

SUMMARY OF THE UN BIODIVERSITY CONFERENCE: 2-17 DECEMBER 2016

The UN Biodiversity Conference was held from 2-17 December 2016, in Cancun, Mexico. The Conference opened with a High Level Segment on 2-3 December under the theme “Mainstreaming Biodiversity for Well-being.” The main part of the UN Biodiversity Conference started Sunday afternoon, 4 December, and included the thirteenth meeting of the Conference of the Parties (COP 13) to the Convention on Biological Diversity (CBD), the eighth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (CP COP-MOP 8) and the second meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (NP COP-MOP 2). More than 8,000 delegates participated in the Conference, representing parties and other governments, UN agencies, intergovernmental, non-governmental, indigenous and local community organizations, academia and the private sector.

The Conference addressed jointly: issues related to operations of the Convention, including integration among the Convention and its Protocols, and reporting; capacity building and technical and scientific cooperation; cooperation with other conventions and international organizations; and resource mobilization, the financial mechanism and the budget for the next biennium.

CBD COP 13 further considered a series of substantive, organizational and financial issues, and adopted 37 decisions. Among other items, it reviewed progress towards implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, and related means of implementation; and considered strategic actions to enhance implementation of the Strategic Plan and achievement of the Aichi Targets, including with respect to mainstreaming and the integration of biodiversity within and across sectors.

CP COP-MOP 8 adopted 19 decisions. It considered the report of the Compliance Committee; reviewed the Framework and Action Plan for Capacity Building; provided guidance on the operation and activities of the Biosafety Clearing-House; and addressed issues on risk assessment and risk management, including a coordinated approach on the issue of synthetic biology, and socio-economic considerations, among other items.

NP COP-MOP 2 reviewed progress towards Aichi Target 16 on the Nagoya Protocol, and adopted 14 decisions on, among other issues, on the need for and modalities of a global

multilateral benefit-sharing mechanism, and the Access and Benefit-sharing (ABS) Clearing-House.

A series of meetings were held in parallel with the UN Biodiversity Conference, including: the 3rd Science for Biodiversity Forum; the 2016 Business and Biodiversity Forum; the Summit ‘Muuchtanbal’ on Indigenous Experiences: Traditional Knowledge and Biological and Cultural Diversity; a workshop on the ABS Clearing-House; the 5th Global Biodiversity Summit of Cities and Subnational Governments; the Communication, Education and Public Awareness Fair; the Rio Conventions Pavilion; and a series of exhibitions and side events.

The UN Biodiversity Conference marked the move towards enhanced implementation of the Strategic Plan and Aichi Biodiversity Targets through decisions to mainstream biodiversity into productive sectors, including agriculture, fisheries, tourism and forests, and promote integration of the Convention and its Protocols through the organization of concurrent meetings. In addition, the Conference considered a series of items on emerging technologies, including synthetic biology, gene drives and digital sequence information on genetic resources, paving the way for ensuring the Convention’s relevance in environmental governance.

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A BRIEF HISTORY OF THE CBD AND ITS PROTOCOLS

The CBD was adopted on 22 May 1992 and entered into force on 29 December 1993. There are currently 193 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

Three protocols have been adopted in the framework of the Convention: the Cartagena Protocol on Biosafety; the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety; and the Nagoya Protocol on ABS. The COP, as the governing body of the Convention, has also adopted:

- the Jakarta Mandate on marine and coastal biodiversity (COP 2, November 1995, Jakarta, Indonesia);
- work programmes on agricultural and forest biodiversity (COP 3, November 1996, Buenos Aires, Argentina);
- the Global Taxonomy Initiative (COP 4, May 1998, Bratislava, Slovakia);
- work programmes on Article 8(j) (traditional knowledge), dry and sub-humid lands, and incentive measures (COP 5, May 2000, Nairobi, Kenya);
- the Bonn Guidelines on ABS and the Global Strategy for Plant Conservation (COP 6, April 2002, The Hague, the Netherlands);
- work programmes on mountain biodiversity, protected areas and technology transfer, the Akwé: Kon Guidelines for cultural, environmental and social impact assessments, and the Addis Ababa Principles and Guidelines for sustainable use (COP 7, February 2004, Kuala Lumpur, Malaysia);
- a work programme on island biodiversity (COP 8, March 2006, Curitiba, Brazil);
- a resource mobilization strategy, and scientific criteria and guidance for marine areas in need of protection (COP 9, May 2008, Bonn, Germany); and
- the CBD Strategic Plan for Biodiversity 2011-2020, including the Aichi Targets, and a decision on activities and indicators for the implementation of the resource mobilization strategy (COP 10, October 2010, Nagoya, Japan).

Three subsidiary bodies currently operate under the Convention: the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA); the Working Group on Article 8(j) (traditional knowledge) and related provisions; and the Subsidiary Body on Implementation (SBI).

COP 11 (October 2012, Hyderabad, India) marked the move from policy-making to implementation. The meeting adopted a set of decisions including on ecosystem restoration, marine and coastal biodiversity and customary sustainable use, with a focus on implementation at the national and local levels. It also adopted an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, coupled with targets aiming to improve the robustness of baseline information, as well as a preliminary reporting framework for monitoring resource mobilization.

COP 12 (October 2014, Pyeongchang, Republic of Korea) reaffirmed the COP 11 agreement to double total biodiversity-related international financial resource flows to developing countries. The meeting adopted a package of decisions on resource mobilization, capacity building, scientific and technical cooperation linking biodiversity and poverty eradication, and

monitoring implementation of the Strategic Plan, named the “Pyeongchang roadmap” for enhanced implementation of the Strategic Plan and achievement of the Aichi Targets. The meeting further adopted a plan of action on customary sustainable use of biodiversity; decided to use the terminology “indigenous peoples and local communities”; agreed on ways to integrate the work under the Convention and the Protocols, including holding concurrent meetings of the Convention and its Protocols; and established a Subsidiary Body on Implementation to serve all three instruments under the Convention.

CARTAGENA PROTOCOL ON BIOSAFETY: Adopted in January 2000, the Cartagena Protocol on Biosafety addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have adverse effects on biodiversity, taking into account human health, with a specific focus on transboundary movements of LMOs. It introduces an advance informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment, and also incorporates the precautionary approach and mechanisms for risk assessment and risk management. The Protocol establishes a Biosafety Clearing-House (BCH) to facilitate information exchange, and contains provisions on capacity building and financial resources, with special attention to developing countries and those without domestic regulatory systems. It entered into force on 11 September 2003 and currently has 170 parties. The Protocol’s governing body is its COP-MOP, which has held seven meetings so far. The major highlight in the Protocol’s operations is the adoption of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress, as well as:

- establishment of the Compliance Committee and agreement on documentation requirements for LMOs destined for direct introduction into the environment (COP-MOP 1, February 2004, Kuala Lumpur, Malaysia);
- establishment of an *Ad Hoc* Technical Expert Group (AHTEG) on risk assessment and risk management (COP-MOP 2, May-June 2005, Montreal, Canada);
- adoption of requirements for documentation and identification of LMOs for food, feed or for processing (COP-MOP 3, March 2006, Curitiba); and
- establishment of an AHTEG on socio-economic considerations (COP-MOP 6, October 2012, Hyderabad).

COP-MOP 7 (October 2014, Pyeongchang) adopted a series of decisions, including providing for continued intersessional work on risk assessment and risk management and socio-economic considerations.

NAGOYA-KUALA LUMPUR SUPPLEMENTARY PROTOCOL: Concluded in October 2010 following six years of negotiations launched at COP-MOP 1, the Supplementary Protocol provides for international rules and procedures on liability and redress for damage to biodiversity resulting from LMOs. The major divergences during the negotiations concerned the nature of the regime and whether or not it should include legally-binding provisions on civil liability; definitions; and the issue of financial security. The Supplementary Protocol takes an “administrative approach” whereby the operator (person or entity in control of the LMO) or the competent authority if the operator is unable, is required to take response measures in the event of damage or sufficient likelihood of damage to biodiversity resulting from LMOs that find their origin in transboundary movements. Countries can provide for civil liability in their domestic law.

The Supplementary Protocol was opened for signature on 7 March 2011. With 36 ratifications to date, it will enter into force 90 days after the date of deposit of the 40th instrument of ratification.

NAGOYA PROTOCOL ON ABS: The objective of the Nagoya Protocol, which was concluded in October 2010, is the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding, thereby contributing to the conservation of biodiversity and the sustainable use of its components. It applies to genetic resources covered by the CBD and to traditional knowledge associated with such genetic resources, also covering genetic resources held by indigenous and local communities; sets out obligations for parties on access, benefit-sharing, and compliance; and provides for the establishment of national focal points and competent national authorities, an ABS Clearing-House, and implementation support through capacity building, technology transfer and financial provisions.

Following six years of negotiations, the Nagoya Protocol was adopted at COP 10, as part of a “package” including the Strategic Plan and a decision on implementation of the resource mobilization strategy. COP 10 also established the Intergovernmental Committee for the Nagoya Protocol (ICNP) to undertake the preparations necessary for COP-MOP 1, which held three meetings from 2011-2013.

The Protocol opened for signature on 2 February 2011. With 92 ratifications to date, it entered into force on 12 October 2014. COP-MOP 1 (October 2014, Pyeongchang) adopted the strategic framework for capacity building and an awareness-raising strategy, as well the modalities for the operation of the ABS Clearing-House, and procedures and mechanisms to promote compliance with the Nagoya Protocol.

UN BIODIVERSITY CONFERENCE REPORT

HIGH-LEVEL SEGMENT

Held from 2-3 December 2016, the High-Level Segment (HLS) of the UN Biodiversity Conference featured plenary sessions and roundtables on agriculture, tourism, forests, and fisheries and aquaculture. The meeting adopted the Cancun Declaration on Mainstreaming the Conservation and Sustainable Use of Biodiversity for Well-Being. Additional information on the HLS is available at: <http://www.iisd.ca/vol09/enb09665e.html>; and <http://www.iisd.ca/vol09/enb09666e.html>.

Cancun Declaration: In the Cancun Declaration, Ministers and other Heads of Delegation declare that, *inter alia*:

- it is essential to live in harmony with nature and Mother Earth, as a fundamental condition for the well-being of all life, which depends on the conservation and sustainable use of biodiversity, and the ecosystem services it underpins;
- the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), which strongly reflect biodiversity, provide new opportunities to address development challenges in a transformative manner;
- the implementation of the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC) can and should also contribute to the implementation of CBD objectives and vice versa; and
- additional efforts are needed to ensure the effective implementation of the CBD, the Strategic Plan and its Aichi

Targets, and the Cartagena and Nagoya Protocols, and facilitate closer collaboration with other initiatives related to sustainable development, trade, agriculture, fisheries, forestry and tourism, among others.

Ministers and Heads of Delegation commit to mainstream biodiversity through, *inter alia*:

- ensuring sectoral and cross-sectoral policies, plans and programmes and budgets to integrate actions for the conservation, sustainable use, management, and restoration of biodiversity and ecosystems;
- updating and implementing national biodiversity strategies and action plans (NBSAPs) to strengthen the mainstreaming of biodiversity;
- encouraging sectors that depend or have an impact on biodiversity to adopt integrated approaches for its conservation and sustainable use, and the fair and equitable sharing of benefits arising from the use of genetic resources;
- promoting the conservation, sustainable use and, where necessary, restoration of ecosystems as a basis for achieving good health, clean water and sanitation, food security, the reduction of hunger and improvement of nutrition, poverty eradication, prevention of natural disasters, resilient, sustainable and inclusive cities and human settlements, and climate change adaptation and mitigation;
- enhancing international cooperation and encouraging innovation and the transfer of appropriate technologies, as well as scaling up efforts for resource mobilization from all sources;
- undertaking actions to strengthen indigenous peoples' and local communities' (IPLCs) capacities to implement the CBD by respecting their rights, the customary sustainable use of biodiversity, and the fair and equitable sharing of benefits arising from the use of their traditional knowledge (TK) and practices;
- improving the regulatory framework for private-sector activities, enhancing incentives and promoting tools for the conservation and sustainable use of biodiversity, as well as for the fair and equitable sharing of benefits arising from the use of genetic resources; and
- supporting sustainable production and consumption throughout value chains, the safe and sustainable application of technologies, and the phasing out of harmful incentives and strengthening positive incentives.

The annex contains guidance for mainstreaming conservation and sustainable use of biodiversity in: agriculture, crops and livestock; fisheries and aquaculture; forestry; and tourism.

On agriculture, crops and livestock, the guidance notes that meeting global food demands in a sustainable way is achievable, but will require significant actions to change some existing policies and practices through, *inter alia*: the adoption of a holistic integrated view and assessment of ecosystems and of the interlinkages between agriculture and biodiversity; the recognition, conservation and sustainable management of soil as a living ecosystem; and sustainable consumption and production patterns.

On fisheries and aquaculture, actions to ensure sustainability require: integrating the ecosystem approach into fisheries policies, programmes and plans; safeguarding livelihoods of fishing communities; promoting and encouraging aquaculture that uses native species; developing strategies to reduce illegal, unreported and unregulated fishing; and strengthening implementation of the Food and Agriculture Organization of the UN (FAO) Code of Conduct for Responsible Fisheries.

On forest conservation and sustainable use, the guidance recommends, among others: designing and promoting incentive packages for restoration, conservation and sustainable use of forest resources; promoting participation of the private sector in the development of production chains oriented to reduce deforestation and forest degradation, while increasing the economic and social benefits of landholders and local communities; and promoting the implementation of the International Agreement on Forests.

To ensure sustainable tourism, the guidance calls for, *inter alia*: integrating biodiversity into policies and models of economic and social development for tourism as an enabling agent for change; promoting tourism as a rewarding experience for visitors, while improving the appreciation, conservation and sustainable use of biodiversity; and implementing the UN World Tourism Organization's Sustainable Tourism Programme.

PLENARY

On Sunday, 4 December, Chun Kyoo Park, Ministry of Environment, Republic of Korea, on behalf of the COP 12 Presidency, opened the meeting, noting that the Strategic Plan for Biodiversity 2011-2020 is integrated in the SDGs, thus making achievement of the Aichi Targets a necessary condition to meet the SDGs.

Plenary then elected Rafael Pacchiano Alamán, Minister of Environment and Natural Resources, Mexico, President of the UN Biodiversity Conference, including COP 13, Cartagena Protocol COP-MOP 8 and Nagoya Protocol COP-MOP 2. Pacchiano highlighted the Cancun Declaration, noting, *inter alia*, the need for: political will to take into account the economic value of ecosystem services; accountability mechanisms; and increased collaboration among governments, academia, the private sector and other stakeholders. UN Environment Programme (UNEP or UN Environment) Deputy Executive Director Ibrahim Thiaw noted: the interaction between biodiversity and all SDGs; the importance of combating environmental crime, especially illegal trade of wildlife and timber; and the fact that climate change adaptation and mitigation can only be achieved with healthy ecosystems.

CBD Executive Secretary Braulio Dias called for all parties to continue their efforts to achieve all Aichi Targets by 2020. On the Cartagena Protocol, he highlighted progress in areas such as the Biosafety Clearing-House (BCH), while progress is needed on issues including capacity building for risk assessment and unintentional transboundary movement. Noting that only four more ratifications are needed for the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to enter into force, he called on parties to deposit instruments of ratification as soon as possible. On the Nagoya Protocol, Dias noted a number of national efforts on ABS, while outstanding issues include consideration of a global multilateral benefit-sharing mechanism.

Saint Kitts and Nevis, for the Group of Latin American and Caribbean Countries (GRULAC), expressed hope that this conference will be a watershed event in mainstreaming biodiversity into all sectors. He expressed concern that Global Environment Facility (GEF) funds were not assigned to countries in the region, and urged that funding be made available in the next GEF replenishment.

Bosnia and Herzegovina, for Central and Eastern Europe (CEE), noted that biodiversity conservation can only be successful in a cross-sectoral context, and underscored Aichi Target 11 (protected areas) as a priority for the region. Japan, for Asia-Pacific, noted the need to enhance funding for

developing countries' participation, particularly in the light of concurrent meetings. He called for pursuing synergies with the SDGs, and with multiple international initiatives. Chad, for the African Group, underscored the insufficient support for participation of African countries in this meeting, and called for financial resources for the implementation of the Strategic Plan. Australia, also on behalf of Canada, Lichtenstein, Norway, New Zealand, Israel and the US: welcomed the COP 13 theme on mainstreaming biodiversity for well-being and its relevance for sustainable development; and noted financial shortfalls across multilateral environmental agreements, as well as the need to ensure the full participation of developing countries and IPLCs and to seek funding from various sources.

The European Union (EU) underscored: opportunities for biodiversity mainstreaming arising from the 2030 Sustainable Development Agenda and the Paris Agreement; and the UN Environment Assembly (UNEA) resolution inviting the CBD COP to consider developing a follow-up framework to the Strategic Plan. Guatemala, for the Like-Minded Megadiverse Countries (LMMC), announced that Ethiopia had joined the group.

The International Indigenous Forum on Biodiversity (IIFB) called for indigenous participation in the implementation of all CBD decisions and throughout all CBD processes, including work on description of ecologically or biologically significant marine areas. Reminding delegates that there is little time left until 2020 and only one third of the Aichi Targets are on track, the CBD Alliance called for: protection of small-scale farming; a rights-based approach to biodiversity conservation; adoption of the definition of synthetic biology developed by the *Ad Hoc* Technical Expert Group (AHTEG) and consideration of its socio-economic issues; and a moratorium on development of gene drives.

The Women's Caucus expressed concern that the Cancun Declaration does not address gender, and called for reference to the role and rights of women in CBD decisions. Reminding delegates that children and youth will have to live with the consequences of increasingly unpredictable environmental events, the Global Youth Biodiversity Network (GYBN) urged following up on CBD commitments to enable livelihoods for future generations.

Cristiana Pașca Palmer, Minister of the Environment, Romania, described her appointment as the next CBD Executive Secretary as a great challenge, noting that humans depend on nature and ecosystem services.

On Monday, 5 December, plenary heard statements from international organizations and stakeholders. During a high-level event, delegates heard from Enrique Peña Nieto, President of Mexico, who underscored the need to learn from other cultures, pointing to the Mayan and other civilizations in the region. President Nieto announced Mexico's decision to significantly expand protected areas (PAs), tripling previous targets on coverage of marine and terrestrial PAs. He concluded that "either we change our way of life to stop biodiversity loss or that loss will change forever our ways of life." For more details, see: <http://www.iisd.ca/vol09/enb09668e.html>.

ORGANIZATIONAL ISSUES: On Sunday, 4 December, delegates adopted the agenda and organization of work of COP 13 (UNEP/CBD/COP/13/1 and Add.1/Rev.2), CP COP-MOP 8 (UNEP/CBD/BS/COP-MOP/8/1 and Add.2) and NP COP-MOP 2 (UNEP/CBD/NP/COP-MOP/2/1/Rev.1 and Add.2).

Delegates took note of the reports of CBD intersessional meetings (UNEP/CBD/COP/13/3-6), and the report on the administration of the Convention and its Protocols, trust funds and the 2017-2019 budget (UNEP/CBD/COP/13/7 and Add.1-4; and COP/13/23 and Add.1-2). They elected Sergei Melnov (Belarus) as rapporteur for the meeting, and Mette Gervin Damsgaard (Denmark) and Malta Qwathekana (South Africa) as Chairs of Working Group I (WG I) and Working Group II (WG II), respectively. The WGs met throughout the two weeks and adopted their reports on Saturday, 17 December. Following a brief presentation of two budget scenarios, delegates established a budget group, chaired by Spencer Thomas (Grenada).

On Friday, 9 December, the plenary elected Francis Ogwal (Uganda) as SBI Chair. On Tuesday, 13 December, delegates heard reports from parallel events, including: the third Science for Biodiversity Forum (1-2 December); the International Parliamentary Forum for Biodiversity (7 December); the Muuchtanbal Summit on Indigenous Experiences: Traditional Knowledge and Biological and Cultural Diversity (9-11 December); the 5th Global Biodiversity Summit of Cities and Subnational Governments (10-11 December); the Forum of Civil Society and Youth Alliances for Biodiversity Mainstreaming to Well-being (28-30 November); and the Business and Biodiversity Forum (2-3 December).

INTERACTIVE DIALOGUE: On Tuesday, 13 December, plenary held an interactive dialogue on living in harmony with nature. Diego Pacheco, Vice-Minister of Planning and Coordination, Bolivia, identified the symbiotic relationship between indigenous peoples and nature, their organization of commons and wealth distribution as features of living in harmony with nature. Professor Tohru Nakashizuka, Tohoku University, Japan, presented examples from Japan, including on globally important agricultural heritage systems and the Satoyama Initiative. Penninah Zaninka, Uganda, stressed the importance of incorporating gender dimensions in natural resource management and provided specific examples of traditional activities performed by the Batwa.

Noting that the environmental and social crisis are inseparable, Monsignor Ramon Macias, Secretary of State, the Holy See, stressed that in order to live in harmony with nature, “we need to distance ourselves from this economy based on immediate gain and the culture of individualism, waste of things and neglect of people.” Vicky Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, highlighted that living in harmony with nature or Mother Earth is a needed paradigm shift. Pointing to evidence that, where indigenous peoples’ rights are recognized and protected there is less biodiversity loss, she said that respecting human rights is consistent with respecting the rights of nature. For more details, see <http://www.iisd.ca/vol09/enb09674e.html>.

