

UN Biodiversity Conference Highlights: Thursday, 22 November 2018

On Thursday, WG I addressed, among other items, capacity building, and technical and scientific cooperation, and approved several CRPs under the Convention and its Protocols. WG II considered, among other issues, liability and redress, sustainable wildlife management, and Article 8(j) (traditional knowledge). In the afternoon, plenary addressed organizational matters and adopted a series of decisions, including on assessment of progress towards selected Aichi targets, health and biodiversity, and compliance with the Nagoya Protocol.

Contact groups met throughout the day to address: resource mobilization and the financial mechanism; socio-economic considerations under the Cartagena Protocol on Biosafety; synthetic biology; ecologically or biologically significant marine areas; and risk assessment and risk management under the Cartagena Protocol.

Working Group I

Safeguards in biodiversity financing mechanisms (CBD):

Delegates continued Wednesday's discussion on a CRP. After deciding not to re-open the annexed checklist of safeguards, they approved the CRP with no further amendments.

Methodological guidance concerning IPLCs' contributions (CBD): Delegates addressed a CRP. On the annexed list of elements of methodological guidance, delegates discussed an element on making forms of geospatial analysis accessible to communities, "with their direct involvement." The PHILIPPINES suggested an additional element regarding considering, as appropriate, capacity building and technology transfer to ensure that new information, including science and technology, contributes to IPLC empowerment, resilience, and self-sufficiency. The CRP was approved with these and other minor amendments.

Specialized international access and benefit-sharing (ABS) instruments (NP): Delegates considered a CRP. Following a brief discussion, delegates decided not to re-open the list of potential criteria for specialized international ABS instruments, noting that they will be further considered interessionally. The CRP was approved without amendments.

Capacity building and technical and scientific cooperation (CBD): Delegates debated whether to include specific language on developing countries' technical and scientific needs, and finally agreed to recall the relevant COP decision and invite developing countries to "identify and communicate" their technical and scientific needs and priorities to the Secretariat.

MOROCCO, supported by many, proposed new language taking note of the key needs and priorities identified by the Bio-Bridge initiative. Delegates agreed, and further requested the Secretariat to "facilitate" parties in cooperative initiatives to respond to the identified needs.

On promoting cooperation on certain issues, ARGENTINA, opposed by COLOMBIA, GABON, and MEXICO, proposed deleting reference to ecosystem valuation. Following informal consultations, delegates agreed to refer to values of biodiversity, and ecosystem functions and services, in line with IPBES work. Delegates agreed to an EU proposal to "take note of," rather than "welcome" the initiative to establish an alliance for biodiversity knowledge. Following debate, they retained SBI-approved language stating they "decide to consider establishing" an informal advisory committee on technical and scientific cooperation at COP 15.

Parties agreed on language requesting the Secretariat to initiate a technical and scientific cooperation review of the Global Taxonomy Initiative, and to include the Bio-Bridge and Forest Ecosystem Restoration Initiatives in the review, subject to the availability of resources, for SBSTTA and SBI consideration. After consulting informally on the annexed indicative schedule of activities, the CRP was approved, containing new text, which remains bracketed, on an African regional consultation regarding a draft long-term strategic framework for capacity building beyond 2020, to be held prior to SBSTTA in 2019, subject to the availability of funds.

Aligning national reporting, assessment and review (CBD): Delegates approved a CRP with minor amendments.

Tools to evaluate policy instruments for Strategic Plan implementation (CBD): Delegates approved a CRP with minor amendments.

Assessment and review (CP): Delegates approved a CRP without amendment.

Financial mechanism (NP): Delegates approved a CRP with minor amendments.

Monitoring and reporting (CP): Delegates approved a CRP as amended to reflect those parties that have submitted their third national report.

Financial mechanism and resources (CP): Delegates approved a CRP without discussion.

Awareness raising (NP): Delegates approved a CRP with a minor amendment.

Capacity building (NP): Delegates approved a CRP with a minor amendment.

Monitoring and reporting (NP): Delegates approved a CRP as amended to reflect that 82 parties have submitted their national reports.

Working Group II

Unintentional transboundary movements of LMOs (CP):

Delegates addressed pending items on the CRP. SWITZERLAND reported that consensus was reached on encouraging parties, in the context of Cartagena Protocol Article 17 and in accordance with national legislation, to require the responsible operator to provide information or access, direct or indirect, to provide reference material to enable the laboratory work to detect and identify such

organisms for regulatory purposes. A footnote defines the concept of operator, as per Article 2 (use of terms) of the Supplementary Protocol on liability and redress. With this and other minor amendments the CRP was approved.

Supplementary Protocol on liability and redress (CP):

Parties debated at length how to make clear that the decision applies only to parties of the Supplementary Protocol. BRAZIL urged revisiting financial arrangements. They finally agreed to a footnote replicating Supplementary Protocol Article 14(1), which states that the Biosafety Protocol COP/MOP serves as the meeting of the parties to the Supplementary Protocol, further specifying that the Supplementary Protocol parties have taken the decision.

Delegates debated a paragraph requesting the Secretariat, subject to the availability of funds, to undertake awareness-raising activities and provide support for implementation. CUBA and VIET NAM requested the addition of capacity-building in addition to awareness-raising activities. BRAZIL stressed that funding for these activities should not come from the core budget allocation on awareness raising. The Secretariat suggested clarifying that the funds would come from the Voluntary Trust Fund and the paragraph was approved as amended.

