussed SBSTTA work in light of the IPBES work programme 2014-2018, and relationship with the SBI (UNEP/CBD/SBSTTA/19/9) on Tuesday and Wednesday, and adopted a recommendation on Thursday. Anne Larigauderie, IPBES Executive Secretary, reported on progress in implementing the IPBES work programme (UNEP/CBD/SBSTTA/19/INF/11), pointing to: the finalization of the assessment on pollinators, pollination and food production; four ongoing regional assessments; and consultations on a draft scoping study for the global assessment of biodiversity and ecosystem services. David Cooper, CBD Secretariat, provided an overview of GBO-5 preparations in the context of the IPBES work programme.

Egypt, for the African Group, requested SBSTTA and the Secretariat to continue to collaborate with IPBES. Ethiopia, supported by Peru and Brazil, suggested clarifying that SBSTTA's work is guided by CBD Article 25 and the Multi-Year Programme of Work. Mexico for GRULAC, the UK, Norway and Belgium called for an analysis of the contributions of the Strategic Plan to the SDGs and the 2030 Sustainable Development Agenda. The UK and Norway cautioned against duplication of work while considering technical and scientific needs under the Strategic Plan, with Japan seeking clarification on the SBI's role in this respect. The UK recommended that the SBI look closely into the format of sixth national reports to ensure timely consolidation of information.

Switzerland called for transparent and replicable technical analysis of implementation of the Strategic Plan and Aichi targets, and invited other biodiversity-related conventions and organizations, including FAO and the UN Development Programme (UNDP), to produce their own assessments in achieving the Aichi targets to contribute to the CBD global analysis. Bosnia and Herzegovina and Saudi Arabia called for capacity building to produce national reports. Belgium suggested mandating the Secretariat to prepare requests to IPBES to be

considered prior to COP 14. Norway called for further work on dashboards showing progress on the Aichi targets.

India recommended GBO-5 draw on IPBES outcomes and lessons learned from GBO-4. The Netherlands said GBO-5 should be based on IPBES outcomes. China said GBO-5 should focus on sixth national reports, and IPBES should take into account the SDGs. France suggested a process whereby the COP can submit proposals to IPBES for its upcoming work programme. South Africa expressed concern about the independence and quality of IPBES assessments. UNPFII underscored the need to involve indigenous researchers, scientists and traditional experts.

Following lengthy deliberations, delegates agreed in the preamble to recall the intention to undertake a final assessment of the Strategic Plan implementation and inform the discussion for the strategic plan beyond 2020. Delegates also agreed on requesting the Secretariat, when developing draft guidelines for sixth national reports, to consider biodiversity mainstreaming concerns, including crosscutting policy frameworks and evaluation of their effectiveness, best practices, and lessons learned. On the establishment of the SBI, following lengthy discussions, delegates agreed on its role to provide guidance to parties to support the implementation of the Convention, its protocols and the Strategic Plan.

**Final Recommendation:** In the final recommendation on SBSTTA work in light of the IPBES work programme 2014-2018 and relationship with the SBI (UNEP/CBD/SBSTTA/19/L.8), SBSTTA requests the Secretariat: to include in the proposed guidelines for sixth national reports, for consideration by SBSTTA 20 and SBI 1, consideration of biodiversity mainstreaming within and across sectors, including cross-cutting policy frameworks on biodiversity and evaluation of their effectiveness, best practices and lessons learned.

SBSTTA further recommends that COP 13:

- initiate the preparation of GBO 5, which, *inter alia*, should draw upon: IPBES thematic, regional and global assessments and any relevant scenario analysis and modelling of biodiversity and ecosystem services undertaken as part of these assessments; information from the other biodiversity-related conventions and Rio Conventions and other relevant organizations; and information provided by IPLCs, including information on the contributions of IPLCs' collective actions to the implementation of the Strategic Plan;
- request SBSTTA to prepare a list of requests for the IPBES second work programme, for approval by COP 14; and
- note the complementary roles of SBSTTA and SBI, noting that SBI 1 will consider its *modus operandi*, and recognizing the opportunity that the establishment of the SBI presents to give new impetus to the review of progress on action taken in implementing the Convention, its protocols and the Strategic Plan, and to provide parties with guidance to support their implementation.

#### **CLOSING PLENARY**

On Thursday, delegates adopted the report of the meeting (UNEP/CBD/SBSTTA/19/L.1) with minor amendments. CBD Executive Secretary Dias acknowledged the challenges arising from the limited time to consider recommendations, and singled out outcomes on biodiversity and human health,

biodiversity mainstreaming, and the IPBES work plan. Costa Rica, for GRULAC, lamented the shortened format of the meeting, arguing that the quality of some recommendations suffered, particularly in relation to crosscutting issues. South Africa, for the African Group, noted the need for further research into geoenvironment, and enhanced synergies among biodiversity-related bodies. The Republic of Korea, for Asia and the Pacific, affirmed that SBSTTA 19's recommendations will contribute to the implementation of the Strategic Plan and the Aichi targets. Chair Bignell considered the recommendations "a sound foundation for COP 13," underscoring the role of the 2030 Sustainable Development Agenda and the anticipated new climate change agreement. He gavelled the meeting to a close at 5:22 pm.

### ARTICLE 8(J) WG 9 REPORT

On Wednesday, Otsi.tsa.ken:RA (Charles Patton) of the Mohawk Nation welcomed delegates to Mohawk traditional territory and opened the meeting in the way of his ancestors. Article 8(j) Working Group Co-Chair Tia Stevens (Australia), in the temporary absence of the COP 12 Presidency representative, identified as the Working Group's most important task to give voice to IPLCs in the work of the Convention. Balakrishna Pisupati, on behalf of UNEP Executive Director Achim Steiner, underscored, among other things, regional and international cooperation with regard to shared TK. CBD Executive Secretary Dias highlighted, among the agenda items, guidelines for the effective implementation of Article 8(j) and related provisions.

Co-Chair Stevens introduced the agenda and organization of work (UNEP/CBD/WG8J/9/1 and Add1/Rev1), which were adopted. Natalya Minchenko (Belarus) was elected as Article 8(j) Working Group rapporteur, and seven indigenous representatives were elected as Friends of the Bureau, including Onel Masardule (Latin America) as Co-Chair of the Working Group.

The IIFB called for applying in SBI the same modalities for IPLCs' participation as in the Article 8(j) Working Group, and building upon rights recognized in other international fora. Senegal, for the African Group, urged the Working Group to do anything possible to protect TK and consider it alongside other types of knowledge. Japan, for Asia and Pacific, noted that the Working Group and the Nagoya Protocol should avoid duplication of work. Luxembourg, for the EU, expressed commitment to the full and effective implementation of the Article 8(j) work programme. Bosnia and Herzegovina, on behalf of CEE, noted that changes in lifestyles are having a negative impact on TK.

