

## UN BIODIVERSITY CONFERENCE HIGHLIGHTS: MONDAY, 12 DECEMBER 2016

On Monday, 12 December, WG I approved without, or with minor discussion, conference room papers (CRPs) on: Cartagena Protocol Article 30 (subsidiary bodies); review of progress towards Aichi Target 16 on the Nagoya Protocol; and monitoring and reporting, and use of the term “indigenous peoples and local communities” under the Cartagena Protocol. WG I further heard reports from contact groups and addressed CRPs on: Strategic Plan implementation; compliance under the Nagoya Protocol; integration among the Convention and its Protocols; the Supplementary Protocol on liability and redress under the Cartagena Protocol; assessment and review under the Nagoya Protocol; and the communications strategy.

WG II approved without, or with minor discussion, CRPs on the in-depth dialogue on thematic areas and other cross-cutting issues, best-practice guidelines on TK repatriation, and scientific assessment of progress towards selected Aichi Targets. WG II further addressed: implementation of Aichi Targets 11 (protected areas) and 12 (threatened species); the Global Biodiversity Outlook (GBO) and IPBES; indicators; and invasive alien species.

Contact groups and Friends of the Chair groups met throughout the day to address: capacity building; unintentional transboundary movements under the Cartagena Protocol; sequence information on genetic resources; global multilateral benefit-sharing mechanism under the Nagoya Protocol; biodiversity mainstreaming; the financial mechanism; and synergies.

### WORKING GROUP I

**RESOURCE MOBILIZATION AND THE FINANCIAL MECHANISM (CBD, CP, NP):** Delegates heard an update on contact group discussions, regarding: agreement on preambular language of the draft decision on resource mobilization, and on the terms of reference for the fifth review of the effectiveness of the financial mechanism (Annex III); and continued discussions on the consolidated guidance to the financial mechanism (Annex I) and selected elements of advice received from biodiversity-related conventions (Annex II).

**CAPACITY BUILDING (CBD):** Delegates heard an update on contact group discussions, noting: disagreement on whether to adopt, or take note of, the short-term action plan for Strategic Plan implementation, and on a list of activities to be performed by the Secretariat; and continued discussions on annexed tables describing the lists of activities.

**RISK ASSESSMENT AND RISK MANAGEMENT (CP):** Delegates heard an update on contact group discussions, noting continued lack of agreement on acceptance of the guidance developed by the AHTEG, and the need for further meetings.

**STRATEGIC PLAN IMPLEMENTATION (CBD):** On a reference to the CGRFA ABS elements for different subsectors of genetic resources for food and agriculture and a proposal to state they are not intended to be a specialized ABS instrument (Nagoya Protocol Article 4.4), delegates agreed, following informal consultations, to invite parties to take note of and apply, as appropriate the “voluntary” guidelines contained in the elements. Following consultations on language requesting the financial mechanism and inviting others to increase and expedite support, delegates agreed to request the financial mechanism and invite others to “continue and provide support in a timely manner.”

**COMPLIANCE (NP):** On a draft decision, MEXICO suggested, and delegates agreed, to urge parties to submit, in a timely manner, the interim national reports. On the rules of procedure of the Compliance Committee, BRAZIL, COLOMBIA and CUBA suggested electronic means should not be used for decision making. The EU explained that the draft decision indicates that only informal decisions will be taken. The EU suggested, and delegates agreed, to retain reference to decision making, and exclude “substantive decisions, such as on submissions relating to issues of compliance or non-compliance with the provisions of the Protocol.”

**INTEGRATION AMONG THE CONVENTION AND ITS PROTOCOLS (CBD):** Delegates approved a draft decision on enhancing integration, with one amendment to request the Secretariat to develop, on the basis of the views submitted, proposals on “ways and instruments” rather than “mechanisms,” for achieving full integration of Article 8(j) and IPLC provisions, without additional financial burden, for the consideration of the Article 8(j) WG and its recommendation to SBI 2.

**SUPPLEMENTARY PROTOCOL ON LIABILITY (CP):** Delegates approved a draft decision as amended by Togo, to welcome the efforts by some parties who have already ratified the Supplementary Protocol towards its implementation.

**ASSESSMENT AND REVIEW (NP):** Delegates approved the draft decision, with new language proposed by the EU to mention a draft framework of indicators to be prepared in the second assessment and review as a basis for measuring progress in achieving the Protocol, while taking into account the preparation of, and elements, included in the first assessment.

**COMMUNICATIONS STRATEGY:** AUSTRALIA and NEW ZEALAND suggested that the draft framework for a communications strategy be referenced in a footnote rather than annexed to the draft decision.

On the framework, SOUTH AFRICA suggested an additional paragraph describing the purpose of the communications strategy, namely to guide the Secretariat, parties and others to develop effective communications strategies that are targeted to specific global, regional and national stakeholders to advance the Convention's objectives, programmes and Protocols. BOLIVIA recommended adding references, among others, to UN Decade on Biodiversity messages being consistent with core CBD documents, and sustainable use in relation to IPLCs. BRAZIL proposed to encourage IPLCs to communicate relevant TK. Regarding utilizing media to reach the public, the GAMBIA proposed adding reference to consultations and awareness campaigns; MOROCCO recommended media that focuses on dissemination to wider public; and INDIA suggested media that focuses on business and green skills. On particular stakeholder groups that require a focused engagement, INDIA proposed adding that women are key stakeholders in both conservation and sustainable use of natural resources and special focus should be made in mainstreaming gender in all engagements. Delegates accepted: India's suggestion to refer to "indicative" social media; Bolivia's insertion of reference to "Mother Earth Day"; and Brazil's proposal on business "sustainability initiatives" in support of biodiversity.

