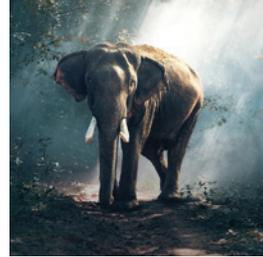


Convention on Biological Diversity

14th session of the Conference of the Parties (COP14, COP/MOP9 and COP/MOP3)

Summary for policymakers



Investing in biodiversity for people and planet
CdP14 - CdP/RdP9 et RdP3
Sharm El Sheikh, Egypt, 2018



17-29 November 2018
Sharm El-Sheikh, Egypt

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A few words from the Director of the IFDD

French-speaking States and governments will assemble at Sharm El-Sheikh, Egypt, on 17-29 November 2018, for the 14th session of the Conference of the Parties to the Convention on Biological Diversity (COP 4). They will also participate actively in the African Biodiversity Forum planned for 13 November 2018 and the High-Level Segment on 14-15 November 2018.

The stakeholders in this international process on biodiversity will contribute to the discussions on the current challenges regarding the loss of biodiversity worldwide and the need to accelerate the action to reverse current trends. During COP14, the Parties will review the strengths and weaknesses in the nine years of implementation of the Strategic Biodiversity Plan 2011-2020 and its Aichi Targets.

COP14 marks the assessment and the transition towards new strategic guidelines and new ambitions for biodiversity conservation and sustainable use. Indeed, we are just one year away from the end of the current Strategic Plan, and yet the majority of targets in terms of biodiversity preservation and sustainable use of biodiversity resources are far from achieved.

The next CBD Strategic Plan 2021-2030 will be the ideal framework and key global instrument for reversing the current loss of biodiversity trends. The French-speaking Parties contributing to the debates on its development will make sure especially that the lessons and experiences of the implementation of the Strategic Plan 2011-2020 are taken into account and that the ambitions and significant elements of their national biodiversity protection strategies are included.

COP 4 is facing major challenges, given that this will be the last time the Parties meet before COP15 planned for China in 2020, which will see the adoption of the future biodiversity strategy.

Firstly, COP14 is the appropriate framework for all Parties to be able to trigger discussions on the long-term vision and approaches for medium-term preservation of the biodiversity.

In addition, COP14 will also provide the opportunity to assess the state of progress of Parties in preparing the sixth national reports on biodiversity and to assess the progress accomplished by the countries in implementing their commitments to access to genetic resources and the fair and equitable sharing of the benefits arising from their use.

Lastly, other topics no less important will be on the negotiating table, mainly the mobilisation of financing, capacity-building, mechanisms for national reporting and inclusive cooperation with the other conventions.

This Guide to the Negotiations, produced and made available by the Institut de la *Francophonie pour le développement durable* (IFDD – Institute of the French-speaking world for Sustainable Development), a subsidiary body of the *Organisation Internationale de la Francophonie* (OIF – International Organisation of the Francophonie), deals with topics on the COP14 agenda and challenges, some of which have been evoked above.

This Guide is intended as a tool in step with the OIF commitment and above all the needs of all French-speaking delegates, mainly in terms of relevant information on the state of negotiations. I hope that this tool will provide all delegates with clarification on the agenda and negotiating issues of COP14 and assist them in working towards accelerated operationalisation of commitments by their respective countries.

Through IFDD, OIF will continue to support French-speaking States and governments, in close collaboration with the Secretariat of the Convention and the other partners, in order to facilitate the implementation of their respective commitments.

I trust that you enjoy reading this Guide and I wish you every success during the Sharm El-Sheikh negotiations.

Jean-Pierre Ndoutoum

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Introduction

On 17-29 November 2018, the Egyptian city of Sharm El-Sheikh will host the 14th session of the Conference of the Parties to the Convention on Biological Diversity (CBD) (COP14) together with the 9th meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol (COP/MOP9) and the 3rd session of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol (COP/MOP3).

On the theme *Investing in biodiversity for people and planet*, COP14 will be the “last major meeting before Beijing in 2020”. This 14th session of the Conference of the Parties to the Convention will be an interim, technical Conference before the COP15 is held in Beijing in 2020. The Beijing conference will be a major deadline for the biodiversity as, there, the Parties will assess the *Strategic Plan 2011-2020* and the Aichi Targets. The *post-2020 global biodiversity framework* will also be adopted at COP15 in Beijing.¹

For this reason, the Parties to the Convention will carry out an interim examination of **progress accomplished in implementing the *Strategic Plan for Biodiversity 2011-2020*** at COP14. The Parties will thus discuss the efforts needed to achieve the Aichi Biodiversity Targets and will lay down the bases for the developing the **post-2020 global biodiversity framework**, the successor to the *Global Strategic Plan for Biodiversity 2011-2020 and the Aichi Targets*.

COP14 will also include pioneering discussion on **the integration of biodiversity in five key sectors of the economy: infrastructures, mines, energy and gas, manufacturing and health**. This discussion will turn the movement given by the COP13 in Cancun into reality. In Cancun, the governments agreed to promote the integration of the biodiversity, by encouraging actions to accelerate the implementation of the Aichi Targets, reinforce the link between the biodiversity agenda, the Sustainable Development Goals (SDG) and the Paris Climate Agreement, and favour links between the efforts to implement the NBSAP and the Strategies and Plans for the Sustainable Development Goals (SDG).

COP14 will also examine the important question of **land and marine protected areas** and will continue the discussions started some time ago on the **ecologically or biologically significant marine zones (EBSZ)**. It is possible that COP14 adopts *voluntary directives on protected areas and other effective area-based conservation models and guidelines on avoiding the unintentional introduction of invasive alien species*.

1. Yann Laurans, Aleksandar Rankovic, Fiona Kinniburgh, Michel Colombier, Damien Demailly and Sébastien Treyer (Iddri), *Relaunching the international ambition for biodiversity: a three-dimensional vision for the future of the Convention on Biological Diversity*, IDDRI, Issue Brief, no. 06/18, 2018.

The Parties to the Convention will also conduct major discussions on a variety of themed and cross-disciplinary questions to define world and national guidelines for the biodiversity. These themes will include:

- **Digital sequence information on genetic resources.**
- **Traditional knowledge, innovations and practices (Article 8(j)).**
- **Sustainable wildlife management.**
- **Biodiversity and climate change.**
- **Conservation and sustainable use of pollinators.**
- **Spatial planning, protected areas and other effective area-based conservation measures.**
- **Marine and coastal biodiversity.**
- **Invasive alien species.**
- **Synthetic biology.**
- **Mobilisation of financial resources and the CBD financial mechanism.**

COP14 should also focus on options to increase the synergies between the CBD and its protocols and other biodiversity-related Conventions, the Rio Conventions and the Sustainable Development Goals for 2030 (SDG). It should then formulate rules for incorporating them in the sixth national reports to be submitted by the Parties before 31 December 2018 using the voluntary online reporting tool.

In addition, one major decision that COP14 may adopt could involve **inviting the Parties**, governments and indigenous peoples and local communities to submit to the Secretariat their views on the **following possible institutional arrangements for implementing Article 8(j)** and related provisions, including on:

- the **possibility of creating a subsidiary body on Article 8(j)** and related provisions tasked with giving opinions to the Conference of the Parties and the other subsidiary bodies and, subject to their approval, to the COP/MOP to the Nagoya and Cartagena Protocols.
- Or the **possibility of continuing with the WG8j with a revised mandate** under the post-2020 biodiversity framework.

During their sessions on the Convention, the *Cartagena Protocol on Biosafety* and the *Nagoya Protocol on Access and Benefit-sharing*, the governments will focus on the **major questions raised by the emerging technologies**: How can progress in synthetic biology be optimised? How can we benefit from the advantages whilst minimising the risks? In addition, COP14 will discuss the implications of digital sequence information on genetic resources for the objectives of the Convention and the Nagoya Protocol.

In addition, it is foreseen that the controversy will persist over the need to create a **global multilateral benefit-sharing mechanism** under the Nagoya Protocol, by virtue of its Article 10.

Topics on the COP14 agenda

1. Interim assessment of progress accomplished in the implementation and scaling up of the Strategic Plan for Biodiversity 2011-2020

Agenda item 8

At Nagoya, in its *Decision XI/2*, paragraph 14, the Conference of the Parties had recalled that the role of the Conference of the Parties was to review the state of application of the Convention. It had decided that future meetings of the Conference of the Parties would review the **progress accomplished in implementing the Strategic Plan for Biodiversity 2011-2020 share the experience data of interest to the application of the Convention and provide guidelines on ways of overcoming the obstacles encountered in its implementation.** The multi-year programme of work of the Conference of the Parties until 2020 (Decision XII/31) also provides for COP14 to carry out an interim review of progress accomplished in implementing the *Strategic Plan for Biodiversity 2011-2020*.

In July 2018, in Montreal, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) **reviewed, at its 22nd meeting, an updated scientific evaluation on progress accomplished in achieving the Aichi Targets for biodiversity**, highlighting especially the objectives showing less marked progress and the options for speeding up progress in achieving these objectives.² **The Subsidiary Body on Implementation (SBI) also reviewed, at its second meeting, the updated summary of information provided by the Parties**, other governments, indigenous peoples, local communities and relevant international organisations **regarding progress accomplished in implementing the Strategic Plan for Biodiversity 2011-2020.**

On this topic, the COP14 decision could express the deep-seated concern that, despite many positive actions by the Parties, the majority of the Aichi Targets for biodiversity are not likely to be met by 2020. This will compromise fulfilling the mission and vision of the Strategic Plan for Biodiversity 2011-2020 and the Sustainable Development Goals (SDG).

2. In accordance with Decision XIII/30.

At Sharm El-Sheikh, COP14 could also request the Parties and invite the other governments to envisage conducting national assessments of biodiversity and ecosystem functions and services. Lastly, following the recommendations of the 22nd meeting of the SBSTTA, COP14 could also, in an annex to its decision, **propose *Possible options for accelerating progress towards achieving the Aichi Targets for biodiversity***, including targeted actions for several Aichi Targets.

2. Institutional and operational issues of the Convention

Agenda item 9

2.1 Mobilisation of resources and financing mechanism

The **mobilisation of resources** will be, as always, one of the sensitive points examined at COP14. Several prior decisions have marked out the tasks to be accomplished at COP14 and entrusted the prior analysis of certain aspects relating to this question to the SBI.

In Nagoya (Decision X/3) and in Hyderabad (Decision XI/4), the COP decided to increase substantially the overall financial support for biodiversity from various sources, with the view to implementing the Strategic Plan 2011-2020. By using the benchmark of the average funds allocated each year to biodiversity during the years 2006 to 2010 (Hyderabad Decision X1/4, paragraphs 6 and 7), COP11 at Hyderabad had decided that the financial mobilisation goals would be as follows:

- Double total biodiversity-related international financial resource flows to developing countries, in particular least developed countries and small island developing States, as well as countries with economies in transition, by 2015 and at least maintaining this level until 2020. What required doubling was the benchmark which had been based on the average funds allocated each year to biodiversity between 2006 and 2010 (Hyderabad Decision X1/4, paras. 6 and 7³).
- In return for this commitment, it had been decided that at least 100%, otherwise at least 75% of the beneficiary countries of this financial assistance should agree to give priority to biodiversity in their development plans. Furthermore, at the Hyderabad COP11, it had been decided that 100%, otherwise at least 75% of the Parties, should henceforth draft a report on their national biodiversity expenditure and their financial needs and priorities from now until 2015. Lastly, it had been decided that 100%, otherwise at least 75% of the Parties, would prepare national financial plans for biodiversity by 2015 and that 30% of those Parties should have evaluated not only the economic values, naturally, but also the intrinsic, ecological, recreational, cultural, educational and social values of their biodiversity.

3. XI/4. Review of the implementation of the resource mobilisation strategy, including the definition of objectives.

- COP11 had also decided to draft periodic global monitoring reports on the implementation of the resource mobilisation strategy.

In its Decision XII/3 on resource mobilisation, COP12 in Korea reaffirmed the objective of an overall substantial increase in biodiversity-related funding, by varying the financing sources. It also restated **the importance of increasing South-South cooperation as a complement**, to enhance technical, financial, scientific and technological cooperation and innovations for biodiversity (Decision IX/11).

At Cancun, COP13 had noted the progress accomplished in achieving the resource mobilisation objectives adopted in Decision XII/3. It had nevertheless noted with concern the insufficient information compiled from presentation frameworks of financial reports submitted by the Parties, which as a result limited the assessment of progress accomplished.

At its second meeting, the SBI reviewed an assessment and updated report on progress accomplished in pursuing financial mobilisation objectives and an analysis of differences between the methodological approaches. **Based on SBI Recommendation 2/6, COP14 could adopt a decision relating to several components of the resource mobilisation in the post-2020 biodiversity framework:**

- **Financial reporting;**
- **Milestones for the full implementation of Aichi Biodiversity Target 3;**
- **Support for the transition to the post-2020 global biodiversity framework;**
- **Guidance to be given to the Global Environment Facility (GEF), the Convention's financing mechanism.**
- **Financial reporting**

COP14 could reiterate its invitation to the Parties to report, using the online financial reporting framework, on their contribution to the collective efforts to reach the global resource mobilisation targets, in conjunction with their sixth national report before 31 December 2018.

- **Full implementation of Aichi Biodiversity Target 3**

COP14 could encourage the Parties to redouble their efforts to apply measures to implement fully Aichi Target 3, taking into account the steps adopted by COP12. **For information, Aichi Target 3 provides for: “by 2020, at the latest, incentives, including subsidies, harmful to biodiversity are eliminated, phased out or reformed in order to minimise or avoid negative impacts and positive incentives for the conservation and sustainable use of biodiversity are developed and applied, consistent and in harmony with the Convention and other relevant international obligations, taking into account national socio-economic conditions”.**

COP14 could note with concern the limited progress made in implementing Aichi Target 3 and its implementation stages, especially the elimination, phasing-out or reform of incentives harmful to the biodiversity. COP14 should also encourage the Parties and the other governments to redouble their efforts to apply measures

to implement fully Aichi Target 3, taking into account the steps adopted by COP12. It could, lastly, **state that resource mobilisation will be an integral part of the *post-2020 global diversity framework* to be adopted by COP15, decide to commence the preparations for this rapidly and request the Executive Secretary to study the options and approaches for mobilising additional resources** from all sources to assist the Parties in implementing the *post-2020 global biodiversity framework* and learning from experience acquired during the preparatory process for the post-2020 global biodiversity framework and to report on all this to the third meeting of the SBI.

COP14 could also welcome the work of relevant organisations and initiatives, mainly the **Biodiversity Finance Initiative of the United Nations Development Programme (BIOFIN)**, UNEP, OECD and the International Institute of Sustainable Development, to provide technical support and capacity-building **for the implementation of Aichi Target 3 and invite them to continue and intensify this work.**

COP14 could **note the useful role of national studies in identifying harmful incentives and the possibilities of eliminating or reforming the harmful incentives**, including grants, and invite the interested organisations, mainly BIOFIN, UNEP, OECD and the International Institute of Sustainable Development, to **compile and analyse systematically existing studies with a view to identifying methods of good practices in identifying incentives harmful to the biodiversity.** COP14 could also request the Executive Secretary, subject to the availability of resources, to collaborate actively with such partners as BIOFIN, UNEP, OECD and the International Institute of Sustainable Development, to facilitate these studies and analyses, mainly for the purpose of technical support and capacity-building.

- **Support for the *post-2020 global biodiversity framework***

In its decision, COP14 could affirm that resource mobilisation will be an integral part of the *post-2020 global biodiversity framework* that should be adopted by COP15 and decide to commence the preparations for this rapidly, in total consistency and coordination with the entire post-2020 framework process. **Lastly, COP14 could request the Executive Secretary to study the options and approaches for mobilising additional resources** from all sources to assist the Parties in implementing the *post-2020 global biodiversity framework* and report to the SBI at its third meeting.

- **Assessment, by COP14, of the contribution of collective measures by indigenous peoples and local communities and guarantees in the biodiversity financing mechanisms**

In Decision XIII/20, COP13 reviewed the role of collective measures, mainly those by indigenous peoples and local communities, and also that of non-commercial approaches to resource mobilisation to achieve the Convention objectives. It welcome the *Guiding principles on assessing the contribution of collective action of indigenous peoples and local communities*. In its Decision XII/3, the Conference of the Parties had adopted *Voluntary guidelines on safeguards in biodiversity financing mechanisms* and urged the Parties, other governments,

business organisations and other stakeholders to take the voluntary guidelines on safeguards in biodiversity financing mechanisms into account when selecting, designing and implementing biodiversity financing mechanisms and establishing instrument-specific safeguards, with a view to harnessing their positive effects and avoiding or mitigating negative effects.

- **Financial Mechanism**

In its Decision XIII/21, the Conference of the Parties adopted the four-year framework of the **seventh replenishment of the Global Environment Facility (GEF), consolidated guidance to the financial mechanism and the mandate for the fifth review of the effectiveness of the financial mechanism.**

It also took note of the *Report on the full assessment of the amount of funds needed for the seventh replenishment period.* The replenishment process was completed in Spring 2018.