Delegates agreed that the document on indicators related to Article 8(j) and related provisions (UNEP/CBD/WG8J/9/INF.3) be considered by SBI at its first meeting. The EU encouraged IPLCs' contribution to sixth national reports and monitoring progress on the Aichi targets. UNPFII suggested ensuring links in the indicators between cultural integrity, biodiversity, Mother Nature, and food security. Local Communities underscored their role in providing information for indicators on TK and customary sustainable use.

### GUIDELINES ON TRADITIONAL KNOWLEDGE

This item (UNEP/CBD/WG8J/9/2 and Add.1) was discussed in plenary on Wednesday and Thursday, and in a contact group

chaired by Johan Bodegård (Sweden) and Christine Teresa Grant (Western Europe and Others) on Thursday and Friday. A recommendation was adopted in plenary on Saturday.

Brazil suggested "welcoming," rather than "adopting," the guidance. Colombia, Japan and Argentina underscored the voluntary character of the guidance, and Brazil suggested reflecting this in the title. Saudi Arabia and China highlighted the need for flexibility to take into account national circumstances. Discussions then focused on: the scope of the guidelines; the relationship with the Nagoya Protocol; principles; ownership of TK; and understanding of PIC, in particular "free" PIC.

**Scope:** Mexico emphasized the intangible and collective nature of TK, and the broader notion of TK under Article 8(j) than under the Nagoya Protocol, recommending that the guidelines should not be limited to the latter. The EU suggested that the guidelines remain within the scope of the Convention. Guatemala, for the LMMC, noted that access to biodiversity and TK should respect sovereign and IPLCs' rights. Norway noted that: this agenda item is important for the Convention and the Nagoya Protocol; and decisions for the Nagoya Protocol have to be taken by its COP/MOP. Switzerland recommended that the guidelines be within the scope of the CBD and mutually supportive of the Nagoya Protocol and other agreements and processes, such as the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization (WIPO). Sudan, for the African Group, suggested including in the guidelines TK systems that are not taken into account by other international agreements. India underscored the need for PIC and benefit-sharing for TK both publicly owned and in the public domain. China proposed requesting the Secretariat to invite parties to provide information on benefit-sharing related to open-access TK.

**Nagoya Protocol:** Delegates debated a regional proposal for the guidelines to be applied in a manner that "ensures consistency with domestic law, gives due importance to the customary laws and community protocols of IPLCs, and, when applied to TK associated with genetic resources, ensures consistency with provisions of the Nagoya Protocol." A developing country objected to the reference to the Nagoya Protocol, in consideration of CBD parties that are not party to the Protocol. A developed country noted that the Nagoya Protocol contains a provision on encouraging non-parties to adhere to it. Delegates eventually agreed to "seek consistency when the guidelines are applied to TK associated with genetic resources under the Nagoya Protocol." Among important tools against unauthorized use of TK, a developed country requested to delete reference to the "internationally recognized certificate of compliance," since this only applies under the Nagoya Protocol. Japan: called for language to improve access and benefit-sharing related to TK associated with genetic resources, as well as compliance with domestic legislation; clarified that "authorities" mentioned under procedural considerations for PIC, and mutually agreed terms (MAT) for benefit-sharing, are not equivalent to "national focal points" and "competent national authorities" under Nagoya Protocol Article 13; and suggested deleting

reference to disclosure requirements concerning the origin or source of TK, so as not to prejudice ongoing negotiations in other fora.

**Principles:** The Republic of Korea said that mechanisms on PIC should enhance legal certainty and transparency. The Philippines called for: explicit mention of the primacy of customary laws; clarification of the steps involved in PIC, respecting customary decision-making processes; and checkpoints to monitor compliance. Australia requested a reference to potential users seeking to renegotiate MAT if the terms vary significantly from the original purpose or if TK is to be marketed or commercialized, in line with national laws.

Bolivia requested references to the 2015 Peoples' World Conference on Climate Change and the Defense of Life and to non-commodification. The IIFB, supported by Guatemala, recommended that the guidelines should: recognize the primacy of customary laws and community protocols; not imply concessions of intellectual property over TK to users; include, as benefit-sharing, tenure security and safeguards for traditional land and resource rights, as well as cultural and spiritual elements; and clarify that IPLCs, based on their customary laws and protocols, determine whether benefit-sharing is fair and equitable. Brazil noted that community protocols are subject to national law and expressed concern about cross-border measures for shared TK.

Uruguay underscored the need for harmonization of international and national law with respect to PIC and IPLCs' rights, and encouraged parties, the GEF and others to support capacity building for IPLCs to implement Article 8(j) and the Nagoya Protocol. Local Communities of Latin America and the Caribbean: emphasized the obligatory nature of PIC and benefit-sharing; suggested using the guidelines to support harmonization of international and national laws; and requested enhanced financial support to IPLCs for building capacity to apply guidelines, the Nagoya Protocol, and elaboration of community protocols.

**Ownership:** Delegates then considered a proposal that granting PIC to users of TK may not transfer ownership but merely allow temporary use, and that ownership is retained by IPLCs at all times and especially upon expiration of the terms of temporary use. A regional group proposed stating that in the cases where granting PIC to users of TK allows temporary use, ownership is retained by IPLCs. A developing country preferred stating that granting PIC to users, "unless otherwise mutually agreed," does not transfer ownership. Delegates agreed on language that granting PIC to users, unless otherwise mutually agreed, does not transfer ownership but merely allows temporary use, and in such cases, ownership is retained by IPLCs.

**Understanding of terms:** Brazil suggested deleting an entire section on the understanding of PIC or approval and involvement, cautioning against further analysis of Convention and Nagoya Protocol language. Delegates, however, decided to reintroduce explanations for "prior," "informed" and "consent." On consent implying that the agreement of the TK holders to provide a potential user with access to TK is obtained in good faith with no coercion, intimidation or manipulation, a regional group proposed to add "and therefore freely given." A

developing country proposed to clarify that the understanding applies to "consent or approval."

