

UN BIODIVERSITY CONFERENCE HIGHLIGHTS: WEDNESDAY, 7 DECEMBER 2016

On Wednesday, WG I had morning, afternoon and evening sessions to discuss: the financial mechanism under the Convention and its Protocols; capacity building under the Convention and its Protocols; awareness raising under the Nagoya Protocol; public awareness, education and participation under the Cartagena Protocol; the Biosafety Clearing-House (BCH); the ABS Clearing-House; modus operandi under the Convention and its Protocols; integration among the Convention and its Protocols; and cooperation with other conventions and organizations. WG II addressed items related to Article 8(j) (traditional knowledge), the sixth national reports, the Global Biodiversity Outlook (GBO) and indicators.

The budget group met in the morning. Contact groups on ecologically or biologically significant marine areas (EBSAs) and synthetic biology met in the evening. Friends of the Chair groups addressed invasive alien species and resource mobilization.

WORKING GROUP I

FINANCIAL MECHANISM (CBD, CP, NP): The Secretariat introduced relevant documents (UNEP/CBD/COP/13/12/Rev.1 and Add.1-4, UNEP/CBD/BS/COP-MOP/8/5 and UNEP/CBD/NP/COP-MOP/2/5).

Convention: SWITZERLAND noted that the guidance to the GEF needs to address duplication, adding that elements should be specific to each replenishment period. NORWAY noted problems in consistency regarding Aichi Targets' prioritization, and stressed, with the EU, that all Aichi Targets should attract funding and those within reach should not be prioritized. JAMAICA called for prioritizing Aichi Targets that lag behind. URUGUAY called for increased efforts to protect wetlands. MALDIVES noted lack of focus on endangered species, and called for recognition of SIDS' special challenges. ECUADOR proposed including megadiverse countries as a category with special needs, together with least developed countries (LDCs) and SIDS. BRAZIL suggested a gender balanced perspective with regard to IPLCs.

MEXICO suggested collaboration with GEF in organizing workshops ahead of the seventh replenishment period (GEF-7). CHINA prioritized support for NBSAP implementation and promotion of synergies among biodiversity-related conventions. The REPUBLIC OF KOREA highlighted support to facilitate

cooperation and experience sharing among parties. ARGENTINA, with others, called for direct access to funds for countries' pilot projects. UGANDA and MALAWI called for increased support for reporting.

Drawing attention to limited or lack of GEF support, IRAN and SYRIA stressed that project funding decisions should be made on technical, rather than political, grounds, with YEMEN highlighting the difficulties of countries in armed conflict to access funding.

On the four-year framework of programme priorities for GEF-7 (UNEP/CBD/COP/13/12/Add.3), UGANDA called for reference to poverty alleviation, capacity building targeted to enhancing implementation, and public-private partnerships. CANADA highlighted species-based outcomes, threatened species, and phasing out perverse incentives. BOLIVIA stressed that GEF-7 projections are below developing countries' expectations.

Assessment of needs for GEF-7: CANADA expressed concern about the limited number of responses and the resulting estimates of funding needed. The AFRICAN GROUP stressed that future assessments should take into account capacity-building needs to increase parties' responses.

Cartagena Protocol: The EU called for additional GEF support for biosafety-related capacity building and for the development of national biosafety frameworks. INDIA expressed concern about declining GEF support for biosafety activities and supported a dedicated focal area for biosafety under GEF-7. PARAGUAY requested capacity building to focus on national implementation of adopted decisions.

Nagoya Protocol: NORWAY suggested an additional element for inclusion in the four-year framework of programme priorities for GEF-7 on the number of countries that have implemented the Protocol, in a mutually supportive manner, with other relevant international agreements. The EU highlighted the need for establishment of administrative measures that enable access in accordance with the Protocol; and called for GEF support to promote understanding of the internationally recognized certificates of compliance.

A contact group on the issue was established.

CAPACITY BUILDING (CBD): The Secretariat introduced a revised short-term action plan (2017-2020) to enhance and support capacity building for Strategic Plan implementation (UNEP/CBD/COP/13/13). Discussion focused on whether to "endorse," "adopt" or "take note of" the short-term action plan.

MEXICO, with the AFRICAN GROUP and others, favored “adopting,” with the AFRICAN GROUP calling for a more robust budget to strengthen implementation in developing countries, and early preparation of a long-term action plan. INDIA preferred “endorsing” or “adopting” it. MALDIVES, JAMAICA, SAMOA and KENYA called for “endorsing” it.