DATE AND VENUE OF FUTURE MEETINGS: On Tuesday, 13 December, plenary approved Egypt, China and Turkey as hosts of COP 14, COP 15 and COP 16 and related Protocol meetings, respectively, and Peru as the host of intersessional meetings prior to COP 15 (UNEP/CBD/COP/13/L.24).

CBD COP 13

STRATEGIC PLAN IMPLEMENTATION: Interim progress review: This item was first considered in WG I on Monday, 5 December (UNEP/CBD/COP/13/8/Rev.1, Add.1/Rev.1, Add.2/Rev.1 and Add.3). Many delegates reported that they updated their NBSAPs. Mexico noted that NBSAPs are

the most important national tool to meet the Aichi Targets and, with many, called for intensifying efforts to meet them. Venezuela, with many, stressed the need for financial resources and resource mobilization strategies to implement the Strategic Plan and NBSAPs. Many called for support from international organizations. Colombia underscored the importance of synergies with other biodiversity-related conventions. The Republic of Korea called for additional indicators for the Aichi Targets that are harder to quantify. Indonesia suggested reflecting in the draft decision the central role of national focal points. Bangladesh requested calling on the GEF and other donors to provide fast-track financial support for developing NBSAPs. Switzerland, with others, suggested preparing for a follow-up to the Strategic Plan. Birdlife International, on behalf of several conservation organizations, noted that national targets lack in ambition compared to the Aichi Targets. The IIFB, supported by many, proposed that NBSAP updates include IPLCs, particularly women, and address the resource mobilization targets agreed at COP 12.

When considering the draft decision, delegates agreed to convene workshops subject to requests by parties, as proposed by Canada, in collaboration with relevant regional and subregional organizations, as proposed by Namibia and New Zealand. Delegates debated: a reference to “increase and expedite” financial support; proposals on the preparatory process for the follow-up to the Strategic Plan; and a proposal by Namibia that the ABS elements for different subsectors of genetic resources for food and agriculture developed under the Commission on Genetic Resources for Food and Agriculture (CGRFA) are not intended to be a specialized ABS instrument. Agreement on these issues was reached following informal consultations. On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.16), the COP:

- notes that most NBSAPs developed or revised since 2010 contain targets related to the Aichi Targets, however only a minority of parties have established targets with a level of ambition and scope commensurate with the Aichi Targets;
- notes with concern that Aichi Targets 17 on NBSAPs and 10 on coral reefs were not achieved by their 2015 target date, and that limited progress was made towards Aichi Targets 18 on TK and 14 on ecosystem restoration;
- urges parties that have not done so to update and implement their NBSAPs;
- encourages parties to consider increasing the level of ambition and/or scope of national and regional targets to a level commensurate with the Aichi Targets and to integrate the targets across different sectors, including in the 2030 Agenda and the SDGs, as well as to mainstream gender considerations, with the full and effective participation of IPLCs; and
- requests the Secretariat to continue to report on progress in mainstreaming Article 8(j) across the Convention’s areas of work, and IPLC participation in the work of the Secretariat, as well as convene regional and subregional meetings to exchange information on progress made in implementation, subject to available resources.

On tools to evaluate the effectiveness of policy instruments for Strategic Plan implementation, the COP requests the Secretariat, subject to available resources, to compile and analyze information provided by parties in their sixth national reports and to the Clearing-House Mechanism (CHM), on evaluations of the effectiveness of measures undertaken to implement the Strategic Plan.

On review of progress towards Aichi Target 16 on the Nagoya Protocol, the COP invites parties that have not yet done so to ratify the Protocol, and requests the Secretariat to continue providing technical assistance, with a view to supporting its ratification and implementation. It further invites parties to take note of and to apply, as appropriate, the voluntary guidelines contained in the Elements to Facilitate Domestic Implementation of ABS for Different Subsectors of Genetic Resources for Food and Agriculture, welcomed by the CGRFA and the FAO Conference, and are aimed at assisting governments to take into account, in the development and implementation of ABS measures, the importance of genetic resources for food and agriculture, their special role for food security, and the distinctive features of the different subsectors of genetic resources for food and agriculture.

On the follow-up to the Strategic Plan, the COP recognizes the need for a comprehensive and participatory process to develop proposals for the follow-up to the Strategic Plan, and requests the Secretariat to prepare a proposal for consideration by SBI 2. It further requests preparation of an assessment, including a gap analysis on the relationship between the Aichi Targets and the SDGs for SBSTTA consideration, subject to available resources and building on already available information.

Mainstreaming biodiversity: This item was first considered in WG II on Tuesday, 6 December (UNEP/CBD/COP/13/10 and Add.1), and addressed in a contact group chaired by Tia Stevens (Australia).

Negotiations then focused, *inter alia*, on: IPLCs' approaches and living in harmony with nature, "ecological intensification," certification, and future work on mainstreaming.

Bolivia recommended reference to living in harmony with nature and to the Chennai Declaration for the integration of biodiversity and poverty eradication. The Russian Federation recommended recognizing the importance of TK and IPLC approaches. With Norway, the EU favored a reference to natural capital protocols, which was opposed by Malawi and Uganda. The African Group proposed developing indicators for measuring gains achieved through mainstreaming. Venezuela opposed inviting governments to use environmental economic accounting. Argentina preferred reference to natural resource accounting than natural capital accounting.

On ecological intensification, El Salvador, the Russian Federation and the Philippines, opposed by Egypt, supported encouraging parties to develop clear legal and policy frameworks for land use, as well as promote and support the sustainable and ecological intensification and diversification of agriculture and agro-ecological approaches. Canada preferred encouraging parties to develop policy, but not legal, frameworks for land use. Switzerland, with GYBN, preferred reference to "sustainable agriculture," instead of "diversification of agriculture." Brazil suggested encouraging governments to promote the development and transfer of safe and alternative technologies beneficial to biodiversity. Malaysia proposed eliminating reference to enforcing legal frameworks for land use. Fiji recommended recognition of IPLC rights to their lands and resources. Morocco opposed reference to diversification of production. Delegates eventually agreed to delete specific reference to "ecological intensification," but to keep the elements of the concept in the text. Delegates agreed on: encouraging sustainable agricultural production, that may include increases in productivity, based on the sustainable management of ecosystem services and functions, diversification of agriculture, agro-ecological approaches and organic farming, through the enhanced use of a diverse range of

well-adapted crops and livestock; and promoting development, transfer, use and scaling up of technological innovation and TK, as well as innovative tools and strategies that are sustainable and biodiversity-friendly.

On certification, Egypt, Japan and others favored, while Norway, Egypt, Venezuela and El Salvador opposed, inviting governments to make use of voluntary certification schemes for sustainably produced goods and services. India suggested language reflecting "nationally-driven certification." Brazil stressed that sustainability criteria are nationally defined. Indonesia proposed reference to the need to respect national law. Colombia and others supported retaining the paragraph on making use of voluntary sustainability standards and/or certification schemes, considering the specificities of developing countries. Switzerland and Norway suggested deleting specific reference to "multilateral trade rules," noting the remaining reference to "international obligations."

On further work, the EU called for addressing impacts on biodiversity from extractive, energy and manufacturing sectors, and mainstreaming biodiversity also in the health sector and in urban and regional planning. Egypt proposed, and delegates agreed, that COP 14 should "consider," rather than "address," mainstreaming into energy and mining, infrastructure, manufacturing, and health. The decision was adopted in plenary on Saturday, 17 December, with a minor amendment.

Final Decision: In the decision (UNEP/CBD/COP/13/L.31), the COP:

- urges parties to strengthen efforts to mainstream conservation and sustainable use within and across various sectors, including agriculture, forestry, fisheries and aquaculture, and tourism at all levels and scales, and to report to the Secretariat on their experiences;
- invites governments to use, in accordance with the priorities and policies of each country, FAO guidance related to biodiversity and agriculture, fisheries, and forestry, including the five elements developed by it as a basis for policy dialogue and governance arrangements to identify sustainable development pathways across the SDGs, sectors and along related value chains;
- encourages parties to make use of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, as appropriate, to promote secure tenure rights and equitable access to land, fisheries and forests; and
- urges parties to mainstream biodiversity in SDG implementation.

On cross-sectoral mainstreaming, the COP encourages parties to:

- recognize and integrate TK, customary sustainable use, as well as IPLC diverse approaches in efforts to maintain genetic diversity, reduce habitat and biodiversity loss, and to promote an equitable and participatory approach to the management and restoration of critical ecosystems;
- introduce or scale up the use of environmental economic accounting and natural capital accounting, as well as diverse methods and methodologies to assess the multiple values of biodiversity, as appropriate, including the contributions of IPLC collective actions, of PAs and other effective area-based conservation measures (OECMs), and of living in harmony with nature, promoting a harmonious relationship between peoples and nature;

- consider amending national policy and legislation provisions that have adverse implications for implementing the Convention, including with respect to the transparency of decisionmaking and access to information; and
- develop, as appropriate and in accordance with national circumstances, legal frameworks or administrative measures for land use that enhance conservation and sustainable use, while recognizing IPLC rights to lands and resources.

On mainstreaming in agriculture, the COP encourages parties, *inter alia*, to:

- recognize the importance of TK for the sustainability of agriculture that is aligned with their world view (cosmovision) and upholds diversification and ecological rotation and agroforestry, and promote community and family farming, alongside agro-ecology, with a view to promoting sustainable production and improving nutrition;
- develop, as appropriate, policy frameworks for land use that reflect national biodiversity objectives, that inform decision-making at different scales and levels of governance to, *inter alia*, promote sustainable increases in the productivity and diversification of production of existing agricultural land and rangeland while enhancing ecosystem services and functions, while also protecting, restoring and sustainably using biodiversity and promoting connectivity in the landscape;
- promote and support, as appropriate, sustainable agricultural production, that may include increases in productivity based on the sustainable management of ecosystem services and functions, diversification of agriculture, agro-ecological approaches and organic farming, through the enhanced use of a diverse range of well-adapted crops and livestock, and their varieties and breeds, and of associated biodiversity in agricultural systems;
- promote and support, as appropriate, the development, transfer, use and scaling up of technological innovation and TK, as well as innovative tools and strategies, that are sustainable and biodiversity friendly; and
- apply, as appropriate, the voluntary Principles for Responsible Investment in Agriculture and Food Systems approved by the Committee on World Food Security in 2014, noting in particular the importance of small-scale family farming and pastoralism, in view of their dominance in terms of food security and nutrition, poverty reduction, social equity in farming, and biodiversity conservation efforts.

On forestry, the COP encourages parties to, *inter alia*:

- give due consideration to biodiversity, when implementing actions set out in Article 5 of the Paris Agreement (sinks and reservoirs);
- strengthen IPLC participation as part of a strategy for forest protection, conservation and sustainable use of biodiversity, and IPLC welfare and livelihoods;
- create enabling conditions, strengthen the enforcement of laws and regulations, and promote the adoption of sustainable forest management practices in the forest sector; and
- use, develop and enhance governance and collaborate to promote legally and sustainably sourced forest products and to combat illegal logging and associated trade, consistent and in harmony with the Convention and other relevant international obligations.

On fisheries and aquaculture, the COP urges parties to, *inter alia*:

- use, as appropriate, existing guidance related to the ecosystem approach to fisheries and aquaculture;

- establish, if necessary, or strengthen existing mechanisms of governance of fisheries, and take biodiversity considerations, in particular the precautionary approach, in line with the preamble of the Convention, fully into account when designing and implementing policies for fishing capacity management and reduction; and
- provide access for small-scale artisanal fishers to marine resources and markets, as appropriate.

On tourism, the COP invites parties, as appropriate and in accordance with national legislation, to:

- adopt policies that promote tourism development under the criteria of sustainability and participation of all relevant institutions and stakeholders, including IPLCs, subnational and local governments, the private sector and civil society;
- generate, integrate and use information on the positive and negative impacts on biodiversity of tourism for decision-making on the planning, operation and management of the sector, and in considering mechanisms for the reinvestment of parts of tourism revenues on biodiversity conservation and ecosystem restoration at the local or community level;
- promote rural community tourism as an activity that can contribute to conservation and sustainable use, ecosystem restoration and diversification of IPLC livelihoods; and
- promote sustainable ecotourism activities and operations, noting that these activities rely on and can contribute to biodiversity conservation.

On future work, the COP decides that COP 14 should consider biodiversity mainstreaming into energy and mining, infrastructure, manufacturing and processing industry, and health.

Biodiversity and climate change: This item was first addressed by WG II on Tuesday, 6 December. Discussions focused on national climate mitigation and adaptation practices related to reducing impacts on biodiversity.

On encouraging governments to fully take into account the importance of ensuring the integrity of all ecosystems when developing their nationally determined contributions (NDCs), Canada proposed referring to implementation of domestic measures to reduce greenhouse gas emissions, including those consistent with their NDCs. Following informal consultations, the original language was retained. Brazil proposed, and delegates agreed to, adding reference to “positive incentives” for activities relating to reducing emissions from deforestation and forest degradation.

Delegates decided to eliminate language on integrating non-market approaches under options to be considered for integration into ecosystem-based approaches to climate change adaptation and disaster risk reduction; and agreed to “promote” integration of climate change adaptation best practices into conservation planning frameworks.

Morocco suggested establishing a fund to compensate biodiversity loss. Nicaragua, opposed by Zambia, Norway, Switzerland and others, proposed language around “loss and damage” related to climate impacts on biodiversity. The EU favored reference to “degradation, loss of, and impacts on biodiversity,” which was accepted.

On Tuesday, 13 December, the COP adopted its decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.8), the COP requests the Secretariat to, *inter alia*, prepare, in collaboration with relevant organizations, voluntary guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction, for consideration by the SBSTTA prior to COP 14. The COP also encourages parties and others to, *inter alia*:

- address the degradation of, loss of, and impacts on biodiversity and, where appropriate, related social, environmental and economic impacts associated with climate change and disasters, considering the costs of inaction, and the value of investing in actions in a timely manner;
- develop and implement ecosystem-based approaches to climate change adaptation, mitigation and disaster risk reduction that are based on reliable available science and take into account the TK and practices of IPLCs; and
- promote the wide use of ecosystem-based approaches where appropriate, including in marine and coastal and urban areas, in oases systems, and in agricultural landscapes.

Protected areas: This item was first addressed by WG II on Tuesday, 6 December. Delegates discussed OECMs and linkages to the work by other international organizations.

On giving due consideration to specific areas when establishing or expanding PAs, Mauritania, supported by Fiji and Pakistan, suggested “promoting integration” of areas managed under collective action by IPLCs into the wider landscapes and seascapes. Bolivia emphasized the linkage of PAs to the goal of poverty eradication.

With regards to OECMs, Canada offered to host a workshop regarding the marine environment. On inviting the GEF to facilitate the alignment of the development and implementation of PAs and OECMs in its sixth and seventh replenishment cycles, delegates preferred not to refer to “*in situ* and *ex situ*” OECMs.

Brazil recommended promoting integrated efforts by biodiversity-related conventions on “regional aspects” of implementing Aichi Target 12 (threatened species). Norway noted FAO work on vulnerable marine ecosystems and the International Maritime Organization (IMO) on particularly sensitive sea areas.

On Saturday, 17 December, the COP adopted its decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.18), the COP, *inter alia*:

- invites parties, as appropriate and taking into account national circumstances, to pursue efforts to identify and explore options on PAs of particular importance for biodiversity and ecosystem services, undertake or participate in, where relevant, national PA governance assessments and strengthen their efforts to complete the assessments of the conservation status of all taxonomic groups and habitats and develop and implement species and habitat conservation plans, in particular for threatened and endemic species;
- invites parties and, where appropriate, IUCN, the ICCA Consortium and other partners in consultation with the Secretariat, to develop voluntary guidance and best practices on identifying and recognizing territories and areas conserved by IPLCs, including in situations of overlap with PAs, and their potential contribution to the achievement of the Aichi Targets;
- invites the biodiversity-related conventions, and international and regional organizations to promote integrated efforts to support the implementation of actions for the achievement of Aichi Target 12, considering regional aspects;
- invites parties, bilateral and multilateral funding agencies and others, in conjunction with the Secretariat, to engage in several activities, including to facilitate the completion of assessments of the conservation status of species, in particular threatened and endemic species, and enable their status monitoring and conservation, in accordance with established national processes; and
- requests the Secretariat to, among other things, organize, subject to the availability of resources, a technical expert workshop or workshops to provide scientific and technical

advice on definition, management approaches and identification of OECMs and their role in achieving Aichi Target 11.

Ecosystem restoration: This item was first addressed on Tuesday, 6 December (UNEP/CBD/COP/13/5) in WG II, and plenary adopted a decision on Tuesday, 14 December.

Final Decision: In the decision (UNEP/CBD/COP/13/L.10), the COP, *inter alia*:

- recalls the urgency to enhance efforts to achieve restoration-related targets by 2020;
- adopts the short-term action plan on ecosystem restoration as a flexible framework that is adaptable to national circumstances and legislation for immediate action;
- urges parties and encourages others to promote, support and take actions on ecosystem restoration, *inter alia*, by making use, as appropriate, of the short-term action plan;
- invites parties to provide, on a voluntary basis, information on their activities and results from the implementation of the action plan; and
- invites parties and relevant organizations to give due consideration to community-based initiatives on ecosystem restoration in the context of the Plan of Action on Customary Sustainable Use.

The annexed short-term action plan on ecosystem restoration includes sections on: objectives and purpose; scope and scale; principles; key activities; supporting guidance, tools, organizations and initiatives; actors; and two appendices containing guidance on mainstreaming biodiversity considerations into ecosystem restoration, and an indicative timeline for short-term actions, respectively.

Forest biodiversity: This item was first addressed by WG II on Friday, 9 December. Delegates debated reference to the Paris Agreement and agreed to insert a footnote that it was adopted under the UNFCCC. On developing and implementing forest policy, Tanzania recommended also taking into account livestock, South Africa recommended tourism, Yemen added the impacts from non-sustainable use of forests, and Saint Lucia suggested urban areas.

On Saturday, 17 December, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.9), the COP, *inter alia*, encourages parties, when developing and implementing their forest policy in the context of the Aichi Targets and the other forest-related multilateral commitments and goals to take into account, as appropriate: other land uses, including agriculture, green areas in urban spaces, livestock and tourism; climate change mitigation and adaptation; disaster risk reduction; and the impact of the unsustainable use of forests. The COP also encourages parties to give due consideration to the conservation and sustainable use of natural forests and native vegetation, and avoiding the potential negative impacts of afforestation of non-forest biomes.

Biodiversity and human health: This item was first addressed by WG II on Tuesday, 6 December. Delegates discussed several health-biodiversity linkages. Canada suggested recognizing the linkages between climate change, biodiversity and human health. The EU pointed out benefits of biodiversity in urban environments and Timor Leste underlined biodiversity as a source of clean water.

On the draft decision, delegates agreed to: convene a meeting of the inter-agency liaison group on biodiversity and human health, chaired by the CBD and the World Health Organization (WHO); and invite governments and donors to further advance in the analysis of the interlinkages between biodiversity and human

health, such as the identification of microbiological biodiversity, and pathogenic species, among others. Delegates agreed with the EU and Egypt that the annex to the decision be referred to as “information on health-biodiversity linkages,” rather than as “voluntary guidance,” as suggested by Brazil.

On Saturday, 17 December, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.26), the COP, *inter alia*:

- decides to consider biodiversity and human health interlinkages when addressing the follow-up to the Strategic Plan and the Aichi Targets;
- invites parties and others, among other activities, to consider using the State of Knowledge Review and its key messages, as appropriate, to promote the understanding of health-biodiversity linkages with a view to maximizing health benefits, addressing trade-offs, and where possible, addressing common drivers for health risks and biodiversity loss;
- encourages parties and others to promote and support further research on health-biodiversity linkages and related socio-economic considerations; and
- invites parties and others to further advance analysis of the interlinkages between biodiversity and human health, such as the identification of microbiological biodiversity and pathogenic species.

The COP also requests the Secretariat, subject to the availability of resources, to:

- collaborate with the WHO and other relevant organizations, to promote and facilitate implementation of the decision;
- compile and analyze information received in the implementation of the decision;
- prepare guidance to support the consideration of biodiversity and ecosystem management in the application of the “One Health” approach; and
- submit a report to SBSTTA at a meeting prior to COP 14.

The annex to the decision provides information on a number of health-biodiversity linkages.

RESOURCE MOBILIZATION AND FINANCIAL

MECHANISM: Resource mobilization: WG I initiated discussions on the item (UNEP/CBD/COP/13/11/Rev.1, 12/Rev.1, 12/Add.1 and Add.2) on Tuesday, 6 December. A contact group on resource mobilization, co-chaired by Sabino Meri Francis Ogwal (Uganda) and Laure Ledoux (EU), was established on Wednesday, 7 December, to elaborate a draft decision on the issue.

