

## 11th Meeting of the *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions and 23rd Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biological Diversity: 20-22 and 25-29 November 2019

The 11th meeting of the *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity (CBD) convenes Wednesday morning in Montreal, Quebec, Canada and will continue through Friday, 22 November 2019. The meeting will be followed by the 23rd meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 23) from 25-29 November. Both meetings are expected to further the work of the Convention and contribute to the development of the post-2020 global biodiversity framework, supporting the work of the Open-ended Working Group.

### Expectations for these Meetings

The 11th meeting of the Working Group on Article 8(j) will develop proposals for possible future work as well as institutional arrangements to inform the development of a programme of work as part of the post-2020 framework to allow for the full and effective participation of indigenous peoples and local communities in the work of the Convention. It will also:

- address a report, based on the sixth national reports, on progress towards Aichi Target 18 (traditional knowledge) and in mainstreaming the working group's considerations in the Convention's work;
- address elements aimed at a rapprochement of nature and culture in the post-2020 framework; and
- consider the new recommendations from the UN Permanent Forum on Indigenous Issues pertaining to the Convention.

SBSTTA 23 will consider a broad range of issues relevant to the post-2020 framework, including all elements of terrestrial, and marine and coastal biodiversity. The meeting aims to inform the scientific and technical base for the post-2020 framework, including deliberating on draft elements of a strategy to strengthen technical and scientific cooperation. SBSTTA 23 will further:

- review new scientific and technical information on biodiversity and climate change;
- address submissions on results arising from the consideration of the voluntary guidance for a sustainable wild meat sector;
- discuss the results of the regional workshop to facilitate the description of Ecologically or Biologically Significant Marine Areas in the North-East Atlantic Ocean; and
- discuss proposed new and emerging issues.

## A Brief History of the Convention on Biological Diversity

The CBD was adopted on 22 May 1992 and opened for signature on 5 June 1992 at the UN Conference on Environment and Development (the Rio "Earth Summit"). The CBD 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 governing body of the Convention, and there are currently four bodies meeting intersessionally: SBSTTA; the Working Group on Article 8(j) and related provisions; the Subsidiary Body on Implementation (SBI); and the Working Group on the post-2020 global biodiversity framework.

### Key Turning Points

Three protocols have been adopted under the Convention. The Cartagena Protocol on Biosafety (January 2000, Montreal, Canada) addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have adverse effects on biodiversity, taking into account human health, with a specific focus on transboundary movements. It entered into force on 11 September 2003 and currently has 172 parties. The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (October 2010, Nagoya, Japan) provides for international rules and procedures on liability and redress for damage to biodiversity resulting from LMOs. It entered into force on 5 March 2018 and currently has 47 parties.

The Nagoya Protocol on Access and Benefit-sharing (October 2010, Nagoya) sets out an international framework for the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding, thereby contributing to the conservation of biodiversity and the sustainable use of its components. It entered into force on 12 October 2014 and currently has 120 parties.

Other major decisions have included:

- the Jakarta Mandate on marine and coastal biodiversity (COP 2, November 1995, Jakarta, Indonesia);
- work programmes on agricultural and forest biodiversity (COP 3, November 1996, Buenos Aires, Argentina);
- the Global Taxonomy Initiative (COP 4, May 1998, Bratislava, Slovakia);
- work programmes on Article 8(j), dry and sub-humid lands, and incentive measures (COP 5, May 2000, Nairobi, Kenya);

- the Bonn Guidelines on Access and Benefit-sharing and the Global Strategy for Plant Conservation (COP 6, April 2002, The Hague, the Netherlands);
- work programmes on mountain biodiversity, protected areas, and technology transfer, the Akwé: Kon Guidelines for cultural, environmental, and social impact assessments, and the Addis Ababa Principles and Guidelines for sustainable use (COP 7, February 2004, Kuala Lumpur, Malaysia);
- a work programme on island biodiversity (COP 8, March 2006, Curitiba, Brazil);
- a resource mobilization strategy, and scientific criteria and guidance for marine areas in need of protection (COP 9, May 2008, Bonn, Germany);
- the Strategic Plan for Biodiversity 2011-2020, including the Aichi Targets, and a decision on activities and indicators for the implementation of the resource mobilization strategy (COP 10, October 2010, Nagoya, Japan);
- an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, coupled with targets aiming to improve the robustness of baseline information (COP 11, October 2012, Hyderabad, India); and
- a plan of action on customary sustainable use of biodiversity as well as the “Pyeongchang Roadmap,” a package of decisions on resource mobilization, capacity building, and scientific and technical cooperation linking biodiversity and poverty eradication, and monitoring implementation of the Strategic Plan (COP 12, October 2014, Pyeongchang, South Korea).