COP14 could adopt a decision expressing its appreciation firstly for the successful conclusion of the seventh replenishment of the GEF Trust Fund and also for the continuing financial support from Parties and governments for carrying out the tasks under the *Strategic Plan for Biodiversity 2011-2020* and for supporting the implementation of the *post-2020 global biodiversity framework* in its first two years.

It is likely that COP14 invites the Parties, while utilising allocations from the seventh replenishment, to support the collective action and contributions of indigenous peoples and local communities towards achieving the Aichi and Biodiversity Targets and to support the programmes, projects and activities of indigenous peoples and local communities including the Small Grants Programme of the GEF.

It could also invite the GEF, in line with the consolidated guidance provided in decision XIII/21, to continue to provide all eligible Parties with support for capacity-building to facilitate the implementation of the *Cartagena Protocol* and the *Nagoya Protocol*, including regional cooperation projects, with a view to **facilitating the sharing of experiences and lessons learned from the use of the the Access and Benefit-sharing (ABS) Clearing-House, on the basis of experiences and lessons learned during the Project on Continued Enhancement of Building Capacity for the Biosafety Clearing-House of the Cartagena Protocol on Biosafety.**

2.2 Capacity-building and technical and scientific cooperation

Agenda item 10

- **Capacity-building**

The Short-Term Action Plan (2017-2020) to support capacity-building for Parties to implement the Strategic Plan 2011-2020 of the Convention and the Aichi Targets was adopted by COP13, in Decision XIII/23. It emphasised the

priority needs for capacity-building presented by the Parties and identified in their NBSAP, mainly:

- to **prioritise the capacity-building activities that result in collaboration** between the Parties and the international organisations to avoid duplication.
- to **take account of the Aichi Biodiversity Targets that are showing less progress accomplished in their execution;**

It is anticipated that COP14 will recall Decisions XIII/23 and XIII/24 and take note of the progress report on implementation of the short-term action plan (2017-2020) to enhance and support capacity-building for the implementation of the Convention and its protocols. COP14 should also request the Executive Secretary to:

1. **commission a study to provide a database for developing the *post-2020 global biodiversity framework* in line with the mandate figuring in Annex I of SBI Recommendation 2/8 on capacity-building, technical cooperation and technology transfer.**
2. **include in the *independent evaluation of the impacts, outcomes and effectiveness of the short-term action plan (2017-2020)* that had been requested in Decision XIII/23, paragraph 15(g), the monitoring and assessment of results and effectiveness of capacity-building activities in progress supported and facilitated by the Secretariat** given the contribution to the achievement of the Aichi Biodiversity Targets.
3. **organise, in parallel to the preparatory process for the *post-2020 global biodiversity framework* regional and specific consultative workshops and online discussion forums** to assist the Parties to the Convention and the Parties to its Protocols, together with the indigenous peoples and local communities, **to contribute to the preparation of the draft *long-term strategic framework for capacity-building beyond 2020*.**
4. **submit a draft *long-term strategic framework for capacity-building beyond 2020* aligned to the draft *post-2020 global biodiversity framework* and the 2030 Agenda for Sustainable Development, for review by the SBI with a view to COP15.**

- **Technical and Scientific Cooperation**

Regarding **technical and scientific cooperation**, COP14 could take note of the report on progress accomplished to promote and facilitate technical and scientific cooperation, including the **results obtained under the Bio-Bridge Initiative**. It could **invite the Parties, other governments and relevant organisations in a position to do so to register as suppliers of technical assistance through the clearing-house mechanism**. It could also invite providers of technical and scientific assistance, including the Consortium of Scientific Partners, **to communicate to the Executive Secretary, through the clearing-house mechanism, the priority themes, geographical coverage and types of service they could offer the other Parties.**

Lastly, it may be that COP14 decides to envisage **setting up at its COP15 an informal advisory committee on technical and scientific** that would become operational upon termination of the mandate of the current Informal Advisory Committee to the Clearing-house Mechanism in 2020, tasked with giving opinions to the Executive Secretary on the practical measures, tools and possibilities of promoting technical and scientific cooperation for the effective implementation of the CBD.

2.3 Knowledge management and communication

Agenda item 11

In Decision XIII/23, COP13 took note of the web strategy for the Convention and its protocols and requested the Executive Secretary to **implement the web strategy for the Convention and its protocols**, in line with the framework for a communications strategy. It had also requested that it be updated with priority actions to be taken before 2018 based on decisions emanating from COP13 and concurrent meetings of the protocols and the further development of clearing-house mechanism, in line with the web strategy and with the work programme for the clearing-house mechanism.

2.3.1 Review of knowledge management and communication by COP14

This item will be reviewed with the relevant items on the agenda of meetings of protocols regarding their clearing-house mechanisms. The questions relating to the role of the clearing-house mechanism in promoting technical and scientific cooperation will be reviewed under agenda item 10.

COP14 should **note the progress accomplished in implementing the web strategy for the CBD and its protocols and in setting up national clearing-house mechanisms, mainly the deployment of the Bioland tool** by the Executive Secretary to assist the Parties in setting up national clearing-house mechanisms. It could also invite the Parties which do not have a national clearing-house mechanisms and those wishing to review the design of their clearing-house mechanism to use the Bioland tool developed by the Executive Secretariat.

COP14 could lastly request the Executive Secretariat to continue **to support the efforts deployed by the Parties to set up, maintain and develop their national clearing-house mechanisms, mainly through the ongoing development of the Bioland tool**, to facilitate and organise training courses to assist the Parties in developing their national clearing-house mechanisms. It could lastly **submit to the SBI an activity report on the aforementioned activities, including progress accomplished in using the Bioland tool and its effectiveness, for review at its third meeting** prior to its submission to COP15.

2.4 Mechanisms for national reporting, assessment and review

Agenda item 12

- **Process for aligning national reporting, assessment and review under the Convention and its protocols beyond 2020**

COP13 had encouraged the Parties to submit their sixth national reports by 31 December 2018 and to use the voluntary online reporting tool in order to submit elements of the report as soon as they were ready.

COP13 had requested the Executive Secretary to make the guidelines, including the reporting templates and reference manual, for the sixth national report available to Parties by 31 March 2017 at the latest through the clearing-house mechanism of the Convention (Decision XIII/27). **In application of Decision XIII/27, the Executive Secretary has prepared proposals to align the national reports under the Convention and its protocols, together with options for increasing the synergies between the conventions relating to biodiversity and the Rio conventions.** The SBI examined this information at its second meeting. COP14 will be invited to review this question on the basis of SBI Recommendation 2/11.

- **Tools to evaluate the effectiveness of general policy instruments for the implementation of the Strategic Plan for Biodiversity 2011-2020**

In Decision XIII/25, COP13 invited the Parties to develop, enhance and make use of national processes to review the measures they have taken for the application of the Convention and its strategic plans. It also invited them to identify obstacles that might impede this application and to share this information through the clearing-house mechanism.

It requested the Executive Secretariat to prepare information on the obstacles identified as well as to identify effective practices such as the voluntary peer review mechanism for NBSAP, taking account of views expressed by the Parties and observers. It also requested the Executive Secretary to facilitate the testing of the voluntary peer review mechanisms and the development of a methodology. COP14 should review this item based on SBI Recommendation 2/11 at its second meeting.

- **Review of mechanisms for national reporting, assessment and review**

On this question of developing and evaluating national reports, COP14 should firstly underline that it is important to improve the alignment of national reports under the Convention and its protocols to reduce the reporting responsibilities. Following SBI Recommendation 2/11 of July 2018, it could recognise the potential of the *post-2020 global diversity framework* to facilitate the alignment of national reports under the Convention and its protocols, which are separate legal instruments with specific obligations for their Parties. COP14 could thus make the following decisions:

1. **Decide to commence with synchronised reporting cycles for the Convention, the *Cartagena Protocol* and the *Nagoya Protocol* in 2023** and invite the COP/MOP to the *Cartagena Protocol* and the *Nagoya Protocol* to undertake the preparatory measures necessary for the achievement of such synchronised reporting.
2. **Request the Executive Secretary to assess the cost implications of the synchronized reporting cycles for the Convention, the *Cartagena Protocol* and the *Nagoya Protocol* starting in 2023 in order to inform the GEF** in connection with the preparation for the replenishment of the Trust Fund for 2022-2026.
3. **Request the Secretariat to consider, in the national reports, the interactions between the objectives of the CBD and the objectives of other Rio conventions** and to benefit from the experience in developing national reports for other Rio conventions, mainly through:
 - i. Common indicators.
 - ii. Review of shared problems in reporting.
 - iii. Interoperability of information management and reporting systems.
 - iv. Other options for increasing synergies in national reporting among the biodiversity-related conventions and the Rio conventions.
 - v. Assessment of the financial implications of these measures and producing a report for review by the SBI at its third meeting.
- **Enhance integration under the Convention and its Protocols with respect to provisions related to access and benefit-sharing and biosafety and Article 8(j).**

Agenda item 13

- **Review of the integration of work under the Convention by COP14**

Based on Recommendation 10/3 of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) (WG8j) and Recommendation SBI-2/16, COP14 could adopt a decision that recalls that **at Nagoya, the Parties to the Convention had adopted the programme of work on Article 8(j), in Decision V/16, and revised the multi-year programme of work for 2010-2020, in Decision X/43.**

COP14 should recognise the need for a forward-looking, integrated work programme, taking into account recent developments, including the SDG and the Paris Agreement and the future *post-2020 global biodiversity framework* and building on on the *composite report on the status and trends of traditional knowledge* and the guidelines and other tools and standards already developed by the WG8j.

COP14 could firstly welcome the completion of work on task 15 by the adoption of the *Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities* relevant

for the conservation and sustainable use of biological diversity. **As this passage in SBI Recommendation2/16 is enclosed entirely in square brackets, discussions should therefore take place at COP14 on this topic.**

COP14 should also underline the **need for the effective implementation of the guidelines and standards related to Article 8(j) and related provisions at the national level in order to achieve progress towards Aichi Biodiversity Target 18 of the *Strategic Plan for Biodiversity 2011-2020***. To this end, it could decide to:

- 1. Complete the current programme of work on Article 8(j) and related provisions no later than COP15.**
- 2. Envisage developing a fully integrated programme of work on Article 8(j) and related provisions within the *post-2020 global biodiversity framework*, based on the 2030 Agenda for Sustainable Development and the *Paris Agreement*.**
- 3. Invite the Parties to gather experience in the implementation of the guidelines and standards related to Article 8(j) and related provisions at the national level and, in the light of those experiences, to consider the need for further work on these issues in the development of a fully integrated programme of work.**
- 4. Encourage the Parties to engage with indigenous peoples and local communities in the implementation of the Convention, including by recognizing, supporting and valuing their collective actions, including their efforts to protect and conserve their territories and areas, for the goals of the Convention, and fully engage them in the preparation of national reports, the revision and implementation of NBSAP and the process for developing the *post-2020 global biodiversity framework*.**

One of the most significant decisions that COP14 could adopt could involve inviting the Parties, governments, indigenous peoples and local communities to submit to the Executive Secretariat their views on the following possible institutional arrangements for implementing Article 8(j) and related provisions:

- either the **possibility of creating a subsidiary body on Article 8(j)** and related provisions tasked with giving opinions to the Conference of the Parties and the other subsidiary bodies and, subject to their approval, to the COP/MOP to the Nagoya and Cartagena Protocols.
- or the **possibility of continuing with the WG8j** with a revised mandate for the application period of the *post-2020 biodiversity framework*.

and

- **applying the enhanced participation mechanisms used by the WG8(j) for the participation of representatives of indigenous peoples and local communities**, as appropriate, when addressing matters of direct relevance to indigenous peoples and local communities in the subsidiary bodies, in order to ensure their effective participation and to integrate them fully into the work of the Convention;

For this purpose, COP14 could request the Executive Secretary to **compile and analyse the information received with a view to proposing elements of a programme of work fully integrated in the *post-2020 global biodiversity framework* as well as possible institutional arrangements for review by the WG8j at its eleventh meeting.**

2.5 Cooperation with other conventions, international organisations and initiatives

Agenda item 14

As per the multi-year programme of work of the Conference of the Parties until 2020 (see Decision XII/31), the COP, at each of its meetings, reviews the synergies between the biodiversity-related conventions.

The SBI reviewed this question of cooperation with other conventions, international organisations and initiatives at its second meeting. COP14 will review these questions based on SBI Recommendation 2/9 and an updated report on the cooperation with other conventions, international organisations and partnerships submitted by the Executive Secretary (CBD/COP/14/9; CBD/SBI/2/10).

COP14 could adopt a decision recognising the **need to continue to strengthen the collaboration and cooperation with other conventions, international organisations and partnerships with a view to expediting efficient and effective actions towards the achievement of the *Strategic Plan for Biodiversity 2011-2020* and develop proposals for the follow-up to the Strategic Plan 2011-2020.**

At its 14th session, the COP could **welcome the advice provided by the informal advisory group on synergies to the Executive Secretary, the Bureau and the Liaison Group of Biodiversity-related Conventions on prioritisation and implementation of desirable – key actions for enhancing synergies among the biodiversity-related conventions at the international level, as provided in the note by the Executive Secretary (CBD/SBI/2/10/Add.1).**

It could also request the **informal advisory group on synergies**, , subject to the availability of resources, to continue to work during the forthcoming intersessional period, in close consultation with the Executive Secretary and the Bureau of the Conference of the Parties, to:

- **Implement the road map until COP15;**
- **Provide the Secretariat with advice on ways to optimise synergies among the biodiversity-related conventions in the development of the *post-2020 biodiversity framework*;**
- **Prepare a report to be made available by the Executive Secretary to the SBI at its third meeting for subsequent consideration by COP15.**

Lastly, the 14th session of the COP could request the Executive Secretary, subject to the availability of resources, to organise a workshop in early 2019, to facilitate, as appropriate, discussions among Parties to know ways in which the conventions can contribute to the development of the *post-2020 global biodiversity framework*. It could invite the members of the Liaison Group of Biodiversity-related Conventions to participate in the workshop with a view to enhancing their participation in the design of this global framework.

2.6 Review of the effectiveness of processes of the Convention and its protocols

Agenda item 15

Under its decision XII/31, COP12 had decided to update the multi-year work programme of the COP until 2020, based on the list of items figuring in the Annex to the Decision. One of the items on the “List of the main issues to be addressed by the Conference of the Parties during the period up to 2020” is the integration among the Convention and its Protocols, which must be discussed at COP13. **COP 12 had decided that ordinary meetings of the Conference of the Parties would be held during a two-week period and would also include meetings of the COP/MOP to the Cartagena Protocol and meetings of the COP/MOP to the Nagoya Protocol. It had also decided to review, at COP14 and at COP15, the experience in holding meetings concurrently⁴.**

The Parties to the Cartagena Protocol and the Nagoya Protocol had also decided to undertake such a review. The review criteria were agreed in Decision XIII/26, as were the complementary decisions of the Meetings of the Parties to the two protocols.

The following six criteria are in this list: *full and effective participation of representatives of developing countries and countries with economies in transition in the meetings of the COP/MOP to the Cartagena Protocol; the effective development of the outcomes of the COP-MOP to the Cartagena Protocol; increased integration among the CBD and its protocols; cost-effectiveness; the number of Parties reporting improved consultations, coordination and synergies among their national focal points for the Convention and the Protocols; and evaluation by the host Governments of the logistical and technical burdens of the concurrent meetings they have hosted.*

COP14 will review the experience of holding concurrent meetings of the Convention and its protocols. A draft procedure for avoiding or dealing with conflicts of interests is annexed to Recommendation 2/15. At the invitation of the SBI, the Parties and relevant organisations had until 15 August to submit their opinion on this draft for the purpose of COP14, COP/MOP9 to the

4. See Decisions XII/27.

Cartagena Protocol and COP/MOP3 to the Nagoya Protocol. The aim of this procedure is to help ensure the scientific integrity of the work of groups of experts such as *ad hoc* groups of technical experts as well as allow the SBSTTA and other bodies to prepare their conclusions and recommendations on the best available and impartial decisions received from these groups of experts and provide credible information, based on balanced experience at the COP and the COP/MOP9 to both protocols.

If COP14 decides to adopt this procedure, it will be necessary to belong to a group of experts, that any expert nominated by a Party, a non-Party government or any governmental or non-governmental body or agency, fulfil not only completes a nomination form but completes and signs a conflict of interest disclosure form as set out in the Annex to SBI Recommendation 2/15 prior to the selection of members of the expert group in question. By signing this form, the expert applicant will declare that he acts solely in a personal capacity, regardless of any other governmental, industry, organisational or academic affiliation and that he will be expected to avoid situations, financial or otherwise, that might affect the objectivity and independence of the contribution that the expert makes and thus affect the outcome of the work of the expert group.

In addition, COP14 could state, in its decision, that **when an expert already serving in a group of experts is faced with a direct or indirect conflict of interest due to changed circumstances that affect the expert's independent contribution to the work of the expert group, he should immediately inform the Secretariat of the situation.** The conflict of interest disclosure form set out in the Annex to Recommendation 2/15 will be available in the six official languages of the United Nations.

2.7 Second work programme of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)

Agenda item 16

In COP12 Decision XII/25, delegates requested the Executive Secretary to bring the deliverables of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) to the attention of the SBSTTA for its consideration with regard to the relevance of the findings for the work of the Convention and for the development, as appropriate, of recommendations to the COP.