The EU stressed the importance of domestic resource mobilization in reaching global resource targets. Bangladesh proposed reference to the need for exponential increase of GEF resources and, with Ethiopia, for simplified guidance for accessing GEF funding. India asked for a more flexible timeframe for parties to submit national financial plans.

Bolivia, with Pakistan, expressed concern about the methodology used by the Secretariat to conclude that the target was achieved, and proposed establishing an AHTEG to produce a balanced conclusion, in accordance with CBD Article 20 (Financial Resources), which refers to developed countries’ contributions. Expressing disappointment regarding resource mobilization, Costa Rica said that national funding commitments need to be set, but, supported by Cuba, added that this alone cannot meet the overall funding needs. Morocco and the LMCC called for technical assistance and capacity building for drafting national resource mobilization strategies, and for identifying gaps and financing priorities.

Many welcomed the UN Development Programme (UNDP) Biodiversity Finance Initiative (BIOFIN), noting it allows greater integration of biodiversity in development plans. Mexico, with many, called for a second phase for BIOFIN to expand to more countries. The African Group suggested inviting BIOFIN and other relevant initiatives to scale up technical support and capacity building. Uganda suggested language inviting financial support for capacity building for implementation of national biodiversity financial plans and the BIOFIN methodology. The IIFB, supported by Bolivia, asked for a clear mechanism for IPLCs to access funds.

The contact group discussed a non-paper that addressed issues on the milestones for the full implementation of Aichi Target 3 on resource mobilization. Following a first reading of the non-paper, participants agreed on the terms of reference for the fifth review of the effectiveness of the financial mechanism (Annex III); and continued discussions on the consolidated guidance to the financial mechanism (Annex I) and selected elements of advice received from biodiversity-related conventions (Annex II).

WG I approved a draft decision with minor amendments, agreeing to insert in the WG I report reference to parties who are centers of origin for their contribution to food security, with regard to receiving capacity building and technical support, as requested by Peru. On Saturday, 17 December, plenary adopted the decision without discussion.

Final Decision: The decision (UNEP/CBD/COP/13/L.27) includes sections on: financial reporting; capacity building and technical support; strengthening biodiversity finance information systems; collective action of IPLCs; milestones for the full implementation of Aichi Target 3; safeguards in biodiversity financing mechanisms; and an annex on guiding principles on assessing the contribution of collective action by IPLCs.

On financial reporting, the COP urges parties to: increase their efforts to achieve the targets, including the doubling of total biodiversity-related international financial resource flows to developing countries; provide the necessary baseline information and report progress against the targets for resource mobilization by 1 July 2017; and identify their funding needs, gaps, and priorities, on the basis of revised NBSAPs.

On capacity building and technical support, the COP invites: relevant organizations and initiatives, including BIOFIN, to provide technical support and capacity building for interested and eligible developing country parties, on the identification of funding needs, gaps and priorities, the development and implementation of national resource mobilization strategies, and of financial reporting; and parties and others to provide financial and technical support to capacity building.

On strengthening biodiversity finance information systems, the COP requests the Secretariat to: explore, through the Inter-agency Task Force on Financing for Development, the feasibility of linking financial reporting under the Convention with the emerging monitoring process for the follow-up and review of the commitments of the Addis Ababa Action Agenda, to reduce overall reporting burden for parties.

On collective action of IPLCs, the COP invites parties and others to: consider establishing pilot projects on the contribution of collective action of IPLCs; and to include their collective action for the conservation and sustainable use of biodiversity into the development and implementation of national finance plans for the effective implementation of revised NBSAPs.

On milestones for the full implementation of Aichi Target 3, the COP requests the Secretariat to compile and analyze relevant information regarding how the implementation of Aichi Target

3 also contributes to the implementation of Aichi Target 20 (mobilization of resources to implement the Strategic Plan), and to submit them to SBI 2.

On safeguards in biodiversity financing mechanisms, the COP requests the Secretariat to compile and analyze information, taking voluntary guidelines on safeguards in biodiversity financing mechanisms into account when selecting, designing and implementing biodiversity financing mechanisms, and when developing instrument-specific safeguards; and to make such information available to the Working Group on Article 8(j) for developing recommendations, for consideration by SBI 2, on how the application of safeguards can ensure that the potential effects of biodiversity financing mechanisms on the social and economic rights and livelihoods of IPLCs are addressed effectively.

Financial mechanism: WG I initiated discussion on the item (UNEP/CBD/COP/13/12/Rev.1, 12/Add.1-4) on Tuesday, 6 December. A contact group, co-chaired by Sabino Meri Francis Ogwal (Uganda) and Laure Ledoux (EU), was established on Thursday, 8 December, to elaborate a draft decision.

In WG I, delegates heard the GEF report and the report of the expert team on a full assessment of the funds needed for implementing the Convention and its Protocols for the seventh GEF replenishment, including its methodology, scenarios, modelling, and results.

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 and small island developing states.

Mexico suggested collaboration with the 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.

On 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.

The contact group discussed language on: receiving developing countries' views on performance and conditions for GEF resources in a disaggregated manner; and procedures for GEF projects' reviews and reports; the four-year framework of programme priorities for GEF-7; and elements received from biodiversity-related conventions. It also debated language on taking note, with concern, of insufficient information gathered from the financial reporting frameworks submitted by parties, which will, to a large extent affect the validity and credibility of the assessment towards achieving the resource mobilization targets.

Regarding elements for inclusion in the framework of programme priorities for GEF-7, WG I agreed to a proposal by Malawi to include measures for mutual implementation with other relevant international agreements, coordination in transboundary genetic resources and associated TK, and procedures to issue internationally recognized certificates of compliance.

WG I approved, with minor amendments, the compromise draft decision agreed in the contact group and the annex on the four-year framework of programme priorities for GEF-7. It also approved Annex III containing the terms of reference for the fifth review of the effectiveness of the financial mechanism, taking note in the WG report of the Philippines' request to make reference to "countries that are most environmentally vulnerable" in the sections on methodology and criteria.

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.37) on the four-year outcome-oriented framework of programme priorities (2018-2022), the COP adopts the consolidated guidance to the financial mechanism, including the four-year framework of programme priorities (2018-2022) for GEF-7 as contained in Annexes I and II.

On programmatic synergies among the biodiversity-related conventions, the COP invites the governing bodies of the various biodiversity-related conventions to follow decision XII/30 (Financial mechanism - Enhancing programmatic synergies among the biodiversity-related conventions) for the development of strategic guidance for GEF-8 in time for COP 15 consideration.

On the fifth review of the effectiveness of the financial mechanism, the COP: adopts the terms of reference for the fifth review, including the Protocols; and requests the Secretariat, subject to the availability of resources, to ensure the implementation of the fifth review.

On the second determination of funding requirement, the COP requests the GEF to take the Strategic Plan, the Aichi Targets and the expert team's needs assessment report into consideration in the process of GEF-7, noting the limitations identified by the expert team.

A section on further guidance issues related to: ecosystem restoration; Strategic Plan; Aichi Targets 11 and 12; the sixth national report; cross-sectoral mainstreaming; TK; the Cartagena Protocol; and the Nagoya Protocol.

BUDGET: On Sunday, 4 December, in the joint plenary session, Executive Secretary Dias reported on the administration of the Convention and its Protocols, trust funds and the 2017-2019 budget (UNEP/CBD/COP/13/23 and Add.1-2). He gave a brief presentation of two budget scenarios: the first one implied a 5% nominal increase in the budget over the present biennium; and the second called for zero nominal increase in the 2015-2016 budget, implying one SBSTTA meeting and removal of participants' travel expenses from the core budget.

The EU stressed the importance of a realistic and affordable budget, and expressed concern about the high number of parties in arrears. Brazil expressed appreciation for the contribution of Braulio Dias as Executive Secretary over the past five years. Plenary established a party-only budget group chaired by Spencer Thomas (Grenada) to draft a decision on the issue.

On Sunday morning, 18 December, plenary adopted an integrated programme of work and budget for the Convention and its Protocols.

Final Decision: In the decision (UNEP/CBD/COP/13/L.32, UNEP/CBD/CP/COP-MOP/8/L.15 and UNEP/CBD/NP/COP-MOP/2/L.12), the COP, *inter alia*: decides to share all costs for Secretariat services among the Convention, the Cartagena and the Nagoya Protocols, respectively in a ratio of 76:16:8 for the period 2017-2018; and approves a core programme budget for the Convention of US\$13,945,800 for 2017 and US\$14,283,600 for 2018, representing 76% of the integrated budget of US\$18,361,600 and US\$18,794,200, respectively, for 2017 and 2018; and expresses appreciation for Canada's renewed support as host country of the Secretariat and welcomes its contribution.

CAPACITY BUILDING, TECHNICAL AND SCIENTIFIC COOPERATION: This item (UNEP/CBD/COP/13/13) was first considered in WG I on Wednesday, 7 December. The Secretariat introduced a revised short-term action plan (2017-2020) to enhance and support capacity building for Strategic Plan implementation. Discussion focused on whether to "endorse," "adopt" or "take note of" the short-term action plan.

The African Group called for a more robust budget to strengthen implementation in developing countries, and early preparation of a long-term action plan. Switzerland and the EU suggested focusing on priority areas, as identified by developing countries and clarifying roles for implementation. Canada expressed concern that the plan is overly ambitious and financially unsustainable. Jamaica proposed compromise language highlighting flexibility and the indicative nature of the list of activities. Argentina and Brazil proposed deleting several biosafety-related capacity-building activities. Brazil also requested removing references to the Aarhus Convention.

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. 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.

Argentina, supported by Brazil, Iran, Colombia and Cameroon, proposed requesting the Secretariat to support, facilitate or coordinate the implementation of the activities contained in the annex. After lengthy deliberations, delegates agreed to the proposal, adding reference to "other partners, as appropriate." The EU with Australia, opposed by Brazil, Argentina, Uganda and Cameroon, suggested subjecting the activities to the availability of financial resources.

Discussions were also held in a contact group, co-chaired by Maria Schultz (Sweden) and Alfred Oteng Yeboah (Ghana). Delegates addressed, among other issues, annexed tables prioritizing capacity-building activities; and reached agreement on the global priority activities.

On Saturday, 17 December, plenary opted to "adopt" the short-term action plan to enhance and support capacity building, and to subject to availability of financial resources, a request to the

Secretariat to support, facilitate or coordinate with other partners, as appropriate, the implementation of activities contained in the annex. With these amendments, the decision was adopted.

Final Decision: In the decision (UNEP/CBD/COP/13/L.33), the COP endorsed the short-term action plan (2017-2020) and invited parties and others to: contribute to its implementation; consider complementary measures to enhance implementation; encourage and support the engagement of relevant national or regional institutions; and provide technical and human resources to support capacity building for developing country parties and IPLCs. The COP further decided to extend the mandate of the Informal Advisory Committee to the CHM, and requested the Secretariat to:

- support, facilitate or coordinate with other partners for implementation;
- promote synergies on cooperation when facilitating capacity-building activities; and
- continue work, subject to the availability of funds, to promote a more integrated and coordinated approach to capacity building, to take a more strategic approach in establishing partnerships, to facilitate with others the implementation of the short-term action plan; to commission an independent evaluation of the outcomes of the short-term action plan, to update the web strategy with priority actions and implement it, to submit a progress report for consideration by SBI 2, and to initiate the process for preparing a long-term strategic framework for capacity building beyond 2020.

Annexed to the document is the short-term action plan (2017-2020) to enhance and support capacity building. It includes sections on: cross-cutting capacity-building support activities, tools and services, including timelines, expected outcomes, possible indicators, and possible partners; substantive capacity-building activities and the corresponding Aichi Targets; and capacity-building activities for the Protocols.

COMMUNICATIONS STRATEGY: This item (UNEP/CBD/COP/13/14) was first addressed by WG I on Wednesday, 7 December. Delegates discussed elements of the communication strategy framework and the utilization of media. South Africa suggested the purpose of the communications strategy, namely to guide the Secretariat, parties and others to develop effective communications strategies that are targeted to specific global, regional and national stakeholders to advance the Convention's objectives, programmes and Protocols. Bolivia recommended adding references, among others, to the UN Decade on Biodiversity messages being consistent with core CBD documents, and sustainable use in relation to IPLCs. Brazil proposed to encourage IPLCs to communicate relevant TK. On particular stakeholder groups that require a focused engagement, India proposed adding that women are key stakeholders in both conservation and sustainable use of natural resources and special focus should be made in mainstreaming gender in all engagements. Delegates accepted: India's suggestion to refer to "indicative" social media; Bolivia's insertion of reference to "Mother Earth Day"; and Brazil's proposal on business "sustainability initiatives" in support of biodiversity.

On Saturday, 17 December, the EU requested a reference to the Rio Conventions Pavilion in the draft decision text. With this and other minor amendments, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.25), the COP, *inter alia*, invites: parties to use the framework for a global communications strategy developed by the Secretariat as they seek to develop their own national strategies and report on the results of their work through the CHM; and UN agencies

and multilateral funds to also use the framework as they seek to develop their own strategies. The communications strategy framework is annexed to the decision and contains sections on: scope and purpose; goals; structure and elements of core messages; audiences; resources; channels and multipliers; and key roles and actions listed for several actors.

COOPERATION WITH OTHER CONVENTIONS: This item (UNEP/CBD/COP/13/15 and 16) was first considered in WG I on Wednesday, 7 December.

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. Many stressed that synergies should avoid duplication of work. 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.

Discussions continued in a contact group on synergies, co-chaired by Maria Luisa del Rio Mispireta (Peru) and Yousef Al-Hafedh (Saudi Arabia), where delegates addressed a draft decision with annexes on: options for enhancing synergies among the biodiversity-related conventions at the national level; and a roadmap for enhancing these synergies at the international level from 2017-2020. Discussions focused on establishing a network to provide advice on further prioritization of actions and their implementation, through identification and involvement of relevant experts. Some parties requested further consultations within the Convention on identifying internal priorities before reaching out to other conventions. Others disagreed, calling for a party-led open informal group to coordinate and advance action. Delegates also discussed the nature and benefits of the network. The decision was approved in plenary on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/COP/13/L.36), the COP welcomes the annexed options for enhancing synergies among the biodiversity-related conventions at the national level and the annexed road map 2017-2020 for enhancing synergies among the biodiversity-related conventions at the international level.

The COP further invites: the governing bodies of the biodiversity-related conventions to further strengthen cooperation and coordination at the global level within their respective mandates and enhance synergies to pursue their efforts to align their own strategies with the Strategic Plan and its Aichi Targets; parties to identify opportunities to enhance synergies at the local and regional levels, and with others, as appropriate to their national circumstances, including IPLCs, and NGOs, to implement options for action at the national level and to support mainstreaming.

The COP further requests the Secretariat to: transmit the roadmap to other conventions through the Biodiversity Liaison Group and, in consultation with it, fill gaps in the table, with a view to facilitating implementation; and, subject to financial resources, establish an informal advisory group on synergies consisting of party representatives with balanced representation, including regionally, to provide advice to the Secretariat, the Bureau and the Biodiversity Liaison Group on further prioritization of actions, and implementing the prioritized actions.

The COP: invites the secretariats of the biodiversity-related conventions, their governing bodies, as well as representatives of IPLCs, NGOs and other relevant international organizations, to undertake, where appropriate and subject to the availability of resources, the priority actions; and calls on the Biodiversity Liaison Group, in close collaboration with UNEP, the UN Educational, Scientific and Cultural Organization (UNESCO), FAO and IUCN, as well as the UN Conference on Trade and Development (UNCTAD) and UNDP, to continue to strengthen its work to enhance coherence and cooperation among the biodiversity-related conventions, including in implementing the Strategic Plan.

ARTICLE 8(j): Guidelines for legislation on PIC: This item was first discussed in WG II on Wednesday, 7 December (UNEP/CBD/COP/13/3 and 17), and then in a contact group, co-chaired by Risa Smith (Canada) and Lucy Mullenkei (IPLCs). Following a walk-out by IPLC representatives in WG II on Friday, 16 December, over references to “accordance with national legislation,” informal consultations were led by the COP Presidency. Plenary adopted the decision on Saturday, 17 December.

Mexico, supported by many, suggested naming the guidelines “Mo’otz Kuxtal,” using the local Mayan word for “roots of life.” Discussions focused on: bracketed references to “free” prior informed consent (PIC) and “approval and involvement” as an alternative to PIC; language on community protocols; the understanding of “consent or approval”; the applicability of the guidelines to TK associated with genetic resources; and the relationship with national law.

Free 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, Morocco and Bolivia supported referring to “free PIC.” Brazil suggested “free PIC and, 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 favored 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 are mutually agreed; and opposed reference to “involvement,” proposing instead CBD language on “full and effective participation,” if necessary. The IIFB and the UN Permanent Forum on Indigenous Issues (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).

Delegates eventually agreed on making reference to “‘PIC’ or ‘free PIC’ or ‘approval and involvement,’ depending on national circumstances.”

Understanding of “consent or approval”: Canada, supported by Guatemala, Qatar, the EU and Norway, proposed, and delegates agreed to, deleting “may” before “include the right not to grant consent.” Norway, supported by Brazil but opposed by Uganda and Guatemala, proposed deleting a reference to “in accordance with national legislation.”

On Saturday morning, 17 December, in WG II, Brazil reported on compromise language stating that: ‘PIC,’ ‘free PIC’ or ‘approval and involvement,’ depending on national circumstances, should be implemented with the agreement of and full respect for IPLCs; respect for IPLCs should be an integral part of developing a relationship between TK users and providers; and consent or approval is the agreement of the IPLCs who are holders of TK or competent authorities of those IPLCs, as appropriate, to grant access to their TK to a potential user and includes the right not to grant consent or approval, which was no longer accompanied by a reference to “accordance with national law.” Tanzania and Morocco opposed the reference to IPLCs’ “competent” authorities. Bolivia opposed reference to “competent authorities,” stressing TK’s “collective nature beyond the authority of any individual.” The IIFB accepted reference to IPLCs’ competent authorities, pointing to enhanced legal certainty in ABS.

Community protocols: Delegates discussed whether the guidelines should explain the possible content of community protocols, with IIFB emphasizing community protocols’ importance in establishing IPLC expectations for the benefit-sharing process, including by reference to community history for proportionality in mutually agreed terms (MAT). Cameroon, supported by Brazil, Tanzania and South Africa, but opposed by the EU, called for deleting information on “biological resources,” as part of community protocols. The reference was bracketed. On Saturday morning, 17 December, in WG II, delegates agreed to replace “biological resources” with “practices that lead to the biodiversity conservation and sustainable use.”

Cameroon, supported by Brazil, Tanzania and Uganda, opposed language stating that IPLCs may wish to include special measures in their community protocols for encouraging non-commercial research, participatory research and joint research for conservation and sustainable use. On Saturday, 17 December, in WG II, Brazil reported on compromise on eliminating this language, as well as reference to factors that may influence benefit-sharing related to TK used in final product development.

Relationship with national law: The IIFB emphasized that consent should be based on customary laws and objected to references to “accordance with national legislation.” On Saturday morning, 17 December, in WG II, Uganda reported on informal consultations and, supported by Cameroon, favored deleting reference to “in accordance with national legislation” at the end of a paragraph on applying the guidelines in manner consistent with the national law of the country where TK is accessed, giving due importance to customary laws and community protocols of IPLCs. Bolivia, supported by Costa Rica and opposed by Uganda, Guatemala and the Republic of Korea, called for reference also to “relevant international obligations.” UNPFII recalled that many indigenous peoples do not have legal and political recognition at the national level, which constitutes a violation of their human rights. The EU and Iran asked for bracketing the references to national law and international obligations. The IIFB conceded to eliminate reference to international obligations, contingent upon deletion of references to “accordance with national legislation”

with regard to procedures consistent with customary laws, community protocols, practices and customary decision-making processes. The deletion was supported by Bolivia, but opposed by Uganda and Cameroon, so the relevant paragraphs were bracketed.

During the closing plenary, Canada reported on compromise language, informally adopted as a package, according to which: the guidelines should be applied in a manner consistent with the national law of the country where TK is being accessed and giving due importance to customary laws and community protocols of IPLCs; consent may include due consideration for customary laws, community protocols and practices and customary decision-making process of IPLCs, which was no longer accompanied by reference to accordance with national legislation; and consent may include “MAT in accordance with national legislation.”

TK associated with genetic resources: On Saturday morning, 17 December, in WG II, Uganda suggested a new paragraph stating that “the guidelines do not apply to TK associated with genetic resources under the NP, but may be used, as appropriate, for the development of similar guidance for purposes of consistency.”

During the closing plenary, the Secretariat noted that the proposal was reflected in a preambular paragraph in the decision. Uganda requested additional language, as part of the guidelines, themselves, clarifying that the guidelines do not apply to TK associated with genetic resources under the Nagoya Protocol.

Final Decision: In the decision (UNEP/CBD/COP/13/L.38), the COP:

- adopts the guidelines and invites parties to use them and report on experiences gained in national reports;
- recognizes the contribution that the guidelines can make to the implementation of the CBD and Nagoya Protocol;
- underlines that the guidelines are not construed as changing parties’ rights or obligations under the Convention or its Protocols, and that nothing in the guidelines should be construed as diminishing IPLCs’ rights;
- underlines that the guidelines do not apply to TK associated with genetic resources under the Nagoya Protocol, but may be used as an input, where appropriate, for the development of specific instruments under the Protocol; and
- invites governments, relevant organizations and IPLCs to submit their views concerning measures to address publicly available TK, as well as views concerning best practices to implement “PIC,” “free PIC” or “approval and involvement,” for consideration by the Article 8(j) WG at its tenth meeting.

