

UN Biodiversity Conference Highlights: Sunday, 18 November 2018

On Sunday, Working Group I (WG I) addressed: progress in the implementation of the Convention and the Strategic Plan; assessment and review of the Nagoya Protocol (NP) on access and benefit-sharing (ABS); digital sequence information (DSI) on genetic resources; and specialized international ABS agreements. WG II considered: synthetic biology; risk assessment and risk management under the Cartagena Protocol on Biosafety (CP); unintentional transboundary movements and emergency measures under the CP; transit and contained use of living modified organisms (LMOs); the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress; and socio-economic considerations under the CP. A contact group on synthetic biology met in the evening.

Working Group I

WG I Chair Hayo Haanstra (the Netherlands) noted that agenda items of similar nature under the Convention, the CP and the NP will be addressed in proximity. The Secretariat introduced the compilations of draft decisions for the meetings of the Convention and the Protocols (CBD/COP/14/2; CBD/CP/MOP/9/1/Add.2; and CBD/NP/MOP/3/1/Add.2).

Review of progress in the implementation of the Convention and the Strategic Plan: The Secretariat introduced relevant documents (CBD/COP/14/5, 5/Add.1, and 5/Add.2), including draft decisions on progress towards selected Aichi targets and the Gender Plan of Action. Delegates noted that a CRP on the Gender Plan of Action will be prepared.

Cameroon, for the AFRICAN GROUP, suggested that Aichi Target 16 (Nagoya Protocol) be included in the list of targets for accelerated action, and underscored regional approaches. Many developing countries called for drastic resource mobilization, including capacity building, financial support, and technology transfer.

Many provided updates on progress at the national level. BRAZIL stressed that some of the country's national targets are more ambitious than the Aichi targets. NEPAL highlighted his country is on track to double the national wild tiger population. VENEZUELA noted that 50% of the national territory enjoys legal protection. The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) noted that many countries have not engaged indigenous peoples in national biodiversity strategies and action plans (NBSAPs).

SWITZERLAND called for a focus on ecosystems beyond forests. MEXICO highlighted the importance of centers of origin for implementation of Aichi Target 13 (genetic diversity). FAO

highlighted the global country-driven assessment of the State of the World's Biodiversity for Food and Agriculture report. UN WOMEN called for developing guidance on gender-specific indicators. CBD WOMEN'S CAUCUS expressed concern that national gender-related targets are lower than those stipulated in the Aichi targets.

Assessment and review of the Nagoya Protocol: The Secretariat introduced relevant documents (CBD/NP/MOP/3/1/Add.2 and MOP/3/3). Many reflected on national implementation and MEXICO highlighted implementation of four community protocols.

Many welcomed the proposal to synchronize national reporting under the Convention and its Protocols from 2023 onwards. ARGENTINA and PERU stressed the need for flexible indicators. The EU suggested stronger involvement of parties in the development of the second assessment methodology. SOUTH AFRICA noted the need for financial support to prepare the national reports.

Digital sequence information on genetic resources (CBD and NP): Malawi for the AFRICAN GROUP, Brazil for the LIKE-MINDED MEGADIVERSE COUNTRIES (LMMC), the AFRICAN UNION, and the IIFB said that DSI falls within the scope of the Convention and its Protocols, and benefit-sharing should arise from its use. JAPAN and SWITZERLAND noted that ABS obligations refer to tangible genetic resources only. JAPAN, the REPUBLIC OF KOREA, and BELARUS stressed the need to agree on the definition and scope of DSI before carrying out further work. The EU noted that public and open-access databases are an important form of benefit-sharing. NEW ZEALAND stressed that access to, and use of, DSI is important for scientific research, and conservation and sustainable use of biodiversity. The REPUBLIC OF KOREA and LMMC supported simplified measures for access to DSI for non-commercial purposes. WHO stressed pathogen-related DSI as a global public health good, and urged its rapid and broad sharing. A contact group was established.

Specialized international ABS instruments (NP): The Secretariat introduced the SBI recommendation, including potential criteria for specialized international ABS instruments.

South Africa, for the AFRICAN GROUP, emphasized the criteria should recognize parties' sovereign rights and be clear on issues including indigenous peoples and local communities, prior informed consent (PIC), and information-sharing mechanisms. MEXICO and ARGENTINA noted that any specialized international ABS instrument should be binding. The EU, NORWAY, and SWITZERLAND proposed clarifying that the criteria have not yet been agreed upon.

Working Group II

WG II Chair Clarissa Nina (Brazil) urged parties to focus on bracketed text.

Synthetic biology (CBD and CP): Deliberations focused on a SBSTTA recommendation. Many underscored the need for a precautionary approach. The EU, with GRENADA, proposed that horizon scanning, monitoring, and assessing developments in the field of synthetic biology is needed, including those that “may” result from genome editing. MEXICO, MALAYSIA, BOLIVIA, VENEZUELA, and EGYPT called for including any genome editing developments in the analysis. ARGENTINA, BRAZIL, PERU, CANADA, PARAGUAY, HONDURAS, PANAMA, ECUADOR, COLOMBIA, and South Africa, for the AFRICAN GROUP, requested deletion of reference to genome editing.

Regarding a paragraph establishing a process and modalities for regular horizon scanning and a mechanism for regular reporting, the EU suggested the COP request the *Ad Hoc* Technical Expert Group (AHTEG) develop such a process to be considered by SBSTTA prior to COP 15. The AFRICAN GROUP, NEW ZEALAND, BRAZIL, PANAMA, ECUADOR, and COLOMBIA requested deletion of the paragraph. MALAYSIA, INDIA, INDONESIA, PERU, BOLIVIA, VENEZUELA, and SWITZERLAND opposed.