2.7.1 Review of the second IPBES work programme

In application of Decision XIII/29, **the SBSTTA, at its 22nd meeting, created a list of requests for the second IPBES work programme on the basis of information compiled by the Executive Secretary.**

Based on the relevant recommendations formulated by the SBSTTA at its 22nd meeting, **COP14 could thus welcome not only the progress in implementing the first work programme of the IPBES but also the approval by the IPBES to undertake the thematic assessment of the sustainable use of wild species, the thematic assessment of invasive alien species and the methodological assessment regarding the conceptualisation of multiple values of nature and its benefits.**

COP14 should agree that the **Strategic framework up to 2030 and elements of the rolling work programme of the IPBES** should be relevant for the *post-2020 global biodiversity framework* and the 2030 Agenda for Sustainable Development and the Paris Agreement.

Lastly, COP14 could thus request the SBSTTA to prepare, for consideration by COP15, proposals for a further request to the work programme towards 2030 of the IPBES with a view to supporting the implementation of the *post-2020 global biodiversity framework*.

2.8 Long-term strategic directions to the 2050 Vision for Biodiversity, approaches to living in harmony with nature and preparation of the post-2020 global biodiversity framework

Agenda item 17

Following the recommendations of the second meeting of the SBI, COP14 could decide to adopt the preparatory process for the development of the *post-2020 global biodiversity framework* and request the Executive Secretary to facilitate its implementation and decide that this post-2020 global framework should be **accompanied by an inspirational and motivating 2030 mission** as a stepping stone towards the 2050 vision.

It could also welcome the advice for Parties, the Secretariat and other relevant organisations to enable a **gender-responsive process for the development of the post-2020 global biodiversity framework** and invite the Parties, other Governments, all relevant organisations and stakeholders, including the private sector and youth, to **organise meetings and consultations relevant to biodiversity to facilitate discussions on the development of the post-2020 global biodiversity framework**.⁵

Lastly, it can be anticipated that COP14 requests the SBSTTA, at its twenty-third meeting, to contribute to the development of the scientific and technical rationale for the *post-2020 biodiversity framework*, that it also

5. See SBI Recommendation 2/19, *Proposals for a comprehensive and participatory process for the preparation of the post-2020 global biodiversity framework*, CBD/SBI/REC/2/19, 13 July 2018.

requests the SBSTTA, at its 23rd and 24th meetings, **to review possible elements for the *post-2020 global biodiversity framework*** for consideration by the SBI at its third meeting, with a view to a recommendation submitted to COP15. Lastly, it is to be anticipated that COP14 request the Executive Secretary to **bring the preparatory process for the post-2020 global biodiversity framework to the attention of the General Assembly of the United Nations.**

3. Other questions arising from the work programme of the Convention

3.1 Digital sequence information on genetic resources⁶

Digital sequence information on genetic resources became an inter-sectorial question of the Convention and the Nagoya Protocol at COP13 in Cancun and the second meeting of the Parties to the Nagoya Protocol⁷.

Note that the CBD recognises the sovereignty of a State over its genetic resources, so that to use them, an organisation – be it a company or a research centre – must request authorisation from the authorities in the country in question having advised it of the uses it intends for these resources and entered into an access and benefit-sharing (ABS) contract that complies with the legislation on the ABS of this country. Projects to constitute digital genetic sequences and information databases that are potentially freely accessible are nevertheless in progress, so that the issues revolve around the question of digitisation versus benefit sharing. Plants, animals and micro-organisms have already been sequenced using increasingly refined sequencing techniques.

The dematerialisation of genetic resources and **databases on information about their genome** that can be **uploaded online and are freely accessible to users raise a sizeable challenge for the States Parties to the *Convention on Biological Diversity***. Companies can see a certain advantage in accessing information about the functions of certain genetic resources, using them and even obtaining patents on the sequences allowing these functions. *Managing these databases and collecting information on the sequencing of the genome of living organisms raise the question of regulating their use. How to regulate access and fair and equal benefit-sharing relating to their use?* **The question is knowing whether digital information on these resources, which is non-material, is distinct from the genetic resources themselves, which are material.** This question will be at the centre of discussions of COP14.

6. SBSTTA Recommendation 22/1. Digital sequence information on genetic resources, CBD/SBSTTA/REC/22/1 7 July 2018.

7. See Decisions XIII/16 and NP-2/14.

A summary of views was prepared⁸, in view of the 22nd meeting of the SBSTTA, on the potential consequences of the use of digital sequence information on genetic resources. **Based on this summary, COP14 could adopt a decision on this topic. However, the recommendation submitted by the 22nd meeting of the SBSTTA on this question is predominantly in square brackets**⁹. Interesting discussions on this issue can be anticipated at COP14. This item will be addressed with the corresponding item on the agenda of COP/MOP3 to the Nagoya Protocol, which will consider **any potential repercussion of digital sequence information on genetic resources for the Nagoya Protocol target**.

COP14 could recognise that **digital sequence information on genetic resources has important and very positive effects on the conservation of biological diversity and sustainable use of its components as well as for protection of human, animal and plant health and for food security and safety. It could therefore recognise that access to digital sequence information held in public databases is not subject to requirements for prior informed consent**. COP14 could therefore recognise that, in accordance with Article 15.2 of the Convention and Article 8 of the Nagoya Protocol, the use of digital sequence information on genetic resources for non-commercial research and development **should be subject to simplified measures according to national legislation**. It could also recognise the need to address a change of intent for such research, highlighting that it is the sovereign right of a Party on how they wish to create conditions to promote and encourage research.

It could, on the contrary, recognise that the creation of digital sequence information requires initial access to a physical genetic resource and that, therefore, a benefit arising from the utilisation of digital sequence information should be shared equitably in accordance with the third objective of the Convention and of Article 5(1) of the Nagoya Protocol and in a way that directly benefits indigenous peoples and local communities conserving biological diversity so that it serves as an incentive for conservation and sustainable use of the biodiversity.

Lastly, the 14th session of the COP **could decide to establish an Ad Hoc Technical Expert Group or open-ended working group tasked with developing modalities for sharing benefits from digital sequence information**, including

8. CBD/SBSTTA/22/INF/2. This summary was supplemented by peer comments to clarify the terminology and the concepts and assess the extent and modalities of using digital sequence information on genetic resources: CBD/SBSTTA/22/INF/3. This summary of views expressed on this question at the meeting in February 2018 can be found at the following address: [<https://www.cbd.int/doc/c/06dc/df41/cbbe0ff3d861dc4e45953973/dsi-ahteg-2018-01-02-en.pdf>].
9. Recommendation 22/1. Digital sequence information on genetic resources, CBD/SBSTTA/REC/22/1, 7 July 2018, [online: <https://www.cbd.int/doc/recommendations/sbstta-22/sbstta-22-rec-01-en.pdf>].

possible multilateral approaches for publicly accessible databases and to report to COP15 on this matter.

Almost all the passages of the SBSTTA recommendation on this question are in square brackets, so that the effects of digital sequence information on genetic resources and the question of their access and sharing will be the subject of major negotiations at COP14.

3.2 Article 8(j) and related provisions

Agenda item 19

3.2.1 Review of Article 8(j) and related provisions by COP14

COP14 could decide to complete the current programme of work on Article 8(j) and related provisions no later than at COP15 and also decide to consider the development of a fully integrated programme of work on Article 8(j) and related provisions within the post-2020 global biodiversity framework on the basis of achievements to date and taking into account the 2030 Agenda for Sustainable Development and the Paris Agreement.

The 14th session of the COP could invite the Parties to report on the implementation of the programme of work on Article 8(j) and related provisions, in particular, tasks 1, 2 and 4 and the implementation of the *Plan of Action on customary sustainable use*. This could be used to determine the progress accomplished and to contribute to the development of the *post-2020 global biodiversity framework*.

COP14 could also request the Executive Secretary to facilitate an online forum inviting Parties, other governments, indigenous peoples and local communities, other relevant organisations and interested stakeholders to have an initial exchange of views and information on possible elements and institutional arrangements for a programme of work on Article 8(j) as part of the *post-2020 global biodiversity framework*.

Lastly, COP14 could also request the Executive Director to prepare a projection of cost and governance implications of possible institutional arrangements for the implementation of Article 8(j) for the biennium 2021-2022, for consideration of the SBI at its third meeting.

COP14 could request the Ad Hoc Open-ended Working Group on Article 8(j) to develop, at its 1th meeting, proposals for possible future work, including proposals for a second phase of work on the *Plan of Action on customary sustainable use*, as well as institutional arrangements and their modus operandi for consideration by the SBI at its third meeting in order to contribute to the development of a fully integrated programme of work in the *post-2020 biodiversity framework*.

3.3 Sustainable wildlife management

Agenda item 20

Managing the sustainable use of wildlife, mainly bushmeat hunting¹⁰ in tropical and sub-tropical countries is an important issue not only for biodiversity, but also for rural livelihoods, food security and nutrition, and the cultural and spiritual well-being of indigenous peoples and local communities and other forest-dependent communities. Certain wildlife species continue to decline due to the destruction, fragmentation, and degradation of natural habitats, as well as other threats. This is an area of increasing concern, in addition to impacting the vital ecological processes that support biodiversity, and has serious social, economic, food, and cultural implications.

The CBD Liaison Group on Bushmeat recognised the importance and complexity of the issue of using wildlife for food, as well as the need to widen the scope of the issue, to go from an ecological perspective to a vision that also encompasses socio-economic and cultural aspects^{11,12}.

COP13 at Cancun had adopted Decision XIII/8. *Sustainable use of biodiversity: bushmeat and sustainable wildlife management*. It had also requested the Executive Secretary to develop technical guidelines to assist the Parties in implementing the *Strategic Plan for Biodiversity 2011-2020*, building on the roadmap of the role of bushmeat in food security and nutrition¹³. **Following Decision XIII/8 taken at Cancun, the SBSTTA focused, at its 22nd meeting, on voluntary guidelines adopted in Recommendation XXI/2 for a sustainable bushmeat sector prepared by the Executive Secretary of the CBD in collaboration with other members of the Collaborative Partnership on Sustainable Wildlife Management.**

10. The CBD Liaison Group on Bushmeat defines bushmeat (or wild meat) as meat obtained from hunting wild animals in tropical and sub-tropical countries for food and for non-food purposes, including for medicinal use.

11. In 2008, COP9 identified hunting and trade of bushmeat and their impacts on non-target species as a subject that the Parties should address as a priority (Decision IX/5). The CBD Liaison Group on Bushmeat met for the first time in October 2009 and developed international recommendations and policies for the sustainable use of bushmeat.

12. Robert Nasi and John E. Fa. "The role of bushmeat in food security and nutrition" a document presented at the 14th World Forestry Congress in Durban (South Africa), 7-11 September 2015.

13. COP13 encouraged the Parties to elaborate technical guidance on sustainable wildlife management, including the results of the symposium on "Beyond enforcement: Communities, governance, incentives, and sustainable use in combating illegal wildlife trade" held in South Africa in February 2015 as well as the workshop on "Sustainable use and bushmeat trade in Colombia: operationalising the legal framework in Colombia", held in Leticia, Colombia, in October 2015, taking into account the perspective and knowledge of indigenous peoples and local communities in customary sustainable use of biodiversity.

Following this recommendation by the SBSTTA, **COP14 could adopt a decision recognising that the sustainable use of biodiversity, including management of wild species, contributes to the achievement of several Aichi Biodiversity Targets and SDG.** It should also welcome the progress made by the *Collaborative Partnership on Sustainable Wildlife Management*.

COP14 could also build on the *Plan of Action on Customary Sustainable Use of Biological Diversity*, endorsed by COP12¹⁴ and, having considered the interim report prepared in line with Recommendation XXI/2 entitled *Guidance for a sustainable bushmeat sector, welcome or take note of the voluntary guidance for a sustainable bushmeat sector, contained in the Annex to Recommendation XXI/2 and which includes various actions to:*

- a. **Manage and improve the sustainability of the supply of bushmeat at source**
- b. **Reduce the demand for illegal and/or unsustainably managed bushmeat in small and large towns**
- c. **Create enabling conditions for a legal, regulated and sustainable bushmeat sector**

COP14 could request the Executive Secretary to **identify areas that may require complementary guidance and to explore ways to apply such guidance to other geographical areas, other species and other uses, in view of the fact that the voluntary guidance for a sustainable bushmeat sector is applicable currently only to some areas of terrestrial tropical and subtropical habitats, biomes and ecosystems.**

It can be envisaged that **COP14 invites the Parties to test further multidisciplinary approaches to combining better knowledge of the use of and trade in wildlife, taking into account the knowledge, innovations and practices of indigenous peoples and local communities and livelihood alternatives for the customary sustainable use of wildlife.** This could consist of understanding the taxonomy and ecology of the species involved, a review and strengthening of legal frameworks, the identification and promotion of best practices for sustainably managing and using wildlife and an examination of the provisions of food and livelihood alternatives relating to customary sustainable use of wildlife.

3.4 Biodiversity and climate change

Agenda item 21

COP13 adopted Decision XIII/4, welcoming the *Paris Agreement* and encouraging the Parties and other governments, when developing their Nationally Determined Contributions (NDC), to take into account fully the importance of ensuring the integrity of all ecosystems. It encouraged the Parties to integrate biodiversity in their actions for climate change adaptation and mitigation and disaster risk reduction.

14. UNEP/CBD/COP/DEC/XII/12, B, Annex, [<https://www.cbd.int/doc/publications/cbd-csu-en.pdf>]

COP14 could recognise its deep concern that failing to hold the increase in the global average temperature to well below 2°C above pre-industrial levels would place many species and ecosystems, with limited adaptive capacity, under very high risk.

In application of Decision XIII/4 made in Cancun, the 22nd meeting of the SBSTTA reviewed the *Voluntary guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction*, prepared by the Secretariat in collaboration with the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Office for Disaster Risk Reduction. COP14 could adopt the *voluntary guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction* contained in the Annex to SBSTTA Recommendation 22/7. It could encourage the Parties to use them to design and implement ecosystem-based approaches to climate change adaptation and disaster risk reduction. COP14 could request the Executive Secretary, in collaboration with the Parties, other governments, the secretariats of relevant multilateral environmental agreements and other organisations to **compile case studies at national, regional and international levels on the implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction** and make the above information available **through the clearing-house mechanism**.

COP14 could encourage the Parties to put in place **monitoring systems and tools to monitor and assess the impacts of climate change on biodiversity and biodiversity-based livelihoods**, in particular those of indigenous peoples and local communities and to assess the effectiveness of ecosystem-based approaches for adaptation, mitigation and disaster risk reduction. COP14 could encourage the Parties to carry out such activities with the **full and effective participation of indigenous peoples and local communities, including women and young indigenous people**. It could, lastly, **encourage the Parties to include information on all of the above in their reports to the CBD**.

In addition, COP14 could request the Executive Director to review new scientific and technical information with respect to the impacts of climate change on biodiversity, the role of ecosystems in climate change adaptation, mitigation and disaster risk reduction, ecosystem restoration and sustainable land management and the findings of the special report on the impacts of global warming of 1.5°C above pre-industrial levels published by the Intergovernmental Panel on Climate Change (IPCC). It could prepare a report on potential implications of the above for the work of the Convention for consideration by the SBSTTA prior to COP15. It could also **request the Executive Director to consider the existing links between biodiversity and climate change in the preparation of the post-2020 global biodiversity framework**. However, as all these last paragraphs in the SBI recommendation are in square brackets, discussions on these topics should be anticipated at Sharm El-Sheikh before any decision is made about them.

3.5 Mainstreaming of biodiversity within and across sectors

Agenda item 22

One major theme that will be addressed at COP14 will be mainstreaming of biodiversity in sectors that are dependent on it and where the actions can have potential negative effects on the ecosystems and species. In line with SBI **Recommendation 2/3 Mainstreaming of biodiversity within and across sectors and other strategic actions to enhance implementation**, COP14 could adopt a decision recommending a series of actions for the governments, businesses and other stakeholders so that they facilitate the mainstreaming of biodiversity-related considerations in the energy, mining, infrastructure, manufacturing and processing sectors.

It could recall **Decision VIII/28 on the voluntary guidance on the biodiversity impact assessment**. It could also recognise that **opportunities exist for the wider application of biodiversity impact assessments and the integration of biodiversity considerations in risk assessments and risk communication, in particular strategic environmental assessment of policies, plans and programmes**.

3.6 Conservation and sustainable use of pollinators

Agenda item 23

At COP13 in Cancun, the Conference of the Parties had adopted Decision XIII/15, based on **the thematic assessment of the IPBES and the International Initiative of the CBD on the conservation and sustainable use of pollinators**, offering guidance on pollinators, pollination and food production. COP14 will suggest that delegates adopt the **Plan of Action 2018-2030 for the International Initiative for the Conservation and Sustainable Use of Pollinators in all ecosystems**.

The action plan aims to facilitate the implementation of specific actions to preserve and encourage the pollinators and the pollination functions and services in agricultural landscapes and the related ecosystems, including forests, grassland, farmland, wetlands, savannahs, coastal areas and urban environments. Activities can be undertaken at region, national, subnational and local level.