The annex to the decision includes the Mo’otz Kuxtal voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the “PIC”, “free PIC” or “approval and involvement,” depending on national circumstances, for fair and equitable benefit-sharing, and for reporting and preventing unlawful appropriation of TK. The guidelines include sections on: purpose and approach; general principles; procedural considerations; considerations related to access to TK and benefit-sharing; and reporting and preventing unlawful appropriation. According to the guidelines, *inter alia*:

- the guidelines should be applied in a manner that is consistent with the national law of the country where the TK is being accessed, and give due importance to IPLCs’ customary laws, community protocols and practices;
- the guidelines do not apply to TK associated with genetic resources under the Nagoya Protocol;

- “consent or approval” is the agreement of TK holders or IPLCs’ competent authorities, as appropriate, to grant access to their TK to a potential user and includes the right not to grant consent or approval;
- “PIC,” “free PIC” or “approval and involvement,” depending on national circumstances, should be implemented within a context of full respect for IPLCs, which means a continual process of building mutually beneficial, ongoing arrangements between TK users and holders, to build trust, mutual understanding, intercultural spaces, new knowledge and reconciliation, and which should underpin and be an integral part of developing a relationship between TK users and providers;
- granting “PIC,” “free PIC” or “approval and involvement,” depending on national circumstances, to TK users, unless otherwise mutually agreed, merely allows temporary use of TK for the purpose for which it was granted;
- benefit-sharing should be fair and equitable within and among relevant groups, taking into account community-level procedures and, as appropriate, gender and age/intergenerational considerations;
- consent or approval may include due consideration for IPLCs’ customary laws, community protocols, practices and customary decision-making processes, and MAT procedures in accordance with national legislation;
- community protocols can contribute to legal certainty, transparency and predictability concerning processes for obtaining “PIC,” “free PIC” or “approval and involvement,” and for establishing MAT for benefit-sharing in accordance with national legislation;
- partnership and cooperation should guide the process of establishing MAT to ensure fair and equitable benefit-sharing with and among TK holders; and
- governments may wish to consider incentives or other ways to promote the use of the guidelines by private and public institutions.

Guidelines on TK repatriation: This item (UNEP/CBD/COP/13/3) was first discussed in WG II on Wednesday, 7 December. The EU considered the draft guidelines 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 MAT. Ecuador noted the need for mechanisms for repatriation of intangible, as well as tangible, TK. Canada expressed concerns on how to deal with public information and implications for intellectual property rights and other instruments. Indonesia proposed referring to “traditional culture and folklore.” Plenary adopted a decision on Tuesday, 13 December.

Final Decision: In the decision (UNEP/CBD/COP/13/L.14), the COP:

- takes note of the progress made in the development of the draft Rutzolijirisaxik voluntary guidelines for the repatriation of TK relevant for the conservation and sustainable use of biodiversity (with Rutzolijirisaxik being a Mayan expression meaning the significance of the place of origin), annexed to the decision and covering their objective, purpose, scope and guiding principles;
- invites governments, relevant organizations, IPLCs and stakeholders interested or involved in repatriation of TK to submit to the Secretariat information on good practices

and actions undertaken at various levels, including through community-to-community exchanges, to repatriate, receive and restore TK relevant for conservation and sustainable use;

- requests the Secretariat to: compile this information for consideration by the Article 8(j) WG at its tenth meeting; and prepare a revised draft of the guidelines, taking into account developments in relevant international processes, as well as the analysis of received information and the report of the Expert Meeting on Repatriation; and
- requests the Article 8(j) WG at its tenth meeting to complete a draft of the guidelines for COP 14 adoption.

Glossary of key terms: This item was first discussed in WG II on Wednesday, 7 December (UNEP/CBD/COP/13/3 and 17), and in a contact group co-chaired by Risa Smith (Canada) and Lucy Mullenkei (IPLCs).

The Philippines, Guatemala, Costa Rica, Jamaica, Timor Leste, Kenya and Uruguay supported: inviting parties to use the glossary in their 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. A decision was adopted in plenary on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/COP/13/L.22), the COP:

- notes that clarity in terms and concepts within the context of Article 8(j) and related provisions can assist in their effective and consistent implementation, where appropriate and in accordance with national legislation, in order to achieve Aichi Target 18 (TK) by 2020,
- recommends further consideration of the glossary by the Article 8(j) WG at its tenth meeting to allow governments and relevant organizations to ensure IPLCs’ full and effective participation in considering the proposed glossary; and
- requests the Secretariat to make the draft glossary available for peer review prior to the tenth meeting of the Article 8(j) WG for COP 14 adoption.

UNPFII recommendations: This item (UNEP/CBD/COP/13/3) was first addressed in WG II on Wednesday, 7 December. A decision was adopted in plenary on Friday, 9 December.

Final Decision: In the decision (UNEP/CBD/COP/13/L.3), the COP invites the NP COP-MOP to consider taking a decision to apply, *mutatis mutandis*, CBD COP decision XII/12 F on the IPLC terminology.

In-depth dialogue: This item (UNEP/CBD/COP/13/3) was first discussed in WG II on Wednesday, 7 December. Plenary adopted a decision on Tuesday, 13 December.

Final Decision: In the decision (UNEP/CBD/COP/13/L.13), the COP:

- encourages governments, IPLCs and stakeholders to consider the advice and recommendations emanating from the dialogue on “challenges and opportunities for international and regional cooperation in the protection of shared TK across borders for the strengthening of TK and the fulfilment of three CBD

objectives, in harmony with nature/Mother Earth,” when implementing the relevant areas of work of the Convention; and

- decides that the topic for the in-depth dialogue to be held at the tenth meeting of the Article 8(j) WG should be “contribution of the IPLCs’ TK, innovations and practices to the implementation of the 2030 Agenda for Sustainable Development with particular emphasis on conservation and sustainable use of biodiversity.”

MARINE AND COASTAL BIODIVERSITY: Ecologically or biologically significant marine areas (EBSAs): This item was first considered by WG II on Monday, 5 December, when the relevant document (UNEP/CBD/COP/13/18) was introduced. Mexico, the Russian Federation and others, opposed by Brazil, favored removing brackets on: practical options for further enhancing scientific methodologies and approaches, including collaborative arrangements, for EBSA description; and, a request to the Secretariat to facilitate implementation of practical options and establish an informal advisory group for EBSAs.

On options regarding procedures for modifying the description of EBSAs or facilitating the process of making descriptions of new areas, Brazil suggested: different processes for areas within and beyond national jurisdiction; and an option to eliminate EBSAs, with South Africa calling for discussing a delisting process. The Republic of Korea underscored the need for scientific review processes, such as peer reviews, for describing new areas within one or more national jurisdictions.

A contact group, co-chaired by Moustafa Fouda (Egypt) and Gunnstein Bakke (Norway), was established to address options regarding procedures for modifying or making new EBSA descriptions. Discussions focused primarily on a proposal to exclude the description of areas that no longer meet the EBSA criteria. The contact group also discussed the need to base all EBSA-related decisions on best scientific and technical information, and the need and trigger for additional regional and/or global EBSA workshops. Consensus was not reached on how to proceed with the work of this contact group.

On 14 December, WG II considered the bracketed text of the draft decision on practical options for enhanced EBSA methodologies and respective implementation. Most delegates supported retaining these paragraphs and discussions continued in a Friends of the Chair group. On 16 December, WG II discussed bracketed language in a revised draft decision and delegates agreed to a compromise text.

On Saturday, 17 December, plenary adopted the decision with minor amendments.

Final Decision: In the decision (UNEP/CBD/COP/13/L.35 and Add.1), the COP welcomes the scientific and technical information contained in the EBSA summary reports regarding the North-East Indian Ocean, North-West Indian Ocean, and the Seas of East Asia, and requests the Secretariat to include these reports in the EBSA repository and submit them to the UN General Assembly, in particular the Preparatory Committee on a new legally-binding instrument on marine biodiversity in areas beyond national jurisdiction, parties, and others. The COP also, *inter alia*:

- expresses appreciation to those parties that have completed national exercises to describe areas meeting the EBSA criteria or other relevant compatible scientific criteria, and invites those parties to consider making this information available through the EBSA repository or information-sharing mechanism;

- welcomes the voluntary practical options contained in the annex for further enhancing scientific methodologies and approaches of the scientific and technical exercises for the description of areas meeting the EBSA criteria; and
- welcomes the training manual for the incorporation of TK in the EBSA description.

It also requests the Secretariat to, *inter alia*:

- facilitate the implementation of the practical options, and establish an EBSA informal advisory group;
- continue to facilitate the description of areas meeting the EBSA criteria through additional regional or subregional workshops where parties wish workshops to be held; and
- organize an expert workshop, subject to availability of financial resources and making its report available for peer-review by parties to develop options: on procedures within the Convention to modify EBSAs already described and to describe new areas; and for strengthening the scientific credibility and transparency of the EBSA process.

Biodiversity in cold-water areas: This item was first considered by WG II on Monday, 5 December. Morocco called for adequate financing for implementation. South Africa proposed specifying in the annexed key messages from the scientific compilation and synthesis, that bioprospecting in the deep sea and ocean “if not responsibly undertaken, can risk damage to the habitat.”

On Tuesday, 13 December, plenary adopted the decision on the voluntary specific workplan on biodiversity in cold-water areas within the jurisdictional scope of the Convention, without amendments.

Final Decision: In the decision (UNEP/CBD/COP/13/L.12), the COP notes that cold-water areas sustain ecologically important and vulnerable habitats and play important functional roles, welcomes the scientific compilation and synthesis on biodiversity and ocean acidification in cold-water areas, and takes note of the key findings of the synthesis annexed to the decision. The COP also adopts the annexed voluntary specific workplan for biodiversity in cold-water areas within the jurisdictional scope of the Convention, and encourages its implementation through, *inter alia*:

- avoiding, minimizing and mitigating the impacts of stressors, especially their cumulative effects;
- maintaining and enhancing ecosystems resilience in cold-water areas to contribute to the achievement of Aichi Targets 10 (climate change and ocean acidification effects), 11 (PAs) and 15 (ecosystem resilience); and
- identifying and protecting refugia sites and adopting other area-based conservation measures.

The COP also requested the Secretariat to support the implementation of the workplan, by among other things, facilitating capacity building and information sharing on experiences and lessons learned from the workplan’s implementation, including through collaboration with relevant organizations.

Marine debris and anthropogenic underwater noise: This item was first considered by WG II on Monday, 5 December. Delegates discussed: the need for capacity building and technology transfer to implement marine debris mitigation measures; the UNEA resolution on marine plastic debris and microplastics; and mainstreaming legislation to integrate marine debris issues and targets. 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.

On Tuesday, 13 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.11), the COP takes note of the updated report “Scientific synthesis of the impacts of underwater noise on marine and coastal biodiversity and habitats,” inviting parties and others to make use of this information. It also invites parties and others, including IMO, the International Seabed Authority, and the International Whaling Commission, to share their experiences on the application of measures in line with the precautionary approach to avoid, minimize and mitigate the significant adverse impacts of anthropogenic underwater noise on marine and coastal biodiversity. The COP also: welcomes UNEA resolution 2/11 on marine plastic litter and microplastics; urges parties and encourages others to prevent and mitigate the potential adverse impacts of marine debris, taking into account the annexed voluntary practical guidance on preventing and mitigating the impacts of marine debris on marine and coastal biodiversity and habitats and incorporate issues related to marine debris in the mainstreaming of biodiversity into sectors; and requests the Secretariat to facilitate respective capacity-building opportunities.

The annexed voluntary practical guidance on preventing and mitigating the impacts of marine debris include sections on: marine debris and its impacts on marine and coastal biodiversity and habitats; approaches for preventing and mitigating these impacts; and priority actions.

Marine spatial planning: This item was first considered by WG II on Monday, 5 December. On a draft decision, South Africa recommended recognizing the need for long-term investment in developing human and institutional capacity for marine spatial planning (MSP) related activities. Brazil and others suggested avoiding singling out specific Aichi Targets throughout the text.

On Friday, 9 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.6), the COP welcomes the report of the Expert Workshop to Provide Consolidated Practical Guidance and a Toolkit for MSP and recognizes MSP as a participatory tool to facilitate the application of the ecosystem approach, expedite progress towards achieving relevant Aichi Targets and support mainstreaming of biodiversity into policies related to human and economic development, and that long-term investment in the development of human and institutional capacity for MSP-related activities is essential for success. It also encourages parties and others to apply MSP, and requests the Secretariat to, *inter alia*:

- further consolidate existing MSP guidance;
- develop linkages with other conventions;
- facilitate capacity development, including through workshops;
- compile national experiences and lessons learned on the development, and effective and equitable management, of ecologically representative and well connected systems of marine protected areas (MPAs) and OECMs, and their integration into the wider seascapes; and
- organize an expert workshop on the contribution of MPAs and OECMs to the achievement of Aichi Target 11, and their integration into the wider seascapes, also considering the implementation of SDG 14.5 (MPAs).

INVASIVE ALIEN SPECIES: This item was first considered by WG II on Monday, 5 December. On bracketed text on the precautionary approach and risk assessment concerning the use of biological control agents to manage invasive alien species (IAS), Australia, supported by Mexico, Peru and the EU, offered

compromise text: referring to potential for direct and indirect non-target impacts also on “ecosystem functions and services” and “in areas in which biological control agents might spread”; including “economic and cultural values, as well as IPLCs’ values and priorities” among social factors to be “considered, as appropriate, in decisions for using biological control”; and eliminating reference to stakeholders’ “cultural interests” in participatory decision-making processes on biological control programmes. South Africa, for the African Group, proposed replacing reference to standards recognized by the World Trade Organization (WTO) with “regional and international standards.”

On a draft decision, the EU and Brazil offered compromise text inviting parties and others to “take into account or review, as appropriate, legislation relevant to trade in wildlife to prevent illegal trade and reduce the risk of biological invasion associated with trade in wildlife via e-commerce.” After consultations, delegates agreed on also noting relevant decisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

On Saturday, 17 December, plenary adopted the decision on IAS, addressing risks associated with trade, experiences in the use of biological control agents, and decision support tools, with minor editorial changes.

Final Decision: In the decision (UNEP/CBD/COP/13/L.23), the COP, *inter alia*, invites parties and others to: take into account or review, as appropriate, legislation relevant to trade in wildlife to reduce the risk of biological invasion associated with trade in wildlife via e-commerce, also noting relevant decisions adopted under CITES; join the Ballast Water Convention, as appropriate; and adopt a participatory process by identifying and engaging IPLCs and relevant stakeholders from an early stage.

The COP also invites parties, other governments and, as appropriate, standard-setting bodies recognized by the WTO, and other relevant organizations to adapt, improve or further develop tools, including decision support tools, for better development and application of biological control programmes against IAS. It also encourages parties and others when using classical biological control to manage already established IAS, to apply the precautionary approach and appropriate risk analysis, including the elaboration of contingency plans, taking into account the annexed summary of technical considerations, as appropriate.

The annexed summary of technical considerations for the use of biological control agents to manage IAS includes sections on: classical biological control; precautionary approach and risk assessment and management; planning and implementation of biocontrol programmes; post-release monitoring, emergency plan and rapid response; decisions on release; and capacity development.

CLIMATE-RELATED GEOENGINEERING: This item was first addressed in WG II on Tuesday, 6 December. The Carnegie Council highlighted lack of international governance of geoengineering. On Friday, 9 December, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.4), the COP, *inter alia*:

- notes that very few parties provided information on measures they have undertaken in accordance with decision X/33, paragraph 8(w) (on ensuring that no climate-related geo-engineering activities that may affect biodiversity take place, until there is an adequate scientific basis on which to justify such activities and appropriate consideration of the associated risks);

- invites other parties, where relevant, to provide such information;
- notes that more transdisciplinary research and sharing of knowledge among appropriate institutions is needed in order to better understand the impacts of climate-related geoengineering on biodiversity and ecosystem functions and services, socio-economic, cultural and ethical issues, and regulatory options; and
- recognizes the importance of taking into account sciences for life and the knowledge, experience and perspectives of IPLCs when addressing climate-related geoengineering and protecting biodiversity.

SYNTHETIC BIOLOGY: The item was first considered in WG II on Wednesday, 7 December. Calling for including TK and alternative life sciences in the AHTEG, Bolivia urged establishing a moratorium, supported by Venezuela, Friends of the Earth, GYBN, the Federation of German Scientists and La Via Campesina. Favoring a case-by-case approach, the Worldwide Organization on Research on Synthetic Biology for the Common Good opposed a moratorium, with Target Malaria highlighting the importance of gene drives in malaria prevention.

On the definition, Saint Kitts and Nevis, Cuba, Malaysia and GYBN supported the adoption of the working definition proposed by the AHTEG, with Norway underlining such definitions are not legally binding. The EU favored using the definition as a non-binding starting point for scientific and technical work under the Convention and its Protocols, and the continuation of the AHTEG. Mauritania for the African Group, Costa Rica, Canada, New Zealand, India, Switzerland, Japan and others, opposed by Brazil, preferred further work on inclusion and exclusion criteria regarding what falls under the definition.

Regarding socio-economic, cultural and ethical considerations, Mexico, the Philippines, the African Group and others favored reference to such considerations, with Costa Rica proposing inclusion of ecological considerations. Canada preferred acknowledging different national approaches to risk assessment in this regard. Brazil argued that these considerations are already addressed under the Cartagena Protocol.

Australia, New Zealand and Canada, opposed by El Salvador, suggested deleting text on applying the precautionary approach when considering the release of gene drives until thorough risk assessments are performed. Brazil, opposed by Egypt, India and others, proposed referring to the application of the precautionary approach “when addressing threats of significant reduction or loss of biodiversity posed by organisms, components and products resulting from synthetic biology, including gene drives, in accordance with domestic legislation and other relevant international obligations.” Namibia emphasized the serious threats arising from synthetic biology as the “antithesis of biodiversity,” calling for a decision at COP 13.

On the AHTEG’s terms of reference, Australia, with Canada, New Zealand and the EU, and opposed by El Salvador, Bolivia, Cuba, India and Uruguay, requested deleting a task on further analyzing the importance of sciences for life, including IPLCs’ knowledge, experience and perspectives, to compare and better understand the potential benefits and adverse effects of synthetic biology. The EU, supported by Turkey, Australia and Canada, suggested recognizing the importance of IPLCs’ knowledge, rather than including the item in the AHTEG’s mandate. Cautioning against assuming that IPLCs’ representation in the AHTEG is sufficient, Uganda called also for IPLCs’ submissions to the AHTEG.

South Africa, opposed by the EU, El Salvador, Norway and Malaysia, supported a task to “work towards an operational definition of synthetic biology comprising of inclusion and exclusion criteria using all relevant information, based on scientific and peer-reviewed studies.”

Following informal consultations, Bolivia proposed, and delegates agreed, to remove from the AHTEG’s terms of reference language on IPLC knowledge, and insert in the draft decision language on “inviting parties and others to submit to the Secretariat information and supporting documentation on IPLC knowledge, experience and perspectives in the context of living in harmony with nature, for comparison and better understanding of the potential benefits and adverse effects of synthetic biology.” Delegates also agreed on compromise text on requesting the Secretariat to facilitate, in collaboration with relevant research institutions and organizations, capacity building and support to developing countries on updating and adapting risk assessments related to organisms, components and products of synthetic biology.

Discussions were also held in a contact group, which addressed: issues around the definition of synthetic biology; socio-economic, cultural and ethical considerations; and the relationship with the Convention’s Protocols. Delegates also discussed gene drives, addressing a proposal: urging parties to apply the precautionary approach in considering the release and creation of gene drives until thorough risk assessments are performed and gene drive-specific regulations for biocontainment are developed and implemented respectively; referencing potential irreversible harm on populations, species and ecosystems caused by gene drives; and requesting consent from parties whose biodiversity could be affected by any proposed gene drive before approval of its release.

On Saturday, 17 December, plenary adopted a COP decision on enhancing integration among the Convention and its Protocols and organization of meetings, with these amendments.

Final Decision: In the decision (UNEP/CBD/COP/13/L.34), the COP reaffirms decision XII/24, in which it urged parties to take a precautionary approach, and reiterates paragraph 3 of decision XII/24, noting it can also apply to some LMOs containing gene drives. The COP further acknowledges that the outcome of the work of the AHTEG 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.

The COP takes note of the conclusion of the AHTEG that living organisms developed through current applications of synthetic biology are similar to LMOs as defined in the CP, and notes that: the general principles and methodologies for risk assessment under the CP and existing biosafety frameworks provide a good basis for risk assessment, but may need to be updated and adapted for current and future developments and applications of synthetic biology; it is not clear, whether or not some organisms of synthetic biology would fall under the definition of LMOs under the CP; and there are cases in which there may be no consensus on whether the result of a synthetic biology application is “living” or not.