Delegates discussed whether the expression "free PIC" could be used in the guidelines, and whether a self-standing explanation of "free" could be provided. A developing country referred to international instruments on indigenous peoples referring to free PIC. Another developed country noted that her national legislation includes free PIC to refer to the history of marginalization of indigenous peoples and the collective nature of their decision-making processes. She proposed as a clarification that "free implies that consent is given voluntarily and without coercion, intimidation or manipulation, and is a process that is self-directed by the community from whom the consent is sought, unencumbered by expectations or timelines that are externally imposed." Some delegations cautioned against departing from CBD and Nagoya Protocol terminology. A regional group proposed that "free implies that IPLCs are not coerced, pressured or intimidated in their choices of development and that their consent is sought and freely given prior to access." An IPLC group emphasized the need to refer to IPLCs' ability to control the context of decision-making. A developing country offered as compromise text, "consent shall be obtained in good faith and given voluntarily and without coercion, intimidation and manipulation; it refers to a process that is self-directed by the community from whom the consent is sought."

During Saturday's plenary, Co-Chair Grant proposed that remaining bracketed references to "free" PIC and to "or approval and involvement," as well as the clarifications on these terms, be submitted to COP 13 for consideration. The EU enquired about the proposal to add to the clarification of consent "therefore freely given," with Co-Chair Bodegård explaining that it appeared to be no longer needed, in light of pending discussions on the proposed clarification on "free." Brazil enquired about the proposal to provide a clarification for "consent or approval," regardless of the pending discussion on whether to retain the expressions "approval and involvement." Co-Chair Bodegård explained that "approval" was bracketed in that context, to ensure consistency with the bracketing of the expression "approval and involvement" throughout the draft. Delegates also discussed whether to shorten the title of the guidelines, and decided to leave it to COP 13, the host country and IPLCs.

Having proposed referring to Convention language on "indigenous and local communities" rather than IPLCs earlier in the week, Indonesia conceded, following consultations with capital, to remove brackets around "peoples," and requested adding a footnote stating that the use and interpretation of IPLC terminology in the guidelines should, in accordance with CBD Decision XII/12 F: not affect the legal meaning of Article 8(j) and related provisions; may not be interpreted as implying for any party a change in rights or obligations under the Convention; and may not constitute a context for the purpose of interpretation of the Convention. Switzerland proposed reference to ensuring consistency with work undertaken under processes and organizations on IPLCs' rights to TK, with Morocco objecting to the deletion of reference to the prevention of diminishing IPLCs' rights on TK. Delegates adopted the recommendation with these amendments.

**Final Recommendation:** In the final recommendation (UNEP/CBD/WG8J/9/L.5), the Working Group recommends that the COP:

- recognize the contribution of the guidance to the implementation of the CBD and the Nagoya Protocol;
- stress the need to enhance synergies among international processes addressing issues related to TK to ensure consistency with work undertaken under these processes and to prevent diminishment of IPLCs' rights to their TK;
- adopt the voluntary guidelines, and invite parties to use them, as appropriate, and to report on experiences gained in using them in their national reports;
- invite governments, organizations and IPLCs to submit views on measures to address publicly available TK to the Secretariat for compilation and consideration at the next Working Group meeting; and
- invite the GEF and others to consider providing financial and technical assistance to developing countries and IPLCs to build their capacity relevant to the implementation of the guidelines.

The annexed draft guidelines include sections on: purpose and approach; general principles, including access to TK, fair and equitable benefit-sharing, and reporting and preventing unlawful appropriation; understanding of PIC; procedural considerations for PIC and MAT for benefit-sharing, including relevant authorities, community protocols and customary law; fair and equitable benefit-sharing, including possible mechanisms and types of benefits; and reporting and preventing unlawful appropriation.

On purpose and approach, the draft states that the guidelines: are voluntary; could best contribute to the work under the Convention and the Nagoya Protocol; should not be construed as changing the rights or obligations of parties to the CBD or the Nagoya Protocol; and should be applied in a manner that ensures consistency with domestic law, gives due importance to IPLCs' customary laws and community protocols, and seeks consistency when applied to TK associated with genetic resources under the Nagoya Protocol.

According to the general principles:

- PIC should be understood as a continual process building mutually beneficial, ongoing arrangements between TK users and IPLCs;
- IPLCs' customary laws, community protocols and customary decision-making processes should be given due importance in relation to procedural and substantive aspects of the consent process; and
- granting PIC to users of TK, unless otherwise mutually agreed, does not transfer ownership but merely allows temporary use, and, in such cases, ownership is retained by IPLCs.

On understanding of PIC:

- bracketed language on "free" indicates that it implies that IPLCs are not coerced, pressured, intimidated or manipulated and that their consent is voluntarily given, consistent with national laws and with due regard to customary laws, community protocols and customary decision-making processes, prior to the access, unencumbered by expectations and timelines that are externally imposed;

- "Prior" indicates that consent is to be sought sufficiently in advance of any authorization to access TK respecting the customary decision-making processes and time requirements of IPLCs;
- "Informed" implies that: information is provided that covers relevant aspects; IPLCs have the option of withholding consent; and consultation and effective participation by IPLCs are crucial components of a consent process;
- "Consent," with a bracketed reference to "or approval," implies the agreement of the TK owners or holders to provide a potential user with access to the TK in question, and is obtained in good faith with no coercion, intimidation or manipulation;
- bracketed reference to "involvement" indicates that it refers to IPLCs' effective participation as TK owners, holders or providers, in decision-making processes related to access.

On relevant authorities, the guidelines indicate that consent processes and establishment of MAT for benefit-sharing may include: a competent authority at the national or subnational level; IPLCs' competent authorities; and elements of a consent process, including, *inter alia*:

- written application in a manner and language comprehensible to the TK owner or holder;
- legitimate and culturally appropriate process and decision-making, including consideration of possible social, cultural and economic impacts; and
- adequate and balanced information from a variety of sources that is made available in indigenous or local languages using terms understood by IPLCs and including safeguards to ensure that all parties to an agreement have the same understanding of the information and terms provided.

The guidelines contain a footnote stating that the use and interpretation of IPLC terminology in the guidelines should be in accordance with Decision XII/12 F.

## GLOSSARY

This item was discussed in plenary on Wednesday and Thursday (UNEP/CBD/WG8J/9/2/Add1). On Friday, Co-Chair Jae Chun Choe (Republic of Korea) introduced the revised draft recommendation on a glossary of relevant key terms and concepts in the context of Article 8(j) and related provisions. Japan proposed bracketing text inviting parties and the Working Group to make use of the glossary, pending the request to the Secretariat to review the glossary. Delegates adopted the recommendation with the proposed brackets and other minor amendments.

**Final Recommendation:** In the final recommendation (UNEP/CBD/WG8J/9/L.2), the Working Group requests the Secretariat to revise the glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions, taking into account the comments made at the Working Group's ninth meeting, as well as relevant terms used in other agreements and by other international organizations, and to submit the revised glossary to COP 13 for consideration. According to bracketed text, the Working Group recommends that the COP invites governments to use the glossary in the development and implementation of relevant national measures, as appropriate, and requests the Working Group to use it as a reference in its future work.