The draft *Plan of Action of the International Initiative on the conservation and sustainable use of pollinators* can be found in Annex I to the draft decision presented by the Chairman of the Subsidiary Body on Scientific, Technical and Technological Advice¹⁵. A summary of information on the relevance of pollinators and pollination for the conservation and sustainable use of biodiversity in all ecosystems, beyond

15. CBD/SBSTTA/22/L.5, 6 July 2018, Annex I.

their role in agriculture and food production, can be found in Annex II of the draft decision presented by the SBSTTA¹⁶.

3.7 Spatial planning, protected areas and other effective area-based conservation measures

Agenda item 24

COP13 welcomed the progress accomplished in achieving Aichi Target 11 and recognised that it will contribute to the implementation of other Aichi targets, the Sendai framework for Disaster Risk Reduction 2015-2030, the relevant targets of the SDG and Articles 5, 7 and 8 of the Paris Agreement. **Aichi Target 11 forecasts:**

“by 2020, at least 17% of terrestrial and inland water and 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures and integrated into the wider landscapes and seascapes”.

In Decision XIII/2, the Conference of the Parties had invited the Parties to review data from experience in protected areas and other effective area-based conservation measures, additional measures to enhance integration of protected areas and other effective area-based conservation measures into the wider land and seascapes and mainstreaming across sectors and effective governance models. The Executive Secretary had been requested to prepare voluntary guidance on these questions. In Decision XIII/9, the Conference of the Parties had requested the Executive Secretary to compile information on national, subnational experiences in implementing the marine spatial planning and lessons learned and on the development and management of marine protected area systems and other effective area-based conservation measures.

In application of Decisions XIII/2 and XIII/9, the Executive Secretary convened two concurrent workshops running concurrently: one workshop to prepare voluntary guidance on other effective area-based conservation measures and one workshop to summarize information on marine protected areas and other effective area-based conservation measures. **The 22nd meeting of the SBSTTA considered the results of these workshops. COP14 should review this item based on SBSTTA Recommendation 22/5 of July 2018.**

16. CBD/SBSTTA/22/L.5, 6 July 2018, Annex II. Draft decision, *Conservation and sustainable use of pollinators*, CBD/SBSTTA/22/L.5, 6 July 2018, [<https://www.cbd.int/doc/c/87b1/a62b/da0c66d80ec26316f2a20e01/sbstta-22-l-05-en.pdf>]

3.7.1 Review of spatial planning, protected areas and other effective area-based conservation measures by COP14

Regarding protected areas, COP14 could encourage the Parties to continue their efforts to achieve the targets provided for in Aichi Target 11 and adopt the “*Voluntary guidance on the integration of protected areas and other effective area-based conservation measures in land- and seascapes and their mainstreaming across the sectors*”, along with the “*Voluntary guidance on effective governance models for management of protected areas, including equity, taking into account work being undertaken under Article 8(j)*” and “*Scientific and technical advice on other effective area-based conservation measures*”.

In its decision, COP14 could firstly give the following definition of “other effective area-based conservation measures”: “*a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values*”.

In its decision, COP14 could invite the Parties, other governments and relevant organisations, in collaboration with indigenous peoples and local communities, to apply the *Voluntary guidance on the integration of protected areas and other effective area-based conservation measures in land- and seascapes and their mainstreaming across sectors* and the *Voluntary guidance on governance and equity* found in Annexes I and II of SBSTTA Recommendation 22/5.

This *voluntary guidance* is intended to encourage and assist the Parties in facilitating the integration of protected areas and other effective area-based conservation measures in key sectors including agriculture, fishing, forestry, mining, energy, tourism and transport.

It could also welcome the *scientific and technical advice on other effective area-based conservation measures* contained in Annex III to SBSTTA Recommendation 22/5. This *scientific and technical advice on other effective area-based conservation measures* found in Annex III is intended to assist the Parties in:

- a. **Identifying other effective area-based conservation measures;**
- b. **Submitting data on other effective area-based conservation measures to the UNEP World Conservation Monitoring Centre for inclusion in the World Database on Protected Areas;**

COP14 could encourage the Parties to share their case studies/best practices and examples of management approaches, governance types related to other effective area-based conservation measures, mainly through the clearing-house mechanism of the Convention. The 14th session of the CBD could also **invite the IUCN and the World Conservation Monitoring Centre to expand the World Database on Protected Areas by providing a section on other effective area-based conservation measures**. Lastly, COP14 could request the Executive Secretary, subject to available

resources, and in collaboration with partners, to strengthen the capacities of Parties and indigenous peoples and local communities on both sets of *Voluntary guidance* and the *scientific advice* so that they identify other effective area-based conservations measures and use them effectively.

3.8 Marine and coastal biodiversity

Agenda item 25

3.8.1 Context

The marine and coastal biodiversity has been a concern of the CBD from the start. Marine and coastal biodiversity is nevertheless difficult to address under the CBD, as its mandate is restricted to living organisms and areas falling under the national jurisdiction, whereas successful action in conserving marine and coastal biodiversity also depends on areas beyond national jurisdictions (ABNJ).

COP1 gave the SBSTTA the mandate to provide an opinion on the conservation and sustainable use of the marine and coastal biodiversity¹⁷. The following year, COP2 adopted the “Jakarta Mandate on Marine and Coastal Biodiversity”¹⁸, which led to the adoption of marine and coastal biodiversity work programme¹⁹ by COP4. COP7 subsequently adopted an extended version of this work programme²⁰ as well as a work programme on the protected areas, mainly aiming to create and maintain national and regional protected marine areas by 2012²¹. COP8 underlined the worrying situation of deep seabed ecosystems not falling under any national jurisdiction²². **To increase their protection, the COP9 adopted scientific criteria to identify ecologically or biologically significant marine areas (EBSA) that should be protected in open ocean waters and deep seabed habitats (Annex I), called the “Azores Criteria” and scientific guidelines on designing representative networks of protected marine areas (Annex II).** It also requested the Executive Secretary to draft summary reports on the impact of destructive fishing practices and fishing that is intolerable, illegal, unreported and unregulated and on the impact of fertilisation and acidification of oceans on the marine biodiversity²³.

COP10 requested the Executive Secretary to work with Parties and other governments as well as relevant organisations and regional initiatives²⁴ to organise

17. Decision I/7

18. Decision II/10

19. Decision IV/5

20. Decision VII/5

21. Decision VII/28

22. Decision VIII/21

23. Decision IX/20

24. Such as the Food and Agriculture Organisation of the United Nations (FAO), regional conventions and action plans on regional seas and regional fisheries management organisations (RFMO).

a series of regional workshops to facilitate their work in identifying EBSA from scientific criteria adopted during COP9 (Annex I, Decision IX/20) as well as other compatible and complementary nationally and intergovernmentally agreed scientific criteria, taking into account also scientific guidance on the identification of marine areas beyond national jurisdiction, which meet the scientific criteria in Annex I to decision IX/20²⁵. Whereas the regional workshops organised subsequent to COP10 were useful in identifying about a hundred EBSA, COP11 welcomed the scientific and technical assessment of information contained in the regional workshop reports and noted the participatory organisation of these regional workshops²⁶. **During COP11, the Executive Secretary was requested especially to prepare further the prototype of the register of ecologically or biologically significant marine areas and to continue to collaborate with the Parties and other relevant institutions to facilitate the description of new EBSA**, mainly by organising other regional workshops²⁷. Following this decision, additional workshops were held in several regions of the world²⁸ in 2012, 2013 and 2014.

In Decision XIII/12, COP13 requested the Executive Secretary to continue to facilitate the description of the areas that fulfil the criteria of ecologically and biologically significant marine areas (EBSA), by organising additional regional or subregional workshops in places that the Parties have selected. The Executive Secretary therefore organised a workshop for the Black Sea and the Caspian Sea in April 2017 and a workshop for the Baltic Sea in March 2018. The results of these workshops were reviewed at the 22nd meeting of the SBSTTA. In application of this Decision XIII/12, the Executive Secretary convened a workshop of experts in Berlin, in December 2017, to prepare options in terms of procedures for modifying descriptions of EBSA, describing new areas and consolidating the scientific process. The results of this workshop were reviewed at the 22nd meeting of the SBSTTA.

In addition, in Decision XIII/3, the Conference of the Parties emphasises the importance of collaborating with FAO, regional fisheries management organisations and regional seas conventions and action plans with regard to addressing biodiversity considerations in sustainable fisheries and aquaculture. **In Decisions XIII/3, XIII/9 and XIII/28, the Conference of the Parties addressed the question of continuing cooperation between FAO, the International Union for the Conservation of Nature and the Executive Secretary to improve the reports and support to achieve Aichi Biodiversity Target 6 and invited them to strengthen this collaboration, mainly in terms of compiling data of experience in mainstreaming biodiversity in fishing, including the application of the ecosystem approach to fishing, and to make this compilation available prior to COP14. The SBSTTA focused on this information at its 22nd meeting and COP14 will review this question based on its recommendations.**

25. Decision X/29, paragraph 36

26. Decision XI/17

27. Decision XI/17

28. Workshops were organised in the following regions: Southern Indian Ocean, East Pacific, North Pacific, South-East Atlantic, North-East Atlantic and the Mediterranean regions.

3.8.2 Review of the question of marine and coastal biodiversity by COP14

In its decision on this question, COP14 could decide to revise the mandate of the informal consultative group on the EBSA, based on a draft revision of tasks and responsibilities of this group, prepared by the Executive Secretary of the CBD.

COP14 could recall the reaffirmation of United Nations General Assembly resolution 64/71 reiterating that the *United Nations Convention on the Law of the Sea at Montego Bay sets out the legal framework within which all activities in the oceans and seas must be carried out. As this part of the SBSTTA recommendation is entirely within square brackets, this topic should be discussed at the 14th meeting of the COP.*

COP14 could also the report of the Expert Workshop to develop options for modifying the description of ecologically or biologically significant marine areas, for describing new areas, and for strengthening the scientific credibility and transparency of this process, held in Berlin on 5-8 December 2017 and endorse or take note of the set of options as contained in the annex to this decision, i.e. *“Options for modifying the description of ecologically or biologically significant marine areas, for describing new areas and for strengthening the scientific credibility and transparency of this process”*. These options provide for the reasons for modifying EBSA descriptions, the players that may propose modifying the EBSA descriptions and for which two options are proposed and which should therefore be discussed by COP14 and *modalities for modifying EBSA descriptions”* and the considerations whereby EBSA descriptions can be modified. This annex also includes guidance for the description of new EBSA meeting the EBSA criteria, the players that can initiate the description of new areas meeting the EBSA criteria and for which two options are proposed and which should therefore be discussed by COP14, the modalities for undertaking the description of new areas meeting the EBSA criteria and the essential considerations for the description of new areas meeting the EBSA criteria.

COP14 could take note of the continued work of the Executive Secretary on the compilation and synthesis of information related to the impacts of anthropogenic underwater noise on marine and coastal biodiversity and means to minimise and mitigate these impacts and experiences with the application of marine spatial planning and encourage the Parties and relevant organisations to use this information, including in their efforts to minimise and mitigate the impacts of anthropogenic underwater noise and to apply marine spatial planning.

It could also recall Decisions XIII/10 on **marine debris** and XIII/11 on **biodiversity in cold-water areas** and note the outcomes of the United Nations Conference to support the implementation of SDG 14 “Conserve and sustainably exploit the oceans, seas and marine resources for the purposes of sustainable development” and urge the Parties to **increase their efforts to minimise and mitigate**

the impacts of marine debris, in particular plastic pollution, on marine and coastal biodiversity, address the **potential impacts of deep-seabed mining** on marine biodiversity and protect biodiversity in cold-water areas.

It could welcome the activities by the Executive Secretary and the Parties, with the financial and technical support of the Republic of Korea, Sweden, the European Union and many other partners, under the *Sustainable Ocean Initiative at national, regional and world levels*, request the Executive Secretary to transmit the outcomes of the first and second meetings of the *Sustainable Ocean Initiative Global Dialogue* and collaborate with the Parties, other governments, relevant organisations and donors to facilitate their implementation on the ground. COP14 could also request the Executive Secretary to continue activities under specific themes under the Sustainable Ocean Initiative.

Lastly, COP14 could invite FAO and the regional fisheries bodies to provide scientific information, experiences and relevant reporting from the Code of conduct for responsible fisheries as an input for the *fifth edition of the Global Biodiversity Outlook*.

The annex to this COP14 decision could include “*Options for modifying the description of ecologically or biologically significant marine areas, for describing new areas and for strengthening the scientific credibility and transparency of this process*” and “*Modalities for modifying EBSA descriptions*”.

3.9 Invasive alien species

Agenda item 26

3.9.1 Context

The CBD has been concerned about invasive alien species for a long time. The introduction of animal and plant species beyond their natural range is viewed as a one of the main direct factors in global loss of biodiversity. It can nevertheless be difficult to control invasive alien species due to the increasing numbers of introduction pathways. A range of measures is required, including setting up border controls and quarantine, prior authorisation for the intentional introduction of alien species, cooperation between the sectors likely to act as a pathway or vector for the accidental transfer of invasive alien species or rapid detection and, if appropriate, the control or eradication of newly-introduced species²⁹.

As early as 1998, COP4 recognised the importance of considering their impacts³⁰. Four years later, COP6 adopted guiding principles on the prevention, introduction and mitigation of effects of alien species that threaten ecosystems,

29. “Guiding principles for the prevention, introduction and mitigation of impacts of alien species threatening ecosystems, habitats or species” are provided in Annex to Decision VI/23.

30. Decision IV/1

habitats or species³¹. COP7 noted introduction pathways for IAS with gaps in the regulatory framework, especially for species which are invasive without being considered harmful under other international agreements³². Lastly, COP8 identified measures to deal with these pathways of introduction³³. COP10 urged the Parties to apply the precautionary approach to prevent invasions by agricultural species or by species used to produce biomass, including forage species and species used for carbon sequestration. Furthermore, COP10 created the Ad Hoc Technical Expert Group on addressing the risks associated with invasive alien species introduced as pets, including aquarium and terrarium species, or as live bait (AHTEG-IAS)³⁴. COP11 welcomed the creation of the *Global Invasive Alien Species Information Partnership*³⁵ and requested the Executive Secretary to facilitate its implementation. The first Steering Committee meeting of the Partnership was held in Montreal in October 2013.

Thus, invasive alien species are a major concern for the Parties to the CBD, who, by virtue of Aichi Target 9, have given themselves until 2020 to control or eradicate the most harmful invasive alien species and introduce measures to manage their penetration pathways. **Aichi Biodiversity Target 9 requires that “by 2020, IAS and pathways of introduction are identified and prioritised, priority species are controlled or eradicated and measures are in place to manage pathways to prevent their introduction and establishment”.**

To pursue this target, Decision XII/17 of COP12 invited the Technical Group of Experts on Invasive Alien Species and other technical partners to continue and complete the work on analysing pathways of penetration and to continue to develop an IAS classification system that is based on the nature and magnitude of their impacts.

In paragraph 9(d) of its Decision XII/17, COP12 requested the Executive Secretary to explore with the partners involved, mainly the members of the inter-agency liaison group on IAS, methods of alerting suppliers and potential buyers to the risk posed by IAS sold via e-commerce and report on progress to the SBSTTA meeting preceding COP13.

Following SBSTTA Recommendation XX/7, and in order to reduce the risks associated with the trade in IAS sold via e-commerce, COP13 encouraged Parties to develop guidance and measures aiming to reduce the risks of introducing IAS, in accordance with international regulations in force. COP13 also encouraged Parties to collaborate with online traders in developing the new measures required to reduce the risks of introducing potential IAS arising from e-commerce.

31. Decision VI/23

32. Decision VII/13

33. Decision VIII/27

34. Decision X/38

35. In October 2012, on the sidelines of COP12 in Hyderabad, the first organisations signed a memorandum of cooperation with the CBD Secretariat and thereby officially formed the Global IAS Information Partnership.

3.9.2 Review of the question of invasive alien species by COP14

Based on Recommendation 22/8 “*Invasive alien species*” of the 22nd meeting of the SBSTTA, COP14 could adopt a decision that recognises, firstly, the growth in e-commerce in invasive alien species and the need for collaboration to minimise the associated risks and that recognises, secondly, the adverse impacts of invasive alien species on vulnerable ecosystems, such as islands and Arctic regions, as well as on social, economic and cultural values, including those associated with indigenous peoples and local communities.

This decision of COP14 could welcome **Decision 6/1 of the Plenary of the IBPES, which approved a thematic assessment of invasive alien species and their control.**

In its decision, COP14 could encourage the Parties, other governments and relevant expert organisations to promote data mobilisation to the Global Register of Introduced and Invasive Species under the Global Invasive Alien Species Information Partnership and by supporting the IUCN Taxa classification.

COP14 should also **decide to establish an ad hoc technical group of experts**, with the terms of reference contained in annex II to SBSTTA Recommendation 22/8 and which will meet as needed to provide advice on achieving Aichi Target 9. Annex II to SBSTTA Recommendation 22/8 “*Invasive alien species*” proposes the “Terms of reference of the Ad Hoc Technical Expert Group on invasive alien species” By virtue of this mandate, this ad hoc group will deal with questions that are not covered by the IPBES assessment.

COP14 could also recommend that this Ad Hoc Technical Expert Group request the Executive Secretary to convene **a moderated open online discussion forum** to support its deliberations. COP14 could request the SBSTTA to consider the results of the online forum and the Ad Hoc Technical Expert Group at a meeting to be held prior to COP15.

