

UN Biodiversity Conference Highlights: Wednesday, 21 November 2018

On Wednesday, WG I addressed several items, including on cooperation with other organizations, review of effectiveness of processes under the Convention and its Protocols, and resource mobilization. WG II considered, among other issues, marine and coastal biodiversity, biodiversity and health, and unintentional transboundary movements of living modified organisms (LMOs). Contact groups on digital sequence information (DSI), synthetic biology, and the process for the post-2020 framework met throughout the day.

Working Group I

Enhancing integration under the Convention and its Protocols with respect to ABS and biosafety (CBD, CP, NP): The Secretariat introduced the SBI recommendation. The EU proposed separate decisions for biosafety and for access and benefit-sharing (ABS). VENEZUELA proposed explicit mention of the importance of traditional knowledge. INDIA pointed out that CBD parties who have not ratified the Nagoya Protocol still have ABS responsibilities under the Convention. INDONESIA urged sharing of best practices regarding enhancing integration. A CRP will be prepared.

Compliance (CP): Clare Hamilton, Chair of the Compliance Committee under the Cartagena Protocol, introduced the Committee's report and recommendations (CBD/CP/MOP/9/2), noting that national reports had been received from the Marshall Islands, Greece, and Turkmenistan, who are now in compliance with their obligations. Drawing attention to the country's limited capacities, Georgia, for CENTRAL AND EASTERN EUROPE, opposed the recommendation to caution Montenegro. A CRP will be prepared.

Cooperation with other organizations (CBD): The Secretariat introduced the SBI recommendation and the report of the informal advisory group on synergies among biodiversity-related conventions (CBD/COP/14/INF/2). EL SALVADOR, the EU, Cameroon, for the AFRICAN GROUP, and many others, proposed designating 2021-2030 as the UN decade for ecosystem restoration. Delegates underscored the importance of synergies and cooperation with the Rio Conventions, biodiversity-related conventions and other multilateral environmental agreements (MEAs), and relevant organizations, especially with regard to the post-2020 framework. GEORGIA called for national-level coordination between MEA focal points, and GUATEMALA for high-impact projects with multiple benefits. Several international organizations expressed their willingness to strengthen cooperation and collaboration with the CBD. FAO highlighted collaborative activities on, among others, soil biodiversity, fisheries, pollinators, and forest landscape restoration. IUCN highlighted the launch of the International Alliance on Nature and Culture. A CRP will be prepared.

Cooperation with other organizations (CP): Delegates took note of the relevant document (CBD/CP/MOP/9/6). The ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT noted a recent global conference on genome editing in agriculture.

Cooperation with other organizations (NP): The Secretariat introduced the relevant document (CBD/NP/MOP/3/9). The EU proposed a draft decision requiring the Secretariat to continue engaging with relevant organizations on public health aspects of the Nagoya Protocol and DSI; and to continue following debates related to marine genetic resources in areas beyond national jurisdiction and under the International Treaty on Plant Genetic Resources for Food and Agriculture. KENYA called for developing an inventory of relevant organizations. The WORLD HEALTH ORGANIZATION (WHO) underscored commitment to Nagoya Protocol objectives in the area of rapid access to pathogens and fair and equitable sharing of benefits derived therefrom. A CRP will be prepared.

Review of effectiveness of processes (CBD, CP, NP): The Secretariat introduced the SBI recommendation on review of experience in holding concurrent meetings of the Convention and Protocols, and on procedures for avoiding or managing conflicts of interest in expert groups.

The EU, Uganda, for the AFRICAN GROUP, and others, stressed that holding concurrent meetings leads to better integration between the Convention and the Protocols, and better coordination of national positions, but results in a heavy agenda and multiple contact groups, causing problems for small delegations. Many stressed the need to ensure adequate participation of developing countries, including in intersessional meetings. PANAMA suggested the COP and COP/MOPs be held every three or four years.

On conflicts of interest, delegates underscored the need to define what constitutes conflict. SWITZERLAND called for determining who has access to the declarations of nominated experts. CANADA requested involving national focal points in the process and, with HONDURAS, providing for an appeal mechanism. Several civil society organizations cautioned against allowing commercial interests to unduly influence decision making. The PUBLIC RESEARCH AND REGULATION INITIATIVE highlighted that the general bias of some parties against LMO use is in conflict with CBD provisions. A Friends of the Chair group was established.

Review of progress in Strategic Plan implementation (CBD): Delegates addressed a CRP on assessment of progress towards selected Aichi targets. Delegates discussed language on inviting parties to work with relevant stakeholders, and agreed to add references to strengthening collaboration, and to working with the private sector. After consulting informally, delegates agreed to replace language on mobilizing additional resources with reference to achieving resource mobilization targets. With these and other minor amendments the CRP was approved.

Delegates then approved a CRP on the Gender Plan of Action without discussion.

Assessment and review (NP): Delegates addressed a CRP. They debated a paragraph inviting parties to take note, as appropriate, in the implementation of Article 16 (compliance with domestic requirements on ABS for traditional knowledge), of relevant work under the World Intellectual Property Organization (WIPO). Following proposals by Mexico and Japan, delegates agreed to add a specification that WIPO work not run counter to the objectives of the Convention and the Protocol. Following discussion, delegates agreed to invite relevant stakeholders to engage in ABS processes, including guidelines to support the development of community protocols by indigenous peoples and local communities. The CRP was approved with these and other minor amendments.

