

UN Biodiversity Conference Highlights: Tuesday, 27 November 2018

On Tuesday, WG I did not meet to allow for contact group discussions. WG II addressed: marine and coastal biodiversity; conservation and sustainable use of pollinators; and invasive alien species (IAS), among other issues.

Contact groups and Friends of the Chair groups met throughout the day to address: digital sequence information (DSI); the budget; socio-economic considerations under the Cartagena Protocol on Biosafety; the post-2020 preparatory process; resource mobilization and the financial mechanism; and a global multilateral benefit-sharing mechanism under the Nagoya Protocol on access and benefit-sharing (ABS).

Working Group II

Reports from contact groups: Horst Korn (Germany), Chair of the contact groups on risk assessment and risk management under the Cartagena Protocol, and on synthetic biology under the Convention, reported on: consensus on risk assessment and risk management; and significant progress on synthetic biology, with the contact group being very close to producing a clean document. Reiterating that the final compromise reflects a delicate balance, he urged delegates not to re-open the outcomes and see them as a package.

Alain De Comarmond (Seychelles), Chair of the contact group on marine and coastal biodiversity under the Convention, said that, despite progress, agreement remains pending on a number of paragraphs, mainly on Annex II, which addresses the modalities for: modifying the description of ecologically or biologically significant marine areas (EBSAs); describing new areas; and strengthening the scientific credibility and transparency of the process. A CRP containing bracketed text was produced.

Natalhie Campos-Reales Pineda (Mexico), Chair of the contact group on socio-economic considerations under the Cartagena Protocol, noted that agreement was reached and a CRP will be prepared.

Biodiversity mainstreaming in the energy and mining, infrastructure, manufacturing, and processing sectors (CBD): Following discussions in a Friends of the Chair group, delegates agreed to “promote the full and effective participation of other relevant sectors, IPLCs, academia, women, youth, and other relevant stakeholders and, where applicable, through consultations with IPLCs with a view to obtain free prior and informed consent, consistent with international agreements and consistent with national policies, regulations, and circumstances,” when reviewing legal and policy frameworks on biodiversity mainstreaming. The CRP was approved as amended.

Other matters related to marine and coastal biodiversity (CBD): Delegates addressed a CRP. Following proposals by the EU and Canada respectively, delegates agreed to welcome the progress of work of the International Seabed Authority, in particular on the draft regulations for exploitation of mineral resources in the Area, and to note the finalization of the agreement to prevent unregulated commercial fishing on the High Seas of the Central Arctic Ocean.

BENIN proposed, and delegates agreed, to request the Secretariat to: contribute to the work of the UN Environment Assembly (UNEA) *Ad Hoc* Open-Ended Expert Group on Marine Litter, in respect to, among others, the UNEA Resolution on plastics and micro-plastics; and continue work on the impacts of anthropogenic underwater noise on marine and coastal biodiversity, as well as on experiences with the application of marine spatial planning.

On a paragraph recognizing the need for further research on the impacts of marine debris, following proposals by South Africa, the EU, and Seychelles, delegates decided to include impacts of plastics and micro-plastics on marine and coastal biodiversity and habitats, and to emphasize the need for the clean-up and removal of marine debris where appropriate and practical, noting that such efforts are particularly urgent when marine debris pose a threat to sensitive marine and coastal biodiversity and habitats. With these, and other minor amendments, the CRP was approved.

Integration of Article 8(j) (CBD): Delegates addressed a CRP. On paragraphs noting the need to take into account recent developments, including the 2030 Agenda, to achieve a more holistic and integrated work programme, the EU asked for reference to the Paris Agreement. The CRP was approved with this and other minor amendments.

Pollinators (CBD): Delegates addressed a CRP, including Annex I on an updated plan of action 2018-2030 for the International Initiative for the Conservation and Sustainable Use of Pollinators, and Annex II on the summary of a review of the relevance of pollinators and pollination to the conservation and sustainable use of biodiversity in all ecosystems, beyond their role in agriculture and food production.

Chair Nina requested addressing the annexes as a whole, focusing on bracketed references only. On Annex I, HONDURAS, ARGENTINA, BRAZIL, PANAMA, and PARAGUAY, opposed by URUGUAY and BOLIVIA, requested deleting reference to living modified organisms (LMOs) in a provision on main drivers of pollinator loss. Following informal consultations on references to LMOs throughout the document, delegates agreed to: delete reference to LMOs from the list of main drivers of pollinator loss in Annex I; and maintain references in Annex II. Delegates further

agreed to state, in Annex II, that: LMOs that may affect non-target organisms should be subjected to a case-by-case risk assessment in regard to bees as well as domesticated and wild pollinators considering the LMO, species, and the receiving environment; risk assessment should consider different developmental stages and the potential of both lethal and sub-lethal effects, among other relevant aspects; and recent reviews showed no direct negative effects of LMOs on honey bees and domesticated and wild pollinators, but nevertheless, further scientific research on potential effects of LMOs on pollinators is of interest.