COP could also welcome Draft supplementary voluntary guidance for avoiding unintentional introductions of invasive alien species associated with trade in live organisms annexed to the SBSTTA recommendation³⁶. It could decide to encourage the Parties and relevant organisations to use this additional voluntary guidance to avoid unintentional introductions of invasive alien species associated with trade in living organisms.

This draft additional guidance supplements the *Guidance on the design and implementation of measures to address the risks associated with introducing invasive species as pets, aquarium and terrarium species, or as live bait and live*

36. Recommendation 22/8 “*Invasive alien species*”.

food annexed to Decision XII/16.³⁷ **The purpose of this additional guidance is to minimise the risk of biological invasion of alien species crossing the borders of national jurisdiction and distinct biogeographic areas through the unintentional introduction pathways described in the CBD pathway categorisation** in association with trade in live organisms. This guidance is relevant to States, relevant organisations, industry and consumers, including all actors involved in the value chain of trade in live organisms. For the case of live food trade, the persons involved in the value chain also include individuals in the sector of restaurants and food markets.³⁸ **This draft additional guidance also includes, in a Section 2, “Measures to reduce the risk of invasive alien species moving unintentionally in pathways associated with trade in live organisms”.**

3.10 Synthetic biology

Agenda item 27

3.10.1 Context

Synthetic biology was raised as a topic of concern by the Parties at COP10. The discussions had then focused more on the question of whether synthetic biology should or should not be included on the CBD COP agenda as a “new and emerging issue” based on the criteria established in decision IX/29. The decision was made to not add this item to the SBSTTA agenda as a “new and emerging issue”. However, in Decision X/13 ,paragraph 4, COP10 had invited the Parties, other governments and relevant organisations to provide information on synthetic biology for the SBSTTA to consider.

In Decision XII/24, **COP12** recognised that this was relevant for the CBD, but concluded that there was **currently insufficient information available** to finalise an analysis, using the criteria set out in paragraph 12 of decision IX/29, **to decide whether or not this was a new and emerging issue related to conservation and the sustainable use of biodiversity**. COP12 had thus decided to wait for the outcome of a robust analysis using the criteria set out in Decision IX/29. COP12

37. XII/16. “Invasive alien species: management of risks associated with introduction of alien species as pets, aquarium and terrarium species and as live bait and live food and related issues”, UNEP/CBD/COP/DEC/XII/16, 17 October 2014, [online: <https://www.cbd.int/doc/decisions/cop-12/cop-12-dec-16-en.pdf>].

38. This guidance is voluntary and intended to be used in conjunction with other relevant guidance, for example: the Guiding principles for the prevention, introduction and mitigation of impacts of alien species that threaten ecosystems, habitats and species (Decision VI/23), the international standards for phytosanitary measures (ISPM), the Terrestrial Animal Health Code and the Manual of Diagnostic Test and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE), the OIE Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals and other standards and guidance developed by relevant international organisations.

had also decided to form ad hoc technical expert group (AHTEG) to report on its work to the SBSTTA. The mandate of this group, annexed to the decision, requires it to, in particular: set an operational definition of synthetic biology; identify the potential benefits and risks of organisms, components and products arising from synthetic biology techniques to the conservation and sustainable use of biodiversity; determine if living modified organisms (LMO) derived from synthetic biology fall under the scope of the Cartagena Protocol; and identify if other instruments adequately regulate the organisms, components or products derived from synthetic biology techniques.

Synthetic biology is a complex subject from both a scientific and political point of view. Its complexity made it one of the most controversial issues at the 20th meeting of the SBSTTA in April 2016.

In Decision (UNEP/CBD/COP/13/L.29), COP13 had decided to review, at COP14, the potential implications of using digital sequence information on genetic resources for the three CDB objectives. In this decision, COP13 emphasised that digital sequence information on genetic resources was a cross-cutting issue that might concern the three CDB objectives, with a footnote stating that the terminology was subject to further discussions within the AHTEG, and noted rapid advances in the use of digital sequence information on genetic resources, thereby recognising the importance of addressing this matter in the framework of the Convention in a timely manner.

3.10.2 Review of this question of synthetic biology by COP14

The 22nd meeting of the SBSTTA focused on the assessment of risks associated with LMO, including organisms containing genetically-modified genes, and the countries agreed on an identification process of topics that could justify the preparation of international guidance.

The delegates requested the Executive Secretary of the CBD to commission a study of organisms containing genetically-modified genetic units and modified fish. Consensus could not be reached on a few elements. **Regarding the question of synthetic biology, COP14 could nevertheless, in a decision, invite the countries Parties to apply a precautionary approach, not simply for the release of genetically-modified organisms but also in terms of experimental release, due to the uncertainty surrounding their impact.** Emphasising the need for further research and analyses, **COP14 should call on extensive international cooperation to assess the possible impacts of synthetic biology on biodiversity.**

The SBSTTA recommended that the Conference of the Parties meeting as MOP to the *Cartagena Protocol* adopt a decision recognising that synthetic biology is developing rapidly and constitutes a cross-cutting question, with potential benefits and potential negative effects with respect to the three CDB objectives. In this decision on the issues of synthetic biology, **COP14 could agree on the need to scan, monitor and assess developments in the field of synthetic biology to**

review new information regarding the potential negative impacts of synthetic biology vis-à-vis the three objectives of the Convention and the objectives of its Protocols.

It is nevertheless uncertain that the COP will agree that scanning, monitoring and assessing of developments resulting from genome editing are also necessary with respect to their potential impacts on biodiversity and the three objectives of the Convention and those of its Protocols, as this part of SBSTTA Recommendation 22/3 is in square brackets.

In its decision, COP14 could decide to establish a process and modalities for regular analysis, monitoring and assessment of new developments in the field of synthetic biology and decide to establish a mechanism for regularly reporting the outcomes to the SBSTTA, COP and COP/MOP to the *Cartagena Protocol*, but this SBSTTA recommendation is in square brackets, so that discussions will be held on this topic at COP14.

COP14 could go further and recognise that, given the current uncertainties regarding the release of synthetic biology organisms and products into the environment, it invites the Parties to abstain from releasing them into the environment, but this section of the SBSTTA recommendation is in square brackets.

COP14 could also call upon the Parties, other governments and relevant organisations to continue to disseminate information and share, especially through the clearing-house mechanisms of the Convention and the Biosafety Clearing-House, their experiences on scientific assessments of the potential benefits and potential adverse impacts of synthetic biology to biological diversity.

COP14 should decide to extend the Ad Hoc Technical Expert Group on Synthetic Biology to work especially on the risk assessment under the Cartagena Protocol, in accordance with the terms of reference annexed to SBSTTA Recommendation 22/3. COP could also decide to extend the Open-ended Online Forum on Synthetic Biology, taking into account the work on risk assessment under the Cartagena Protocol, to support the deliberations of the Ad Hoc Technical Expert Group on Synthetic Biology and invite indigenous peoples and local communities and relevant organisations to continue to nominate experts to take part in the Online Forum on Synthetic Biology.

It should also request the Executive Secretariat to organise moderated online discussions under the Open-ended Online Forum on Synthetic Biology, facilitate the work of the Ad Hoc Technical Expert Group on Synthetic Biology, mainly by collecting, synthesising and arranging for peer review of relevant information that will provide this peer review subsequently to the SBSTTA.

COP14 should request the Secretariat to **prepare a forward-looking report on synthetic biology applications that are in early stages of research and development, vis-à-vis the three objectives of the Convention**, by compiling and analysing information, including peer-reviewed published literature on the topic,

and to prepare a report on the outcomes of its work for consideration by the SBSTTA at a meeting to be held before COP15.

The terms of reference for the Ad Hoc Technical Expert Group on Synthetic Biology will be annexed to the COP14 decision.

3.11 Liability and redress (Article 14, paragraph 2)

In Decision XII/14, COP12 noted progress accomplished since COP8 in certain areas that have relevance to liability and redress, mainly in developing guidance on ecosystem restoration and tools for valuation of biodiversity. It invited Parties to take into account some relevant instruments and reports in their efforts to develop or adjust national policy, legislation, guidelines or administrative measures concerning liability and redress for damage to biological diversity. The Conference of the Parties decided to review the item further at its fourteenth session. **COP14 should consider this item based on information made available by the Executive Secretary (CBD/COP/14/8).**

4. Agenda items for the ninth meeting of parties to the Cartagena Protocol on biosafety (COP/MOP9 to the Cartagena Protocol)

4.1 Context

One of the threats to the sustainable use of biodiversity components that is particularly considered by the CBD is the use of **genetically modified living organisms (GMO)**, in particular those that are destined to be introduced into the environment, such as **genetically modified seeds**.

The agenda for the ninth meeting of the Conference of the Parties serving as the Meeting of the Parties, following to the Cartagena Protocol provides for focusing on the following various topics on the agenda:

- Questions regarding the financial mechanism and financial resources (Article 28) (*point 7 à l'ordre du jour*)
- Capacity-building (Article 22) (*agenda item 8*)
- Operation and activities of the Biosafety Clearing House (Article 20) (*agenda item 9*)
- Monitoring and establishment of reports (Article 33) and evaluation and review of the effectiveness of the Protocol (Article 35) (*agenda item 10*)
- Enhancing integration under the Convention and its Protocols with respect to biosafety-related provisions (*agenda item 11*)
- Cooperation with other organisations, conventions and initiatives (*agenda item 12*)
- Review of effectiveness of structures and processes under the Convention and its Protocols (*agenda item 13*)
- Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020 and the Strategic Plan for the Cartagena Protocol on Biosafety (2011-2020) (*agenda item 14*)
- Risk assessment and risk management (Articles 15 and 16) (*point 15 à l'ordre du jour*)
- Unintentional transboundary movements and emergency measures (Article 17) (*point 16 à l'ordre du jour*)
- Transit and contained use of living modified organisms (Article 6) (*point 17 à l'ordre du jour*)
- Socio-economic considerations (Article 26) (*agenda item 18*)

- Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress (*agenda item 19*)

4.2 Operation of the Protocol

4.2.1 Questions regarding the financial mechanism and financial resources (Article 28)

In Decision CP-VIII/5, the Parties to the *Cartagena Protocol* adopted recommendations for the Conference of the Parties to the CBD regarding additional guidance on the financing mechanism, on the topic of biosafety. In its Decision XIII/21, COP13 adopted a **four-year framework of programme priorities (2018-2022)** for the seventh replenishment of the Global Environment Facility (GEF) as well as consolidated previous guidance to the financial mechanism and a mandate for the fifth review of the effectiveness of the financing mechanism.

COP13 at Cancun also took note of the *report on the full assessment of the amount of funds needed for the seventh GEF resource replenishment*. The Conference of the Parties requested a successor for this seventh resource replenishment and call upon the GEF to include in its reports to the COP information on each element of the guidance and the four-year framework and information on how it had managed the assessment of needs. The process for the seventh GEF resource replenishment was completed in May 2018.

SBI-1, at its second meeting, reviewed the results of the seventh GEF resource replenishment and the relevant documents prepared by the Executive Secretary, together with a preliminary report from the Global Environment Fund. At COP/MOP9, it is planned that the Parties to the *Cartagena Protocol* will review related questions associated with the Protocol, based on relevant recommendations by the SBI.

4.2.2 Capacity-building (Article 22)

4.2.2.1 Context

In Decision BS-VI/3, the Parties to the *Cartagena Protocol* adopted a **Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol** and requested the Executive Secretary to prepare, for consideration at regular meetings of the Parties, reports on the status of implementation of the Framework and Action Plan, on the basis of the submissions made by Parties.

In decision CP-VIII/3, the Parties to the Cartagena Protocol decided to maintain the **Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol**. In this decision, the COP also urged Parties, for the remaining period until 2020, **to prioritise and focus on the development of national biosafety legislation, risk assessment, detection and identification of modified living organisms and public awareness, education and participation to facilitate the implementation of the Protocol.**

In the same decision, the Parties requested the Executive Secretary to facilitate and support implementation of the priority capacity-building activities and to facilitate the application of the *Cartagena Protocol*. These activities are listed in the **Short-term action plan (2017-2020) to enhance and support capacity-building to facilitate the application of the Convention and its Protocols** contained in the Annex to Decision XIII/23 of the Conference of the Parties.

The SBI reviewed, at its second meeting, the results and effectiveness of current capacity-building activities under the *Short-term Action Plan* that have been supported and facilitated by the Secretariat. It also considered a proposal for preparing a **long-term strategic framework for capacity-building beyond 2020**, ensuring its alignment with the follow-up to the *Strategic Plan for Biodiversity 2011-2020* and the work of the Protocols, as well as the terms of reference for a study to provide the knowledge base. **In the light of the above, the meeting of the Parties to the *Cartagena Protocol* will be invited to consider this agenda item on the basis of the various documents below:**

- *A note by the Executive Secretary, with input stemming from the twelfth meeting of the Liaison Group on Capacity-Building for Biosafety, containing a summary report on the status of implementation of the Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol and the preparations for a follow-up to this framework and action plan (CBD/CP/MOP/9/5).*

4.2.2.2 Review of capacity-building by COP/MOP9

On the topic of capacity-building, the COP/MOP9 *could adopt a decision recalling Decisions BS-VI/3 and CP-VIII/3 and take note of the progress report on the implementation of the Short-term Action Plan (2017-2020) to enhance and support capacity-building for the implementation of the Convention and its Protocols.*

This decision by COP/MOP9 should also welcome the mandate for the study to provide an information base in developing a *Long-term strategic framework for capacity-building beyond 2020, contained in the appendix to Annex I to SBI Recommendation SBI-2/8 "Terms of reference for a study providing an information base for the development of the Long-term strategic framework for capacity-building beyond 2020"*.

It could also note that the Conference of the Parties has requested the Executive Secretary to commission a study, subject to the availability of resources, to provide an information base for the preparation of a **long-term strategic framework for capacity-building beyond 2020** and requests that aspects relevant to the *Cartagena Protocol* be considered in the study.

Lastly, COP/MOP9 could request the **Liaison Group on Capacity-Building for Biosafety** to contribute to the development of the **Draft long-term strategic action plan for capacity-building beyond 2020** and request the Executive Secretary to submit a **Draft long-term strategic action plan for capacity-building beyond**

2020, for consideration by the SBI at its third meeting and review by COP/MOP10.

Annex I to SBI Recommendation 2/8 sets out the elements in the development process of the Long-term strategic action plan for capacity-building beyond 2020. As for the appendix to this Annex I to Recommendation 2/8, it comprises the “Terms of reference for a study providing an information base for the development of the Long-term strategic framework for capacity-building beyond 2020”.

4.2.3 Operation and activities of the Biosafety Clearing House (Article 20)

In Decision CP-VIII/2, the Parties to the *Cartagena Protocol* requested the Executive Secretary to:

- a. continue making improvements to the portal of the Biosafety Clearing House;
- b. carry out full migration of the Biosafety Clearing-House to its new platform;
- c. develop joint modalities of operation between the clearing-house mechanism of the Convention, the Biosafety Clearing-House and the Access and Benefit-sharing Clearing-House for consideration by COP14, COP/MOP9 to the *Cartagena Protocol* and COP/MOP3 to the Nagoya Protocol, with a view to enhancing coherence in the application of all these clearing-house mechanisms.

4.2.3.1 Review of the operation of the Biosafety Clearing House (Article 20) by COP/MOP9

The Parties to the *Cartagena Protocol* will have before them a note by the Executive Secretary on the operation and activities of the Biosafety Clearing House undertaken during the intersessional period (CBD/CP/MOP/9/6). COP/MOP9 will have before it draft joint modalities of operation between the clearing-house mechanism of the Convention, the Biosafety Clearing-House of the Cartagena Protocol and the Access and Benefit-sharing Clearing-House of the Nagoya Protocol (CBD/CP/MOP/9/6/Add.1)

A note containing the results of the eleventh meeting of the Informal Consultative Committee on the Biosafety Clearing House will also be made available as an information document (CBD/BS/MOP/9/INF/1).

4.2.4 Monitoring and establishment of reports (Article 33) Evaluation of the effectiveness of the Protocol (Article 35)

4.2.4.1 Format for the fourth national reports and the fourth assessment of the effectiveness of the Cartagena Protocol

In paragraph 8 of Decision CP-VIII/14, the Parties to the *Cartagena Protocol* requested the Executive Secretary to develop a revised format for the fourth national

reports so that complete and accurate information be obtained as indicated in Decision BS-VI/15.

The Parties to the *Cartagena Protocol* may wish to adopt a decision on the basis of recommendation SBI-2/11 and recommendation SBI-2/13 on this topic. As such, COP/MOP9 could recall the decision of CP-VIII/14, whereby the Executive Secretary was requested to develop a revised format for the fourth national reports with a view to ensuring that complete and accurate information is captured while striving to ensure the applicability of the baseline information, as established in decision BS-VI/15. It could also adopt the revised reporting format annexed to Recommendation SBI-2/13 and request the Parties to use it for the fourth national report on the implementation of the Cartagena Protocol. COP/MOP9 could, furthermore, call on the Parties to develop their fourth national reports through a consultative process involving all relevant national stakeholders, including indigenous peoples and local communities, where appropriate.