JAPAN, SWITZERLAND and CANADA favored “taking note” of the short-term action plan, noting further discussion is needed. SWITZERLAND and the EU suggested focusing on priority areas, as identified by developing countries and clarifying roles for implementation. CANADA expressed concern the plan is overly ambitious and financially unsustainable. JAMAICA proposed compromise language highlighting flexibility and the indicative nature of the list of activities.

NORWAY said capacity building should not be seen as a stand-alone activity but as an integral part of achieving the Aichi Targets. FIJI called for building capacities to work with the private sector. GUATEMALA emphasized inclusion of IPLCs in capacity-building activities. ALGERIA stressed support for scientific research programmes on biodiversity valuation.

ARGENTINA and BRAZIL proposed deleting several biosafety-related capacity-building activities. BRAZIL also requested removing references to the UN Economic Commission for Europe Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. He stressed that depending on whether these suggestions are accepted, he will decide on endorsing, adopting or taking note of the short-term action plan.

The IIFB highlighted the importance of TK and IPLC active participation. The GLOBAL INDUSTRY COALITION called for including technical experts in workshops and online forums.

CAPACITY BUILDING (CP): The Secretariat introduced the report on implementation of the Framework and Action Plan for Capacity-Building for implementation of the Cartagena Protocol (UNEP/CBD/BS/COP-MOP/8/3). INDIA, with many, expressed concern regarding lack of financial resources for effective implementation and called for additional support.

MEXICO, the EU and others supported the recommended capacity-building activities included in the short-term action plan. The AFRICAN GROUP emphasized activities on risk assessment and detection of living modified organisms (LMOs). The REPUBLIC OF KOREA highlighted the Korean biosafety capacity-building initiative. URUGUAY and the AFRICAN GROUP stressed cooperation with other organizations on capacity building.

Roster of experts: The Secretariat introduced the report on status and operations (UNEP/CBD/BS/COP-MOP/8/3/Add.1). JAPAN and the EU proposed reiterating the invitation to developed countries to contribute to the relevant voluntary trust fund to fully operationalize the roster. MEXICO and the AFRICAN GROUP urged parties to make full use of the roster. INDIA suggested more efficiency in the roster utilization process. NEW ZEALAND, BRAZIL and PARAGUAY suggested deletion of references to synthetic biology, noting that no AHTEG on the issue exists under the Protocol. COLOMBIA, UGANDA, EL SALVADOR and ETHIOPIA supported references to synthetic biology.

CAPACITY BUILDING (NP): The Secretariat introduced the progress report on implementation of the Strategic Framework for Capacity-Building and Development to support implementation of the Nagoya Protocol (UNEP/CBD/NP/COP-MOP/2/8).

INDIA expressed concern about funding for the capacity-building framework. BHUTAN welcomed South-South cooperation and peer-to-peer capacity-building workshops. PERU and BELIZE

called for regional workshops. The PHILIPPINES prioritized capacity building on: cooperation between competent national authorities; TK associated with genetic resources; and technology transfer. BOLIVIA proposed focusing on ABS modalities for non-commercial purposes. UGANDA urged strengthening references to implementation. The EU said capacity building should be needs-based and country-driven. MOROCCO asked to integrate a gender dimension and IPLCs. The IIFB and the INDIGENOUS WOMEN'S BIODIVERSITY NETWORK (IWBN) reiterated capacity building especially for indigenous women, with culturally appropriate tools. The ITPGR pointed to joint capacity-building activities with the CBD, including by bringing together respective national focal points.

COMMUNICATIONS STRATEGY (CBD): The Secretariat introduced the relevant document (UNEP/CBD/COP/13/14). JAPAN noted that future work should focus on implementation rather than further development of the strategy's framework. MEXICO and the EU emphasized synergies with other organizations.

AWARENESS-RAISING (NP): The Secretariat introduced the relevant document (UNEP/CBD/NP/COP-MOP/2/9). INDIA underscored the importance of targeted awareness-raising programmes. The EU highlighted the need to utilize existing awareness-raising tools. UGANDA underscored raising awareness on the need of mutual supportiveness of treaties that have a bearing on genetic resources. GABON called for a consolidated framework on the communication strategy for the CBD and its Protocols. The IIFB and GUATEMALA called for the inclusion of IPLCs in the communication strategy for the Nagoya Protocol.

PUBLIC AWARENESS, EDUCATION AND PARTICIPATION (CP): The Secretariat introduced the relevant document (UNEP/CBD/BS/COP-MOP/8/15). The EU with the AFRICAN GROUP supported continuation of work until 2020. MEXICO recommended including specific actions and appropriate indicators to facilitate follow up.

