

UN BIODIVERSITY CONFERENCE HIGHLIGHTS: THURSDAY, 8 DECEMBER 2016

On Thursday, WG I addressed: cooperation with other conventions and organizations; a global multilateral benefit-sharing mechanism under the Nagoya Protocol; and socioeconomic considerations, liability and redress, and risk assessment and risk management under the Cartagena Protocol. WG II approved without, or with minor discussion, conference room papers on sustainable wildlife management, UNPFII recommendations, and climate-related geo-engineering. WG II further addressed marine debris and underwater noise, marine spatial planning (MSP), biodiversity in cold-water areas, and pollinators. The budget group met in the morning. Contact groups on resource mobilization, capacity building, the financial mechanism, synthetic biology and Article 8(j) met throughout the day.

WORKING GROUP I

COOPERATION (CP): The Secretariat introduced the relevant document (UNEP/CBD/BS/COP-MOP/8/6). The AFRICAN GROUP said current initiatives should be complemented with mechanisms at the national and regional levels.

COLOMBIA, MEXICO and JAMAICA supported, while BRAZIL, PARAGUAY and PERU opposed, language suggesting a potential budget for activities with the Green Customs Initiative and the Aarhus Convention. The IIFB, supported by BOLIVIA, proposed a budget for cooperation and consultation with indigenous expert organizations.

COOPERATION (NP): The Secretariat introduced the relevant document (UNEP/CBD/NP/COP-MOP/2/6). MEXICO supported strengthened collaboration with the World Health Organization (WHO), noting the WHO study on implications of the Nagoya Protocol on pathogen sharing under the Pandemic Influenza Preparedness (PIP) Framework. The EU, with NORWAY and CANADA, proposed requesting the Secretariat to liaise with WHO on the study's outcomes. The WHO reported on the study (UNEP/CBD/NP/COP-MOP/2/INF/12), which concludes that the Nagoya Protocol has implications on public health responses and could result in delays in medical counter measures. He recommended: designation of the PIP Framework as a specialized ABS agreement; provision for pathogens in implementation legislation; and international collaboration on pathogen sharing.

NAMIBIA, supported by IRAN, MALAYSIA, MEXICO, BRAZIL and PAKISTAN, requested the Secretariat to address transfers of digital genetic data as it relates to ABS, by engaging with WHO, WIPO, CGRFA, ITPGR and CGIAR. NAMIBIA and MALAYSIA requested a study of what constitutes a specialized ABS agreement under the Protocol, with MALAYSIA noting that Nagoya Protocol parties should determine the relevant criteria.

COLOMBIA encouraged collaboration with WIPO. FAO welcomed cooperation with the CGRFA. The ITPGR proposed expanding cooperation to the programme of work on the Global Information System. WIPO noted that intellectual property tools, including disclosure requirements in patents, can promote compliance.

GLOBAL MULTILATERAL BENEFIT-SHARING MECHANISM (NP): The Secretariat introduced the relevant document (UNEP/CBD/NP/COP-MOP/2/10). Namibia for the AFRICAN GROUP: noted the expert group failed to consider fair and equitable benefit-sharing from new and ongoing utilization of genetic resources; underscored, with MEXICO, PAKISTAN and MALAYSIA the urgency to consider digital genetic data; and, with BRAZIL, called for recognizing the need for a global multilateral benefit-sharing mechanism, including on digital genetic data and inviting work on its modalities for adoption at NP COP-MOP 3. BRAZIL drew attention to the imbalance between open exchange of data between scientists and lack of disclosure following patent application, highlighting the potential detrimental effects on developing countries and IPLCs of not addressing digital genetic data transfers.

The EU, SWITZERLAND and INDIA noted that the bilateral approach is the key mechanism of the Protocol, stressing the need for further experience in implementation. NORWAY called for additional information on benefit-sharing for genetic resources in transboundary situations or where it is not possible to obtain PIC. MEXICO, with the EU, PERU and NEW ZEALAND, suggested inviting parties to make available, through the ABS Clearing-House, information on cases where PIC could not be obtained or where no international certificate was granted.