The COP further invites parties to: take into account, in accordance with their applicable domestic legislation or national circumstances, and as appropriate, socio-economic, cultural

and ethical considerations on products resulting from synthetic biology; and submit, with others, information on research conducted, dialogues and awareness-raising activities, and on cooperation in the development of guidance and capacity-building activities, evidence of benefits and adverse effects; and experiences in risk assessments, examples of risk management, regulations, policies and guidelines in place or under development, and knowledge of IPLCs.

The COP also decides to extend the mandate of the current AHTEG and requests: SBSTTA to review the recommendations of the AHTEG and make further recommendations to the COP; and the Secretariat to compile discussions under the open-ended online forum, as well as to cooperate with other UN and international organizations, and to promote the full and effective engagement of IPLCs.

Annexed to the decision are the terms of reference for the AHTEG, which is mandated to: review recent technological developments; identify any living organism developed or under research through techniques of synthetic biology, which do not fall under the definition of LMOs under the CP; further analyze evidence of benefits and adverse effects; and provide recommendations to SBSTTA.

DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES: Discussions on the item started from a bracketed paragraph from the SBSTTA recommendation on synthetic biology, which was first considered on Tuesday, 6 December, in WG II. Mexico, Indonesia, Ecuador, Cuba, El Salvador, Argentina, Malaysia, the African Group and GYBN, opposed by Canada, New Zealand and India, supported inviting the Nagoya Protocol COP-MOP to clarify whether and how the use of digital sequence information on genetic resources relates to ABS. Switzerland and South Africa favored, and Brazil opposed, requesting the AHTEG to propose to the NP COP-MOP elements to facilitate the clarification of whether and how the use of digital sequence information relates to ABS. Costa Rica stated that digital sequence information relates to ABS and is covered by the Nagoya Protocol. The Philippines proposed that the NP COP-MOP clarify “how,” but not “if,” the use of digital sequence information relates to ABS. Namibia called for considering digital sequence information also under the CBD.

This issue was discussed in an open-ended group of Friends of the Chair, chaired by Hesiquio Benitez-Diaz (Mexico), held jointly under the contact groups on synthetic biology under the Convention and the global multilateral benefit-sharing mechanism under the Nagoya Protocol. The group focused on, *inter alia*: the issue of equivalence between sequence information on genetic resources and genetic resources per se; whether and how the use of digital sequence information on genetic resources is related to fair and equitable benefit-sharing from genetic resource utilization; and the urgency of the matter, including whether a decision should be taken at COP 13, or the topic should be considered intersessionally with a view to making a decision at COP 14.

Participants discussed the terminology used, with some parties opting for “digital sequence information on genetic resources,” stemming from the relevant SBSTTA recommendation; others tabling “genetic information” or “information arising from genetic resources”; and yet others suggesting a footnote explaining that a discussion on the terminology will take place in a future expert group. Delegates also discussed a paragraph on considering, at COP 14, the implications of the use of sequence information on genetic resources for fair and equitable benefit-sharing arising from genetic resource utilization, with suggestions to consider

“potential” implications with regard to all three CBD objectives. Further deliberations focused on an invitation to parties and others to submit views, for compilation and analysis by the Secretariat, and a meeting of a regionally-balanced expert group to convene and submit its recommendations for SBSTTA consideration, prior to COP 14 and NP COP-MOP 3.

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.29), the COP notes: that digital sequence information on genetic resources is a cross-cutting issue that may concern the three objectives of the CBD, with a footnote that terminology is subject to further discussion in the relevant expert group; and rapid advances regarding the use of digital sequence information on genetic resources, therefore recognizing the importance of addressing this matter in the framework of the Convention in a timely manner. The COP decided to: consider at COP 14 any potential implications of the use of digital sequence information on genetic resources for the three CBD objectives; and establish an AHTEG.

The COP further requested: the Secretariat to prepare a compilation and synthesis of the views and information submitted, by inviting parties and others, and to commission a fact-finding and scoping study, subject to the availability of financial resources, to clarify terminology and concepts, and to assess the extent and the terms and conditions of the use of digital sequence information on genetic resources in the context of the Convention and the Nagoya Protocol; and the SBSTTA to consider the outcomes of the AHTEG and to make a recommendation on the potential implications of the use of digital sequence information on genetic resources for the three CBD objectives for COP 14 consideration.

Annexed to the decision are the terms of reference for the AHTEG, which shall: consider the compilation, synthesis and the study, as well as the technical scope, and legal and scientific implications of existing terminology; identify the different types of digital sequence information on genetic resources that are relevant to the Convention and the NP; and submit its outcomes for consideration by SBSTTA prior to COP 14.

IPBES ASSESSMENT ON POLLINATORS: This item (UNEP/CBD/COP/13/INF/31 and 36) was first addressed on Monday, 5 December, when the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) reported that IPBES-4 approved its assessment on pollinators, pollination and food production and the related summary for policy makers. WG II considered the draft decision on this item.

Discussions focused on risk assessment procedures for pesticides and LMOs and enabling policies. On risk assessment procedures for pesticides and LMOs, Mexico, Qatar, Switzerland, Colombia, the Philippines, Canada, the EU and others supported language on risk assessment procedures for pesticides and LMOs. Brazil argued that studies are inconclusive on LMOs’ impacts on pollinators and, with Argentina, opposed reference to LMOs.

On pesticides, 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 addition, Burkina Faso, recommended developing and implementing national and regional pesticide risk reduction strategies to avoid, but not to reduce, the use of harmful pesticides. This was opposed by Japan, Viet Nam and others.

On enabling policies and activities including removing or reducing perverse incentives, Mexico, Ecuador, Colombia, Uruguay, Chile, Singapore, Norway and the EU favored

reference to compliance with international obligations, rather than compliance with WTO rules. Brazil, supported by Argentina, proposed “in accordance with international obligations and trade rules.” South Africa suggested reference to internationally recognized scientific standards.

On promoting pollinator-friendly habitats, Yemen proposed adding natural pastures to the list of habitats for conservation, management and restoration.

On Friday, 9 December, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.7), the COP, *inter alia*:

- endorses the key messages of the assessment and encourages parties and others to use the assessment;
- takes note of the establishment of the Coalition of the Willing on Pollinators and invites parties to consider joining; and
- encourages businesses involved in the development, manufacturing and sale of pesticides, as appropriate, to take into account the findings of the assessment in their activities, including in developing and revising risk assessments of products, applying the precautionary approach, and being fully transparent in releasing the results of all toxicity studies consistent with applicable standards and frameworks.

The COP also encourages parties, and invites others, taking into account national circumstances, as appropriate, to take several actions specified in the decision’s sections on: policies and strategies; promoting pollinator-friendly habitats; improving the management of pollinators, and reducing risk from pests, pathogens and invasive species; reducing risk from pesticides, including insecticides, herbicides and fungicides; enabling policies and activities; and research, monitoring and assessment.

Specifically, these activities include, *inter alia*:

- developing and implementing national and, as appropriate, regional pesticide risk reduction strategies and avoiding or reducing the use of pesticides harmful for pollinators;
- improving, as appropriate, risk assessment procedures for pesticides and, where necessary, for LMOs, to better take into account possible impacts in risk assessment protocols, applying the precautionary approach consistent with international obligations and taking into account climate variations and cumulative effects;
- developing and implementing incentives for farmers and IPLCs to protect pollinators and pollinator habitats, promoting and supporting access to data and use of decision support tools; and
- protecting and promoting TK, innovations and practices, protecting traditional and established land rights and tenure, as appropriate, and promoting biological and cultural diversity, and the links between them.

The COP also makes several requests to the Secretariat, with regard to research, monitoring and assessment, including to:

- review, together with FAO, in collaboration with others, the implementation of the International Initiative on the Conservation and Sustainable Use of Pollinators and prepare a draft updated and streamlined plan of action for consideration by SBSTTA prior to COP 14;
- compile and summarize, in partnership with relevant organizations and IPLCs, information on pollinators and pollination relevant to the conservation and sustainable use of biodiversity in all ecosystems, beyond their role in agriculture and food production for consideration by SBSTTA prior to COP 14; and
- promote, as a priority, in cooperation with IPBES, FAO and other relevant organizations, subject to the availability of resources and avoiding duplication of efforts, efforts to

address data gaps and capacity for monitoring the status and trends of pollinators and pollination in developing countries, in particular those in Africa, Latin America, Asia and Oceania, and identify and develop proposals for strengthening capacity related to pollinators and pollination, and supplementary regional assessments.

SUSTAINABLE WILDLIFE MANAGEMENT: This item (UNEP/CBD/COP/13/4 and UNEP/CBD/COP/13/5) was first considered by WG II on Tuesday, 6 December. On Friday, 9 December, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.2), the COP, *inter alia*, requests the Secretariat, in collaboration with other members of the Collaborative Partnership on Sustainable Wildlife Management, subject to the availability of resources, to:

- elaborate technical guidance for better governance towards a more sustainable bushmeat sector, with a view to supporting parties’ implementation of the Strategic Plan;
- jointly scope and organize a wildlife forum event;
- enhance synergies with IPBES with regard to the re-scoping of the assessment on sustainable use of biodiversity;
- continue to support efforts by parties to combat illicit trafficking in wildlife, and to enhance institutional capacities on wildlife conservation and law enforcement, with relevant law enforcement bodies; and
- report on progress to SBSTTA and the WG on Article 8(j) prior to COP 14.

OPERATIONS OF THE CONVENTION: SBI modus operandi: This item (UNEP/CBD/COP/13/6 and 19) was first considered in WG I on Wednesday, 7 December. Discussions focused on issues related to IPLCs. The IIFB requested allocating the Article 8(j) WG at least one day during all future SBI meetings. Bolivia, supported by the Indigenous Women’s Biodiversity Network, 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. On Friday, 9 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.5), the COP: adopts the annexed SBI modus operandi, taking note of progress made in development of a voluntary peer-review mechanism; and requests the Secretariat to: prepare information on obstacles and effective practices related to the implementation of national and global targets, further develop the decision-tracking tool, and identify options to strengthen processes for integrating matters related to IPLCs into the SBI.

The COP invites parties to use national processes to review implementation measures they have taken, to identify obstacles with implementation and share it through the CHM.

The annexed SBI modus operandi contains sections on: functions; areas of work; procedural matters; focal points; and documentation.

Integration among the Convention and its Protocols: This item (UNEP/CBD/COP/13/19) was first considered in WG I on Wednesday, 7 December. 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. Delegates also agreed to request the Secretariat to develop, on the basis of the views submitted, proposals on ways and instruments for achieving full

integration of Article 8(j) and IPLC provisions, without additional financial burden, for consideration by the Article 8(j) WG and recommendation to SBI 2.

On Tuesday, 13 December, plenary adopted the decision with no amendments.

Final Decision: In the decision (UNEP/CBD/COP/13/L.15), the COP requests the Secretariat to: prepare a note on possible ways and means to promote integrated approaches to issues at the interface between the biosafety-related provisions of the Convention and the provisions of the Cartagena Protocol, for consideration by SBI 2 and COP 14; continue using integrated approaches in proposing agenda items and organization of work for intersessional activities, with a view to achieving synergies under the Convention and the Protocols; and develop, on the basis of views submitted by parties, IPLCs and others, proposals on ways and instruments, with no additional financial burden, for achieving full integration of Article 8(j) and provisions related to IPLCs and their full and effective participation in the work of the Convention and its Protocols, for consideration by the WG on Article 8(j) and its recommendation to SBI 2.

The COP decides to review experience with the holding of concurrent meetings at COP 14 and 15, using criteria that include: full and effective participation of representatives of developing country parties; effective outcomes; increased integration among the Convention and its Protocols; and cost-effectiveness. It further requests the Secretariat to prepare a preliminary review of the experience in concurrent meetings based on the criteria, for consideration by SBI 2.

GUIDELINES FOR SIXTH NATIONAL REPORTS: The Secretariat first introduced this item (UNEP/CBD/COP/13/21) on Wednesday, 7 December, in WG II. Delegates discussed the template for the sixth national report, with many calling 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.

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 the GEF to enable meeting the reporting deadline. Qatar noted the importance of regional workshops to raise awareness on reporting modalities. A Friends of the Chair group was established to further refine the guidelines.

On Saturday, 17 December, plenary adopted the decision on national reporting.

Final Decision: In the decision (UNEP/CBD/COP/13/L.28), the COP adopts the guidelines, including the reporting templates, for the sixth national reports, and encourages parties to submit their report by 31 December 2018, taking into account preparations for the fifth edition of the Global Biodiversity Outlook (GBO-5). The COP also requests the GEF to provide adequate funding for the preparation of the report in a timely and

expeditious manner to developing countries; and invites parties to facilitate, as appropriate, the full and effective participation of IPLCs and relevant stakeholders, including other biodiversity-related conventions and Rio Conventions' focal points, in the preparation of the report.

It also requests the Secretariat to, *inter alia*:

- further develop the voluntary online reporting tool to fully align it with the reporting templates for the sixth national report, by 31 March 2017 at the latest; and
- finalize the resource manual for the sixth national report, taking into account guidance on common data sources, indicators and other relevant information by the secretariats of other biodiversity-related conventions.

GBO-5 and IPBES: This item was first addressed in WG II on Wednesday, 7 December. Delegates focused on future work.

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. 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.

On a draft decision, Norway and the EU, opposed by Brazil, proposed including reference to "relevant assessments" to be considered in the preparation of GBO-5, in addition to information from other biodiversity-related conventions and relevant organizations. Delegates agreed not to include reference to assessments but to state that GBO-5 should draw upon "official and best possible science-based information," followed by an indicative list of relevant documents and information.

On information to be included in the second edition of the IPLC Biodiversity Outlook, delegates agreed to request the Secretariat, subject to availability of resources, in collaboration with parties, IPLCs and others, to prepare the second edition of the IPLC Biodiversity Outlook, which should include information "on relevant knowledge, visions and approaches of living in harmony with nature and, as recognized in some cultures and countries, Mother Earth."

Based on a proposal by Cameroon, delegates agreed that GBO-5 should include an analysis of progress in capacity-building activities to support implementation of the Strategic Plan. On a request to the Secretariat to prepare a work plan and proposed budget for preparation of GBO-5 and related reports and products, Japan suggested, and delegates agreed, that these will be considered by SBSTTA prior to COP 14.

On Saturday, 17 December, the COP adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.20), the COP initiates the preparation for GBO 5, which should, *inter alia*, draw upon official and the best available scientific information and include a target-by-target analysis of progress towards the achievement of the Aichi Targets, as well as an analysis of the contribution of progress towards the Aichi Targets to the SDGs. The COP requests the Secretariat, to, *inter alia*: prepare a workplan and proposed budget for the preparation of GBO-5; subject to the availability of financial resources, in collaboration with parties, other governments and IPLCs and relevant partners to prepare a second edition of the Biodiversity

Outlook of IPLC; and, also thereby inviting the IPBES and Intergovernmental Panel on Climate Change (IPCC) Secretariats, to foster further enhanced collaboration between the scientific communities, as well as collaboration with communities working on biodiversity monitoring and data, and the policy community.

Indicators: This item was first considered by WG II on Wednesday, 7 December. Delegates discussed, *inter alia*, adding indicators under Aichi Target 11 (PAs) on trends and the extent to which PAs are contributing to women's and IPLCs' wellbeing; and trends and recognition of 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.

On the draft decision's annex containing generic and specific indicators for assessing progress in attaining the Aichi Targets, El Salvador cautioned against an indicator for all countries that have REDD+ strategies and proposed an indicator on trends in land rehabilitation rather than on trends in carbon stocks. Noting that the annex remains open for comments by parties, delegates agreed on welcoming the annex and on noting that the list of global indicators provides a framework, "to be used, as appropriate," for assessing progress towards the Aichi Targets at the global level. Delegates also agreed to encourage parties to ensure that use of indicators reflects all three CBD objectives in a balanced manner. Delegates also concurred to emphasize the advantages of aligning the Strategic Plan indicators and those of the SDGs and other relevant processes, to further support achievement of the three CBD objectives, avoiding duplication of datasets and approaches.

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.19), the COP welcomes the annexed updated list of indicators for the Strategic Plan, and notes that the list of global indicators provides a framework to be used, as appropriate, for assessing progress towards the Aichi Targets at the global level and by parties, other governments and international organizations.

The COP also: encourages parties to ensure that the use of the indicators reflect all three CBD objectives in a balanced manner; decides that the indicators should be kept under review, enabling the future incorporation of other relevant indicators; and notes that these indicators may be used for mainstreaming the Aichi Targets within other international processes, including, in particular, the SDGs. It also invites IPBES to contribute to and make the best use of biodiversity indicators, including through the Biodiversity Indicators Partnership.

Scientific assessment of progress towards the Aichi Targets:

This item was first considered by WG II on Wednesday, 7 December. Japan 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.

On Tuesday, 13 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/COP/13/L.17), the COP requests the Secretariat to:

- prepare, in collaboration with members of the Biodiversity Indicators Partnership and other relevant partners, for SBSTTA consideration prior to COP 14, updated scientific assessments of progress towards Aichi Targets, focusing in particular on those targets on which the least progress has been made and making use of available data and the indicators, as appropriate, as well as other information sources used for the GBO-4; and
- develop options to accelerate progress towards the achievement of those targets that have been identified as the least advanced.

Key scientific and technical needs: This item was first addressed in WG II on Wednesday, 7 December. On Saturday, 17 December, the COP adopted the decision, with an annex containing voluntary guidance to improve the accessibility of biodiversity-related data and information.

Final Decision: In the decision (UNEP/CBD/COP/13/L.21), the COP, *inter alia*, encourages parties to: identify their biodiversity monitoring, assessment, project implementation and research needs at the national level; strengthen in-country efforts to link science and policy, including through increased and enhanced communication between data providers and users, including decision makers, to improve decision-making; and make full use of the CHM to share information.

The COP also requests the Secretariat, among others, to:

- continue collaboration with IPBES, UNEP and other partners to promote the coordinated development of existing portals to facilitate access to policy support tools and methodologies;
- collaborate with relevant organizations to promote tools and methodologies for assessing the contribution of IPLCs to the conservation and sustainable use of biodiversity, and to make these tools and methodologies available through the CHM and by other means; and
- develop, through the Liaison Group of Biodiversity-related Conventions and in collaboration with other relevant organizations, actions for an enhanced collaborative framework to guide the work of the conventions and their partners and to assist parties in meeting Aichi Target 12 (on prevention of extinction of known threatened species improvement and sustainment of their conservation status by 2020).

CARTAGENA PROTOCOL COP-MOP 8

COMPLIANCE: On Sunday, 4 December, plenary heard a report from Jimena Nieto (Colombia), Chair of the Compliance Committee (UNEP/CBD/BS/COP-MOP/8/2). Nieto stressed that, despite extensive efforts, Luxembourg, Nicaragua and the Marshall Islands did not submit national reports in any of the three reporting cycles. Noting that, following a recommendation, Nicaragua and Luxembourg submitted their national reports, she drew attention to a recommended caution for the Marshall Islands.

The item was introduced in WG I on Tuesday, 6 December. Brazil, supported by Iran and Pakistan, opposed the Compliance Committee's recommendation regarding a caution to the Marshall Islands. Colombia and the EU stressed that the Committee's rules were followed and all options exhausted. Delegates agreed to anonymized language, noting with regret that one party has not submitted any reports to date, urging it to submit and encouraging it to reach out for support. They subsequently agreed to lift the brackets around a preambular paragraph welcoming the activities undertaken by the Compliance Committee and taking note of its recommendations.

On Saturday, 17 December, plenary adopted the decision without amendments.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.19), the COP-MOP notes with concern that, 13 years after the Protocol's entry into force, many parties are not in full compliance with most obligations under the Protocol. It urges parties to make use of all available means of support to assist them in fulfilling their obligations, and emphasizes the importance of continuous and predictable support by the GEF to eligible parties. The COP-MOP notes with regret that one party has not submitted any national report, despite numerous contacts and offers of support; urges that party to submit its third national report as a matter of urgency to fulfil its obligation; and encourages it to accept the offers of assistance of the Compliance Committee.

SBI MODUS OPERANDI: This item (UNEP/CBD/SBI/1/14) was first considered in WG I on Wednesday, 7 December. Discussions focused on issues related to IPLC. On Friday, 9 December, plenary adopted the decision. Discussions and the decision are further summarized under the SBI Modus Operandi agenda item under COP 13 (see page 19).

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.2), parties endorse the SBI modus operandi adopted by COP and decide that it should apply, *mutatis mutandis*, when the SBI serves the Cartagena Protocol.

INTEGRATION AMONG THE CONVENTION AND ITS PROTOCOLS: This item (UNEP/CBD/SBI/1/14) was first considered in WG I on Wednesday, 7 December. The brief discussion focused on criteria for concurrent meetings and potential costs. Plenary adopted a decision on Tuesday, 13 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.3), the COP-MOP decides to review experience with the holding of concurrent meetings, using criteria that include: full and effective participation of representatives of developing country parties; effective outcomes; increased integration among the Convention and its Protocols; and cost-effectiveness.