The Aarhus Convention Secretariat highlighted joint activities with the CBD. THAILAND supported continuation of collaboration with the Aarhus Convention. IRAN, with BRAZIL and others, proposed deleting references to Aarhus Convention. MEXICO and JAMAICA noted the ongoing negotiations for a regional agreement in Latin America and the Caribbean for the full implementation of the Rio Declaration Principle 10 (access to information, public participation and access to justice in environmental matters).

BIO SAFETY CLEARING-HOUSE: The Secretariat introduced the document (UNEP/CBD/BS/COP-MOP/8/4). The PHILIPPINES, NAMIBIA and ECUADOR suggested recommending that the GEF provide financial support for capacity building to comply with Cartagena Protocol Article 20 (BCH). MEXICO supported collaboration with other databases. INDIA proposed inviting FAO and the Organisation for Economic Co-operation and Development (OECD) to strengthen collaboration in sharing biosafety-related information across databases.

The REPUBLIC OF KOREA, supported by MALAYSIA, proposed promoting information-sharing activities among national focal points. The EU recommended calling on parties to submit information on LMO release that may lead to unintentional transboundary movements with effects on biodiversity conservation or sustainable use; and creating a section in the BCH on contained use. PARAGUAY and ARGENTINA recommended that competent authorities validate information on mechanisms for emergency measures in case of LMOs' unintentional transboundary movements.

ABS CLEARING-HOUSE: The Secretariat introduced the relevant document (UNEP/CBD/NP/COP-MOP/2/3).

Advocating increased use of the ABS Clearing-House, the EU recommended preserving its specific functions in developing joint modalities for all clearing-houses. The AFRICAN GROUP asked for information in the Clearing-House to be translated into all UN languages. SWITZERLAND reported on users' difficulties in finding information on national rules. The INTERNATIONAL CHAMBER OF COMMERCE urged posting clear information on national regimes and a summary of practical steps to ensure compliance. The ITPGR encouraged mutually supportive information sharing.

MEXICO cautioned against including confidential information in certificates of compliance. INDONESIA suggested that confidentiality should not apply to information on genetic resources shared among two or more countries.

MODUS OPERANDI (CBD, CP, NP): The Secretariat introduced relevant documents (UNEP/CBD/COP/13/6 and 19). The IIFB requested allocating issues on Article 8(j) at least one day at all future SBI meetings. BOLIVIA, supported by the IWBNI, proposed creating a subsidiary body on indigenous issues across the CBD and its Protocols, calling for party submissions for SBI 2 consideration and establishment at COP 14. CANADA suggested requesting views from parties and others to strengthen consideration of matters affecting IPLCs for SBI 2 consideration. NORWAY called for post-2020 planning for the CBD and its Protocols.

INTEGRATION AMONG THE CONVENTION AND ITS PROTOCOLS: The Secretariat introduced the relevant document (UNEP/CBD/COP/13/19). INDIA supported the criteria for reviewing the effectiveness of concurrent meetings. The EU suggested taking also into account the potential increase in costs of concurrent meetings for parties.

COOPERATION WITH OTHER CONVENTIONS AND ORGANIZATIONS: The Secretariat introduced the relevant documents (UNEP/CBD/COP/13/15 and 16). JAPAN sought clarification on the resource implications and mandate of a proposed wider inter-agency coordination group on biodiversity. NORWAY called for inviting UNDP to join discussions on synergies, and for prioritizing continued access to GEF finance and the harmonization of national biodiversity indicators.

SWITZERLAND underscored the urgency of addressing synergies to meet the Aichi Targets. The AFRICAN GROUP, VENEZUELA and COLOMBIA stressed that synergies should avoid duplication of work. PERU welcomed suggested actions at national and international levels to demonstrate efficiency of synergies across conventions. The EU called for a focused discussion of options for ensuring synergies. CANADA supported prioritizing actions for enhancing synergies among the biodiversity-related conventions at the international level. AUSTRALIA requested review of proposed actions.

WORKING GROUP II

ARTICLE 8(j): The Secretariat introduced the relevant documents (UNEP/CBD/COP/13/3 and 17). NORWAY reported on national regulations on TK associated with genetic resources, under which IPLCs can decide whether to share their knowledge. URUGUAY recommended that future meetings of the Article 8(j) WG work on the concept of local communities, subject to national laws.