SOCIOECONOMIC CONSIDERATIONS (CP): The Secretariat introduced the relevant document (UNEP/CBD/BS/COP-MOP/8/13). INDIA noted that it is premature to initiate elaboration of guidelines. IRAN supported developing voluntary guidelines.

BANGLADESH, NORWAY and others supported extension of the AHTEG mandate. BRAZIL suggested the AHTEG address socioeconomic aspects of synthetic biology, in consistency with other international agreements, including on trade and human rights. MAURITANIA asked to broaden the scope of the AHTEG to cover socioeconomic considerations under the Convention, taking into account risks to human health. ARGENTINA said any broadening of the mandate is premature.

MALAYSIA, supported by many, favored face-to-face AHTEG meetings. MEXICO recommended continuing online discussions. ECUADOR and CUBA stressed the need to commit funding for the AHTEG. HONDURAS suggested including specialized organizations. The IIFB, supported by the PHILIPPINES and PAKISTAN, called for IPLCs' participation through contributions to the Voluntary Fund.

KENYA and NEW ZEALAND said that socioeconomic considerations could be best addressed at national and regional levels, and NAMIBIA recommended establishing regional working

groups. NEW ZEALAND did not support certain “elements of a framework for conceptual clarity on socioeconomic considerations” and requested “taking note of” it.

LIABILITY AND REDRESS (CP): The Secretariat introduced the relevant document (UNEP/CBD/BS/COP-MOP/8/14), noting that four additional ratifications are needed for the Supplementary Protocol to enter into force. Suggesting that strict controls of LMOs before commercial use ensure they do not pose a risk and should thus be excluded from the scope of the Supplementary Protocol, ARGENTINA underscored legal uncertainty around key aspects of liability.

RISK ASSESSMENT AND RISK MANAGEMENT (CP): AHTEG Chair Helmut Gaugitsch (Austria) reported on the revised guidance on risk assessment of LMOs, and the Secretariat presented relevant documents (UNEP/CBD/BS/COP-MOP/8/8 and Add.1-3). COLOMBIA, supported by many, raised concerns about publication of the guidance before COP-MOP approval.

GUATEMALA, UGANDA, MAURITANIA, CUBA and NORWAY endorsed the guidance. NORWAY, CUBA and others supported continuation of the AHTEG to address new issues, including synthetic biology. KENYA and others suggested the AHTEG work in collaboration with the AHTEG on synthetic biology under the Convention. The EU suggested language to reflect that the guidance is a non-legally binding “living” document to be updated continuously. MALAYSIA suggested endorsing the guidance, at least as a reference document.

BRAZIL, COSTA RICA and NEW ZEALAND, among others, proposed “taking note” of the guidance. ARGENTINA noted that the guidance goes beyond the Protocol’s mandate. CANADA cautioned against endorsement. PERU and IRAN said it should be revised.

BRAZIL, the PHILIPPINES and others opposed further work by the AHTEG. COSTA RICA opposed developing guidance for living modified fish and synthetic biology. NEW ZEALAND and BOLIVIA opposed developing further guidance while there are gaps in the existing one. JAPAN underscored that work on additional guidance should focus on matters that the current one does not cover, upon consensus. FAO suggested reference to International Standard for Phytosanitary Measures 11 on pest risk analysis for quarantine pests, including analysis of environmental risk and LMOs. VIA CAMPESINA said the process did not take into consideration all relevant environmental aspects.

WORKING GROUP II

MARINE DEBRIS AND UNDERWATER NOISE: On a draft decision, SOUTH AFRICA proposed inviting the International Seabed Authority, among others, to share experiences on the application of measures to avoid, minimize and mitigate underwater noise. NORWAY and AUSTRALIA proposed, and delegates agreed, “welcoming”, rather than “taking note,” of UNEA Resolution 2/11 on marine plastic litter and microplastics.

On voluntary practical guidance on preventing and mitigating the impacts of marine debris, GUATEMALA requested referencing the impacts of marine debris, not only on marine animals, but also at population and ecosystem levels. PERU suggested reference not only to research aimed at developing technologies to better understand the impacts of plastics, but also to the need to reduce such impacts. PAKISTAN proposed encouraging technology transfer to this end.