It could encourage the Parties to answer all the questions in the reporting format and stress the importance of the timely submission of fourth national reports in order to facilitate the *fourth assessment and review of the effectiveness of the Cartagena Protocol* and the *final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020*.

Lastly, COP/MOP9 should request the Parties and invite other governments to submit to the Secretariat their fourth national report on the implementation of the Cartagena Protocol in an official language of the United Nations, twelve months before COP/MOP10 to the Cartagena Protocol, preferably online through the Biosafety Clearing House or offline using the appropriate form that will be made available by the Secretariat for this purpose, signed by the national focal point for the Protocol.

4.2.4.2 Process for aligning national reporting under the Convention and its Protocols post-2020

In decision XIII/27, COP13 had requested the Executive Secretary, in consultation with the Bureau, to develop, subject to subsequent endorsement by the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols, proposals for the **alignment of national reporting under the Convention and its Protocols**. COP13 had also requested that the Secretariat develop options for enhancing synergy on national reporting among the biodiversity-related conventions and Rio conventions. At its second meeting, the SBSTTA reviewed these proposals for the alignment of national reporting under the Convention and its Protocols. **The Parties to the Cartagena Protocol may wish, at COP/MOP9, to accept the invitation from the Conference of the Parties to the CBD to commence a synchronised cycle of national reporting starting in 2023.**

4.2.5 Enhancing integration under the Convention and its Protocols with respect to biosafety-related provisions

Based on Recommendation SBI-2/14, COP14 could:

- Recall the call to the Parties to the CBD to integrate biosafety within their NBSAP and other relevant sectoral and cross-sectoral policies, plans and programmes, as appropriate, taking into account national circumstances, legislation and priorities.
- Note the relationship between the biosafety-related provisions of the Convention, in particular its Articles 8(g) and 19, paragraph 4, and the Cartagena Protocol.
- Recognise that ratification and implementation of the Cartagena Protocol and the *Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress* contribute to achieving the objectives of the CBD.
- Urge Parties to the CBD that have not yet done so to deposit their instrument of ratification, acceptance, approval or accession to the Cartagena Protocol as soon as possible.
- Remind Parties to the CBD that are not Parties to the Cartagena Protocol of their biosafety-related obligations under the Convention and invite them to continue making available to the Biosafety Clearing-House their fourth national report under the Cartagena Protocol.
- Encourage the Parties to develop and implement national action plans for mainstreaming biosafety into national legal and policy instruments and to report on the progress in this regard in their national report.

COP14 could also envisage the addition of biosafety considerations to the *post-2020 global biodiversity framework* and national reporting format under the CBD.

4.2.6 Cooperation with other international organisations, conventions and initiatives

In Decision CP-VIII/6, the meeting of the Parties to the Cartagena Protocol requested the Executive Secretary to continue cooperation with other relevant organisations, conventions and initiatives, including at the national and regional levels, and involving, where applicable, experts from indigenous peoples and local communities, with a view to meeting the strategic objective in focal area 5, on outreach and cooperation, of the Strategic Plan for the Cartagena Protocol.

The Parties to the Cartagena Protocol will have before them a **note by the Executive Secretary providing an update on cooperative activities between the Secretariat and other conventions, international organisations and initiatives relevant to the implementation of the Protocol (CBD/CP/MOP/9/7)**.

4.2.7 Review of effectiveness of structures and processes under the Convention and its Protocols

In Decision BS-VII/9, the Parties to the Cartagena Protocol decided to hold future ordinary meetings within a two-week period concurrently with the meetings of the Parties to the Convention and the Nagoya Protocol.

At their eighth meeting, the Parties to the Cartagena Protocol also decided to review their experience in holding concurrent meetings at their ninth and tenth meetings, on the basis of criteria agreed to in Decision CP-VIII/10.

COP/MOP9 to the Cartagena Protocol could, as for COP/MOP3 to the Nagoya Protocol, adopt a decision whereby it recalls having reviewed the experience of holding meetings of the COP and the two COP/MOP simultaneously and recognises that a new review will be undertaken at COP15, COP/MOP10 to the Cartagena Protocol and COP/MOP4 to the Nagoya Protocol.

COP/MOP9 to the Cartagena Protocol and COP/MOP3 to the Nagoya Protocol could note that simultaneous meetings have fostered increased integration between the Convention and its Protocols and improved consultations, coordination and synergies between the respective national focal points. It could also note that the majority of criteria are considered to have been achieved or partially achieved and that further improvements to the operation of concurrent meetings are desirable, especially to enhance the results and effectiveness of meetings of the Parties to the Protocols. Lastly, they could reiterate the need for full and complete participation of representatives of developing country Parties, especially the least developed countries, small island developing States and countries in transition, in the concurrent meetings.

4.3 Other agenda items

4.3.1 Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020 and the Strategic Plan for the Cartagena Protocol on Biosafety (2011-2020)

In 2010, the COP to the Convention adopted the *Strategic Plan for Biodiversity 2011-2020* and its Aichi Biodiversity Targets (Decision X/2), whilst the COP to the Cartagena Protocol adopted the *Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020* and its multi-year programme of work (Decision BS-V/16).

In Decision XIII/1, paragraph 34, COP13 recognised the need to have a full and participatory process for preparing proposals relating to the **follow-up to the Strategic Plan for Biodiversity 2011-2020**. Given the above, the Parties to the *Cartagena Protocol* will be invited to consider this agenda item on the basis of the documents below:

- The relevant recommendations of the second meeting of the SBI regarding the *post-2020 global biodiversity framework*.

- A note by the Executive Secretary (CBD/CP/MOP/9/8) on preparations for the development of a follow-up to the *Strategic Plan for the Cartagena Protocol on Biosafety 2011-2020*.

COP/MOP9 could adopt a decision taking note of the proposed preparatory process for the *post-2020 global biodiversity framework* under the follow-up to the *Strategic Plan for Biodiversity 2011-2020*. In this decision, **COP/MOP9 could decide to prepare a specific follow-up to the Strategic Plan for the Cartagena Protocol for the period 2011-2020 as a supplement to the post-2020 global diversity framework** and request the Executive Secretary to facilitate the development of elements of this post-2020 Strategic Plan.

4.3.2 Risk assessment and risk management (Articles 15 and 16)

In decision CP-VIII/12, the meeting of the Parties to the Cartagena Protocol invited Parties to submit to the Executive Secretary:

- information on their needs and priorities for further guidance on specific topics of risk assessment of living modified organisms;
- proposals on criteria, including the technical justification, that might facilitate the selection of topics for the development of further guidance;
- views on perceived gaps in existing guidance materials. In the same decision.

In this same decision, the **the Online Forum on Risk Assessment and Risk Management** was extended 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.

The SBI, at its second meeting, recommended a pathway to follow to manage the needs, priorities and gaps identified by the Parties, including the establishment, if appropriate, of a new ad hoc technical expert group. The Parties will be invited to consider this agenda item based on two documents:

- A note by the Executive Secretary containing a synthesis report on the activities undertaken in application of Decision CP-VIII/12 (CBD/CP/MOP/9/9);
- SBSTTA Recommendation 22/2.

On this basis, **COP/MOP9 could adopt a decision recognising the diverging views between the Parties on whether or not there is a need for additional guidance on specific risk assessment themes.** This decision could also recognise that given that organisms containing engineered gene drives can have potential adverse effects, there is a need for research and analyses before these organisms are released into the environment and that specific guidance could be useful.

COP/MOP9 could note the conclusions of the **Ad Hoc Technical Expert Group on synthetic biology whereby, given current uncertainties regarding the genetic mechanisms, the free, prior and informed consent of indigenous peoples and local communities could be justified for genetic mechanisms designed to**

influence their traditional knowledge, innovation, practices, livelihoods and their use of the land and water. Lastly, it is envisaged that COP/MOP9 decides to establish an **ad hoc technical expert group on risk assessment**, made up of experts selected in line with the consolidated *modus operandi* of the SBSTTA, according to the mandate contained in **Annex II to SBSTTA Recommendation 22/2** that provides for “**terms of reference for an ad hoc group on risk assessment**”. It could also decide to extend the **Online Forum on Risk Assessment and Risk Management**, in order to assist the ad hoc technical expert group on risk assessment.

Lastly, COP/MOP9 to the Cartagena Protocol could request the Executive Secretary, subject to the availability of resources, **to commission a study providing information on the application of Annex I that provides for the “identification and prioritization of specific issues of risk assessment of living modified organisms that may warrant consideration” and present it to the Open-ended Online Forum and the Ad Hoc Technical Expert Group on risk assessment and risk management**, compile and summarise relevant information to facilitate the work of the online forum and ad hoc technical expert group and organise a face-to-face meeting of the ad hoc technical expert group on risk assessment. **It is also possible that COP/MOP9 requests the SBSTTA to recommend, if necessary, additional guidance elements to the elements contained in Annex I of SBSTTA Recommendation 22/2 and relating to the risk assessment for living modified organisms produced by genome editing and for modified living fish, for consideration by COP/MOP10. Debates should however be expected on this question in terms of LMO produced by genome edition as this part of SBSTTA Recommendation 22/2 is entirely within square brackets.**

4.3.3 Unintentional transboundary movements and emergency measures (Article 17)

In decision CP-VIII/16, the Executive Secretary was requested, among other things, to:

- a. Continue organising **online discussions and face-to-face meetings of the Network of Laboratories** focusing on the detection and identification of living modified organisms;
- b. Continue convening capacity-building activities;
- c. Present a revised version of the *training manual on detection and identification of living modified organisms* for consideration at its ninth meeting.

Given the above, the Parties to the *Cartagena Protocol* will be invited to review this agenda item based on a note by the Executive Secretary containing a **Synthesis report on the activities undertake in application of Decision CP-VIII/16 (CBD/CP/MOP/9/10)** and a **revised version of the Draft training manual on detection and identification of living modified organisms (CBD/CP/MOP/9/10/Add.1)**.

4.3.4 Transit and contained use of living modified organisms (Article 6)

In decision CP-VIII/17, the Parties to the Cartagena Protocol requested the **Compliance Committee to assess if information that has been submitted to the Biosafety Clearing-House under contained use is in accordance with Article 6 of the Cartagena Protocol and to make a recommendation in this regard.**

Given the above, the Parties to the Cartagena Protocol will be invited to consider this agenda item. To achieve this, they will base their deliberations on a note by the Executive Secretary containing a synthesis report on the activities undertaken in application of Decision CP-VIII/17 (CBD/CP/MOP/9/11), including a recommendation from the Compliance Committee. **Its purpose will be identify areas where activities could be undertaken to assist the Parties in introducing national measures governing the contained uses of living modified organisms.**

4.3.5 Socio-economic considerations (Article 26)

In the Strategic Plan for the *Cartagena Protocol* (2011-2020), socio-economic considerations are dealt with under objective 1.7:

“To, on the basis of research and information exchange, provide relevant guidance on socio-economic considerations that may be taken into account in reaching decisions on the import of living modified organisms”.

One of the outcomes identified under this objective refers to the “guidelines regarding socio-economic considerations of living modified organisms developed and used, as appropriate, by Parties”. COP/MOP6 of the Cartagena Protocol decided to establish an ad hoc technical expert group on socio-economic considerations in the context of Article 26, paragraph 1 of the Protocol (Decision BS-VI-13). COP/MOP7 decided to extend Ad Hoc Technical Expert Group on Socio-economic Considerations so that it could work, in a stepwise approach, on (a) the further development of conceptual clarity on socio-economic considerations arising from LVO developed and used and (b) developing an outline for guidance with a view to making progress towards achieving operational objective 1.7 of the Strategic Plan (Decision BS-VII/13). At its eighth meeting, the COP/MOP of the Cartagena Protocol note with regret that a face-to-face meeting of the ad hoc technical expert group could not be held during the intersession period due to insufficient funds and that, as a result, it had been unable to address certain elements of its mandate.

In Decision CP-VIII/13, the Parties to the *Cartagena Protocol* extended the mandate of the Ad Hoc Technical Expert Group on Socio-economic Considerations to allow it to meet face-to-face to develop the guidelines envisaged under the outcomes of the operational objective 1.7 of the *Strategic Plan for the Cartagena Protocol on Biosafety*. The ad hoc technical expert group was requested to submit a report for consideration by COP/MOP9 (Decision CP-VIII/13), in which Annex II contains “draft guidelines on the assessment of socio-economic considerations in the context of Article 26 of the *Cartagena Protocol*”.

COP/MOP9 will be invited to consider this agenda item on the basis of a note by the Executive Secretary (CBD/CP/MOP/9/10) containing the report of the Ad Hoc Technical Expert Group on Socio-economic Considerations. COP/MOP9 will review this report of the ad hoc technical expert group, including the recommendations in paragraphs 15 and 16, as well as the draft and could welcome the “**guidelines on the assessment of socio-economic considerations in the context of Article 26 of the Cartagena Protocol on Biosafety**” contained therein.

It could also decide to extend the mandate of the Ad Hoc Technical Expert Group on Socio-economic Considerations to complete these “guidelines” with examples of methodologies and applications of socio-economic considerations, for review by COP/MOP10 to the *Cartagena Protocol* and request the Executive Secretary to convene a face-to-face meeting of the Ad Hoc Technical Expert Group on Socio-economic Considerations.

4.4 Nagoya– Kuala Lumpur Supplementary Protocol on Liability and Redress

In Decision BS-V/11, the Parties to the *Cartagena Protocol* adopted the *Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety*. The Supplementary Protocol entered into force on 5 March 2018 following the deposit of the necessary number of instruments of ratification, acceptance, approval or accession pursuant to Article 18 of the Supplementary Protocol. It now has 41 Parties as members, as at 3 September 2018.

Article 14, paragraph 1 of the Supplementary Protocol provides for the COP/MOP to the *Cartagena Protocol* will serve as meeting of the Parties to the supplementary protocol. In accordance with Article 14, paragraph 2 of the Supplementary Protocol, the COP/MOP to the *Cartagena Protocol* monitors the application of the Supplementary Protocol and makes, under its mandate, the necessary decisions to encourage its effective application. **The Parties to the Cartagena Protocol will be invited to consider this agenda item on the basis of a note by the Executive Secretary containing an update on the status of the Supplementary Protocol and relevant capacity-building activities undertaken in the intersessional period (CBD/CP/MOP/9/11).** The note will also provide an overview of procedural aspects relating to the review of the Supplementary Protocol by the Conference of the Parties serving as the meeting of the Parties to the *Cartagena Protocol* at future meetings, as well as a recommendation suggesting that the Meeting of the Parties requests the Executive Secretary to undertake a comprehensive study relating to financial security, as provided for in Article 10, paragraph 3 of the Supplementary Protocol.

5. Third meeting of the parties to the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation (COP/MOP3)

Adopted at COP10, the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity*³⁹ was opened for signature on 2 February 2011 and entered into force on 12 October 2014, ninety days after the submission of the fiftieth ratification instrument, as provided for in Article 33 of the Protocol. Following the entry into force of the Nagoya Protocol, the first meeting of the Conference of the Parties to the CDB serving as the Meeting of The Parties to the Nagoya Protocol (COP/MOP2) was held in Pyeongchang, Republic of Korea, on 13-17 October 2014, during the second week of COP12.

As at 25 September 2018, the Nagoya Protocol has 107 member Parties and by COP14 there will be 110, as three ratifications will enter into force in October or November, for Austria, the Central African Republic and Tuvalu⁴⁰.

5.1 On the agenda of the COP/MOP2 to the Nagoya Protocol

At the first and second meetings of the SBI, held respectively in Montreal in May and July 2018, the countries noted the considerable progress in setting up frameworks and laws on access and benefit-sharing. Nevertheless, the delegates emphasised that additional efforts are necessary to render the Protocol fully operational. The meeting also considered the avenue to explore to move a global multilateral benefit-sharing mechanism forward as well as the question of specialised international access and benefit-sharing instruments in the context of Article 4.4 of the Nagoya Protocol.

Remember that at Cancun, in 2016, the Parties to COP13 and the Parties to the Protocol (COP/MOP2) addressed the question of digital sequence information on genetic resources and decided to consider, at their next respective meetings, any potential implications of the use of this information for the objectives of the

39. *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the Convention on Biological Diversity*, adopted on 29 October 2010 during COP10 (UNEP/CBD/COP/DEC/X/1)

40. For details on ratifications and accessions to the Protocol: <https://www.cbd.int/abs/nagoya-protocol/signatories/default.shtml>

Convention and the Protocol, respectively. **During the 22nd meeting of the SBSTTA, in Montreal, in July 2018, the Parties generally recognised the positive contribution of digital information to the sustainable use of biodiversity, but significant diverging views arose over the implications of this question for the fair and equitable sharing of benefits resulting from the use of genetic resources.** The understanding of the different outlooks acquired during this meeting of the SBSTTA will support the major decisions to be made on this topic in Egypt, at COP14 and COP/MOP3, decisions that could influence the future work of the Convention and its Nagoya Protocol.

5.2 Operation of the Protocol

5.2.1 Assessment and review of the effectiveness of the Protocol (Article 31)

Agenda item 7 of the COP/MOP2 to the Nagoya Protocol

5.2.1.1 Context

Article 31 of the *Nagoya Protocol* provides for the COP/MOP to the Protocol to undertake an assessment of the effectiveness of the Protocol, four years after its entry into force. As the Protocol entered into force on 12 October 2014, the first assessment and review of the Protocol is to be undertaken by the Parties at COP/MOP3 in Egypt.