Quoting the IPBES report, URUGUAY, BOLIVIA, PERU, and VENEZUELA requested mentioning in the report of the meeting that they disagree with the idea that there is no scientific evidence that LMOs affect pollinators, since many national assessments do not adequately consider sublethal effects, and that lack of data cannot be considered lack of evidence.

Following informal consultations on whether to “welcome” or “take note of” Annex II, delegates agreed to take note of it with appreciation.

Invasive alien species (CBD): Delegates addressed a CRP, including annexed supplementary voluntary guidance for avoiding unintentional introductions of IAS associated with trade in live organisms. Noting extensive work at SBSTTA, Chair Nina urged delegates not to re-open agreed language. COLOMBIA, with many others, lamented that they did not have the opportunity to comment. The EU and others accepted not re-opening the document in the interest of time. COLOMBIA and others requested mentioning in the report of the meeting that in future COP meetings, they will not accept that CRPs are not opened for negotiation. The CBD legal officer advised that, according to the rules of procedure, the COP has decision-making authority, and can therefore accept, amend, or reject the recommendations of subsidiary bodies. Delegates then proceeded to address the document. NORWAY pledged USD 60,000 towards the work of the *Ad Hoc* Technical Expert Group (AHTEG) on IAS.

Regarding a paragraph on adverse impacts of IAS on vulnerable ecosystems, BENIN asked to add wetlands and mangroves. COLOMBIA proposed encouraging parties to, among others, develop and share the list of regulated IAS based on risk analysis, as appropriate. VIET NAM, with COLOMBIA, suggested encouraging GEF and other funding agencies to provide financial assistance for capacity building for IAS-related projects. Delegates accepted a request by the International Indigenous Forum on Biodiversity regarding IPLC participation in the AHTEG. The CRP was approved as amended.

Liability and redress (CBD): Delegates approved the outcome of deliberations in the Friends of the Chair group including, *inter alia*, the deletion of: taking note of a relevant judgment from the International Court of Justice; and inviting parties to provide appropriate financial security instruments, such as insurance and environmental compensation funds, and other innovative financial mechanisms.

EBSAs (CBD): Delegates considered a CRP developed by the contact group, containing bracketed references. Deliberations continued into the night.

Contact Groups

DSI (CBD, NP): Deliberations continued on the revised non-paper. On the modalities for a study on DSI databases, delegates agreed it be peer-reviewed, and include the biological scope and

the size of the databases, number of accessions and their origin. Brackets remain around references to private databases. Several delegations expressed doubt about a proposal for a new study on how domestic legislation has been addressing benefit-sharing arising from the commercial use of DSI, and the proposal was bracketed.

Delegates discussed the mandate and tasks of, and “realistic expectations for,” a five-day meeting of an AHTEG. Delegates debated whether to ask the AHTEG to: compile and synthesize views, information, and peer-reviewed studies; develop an operational term for DSI to provide conceptual clarity; identify key areas for capacity building; and identify and suggest potential ways forward for fair and equitable benefit-sharing arising from the commercial use of DSI. They further debated whether the outcomes of the AHTEG should be considered by SBSTTA, an open-ended working group, or another body. Deliberations continue.

Post-2020 process (CBD): Delegates addressed resource and logistical requirements related to the post-2020 process. They also deliberated whether an initial discussion document will address global trends that may impact biodiversity and ecosystems, and key biodiversity challenges, including technological developments, and demographic and migration trends. They further discussed, among others, elements regarding communication and outreach, including: future work by the Secretariat towards involving other economic sectors and raising political engagement; the development of a communication strategy; and a high-level panel to raise awareness.

Global multilateral benefit-sharing mechanism (NP): Deliberations focused on the type and scope of information that would assist in the consideration of a global multilateral benefit-sharing mechanism, such as: specific cases of genetic resources and traditional knowledge for which prior informed consent is not possible; “explanations” or “elaborations” as to why such cases cannot be addressed through the bilateral approach; and possible modalities for addressing each of these issues. Delegates further considered a request to the Secretariat to commission a peer-reviewed study for SBI consideration.

In the Corridors

“To open or not to open,” a weary participant murmured exiting Working Group II deliberations on invasive alien species (IAS). Indeed, a lengthy procedural discussion was devoted to whether parties should open documents already agreed upon at SBSTTA, or adopt them as a whole in the interest of time. “Procedural discussions are tedious, but they may well affect legal outcomes,” a veteran commented, reminiscent of COP 6 discussions on IAS, when procedural shortcomings affected the validity of the final decision. Meanwhile, outside the main negotiations, the search for a strong biodiversity message for the post-2020 era continued. “If we compare the situation to 2010, it has become much more difficult to get international cooperation, due to the rise of populism and nationalism,” one expert stressed in a side-event. “Indeed, nothing is the same, but we should not underestimate the persisting power of the environmental movement to inspire global action,” another one commented. “How to keep the vision, and address the details at the same time: that is the question,” one participant noted, on her way to the evening session of Working Group II.