On a paragraph calling upon parties, given the current uncertainties regarding engineered gene drives, to apply a precautionary approach with bracketed options “with regard to” or “and refrain from” the release of such organisms, the EU offered compromise text calling upon parties to refrain from such releases unless risk assessment has been performed and relevant measures are in place. The AFRICAN GROUP, NEW ZEALAND, MALAYSIA, INDIA, INDONESIA, ARGENTINA, PERU, BRAZIL, CANADA, PANAMA, and SWITZERLAND supported keeping “with regard to,” noting that assessments should be conducted on a case-by-case basis. THAILAND, BOLIVIA, EGYPT, and EL SALVADOR preferred “refraining from” the release of such organisms. NORWAY, INDONESIA, and the IIFB emphasized relevant socio-economic, cultural, and ethical considerations. The IIFB and VIA CAMPESINA called for a moratorium on gene drives. PUBLIC RESEARCH REGULATORS INITIATIVE (PRRI) and IMPERIAL COLLEGE LONDON stated that bans could seriously hamper research in synthetic biology.

The AFRICAN GROUP supported the development of additional guidance, and, with many, extension of the AHTEG. NEW ZEALAND, TURKEY, and the REPUBLIC OF KOREA stressed that further review of potential benefits and negative effects is needed to develop relevant risk assessment and management tools.

Risk assessment and risk management (CP): Delegates addressed a SBSTTA recommendation. Malawi, for the AFRICAN GROUP, with NEW ZEALAND, THAILAND, BRAZIL, VENEZUELA, ARGENTINA, and COLOMBIA, requested deleting references to genome editing. BOLIVIA called for retaining them. The EU and NORWAY proposed focus on specific techniques such as gene drives and LMO fish.

NEW ZEALAND, opposed by BOLIVIA, VENEZUELA, URUGUAY, and BRAZIL, asked to retain bracketed references specifying that effects on biodiversity should be “serious and irreversible.” The EU suggested prioritizing LMOs that have the potential to cause adverse effects on biodiversity, where those causing serious or irreversible effects would be considered in particular. Delegates discussed whether to continue work in an online forum, an AHTEG, or both, and their budgetary implications.

Unintentional transboundary movements and emergency measures (CP): The Secretariat introduced relevant documents (CBD/CP/MOP/9/8 and 8/Add.1). The EU, and South Africa, for the AFRICAN GROUP, supported the approval of the draft

training manual as a tool for capacity building. Some expressed concern that the manual goes beyond the scope of the Protocol. ARGENTINA noted that the discussion focuses on methodology of detection, but effective mechanisms of control are absent. Many parties welcomed current, and called for additional, capacity-building initiatives.

The AFRICAN GROUP suggested requesting the Secretariat to synthesize information provided by parties regarding their needs on detection and identification of LMOs, including a list of laboratories and specific activities. BELARUS asked for special attention to unapproved LMOs. A CRP will be prepared.

Transit and contained use of LMOs (CP): The Secretariat introduced the relevant document (CBD/CP/MOP/9/9). ECUADOR, and Nigeria, for the AFRICAN GROUP, stressed the need for consistent terminology. HONDURAS and INDIA called for clarifying the definitions of intentional introduction and contained use. BOLIVIA, SWITZERLAND and the THIRD WORLD NETWORK stressed that activities that have contact with, and impact the environment fall outside the definition of contained use.

Many called for capacity building on contained use, strengthening research infrastructure, and utilizing the Biosafety Clearing-House (BCH) for exchange of experiences. A CRP will be prepared.

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress (CP): The Secretariat introduced the document (CBD/CP/MOP/9/11), noting the Supplementary Protocol’s recent entry into force. MEXICO emphasized the need for clarity in implementation, including a legal analysis. TAJIKISTAN proposed requesting UNEP and IUCN to develop an explanatory guide. The EU proposed a comprehensive study on financial security. A CRP will be prepared.

Socio-economic considerations (CP): The Secretariat introduced the relevant document, including proposed guidance on the assessment of socio-economic considerations (CBD/CP/MOP/9/10). Many welcomed the guidance. BRAZIL proposed to “take note of” it, pointing to long-standing concerns regarding use of concepts outside the CBD and scientific realm. COLOMBIA requested underlining the voluntary nature of the guidance.

The EU, NORWAY, and CAMEROON supported the continuation of the AHTEG to collect examples and integrate more scientific information. Some supported a limited mandate focusing on gathering information on the usefulness of the guidance. The PHILIPPINES said an extension of the current AHTEG is not necessary. Kenya, for the AFRICAN GROUP, asked for further consideration of the issue.

In the Corridors

On Sunday, delegates launched into what are expected to be some of the most controversial negotiations of this meeting, namely digital sequence information and synthetic biology. Surprisingly, deliberations moved swiftly on another long-standing contentious issue, socio-economic considerations with regard to living modified organisms (LMOs), providing some long-term perspective of how issues can become more settled over time. While some of the dinosaurs of the negotiations came in roaring along old battle lines, the usual confrontation did not arise. Rather there seemed to be increasing consensus on the need to take into account socio-economic assessments of LMOs, a highly politicized discussion in the past.

While some participants noted that this convergence is an indication of maturing negotiations, one delegate put the whole debate into a different perspective on his way to the evening contact group on synthetic biology: “When we may soon be dealing with insect-delivered horizontal genetic alteration, our previous discussions pale in comparison and the old trenches are being abandoned.”