Article 31 also requires the COP/MOP to the Nagoya Protocol to determine intervals for subsequent assessment and review processes. This question will also be on the agenda. **The COP/MOP to the Nagoya Protocol decided to conduct the first assessment and review of the Protocol on the basis of the elements and sources of information contained in the Annex to Decision NP-2/4, paragraph 1, including information from the interim national reports and the Access and Benefit-sharing Clearing-House.** In the same decision (paragraphs 3 and 4), the Parties to the Protocol requested the Executive Secretary to prepare:

- an analysis and synthesis of relevant information as the basis for the first assessment and review.
- a framework of indicators as a basis for measuring, in the second assessment and review and thereafter, progress in achieving the objective of the Protocol while taking into account the preparation of and elements included in the first assessment.
- Furthermore, it requested the Executive Secretary to make available to COP/MOP3 information on experience from the assessment and review process under the *Cartagena Protocol on Biosafety*.

5.2.1.2 Review of the effectiveness of the Nagoya Protocol by COP/MOP3

COP/MOP3 will study this question on the basis of the relevant recommendations formulated at the second meeting of the SBI and a note by the Executive Secretary proving:

- information on experiences from the assessment and review process under the Cartagena Protocol.
- a proposal for the Parties to the Nagoya Protocol to consider the intervals for conducting the assessment and review process taking into account the outcomes from the second meeting of the SBI on alignment of national reporting under the Convention and its Protocols and other relevant recommendations (CBD/NP/MOP/3/3).

5.2.1.3 Assessment and review of the effectiveness of the Protocol by COP/MOP3

On this question, it is envisaged that COP/MOP3 to the Nagoya Protocol will take note of the key findings of the first assessment and review of the Protocol contained in Annex I to SBI Recommendation 2/2, which includes the input provided by the Compliance Committee. **COP/MOP3 could welcome the the framework of indicators in annex II to SBI Recommendation 2/2 and agree to use the reference points contained therein as a baseline against which progress can be measured in the future.**

The third meeting of the COP/MOP to the *Nagoya Protocol* should welcome the progress made by Parties in making the Protocol operational and note that further work is needed, as a priority, to enhance implementation by Parties of the provisions on compliance with national legislation and regulatory requirements on access and benefit-sharing (Articles 15 and 16), monitoring the utilisation of genetic resources (Article 17), including the designation of checkpoints, as well as the provisions related to indigenous peoples and local communities (Articles 5, 6, 7 and 12).

COP/MOP3 should also request the Secretariat to support the full and effective participation of indigenous peoples and local communities in the implementation of the Protocol, including by raising their awareness and ABS capacity and supporting the development by indigenous peoples and local communities of community protocols, minimum requirements for mutually agreed terms and model contractual clauses for benefit-sharing arising from the utilisation of traditional knowledge associated with genetic resources, taking into consideration their customary laws.

It could also invite indigenous peoples and local communities to engage in ABS processes, in accordance with the customary practices, including by developing community ABS protocols and procedures. It could also **urge Parties that have not yet done so to establish institutional structures and legislative, administrative or policy measures on ABS**, take steps to support the full and effective participation of indigenous peoples and local communities in the implementation of the Protocol and **publish in the ABS Clearing-House all mandatory information available at national level, in accordance with the obligations enshrined in Article 14, paragraph 2, of the Protocol, including information on the permits or their equivalents to constitute internationally recognised**

certificates of compliance, with a view to facilitating monitoring the utilisation of genetic resources.

The third meeting of the COP/MOP to the Protocol could encourage the Parties, non-Parties and relevant organisations in a position to do so:

- expand their efforts to build the capacity of developing country Parties, in particular the least developed countries and small island developing State and Parties with economies in transition to implement the Nagoya Protocol, taking into account the priority areas identified in paragraph 5 above and the key findings in Annex I, as well as the needs and priorities of indigenous peoples and local communities and relevant stakeholders.
- support capacity-building initiatives to implement the Protocol, such as the capacity-building programme of the Secretariat and the International Development Law Organisation (IDLO) for the establishment of national legal frameworks, including by providing financial resources.
- Provide information on capacity-building initiatives on the ABS Clearing-House.

It is also anticipated that COP/MOP3 envisages regional approaches to support harmonised implementation of the Protocol, including through capacity-building activities among countries that share the same genetic resources or traditional knowledge associated with genetic resources.

COP/MOP3 could stress that the work on one or more international legal instruments relating to intellectual property with a view to ensuring the balanced and effective protection of genetic resources, traditional knowledge and traditional cultural expressions under the World Intellectual Property Organization (WIPO) is still on going and it would be premature to assess how the outcomes of this process could contribute to implementation of the Nagoya Protocol.

It could also note that there is insufficient information to measure the effectiveness of Article 18 in accordance with Article 18, paragraph 4 of the Protocol. It must be emphasised that this Article 18 deassessment of the effectiveness of this provision⁴¹.

41. Article 18 “Compliance with Mutually-agreed Terms”. 1. In the implementation of Article 6, paragraph 3 (g) (i) and Article 7, each Party shall encourage providers and users of genetic resources and/or traditional knowledge associated with genetic resources to include provisions in mutually agreed terms to cover, where appropriate, dispute resolution including: (a) The jurisdiction to which they will subject any dispute resolution processes; (b) The applicable law; and/or (c) Options for alternative dispute resolution, such as mediation or arbitration. 2. Each Party shall ensure that an opportunity to seek recourse is available under their legal systems, consistent with applicable jurisdictional requirements, in cases of disputes arising from mutually agreed terms. 3. Each Party shall take effective measures, as appropriate, regarding: (a) Access to justice; and (b) The utilisation of mechanisms regarding mutual recognition and enforcement of foreign judgements and arbitral awards. The effectiveness of this article shall be reviewed by the Conference of the Parties serving as the meeting of the Parties to this Protocol in accordance with Article 31 of this Protocol.

Lastly, the Meeting of the Parties to the Nagoya Protocol could request the Executive Secretary to:

- carry out a targeted survey of access and benefit-sharing national focal points and users and providers of genetic resources and/or associated traditional knowledge on challenges related to the implementation of the Protocol for the assessment and review of the effectiveness of the Protocol.
- Take into account the indicators contained in Annex II when preparing the proposed format for the next national report on the implementation of the Protocol.
- prioritise the translation of the Access and Benefit-sharing Clearing-House into the six official languages of the United Nations.
- seek feedback from all types of users of the Access and Benefit-sharing Clearing-House on its implementation and operation;
- continue providing technical assistance for the submission of information on the Access and Benefit-sharing Clearing-House, including increasing the understanding of the functioning of the system for monitoring the utilisation of genetic resources through the Access and Benefit-Sharing Clearing-House.

5.2.2 Financial mechanism and resources (Article 25)

Agenda item 8 of the COP/MOP2 to the Nagoya Protocol

5.2.2.1 Context

A) Financial Mechanism

In Decision XIII/21, COP13 adopted the four-year framework of programme priorities (2018-2022) for the seventh replenishment of the GEF. The replenishment process was completed in May 2018. At its second meeting, the SBI considered the outcome of the replenishment and relevant documents issued by the Executive Secretary as well as a preliminary report from the GEF.

B) Resource mobilisation

In Decision NP-1/7, Parties, in accordance with their obligations under Article 29 of the Nagoya Protocol, and relevant organizations were invited to submit information to the Executive Secretary on their experiences related to the mobilisation of resources in support of the implementation of the Protocol, as well as on the status of funds mobilised. It is anticipated that COP/MOP3 will consider this matter on the basis of a note by the Executive Secretary that provides an overview of the status and trends in funding (CBD/NP/MOP/3/5) and that COP/MOP3 will submit findings or guidance, whichever is appropriate.

5.2.3 Measures to assist in capacity-building and capacity-development (Article 22)

Agenda item 9 of the COP/MOP2 to the Nagoya Protocol

In decision NP-1/8, the Parties to the Nagoya Protocol adopted a strategic framework for capacity building to support the effective implementation of the Protocol (Annex I to the decision). The Parties to the Protocol also decided to establish **an informal advisory committee to provide advice** to the Executive Secretary, on **matters related to the assessment of the effectiveness of this strategic framework**, until the COP/MOP3 to the Nagoya Protocol (paragraph 2).

In decision NP-2/8, the Parties decided that the Informal Advisory Committee would hold at least one meeting in the 2017-2018 intersessional period to complete its mandate and report on the outcomes of its work to the meeting of the Parties at its third meeting (paragraph 4). The Parties also requested the Executive Secretary, in consultation with the Informal Advisory Committee, to prepare elements for the evaluation of the strategic framework for consideration by the Parties at COP3. The Informal Advisory Group held one meeting during the intersessional period, on 20-22 March 2018. The SBI at its second meeting considered a proposal for preparing a long-term strategic framework for capacity-building beyond 2020, ensuring its alignment with the follow-up to the *Strategic Plan for Biodiversity 2011-2020* and the work of the Protocols.

In this context, COP/MOP3 will be invited to take note of progress in the implementation of the strategic framework and agree on the elements for the evaluation of the strategic framework to be carried out by the Parties at their fourth meeting, in 2020. It will be invited to consider this agenda item on the basis of:

- a. A note by the Executive Secretary summarising progress in the implementation of the strategic framework for capacity-building under the Protocol as well as progress with activities carried out by the Executive Secretary pursuant to paragraph 9 of Decision NP-2/8 (CBD/NP/MOP/3/4). The note also includes draft elements for the evaluation of this strategic framework.
- b. Recommendations by SBI-2 relating to a Long-term strategic framework for capacity-building beyond 2020.

The report of the Informal Consultative Committee on capacity-building will also be made available as an information document (CBD/NP/MOP/3/INF/1).

5.2.3.1 Review of the question of capacity-building by COP/MOP3

In draft Decision 2/8 of the second meeting of the SBI, in July 2019, the SBI recommended that COP/MOP3 to the Nagoya Protocol adopt a decision to take note of the report on activities on the implementation of the *Short-term action plan (2017-2020) to enhance and support capacity-building for the imple-*

mentation of the Convention and its Protocols, supported and facilitated by the Executive Secretary in collaboration with miscellaneous partners⁴².

COP/MOP3 should also welcome the mandate of the study to provide an information base for the preparation of a long-term strategic framework for capacity-building beyond 2020, attached to the Appendix to Annex I of draft Decision 2/8 and *note* that the Conference of the Parties requests the Executive Secretary to commission a study to provide an information base for the preparation of the ***Long-term strategic framework for capacity-building beyond 2020***.

COP/MOP3 should also invite the Parties, indigenous peoples and local communities and relevant organisations to provide the Executive Secretary with views and suggestions on the possible elements of the ***Long-term strategic framework for capacity-building beyond 2020*** and participate in the consultative workshops and online discussion forums focused on developing this framework. In this same decision, a contribution should also be requested from the Informal Advisory Committee on Capacity-building for the implementation of the Nagoya Protocol. **Lastly, COP/MOP3 should request the Executive Secretary to submit a draft long-term strategic framework for submission by SBI 3 to COP/MOP3 to the Nagoya Protocol for its consideration.**

5.2.4 The Access and Benefit-Sharing Clearing House and information sharing(Article 14)

Agenda item 10 of COP/MOP3 to the Nagoya Protocol

5.2.4.1 Context

COP/MOP1 to the Nagoya Protocol had adopted Decision NP1/2 on the ABS Clearing-House, which included modalities for the operation of the Clearing-House. The Parties had also decided to establish an **informal advisory committee** to assist the Executive Secretary with the implementation of the Access and Benefit-sharing Clearing-House and to provide technical guidance on the resolution of technical and practical issues arising from its development (Decision NP-1/2, paragraph 2).

The Informal Advisory Committee met in Montreal, Canada on 14-16 November 2017 and conducted informal discussions online. Further to decision NP-2/2, paragraph 7, the outcomes of the work of the Committee are available as an information document (CBD/NP/MOP/3/INF/2). In decision NP-2/2, paragraph 8, COP/MOP2 had requested the Executive Secretary to:

- **refine further the modalities of operation of the ABS Clearing-House, taking into account the advice given by the Informal Advisory Committee and feedback received from Parties;**

42. See the updated version of document CBD/SBI/INF/6.

- **develop joint modalities of operation between the clearing-house mechanism of the Convention, the Biosafety Clearing-House and the ABS Clearing-House, taking the web strategy into account, for consideration by COP14, COP/MOP9 to the *Cartagena Protocol* and COP/MOP3 to the *Nagoya Protocol*, with a view to enhancing coherence in their application.**

In this context, COP/MOP3 will have before it the note by the Executive Secretary (CBD/NP/MOP/3/8) on progress accomplished in achieving indicative goals and priorities agreed by the Parties to the Protocol in Decision NP-2/2, paragraphs 2 and 3. This note also includes a proposal on the way forward regarding modalities of operation, including joint modalities of operation between the clearing-house mechanism of the Convention and the respective clearing-house mechanisms of the Cartagena Protocol and the Nagoya Protocol.

COP14 will be requested to adopt, based on Recommendation 2/8 of SBI-2, a decision whereby it will take note of progress accomplished in the implementation of the web strategy for the Convention, including the roll-out of the Bioland tool by the Executive Secretary to assist Parties in the establishment or improvement of their national clearing-house mechanisms⁴³ and invite Parties that do not have national clearing-house mechanisms and those wishing to redesign existing ones to use the Bioland tool. In the same decision, COP14 should invite the Secretariat to hand over to SBI 3 an activity report on the above activities, including on progress accomplished in using the Bioland tool and its effectiveness.

5.2.5 Monitoring and Reporting (Article 29)

Agenda item 11

5.2.5.1 Context

Article 29 on monitoring and reporting requires each Party to the *Nagoya Protocol* to monitor the implementation of its obligations and to report to the the COP/MOP to the Protocol on measures it has taken to implement the Protocol. In Decision NP-1/3, the COP/MOP1 agreed on the format and guidelines for submission of an interim national report on the implementation of the Nagoya Protocol (paragraph 1). It also requested Parties to the Protocol to submit the report twelve months prior to the holding of COP/MOP3. Submissions of relevant information by non-Parties were welcome (paragraph 4). Accordingly, Parties and non-Parties were invited to submit their interim national report to the Secretariat, through the ABS Clearing-House, by 1 November 2017 at the latest.

In the same Decision NP-1/3, the Parties decided to consider the intervals for reporting at COP/MOP3 and to keep the format of the national report under review, based on feedback received from Parties and the experience gained (paragraph 7).

43. CBD/SBI/2/9.

Furthermore, in Decision XIII/27, the Conference of the Parties to the Convention requested the Executive Secretary to develop proposals for the alignment of national reporting under the Convention and its Protocols (paragraph 8) and to submit these proposals for approval by COP14 and COP/MOP9 to the Nagoya Protocol.

5.2.5.2 Review of monitoring and reporting (Art. 29) by COP/MOP3 to the Nagoya Protocol

The SBI reviewed this matter at its second meeting and formulated a proposal on this topic in Recommendation SBI-2/11. Based on this recommendation, COP/MOP3 to the Nagoya Protocol could recognise the importance of improving the alignment of national reporting under the Convention and its Protocols and of enhancing synergies among the biodiversity-related conventions and the Rio conventions as well as the 2030 Agenda for Sustainable Development and national reporting tools for the SDG.

COP/MOP3 to the Nagoya Protocol could therefore accept the invitation of COP14 and agree to have a synchronised national reporting cycle commencing in 2023, with a view to harmonising the national reports produced under the Convention and its Protocols.

5.3 Other agenda items

5.3.1 Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 11)

Agenda item 12 of COP/MOP3 to the Nagoya Protocol

The Parties to the Nagoya Protocol at their first meeting adopted an *awareness-raising strategy to assist Parties in implementing Article 21 of the Nagoya Protocol* (decision NP-1/9), which provides that “Each Party shall take measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues”. Such measures may include, *inter alia*: (a) Promotion of this Protocol, including its objective; (b) Organisation of meetings of indigenous and local communities and relevant stakeholders; (c) Establishment and maintenance of a help desk for indigenous and local communities and relevant stakeholders; (d) Information dissemination through a national clearing-house; (e) Promotion of voluntary codes of conduct, guidelines and best practices and/or standards in consultation with indigenous and local communities and relevant stakeholders, etc.”.

At COP/MOP3, the Parties to the Protocol will be invited to review the report of the Executive Secretary on progress accomplished in implementing the awareness-raising strategy (CBD/NP/MOP/3/6) and decide on any additional guidance to be provided on this matter.

5.3.2 Enhancing integration under the Convention and its Protocols with respect to provisions related to access and benefit-sharing

Agenda item 13 of COP/MOP3 to the Nagoya Protocol

5.3.2.1 Context

In Decision XII/13, the Conference of the Parties requested the Executive Secretary to prepare a note on possible ways and means to promote integrated approaches to address provisions shared by the Convention and the Nagoya Protocol, taking into account the latest national reports under the Convention, available information in the ABS Clearing-House and the interim national reports under the Nagoya Protocol, for consideration by COP/MOP3.