Resource mobilization (CBD): Delegates discussed a CRP at length, and debated, among other issues: inviting parties, other governments, and donors to provide financial resources for capacity building, or urging developed country parties to provide financial resources in accordance with CBD Article 20 (financial resources); a proposal by Brazil to recognize the importance of resource mobilization from all sources, rather than national resource mobilization; a paragraph on the resource mobilization component of the post-2020 framework; and a request to the Secretariat to explore options for mobilizing additional resources to support parties in implementing the post-2020 framework. Chair Haanstra suggested that: a revised CRP be prepared to include all comments and suggestions; and all outstanding items be referred to the contact group on the financial mechanism.

Safeguards in biodiversity financing mechanisms: Delegates addressed a CRP. Following an EU proposal, they added reference to GEF's new gender implementation strategy. Discussions will continue on Thursday.

Working Group II

Socio-economic considerations (CP): Contact group Chair Nathalie Campos-Reales Pineda (Mexico) reported on deliberations, highlighting differing views on a number of issues.

Marine and coastal biodiversity (CBD): MOROCCO, NEW ZEALAND, COTE D'IVOIRE, INDIA, and ICELAND reaffirmed UNCLOS as the legal framework for all activities in the oceans and seas. SENEGAL and URUGUAY opposed. Many called for capacity building, including through the Sustainable Ocean Initiative, and for collaboration with a range of international and regional initiatives and organizations. SEYCHELLES and others underscored plastic pollution as a challenge.

SAUDI ARABIA and CHILE requested retaining reference to using scientific information related to ecologically or biologically significant marine areas (EBSAs) when applying relevant area-based management tools. CHILE suggested adding "with a view to conservation." CHINA emphasized that national sovereignty and existing regional bodies should be respected, and defining EBSAs should follow a peer-review process.

Differing views were expressed on two sets of options regarding modification of existing EBSAs and designation of new ones. GUATEMALA called for an inclusive process. JAPAN stressed the need for the options to be simplified to avoid confusion and take into account lessons learnt. SENEGAL, CHILE, and INDIA, opposed by ICELAND, suggested "taking note of," rather than "endorsing" the set of options. WWF, THE NATURE CONSERVANCY, and BIRDLIFE INTERNATIONAL stressed that unilateral decisions run counter to the spirit of the Convention and could result in EBSA descriptions being withdrawn without due process. A contact group was established.

Invasive alien species (CBD): Delegates agreed that a CRP will be prepared on the basis of the relevant SBSTTA recommendation.

Liability and redress (CBD): Delegates considered a CRP. ARGENTINA, opposed by the EU and BOLIVIA, asked to delete a reference to the provision of appropriate financial security instruments, such as insurance and environmental compensation funds, and other innovative financial mechanisms. BRAZIL, supported by IRAN, considered the requirement of financial security instruments a discriminatory practice against developing countries. Informal discussions are ongoing.

Health and biodiversity (CBD): Delegates addressed a CRP. MEXICO suggested, and delegates agreed, to invite the WHO to become a member of the Biodiversity Liaison Group. Delegates agreed to add references to "other holistic approaches" alongside the One Health approach. Following an initial proposal by Guatemala, delegates agreed to encourage parties to "make efforts to review, adjust, and improve biodiversity health linkages, in the environmental assessments of other relevant projects." SAUDI ARABIA, opposed by the EU and COLOMBIA, asked to specify that capacity-building workshops focus on "methodologies" related to biodiversity and health. Delegates agreed to refer to "issues" related to biodiversity and health.

Unintentional transboundary movements of LMOs (CP): Delegates addressed a CRP. On a paragraph inviting the GEF to provide funds for regional projects on detection and identification of LMOs, SAUDI ARABIA requested adding "other possible funding agencies," and BELARUS referring to "building scientific capacity." Delegates agreed to request the Secretariat to continue efforts to collaborate with relevant organizations to build relevant capacity of developing countries. Regarding a list of requests to the Secretariat, the EU suggested, and following a lengthy discussion, delegates agreed, to differentiate activities that are subject to availability of funds from those that are not.

Prolonged deliberations took place on a paragraph encouraging parties to require exporters of LMOs to provide the appropriate reference materials to enable the laboratory work on detection and identification of such organisms for regulatory purposes. Delegates conditionally agreed, pending consultations with capitals, to "in the context of Article 17, and in accordance with national legislation, encourage parties to require the responsible operator to provide information or access, direct or indirect, to provide reference materials to enable laboratory work on detection and identification for regulatory purposes."

In the Corridors

While deliberations on marine and coastal biodiversity allowed for better understanding of different positions, as one delegate noted "archetypal divergences remained." On the one hand, parties and non-parties to the UN Convention on the Law of the Sea exchanged unstartling arguments on the prominence of the Convention on oceanic matters (or not), with one participant musing, in a philosophical mood, about the limits of international law. On the other hand, debates on bracketed options on the modification of existing ecologically or biologically significant marine areas (EBSAs) and the designation of new ones did not go a long way to promoting mutual understanding, as most parties merely opted for one or the other option. As negotiations moved to a contact group, one weary delegate exclaimed that "we need a fresh idea to reset the EBSA process." At the same time, civil society urged for maintaining the multilateral character of the process, warning that "unilateral decisions for modifications of EBSAs in areas within national jurisdiction run counter to the spirit of the Convention."