## REPATRIATION OF TRADITIONAL KNOWLEDGE

The draft best-practice guidelines on repatriation of TK relevant to biodiversity conservation and sustainable use (UNEP/CBD/WG8J/9/3) was first discussed in plenary on Thursday, when Sweden reported on the expert meeting held in Guatemala in June 2015, noting that the proposed name for the guidelines is Rutzolijirisaxik, the Mayan Kaqchikel expression for “the significance of returning to the place of origin.” Co-Chair Choe noted that the draft guidelines are not expected to be finalized at this meeting; suggested that the Working Group request the Secretariat to further develop the guidelines in light of the outcome of the expert meeting, for consideration at the next meeting of the Working Group; and invited delegates to provide general views to support the Secretariat in finalizing the draft. A recommendation was then discussed on Friday, and adopted on Saturday.

The IIFB recommended that the draft guidelines not only reflect consensus principles but also other options, including information from governments and IPLCs beyond the biodiversity community, taking into account that IPLCs do not distinguish between tangible and intangible heritage. The LMCC noted that the voluntary guidelines can facilitate and encourage a greater number of successful repatriation experiences to support national efforts for conservation and sustainable use. The Indigenous Women’s Biodiversity Network emphasized that repatriation must be based on IPLCs’ protocols and customary norms.

The EU favored repatriation of TK related to biodiversity conservation and sustainable use, to facilitate information exchange, noting that it should not impede continued use of such information by parties that decide to repatriate TK; and urged governments, IPLCs and the private sector to ensure that TK is treated according to the Tkarihwaí:ri Code of Ethical Conduct. Mexico urged implementing the guidelines in cooperation with the UN Educational, Scientific and Cultural Organization (UNESCO). Morocco suggested interpreting the guidelines in light of the “environmental,” as well as “political, legal, economic and cultural,” diversity of each party. Ethiopia, on behalf of the African Group, stressed that the guidelines’ scope should remain limited to the CBD. India suggested that, given the complexity of repatriation, the draft guidelines focus more on TK protection, cautioning against prescriptive language. The Republic of Korea underscored the guidelines’ role in facilitating the recovery and repatriation of TK that is vital for biodiversity conservation, and urged their use by governments and public research bodies.

Noting that materials now considered offensive or inappropriate still form part of the historical record and, as such, may possess a contextual contribution or value, the IIFB, proposed clarifying that the guidelines do not promote “arbitrary” censorship of materials now considered offensive or inappropriate, and “do not preclude measures for justified regulation and voluntary repatriation of such materials.” Delegates agreed, instead, to delete a paragraph stating that the guidelines do not promote censorship. On scope of the guidelines, Ethiopia proposed explicit mention that the guidelines are “within the scope of the CBD.”

**Final Recommendation:** In the recommendation (UNEP/CBD/WG8J/9/L.4), the Working Group recommends that the COP:

- take note of the progress made in the development of the annexed Rutzolijirisaxik voluntary guidelines for the repatriation of TK, in particular their objective, purpose, scope and guiding principles for repatriation; and
- invites governments, IPLCs, and relevant organizations to submit information on good practices and actions undertaken at various levels, including through community-to-community exchanges, to repatriate, receive and restore TK relevant for conservation and sustainable use.

The Working Group then requests the Secretariat to prepare a revised draft of the Rutzolijirisaxik guidelines, taking into account developments in various international bodies, such as UNESCO and WIPO, and based on an analysis of the information received, the report of the expert meeting and the annex, for consideration by the next meeting of the Working Group.

The annexed draft guidelines include sections on: objectives, purpose, scope, and guiding principles for repatriation. On objectives, the guidelines are to facilitate the repatriation of TK in order to facilitate the recovery of TK relevant for conservation and sustainable use, without limiting or restricting its continued use and access. On purpose, the guidelines are a guide to good practice, which will need to be interpreted taking into account the political, legal, economic, environmental and cultural diversity, as appropriate, of each party, entity and IPLC, and applied in the context of each organization’s mission, collections and the relevant communities, taking into account community protocols and other relevant procedures. On scope, the guidelines apply within the scope of the Convention.

## UNPFII RECOMMENDATIONS

This item was first discussed in plenary on Thursday (UNEP/CBD/WG8J/9/4), with the Secretariat noting that the UNPFII had invited the Nagoya Protocol COP/MOP to consider using the terminology IPLCs and that the CBD COP has already adopted a decision on adopting this terminology in future decisions and secondary documents under the Convention (Decision XII/12F). The recommendation was adopted on Friday.

The UNPFII urged reflecting the status of indigenous peoples as “peoples” and their collective rights enshrined in the UN Declaration on the Rights of Indigenous Peoples in national implementation of ABS and the Nagoya Protocol. Mexico supported the adoption of IPLC terminology into national legislation. Bolivia welcomed the use of IPLC terminology as vital to the preservation and strengthening of indigenous institutions, and suggested adding language reaffirming indigenous peoples’ collective rights. Indonesia opposed the use of IPLC terminology in legally binding documents or documents that have legal implications.

In a preambular paragraph, Bolivia preferred “reaffirming,” rather than “noting,” Decision XII/12 F on IPLC terminology. Switzerland favored “recalling” it. Bolivia underscored the paramount importance of the IPLC theme, but accepted “recalling” the decision. The document was agreed upon with this amendment.

**Final Recommendation:** In the final recommendation (UNEP/CBD/WG8J/9/L.3), the Working Group recommends that the COP:

- recall decision XII/12 F on IPLC terminology;
- invite the COP/MOP of the Nagoya Protocol to consider taking a decision to apply, *mutatis mutandis*, decision XII/12 F; and
- request the Secretariat to continue to inform UNPFII on developments of mutual interest.

#### TOPIC FOR NEXT IN-DEPTH DIALOGUE

On Friday, the Secretariat introduced the relevant document (UNEP/CBD/WG8J/9/5) inviting proposals for the topic for the in-depth dialogue to be held at the tenth meeting of the Working Group. The IIFB, supported by Local Communities of Latin America and the Caribbean, recommended “IPLCs and their sustainable development goals,” with Norway noting that this topic may need to be narrowed down. The EU suggested “climate change: effects on IPLCs’ customary sustainable use of biodiversity and measures for adaptation, including learning from indigenous peoples’ observations and adaptation practices.” The Philippines proposed “implications of synthetic biology on TK.” India suggested “biodiversity, TK and livelihoods.” Colombia proposed “developing guidelines, recommendations or mechanisms to identify human rights issues and rights holders with regard to TK.” Brazil suggested “contributions and challenges regarding IPLCs’ role and their TK to promote, protect and restore terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation, and halt biodiversity loss.”