SEYCHELLES recommended explicit reference to transfer of chemical additives from ingested plastics into “human” tissue. Delegates eventually agreed to refer to “tissue, including human tissue.”

On priority actions for mitigating impacts of marine debris on marine and coastal biodiversity and habitats, SEYCHELLES proposed developing approaches for the proper disposal and handling of ship waste; and BRAZIL reference to capacity-building activities on clean-up practice in coastal environments.

On collaborating with international environmental certification schemes, COSTA RICA considered reference to existing ecolabels too restrictive. BRAZIL raised concerns that ecolabels originate predominantly from developed countries. The EU advocated keeping the reference. Chair Qwathekana requested consultations on

the issue. On actions for integrated management and coordination, GUATEMALA suggested mainstreaming legislation to integrate marine debris issues and targets, in line with existing norms on waste and packaging, and on maritime transport. SEYCHELLES suggested ensuring access to technology to support not only marine monitoring, but also collection and clean up. TANZANIA proposed referencing “management and monitoring,” and the PHILIPPINES added reference to “the most environmentally vulnerable states,” which were accepted by delegates.

MARINE SPATIAL PLANNING: On a draft decision, SOUTH AFRICA recommended recognizing the need for long-term investment in developing human and institutional capacity for MSP-related activities. GUATEMALA requested including in the title marine “and coastal” spatial planning and training initiatives. BRAZIL, EGYPT, QATAR, TANZANIA, KENYA and MOROCCO suggested avoiding singling out specific Aichi Targets throughout the text. Delegates approved the draft decisions with these amendments.

WORKPLAN ON BIODIVERSITY IN COLD-WATER AREAS: SOUTH AFRICA proposed expressing concern about ingestion of microfibers by species, with TANZANIA requesting reference to microplastics. AUSTRALIA, supported by NORWAY and opposed by the EU, proposed text that major pathways to marine bio-invasion “can be,” instead of “are,” discharged ballast water and hull fouling.

SOUTH AFRICA proposed specifying that bioprospecting in the deep sea and ocean “if not responsibly undertaken, can risk damage to the habitat.” The EU, supported by BRAZIL, proposed underscoring limited understanding of when an impact of climate change on one organism will impact the “survival” of other organisms.

POLLINATORS: The EU, supported by URUGUAY, suggested welcoming the Coalition of the Willing on Pollinators, announced at the HLS. After lengthy discussions, delegates agreed to “take note of” the Coalition. On promoting pollinator-friendly habitats, YEMEN proposed adding natural pastures to the list of habitats for conservation, management and restoration.

BURKINA FASO, opposed by JAPAN, VIET NAM and others, recommended developing and implementing national and regional pesticide risk reduction strategies to avoid, but not to reduce, the use of harmful pesticides. After lengthy discussions, delegates agreed to retain reference to reducing.

BRAZIL, supported by TANZANIA, and opposed by EGYPT, MEXICO, COLOMBIA, the EU, SWITZERLAND and others, recommended deleting reference to LMOs in relation to improving risk assessment procedures. BRAZIL suggested deleting reference to insecticides and fungicides. VIET NAM, opposed by SOUTH AFRICA, proposed deleting reference to “insecticides, herbicides and fungicides,” to refer more generally to pesticides.

IN THE CORRIDORS

“Things are heating up,” concurred many Working Group I participants after initial deliberations on a global multilateral benefit-sharing mechanism under the Nagoya Protocol. Creation of such a mechanism is still uncertain, as some parties want to gain more experience with bilateral transactions, the main mechanism under the Protocol. Others already deem it necessary, pointing to a wide range of benefits that could otherwise fall through the cracks. Transfers of digital genetic data took center stage in this regard. “Researchers do not need genetic resources any more, they just need their information content,” one participant explained, adding that developments in bioinformatics make the physical transfer of the actual resource unnecessary. “Unless we address transfers of genetic sequences in digital format, the Protocol will become obsolete much earlier than we think,” another argued. As the issue continues to be discussed in the contact group on synthetic biology, and another contact group has just been created on the global multilateral benefit-sharing mechanism, “we better get ready for long working nights ahead,” a soon-to-be bleary-eyed delegate concluded.