USE OF THE TERM "INDIGENOUS PEOPLES AND LOCAL COMMUNITIES": This item (UNEP/CBD/SBI/1/14) was first considered in WG I on Wednesday, 7 December, and delegates agreed to consistent use of the "indigenous peoples and local communities" terminology under the Cartagena Protocol. Plenary adopted the decision without amendments on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.9), the COP-MOP decides to apply, *mutatis mutandis*, the terminology "indigenous peoples and local communities" adopted by the COP, under the Cartagena Protocol.

CAPACITY BUILDING: Framework and Action Plan for Capacity Building: This item (UNEP/CBD/BS/COP-MOP/8/3) was first considered in WG I on Wednesday, 7 December. The Secretariat introduced the report on implementation of the Framework and Action Plan for Capacity-Building for implementation of the Protocol. 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 LMOs.

On a paragraph inviting parties and others, including the GEF, to provide additional financial and technical support to developing countries to further implement the Framework and Action Plan for Capacity Building, the EU, supported by El Salvador, Uganda, Venezuela and Costa Rica, opposed giving priority to parties

that have received limited support to date. The EU, opposed by Brazil, Gabon, El Salvador, Mexico and others, further proposed deleting the specific reference to the GEF. Following extensive consultations, the reference to the GEF was removed, and new language was added, requesting the GEF to continue to provide financial support to enable developing countries to further implement the Framework and Action Plan for Capacity Building.

Discussions on the capacity-building activities relevant to the Protocol were also held in the contact group on capacity building under the Convention, co-chaired by Maria Schultz (Sweden) and Alfred Oteng Yeboah (Ghana). Following a request by Norway, delegates agreed to make the annexed capacity-building activities subject to availability of resources.

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.18), the COP-MOP:

- decides to maintain the Framework and Action Plan for capacity building for the effective implementation of the Protocol;
- urges parties to prioritize and focus on operational objectives to the development of national biosafety legislation, risk assessment, detections and identification of LMOs and public awareness, as well as to integrate biosafety in their NBSAPs;
- requests the GEF to provide financial support to enable developing countries to further implement the Framework and Action Plan; and
- requests the Secretariat, subject to availability of resources, to facilitate and support implementation of the priority capacity-building activities contained in the annex.

Annexed to the decision is the part of the short-term action plan (2017-2020) that refers to the Protocol.

Roster of experts on biosafety: This item (UNEP/CBD/BS/COP-MOP/8/3/Add.1) was first considered in WG I on Wednesday, 7 December. 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.

On Wednesday, 14 December, plenary adopted a COP-MOP decision on the roster of biosafety experts, with an amendment to include reference to synthetic biology experts.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.5), the COP-MOP decides to expand the roster to include experts nominated by parties and other governments. The COP-MOP further requests the Secretariat to: revise and streamline the nomination form for the roster; incorporate a functionality through the BCH to allow users to search the roster; and explore the possibility of linking the roster to other tools, such as the Bio-Bridge Initiative and the FAO Codex Alimentarius.

BIOSAFETY CLEARING-HOUSE: This item (UNEP/CBD/BS/COP-MOP/8/4) was first considered in WG I on Wednesday, 7 December.

Discussion focused on capacity building and information sharing. The Philippines, Namibia and Ecuador suggested recommending that the GEF provide financial support for capacity building. The Republic of Korea and Malaysia proposed promoting information-sharing activities among national focal points. The EU recommended calling on parties to submit

information on LMO releases that may lead to unintentional transboundary movements with effects on biodiversity conservation or sustainable use. Paraguay and Argentina recommended that competent authorities validate information on mechanisms for emergency measures in case of LMOs' unintentional transboundary movements.

The decision was adopted in plenary on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.11), the COP-MOP:

- notes with concern the decline in the number of records on capacity-building activities registered in the BCH and urges parties to register them;
- recalls its previous request to parties to register all their final decisions on the first intentional transboundary movement of LMOs for intentional introduction with the BCH;
- reminds parties of their obligation to notify affected or potentially affected states and the BCH of unintentional transboundary movement of a LMO that is likely to have significant adverse effects on biodiversity, taking also into account risks to human health; and
- urges parties to make all required information available to the BCH.

The COP-MOP further requests the Secretariat to: continue collaborating with other biosafety databases and platforms, including those of FAO and the OECD; make continued improvements to the central portal of the BCH; and promote collaboration among BCH focal points at the regional and subregional levels.

FINANCIAL MECHANISM AND RESOURCES: On Tuesday, 6 December, WG I discussed this agenda item (UNEP/CBD/BS/COP-MOP/8/5). 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.

Deliberations continued in the contact group on resource mobilization and the financial mechanism, which discussed financial issues under the Convention and its Protocols jointly (see pages 9-10).

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.12), the COP-MOP, *inter alia*, recommends the COP to include outcome-oriented elements in the four year (2018-2022) framework of programme priorities for GEF-7; and invites the GEF to:

- continue to make specific funding available to eligible parties to put in place their national biosafety frameworks;
- continue to fund projects and capacity-building activities on issues identified by the parties to facilitate further implementation of the Protocol, including regional cooperation projects, sharing of experiences and lessons learned, and harnessing associated synergies; and
- ensure that policy, strategy, programme priorities and eligibility criteria adopted in Annex I to COP decision I/2 (Financial resources and mechanism) are duly followed in an efficient manner in relation to access and utilization of financial resources.

BUDGET: Discussions and the decision on budget are reflected under the CBD COP 13 report (see pages 10-11).

COOPERATION WITH OTHER CONVENTIONS: This item (UNEP/CBD/BS/COP-MOP/8/6) was first considered in WG I on Thursday, 8 December. 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 setting aside a budget for cooperation and consultation with indigenous expert organizations.

Delegates had lengthy discussions on whether to make reference to the Aarhus Convention, and specific regional and national entities cooperating with the Convention and the Cartagena Protocol. Plenary adopted the decision on Saturday, 17 December, without amendments.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.4), the COP-MOP urges parties to strengthen collaboration at the regional and national levels among focal points of organizations, conventions and initiatives relevant to the implementation of the Protocol, and requests the Secretariat, subject to the availability of funds, to continue cooperation with other relevant organizations, conventions and initiatives, including relevant entities at the national and regional levels, and involving, where applicable, IPLC experts, with a view to meeting the strategic objective on outreach and cooperation of the CP Strategic Plan.

RISK ASSESSMENT AND RISK MANAGEMENT: This item (UNEP/CBD/BS/COP-MOP/8/8 and Add.1-3) was first considered in WG I on Thursday, 10 December. Discussion focused mainly on decision wording regarding the revised guidance on risk assessments of LMOs, the substance of which was not considered during this meeting. AHTEG Chair Helmut Gaugitsch (Austria) reported on the revised guidance on risk assessment of LMOs. Colombia, supported by many, raised concerns about publication of the guidance before COP-MOP approval. Cuba, the EU, Guatemala, Mauritania, Norway and Uganda endorsed the guidance. Brazil, Canada, Costa Rica and New Zealand, among others, proposed "taking note" of the guidance. Peru and Iran said it should be revised.

Malaysia suggested endorsing the guidance, at least as a reference document. Norway, Cuba and others supported continuation of the AHTEG to address new issues, including synthetic biology, which Kenya and others suggested could be done in collaboration with the AHTEG on synthetic biology under the Convention. Brazil, the Philippines and others opposed further work by the AHTEG.

Discussions then moved into a contact group co-chaired by Wadsanayi Mandivenyi (South Africa) and Gaugitsch. Participants debated compromise language on "taking note of" the draft guidance and using it as a reference document, with some participants requesting withdrawal of the Secretariat's publication containing it. Delegates further debated whether: work of the AHTEG should continue on living modified fish and synthetic biology; and language on capacity building and financing in the decision should remain linked to the guidance or be decoupled.

In order to find a way forward, delegates agreed to close the current AHTEG and set out a process for future work. Delegates agreed to: seek information from parties on their needs and priorities, proposals on criteria including the technical justification that may facilitate the selection of topics for the development of further guidance, and views on perceived gaps in existing guidance materials; continue the online forum to provide

views on perceived gaps through moderated discussions; and request the Secretariat to compile views from these processes. Some countries opposed the suggestion to have a liaison group assisting in this task, while many delegates favored referring issues to SBSTTA before consideration at COP-MOP 9.

During consideration of the draft decision by WG I, delegates agreed to “acknowledge” that other guidance documents and national approaches can also assist in conducting risk assessments. Brazil asked to reflect in the report of the meeting that the AHTEG guidance had not been discussed at the COP-MOP before its publication. Delegates also ensured that consensus language was inserted: “Several parties express concern about publication of guidance and manuals still under discussion and before adoption by the COP-MOP, where this is required. Interventions were made requesting the Secretariat to refrain from issuing hard copies of guidance and manuals before their adoption and one party requested clarification from the Secretariat of the procedures that need to be followed for publication of this kind of material.”

Delegates could not agree on one of the four bracketed operative terms: acknowledge; welcome; endorse; or take note of the guidance. Brazil, Colombia, Costa Rica and Paraguay said they could only “take note of” the guidance, given that it was not substantively considered by the COP-MOP. The EU, Mauritania and Uganda supported “endorsing” the guidance, with Moldova pointing to positive experience using the guidance in the CEE region. Many indicated readiness to “welcome” or “acknowledge” the guidance as compromise language. All options remained in brackets. On Saturday, 17 December, plenary agreed to “take note” of the guidance and the decision was approved with this amendment.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.14), the COP-MOP acknowledges the work of the AHTEG on Risk Assessment and Risk Management, having completed its mandate and takes note of the voluntary Guidance on Risk Assessment of LMOs as the outcome of the AHTEG, with input from the online forum. It invites interested parties and others to take the Guidance into account as a voluntary tool to assist in conducting risk assessment in accordance with the Cartagena Protocol, while acknowledging that other guidance documents and national approaches can also assist in conducting risk assessment in accordance with the Protocol; and, for those who have used it, to share an assessment of its applicability and usefulness through the BCH.

The COP-MOP further:

- invites parties to submit to the Secretariat: information on their needs and priorities for further guidance on specific topics of risk assessment of LMOs; proposals on criteria, including the technical justification, that may facilitate the selection of topics for the development of further guidance; and views on perceived gaps in existing guidance materials;
- decides to extend the online forum on risk assessment and risk management to exchange experiences on risk assessment, provide information and views on, and perceived gaps in existing guidance materials, and proposals to address any gaps identified;
- invites the COP-MOP Bureau to appoint a lead moderator for the online discussions and reporting on discussions, for the next intersessional period, ensuring regional rotation;
- requests the Secretariat to: compile the views collected; assist the lead moderator of the online discussions to prepare a report of the online discussions and submit it for peer review by the

online forum before final presentation; and submit all results to SBSTTA; and

- requests SBSTTA to review the information provided and to recommend a way forward to address the needs, priorities and gaps identified by parties for consideration at COP-MOP 9, including the possible establishment of a new AHTEG, with the understanding that new guidance proposals should only be presented upon approval by the COP-MOP.

UNINTENTIONAL TRANSBOUNDARY MOVEMENTS AND EMERGENCY MEASURES: This item (UNEP/CBD/BS/COP-MOP/8/9/Rev.1) was first considered in WG I on Friday, 9 December. Discussion focused on the definitions of “unintentional” and “illegal” transboundary movement, which were welcomed by many countries. The EU and Third World Network also welcomed the explanatory note, whereas Honduras, India and South Africa disagreed with it. Costa Rica, Kenya, Japan and Peru suggested limiting the explanatory note to LMOs that are likely to have an adverse effect on biodiversity, including a risk to human health. Paraguay, Brazil, Uganda, Argentina, Ecuador, Uruguay, Iran and Canada opposed the definitions, noting that they are significantly broader than the Protocol provisions. The EU and Brazil opposed a request for a study on gaps and the need for elaboration of standards on emergency measures. Delegates debated whether to “take note,” or “welcome,” the draft training manual for detection and identification of LMOs, and a request to the Secretariat to finalize the training manual by COP-MOP 9 with a view to establishing a process for its regular updating, with a number of countries emphasizing the need for comprehensive review and adoption by COP-MOP before publication. Discussions regarding the definitions took place in a Friends of the Chair group led by Jimena Nieto (Colombia), which met throughout the second week and reached compromise language that was adopted in plenary on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.16), the COP-MOP adopts the annexed operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement”; and takes note of the draft training manual on the detection and identification of LMOs, requesting further work by the Secretariat to make the next draft available for consideration at COP-MOP 9 with a view to its possible approval before its official final publication.

The annexed definitions read as follows: “Illegal transboundary movement” is defined as: a transboundary movement of LMOs carried out in contravention of the domestic measures to implement the Protocol that have been adopted by the party concerned. “Unintentional transboundary movement” is defined as a transboundary movement of an LMO that has inadvertently crossed the national borders of a party where the LMO was released, and the requirements of Cartagena Protocol Article 17 apply to such transboundary movements only if the LMO involved is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, in the affected or potentially affected states.

TRANSIT AND CONTAINED USE: This item (UNEP/CBD/BS/COP-MOP/8/10) was first considered in WG I on Friday, 9 December. Discussions focused around the involvement of the Compliance Committee. Many supported, while Brazil and Argentina opposed, requesting the Compliance Committee to provide guidance about the type of information to be submitted to the BCH when a final decision is taken regarding the import of LMOs destined for contained use. In later discussions, Brazil and

Iran, opposed by the EU, Colombia, the Gambia and Switzerland, proposed to delete a provision requesting the Compliance Committee to assess if submitted decisions are in accordance with the Protocol. New Zealand proposed to revert to language requesting the Compliance Committee to provide guidance on what information may be submitted to the BCH when a decision is taken. Plenary approved the decision on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.17), the COP-MOP: notes the limited number of final submissions on transit and contained use submitted to the BCH and the lack of clarity regarding the type of information that is to be submitted in that regard; and encourages parties and invites other governments to provide their laws, regulations and guidelines regarding contained use and transit of LMOs to the BCH. It further requests the Compliance Committee to assess if information that has been submitted to the BCH under contained use is in accordance with Article 6 of the Cartagena Protocol, and to make a recommendation in this regard for COP-MOP 9 consideration.

REVIEW OF IMPLEMENTATION: Monitoring and reporting: This item (UNEP/CBD/BS/COP-MOP/8/12 and Add.1) was first considered in WG I on Tuesday, 6 December. The EU supported developing proposals for alignment of reporting among the Convention and its Protocols and expressed concern about the low rate of submission of national reports, with the African Group stressing the need for access to financial resources. On a new reporting format developed by the Secretariat, New Zealand suggested a peer review by parties before COP-MOP consideration, while Colombia pointed to potential complexities in that regard. Plenary approved the decision on Saturday, 17 December, with minor amendments.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.6), the COP-MOP expresses concern about the lower rate of submission of the third national reports in comparison to the previous reporting cycle; and urges parties that have not yet submitted their third national report to do so as soon as possible.

The COP-MOP further requests the Compliance Committee to explore the reasons for the lower rate of submission of the third national reports and the Secretariat to develop a revised format for the fourth national reports for SBI 2 review and for consideration by COP-MOP 9.

Third assessment and review: This item (UNEP/CBD/BS/COP-MOP/8/12/Add.2) was first considered in WG I on Tuesday, 6 December. The African Group highlighted challenges regarding access to financial resources for the third national reports, which led to the lower response rate, with Fiji suggesting language inviting the GEF to increase related funding. Malawi proposed that the reporting format address mainstreaming biosafety into NBSAPs. Japan stressed that intersessional activities should focus on capacity building regarding establishment of measures to make the Protocol operational, as well as on further analyzing the low submission rate. Jamaica requested specifying a request for the Secretariat to conduct a detailed assessment regarding the decrease in national reporting, with Colombia suggesting that the Compliance Committee perform the latter task. Many delegates noted that establishment of a subsidiary body specific to the Cartagena Protocol is not needed.

Final Decisions: In the decision on third assessment and review (UNEP/CBD/CP/COP-MOP/8/L.20), the COP-MOP expresses concerns regarding:

- the lower rate of submission of third national reports;

- lack of awareness and political support for biosafety issues contributing to limited access to and uptake of funding for biosafety;
- the absence of clear linkages between outcome and indicators in the current Strategic Plan, agreeing to improve such linkages in the follow-up to the Strategic Plan;
- the slow progress regarding modalities for cooperation, capacity building for risk assessment and also unintentional release of LMOs; and
- that only half of the parties have fully put in place legal, administrative and other measures for the implementation of the Protocol.

The COP-MOP: urges parties to undertake targeted capacity-building activities on biosafety, and parties that have not already done so to put in place national biosafety frameworks, in particular biosafety legislation; encourages parties to use the BCH to share national experiences, to enhance capacity for public awareness, education and participation; and invites the GEF and parties in a position to do so to provide support for implementation of the Protocol.

It finally requests the Secretariat to: undertake regional and subregional workshops and other activities, subject to the availability of resources, in order to enhance the capacity of parties to promote the integration of biosafety considerations into NBSAPs, also on the possible impact of LMOs on IPLCs ensuring gender balance; and to enhance cooperation and collaboration in biosafety with relevant organizations.

In the decision on subsidiary bodies (UNEP/CBD/CP/COP-MOP/8/L.7), the COP-MOP considers there is no need to establish a subsidiary body for scientific and technical advice under the Protocol, and decides to continue establishing AHTEGs as needed, and subject to availability of funds.

SOCIO-ECONOMIC CONSIDERATIONS: This item (UNEP/CBD/BS/COP-MOP/8/13) was first considered in WG I on Thursday, 8 December, when the Secretariat introduced the relevant document (UNEP/CBD/BS/COP-MOP/8/13). India said that it is premature to initiate elaboration of guidelines, whereas Iran supported it. Kenya and New Zealand said that socio-economic considerations could be best addressed at the national and regional levels, and Namibia recommended establishing regional working groups. Many supported extension of the AHTEG mandate, with Brazil suggested the AHTEG address socio-economic aspects of synthetic biology, consistent with other international agreements, including on trade and human rights. Many favored face-to-face AHTEG meetings, whereas Mexico recommended continuing online discussions. Ecuador and Cuba stressed the need to commit funding for the AHTEG. The IIFB, supported by the Philippines and Pakistan, called for IPLC participation through contributions to the Voluntary Fund. Delegates agreed to include IPLCs as observers and ensure their full and effective participation. New Zealand did not support certain “elements of a framework for conceptual clarity on socio-economic considerations,” and requested “taking note of” it.

Plenary adopted the draft decision on Saturday, 17 December,

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.10), the COP-MOP takes note of the revised Framework for Conceptual Clarity, which is referenced in a footnote but not annexed to the decision. It extends the mandate of the AHTEG on socio-economic considerations, including IPLCs as observers, allowing it to meet face-to-face, subject to the availability of funds, and requesting it to submit a report for COP-MOP 9 consideration.

NAGOYA-KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS: This item (UNEP/CBD/BS/COP-MOP/8/14) was first considered in WG I, on Thursday, 8 December. The Secretariat said that four additional ratifications are needed for the Supplementary Protocol to enter into force. Plenary adopted the decision on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.8), the COP-MOP: welcomes parties that have ratified or acceded to the Supplementary Protocol, especially those that have made efforts towards its implementation; calls upon other Protocol parties to expedite their internal processes and to ratify as soon as possible; and requests the Secretariat, subject to the availability of funds, to develop capacity-building materials and undertake further awareness-raising activities to expedite the entry into force and implementation of the Nagoya-Kuala Lumpur Supplementary Protocol.

PUBLIC AWARENESS, EDUCATION AND PARTICIPATION: The item was first considered in WG I on Wednesday, 7 December (UNEP/CBD/BS/COP-MOP/8/15). The EU and the African Group supported continuation of the work programme until 2020. The Aarhus Convention Secretariat highlighted joint activities with the CBD. Delegates debated cooperation with Aarhus Convention, with Iran, Brazil and others opposing, and Mexico noting ongoing negotiations for a regional agreement in Latin America and the Caribbean for the full implementation of Rio Declaration Principle 10 (access to information, public participation and access to justice in environmental matters).

On the draft decision, Tanzania and the EU requested making a series of requests to the Secretariat subject to financial resources. Regarding the annexed priority activities and areas for the programme of work, delegates agreed to, *inter alia*: delete reference to development and use of training materials and other training activities, as supported by Brazil, Paraguay, Costa Rica and the EU, and opposed by Switzerland and Gabon; and delete specific examples regarding strengthening biosafety education and advancing tools and procedures for access to information, proposed by Brazil. Plenary adopted the decision on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/CP/COP-MOP/8/L.13), the COP-MOP extends the programme of work until 2020, with revised priority areas and activities contained in the annex. It urges: parties to implement it and share their experiences through the BCH and relevant national and regional clearing-houses; and developed country parties and relevant organizations to provide additional support. It requests the Secretariat, subject to the availability of funds, to assist in the implementation of priority areas and activities, and continue and enhance cooperation with relevant organizations to further facilitate implementation of the work programme.

The annexed priority activities are structured around priority areas addressing: advancing legal and/or policy frameworks and mechanisms; building and maintaining joint initiatives; advancing tools, resources and processes to broaden training activities; communicating biosafety and empowering a wider audience; strengthening biosafety education at all levels; improving tools and procedures for access to information; and mobilizing the public and ensuring gender-equality for a wider target audience to participate in the decision-making process.