On Saturday, Co-Chair Choe introduced a draft recommendation containing a list of proposed topics for the in-depth dialogue at the tenth meeting of the Working Group. The Secretariat invited delegates to decide on a single theme for consideration by COP 13. The IPLC, following consultations with the EU, the Philippines, Colombia, Brazil and India, offered as a topic “the contribution of IPLCs’ TK in the implementation of the 2030 Sustainable Development Agenda with particular emphasis on biodiversity conservation and sustainable use.” Delegates agreed on this as the only proposal going to the COP and adopted the recommendation, as amended.

**Final Recommendation:** In the final recommendation (UNEP/CBD/WG8J/9/CRP.4), the Working Group recommends that the COP:

- encourage governments, IPLCs and relevant organizations, and request the Secretariat, to consider the advice and recommendations of the dialogue on challenges and opportunities for international and regional cooperation in the protection of shared TK across borders, annexed to this decision, when implementing the relevant areas of work of the Convention; and
- decide that the topic for the in-depth dialogue to be held at the tenth meeting of the Working Group should be “the contribution of IPLCs’ TK in the implementation of the 2030 Sustainable Development Agenda with particular emphasis on biodiversity conservation and sustainable use.”

#### IN-DEPTH DIALOGUE

On Saturday morning, plenary held an in-depth dialogue on challenges and opportunities for international and regional cooperation in the protection of shared TK across borders for the strengthening of TK and the fulfillment of the three objectives of the Convention, in harmony with nature/Mother Earth. David Ainsworth, CBD Secretariat, highlighted the relevance of the dialogue to the Convention and the Nagoya Protocol.

Begoña Venero Aguirre (WIPO) outlined WIPO’s technical assistance and policy advice, including the development of two model laws for the protection of TK relating to genetic resources that are jointly found, held or shared across national borders. Tui Shortland (regional IIFB representative) highlighted the establishment of the Pacific Indigenous Network, which aims to, *inter alia*, facilitate the development of: community protocols for biodiversity-related TK; guidance for researchers; sharing of TK around climate change adaptation and biodiversity conservation; the harmonization of efforts across the Rio Conventions; and the establishment of a regional office of expertise for indicators relating to the Convention. Onel Masardule (regional IIFB representative) highlighted progress on biocultural community protocols in Central America and noted the development of a draft regional protocol for the Meso-American region. He emphasized that community protocols do not necessarily pose a barrier to access to genetic resources, but rather support equitable sharing of benefits such as access to technology, research, capacity building, and environmental and cultural protection.

The Secretariat invited delegates to share their experiences on: regional organizations’ experiences on transboundary TK; TK sharing among indigenous peoples and communities; and the protection of TK in transboundary contexts. An IPLC representative from Antigua underscored: the passing of a bill recognizing community values and rights; community involvement in terrestrial and marine protected areas, and participation in management committees; and work on the interpretation of the bill to educate and empower groups and enable access to information, participation and dispute-settlement mechanisms.

An IPLC representative from Kenya noted a number of communities in East Africa that share the same traditions, language, customary laws and procedures, and customary expressions across different countries in accordance with an understanding among their elders. She further underscored the importance of community protocols for protecting these rights and customs. A representative of Tulalip Tribes underscored the limitations of biocultural protocols, noting the need for cooperation between legal systems, including IPR systems, as copyright terms under contracts expire, while TK knowledge does not.

Colombia highlighted the inclusion of indigenous plans and strategies for conservation and sustainable use of biodiversity into Colombia’s NBSAP. Indigenous Women’s Biodiversity Network noted the importance of national legal frameworks for protecting TK associated with genetic resources. Aymara Community noted its presence in Bolivia, Argentina, Chile and Peru, and experiences in sharing knowledge among llama breeders, including through annual llama fairs. Local Communities of Brazil shared their experience in developing

community protocols for the people in the Cerrado region, which has contributed to the current development of national legislation on access and benefit-sharing.

The Republic of Korea posed questions related to the obligation contained under Nagoya Protocol Article 11 (transboundary cooperation) in cases where the communities are situated in countries that are non-parties to the Protocol. Asia Indigenous Peoples explained their “running highway” initiative to develop resilience in times of change, prepare DRR initiatives, and promote recognition of indigenous knowledge on management of natural resources and restoration of ecosystems and biodiversity. Guatemala noted the development of national legal and administrative tools for fair and equitable benefit-sharing, and highlighted that lessons learned from case law and other experiences on free PIC will help them develop procedures for implementing the Nagoya Protocol. In closing, Co-Chair Choe noted that the in-depth dialogue will not produce draft recommendations, but discussions will be incorporated in an annex to the recommendation on the topic for the next dialogue (UNEP/CBD/WG8J/9/CRP.4).

### **CLOSING PLENARY**

On Saturday, Co-Chair Choe introduced the draft meeting report (UNEP/CBD/WG8J/9/L.1), which was adopted. CBD Executive Secretary Dias congratulated delegates on progress on the guidelines on PIC and benefit-sharing from TK, underscoring their role to assist in the effective implementation of the Nagoya Protocol. He also highlighted: mainstreaming TK to achieve several Aichi targets; the role of the future guidance on repatriation to assist IPLCs in knowledge restoration; the role of the Working Group in supporting mutual understanding, reciprocity and opportunities for co-research and co-learning; and the Working Group’s best practice for IPLCs’ effective and full participation.

Peru, for GRULAC, underscored that the concurrent format of this meeting and SBSTTA 19 posed challenges to small delegations, and allowed limited time for discussion, with the result that several unresolved issues will be submitted to COP 13; and called for financial support to ensure the full and effective participation of developing countries and IPLCs to ensure the process’s legitimacy and transparency. The Democratic Republic of the Congo, for the African Group, noted that the guidelines on repatriation, once adopted, will contribute to the implementation of Article 8(j), and wished for the guidelines on PIC and benefit-sharing from TK use to be adopted by COP 13. CEE expressed satisfaction with the spirit of cooperation, wishing for it to continue at COP 13. Asia and Pacific emphasized the role of the guidelines in contributing to sharing experiences and best practices in implementing Article 8(j); and the need to revisit the glossary to take into account usages in other fora. The EU welcomed the good spirit of cooperation not only in forwarding outputs to the COP, but also in bringing the entire topic of the implementation of Article 8(j) forward. Co-Chair Choe gavelled the meeting to a close at 1:18 pm.