Guidelines on TK legislation: MEXICO, supported by many, suggested naming the guidelines "Mo'otz Kuxtal," using the Mayan word for "roots of life." Discussion focused on bracketed references to "free" PIC and to "approval and involvement" as an alternative to PIC.

The EU, PERU and COSTA RICA favored retaining reference to "free" PIC, and eliminating reference to "approval and involvement," with GUATEMALA welcoming consistency with human rights instruments, and MEXICO and MOROCCO supporting also the explanation of "free" in the guidelines. The PHILIPPINES, ECUADOR, SWITZERLAND and BOLIVIA supported referring to "free, prior informed consent." BRAZIL suggested "free prior informed consent, where appropriate, in accordance with national legislation, approval and involvement."

JAMAICA supported reference to PIC with no reference to "approval and involvement," and proposed clarifying that "consent" is voluntary, consistent with national law, and should pay due regard to community protocols and customary law.

The AFRICAN GROUP, TIMOR LESTE, INDIA and INDONESIA opposed reference to "free" PIC. JAPAN favoured reference to "PIC or approval and involvement," and requested clarifying that "these measures should be selected in accordance with national circumstances." COLOMBIA noted the terminology "PIC or approval and involvement" is consistent with the Nagoya Protocol.

MALAYSIA and CANADA supported reference to "free PIC or approval and involvement." CANADA also suggested additional text inviting governments and relevant organizations to submit best practices on the interpretation and implementation of free PIC and deleting the section providing an understanding of free PIC or approval and involvement. COSTA RICA recommended understanding "consent" as agreement of TK holders to give access to TK subject to terms and conditions that they have agreed mutually; and opposed reference to "involvement," proposing instead CBD language on "full and effective participation," if necessary. The IIFB and UNPFII called for a clear reference to free PIC, opposing lower standards such as references to "approval and involvement", noting that the language is consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Repatriation: The EU considered the draft a solid basis for future work. The PHILIPPINES and COSTA RICA requested completing guidelines for adoption by COP 14. BRAZIL called for further development of the guidelines to ensure full protection of IPLCs' rights in relation to free PIC and mutually agreed terms (MAT). ECUADOR noted the need for mechanisms for repatriation of intangible, as well as tangible, TK. CANADA and KENYA supported further work by the Article 8(j) WG, with CANADA expressing concerns on how to deal with public information and implications for IPRs and other instruments. INDONESIA proposed referring to "traditional culture and folklore."

Glossary: The PHILIPPINES, GUATEMALA, COSTA RICA, JAMAICA, TIMOR LESTE, KENYA and URUGUAY supported: inviting parties to use the glossary in the development and implementation of national measures, as appropriate; and requesting the Article 8(j) WG to use it as a reference in its work. BRAZIL noted that the glossary does not include formal definitions, but guidance to parties. The EU requested clarifying that the glossary's use is voluntary. The DOMINICAN REPUBLIC, NEW ZEALAND and the REPUBLIC OF KOREA suggested considering the glossary at the next meeting of the Article 8(j) WG. AUSTRALIA suggested further review and peer review. CANADA and COLOMBIA

pointed to definitions that are not relevant to Article 8(j) and to insufficient time to consult with IPLCs. The IIFB called for broader consultations with IPLCs at the local and international levels.

In-depth dialogue: The PHILIPPINES and the IIFB supported the proposed theme “contribution of TK to the implementation of the 2030 Sustainable Development Agenda with particular emphasis on conservation and sustainable use of biodiversity” for the in-depth dialogue at the tenth meeting of the Article 8(j) WG. A Friends of the Chair group was established.

SIXTH NATIONAL REPORTS: The Secretariat introduced the relevant document (UNEP/CBD/COP/13/21). On the template for the sixth national report, BOLIVIA, supported by BRAZIL, ECUADOR and the ICCA CONSORTIUM, called for a section reflecting IPLC collective actions towards meeting the Aichi Targets. MEXICO, supported by BRAZIL, PERU and SWITZERLAND, suggested linking the section on national contributions towards achieving each Aichi Target with sections on: information on targets pursued at the national level; implementation measures taken, assessment of their effectiveness, associated obstacles, and scientific and technical needs; and assessment of progress towards each national target. MOROCCO underlined the need to better understand the extent of synergies among biodiversity-related conventions. JAPAN, supported by SWITZERLAND, called for ways to compare implementation measures with global trends.