NAGOYA PROTOCOL COP-MOP 2

COMPLIANCE: This item (UNEP/CBD/NP/COP-MOP/2/4) was first introduced in WG I on Tuesday, 6 December. The African Group noted the importance of lessons learned from the Compliance Committee of the Cartagena Protocol. The EU noted that rules regarding conflict of interest should also apply to observers. India underscored that the Committee should focus on supporting parties in implementing the Protocol.

On the draft decision, Mexico suggested, and delegates agreed, to urge parties to submit, in a timely manner, the interim national reports. On the rules of procedure of the Compliance Committee, Brazil, Colombia and Cuba recommended electronic means should not be used for decision making. The EU proposed, and delegates agreed, to retain reference to decision making, and exclude “substantive decisions, such as on submissions relating to issues of compliance or non-compliance with the provisions of the Protocol.” On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.10), the COP-MOP notes that implementation of the Protocol is still in its early stages and therefore the compliance mechanism cannot yet be fully assessed, and urges parties to submit in a timely manner the interim national reports.

It approves the rules of procedure of the Compliance Committee, which address: purposes; definitions; dates and notice of meetings; agenda; distribution and consideration of information; publication and confidentiality of documents and information; members and IPLC observers; officers; conduct of business; amendments to the rules of procedure; and overriding authority of the Protocol. On conflict of interest, the rules note that each Committee member and the IPLC observers shall avoid conflict of interest. Where a member or observer is faced with a conflict of interest, they should bring the issue to the attention of the Committee before consideration of the matter, and shall not participate in the deliberations and the taking of decisions in relation to that matter. A conflict of interest refers to any current interest that could significantly impair the individual’s objectivity as a Committee member or observer, or create an unfair advantage for any person or organization.

IMPLEMENTATION OF AICHI TARGET 16: On Tuesday, 6 December, the Secretariat introduced the relevant document (UNEP/CBD/NP/COP-MOP/2/2) in WG I, noting the target addresses ratification and national implementation levels, and highlighting recent ratifications by Cameroon and Malta. Many delegates reported on their ratification processes and development of ABS frameworks. Argentina indicated readiness to deposit the instrument of ratification during the meeting. Fiji said it ensures compliance with Nagoya Protocol obligations across ministries without specific implementing legislation. Kenya reported on its digitized permitting system. The LMMC, with many, stressed the need for financial resources and capacity building for implementation. The IIFB asked for reference that confidential TK be referred to the ABS Clearing-House only with the free PIC of IPLCs. IUCN recommended that parties regularly provide information to the Secretariat on institutional structures and legislation, to be shared through the ABS Clearing-House. On Saturday, 17 December, plenary adopted the decision

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.5), the COP-MOP: urges Nagoya Protocol parties to take further steps towards effective implementation; reiterates the need for capacity-building and development activities; and invites parties and other governments to implement the International

Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) and the Nagoya Protocol in a mutually supportive manner.

SBI MODUS OPERANDI: This item (UNEP/CBD/SBI/1/14) was first considered in WG I on Wednesday, 7 December. Discussions focused on issues related to IPLCs. On Friday, 9 December, plenary adopted the decision. Discussions and the decision are further summarized under the SBI modus operandi agenda item under COP 13 (see page 19).

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.2), the COP-MOP endorses the SBI modus operandi adopted by COP and decides that it should apply, *mutatis mutandis*, when the SBI serves the Nagoya Protocol.

INTEGRATION AMONG THE CONVENTION AND ITS PROTOCOLS: This item (UNEP/CBD/SBI/1/14) was first considered in WG I on Wednesday, 7 December. On Tuesday, 13 December, NP COP-MOP 2 adopted a decision on integration among the Convention and its Protocols. The brief discussion addressed criteria for concurrent meetings and potential costs.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.4), the COP-MOP decides to review, at COP-MOP 3 and 4, experience with the holding of concurrent meetings, using criteria that include: full and effective participation of representatives of developing country parties, in particular least developed countries and small island developing states, and countries with economies in transition; effective outcomes; increased integration among the Convention and its Protocols; and cost-effectiveness. It further calls upon developed country parties to increase their contributions to the relevant voluntary trust funds in order to ensure full and effective participation in concurrent meetings.

USE OF THE TERM “INDIGENOUS PEOPLES AND LOCAL COMMUNITIES”: On Tuesday, 13 December, NP COP-MOP 2 considered and adopted a decision on the use of the term “indigenous peoples and local communities” under the Nagoya Protocol.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.3), the COP-MOP decides to apply, *mutatis mutandis*, the terminology “indigenous peoples and local communities” adopted by the COP.

ABS CLEARING-HOUSE AND INFORMATION SHARING: The item was introduced in WG I on Wednesday, 7 December (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.

Discussions on a draft decision revolved around reference to internationally recognized certificates of compliance. After lengthy discussions, delegates agreed that these certificates serve as evidence that genetic resources and the associated TK have been accessed in compliance with PIC and that MAT have been established, in order to enhance legal certainty. On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.7), the COP-MOP stresses the importance of increasing the relevant content and the use of the ABS Clearing-House, as well as making it operational in the six UN languages.

FINANCIAL MECHANISM AND RESOURCES: The item (UNEP/CBD/NP/COP-MOP/2/5) was introduced on Tuesday, 6 December, in WG I. 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 internationally recognized certificates of compliance.

Deliberations continued in the contact group on resource mobilization and the financial mechanism, which discussed financial issues under the Convention and its Protocols jointly (see pages 9-10).

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.9), the COP-MOP recommends that the COP include in the decision on the financial mechanism:

- programme priorities for GEF-7, such as increased number of ratifications of the Nagoya Protocol and increased number of countries that have adopted legislative, administrative or policy measures on ABS to implement the Protocol; and
- the adoption of a new transitional clause in the eligibility criteria for GEF-7, that developing countries that are parties to the Convention and provide a clear political commitment towards becoming parties to the Protocol, shall also be eligible for GEF funding for developing national measures and institutional capabilities to enable them to become a party.

Evidence of such political commitment, accompanied by indicative activities and expected milestones, shall take the form of an official written assurance by a minister to the Secretariat that the country intends to become a party to the Nagoya Protocol on completion of the activities to be funded.

BUDGET: Discussions and decision on budget are reflected in the CBD COP 13 report (see pages 10-11).

COOPERATION WITH OTHER CONVENTIONS: This item (UNEP/CBD/NP/COP-MOP/2/6) was first discussed by WG I on Thursday, 8 December. Mexico supported strengthened collaboration with the 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 NP 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. On language “welcoming” the WHO study on pathogen-sharing and public health implications from the Nagoya Protocol’s implementation, Malaysia, supported by Namibia and Mauritania, and opposed by the EU and Norway, suggested “noting” the initiative to carry out the study, which was agreed.

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, the World Intellectual Property Organization (WIPO), CGRFA,

ITPGR and the CGIAR Consortium. Colombia encouraged collaboration with WIPO. The ITPGR proposed expanding cooperation to the programme of work on the Global Information System.

Namibia requested a study of what constitutes a specialized ABS agreement under the Protocol, with Malaysia noting that NP parties should determine the relevant criteria. Switzerland and Norway proposed that specialized ABS instruments can be identified at the national level. Namibia and Brazil opposed, and suggested that the study be transmitted to NP COP-MOP 3 for consideration of criteria to ensure that, if such an instrument is recognized, its present and future activities are supportive of, and not run counter to, the CBD and NP objectives. Canada proposed gathering views from parties and others on criteria. Following informal consultations, delegates agreed to request a study on criteria and a possible process for recognizing a specialized ABS agreement, for consideration by the SBI and NP COP-MOP 3. Delegates agreed to request the Secretariat to continue to engage with relevant ongoing processes and policy debates, including in WHO, WIPO, CGRFA, ITPGR and others, as appropriate, to collect information on current discussions on the relationship of the use of digital sequence information on genetic resources and ABS arising out of the utilization of genetic resources, for inclusion in the compilation of views referred in the decisions on digital sequence. Namibia requested, and delegates agreed to, a footnote explaining that the term “digital sequence information on genetic resources” is subject to further discussion. Plenary adopted the decision on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.14), the COP-MOP takes note of the initiative to carry out a study on public health implications and pathogen sharing in the implementation of the Nagoya Protocol, and requests the Secretariat to liaise with WHO on the study’s outcomes and to transmit information to COP-MOP 3. It further requests the Secretariat to conduct a study into possible criteria to identify what constitutes a specialized international ABS instrument, in the context of NP Article 4(4), and what could be a possible process for recognizing such an instrument, and to refer the study for further consideration by SBI 2 before consideration by COP-MOP 3; and to continue to engage with relevant ongoing processes and policy debates, including in the WHO, CGRFA, ITPGR, the CGIAR Centers and others, to collect information on current discussions on the relationship between the use of digital sequence information on genetic resources and ABS arising out of the utilization of genetic resources, and to include relevant information gathered during these engagements in the compilation of views to be prepared for COP 14.

CAPACITY BUILDING: This item (UNEP/CBD/NP/COP-MOP/2/8) was first considered in WG I on Wednesday, 7 December. The Secretariat introduced the progress report on implementation of the Strategic Framework for Capacity-Building and Development to support implementation of the Nagoya Protocol.

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 reiterated capacity building especially for indigenous women, with culturally appropriate tools.

Norway, opposed by Japan and Mexico, proposed the Secretariat should facilitate, but not carry out, capacity-building activities to support the ratification and implementation of the Nagoya Protocol. Japan recalled that the Secretariat carries out capacity-building activities already, through the Japan Biodiversity Fund. Regarding a specific reference to capacity building for non-commercial use of genetic resources, the EU proposed to move the reference to the annex listing capacity-building activities for an effective NP. Following lengthy discussion, delegates agreed to move it under the listed activities, with a desired outcome on “increased capacity of non-commercial research institutions and actors.”

Discussions on the capacity-building activities relevant to the Protocol were also held in the contact group on capacity building under the Convention, co-chaired by Maria Schultz (Sweden) and Alfred Oteng Yeboah (Ghana).

On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.13), the COP-MOP decides that the informal advisory committee will hold at least one meeting and online consultations to complete its mandate and report to COP-MOP 3. The COP-MOP also invites parties and others to: enhance communication, coordination and collaboration among existing capacity-building initiatives on ABS; and make use of the tools developed to assess their capacity-building and development needs. The COP-MOP further requests the Secretariat to carry out, subject to the availability of funds, capacity-building activities to support the ratification and implementation of the NP; and prepare, in consultation with the informal advisory committee, elements for the evaluation of the strategic framework for consideration by COP-MOP 3.

Annexed to the decision is the part of the short-term action plan (2017-2020) that refers to the Protocol.

AWARENESS RAISING: On Wednesday, 7 December, this item was introduced in WG I (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 NP communication strategy. On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.8), the COP-MOP, *inter alia*, requests that the Secretariat: carry out activities to ensure coherence between the awareness-raising and communication strategies of the Convention and both Protocols; and make efforts to ensure IPLCs’ full and active participation in the implementation of all priority activities of the awareness-raising strategy in a culturally appropriate manner.

DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES: The item was discussed in an open-ended Friends of the Chair group jointly with the same item under the Convention. On Saturday, 17 December, plenary adopted the decision. Discussions and the decision on the item (UNEP/CBD/NP/COP-MOP/2/L.11) are summarized under the digital sequence information on genetic resources (see page 18).

GLOBAL MULTILATERAL BENEFIT-SHARING

MECHANISM: The item was introduced to WG I on Thursday, 8 December (UNEP/CBD/NP/COP-MOP/2/10). 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.

A contact group, co-chaired by Christine Echokit Akello (Uganda) and Gaute Voigt-Hanssen (Norway) addressed the draft decision. Delegates debated preambular reference to “the sovereign right of States over their genetic resources and, accordingly, that the bilateral approach to ABS should be followed whenever possible.” While some developed country delegates supported the reference and reaffirmed the predominantly bilateral approach of the Protocol, developing countries stressed that states can follow any approach in exercising their sovereign rights, similar to the approach of the ITPGR or the WHO PIP Framework. Discussions continued on the preamble, as well as on operative paragraphs on submission of information, commissioning a study on ABS practices in *ex situ* collections, and convening a regionally balanced expert group. On Saturday, 17 December, plenary adopted the decision.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.15/Rev.1), the COP-MOP: recognizes the default bilateral approach to ABS set out in the Protocol, as well as that there may be situations where this bilateral approach is not realized; takes note of developments under other international processes, such as the UN General Assembly and the ITPGR; notes that further information and experience is needed with NP implementation, including to inform deliberations under Article 10; and reminds parties of their obligation to make available to the ABS Clearing-House all mandatory information in accordance with the Protocol.

It requests the Secretariat to compile information submitted by parties and IPLCs on: the provisions of the Protocol related to TK associated with genetic resources held by IPLCs; practical experiences on situations in which it is not possible to grant or obtain PIC in relation to *in situ* or *ex situ* genetic resources and associated TK; and on the way forward in relation to Article 10, for SBI and COP-MOP 3 consideration. The Secretariat is further requested to synthesize relevant information provided through the interim national reports, and compile information available on developments in relevant international processes and organizations, for the SBI to explore the need for a global multilateral benefit-sharing mechanism and make recommendations for COP-MOP 3 consideration.

ASSESSMENT AND REVIEW: This item (UNEP/CBD/NP/COP-MOP/2/11) was first discussed on Tuesday, 6 December. The African Group asked to include language that the GEF fund preparation of interim national reports, and said the review should include an assessment of measures to ensure benefit-sharing. The EU said that the baseline should have been set before the NP entered into force. Morocco suggested the assessment be delayed to 2022 because of lack of data. Canada called for developing a framework of indicators. The EU proposed, and delegates agreed, to develop a draft framework of indicators in the second assessment and review as a basis for measuring progress in implementing the Protocol. Plenary adopted the decision on Saturday, 17 December.

Final Decision: In the decision (UNEP/CBD/NP/COP-MOP/2/L.6), the COP-MOP agrees to conduct the first assessment and review of the Protocol on the basis of the annexed elements, urging parties to submit interim national reports no later than one year before COP-MOP 3. The COP-MOP requests the Secretariat to:

- assess any needs for additional information, including consideration of a targeted survey of ABS national focal points and/or users;
- prepare on the basis of this an analysis to form the basis for the first assessment of the effectiveness of the Protocol;
- make available to COP-MOP 3 information on experiences from the assessment and review process under the Cartagena Protocol; and
- prepare a framework of indicators as a basis for measuring, in the second assessment and thereafter, progress in achieving the Protocol objective taking into account the preparation of and elements included in the first assessment.

It further requests the Compliance Committee to provide inputs to the first assessment and review of the Protocol in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to NP implementation; and SBI 2 to review the analysis of information, as well as the draft framework of indicators, taking into account the inputs from the Compliance Committee, and submit its finding and recommendations to COP-MOP 3.

The annex contains the elements to be included in the first assessment of the Protocol and respective sources of information.

CLOSING PLENARY

Following regional nominations, plenary elected as new COP Bureau members: Mohamed Ali ben Temessek (Tunisia) and Samuel Ndayiragije (Burundi), for Africa, with Mohammed Elabd (Mauritania) as substitute for the NP COP-MOP Bureau; Elvana Ramaj (Albania) and Sergei Melnov (Belarus), for CEE; Randolph Edmead (Saint Kitts and Nevis) and Clarissa Nina (Brazil), for GRULAC, with Marina Hernandez (Dominican Republic) as substitute for the NP; Hayo Haanstra (Netherlands) and Basile van Havre (Canada) for the Western European and Others group, with Tone Solhaug (Norway) as substitute for the NP; and Gwendalyn Sisor (Palau) and Monyrak Meng (Cambodia), for Asia-Pacific, with Rahul Chand (Fiji) as substitute for the NP.

Plenary elected Theresa Mundita Lim (the Philippines) as SBSTTA Chair; and adopted a decision welcoming the appointment of Cristiana Paşca Palmer of Romania as Executive Secretary of the Convention (UNEP/CBD/COP/13/L.30).

Plenary adopted the meeting and WG reports (UNEP/CBD/COP/13/L.1 and Add.1-2), and outstanding decisions under the Convention and its Protocols. On concerns regarding difficulties

in obtaining visas, expressed by Iran, plenary agreed to note in the report that the Secretariat should make the necessary prior arrangements for countries hosting CBD meetings. Plenary was then suspended to allow for budget negotiations to conclude.

During the night, while budget negotiations were still ongoing, plenary heard closing statements. Many expressed gratitude to Mexico for hosting the meeting, and expressed appreciation to the Secretariat. Egypt looked forward to hosting COP 14 and related Protocol meetings in 2018 and continuing the work initiated by Mexico in mainstreaming biodiversity in the sectors of energy, mining, infrastructure, industry and health. Chad, on behalf of the African Group, noted progress achieved at this meeting, highlighting that more remains to be done during the intersessional period before COP 14, particularly on capacity building, cooperation, and resource mobilization. Ukraine welcomed guidance on mainstreaming for implementing the Aichi Targets, and stressed the need to discuss post-2020 targets and synergies with the SDGs. Peru, for GRULAC, highlighted that COP 13 enabled mainstreaming and improved integration among the Convention and its Protocols. Guatemala, for the LMMC, emphasized the role the group plays in achieving Aichi Target 11 (PAs) and underscored the need for adequate and predictable financial resources; and announced Malaysia as incoming LMMC Chair.

The Russian Federation recommended: reducing printing and natural resource waste during meetings; drafting more succinct, understandable and actionable decisions; and distinguishing technical deliberations by the subsidiary bodies from political decision making during the COP. The EU welcomed COP 13 outcomes and looked forward to: concrete implementation of the decision on mainstreaming; continued work on risk assessment, as well as on socio-economic considerations; and promoting synergies with the 2030 Sustainable Development Agenda and the Paris Agreement.

Japan, for the Asia-Pacific region, welcomed the Cancun Declaration and the outcomes of this meeting as facilitative for the achievement of the Strategic Plan and Aichi Targets. She noted that mainstreaming biodiversity into sectors is a means to reduce negative impacts on biodiversity, while also addressing positive impacts. Canada highlighted positive outcomes on Article 8(j) and synthetic biology, adding that his delegation has already started discussions with Egypt on mainstreaming. Morocco underscored the Cancun Declaration and the far-reaching results of the Biodiversity Conference.

The IIFB urged parties to contribute to the voluntary fund to secure IPLC participation, and called for respecting internationally recognized indigenous rights and for ensuring IPLC participation in national reporting. The UNPFII urged states to implement the collective rights of indigenous peoples framed in UNDRIP, respect free PIC as a basis for establishing a culture of peace, and incorporate alternative visions in decision making based on indigenous practices. The GYBN expressed concern about the abolishment of the AHTEG on risk assessment and highlighted the official launch of their guidebook, “CBD in a Nutshell.”

FAO thanked CBD Executive Secretary Dias for his vision concerning biodiversity mainstreaming and confirmed commitment to help “build bridges” across sectors in achieving the SDGs and Aichi Targets. CBD Deputy Executive Secretary David Cooper, on behalf of the CBD Secretariat, expressed appreciation for Dias’ scientific engagement and policy leadership in supporting substantial progress in implementation and creating substantive international partnerships. Elizabeth Mrema, UN

Environment: considered the conference successful; welcomed the mainstreaming theme as a reminder that not only parties, but also the private sector, NGOs, the UN System and IPLCs need to contribute to implementation; and committed to convey the outcomes of the UN Biodiversity Conference to UNEA.

Following suspension of the meeting to allow for budget deliberations to conclude, plenary reconvened at 4:50 am on Sunday morning. Plenary adopted the budget without discussion; as well as the reports of NP COP-MOP 2, CP COP-MOP 8, and CBD COP 13 (UNEP/CBD/NP/COP-MOP/2/L.1, UNEP/CBD/CP/COP-MOP/8/L.1 and UNEP/CBD/COP/13/L.1).

President Pacchiano noted progress at COP 13 and its potential impacts on the global agenda for sustainable development and biodiversity, highlighting mainstreaming biodiversity into other sectors and the role of ministers outside the environmental portfolio to integrate biodiversity into agriculture, tourism, fisheries and agriculture. He recognized the dedication of Braulio Dias and gaveled the UN Biodiversity Conference to a close at 5:03 am.

A BRIEF ANALYSIS OF THE MEETING

Nothing is absolute. Everything changes, everything moves, everything revolves, everything flies and goes away. – Frida Kahlo

“Either we change our ways of life to stop biodiversity loss or that loss will change forever our ways of life.” The words of Mexican President Enrique Peña Nieto aptly captured the motivation for the theme of the UN Biodiversity Conference, in Cancun: “Mainstreaming biodiversity for well-being.” Most participants agreed that this message made it easier to discern what is fundamentally underlying the multitude of technical agenda items of the Convention of Biological Diversity, the Cartagena Protocol and the Nagoya Protocol: preserving the diversity of life on earth must be everybody’s business, not only environmentalists. For this reason, the Conference brought together ministries of four major economic sectors (agriculture, fisheries, tourism and forests) that have positive and negative impacts on biodiversity, which contributed to the high-level segment planned by Mexico.