Following the framework's review, AUSTRALIA agreed to "welcome" the annex, and the document was approved as amended.

## **WORKING GROUP II**

**IMPLEMENTATION OF AICHI TARGETS 11 AND 12:** On a draft decision, BRAZIL recommended reference to promoting integrated efforts by biodiversity-related conventions on "regional aspects" of implementing Aichi Target 12. On inviting the GEF to facilitate the alignment of the development and implementation of PAs and other effective area-based conservation measures (OECMs) in its sixth and seventh replenishment cycles, delegates preferred not to refer to "*in situ* and *ex situ*" OECMs.

**GBO AND IPBES:** On a draft decision, NORWAY and the EU, opposed by BRAZIL, proposed including reference to "relevant assessments" to be considered in the preparation of GBO 5, in addition to information from other biodiversity-related conventions and relevant organizations. After lengthy discussions, delegates agreed not to include reference to assessments but to state that GBO 5 should draw upon "official and best possible science-based information," followed by an indicative list of relevant documents and information.

On information to be included in the second edition of the IPLC Biodiversity Outlook, delegates agreed to request the Secretariat, subject to availability of resources, in collaboration with parties, IPLCs and others, to prepare the second edition of the IPLC Biodiversity Outlook, which should include information "on relevant knowledge, visions and approaches of living in harmony with nature and, as recognized in some cultures and countries, Mother Earth."

CAMEROON proposed language around capacity building, and after lengthy discussions, delegates agreed that GBO 5 should include an analysis of progress in capacity-building activities to support implementation of the Strategic Plan. On a request to the Secretariat to prepare a work plan and proposed budget for preparation of GBO 5 and related reports and products, JAPAN suggested, and delegates agreed, that these will be considered by SBSTTA prior to COP 14.

**INDICATORS:** On a draft decision's annex containing generic and specific indicators for assessing progress in attaining the Aichi Targets, EL SALVADOR cautioned against an indicator for all countries that have REDD+ strategies and proposed an indicator on trends in land rehabilitation rather than on trends in carbon stocks. BOLIVIA requested mentioning the number of countries with different approaches to forests. Noting that the annex remains open for comments by parties, NORWAY proposed that the COP "welcome and decide to use" it. Delegates eventually agreed on welcoming the annex and on noting that the list of global indicators provides a framework, "to be used, as appropriate," for assessing progress towards the Aichi Targets at the global level. After consultations, SOUTH AFRICA proposed, and delegates agreed, to encourage parties to ensure that use of indicators reflects all three CBD objectives in a balanced manner. After informal consultations, delegates also agreed to emphasize the advantages of aligning the Strategic Plan indicators and those of the SDGs and other relevant processes, to further support achievement of the three CBD objectives, avoiding duplication of datasets and approaches. Delegates approved the draft decision with the respective amendments.

**INVASIVE ALIEN SPECIES:** On a draft decision, BRAZIL, opposed by the EU, suggested encouraging governments to "take into account," rather than "review," national legislation relevant to wildlife trade. OMAN, opposed by COLOMBIA, recommended urging parties to consider signing the Ballast Water Convention. BRAZIL, with SOUTH AFRICA and COLOMBIA, opposed by CANADA, AUSTRALIA and NEW ZEALAND, proposed to invite governments and relevant organizations to refrain from introducing non-native bio-control agents and to favor indigenous species as bio-control agents. Informal consultations continue on these issues.

## **CONTACT GROUPS**

**SEQUENCE INFORMATION ON GENETIC RESOURCES:** Held jointly under the contact groups on synthetic biology and on the global multilateral benefit-sharing mechanism under the Nagoya Protocol, the group addressed sequence information on genetic resources, focusing, *inter alia*, on: the issue of equivalence between sequence information on genetic resources and genetic resources per se; whether and how the use of sequence information on genetic resources is related to fair and equitable benefit-sharing from genetic resource utilization; and the urgency of the matter, including whether a decision should be taken at COP 13, or the topic should be considered interessionally with a view to making a decision at COP 14.

## **IN THE CORRIDORS**

As the UN Biodiversity Conference regained speed after the weekend, the issue of digital genetic data once more took center stage. Many delegates welcomed the proposal for a joint discussion under the contact groups on a global multilateral benefit-sharing mechanism under the Nagoya Protocol and on synthetic biology. "If genetic data transfers undermine the Convention's objective on fair and equitable benefit-sharing, we need to address the issue in a coordinated manner," a seasoned delegate observed. Yet others questioned whether the issue is within the scope of the respective instruments, as some delegations insist that the issue should be addressed solely under the Nagoya Protocol. A veteran, in turn, opined that digital genetic data constitutes a perfect example of integration between the Convention and its Protocols. Be that as it may, the need for reaching a common understanding was echoed by the participants eagerly waiting for the details of the first round of the joint discussions.