COLOMBIA, supported by BRAZIL, ECUADOR and PERU, suggested adding a section on summary recommendations to help ease bottlenecks. The EU recommended further flexibility and, with SWITZERLAND and MALAYSIA, harmonization and consistency with biodiversity-related conventions and the 2030 Sustainable Development Agenda. ECUADOR requested dedicated reporting on other biodiversity-related conventions and national initiatives under NBSAPs. CANADA supported enhancing synergies with other instruments, while respecting the legal requirements of each instrument.

The AFRICAN GROUP and LEBANON requested early support from GEF to enable meeting the reporting deadline. QATAR noted the importance of regional workshops to raise awareness on reporting modalities. TANZANIA and SAINT KITTS AND NEVIS stressed the need for flexibility, as reports are also used to inform decision makers. The GROUP ON EARTH OBSERVATIONS BIODIVERSITY OBSERVATION NETWORK (GEO BON), supported by COLOMBIA, called for reference to GEO BON when inviting relevant organizations to support developing countries in the preparation of their national reports. A Friends of the Chair group was established to further refine the guidelines.

GBO AND SCIENTIFIC ASSESSMENT OF PROGRESS: BOLIVIA recommended that GBO 5 include approaches to conservation and sustainable use in harmony with nature, and an analysis of the contribution of IPLCs’ collective action towards implementing the Aichi Targets. UN ENVIRONMENT reported on the Biodiversity Indicators Partnership and its contribution to IPBES. JAPAN: cautioned against duplication of work between IPBES and GBO 5, supported by COLOMBIA; and called for identifying options to accelerate the achievement of the Aichi Targets that are lagging behind.

CANADA emphasized focusing on targets on which there has been the least progress and on which scientific assessment would have the greatest value. SOUTH AFRICA called for globally balanced scientific assessments. IPBES reported on the adjustment of the schedule of the global assessment on biodiversity and ecosystem services to fit into the GBO 5 timeline.

INDICATORS: COSTA RICA proposed adding two generic indicators under Aichi Target 11: trends and the extent to which PAs are contributing to women’s and IPLCs’ wellbeing; and trends and recognition of indigenous and community conserved areas (ICCAs) in traditional territories. The ICCA CONSORTIUM, supported by COSTA RICA, recommended that each progress indicator on Aichi Target 11 referring to PAs also refers to ICCAs, as well as that indicators are developed on how many countries possess appropriate national instruments supporting ICCAs, including where they overlap with other PAs. BENIN and the GLOBAL FOREST COALITION underscored the importance of gender data. WWF stressed the need to align with the SDG indicators, and to further develop data and methodologies to prevent under-reporting of the environmental dimension of sustainable development.

CONTACT GROUPS

SYNTHETIC BIOLOGY: Following lengthy discussions on issues around the definition, consensus was reached on the relevant part of the draft decision. The agreed text, to be forwarded to WG II, reads: the COP acknowledges that the outcome of the work of the AHTEG on synthetic biology on the operational definition is “synthetic biology is a further development and new dimension of modern biotechnology that combines science, technology and engineering to facilitate and accelerate the understanding, design, redesign, manufacture and/or modification of genetic materials, living organisms and biological systems,” and considers it useful as a starting point for the purpose of facilitating scientific and technical deliberations under the Convention and its Protocols. Discussions continued into the night on the use of digital sequence information and its relation to ABS.

EBSAs: The contact group continued to discuss options for describing new EBSAs and revising existing EBSAs in marine areas within and beyond national jurisdiction. Participants held a lengthy discussion on the need for a robust scientific process to modify EBSAs. They also discussed language to capture situations where a described EBSA occurs within the national jurisdiction of a single state, and cases where it extends across two or more jurisdictions. Discussions continued into the night.

IN THE CORRIDORS

While Working Group I tried to catch up on its accumulated agenda items, the spotlight in Working Group II was on what some participants nicknamed the “prior informed consent (PIC) guidelines.” A seasoned negotiator commented, “we have come a long way from when the term PIC was itself controversial,” as the debate rather focused on whether to refer to “free” PIC for the use of traditional knowledge. “By comparison to earlier debates - another optimistic participant observed - some delegations seem genuinely concerned with finding the best solution in the context of the CBD.” Others, however, continue to express concern about using a different terminology regarding indigenous peoples than in the international human rights context, with some stressing that the qualifier “free” serves to convey historical and ongoing experiences of coercion and failure to take into account indigenous perspectives.

As negotiations on these issue are set to continue, some wondered whether the arrival of the UN Special Rapporteur on Human Rights and the Environment, whose next thematic report will focus on biodiversity and human rights, may inspire delegations to find common ground.