### **A BRIEF ANALYSIS OF THE MEETINGS**

“The most important lesson of the last ten years is that the objectives of the Convention will be impossible to meet until

consideration of biodiversity is fully integrated into other sectors. The need to mainstream the conservation and sustainable use of biological resources across all sectors of the national economy, the society and the policy-making framework is a complex challenge at the heart of the Convention.” This statement was actually made more than 13 years ago, in the Ministerial Declaration of COP 6 in The Hague. However, it captures perfectly the key theme of the current phase of intersessional work under the Convention.

CBD delegates who met in Montreal during the first week of November focused on different types of mainstreaming, all essential to enhancing the implementation of the Convention and its impact. First, mainstreaming biodiversity dominated discussions in SBSTTA 19, well beyond the specific agenda item devoted to it in light of the findings of the fourth edition of the *Global Biodiversity Outlook*. Second, the format of the meetings, with SBSTTA and the Working Group on Article 8(j) held concurrently for the first time (that is, over a single week of deliberations rather than the usual two, and with some overlap), aimed to mainstream traditional knowledge into the scientific and technical work of the Convention by facilitating participation of indigenous peoples and local communities (IPLCs) in SBSTTA deliberations. The third area for mainstreaming concerned CBD processes themselves, with SBSTTA having to recalibrate its role vis-à-vis a new body under the Convention, the permanent Subsidiary Body on Implementation (SBI), as well as continuing to adapt to the evolution of IPBES.

This brief analysis will consider the progress under SBSTTA and WG8(j), and efforts to move towards achieving the Convention’s objectives, following the mid-term review of the Strategic Plan for Biodiversity 2011-2020, focusing on mainstreaming biodiversity, traditional knowledge and CBD processes.

### **MAINSTREAMING BIODIVERSITY – THE DEEPEST RIVERS FLOW WITH LEAST SOUND**

Biodiversity mainstreaming is “the process of embedding biodiversity considerations into policies, strategies and practices of key public and private actors that impact or rely on biodiversity, so that biodiversity is conserved, and sustainably used, both locally and globally,” according to a meeting of the Scientific and Technical Advisory Panel of the Global Environment Facility in 2013 in Cape Town, South Africa. Rather than “integration,” mainstreaming has the added meaning of modifying that into which it is integrated. SBSTTA 19 addressed several areas and opportunities for biodiversity mainstreaming, including the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs), climate change with respect to geoengineering, and biodiversity and health.

The adoption of the 2030 Agenda for Sustainable Development certainly presents a unique opportunity to mainstream biodiversity across several areas of international and national development processes, as well as to increase public awareness. In this regard, many participants noted that biodiversity is relevant for many of the SDGs, beyond SDGs 14 and 15, which specifically focus on ecosystems. The opportunity to mainstream biodiversity into the SDG indicators was mentioned by some participants as of paramount

importance for future work on biodiversity. This resulted in a recommendation to explore opportunities to mainstream the Aichi targets into SDG monitoring through shared indicators, the future incorporation of SDG indicators into the global indicators for the Strategic Plan, and collaboration with the Inter-agency and Expert Group on SDG Indicators. In that connection, while the Inter-Agency and Expert Group on SDG Indicators has narrowed down its focus to a single indicator per target to ensure manageability, SBSTTA delegates concentrated on multiple, complex biodiversity-related targets. Many delegates opined that the use of the single indicator related to the SDG targets would still provide for visibility, while additional work to ensure progress in realizing the CBD objectives could be carried out—both under the Strategic Plan and beyond it.

At the same time, other delegations noted the need to ensure that the more ambitious or comprehensive Aichi targets are not overshadowed or forgotten in the context of the SDGs' implementation. For instance, some concerns were voiced around the level of ambition of the SDG targets when compared with the Aichi targets, in particular with regards to forests. The Global Forest Coalition was very vocal in identifying a threat to natural forests in an SDG target's call for substantially increasing afforestation and reforestation globally. It thus remains to be seen how the SDGs and Aichi targets can work together, while keeping their respective strengths - namely, the overarching nature of the SDGs and level of specificity of the Aichi targets.

Another area for biodiversity mainstreaming has long been recognized as that of climate change. While discussion on the relationship between biodiversity and climate change during COP 12 was dominated by REDD+ considerations and this issue is on the SBSTTA 20 agenda, SBSTTA 19's discussions on geoengineering provided useful food for thought with regard to mainstreaming biodiversity into efforts to combat climate change. Many parties expressed worries that the IPCC's Fifth Assessment Report did not address, in detail, the impacts of climate-related geoengineering techniques on biodiversity and ecosystems, despite work done under the CBD to assess potential impacts and gaps in the regulatory framework. In particular, some parties, NGOs and youth expressed concern at the IPCC's inclusion of bioenergy with carbon capture and storage as a mitigation measure, underscoring that similar technologies may not guarantee satisfactory results at a sufficient scale without unacceptable implications for ecosystems. As a result, the final SBSTTA 19 recommendation reaffirms the "CBD moratorium" on geoengineering (as paragraph 8(w) of decision X/33 is known in NGO parlance), and also emphasizes the role of ecosystem-based approaches to climate change mitigation, which is expected to be part of both the SBSTTA 20 and CBD COP13 agendas.

In many respects, these discussions were reminiscent of well-rehearsed arguments among CBD parties since the beginning of discussions on biodiversity and climate change under the Convention. On the one hand, certain delegations stress the need to respect the mandate of other processes and avoid duplication of efforts. On the other hand, others argue that all considerations need to be addressed holistically, with the CBD playing an important role in ensuring that biodiversity-specific concerns are integrated in relevant activities carried out by organizations

with different mandates. So SBSTTA recommended that the CBD continue work on this item, in the form of collaboration in transdisciplinary research not only on the impacts of geoengineering on biodiversity and ecosystem functions and services, but also on socio-economic, cultural and ethical issues, as well as regulatory options.

Mainstreaming biodiversity into other sectors was largely portrayed in the deliberations around biodiversity and health. Strengthening cooperation with the WHO and other relevant organizations on issues around the nexus of biodiversity and human health has been a topic for the CBD since COP 9 in 2008. The finalization of the joint CBD-WHO "Connecting Global Priorities: Biodiversity and Human Health, a State of Knowledge Review," shows evidence of indisputable progress. The importance of the topic was widely recognized and many delegates noted that the health-biodiversity link does not have sufficient prominence in the current Strategic Plan, calling for more focus after 2020. Still the 364-page Review did not completely satisfy all delegates: some requested a peer review, cautioning against exaggerated health-biodiversity linkages and going beyond the mandate of the CBD, as in the case of considerations related to pesticide use. As a result, SBSTTA 19 recommends "taking note," rather than "welcoming," the Review. In addition, an annex elaborating on specific topics to promote the understanding of health and biodiversity linkages was approved as "information," rather than as "voluntary guidance." It remains to be seen whether future deliberations on mainstreaming biodiversity into other sectors, such as fisheries, to which a few delegates pointed with concern, will encounter the same type of resistance.