COP 13 (December 2016, Cancún, Mexico) considered: issues related to operations of the Convention, including integration among the Convention and its Protocols; progress towards implementation of the Strategic Plan and the achievement of the Aichi Targets, and related means of implementation; strategic actions to enhance the implementation of the Strategic Plan and achievement of the Aichi Targets, including with respect to mainstreaming biodiversity within and across sectors, particularly in agriculture, fisheries, tourism, and forestry; and biodiversity and human health interlinkages. It also launched consideration of a series of items on emerging technologies, including synthetic biology, gene drives, and digital sequence information (DSI).

COP 14 (November 2018, Sharm El-Sheikh, Egypt) set up an intersessional open-ended working group on the post-2020 framework, and established an intersessional process, including an *Ad Hoc* Technical Expert Group to continue work on DSI on genetic resources under the Convention and the Nagoya Protocol. COP14 further adopted the Rutzolijirisaxik voluntary guidelines for the repatriation of traditional knowledge relevant for the conservation and sustainable use of biological diversity as well as voluntary guidelines and guidance: on the integration of protected areas and other effective area-based conservation measures into wider land- and seascapes; on effective governance models for management of protected areas, including equity; for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction; for a sustainable wild meat sector; and for avoiding unintentional introductions of invasive alien species associated with trade in live organisms.

### **Intersessional Highlights**

**The Economics of Ecosystems and Biodiversity for Agriculture and Food Global Symposium:** The Global Symposium on the Economics of Ecosystems and Biodiversity for Agriculture and Food (25-27 February 2019, Nairobi, Kenya) provided an opportunity for project partners, experts, and other

stakeholders to discuss characteristics of diverse “eco-agri-food systems” and explore insights for policy interventions at various levels.

**BBNJ:** The Intergovernmental Conference (IGC) on an international legally binding instrument under the UN Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ) held its second and third sessions at UN Headquarters in New York (25 March – 5 April and 19-30 August 2019). Delegates continued to elaborate their positions and exchange opinions on the four elements of the package identified in 2011: marine genetic resources, including questions on the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessment; and capacity building and the transfer of marine technology. While progress has been made on some topics, agreement could not be reached on a number of key issues, including: the scope of the instrument; the monetary or non-monetary character of benefit-sharing; and whether the common heritage of humankind principle, the freedom of high seas, or a combination of both will govern the future instrument.

**IPBES:** The 7th session of the plenary of the Intergovernmental Science-Policy Platform for Biodiversity and Ecosystem Services (IPBES 7) (29 April – 4 May 2019, Paris, France) approved the summary for policy makers and accepted the chapters of the Global Assessment on Biodiversity and Ecosystem Services, the first intergovernmental global assessment of this kind. It further adopted the IPBES Rolling Work Programme up to 2030, including new assessments on: the nexus between biodiversity and water, food, and health; the determinants of transformative change; the impact and dependence of business on biodiversity; and a technical report on biodiversity and climate change intended to be prepared jointly with the Intergovernmental Panel on Climate Change (IPCC).

**Trondheim Conference on Biodiversity:** The 9th Trondheim Conference on Biodiversity (2-5 July 2019 Trondheim, Norway) was held under the theme “Making biodiversity matter: Knowledge and know-how for the post-2020 framework.” The Conference aimed to support the process towards the post-2020 framework by facilitating a shared understanding of key knowledge areas, and helping to ensure that the process is knowledge-based, just, and inclusive.

**Open-ended Intersessional Working Group on the Post-2020 Global Biodiversity Framework:** The first meeting of the Open-ended Intersessional Working Group on the post-2020 framework (27-30 August 2019 Nairobi, Kenya) deliberated on the structure of the framework and future work of the Working Group. It reached agreement on: a non-paper on possible elements of the framework; a preliminary list of meetings, consultations, and workshops; producing a zero draft of the framework before the second meeting of the Working Group; and developing a detailed workplan. The Working Group also agreed to request SBSTTA to provide guidance on specific goals, targets, indicators, baselines, and monitoring frameworks related to the drivers of biodiversity loss.

**ITPGRFA GB8:** The 8th session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (11-16 November 2019, Rome, Italy) celebrated the 15th anniversary of the International Treaty and adopted a series of resolutions, including on: farmers’ rights; the Multi-Year Programme of Work; the Global Information System; cooperation with relevant bodies and organizations; and the Funding Strategy. The Governing Body failed to reach consensus on enhancing the functioning of the Multilateral System of access and benefit-sharing with one of the main contentious points being the way to address digital sequence information on plant genetic resources.