5.3.2.2 Review of enhancing integration under the Convention and its Protocols with respect to provisions related to access and benefit-sharing by COP/MOP3 to the Nagoya Protocol

COP/MOP3 will be called on to review this agenda item on the basis of SBI 2 Recommendation 2/14. **It should thus urge the Parties to the CBD that have not yet done so to deposit their instrument of ratification, acceptance, approval or accession to the Nagoya Protocol** as soon as possible, to take actions for its implementation and communicate relevant information to the ABS Clearing-house. **In addition, it should request Parties yet to become Parties to the Nagoya Protocol to provide information on the implementation of provisions of the CBD relating to ABS in their sixth national reports.**

Lastly, it is envisaged that COP14 reiterates the need for capacity-building and development activities as well as financial resources to support ratification and effective implementation of the Nagoya Protocol and invites Parties to consider further the integration of ABS into other areas of work of the Convention, in the *post-2020 global biodiversity framework*.

5.3.3 Cooperation with other international organisations, conventions and initiatives

Agenda item 14 of COP/MOP3 to the Nagoya Protocol

5.3.3.1 Context

In carrying out activities related to the Nagoya Protocol, the Secretariat of the Convention cooperates with a certain number of other international organisations, conventions and initiatives. The Executive Secretary will submit to COP/MOP3 a note summarising cooperation activities (CBD/NP/MOP/3/9); COP/MOP3 will note this.

5.3.3.2 Review of cooperation with other international organisations, conventions and initiatives

See Section 4.2.6

5.3.4 Review of the effectiveness of structures and processes

Agenda item 14 of COP/MOP3 to the Nagoya Protocol

5.3.4.1 Context

At their first meeting, in decision NP-1/12, the Parties to the Nagoya Protocol decided to hold future ordinary meetings within a two-week period concurrently with the meetings of the Parties to the CBD and the Cartagena Protocol. At their second meeting, the Parties to the Protocol decided to review their experience in holding concurrent meetings at their third and fourth meetings, on the basis of criteria agreed to in decision NP-2/12. SBI 2 considered a review of the effectiveness of structures and processes under the Convention and the Protocols, including information on experience with the concurrent organisation of the meetings of the COP and the MOP to the Protocols.

5.3.4.2 Review of the question of the effectiveness of structures and processes by COP/MOP3 to the Nagoya Protocol

COP/MOP3 to the Nagoya Protocol and COP/MOP9 to the Cartagena Protocol should adopt a decision that notes with satisfaction that concurrent meetings have fostered increased integration between the Convention and its Protocols and improved consultations, coordination and synergies among the respective national focal points. This decision should also note that most of the assessment criteria for these concurrent meetings were considered as being met or partially met, but that further improvements were desirable, in particular regarding the outcomes and effectiveness of the meetings of the Parties to the Protocols.

5.3.5 Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020

Agenda item 16 of COP/MOP3 to the Nagoya Protocol

5.3.5.1 Context

In 2010, the Conference of the Parties adopted the *Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets* (Decision X/2), whilst the COP/MOP to the Cartagena Protocol adopted the *Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020* and its multi-year programme of work (Decision BS-V/16).

In decision XIII/1, paragraph 34, the COP requested the Executive Secretary to prepare a proposal for a comprehensive and participatory preparatory process and timetable for the follow-up to the Strategic Plan, that must cover the CBD and its Protocols.

5.3.6 Review of the preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020

COP/MOP3 will consider this matter based on SBI Recommendations 2/1 and 2/19 and should adopt a **decision that takes note of the proposed preparatory process for the *post-2020 global biodiversity framework*** as a follow-up to *Plan stratégique pour la diversité biologique 2011-2020*, et accueillera avec satisfaction la décision que la CdP14 adoptera à ce sujet. Considerations for the preparation of the global framework appear also in the Annex to Recommendation SBI-2/19. **COP/MOP3 to the Nagoya Protocol could decide to develop a *Specific plan for the Nagoya Protocol* as part of the *post-2020 global biodiversity framework* and request the Executive Secretary to facilitate the development of its elements. As this passage of Recommendation SBI-2/19 is entirely in square brackets, this topic will more than likely be discussed at COP/MOP3.**

5.3.7 Digital sequence information on genetic resources

Agenda item 17 of COP/MOP3 to the Nagoya Protocol

5.3.7.1 Context

The question of digital sequence information on genetic resources emerged as a cross-cutting issue within the Convention and the Nagoya Protocol at the thirteenth meeting of the Conference of the Parties (Decision XIII/16) and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (Decision NP-2/14). **The Parties decided to consider, at their next respective meetings, any potential implications of the use of digital sequence information on genetic resources for the three objectives of the Convention and for the objective of the Nagoya Protocol, respectively.**

The decisions also set out a process to address this issue, including the establishment of an ad hoc technical expert group which would consider a compilation and synthesis of views and information submitted to the Executive Secretary and a fact-finding and scoping study commissioned to clarify relevant terminology and concepts. The results of the Ad Hoc Technical Expert Group were considered by the SBSTTA at its 22nd meeting in July 2018. **COP/MOP3 to the Nagoya Protocol will be called on to review all the potential implications of digital sequence information on genetic resources for the objective of the Nagoya Protocol, based on a recommendation from the 22nd meeting of the SBSTTA.** On the question of digital sequence information on genetic resources, COP/MOP3 to the Nagoya Protocol could decide that the **ad hoc technical expert**

group on this issue will also serve the Nagoya Protocol. It could also request the SBSTTA to consider the outcomes of the ad hoc technical expert group and make a recommendation for the consideration of COP/MOP to the Nagoya Protocol at its fourth meeting. **As several passages of SBSTTA Recommendation 22/1 are in square brackets, this matter should be discussed.**

This item on the COP/MOP3 agenda will be examined concurrently with the corresponding item on the agenda of the Conference of the Parties which will consider the potential implications of digital sequence information on genetic resources for the three objectives of the Convention (**see section 3.1 above for more details**).

5.3.8 Specialised international access and benefit-sharing instruments in the context of Article 4, paragraph 4 of the Nagoya Protocol

Agenda item 18 of COP/MOP3 to the Nagoya Protocol

5.3.8.1 Context

In decision NP-2/5, paragraph 3, the COP/MOP requested the Executive Secretary, in the context of Article 4(4) of the Protocol, subject to the availability of resources, to conduct a study into criteria likely to be applied to recognise a specialised ABS instrument and define a possible process for recognising such an instrument.

5.3.8.2 Review of specialised international access and benefit-sharing instruments in the context of Article 4, paragraph 4 of the Nagoya Protocol, by COP/MOP3

COP/MOP3 will review this question based on SBI Recommendation 2/5. It could take note of the study⁴⁴ and potential criteria for specialised international ABS instruments in the context of Article 4, paragraph 4 of the Nagoya Protocol as summarised in the Annex TO Recommendation SBI-2/5 and agree to reconsider these potential criteria at its fourth meeting.

It can be anticipated that it also invites Parties and other governments to submit information on how specialized international access and benefit-sharing instruments are addressed in their national measures and their Views on the potential criteria contained in the study, taking into account Article 4, paragraphs 1 to 3, of the Protocol. It could also request the Executive Secretary to synthesise the information and views submitted. COP/MOP3 should also request the SBI to consider this synthesis at its third meeting and make a recommendation on this topic to COP/MOP4 to the Nagoya Protocol.

44. “Study into criteria to identify a specialized international access and benefit-sharing instrument and a possible process for its recognition (CBD/SBI/2/INF/17).”

It is anticipated that COP/MOP3 also decides to include a standing item on “cooperation with other international organisations” on the agenda of its future meetings, in order to review recent developments in relevant international forums, including any information on specialised international ABS instruments recognised by another intergovernmental body and/or by a Party or group of Parties, in order to support a coherent international regime on access and benefit-sharing.

The Annex to this decision will include “Potential criteria for specialised international ABS instruments in the context of Article 4, paragraph 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation”

5.3.9 Global multilateral benefit-sharing mechanism (Article 10)

Agenda item 19 of COP/MOP3 to the Nagoya Protocol

5.3.9.1 Context

In decision NP-2/10, the COP/MOP3 to the Nagoya Protocol recalled that Parties agreed to consider the need for and modalities of a **global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilisation of genetic resources and traditional knowledge associated with genetic resources** that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. The SBI examined this matter at its second meeting.

5.3.9.2 Review of the global multilateral benefit-sharing mechanism (Art. 10) by COP/MOP3 to the Nagoya Protocol

Following SBI Recommendation 2/5, COP/MOP3 to the Nagoya Protocol will **adopt, if appropriate, a decision recalling the sovereign right of States over their genetic resources and Articles 10, 11 and 22 of the Nagoya Protocol.** It should also acknowledge the work undertaken on this issue, including the online forum, the study on experience gained in the development and implementation of the Nagoya Protocol and other multilateral mechanisms and processes, the syntheses of views and the outcomes of the two expert meetings on Article 10⁴⁵.

Nevertheless, as **the question of the need for a global multilateral benefit-sharing mechanism has not been settled, several aspects of SBI Recommendation 2/5 on this topic are in square brackets. It must therefore be anticipated that COP/MOP will enter into in-depth discussions on this matter, that will allow it to decide whether the need to establish such a multilateral sharing mechanism has been demonstrated.** These discussions will also cover the question of knowing

45. UNEP/CBD/ICNP/3/5 and UNEP/CBD/NP/COP-MOP/2/10.

whether COP/MOP3 recognises that the benefits generated through the global multilateral benefit-sharing mechanism and shared with the custodians of biodiversity and traditional knowledge associated with genetic resources is a valuable incentive for the conservation and sustainable use of biodiversity.

It should also decide on the question of knowing whether it recognises that a large number of Parties are still in the early stages of implementing the Protocol and that efforts towards the full and effective implementation of the Nagoya Protocol in its entirety should not be hindered by decisions made about this multilateral mechanism.

After discussions at COP/MOP3 on this issue, the Meeting could also decide that the need for a global multilateral benefit-sharing mechanism has been sufficiently demonstrated through various submissions of views and studies carried out in connection with Article 10 for Parties to start to consider its modalities.

This decision by the Meeting of the Parties could request the Executive Secretary to convene moderated, open-ended online discussions to consider specific cases for a global multilateral benefit-sharing mechanism and consolidate the outcomes of the online discussions for review by SBI 3.

Annex

Table.

Chronology of the Convention on Biological Diversity

2018	<p>COP14 (Sharm El-Sheikh, 17-29 November)</p> <p>COP/MOP3 to the NP (Sharm El-Sheikh, 17-29 November)</p> <p>COP/MOP9 to the CP (Sharm El-Sheikh, 17-29 November)</p> <p>SBI-2 (Montreal, 9-13 July)</p> <p>SBSTTA-22 (Montreal, 2-7 July) – SBSTTA-21 (Montreal, 11-14 December 2017)</p>
2016	<p>COP13 (Cancun, 4-17 December)</p> <p>COP/MOP2 to the NP (Cancun, 4-17 December)</p> <p>COP/MOP8 to the CP (Cancun, 4-17 December)</p> <p>SBI-1 (Montreal, 2-6 May)</p> <p>SBSTTA-20 (Montreal, 25-30 April)</p>
2015	<p>SBSTTA-19 (Montreal, 2-5 November)</p> <p>WG8j-9 (Montreal, 4-7 November)</p>
2014	<p>→ Enactment of the Nagoya Protocol (12 October)</p> <p>COP12 (Pyeongchang, 6-17 October)</p> <p>COP/MOP7 to the CP (Pyeongchang, 29 September-3 October)</p> <p>COP/MOP1 to the NP (Pyeongchang, 13-17 October)</p> <p>SBSTTA-18 (Montreal, 23-28 June)</p> <p>WGRI-5 (Montreal, 16-20 June)</p> <p>ICNP-3 (Pyeongchang, 24-28 February)</p>
2013	<p>SBSSTTA-17 (Montreal, 14-18 October)</p> <p>WG8j-8 (Montreal, 7-11 October)</p>
2012	<p>COP11 (Hyderabad, 8-19 October)</p> <p>COP/MOP6 to the CP (Hyderabad, 1-5 October)</p> <p>SBSTTA-16 (Montreal, 30 April–5 May)</p> <p>WGRI-4 (Montreal, 7-11 May)</p> <p>ICNP-2 (New Delhi, 2-6 July)</p>
2011	<p>SBSTTA-15 (Montreal, 7-11 November)</p> <p>ICNP-1 (Montreal, 5-10 June)</p> <p>WG8j-7 (Montreal, 31 October–4 November)</p>

2010	<p>COP10 (Nagoya, 18-29 October) COP/MOP5 to the CP (Nagoya, 11-14 October) WG-ABS-9 again (Montreal, 10-16 July) WGRI-3 (Nairobi, 24-28 May) SBSTTA-14 (Nairobi, 10-21 May) WG-ABS-9 (Cali, 22-28 March) → 2010 Objective relating to biological diversity</p>
2009	<p>WG-ABS-8 (Montreal, 9-15 November) WG8j-6 (Montreal, 2-6 November) G8, Environment Ministers' Summit (Syracuse, 22-24 April) → Syracuse Charter for Biodiversity Protection WG-ABS-7 (Paris, 2-8 April)</p>
2008	<p>COP9 (Bonn, 19-30 May) Adoption of the Bonn roadmap for negotiations of a regime on ABS G8, Environment Ministers' Summit (Kobe, 24-26 May) → Kobe call to action for biodiversity COP/MOP4 to the CP (Bonn, 12-16 May) SBSTTA-13 (Rome, 18-22 February) WGPA-2 (Rome, 11-15 February) WG-ABS-6 (Geneva, 21-25 January)</p>
2007	<p>WG8j-5 (Montreal, 15-19 October) WG-ABS-5 (Montreal, 8-12 October) WGRI-2 (Paris, 9-13 July) SBSTTA-12 (Paris, 2-6 July) G8, Environment Ministers' Summit (Potsdam, 15-17 March) → Potsdam Biodiversity Initiative 2010</p>
2006	<p>COP8 (Curitiba, 20-31 March) COP/MOP3 to the CP (Curitiba, 13-17 March) WG-ABS-4 (Granada, 30 January–3 February) WG8j-4 (Granada, 23-27 January)</p>
2005	<p>COP/MOP2 to the CP (Montreal, 30 May–3 June) SBSTTA-11 (Montreal, 28 November–2 December) WGRI-1 (Montreal, 5-9 September) WGPA-1 (Montecatini, 13-17 June) WG-ABS-3 (Bangkok, 14-18 February) SBSSTTA-10 (Bangkok, 7-11 February)</p>
2004	<p>COP7 (Kuala Lumpur, 9-20 February) COP/MOP1 to the CP (Kuala Lumpur, 23-27 February)</p>

2003	<p>→ Enactment of the Cartagena Protocol (11 September)</p> <p>WG8j-3 (Montreal, 8-12 December) WG-ABS-2 (Montreal, 1-5 December) SBSTTA-9 (Montreal, 10-14 November) SBSTTA-8 (Montreal, 10-14 March)</p>
2002	<p>Johannesburg Summit (26 August–4 September)</p> <p>→ Adoption of 2010 Objective by the WSSD</p> <p>COP6 (The Hague, 7-19 April)</p> <p>→ Strategic Plan, 2010 Objective and adoption of Bonn guidelines on ABS</p> <p>WG8j-2 (Montreal, 4-8 February)</p>
2001	<p>SBSTTA-7 (Montreal, 12-16 November)</p> <p>First meeting of the WG-ABS (Bonn, 22-26 October)</p> <p>→ Bonn Guidelines</p> <p>SBSTTA-6 (Montreal, 12-16 March)</p>
2000	<p>COP5 (Nairobi, 15-26 May)</p> <p>WG8j-1 (Seville, 27-31 March)</p> <p>SBSTTA-5 (Montreal, 31 January–4 February)</p> <p>ExCOP1 again (Montreal, 24-29 January) → Cartagena Protocol</p>
1999	<p>SBSTTA-4 (Montreal, 21-25 June)</p> <p>ExCOP1 (Cartagena, 22-23 February)</p>
1998	COP4 (Bratislava, 4-15 May)
1997	SBSTTA-3 (Montreal, 1-5 September)
1996	<p>COP3 (Buenos Aires, 4-15 November)</p> <p>→ Secretariat of the CBD takes office in Montreal</p> <p>SBSTTA-2 (Montreal, 2-6 September)</p>
1995	<p>COP2 (Djakarta, 6-17 November)</p> <p>SBSTTA-1 (Paris, 4-8 September)</p>
1994	COP1 (Nassau, 28 November–9 December)
1993	→ Enactment of the CBD (29 December)
1992	<p>→ CBD opens for signature (Rio de Janeiro, 5 June)</p> <p>INC-5 (Nairobi, 22 May) → Adoption of CBD text</p>
1991	First meeting of the Intergovernmental negotiation committee for a CBD (INC-1 ; Madrid, 24 June–6 July)
1982	United Nations General Assembly → World Charter for Nature
1980	Global strategy for conservation (UNEP and IUCN)

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This *Guide to the Negotiations of the 14th session of the Conference of the Parties to the Convention on the Biological Diversity* is addressed to the delegates to this session (COP 14) as well as to observers following the multilateral negotiations on the environment who wish to follow the talks taking place in Sharm El-Sheikh (Egypt) on 17-29 November 2018.



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