### **MAINSTREAMING TRADITIONAL KNOWLEDGE – LIKE A FISH INTO WATER**

One of the main achievements of this SBSTTA meeting was the mainstreaming of traditional knowledge and participation of IPLCs into SBSTTA. Informal meetings with the SBSTTA Bureau were greeted with enthusiasm by IPLCs. Many participants noted that linking traditional knowledge and IPLCs with a scientific and technical body, like SBSTTA, will have significant benefits for both. This development is now also reflected in the nascent practice of IPBES, which is in the process of elaborating procedures and approaches for working with Indigenous and Local Knowledge Systems.

In that connection, the main outcome of the Working Group on Article 8j may also play an important part. The great progress achieved in finalizing draft guidelines on prior informed consent and benefit-sharing from the use of traditional knowledge was underscored by a plethora of delegates. The emphasis on the voluntary nature of the guidelines and the qualifications inserted in the draft to avoid importing Nagoya Protocol-specific tools into a document that covers a broader notion of traditional knowledge than that under the Protocol, served to assuage concerns of national delegations and create a remarkably cooperative spirit.

As a result, several proposals put forth by IPLCs were supported by parties and significantly contributed to shape the guidelines, especially in relation to the role of customary laws, community protocols and customary decision-making processes of IPLCs, as well as the default understanding that granting

PIC does not transfer ownership of traditional knowledge, unless this is explicitly agreed upon. Even the predictably contentious references to “free” PIC, to bring the text in line with the UN Declaration of the Rights of Indigenous Peoples, led to enlightening discussions in a contact group about IPLCs’ concerns not only about obvious forms of coercion, but also about more subtle pressure that can be exerted from the outside world (such as externally imposed expectations and timelines) and the need for IPLCs to control the context of decision-making.

While the reference to “free” PIC remains bracketed for COP 13 to discuss, SBSTTA still addressed it in a constructive manner. To many, this appears to allow room for optimism in finding more common ground between CBD parties and IPLCs on how to navigate the complexities of implementing CBD Article 8(j) and the Nagoya Protocol in a way that supports mutual understanding, reciprocity and opportunities for co-research and co-learning.

### MAINSTREAMING PROCESSES – SWIMMING IN DEEP WATER

Mainstreaming traditional knowledge into the work of SBSTTA through a concurrent meeting with WG-8j, however, came at a price. Allowing for six sessions for SBSTTA, instead of the usual 10, was received with mixed feelings by delegates. Some pointed out the advantages: all agenda items in SBSTTA and all but one in Article 8(j) were addressed in plenary, increasing transparency and prioritization in the negotiations. Other delegates, however, as reflected in the closing statements by GRULAC at both meetings, underscored the frantic pace of negotiations, especially during SBSTTA discussions on complex drafts that left many delegates dwelling on outcomes long after the session had ended, such as on the biodiversity-health linkages. GRULAC also noted pressure on small delegations and negative impacts on the quality of outcomes. Pointing to the scientific and technical nature of SBSTTA deliberations, certain participants considered that more time is needed when controversial issues arise, such as the proposed action plans on ecosystem restoration and on threatened species. This is an important lesson learned, both for mainstreaming biodiversity and traditional knowledge, since the next SBSTTA meeting will have more time but also a much heavier agenda with even more complex and controversial matters at hand, such as climate change, marine biodiversity and synthetic biology.

In addition, the new SBI is meeting for the first time in May to determine its *modus operandi*, while some wondered whether the SBI will differ significantly from its predecessor, the WGRI, SBSTTA 19 points to its establishment as an opportunity to give new impetus to the review of implementation under the Convention and to provide guidance to parties in that regard. This anticipated institutional change will pose interesting questions: is the role of the CBD subsidiary bodies evolving vis-à-vis implementation challenges? And how can CBD bodies enhance the science-policy interface by making the most of collaboration with IPBES? Both areas of work will be enriched, but also will become more complex, by the recognized need to integrate information provided by IPLCs, including on the contribution of their collective actions to the implementation of the Strategic Plan, and to factor into the science-policy interface

their traditional knowledge. In that connection, IPLCs called for adopting the participatory approach developed under the Working Group on Article 8(j) under both SBSTTA and SBI.

As they left unseasonably sunny Montreal, a few veterans wondered whether finding the right approach to mainstreaming CBD processes with a view to mainstreaming biodiversity and traditional knowledge may set the Convention on a steady and more ambitious path towards the realization of its objectives and global biodiversity-related targets.

### UPCOMING MEETINGS

**AEWA MOP6:** The sixth session of the Meeting of the Parties (MOP6) to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) will mark its 20th Anniversary. **dates:** 9-14 November 2015 **location:** Bonn, Germany **contact:** AEWA Secretariat **phone:** +49-228-815-2413 **fax:** +49-228-815-2450 **email:** [aewa.secretariat@unep-aewa.org](mailto:aewa.secretariat@unep-aewa.org) **www:** <http://www.unep-aewa.org/>

**CBD Business and Biodiversity Forum 2015:** The CBD Business and Biodiversity Forum 2015 will convene under the theme, “Practices, Solutions and the Way Forward.” **dates:** 11-12 November 2015 **location:** Helsinki, Finland **contact:** Kristiina Niikkonen **phone:** +358-295-250-198 **email:** [kristiina.niikkonen@ymparisto.fi](mailto:kristiina.niikkonen@ymparisto.fi) **www:** <https://www.cbd.int/business/bc/2015forum.shtml>

**ITTC-51:** The 51st Session of the International Tropical Timber Council will address the selection of the ITTO’s next Executive Director and receive progress reports on the implementation of the Biennial Work Programme for 2015–2016, and the implementation of the ITTO Thematic Programmes **dates:** 16-21 November 2015 **location:** Kuala Lumpur, Malaysia **contact:** ITTO Secretariat **phone:** +81-45-223-1110 **fax:** +81-45-223-1111 **email:** [itto@itto.int](mailto:itto@itto.int) **www:** [http://www.itto.int/council\\_documents/](http://www.itto.int/council_documents/)