The widespread praise for the Mexican Presidency in strategically choosing the theme and putting a significant effort in intersessional substantive preparations also extended to the overall seamless organization of the UN Biodiversity Conference, which was the first concurrent meeting of the CBD Conference of the Parties and the governing bodies of its Protocols. Concerns about the expected complexity of the meeting paralleled the hopes for increased integration: the three instruments have different memberships and require different expertise, with work under the Cartagena Protocol, in particular, being traditionally quite separate from the Convention. At the same time, this first concurrent meeting was hoped to herald a new era of more synergetic work within the CBD family.

This brief analysis assesses the intensely negotiated outcomes that will contribute to further integration between the CBD and its Protocols, as well as the CBD’s mainstreaming agenda, reflecting on the meeting’s potential implications for the future of the CBD, its Protocols, and life on earth.

EMERGING TECHNOLOGIES AS AN OPPORTUNITY FOR INTEGRATION: DE- AND RE-CONSTRUCTING BIODIVERSITY

Universally seen as the hottest topic in Cancun, synthetic biology epitomized the need for further integration between the Convention and its Protocols. This threat to biodiversity has been discussed for over five years under the CBD, but it is only recently that its relevance for the Protocols has come to light, with gene drives raising new questions for the Cartagena Protocol, and digital sequence information changing the ABS game under the Nagoya Protocol.

Synthetic biology... It is not easy to understand the concept of synthetic biology. The saga over developing a definition under the Convention finally came to an end in Cancun when the COP eventually acknowledged the outcome of the work of the *Ad Hoc* Technical Expert Group (AHTEG) and accepted its proposed operational definition as a starting point for scientific and technical deliberations: “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.”

For the lay person, this is still quite abstruse. Any historic explanation of “synbio” should probably start from selective breeding, and proceed to the discovery of DNA, molecular biology techniques, the use of restriction enzymes as vectors, and genetic engineering techniques that led to the ability to insert foreign DNA into an organism’s genome. The latter gave birth to the widely-known genetically modified organisms, whose transboundary risks for biodiversity are regulated under the Cartagena Protocol. While synthetic biology builds on the techniques of genetic engineering, it includes novel elements and involves much wider interventions, including the assembly of new sequences of DNA and even entire genomes, far beyond the modification of existing cells by inserting or deleting a small number of genes.

Synbio applications are virtually endless, ranging from food to software, including biofuels, medicine, chemicals and cosmetics. Promised benefits are equally far-reaching: environmental and economic benefits are associated with agriculture, bioremediation, energy production, control of disease vectors, and even restoring genetic diversity, with projects under way to bring back extinct species like the woolly mammoth and the passenger pigeon. These views were visibly present at the UN Biodiversity Conference, with some developed countries, supported by industry and research bodies, arguing for the freedom of scientists to fully explore the opportunities potentially arising from synbio.

On the other hand, many developing countries and environmental NGOs expressed grave concerns about the wide-ranging risks associated with “playing god.” Some emphasized concrete socio-economic concerns associated with using synbio and displacing the natural production and associated livelihoods, especially in developing countries, around saffron, palm oil or rubber, for example. Others pointed to potential toxic effects and invasiveness. Some raised questions related to the false promises of “technofixes,” with the potential to cause bigger problems than those they are trying to address, while diverting attention from the underlying causes of biodiversity loss.

As a result of these two competing forces, many delegates called for developing an international regulatory framework as a matter of urgency. But due to these divergent views, the CBD COP found common ground on mandating continued work in the

AHTEG and an online forum, as well as work on risk assessment. These results were welcomed by the majority of participants, since no other international forum is tackling this issue. Some delegates, however, continued to worry about the time it will take for governance and regulation to catch up with this emerging technology, considering that many synbio products are already in the market and have been released into the environment.

... gene drives ... Associated with synbio techniques, gene drives are an even less understood technological development. Stemming from the observation that in nature some genes are more persistent than others, engineered gene drives promote the inheritance of a particular gene to increase its prevalence in a population. Gene drives basically ensure that a specific trait will be transmitted to all future generations, allowing human interventions in ecosystems at an unprecedented scale. Since knowledge of gene drives is rudimentary, biosafety concerns are very high. Certain applications may have noble motives, such as eradicating malaria-carrying mosquitos. Still, they fail to consider, as one delegate noted, the potentially devastating effects they can have on entire ecosystems.

Reflecting the divides surrounding synbio, some delegations called for a moratorium, while others were unwilling to include any specific precautionary reference to gene drives. However, a few were of the opinion that previously agreed language, urging parties to regulate the environmental release of “any” organisms resulting from synthetic biology, covers gene drives. As a result, explicit reference to gene drives in the decision on synthetic biology was un-bracketed only on the very last day of the Conference. While those ringing the alarm bell about gene drives argue that international regulatory action is urgently needed, most were reasonably satisfied with the result, which notes that the required precautionary approach to synthetic biology can apply also to living modified organisms containing gene drives.

...digital sequence information on genetic resources ... Digital sequence information on genetic resources was another complex dimension of the synbio discussions. This topic was initially discussed as a bracketed paragraph in the SBSTTA recommendation on synthetic biology, to address the underlying question as to whether transfers of genetic information in digital format should fall under the benefit-sharing obligations of the CBD and the Nagoya Protocol. The issue then spun off into a new contact group, jointly established under the contact groups on synthetic biology for COP 13 and the need for a multilateral benefit-sharing mechanism for Nagoya Protocol COP-MOP 2.

As some explained, digital sequence information, which may be used as a basis for synthetic biology applications, is not explicitly covered under the Nagoya Protocol. It is, however, a standard practice in bio-based research and development that renders physical access to the genetic resource unnecessary. As many biodiversity-rich developing countries pointed out, failing to share the benefits rising from the utilization of digital sequence data would make the Nagoya Protocol redundant, while still in its infancy. A packed side-event on this topic brought together experts and negotiators from other international processes where the same question has arisen, including the World Health Organization’s pandemic influenza virus framework, the International Treaty on Plant Genetic Resources for Food and Agriculture, and the incipient negotiations on a new treaty on marine biodiversity in areas beyond national jurisdiction.

The resulting two decisions, identical in content but adopted under the CBD and Nagoya Protocol, respectively, paved the way for more in-depth discussions through an AHTEG. While this may seem a modest development, many welcomed it, noting that

two years ago it would seem unthinkable. Nevertheless, thorny questions remain to be answered: Can digital information on genetic resources fall within the scope of the Convention and the Nagoya Protocol? What does this mean for ABS, given that much of this information is already in the public domain and open-access? Could it possibly be addressed under a global multilateral benefit-sharing mechanism under Article 10 of the Nagoya Protocol? In that connection, the last-minute decision to continue these negotiations under the SBI, rather than in a dedicated expert group, left many delegates disheartened that there will likely be insufficient time and expertise to do justice to this issue.

... and integration: Despite the different avenues for intersessional work on emerging technologies, many considered these discussions as a prime example of successful integration within the Convention, which will now shape the CBD subsidiary bodies. In addition to placing Nagoya Protocol Article 10 on the SBI agenda, another decision called for continued discussions on risk assessment of LMOs in the SBSTTA, which came as a surprise to many biosafety veterans who had not conceived of making use of that subsidiary body until arriving in Cancun. While many lamented that countries in need of specific advice on risk assessment may suffer from discontinuing the AHTEG, others pointed instead to the opportunities for integration. As a long-standing CBD negotiator commented, “integration under the CBD, particularly with the Cartagena Protocol, is overdue. There may have been a few, inevitable, hiccups along the way in this first concurrent meeting, but we are certainly headed in the right direction.”

MAINSTREAMING BIODIVERSITY INTO PRODUCTIVE SECTORS: OPPORTUNITIES AND CHALLENGES

Satisfaction was palpable during the closing plenary with regard to the mainstreaming-related outcomes of the Conference. While the main decision on mainstreaming was debated at length in a contact group, delegates considered that despite few, predictable exceptions (certification and trade-related concerns), the discussions were constructive and showed commitment. In the end, the overwhelming majority welcomed the sector-specific guidance on mainstreaming biodiversity in the agricultural, forestry and fisheries sectors. The guidance cements cooperation with FAO, whose mandate and technical work covers all these areas, and promotes synergies with FAO instruments on natural resource governance, including land tenure and small-scale fisheries. Mainstreaming in the agricultural sector also benefitted greatly from the scientific inputs of IPBES, through its first global assessment on pollinators, which allowed for a wide-ranging CBD decision to address the biodiverse “microcosm” of agriculture through use of pesticides, but also management of habitats, control of invasive alien species, and enabling policies to support farmers, indigenous peoples and local communities.

On a more critical note, an observer considered that the selected areas for mainstreaming at this meeting represent low-hanging fruits for the CBD, which has already done quite a lot of work through its work programmes on agricultural, forest and marine ecosystems, as well as having already adopted guidelines on biodiversity and tourism. Another long-standing delegate saw the sector-specific guidance as a “Christmas shopping list,” but was also quick to acknowledge that the decision offers many good ideas for those involved in implementation at the national level to draw upon in their efforts to engage production-dominated ministries and stakeholders—a continuing challenge in both the developed and developing world. In this connection, other delegates drew attention to the uncontroversial short-term action

plan on ecosystem restoration—as ecosystem restoration that balances social, economic and environmental concerns—which is also expected to be mainstreamed across sectors. Some delegates also commented on the relevance of the proactive global communication strategy—seen by some as part of the legacy of outgoing Executive Secretary Braulio Dias—which assigns specific tasks to different stakeholders. The areas for future work on mainstreaming, however, will certainly pose more challenges as they represent, to a great extent, new territory for the CBD: energy, mining, infrastructure, as well as the manufacturing and processing industry. As another expert noted, however, the new areas could provide a key testing ground for the CBD guidelines on environmental impact assessment and strategic environmental assessment.

Another complex aspect of the guidance on mainstreaming at COP 13 was the inclusion of different values and methods, including in connection with indigenous worldviews and traditional knowledge systems. While the decision contains numerous references to indigenous peoples’ and local communities’ (IPLCs) approaches, rights and collective contribution to conservation and sustainable use, the real challenge lies in finding respectful, workable and diverse ways to constructively engage “modern” scientists, natural resource managers and IPLCs in mutual learning and partnership building. Such challenges were all too evident in the hard-fought negotiations on the guidance on prior informed consent and benefit-sharing from the use of traditional knowledge. While the long-awaited adoption of the Mo’otz Kuxtal guidelines (using the Mayan word for “roots of life”) eventually took place after a walk-out by the IPLC representatives and intense informal consultations among governments, IPLCs and supporting NGOs, adoption came at the price of even more convoluted and qualified language on what IPLCs’ consent is and how it should be pursued. Nevertheless, long-standing IPLC advocates found that the guidelines provide certain novel and helpful elements, notably providing indications as how not only physical coercion but more subtle sources of pressure should be prevented in any interaction with traditional knowledge holders.

The debates on the guidelines also raised questions of integration of IPLCs’ issues within all CBD processes beyond the Article 8(j) Working Group. The African Group was worried about the implications of the new guidelines for the prospects of benefit-sharing under the Nagoya Protocol, for instance. Other countries insisted that AHTEGs, such as that on synbio, should reflect more broadly on IPLCs’ views on emerging technologies and their potential impacts. It remains to be seen how the proposal to integrate work on Article 8(j) throughout the CBD processes will help national delegations and CBD stakeholders to engage more systematically in these critical debates.

LIVING IN HARMONY WITH NATURE: A PARADIGM SHIFT?

Emerging technologies and the responses that can be derived from better integration of different tenets of the CBD regime admittedly played a central role at the UN Biodiversity Conference. As one observer recalled, the Rio+20 outcome document underlined that new or strengthened international regulatory frameworks are needed on emerging technologies. Work under the CBD has indeed taken off, the same observer noted, although an increasing number of countries seem to focus only on the potential benefits of new technologies, avoiding discussion of major risks for biodiversity conservation or implications for fair and equitable benefit-sharing. A paradigm

shift is essential, as underscored by many participants during the High-level Segment and the plenary's interactive dialogue on living in harmony with nature. Mainstreaming biodiversity considerations in different sectors may contribute to setting such a change in motion. Other than addressing the obvious disparities of our societies and "distance ourselves from this economy based on immediate gain and the culture of individualism, waste of things and neglect of people," using the words of Holy See representative Monsignor Ramon Macias, what critically needs mainstreaming is the interconnectedness of humans and the natural world.

UPCOMING MEETINGS

UN World Data Forum: The first UN World Data Forum will be hosted by Statistics South Africa, with support from the UN Statistics Division, under the guidance of the UN Statistical Commission and the High-level Group for Partnership, Coordination and Capacity-Building for Statistics for the 2030 Agenda for Sustainable Development. **dates:** 15-18 January 2017 **location:** Cape Town, South Africa **contact:** UN Statistics Division, Statistical Services Branch **phone:** +1-212-963-9851 **email:** dataforum@un.org **www:** <http://undataforum.org/>

Global Forum for Food and Agriculture: Organized by the Ministry of Food and Agriculture of Germany, this Forum provides an opportunity to share ideas and enhance understanding on selected topics of current agricultural policy. The 2017 theme is "Agriculture and Water: Key to Feeding the World." **dates:** 19-21 January 2017 **location:** Berlin, Germany **contact:** GFFA Secretariat **email:** info@gffa-berlin.de **www:** <http://www.gffa-berlin.de/en/global-forum-for-food-and-agriculture-2017/>

CGRFA 16: The sixteenth regular session of the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA) is expected to address a series of sectoral and cross-sectoral issues of relevance to genetic resources for food and agriculture, including the report on the state of the world's biodiversity for food and agriculture, and the role of genetic resources for food security. **dates:** 30 January - 3 February 2017 **location:** Rome, Italy **contact:** CGRFA Secretariat **phone:** +39-06-57054981 **fax:** +39-06-57055246 **email:** cgrfa@fao.org **www:** <http://www.fao.org/nr/cgrfa/cgrfa-meetings/cgrfa-comm/en/>

IPBES 5: The fifth Plenary session of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services will review progress on the work programme, including the methodological assessment regarding the diverse conceptualization of multiple values of nature and its benefits and thematic assessments on invasive alien species and on sustainable use of biodiversity. **dates:** 7-10 March 2017 **location:** Bonn, Germany **contact:** IPBES Secretariat **phone:** +49-228-815-0570 **email:** secretariat@ipbes.net **www:** <http://www.ipbes.net/plenary/ipbes-5>

ITPGR WG to Enhance the Functioning of the MLS: The sixth meeting of the International Treaty on Plant Genetic Resources for Food and Agriculture's Working Group to Enhance the Functioning of the Multilateral System (MLS) of Access and Benefit-Sharing will continue considering measures to increase user-based payments and contributions to the Benefit-sharing Fund, and additional measures to enhance the functioning of the MLS. **dates:** 13-17 March 2017 **location:** Rome, Italy **contact:** ITPGR Secretariat **phone:** +39-06-57053441 **fax:** +39-06-57053057 **email:** pgrfa-treaty@fao.org **www:** <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/414992/>

BBNJ PrepCom 3: The third meeting of the Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction will address marine genetic resources, area-based management tools, environmental impact assessments, capacity building, transfer of marine technology, and crosscutting issues. **dates:** 27 March - 7 April 2017 **location:** UN Headquarters, New York **contact:** UN Division for Ocean Affairs and the Law of the Sea (UNDOALOS) **phone:** +1-212-963-3962 **email:** doalos@un.org **www:** <http://www.un.org/depts/los/biodiversity/prepcom.htm>

UNPFII 16: The 16th session of the UN Permanent Forum on Indigenous Issues will celebrate the 10th anniversary of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). UNPFII 16 will follow up on the recommendations of previous sessions with regard to indigenous youth, and the empowerment of indigenous women, and will discuss measures taken to implement UNDRIP. **dates:** 24 April - 5 May 2017 **location:** UN Headquarters, New York **contact:** UNPFII Secretariat **email:** indigenous_un@un.org **www:** <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html>

IWRA XVI World Water Congress: The XVI World Water Congress is jointly organized by the International Water Resources Association (IWRA), the National Water Commission of Mexico (CONAGUA) and the National Association of Water and Sanitation Utilities (ANEAS). Its overall theme is "Bridging Science and Policy." **dates:** 29 May - 2 June 2017 **location:** Cancun, Mexico **contact:** IWRA Executive Office **email:** office@iwra.org **www:** <http://www.worldwatercongress.com>

14th International Symposium on the Biosafety of Genetically Modified Organisms: The goal of this Symposium, organized by the International Society for Biosafety Research, is to advance the standing of biosafety research around the world and shape the ways in which GM technology is applied and regulated. The 2017 theme is "Environmental risk assessment of GMOs: past, present and future." **dates:** 4-8 June 2017 **location:** Guadalajara, Mexico **contact:** Natalia Bogdanova **email:** bogdanova.natalia85@gmail.com **www:** <http://isbr.info/ISBGMO14>

High-level UN Conference to Support the Implementation of SDG 14: This high-level UN Conference, co-hosted by the governments of Fiji and Sweden, will coincide with the World Oceans Day, and seeks to support the implementation of SDG 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development). **dates:** 5-9 June 2017 **location:** UN Headquarters, New York **contact:** Permanent Missions of Fiji and Sweden to the UN **phone:** +1-212-687-4130 (Fiji); +1-212-583-2500 (Sweden) **www:** <https://sustainabledevelopment.un.org/topics/oceans/SDG14Conference>

BBNJ PrepCom 4: The fourth meeting of the Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction will address marine genetic resources, area-based management tools, environmental impact assessments, capacity building, transfer of marine technology, and crosscutting issues. **dates:** 10-21 July 2017 **location:** UN

Headquarters, New York **contact:** UNDOALOS **phone:** +1-212-963-3962 **email:** doalos@un.org **www:** <http://www.un.org/depts/los/biodiversity/prepcom.htm>

Fourth International Marine Protected Areas

Congress: This conference will gather participants from multidisciplinary backgrounds to discuss recent activities and trends in marine protected area management and science including, among other issues, management tools, conservation biology, ecology, fisheries, climate change, monitoring, enforcement, community development, communications, education and business administration. **dates:** 4-8 September 2017 **location:** La Serena, Chile **email:** impac4@mma.gob.cl **www:** <http://www.impac4.cl>

CMS COP 12: The twelfth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, together with associated meetings of the Standing Committee, will address a series of strategic, financial and species-related items. **dates:** 23-28 October 2017 **location:** Manila, the Philippines **contact:** CMS Secretariat **phone:** +49-228-815-2401 **fax:** +49-228-815-2449 **email:** secretariat@cms.int **www:** <http://www.cms.int/en/cop12>

ITPGR GB 7: The seventh meeting of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture will address, among other items, measures to enhance the functioning of the Multilateral System of Access and Benefit-sharing, and farmers' rights. **dates:** October/November 2017 (tentative) **location:** to be confirmed **contact:** ITPGR Secretariat **phone:** +39-06-57053441 **fax:** +39-06-57053057 **email:** pgrfa-treaty@fao.org **www:** <http://www.fao.org/plant-treaty/en/>

CBD COP 14, Cartagena Protocol COP-MOP 9, and Nagoya Protocol COP-MOP 3: The 14th meeting of the Conference of the Parties to the Convention on Biological Diversity, the ninth Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety and the third Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing will take place concurrently. **dates:** 2018, exact dates to be confirmed **location:** Egypt, exact location to be confirmed **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <https://www.cbd.int/>

For additional meetings, see: <http://sdg.iisd.org/>

GLOSSARY

ABS	Access and benefit sharing
AHTEG	<i>Ad Hoc</i> Technical Expert Group
BCH	Biosafety Clearing-House
CBD	Convention on Biological Diversity
CEE	Central and Eastern Europe
CGRFA	Commission on Genetic Resources for Food and Agriculture
CHM	Clearing-House Mechanism
COP	Conference of the Parties
COP-MOP	Conference of the Parties serving as the Meeting of the Parties
CP	Cartagena Protocol
EBSAs	Ecologically or biologically significant marine areas
FAO	Food and Agriculture Organization of the UN
GBO	Global Biodiversity Outlook
GEF	Global Environment Facility
GEF-7	GEF seventh replenishment period
GRULAC	Latin American and Caribbean Group
GYBN	Global Youth Biodiversity Network
HLS	High-Level Segment
ICCAs	Indigenous peoples' and community conserved territories and areas
IIFB	International Indigenous Forum on Biodiversity
IMO	International Maritime Organization
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPLCs	Indigenous peoples and local communities
ITPGR	International Treaty on Plant Genetic Resources for Food and Agriculture
IUCN	International Union for Conservation of Nature
LMMC	Like-Minded Megadiverse Countries
LMOs	Living modified organisms
MAT	Mutually agreed terms
NBSAPs	National biodiversity strategies and action plans
NP	Nagoya Protocol
OECMs	Other effective area-based conservation measures
PAs	Protected areas
PIC	Prior informed consent
PIP	Pandemic Influenza Preparedness
SBI	Subsidiary Body on Implementation
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SDGs	Sustainable Development Goals
TK	Traditional knowledge
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme (UN Environment)
UNFCCC	United Nations Framework Convention on Climate Change
UNPFII	United Nations Permanent Forum on Indigenous Issues
WG	Working Group
WHO	World Health Organization
WTO	World Trade Organization