Regarding a paragraph on a comprehensive study on financial security mechanisms, BRAZIL asked, and delegates agreed, to make this subject to the availability of funds from the Voluntary Trust Fund. The CRP was approved with these and other minor amendments.

Liability and redress (CBD): Delegates addressed a CRP. BRAZIL and ARGENTINA, opposed by the EU and SWITZERLAND, asked to “take note,” rather than “welcome” the entry into force of the Supplementary Protocol on liability and redress.

Following informal consultations regarding an invitation to parties to continue to address appropriate financial security instruments, it was proposed to refer to “financial mechanisms in accordance with national legislation.” BRAZIL and ARGENTINA preferred deletion. A Friends of the Chair group was established to address the issue.

Sustainable wildlife management (CBD): Delegates discussed a CRP. Recalling the African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa, Senegal, for the AFRICAN GROUP, said the issue should not just focus on certain countries and regions. URUGUAY asked, and delegates agreed, to add a reference to unsustainable consumption to a preambular paragraph on pressures.

Regarding the voluntary guidance for a sustainable wild meat sector, URUGUAY, VENEZUELA, BRAZIL, COLOMBIA, and COSTA RICA suggested “taking note of” the guidance, while the EU preferred “welcoming” it. Following informal discussions, delegates agreed to welcome the voluntary guidance with a caveat recognizing that it does not necessarily apply to all parties. Delegates agreed, following an initial proposal by Uruguay, to take into account relevant traditional use by IPLCs to safeguard their livelihoods without adversely affecting them.

On a paragraph encouraging parties to undertake cross-sectoral dialogues and joint trainings on sustainable wildlife management across a number of relevant sectors, delegates agreed to: add the sectors of food processing and trade; and subject activities to national circumstances.

Chair Nina urged delegates not to re-open the annexed voluntary guidance, noting it had been extensively negotiated in SBSTTA. Regarding the main drivers of unsustainable levels of hunting, COLOMBIA noted that reference to “the lack of any sizeable domestic meat sector” does not apply to all countries, requesting to amend the text accordingly. On setting harvesting quotas, MEXICO suggested they be set based on the best scientific and technical information and methodologies available. The CRP was approved with these amendments.

Article 8(j): Delegates addressed a CRP on other matters related to Article 8(j). SWITZERLAND said the Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge will result in legal uncertainty, noting that he will not veto adoption, but will not apply them.

Regarding an invitation to parties to mainstream traditional knowledge into the implementation of all relevant SDGs with the full and effective participation of IPLCs, BRAZIL, supported by BOLIVIA and GUATEMALA, suggested adding reference to IPLCs’ prior informed consent (PIC), free PIC, or approval and involvement. NEW ZEALAND, with IRAN, proposed including “as appropriate, and consistent with national legislation and circumstances.” The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY, supported by the EU, suggested further adding “in accordance with international obligations.” The CRP was approved with these amendments.

Delegates then addressed a CRP on the glossary of key terms and concepts, debating bracketed options on whether to “adopt” or “take note of” the glossary. Noting the many years of work that went into the document, many delegates preferred adopting it. ARGENTINA and COLOMBIA opposed, unless the definition of traditional biological resources was accompanied by reference to “in accordance with national legislation as appropriate,” which was accepted. The CRP was approved as amended.

Plenary

Organizational matters: Plenary heard an interim report on credentials; elected the new Bureau members as nominated by regions; elected Hesiquio Benítez Díaz (Mexico) as SBSTTA Chair; and approved regional nominations for members of the compliance committees under the Protocols.

Reports: Working Group Chairs reported on progress, including outstanding items. Spencer Thomas (Grenada) reported on budget deliberations. Charlotta Sörqvist (Sweden), Co-Chair of the contact group on the post-2020 framework, reported on the group’s deliberations. She noted that discussions focused on: the intergovernmental process, including additional dedicated meetings and guidance; and models of consultations to ensure “the broadest spectrum of perspectives.” She said a non-paper will be prepared and negotiations will continue.

Adoption of decisions: Plenary adopted, with minor or without amendments, decisions on: assessment of progress towards selected Aichi targets; the Gender Plan of Action; health and biodiversity; and the date and venue of future COP meetings.

Plenary then adopted a decision on assessment and review of the effectiveness of the Nagoya Protocol, including a footnote clarifying that biocultural protocols are community protocols.

In the Corridors

Participants have been witnessing a growing recognition of the deep interconnections between biodiversity and human rights, both in formal discussions and in the corridors of the 2018 UN Biodiversity Conference. Such awareness comes against the backdrop of numerous milestones across other UN fora, including the recent adoption of the UN Declaration on the Rights of Peasants; and the extension of the mandate for the UN Special Rapporteur on human rights and the environment. Closer to home, on Wednesday participants in Sharm El-Sheikh experienced an emotional silent demonstration commemorating the 207 environmental defenders killed in 2017. While the recent meeting of the Working Group on Article 8(j) touched upon committing to protect environmental defenders, another observer was heard saying “it seems people forget that free, prior and informed consent is a human rights issue.” It is, however, yet to be seen whether long-standing arguments on the different mandates of multilateral environmental agreements and human rights bodies will prevail, or stronger relationships will be forged between the Convention and the UN human rights architecture under the post-2020 framework.