**CBD International Workshop on Biodiversity Mainstreaming:** Mexico will host an international expert workshop on biodiversity mainstreaming in relevant sectors including forestry, fisheries, agriculture, tourism, as well as discuss policies and tools, institutional arrangements and stakeholder participation. **dates:** 17-19 November 2015 **location:** Mexico City, Mexico **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** [secretariat@cbd.int](mailto:secretariat@cbd.int) **www:** <https://www.cbd.int/doc/?meeting=IMPWS-2015-01>

**CITES 66th Standing Committee Meeting:** The 66th meeting of the Standing Committee (SC66) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will meet. **dates:** 11-15 January 2016 **location:** Geneva, Switzerland **contact:** CITES Secretariat **phone:** +41-22-917-8139 **email:** [info@cites.org](mailto:info@cites.org) **www:** <https://cites.org/com/sc/66/index.php>

**UNFF Ad Hoc Expert Group:** The first meeting of the Open-ended intergovernmental *ad hoc* expert group on the Development of Proposals on Matters Referred to in paragraph 44 of ECOSOC Resolution 2015/33 will meet in New York. **dates:** 20-22 January 2016 **location:** UN Headquarters, New York **contact:** UNFF Secretariat **phone:** +1-212-963-3401

**email:** unff@un.org **www:** <http://www.un.org/esa/forests/forum/aheg/index.html>

**Fourth Session of the IPBES Plenary:** The fourth session of the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) will review progress made on the adopted IPBES work programme for 2014-2018, including consideration of IPBES assessment reports on pollination and pollinators associated with food production, and scenarios analysis and modeling of biodiversity and ecosystem services. **dates:** 22-28 February 2016 **location:** Kuala Lumpur, Malaysia **contact:** IPBES Secretariat **email:** [Secretariat@ipbes.net](mailto:Secretariat@ipbes.net) **www:** <http://www.ipbes.net/index.php/plenary/ipbes-4>

**WIPO IGC 29:** At its twenty-nine meeting, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) is expected to hold five days of negotiations on genetic resources with a focus on addressing unresolved issues and considering options for a draft legal instrument. **dates:** February/March 2016 (exact dates TBC) **location:** Geneva, Switzerland **contact:** WIPO Secretariat **phone:** +41-22-338-9111 **www:** <http://www.wipo.int/tk/en/igc/>

**SBSTTA 20 and SBI 1:** SBSTTA 20 and the first meeting of the Subsidiary Body on Implementation of the Convention on Biological Diversity (CBD) will be held back to back. **dates:** 25 April - 7 May 2016 **location:** Montreal, Canada **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** [secretariat@cbd.int](mailto:secretariat@cbd.int) **www:** <https://www.cbd.int/doc/?meeting=sbstta-20> and <https://www.cbd.int/doc/?meeting=SBI-01>

**UNPFII 15:** The UN Permanent Forum on Indigenous Issues (UNPFII) will hold its 15th session in May 2016 to discuss: implementation of its six mandated areas with reference to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); conflict, peace and resolution; and coordination among the three UN mechanisms on indigenous affairs. The session will also consider the future work of the Forum, and emerging issues. **dates:** 9-20 May 2016 **location:** UN Headquarters, New York **contact:** PFII Secretariat **phone:** +1-917-367-5100 **email:** [indigenous\\_un@un.org](mailto:indigenous_un@un.org) **www:** <http://undesadspd.org/IndigenousPeoples/UNPFIISessions.aspx>

**HLPF 2016:** The United Nations High-level Political Forum on Sustainable Development (HLPF) will meet to consider the follow-up and review of the 2030 Sustainable Development Agenda. **dates:** 11-20 July 2016 **location:** UN Headquarters, New York **contact:** UN Division for Sustainable Development **email:** [dsd@un.org](mailto:dsd@un.org) **www:** <https://sustainabledevelopment.un.org/hlpf/2016>

**IUCN World Conservation Congress:** Held every four years, the Congress is the world's largest conservation event, bringing together leaders from government, the public sector, non-governmental organizations, business, UN agencies and indigenous and grassroots organizations. **dates:** 1-10 September 2016 **location:** Hawaii, USA **contact:** IUCN **phone:** +41-22-999-0368 **fax:** +41-22-999-0002 **email:** [congress@iucn.org](mailto:congress@iucn.org) **www:** <http://www.iucnworldconservationcongress.org>

**CITES COP17:** CoP17 is expected to address issues such as amendment proposals, nomenclature, NDFs, capacity building and production systems for specimens of CITES-listed species.

**dates:** 24 September – 5 October 2016 **location:** Johannesburg, South Africa **contact:** CITES Secretariat **phone:** +41-22-917-81-39 **fax:** +41-22-797-34-17 **email:** [info@cites.org](mailto:info@cites.org) **www:** <http://www.cites.org/>

**CBD COP 13, COP-MOP 8 to the Cartagena Protocol on Biosafety and COP-MOP 2 to the Nagoya Protocol on Access and Benefit-sharing:** The 13th meeting of the Conference of the Parties to the Convention on Biological Diversity, the 8th Meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and the 2nd Meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (COP-MOP 2), will be held back-to-back. **dates:** 4-17 December 2016 **location:** Cancun, Mexico **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** [secretariat@cbd.int](mailto:secretariat@cbd.int) **www:** <https://www.cbd.int/cop/>

## GLOSSARY

ABS	Access and benefit-sharing
CBD	Convention on Biological Diversity
CEE	Central and Eastern Europe
COP	Conference of the Parties
DRR	Disaster risk reduction
FAO	UN Food and Agriculture Organization
GBO	Global Biodiversity Outlook
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
GTI	Global Taxonomy Initiative
HLPF	High-level Political Forum on Sustainable Development
IAS	Invasive alien species
IIFB	International Indigenous Forum on Biodiversity
ILCs	Indigenous and local communities
IPBES	Intergovernmental Science-Policy Platform for Biodiversity and Ecosystem Services
IPLC	Indigenous peoples and local communities
IUCN	International Union for Conservation of Nature
LMMC	Like-minded Megadiverse Countries
MAT	Mutually agreed terms
MOP	Meeting of the Parties
NBSAPs	National Biodiversity Strategies and Action Plans
PIC	Prior informed consent
SBI	Subsidiary Body on Implementation
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SDGs	Sustainable Development Goals
TK	Traditional knowledge
UNCCD	UN Convention to Combat Desertification
UNEP	United Nations Environment Programme
UNFCCC	UN Framework Convention on Climate Change
UNFF	UN Forum on Forests
UNPFII	UN Permanent Forum on Indigenous Issues
WGRI	Working Group on Review of Implementation of the Convention
WHO	World Health Organization
WIPO	World Intellectual Property Organization